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Grounding and Generating the Ethical: Hegel, Nietzsche and Normativity

by

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Abstract

This research contributes to ethical and meta-ethical debates as well as debates in political philosophy via the exegesis and examination of the idea of agency and personhood in the writings of G.W.F. Hegel and Friedrich Nietzsche. This exegesis is conducted through the lens of (contemporary) discussions around 'constitutivism' as expressed through the writings of Paul Katsafanas, Christine Korsgaard and David Velleman (the lattermost of whom will take less central rôle than the prior two)

I argue that the traditional accounts and contributions to the free-will debate are wholly deficient and fundamentally unsatisfying. While Spinoza and Hume offer arguments that leave us with an impoverished sense of what it is to be free, Kant's arguments are parasitic on an implausible epistemological and metaphysical system. These archetypal tokens of arguments for Determinism, Compatibilism, and Freedom (respectively) are acknowledged and superseded by Hegel who manages to address concerns and propose a model of freedom that is philosophically robust *and* norm generating in a way we would hope an account of freedom should be.

By arguing that freedom, for Hegel, is acting from rational, expressive and active, I am able to generate criteria that ought to be satisfied for an action to count as *good*. Further, I argue that Hegel's metaphysics commits him to the view that action is ontologically continuous with agency, thus removing the 'doer/deeds' distinction. By collapsing the doer and the deed into the same, Hegel's account of good action mutates into an account of good *agency*. This account completely coheres, structurally speaking, with the account offered by Nietzsche. Nietzsche's account of agency (and 'good' agency) also places enormous emphasis on the rejection of the doer/deeds distinction. This distinction is rejected via an acceptance of philosophical Expressivism – the behaviour of an agent expresses their underlying will – what one does is indicative of what one *is*. Such arguments echo Hegel's arguments for ontological continuity, and both philosophers place significant weight on the idea of agential responsibility. Further, both philosophers place significant weight on self-knowledge. One cannot act with self-determination if one has an impoverished sense of self. Instead, one would act 'confusedly', qua something other-than self. By acting, one has to act in accordance with one's essence/nature lest one express one's self *badly*. This has a profoundly existential tone that is highlighted to a great degree by Nietzsche. Acting

badly generates a schizoid break in one's being and one's actions that reflect not the nature of the agent, but the nature of whatever institutional body is encouraging one's action. This is morally warping and crippling as self-responsibility and self-development become – ultimately – terms of parody. Nietzsche's agent is good to the degree they can act with reference to who they are; they are good if their expression is an expression of their *self* as a structure of drivers. What's important here is that the expression expresses their drive structure, not the driver structure of an imposed, hegemonic, value system.

After outlining the [structural] similarities of Hegel and Nietzsche's account of agency, I show how this coheres, helpfully, with the [contemporary] constitutivist account of agency and action. I synthesis Hegel's account of agency and 're-write' it in constitutivist language to give us a description of good, 'successful', agency thus:

> (Constitutive Aim H)
> Each action expresses both the agent's essence as free-being *and* the agent's *understanding* of their own essence as free-being.

> (Success H)
> An agent's action is successful to the degree the agent's self-understanding coincides with the agent's [essential] freedom. Freedom is a (the) standard of success for action, such that freedom generates normative reasons for action.

I then show how this formal and bare-seeming account becomes normatively-loaded to such a degree that it generative, not only at the level of the agent, but also at the level of the state.

After outlining exactly what norms one is committed to if one adopts Hegel's project, I go on to show that Nietzsche, in adopting a formally (but, importantly, not contentfully) similar account of agency, also contributes to the constitutivist debate and re-write his account thus:

> (Constitutive Aim N)
> Each token of willing aims to overcome resistance, and aiming to overcome resistance is part of what constitutes an attitude or event as a token of willing.

(Success N)

An agent's action is successful to the degree it overcomes the maximally available level of resistance. Overcoming the maximally available level of resistance (OMR) is the standard of success for action, such that OMR generates normative reasons for action.

Of course, this account generates entirely different norms and the focus is significantly more existential than political.

Finally, I argue that in virtue of being more generative and posit-*ive* Hegel's account is, ultimately, more satisfying than Nietzsche's while, at the same time, avoiding the sort of criticisms Nietzsche successfully devastates traditional accounts of [normative] ethics with. I argue that, in sum, this gives Hegel's account greater force and, therefore, a reason to prefer his account over Nietzsche's.

Acknowledgements

Obviously, others around me have played no part at all in this thesis – however, custom demands that I pay thanks anyway, and, if you read this thesis, you will know that I love customs.

I would not have completed this thesis without the extremely generous financial support of the AHRC. I hope my thesis does not make them regret their decision to fund me.

I would also not have completed this thesis without the extremely generous (non-financial) support of a variety of friends, all of whom are exemplary moral agents. While it would be nearly impossible (in virtue of being in possession of a deficient memory) to give a comprehensive list of those instrumental in my formative development, and therefore the formative development of my thesis, I would like to express a special thanks to a few friends who went beyond supererogatory. Firstly, thanks must to go to my gym friends Mr Federico Pastorelli and, the wonderfully named, and wonderfully natured, Mr Bash Savage-Mansaray – as well as ensuring I wasn't crushed to death (which would have been ill-conducive to thesis writing) both were a fantastic source of merriment, which was much needed at 07:00 a.m. I would next like to thank Mr James McGuiggan – not only for reading several draft (and *very* draft) chapters of my thesis, but also for being a constant and willing support throughout the last three-and-a-half years. Ms Sophie Keeling, despite having the most ferocious character in all Christendom, has demonstrated incredible kindness towards me in the short(ish) time we've known each other – it's remarkable how soft some people are under their tough exterior…

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cathartic jaunt in the car. She is the improver of Parkruns (although, not in the vulgar sense – that is, not in the sense that my time has improved) and the ruiner of my chess strategies. Dr Dunn and I have undoubtedly consumed more coffee together than is both conceivable and proper and I'm sure Costa Coffee's expansion in the UK market has been funded entirely by us – I'll not embarrass him by saying how much I value our friendship, but I trust he knows.

Obviously, I wish to thank the members of staff at Southampton University's Department of Philosophy – I don't think there is a single person who hasn't offered me encouragement and advice over the past few years. Dr Daniel Whiting, Dr Jonathan Way, Dr Lee Walters and Dr Genia Schönbaumsfeld have been especially generous and helpful. The lattermost of whom certainly kept me on my toes, and I was improved for it…

I cannot convey adequately how grateful I am to my supervisory pair, Professor Aaron Ridley and Dr Alex Gregory. Professor Ridley's comments have been universally helpful, insightful, and downright brilliant. His sense of humour and his mode of expression make for the most enjoyable, and most stimulating, supervisions. When we first met he claimed to know nothing about Hegel – I now know that this was, characteristic, modesty. Dr Alex Gregory gave me more contact time than was decent of me to accept (but did anyway) – a constant source of useful advice, and a constant source of book loans/literature recommendations, I was most fortunate to have him as my second supervisor. He is a very generous soul and I am fortunate to know him.

Lastly, I would like to thank my (ex)wife, Nicola and my – now retired – guide-dog, Lily. Without Lily I would not have been able to function, let alone function to the degree that I did. I'm sure she is the reason I have so many friends today (everyone wants to 'hang out' with Lily – my attendance at a variety of social gatherings was completely incidental). Nick has, of course, been a constant source of love and support and I shall remain forever grateful.

Contents

Academic Thesis: Declaration Of Authorship

I, William Duncan Sharkey, declare that this thesis and the work presented in it are my own and has been generated by me as the result of my own original research.

Grounding and Generating the Ethical: Hegel and Nietzsche on Normativity

I confirm that:

1. This work was done wholly or mainly while in candidature for a research degree at this University;
2. Where any part of this thesis has previously been submitted for a degree or any other qualification at this University or any other institution, this has been clearly stated;
3. Where I have consulted the published work of others, this is always clearly attributed;
4. Where I have quoted from the work of others, the source is always given. With the exception of such quotations, this thesis is entirely my own work;
5. I have acknowledged all main sources of help;
6. Where the thesis is based on work done by myself jointly with others, I have made clear exactly what was done by others and what I have contributed myself;
7. Either none of this work has been published before submission, or parts of this work have been published as: [please list references below]:

Signed: ……

Date: ……

Introduction

In the paper 'Externalist Moral Realism', David Brink (1986) notes the following, perhaps pre-reflective, quality morality is generally taken to have:

> It has seemed to many people that moral considerations are practical in some very important sense. Agents engage in moral deliberation in order to decide what to do and give moral advice with the aim of influencing others' conduct in certain ways. We regard moral considerations as important practical considerations.
> (1986:25)

The view expressed in this passage claims that knowledge of the moral 'facts' (for the moment we will assume the truth of moral realism), or deliberation over the moral facts will, in some way, practically motivate the agent: "[…] we expect moral considerations to motivate people to act in certain ways or at least provide them with reason to act in those ways." (1986:25)

Removing problems concerning a certain type of scepticism, that is, scepticism regarding the existence of moral facts (or claims regarding the objectivity (or universality) of morality), reveals another type of scepticism which persists *despite* concessions to realism – this scepticism is the so-called 'why care?' scepticism. *This* sceptic accepts the account of the good – that is, they recognise the account as a *true* account - but remains unmotivated to act in accordance with it. Such an actor, often referred to as 'the psychopath', might ask an interlocutor (in a hypothetical conversation) 'I accept that a good person is one who acts in such a way, but why should I care about being a good person?' Note, that this person is not, on the standard view, irrational and, therefore, demands an answer to the question posed. Brink himself express the thought thus:

> […] the amoralist is someone who recognizes the existence of moral considerations and remains unmoved. […] such a person is possible, and, if we are to take the amoralist challenge seriously, we must attempt to explain why the amoralist should care about morality.
> (1986:30)

Brink's challenge seems to be an extension of the Is/Ought fallacy (highlighted by Hume) – the question Brink's amoralist poses puts pressure on the thought that there must be a necessary connection between moral 'facts' (knowing what the good 'is') and moral motivation (feeling obliged/compelled to act in accordance with the good). Michael Smith (1994) outlines the challenges Brink's amoralist, and her objection, poses to moral theories by showing how Brink's amoralist undermines the practicality aspect of morality:

> According to defenders of the practicality requirement, it is supposed to be a conceptual truth that agents who make moral judgements are motivated accordingly, at least absent weakness of will and the like. But far from this being a conceptual truth, it isn't any sort of truth at all. For amoralists use moral terms to pick out the very same properties we pick out when we use moral terms. Their use of moral terms may therefore be reliably guided by moral facts in the same way as our uses of those terms. But amoralists differ from us in that they see no reason at all to do what they thus take to be morally required. In other words, amoralists make moral judgements without being motivated accordingly, and without suffering from any sort of practical irrationality either. The practicality requirement is thus false.
> (1994:66-67)

Attempts to answer the amoralist initially centred on the obvious strategy of trying to provide non-ethical grounds for the (preferred) ethical theory. For example, one might claim that morality is a function of, or derived from, facts about evolution, or facts about God (if one is so inclined), or facts about society. One could even adopt a utilitarian position and argue that morality is nothing more than a function of pleasure, or the avoidance of pain. The utilitarian account is often compelling for those who ask amoralist style questions: 'sure, you don't care about morality as such, but you care about pleasure – on my account of the good, moral worth attaches to those actions whose consequence produces (net) pleasure - so you should care about acting morally because you care about pleasure'. Indeed, posing the question 'why should I act morally' seems to demand such an (non-ethical) answer – and the utilitarian response seems to be a good token of this type; it is compelling, it is non-mysterious (metaphysically), and it is, at least (and perhaps at most) *prima facie*, plausible. Morality cannot be self-justifying (you should do your duty

because it is your duty) – in this way – without sounding absurd and ethical theories, if we accept the challenge as stated, must offer a non-ethical base lest we lapse into transparent question-begging. The utilitarian response addresses this challenge.

However, it seems that *any* non-ethical foundational principle we try to offer our amoralist could simply be rejected. It is certainly within the bounds of reason for the amoralist to state: 'you say that morality is a function of (e.g.) pleasure, and I agree that this is the case; but I don't care two hoots for pleasure so I'm still not compelled to act in accordance with it.' We could run this structure of response for *any* non-ethical ground we wish to offer the amoralist and, as such, it seems to be the case that this (non-ethical) foundational strategy will *always* fail.

Other methods and modes of argument have been adopted to tackle the amoralist, to varying degrees of success. It could be claimed that the amoralist is assuming the truth of the Is/Ought (or, 'fact'/'value') dichotomy, where the obviousness of the truth of this distinction might not always hold. If it is the case that the amoralist is falling prey to this sort of confusion, then the amoralist might be committing a simple category error in demanding a non-ethical ground for the ethical theory. Others still, developing on this and arguing along similar lines, have claimed that the amoralist is assuming that she is not already an agent, an active participant in the moral sphere, and in raising the challenge, she is looking for reasons to be drawn into the moral landscape. This assumption is, according to several commentators (e.g. Prichard (1912), McDowell (1998a), Stern (2010)), simply mistaken and, as such, the amoralist's question (in virtue of being a non-starter) does not require an answer. One such commentator, Robert Stern, discussing recent work by Christine Korsgaard (who shall feature quite heavily in this thesis) and the 'normative (practical) question' in ethics, outlines a Prichardian worry about attempts to answer the amoralist:

> […] one prominent criticism of her [Korsgaard's] position has been that it succumbs to difficulties famously highlighted by H.A. Prichard, that all attempts to answer the sceptic who asks why they should act morally end up undermining themselves, as they only succeed in treating moral actions as a means to non-moral ends.
> (Stern, 2010: 451-74)

The charge is clear – by trying to answer the amoralist you have to concede a variety of presuppositions that confirm their view; one accepts as legitimate the terms on which their debate rests:

> The challenge can be presented as follows: to take scepticism seriously in the way that Korsgaard does, is to assume that morality needs some extra-moral basis; however, to be moral is precisely to think the moral reasons one has to act are compelling in themselves, without any such basis for them being required by someone who is a genuine moral agent. So, the Prichardian thinks that all we can really do is remind the sceptic what his moral obligations are, and not get tempted into trying to offer further support for them in some way, as then the sceptic may end up acting morally, but will be doing so for the wrong reasons, so that we have ultimately failed in our efforts to deal with his scepticism. Thus, the realist will claim that the higher wisdom here is not to try to answer the sceptic, but to refuse to engage with him for these Prichardian reasons; as a result, it is argued, Korsgaard's strategy of criticizing the realist for failing to answer the 'normative question' is fatally flawed.
> (Stern, 2010:452)

This thesis essentially *agrees* with Stern (and Prichard by extension) in the assertion that the amoralist (who I would resist calling a 'sceptic') does not require an answer to their challenge. This thesis also agrees with Stern and Prichard that an ethical theory need not and (more importantly) *cannot* be grounded on an 'extra-moral basis'. However, this thesis *disagrees* with Stern that the sort of project Korsgaard is participating in is one that necessarily attempts to ground normativity in an extra-moral consideration. I do not hope to defend Korsgaard, but I do hope to defend her, constitutivist, project by grounding normativity in facts about agency and action. Further still, though I do not wish to answer the amoralist, I wish to take time to show the amoralist (and others), *why* this sort of question is a non-starter. I hope to defend these theses by making a plea to the inescapability of [moral] agency and the inescapability of our being necessarily evaluable to the standard of *good* moral agency.

This 'inescapability condition' provides a foundation-stone for the ethical view, 'Constitutivism', to be argued for in this thesis. In short, constitutivism aims to account

for our moral norms by demonstrating the legitimacy of the authority on which they rest. It aims to do so by saying that our moral norms arise from, or, are grounded in, constitutive features of what it is to be an agent. The claim, as I express it, is that to be a person is to be a sort of normative fact, a norm-generating and norm-bound thing. The sheer fact of our personhood, which we inescapably are and *cannot* jettison, binds us to the norms that follow from agency. Ultimately, this thesis shall have no fewer than two main aims. The aim of this thesis is to give an account of the following:

1. To outline what sort of 'fact' a person is,
   and
2. What other 'facts' follow from this

The burden on the thesis is, therefore, to describe the essential nature of agency and demonstrate – clearly – what sort of (moral) norms this essential structure gives rise to. Given how controversial this position is (especially when expressed using the language of 'essence'), and given the sheer diversity of views on this topic, I will restrict my discussion to two philosophers I consider to be the most interesting and most helpful for my purposes. And, as it happens, I also think these two philosophers offer the closest to a true (correct) account of agency and ethics. The two philosophers this thesis will focus on are G.W.F. Hegel and Friedrich Nietzsche.

The thesis will begin proper with an examination of what I take to be a constitutive feature of agency, viz. free will. Through relocating the 'free-will' debate *away* from the traditional (contra determinism) dichotomy I will show that Hegel is able to provide an account of free-will that satisfies Kantian concerns regarding speculation, while also accommodating the Humean Theory of Motivation – I will argue that Hegel is able to do this by re-interpreting the presuppositions underwriting Spinoza's metaphysics. This reinterpretation involves treating external bonds as constitutive of freedom, rather than a threat to it. I then move on to outline Hegel's account of agency, with reference to the preceding discussion, substantiating and making sense of Hegel's claim that an agent is free when she acts in accordance, and with reference to, her essential nature as 'free-being'.

Following this, I will offer an overview of Nietzsche's theory of the self that is structurally indistinct to Hegel's account. Specifically, I will argue that Nietzsche's theory of the self

helps overcome the problem of nihilism by tethering human 'goodness' to a model of autonomy that, upon examination, does not depart radically from Spinoza or, indeed, Hegel. According to my account of Nietzsche, an agent is free when she acts in accordance with her essential nature as 'drive-structure', tempered through the will to power.

After this discussion, I will provide an outline of a contemporary ethical account, called 'constitutivism'. I will outline this account with the intention of showing how both Hegel and Nietzsche's account of agency follows the constitutivist model (or, rather, vice versa). I will restrict my fourth chapter to discussing the more formal debate surrounding constitutivism, paying special attention to the criticisms offered by David Enoch – who remains perhaps the most insightful and vociferous critic of the view. I will show how the constitutivist can answer Enochian criticisms by means of further elaboration/enrichment. This enrichment will come first via Hegel – where I will show how a Hegelian version of constitutivism can work, and exactly what norms are generated. I will then show how a Nietzschean constitutivism – similar, but not identical, to the account offered by Paul Katsafanas – is also viable and what norms we might be able to extrapolate.

After showing that both Hegelian and Nietzschean forms of constitutivism are viable as ethical theories, I will show that we have reason to prefer the Hegelian version to the Nietzschean version. My argument for this rests on the assumption that clearer and more developed norms denote a better ethical theory than norms that are unclear and esoteric. I supplement this argument by claiming we should accept the account that reduces the force of a variety of concerns regarding the harmful and harming way in which norms were generated. If we can construct an equally plausible account of moral norms that coheres with our current evaluations, that removes outstanding deficiencies and addresses concerns – this, I will argue, has to be a more desirable option. Indeed, I will argue that Hegel provides us with such an option in virtue of removing the Nietzschean threat.

In showing how we are moral agents of a certain sort, and how we inescapably aim to express and maximally satisfy certain features of our agency, I will show Brink's amoralist to be necessarily and actively involved in moral action – regardless of their (lack of) recognition of this fact. In outlining things in the way I do, I hope that this failure of recognition will be remedied.

Chapter One: 'Hegel, Free-Will and Agency'

Introduction

While this thesis is concerned first and foremost with demonstrating that Hegel and Nietzsche can legitimately be read as 'Constitutivists' (and that such a reading is supported with a plethora of textual evidence) and that these versions of constitutivism can be articulated in such a way that is both clear and attractive (in terms of being 'persuading'), such a claim will be predicated on Hegel and Nietzsche's models of agency. The conditions that need to be met for agency to be considered *free* will be necessarily prior to any discussion of Constitutivism. Thus, in the [opening] chapters I will begin by offering both Hegel and Nietzsche's contribution to the discussion of the debates surrounding free-will and agency. I will motivate the view that Hegel's account is compelling in virtue of answering various concerns around the free-will/determinism debate (especially those, most importantly for Hegel, highlighted by Kant). This is accomplished by dissolving the tensions in the dichotomy in virtue of the re-orientation of the terms. Such a strategy is also adopted by Nietzsche, albeit with a radically different conclusion regarding the shape free-agency takes.

I will begin somewhat arbitrarily (but only somewhat) by outlining the Hegelian account of agency. I have chosen to begin with Hegel given his historical priority to Nietzsche.

This overview of Hegel will begin with a somewhat exegetical account of Hegel's speculative logic in which Hegel details and provides a [metaphysical] framework for freedom.

Speculative Logic – A Disclaimer

The status and weight we ought to give to Hegel's speculative logic is a very contentious issue. Some argue that his thought cannot be understood without it, others argue that it is an embarrassment we ought to relinquish[1]. Several books on Hegel, usually written by

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[1] Allen Wood goes so far as to claim that Hegel himself might have abandoned this project, and the project outlined in the *Phenomenology of Spirit* generally (Wood, 1990).

philosophers who are perceived to fall within the 'analytic' tradition[2], include disclaimers similar to that offered by Frederick Beiser in his (imaginatively titled) book, *Hegel*:

> Although most contemporary scholars have declared Hegel's metaphysics dead, they stress that his social and political philosophy is alive and well […] But with some embarrassment, they tiptoe around Hegel's metaphysics. Since any connection of Hegel's social and political philosophy with his metaphysics would seem to render it obsolete, most scholars have adopted a non-metaphysical approach.
> (Beiser, 2005:195)

Indeed, Allen Wood's important and hugely influential book, *Hegel's Ethical Thought* (Wood, 1990), contains a subsection titled 'Speculative logic is dead; but Hegel's thought is not'.

Such opinions are firmly ingrained in the Anglophone 'Analytic' philosophical tradition, however recent works – most notably by Sally Sedgwick and Stephen Houlgate[3] - seem to suggest a revised reading of Hegel's speculative logic might be more plausible, and certainly more palatable, than we might at first assume. Indeed, not only are these accounts useful for understanding Hegel's speculative logic, and his overall project generally, but they might actually strengthen and supplement his argument that will go on to be of particular interest for us in this thesis.

I am quite concerned that any attempt to provide an overview to this interpretation of Hegel's logic will end in, at best, confusion, or, at worst, utter and total failure – Hegel's philosophy, at the best of times, avoids summary and resists clarification. I acknowledge that it would be difficult to provide an account of any part of Hegel's philosophy *without* mentioning his metaphysics so I shall begin by discussing his more plausible 'social philosophy' (ethics, politics &c.) before moving on to discussing the various controversies surrounding the metaphysical base on which this rests. In adopting this strategy, I hope to avoid offering an outline of the whole of the speculative logic. Instead, I will restrict

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[2] Philosophers writing from the 'Continental' tradition seem to be much more comfortable with Hegel's speculative metaphysics, or at least their reading of Hegel's speculative metaphysics.

[3] See especially Sedgwick's *Hegel's Critique of Kant* (Sedgwick, 2012) and Houlgate's *The Opening of Hegel's Logic: From Being to Infinity* (Houlgate, 2006)

myself (or liberate myself - depending on one's perspective) to the ambition of discussing only that which is pertinent to his discussion on freedom. I accept that Hegel's social philosophy *can* be articulated and adopted without his metaphysics[4] - the question, which remains an open one, is: how much is jettisoned if we do so, and to what effect?

The Necessity of Freedom

> The basis of right is the *realm of spirit* in general and its precise location and point of departure is the *will*; the will is *free*, so that freedom constitutes its substance and destiny and the system of right is the realm of actualized freedom, the world of spirit produced from within itself as a second nature
> (*PR*, §4)

This passage from the Introduction of the *Elements of the Philosophy of Right* makes several declarations that ought to interest us. The first thing to note is the claim that 'the will is free'. Hegel asserts this categorical judgment (x *is* y) here as an analytic truth (of the same sort as 'all bodies are extended'), the concept of one necessarily contains the concept of the other. The next claim of particular interest is the claim that freedom constitutes the 'substance and destiny' of the will. This is to say that the will is free 'in itself', and we come to *know* ourselves as free – necessarily - through our activity. This is much stronger than Kant's claim that we can only ever have 'good reasons' to suppose that we *can* be free, and that we act on the necessary presupposition that we 'feel' free – Hegel is claiming that not only is our freedom 'felt', but also that our freedom is 'demonstrated'; we show others that we are free, and we show them this 'internal self' by expressing it in the 'external' world. This thought is clearly controversial and, possibly opaque. It is not helpful that Hegel expresses this view using sentences like: "the system of right is the realm of actualized freedom, the world of spirit produced from within itself as second nature". At root, however, the claim is clear, accessible, and forms a good starting point and spring-board for an examination of Hegel's political philosophy. According to Hegel, our legal, political, and entire social world is the *embodiment* of freedom – it is a reproduction of our 'inner' freedom, concretized and made manifest in social structures. It is the medium of the free-

[4] So called 'non-metaphysical' approaches have been with us for a while now, the most influential, and undoubtedly the strongest, of these is provided by Robert Pippin (Pippin, 1989, 2008)

will. This is Hegel's social metaphysics laid bare and the sense in which he is an Idealist (indeed, *the* Idealist) lies in the thought that social structures are structures of freedom and, therefore, structures of will.

So, our three claims are:

1. The will *is* free (not merely, 'can' be free – if it is not free, it is not a will)
2. The will knows itself to be free by positing its 'substance' (i.e. freedom) externally so that it can be clearly seen (that is, *recognized*) by itself and by others – this positing is a *necessary* part of the will (if it is not *positing* it is not a will) and it cannot do otherwise (it is its 'destiny').
3. The 'sphere of right' is freedom made actual

The rest of this section will be examining claims one and two, we will return to claim three much later, giving it a sustained treatment in chapter four.

The will *is* free

This section will draw heavily from Hegel's 'speculative logic' as applied in his work *Elements of the Philosophy of Right* (henceforth, simply *Philosophy of Right*) – and part three of his Berlin Encyclopaedia, *The Philosophy of Mind*[5]. Hegel's discussion of the will both maps onto and transforms into a discussion of freedom in both the metaphysical and political, 'ethical', sense (indeed, it is not clear that Hegel would see a genuine distinction between metaphysical and ethical freedom). Such a strategy may be 'efficient' (in the pejorative sense) yet, if successful, extremely effective. As Knowles (Knowles, 2002) comments:

> Divide and rule is probably the most distinctive philosophical strategy, but we should not assume that it is always appropriate. It is an important feature of Hegel's discussion of freedom that philosophical puzzles concerning freedom of the will, freedom of action, the nature of free agency, are tackled alongside problems

[5] This work could equally have been translated as '*The Philosophy of Spirit*' – The German word '*Geist*' is usually translated in Hegel as 'Spirit', but occasionally as mind. For a fuller, yet helpfully brief, discussion of the difficulties surrounding the translation of '*Geist*' in Hegel see Peter Singer's *Hegel* (Singer, 1983)

> concerning social freedom. For some, this conflation of philosophical topics heralds confusion. […] It is distinctive of Hegel's thought in these areas that we can act freely only in the context of a form of social life that sustains and protects that freedom; a free society is necessary if freedom of the will is to be a real feature of citizens' lives.
> (2002:26)

Hegel's clearest discussion of the will can be found in the Introduction to the *Philosophy of Right*. An understanding of the Introduction not only provides us with Hegel's thoughts on the will and on freedom, further, it furnishes us with insight as to how his thought as a whole 'works'[6].

Hegel divides his initial outline of the (free) will[7] into three sections, two of which refer to a different property of the will, the third is the synthesis of these two aspects and describes the will proper. His strategy is to outline two conceptions of the free-will, one Kantian (the will as the capacity to distance oneself from one's desires – freedom as indeterminacy and abstraction), the other aspect is derived from the (mostly British) Empiricists (freedom as the capacity to obtain what one desires – determinate, particular). His intention is to show that both are necessary and irremovable elements of a free-will, but Hegel will argue that in dividing and compartmentalizing the will in this way, we risk encouraging the thought that there are two, independent and exclusive, parts that make up the will. This is not the case. The will is not fragmented in this way and we will do well to keep this in mind during our discussion.

This compartmentalization – a prevalent, and perhaps even constitutive, feature of contemporary analytic philosophy - is problematic as a methodology. It may encourage us to see distinctions where there are none, or consider distinctions that are 'artificial' as 'actual'. It is interesting to see that this is not a particularly modern problem (which many think it is) and that it may go back, not only to Hegel and his contemporaries, but also his Enlightenment predecessors at least. This topic is of particular interest and relevance here

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[6] I have suggested to many friends that they might consider *Elements of the Philosophy of Right* as a good starting point to access Hegel instead of diving in to his much more popular work *The Phenomenology of Spirit*.

[7] For Hegel, if a will is not free it is not a will.

as not only does it motivate much of the argument between the 'continental' and 'analytic' traditions in philosophy (ironic, perhaps, since many argue that this distinction is itself artificial and unhelpful), it even causes debate within these disciplines and, especially pertinent for our purposes, ethics in particular (the subject-matter of this entire thesis).

Contemporary analytic philosophy dedicates a considerable amount of time to discussing 'normativity' and the best way to 'weigh' a variety of different considerations, e.g. 'moral considerations' vs. 'prudential considerations' (i.e. 'non-moral considerations for doing an action), and they presuppose a legitimate and actually existing distinction between moral and non-moral normativity that Hegel and others would find utterly bizarre. For example, where philosophers speak of weighing 'prudential considerations' against 'moral considerations' (e.g. in discussions of a so-called 'overall ought') it's certainly far from clear that 'prudential considerations' are distinct from, rather than a subset of, 'moral considerations'. This infinite hair-splitting and puzzle-solving methodology might actually be *harmful* for our endeavour as we not only obscure and confuse our subject matter (and treat it as a thing different to the thing it is), but may even (at least partially) determine the sort of conclusions we generate by adopting a certain form of enquiry. Presupposing certain considerations are distinct from moral considerations could cause confusion about what sort of thing morality is, especially if it turns out to be more 'psychologically unified' than the treatment contemporary analytic philosophy suggests. This 'treatment' and way of approaching ethics will be the topic of (explicit and sustained) discussion later, suffice to say (for the moment) that Hegel takes issue with compartmentalizing and distinction-drawing and its associated confusion-creating, corroding and careless presuppositions. He aims to re-orient and re-set our thinking.

Structure of Will

For Kantians, the free-will is derived from the 'universal' aspect, for Empiricists free-will is derived from the particular aspect. Hegel thinks this view is mistaken, and, as it happens, responsible for the plethora of confusions surrounding the topic. The will is *not* to be reduced to any single property/aspect, and can only be adequately understood as the active combination of both aspects. Prior to Hegel, philosophers (especially Hobbes and Kant) have identified freedom, or the will, as identical to a single aspect of it. While these discussions provide valuable insights into the nature of the will (and thus, the nature of

freedom), alone they do not constitute the whole story. Perhaps worse, offering the will this fractured treatment might actually be harmful – philosophically and 'existentially' – in that it causes confusion and, ultimately, could persuade agents to act in a way that conforms only to a single will-aspect and (over)developing only one capacity of will. Hegel's discussion will retain the strengths of the prior understandings while showing their deficiencies, thus allowing him to put forward a more 'complete' account of will. Prior discussions (that is, discussions that occurred prior to Hegel's contribution) ought probably be viewed as 'groundwork'.

The first aspect of the will Hegel refers to as the 'Universal Will'. This is:

> […]the element of *pure indeterminacy* or of the 'I's' pure reflection into itself, in which every limitation, every content whether present immediately through nature, through needs, desires and drives, or given and determined in some other way, is dissolved; this is the limitless infinity of *absolute abstraction* or *universality*, the pure thinking of oneself.
> (*PR*, [§5])

This aspect (or 'element') of the will, as stated briefly above, is the element required by Kantian ethics (and its existence is perhaps denied by Hume) that enables us to stand over our desires and abstract ourselves completely from them. This is bare consciousness thinking about consciousness itself. Hegel expresses this with (surprising) clarity in the *Philosophy of Mind*:

> The will, as thinking and implicitly free, distinguishes itself from the particularity of the impulses, and places itself as simple subjectivity of thought above their diversified content[…]
> (*Philosophy of Mind*, Pg. 237 [§476])

The Universal will is indeterminate, that is, it has thought itself as its content and is, therefore, completely formal. An agent who is, at this moment only (or 'merely') formally, free (in this sense[8]):

> […] *may* withdraw itself from everything external and from its own externality, its very existence; it can thus submit to infinite *pain*, the negation of its individual immediacy: in other words, it can keep itself affirmative in this negativity and possess its own identity.
> (*Philosophy of Mind*, Pg. 15 [§382])

As formal and content-less the thinking subject is indistinguishable from any other, there is nothing to denote a particular subject as there are no determinations of thought that we would normally use to identify agents. This is why Hegel calls this will 'Universal' – it applies to, and therefore picks out, 'everybody', or to use another phrase, 'nobody in particular'. While this 'formal freedom' is important, it is by no means an exhaustive picture of the will (Hegel wants to develop a form of freedom he will call 'absolute freedom'[9]). Formal freedom is the *possibility* to choose, while our desires are *given* to us we can choose to ignore, or even frustrate, them. Our desires do not limit us in our actions.

While the will cannot be reduced to this element, such a faculty for abstraction, that is, the ability to relinquish the contents of one's will, is necessary for freedom but freedom is not reducible to it. If it were, it would simply be what Hegel refers to as 'the freedom of the void'. The meaning of this will become obvious later.

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[8] It should be noted that Hegel calls the Universal and the Particular will 'formally free' – they are both formally free in regards to their 'potential' – a man 'can' detach himself, a man 'can' satisfy his desires. This is to be contrasted with the idea of 'concrete' freedom, or, 'actual' freedom - freedom proper requires there to be formal freedom, but mustn't be confused for it nor reduced to it.

[9] There are several near 'synonyms' Hegel uses for 'absolute freedom', including 'freedom for-itself', 'concrete freedom', 'substantive freedom' and 'positive freedom' – this list is by no means exhaustive…

The second aspect of the will Hegel calls 'Particular' and is:

> […] *differentiation, determination,* and the *positing* of a determinacy as a content and object. – This content may further be given by nature, or generated by the concept of spirit. Through this positing of itself as something *determinate*, '*I*' steps into existence in general – the absolute moment of the *finitude* or *particularization* of the 'I'.
> (*PR* [§6])

The Particular will is our desires, drives, inclinations, wishes, feelings &c. Its object is external in that its sole aim is consumption of a thing 'outside of' or 'other than' itself. It aims to satisfy itself through consuming a 'not I'. The particular will is non-reflected-upon urge, and desire for discharge. If the Universal will is bare, empty and formal, the Particular will is raw formless content. The will – in this moment - becomes determinate by willing something *specific* ("I do not merely will – I will *something*"). The freedom associated with this type of will is the freedom of Hume and, perhaps more specifically, Hobbes[10]. One is free provided one is able to indulge in one's desires. While this component is necessary for freedom (where freedom will have to include the capacity to engage in projects) it is incomplete as one would be nothing more than a slave to impulse, and subject to the sort of criticism levelled at Hume's (et al's)/Berlin's 'negative' account of freedom:

> Freedom is only present where there is no other for me that is not myself. The natural man, who is determined only by his drives, is not at home with himself; however self-willed he may be, the *content* of his willing and opining is not his own and his freedom is only a *formal* one.
> (*The Encyclopaedia Logic*, Pg. 58 [§24 – Addition 2])

On this view, the 'person' may as well be an automaton whose aim is to satisfy *any* desire given to it. Willing in this way places a determinate limit upon it (in contrast with 'infinity' of the Universal will) and just as the bareness of the Universal will entailed an inability to recognize a subject *as a subject*, a similar problem occurs within the Particular will in that the subject (the 'I') would be incredibly unstable, changing with the fluctuation of desires.

