Hegel's Guilty Conscience: Three Forms of *Schuld* in the *Phenomenology of Spirit*

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And the guilt is all mine— / can never be fixed on another man, / no escape for me. I killed you, / I, god help me, I admit it all! / *To his attendants*: Take me away, quickly, out of sight. / I don't even exist—I'm no one. Nothing. (Creon in Sophocles, *Antigone*)

Existence *is with*: otherwise nothing exists. (Jean-Luc Nancy, "On Being Singular Plural")

In what we might call its Christian manifestation, "guilt" denotes the feeling or fact of having offended, the failure to uphold an ethical code or remain within one's moral bounds. As such, "guilt" carries negative consequences: shame, punishment, estrangement, etc. Yet, more broadly understood, guilt plays a social role that is productive—even ineluctable. In discourse on intersubjectivity, an understanding—and indeed, recognition—of guilt is therefore indispensable. To this end, this paper examines guilt as it appears in Hegel's thinking. I find that Hegel's understanding of *Schuld* (guilt) in the *Phenomenology* undergoes a crucial development over the course of the chapter titled, "Spirit," culminating in a robust understanding of guilt that represents not a hopelessly broken bond, but a bond that awaits its fulfillment, its very incompleteness exerting a palpable pull upon the guilty party.

I examine three key moments in "Spirit": Hegel's treatments of Greek *Sittlichkeit*, the Terror, and the confession and forgiveness of evil. By comparing these moments, I distinguish between "abstract guilt," guilt that only brings about shame, punishment, and estrangement, and

what we might call “determinate guilt”: guilt that brings about action, reminds one of his/her indebtedness to the other. Understanding the development of guilt from the beginning to the end of “Spirit” provides an entryway into my concluding discussion of the social and political relevance of Hegel’s conception of the subject as—in a certain sense—always already guilty.

By way of preparation, we should understand *Schuld*’s meanings.¹ In German, the legally condemned person is referred to as “*schuldig*.” But this is a one-sided understanding of the meaning of *Schuld*. A borrower’s note is “*Schuldbrief*,” rendered literally as “letter of guilt.” “*Schuldverhältnis*,” translated as “obligation,” is more literally a “relationship or affair of guilt.” *Schuldverschreibung*, literally a “prescription of guilt,” refers to a bond. The examples call to mind the connection between guilt and a *currently existing* obligation—not simply one that has already failed or been broken. It is guilt in this wider sense that I shall locate in the conclusion of “Spirit.”

I. Ethical action—the possibility of suffering guilt

Spirit’s first encounter with guilt occurs in the ethical world of the ancient Greeks, an idealized community with no strictly historical basis, existing as a vision of many of Hegel’s German contemporaries. Representing the most primitive form of Spirit’s identification with moral essence, this world is

a stable equilibrium of all the parts, and each part is a Spirit at home in this whole, a Spirit which does not seek its satisfaction outside of itself but finds it with itself, because it is itself in this equilibrium with the whole. (Hegel 462)²

The connection between subject and substance is immediate; all subjects are born into their appropriate ethical spheres: woman into the law of the family and man into the law of the *polis* (465). Thus, ethical life appears to be a product of nature itself, and it is nature that will right the

world when this order has been upset. Thus, Hegel evokes Sophocles' *Antigone*, in which those who attempt to work against the naturally-given order are brought violently to ruin. We find, however, that this nostalgic picture of Greek antiquity is not a picture of the ideal absolute community, but rather *must* bring itself to ruin, in such a way that it cannot right itself again.

The problems begin with the fact that, in the ethical equilibrium of the Greek world, the individual does not properly exist, for when in compliance with the existing moral spheres, one's identity in no way extends beyond the ethos of the whole.³ Hegel writes, "*This* particular individual counts only as a shadowy unreality. As yet, no deed has been committed" (464). It is thus the deed, a significant act that will count as something beyond one's proper enactment of ethical life, which this world is unable to account for. The deed thus

disturbs the peaceful organization and movement of the ethical world. What there appears as order and harmony of its two essences, each of which authenticates and completes the other, becomes through the deed a transition of opposites in which each proves itself to be the non-reality, rather than the authentication, of itself and the other. (464)

In attempting to honor her dead brother, Antigone crosses the boundaries between family and *polis*—the corpse itself being the locus of their coming together.⁴ In transgressing the laws of the *polis*, the burial and subsequent appearance before Creon implicates her in political life. She thus represents a melding of the two ethical spheres for which the structure of ethical life is unable to account, and which will bring *Sittlichkeit* to ruin.

