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Krijnen, C.H.

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# Chapter 20

## *Sittlichkeit* and the Actuality of Freedom: On Kant and Hegel



Christian Krijnen

In this chapter, I shall argue that Kant fails to conceive of the actuality (*Wirklichkeit*) of freedom adequately due to the formalism of his conception of the moral law (*Sittengesetz*).<sup>1</sup> In Kant, freedom of action can only be understood regarding its form and not regarding its content too. As a consequence, the determination of an action is, *nolens volens*, heteronomous in nature. Hegel, by contrast, rationalizes the content while at the same time modifying the whole relationship between form and content. This results in a conception of free action as being (and remaining) with oneself in one's other. Kant's conception of "morals" (*Sittlichkeit*), therefore, presupposes Hegel's concept of *Sittlichkeit*, certainly not for external reasons but for reasons stemming from Kant's conception of practical knowledge itself.

### 1 Criticism of Kant's Formalism as Criticism of the Program of Transcendental Philosophy

Despite the fact that the issue of *Sittlichkeit* in Kant and Hegel has been often addressed by philosophers, it remains contested until today and the discussion, unfortunately, is pressed forward not at last by the many misunderstandings that accompany it. The discussion is a paradigmatic one concerning the persisting question 'Kant or Hegel?' A broadly held consensus between Kantians and Hegelians is not in sight; on the contrary, the state of affairs is muddled. Nevertheless, both "heroes of reason" are concerned with the same subject matter: philosophy. Fortunately, developments in recent scholarship on Hegel enable a

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C. Krijnen (✉)  
Vrije Universiteit Amsterdam, Amsterdam, The Netherlands  
e-mail: [c.h.krijnen@vu.nl](mailto:c.h.krijnen@vu.nl)

better understanding of *Sittlichkeit* in Kant and Hegel, and hence lift the discussion to a new level of appropriation.

Hegel's criticism of Kant's formalism is commonly read as follows: Kant's moral philosophy is doomed to be an empty formalism as the principle of morals, the categorical imperative (hereinafter CI), neither allows for deducing or justifying specific, content-determined duties nor to distinguish sufficiently between morally valid and morally invalid maxims (between moral validity and invalidity). Hence, CI does not supply determinations that are capable of guiding actions.

At first sight, this criticism appears to be highly implausible because the function of Kant's CI is exactly to determine the content of the moral will. A survey into the dominant line of defending Kant against Hegel's criticism of formalism does indeed lead to a plain result: Hegel's criticism is rejected completely. Hegel appears here as somebody who has misunderstood Kant's moral philosophy fundamentally.<sup>2</sup> Therefore, the strategy of Kant's defenders is as simple as it is illuminating. They attempt to show both that and how CI determines the moral will, and hence that CI is certainly not merely formal or even tautological. CI essentially relates to content.

However, this defense strategy misfires: it is itself based upon a fundamental misunderstanding of Hegel's criticism. Hegel does not all deny that according to Kant CI relates to content: he denies the legitimacy of this relatedness itself. Whereas, to give two polemic statements by way of illustration, a protagonist of a Kantian type of transcendental philosophy like Hans Wagner is of the opinion that Kant might have some competitors concerning theoretical philosophy but in his practical philosophy he surpassed them all (Wagner 1980a, 302), for Hegel, Kant's principle of morality is the principle of "immorality" (*Unsittlichkeit*) (*NR GW* 4:434), dealing out moral "destruction" and "disaster" (*NR GW* 4:468)<sup>3</sup>; the principles of a Kantian type practical reason render the perspective of morality "impossible" (*RPh* §33R/*GW* 14). Apparently, the sense of *Sittlichkeit* itself is at issue. Kant's relating of CI to content turns out not to be the solution, as it is according to the strategy of the Kant defenders, but the problem, as it reveals from an in-depth analysis of Hegel's arguments.

Regarding Hegel's dispute with Kant, it is of extreme significance to keep the general tendency in view that characterizes the way in which German idealists deal with Kant. On the one hand, philosophers like Fichte, Schelling, and Hegel hailed Kant's transcendental revolution of philosophy and his conception of reason as the validity source of human thought and action. As they put it, subjectivity is the grounds for objectivity. On the other hand, the German idealists were also convinced that Kant's transcendental philosophy lacks the proper methodical and systemic form to do justice to the claim of Kant's critical project itself. Accordingly, Hegel's criticism of Kant's conception of morality is primarily of a *programmatically* nature, that is to say, it aims at transforming Kant's transcendental project of laying foundations into a speculative-idealist conception of philosophy.<sup>4</sup> Formalism—that is, generally speaking, an external relationship between form and content—functions as the formula for perfecting Kant's transcendental philosophy.

Hence, Hegel's criticism of the formalism of Kant's practical philosophy is the instance of a more general, in particular of a logical constellation. The criticism of formalism pertains to the profile of Kant's transcendental philosophy as such. Contemporary Hegel scholarship emphasizes this in one way or another and tries to get a conceptual grip on it.<sup>5</sup> Apart from taking the logical context of Hegel's criticism of Kant's formalism into account, it also transfers the focus from the much-discussed and disputed Kantian 'examples' testing maxims by applying CI,<sup>6</sup> which Hegel uses to exemplify his general criticism.<sup>7</sup> Without taking the more general constellation of Hegel's argument into consideration, the examples of applications of Kant's CI Hegel discusses might easily mislead the reader. And even if Hegel should not in all details do justice to Kant's thoughts and formulations, the general point of his criticism remains intact: Kant's conception of morality hinders it *nolens volens* from comprehending the existence (*Dasein*) of freedom. As Hegel articulates it, due to its abstractness or formalism Kant's conception of the good misses a "principle of determination" (*Enc. GW* 20 §508). That is to say, Kant's transcendental philosophy misses exactly the methodical moment—decisive for Hegel's speculative idealism—that sublates any externality between oppositions: the "realization of the concept" (by moments intrinsically belonging to the concept itself: universality, particularity, and singularity). For this reason, 'form' and 'content' ('matter'), or to put it more concretely and with a view to practical reason, 'nature' ('drives and inclinations') and 'freedom' (CI) remain opposed to each other externally. In comprehending freedom, Kant stops part way. Although the incriminated formalism of morality concerns a modern conception of freedom and the good and surely is not restricted to Kant, Kant's critical philosophy does indeed represent it strikingly. The inclusion of content is the essential point.