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[10] The desire one acts upon being the 'last' in the chain…

I understand myself as 'apple wanter' and now I understand myself as 'whisky wanter'[11]. What picks me out as 'me' is subject to, and therefore obliterated by, the constant flux of whim and fancy. This concern can be traced back to Kant who argues against contingency in moral action. Indeed, recent work by Christine Korsgaard (2009) continues this tradition, placing a great deal of weight on the normative force of creating a diachronically stable and unified agent[12].

If we want to have a conception of the will that can account for a being who persists (something that the Universal will can account for) yet is also instantiated and determinate (something the Particular will can account for) we will, Hegel argues, have to synthesize these views. This is exactly what he does. He labels the 'will proper' the 'Individual' will, which is:

> […] the unity of both these moments – *particularity* reflected *into itself* and thereby restored to *universality*. It is *individuality*, the *self-determination* of the 'I', in that it posits itself as the negative of itself, that is, as *determinate* and *limited*, and at the same time remains with itself, that is, in its *identity with itself* and universality; and in this determination, it joins together with itself alone.
> (*PR* [§7])

By understanding the Universal will and the Particular will to be inseparable elements of the Individual will, Hegel is both able to give an account of willing, and of freedom. Willing is willing something, something upon which we have *reflected*. By subjecting our desires to a process of examination (I feel that I want *x*, but do I want to go ahead and do *x*?), by 'purifying' our desires, we develop a concept of the ideal (a standard by which we choose and which we use to measure our desires against) we aim towards. Through the reconciliation of the Universal and the Particular we are able to look at our actions and see ourselves as their cause – the desires may arise in us (that is, they are 'given'), but we are self-determining in that we *choose* through a process of reflective abstraction which desires we hold and pursue, which we leave to go unsatisfied, and which we relinquish – we choose

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[11] The main discussion on this can be found in the *Phenomenology of Spirit* – I think Hegel has assumed a prior knowledge of this text as his discussion of the Particular will seems to be very quick.

[12] I will return to this theme, and to Korsgaard's view, in chapter four.

what to endorse. Such a concept of the will *necessarily* has freedom as its substance. Freedom, at this level of description, is no more than actively *choosing* (opposed to actions performed automatically, without thought) which desires to satisfy in light of some autonomously determined ideal. The will's determinations are its *own*. Desires may be given, spontaneous, and heteronomous, but the self is determined and autonomous:

> 'I' determines itself in so far as it is the self-reference of negativity. As this *reference to itself*, it is likewise indifferent to this determinacy; it knows the latter as its own and as *ideal*, as a mere *possibility* by which it is not restricted but in which it finds itself merely because it posits itself in it. – This is the *freedom* of the will, which constitutes the concept of substantiality of the will, its gravity, just as gravity constitutes the substantiality of a body.

The will is 'negative' in that it cannot be identified with any one or, perhaps even, any set of desires (I am not an apple-wanter, whisky-wanter &c.). It is not restricted by a desire as it can always choose to affect a different course of action – each course is 'mere possibility'. The will is free in that it sets its own limit through a process of choosing and determining what to make actual.

Such a will is free 'in itself', but it is not yet free 'for itself'…

Self-Actualization/Self- Determination

At the heart of this discussion lies Hegel's distinction between 'in-itself', 'for-itself' and 'for-others'. This distinction (as is often the case in Hegel) sounds confusing but is actually pretty simple - a being has an essence that it has 'in itself', it becomes 'for-itself' when it recognizes itself to be the thing it essentially is. The example[13] offered by Knowles (Knowles, 2002) demonstrates the distinction perfectly:

> Hans Christian Andersen gives us the best example. For-itself and for-others, notably for its fellow nestlings, the Ugly Duckling is a duck […] In-itself it is a swan,

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[13] By using Knowles's example, I am sparing the reader from reading an infinitely worse 'Harry Potter' example.

> and as the cygnet grows it becomes more and more apparent that it is no duckling. Finally, when it is clear to all that it is a swan, we understand it to be a swan in-itself, for-itself, and for us, that is, the ducklings and ourselves.
> (2002:35)

In the introduction to the *Philosophy of Right*, Hegel sketched out an outline of 'will' that is purely internal and subjective. What is required to make this outline more complete is to grant the will an external (objective) sphere of influence. Hegel aims to meet this requirement by arguing that the external world's essence is also 'freedom' ('objective spirit') and the rest of the *Philosophy of Right* is an outline and justification of this thesis. The agent (the individual will) cannot *know* itself (instead of merely 'feeling' itself) as free until they have posited themselves in the world. This brings us nicely to point two (The will knows itself to be free by positing its 'substance' (i.e. freedom) externally so that it can be clearly seen by itself and by others – this positing is a *necessary* part of the will and it cannot do otherwise (it is its 'destiny')) outlined above. This outline will demonstrate how the 'in-itself', or, the freedom we human beings have in us, becomes 'for-itself'[14]. Such an outline will make explicit Hegel's metaphysical idea of 'necessary embodiment' and its relation to his ethic of self-determination. This outline will also remove the distinction between what an agent *is* and what an agent *does*[15].

The Move from 'Subjective Spirit' to 'Objective Spirit'

'Subjective Spirit' is the will of the agent up to the moment of action, the 'departure' from Subjective Spirit is the moment the will posits itself and acts on/in the external world, it is at this point it becomes 'Objective Spirit'. To say that the external world is 'Objective' (or perhaps, 'objectified'/'manifest') spirit is to make quite a strong ontological claim. The world we inhabit is a structure of will, that is, it is the manifestation of will. What Hegel means by this claim can be understood in relation to his often quoted, often misquoted, and even more often misused:

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[14] Importantly, only human beings can become a 'for-itself' as we are the only entities capable of self-conscious reflection – that is, according to Hegel.

[15] Such a distinction will be important later during my discussion on the similarities between Hegel and Nietzsche (and the doer/deeds distinction).

> What is rational is actual;
> and what is actual is rational.
> This conviction is shared by every ingenuous consciousness as well as by philosophy, and the latter takes it as its point of departure in considering both the *spiritual* and the *natural* universe.
> (*PR*, Pgs. 20/21 [Preface])

The first things to say, and it seems that this cannot be said often enough[16], is that 'actual' does not mean that which 'merely' exists. This is a technical term for Hegel who, anticipating this misreading, states in several places things like:

> Actuality is the unity, become immediate, of the essence and existence, or of what is inner and what is outer. The utterance of the actual is the actual itself, so that the actual remains still something-essential in this [utterance] and is only something-essential so far as it is in immediate external existence.
> (*The Encyclopaedia Logic*, Pg. 213 [§142])

A being is actual if its (inner) essence conforms to its (outer) appearance, that is, an object is actual if its essence is 'realized'. Clearly, not everything that exists is actual – several public institutions actually frustrate the bringing about of a thing they are trying to do. If a government department is tasked with bringing about greater social mobility (which would, in this example, constitute its 'essence'), and sets about doing this through a series of policies aimed at reducing the opportunities the super-wealthy can utilize, this might produce social inertia if those opportunities are not opened-up to the non-super-wealthy. Other examples present themselves fairly quickly. One might think allowing universities to charge ~£9,000 tuition fees in order to increase their funding could be another example of a thing that exists without being actual under certain conditions (e.g. if the number of people applying to study at university drops substantially, thus creating a net loss of funding overall). Countries trialling the decriminalization of sex work (with the intention of making sex workers safer) have, on occasion, reported an increase in violence against

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[16] The confusion, and even willingness to not give Hegel a fair reading, is prevalent despite almost every competent secondary on the *Philosophy of Right* containing a discussion of this famous line.

those who work in the industry. In short, several things do not express their essence. Thus, there is a sharp distinction between what exists and is not actual, and what exists and is actual. This distinction will become irrelevant with the march of time as what exists and is not actual will gradually cease to be (policies, or their execution, will be modified or dropped), leaving only the actual in existence.

To draw this back to our discussion we should be able to see that Hegel is making the claim here that our social world[17], or at least parts of it, are structures of a 'rational' will. To say that our social world is comprised of institutions that can be justified on the basis of some esoteric intelligibility would be to claim the very worst sort of straw-man-conservatism and pandering to the status quo. Unsurprisingly, Hegel is not making this claim and he fully acknowledges that some institutions are based on superstitions. Hegel provides room for social 'change' (social evolution) by building in a system of 'internal critique' through which we judge institutions in relation to their perceived rational essence. Whereas we might often think that an institution (like, for example, the Roman Catholic Church) has a perfectly reasonable story to tell about itself, a change in understanding (for example, the developments in Theology brought into the public consciousness by Martin Luther) will render these institutions obsolete anachronisms, eventually becoming nothing more than a curiosity, a relic of a mysterious bygone age, and then, at best a museum piece or a section in the anthropology section of your local library. Such a story about the actual also helps us to understand the practical applications of Hegel's utterance. A thing is rational if it is a satisfactory way of bringing about the thing it is trying to achieve. In my previous examples, it might be argued by some that 'proper worship of God' is better achieved by Lutherans (or Protestants generally) than by Roman Catholics. Whereas the pre-Reformation Roman Catholics believed that worship ought to be mediated through a tightly-structured hierarchy (whose authority comes from St Peter, and therefore Christ Himself), Lutheran Protestants argued that such a structure had become decadent and failed to adequately reflect the values it was set up to realize. Such values, it was argued[18], *could not* be realized by the Roman Catholic Church as they had deified the artificial, and

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[17] Hegel would also argue that the natural world is also 'actual' for reasons similar to Spinoza's claims that the universe is rational – namely, that it is the revelation and manifestation of God's nature.

[18] Although, not initially by Luther himself who always thought of himself as a reformer and servant of the Catholic Church – more as an iconoclast, less as a subversive.

most importantly, 'man-made' structure designed originally to express the humanity of the Gospels. The institution of a 'Community of the Faithful' (i.e. a Church) ought to be retained, but radically redesigned so that Christ's message of love and salvation (instead of guilt (indeed, the famous 'Catholic Guilt) and damnation) should be at the fore. Chants in which mortification, instead of message, is glorified ('Christ by the Holy Cross thou hast redeemed the world'[19]) were dropped and new prayers that highlighted compassion and charity were adopted. This is a development, Hegel could claim (if his subject matter were only slightly different) in his brilliant *The Spirit of Christianity and Its Fate*, as the *teachings* of Christ are more accurately reflected and felt instead of codified and misinterpreted (as they are in Catholicism [20]). Other examples, more contemporary, but perhaps less controversial[21], might look at whether women's rights are furthered or hampered by quotas (for example 'all women shortlists', in the case of Parliament). Such an internal critique can also be helpful when examining social institutions like slavery, blood diamonds, right through to 'Fairtrade' products.

Does this mean that Hegel's 'What is rational is actual…' is a tautology? Whereas the second half of the sentence (discussed in the previous paragraph) clearly aims to sketch a social ontology (between institutions and practices that are actual, and those that merely exist), the first half of the sentence is embedded in Hegel's speculative logic and denotes his claim that the rational will manifest itself, and does so as a matter of necessity. This claim aims to answer the problems of freedom that are highlighted by Hume, Spinoza and Kant and a discussion of it will constitute the rest of this chapter.

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[19] Such phrases used during the 'Stations of the Cross' really stick in the ears – Nietzsche will go on to provide a highly interesting account of Christianity from this perspective.

[20] In *The Spirit of Christianity and its Fate* Hegel argues that Judaism is really a 'legal' doctrine instead of an 'ethical' one – the spirit of 'love' in Catholicism also, according to those advocating the legitimacy of the Protestant Reformation, crystalizes in this way and, therefore, negates what it is… falling prey to the same 'fate' as Judaism.

[21] I mean this only in relation to the bloodiness of the Reformation and Counter-Reformation.

Self-Positing Spirit

In his seminal work *Hegel* (Taylor, 1975) Taylor notes that Hegel's philosophy is an attempt to address (perhaps, reconcile) two specific problems traditionally understood as irreconcilable:

> One is that unity with nature, other men and himself which man demands as an expressive being; the other is to the radical moral autonomy which reached paradigm expression in Kant and Fichte.
> (*Hegel,* Pg. 76)

How do we, as natural beings subject to the laws of nature and subsumed within causal relations, consider ourselves 'free'? We want to accept that we are part of the natural world and obey the laws that necessarily follows this fact, while at the same time wanting to believe that we are rational agents who can be the source of, and affect, change in the world. These two positions, it would appear, cannot be held at the same time. To ordinary consciousness, that is, to everyday thinking, it would seem that we impaled on an either/or dichotomy. Hegel refuses to accept this, claiming:

> The cultures of various times have established opposites of this kind, which were supposed to be products of Reason and absolutes, in various ways, and the intellect has laboured over them as such. Antitheses such as spirit and matter, soul and body, faith and intellect, freedom and necessity, etc. used to be important; and in more limited spheres they appeared in a variety of other guises. The whole weight of human interests hung upon them. With the progress of culture they have passed over into such forms as the antithesis of Reason and sensibility, intelligence and nature and, with respect to the universal concept, of absolute subjectivity and absolute objectivity.
>
> The sole interest of Reason is to suspend such rigid antitheses.
> (*The Difference Between Fichte and Schelling's System of Philosophy*, Pg. 90)

This sheds some light on Hegel's idea that "the formal task of philosophy is taken to be the suspension of dichotomy", or, as Taylor puts it "the major task of philosophy for Hegel

can be expressed as that of over-coming opposition". The overcoming of such deep-rooted oppositions can be achieved by quasi-Spinozist methods, that is, by a re-examination of Substance, and a re-categorisation of Substance as the (in)famous 'Absolute'.

Hegel's discussion of the absolute is an attempt to engage with the questions of traditional metaphysics after Kant's 'critical philosophy' puts such questions beyond the scope of legitimate discussion:

> […] we prefer to run every risk of error rather than desist from such urgent enquiries, on the ground of their dubious character, or from disdain and indifference. The unavoidable problems set by pure reason itself are *God, freedom*, and *immortality*. The science which, with all its preparations, is in its final intention directed solely to their solution is metaphysics; and its procedure is at first dogmatic, that is, it confidently sets itself to this task without any previous examination of the capacity or incapacity of reason for so great an undertaking.
> (*CPR*, Pg. 45-45 [A3 – B7])

And again, in a passage Hume would have been proud of:

> It seems almost laughable that, while every other science makes continuous progress, metaphysics, which desires to be wisdom itself, and which everyone consults as an oracle, perpetually turns round on the same spot without coming a step further. Further, it has lost a great many of its adherents, and one does not find that those who feel strong enough to shine in other sciences wish to risk their reputations in this one, where anyone, usually ignorant in all other things, lays claim to a decisive opinion, since in this region there are in fact still no reliable weights and measures with which to distinguish profundity from shallow babble.
> (*Proleg*, Pg. 6)

Beiser (Beiser 2005), summing up Kant's position, states that metaphysics is:

> […] the attempt to gain knowledge of the unconditioned through pure reason (KrV B7, 378-88, 395). Kant understands the unconditioned as whatever completes a

> series of conditions: the final cause, the last unit of analysis, the ultimate subject of predication. He explains that there are three fundamental ideas of metaphysics corresponding to three basic concepts of the unconditioned: God, freedom and immortality (B395). […] If reason attempts to go beyond the limits of experience to know the unconditioned, he argued, it lapses of necessity into all kinds of fallacies […]. Hence Kant declared that metaphysics, understood as the attempt to know the unconditioned through pure reason, is impossible.
> (Beiser, 2005:54)

Given Hegel's repeated statements about God and freedom it would appear that his metaphysics is *exactly* the sort of thing that is abhorred and nonsensed by Kant. However, as always, this is not quite the case. Kant understands metaphysics as nothing more than opaque guesswork (or, 'speculation') about supernatural entities. Hegel denies that such entities are supernatural *at all*. Indeed, he denies the existence of 'the transcendent' and, as such, could be regarded as a naturalist and a monist (perhaps similar to Hume, definitely similar to Spinoza). Thus, Hegel's concept of the unconditioned is entirely embedded in the natural world and is, therefore, immanent here and now. As Stephen Houlgate puts the point (Houlgate, 2006):

> Hegel is sometimes thought to have put us back in touch with "things in themselves" after Kant had separated us from them. But to present Hegel's challenge to Kant in this way is somewhat misleading. Hegel's response to Kant is not to say "yes, we can know things in themselves beyond experience, after all." It is to *give up* the very idea that there might be a realm of being "beyond" our "limited" experience […]
> (*The Opening of Hegel's Logic*, Pg. 136-137)

Hegel fully accepts Kant's criticism of the Rationalist metaphysics of Leibniz and Wolff. He distances himself from pre-critical metaphysics, and therefore escapes this part of Kant's critique, by denying that the unconditioned is part of a world beyond experience. Such interpretations of the unconditioned, he claims, are a misunderstanding of its very nature. Hegel's project becomes an incredibly revolutionary and ambitious one in which he aims to provide an outline of God, freedom and immortality while at the same time satisfying the conditions set by Kant.

The Absolute

This section will offer an account of the Absolute with reference to two questions:

1. What is the 'Absolute'?
2. What function is the 'Absolute' performing in Hegel's philosophy?

The answer to these two questions will tie together the previous discussions and will make explicit exactly why Hegel thinks the sort of freedom, outlined above, is not only possible, but necessary.

To begin with a somewhat negative tone, 'The Absolute' is an unhelpful term. The name offers no clues as to what the subject matter is, or even what sort of thing the subject matter might be. 'The Absolute' is a term so porous and vague that we must have some sort of working reference-point if the argument is to proceed. Unfortunately, Hegel is reluctant to give a clear definition of the Absolute, preferring instead to talk of it in vague generalizations. – thus, perpetuating the problem. In the *Science of Logic* we might get our hopes raised when we see a subsection to 'Actuality' entitled *The Exposition of the Absolute*, unfortunately Hegel uses this section to state that the absolute evades clear definitions. Any time we try to pin down what the absolute *is* we mischaracterize it by virtue of hypostasizing it, by treating it as a determinate being, as an 'is', as an 'it'. This is conveyed in one of the *Logic's* more clear passages:

> The simple substantial identity of the absolute is indeterminate, or rather in it every determinateness of *essence* and *Existence*, or of *being* in general, as well as of *reflection*, has dissolved itself. Accordingly, the process of *determining what the absolute is* has a negative outcome, and the absolute itself appears only as the negation of all predicates and as the void. But since equally it must be pronounced to be the position of all predicates, it appears as the most formal contradiction.
> (*SL*, Pg. 530 [Bk.I Sec 3 Ch. 1])

Michael Inwood, in his *Hegel Dictionary* (Inwood,1992), locates Hegel's discussion of the Absolute to Schelling and Spinoza:

> Hegel's response to Schelling (and Spinoza) is not to deny that the absolute exists: he was committed to granting that there is an absolute both by his belief that not everything is dependent on something else, and by his belief in God, for whom, on his view, 'the absolute' is the philosophical expression, shorn of its anthropomorphic presuppositions.
> (1992:27)

This definition does little on its own given how complicated Hegel's views on the nature of God are. Yet despite our inability to express the absolute in any clear way, Hegel spends much time gesturing towards the idea so that we might be able to grasp it. It might be helpful, however, if we precede the discussion by outlining the narrative from which Hegel's account grew. Following Inwood's strategy, we might get more of a sense of what the Absolute is if we look at the term as outlined by Hegel's contemporary (and one time collaborator[22]), Schelling, who, in language clearly gesturing towards the alluded to 'Def. 3' in Spinoza's *Ethics* (mistakenly listed as Def. 7 by Beiser), tells us (according to Beiser) that the absolute is "that which is in itself and through itself", or "that whose existence is not determined through some other thing". There can be little doubt that Spinoza played a huge part in influencing the development of Schelling and Hegel's philosophy and their understanding of the absolute. Hegel's entire canon is littered with (positive, but critical) discussions of Spinoza. Indeed, in his *Science of Logic* he states:

> Corresponding to the Notion of the absolute and to the relation of reflection to it, as expounded here, is the notion of substance in Spinozism. […] The notions of substance given by Spinoza are the notions of 'cause of itself', and that substance is that whose essence includes existence – that the notion of the absolute does not require the notion of an other by which it must be formed.
> (*SL*, Pg. 536-537 [Bk.I Sec.3 Ch.1 Remark])

Given the functional consistency throughout his work, there can be little doubt that Hegel shared a similar, but, importantly, modified (more on this later) understanding of the absolute to Schelling, with reference to the previous quasi Spinozist definition. Like Spinoza, Hegel considers God to be a synonymous term with the absolute (or 'substance'),

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[22] Indeed, Schelling went so far as to say that Hegel's philosophy was really just his.

and again, like Spinoza, all the *implications* for pantheism ('God or Nature') are equally attributable to Hegel.

Unlike Spinoza, however, Hegel does not think that cast-iron definitions are helpful and they are certainly not a good place to begin (lest we lapse into dogmatism). We should do well to remember that the absolute is neither the start, nor the presupposition of philosophy. Instead we should be aware that:

> Of the Absolute it must be said that it is essentially a *result*, that only in the *end* is it what it truly is; and that precisely in this consists its nature, viz. to be actual, subject, the spontaneous becoming of itself.
> (*PhG*, Pg. 11 [§20])

And again in the *Science of Logic*: during a discussion on the similarities between the Absolute and (Spinoza's) substance:

> These notions, profound and correct as they are, are *definitions*, which are *immediately* assumed at the outset of the science. Mathematics and other subordinate sciences must begin with something *presupposed* which constitutes its element and positive foundation. But the absolute cannot be a first, and immediate; on the contrary, the absolute is essentially *its result*.
> (*SL*, Pg. 537 [Bk.I Sec.3 Ch.1 Remark])

We will do well to note the use of the word 'actual' in the first of the two passages. This brings us nicely back to our exegesis of the 'rational is actual'. We are told here explicitly that it is in the nature of the absolute to be actual, that is, manifest. If we are told the same thing of 'the rational' we might well conclude that the Absolute is rational. Which is to say that 'reason' rules the 'whole', and the 'whole' is therefore intelligible to us. Hegel combines this unity of terms with the ontological unity brought forward and highlighted by Spinoza, that is, the unity of subject and object. By this unity Hegel means that the subjective and objective are merely (but necessarily) different expressions of the Absolute, or, to use Spinoza's terms, different attributes of substance. This distinction between subject and object, and all the problems with dualism (including those problems linked with freedom), *can* be overcome by an understanding of the (rational) Absolute as a self-

dividing substance that remains identical with itself throughout its division (the identity of identity and non-identity). The task of philosophy is, therefore, to show *how* this division happens and why it is necessary.

Given Hegel's adoption of Spinoza's claim that everything is either a mode or an attribute of a single substance how are we to understand the status of objects in Hegel's system? This is accounted for in Hegel's understanding of the Absolute as a teleological organism – and it is here where he departs radically from Spinoza who believes that substance is a non-teleological (Spinoza despised teleology) mechanism. Hegel believes in a sort of hylomorphism, which is to say that each object has an inherent purpose and this purpose is to realize its essence – this, 'entelechy' process, is a blatant nod to the metaphysics of Aristotle (especially his idea of a formal final cause in which an object's end is determined by its inner structure) and Hegel does little to hide, his 'Aristotling' of Spinoza[23]. Given these factors we should have a developed account of what the absolute *is*:

1. There is at most one Absolute and it is self-causing (this is granted from Spinoza).
2. The Absolute is rational (its nature is accessible/available to reason)
3. The Absolute is the unity and identity (and non-identity) of the subjective and objective.
4. The Absolute inheres in objects in particular (this is a re-stating of Hegel's naturalism/commitment to Aristotelian metaphysics).
5. The Absolute is unfolding (evolving) toward some end and should be understood as an *organism* (instead of a mechanism, as Spinoza held).

To conclude the first of our two questions, 'what is the absolute', we might simply say that the absolute is simply 'everything' without being reducible to any single aspect, nor inflated to stand above/over every single determination. There isn't really a question of 'does the absolute exist?' – there is, for Hegel, simply the question of 'what is the nature of the

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[23] Sustained discussions on this topic can be found in Ferrarin's *Hegel and Aristotle* (Ferrarin, 2001). In *The Hegel Reader* (ed Houlgate, 1998), Houlgate's various introductions also make several references to the relationship between Hegel, Spinoza and Aristotle.

absolute'. Hegel argues that the absolute is best understood as an organism evolving towards an end, which we can conceive if we reason correctly…

The answer to our second question, 'what function is the absolute performing in Hegel's philosophy?' is just as deeply indebted to Spinoza and Aristotle.

If I am correct and Hegel is an Idealist Spinozist/Aristotelian[24] naturalist, then the role of the absolute becomes pivotal for freedom. If we are part of the unfolding of the Absolute (and given the necessity of this unfolding) then we have to be continuous with God (in a way that Spinoza would accept) – and if we are determinations of God acting in the world we have to accept that He would remain in a state of mere indeterminate becoming were we not to exist and act (from Aristotle). Remembering, from Spinoza, that freedom consists in acting from one's nature *alone*, and combining this with the idea that we are necessarily realizing the divine, we have to conclude that the acts of the agent are necessarily free when we act mindful of our place, our function, our *rôle*, in the universe. As mentioned previously, Hegel conceives freedom in terms of self-determination; this – in light of what has just been said – takes on a new meaning. Self-determination involves knowing that one has to be conscious of one's specific essence (or one's 'species being' to use Marx's terminology), and that this essence will be realized through necessity. The idea of freedom transforms across the history of philosophy from acting from reason alone, to acting from one's nature alone, to self-determination to, eventually, a combination of all these ideas – acting self-consciously, rationally, self-determinedly. The statement 'the will is free', reinterpreted with reference to the previous outline, becomes 'the free-will cannot act but in accordance with the 'divine plan' (the necessary development of the Absolute) – which it is itself a part (and partial author) of. Stanley Rosen (Rosen, 1974), while summing up this idea, highlights the similarity, yet profound difference between Spinoza and Hegel:

> Whereas in Spinoza, wisdom is a passive acceptance of man's finite status, or bondage within the order and connection of nature, which he can never completely understand, the situation is totally different in Hegel. Man is now the instrument of

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[24] For more on the influence of Spinoza and Aristotle on Hegel's thought see Rosen's *G.W.F. Hegel: An Introduction to the Science of Wisdom* (Rosen, 1974)

> the Absolute: his spiritual labour may therefore be said to produce the intelligible world, albeit in accordance with a divine or necessary plan.
> (*G.W.F. Hegel: An Introduction to the Science of Wisdom*, Pg. 63)

Criticisms of the Absolute

There are two main criticisms that are often raised against Hegel's outline and understanding of the Absolute. The first, raised most notably by Søren Kierkegaard (and apparently repeated by Wittgenstein), accuses Hegel of reducing all differences in a sort of philosophical cauldron so that there is no such things as difference, as such, anymore. This would indeed be an incredibly counter-intuitive claim at best, or a staggering error at worst, on Hegel's part were he to claim this. We are surrounded by, and can clearly see, difference in the world. A cursory glance at my environment enables me to see objects and the differences between them. Indeed, it is the very differences between these objects that enables me to distinguish, for example, my Chess Set from my Evelyn Waugh book collection. Further still, if this difference is not striking enough, we can definitely note a difference between objects (external, 'in the world') and ourselves (viz. subjects) – such a claim that there is no such thing as difference, or that all things are reducible, if Hegel makes it, betrays drastic and implausible reduction?

The second criticism frequently used to dismiss Hegel is that he is just plain wrong to conceive of nature as an organism.

Kierkegaard and Hegel

In a footnote near the beginning of her book, *A Confusion of the Spheres* (Schönbaumsfeld, 2007), Genia Schönbaumsfeld writes:

> Wittgenstein once said to Drury, 'Hegel seems to me to be always wanting to say that things which look different are really the same. Whereas my interest is in showing that things which look the same are really different. I was thinking of using as a motto for my book a quotation from *King Lear*: "I'll teach you differences."' ('Some Notes on Conversations with Wittgenstein', 157.) Wittgenstein couldn't be more in agreement with Kierkegaard on this point.

(Schönbaumsfeld, 2007:12)

That Kierkegaard uses Hegel's philosophy as a launch pad cum punch bag is not news. His *Concluding Unscientific Postscript* is a sustained, often humorous, sometimes accurate, critique of Hegel, the Hegelian method, and even Hegel's 'followers'[25]. Houlgate – an extremely sympathetic reader of Hegel - goes as far as to describe Kierkegaard as one of Hegel's "subtlest critics" (Houlgate, 2006), however, to claim that Hegel's 'system' cannot accommodate difference betrays a misunderstanding of Hegel, and perhaps a confusion between Hegel and Schelling (the latter of whom Kierkegaard met).

Schelling's conception of the Absolute dissolved all particulars into the universal. Things become reducible to the Absolute and distinction becomes illusion. Beiser frames Schelling's position thus:

> According to Schelling, absolute idealism is the doctrine that the ideal and the real, the subjective and objective, are one and the same in the absolute. In other words, it is the doctrine that the absolute consists in subject-object identity.
> (Beiser, 2005:61)

The wide variety and numerous problems involved with accepting such a position are anticipated by Hegel. In a famous passage, in which Hegel criticizes Schelling's conception of the absolute (though he does not name Schelling, there is no doubt that he is the target of the passage), Hegel makes clear that his conception is not Schelling's:

> To pit this single insight, that in the Absolute everything is the same, against the full body of articulated cognition, which at least seeks and demands such fulfilment, to palm off its Absolute as the night in which, as the saying goes, all cows are black – this is cognition naively reduced to vacuity
> (*Phenomenology of Spirit*, Pg. 9 [Pref §16])[26]

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[25] Indeed, in the index of the CUP (ed. Hannay) edition of *Concluding Unscientific Postscript* (Kierkegaard, 2009) there are no fewer than fifty-eight page references to Hegel.

[26] It is unclear whether Hegel knew the misogynistic sexual meaning behind this phrase, however, it would be consistent with his character.

Discussing Schelling's conception of the Absolute, Stanley Rosen (Rosen, 1974) outlines it using another metaphor from light (this time using the intense, omni-present and 'consuming' nature of intense light-levels, rather than complete absence of light that results only in annihilation, that is to say, Hegel's preferred metaphor):

> Schelling calls his Absolute "the identity of identity and non-identity." He means that the Absolute is neither pure subjectivity nor objectivity but "the point of indifference" between the two. […] To say that the Absolute is "a point of indifference" is like turning on a light that makes everything invisible.
> (*G.W.F. Hegel: An Introduction to the Science of Wisdom*, Pg. 59)

So, while we can see that the criticisms of Wittgenstein and Kierkegaard can quite easily be levelled at Schelling, can they be transferred to Hegel? To see if this is the case it will be both useful and necessary to examine in further detail the, perhaps subtle, differences between Schelling and Hegel's conception of the absolute

Hegel and the Overcoming and Preservation of Difference

That subjects and objects, and objects themselves, differ in degree, type, and quality, is a simple fact of experience. This should not be casually dismissed as mere illusion, but shown to be necessary:

> The sole interest of Reason is to suspend such rigid antitheses. But this does not mean that Reason is altogether opposed to opposition and limitation. For the necessary dichotomy is One factor in life. Life eternally forms itself by setting up oppositions, and totality at the highest pitch of living energy is only possible through its own re-establishment out of the deepest fission.
> (*The Difference Between Fichte's and Schelling's System of Philosophy*, Pg. 91)

The gulf between 'self' and 'world' arises with the development of self-consciousness. The fracture arises not only in the subject who perceives the world as external to himself, but is also *aware* of this perception. This complete and hard distinction between self and world gives rise to the thought that there could exist two spheres of explanation and causality;

on one side (the 'self' side) change is caused by the agent who aims to realize freely chosen goals, on the other side (the 'world' side) change occurs from natural necessity. This is where Hegel's speculative metaphysics penetrates into his discussion of freedom. Philosophy's task (as Hegel sees it) is not to undo these distinctions, but to overcome them. Taylor (Taylor, 1975) expresses the point beautifully:

> […] there is no question of returning to the primitive consciousness before the separation of subject and nature. On the contrary the aspiration is to retain the fruits of separation, free rational consciousness, while reconciling this with unity, that is, with nature, society, God and fate.
> (*Hegel*, Pg. 79)

This 'overcoming' is achieved by Hegel's dialectic, in which Hegel claims that man as 'embodied rationality' (and *necessarily* embodied at that) struggles against his inclinations and passions to realize his limitations as an agent with these same inclinations and passions – while we never escape our desires, we can achieve mastery of them. An agent's actions (as we discussed above) become the expression of our (rational) nature – this nature is only realized *after* the opposition (which we can now see, is necessary, that is, necessary to 'become who we are') of self and nature is overcome. This overcoming, this *revelation*, involves a recognition that we are continuous with God who requires a medium (us and nature), to realize, to become actual. The difference we must necessarily perceive, by virtue of being embodied subjects, provides us with a route to that higher unity. To say that difference cannot be accommodated for in Hegel is a terrible oversimplification, on par with saying that the Houses of Parliament and Marischal College are identical because both are made of Aberdeen granite. Hegel is not denying, as Schelling does, that difference exists and is 'real' (that is, inheres in the world 'in itself' instead of our minds), he is simply stating that this difference can be *understood* through reason, and specifically through the understanding that reason inheres in our minds (as subject) and the world (as object). Subject-object identity expresses one *moment* of the absolute, as does subject-object non-identity. Both are necessary parts of a developing spirit for knowledge of the absolute. This is Hegel's departure from Schelling proper, however the difficulty remains:

> If philosophy is to explain the opposition between subject and object in ordinary experience, then it must somehow show how the single universal substance, in which

> the subject and object are the same, divides itself and produces a distinction between subject and object. The philosopher faces an intrinsically difficult task: he must both surmount and explain the necessity of subject-object dualism.
> (*Hegel*, Pg. 65)

This leads us directly to the second criticism, Hegel's Organicism.

Hegel's Organicism

Hegel needs his organicism to work in order to get over the problems of freedom that arise as a result of (Spinoza's) mechanism. Such a position, akin to Aristotle's hylomorphism, and its entailed teleology, has been widely discredited as panglossian nonsense. However, for the Hegelian project to work (that is, for Hegel to be able to prevent his philosophy from simply collapsing into the philosophy of Spinoza) his conception of a dynamic, organic, Universe must be made coherent and plausible. Given the importance of this, we must first examine exactly what sort of claim is being made before we go on to evaluate this.