But the emerging disharmony of ethical life is, as yet, unbeknownst to consciousness. In their ignorance, Antigone and Creon fruitlessly cling to their respective ethical spheres, not comprehending anything beyond what they each take to be their immediate duty. Hegel writes,

Since it sees right only on one side and wrong on the other, that consciousness which belongs to the divine law sees in the other side only the violence of human caprice, while that which holds to human law sees in the other only the self-will and disobedience of the individual who insists on being [her] own authority. (466)

Trapped in mutual misrecognition, neither is able to grasp the social sphere of their counterpart: Creon is numb to the divine, familial tradition which moves Antigone to transgress his decree; Antigone is unable to regard Creon as anything but a tyrant⁵ since, for her, the law of the state is eclipsed by the duty she has to her brother.

They have each “drunk from the cup of substance” (467), a phrase Hegel uses to describe their feeling of absolute identity with ethical substance. This leads to mutual misrecognition, the consequences of which are devastating. But if we are being careful not to judge too quickly what has occurred here, we find that locating guilt is difficult. Robert Stern argues that each of the tragic figures is aware of the destruction that might be caused by their actions, but *feels* exonerated by virtue of their acting entirely under the banner of their respective social spheres:

Antigone *must* bury her brother, Creon *must* uphold the law of the state. Neither can therefore feel any real guilt for what they have done, as each believes they have done what was required of them, even if the result of so acting has been disastrous; *neither do they feel any fear or any personal animosity towards their opponent*. (Stern 143, my emphasis)

According to Stern, not only are they incapable of self-inflicted guilt, but on a strictly personal level, Antigone harbors no ill-will for Creon and Creon none for Antigone. To harbor such feelings would be to step out of their respective spheres and become modern *individuals*.

But despite Stern’s strong assertion of the impossibility of feeling guilt, we still hear from Hegel, “the accomplished deed is the removal of the antithesis between the knowing self and the actuality confronting it. The doer *cannot deny the crime or his* [or her] *guilt*” (469, my emphasis). It seems that Hegel is claiming here that in doing the deed and suffering, Antigone is forced to finally acknowledge her own guilt and the authority of the law of the *polis*. However, many interpreters see in Sophocles’ heroine a symbol of transgression and defiance of the state, and hence are committed to an Antigone who cannot suffer guilt, who cannot acknowledge

Creon's authority as just. In particular, Judith Butler insists in *Antigone's Claim* that Antigone cannot have acknowledged the authority of Creon or regarded her own act as wrong. Against Hegel, Butler writes, "Antigone cannot exemplify the ethical consciousness who suffers guilt; she is beyond guilt—she embraces her crime as she embraces her death, her tomb, her bridal chamber" (34). For Butler, Antigone's incapacity for guilt is not a result of her feeling of exoneration in following the Divine law, but because she has embraced her crime *as an individual*. Butler seems to want to push Hegel further in his characterization of Antigone as a transgressor, as one who follows not the Divine law, but brings into being a

law beyond law ... a law that emerges as the breaking of the law ... not a law *of* the unconscious but some form of demand that the unconscious necessarily makes on the law, that which marks the limit and condition of the law's generalizability. (Butler 33)

Part of what Butler sees in Antigone is the legislative power of action, which breaks the law as it founds a new law, which calls into question, while simultaneously calling for, generalized law. She writes that Hegel "points to this moment, almost founders upon it, but is quick to contain its scandalous consequence" (33). While Hegel may not attribute this kind of law breaking/forming capacity to Antigone, it is an important part of his later discussion of conscience. However, since this is denied to Antigone, her potential for defiance is extinguished in a way that, according to Butler, does not even constitute a proper instance of *Aufhebung* since she is merely passed over and negated without preservation (Butler 5). My goal in bringing up Butler's argument in contrast to Hegel's is not to enter into the debate surrounding how to read Sophocles.⁶ Rather, I wish to suggest that the issue that Butler raises concerning the nature of Antigone's transgression is *intentionally* left underdeveloped in "Ethical action" since, after all, Hegel is beginning Spirit with its most primitive form. Later, as Spirit unfolds into *Gewissen*, some remnant of Antigone is

indeed preserved, but the full potential of action must be further developed before it can appear in the form that Butler desires.