In contrast to the protagonists of Hegel's concept of *Sittlichkeit* against Kant's formalism, I turn the idea of the system of philosophy and with that the methodic structure of the realization of the concept as that "what is free" (*WL GW* 12:16; *Enc. GW* 20 §160) and manifests itself in the realm of spirit qua realm of the existence of freedom into the guideline of the discussion.<sup>8</sup> The perspective of the existence of freedom is very fruitful for confronting Kant's and Hegel's concepts of morality and *Sittlichkeit* with each other. That and why Kant's concept of freedom is insufficient, and hence that Kant's conception of freedom is inadequate, already results from Hegel's *Science of Logic*. Hence, for revealing that the determinacy of Kant's concept of freedom is inadequate in principle, the elaborations in the Philosophy of Spirit are not required at all. Correspondingly, Hegel's Philosophy of Spirit does not primarily deal with the dimension of the determinacy of the concept of freedom; it primarily deals with the dimension of the *existence* of the concept, the latter related to the former.

Hegel conceives of the existence of freedom as a "manifestation" of the concept and in this way comprehends what Kant calls the "realization of freedom." As Hegel holds in his philosophy of spirit, Kant, in contrast to his own intentions, is not able to comprehend the realization or reality of freedom. The reason for this is an inadequate concept of freedom and, more in general, of concept, and even more

in general, of idea. In Hegel's view, Kant's conception of freedom is developed from the start within the context of an understanding of freedom that is too limited to conceive of the actuality of freedom philosophically (notwithstanding the fact that that limited context has its own merits). This overly restricted context is the context of the freedom of the will of a finite subject, and thus the context of a metaphysics of the practical reason of finite subjects. Hegel in no way rejects our freedom of the will, but he shows that freedom of the will is based upon more general and hence fundamental constellations of freedom: on more general and fundamental principles. Constitutive conditions of the possibility of the freedom of the will remain untold in Kant's story.

## 2 The Perspective of Actualizing Freedom

The starting point of an analysis of the problem of formalism in Kant's practical philosophy is not plainly the determinacy of freedom but the issue of *actualizing* freedom. Kant fails to comprehend it. Due to its formalism, Kant's conception of morality or practical rationality hinders altogether the actualization of freedom. It becomes clear that the perspective of actualizing freedom is the perspective that guides Hegel's discussion in the philosophy of spirit with Kant if one glances from the viewpoint of the system of philosophy at Hegel's philosophy of objective spirit. With regard to Kant too, a systemic consideration reveals that the issue of actualizing freedom is an essential part of his conception of morality. It makes up the appropriate perspective for discussing Kant's formalism of morality—in contrast to Kant's moral philosophical modelling of the problem of formalism, as common in Kant scholarship.

As we shall see, Kant's conception of morality primarily qualifies the *facticity* of actions. That is to say, their actuality is drawn on not as a merely natural process, as mere naturality, but as something that is also characterized by a practical determinacy of reason, and hence, as something that is a result of humans giving shape to their freedom. Only because it is such a result can it then be evaluated concerning its moral validity difference; otherwise, morality could not even be a possible perspective of qualification. The moral as the principle of moral validity qualifies a reality that results from human actions. It concerns a reality shaped by the will and thus a reality shaped by reason. It qualifies reality as the existence of freedom, i.e. facticity.

In Kant, this qualification of the dimension of actualizing freedom comes to the fore throughout, from his architectonic of reason up to his philosophy of culture and history. Already Kant's architectonic of reason is much-telling, and I shall restrict myself to this aspect.

In line with the tradition, Kant divides philosophy into a theoretical and a practical branch as well as the corresponding objects into nature and freedom. Accordingly, he differentiates between theoretical knowledge and determination of the will as well as between philosophy of nature and philosophy of morals (as

the “practical legislation of reason according to the concept of freedom”) (cf. *CPR* B868f., B830; *CPrR Ak* 5:15; *CJ Ak* 5:167f., 171, 174, 178f., 416, etc.).<sup>9</sup> The philosophy of nature deals with “all that *is*, the philosophy of morals with that which *ought to be*” (*CPR* B868, cf. B830). Whereas here we see that freedom is something that ought to be, and hence is to actualize, this pointed emphasis continues in Kant’s elaboration. He distinguishes both directions of reason as follows. Whereas theoretical reason aims at objects that are *given* from elsewhere—by sensory intuition—practical reason is related to objects that it *creates* itself, for practical reason concerns the determination of the will. Corresponding to this view, theoretical reason’s relation to an object consists in, as Kant says, the “mere determination” of the object, that is “theoretical knowledge” of reason. Practical reason, by contrast, is concerned with “realizing” its object (in accordance with the knowledge of it), that is “practical knowledge” of reason (Cf. *CPrR Ak* 5:89 with *CPR* BIXf. and *Gr Ak* 4:426).<sup>10</sup> Kant straightforwardly defines the faculty of desire as a being’s power “to become by means of its representations the cause of the actual existence of the objects of these representations” (*CPrR Ak* 5:9R, cf. *MM Ak* 6:211). Yet Kant and Hegel go their separate ways here.

### 3 On the Exposition of the Concept of Freedom in Kant and Hegel and its Ramifications

By taking into closer consideration the exposition of the concept of freedom—that is the way in which the concept of freedom is introduced systematically in philosophy—it becomes clear that Kant and Hegel conceptualize freedom and its actuality in a radically different fashion. Without doubt, both thinkers aim to do justice to the modern standpoint of reason as subjectivity. The concept of freedom, therefore, results in the course of the development of the system of philosophy; it emerges from, to use Kant’s words, “self-knowledge” of reason (*CPR* AXI). As a consequence, the concept of freedom turns out to be a necessary concept. It originates from a validity reflective process of determination of the “concept” itself; hence, it is grounded neither in a transcendent world nor in an immanent world (as in metaphysics and empiricism respectively).