At the heart of Hegel's Organicism lies the idea of 'potentiality', or 'becoming'. Everything in nature (of which, as we have discussed, man is but a part) is *evolving* towards some, in principle, comprehensible goal. Whereas in 'mechanism' (the position adopted by Spinoza) change is accounted for by appeals to causally closed circuits (x acts on y which acts on z… ad infinitum), in 'Organicism' the whole is both self-generating and self-organizing – changes are accounted for by the development of the organism, different states of the organism's *matter* are different stages of the organism's 'being'. The organism, like all organic nature, is evolving and growing into something determinate – and this determination, this telos, is pre-determined by its nature – just as the apple tree is determined to produce, at most, apples and not pears – and its nature alone. The function of such a position is to allow a more substantial metaphysics to support his earlier, quasi Spinozist, claims regarding the inseparability of the subject and the object, the individual and Nature. The organic vision is supposed to lay the foundation for his idea of development from 'identity' to 'difference' to 'identity in difference' (or the 'triadic dialectic') operating throughout his philosophy. It does seem that Spinoza's philosophy can provide accommodation for, if not all, then certainly most of these ideas – so why

does Hegel think it desirable to conceive of Nature as an organism? Why not simply adopt the infinitely more plausible and (perhaps) intuitive 'mechanist' position? In distancing himself in this way from Spinoza Hegel is hoping to show the deficiencies of understanding Nature to be a large and elaborate machine. Specifically, Hegel hopes to provide an answer to the question Spinoza struggled with: if everything is, in some way, part of an eternal God how can finite and temporary things exist? Put quickly, how can the infinite include the finite if both are identical? By conceiving of Nature as organic, Hegel can get over this problem easily – the finite represents different stages in the 'becoming' of the whole – the whole itself is unfolding in stages, through which it remains identical with itself (like a snake growing and shedding its skin (and in this case, consuming it afterwards)). This idea of a constantly developing organism which is self-organising would have been complete anathema to Spinoza whose substance has been fully transformed (and rebranded as the 'Absolute') and is:

> […] now conceived as […] something eternally moving and in development. Spinoza's substance could still be retained as one moment of the truth, yet only as one moment. It would be the single universal organism in so far as it is something inchoate, formless and undeveloped. Of course, Spinoza would only have dismissed such a suggestion, for this transformation of his single substance meant nothing less than returning to the standpoint of teleology […]. Yet, for Hegel […] by this means alone is it possible to escape the snares of the ancient problem of the origin of finitude.
> (*Hegel*, 2005)

But what sort of teleology is Hegel advocating? He is not arguing for a naïve Aristotelian *extrinsic* teleology in which God has designed every determination of the Universe for man's consumption (i.e. bananas fitting nicely into one's hand does not – unfortunately for the 'Literalist' interpreter of the Holy Bible- provide evidence for the existence of God). Hegel's teleology is strictly *intrinsic* – the Universe aims towards some end contained within it, itself – just as the mighty oak is contained within the humble acorn. This property of teleological organicism allows Hegel to align himself rather well to the various attractive theological propositions held by Spinoza, without compromising his Organicist project – specifically, Hegel wants to argue that purpose implies neither 'Creator' nor 'intention' – retaining his non-supernatural claims. God is not an agent intending and (concurrently)

bringing into existence. God is not 'creator creating'. God, on this picture, is rather the very *process* of 'creation' itself. This 'verb-al' God is also emphasized in the opening of John's Gospel ('In the beginning was the Word/Reason/Deed' (translation depending)), and later in the famous 'God is Love' passage – note, God is not love for x, or love for y. God is love itself. Hegel's God is very much a Christian God (and completely antithetical to post-Enlightenment conceptions of God as muscular, bearded, wise-looking, and cloud dwelling), that sits well, ironically, with contemporary Catholic theology and their conception of God as the Holy Trinity and inextricably intrinsic, inherent-in-the-world and 'immanent'. By adopting such a position and developing an 'intrinsic teleology', Hegel reduces the vast chasm between Spinoza and himself – while still allowing sufficient room for a reasonable account of the finite/infinite problem – all the problems with Spinoza's account are jettisoned and all the strengths are retained with the only cost being the adoption of a, (hopefully) now plausible, 'intrinsic telelological principle'. Such a move enables Hegel's project to be more convincing than the straw man, 'mystical', version usually offered making the endeavour (to provide an accurate overview of freedom) both plausible and viable.

Conclusion: Kant or Hegel?

Hegel's view can be summarized thus: we are to understand freedom, as outlined in his *Encyclopaedia*, as the overcoming of: "[…]the merely internal, and for that reason merely external, connection of mutually independent existences." (*Philosophy of Mind*, Pg.9 [381Z]) That is, as the 'overcoming of necessity'. This overcoming occurs when we understand that our 'connectedness' to the other "mutually independent existences" is *constitutive* of (not external to) the sort of thing we are. A thing is only un-free if it is bound to something *external* to itself and thus preventing it from self-determining (by virtue of setting a limit on its action, where that limit is not its own). For Hegel, this *externality* is overcome through a change in the understanding of the external thing and it's relation to the subject. If these relations are understood in the way Hegel suggests, neither freedom nor agency are under threat – for a thing's freedom cannot be threatened by that which makes it what it is, especially when what it is it is in virtue of being bound. From Spinoza, a thing is free when it acts from its nature alone. Provided we always act from our nature, which we now understand to be constituted by – what we initially perceive to be external relations – the internal relations of the absolute. Will Dudley (2002) is helpfully clear on this issue:

> Necessity becomes freedom not by severing bonds, but by developing a different understanding of the character of the thing bound. They must come to be seen not as entities independent of one another, external to and restrictive of one another, but as distinct parts internal to a larger, self-determining whole that encompasses them and their interconnections.
> (*Hegel, Nietzsche, and Philosophy: Thinking Freedom*, Pg. 18)

This "larger, self-determining whole that encompasses them and their interconnections" is the absolute in which both the whole and the parts are free. The whole is free because it is bound to its determinations, which is to say that it is bound *only* to itself. The parts are free as they understand that the relation to other parts, and indeed, the relation to the whole are internal to the nature of the parts themselves – each part is what it is only by being part of the whole, and free only to the degree that it understands this constitutive consubstantiality. Externality is perceived and negated while difference is retained *through* the sublimating act of the understanding. Hegel's account of freedom expands upon, while accommodating, Spinoza's account of freedom. He accepts (with Spinoza) that freedom consists in acting from one's nature alone (un-coerced), and further (with Spinoza and Hume) that freedom is the absence of external constraint, but by dissolving the externality (and therefore what counts as 'external') of the independent and limiting 'others' (while retaining their difference through a process of internalization), and by coming to realize that one's nature is made up of these 'bonds' and 'relations', one is able to overcome the *threat* of necessity. We are free, self-determining agents when we understand our relation to the absolute and others. We are free when we locate our self-determination in relation to the internal necessity of the self-determining absolute.

At the beginning of this chapter I stated that I would offer good reasons as to why we should adopt Hegel's account of freedom over Kant's. I believe that I have argued not only that Hegel's discussion of freedom is fuller than that offered by Kant, and can provide us with not only a sophisticated outline of the will, and not only a model for action (which really amounts to the same thing for Hegel), but a reconciliation with the objective world (which are intelligible structures of freedom) and a plausible social ontology. Further, Hegel is able to do this by collapsing metaphysical discussions of God, freedom and immortality into legitimate discourse (while at the same time satisfying the strict criteria

Kant places upon what we can and cannot reason/know about) where Kant's understanding of these concepts would have dismissed them from philosophical study and legitimate philosophical discourse altogether. Adopting Hegel's position allows us to engage in a richer, fuller, dialogue where we can once again rationally discuss 'urgent enquiries' – enquiries that we all, as human beings endowed with curiosity, are interested in participating.

The next chapter will discuss similar claims to those made here about freedom and agency, via a very different set of philosophical prejudices and intuitions. Specifically, the chapter will focus on the discussion of the structure of agency offered by the non-Christian (indeed, 'Anti-Christ(ian)) - Friedrich Nietzsche. In what proceeds, I will argue that Nietzsche, like Hegel, also believes that we are free when we act in accordance with our nature, and that this claim is closer to Hegel's account of freedom than it is to Spinoza's account of freedom (despite Nietzsche's protestations). After this, I will go on to argue that, in virtue of holding a similar model of agency, and what it is to be an agent, both philosophers can contribute positively to the constitutivism debate. For the moment, it is enough to state that both Hegel and Nietzsche will argue that one only comes to know one's nature, indeed, *who* one *is*, by being and acting in the world.

Chapter Two: Nietzsche's Project

Introduction

In the preceding chapters we established exactly what concerns Hegel was addressing and how he hoped to overcome the problems that arose with the prior answers to the 'traditional metaphysical questions'. Specifically, we looked at Hegel's solution to the seemingly unending (and 'unendable') oscillation between (undesirable) mechanistic determinism and (implausible) radical freedom and how this problem was resolved by realigning the debate away from an either/or dichotomy. And just as moving the debate away from this dichotomy was of primary concern to Hegel, a realigning away from the exact same dichotomy is, I will argue, of concern to Nietzsche. The previous chapter mutated, I hope plausibly, from a discussion concerning the traditional accounts of free-will to an account of what it is to be an agent. Or, to put it another way, the argument moved away from traditional metaphysical questions, to questions on the metaphysics of agency (the 'ontology of agency') and the philosophy of action. The debate now being embarked upon will do something similar. I will discuss Nietzsche's utter distaste and complete dismissal of traditional metaphysics and its accompanying aim to re-locate the 'free will' debate away from traditionally conceived metaphysics to an examination of the structure of agency itself. To see how this project will take shape it will be useful to think of it as cohering and 'running with' with the Nietzschean distinction Ken Gemes highlights in his paper *Nietzsche on Free Will, Autonomy, and the Sovereign Individual* (Gemes 2009):

> Regarding the free will debate it is helpful to distinguish two different approaches. According to the first approach the question of free will is intrinsically tied to the question of desert; of who does and does not merit punishment and reward. For simplicity of reference we might describe the notion of free will relevant to this approach as deserts free will. […] According to the second approach, the free will debate is intrinsically tied to the question of agency; what constitutes an action as opposed to a mere doing? For simplicity of reference we might describe the notion of free will relevant to this approach as agency free will. Writers who focus on agency free will are typically exercised by questions such as what makes for autonomy.
>
> (Gemes, 2009:33)

I think I have provided sufficient grounds to show that Hegel was one such writer who was 'exercised by questions such as what makes for autonomy', the 'desert free-will' debate transformed, for Hegel, into an 'agency free-will' debate and it did so by showing the 'desert' debate to be, if not irresolvable, then perhaps misguided. In this chapter, I hope to show that Nietzsche was also exercised by such questions, and thus provide an account of Nietzschean 'agency'. To do this, I will begin by providing an outline of Nietzsche's analysis of the (false) dichotomy that has emerged between clinging to a (harmful) Judeo-Christian 'morality' (which, according to Nietzsche, assumes the truth of the 'desert' discussion as its necessary presupposition), and adopting a destructive and spiralling-to-the-bottom-of-nothing nihilism (in which we act, for the present moment, '*as if*' we were still participants in the 'Judeo-Christian' depth commitment). From here, I hope to show that Nietzsche's outline of the nature of values (or perhaps, 'the psychology of values') determines what Nietzsche considers to be an authentic form of agency, or rather, what it is to be an authentic agent – commonly referred to in the literature as a 'Sovereign Individual'.

This sovereign individual is not one who resides outside the realm of causation, but one who *determines* his future. Thus, Nietzsche's debate is simply *not concerned* with 'desert', but with 'agent'. In this respect (and, as I will show, others) Nietzsche's interests are similar to Hegel's, as Pippin (2008) (outlining Hegel's position) highlights:

> What is important for my purposes is (a) why he [Hegel] does not worry at all about the "freedom of the will" problem, and correspondingly (b) why he thinks he does not need to establish some unique causal capacity in order to establish the possibility of freedom as he understands it. His lack of interest in the freedom of the will topic is obvious from the fact that he does not much discuss the traditional Kantian issues […].
> (Pippin,2008:16)

Absolute Value, Absolute Nihilism

In book three of *The Gay Science*, Nietzsche tells the tale of a 'madman' who brings news to market-dwellers. This 'parable' is worth repeating in full:

Haven't you heard of that madman who in the bright morning lit a lantern and ran around the marketplace crying incessantly, 'I'm looking for God! I'm looking for God!' Since many of those who did not believe in God were standing around together just then, he caused great laughter. Has he been lost, then? asked one. Did he lose his way like a child? asked another. Or is he hiding? Is he afraid of us? Has he gone to sea? Emigrated? – Thus they shouted and laughed, one interrupting the other. The madman jumped into their midst and pierced them with his eyes. 'Where is god?' he cried; 'I'll tell you! *We have killed him* – you and I! We are all his murderers. But how did we do this? How were we able to drink up the sea? Who gave us the sponge to wipe away the entire horizon? What were we doing when we unchanged this earth from its sun? Where is it moving to now? Where are we moving to? Away from all suns? Are we not continually falling? And backwards, sidewards, forwards, in all directions? Is there still an up and a down? Aren't we straying as though through an infinite nothing? Isn't night coming again and again? Don't lanterns have to be lit in the morning? Do we still hear nothing of the noise of the grave-diggers who are burying God? Do we still smell nothing of the divine decomposition? – Gods, too, decompose! God is dead! God remains dead! And we have killed him! How can we console ourselves, the murderers of all murderers! The holiest and the mightiest thing the world has ever possessed has bled to death under our knives: who will wipe this blood from us? With what water could we clean ourselves? What festivals of atonement, what holy games will we have to invent for ourselves? Is the magnitude of this deed not too great for us? Do we not ourselves have to become gods merely to appear worthy of it? There was never a greater deed – and whoever is born after us will on account of this deed belong to a higher history than all history up to now!' Here the madman fell silent and looked again at his listeners; they too were silent and looked at him disconcertedly. Finally he threw his lantern on the ground so that it broke into pieces and went out. 'I come too early', he then said; 'my time is not yet. This tremendous event is still on its way, wandering; it has not yet reached the ears of men. Lightning and thunder need time; the light of the stars needs time; deeds need time, even after they are done, in order to be seen and heard. This deed is still more remote to them than the remotest stars – *and yet they have done it themselves!*' It is still recounted how on the same day the madman forced his way into several churches and there started singing his *requiem*

> *aeternam deo*. Led out and called to account, he is said always to have replied nothing but, 'What then are these churches now if not the tombs and sepulchres of God?' (*The Gay Science,* §125)

The rest of this chapter will aim to make explicit the problem I believe Nietzsche is posing in this passage, namely, 'what do we do when our values lose their ground?' Or, as Jonathan Lear (Lear, 2008), discussing the ethical/existential problem of cultural breakdown, outlines the problem:

> Humans are by nature cultural animals: we necessarily inhabit a way of life that is expressed in a culture. But our way of life – whatever it is – is vulnerable in various ways. And we, as participants in that way of life, thereby inherit a vulnerability. Should that way of life break down, that is *our* problem. […] What would it be to be a witness to this breakdown?
> (*Radical Hope: Ethics in the Face of Cultural Devastation*, Pg. 6)

Of course, given the wide and radically disparate views as to what Nietzsche's project was (or indeed, if he was motivated by a 'project' at all), I will have to show that this is indeed the question Nietzsche wants to both raise and provide an answer to – I will have to show especially that Nietzsche is *at least* as concerned about decadent nihilism[27] as he is about the harm caused by an overwhelming, overbearing, value 'monarchy' (i.e. Judeo-Christian/ascetic morality).

A plausible way to read *GS* §125 is to read Nietzsche as setting up the problem of nihilism (if we are to take it as a problem – and I will take it that it is, and that it is for Nietzsche). The way *GS* §125 sets-up the problem suggests that we have to overcome having to make a choice between compliance with morality, or fickle – anything goes – nihilism. Nietzsche aims to show that both of these positions are demonstrative of a weak will, and this constitutes part of the story of what is wrong with adopting either mode of living. To

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[27] Indeed, Bernard Reginster goes as far as to say (I believe, correctly) that "Nihilism is the central problem of Nietzsche's philosophy". (Reginster 2006, Pg. 20)

show this, I will outline what I consider to be the driving forces behind Nietzsche's argument as expressed in *GS* §125.

God is Dead

GS §125 contains one of Nietzsche's most quoted, and probably most misunderstood, sentences: 'God is dead'. What could such a pronouncement mean, literally and metaphorically speaking? Nietzsche, perhaps unusually, is somewhat helpful here. He provides us with a hint as to how we are supposed to understand the pronouncement 'God is dead': 'The Greatest recent event – that 'God is dead'; that the belief in the Christian God has become unbelievable – is already starting to cast its first shadow over Europe.' (*GS* §343). The question we need to ask is, 'what is at stake with the decline of such a belief'? Or put simply, 'why care'?

We Have Killed Him

Nietzsche's story about the death of God, or, why it is no longer acceptable to believe in such a Being (and therefore, why it is no longer acceptable to adopt the associated and, perhaps, *entailed*, value system of Judeo-Christian morality qua Judeo-Christian morality) has in recent times become one of the most celebrated and feared philosophical narratives of modern metaethics, leading writers such as Philippa Foot (Foot, 2001) to declare that: 'while Nietzsche's work now interests many analytic philosophers, one finds few who actually try to confront him.' (Foot, 2001:99). Perhaps the sentence should end '*dare* to confront him'[28]. Nietzsche's philosophical narrative, if true, entirely devastates the idea of *absolute* and *universal* values (i.e. the sort of value 'God' is supposed to provide authority

[28] The most notable exception to this has to be Alasdair MacIntyre who, in *After Virtue* (Third Edition) (2007) accepts much of Nietzsche's critique of normative ethical theories. MacIntyre claims that we must accept Nietzsche's challenge and ultimately choose between Aristotle and Nietzsche. MacIntyre's reading of Nietzsche is problematic and I'm not sure such a contest is necessary, but that isn't important here. What is important is that MacIntyre is, at least, trying to argue against Nietzsche on his own terms (as MacIntyre understands these terms).

for) and undermines almost all[29] normative accounts of moral worth. Almost all, but only *almost* all. To see what sorts of ethical systems might be viable I hope to provide an account of a norm-generating model of agency in later chapters (specifically, chapter four and chapter six). In *this* chapter, I hope to provide the grounds for understanding what an 'authentic agent' would look like to Nietzsche, and thus go some of the way to doing the work of pairing Nietzsche and Hegel in a very determinate way.

Depth Commitments – Surface Commitments

In *Nietzsche, Psychology and First Philosophy*, Pippin (2011) draws a helpful distinction between 'depth commitments' and 'surface commitments'. This distinction, while simple, is able to do a lot of the work in untangling Nietzsche's criticism of the market dwellers in *GS §125*.

Surface commitments are those norms and rules that we follow, thereby governing our behaviour. For example, if I am playing a game of chess, I am bound by certain norms (e.g. that I can castle my king only if my king has not been in check, and there are no pieces standing between my king and my rook, and I have not moved my king/rook) – and further these norms are 'constitutive' of the game; if I am not participating in/observing these norms I am not playing a game of chess. Such norms form a 'web' of surface commitments of the sort we participate in on a daily basis and they form the obligations we are bound to as members of a civil society. Or, as Pippin himself puts the point:

> […] a thin or surface commitment of the sort involved when one agrees to play a game or participate in a social practice such as voting, and it consists in what obligations one is in fact undertaking from the point of view of any other player or participant. If you undertake […] to play chess, [you obligate yourself] not to move the rook diagonally, and so forth. Playing that game is just constituted by those implications and properties. You simply wouldn't be playing if you did not observe them.
> (Pippin, 2011:27)

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[29] I hope to show, in due course, that Nietzsche's critique does not undermine the status of moral values on the Hegelian/Aristotelian system – indeed, I hope to argue that these sorts of 'ethics' are not his target at all.

Depth commitments are those commitments that surface commitments derive their authority from, and they provide us with an 'emotional stake' in participation of whatever 'game' we happen to be playing. The rules of chess ought only to be observed (they only matter) if we are committed to playing a game of chess. Depth commitments are those commitments that *make sense of*, and provide the grounds for, our surface commitments:

> But there is another feature of your commitment that is rather a "depth" commitment, and in this analogy, can be said to concern your commitment to the game itself, to its significance. This concerns the difference between voting in a bored and mechanical way just because everyone else is doing it, with little stake in the outcome (but observing the rules, your thin commitments), and voting "as if your life depended on it," or with a full or deep (or one might even say "existential") commitment to the practice.
> (Pippin, 2011:27)

This relates to Nietzsche's *GS §125* in the following way. Despite everybody's acknowledgment that God is dead (we are, after all – madmen AND market dwellers – 'atheists' now), we still seem to be holding onto the same surface commitments that would require God (and the sorts of things that this requirement entails) to give them any sense. We are still moving the chess pieces long after the game has been abandoned (we are 'voting mechanically', instead of 'voting as if our lives depended on it'). We are mere 'compliers' in the game. But to abandon such a way of 'moving' in the world would be a great event and it is an event – Nietzsche hopes – that will occur soon:

> This tremendous event is still on its way, wandering; it has not yet reached the ears of men. Lightning and thunder need time; the light of the stars needs time; deeds need time, even after they are done, in order to be seen and heard. This deed is still more remote to them than the remotest stars – *and yet they have done it themselves!*

While the death of God is not under dispute – the effects of the death of God will take longer to make themselves felt, our surface commitments follow (logically and temporally) our depth commitments so there is often a 'time lag' between our losing the depth commitments and adopting the corresponding alteration in our surface commitments. These effects will be, ultimately, the rejection of Judeo-Christian morality – we will stop

acting *as if* this 'game' is still in play. Does this mean that an 'anything goes' ethic will take over? Will 'all moves' be permitted? If so, this would be extremely undesirable (if you're one of the 'weak' especially), but Nietzsche is not claiming this, indeed, Nietzsche is claiming that although the game we are playing is different - or *may* possibly be different (we don't know yet, since the revaluation hasn't occurred) - the moves we could be making, that is, the moves that are, in some way, desirable to make, may be similar:

> Thus I deny morality as I deny alchemy, that is, I deny their premises: but I do *not* deny that there have been alchemists who believed in these premises and acted in accordance with them. […] It goes without saying that I do not deny – unless I am a fool – that many actions called immoral ought to be avoided and resisted, or that many called moral ought to be done and encouraged – but I think the one should be encouraged and the other avoided *for different reasons than hitherto*. We have to *learn to think differently* – in order at last, perhaps very late on, to attain even more: *to feel differently*.
> (*Daybreak*, §103)

Nietzsche is not claiming that all the rules we have followed hitherto have been 'bad' and that they ought to be rejected in light of the removal of our depth commitments – he is, at this stage of the argument, only making the claim that our rules need to be differently motivated, and we need to stop acting *as if* the relevant depth commitments were still something we adhered to. If a broken clock is correct twice a day, it is certainly plausible that the Judeo-Christian ethical structure has hit upon a few norms that may be conducive to our flourishing. To work out which, though, we will need a 'new clock', a new ethical structure to determine and generate our moral norms – and it should not come as a surprise when a few of our moral norms turn out to be the same. Certainly, it becomes paramount to bring to conscious thought the fact that our God is dead and, thus, our surface commitments have no corresponding depth commitment, despite our acting as if this were not the case. Nietzsche's madman has highlighted what the 'as if' does, and Nietzsche takes considerable time to show how harmful fixing ourselves to this Ixion Wheel is. We understand our norms, we understand what rôle depth commitments play, we understand the connection has been severed and our depth commitment is no longer operant. We can no-longer operate 'as if' the thing underpinning our depth commitment is something

we believe in, for to do so would be to try to wilfully deceive yourself into a false consciousness. Two questions remain that I hope to answer later:

1. Are we required to find a new depth commitment and if so 'why' (this is the 'nihilist' question)?
2. On what basis – on what grounds - could our new depth commitment(s) derive authority from?

For now, the most pressing issue is understanding what we are losing, or 'liberating ourselves' from, by jettisoning our depth commitment. What do we lose, when we lose our 'as if'?

Acting *'as if'*

> *Aftereffects of the oldest religiosity*. – Every thoughtless person believes that the will alone is effective; that willing is something simple, absolutely given, underivable, and intelligible in itself. When he does something, e.g. strikes something, he is convinced that it is *he* who is striking, and that he did the striking because he *wanted* to strike. (*The Gay Science*, §127)[30]

In still acting 'as if' our old mode of valuation is active we are acting 'as if' we believed, firstly, that we have the power to affect a new chain of causality (that is, that we *are* a 'dominion within a dominion'), and secondly (relatedly), that there is some 'doer behind the deed':

> And just as the common people separates lightning from its flash and takes the latter to be a *deed*, something performed by a subject, which is called lightning, popular morality separates strength from the manifestations of strength, as though there were an indifferent substratum behind the strong person which had the *freedom* to manifest strength or not. But there is no such substratum; there is no 'being' behind

[30] The term 'thoughtless people', I hope to show, can *not* refer to Spinoza or Hegel.

> the deed, its effect and what becomes of it; 'the doer' is invented as an afterthought, - the doing is everything.
> (*Genealogy of Morality*, I.13)

Both of these are features of a belief in a 'desert' free will (Gemes, 2009). Such a belief in the truth of this, Nietzsche argues, is necessary for the Judeo-Christian ethical structure to hold (philosophically), and for the Judeo-Christian moralist to hold agents responsible for what they have done, by persuading those same agents that they *could* have done otherwise. Indeed, Nietzsche claims that such a bizarre belief in the possibility of counterfactuals (for which we have no evidence or reason), did not exist prior to Christian theology (Nietzsche names St Augustine as the source of this belief – and runs the chain right through to Schopenhauer[31]). The sort of free-will debate Nietzsche is attacking is the one identified, in the introduction to this chapter, as 'desert free will'. Nietzsche is claiming that those who believe in such a conception of free-will are participating in a non-debate and are committing "a type of logical rape and abomination" (*BGE*, §21, Pg. 21). Such traditional discussions of free-will are not only so much sound and fury ('signifying nothing', with nothing as their referent), but also completely uninteresting (because they are irrelevant) and distracting. It should be stated that Nietzsche is only attacking the notion of the free will that both Spinoza and Hegel take issue with. This is not to say that Nietzsche is some sort of parody materialist determinist in which we are conceived of as automata, as fleshy vending machines, completely minus a free will. He attacks both the ideas of a completely free will and a completely 'un-free' will as being equally located in a nonsensical debate and based in error:

> Suppose someone sees through the boorish naiveté of this famous concept of "free will" and manages to get it out of his mind; I would then ask him to carry his "enlightenment" a step further and to rid his mind of the reversal of this misconceived concept of "free will": I mean the "un-free will," which is basically an abuse of cause and effect. We should not erroneously *objectify* "cause" and "effect" like the natural scientists do (and whoever else thinks naturalistically these days -) in

[31] Schopenhauer too denied this form of 'free will', but was considered part of the overall 'Christian', self-negating, project (in Nietzsche's pejorative sense of the term).

> accordance with the dominant mechanistic stupidity which would have the cause push and shove until it "effects" something […]
> (*Beyond Good and Evil*, Pt.1 §21)

Discussions of a desert free (and un-free) will are an unhelpful 'boorish naiveté' that ought to be relinquished in favour of discussions concerned with free agency, or 'agential' conceptions of free-will. If Nietzsche is correct in these assertions, could it be the case that he is assuming a (at least) quasi-Hegelian metaphysics? I will return to this issue later. Suffice it to say for the moment that I believe I have provided sufficient grounds to accept Nietzsche's distaste for such conceptions and discussions of the (completely free and completely determined) will [32]. Removing the desert free-will debate from our consideration, and the 'doer-deeds distinction alongside it, we are left with what is, for Nietzsche, a more interesting question: how did such a (depth) belief come to establish and ingrain itself so strongly? One of the more plausible answers certainly has to be derived from our desire to attribute 'praise' and 'blame', and therefore bestow rewards and punishments (gifts and sanctions), on agents. Nietzsche has a very sophisticated (and convincing) genealogical story to tell about the concretization of such a desire that takes us back to 'pre-moral' times (Hellenic Greece) and arrives at our own 'moral' times via a path of rancour and resentment. Granting Nietzsche's derived conclusions (whether we accept the specific arguments is neither here nor there) from his discussion about this 'genealogy of morality', Nietzsche, and we, are now faced with a problem: if we can no longer accept discussions (or ethical models to derive our normative standards from) based on beliefs about a 'desert' free will, with what do we replace this? The first, and most obvious, answer we have to consider is… 'nothing' – our normative lives have no authority-given ground. The second answer to consider is (what I will argue) Nietzsche's own position, that is, we look at the nature of persons, qua personhood, and try to derive norms from this. While Nietzsche thinks that it makes little sense to discuss desert free-

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[32] Despite considerable literature on this topic, it still seems worth highlighting that there are those who want to argue that, in denying 'desert' free will, Nietzsche must be denying free will generally. One such commentator arguing for the position that Nietzsche does not believe in the free will is Brian Leiter, who seems to completely ignore all the passages suggesting the contrary. Leiter's position seems to be that only by accepting 'desert' free will, can we talk meaningfully of a free will. Such a position, as Gemes points out in a footnote (Gemes, 2009), betrays a lack of knowledge of many historically significant discussions.

will, indeed he argues that such discussions erode and make a nonsense of our sense of agency:

> The one party would never dream of relinquishing their "responsibility," a belief in *themselves*, a personal right to *their own* merit (the vain races belong to this group -). Those in the other party, on the contrary, do not want to be responsible for anything or to be guilty of anything; driven by an inner self-contempt, they long to be able to *shift the blame* for themselves to something else.
> (*BGE*, §21. Pg. 22)

he goes on to argue that the focus should be turned towards discussions concerning 'strong wills' and 'weak wills': "in real life it is only a matter of *strong* and *weak* wills" (*BGE* §21, Pg. 21). In what follows, I hope to explain why Nietzsche doesn't think nihilism is a desirable position to adopt, and, in doing so, outline his model of 'free agency', or 'the sovereign individual'.

Nietzsche and the Nihilist's Challenge

For too long, Judeo-Christian morality derived its authority from claiming to be the only legitimate depth commitment to hold, it held sway and was considered, for the best part of two thousand years, to be the only game we could participate in. Given that the premises and presuppositions, viz. that we all *must* play this game (for it is the only one that exists), have been challenged it seems that there is a resultant vacuum. But does it need to be filled? Indeed, can it be filled? If our answer to this question is 'no', then we are aligning ourselves with the nihilist who challenges the authority of values, and even the value of values – eventually this extends to questioning, as Schopenhauer does, even the 'worthiness' of life.

A cursory glance over the vast literature on Nietzsche provides us with a number of titles lending themselves, or coming dangerously close, to an interpretation that claims

Nietzsche himself was a nihilist[33]. A response to this (mistaken[34]) assessment requires an examination into exactly what the term 'nihilism' means, at least as Nietzsche uses this word. A term such as 'nihilism' is porous and, perhaps in virtue of being subject to a variety of cultural and counter-cultural appropriations (to denote nihilists and non-nihilist-iconoclasts alike), has absorbed many different, and even conflicting, 'definitions'. So, who exactly is Nietzsche's interlocutor here?

Bernard Reginster is most helpful on this matter. While he distinguishes two types of nihilism (disorientation and despair), we will focus on his *Schopenhauerian* characterization of the nihilist, that is, his characterization of the nihilist who emerges in Nietzsche's *The Will to Power*[35], as: "[…] a man who judges of the world as it is that it ought *not* to be, and of the world as it ought to be that it does not exist." (Reginster 2006, Pg. 20), however, as Reginster himself notes, Nietzsche's conception of nihilism is difficult to 'pin down' to the extent that one can (as Reginster does) describe it as "elusive".

This (Schopenhauerian) interpretation of whom Nietzsche is arguing against can be derived from the passage quoted earlier (*GS §125*) – even though life is worthless and even though we no longer believe in God, we still behave 'as if' it does and 'as if' we do. If we are to accept Reginster's account, derived from *The Will to Power*, the nihilists' argument can be summed up by Dostoevsky in his novel *The Brothers Karamazov*, in which he writes:

> "Only how", I asked, "is man to fare after that? Without God and without a life to come? After all, that would mean that now all things are lawful, that one may do anything one likes."
> (*The Brothers Karamazov*, Bk.11, Ch.4, Pg. 753)

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[33] See, for example, *Nietzsche and Postmodernism* (Robinson, 1999), *Nietzsche and the Rhetoric of Nihilism* (Darby (ed.), 1989), *The Will to Technology and the Culture of Nihilism* (Kroker, 2004), *Nihilism Before Nietzsche* (Gillespie, 1996), *Nietzsche, Prophet of Nazism* (Taha, 2005)

[34] And I'm sure there can be no doubt that Nietzsche wasn't a nihilist.

[35] itself, a text whose use is problematic and the philosophical authenticity and reliability (as a 'true and accurate' account of Nietzsche's developed philosophical view) is a frequently debated topic. Most authors, to avoid becoming immersed in this issue, will frequently use *The Will to Power* as supplementary *only* – instead preferring to utilize the 'official canon' when possible.

Or, to quote Nietzsche himself:

> When the Christian Crusaders in the East fell upon that invincible order of Assassins, the order of free spirits *par excellence*, the lowest rank of whom lived a life of obedience[36] the like of which no monastic order has ever achieved, somehow or other they received an inkling of that symbol and watchword that was reserved for the highest ranks alone as their *secretum*: 'nothing is true, everything is permitted' (*GM*, III.24, Pg. 111)

The spirit of which, as it is usually stated, is: 'without God, all is permitted'. And indeed this is the problem of modernity, broadly conceived, and one of the possible answers (and perhaps the most obvious one) to our question, posed at the beginning of the chapter: what do we do when our values lose their ground? The answer being: *Anything we like*. Morality is 'simply' a system, similar to that of 'etiquette', but we don't *have* to accept the institution, and therefore we don't have to follow the rules – we can, as it were, leave the club[37]. Why, to return to our earlier question, have a depth commitment at all? Why believe *our* emotional investment is anything other than a – non-cognitive - 'emotional' investment. This would certainly make life easier. We could simply take-up and abandon projects on a whim. We would be free from responsibility and judgment. Wouldn't this be the very model of liberty? But while it is a possible response, it is not one Nietzsche thinks is *really* open to us[38]. This is because we, as persons, are *necessarily* bound in certain ways, indeed, in exactly the same way Hegel argues – we are not coerced (externally) by our limits, our limits are *constitutive* of who (and what) we are as agents. To be an agent is to *participate* in a game, of sorts. It is to set and pursue goals, it is to have aims, and the way we set and pursue these aims, I will argue (in the next three chapters), will ground our normative assessments of how successful we are as agents.

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[36] Why Nietzsche describes these ultra obedient Assassins as 'free spirits *par excellence*' will become clear later in this chapter.

[37] For more on this position, see Philippa Foot's *Morality as a System of Hypothetical Imperatives* (Foot, 2002)

[38] Although, he might have changed his opinion about the possibility of this answer if he had only watched MTV for ten minutes.

Nietzsche agrees with the nihilist, to a certain extent, and argues that our current commitments – based on an intricate web of mutually supporting lies – are not really 'objective' in any substantive sense and have been forced upon us instead of 'chosen' by us, but this doesn't have to be the case. Indeed, we would be much 'healthier' individuals were we to participate in the sort of depth commitments that came naturally to us – this is to say, a la Spinoza, and a la Hegel, that we would flourish if we were to act in such a way as determined by *our* nature. And it is here that Nietzsche sounds his most Hegelian: while your nature is given, the way you express your nature is, to a greater or lesser degree, not. Nietzsche's writings are littered with discussions about 'becoming who you are', and 'developing one's character' &c. – the section which best fits my purpose (for now) by most clearly expressing this thought occurs in *Daybreak* section 560:

> *What we are liberty to do.* – One can dispose of one's drives like a gardener and, though few know it, cultivate the shoots of anger, pity, curiosity, vanity as productively and profitably as a beautiful fruit tree on a trellis; one can do it with the good or bad taste of a gardener and, as it were, in the French or English, or Dutch or Chinese fashion; one can also let nature rule and only attend to a little embellishment and tidying-up here and there; one can, finally, without paying any attention to them at all, let the plants grow up and fight their fight out among themselves – indeed, one can take delight in such a wilderness, and desire precisely this delight, though it gives one some trouble, too. All this we are at liberty to do, but how many know we are at liberty to do it? Do the majority not *believe* in *themselves* as in complete *fully-developed facts*? Have the great philosophers not put their seal on this prejudice with the doctrine of the unchangeability of character?
> (*Daybreak*, 560, Pg. 225)

The above passage is both problematic and helpful for my (comparative) project – it is helpful in that it is an organic metaphor for the development and cultivation of the individual; it is problematic in that Nietzsche seems to be claiming that there are a variety of ways we can shape our (pliable) character. If I am correct that Nietzsche and Hegel are philosophical allies[39] I will need to demonstrate that the sentiment expressed in *Daybreak* 560 conforms, on closer reading, to Hegel's idea of 'development' or 'becoming'.

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[39] Although, I do want to stress that there are large gulfs separating them on a variety of issues.