So the ambiguity of guilt remains: there is little doubt that one who turns away from one ethical sphere in favor of another is “guilty” in the sense that a crime has indeed been committed. But is the *experience* of guilt *qua* affect possible? When Hegel quotes *Antigone*, “Because we suffer we acknowledge we have erred” (470), we should not forget that their suffering is perceived as a result of the natural order of ethical life itself attempting to right itself—not the internal suffering of guilt as a pang of conscience. Thus, the guilt that the doer “cannot deny” would appear to be more an acknowledgment of the law that is nonetheless being transgressed—an acknowledgment that only can take place once the actors have been made to suffer. It thus might appear that the suffering of guilt—as inward affect—is impossible in this early stage of Spirit.

However, we certainly cannot forget Creon’s expression of his own guilt: “And the guilt is all mine – / can never be fixed on another man, / no escape for me. I killed you, / I, god help me, I admit it all!” (Sophocles 1441-4). Indeed, a strong sense of guilt is present in Sophocles’ text, but for Hegel, this can only be *felt* once the harmony of ethical life is undone and this is *known to consciousness*. Once consciousness realizes the incongruity of the two moral spheres, it understands that there is no guarantee that some action, though entirely consistent with the demands of one sphere, will not be at odds with the other. We might say that guilt is thus first felt as an expression of the subject’s being torn in two contrary directions. By devoting oneself to one ethical sphere, one always risks transgressing against the other:

By the deed, therefore, it becomes guilt. For the deed is its own doing, and ‘doing’ is its inmost nature. And the guilt also acquires the meaning of *crime*; for as simple, ethical

consciousness, it has turned towards one law, but turned its back on the other and violates the latter by its deed. (Hegel 468)

Since all action requires that one turn towards one law and away from the other, *all* action carries with it the possibility of guilt. Hence Hegel's assessment of the non-acting Ismène: "Innocence, therefore, is merely non-action, like the mere being of a stone, not even that of a child" (*ibid.*). The possibility of guilt being *felt*, therefore, requires the acknowledgment of the authority of both the law that is being upheld and the law that is being broken.

If it is fair to say that some form of guilt is indeed felt, it nonetheless exists in an undeveloped form which the continuing movement of Spirit will unpack. Let us try to establish exactly what kind of guilt we have encountered thus far, using Creon's guilt as our model. Guilt, when finally acknowledged by Creon, does not yet carry with it the robust meaning contained in *Schuld*. Creon's acknowledgement and suffering of guilt serves only as a form of self-destruction: "Take me away, quickly, out of sight. / I don't even exist – I'm no one. Nothing" (Sophocles 1445-6). In Hegel's words, Creon thus "surrenders his own *character* and the *reality* of his self, and has been ruined. His *being* consists in his belonging to his ethical law, as his substance; in acknowledging the opposite law ... it has become an unreality" (471). This inchoate guilt does not provide an impulse to reconstructive action, but only pairs error with suffering. It is, of course, difficult to say what exactly Creon could do to heal the wounds of Thebes and his family, but such healing is not even a consideration for Creon, whose guilt has only a negative consequence: his desired erasure from existence. Creon's guilt is an ethical and ontological dead end: ethical in that it signals only the failure of an upheld *ethos*, ontological in that such guilt—bearing a resemblance to abstract negation—prevents the moving forward of being. Of course, Spirit itself is not at a standstill, as it moves on to "Legal status." But for the

specific characters who remain too enmeshed in this form of Spirit for it to become manifest *for-themselves*, no further action is possible.

“Ethical action” has shaken Spirit’s first attempt at finding a guilt-free standpoint. Spirit is thus starting to realize that *all* action carries with it this destructive character, and that a moral standpoint that excludes the possibility of error is not a natural given. Hegel’s conclusion of “Spirit” will demonstrate that such freedom from guilt is an infinite task, analogous to the unhappy consciousness’ search for the transcendent God. But this is not a conclusion that can be drawn so hastily. Hegel’s *Phenomenology* educates the reader not through propositions, the proofs for which can then be discarded, but through the process itself. As such, while “Ethical action” is not Hegel’s final word on guilt, it is formative of the later stages of consciousness.