In Kant’s philosophy, the concept of freedom arises within the context of the Transcendental Dialectic of the *Critique of Pure Reason*, or to be more precise, within the Third Antinomy. This antinomy leads Kant to the logical possibility of a negative and transcendental (also called cosmological) concept of freedom. Already in Kant’s proof of the possibility of the conceivability of such a *cosmological* causality of freedom, it becomes apparent that Kant is bothered primarily with the possibility of *moral* freedom for our *actions* (the cosmological or transcendental freedom forgoes moral freedom logically: *CPR* B561f., cf. B831). In the *Critique of Pure Reason*, “freedom in the practical sense” is defined, in accord with Kant’s writings on morality, as “the will’s independence of coercion through

sensuous drives" (*CPR* B561f.) and as human power of "self-determination" in such independence (*CPR* B562). Kant here calls practical "everything that is possible through freedom" (*CPR* B828). On the foundation of the justified assumption of cosmological freedom of the *Critique of Pure Reason*, Kant's further elaborations concern the *freedom of the will*.

In his practical philosophy, in particular in Kant's foundational work, in which the objective reality of freedom takes center stage and the concept of freedom receives its full determinacy, Kant thematizes freedom from the outset in the perspective of the "moral law," and hence within the context of moral considerations. The problem of willing and its validity determinacy are the pivotal point. A free will and a will under moral laws are for Kant identical (*Gr Ak* 4:447), and the will and practical reason finally coincide (*MM Ak* 6:213, *CPrR Ak* 5:15, 55, 160; *Gr Ak* 4:412, 441, 448; *MM Ak* 6:213). In accordance with his moral focus, Kant already conceives of freedom in the Third Antinomy of the *Critique of Pure Reason*, initially cosmological freedom and subsequently based on it practical freedom, as a "power" to be the cause of effects or, more precisely, a power to begin a series of effects "*spontaneously*." This power-theoretical modelling enables Kant, who already within the cosmological context focuses on freedom "in the practical sense," to understand humans as agents of their actions: not merely as an effect of a natural cause, not as a mere object but as a subject. Things in themselves (in the sense of Kant's idealism) are independent from "natural laws" (that is negative transcendental or cosmological freedom), capable of "beginning a state *spontaneously*" (that is positive transcendental or cosmological freedom) (*CPR* B561). Self-determination as the power to initiate a state spontaneously takes the place of being determined by something else (nature, heteronomy). In sum, Kant conceives of freedom as a "power of causality," capable of beginning a series of events spontaneously, from its own law (the cosmological law of freedom: spontaneous causality).

As previously said, the post-Kantian idealists attempted to perfect Kant's transcendental philosophy. One important issue here concerns Kant's architectonic of reason. Kant's divides philosophy into theoretical and practical philosophy as well as into nature and freedom (which are the objects of theoretical and practical philosophy respectively), or theoretical knowledge and determination of the will, philosophy of nature and moral philosophy. Against the background of this dualistic conception, it turned out to be significant for the German idealists to bring about a general concept of freedom: a concept of freedom that establishes a pervasive relationship and, hence, is able to function as the grounds for the unity of any specification of freedom. Freedom already plays an essential role within theoretical philosophy for freedom as self-determination turns out to be a necessary condition for possible knowledge of objects. To put it more generally, freedom belongs to the determinacy of any activity of reason. Therefore, Kant's architectonic was doomed to appear as insufficient. Whereas for Kant, practical is "everything possible through freedom," for the German idealists, rational (*vernünftig*) is everything possible through freedom. Whereas for Kant, the concept of freedom is the "*capstone*" (*CPrR Ak* 5:3) of the whole system of pure reason, for the German

idealists, freedom transforms into the *origin* of all philosophy and being. Whereas Kant's conception of freedom offers a subsequent, not an original unity of the system,<sup>11</sup> of theoretical and practical reason, nature and freedom, the post-Kantian idealists transform Kant's dualistic conception of transcendental philosophy into a monism of reason as a monism of freedom. Knowledge, of whatever issues, is itself an eminent act of freedom.

This leads in Hegel's philosophy to a conception of reason and freedom as a unity from which everything else emerges and becomes comprehensible. For Hegel, freedom makes up the beginning, the way, and the end of philosophy. Hegel can come to such an all-embracing position because in his philosophy freedom is a qualification already of the *concept*: "the concept is that which is *free*" (*Enc.* §160/*GW* 20; cf.; *WL GW* 12:16). Freedom, therefore, has a logical foundation.<sup>12</sup> And the *Science of Logic* is certainly the first and the last philosophical science in Hegel's system of philosophy. It comes as no surprise, then, that Hegel does not conceive of that which is originally free as Kant, Fichte, Schelling, or later transcendental philosophers do—not as a practical subject, an "I," (self)consciousness, or a value-related activity of a subject that forms itself. By contrast, the concept is the eminent and fundamental form of being with itself in its other, which is Hegel's determination of freedom.

Just as little as Hegel conceives of freedom primarily as volitional self-determination (freedom of the will, freedom of choice), likewise freedom is not characterized by another feature that belongs to the original determinacy of freedom conceived of in a Kantian fashion: freedom as an autonomous causal power of the active subject. Hegel reaches a fundamentally different and more genuine conception of freedom than "causality from freedom." Hegel's alternative is freedom as being with itself in its other, *nota bene*, being with itself in its other of the concept. Hegel, thus, does not comprehend human action in conformity with the model of causality and by no means primarily within the perspective of the moral quality of a finite practical subject. For him, human action should be primarily conceived of as the existence of the concept, put more generally, as the existence of reason as the grounds for everything. As a consequence, a model of *manifestation* of freedom takes the place of the causal model of freedom. The concept, as that which is free, shows to be a self-relationship that manifests itself—*freedom*. Therefore, the problem of formalism in Kant's transcendental philosophy could be qualified as the missing dimension of what Hegel calls the "manifestation" of the concept, or to articulate it in the already applied philosophy-methodical language, as the missing dimension of the "realization of the concept."