The first point to raise concerns the word 'character' – where this might easily be read as synonymous with 'nature' or 'essence' I think it would be inaccurate to do so. An alternative and plausible interpretation that would certainly harmonize with a Hegelian 'tone' *might* run something like: 'one's character is an *expression* of one's essence' – while this serves my purposes nicely is it contrary to Nietzsche's meaning? I would (and will) argue that this isn't the case. If we are to take the 'cultivated garden' metaphor seriously then we have to assume that the seeds have a fixed nature – while the form of the garden is variable, one might argue that the materials within it (rosebushes, rhododendrons, sunflowers &c) are fixed. *But* while these items are fixed, the things we can do with these items is infinitely (or near infinitely) variable. Just as we can have a rosebush and develop that in a variety of ways (a skilled gardener would be able to prune the rosebush in such a way that produces a beautiful flower, an unskilled gardener could take the exact same rosebush and prune it in such a way that would produce something defective to the point of hideousness), so too can our drives be 'worked on' and our characters developed. What we can do with a given set of materials is remarkable – and remarkably variable. One rosebush can be developed in a variety of ways. Our 'seed' is not quite 'raw potentiality' (it'll never grow into an oak tree), but neither is the outcome *completely* independent of the gardener. That one can garden in a good, or a bad, taste might further suggest a stronger alliance between Nietzsche and Hegel that few have observed[40] - we must exhibit a level of self-consciousness to cultivate ourselves masterfully (like the skilled gardener). We have to know *how* to cultivate *ourselves*, that is, to act directedly, we must know what we are, what is within our capacities to do, and what *could be* within our capacities to do were we to develop ourselves in a certain way – we should not accept a pre-fabricated, 'one size fits all', trellis/ethical structure, instead we must take responsibility for our own selves, not pass the responsibility off to either a) an unalterable code of conduct (doing *A only* because the book (priest, parent, cult leader) to which you have transferred authority to tells you to *A*) , or b) an un-chosen and unalterable character. Such responsibility is existentially

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[40] This is not to say that the Philosophical relatedness between Hegel and Nietzsche has gone completely un-noticed (see, for example, Stephen Houlgate's *Hegel, Nietzsche and the Criticism of Metaphysics* (Houlgate, 1986), Will Dudley's *Hegel, Nietzsche and Philosophy* (Dudley, 2002), and Elliot Jurist's *Beyond Hegel and Nietzsche* (Jurist, 2000)) – only that the focus has been rather different.

burdensome[41] and, perhaps, not everybody can attain (is not *strong* enough to attain) the level of self-awareness/self-determination that would be required for one to be called a fully *autonomous* (übermensch?) agent (on Nietzsche's criterion anyhow). It is important to note, however, that we now cohere with a Spinozist/Hegelian characterization of 'freedom' to *degree,* that is, as differentially realizable*:* "in real life it is only a matter of *strong* and *weak* wills" (*BGE*, §21, Pg. 21).

While this interpretation seems to fit with the text (of *D* §560) it could be argued that I am overly reliant on this passage. Nietzsche is, after all, a complicated writer and different passages may challenge understanding his whole idea of an agent's 'becoming' in the sole, and therefore dim, light of one passage in a middle work. While certain attitudes Nietzsche holds develop significantly throughout his writings, I do not believe that this is one of them. One could look forward to his later work *On the Genealogy of Morality* where Nietzsche develops a whole work based on character *types* (in the literal sense) in which he, (in)famously states the following:

> […] There is nothing strange about the fact that lambs bear a grudge towards large: but that is no reason to blame the large birds of prey for carrying off the little lambs. […] It is just as absurd to ask strength *not* to express itself as strength, *not* to be a desire to overthrow, crush, become master, to be a thirst for enemies, resistance and triumphs, as it is to ask weakness to express itself as strength.
> (*On the Genealogy of Morality*, I.13, Pgs. 25-26)

The idea, in general terms, fits nicely with what we have discussed in chapter two – there is a fixed essence that expresses itself as such. And as well as looking forward to establishing from where our 'depth commitments' could arise, such a though also brings us back to our discussion of strong and weak wills, and, ultimately, an account of the sovereign individual.

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[41] McDowell offers an excellent discussion on this theme in *Autonomy and Its Burdens* (McDowell, 2012).

The King of the Passions

> […] having freed itself from the morality of custom, an autonomous, supra-ethical individual (because 'autonomous' and 'ethical' are mutually exclusive), in short, we find a man with his own, independent, enduring will, whose *prerogative it is to promise* – and in him a proud consciousness quivering in every muscle of *what* he has finally achieved and incorporated, an actual awareness of power and freedom, a feeling that man in general has reached completion. […] The proud knowledge of the extraordinary privilege of *responsibility*, the consciousness of this rare freedom and power over himself and his destiny, has penetrated him to his lowest depths and become an instinct […].
> (*GM*. II.2, Pg. 37)

The sovereign individual is one who is strong-willed enough to be free and, in recognising herself as such, that is, in recognising her own nature, she determines her future by determining how this is to be expressed. The sovereign individual is one who is gripped by her depth commitments and binds herself to them. She has the will to make promises, and is strong willed enough to keep these promises. In determining what 'depth commitment' is 'hers', she removes the 'social straightjacket' or morality (a depth commitment, as we have discussed, that is forced upon one). The sovereign individual, thus, keeps her *own* promises. Given that I keep my own promises, and, given that you – and most people - are, to some degree, a competent 'promise-keeper', does this mean that we are *all* sovereign individuals? Given Nietzsche's (albeit, arguable[42]) elitism this would be a surprising conclusion. It would also be an incorrect assessment of Nietzsche's claim. To understand exactly what Nietzsche's claim is, we have to examine exactly what Nietzsche means by 'promise making'.

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[42] See *Nietzsche's Philosophy of Religion* (Young, 2006) and *Nietzsche's Conscience* (Ridley, 1997) for more on this view.

In its minimal sense, a promise is a statement of intention. If I promise to meet you for a game of chess, I must intend to do so, or I am not making a promise at all. Ridley (Gemes and May (eds), 2009) points out two thoughts that might follow:

> […] when the intention is in fact executed, the intention is responsible for the execution. And this isn't wrong. But it encourages another thought too: that the intention (perhaps construed as a discrete mental item of some sort) *causes* the action that constitutes its execution. And this thought *is* wrong – or so Nietzsche suggests. (Gemes and May (eds), 2009: 183)

To draw out *why* this (prima facie plausible) conception of intentions being related to actions is wrong, Nietzsche reverts back to his previous claim that there is no 'being' behind 'doing', no 'doer' behind the 'deed'. This is to say, rather, to repeat, pace Spinoza (contra Descartes), that there is no separate 'self' that resides above causation. This really distils into the idea that what one intends and what one does really have to cohere and amount to the same thing. If I intend to stop smoking, and I know that to stop smoking I have to use some sort of 'nicotine therapy' (gum, patches, 'e-cigarettes'), then I must use nicotine therapy – otherwise I cannot really be said to be serious when I say 'I promise to stop smoking'. It would be a confused, at best 'akratic', person who said 'I know I have to chew nicotine gum to stop smoking, and I want to stop smoking, but I don't want to chew nicotine gum'. If one wills the end, one must will the means[43]. Does this mean that if, to return to my earlier example, I don't show up to play you at chess, I never really intended to in the first place? Such a consequence would be wildly implausible – if, on my way to playing you at chess, I were hit by a car, or if I were needed urgently by a dear friend, or if I received some terrible news (and so on), it would be unfair of you, my chess partner, to say, angrily, 'well, you must never really have intended to show up and play chess with me'. So, any account of intentions and their relation to action has to include some *ceteris paribus* clause to be considered plausible. An agent expresses intention iff, *ceteris paribus*, the agent attains the end stated in the intention. Does this mean that the sovereign individual is one who is extremely frugal with his promise-making? No: promising only what one can easily do (promises of the sort 'I promise to inhale after my next exhalation') would betray a weak will – and such a character type would not be befitting a sovereign

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[43] For more on this see *Intention* (Anscombe, 1957)

will as Nietzsche conceives it (viz., as strong-willed). The sovereign individual could equally, perhaps, just plain refuse to promise *anything,* but again, such a position would only be adopted by the weak (who, presumably, are too cowardly to commit to anything). The sovereign individual, qua 'strong-will', must be able to promise something only a strong will could promise – strength is as strength does, after all. The strong-willed sovereign individual promises their future. The sovereign individual *promises*, *despite* contingency, *despite* chaos. She does this in virtue of a commitment to *taking* things as equal, despite the state of affairs suggesting that they are not:

> […] but because he is committed to take them as equal – to treat them as equal – whether or not they actually are. He knows himself, as Nietzsche puts it, to be 'strong enough to maintain [his promise] in the face of accidents, even "in the face of fate"' (*GM* II2)
> (Gemes and May (eds), 2009: 186)

The sovereign individual doesn't need to have confidence in the regularity of the world, for he has confidence in himself. Despite what the world 'does', the sovereign individual will Φ – where Φ is some person or some thing that the sovereign individual commits himself to (to quote Pippin) 'as if your life depended on it'. Only the strong can make such a commitment, as only the strong are capable of sticking to them. The weak – which we can see now, must include the 'fickle' nihilist - will abandon such commitments at the first sign of resistance (internal or external). Our (what Nietzsche terms 'modern') conception of freedom is freedom *from* such commitments. It is the capacity to relinquish oneself from one's bonds. It is the freedom of those who *can't* keep promises, so are 'no saying' to promise-making. It is the freedom of the weak; and it is not really freedom. This is contrary to the freedom the sovereign individual enjoys: "*his* freedom must be realized in – indeed be expressed in – his adherence to his commitments, in seeing them through *no matter what*.

Such an account conforms to Hegel's account of freedom (as I have outlined it in the previous chapter). Freedom for Hegel cannot be freedom from restrictions and bonds, the will cannot be only identified with the current set of desires and whims. Instead, if we are to be fully free agents, we have to realise that our bonds and restrictions become – when internally determined – self-imposed obligations and 'promises', as such they

become constitutive of freedom – not a threat to it. And indeed, Nietzsche also takes a similar line to Hegel on doers and deeds, intention, promise-making, and actions generally. Pippin sums up Hegel's position clearly:

> It is not that actions are unique by being explicable in reference to unique mental causes (beliefs and desires, intentions), but the true determination of intention can only be retrospective, as if there is no way to identify an intention as prior cause. The "actual" intention is "in" the deed, and in some cases this means that we cannot fully know what we intended to do (what we were truly committed to doing) until after we act.
> (Pippin, 2008:26)

Ridley, discussing Nietzsche, mirrors (in remarkably similar language) the very same thought:

> The point then was to steer off the thought that intending and acting might be radically separable from one another, so that, for instance, the former might be said to cause the latter. But the point can be extended. For it is not true, merely, that one can find out that one's sincere statement of intent was mistaken – when, for instance, one fails to act upon it although one could have done, and where other things were equal. It is also true that, in acting upon it, one can discover what the real or full nature of one's intention is.
> (Gemes and May (eds), 2009: 187)

We now have a brief sketch of what the sovereign individual is and what such an agent's constitution would be. We also now have a point of explicit convergence between Hegel and Nietzsche – an agent is one who is able to bind herself in such a way as to resist and overcome the flow and ebb of whim and fancy. The sovereign individual is not fickle – but overflowing with resolve. This is something the nihilist simply cannot achieve for nihilism is, on Nietzsche's account, weak-willed.

In what follows, I aim to outline a position in contemporary ethics which has been labelled 'constitutivism'. I then hope to tie both Hegel and Nietzsche to this position by giving

good reasons to believe that they are 'constitutivists' (by drawing on the arguments of previous chapters), thus showing how Hegel and Nietzsche are 'in sync'. I will then make explicit the difference between the constitutivist positions adopted by Hegel and Nietzsche and state which one we ought to prefer.

Chapter Three: Constitutivism[44]

Introduction

This chapter draws on debates within contemporary moral philosophy surrounding the arguments for (and, to a lesser degree, against) 'Constitutivism'. I will begin this section by stating what problems this position hopes to address and overcome. Then I will go on to outline what this position is and look at one[45] particularly popular (and particularly attractive) argument about what specific feature of action we should consider to be constitutive of action generally – viz. Christine Korsgaard's claim that 'self-constitution' (which I take to mean something like 'moral autonomy') is the constitutive feature of action. This exegesis of Korsgaard's view will serve two functions, first it will show how the constitutivist theory functions qua ethical model – To use an analogy, after I have explained the rules of the game, we will see an instance of it being played. The second function this exegesis will play is to show what challenges the constitutivist has to meet for their substantive (that is, content-based, not formal considerations) view to be successful. Ultimately, I hope to show that while the Korsgaardian view might not work, it does not fail in virtue of being a constitutivist view, I will argue that there are other candidates for what can be considered constitutive of action that might not fail in the same way Korsgaard's view fails. So, while I think Korsgaard's view, and the constitutivist views of others (e.g. Velleman's view), all fail, I believe the constitutivist project is itself promising. The burden will fall on me to show this.

For the most part this chapter tracks Katsafanas's discussion of constitutivism in his work *Agency and the Foundation for Ethics*, however, I do disagree with some significant aspects of

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[44] I would like to thank Jonathan Way and Alex Gregory for taking a considerable amount of time to carefully read through previous drafts of this chapter and providing extremely helpful comments which has enabled me to formulate, crystalize, and clarify some of the more 'unclear' thoughts contained here.

[45] There are many such contenders to the claim that 'x' is the constitutive feature of any action (where 'x' is some success condition or other). The other major argument is given by David Velleman in which he argues that 'self-knowledge' (see Velleman, 200) is the constitutive feature of action. I don't think this is particularly plausible in light of recent objections (see, for example, Paul Katsafanas's *Agency and the Foundations of Ethics* (Katsafanas, 2013) so I'll not include a discussion of it here.

Katsafanas's argument in relation to both a) his discussion of Aristotle (to be discussed below) and b) his discussion of the 'Will to Power' and his version of 'Nietzschean Constitutivism' (which will not be discussed explicitly in chapter six).

In the immediately proceeding chapters I aim to show that both Hegel and Nietzsche are constitutivists and that we have reason to prefer one version of constitutivism (specifically, Hegel's) to the other.

Problems with the 'Traditional' Normative Accounts

According to Katsafanas, in his work *Agency and the Foundation for Ethics: Nietzschean Constitutivism* (Katsafanas, 2013) (henceforth, *AFE*), an ethical theory has to meet three challenges if it is to be considered complete. These challenges can be characterized thus:

1. The epistemological challenge, or, the 'confidence' requirement – a theory should provide us with reasons to have confidence in our moral beliefs, despite 'disagreements' in evaluations. Further, culturally and historically differing modes of moral evaluation must be accepted as distinct, not *all* modes can simply be 'continuations' and developments on earlier systems. This 'distinctness' and, ultimately, disagreement, must be accounted for and we must be able to show *why* we should privilege one model over another.
2. The metaphysical challenge, or, the 'no ghosts' requirement – a theory should not rely on inaccessible, mysterious, bodies to provide the authority for our moral beliefs. An account should be 'complete'. Claims about the nature of 'things' (including 'agents') should be, in principle, subject (or '*subjectable*') to evaluation and shown to be metaphysically 'robust'. We cannot have any 'unaccounted for' properties.
3. The practical challenge, or, the 'motivating' requirement – a theory should provide an agent with motivation to act. You should be provided not only with an account of what you 'ought' to do, but an account of why knowing what you ought to do will give you with a reason for acting in such a way.

Katsafanas argues that Kantian theories - while being able to provide a plausible account of the 'epistemological' and the 'practical' challenges - cannot provide an account, or, at

most, provides a highly problematic account, of the metaphysical underpinnings of his moral theory (and he offers an Hegelian critique of this, similar to the critique I offer in chapter one), and thus fails to meet the 'no ghosts' requirement. Further, Katsafanas argues that Aristotelian accounts *may* (depending on which version of Aristotelianism one holds) be metaphysically dubious. But, more damagingly, Aristotelians definitely do not provide an answer to the practical challenge.[4647] I am not sure that this charge, against Aristotle (and Aristotelians), is entirely fair. Further, I think it's not fair in a way that ignores certain features of the Aristotelian account that could be helpful for the constitutivist account. By drawing out these features, I think we will be in a better position – ultimately – to answer some of the criticisms raised against constitutivism.

In Defence of Aristotle

Katsafanas's argument begins with a simple outline of the Aristotelian position about the norm generating capacity of facts about things:

> For any type with a function, we can evaluate particular tokens of that type with respect to whether they have the properties required to fulfil the function. A good knife is one that has the properties necessary for cutting; a bad knife is one that lacks some or all of the properties. The same goes for parts of living creatures: a heart is defective if it lacks the properties required for circulating the blood in the requisite way.
> (Katsafanas,2013: 30)

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[46] Katsafanas actually argues for the deficiency, or incompleteness, of four ethical theories: Non-reductive realism, Aristotelianism, Humeanism and Kantianism. Only Kant and Aristotle are interesting for my project so I will restrict my discussion to these theories alone. I will assume Katsafanas's arguments against the other two positions are legitimate

[47] Korsgaard, in her work *Self-Constitution: Agency, Identity, and Integrity* (Korsgaard, 2009), might argue that Aristotelian accounts and Kantian accounts aren't necessarily distinct, and they certainly don't *need* to be treated as if they were distinct. I disagree with Korsgaard regarding the distinctness of the Kantian/Aristotelian accounts, but this is not relevant here.

Aristotle and others claim such a method of evaluation can be just as easily applied to mundane objects, like chairs, kettles, ovens, clocks &c., as it can to agents. The success conditions of, to use the example offered by Katsafanas, a knife can be established by its function, viz. 'cutting'. A good knife is one that cuts well; a bad knife is one that does not cut well. A good agent is one who functions well, qua agent, and a bad one is one who does not attain the relevant required standard. We can, according to Aristotle, ascertain what standard to hold a thing to by looking at what unique function it performs. Persons, Aristotle argues, have the unique function of engaging in rational activity:

> Now if the function of man is an activity of soul which follows or implies a rational principle, and if we say 'a so-and-so' and 'a good so-and-so' have a function which is the same in kind […] human good turns out to be activity of soul exhibiting excellence […].
> (*Nicomachean Ethics*, Bk. I.7, 1098a15)

This seems to hold against the confidence requirement in that our moral facts are given authority in virtue of our capacity to assess a thing's excellence in relation to a defined function – we do not rely on the moral sensitivities of an agent, or the cultural 'fashions' of a society, to offer us an authoritative foundation. Further, Aristotle is able to satisfy the 'no ghosts' requirement – moral facts can be accounted for in a naturalistic fashion. Normative 'facts' are derived from functional objects, not supernatural entities. Thus, to use Rosalind Hursthouse's overview: "Virtue ethics […] [is the] enterprise of basing ethics in some way on considerations of human nature, on what is involved in being good *qua* human being […]." (Hursthouse, 1999:192.) This leads us to the practical challenge, which Katsafanas argues is problematic:

> Suppose I accept that human beings have a function, or that "human being" is a normative kind. Why should this matter to me? Why should I care whether I am a defective instance of my kind?
> (Katsafanas,2013: 31)

Why indeed? This is a version of Brink's Amoralist challenge (Brink, 1986) – this challenge is a challenge most ethical theories have difficulty answering, however most frequently it is raised by opponents of the Aristotelian tradition, the Aristotelian account being

perceived as the most vulnerable to this family of criticisms. The charge, simply put by Katsafanas, is clear: 'agent centred' virtue ethics (which I shall take to be synonymous with Aristotelianism when broadly conceived) is unable to give an account of why we should aim to be the sort of thing Aristotle claims we ought to be. We can, perhaps, accept a complete list of actions-to-do in any given situation, in order to be a virtuous person – but why be a virtuous person[48]? But the term 'put simply' betrays an oversimplification predicated on a misunderstanding of a very sophisticated and subtle model of normative ethics. Aristotle's '*ergon*' (function) argument is far from being exhaustive. Indeed, Aristotle will go on to argue that a 'virtuous' character (that is, a character which displays the relevant excellences) is necessary for one to 'live well', or achieve *eudaimonia*. Some may argue, 'well, why care about achieving eudaimonia?' – but I think this is to miss the role Aristotle's *eudaimonia* is playing; it could be at least plausible to suggest that eudaimonia is a goal at which all actions aim. And indeed, Aristotle does claim this: "[…] the good has rightly been declared to be that at which all things aim." (*Nicomachean Ethics*, Bk I.1, 1094a19). And again here:

> If, then, there is some end of the things we do, which we desire for its own sake (everything else being desired for the sake of this), and if we do not choose everything for the sake of something else (for at that rate the process would go on to infinity, so that our desire would be empty and vain), clearly this must be the good and the chief good.
> (*Nicomachean Ethics*, BkI.2, 1904a19)

Then finally, to fill in the gap:

> Now we call that which is in itself worthy of pursuit more complete than that which is worthy of pursuit for the sake of something else, and that which is never desirable for the sake of something else more final than the things that are desirable both in

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[48] Katsafanas's argument against Aristotle (that one has no reason to aim at being the 'best token of one's type'), is remarkably similar to his argument against Korsgaard's version of constitutivism (to be discussed below), indeed, I see no difference. So if Katsafanas is prepared to accept Korsgaard as a constitutivist, it is not obvious that he can hold *these* grounds against accepting Aristotle as a constitutivist. This point will become important later on in the discussion.

> themselves and for the sake of that other thing, and therefore we call final without qualification that which is always desirable in itself and never for the sake of something else.
>
> Now such a thing happiness [*eudaimonia*], above all else, is held to be; for this we choose always for itself and never for the sake of something else. […] Happiness, then, is something self-sufficient, and is the end of action.
>
> (*Nicomachean Ethics*, BkI.7 1097a30 – 1098b21)

So, to answer Katsafanas's criticism – it is almost irrelevant if one cares about attaining eudaimonia, eudaimonia simply is the end to which all actions aim. However, although Aristotle doesn't *need* to claim that one necessarily care about achieving eudaimonia, Aristotle – for reasons of developing a conception of motivation - *can* claim that one does, in fact, care about eudaimonia. If eudaimonia is the final end at which all other actions aim – and assuming agents care *something* for their goals and projects (and the means taken to see the success of the goals and projects) - agents would care if they are 'defective' because they cannot escape caring about one's eudaimonia. It could be argued, along constitutivist lines (to be outlined shortly), that if one is not aiming to achieve eudaimonia, which is brought about by 'acting in accordance with virtue' – one is not an agent *at all*.

Aristotle categorises the various forms of life in *De Anima* (indeed, this is a recurring feature of several works, most notably including *De Partibus Animalium* and the *Parva Naturalia* generally) along the principle of necessary and sufficient conditions, each 'mode of being' ('soul') on the 'hierarchy' contains all the properties of the preceding stage. What is necessary for man is that he is able to feed, move, and grow (the necessary and sufficient criterion for a thing to be classed as an instance of vegetation), experience sensation (when combined with feeding, movement and growth this constitutes the necessary and sufficient condition to be classified as an instance of animal). However, nutrition, growth and sensory experiences do not make a person – for this we need 'reason'. Aristotle summarizes this argument in the *Nicomachean Ethics*:

> Life seems to belong even to plants, but we are seeking what is peculiar to man. Let us exclude, therefore, the life of nutrition and growth. Next there would be a life of perception, but *it* also seems to be shared even by the horse, the ox, and every animal. There remains, then, an active life of the element that has a rational principle; of this,

> one part has such a principle in the sense of being obedient to one, the other in the sense of possessing one and exercising thought. And, as 'life of the rational element' also has two meanings, we must state that life in the sense of activity is what we mean; for this seems to be the more proper sense of the term.
> (*Nicomachean Ethics*, Bk. I.7, 1098a15)

If a 'soul' hasn't reason, it isn't a person. That is to say, possessing reason is a constitutive element of being human. Using our reason, Aristotle could claim, is a constitutive element of what we are as human agents. If we are not 'reasoning'[49] or 'acting in accordance with some organising, rational principle' we are not agents. So, Katsafanas's charge that one has no reason to care if one is a 'defective instance of one's kind' is a non-starter: if 'defective' is taken to mean something like:

> Defective: 'a defective instance [of agent] is one who is unable to act in accordance with a rational principle'

then defective 'people' are not people (for Aristotle) – which is clearly a nonsense. If, however, 'defective' is taken to mean something like:

> Defective*: 'a defective instance [of agent] always *aims* to act in accordance with a rational principle, but attains this goal to varying (sometimes negligible) degrees'

then this is a non-starter as a criticism from Katsafanas of Aristotle's position (on both defective and non-defective agents) as it seems to cohere *completely* with Katsafanas's outline of constitutivism - compare defective* with Katsafanas's own outline of a 'constitutive aim':

> (Constitutive Aim) Let A be a type of attitude or event. Let G be a goal. A constitutively aims at G iff
> (i) each token of A aims at G, and

[49] 'Reasoning' takes on a technical meaning in Aristotle, a discussion of which will not be embarked upon here.

(ii) aiming at G is part of what constitutes an attitude or event as a token of A.
(Katsafanas, 2013: 39)

If Aristotle would hold defective* then it follows that he would accept both (i) and (ii) – where, then, lies the disagreement? I'm sure Katsafanas is *not* disagreeing with himself.

Thus, the dispute between Katsafanas (at this stage of his argument) and the virtue ethic 'position'[50] is illusory, or at least, dissolvable, and it is unclear *why* Katsafanas would want to alienate such a, potentially powerful (useful), set of arguments and allies.

While Katsafanas provides a very insightful analysis of why Non-reductive realism, Humeanism and Kantianism do not satisfy the conditions necessary to be a *fully* functioning ethical theory, I think I have shown that he fails to show that Aristotelian accounts are also to be discounted. However, I believe only that I have shown this to be the case in virtue (if you'll pardon the pun) of the fact that Aristotle is more closely aligned with Katsafanas's position than he considered. The next section will outline clearly just what this position is.

The Constitutivist Project

The constitutivist believes that she can satisfy all three requirements (outlined above) by making a plea to the norm-generating nature of agency itself. This section aims to evaluate the legitimacy of this plea, and in so doing I hope to show that such a plea is not only defensible, but also desirable.

The basic claim of constitutivism is that moral norms apply to us purely in virtue of the fact that we are agents, which is to claim that normative facts can be derived from facts about the nature of agency itself. When we ask the constitutivist *how* it is that the nature of agency can generate norms (how does knowing anything about what an agent *is* help us to decide whether or not abortion is morally permissible?), the constitutivist will offer a success condition and claim that *all* actions have this 'constitutive feature' (hence the

[50] I do not mean to suggest that virtue ethicists all converge in opinion. I just mean to say that there is a 'family resemblance' in terms of the overall project embarked upon.

theories name) of aiming at this success condition – if an agent is not aiming to satisfy this success condition, then agent is not acting qua agent – that is, the agent is not acting, which is to claim that there is no agent. Given that there is always *some* agent, and we'll see why in the next section, the constitutivist is claiming that all persons aim to satisfy this success condition, and that this aim is inescapable. Further, if norms are to be derived from the nature of agency, then these norms, too, are inescapable. Perhaps an example will make this thought clearer. Typically, constitutivists use examples from games. Katsafanas expresses the constitutivist position clearly using a chess analogy:

> Insofar as you play chess, you must aim at checkmating your opponent (or at least attaining a draw). If you lack this aim – if you are simply moving pieces about on the board in accordance with the rules of chess, but are not aiming to checkmate your opponent – then you are not playing chess. It follows that the aim of checkmate is present in all episodes of chess playing. If you do not have this aim, you are not playing chess.
> (*Constitutivism* (draft), 2014)

Katsafanas goes on to state that 'checkmating your opponent's king' (or forcing a resignation/draw) need not be the sole aim of a game of chess – controversially, one might even want to have fun while playing the game – but the point is that having fun, wanting to practice a certain pawn structure, wanting to practice castling one's king (&c.) are not 'constitutive features' of a game of chess. We can relinquish any one (or even all) of these features and still play a game of chess, the constitutive feature of chess is the thing we cannot relinquish without ceasing to play the game altogether.

The chess analogy does two things. Firstly, it gives us a criterion for trying to establish what a 'constitutive feature' might be. If we want to know which features are constitutive of action, it may be a possible strategy to subtract those things from action that are not necessary and we see what we are left with. Those things (or even, 'thing') we are left with could have a special status in that they are 'norm generating' (to see what kind of norms it is possible to generate, we will have to specify what our success condition is – I will do this in the following two chapters). A constitutive aim occurs when each token of action aims at a certain goal, and aiming at this goal is what constitutes this event as a token of action. Secondly, it gives us an overview and working definition of 'actions', as such, which

includes a 'success condition' by which we can ascertain the 'goodness' of an action. Again, to quote Katsafanas:

> (Success) If X aims at G, then G is a standard of success for X, such that G generates normative reasons for action.
> (Katsafanas, 2013*:* 39)

To revert to our chess example, if a chess player is aiming at checkmate (or a resignation, or, &c.) (and they all, inescapably, are), then we are able to evaluate a chess player in relation to how good they are at achieving checkmate. A good chess player is one who is good at achieving checkmate, a bad chess player is one who is not good at achieving checkmate. Further, a good chess move would be one that brings the chess player closer to achieving checkmate, a bad chess move one that does not bring you closer to achieving checkmate (even worse if it aides your opponent in her endeavour to force checkmate upon you). A good chess player is one who is sensitive to which moves will help bring about checkmate and which moves will sow the seeds of doom. Further, the aim of achieving checkmate provides you with *reasons* to move certain pieces: if castling your king helps bring about checkmate, then castling your king is something you have a reason to do.

This analogy provides us with a very simple overview of how normative demands/proscriptions can be generated from constitutive aims. Two problems now face the constitutivist that must be answered: First, can the constitutivist show that action itself does indeed have a constitutive aim, that this constitutive aim is inescapable and binds all agents, in virtue of the nature of agency, each time they act? And second, what would this 'constitutive aim' be?

Whereas the first question benefits from consensus within the constitutivist 'family' (obviously, non constitutivists disagree), that is, all constitutivists agree on the answer (indeed, this answer is constitutive of constitutivism), the answer to the second question is hotly disputed amongst constitutivists. I shall look at the answer to the non-controversial (within the 'family dispute' scheme) question by providing an outline of an answer to the second question in light of one particularly strong 'version' of constitutivism, namely, that form of constitutivism developed by Christine Korsgaard.

Self-Constitution?

While games (like chess) are almost defined by their constitutive aim, it is certainly far from clear that action *as such* seeks to attain some single aim. Why assume that my eating porridge with fruit, playing chess, meeting a friend for coffee, doing the dishes, walking the (ever-popular) dog, have any common property *at all*, never mind a property of the sort sufficient to generate norms?

Korsgaard aims to answer this problem, in the way usually adopted by constitutivists, with an analysis of the nature of action. The discussion offered by Korsgaard (Korsgaard, 2009) centres around Aristotelian accounts of action (which she goes on to argue are actually the same as Kantian accounts of action), and the conclusion of which is summarised by Korsgaard thus:

> A good action is one that embodies the *orthos logos* or right principle – it is done at the right time, in the right way, to the right object, and – importantly for my purposes – with the right aim […]. The key to understanding Aristotle's view is that the *aim* is included in the description of the action, and that it is the action as a whole, *including the aim*, that the agent chooses.
> (*Self-Constitution: Agency, Identity, and Integrity*, Pg. 10)

The most important feature, for Korsgaard, seems to be that for an action to count as an instance of 'action', the agent must be conscious of 'the whole'. An action, for Korsgaard, takes on a technical meaning, specifically an action is something that: "involves both an *act* and an *end*, an act done for the sake of that end" (Korsgaard, 2009: 11). To use an example, 'running' is an act that, in my case, aims at the end of 'improved cardiovascular fitness' – so 'running to improve my cardiovascular fitness' is the action. This has the initial, and important, consequence of drawing a distinction between 'acts' and 'actions' (or 'events' and 'actions'). I prefer to use 'behaviour' and 'actions' to denote the same distinction and I think this is (at least) slightly less confusing, so these are the labels I will be using henceforth. Given the above, that not all instances of human movement are actions, doesn't the constitutivist claim lose its force? One may not be surprised to learn that I do not think this is the case. And I think I can make this claim plausible by utilising an

argument found in Spinoza – specifically, I can claim that there is a difference between 'acting' and 'being acted on', Spinoza argued that we can significantly reduce the force of the latter by becoming aware of substance's nature (discussed in his *Ethics*). I believe I can adopt this argument by framing it in the following way… 'Person' (or becoming a person) is the constitutive end of action and 'personing'[51] is the means to this end. A good person is one who does a lot of successful 'personing'; a bad person is one who does little 'personing', or 'persons' badly. Put in a less strange way, a good person is one who engages in 'actions', a bad person is one who simply 'behaves'. The difference, *ala* Spinoza, is one of activity and passivity (see Ch.1), or, to return to the initial thought, of 'acting' and being 'acted on':

> To regard some movement of my mind or my body as *my action*, I must see it as an expression of my self as a whole, rather than as a product of some force that is at work *on* me or *in* me. Movements that result from forces working *on* me or *in* me constitute things that happen to me. To call a movement a twitch, or a slip, is at once to deny that it is an action and to assign it to some part of you that is less than whole.
> (*Self-Constitution: Agency, Identity, and Integrity*, Pg. 18)

The claim is now explicit – (self-constituted) agency is the constitutive element of action. But wouldn't this suggest a curious circularity? If all actions, as Korsgaard suggests, necessarily aim at self-constitution (that is, making one a 'unified whole' is the constitutive aim of action), and to 'action' one needs to be a unified whole, how can a unified whole exist *prior* to action, where action is required to unify the whole in the first place? Korsgaard dissolves this tension by denying, *ala* Nietzsche *and* Hegel, that there is some 'doer' behind the 'deed', no 'actor' separable from the 'action': "[…] in the relevant sense there is no *you* prior to your choices and actions, because your identity is in a quite literal way *constituted* by your choices and actions." (Korsgaard, 2009: 19). Summing up Korsgaard's position David Enoch provides a useful outline:

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[51] 'Personing' is, at best, a wooly term – I hope to make clear what I mean by this in the next two chapters. I hope it will suffice for the present to simply say that being a 'person' is a goal, 'personing' is any action that helps, or achieves, the attainment of that goal.

> Action […] is self-constitution. That your action (partly) constitutes yourself, or perhaps that in your action *you* constitute yourself, is constitutive of what an action is. From this (1.3.4) an important result follows: "Action is self-constitution. And accordingly… what makes actions good or bad is how well they constitute you." Korsgaard believes that the whole of morality – and, indeed, the whole of practical rationality, and perhaps even rationality more generally – can be extracted from this insight.
> (Enoch, 2006)

And after providing outlines of other major constitutivist positions (Velleman's 'self-knowledge' position and Rosati's 'naturalist' position), Enoch goes on to raise a general concern with specific constitutivist theories, viz.:

> Even if the constitutivist strategy is broadly right, still Korsgaard has to show that self-constitution (in whatever sense she gives this expression) is indeed constitutive of action and furthermore that all the normativity she wants (morality, the hypothetical imperative, and so on) can be extracted from this aim of self-constitution.
> (Enoch, 2006)

But there is a bigger worry facing constitutivism generally: "Can such a theory do the job for which it was hired?" (Enoch, 2006.) Put simply, Enoch's concern is that constitutivism does *not* satisfy the three criteria (epistemological, metaphysical, and practical) outlined above. Indeed, Enoch claims that Korsgaard cannot satisfy the 'motivating requirement':

> […] assume that our sceptic is even convinced that – miraculously – morality and indeed the whole of practical rationality can be extracted from the aim of self-constitution. Do we have any reason to believe that he will care about the immorality or irrationality of his actions? Why isn't he entitled to respond along the following lines: "Classify my bodily movements and indeed me as you like. Perhaps I cannot be classified as an agent without aiming to constitute myself. But why should I be an agent? Perhaps I can't act without aiming at self-constitution, but why should I act? If your reasoning works, this just shows that I don't care about agency and action. I am perfectly happy being a shmagent – a non-agent who is very similar to

agents but who lacks the aim (constitutive of agency but not of shmagency) of self-constitution […]".
(Enoch, 2006)

There is a remarkable similarity here between Enoch's criticism of Korsgaard and Katsafanas's criticism of Aristotle – perhaps in virtue of both being a species of Brink's amoralist objection. And it is perhaps with some irony that we find the response to Enoch's 'Katsafanian' criticism of Korsgaard given by Katsafanas himself.