II. Terror—suspecting guilt

In Hegel’s reading of *Antigone* we examined the possibility of guilt as *felt* by the individual. The section on the Terror will allow us to look at guilt as imposed upon the acting subject. In doing so, we will find that the imposed guilt of this form of natural consciousness still only manifests itself as abstract negation, this time in the form of the guillotine.

A dubious relationship between part and whole characterizes the ethos of the French Revolution for Hegel, represented by Rousseau’s *volonté générale*. Hegel explains,

[The revolutionary subject] is conscious of its pure personality and therein of all spiritual reality, and all reality is solely spiritual; the world is for it simply its own will, and this is a general will. And what is more, this will is not the empty thought of will which consists in silent assent, or assent by a representative, but a real general will, the will of all *individuals* as such. (584)

The thought is that the will of “individuals as such” is neither an imposition from without nor is it subject to fallibility, as this will is generated by the people themselves and actually represents the *true* will of the people.

Absolute freedom is characterized by the dissolution of the institutions and individuals of society into the whole. Since an institution represents a fragment of society, it is regarded by the whole as splitting from the general will. Thus,

all social groups or classes which are the spiritual spheres into which the whole is articulated are abolished; ... [individual consciousness'] purpose is the general purpose, its language universal law, its work the universal work. (585)

Thus, such fragments of the whole are dissolved into the whole. The suspicion of the whole is such that “*Being suspected*, therefore, takes the place, or has the significance and effect, of *being guilty*” (591). That is, the subject or institution which maintains itself as individual appears to refuse the Revolution’s call to express the general will. As the general will represents ethical essence for Spirit, such subjects and institutions appear to be in conflict with the existing ethical essence. Thus, the transition from being suspected to being guilty is seamless, and the next step is annihilation. We have seen a similar association between guilt and annihilation in Creon, who, upon suffering guilt, felt the dissolution of his very being. Here, as the guilt is imposed, the punishment, nonexistence, is also imposed. Once again, guilt has only an abstractly negative consequence.

Thus, the revolution can only be undertaken as a negative project. As Hegel puts it, “Universal freedom, therefore, can produce neither a positive work nor a deed; there is left for it only a *negative* action; it is merely the *fury* of destruction” (589). This tendency towards destruction, combined with an unyielding and constant suspicion, leads inevitably to the guillotine:

The sole work and deed of universal freedom is therefore *death*, a death too which has no inner significance or filling, for what is negated is the empty point of the absolutely free self. It is thus the coldest and meanest of all deaths, with no more significance than cutting off a head of cabbage or swallowing a mouthful of water. (590)

This death is the murder of a subject who was already nearly dead, almost empty of content, as a result of the de-individualizing work of the revolution prior to the execution itself. As Rebecca Comay puts it in her article, “Dead Right,” “the guillotine’s essential action is to render itself essentially redundant or inessential” (385). That is, the decapitation of the individual is only the final phase in a series of actions that had already left him/her practically empty. Yet even in its emptiness, there is a sense in which singularity clings to the subject until the very moment of execution. It is only death itself that can entirely wipe away the individuality that threatens the whole. Life, in this case the vitality of the condemned, always carries this trait of exerting its singularity.⁷ Furthermore, the guillotine has the task not only of extinguishing life, but also of wiping out the residual vitality that spills over into the individual’s posthumous presence. Without the death ritual that affirms the dead’s place within the coming-to-be of Spirit, the Terror marks an attempt to erase death itself, to remove all consequence from this final moment.

As the Terror’s need for constant death shows us, life itself implies an always-present individuality that is manifest in action, particularly its positive, legislative force. Every action, being an expression of particularity, is the legislation of a new will *against* that general will. Thus, every action is suspected of causing a rift in the united revolutionary front, and every actor is judged guilty. Anything determinate or particular—i.e., any sign or acknowledgement of *finitude*—is viewed as a limitation of the absolute freedom that the revolution espouses. Thus every act, necessarily enacted from the standpoint of singularity, is treated as guilty, a guilt that only death can absolve.

The downfall of this form of natural consciousness is inevitable, for government itself “is merely the *victorious* faction, and in the very fact of its being a faction lies the direct necessity of its overthrow; and its being government makes it, conversely, into a faction, and [so] guilty” (Hegel 591). Thus it is impossible for *any* new political structure to endure, for the government must condemn even *itself* as guilty.