If freedom is conceived of primarily as a manifestation of the concept, then, what is significant with regard to Kant, freedom is not primarily determined as freedom of the power or capacity to choose: as freedom of choice (*Willkürfreiheit*).<sup>13</sup> Freedom is neither originally a "power" (freedom as a possibility) nor freedom of choice. Freedom as a power or capability that is "applied" to given material is, for Hegel, a conception of mere "understanding" (*Verstandesauffassung*) freedom instead of comprehending it. In such a conception, the relationship between the power and the given material it is applied to



remains external. This concerns, as Hegel also says, the conception of freedom typical of “reflective philosophy” (Kant), freedom as a “formal self-activity” (*RPh* §15R/GW 14). Hegel, by contrast, wants to comprehend the reality of freedom as a manifestation of the concept in the realm of the spirit: as a manifestation of the concept in the element of its spiritual existence.

By conceiving of freedom primarily as freedom of the concept, freedom remains, as for Kant, spontaneous activity. Yet, this spontaneity is no longer originally characterized by notions like necessity, contingency, law, cause, effect. By contrast, it is the structure of the *speculative concept* that makes up its basic characteristics: universality, particularity, and singularity. That what is free remains in its activity continuously *with itself* and is at the same time a unity that is differentiated *within* itself in its other. Such being with oneself and hence to determine oneself *spontaneously towards oneself*, is true *self-determination*. This self-determination is a mediation of the moments of what is free with each other and with itself; it therefore is also a mediation according to one’s own (conceptual) law, “autonomy,” thus true *self-mediation*. However, Hegel does no longer conceive of freedom as a “law” that is “applied” to “cases.”

This entails, among other things, that Hegel, in contrast to Kant, does not try to understand the actuality of freedom in terms of a “doctrine of duties”—moral duties, duties of virtue, and duties of right—for finite subjects. Rather, such a “practical philosophy” is based upon or *presupposes* a dimension of the actuality of freedom that Hegel aims to render explicit as the realm of right qua realm of the existence of freedom. This realm of freedom is the realm of the facticity of freedom, the realm of actualizing validity, norms, or values as such—the realm of the actuality of freedom.<sup>14</sup>

#### 4 Hegel’s Criticism of Practical Formalism

The sketched transformations in comprehending freedom are relevant for understanding better Hegel’s criticism of the formalism of Kant’s moral law or CI. For Hegel, not only does Kant’s conception of cosmological freedom fall short. Also, and essential for the criticism of “practical” formalism, Kant’s practical concept of freedom, which is based upon the cosmological concept of freedom, is unable to express what it means to “realize the object,” that is to actualize freedom.

At first sight, CI appears to be a powerful criterion that in no way allows the justification of any maxim. On the contrary, its formalism sorts maxims out with respect to their moral character. And without doubt, Kant’s moral philosophy offers in terms of content a very rich whole of normative principles regarding anything that claims to be moral, virtuous, or right. Kant’s conception of practical reason and the formalism that is typical of it does indeed integrate content. The single and overarching moral law differentiates itself into a plurality of categorical imperatives and is on top of that and via these imperatives related to the reality of humans and the human world.

At second sight however, the sketched relationship to content of the formal CI does not suffice. Hegel holds, from a Kantian perspective highly surprisingly, that Kant's CI fails to comprehend the reality or actuality of freedom sufficiently. The reason for this far-reaching esteem of Kant goes deeper than mere practical or spiritual relationships; yet, the perspective from which Hegel addresses the "standpoint of morality" in his mature philosophy of spirit is the perspective of the actuality of freedom.

If we look from the perspective of the actuality of freedom at Hegel's criticism of formalism, then we can detect a general pattern to his criticism. Although Kant's formalism integrates content, the actuality of freedom remains underdetermined as the rationality of actions is solely based upon their *form*. In order to grant the form a function that orients our actions, Kant de facto must make additional assumptions concerning the content. Within his model of grounding knowledge and norms critically, these assumptions cannot be accounted for in a methodically justified way. As a consequence, Kant does not make good his own intentions, namely offering a critical foundation of human praxis. What seems to be Kant's glance on the one hand—formalism—turns out to be its misery on the other: it hinders the performance of one's duty.

For this reason, the strategy of contemporary Kantians of pointing to the relevance of empirical content for Kant's practical philosophy does not provide a remedy for Hegel's criticism.<sup>15</sup> In Hegel's view, the basic structure of Kant's philosophy of practical reason is inadequate. Kant conceives of nature and freedom in a dualistic fashion. Hegel criticizes the emptiness of CI not because CI is not related to content but because he rejects Kant's presupposition that it is possible to deduce a completely formal law from a completely pure practical reason that nonetheless possesses sufficient determinacy to guide our actions. Kant has to make use of additional content, in particular concerning our rationality and its ends. These assumptions, however, are as such contingent, and hence, by no means valid universally and necessarily.

On closer consideration, CI turns out not to be the formalism it should be according to Kant. In this context, Hegel offers the criticism, among others, that Kant determines the good merely as a "task," or an "ought." In contrast, Hegel conceives of the basis for practical duties not only as the pure will but grounds them in the empirical too or, to be more precise, in the togetherness of both components. Overall, Hegel rejects Kant's "dualistic" conception. Against this, he aims to conceive of nature and freedom, the empirical and the rational, form and content, etcetera from the start in their togetherness. And this constellation is anything but decisive only for Hegel's criticism of practical formalism; according to Hegel, Kant's theoretical philosophy is characterized by formalism too. Kant always presupposes content, his critical philosophy is never critical enough.<sup>16</sup>

#### 4.1 *Formalism as Frustration of Actualizing Freedom*

Thus the question is: How does freedom (normativity, validity, etc.) give itself *existence*? This is not to say that Hegel, in opposition to Kant, intends to relativize or historicize the claims of reason. After all, Hegel's philosophy of objective spirit is a doctrine of the existence not of any spirit but of the *free*, and hence, the rational spirit.