Agency Shmagency?

Enoch ends his paper with the bold claim that he is: "[…] now in a position to conclude, I think, that normativity cannot be grounded in what is constitutive of agency." (Enoch, 2006) Constitutivists, obviously, disagree, arguing that such a conclusion is not only premature, but predicated on a broad misunderstanding of the project generally. Katsafanas identifies two lines of criticism advanced by Enoch. The first is that Enoch claims the constitutivist is incorrect to argue that there is a reason for acting 'as such'. The second criticism, alluded to in the previous section, is that *even if* there were a constitutive aim present in all actions, wouldn't it be possible to escape the associated norms by participating in a 'slight variation' of the action? Both Katsafanas and Korsgaard have argued that Enoch's characterisation of the constitutivist position, in relation to the first claim, is false, rendering the resultant criticism irrelevant as it is a *non sequitur*. To show why this is true, Katsafanas draws a distinction between two sorts of ways in which constitutive aims can be conceived:

> There are two possibilities. One possibility is that the constitutive aim of a game is *originative* of reasons:
>
> (1) Constitutive Aims as Originative of Reasons: If you participate in an activity A, then the constitutive aim of A is reason-providing.
>
> Another possibility is that constitutive aims merely "transfer" normativity in the following sense:

(2) Constitutive Aims as Transferring Reasons: If you *have reason to* participate in A, then the constitutive aim of A is reason-providing.
(*AFE*, Pgs.48-49)

Enoch is taking the constitutivist to be arguing for position (2) (and claims that if they're not, they should be), but he may, indeed, *must*, be wrong to do so. Constitutivists are arguing for the stronger claim, viz. (1). This is important as (2) presupposes that there is an alternative to 'A-ing' – that A is norm generating *only* for the person who has reason to 'A', turns on the idea that a person might not have a reason to 'A', and it is this conception of constitutivism (which I ought to label 'shconstitutivism', if I am to get into the spirit of things) that Enoch is relying on to give force to his 'actions vs. shmactions' argument. But for constitutivists such a view is incoherent as 'A-ing' is inescapable, that is, there is no alternative to 'A' (or, 'actions' are inescapable, there is no such things as 'shmactions', or if there are, they are simply another form of 'action'). Deciding to 'not act' is itself a form of action, or:

> Human beings are *condemned* to choice and action. Maybe you think you can avoid it, by resolutely standing still, refusing to act, refusing to move. But it's no use, for that will be something you have chosen to do, and then you will have acted after all. Choosing not to act makes not acting a kind of action, makes it something that you do.
>
> This is not to say that you cannot fail to act. Of course you can. You can fall asleep at the wheel, you can faint dead away, you can be paralyzed with terror, you can be helpless with pain, or grief can turn you to stone. And then you will fail to act. But you can't *undertake* to be in those conditions – if you did, you'd be faking, and what's more, you'd be acting in a wonderfully double sense of that word. So as long as you're in charge, so long as nothing happens to derail you, you must act. You have no choice but to choose, and to act on your choice.
> (*Self-Constitution: Agency, Identity, and Integrity*, Pg. 1)

Just so for Katsafanas who adopts a similar argument then moves from this to conclude, contra Enoch, that:

> Constitutivists need not establish that there is a reason for action as such. There isn't – indeed, there cannot be – a reason for action as such, but the constitutive aim of action nonetheless generates reasons. The first objection to constitutivism therefore fails.
> (*AFE*, Pg. 53)

Such a move, regarding the inescapability of action, raises a further objection that the constitutivist is trying to derive 'ought' from 'is', or, as Enoch states the claim:

> The move from "You inescapably Φ" to "You should Φ" is no better – not even that tiniest little bit – than the move from "You actually Φ" to "You should Φ".
> (Enoch, 2011)

But again, this is to misrepresent the constitutivists' claim. The claim is not "you inescapably Φ", the claim is that "you inescapably *aim* to Φ". And the word 'aim' is doing a lot here, as it is *this* that provides the constitutivist with the [legitimate] grounds to make recourse to a success condition (discussed earlier), which must, have as its grounds the possibility of failure. Such a success condition can, and must, generate normative 'standards', through which we can judge which things to participate in (enact), and which to refrain from. By ignoring this, Enoch's argument completely loses its force. By working with a faulty description of constitutivism Enoch's criticisms are simply not relevant, that is to say, they simply do not start in the first place.

But why can't Enoch respond by saying something like: "sure, but how does this help? Surely the move from you inescapably aim to Φ is not better than – 'not even that tiniest little bit' – than the move from 'you actually aim to Φ' to 'you should aim to Φ"? The constitutivist aims to provide a naturalistic, descriptive, account of agency and the nature of action then moves to provide a model for evaluating each action in light of some success condition (derived from the descriptive account). Isn't this a blatant violation of the 'Is/Ought' fallacy? In many cases, such a move from description, e.g. 'matrimony for couples participating in a homosexual relationship changes the definition of marriage', to evaluation 'therefore, homosexual couples of the same sex should not be allowed to wed', is nothing short of (in this case, vindictive) nonsense. Is the constitutivist guilty of nonsense peddling? I don't think it is in any obvious way. Firstly, it is not clear that the

constitutivist is making any sort of value claim by describing aims. Consider the following (bad) argument:

1. Action aims at happiness
2. Therefore, happiness is valuable

The second position is, for the constitutivist, simply irrelevant – at most, coincidental. Happiness is the measure of success for an action, if it is also of value to the person then that's all well and good, but this does not matter for the constitutivist. That happiness, for the sake of argument, *is* pursued is all that is required for the constitutivist. The constitutivist need not, contra our modified 'Enochian' argument, make such a move that says you 'should aim to Φ' – indeed, such a move doesn't really make sense.

All, however, is not well for the constitutivist – if all actions aim at 'success', can the constitutivist give an account of why some actions are bad actions? The constitutivist has to have a further claim that good actions are those that attain, or come close to attaining (depending on one's version of constitutivism) the success condition to the maximum degree. Doesn't the 'Is/Ought' problem slip back in? Let's revisit our chess example. If moving our knight to c4 is conducive to my achieving checkmate (say, checkmate will be attained in four moves), then moving my knight to c4 is something I ought to do, *unless* moving my knight to b5 is even more conducive to my achieving checkmate (for example, if checkmate will be achieved in three moves). If it is the case that I aim to satisfy my success condition to the maximal degree, and Φ and **ψ** both attain success well, but Φ attains success to a higher degree than ψ, then Φ is something I should (that is, 'ought') to do. It seems two options are open to the constitutivist. Firstly, the constitutivist can deny that deriving 'is' from 'ought' is a fallacy in relation to hypothetical imperatives - isn't this simply the form of every goal directed behaviour? Secondly, it is far from *obvious* that deriving an 'ought' from an 'is' is *always* fallacious; arguments from disjunction ('either there is coffee on my table or I ought to give five pounds to Oxfam…') demonstrate the (logical) validity of deriving an 'ought' from an 'is' – however, it is less clear that substantial normative claims could be derived using such a method. More promisingly, Searle claims (Searle, 1964) that there are cases in which deriving 'ought' from 'is' is unproblematic, *and* that one can derive an 'ought' from an 'is' in a more compelling way than the disjunction case. He offers the following example as evidence:

1. Jones uttered the words "I hereby promise to pay you, Smith, five dollars."
2. Jones promised to pay Smith five dollars.
3. Jones placed himself under (undertook) an obligation to pay Smith five dollars.
4. Jones is under and obligation to pay Smith five dollars.
5. Jones ought to pay Smith five dollars.

(Searle, Pg. 44)

I think the cases Searle discusses share the same category as the constitutivist cases of deriving 'ought' from 'is'. Understanding the nature of what you are as an agent, and understanding your commitments really amounts to the same thing for constitutivist. "I hereby accept that I am an agent" will, if the constitutivist is correct, entail that you "hereby acknowledge that all my actions aim at (success)". 'Ought' isn't *derived* from, but is *contained* within, 'is'. Knowing what you are will *necessarily* place you under obligations and – *ceteris paribus* - direct your behaviour.

Constitutivism, therefore Korsgaard?

I believe I have shown that the constitutivist project is promising in that it is able to provide a good answer to our three requirements, and further that it is able to respond to objections well. This does not mean, of course, that I believe Korsgaard has given a plausible account of the constitutive feature of action, and indeed, I don't. This section will outline the reasons I believe Korsgaard's 'self-constitution' account does not provide us with a satisfying answer to the question 'what feature is constitutive of *all* (intentional) action'.

In the introduction to her work *The Constitution of Agency: Essays on Practical Reason and Moral Psychology* (henceforth *TCA*) Korsgaard notes the following about the overlap between the debate on 'free-will' and the debate on agency:

> Many of the problems that are now discussed under the rubric of "the philosophy of action" were once discussed under the rubric of "freedom of the will", and this is no accident. Agency is almost as mysterious as freedom of the will, and for the

> same reasons – with this important difference: that it is much harder for sceptics, even those with "scientific" pretensions, to deny that agency exists.
> (Korsgaard, 2011: 10,11)

This passage locates my first three chapters nicely into this debate. The prior discussion on free will in Hegel and Nietzsche naturally mutated into a discussion on what it was to be an agent – and there was a clear and determinate answer to this question for both thinkers. Further, I argued that both Hegel and Nietzsche argue for an extremely similar (if, indeed, not the same) conception of agency – structurally speaking, and that this conception of agency not only removed the difficulties associated with prior historical debates on the subject, but were also plausible and desirable ideas of agency we might want to hold *now*. Such discussions of agency are incompatible with Korsgaard's idea of agency, unfortunately (as I will argue), to Korsgaard's detriment. I think if we deny Korsgaard her first move, viz. if we deny that her account of agency is plausible, we have to deny her account of what constitutes action.

Where many critics have attacked Korsgaard for being vague about what 'self-constitution' means, such critics could not accuse Korsgaard of a lack of clarity when she discusses what she means by 'agent' and 'agency':

> In virtue of what, then, is a movement attributable to an agent? What can we say that an agent has determined her own movements, and so that those movements are actions? We want to say that a movement is attributable to an agent if the agent is its cause, but this may seem, at first blush, to be in tension with the belief that every event is caused by some other event. How can an agent determine her own movements, if her movements are determined by certain events, which in turn are determined by other events, and so on?
>
> Part of the answer is that there is surely a difference between a case in which the event most immediately determining your movements is, say, that you are pushed from behind, and a case in which the event most immediately determining your movements is a thought of your own. To take the most obvious case: most people do not feel that their freedom or power of self-determination is threatened by the possibility that their movements are determined by their own thoughts about what they ought to do. Rather, they feel that their freedom or power of self-determination

> is threatened by the possibility that this may *not* be the case. So perhaps we should claim that we are active to the extent that our movements are caused by our conceptions of what we ought to do.
> (Korsgaard, 2011:11)

What I find most concerning about Korsgaard's argument is not her cavalier attitude to terms like 'surely…' and 'they feel…'. Appeals to such terms open the arguments up to the sort of criticism raised by Hume and Spinoza: people can 'feel' all they want, but this does not conform with our evidence, or our 'reason'. A further argument has to be made as to why Hume and Spinoza are wrong. Instead, two claims are made which can be expressed, according to Katsafanas, thus:

(A) we need a distinction between action and mere behaviour.
(B) Actions are movements that are attributable to a unified agent, whereas mere behaviours are movements that are attributable only to some part of the agent. (Korsgaard, 2011: 88)

While Katsafanas claims, I believe correctly, that there is no concern with proposition (A), proposition (B) is highly controversial. Spinoza, might argue that no such 'event' could meet the criterion set out by (B), as all events are locatable – eventually – in 'God'; thus, *all* 'behaviours' are "movements that are attributable *only to some part of the agent*" (my italics). While we can vary the degree to which we are the 'active' participant of an event, Spinoza might argue that an 'action' is one that satisfies a certain 'threshold', we can never be the complete origin of an event. Hume might not even concede this much. Katsafanas argues that more contemporary participants in this debate (i.e. Donald Davidson) would also take issue with claim (B).

To defend (B), Korsgaard appeals to a theory of action derived from Plato and Kant. Self-conscious agents, Korsgaard argues, are endowed with an ability to put distance between themselves, and their desires (i.e. they are endowed with a faculty Hegel would label the 'Universal' element of the will), and offers a fairly standard exegesis of what this means: I feel a desire to Φ, before Φ-ing I suspend my feelings and take time to think about whether or not it is good to Φ, and therefore whether or not I should Φ. The point Korsgaard is

making here is that desire alone cannot provide an agent with a *reason* to act. Further, we are highlighting that there exists a space between 'desire' and 'reflection'.

Self-conscious agents are those who have both 'parts'. So far, so Kantian, and, (according to Korsgaard, citing passages from *The Republic* to support her reading), Platonic. The force of this argument is expressed well by Katsafanas:

> Thus Korsgaard maintains that Kant and Plato have the same picture of reflective agency: both philosophers agree that self-conscious agents experience a reflective distance from their desires, and in this sense have two or three parts of the soul: self-consciousness and desire for Kant; Reason, Appetite, and Spirit for Plato.
> (Korsgaard, 2011: 90)

While I might want to take issue with the dichotomy/trichotomy and the way they are characterised – I think Korsgaard's argument fails *even* granting this part of the discussion – a further worry emerges when we learn that Korsgaard wants to argue that agents are unified in relation to which principle Reason chooses to adopt as it's 'guiding' principle. Whereas all principles unify the agent to some degree, some principles better unify the agent than others. So, acting on the principle, 'I will do whatever I have the greatest appetite for at a given time' goes someway to unifying the agent (it expresses a relation between 'reflection' and 'desire' – although it is heavily weighted toward 'desire') – it does not unify the agent as much as 'I will do whatever is in my long-term interest' (which strikes more of a balanced 'ratio' between 'reflection' and 'desire'). Her understanding of 'unity' is one in which an agent exhibits what Katsafanas refers to as a "*diachronic stability*" (Katsafanas 2013, 93). This, Korsgaard argues, must mean that unity is making and keeping commitments – only by having a commitment can one have a genuine and stable end. Finally, Korsgaard is able to argue – alongside Kant - that all 'action' (or 'agenting') is based on the principle of the Categorical Imperative:

> So when you determine your own causality you must operate as a whole, as something over and above your parts, when you do so. And in order to do this, Kant believes, you must will your maxims as universal laws.
> (Korsgaard, 2009: 72)

Katsafanas summarises Korsgaard's argument thus:

> […] if I choose some principle other than the CI then any diachronic stability that I seem to exhibit will be purely accidental; it could dissolve at any time. But, if this happens – if I choose a principle that potentially compromises my diachronic stability – then I am not really unified at all.
> (Katsafanas, 2013: 95-96)

Katsafanas will go on to argue that Korsgaard's account seems to allow that all actions are [morally] good actions. However, I think that Korsgaard's account becomes either trivial or false when she allows that *all* actions unify the agent to *a greater or lesser degree*. Either she is agreeing with Spinoza that all 'events' attain some measure so that they can be called the activity of the agent (Korsgaard is simply arguing that the degree to which an agent can achieve this is 100%, whereas Spinoza argues that an agent can never be the sufficient cause of an event), or perhaps Korsgaard is claiming that murderers are displaying *some* (but so little as to be 'defective') unity by enacting a – perhaps unknown – principle? At which point she seems to be committed to saying that what we would call a 'bad action' demonstrates little unity, a 'good action' one that demonstrates a strong unity. Korsgaard at this point might fall prey to a slight variant of the shmagency challenge – why should I care to attempt achieving a high level of unity? Korsgaard offers us no reasons to privilege one 'unifying principle' over another, apart from saying that one principle offers more unity than another – so what?

> Rather than establishing merely that we aim at manifesting some degree of F, the constitutivist needs to establish that, in every action, we aim at manifesting the *highest degree* of F. Neither Korsgaard nor Velleman succeeds in showing this.
> (Katsafanas, 2013: 108)

It seems that although the constitutivists project is viable, Korsgaard's 'brand' is not. In the next chapter I will argue that a Hegelian variety of constitutivism might fare better.

Chapter Four: Hegel's Practical Philosophy: Hegelian Constitutivism

Introduction

Chapter four outlined the constitutivist project broadly conceived, then went on to outline, and reject, one particularly influential version of this, namely, the 'self constitution' constitutivist thesis argued for by Christine Korsgaard. The failure of Korsgaard's constitutivism was due to her failure to provide reasons for motivating one to strive to be a unity of *a certain sort*. On Korsgaard's view, 'any unity will do'. While this is clearly unacceptable (we are, after all, in the business of saying not only what we are, but what we ought to be and what we ought to do) I do not think this is a by-product of constitutivism as such. Given this, I hope to argue that [two] other varieties of constitutivism fare better. One version is Hegelian. The other Nietzschean. This chapter is concerned with providing an account of the former. The next chapter, chapter six, will be concerned with providing an account of the latter.

As things stand at the end of the chapter two, Hegel's position can be summarized thus: One has a nature, or essence, which is internal ('*in itself*') and, as time progresses, becomes external ('*for itself*') – one acts freely when one, conscious of one's essence, rationally self-determines (acts 'for itself'). What, on Spinoza's picture, were previously understood to be external, restrictive, bonds are now understood to be internal, constitutive, bonds and as such, obligations and other 'limits' are no longer a threat to our freedom, but conducive to it. This picture (which I have purposely left undeveloped) is purely formal and tells us nothing about *our* obligations, or what is required of *us* – any vision or outline of what we are is left lacking and guidance as to how we can achieve our flourishing and become fully ethical agents is completely absent. The aim of this chapter is to fill in these 'content' gaps so that we can complete our picture of ethical life and thus lay bare the relationship between Hegel's theoretical philosophy (the 'speculative metaphysics' laid out in the second chapter) and his practical philosophy, as articulated in the third, and final, part of his *'Encyclopaedia of the Philosophical Sciences'* the *Philosophy of Spirit* (or the *Encyclopaedia Spirit* as it has become known, henceforth, '*ES*') and his *Elements of the Philosophy of Right* ('PR'). In chapter two, I offered a summary of Hegel's outline of the will that demonstrated his commitment to metaphysical 'Expressivism' – here I will be offering an outline of Hegel's discussion of morality and ethical life, and showing how a distinctly Hegelian

constitutivism can be articulated. After the groundwork has been laid, I will be defending the following theses:

> (Constitutive Aim H) Each action expresses both the agent's essence as free-being *and* the agent's *understanding* of their own essence as free-being.

> (Success H) An agent's action is successful to the degree the agent's self-understanding coincides with the agent's [essential] freedom. Freedom is a (the) standard of success for action, such that freedom generates normative reasons for action.

Charles Taylor, discussing action, outlines what he calls a 'qualitative view' - this view aims to offer an account that can distinguish actions from other 'mere events – thus:

> Actions are in a sense inhabited by the purposes that direct them, so that action and purpose are ontologically inseparable. […] Hegel is clearly a proponent of the second, qualitative conception of action.
> (*Hegel and the Philosophy of Action*, 2010)

Taylor is correct in *this* assertion (his following discussion (including how he qualifies this statement), however, prove to be extremely controversial). This chapter will concern itself with providing an outline of Hegel's view, and, by building on the Taylor quote, I will show how this coheres with the constitutivists view.

This chapter will have two aims. First, I will aim to show that Hegel is indeed a constitutivist. This aim is important, however, it would not be a complete disaster were someone to disagree with me. If I can show that a Hegel*ian* constitutivism could function successfully, that would, in itself, be a triumph (for the constitutivist). My second aim is to show how Hegel's constitutivism 'plays out' as a moral theory by outlining some of the norms to which one is committed in virtue of accepting the argument that freedom is constitutive of action. I will further show that these commitments can answer criticisms well.

Section One: Hegelian Constitutivism

Hegel on Action

Hegel outlines his 'philosophy of action' (most clearly) in the 'Morality' section of the *Philosophy of Right*. Just as the role of 'Abstract Right' is to demonstrate how an 'individual will' becomes a *person* (a bearer of (legally protected) rights), the role of 'Morality' is to demonstrate how this 'legal' person becomes a 'moral' *subject*:

> The moral point of view is the point of view of the will in so far as the latter is *infinite* not only *in itself* but also *for itself* (see §104). This reflection of the will into itself and its identity for itself, as opposed to its being-in-itself and immediacy and the determinacies which develop within the latter, determine the *person* as a *subject*.
> (*PR,* §105, Pg. 135)

'Morality' aims to provide us with an account of moral *action*, which, for Hegel, importantly (especially for my purposes) includes *all* intentional action:

> The 'moral' must be taken in the wider sense in which it does not signify the morally good merely. In French *le moral* is opposed to *le physique*, and means the mental or intellectual in general. But here the moral signifies volitional mode, so far as it is in the interior of the will in general; it thus includes purpose and intention – and also moral wickedness.
> (*ES* §503, Pg. 249)

Michael Quante (2004) puts the point well:

> He [Hegel] specifies action as "The expression of the will as *subjective* or *moral*" (R §113). He continues, "Only with the expression of the moral will do we come to *action*". The first statement declares *each* expression of the subjective moral will to be an action; the statement provides a *sufficient* condition for an event's being an action. The second statement claims that *only* the expression of the subjective moral will is action. There is *no* action that is not the expression of the subjective moral

> will. This second statement thus names a *necessary* condition for an event's being an action.
> (*Hegel's Concept of Action*, Pg.7)

Hegel's account begins with, as befitting a constitutivist account, a description of what 'events' or 'happenings' count as an instance of action. And, indeed, his account coheres completely with the one offered in the previous chapter:

> In accordance with this right, the will can *recognize* something or *be* something only in so far as that thing is *its own*, and in so far as the will is present to itself in it as subjectivity.
>
> […] The uncivilized human being lets everything be dictated to him by brute force and by natural conditions; children have no moral will and allow themselves to be determined by their parents; but the cultivated and inwardly developing human being wills that he should himself be present in everything he does.
> (PR §107 (§107A), pgs. 136, 137)

and:

> (a) The content is determined for me as *mine* in such a way that, in its identity, it *contains* my subjectivity *for me* not only as my *inner* end, but also in so far as this end has achieved *external objectivity*.
>
> The content of the subjective or moral will contains a determination of its own: even if it has attained the form of objectivity, it should nevertheless still contain my subjectivity, and my act should be recognized only in so far as it was inwardly determined by me as my purpose and intention. Only what was already present in my subjective will do I recognize as mine in that will's expression, and I expect to re-encounter my subjective consciousness in it.
> (PR §110 (§110A), pg. 138)

again:

> For an action to be moral, it must in the first place correspond to my purpose, for it is the right of the moral will to recognize, in its existence, only what was inwardly present as a purpose.
> (PR §114A, pg. 141)

finally:

> The *deed* posits an alteration to this given existence, and the will is entirely *responsible* for it in so far as the abstract predicate 'mine' attaches to the existence so altered.
> (PR §115, pg. 143)

Hegel states (several times throughout 'Morality') that moral worth attaches *only* to those deeds you will. An agent's act can be said to be her own iff the agent recognizes that act as theirs. This puts a limit on what counts as action – reflexes, 'ticks', &c. do not count as an agent's action as the agent does not recognize that action as their own. Such behaviours lack deliberation and, consequently, are unintentional. You are, in these cases, an instrument of heteronomy or chance – you are not acting, you are being acted upon. This fits nicely with Korsgaard's discussion, which I will re-quote for simplicity:

> To regard some movement of my mind or my body as *my action*, I must see it as an expression of my self as a whole, rather than as a product of some force that is at work *on* me or *in* me. Movements that result from forces working *on* me or *in* me constitute things that happen to me. To call a movement a twitch, or a slip, is at once to deny that it is an action and to assign it to some part of you that is less than whole.
> (Korsgaard, 2011: 18)

Emphases on 'my action' and 'expression of my self' demonstrate the similarity [between Hegel and Korsgaard] not only in spirit, but in letter also. For me to be an agent, I must be capable of acting in such a way that I can describe the action as 'mine'. The child, who for Hegel is not yet an agent, is only capable of acting and seeing their parents (if they are

obedient) in their action. Each action is attributable to the agent who performed it (that is simply what Hegel means by 'action') and, as such, we are able to evaluate the agent with reference to the action. The identity of action and agent has been an important theme in this thesis and it is important to note exactly what Hegel thinks is being expressed in action.

Action, Hegel tells us above (see quote from PR §110 – which is perhaps the clearest and most sustained support for this part of my argument), is the 'external objectivity' of my subjective 'inner end'. The moral will contains three aspects: first, the agent's purpose, second an agent's intention and third, the *good*. Action must have these three features to count as moral (the lack of *any one* of these conditions entail that the deed done was not an action). With purpose, Hegel tells us we are responsible for only for those elements of action we will - 'the right of the moral will to recognize, in its existence, only what was inwardly present as purpose' (§114A, pg. 141) – this is stated and restated throughout the *PR* and also in the *ES*:

> Now, though any alteration as such, which is set on foot by the subjects' action, is its *deed*, still the subject does not for that reason recognize it as its *action*, but only admits as its own that existence in the deed which lay in its knowledge and will, which was its *purpose*. Only for that does it hold itself *responsible*.
> (*ES* §504, Pg. 250)

With intention arises the idea that what the agent does makes explicit reference to those things *valued* by the agent – intention outlines the *reasons* the agent considers her action to be *valid* (justifiable). Answers to the question of intention will concern themselves with answering what value the action has *to the agent*. Finally, questions regarding 'the good' aim to eradicate the relative nature of intention as ultimately valid. Good actions are those that are not only 'relatively valuable' to the agent ('good *for me*'), but contain something universally valuable (good *as such*). Hegel gives us the criterion for what counts as a 'good' action with a simple use of the word 'should' here:

> The first division in [moral] action is that between what is purposed and what is accomplished in the realm of existence; the second is between what is present externally as universal will and the particular inner determination which I give to it;

> and lastly, the third factor is that the intention should also be the universal content [of the action]. The good is the intention, raised to the concept of the will.
> (PR §114A, pgs. 141, 142)

Given the importance of these necessary and sufficient criteria, I will now offer – indeed as Hegel himself does - an outline of each in turn.

Purpose (and responsibility)

Hegel begins his discussion of 'purpose' by noting a simple, and probably uncontroversial, feature of actions generally: actions aim to bring about a change (of some sort) in the world. We never act in a vacuum, but always against a pre-existing state of affairs. This state of affairs limits us not only in what we can actually achieve, but also in what we can legitimately hope to achieve. I may wish to play the piano as well as Daniel Barenboim, but short, stubby, lethargic and sluggish fingers prevent me from doing so – with practice, my fingers may become more nimble but I will never be able to practice-away the stubbiness. Those things that happen in the world, the altered state of affairs that results after we do something, are those things we are responsible for only if we can look at what happened and attach the predicate 'mine' to it. Imagine a case where my car collides with another. I am responsible for this action if I actively drove one car into the other/did nothing to prevent one car hitting the other (where this prevention is possible and available to the driver), I am not responsible if, for example, my brakes had been cut. 'Mine' (and, therefore, responsibility) only attaches to former circumstance: It is, however, the right of the will to recognize as its *action*, and to accept *responsibility* for, only those aspects of its *deed* which it knew to be presupposed in its end, and which were present in its *purpose*. (*PR* §117,)

To act, Hegel argues, the agent must consider what the world would be like were such a change to be affected – the agent's responsibility for the affected change (action) extends only to those circumstances the agent 'presupposed' (anticipated). Hegel is – at this point - inviting criticism. If accountability extends only to those things the agent is responsible for, which, in turn, only extends to those things the agent's action 'presupposed within its end' – do we then have to accept that acts of negligence (&c.) do attach blame to the agent? It must be true that the agent is not responsible for *all* those happenings that arise from

her action – a simple reductio of such an (over)commitment might run something like attributing responsibility to a person at the beginning of an (arbitrarily started) causal chain, e.g. I buy a book from a friend, who uses the money to buy a shirt on e-bay, the seller of which uses the money to buy a weapon which she uses to go on a killing spree. Similarly, we do not want to bind ourselves to such an (under)commitment which absolves the agent who fires a machine gun recklessly and, 'unintentionally', kills someone ('I was just testing my new gun'). How are we to decide the scope of responsibility? Firstly, to get over the over-commitment problem, Hegel tells us we should accept responsibility: 'only for the first set of consequences, since they alone were part of its *purpose*' (PR §118, pg. 145). This restriction allows Hegel to place a reasonable limit to what the agent can be *expected* to know (the 'right of knowledge', Hegel tells us, tells us to accept responsibility only for those circumstances we could justifiably expect) – Oedipus, Hegel tells us, could not legitimately be held responsible for parricide as he killed his father 'unwittingly' (PR§117A, pg. 144). Indeed, holding the agent to account in relation to what she can be 'expected' to know provides us with the means to answer the under-commitment problem. While the moron gun-wielder did not actually know that their action would lead to the death of a passer-by, it certainly *should* have been something they considered (and, 'on balance', should have been sufficient to stopping them spraying the surrounding area, indiscriminately, with bullets). Attempting to understand the scope of responsibility is, Hegel acknowledges, extremely difficult. If we take 'luck' into account, contingency might make murderers of us all ('The stone belongs to the devil when it leaves the hand that threw it.' (*PR* §119)). How are we to judge the man who forcefully slaps his friend on the back, not knowing that his friend, a haemophiliac, will bleed out shortly after?

Intention

If 'purpose' is what we are to call those particular set of circumstances/particular set of things an agent brought about/aims to bring about, intention is the 'universal aspect' of action. Examinations into intention aim to provide an answer to the question: 'which is the appropriate description for purposes of assigning responsibility?' (Knowles, pg. 174). A single action can be described in a variety of ways. Davidson's famous example ('I flip the switch, turn on the light, and illuminate the room. Unbeknownst to me I also alert a prowler to the fact that I am home' (Davidson 1980:4)) makes the point nicely. The description that correctly describes the agent's purpose is the description that also provides

us with the means to judge the agent. If the agent is honest, his answer to the question 'what did you intend to do' should match our description, that is, if our description is correct. Outlining purposes with reference to their intentions aims to unify the motivation and consequent of the action – this 'unity' allows Hegel to move beyond those normative ethical theories that aim to judge the agent in terms of her intention (exclusive) or her motivation. The external world, the 'consequences' of our action gives shape to our intention – treating individual actions in isolation distorts the moral picture of things. By arguing that actions are a bond between intention and purpose, our 'dear selves' are no-longer esoteric – we reveal ourselves in action and are evaluable in light of this. Provided that our peers are good judgers, are good at establishing the correct description, we will live in a community where we will be held responsible for those things we intend:

> Thus when we ascribe responsibility to an agent by describing his action in terms of the intention that captures his purpose, we presume that the agent will agree with this description on the basis of his knowledge of what he was doing.
> (Knowles, 2002: 175)

There are limits as to what description an agent is able to construct. The description must make some sort of reference to the agent's free-will, and the agent's capacity for deliberation. That is, the description must make reference to the inescapable fact that the agent is a thinking agent. Having a conception of person as a thinking, reflecting, deliberating, agent presupposes certain 'facts' which grant the actor a certain dignity that they are entitled to. To deny the agent this, is to accuse them of incapacity, or, perhaps worse, madness. In each case, we are stating that the agent is not an agent in any proper sense of the term. An agent, one who acts against the backdrop of inter-subjective interpretation, translates his intentions using action, and comes to understand others in light of their actions. The collapse of the action/intention distinction results, most obviously, in a collapse of the doer/deeds distinction. Hegel expressly acknowledges this:

> What the subject *is*, *is the series of its actions*. If these are a series of worthless productions, then the subjectivity of volition is likewise worthless; and conversely, if the series of the individual's deeds are of a substantial nature, then so also is his inner will.
> (*PR*, §124).

Worthless people do worthless things – and we can tell if a person is worthless in virtue of their doing worthless things. There is no such thing as a *mysterious* inner self – there is no *mysterious* doer behind the deed.

Constitutive Aim = Happiness/Welfare?

'Subjectivity' – the realization that you are a particular agent *token* (I am, for example, 'William', not 'Dudley') of a, general, universal *type* (I am a rational, self-conscious, self-determining agent – this description picks out no-one in particular) – To be a 'subject' is to relate this particular instantiated token to this (essentially normative) type. Allen Wood highlights this point nicely:

> To be a subject is to be aware of oneself as the particular, contingent individual that one is, but at the same time to relate all the particular things one happens to be to one's capacities as a free and rational being, and to regard one's exercise of the capacities as the core or foundation of one's identity as a self.
> (*Hegel's Ethical Thought*, Pg. 134)

Subjectivity expresses itself, its particular AND universal nature, through action – and this is the form all action ('willing') takes: 'it is the process of *translating* the *subjective end* into *objectivity* through the mediation of activity and of a[n external] means.' (§8). This brings us nicely to an initial formulation of our constitutive principle:

> Constitutive Principle: All actions are the expression of an agent's subjective will.

Of course, this tells us nothing determinate and remains purely formal (and uninteresting). The next move Hegel makes is to demonstrate the *content* of the subjective will. This story concerns itself with the move from subjectivity to inter-subjectivity – it is a simple and obvious truth (and one previously discussed) that action occurs against a backdrop of pre-existing conditions, part of what constitutes these 'pre existing conditions' is the existence of other subjects. Each action makes a: '*positive* reference to the will of others' (§112), Wood (again) provides a useful exegesis of Hegel's argument here:

> The substantial idea behind it is that since my end as a subject is not merely subjective satisfaction but an external result, it follows that my rational concern as a subject is essentially about external or public objects. Such objects are there for others as well as for myself. These others are subjects, too, with desires and interests of their own. Because my subjectivity is actualized only in what is present for these others, the universality (or rationality) of what I do must take account of the interests of others as well as my interests.
> (*Hegel's Ethical Thought*, Pg. 136)

Hegel, claims that each subject necessarily seeks their own happiness and welfare, further that moral worth must take the happiness and welfare of the subject, and the subject's regard for their own happiness[52] and welfare (perhaps contra Kant) into consideration. Our constitutive aim could be expressed thus:

> Constitutive Aim: Each action aims to maximize the happiness/welfare of the actor[53].

But Hegel's argument does not stop here. Agents must be able to tie the worth of their actions to something over and above their own happiness – if happiness is the measure of 'success' for actions and agents, then the attainment of our individual projects, no matter how horrifying in nature, would be enough to qualify an agent as 'good':

> […] this doctrine has also been revived in a more extreme shape, and inner enthusiasm and the emotions, i.e. the *form* of particularity as such, have been made the criterion of what is right, rational, and excellent. As a result, crimes and their guiding principles, even if these should be the most banal and empty fancies and foolish opinions, are presented as right, rational, and excellent on the grounds that they are based on the *emotions* and on *enthusiasm*.
> (*PR*, §126)

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[52] Hegel has, if not an Aristotelian (which, as it happens, I think he does), then certainly a 'Classical', conception of happiness – which he is operating with here.

[53] This puts us on a squarely Aristotelian footing.