Consciousness thus expands its conception of guilt. In “Ethical action”, consciousness awoke to the link that exists between action and suffering. Yet it is still seeking a form of natural consciousness that will break this link. Consciousness hoped that in the adherence to one united general will, it could overcome the injurious character of action, even at the cost of a steady stream of particularity to the scaffold. It is thus here that consciousness first grasps the notion that the guilt that it seeks to destroy *is singularity itself*, and that this singularity is not capable of utter dissolution into the whole. It becomes clear that action—as a form of legislation against all other particularities—*is* transgression. Yet, consciousness moves on, still clinging to the hope that a standpoint removed from culpability *can be found*. What the survivors of the terror have learned however, is that utter dissolution into the whole is impossible:

These individuals who have felt the fear of death, of their absolute master, again submit to negation and distinctions, arrange themselves in the various spheres, and return to an apportioned and limited task, but thereby to their substantial reality. (Hegel 593)

That is, the characteristically *human* task to which these survivors return is *finite*. In the next section that we will examine, the chapter on *Gewissen*, we find that consciousness’ conception of guilt has everything to do with its understanding of its own finitude.

III. Confessing and forgiving guilt

We shall now examine guilt in its most robust form, as it appears in the culminating section of “Spirit.” I should say at the outset that throughout the course of this chapter, “Conscience. The ‘beautiful soul,’ evil and its forgiveness,” no explicit reference is made to *Schuld* or any of its derivations. What is confessed and forgiven is *evil* (*das Böse*), not guilt. However, I do not see it as an imposition to derive a conception of “guilt” from this section. The question is not whether we are meant to imagine a kind of evil that exists without guilt, as if guilt has been transcended in this absolute community. For, as Hegel has cautioned us from the beginning, the whole that philosophy attempts to grasp is the “result together with the process through which it came about” (3). Guilt is no exception to this process and is not abandoned; its earlier manifestations are both formative of the result and constitutive of the whole. Thus, the question is how this form of guilt differs from its two primitive counterparts.

In the first and least developed form of conscientious subjectivity, what one *takes immediately* to be one’s moral duty *is* one’s moral duty. While this is the most primitive stage of conscience that Hegel describes, it nonetheless represents major historical achievement for Hegel; what had formerly existed outside consciousness in a moral beyond has returned into consciousness itself:

It is, when thus returned into itself, *concrete* moral Spirit which, in the consciousness of pure duty, does not give itself an empty criterion to be used against actual consciousness. ... Spirit is, in an immediate unity, a *self-actualizing* being, and the action is immediately something *concretely* moral. (634)

With this, moral determinations are understood in their *concreteness*, as originating from the acts of Spirit itself—understood in its particulars and as a whole—and not in an imagined moral power (as was the case for every other form of Spirit: i.e., Divine and Human laws of Greek

Sittlichkeit, the general will of the French Revolution, or the “highest good” that arose from Kant’s moral postulates).

The conscientious subject quickly realizes the need for a recognition of its moral conviction that will bear significance in the intersubjective world of Spirit; simply following conviction in isolation is not enough. Social mediation lends weight to the moral claim and affirms the moral relevance of the conviction beyond his/her own self: “Conscience is the common element of the two self-consciousnesses, and this element is the substance in which the deed has an *enduring reality*, the moment of being *recognized* and *acknowledged* by others” (640).

But the unpredictable nature of human action complicates the process of recognition. For in order for something to be an act of conscience and be recognized as such, the acting subject must have recourse to sufficient moral knowledge of the situation in which the moral act is to take place. Every such situation is caught up in a network of *infinite* complexity, “a plurality of circumstances which breaks up and spreads out endlessly in all directions, backwards into their conditions, sideways into their connections, forwards into their consequences” (642). The conscientious subject is quick to reply (in a manner appropriate to its reliance on conviction as an immediate answer) that the knowledge it *does* possess of the situation, while hopelessly incomplete, “is held ... to be sufficient and complete, because it is its *own* knowledge” (642). While this may seem sufficient for the conscientious self, the repeated failing of action to live up to the intention expressed in its conviction reveals that this cannot be sufficient *for others*. Thus, the difficulty facing consciousness is how an action that is recognized by a community as conscientious can at same time *fail* to match up to its conscientious intentions.