Nevertheless, freedom conceived of as freedom of choice does for Hegel not suffice to comprehend the "will" as an "actual will" (*RPh* §12/*GW* 14), that is as a will that actualizes itself. A conception of actualizing freedom in terms of freedom of choice by a will that determines itself, conceives freedom of the will, at best, in regard to the *form* of the will. By contrast, the *content* of the will, which in first instance seems to consist merely of drives and inclinations and, hence of something given, nature, should be understood too as a "product of its freedom" (*RPh* §13/*GW* 14; cf. §§10R, 15 incl. R). Actual freedom, the existence of freedom is only present if the content of the will can also be conceived of as a content of freedom: only when it expresses what the "free spirit" that gives itself existence wants.

Hegel is certainly far from making natural drives and inclinations, which hinder our actualization of freedom, into rational givens. By contrast, he intends to achieve a concept of content that is able to conceive of the content of the will as a rational, and hence as a free content. Thus we are dealing with a problem that is, in first instance, *logical* in nature. The logical form of the content as something immediate, given, contingent, etcetera is inadequate. The content must be conceived of differently in order to be conceived of as free, to articulate it with another focus, if the existence of freedom of a free spirit should be conceivable.

Hegel captures this rationality of the content—within the setting of the philosophy of spirit—by elaborating a process in which the determination of the will is purified and hence freed. This purification of the determinacy of the will reaches from its extreme heteronomous, external, natural determination by drives to a form of self-determination that is "*self-determining universality, the will, or freedom*" (*RPh* §§19–21/*GW* 14; §21). In the course of this process, self-determination proves to be the content and purpose of a free spirit. That a free spirit comes into existence does not only require a formal type of self-determination of the spirit; it requires free content too. If, however, the content of our will is rational, then it has stripped off its immediacy, contingency, and particularity. By contrast, the content is characterized by rational determinacy. As a result, it has become the content of a truly free spirit, a spirit that truly determines itself; the content is no longer merely an impulse, inclination and so forth, in short, not merely nature. Heteronomy, determination by externalities of the spirit is typical of freedom in the sense of freedom of choice, not autonomy, self-determination, being with itself in the content.

One consequence of the conception of freedom as freedom of choice is formalism. Instead of making the actualization of freedom possible, formalism hinders it. The reason for this is that the transition from the mere formal determinacy of

normativity—from norms abstractly conceived of (like Kant’s CI and the subsequent categorical imperatives of virtue and right)—to concrete actions of the free spirit, that is to say, to the actuality of freedom, does not take place in a rational and therefore necessary way but is contingent and arbitrary.<sup>17</sup> Abstract norms are actualized contingently or arbitrarily because they can only be actualized on the basis of concrete, content-determined norms, and hence, norms that are situated or contextualized norms. Due to the externality of the content, no action is brought about as the number of morally acceptable reasons for actions (maxims) is just infinite—rather, we still do not know “what to do” concretely.

The good conceptualized as an abstract norm (CI in the singular and plural) that is a duty for the subject and thus functions as a determinant of orientation for our action and should be actualized accordingly, misses, as Hegel puts it concisely, a “principle of determination” (*Enc.* §508/*GW* 20). By implication, determination occurs “outside” the universality that is CI as the form of abstract norms, with the consequence that actualizing the good becomes “contingent”—which should not be the case (*Enc.* §509 ff./*GW* 20). Our concrete actions would not be actions out of freedom but actions determined by external givens (drives, inclinations, wishes, and so forth). Human action, however, is free, self-determined action. Due to Kant’s focus on the moral quality of our willing, the problem of the actuality of freedom (reason) moves out of sight. The existence of “freedom” as the existence of the “free spirit,” and hence of the “idea” in the element of reality, has to be conceived of in a different way if it should be possible at all to achieve a Kantian moral world: a world shaped in conformity with the moral law. Kant’s morality presupposes Hegel’s *Sittlichkeit* as a sphere within which a Kantian type of moral law can be actualized.

## 4.2 *Hegel’s Logic of Freedom*

This constellation is, as said above, an instance of more general logical relationships. Kant lacks what Hegel calls the realization of the concept. For this reason, Kant, in Hegel’s view, offers a mere “philosophy of reflection”; Kant’s philosophy remains a dualistic system. The One idea as the grounds for unity which determines itself and that functions as the grounds for this dualistic system is unaddressed, that is to say that it remains merely presupposed. Without integrating Hegel’s logic, a discussion of the problem of formalism in the realm of spirit, more precisely, moral formalism, walks away from its core.<sup>18</sup> Because Kant conceives of reason or subjectivity as an abstract relation to itself, no transition from this universality to the particularity of specific contents is achieved. These contents, therefore, are always in one way or another presupposed as a given. Thus they are contingent, arbitrary, in short, unfree.

In contrast, the transition from the abstract, universal, undetermined to the concrete, particular, determined should happen in a rational and hence self-determined (free) way. This process, that is the realization of the concept, is the “speculative”

development of the concept: the concept develops itself from the universal to the particular and singular, and with this development it overcomes any formalism in a fundamental and also for the philosophy of reality decisive way. Hegel takes the problem of the “original synthetic unity” (Kant) very seriously and tries to solve it in a radical and pervasive manner. As a consequence, any externality of conceptual contents, including the contingency and arbitrariness this entails, is liquidated. Kant’s conception of rationality as such falls victim to the criticism of formalism.

More precisely, it concerns logical constellations that enable it to understand the speculative concept as that which is eminently free and, hence, makes up the foundation of spiritual freedom too. The first thing that should be noticed in this respect is that Hegel rejects the foundation of Kant’s practical concept of freedom: the transcendental or cosmological concept of freedom as introduced in the Third Antinomy of the *Critique of Pure Reason*. For Hegel, this concept of freedom is not universal enough to function as an opposite concept to the concept of nature; nature and freedom do not establish a complete opposition. Rather, Kant, in accord with the rationalist metaphysics of his age upon which he draws uncritically here, anticipates already the practical concept of freedom of finite subjects. Against this, Hegel takes a more fundamental route. In his philosophy as a philosophy of the absolute idea, the *concept* in the speculative sense and in its specific logical function (that is its place in Hegel’s system of logic) turns out to be that which is free: “the concept is that what is *free*” (*Enc.* §160/*GW* 20), freedom the “absolute negativity of the concept as identity with itself” (*Enc.* §382/*GW* 20). Only on the basis of this fundamental concept of freedom, can the existence of freedom be comprehended.