Also, given the inter-subjective nature of action, we have to acknowledge that sometimes people have competing claims, also that the welfare of the individual, and the welfare of all, will (at least) sometimes come into conflict which jeopardizes the attainment of our goals, and, therefore, our happiness. Lest we fall into relativism, how are we to decide which actions are 'good'? In cases of competing claims, how are we to judge which claim is valid? Hegel claims that satisfaction (the attainment of our personally given projects) alone is insufficient to determine the moral worth of the action. Indeed, welfare, *cannot* be the appropriate yardstick to judge actions as good. Hegel uses two, somewhat hackneyed examples to illustrate his point. Both examples aim to state the priority of 'the right of necessity' over the legal rights and happiness of an 'injured' party. Firstly, Hegel claims that the right of necessity trumps property claims if one's livelihood will be disproportionately adversely affected by, for example, paying one's debts:

> From the right of necessity arises the benefit of competence, whereby a debtor is permitted to retain his tools, agricultural implements, clothes, and in general as much of his resources – i.e. of the property of his creditors – as is deemed necessary to support him, even in his accustomed station in society.
> (*PR*, §127)

To drive the force of this example, Hegel has a - now clichéd - story to tell regarding violations of 'abstract right':

> Life, as the totality of ends, has a right in opposition to abstract right. If, for example, it can be preserved by stealing a loaf, this certainly constitutes an infringement of someone's property, but it would be wrong to regard such an action as common theft. If someone whose life is in danger were not allowed to take measures to save himself, he would be destined to forfeit all his rights; and since he would be deprived of life, his entire freedom would be negated.
> (*PR,* §127A)

Wrong is permitted, Hegel argues, if it is used to prevent the 'ultimate wrong -, namely the total negation of the existence of freedom' (§127A). Nothing stifles freedom quite like death does. Indeed, actions are to be measured entirely (ultimately) by how conducive they are to the freedom of the subject. Each agent has the right to pursue their own

happiness and welfare – provided that this is done with some sort of reference to 'freedom', with some sort of reference to what you *are* as a subject. 'Action as such', is tethered to an idea of 'the good' that has freedom (unsurprisingly) as its substance, and this feature provides us with our actual constitutive aim/success condition:

> Constitutive aim: Each action is the projection of the subject's essential freedom as it actually is, *and* as it understood by the subject, as it appears to be.
>
> Success: Each action aims to maximize the subject's freedom – such that freedom provides normative reasons for action.

Freedom is the necessary ground for action – an agent is only able to pursue their welfare if they are free to do so. Action, therefore, expresses this freedom. What the agent uses this freedom *for*, demonstrates their effectiveness as a rational agent – by which Hegel, I think, means something like how well the agent is able to construct valid hypothetical imperatives. The 'rational structure' of action (if an agent makes himself a bowl of porridge, we can assume, at the very least, that the agent was in the mood to eat some porridge – perhaps because they were hungry and porridge is particularly satisfying) allows us to assess how well the agent, as a 'particular' relates herself to the 'universal'. An agent is good in relation to the degree at which she acts more mindfully of her universal nature, while at the same time satisfying her particular interest. Action, as well as being a positive reference to others (see above), is also always a self-reference:

> Right has already determined its *existence* as the particular will; and subjectivity, in its comprehensive particularity, is itself the existence of freedom, just as it is in itself, as the infinite self-reference of the will, the universal aspect of freedom. The two moments in right and subjectivity, thus integrated so as to attain their truth and identity – though initially still in a *relative* relation to one another – are the *good* (as the *fulfilled* universal, determined and for itself) and the *conscience* (as infinite and inwardly knowing subjectivity which determines its content within itself).
> (*PR*, §128)

Hegel clearly defines the good as '[The good is] *realized freedom, the absolute and ultimate end of the world*' (*PR*, §129). As discussed before, freedom constitutes the substance and the destiny of the will – how well the agent (as substance) recognizes and attains this destiny is the measure of how good the agent *is*. Being aware, or, at least, 'becoming' aware, of this substance as subject, allows the agent to relate to the good in a much more determinate way and thus, allows the agent to act in a more self-determining (self-referential) way – thus achieving her destiny as a fully free subject.

Hegel's claims are two. The first is trivial. Acting intentionally requires us to be free to do so. If I decide to play chess with a friend, and I do indeed do this, then I must have been free to do so (how else could I have played?). Freedom is presupposed for action such that freedom is a necessary condition for action. The second claim is not at all trivial. By acting in the world, an agent will develop a better understanding of her essential nature as a free agent – the agent will develop a better understanding of what *exactly* this freedom is, and what *exactly* this freedom (essential nature) requires her to do. There are two possible ways to interpret the second claim:

1. An agent *should* act in such a way to maximize their freedom.
2. The agent, in acting as such, inescapably *aims* to maximize their freedom, sometimes failing, sometimes succeeding.

For my purposes, if Hegel is indeed a constitutivist, we should conclude that Hegel is closer to the second interpretation than the first. I could commit myself to a weaker claim by arguing that a 'Hegelian' (in spirit, if not in letter) constitutivism of the sort articulated above is viable. But indeed, I believe the stronger claim – Hegel himself is actually a constitutivist – is true. To evaluate this claim we will have to examine Hegel's discussion about how agents do actually relate to 'the good'.

The good is *realized freedom, the absolute and ultimate end of the world*

The above is enough to give us our success condition (as outlined previously), but a success condition does not a constitutivist make. Realized freedom is the [ultimate] evaluative measure of action. Good actions are those that demonstrate freedom fully. Does this

mean that each time a subject acts they act to 'realize' their freedom? The language Hegel uses in the following passage seems to suggest not:

> […]the subjective will has worth and dignity only in so far as its insight and intention are in conformity with the good. In so far as the good is still at this point this *abstract Idea* of the good, the subjective will is not yet posited as assimilated to it and in conformity with it. It thus stands in a *relationship* to the good, a relationship whereby the good *ought* to be its substantial character, whereby it ought to make the good its end and fulfil it […]
> (*PR*, §131)

And again in the addition: 'The good is the truth of the particular will, but the will is only what it commits itself to; it is not by nature good, but can become what it is only by its own efforts.' (*PR*, §131A). While freedom constitutes the 'substance' of the will, it seems that it is open to the will to not relate, in any meaningful way, to its free essence. Hegel uses the language of 'oughts' to demonstrate the point. The will *ought* to will freedom, but this suggests that it is possible for the will to fail to do so[54]. I want to put pressure on this reading by arguing that while the will can will something other than freedom, it cannot do so as a 'subject' – this is to say, that one cannot both be acting 'intentionally' *and* acting in any other way than with reference to freedom:

> The right of the subject to know action in its determination of *good* or *evil*, legal or illegal, has the effect, in the case of children, imbeciles, and lunatics, of diminishing or annulling their responsibility in this respect, too […]. But to make momentary blindness, the excitement of passion, intoxication, or in general what is described as the strength of sensuous motives (but excluding anything which gives grounds for a right of necessity – see §127) into grounds for attributing responsibility or determining the [nature of the] *crime* itself and its *culpability*, and to consider such

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[54] The will can will freedom and fail to achieve this for two reasons, 1. one simply tries and fails, 2. one is in error about the nature of freedom (indeed, Hegel has a very interesting story to tell about the collapse of various societies with regards to this 'deficient' understanding of freedom). In both cases the constitutive aim is met – the above problem seems to be that it is possible for the will to will something other than freedom.

> circumstances as taking away the criminal's *guilt*, is once again (cf. §100 and Remarks to §120) to deny the criminal the right and dignity of a human being[…].
> (*PR*, §132)

Freedom is the ultimate measure of all intentional action. Exculpations exist (in the case of 'children, imbeciles, and lunatics') and seem to exist in relation to *how* intentionally the person *can* act – presumably, the class of people Hegel identifies are removed from the sphere of responsibility with regards to how poorly they deliberate (the assumption being that children, imbeciles, and lunatics are impulse driven and have a (at best) diminished capacity for deliberation). While it is possible to be absolved from responsibility, it is not possible for this to be the case for agents who have simply acted badly. Removing the yardstick of freedom (and responsibility) does harm to the agent by denying them the dignity that comes with being a [developed] human. Human beings ought not to act *only* from impulse and can/will be judged in relation to how free, how deliberately, they acted. As subjects, we have a *right* to be held responsible for our actions.

We now have two pictures, one of agency (free 'in itself' and 'expressive'), one of 'the good' ('realized freedom'). Hegel argues that one relates to the other through *conscience* (a modern construct, Hegel tells us), which gives us 'obligation':

> As conscience, the human being is no longer bound by the ends of particularity, so that conscience represents an exalted point of view, a point of view of the modern world, which has for the first time attained this consciousness, this descent into the self. Earlier and more sensuous ages have before them something external and given, whether this be religion or right; but [my] conscience knows itself as thought, and that this thought of mine is my sole source of obligation.
> (*PR*, §136)

Previously, the source of obligation came from religion (in the form of 'divine command') or 'right' (in the form of 'social command')[55]. Modern man (post Greek, post Roman, post

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[55] For more on this, and its relation to Hegel, see *Understanding Moral Obligation* (Stern, 2013). Stern argues, persuasively, that Hegel holds a Social Command account of obligation – I think such a categorization is misleading for reasons that will become obvious shortly.

medieval) alone intuits and assimilates the moral law and knows it to be valid in virtue of it being a structure of a developed conception of freedom (this last condition distinguishes Hegel from Kant[56]). Conscience cannot look into itself to discover 'the good' (again, lest we lapse into relativism), instead, conscience must have freedom as its reference and measure. It is the standard by which we are judged. It is, to use our previously outlined jargon, our success condition.

To conclude, Hegel gives us an outline of what an agent is, what a good agent is, and finally, why *all* agents aim to be good qua agent. 'The good' (with reference to agency (and in turn, with reference to freedom)) is itself the source of obligation – the next section will outline the nature of this obligation (providing an answer to the Enochian criticism 'sure, I accept that a good agent is one who is more 'free' than a less good agent – but I'm happy being a 'less free' agent so why should I care about 'realizing' my freedom more fully?).

Section Two: Commitments and Criticisms

If I am granted the former, that is, if one accepts that Hegel is a constitutivist, what norms are generated? One might think that the maxim: 'act in such a way that reflects your (essential) freedom' is insufficiently determinate to be considered helpful. I suspect this suspicion is correct.

I have stated before that, for Hegel, all actions are 'free', yet some are more free than others. An action is more free according to the degree one acts consciously of one's essence and rationally self-determines in accordance with this. That is, an agent's action is good to the degree they cohere with the substantial freedom of the agent who performs it. The burden falls on us, therefore, to outline what man's essence *is*. If we are to act well, we need to act against some sort of frame of reference.[57] One must act, if one is to act well, in accordance to how one *understands* one's substance. This understanding, Hegel

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[56] For more on this theme, see chapter seven of *Hegel's Ethical Thought* (Wood, 1990). Wood argues that Hegel criticizes Kant's model of ethics is a sort of self imposed slavery.

[57] One cannot help but be reminded of Aristotle's question 'what is the good for man?' here. Hegel's project at this point seems interchangeable with Aristotle's. Both try to tether 'goodness' to what man is as a 'normative type'.

argues, changes throughout history. Each understanding arises as a reaction (of some sort) and develops upon the previous understanding. Luckily (if Hegel's account of history-as-dialectical-process is plausible), we are now at the end of this historical/conceptual process. We have achieved the highest unity, our understanding of freedom is complete and the necessary *grounds* for freedom are all present (but evolving). The understanding of what it is to be a free [moral] agent is an *intersubjective* understanding. Freedom is socially mediated, and only as socially mediated beings do we come to understand ourselves. This truth gives us our first norm; in language that favours my account, Hegel states:

> Personality contains in general the capacity for right and constitutes the concept and the (itself abstract) basis of abstract and hence *formal* right. The commandment of right is therefore: *be a person and respect others as persons*.
> (*PR* §36, Pg. 69)

Our second norm is given shortly after this passage:

> For the same reason of its abstractness, the necessity of this right is limited to the negative – *not to violate* personality and what ensues from personality. Hence there are only *prohibitions of right*, and the positive form of commandments of right is, in its ultimate content, based on prohibition.
> (*PR* §38. Pgs. 69 – 70)

Do not violate personality, neither directly (by harming the agent herself), nor indirectly (by harming the other 'embodiments' of her personality). The *PR* will outline exactly what these commandments demand of us.

The programme of the *PR* concerns itself, almost exclusively, with outlining the necessary conditions for freedom. It begins with some claims about the nature of the will, and willing as such. While we may know what willing is, and while we may be able to will (in some loose sense), this alone does not make for a [fully] free agent. Hegel builds on this discussion by examining what follows (as a matter of necessity) if we accept his account of the will and willing. The *PR* unfolds in such a way that each stage's development necessitates the following stage. Beginning (in his Introduction) with an account of the

will, the *PR* moves on to discussions of private property rights, an account of morality, and an overview as to the shape and structure of ethical life. Each stage of the argument provides a necessary condition for freedom; yet it is not until we arrive at the last stage do we get a full and sufficient account of the conditions for freedom to be realized in the agent, by the agent, and, by extension, in and by the world.

The 'Bindingness' of Recognition

To be free, one has to recognize others as free. This is the famous conclusion Hegel takes time to draw out in the 'Lord and Bondsman' section of the *Phenomenology*. To be recognized as free, and for that to be meaningful to the agent wishing to be recognized as free, one has to recognize the recognizer. If recognition is *not* reciprocal, the recognition given will be meaningless to the agent receiving it. It is an almost dogmatic assertion of Hegel's that agents not only are free (for this part of the argument, Hegel has a story to tell (which I used chapters one and two to relay)), but also that they *want* to be recognized as free. It is a necessary feature of Hegel's project that man cannot be completely free without this recognition (hence, 'almost' dogmatic). Recognition will provide the necessary conditions for freedom to develop and flourish in a full sense. If one is bound to freedom (and one has to be in virtue of freedom constituting one's 'substance and destiny'), one is also bound to an account of 'intersubjective, reciprocal, recognition'. What this form of recognition binds us to will be co-extensive with what norms we are bound to. If one inescapably aims to achieve a fuller degree of freedom, one is inescapably bound by the norms that provide the necessary and sufficient means by which to do this.

In what proceeds, I will outline our normative commitments with constant reference to Hegel's development of freedom/reciprocal recognition. This development will track the development of Hegel's discussion in the *PR*. That this is so is not accidental and appears to be a structural feature of Hegel's thought in this text.

Commitment One: Abstract Right

A free society is a necessary condition for free agency. This is a trivial truth for Hegel since he holds that a free society is one that structures itself in such a way as to facilitate and promote the freedom of the agent. The first 'necessary structure' a society *must* have

is a system of 'Abstract Right' beginning with private property and ending with an account of what form legitimate (justifiable) state-enforced sanctions (punishment) should take. Abstract Right is concerned with what an agent *may* do, not what an agent *ought* to do ([…] abstract right is only a *possibility* as compared with the rest of their content, and the determination of right is therefore only a *permission* or *warrant*. (*PR* §38, Pg. 69). The first sphere of permissibility is the sphere that denotes the scope (physical/metaphysical limit) of an agent. For Hegel, after the agent has been described, the first 'expansion' the agent performs occurs when she takes an object and calls it 'mine'. Hegel's primary concern, in Abstract Right, is to provide an analysis of, and – in so doing – an argument that legitimates property rights. Systems that protect and recognize the legitimacy of private property are necessary conditions for a free society and, a free agent. Connected to this thought, Hegel will go on to say that only the society which punishes its criminals correctly can be called free. We will look at these claims in turn.

Hegel's controversial claim is that man is free *only if* man owns. To understand why Hegel makes this bizarre-sounding claim, we have to outline Hegel's account of private property. Such an account is, for Hegel, an ontological account. Private property a) signposts to others that you are a free being, similar to them (that is, similarly free beings), b) clarifies your own personality, both to you and to others, c) provides the agent with some sort of stable permanence, and d) allows an agent to recognize themselves in the world (to see themselves reflected in the world and, therefore, not feel alienated from it). To see why this is true, we have to look at what sort of 'stuff' private property *is*.

The Ontology of Private Property

Private property is the expression of the agent's will. It is the (usually) physical embodiment of the agent's personality. Why does the agent have to express their personality, and why does this have to manifest itself physically? This section will aim to provide an answer to both of these questions, and in so doing, will provide an account of (a) – (d).

It would be a simplification, but perhaps not an unhelpful one, to characterize Hegel's project as being mostly concerned with how one can be reconciled with the world in which

we find ourselves. Hegel believes a complete understanding of the nature of freedom provides the means to this reconciliation:

> The resolving and *immediate* individuality of the person relates itself to a nature which it encounters before it. Hence the personality of the will stands in opposition to nature as *subjective*. […] Personality is that which acts to overcome this limitation and to give itself reality – or, what amounts to the same thing, to posit that existence as its own.
> (*PR* §39, Pg. 70)

The will, in its 'infinity', is confronted with externality. This 'external', objective, world is limiting and, for the subjective will (the 'I'), other ('not-I').[58] The way to overcome this sense of 'otherness' is for the will to see the external world as 'its own'. As purely external and limiting, the world is restrictive and a threat to our status as free beings (see Chs.1&2). Property is the first step we take to overcome this limit in virtue of providing us with an 'external *sphere of freedom'* (*PR* §41, Pg. 73). To demarcate this 'external sphere' of freedom property has to have a rational aspect to its nature. Only in possessing a rational component does property betray personality. Were property merely need-satisfying (which is not to say that it is that, but to say that it is not merely that), the person could not be located in the object. Needs change. Property, so the argument will go, gives us a stable sense of permanence or, to use Korsgaard's phrase, a 'diachronic stability'. Property, in having a need-based component (which, presumably dissipates when the need is satisfied), and having a rational-based component (which presumably remains – throughout ownership) is an ontological 'complex' (it is both a 'thing' (external and simple – without rights), and an expression of 'me' (as a desiring and rational subject – with rights)) used to denote personality:

> The rational aspect of property is to be found not in the satisfaction of needs but in the superseding of mere subjectivity of personality. Not until he has property does the person exist as reason.
> (*PR* §41A, Pg. 73)

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[58] To see the objective world as 'external', 'other' and 'limiting' is to see the world as Spinoza did. It is important to note that Hegel moves beyond this picture.

Just as products of our creative labour are expressions of 'us' (*ex hypothesi*), so too are objects we come to own. Both are external objects (accessible to others) which can be alienated (sold, relinquished, destroyed) by the original owner, subject to contract (become the 'object of commercial negotiations and agreements' (*PR* §43, Pg. 74)), or even retained. We see something of ourselves in the objects we own and, while we are not reducible to them, we come to identify them, in part, with ourselves. Evidence (anecdotal) that this is true is easily obtained. When we visit the homes of others, we immediately draw conclusions about what sort of person they are (what their tastes, values, &c., are) by having a good look around. Those who have hosted dinner parties will likely have noticed that friends head straight for the bookcase on arrival. We develop a *sense* of 'who', from a survey of 'what'. We posit ourselves, reveal ourselves, and give ourselves an external sphere through property:

> The concept of property requires that a person should place his will in a thing, and the next stage is precisely the realization of this concept. My inner act of will which says that something is mine must also be recognizable by others. If I make a thing mine, I give it this predicate which must appear in it in an external form, and must not simply remain in my inner will.
> (*PR* §51A, Pg. 81)

Property enables others to recognize *me*. I transform from an indeterminate 'bearer of rights' (a description that picks out no one in particular) to a person with such and such interests/projects/values. Further, it enables others to recognize me as a willing, rational, and free agent. I can look at objects, just as I (so Hegel will go on to say) can look at actions, and attach the predicate 'mine'. That I can 'place my flag' on an object and call it mine is only possible provided no other rational agent has done so. An agent, provided he has come about his property in a legitimate fashion[59], has the right to exclude others from the use of it. This is to say that property, for Hegel, is *private*. Private property is justified on the grounds that it provides a necessary condition for actualizing freedom. A person cannot be a person without it.

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[59] There are obvious objections concerning the problem of 'original acquisition' here. We will revisit Marxian criticisms later.

> In property, my will is personal, but the person is a specific entity; thus, property becomes the personal aspect of the specific will. Since I give my will existence through property, property must also have the determination of being this specific entity, of being mine. This is the important doctrine of the necessity of *private property*.
> (*P*R §46A, Pg. 78)

Persons, qua essential, willing, free beings, necessarily express themselves externally. Private property is an expression of the personality of the will. Without this 'externality', a person is wholly subjective and, therefore, deficient. *Geist*, as discussed earlier in this chapter, and in chapter two, must be embodied. It must be embodied in property to signal to others that you are a personality (and therefore a bearer of rights), it reveals to others (at least partially) your tastes and values (so that you are evaluable as a free agent), and, perhaps most importantly, it gives the agent a sense of presence and permanence in the world. By seeing oneself in the world, that is, by objects mirroring our internal lives, we see this (geographically restricted) part of world as an expression of ourselves – if all goes well, we will eventually come to see the whole world as an expression of the agents as such. By manifesting externally, in objects that persist, we gain a sense of permanence. While the internal narrative playing out in our mind is in constant flux, our personality is made stable through the physical, unchanging, exterior manifestation that is private property. This does not tie us down. The teenager that once collected the oeuvre of the rock band 'Nirvana' might one day decide that she no longer seeks satisfaction (presumably in the form of misery) in grunge music, and, perhaps, as an adult she will collect Shostakovich instead. This is usually a slow process and a narrative between the despair-riddled grunge and the despair-riddled neo-classical can usually be tracked. Sudden changes in personality are not easily accounted for in Hegel's discussion, however, this might conform to how we might react when confronted with sudden changes in a friend's personality. When changes in personality is violent and sudden, we meet this with utter bewilderment.

The relationship between the individual will and property is a metaphysical one. Property is an admixture of 'stuff' and 'mind' – given this, we can now see how our two immediate

norms (above) play out. Property, and the sphere of Abstract Right generally[60], give the individual a sphere of permissibility. Our property and contracts denote an 'area' in which we can act. Others' property denotes an area in which they can act. Rights protect the individual and allow them a sphere of freedom in which it is legitimate to operate. If I wish to have my rights respected, I must acknowledge and respect the rights of others. Explicitly put, with reference to our 'first norm' – we must *be a person and respect others as persons*. To be a person we (as previously stated) have to own property. To respect others as persons, we have to respect the things they own, that is, their property. Given the previous exegesis, respecting others as persons entails respecting their property (and all that ensues from property).

While Hegel might offer us *an* argument to support the institution of private property, it is not clear that a Proudhon ('all property is theft') or a Marx would be so persuaded. Indeed, we know the latter - who was well aware of Hegel's *PR* and often wrote on it[61] - was definitely not convinced by these arguments. Explicit examples of this present themselves readily, most obviously in the work titled *A Critique of Hegel's Philosophy of Right* (1843). Marx's *Economic and Philosophic Manuscript of 1844* (or *The Paris Manuscript* as it is known – henceforth *EPM*) is a direct attack on the position advocated by Hegel.

Marx's analysis concerning the nature of man's creation of [external] objects mirrors Hegel's in the *PhG*:

> It is just in the working-up of the objective world, therefore, that man first really proves himself to be a *species being*. This production is his active species life. Through and because of this production, nature appears as *his* work and his reality. The object of labour is, therefore, the *objectification of man's species life*: for he duplicates himself

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[60] Abstract Right also contains discussions of 'contract' and 'wrong' (accidental wrong, fraud, and – most seriously - crime)). I will restrict my discussion to private property as the other elements do little to advance the discussion relating to constitutivism.

[61] The Hegel Marx relationship is discussed elsewhere at length, an especially good discussion is offered by R.N. Berki in his contribution, *Perspectives in the Marxian critique of Hegel's political philosophy*, in the exemplary volume of collected papers, *Hegel's Political Philosophy*: *Problems and Perspectives* edited by Z.A. Pelczynski (Pelczynski, 1971)

> not only, as in consciousness, intellectually, but also actively, in reality, and therefore he contemplates himself in a world that he has created.
> (*EPM*, Pg. 76)

Hegel extends this outline – which Marx uses to demonstrate the ontological relation between man and his product – to include products appropriated as well as produced. However, Marx claims that the relation between man and his product is an 'alienated' relation – and that this relation takes such a form in virtue of the economic conditions arising from the institution of private property. Instead of promoting freedom, private property promotes greed, competition, and, ultimately, despair and alienation:

> […] we have to grasp the essential connection between private property, avarice, and the separation of labour, capital and landed property; between exchange and competition, value and the devaluation of men, monopoly and competition, etc.[…]
> (*EPM*, Pg. 71)

Marx argues, throughout his writings, that private property is ill-conducive to the flourishing of the agent. The answer to the problems created by systems perpetuating private property is simple: 'In this sense, the theory of the Communists may be summed up in the single sentence: Abolition of private property' (*Manifesto of the Communist Part*, Pg. 484).

If Marx is correct and private property is not only *not* a necessary condition for the actualization of agential freedom, but actually a *hindrance* to this, then Hegel's argument withers and dies.

While it may be true that the objects of labour (and our labour itself) may belong to another (usually an employer) – this does not seem to be true of objects we have come to own. This may not be a problem for Marx, as such, as his account could (and does) claim that private property – instead of signalling the essential, free, nature of the agent – is objectified alienated labour, reflecting only the agent's hostile attitude to others; whom he views as a hostile competitor for (finite) resources. Hegel understands private property to provide the necessary-but-not-sufficient-means for reconciliation (qua 'embodiment') between man and world, and reconciliation (qua facilitator of 'recognition') between man and man,

whereas Marx understands private property to denote an area that excludes others and, thus, provoke feelings of hostility and alienation between agents. We will do well to note that Marx is not arguing for the abolition of property *as such* ('The distinguishing feature of Communism is not the abolition of property generally, but the abolition of bourgeois property' (*Manifesto of the Communist Party*, Pg. 484)). Instead, we might read Marx as asking Hegel: 'Sure, I accept that property expresses your essential freedom, but why does this property have to be *private*? Why is borrowing books from a public library a poorer 'signaller' of my personality, when compared to owning the books?' This is a question Knowles claims never crossed Hegel's mind[62]. I disagree with Knowles. I think given Hegel's discussions – including discussions concerning having the 'full use' of the object – Hegel must have thought about this. Regardless of Hegel's conscious attention to the problem, his account does offer good reasons to discard Marx's objections.

To show that property *needs* to be private to express the personality of the agent Hegel draws on two arguments. The first is a metaphysical argument, claiming that the will is inviolable and, therefore (as embodied will), property must also be inviolable. Property has to pick out discrete individuals – if it picks out institutions it will not serve its function as an object mediating recognition between free agents. Knowles expresses this point clearly:

> Property is justified as necessary for the objective identification of the person as a discrete existence. It permits the self-identification necessary for freedom and displays this moral atomicity to the world at large[…]. His argument for the rationality of property requires us to triangulate our distinctive position as rights bearers back from the objects we own, and this would be impossible were all property to be owned collectively […]. Granting him his argument concerning the role of private property in establishing the freedom of persons and we can endorse his conclusion that property which serves this purpose must necessarily be private property.
> (*Hegel and the Philosophy of Right*, Pg. 123)

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[62] "Hegel will explain to us *why* we accept the institution of private property. It never occurs to him, as it occurred to others (e.g. Proudhon and Marx, to name a couple of skeptical successors) that this institution may be judged unacceptable." (Knowles, 2002:112)

The second concerns having an unrestricted access to the object. Put quickly, if property is communally owned, then we will have obligations to treat the object in a way we otherwise wouldn't, or mightn't. If property is communally/collectively owned, property will be obligation giving. We will have an obligation to behave in a certain way to our property (e.g. we will have an obligation not to take a highlighter pen to our library loan – even if the person before us has not recognized this obligation). Our freedom with regards to the object is restricted and, therefore, cannot be an expression of the agent's freedom. Communally owned property presupposes some sort of reference to the will of others. What is needed, at this stage, is a sphere of influence that does not rely on the will of others in such a positive sense. We are looking for a sphere of permissibility, not obligation. That I *can* go for a run in Southampton Common does not mean that I ought to do so. Systems of private property allow such a sphere of 'mays'. Indeed, Hegel's system of abstract rights, in general, simply draws a line around an individual and states that this line must not be crossed. This position is empty and (merely) formal[63]. It is not until we get to Morality are we given motivation to act. Abstract Right outlines permissibility, it provides an account of what you *can* do; Morality outlines obligation, it provides an account of what you *ought* to do. I have argued (above) that these obligations are derived from the nature of agency (this is part of what makes Hegel a constitutivist) with reference to freedom. Obligations pile up as we journey through the *PR*. We begin with obligations to our loved ones; specifically (and immediately) we begin with obligations to our family. This then transforms when we have to move beyond the family to attain our more complex needs/participate in our conception of 'the good life'. Eventually, we come to the level of the state. In the next section I will pass over Hegel's outline of the family and the state, instead concentrating on his account of Civil Society in Ethical Life. I will focus on this section as I think it is the most norm generating.

Commitment Two: Ethical Life/Citizenship – *Intersubjectivity In Extremis*

[63] This, Hegel tells us, is similar to the picture Kant leaves us with. The Categorical Imperative tells us what we *can* will (or, will without contradiction). That the world will not collapse in on itself if I use white dishes does not mean that I ought to use white dishes.

Just as Abstract Right tells us to 'be persons, and respect others as persons' – ethical life tells us to 'be a citizen, and respect others as citizens'. While it is the bonds of love and familial feeling (into which duty dissolves) that provokes us to act in a way that is (hopefully) conducive to the 'family unit's' interest – this clearly cannot be extended to other members of our society generally. Love cannot provide the grounds for social co-operation because, quite simply, we may not love some members of our society. Instead, our society has to be grounded in a system of mutual respect. Hegel's discussion of Ethical Life provides an account of the nature of such a system.

What is *Ethical Life*?

Ethical Life (or *Sittlichkeit*) pays homage to a, primarily, idealized ancient Greek conception of an answer to the question 'how should I live'. In Ethical Life, Hegel aims to give an account of *how* to live that is concrete, going beyond the 'merely' abstract and theoretical. Specifically, Hegel will claim that the identity of the individual is largely constituted from facts relating to the society and cultural traditions into which the subject was born. His account aims to unify the individual and the social in such a way that demonstrates a necessary unity between oneself and the law/customs of one's culture. *Sittlichkeit* presupposes a harmony between subject and society – why does Hegel believe this to be true?

The Dual-Aspect Nature of Sittlichkeit

Sittlichkeit, according to Allen Wood, denotes two distinct (but necessarily related) things:

> First, it refers to a certain kind of social order, one that is differentiated and structured in a rational way. Thus "ethical life" is the name for an entire set of institutions – the ones anatomized under that heading in the *Philosophy of Right*: the family, civil society, and the modern political state. Second, however the term also refers to a certain attitude or "subjective disposition" on the part of the individuals towards their social life (*PR* §141R), an attitude of harmonious identification with its institutions.
> (*Hegel's Ethical Thought*, Pg. 196)

The family, civil society, and the state operate as an extended mind – ethical life *in its objective sense* denotes our commonly accessible world – this world is constituted by the substance (freedom) of the individual subjects who belong to the society. The objective side of ethical life is the very 'self-consciousness' of the subjects themselves, reflected externally. Hegel will thus argue that the laws of the state are nothing other than the objectified (externalized) laws of the universal will, and thus, are the objectification of freedom. The state's laws and society's customs are embodied freedom (as freedom *has to be*, given Hegel's earlier account) stripped of its individual contingency. The laws are valid not for this subject only, or for that subject only, but for all subjects as such. It allows us not only to generate norms, but it allows us to generate norms based on a shared sense of meaning. It does not aim to justify different conventions where no such justification is necessary, for example it does not aim to provide a justification for preferring to bow as a greeting over the shaking of a right hand, or even the driving on the left over driving on the right. Its claim, initially, is that recognition and participation in such institutions (social customs and laws), is a necessary presupposition for freedom, as one cannot interpret the behaviour of others without it – David Rose (2007) expresses this thought clearly:

> The social mores and customs of my community allow me to understand the intentions of others through their actions and they also determine the appropriate responses to such behaviour. In this sense, *Sittlichkeit* is a 'second nature', the world as constituted by social rather than natural reasons for action.
> (2007:110)

The capacity to interact with others in a codified way allows each individual to understand the determinate norms her particular society defines for her. This understanding enables one to identify with their society in virtue of it providing the grounds for the individual to be able to give expression to their subjectivity through compliance with the various pre-existing societal norms (in a similar way to how compliance with the rules of a language enables one to express oneself more clearly). In providing the subject with a quasi language, a range of self-sufficient, pre-existing, set of norms through which they can express themselves, and interpret others, society provides the necessary conditions for freedom *while at the same time* being itself the embodiment of freedom (in virtue of its rational form). Neuhouser (2000) raises an obvious concern with this outline:

> How is it possible to lend plausibility to the claim that the social world's self-sufficiency and its being structured in accord with the Concept (or "the determinations of the Idea") make it inherently rational and therefore objectively worthy of its member's endorsement? In response to this question it is not sufficient simply to note that Hegel's claim has its source in his peculiar metaphysical views concerning the nature of reason and the structure of reality (*Wirklichkeit*). The difficulty posed by this conception of objective freedom is not one of locating its source in another part of Hegel's philosophical system but of showing concretely how a claim with obscure metaphysical origins can be fruitfully applied to the problems specific to social theory.
> (2000:120)

As it happens, I think Neuhouser is incorrect to say that it is insufficient to make recourse to Hegel's 'peculiar metaphysical views'[64]. However, I also think Neuhouser is correct to claim that such a view can be fruitfully applied to problems in social theory. One such area Hegel's views can be usefully applied is in the area of social interaction, that is, interaction between subjects in the social sphere. An outline of this will, I hope, demonstrate further the concrete norms generated by Hegel's constitutivism.

Civil Society

> Civil Society is the [stage of] difference which intervenes between the family and the state […]. In civil society, each individual is his own end, and all else means nothing to him. But he cannot accomplish the full extent of his ends without reference to others; these others are therefore means to the end of the particular [person]. But through its reference to others, the particular end takes on the form of universality, and gains satisfaction by simultaneously satisfying the welfare of others.
> (*PR* §182A:220)

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[64] I hope I made such views less peculiar, and if nothing else, much more *useful*, in chapter two. Futher, I hope I demonstrated that these views enriched Hegel's arguments to such a degree that they are able to provide a satisfying account of the sort of thing Neuhouser is denying they can in this passage.

Civil society denotes the area of intersubjective, reciprocal recognition in the form of interaction that supersedes the family, and has the state as its presupposition. This area is the recognition of the right of the [moral] subject ("My will is a rational will; it has validity, and this validity should be recognized by others." (*PR* §217A:250)) to pursue her goals and projects (her concept of the good life) in the world of labour and exchange. Whereas the family may provide the grounds for the subject to recognize others on the basis of 'feeling' (love being the most relevant), it is 'need' that provides the basis for interaction at the level of civil society. This is a return to the discussion of Abstract Right, however, this time the sphere of permissibility is enlarged in virtue of the (legal) person becoming a (moral) subject – not only is this subject endowed with a sphere of inviolability (from Abstract Right), but also a sphere of obligation and determination (from Morality). Pursuit of needs now has to pay reference to the needs of others (most obviously, if we are the economic representative in the marketplace, acting on behalf of our family). In civil society, I as finite in my abilities and limited in my time, recognize my various incapacities, I recognize that I alone cannot get everything I want and require to flourish as a human being. Further, civil society allows me a pre-existing set of norms that determine the mode of exchange – just as driving on the left works very well if we all accept and obey the rule, following the same set of rules concerning the exchange of goods will help us avoid dispute. This acceptance of the importance of others for our own well-being, and the recognition of rules governing exchange (predicated on a system of mutual respect), enforces and endorses the idea of our equality of status as free beings. By being mutually dependent at the same time as being mutually independent we establish networks of inter-dependence and become bearers of *respect*:

> In this dependence and reciprocity of work and the satisfaction of needs, *subjective selfishness* turns into a *contribution towards the satisfaction of the needs of everyone else*. By a dialectical movement, the particular is mediated by the universal so that each individual, in earning, producing, and enjoying on his own account, thereby earns and produces for the enjoyment of others. This necessity which is inherent in the interlinked dependence of each on all now appears to each individual in the form of *universal and permanent resources* in which, through his education and skill, he has an opportunity to share […].
>
> (*PR* §199:233)

By participating with others we are able to seek out the means by which we can further our own ends and flourish as individuals – while at the same time affording respect and dignity to those with whom we are dependent. Through the other, I am able to pursue my conception of 'the good life' – I am able to participate in a life I recognize as worthwhile and I recognize the importance, and necessity, of others for my goals to be attained. In enacting my projects, I give external expression to my version of the good life and this external expression is nothing other than the expression of my essential, substantial, free-being. Networks of interdependence are, in virtue of being conducive to my goals, conducive to my agency. I can pursue goals more effectively as part of a society based on a system of needs – to use the hackneyed phrase: 'together we can achieve more'.