The conscientious self, having thus realized the inadequacy of simply acting and demanding recognition, calls upon language to demonstrate to others the link between its intention and its actions. While this link may be apparent to the actor, in the eyes of the community, these connections are invisible and must be perceived and/or reconstructed via recognitive networks. In his commentary, Jean Hyppolite describes the diremption of actor and act through a metaphor: "Once an act has been accomplished and has been detached from the self as the fruit from a tree, it is a determinate act which is not necessarily recognized by other self-consciousnesses" (509). Language is thus consciousness' attempt to bring together the "I" and the "we" of Spirit; language *is* "the existence of Spirit. Language is self-consciousness existing *for others*, self-consciousness which *as such* is immediately *present*, and as *this* self-consciousness is universal" (Hegel 652). Thus, a linguistic-recognitive community is established for the sake of the actualization and preservation of conscientious moral conviction.

Within this community, conscience is able to "bind and loose" (Hegel 646) his/her own moral content, freely self-legislating without the strictures of external moral law. The member of this community "knows the inner voice of what it immediately knows to be a divine voice; ... it is in its own self divine worship, for its action is the contemplation of its own divinity" (655). Here the return-to-self that characterizes conscience takes its most extreme form. This non-acting conscientious self has, because of its "dread of besmirching the splendour of its inner being by action and an existence" (658), attempts to avoid all forms of significant action so that it may be certain of its own purity. We have thus come upon Hegel's infamous treatment of the "beautiful soul." From here, consciousness is left with two alternatives: on the one hand, to develop an "ironic"⁸ moral perspective, arguing that no moral conviction is ever absolute, and on the other

hand, to become a beautiful soul who takes his/her inner conviction to be absolute. When the two forms encounter one another, they each develop a critique of their opposite:

For the consciousness which holds firmly to duty, the first consciousness counts as *evil*, because of the disparity between its *inner being* and the universal; and since, at the same time, this first consciousness declares its action to be in conformity with itself, to be duty and conscientiousness, it is held by the universal consciousness to be *hypocrisy*. (660)

The two, which are now described as acting and judging consciousness, are locked in a struggle of misrecognition and stubbornness.

However, in a seemingly spontaneous development, acting consciousness' conception of his/her relationship with judging consciousness widens, and realizes that his/her own conscientious convictions are only possible within a recognitive community, of which judging consciousness is a part. As J.M. Bernstein suggests in "Confession and forgiveness: Hegel's poetics of action," the impetus for acting consciousness' confession might be a greater understanding of self in relation to goodness and others: "the idea of *the* good is a fiction, there can only be *our* good, the one that first emerges through creative activity and is realized by being recognized and tokened by others" (42). "Our good" cannot be the result of anything other than our own actions, judgments, and determinations over time, and thus we construct a morality that is properly and exclusively *ours*. Our good—unlike the general will—can only be understood when we take into account not only the result, but the individual, finite moments that constitute it. Given the unrest that characterizes these individuals,⁹ our good is never in a position of complete stasis, but constantly undergoes reformation by virtue of their movement. If conscience is the way we think about modern ethical life, then it must be the case that every act is an act of legislation that both works against and for our good. In acting, one disturbs "our good" while simultaneously contributing to a new form.

With confession we have come upon the very object of our inquiry in its most robust form. The evil that is confessed is a fully-developed manifestation of the guilt that has been haunting consciousness since the ethical world of the Greeks. Every act that produced the forms of guilt that we previously encountered was, in fact, “evil,” but it is only now that consciousness grasps what that evil really means: “[Absolute Spirit] is the pure continuity of the universal, which is aware that the individuality which is conscious of itself as essence, is intrinsically a nullity, is evil” (671). Thus, evil, as intrinsic, is no longer something that signals one’s failure to operate in a given human society, but rather, is constitutive of the very society itself and the society’s ability to make such a condemnation.