### 4.3 *Externality as the Unfreedom of Action*

If, with regard to Kant’s practical formalism, practical reason is unfree concerning its content, then mere arbitrariness or contingency determines the content. Hence, the respective action becomes unfree. The universal ought to determine the content, but it determines it only with respect to its possibility not with respect to its actuality. Therefore, no actualization of the good is brought about. This constellation could be made plausible by analyzing Hegel’s criticism of “morality” in detail (cf. *NR GW* 4:432ff.; *PhG GW* 9:323ff.; *RPh* §§105ff./*GW* 14). Hegel shows here that Kant conceives of moral autonomy or the good as following a universality that is my own law as an intelligible entity (spirit). In Kant, however, the universal and self-determination do not coincide *volens volens* due to the formality of the universal. As a consequence, determination takes place outside the universal (CI, freedom) and the subject is revealed to be unable to grant the good the determinacy it needs in order to accomplish an action. The moral law is only applicable by presupposing certain pre-given content-related determinations—determinations the moral law at the same time excludes, or at least does not express in its form, because it is supposed to be the formal principle of morality. The formality of CI

disables actions in their actuality. Taken by itself, the moral law in the Kantian sense is only an abstract moment of human self-determination, not the principle of human self-determination. In the latter case, the moral law should also contain the conditions of its own realization in the objective realm of spirit instead of excluding them, rendering itself impossible.

#### 4.4 *Hegel's Sittlichkeit as Rationalization of the Content*

How, then, does Hegel's conception, which comprehends *Sittlichkeit* as a manifestation of the concept as that which is free, provide a solution for the problem of irrationality or contingency of the content of the moral law diagnosed in Kant's approach? Are drives, inclinations, or the social embeddedness of the subject, for instance, simply exterminated by Hegel? Of course not. The point of Hegel's deliberations is not to exterminate the natural determinacy of the subject. Hegel's point is to carve out the rational character of this natural determinacy.

Such a comprehension of our natural determinacy starts in Hegel's philosophy of subjective spirit (*Enc.* §387ff./*GW* 20). However, as far as the existence of freedom is concerned, hence realizing purposes in the world (and not, as in the philosophy of subjective spirit, the constitution of a subject, that is a free spirit), the content must be maximally rationalized in order to turn freedom into the principle of both form and content. To be more precise, as drives, inclinations, etcetera, they are already, in the philosophy of spirit, functionalized as determinations of freedom; objective spirit, then, concerns content-related constellations on the level of the objective existence, thus the rationality of a free existence.

Contents of a truly free spirit that brings itself into existence must be contents that are not merely given to that spirit but are its own contents, contents with which spirit identifies itself, contents in which spirit is with itself. Moreover, they must result in a concrete action for otherwise no existence of freedom would be brought about. This self-determination of spirit has to be rational: not contingent or arbitrary. Put more technically, its content is transformed. It is no longer content in the form of immediacy but content in the form of the concept, hence, necessary content. The will that actualizes freedom, then, is no longer merely "formal," "abstract resolution" (*RPh* §13/*GW* 14): its content is not merely "immediately present" (*RPh* §11/*GW* 14) but the "content and product of its freedom." (*RPh* §13/*GW* 14) The will does not just choose from given possibilities; by contrast, it gives itself its content—it is with itself in its other: persistently free.

In short, the logical form of the content has changed. Instead of being in the form of "natur" it has transformed into a moment of the form of the concept ("freedom"). Hegel certainly does not conceive of the will as something that is separated from thought. Rather, the will is a type of thought—thought that "translates itself into existence, impulse to give itself existence" (*RPh* §4Z/*GW* 14; cf. *Enc.* §233/*GW* 20), thought as a "thinking will" (*Enc.* §469/*GW* 20). Only as a thinking will, is the will a "veracious, free will" (*RPh* §21R/*GW* 14). As such a

will, it is a “manifestation” of the idea. For Hegel, manifestation is an activity of something absolute. Something truly absolute only expresses itself (*WL GW* 11:375f., 397f.; *Enc.* §§139, 142R, 151/*GW* 20).<sup>19</sup> Hegel’s *Logic of Essence* shows in this respect that the absolute conceived of as a “substance” sublates itself into the “concept” (*WL GW* 11:393ff.; *Enc.* §150ff./*GW* 20); consequently, Hegel conceptualizes the further development of the *Science of Logic* and the *Philosophy of Reality* as manifestations of the concept. Nature and spirit are particular manifestations of the concept, and hence of that which is free. And just as the concept is a relationship between universality, particularity, and singularity, the same applies to the form of any manifestation, regardless of whether it concerns, for instance, the will, objective spirit, or *Sittlichkeit*. That Hegel via abstract right (universality) and morality (particularity) finally reaches *Sittlichkeit* (singularity) is due to his conception of speculative comprehension and the conception of concept and the realization that belongs to it. It is Hegel’s way of capturing the existence of freedom, realization of validity or normativity.

Just like for Kant, for Hegel too the free will wants itself.<sup>20</sup> However, in contrast to Kant, Hegel determines the contents of the will in conformity with the logical structure or the form of the concept in a manner that the contents reveal to be necessary elements of actualizing the will; the “drives,” which are initially the results of being immediately determined by nature, transpire to be the “rational system of the will’s determination” (*RPh* §19/*GW* 14). The opposition between the moral law, on the one hand, and drives and inclinations that have to be shaped by it, on the other, is a mere abstraction of truly free actions, that is to say, of freedom in its actuality. This abstraction hinders it from comprehending actions as free actions. The constellation of an abstract system of rules (abstract right) and a subject that determines itself formally (morality) is insufficient for comprehending the actuality of freedom. The normative content of the situatedness or embeddedness of the subject has to be taken into account. Such normative content is present in (any) *Sittlichkeit*. The existence of freedom or the free activity of the subject requires, thus, to incorporate concrete intersubjective (social) determinations of freedom, social presuppositions of individual freedom, and to thematize them philosophically from the perspective of modernity, that is the perspective of *free* spirit. The shape of concrete sociality, the shape of *Sittlichkeit* is as such constitutive of our respective wishes, intentions, actions, and so forth. Only where there is *Sittlichkeit*, can actions take place. Hegel’s philosophy of *Sittlichkeit* is a philosophy of the facticity of freedom. Truly free actions take place in a *Sittlichkeit* that itself is the “product of freedom,” hence in a free *Sittlichkeit*. The shapes of *Sittlichkeit* therefore have to be free shapes. In this fashion, Hegel determines them in his *Philosophy of Objective Spirit* as shapes of the existence of the free spirit.<sup>21</sup>