Such a system does not only give us a normative reason to treat each other with respect, but also a normative reason to interact, generally speaking.

Education

But Hegel does not need to stop there, and indeed he doesn't. Given that we can only express ourselves in the world if we have developed a skill-set of sorts, and given that we will need others to also have developed a skill-set in order to produce the things we ourselves cannot produce, one might have a normative reason to educate ourselves, and further, ensure that there is access to education for all. This education will not only be *vocational* training:

> Individuals, as citizens of this state, are *private persons* who have their own interest as their end. Since this end is mediated through the universal, which thus *appears* to the individuals as a *means*, they can attain their end only in so far as they themselves determine their knowledge, volition, and action in a universal way and make themselves *links* in the chain of this *continuum*.
> (*PR* §187:224)

but must also be a moral education in which the subject comes to understand the society in which she participates (so that the rules governing conduct/exchange/distribution &c. are seen as valid and right) – that is, education is a necessary (but not sufficient) condition

for citizenship. Thus, education cannot *only* be a means to producing and attaining goods, education is also a good in itself:

> […] if one believes that needs, their satisfaction, the pleasures and comforts of individual life, etc. are *absolute* ends, education will be regarded as merely a *means* to those ends. […] Its end is rather to work to eliminate *natural simplicity*, whether as passive selflessness or as barbarism of knowledge and volition – i.e. to eliminate the *immediacy* and *individuality* […]. *Education*, in its absolute determination, is therefore *liberation* and *work* towards a higher liberation; it is the absolute transition to the infinitely subjective substantiality of ethical life, which is no longer immediate and natural, but spiritual and at the same time raised to the shape of universality.
> (*PR* §187R:224-225)

Education has, Hegel claims, 'infinite value'. It will be of infinite value to those who have it, and to others also – it helps us to see the humanity of all, not only those who look like us, and believe the things we do:

> It is part of education, of *thinking* as consciousness of the individual in the form of universality, that I am apprehended as a *universal* person, in which [respect] *all* are identical. A *human being counts as such because he is a human being*, not because he is a Jew, Catholic, Protestant, German, Italian, etc. This consciousness, which is the aim of *thought*, is of infinite importance […].
> (*PR* §209R:240)

The Administration of Justice

Seeing others as persons and seeing this as something that *has* to be protected necessitates the external (that is, publicly accessible, and public guaranteed) existence of a system of law. This system of law cannot compel people to act in any *positive* way towards others (lest it be overbearing), but it can attach prohibitions on the actions of agents – these prohibitions will map onto the limits of abstract right and, as such (both disappointingly, and unsurprisingly) extend mostly only to affect rules regarding property rights, that is, to the sphere of abstract right which denotes the inviolability of (discrete) agents.

Interestingly, however, Hegel's discussion on the administration of justice also concerns the various limitations and checks the state should put in place to ensure proportionality in punishment, and restrictions of authority. The most interesting aspect of the section on the administration of justice is the limitations it places on the power the state may exercise. This is, unfortunately, of little interest for our purposes so I will be forgiven for not giving an account of this part of Hegel's discussion.

Needless to say that in virtue of having a system of justice administration, Hegel also has a discussion on the role and function of the police. This discussion is fairly uncontroversial (to my ear, at least) – the role of the police is to ensure the stability of the external order, which includes the protection of individual rights.

Allowing a, mostly (capitalist) economic, space for satisfaction of needs and the pursuit of the good, supplemented and aided by the existence of an education system (designed both to increase the skill-set (training) and moral character (education proper) of the population) and a variety of justice administrations, Hegel is able to demonstrate that these are not only things it might be a good idea to have, but rather these things are conducive to the freedom of the agent – Hegel is able to further claim that our society has a normative reason (given our constitutive aim) to ensure these structures are present and robust.

Conclusion

This chapter is one of two on which this whole project hinges. As it is so important, I spent time showing how Hegel's model of agency, when supplemented with his account of action – as articulated in his *PR* under the section on Morality – could legitimately be considered a constitutivist model. I also took time to show how Hegel's version of constitutivism avoided the problems raised by Enoch (and others), and also how it avoided falling into the same difficulties as Korsgaard's version of constitutivism. Of course, the main strength of the Hegelian account is that it can be spelled out – that is, we can explicitly see exactly what norms are generated *if* we accept this view. I took time to outline a few of these norms in detail and answered concerns one might have with them. I also spent some time gesturing towards other norms that might be generated at a more 'macro' (societal) level in the form of social policies concerned with education and the legal system. This, I hoped, shows that Hegel's view is comprehensive – not only are we given a model

we can use to evaluate instances of (moral) agency, we are also given a model we can use to establish the legitimacy of our society – and we know what features this society has.

In the next chapter (the second of the two chapters 'hinge' chapters), I will show – using similar methods – that Nietzsche is also a constitutivist and then show what form his constitutivism takes and what problems this helps to overcome.

Chapter Five: Nietzsche's Constitutivism

> Everything that happens out of intentions can be reduced to the *intention of increasing power*.
> (*Writings from the Late Notebooks,* §2[88] Pg. 76)

> […] the will to power is not simply a will to *resistance*, the desire for a condition in which some determinate desire is perpetually frustrated by resistance or obstacles to its fulfilment. There would be no "expansion, incorporation, growth" unless the striving was eventually successful. The will to power, in the last analysis, is the will to the very *activity of overcoming resistance* […].
> (Reginster, 2008: 126-127)

Introduction

Chapter five provided a reading of Hegel's model of action that was, I argued, a constitutivist model. From there I went on to provide a discussion of exactly what norms are generated by this account.

Just as chapter five built on the model of agency and action articulated in the first two chapters (but mainly chapter two), this chapter will build on the model of agency developed in chapter three, in which I argued that the fabled 'Sovereign Individual' was one who was resolute enough to be able to commit to projects and see them through, while acknowledging that the ceteris paribus conditions, normally required for participation in such a project, would not necessarily be present.

In this chapter I will argue that the model for agency Nietzsche articulates, in which one is free when one is self-determining in accordance with one's nature, collapses into a model of agency concerned with the attainment, and feeling of attainment, of power.

The will to power is a very controversial concept in Nietzsche scholarship. Consensus as to what exactly the will to power is does not seem to be forthcoming. In what follows, I shall outline the reading I find the most plausible, viz. the reading offered by Bernard Reginster in his book *The Affirmation of Life: Nietzsche on Overcoming Nihilism* (Reginster,

2008). This reading benefits from considerable textual evidence (although, much of it is derived from Nietzsche's unpublished works) – further, this reading seems to be a plausible reconstruction of Nietzsche's thought. Paul Katsafanas agrees (albeit in a footnote (2013:159)) with Reginster's account of what the will to power *is,* while denying that Reginster's views regarding the normative authority of the will to power are correct. I agree with Katsafanas on this point entirely, however I will go on to argue that Katsafanas is incorrect to argue that Nietzschean constitutivism generates only one norm.

The *Will to Power*

To assess Nietzsche's claim that every intentional action can be 'reduced to the *intention of increasing power*', we will have to offer an account of what exactly Nietzsche meant by a 'will to power', this is problematic given the disparity and diversity of currently existing accounts. In acknowledging this diversity, I do think Reginster argues most persuasively when he claims that Nietzsche proposes his will to power thesis as an alternative to Schopenhauer's 'will to life' (or 'will to live') thesis – in which Schopenhauer argues the will wills its [continued] existence (willing). Schopenhauer's arguments regarding the nature of the will seem implausible given the several and all-to-frequent occurrences of suicide. Objections to Schopenhauer's account are raised, many take issue with the fact that some agents are perfectly willing to bring an end to their continued volition by forfeiting their life for an ideal/value they have considered to be of greater importance to their own continued existence – assuming these things are, on occasion, in conflict. People (rightly or wrongly) *do* often value things more highly than their own continued existence[65]. Schopenhauer has a variety of responses (some of which are satisfying) to this concern, however there are further worries about his analysis being parasitic on the idea that all instances of willing are goal directed and he frequently uses examples relating to hunger and thirst to illustrate his point. To desire, for Schopenhauer, is to suffer. If I desire a cup of tea I suffer, to some degree, until the desire is sated (with, presumably, a cup of tea). The will, willing its continued existence, aims to satisfy this desire so that it may exist more comfortably. When the desire remains unsated, the will suffers more (the desire may intensify, or the consciousness of the desire being unsatisfied may frustrate). When the

[65] Indeed, for Hegel, the thing that catalyses the lord and bondsman tension is that both value their freedom (so understood) more highly than their 'mere bodily existence'.

desire is sated, the will attains satisfaction fleetingly – it is not long before another desire presents itself. This, quasi-consumerist, model of willing is put under pressure when we consider activities where the goal seems to be the striving itself – no-one climbs Mount Everest simply to get to the top[66]. We desire the *challenge*, we desire the feeling of struggle and its overcoming. This, Nietzsche claims, means that our will is not primarily directed at and concerned with its 'mere' continuation, rather, the will is concerned with resistance and, more specifically, the overcoming of resistance – and it is in these pursuits that power, and therefore, happiness lies: "What is happiness? – The feeling that power is *growing*, that some resistance has been overcome." (*The Antichrist*, §2, Pg. 4) Reginster expresses this point clearly:

> Since power is what we experience in the successful overcoming of resistance, Nietzsche calls "will to power" this desire for the overcoming of resistance in the pursuit of determinate desires.
> (2006:126)

Note that Reginster is careful to express Nietzsche's thought in terms of *overcoming* resistance – Nietzsche's claim would be obviously false were the will to power nothing more than the will to resistance and struggle. If this were what the will to power was, Nietzsche would be committed to the claim that we will our own perpetual frustration. What we in fact will, Nietzsche claims (more plausibly), is triumph over resistance; we will victory, we will discharge, we will the opportunity for catharsis. Nietzsche strengthens his claim further: we do not achieve a great catharsis through low-level resistance. Feelings of relief/euphoria do not wash over those who, for example, beat dramatically weaker chess opponents. Substantial catharsis is obtained by those who seek out, and defeat, worthy competitors/challenging goals. Nietzsche links this thought with the idea of freedom. The more 'difficult things' you can overcome, the freer you are. A striking passage, and one I will be making much use of, is found in *The Twilight of the Idols* (henceforth, *TI*):

> *My idea of freedom.* – Sometimes the value of a thing is not what you get with it but what you pay for it, - what it *costs*. […] what is freedom anyway? Having the will to be responsible for yourself. Maintaining the distance that divides us. Becoming

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[66] Access to a helicopter would be sufficient if this were one's goal.

indifferent to hardship, cruelty, deprivation, even to life. Being ready to sacrifice people for your cause, yourself included. Freedom means that the manly instincts which take pleasure in war and victory have gained control over the other instincts, over the instinct of 'happiness', for instance. People who have *become free* (not to mention *spirits* who have become free) wipe their shoes on the miserable type of well-being that grocers, Christians, cows, females, Englishmen, and other democrats dream about. A free human being is a *warrior*. – How is freedom measure in individuals and in peoples? It is measured by the resistance that needs to be overcome, by the effort that it costs to stay on *top*. Look for the highest type of free human beings where the highest resistance is constantly being overcome […]. The peoples with any value at all *became* valuable, and not through liberal institutions: *great danger* made them into something deserving of respect, the danger that first made us know our resources, our virtues, our arms and weapons, our *spirit*, - the danger that *forces* us to be strong… *First* principle: you must need to be strong, or else you will never become it. – Those great hothouses for the strong, for the strongest type of people ever to exist, aristocratic communities in the style of Rome and Venice, understood freedom in precisely the sense I understand the word: as something that you have and do *not* have, that you *will*, that you *win*…
(*TI*, IX:38, Pgs. 213-214)

Nietzsche will want to argue that all action aims to overcome resistance, great men are those who seek out and overcome terrific resistance, and thus, become terrific themselves. Weak men are those who seek out and overcome pitiful levels of resistance, and thus become pitiful in turn. That resistance is what the will seeks to overcome is, Nietzsche claims, a fundamental drive. Understanding the nature of this *drive* will provide us with the organizing principle of a new ethic. For now, let us express the Nietzschean constitutivism to be defended in this chapter:

((Constitutive Aim N)
Each token of willing aims to overcome resistance, and aiming to overcome resistance is part of what constitutes an attitude or event as a token of willing.

(Success N)

An agent's action is successful to the degree it overcomes the maximally available level of resistance. Overcoming the maximally available level of resistance (OMR) is the standard of success for action, such that OMR generates normative reasons for action.

Action and the Will to Power

Nietzsche claims that all action[67] aims towards the overcoming of resistance. 'Power' is what we use to overcome resistance. The more powerful one is, the more resistance one can overcome. This conception of power is expressed best using analogy: physically powerful people are those who can lift heavier weights/run faster (&.) than those who are less physically powerful. This thought finds *an* expression in the equation Power= work/time. Nietzsche explicitly links this thought to the concept of freedom: "The highest type of free man should be sought where the highest resistance is constantly overcome." (*TI* IX:38, 213-214) The more you *can* overcome, the freer you *can* be ("*First* principle: you must need to be strong, or else you will never become it."). And the feeling of freedom, the feeling of *power*, is *good*. That Nietzsche holds this view is not entirely controversial – several passages seem to support this reading, most famously a passage in *The Anti-Christ* (henceforth, *A*) (from which I quoted above):

> What is good, everything that heightens in human beings the feeling of power, the will to power, power itself.
>
> What is bad? – Everything stemming from weakness.
>
> What is happiness? – The feeling that power is *growing*, that some resistance has been overcome.
>
> *Not* contentedness, but more power; *not* peace, but war; *not* virtue, but prowess (virtue in the style of the Renaissance, *virtu*, moraline-free virtue).
>
> (*A*, §2, Pg. 4)

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[67] Nietzsche sometimes inflates this claim, here restricted to the nature of willing, to include all organic life (at least). This claim has been read as metaphysical (especially by Martin Heidegger and Giles Deleuze), attributing to Nietzsche the view that the will to power is an account of what the world is 'in itself' – while I do not agree with this reading, some of the blame for it can be laid at Nietzsche's door.

Much has been made of this passage, most notably and perhaps most carefully, by Bernard Reginster who dismisses the view that the 'will to power is a doctrine about human motivation' (2006:104), then proceeds to claim that several influential Nietzsche-commentators (Karl Löwith, Walter Kaufmann and Maudemarie Clark) are guilty of the "fundamental error' of confusing the *by-product* or *consequence* of the pursuit of the will to power to be what the will to power *consists of*."(2006:105). I take this criticism of Maudemarie Clark (et al) to be analogous to a point made by Katsafanas:

> Psychological hedonists claim that pleasure is the final end of each goal-directed act. Thus, if we consider any act – the pursuit of knowledge, the pursuit of friendship, the pursuit of a dish of ice cream – the psychological hedonist will claim that these goals are pursued simply as a means to attainment of pleasure. Analogously, it would be natural to read Nietzsche as claiming that all goals are pursued for the sake of power.
> (2013:160)

Such a 'natural' reading, Katsafanas argues, is incorrect. This error is highlighted by drawing on Martin Heidegger's analysis of Nietzsche. Katsafanas (via Heidegger) argues that the will to power is a not claim about goal-driven motivations – instead Nietzsche is making a point about what it is to will *as such*:

> For notice that power is not something that, strictly speaking, would be intelligible apart from willing. Happiness or pleasure can be conceived independently of willing: we can understand what it is to be happy or pleased without presupposing the concept of willing. We cannot, however, understand what it is to encounter and overcome resistance apart from the concept of willing. […] This is why, as Heidegger notes, claims about the will to power are not claims about "some sort of appendage to will"; they are "an elucidation of the essence of will itself."
> (2013:160-161)

Power is not the *goal* of willing, power is the *form* of willing. Reginster, discussing the virtues of Richardson's account of the will to power, makes the exact same point:

> The will to power is not, however, the tendency built into every drive to secure the necessary means to achieve its specific end. And it is not the ultimate motivation of every drive, the final end for the sake of which it pursues its specific end. Rather, the will to power designates something about the *manner* in which it pursues its specific end.
> (Reginster, 2006:129)

I believe this is one of the few areas of convergence of opinion in Nietzsche scholarship[68] with such a thought receiving expression initially in Heidegger, through to Richardson, then Reginster, then Katsafanas. But what is this 'essence of will itself'? Katsafanas's 'elucidation' suggests that Nietzsche's doctrine of the will to power – the doctrine of the will to seeking-out and overcoming resistance, is concerned with making a *conceptual* point about the nature of willing, which Katsafanas expresses thus:

> Happiness or pleasure can be conceived independently of willing: we can understand what it is to be happy or pleased without presupposing the concept of willing. We cannot, however, understand what it is to encounter and overcome resistance apart from the concept of willing. The very concept of willing is unintelligible except in relation to a determinate end: who does not have any ends – an agent who is not engaged in willing – cannot face any resistance. It follows that will to power can only manifest itself in the pursuit of some determinate end: in order to seek resistance at all, we must also seek something other than power.
>
> Once we keep this point in mind, it becomes difficult to see what the instrumentalist conception of power could even mean. The will to power is the will to encounter and overcome resistance. But this will cannot manifest itself as the blank aim of seeking resistance, for resistance is only intelligible in connection to some other, more determinate end.
> (2013:160-161)

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[68] Which is, of course, not to claim that everyone (or anything like everyone) subscribes to this view.

This conception of willing is nothing other than an expression of our constitutive aim. To will is to seek to overcome resistance; seeking to overcome resistance denotes an event as an instance of willing.

So, if the will to power is not a claim about human motivation (narrowly conceived), how are we motivated? Nietzsche's discussion of motivation is, unhelpfully, expressed in vague and alien language. In the first instance, and to revisit the theme of chapter three, Nietzsche is committed to the claim that our action reflects our motivational states (thus, as stated before, dissolving the doer/deeds distinction) – what an agent does is what an agent is. But what is an agent? It is here Nietzsche's account strikes the ear as odd: an agent is nothing more than (that is, nothing 'over', nothing 'behind') a collection, a bundle, of *drives*. The next section will aim to provide an overview of what exactly this means.

Nietzsche on the Self

Two things must be accounted for in this section:

1. What is a drive?
2. What are the drives?

On the first issue, Janaway uses a passage from Nietzsche's notebooks from 1884 to draw-out the concept of a drive:

> The human being, in contrast with the animal, has bred to greatness in himself a plenitude of *opposing* drives and impulses: by way of this synthesis he is master of the earth. Moralities are the expression of locally restricted *orders of rank* in this multiple world of drives: so that the human being does not perish from their *contradictions*. Thus one drive as master, its opposing drive weakened, refined, as impulse that yields the *stimulus* for the activity of the chief drive. The highest human being would have the greatest multiplicity of drives, and also in the relatively greatest strength that can still be endured. Indeed: where the plant human being shows itself as strong, one finds instincts driving powerfully *against* one another (e.g. Shakespeare), but bound together.
> (Quoted from Janaway, 2012:186)

Human beings, it seems, are a collection of continuously competing drives. This is simply to restate the point at the end of the last section. However, Janaway makes the further claim that, for Nietzsche, drives are: 'relatively enduring dispositions to behave in certain ways, which are not within the full rational or conscious control of the agent' (2012:187)[69]. Drives are not within our rational control, instead they 'colour the world' – causing us to see certain facts in a certain way, determining that the agent has 'an evaluative orientation' towards objects. While we cannot control which drives are present within us, try as I might I will never rid myself of the strong urge to, for example, play chess, I may, to varying degrees, be conscious of these drives[70]. Janaway makes this point using the example of artistic self-expression:

> Take another plausible kind of drive for Nietzsche: a drive whose goal is artistic self-expression. Must it be the case that, in order for me to have this drive, I remain ignorant of its goal? Is it not probable that I will be able to figure out, by examination of my behaviour, that this goal permeates many of my actions? Nor does it seem necessary to think that, once I recognize this about myself (and perhaps start consciously pursuing an artistic career because I recognize my drive), the *drive* to artistic self-expression must cease to operate in me. It might indeed be that such a drive structured my behaviour without my knowledge, but it does not seem constitutive of something's being a drive that I be ignorant in the way described. It does seem constitutive, by contrast, that I cannot fully *control* the drive to artistic self-expression by conscious thought or rational decision. That is to say, I cannot decide not to have this disposition, or choose not to have it structure my perceptions and evaluations.
> (2012:187)

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[69] Janaway, goes on to praise Katsafanas's outline of Nietzschean drives, but acknowledges there are differences of interpretation. I will not highlight these differences here.

[70] Actually, following from my argument in chapter three, an agent is perhaps more free to the degree she is consciously aware of her 'drive structure' – presumably, one can act more determinedly if one is conscious of one's make-up.

We cannot simply choose to 'flick the switch' and *be* differently. I might know that I am thin-skinned, I might even know that I am being overly-sensitive when I am subject to a colleague's criticism, but this knowledge does not help me feel differently – at least, not immediately. Indeed, my behaviour will be largely[71] unaffected of this fact, regardless of my ignorance/knowledge of it. While the drives dispose an agent to evaluate things in a certain way, and behave relative to this evaluation, the drives do not *determine* that the agent evaluate/act in a particular way. While the drives cause us to perceive the world in a certain way, and to seek-out opportunities to behave/act in a certain way, it is possible – indeed, frequently the case – that we supress/sublimate some drives to such an extent that they become diminished to such a degree that they are virtually extinct – indeed, Nietzsche claims, at times, that it is indeed *possible* for a drive to *completely* wither[72]. This feature of the drives gives rise to much of Nietzsche's criticisms regarding the harmful *warping* effect society can have on us. Modern society, being the concrete expression and administer of Judeo-Christian ('herd') values, forces us to suppress our selves (our collection of drives), internalising and manifesting a set of drives and dispositions which are, ultimately, alien to our being:

> Liberal institutions stop being liberal as soon as they have been attained: after that, nothing damages freedom more terribly or more thoroughly than liberal institutions. Of course people know *what* these institutions do: they undermine the will to power, they set to work levelling mountains and valleys and call this morality, they make things small, cowardly, and enjoyable, - they represent the continual triumph of herd animals. Liberalism: *herd animalization*, in other words…
> (*TI*:38, Pg. 213)

Given the argument in chapter three (put quickly: that one is free when one is responsible for oneself; when one determines who they are and acts in conformity with their 'nature' – thus taking ownership of themselves and their actions), we can see why Nietzsche dislikes the normalizing, 'levelling', effect of liberal (modern democratic) society. Given this, we

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[71] I say 'largely' because if I am to be consistent I must think that knowledge can –with work - lead one to alter the level of force the drive exerts on us. Not only do I say this to remain consistent – I say this because I think it to be true.

[72] See *Daybreak* 109.

can already see emerging the profound differences – despite the similar accounts of agency - between Hegel's (socially focussed) and Nietzsche's (individually focussed) account…

So, if we accept that drives are a 'relatively enduring dispositions to behave in certain ways, which are not within the full rational or conscious control of the agent' – and that the will to power is a thesis concerned with the structure of willing *as such* we can now see how a Nietzschean ethic might emerge. The 'good' self-determine in such a way as to become the greatest expression of their type. The 'bad' are those who do not self-determine in such a way as to become the greatest expression of their type. For example, if I have a drive structure that means I perceive rock-climbing as a worthwhile and desirable pursuit, and a 'healthy' will to power, then I will *aim* to become a very good rock-climber – I will seek out opportunities that allow me to discharge this drive, further, I will seek out rock surfaces that really challenge my rock-climbing capacity. Good actions are those that aim to overcome the highest level of resistance it is possible for the agent to overcome.

One might think that to have a substantive account of human goodness, one might have to provide an account as to what constitutes a 'good' collection of drives (thus populating a list that might satisfy our second question, stated above). Nietzsche is, here, frustratingly unhelpful. In answer to our question 'what are the drives', Nietzsche leaves us with an answer so thin that it might as well be no answer at all. In *Daybreak* alone, Nietzsche lists things like 'restfulness', 'fear of disgrace', 'love' (D 109:87), 'distinction' (D 110:68), 'praise', 'blame' (D140:88), 'fury', 'observation', 'reason' (D142:89), 'attachment', 'care for others', 'care for themselves' (D143:91) &c. This list is clearly nowhere near exhaustive – there are many more, and more obvious, drives like nutrition, revenge, glory, fighting, sex (&c.)… So, given the sheer near-infinite number of possible drive combinations one could 'house' it would appear difficult to set an evaluative standard by which we can judge drive collections (or, 'selves'). Alas, Nietzsche does not think so. Indeed, Nietzsche claims that selves can be evaluated with regards to how beautiful the unity created is. Nietzsche wants to replace a (narrowly understood, that is, Judeo-Christian) moral evaluation with an aesthetic evaluation, broadly conceived.

Katsafanas argues that the above conclusion (regarding the nature of the drives and the will to power) can be expressed as three claims:

> First, drives are motivational states that aim at their own expression, and take various objects merely as chance occasions for expression. Second, drive-motivated actions constitutively aim at encountering and overcoming resistance. Third, all human actions are drive-motivated. It follows that all human actions inescapably aim at encountering and overcoming resistance. Or, to translate these claims back into Nietzsche's terminology: all human action manifests will to power. Power is a constitutive aim of action.
> (2013:176)

An obvious counter-objection/*reductio ad absurdam* immediately presents itself. I want a cup of tea. If I am inescapably driven to overcoming resistance, it would appear to be the case that I make this task as difficult as possible, perhaps by giving my kettle to a member of the Special Forces (instructing them to keep the kettle out of my possession at all costs). Clearly, when I want a cup of tea, I do not want any resistance. I want the tea. I want it now. If possible, I would have hired someone to anticipate when I would want tea then have them make this for me in advance. Given that I do not participate in a fight to the death each and every time I want a cup of tea, does this invalidate Katsafanas's and (perhaps) Nietzsche's account of action[73]? Anticipating this obvious counter-objection, Katsafanas states:

> It is important to notice that the will to power thesis does not imply that we are motivated to seek *all* forms of resistance. Rather, it implies that we are motivated to seek the forms of resistance that give the motivating drives an opportunity for expression.
> (2013:176)

To get around this, Katsafanas states that the resistance to be overcome must have some *relevance* to the activity undertaken: 'Whenever we act, we aim to encounter and overcome

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[73] Katsafanas offers similar examples to show that this is *not* what he is claiming and writes that such a position would indeed have odd implications: '[…] we would be motivated to perform a number of activities that generate immense amounts of resistance, but seem pointless or indeed even insane. For example, sticking one's hand in a fire, or hacking off one's own limbs, would generate enormous amounts of resistance.' (2013:177).

resistances that are related to the activity that we are performing.' (2013:176) Tea-making isn't some project, or even part of some project, I am undertaking – the relevant resistance is minimal.

This helps to explain why we are not satisfied to play vastly inferior chess players, it also explains why we seek out opponents who are tough, but beatable.

While this account seems to benefit from a variety of satisfying and, perhaps, intuitive conclusions about the nature of action and human satisfaction it is yet unclear how such a position could generate a *moral* theory. Even if we accept the Nietzschean/Katsafanian account of action, what *normative* results can we draw? Whereas it might be easy to see how Katsafanas's Nietzsche (henceforth, simply 'Nietzsche' unless otherwise stated) provides us with a brilliant evaluative tool – it is not obvious that it gives us a generative tool.

Katsafanas claims that one norm is generated – I will argue that it might generate more. Specifically, I want to argue that three (at least – certainly no fewer) are generated:

1. Knowledge of self
2. Knowledge of environment (world)
3. Self-creation (in accordance with an aesthetic standard) with reference to 1. & 2.

I think these norms (at least) are generated if we take seriously (and I think we should) Nietzsche's claim in *Daybreak* and *Beyond Good and Evil* (regarding the four 'cardinal'[74] virtues).

> *The good four.* – *Honest* towards ourselves and whoever *else* is a friend to us; *brave* towards the enemy; *magnanimous* towards the defeated; *polite* – always: this is what the four cardinal virtues want us to be.
> (*D*:556, Pg. 224)

[74] It is especially interesting and worth drawing attention to the fact that Nietzsche labels these views 'cardinal'.

> And to keep control over your four virtues: courage, insight, sympathy, solitude. Because solitude is a virtue for us, since it is a sublime inclination and impulse to cleanliness which shows that contact between people ("society") inevitably makes things unclean. Somewhere, sometime, every community makes people – "base." (*BGE*:284, Pg. 171)

I especially want to take seriously Nietzsche's virtues of honesty, bravery and insight.

Knowledge of Self & Knowledge of Environment – *Honest* towards ourselves: courage, insight…

Given chapter three – in which I stated the reasons to accept that good agents are free agents (so conceived) – and now given Nietzsche's account of the drives/will to power we might think that one has a reason (a *normative* reason) to self-examine and establish one's drive structure. Understanding what we are, understanding our drive-constitution, will make us more effective as agents. The point here is similar to Spinoza's (as articulated in chapter one). If we understand our substantial nature (for Spinoza, our discreet, finiteness, yet consubstantiality with God – for Nietzsche, our drive structure) we are more likely to do something deliberate, more *intentional*, with it. To return to the analogy offered in chapter three, if one knows *how* (that is, in what ways) the rosebush can grow, one can determine – 'choose' - which way to train the branches in accordance with the possibilities – at least to a greater degree than one could if ignorant of oneself. The point here is very different from Hegel's. For Hegel, the point of reference for the will was its substantial freedom. As such, to continue with the analogy, everyone is a rosebush. For Nietzsche, the point of reference for the will is the drive structure of the willing agent himself. As such, each of us is a different plant (some are oak trees, some are rosebushes &c.).

If we accept this, then how does one come to learn of one's drive structure? A cursory glance at our behaviour might be sufficient to establish some of the larger enduring character dispositions – if I go out every Friday night with the express intention of getting into a fight, it would certainly seem legitimate for me to conclude that I am an aggressive person – however, we will need to take a firmer, and more sustained, look at ourselves to develop a robust sense of who we are. Not only do we have to look at what we have tried to accomplish in our lives, we have to be sensitive to the 'feedback loop' provided by the

world. You might be convinced that you are the world's greatest chess player, but this belief ought to be relinquished if you suffer defeat after humiliating defeat. Of course, this relinquishing often does not happen – people go to extraordinary lengths for the sake of self-delusion. Part of being a good agent, for Nietzsche, is being sensitive and responsive to the feedback one receives. Thus, Nietzsche might (and does) expand on this to argue for a normative commitment to a sort of honesty – it is, in part, this *lack* of honesty that he finds in Judeo-Christian ethics so distasteful. The Judeo-Christian turns a 'can't' into a 'doesn't want to', and then 'oughtn't'. By both being and acting weakly, and interpreting this as strength, the Judeo Christian is not only lying to herself, but imposing a stifling and oppressive value system on others.

Being honest with oneself, and facing up to what one *is*, is a necessary pre-condition for agency proper. *Honesty and courage* are, therefore, necessary for an agent to become sovereign – for one to be capable of committing/promising, one has to be aware – has to have a strong sense of – what one is capable of committing to. It is this self-knowledge that provides a necessary (but not sufficient) condition for promise making; it is this self-knowledge that gives the agent the *right* to make promises. One cannot, and ought not, promise unless one is aware of one's capacities. It would be irresponsible to commit oneself to a project knowing that you lack the capacity/ability to perform. For example, knowing that you are –by nature - a philanderer might, and certainly should, discourage you from participating in such institutions as marriage (normally conceived – that is to say, monogamous). One has to be *careful* before making promises, one should make promises only if one is strong enough to keep them (to return to the theme of chapter three). Unfortunately, according to Nietzsche, this self-knowledge requirement is very difficult to satisfy. Nietzsche expresses this wonderfully at the beginning of *On the Genealogy of Morality*:

> We are unknown to ourselves, we knowers: and with good reason. We have never looked for ourselves, - so how are we ever supposed to *find* ourselves? […] We remain strange to ourselves out of necessity, we do not understand ourselves, we *must* confusedly mistake who we are, the motto 'everyone is furthest from himself' applies to us for ever, - we are not 'knowers' when it comes to ourselves…
> (*GM*:Pref.1, Pg. 3)

Nietzsche plans on changing this, if not single-handedly, then by inspiring future philosopho-pschologists. Re-orienting values in accordance with agency constitutes a substantial part of Nietzsche's whole project. The first part of this project – this revaluation of values - will be negative. The negative phase aims to apply pressure to the standard view (as it was in Nietzsche's day) by claiming that our current mode of evaluation is nothing more than prejudice, not the 'objective mode' it pretends to be: 'where *you* see ideal things, *I* see - human, oh, only all too human!' (*HH*:115). The second part of the project will be more positive/creative. It will show us the way towards a new, healthier, system of ethics; an (aesth)ethic of self-creation, of self-responsibility.

Self-Creation, Self-Responsibility and Moral Perfection

Knowing what we are *should* enable us to learn what tasks/projects we will find easy, what tasks/projects we will find impossible, and what tasks/projects we will find challenging. The constitutive principle of the will to power allows us to make normative claims of a less empty 'formalistic' sort. To recap the sentiment of the earlier section:

> Nietzsche observes here that we take the *difficulty* of an achievement to contribute to its value. And he claims that this is the implication of a commitment to the value of power, understood as the overcoming of resistance. At is core, an ethics whose principle is the will to power is intended to reflect the value we place on what is difficult or, as we might prefer to say, challenging. […] the difficulty of an achievement gives it a *special* and *conditional* value, which he calls 'greatness'. An achievement cannot be *great* unless it was also challenging.
> (*The Will to Power and the Ethics of Creativity*, 2007:43)

To become a self that is 'good', one has to engage in projects that one finds challenging. To become an agent that is truly great – one has to be the sort of agent who is capable of overcoming a fantastic level of resistance. It is unsurprising that Nietzsche thinks not all of us can achieve 'greatness' (and not only by definition), given that not all of us are strong enough to overcome a fantastic level of resistance. Perhaps worse, being one of the strong is not a sufficient condition for greatness, being strong might actually *hinder* an agent in becoming great as there are more complex conditions to be satisfied for the obtaining of success:

> he [Nietzsche] holds that the greater a person's potential for perfection the less likely he is to achieve it: by 'the law of absurdity in the whole economy of mankind,' the conditions for the success of the well-constituted are more complicated and therefore less often supplied (BGE: 62). […] This is implicit in his remarks that powerful individuals need self-discipline and hardness toward themselves, presumably to control impulses that would lead them away from perfection […]. This important strand in Nietzsche's thought implies that obstacles to perfectionist achievement can arise not only outside a person, in unfavourable external circumstances, but also inside, in his own anti-perfectionist tendencies or 'inner hopelessness' (BGE: 269)
> (*Nietzsche: Perfectionist*, 2007:15)

It seems that an agent not only has to be strong enough to achieve greatness, not only strong enough to overcome external hindrances, but also strong enough to commit to the project – that is to say, strong enough to steel oneself, strong enough to promise.

What do such agents look like? What should we look for in ourselves so that we may discover if we are one of these truly remarkable agents? Nietzsche is not so helpful here, he – clearly intentionally - does not appear to give us any tips as to what we should look out for if we think we might be one of the lucky few who can become great. However, by way of suggestion (perhaps) - we are offered a few exemplars of human greatness: there is, of course, Nietzsche himself, Beethoven, Shakespeare and, perhaps the most frequent recipient of superlatives, Goethe:

> *Goethe* – not a German event but a European one: a magnificent attempt to overcome the eighteenth century by returning to nature, by coming *towards* the naturalness of the Renaissance, a type of self-overcoming on the part of that century. – He carried its strongest instincts within himself: sensibility, nature-idolatry, anti-historicism, idealism, as well as its unreality and revolutionary tendency (which, in the end, is only a form of unreality). He made use of history, science, antiquity, and Spinoza too, but above all he made use of practical activity; he adapted himself to resolutely closed horizons; he did not remove himself from life, he put himself squarely in the middle of it; he did not despair, and he took as much as he could on

> himself, to himself, in himself. What he wanted was *totality*; he fought against the separation of reason, sensibility, feeling, will (-preached in the most forbiddingly scholastic way by *Kant*, Goethe's antipode), he disciplined himself to wholeness, he *created* himself. […]
> (*TI*:222, §49)

This passage is remarkable, not least because Nietzsche is speaking about someone positively (usually people are the recipients of some pretty scathing remarks), but also because Nietzsche is setting out a way in which one *can* be great. One does have to be wary about using this as a blueprint though, especially considering that this passage appears in a book entitled *Twilight of the Idols* – replication of those one admires is not greatness – idols are to be superseded, not mimicked. The thing to note from this passage is that what Nietzsche admires most about Goethe is his *unity*, his *totality*, his *self-creation*. Why does self-creation matter for Nietzsche? Self-creation matters for Nietzsche because he thinks that only those self-creators are truly responsible and truly free. He thinks this for quasi-Spinozist reasons. If you are responsible for yourself, you are responsible for your actions (given the dissolution of the doer/deed distinction). If you are – to a large extent – the product of your society, upbringing, &c, you are less responsible for yourself and – therefore – can claim little ownership of your actions. Those individuals who are truly self-created are maximally responsible for their actions. Their actions are a product of their nature, and their active interpretation of their nature, and more free because of it. The self-created have the right to answer 'me' when asked 'who did this'.

Now, it cannot possibly be the case – lest we lapse into absurdity – that Nietzsche (and the Nietzschean constitutivist) is claiming that we have a normative obligation to become a strong, self-creating, promise-making, fully-free, Goethe-esque, agent. Further, the Nietzschean constitutivist has to answer the moralist's question that plagues the Aristotelian/Korsgaardian constitutivist: 'sure, I can accept a good agent has the properties you describe to the superlative degrees, but why should I aim to be a good agent? Why is it not enough for me to have the properties to a minimal degree?'. Or: 'all actions realize x, why should I aim to realize x to a greater degree?' Katsafanas also highlights 'the problem of differential realizability' – how much sense does it make to talk about scales of realizations, both within a pursuit/discipline and, more problematically, across disciplines:

> The pursuit of great literature, the pursuit of knowledge, the pursuit of athletic prowess, and the pursuit of political power are all difficult, but in quite different ways. They may be incomparable. Who pursues and overcomes more resistance: Emily Dickinson or Stephen Hawking or Jesse Owens or Ghandi? It is not clear how one could even begin to answer this question. […]
>
> In short, it seems that we lack a differentially realizable notion of will to power. And if that is right, the will to power thesis cannot generate any substantive normative conclusions.
> (2013:201)

Katsafanas attempts to answer the second problem via two routes. One route – the 'restricted claim' response - is unsatisfying and frustrating. The other – the 'project-only evaluation' response – is, at best, confusing, given the aim of the book.

The 'restricted claim' response runs thus: "a moral theory needn't reach into every aspect of our lives; it is sufficient if it structures [only] some portions of our lives." (2013:201). Given Nietzsche's project, as I have outlined it, seems most concerned with self-creation it is difficult to see how on earth this could possibly *fail* to permeate into every aspect of one's life. In trying to restrict the claim to affecting only a small (still-to-be-demarcated) portion of our lives, Katsafanas's Nietzsche seems to diverge quite some way from Nietzsche himself. Of course, one way to overcome *this* problem is for him to claim that it is here his interpretive project ends and his reconstructing/developing project begins. I don't think this move is necessary. I think we can retain the macro-level reading AND maintain an idea of differential realizability. Further, I think Katsafanas must be committed to this as well. His 'project-only' model – in which he claims/concedes that Nietzschean constitutivism will *not* be able to generate norms (like lying/murdering/cheating &c. are wrong) – seems concerned to be exactly the sort of thing he is denying in the original 'restricted claim' response:

> So I suggest that the Nietzschean theory plays a more retrospective than prospective role. It is not addressed to an imaginary agent standing outside all valuations and determining without any evaluative presuppositions which values to adopt. Rather,

> it is intended to diagnose and correct courses of action and sets of values that we have already embraced. It tells us how to go on, not how to begin. […]
>
> It's true that the will to power thesis doesn't tell us whether to keep our promises or steal or jaywalk. It's true, as well, that the will to power thesis doesn't enable us to rank Melville and Dickinson and Owens. But Nietzsche is not imagining that it would. Rather, he envisions us from time to time subjecting our values and long-term activities to this standard. He envisions us doing what his own books do: engaging in extended, prolonged reflection on these values, goals, and standards, gradually coming to shed some and retain others.
> (2013:202-203)

It certainly sounds like organizing and directing your life-projects with regard to a strict/demanding evaluative standard would be hugely pervasive; permeating into all aspects of one's being. Thus, it is confusing why Katsafanas would claim this immediately after claiming that the will to power thesis is restricted, or 'substantive without being exhaustive', when it seems anything but. Perhaps Katsafanas's claim has more to do with the under-generation of 'standard' norms (norms concerned with lying, murdering, cheating &c.)? This also seems implausible. The claim is only plausible if we think that standard norms *have* to be universally binding for all agents (if it wrong for me to lie, it is wrong for you to lie). But why do we have to accept this? If Nietzsche's theory *is* determinate enough to tell an agent what *type* of character it is good to be, or, rather, what form one's willing should take, wouldn't it follow that an agent who has determined his life-projects generate the standard-form norms? Given certain rationality conditions, it seems to be fairly clear that a list of hypothetical imperatives *would* be populated if one were to commit to a certain project.

So, if the difficulties of differential realizability are, in principle, answerable, what are we to do with the problems of maximal realization of goals?

Katsafanas outlines the 'why bother' objection thus:

> The objection proceeded as follows. Suppose we show that action constitutively aims at G, and suppose G can be fulfilled to different degrees. All that it takes for

> something to be an action is for it to fulfil G to some extent. So, if an agent is committed to performing actions, she is committed to fulfilling G to some extent. But why bother fulfilling G to the highest degree?
> (2013: 207)

This problem is overcome, Katsafanas argues, by adding an endorsement condition to 'Success'. Agential activity (actions proper) are those actions that, if one were to ask you if you 'agree with' or 'endorse' this action, the agent would say that they did – this is simply to restate an implication of what it is for an action to be considered intentional. In approving of her own action, the agent is, committing to its maximal (possible) fulfilment. Given that all actions constitutively aim at power (as discussed above), and given that if the agent were informed of this explicitly then the agent would endorse this claim, then the agent constitutively aims at maximal fulfilment of the will to power. Katsafanas offers a useful example to demonstrate how the 'endorsement' plays out for our normative commitments:

> (Endorsement) If an agent aims at G, *and the agent endorses this aim*, then G is a standard of success for the agent's action.
>
> […] The Endorsement principle is weaker than Success because it incorporates an additional condition. We must ask not only whether the agent aims at G, but also whether the agent approves of this aim. Presumably, agents have many aims of which they disapprove. For example, suppose Bill has a desire to procrastinate, but disapproves of this desire. If we embrace Success, Bill has a reason to procrastinate. If we embrace Endorsement, he does not. In this respect, Endorsement might seem more appealing than Success.
> (2013:209)

(Endorsement) allows us to see how it is possible to fail to attain the success condition to the maximal degree, and why – when this happens – this is a bad thing. Instances of *akrasia* (weak-willedness) denote actions that do *not* conform to the agent's nature, unless, of course, the agent is weak-willed; in which case the agent is still expressing their will to power.

The modification of (Success) to (Endorsement), enriched with the will-to-power thesis and tethered to a theory about the self (as a 'drive structure') provides us with a complete picture of what it is to be an agent, what it is to be a great agent, and why all instances of agency aim towards greatness. What Nietzsche offers us –by example of Goethe (&c.) – is the means to evaluate actions as great by showing us that what matters for greatness is the *way* in which the agent wills – not *what* the agent wills.

So, aside from having a normative commitment to self-knowledge (or, as much self-knowledge as one can bear) and sensitivity to what I labelled 'feedback loops', Nietzsche's ethical model is not going to furnish us with universally and absolutely true answers to questions that take the form 'is it wrong to x?' Whether this is a deficiency or strength will be discussed in the next, and final, chapter.

Chapter Six: Which Constitutivism?

The preceding chapters of this thesis have built up to, then argued for the conclusion that Hegel and Nietzsche, in virtue of sharing the same model (structurally) of agency are both committed to a version of constitutivism. While these models are similar, it would be misleading, to a staggering degree, to claim that we can generalize from this to suggest they resemble each other in any other way. Despite such striking structural similarities, the type of norms generated by the Hegelian and Nietzschean model are diverse – and, unfortunately, often in conflict. Whereas Hegel's normative project *could* be (and, I think it is best when it is) fleshed out in terms of intersubjective, reciprocal recognition – that is, in terms of parity, dignity, and the presupposition of equal worth – Nietzsche's project might entail an elitist, hierarchical, social structure in which our commitment to the idea that all agents deserve equal moral consideration is seriously challenged and, ultimately, shaken, destabilised, then rejected.[75] Most of the tension between the two accounts emerges from Hegel and Nietzsche's commitment to akin to a position labelled 'parametric universalism' by T.M. Scanlon (Scanlon, 1998). Which theory we adopt will be determined, mostly, according to whose parametric universalism we wish to accept.

Parametric Universalism

> Rather than a relativist, Nietzsche is what is sometimes called a *parametric* universalist: he holds that there is a universally valid normative standard, but argues that the particular results generated by this standard vary across different types of individuals.
>
> […] there is a sense in which Nietzsche can be described as a universalist. He is not rejecting *all* forms of universalism; he is not rejecting *parametric* universalism. Rather, he is rejecting the form of universalism that claims that values do not need to be contextualized to different individuals.
> (Katsafanas, 2013:218, 218fn10)

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[75] Katsafanas (2012) argues that Nietzsche is only railing against egalitarianism of a certain sort – I'm not sure how plausible his argument is here, but I shan't discuss it either way.

Katsafanas, adopting terminology from Scanlon, correctly identifies Nietzsche as a parametric universalist (henceforth, PU) – the will to power being the universally-valid normative standard, the drive structure of the agent being the 'context'. I think Hegel also accepts a form of PU – he claims that all individuals are of the same type, but denies that the way in which norms manifest and bind is *a*-contextual. Given that much of the desirability of parametric universalism is derived from its capacity to treat persons as morally discreet (my norms bind me, they do not – necessarily - bind you) – how accurate is it to suggest Hegel is a parametric universalist, given that he clearly things everyone is bound by the same norms? To see why this is so, it might perhaps be helpful to look at the alternative ways of characterizing Hegel's view. The first characterization is relativism, the other is strict universalism. Hegel, I will argue, is neither – despite being read at different times as one or the other.

Relativism

T.M. Scanlon provides a useful definition of relativism, and it is this, Scanlon's, relativism I will be referring to throughout my discussion:

> Moral relativism, as I will understand it, is the thesis that there is no single ultimate standard for the moral appraisal of actions, a standard uniquely appropriate for all agents and all moral judges; rather there are many such standards. According to relativism, moral appraisals of actions, insofar as they are to make sense and be defensible, must be understood not as judgements about what is right or wrong absolutely but about what is right or wrong relative to the particular standards that are made relevant by the context of the action in question, or by the context of the judgement itself. It is important that the standards in question here are *ultimate* standards.
> (Scanlon, 1998:329)

A prima facie look at this overview of relativism does seem to cohere with much of what Hegel says, for example: 'Each nation accordingly has the constitution appropriate and proper to it.' (*PR*, §274R). And again:

> The constitution of a nation must embody the nation's feeling for its rights and [present] condition; otherwise it will have no meaning or value, even if it is present in an external sense. […] Socrates' principle of morality or inwardness was a necessary product of his age, but it took time for this to become [part of] the universal self-consciousness.
> (*PR*, §274A)

Hegel even offers us a historical example: he claims the Spanish rejected (and could not recognize) Napoleon's constitution (constructed along more rational principles than the constitution hitherto) because they perceived it as 'alien' in virtue of their not being sufficiently cultivated. Accepting Hegel's account of the Spanish being uncultivated (which, obviously, we don't), Napoleon's norms did not bind the Spanish – and indeed, the Spanish *cannot* recognize the norms – because they are not part of the Spanish historical narrative, or the Spanish moral consciousness. Does this mean that Hegel *is* a relativist? Allen Wood offers an outline of this reading, and even names those who may have committed to reading something like it in Hegel:

> Hegel prefers organism over mechanism as the metaphor for a society. Like Herder before him, Hegel infers from this metaphor that each culture is a self-contained whole that must be understood and appreciated in terms of its own internal laws and not measured by a rigid standard foreign to it. This thought might easily lead to the idea that different social orders and their corresponding ethical standards are also incommensurable; the norms and values of each ethical order are binding on the members of that order, but there is no universal standard by which any of them could be criticized or regarded as superior one to another. […]
> There is a recent tradition of "communitarian" thinking, represented by such writers as Alasdair MacIntyre, Michael Sandel, and Bernard Williams, which criticizes the liberal tradition in ethical thought because it claims universal validity for some of its ethical standards […]. These critics, and their liberal opponents, habitually cite Hegel's notion of *Sittlichkeit* as the intellectual ancestor of pluralist, communitarian criticisms of liberal universalism.
> (Wood, 1990:202)

Wood himself, of course, does not fall into this (mis)reading and is well-aware that Hegel does not commit himself to relativism. Reminding readers that Hegel's ethical theory is a teleological, self-actualization theory:

> The object of self-actualization is plural in the sense that the human spirit forms different conceptions of itself at different times and places. But Hegel views these conceptions as stages of a single process, a series of attempts to grasp and actualize the nature of spirit. The process is progressive; spirit raises itself from less adequate conceptions of itself to more adequate ones. The *Philosophy of Right* purports to be the highest and most adequate cognition of objective spirit that has been attained so far. It is supposed to be the standard by which different human traditions, and earlier stages of the same tradition, are to be measured. That is why Hegel takes such a universalistic attitude toward the conceptions of modern ethical life, toward the "eternal human right" of persons, and toward the absolute claims of the free subject.
> (Wood, 1990:203)

This is no doubt correct. The unitary, single, unfolding process is the one articulated throughout this thesis – namely, the process of historically unfolding spirit, that is to say, self-comprehending freedom. The communitarians are not the only group to label Hegel a relativist (and, undoubtedly, there will be communitarians who do not read Hegel in this way) – but that is only to say that they are not the only group who are – obviously – wrong to do so.

Strict Universalism

Strict universalism (henceforth SU) is the thesis that all agents – regardless of time, location, or culture, are necessarily bound by the same norms: "Call *universalism* the claim that the selfsame values are appropriate for all agents" (Katsafanas, 2013:215). Hegel is aggressively committed to there being some sort of *real* standard of rationality – either there are actual standards of rightness and wrongness that bind agents and we lapse into nihilistic ethical solipsism if we forget this, or we allow the agent – independently and solely - to become the absolute authority:

> Representational thought can go further and transform the evil will into a semblance of goodness. Even if it cannot alter the nature of evil, it can nevertheless make it appear to be good. For every action has a positive aspect, and since the determination of good as opposed to evil can likewise be reduced to the positive, I can maintain that my action is good with reference to my intention. Thus, evil is connected with good not only within the consciousness, but also in its positive aspect. If the self-consciousness passes its action off as good only for the benefit of other people, it takes the form of *hypocrisy*; but if it is able to assert that the deed is good in its own estimation, too, we have reached that even higher level of subjectivity which knows itself as absolute. For subjectivity of this kind, good and evil in and for themselves have disappeared, and it can pass off as good or evil whatever its wishes and its ability dictate. This is the point of view of absolute sophistry which sets itself up as a legislator and refers the distinction between good and evil to its own arbitrary will.
>
> (*PR*, 140A, pg. 183)

Hegel is 'committed to *moral realism* (since the reality of the good is manifested in actions which accord with the rules and practices of our ethical life), *moral objectivism* (moral judgements are either true or false) and *moral cognitivism* (objective moral principles are knowable)' (Knowles, 2002:215). However, while there are such knowable and real 'objective moral principles', it would be premature to class Hegel as adhering to SU as outlined above. Wood rightly draws attention to the fact that Hegel's commitment to the dialectical method allows him to form the view that universalism is able to administer (social) intrinsic standards that are *not* 'extrasocial and suprahistorical' – but instead culturally located. Wood, whose book [on Hegel] predates Scanlon's *What We Owe to Each Other* by some eight years, arrives at a similar *style* of theory to PU, but lacks the snappy terminology, when he states Hegel's account to be an 'ethnocentric', "historicized universalism" (Wood, 1990:204). Undoubtedly, Hegel's view is pluralistic, while at the same time universalistic. This historicized universalism, I hope, sounds remarkably similar to PU, while sounding sufficiently dissimilar to *Nietzsche's* PU.

Which PU?

If we accept the above argument – and the arguments in the preceding chapters of this thesis – we are left with a choice about which worldview to adopt. One such view goes a significant way towards explaining our currently-existing normative commitments with reference to human agency/flourishing. Normative commitments are in essence a function of freedom (understood as rational, self-conscious, self-determination), such that freedom both determines one's normative commitments while, at the same time, providing the ground for their authority. The other view is orthogonal to this picture. While it acknowledges that moral norms are generated by facts about agency, normative commitments that necessarily arise do *not* necessarily (or even, presumably, often) cohere with our current norms. Whereas the previous (Hegelian) picture grounds norms in such a way as to be socially and historically determined, the other (Nietzschean) picture grounds norms in such a way that an agent is only bound by herself, that is, on an individual level.

If we have two competing pictures of norm-generating moral agency, both equally plausible (previous arguments accepted), why should we adopt the theory that is destructive? What reason do we have to change our social structures, and even the way we *feel* about certain facts/values (our moral intuition)? Why, put simply, should we adopt the Nietzschean account?

Nietzsche will have to provide extremely compelling reasons for us to jettison our current mode of evaluation – his strategy to do this is to demonstrate that our current mode of evaluation cannot (contra Hegel) be given a legitimate ground. Nietzsche has (at least) two reasons for wanting to motivate us to re-evaluate our current moral practices. Firstly, moral structures claim to be strictly objective – that is, always correct, *a*-historical and unitary (there is only one system of evaluation and it is absolute) – this, according to Nietzsche (and probably correctly), is implausible, ideologically motivated, and harmful as it attempts to impose a drive structure onto an agent that might not cohere with her own, to such a degree that the agent has to act as if that drive structure were actually her own. Secondly, Nietzsche argues that – in virtue of being predicated on feelings of rancour and *ressentiment* – the sort of agent morality produces is a mediocrity at best. Nietzsche's story – most clearly expressed in *GM* - is *iconoclastic*. The way in which it is iconoclastic is not in

the sense that he hopes to remove the norms[76] and change our current normative practices (necessarily), but in that he hopes to remove the *ground* for the norms – to quote the oft mentioned passage from *D*:

> It goes without saying that I do not deny – unless I am a fool – that many actions called immoral ought to be avoided and resisted, or that many called moral ought to be done and encouraged – but I think the one should be encouraged and the other avoided *for other reasons than hitherto*.
> (*Daybreak*:103)

It should be noted that such a sentiment is only uttered (to my knowledge) by Nietzsche on this one occasion, and even then in a *watershed* work. It is remarkable how much weight commentators put on this passage and how frequently it is used considering how infrequently Nietzsche expresses such a view. However, to be charitable, if we are to assume that Nietzsche never revised his view (certainly a plausible assumption given that he normally notifies us when he does –see, for instance, his tirade against Wagner), we are still left with Nietzsche searching for an alternative ground for *many* (note, not *all* – and *possibly* far from it) of the actions we wish to regard as 'ethical'. Nietzsche is looking for a sort of revolution, not evolution. This incitement to revolution is, I will argue, predicated on the mistaken view that moral imperatives cannot be grounded except without a plea to *a*-historicity, nor are they necessarily based on selflessness (for the sake of self-mortification), and nor do they *necessarily* produce mediocrity (or even encourage it). I think the alternative Hegelian view, can show us how we can ground our (current) norms (via the constitutivism argument), while at the same time remaining sensitive (in Hegel's case, profoundly so) to historical/cultural developments in virtue of paying special reference to human flourishing. That is to claim, *if* we want to keep our current ethical structure and not be hamstrung by Nietzschean criticisms, the Hegelian account is both plausible (it can account for all the relevant facts without making recourse to any non-natural properties) and desirable.

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[76] Given the previous discussion – I think he is fairly neutral on the status of particular ethical norms. For consistency, he couldn't really be against this norm or that norm – if this or that norm were conducive to a certain agent's will to power.

If[77] we are to accept the Hegelian view that moral imperatives are generated by an essential need to be recognised as a free being (the conclusion of the Lord and Bondsman narrative – the implications of which are discussed in the *PR*, which I outlined in chapter five), and that moral laws are not only conducive to, but necessary conditions of, our flourishing then it seems that it would be unnecessary to re-evaluate our moral values – especially if such a re-evaluation would re-generate the same legal structures - again, which they would if we were to use the – non self-mortifying – Hegelian standard of evaluation. Why is this true? The Hegelian account is – to a large degree – a *justification* of our current moral evaluative practices. Hegel's method of evaluation helps us to understand, more fully, our commitments and by means of internal critique, we are able to evaluate our current practices in relation to their spirit – we determine that the 'actual is rational':

> Hegel, in the *Philosophy of Right*, reconstructs the social world as 'an intellectual realm'. But this philosophical enterprise is only possible because reason has been at work in history fashioning actuality in its own image. How has it done this? It has ensured that those elements of our social life which are necessary for freedom have been preserved, that those elements which have denied, frustrated or compromised humanity's drive for freedom have gone under, or, maybe, can be studied as anachronistic relics, still inhibiting freedom in societies which have not progressed or have never started.
> (Knowles, 2002:78)

While Nietzsche is clearly sensitive to the idea that our evaluative mode has a history (Hegel is definitely equally sensitive, if not more so, to this point), the Hegelian has an alternative, plausible and coherent story to tell about norms being a function of historically/culturally developing conceptions of freedom. When we read what Hegel and Nietzsche read, and are are offered, two competing, incompatible, and rival interpretations of history – two genealogies. If one of these genealogical narratives is able to show how we got to where we currently are, and allows for constant revaluation in relation to a normatively universal standard, without cataclysm – why should we prefer the other model? One immediate concern that presents itself is that it is certainly true that Hegel

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[77] I will not argue for this here as I feel I gave compelling reasons to accept that this is the case in chapter five.

(compared to Nietzsche) has a much more passive – verging on downright docile, and therefore, possibly implausible – view of ethics, claiming that we already have an awareness of 'right' and 'wrong'. A sort of universally shared and innate moral sensitivity. But Hegel's view isn't just an intellectual laziness, or a wilful (perhaps, prudential) attempt to not engage with some difficult issues; his view rests on an argument that the role of philosophy isn't to participate in a system designed to motivate different moral intuitions, instead it is to look at our current evaluative schema and see on what basis could it be considered rational. If our current moral evaluations, as given, are already valid – then what rôle should philosophy play?

> What more does this truth require, inasmuch as the thinking mind is not content to possess it in this proximate manner? What it needs is to be comprehended as well, so that the content which is already rational in itself may also gain a rational form and thereby appear justified to free thinking. For such thinking does not stop at what is given, whether the latter is supported by the external positive authority of the state, or of mutual agreement among human beings […].
> (*PR,* Pref)

The task of philosophy, in ethics, is to comprehend that which we apprehend, to justify our practices in such a way that reasonable agents would accept: "To comprehend *what is* is the task of philosophy, for *what is* is reason" (*PR,* Pref:21). Our ethical structures have not been created in an *a*-historical vacuum. They have come about for a reason. If we are to become fully developed moral agents, it is not enough to *see* our ethical structures (for we will see them as *alien*), we must understand the grounds on which they rest, and the spirit they realize. This 'realization' is, for Hegel, a legitimate expression of who and what we are as free-beings, and, as such, rational in themselves. Our moral practices are justifiable and *good* in that they allow us to participate in what we are *more so* than we could were they to not exist. Our moral structures are a necessary precondition for good mora *praxes*. The form of this explorative and exegetical task is not *so* different to Nietzsche's, however Nietzsche thinks this project cannot be completed in virtue of the inherent unjustifiable, self-warping, ideologically-driven, monistic-conception-of-agency-presupposing grounds on which these bodies rest. Whereas Hegel is optimistic, setting up his project in the *PR* as being "an attempt *to comprehend and portray the state as an inherently rational entity*." (*PR*, Pref:21), Nietzsche is pessimistic – thinking such a project is doomed

to fail in virtue of our moral practices being based on rancour and resentment. The necessary preconditions for accepting the Nietzschean iconoclasm is that our current mode of evaluation *is* based on rancour, and *is* ill-conducive to flourishing. Hegel offers us plausible and robust reasons to doubt that this is so (as outlined in chapters two and five) and persuasively argues that participation in society is a necessary condition of flourishing qua free agent.

Another reason we might prefer Hegel's account of agency and moral norms is that his account allows the agent to feel 'at home' in a world of her creation. Our social structures – as a projection and reflection of our culture and ourselves – mediate between agents and facilitate intersubjective recognition. Our social structures express the agency of those who fall under them and dissolves the sense of 'otherness' that would occur were they to not exist. While this mediation and dissolution occurs, we, at the same time, retain our individuality by having our differences respected and celebrated. Correctly understood – so the argument goes – we see *the* social world as *our* social world. This is not to claim that the world is perfectly just, rather, it is simply to claim that the means by which we can seek justice are there. Over time, any disparity between our absolute normative standard and institutional misconduct will be made explicit, publicly demonstrated, then formally addressed. Public institutions will revise (in accordance with internal pressure) to better reflect the thing they are. Those that were created on the grounds of rancour and resentment will, in virtue of their presupposed toxicity corroding them over time, fall away. While this sounds like raving optimism – we might do well to note that the living conditions of several hitherto oppressed and disadvantaged groups have improved, and we have gone through several 'consciousness raising' procedures[78]. While our social world retains utterly repellent practices that de-person and 'other' those in non-mainstream communities, that we recognize the existence of these groups is a very small, alas, all-too-small, step in the right direction. We must remember that all-too-many groups do not enjoy the dignity and respect they ought to expect purely in virtue of their existing, as human beings, and the struggle to include a more diverse element into our community of recognition will be completed eventually; not in spite of our institutions, but because of

[78] We are now, as a society, no-longer happy to participate in institutions which are obviously racist/sexist/homophobic &c. – though this still happens, society is gradually drawing due shame to those who remain in the past.

them. Hegel would be the first to acknowledge that institutional complacency is abhorrent and the discussions of poverty (in which society ought to be structured in such a way that each person owns enough to live a dignified life) and slavery in the *PR* demonstrate a humanity that we often forget Hegel has.

So not only is Hegel able to provide a (good) account of the system of norms we currently hold, not only is he able to account for how these norms came to be accepted and – largely – intuited, he is also able to give an account of the agent's relation to society that *could* positively affect their participation in it in virtue of the removal of feelings of [moral] dislocation and estrangement. Hegel's account, as well as being determinate is also normatively clear – and this might be its greatest accomplishment. It gives us the grounds not only to describe and evaluate our actions (was/is A a good thing to do?), the account is also action-guiding (should I do A). Nietzsche's account is able to offer us the means by which we can evaluate an action, but is not able to guide our actions other than by telling us the way in which we should act – our actions will have an internal standard while remaining agnostic about the value of the object to which we are acting.

Hegel's view gives us the mechanism for ethical revision (individual and political) and the differentially attainable standard that this revision must be conducted in accordance with. It adopts a sort of *restlessness* (a quasi-Trotsky-ite 'permanent (r)evolution') that accounts for change in ethical-political consciousness while at the same time describing our social world in such a way that ensures the nihilist can be answered (or ignored). Hegel's model sets the ethical limits of economic and social competition (by grounding them in the language of cooperation and collective endeavour) that ensures no-one will be de-personed. The primacy Hegel places on intersubjectively-necessary respect harmonises very well with our contemporary consciousness, and, indeed, our well-trusted and revered institutions seem to be predicated. In short, Hegel's view not only describes – and describes well – the shape of our ethical and political institutions, but also provides the moral basis for them in such a way that is norm generating. At the same time it is *unfolding*. Knowing – or having an account of – the structure of this unfolding can allow us to act more determinedly (as an expression of the kind of thing that we are) and more freely, which, for Hegel, is really to say the same thing.

Nietzsche's view has no discernible warmth of feeling for respect for persons qua persons, it is far more individualistic. It runs the risk of generating an elitist, quasi-aristocratic, society many would find repellent to their moral sensitivities (in virtue of its seeming ease with concepts like 'natural slaves' and the like). Of course, this violence towards our moral sensitivities (which can be – and have been – wrong) is not a 'knock-down' argument against Nietzsche's Constituvism. It does, however, give us a reason to be suspicious of it where no such suspicion hinders our adoption of the Hegelian view.

In virtue of Hegel's account being more complete than Nietzsche's, and in virtue of it accounting for all the moral 'facts' without falling prey to the sort of criticisms Nietzsche raises, I think we have compelling reasons to adopt Hegelian constitutivism over the Nietzschean alternative.

Thesis Conclusion

This thesis began by discussing the Hegelian approach to the traditional problem of free-will. I explained how Hegel re-oriented this discussion away from the traditional narrative by centring his account on what it was to be a 'free agent' and what free agency looks like. This approach, I would argue (and have), successfully overcomes the psychological, empirical, and metaphysical concerns that most exercised the minds of Spinoza, Hume and Kant, each of which presupposes a model of mind (and/or agency) that was either dissatisfying, implausible, or deficient. Hegel was able to develop a theory of agency that accommodated – and even accelerated - the freedom of a historically-constructed and socially-bound person existing in a realm of psychological and physical causality. Being bound, prior to Hegel interpreted as a *threat* to our freedom, was reinterpreted as being constitutive to free-agency. In many ways Hegel achieved this feat by synthesising Aristotle, Spinoza and Kant's views on liberty – and in doing so, retained their strengths while overcoming their deficiencies and satisfying their concerns. The solution proposed by Hegel was plausible, philosophically satisfying, and philosophically complete.

A structurally similar diagnosis of the free-will Vs. determinism problem (rather, the structurally similar account of the way this dichotomous discussion was *framed*) and the structurally similar relocation of it to an 'agent-focussed' account of freedom also determined that Nietzsche was able to synthesise Spinoza, Hume and Kant's metaphysical concerns to develop a satisfying and plausible conception of freedom.

The syntheses embarked upon by both Hegel and Nietzsche, historically (and conceptually) speaking, marked a move away from the traditional 'metaphysical' concerns towards a more 'existential', agential, discussion. Both Hegel and Nietzsche are able to do this by offering a careful treatment of what it is to be a *moral* agent, this question is still – at root - an ontological question. The notion of agency developed by Hegel and Nietzsche was sufficiently determinate to enable us to examine exactly what it is that we have capacity to do – that is, we are able to ascertain what sort of thing 'freedom' is, and what sort of freedom a moral agent can attain. Using this agential model of freedom, by tethering ethics to agency, we are able to both overcome the problem of nihilism and at the same time generate universal measures of evaluation that ground, legitimate, and generate ethical norms.

After providing the necessary groundwork, detailing Hegel and Nietzsche's *formal* models of agency I outlined a view from contemporary ethics called 'constitutivism' with the explicit intention of showing the coherence of Hegel and Nietzsche's models of agency and free-will. The ultimate goal was to demonstrate that the Hegelian and Nietzschean account could be transplanted, and used to supplement and strengthen constitutivism.

The constitutivist position aims to show that there are necessary features of action ('constitutive features'), and that these features are what denote an instance of activity as action. The constitutivist can claim that this constitutive feature is able to generate normative results, that is to say, moral norms can be grounded in the nature of agency, and agential activity. After providing an outline of this view, and examining (ultimately, discarding) a variety of possible criticisms (mostly frequently, those offered by David Enoch), I outlined the constitutivism held by Christine Korsgaard (I used this as a demonstration *test model* to show how the theory was supposed to operate). In providing an overview of Korsgaard's position, I hoped to show how the constitutivist model functioned, how it generated norms, and how it was able to do this in a satisfying, practically motivating, epistemologically sound, and metaphysically un-mysterious way. I then raised a serious problem with Korsgaard's view to show why it ought to be jettisoned. While Korsgaard's self-constitution thesis is practically motivating – it shows only that an agent has to act in such a way that the constitutive feature is necessarily present (granting Korsgaard's argument) to the minimal degree. It does not give the agent a normative reason to act to attain a 'diachronic stability' to a superlative degree. On Korsgaard's picture, the moral agent has no reason (and no need) to aim beyond doing what they were going to do anyway – 'any diachronic stability will do' can hardly be a normatively robust account of ethics.

While I argued that the Korsgaardian view was not a viable ethical model, I claimed that the constitutivist project could be both useful and compelling if we were to alter the account of what aim was a constitutive feature of action. One particular attraction of the constitutivist model is that it could useful to agents in that it may enable them to act more deliberately; an agent may act in a better way if they were more explicitly conscious of the constitutive features of their action. Acting deliberately is a major theme in the Hegelian account of free-will and I argued that the Hegelian model of agency was, indeed, a

constitutivist model. By claiming freedom (conceived as rational, self-referential, self-determination) to be the constitutive feature of action I was able to show that Hegel's model is norm generating (in the way Korsgaard's view was not), and, at the same time, able to answer a wide variety of criticisms (ranging from Marx to Enoch). Not only is Hegel's account norm generating on a micro (agential) level, it is also norm generating on a macro (state) level. Hegel's account is able to give us a list of criteria a state has to satisfy to be called 'rational' and be considered 'just'. The Hegelian view is not only moral, but also political.

Following my outline of the Hegelian constitutivism, I offered an alternative, yet successful (granting my arguments) version of constitutivism, namely, the constitutivism one can obtain by adopting the Nietzschean account. Nietzsche's view diverges wildly from Hegel's. Instead of being grounded in intersubjectivity and mutual respect, Nietzsche's view commits him to a version of constitutivism that rests on an individualistic conception of self. Using the (controversial) 'Will to Power' thesis, and outlining Nietzsche's account of the self as a collection of drives, I argued that the Nietzschean constitutivist is able to generate norms that bind the agent on an individual level, and in such a way that does not require the agent to be a full-blown participant in society as a matter of necessity (as it is with Hegel).

The tension between Hegel and Nietzsche emerges when we realize that Hegel's view of freedom (and, therefore, constitutivism) is *necessarily* social – one can only be fully free as part of a society of reciprocally recognizing free agents – while Nietzsche's view is *necessarily* individualistic – society is treated with, at best, suspicion (for an 'ideal' society), at worst, utter contempt (which, for Nietzsche, is all modern societies). Much of what will motivate the adoption of either view (*if* one is so motivated) will be derived from this fact.

After outlining the specific modes of divergence between Hegel and Nietzsche, I offered reasons to show that we ought to adopt the Hegelian model. These reasons, perhaps, will compel only those who have the same intuitions I do about iconoclasm, clarity, and generation, but I think these intuitions have a justifiable base – and I hope I have gone some way in offering persuading arguments to support this view throughout my thesis.

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