## Notes

1. All translations from German texts into English are mine, although I have benefited from consulting current translations.
2. For Kant's understanding of formalism and its relation to content see, for instance: Geismann (2009), Grünewald (2004), Höffe (2012, 172ff.), Höffe (1995, Chapters 4 and 5), Oberer (1997), O'Neill (1989, 1991), and Wagner (1980c). See also the older studies of Ebbinghaus (1986) and Schmucker (1997).
3. In the chapter of the *Phenomenology of Spirit* on 'morality' and in the context of his criticism of Kant, Hegel connotes the moral perspective occasionally as the perspective of "non-morality" (*PhG GW* 9:336) or "immorality" (*PhG GW* 9:337).
4. Horstmann (1999) correctly emphasizes the radical impulse of Hegel's program of philosophy, without, however, turning Kant's formalism itself into an issue and, hence, discussing the immanent right (or wrong) of Hegel.
5. Sedgwick (2012) intends a study into Hegel's criticism of Kant's theoretical philosophy, which she opens with an 'introduction' that addresses Hegel's criticism of Kant's practical philosophy. For Sedgwick too, Hegel's criticism is an "expression or particular application of Hegel's larger critique," as becomes clear from Hegel's "theoretical philosophy" (Sedgwick 2012, 2, 7). Also Knappik (2013) construes the problem of Kant's formalism as an instance of more general constellations. Although Knappik starts his book with the problem of freedom of choice and discusses Kant's formalism in this context (Knappik 2013, Chapter 2, in particular 2.6.2), he points out that his criticism requires a foundation in the sense of Hegel's *Science of Logic* (*ibid.*, Chapter 3, in particular 3.2ff.).
6. The most famous one is probably that of the "deposit" in the *Critique of Practical Reason* (*CPPr Ak* 5:27).
7. In his discussion of idealist models of autonomy, Henrich (1982) clearly sees that Kant's CI cannot be the sole or highest principle of moral determination of the will. Yet, Henrich does not elaborate the structure of Hegel's model of rationality. By contrast, he focusses on Kant's examples or on matters of detail. See for a discussion of the various points of criticism that Hegel puts forward against Kant's moral philosophy, for instance, Sedgwick (2012, 1ff.), Allison (1990, Chapter 10), Wood (1990, Chapter 9).
8. Compare, for instance, Vieweg (2012, Chapter 4, esp. 208ff.) and Heyde (1987, 136ff.). Knappik (2013, Chapter 8.1) conceives of Hegel's criticism of formalism and conception of *Sittlichkeit* primarily as the problem of the "constitution of a concrete practical self." Hegel renews like Honneth (2001, 2011) encounter Hegel's idea of system very skeptically anyway.
9. For Kant's architectonic also see Krijnen (2011) and Krijnen (2016a).
10. In addition, see, for instance, *CPPr Ak* 5:15, where Kant defines practical reason as a power to produce or cause objects corresponding to our representations, or *CPPr Ak* 5:57, where practical reason is conceived of as the representation of an object as a possible effect of freedom. For Kant, being an object of practical reason signifies the relation of the will to the action by which the object would be realized. Put in terms of Kant's two-world theory: The moral law gives to the sensible world (sensible nature) the form of an intelligible world (supersensible nature) (*CPPr Ak* 5:43).
11. Kant's *Critique of Judgement* fits well in this picture. It aims to bridge the "immense gap" (*CJ Ak* 6:75) between the realm of the legislation of the concept of nature and that of freedom. This exposition of the problem to be solved apparently presupposes Kant's division of reason into the respective powers and their critically traced transcendental laws. Hence, at issue is a subsequent, not an original unity or nomothetics that grounds and enables the nomothetics of nature and of freedom. See for the specific problem of unity addressed in the *Critique of Judgement*, for instance, Düsing (1968), Krämling (1985), Krijnen (2016a), Wagner (2008).



12. For recent investigations into Hegel's concept of freedom in particular see Fulda (2014), Knappik (2013), and Krijnen (2016b).
13. I insinuate here Kant's distinction between freedom of the will in the strict sense (*Wille*) and freedom of choice (*Willkür*). Although this distinction is operative in Kant's work throughout, it is not before his *Metaphysics of Morals* that Kant strictly and consistently distinguishes both dimensions of practical reason terminologically (*MM* Ak 6:213). The will in the strict sense concerns the will as a legislative power; the capacity for choice concerns the will in its dimension of determining actions and the realization of ends. The will in the strict sense is the power to desire not, as the capacity for choice, related to the action but rather in relation to the "grounds determining choice to action"; for Kant, the will in so far as it can determine the capacity for choice is "practical reason itself" (*MM* Ak 6:226).
14. Therefore, the proper translation of Hegel's *Sittlichkeit* is not 'ethical life', as is dominant in Anglo-Saxon texts. The issue is the actuality of freedom and, hence, the *facticity* of freedom. Though from the perspective of the matter at issue the term facticity is most appropriate, from a pragmatic point of view, however, it will probably be without much chance of success ('brute facts'). 'Facticity' productively integrates Kant. Kant distinguishes *agere* from *facere*, and in accord with the logic of his time he speaks of 'actions of understanding' (*Handlungen des Verstandes: CPR* B94, 105, etc.). Apparently, this concerns a very wide concept of action, not restricted to the practical realm. Action in this wide sense merely means "bringing about an effect," "causation" (cf. *CPR* B249f., 570ff.). However, this wide concept of action is to be distinguished from a narrower, particular concept: causation from *freedom*. See also the chapter "What does Action Mean?" (*Was heißt Handeln?*) in the *Pölitz* version of Kant's lectures on metaphysics (Ak 28). Here, Kant determines *agere* as action in the wide sense and *facere* as action from freedom. See on *agere* and *facere* also the *Critique of Judgement* (*CJ* Ak 5:303). In his *Metaphysics of Morals*, Kant describes "deed" (*Tat*) as an action subjected to the "laws of obligation," hence, addressing the "subject" regarding his or her "freedom of choice," as "originator of an effect" (*MM* Ak 6:223). Because of such an action, reason is a fact, a *factum*; here, nature and freedom coincide, freedom is brought into existence. This also fits with Kant's parlance of the fact (*factum, facere*) of reason in the *Critique of Practical Reason* (cf. *CPrR* Ak 5:3, 5, §§7ff.). Generally speaking, the realm of facticity of reason is the realm of *Sittlichkeit*: the actual normative realm, the realm of the actuality of freedom.
15. Wagner (1980b, c), for instance, profoundly shows that the formality of CI makes the content of morality determinable. His defense of formalism, however, does not do justice to Hegel's argument against Kant's formalism. Hegel reveals that actions in the Kantian sense are, notwithstanding the rational component of self-determination, determined by non-rational factors too, that is to say, actions in their actuality are underdetermined by the formality of CI. Wagner rightly points out that the maxims each of us has are given material for an evaluation in terms of CI, just as our actions are always also materially determined by objects, hence by a natural determinacy or non-rationality. But exactly this reference to given maxims and nature *confirms* instead of refuting Hegel's criticism. The same line of Kant defense, though with its own accentuations but nonetheless confirming instead of falsifying Hegel's criticism, is offered by Grünewald (2004) or Geismann (2009). Mere Kant interpretation of how CI relates to content does not suffice. Hegel understands the relatedness of Kant's CI to content well enough.
16. Hegel's criticism of practical formalism is addressed in his essay on 'Natural Law' (*NR GW* 4:432ff.), the chapter on morality of the *Phenomenology of Spirit* (*PhG GW* 9:323ff.), the deliberations on critical philosophy in the chapter on the attitudes of thought towards objectivity of the *Encyclopedia of Philosophical Sciences* (*Enc.* §§40ff./*GW* 20) as well as in the introduction (*RPh* §§1ff./*GW* 14) into and the chapter on morality of his *Elements of the Philosophy of Right* (*RPh* §§105ff./*GW* 14).
17. Knappik (2013, Chapters 3, 6, and 8), influenced by Hegel's *Phänomenologie des Geistes* and debates within Analytical Philosophy, interprets this as a problem of the 'constitution of

- the self'. However, Hegel's philosophy of spirit is as such not a philosophy of the self but of the principles of the actuality of freedom: of the spirit that knows and wants itself as free and aims to actualize its "inner" purpose, freedom, within an "externally found objectivity" (*Enc.* §§483ff./*GW* 20). Conditions of actualizing freedom are not identical with principles of the constitution of the self. Therefore, the problem of practical formalism is not primarily a problem of a rational transition from an abstract norm (CI) to a concrete self but to the actuality of freedom. Kant's practical philosophy (like his theoretical philosophy) is not a theory of the self either. It is a philosophy of the validity of practical objectivity (like his theoretical philosophy is a philosophy of theoretical objectivity); Kant's transcendental reflection leads to a whole of validity principles, not to a self.
18. The Hegel interpretation and actualization of Honneth (2001) suffers, despite numerous pointed insights, continuously from detaching the relationship between Hegel's *Philosophy of Right* and Hegel's system of philosophy including its logical foundation, meaning Hegel's conception of the speculative concept or absolute idea as developed in the *Science of Logic*, instead of incorporating it fruitfully. See for this Krijnen (2015, Chapter 2).
  19. Bubner (1984), for instance, tries to reconcile Kant's ethics of maxims and Hegel's doctrine of *Sittlichkeit* within the perspective of hermeneutics. His attempt, however, is not very plausible. In particular concerning Hegel, Bubner does not take the *conceptual* grounding of *Sittlichkeit* into account. As a consequence, freedom does not appear as the overarching factor of determination of 'ethical life' (to express it with the standard translation for constellations of *Sittlichkeit*).
  20. For Hegel it is "essential" that the "pure and unconditional self-determination of the will" is the "root" of duty; he holds that Kant's conception of autonomy of the will makes up the "firm foundation and point of departure" (*RPh* §135R/*GW* 14). Nevertheless, Kant depraves the standpoint of *Sittlichkeit* as he sticks to the perspective of morality instead of surpassing it towards *Sittlichkeit*; rather, Kant comes up with an "empty formalism" and a moral philosophy that merely offers a "rhetoric of duty for duty's sake." (*RPh* §135R/*GW* 14) See also *RPh* §10/*GW* 14, in which Hegel criticizes the perspective of 'understanding' and its conception of freedom as a 'power' and, hence, as a "possibility" that has to be applied to given material, an "application" that is not part of the essence of freedom; the perspective of understanding, therefore, only deals with the 'abstract alone' and not with the "idea and truth" of freedom (*RPh* §10R/*GW* 14). Cf. also *RPh* §15R/*GW* 14).
  21. Note that for Hegel *any* existence of freedom is only possible within *Sittlichkeit* (this applies also to Robinson Crusoe, hermits, and the like, frequently discussed in the contemporary debate on 'collective intentionality'). In the realm of *objective* spirit, the "relation to itself" of subjective spirit has been left and a "world" is brought about in which "freedom" exists (*Enc.* §385/*GW* 20). Also the products of practical spirit as subjective spirit, for Hegel, are "not yet deed and action" (*Enc.* §444/*GW* 20). On the level of subjective spirit, the free spirit or will has freedom as its "inner" determination and purpose; this purpose, then, on the level of objective spirit, is realized in an "eternally" found objectivity (*Enc.* §483/*GW* 20).

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