Given such evil, what can forgiveness hope to accomplish? We can approach this question by thinking about how Hegel would answer one of Jacques Derrida’s fundamental questions concerning forgiveness, the problem of the *who* or the *what*:

What do I forgive? And whom? What and whom? Something or someone? This is the first syntactic ambiguity which will, be it said, occupy us for a long time. Between the question ‘whom?’ and the question ‘what?’. Does one forgive *something*, a crime, a fault, a wrong, that is to say, an act or a moment which does not exhaust the person incriminated, and at the limit does not become confused with the guilty, who thus remains irreducible to it? Or rather, does one forgive *someone*, absolutely, no longer marking the limit between the injury, the moment of the fault, and on the other side the person taken as responsible or culpable? ... I must leave these immense questions open. (38)

I take it that Hegel would not approach Derrida’s question by choosing one or the other—the *who* or the *what*—but by understanding how the *relationship between the who and the what* is transformed through confession and forgiveness.

Hegel distinguishes between these two aspects, saying,

The *self* that carries out the action, the form of its act, is only a *moment* of the whole, and so likewise is the knowledge, that by its judgment determines and establishes the distinction between the individual and universal aspects of the action. (669)

Hegel's part/whole logic works on many levels, and in this case we might see the subject as a whole of which a single action is a part. The act (the what) is a moment of the whole (the who) and the ambiguity of their separation/connection creates a tension that confession and forgiveness attempts resolve by stepping back and understanding the acting subject in its larger context. As Bernstein writes,

In forgiving I call you back to my presence and so return yours to you. Figuratively, forgiveness reverses the vengeful, metonymic shift of taking your action for you: I turn away from the act toward you, as you in confessing had turned away from your act and exposed your (whole) self to me. (60)

Thus, in forgiving I demonstrate that I do not take the transgressive act to *be* you, which seems to indicate that the act of forgiveness separates act and actor, thus allowing the transgressor to re-enter the realm of ethical action. We can imagine that, through forgiveness, the transgressor is no longer forced to wear the placard bearing the name of his/her crime.

This is not, however, the utter diremption of actor and act. Confession of an act, while a self-abasement, an exposing of myself, must also be a claiming of the act as *mine*. Similarly, forgiveness must take into account both *the what* and *the who* of the transgression, without isolating them. Thus, it is too simple to say that in the process of confession and forgiveness, act is separated from actor and we forget that anything harmful ever occurred. Rather, the act of reconciliation that Hegel is describing is less a type of willful forgetfulness and more a mindfulness of what constitutes our situation as Spiritual, conscientious beings. We cannot understand the conclusion of the chapter on conscience without keeping in mind the imperfect and fallible nature of human action that Hegel has been demonstrating all throughout "Spirit." Given the fact that our actions, regardless of intent, are subject to the possibility of becoming destructive, as they exist in a reality that is infinitely complex, forgiveness is not a mystical

undoing of the past but a necessity for our living together in society. In a way, confession and forgiveness constitute our attentiveness to what it means to live together with other actors (evil-doers). In forgiving, one does not attain an ideal state of equilibrium with the transgressor, but acknowledges that their equality lies in their shared transgressiveness, in their very difference. Thus, the disappearance of the scars of Spirit is not the willful forgetfulness or repression of injury caused, and it is certainly not the actual undoing of a past event. Rather, their disappearance is the acknowledgment that the transgressor's identity is not exhausted by the transgressive act and, although he/she (all of us) will be prone to transgress again in the future, we cannot forever bind the transgressor to the transgression.

The memory of the transgression of course persists. The moments of a subject's life, including all his/her acts, beliefs, and assertions, no matter how one might be at odds with the other, are all necessary to the whole: together, they form the subject. To take an act to *be* the actor is too simple, yet it is a judgment that we're all too familiar with: "He's the *type of person* who does *that sort of thing*." Just as Hegel warns us in the preface that there is no "royal road to Science" (70), that the path to its true discovery is arduous, long, and full of backward steps, there is similarly no royal road to a subject.

Formerly, consciousness was looking for an a priori method, or fixed point, with which to orient its ethical life, driven by the thought that there *must* exist some idea, practice, system, community, or science, which, once grasped, provides an exit from the world of sin and transgression. But despite its efforts, consciousness realizes the lack of such enduring innocence. Guilt is thus not the mark of an aberration, of one who tries and fails to be a part of the human community; rather, guilt is a mark of being human itself.

By comparing the previous manifestations of guilt in “Ethical Action” and “Absolute Freedom and Terror” we can distinguish between guilt without consequence, “abstract guilt,” guilt that only brings about shame and punishment, and what we might call *determinate guilt*: guilt that brings about action, reminds one of his/her social responsibility to the other, reminds one of his/her indebtedness to the other. We can think of the difference between guilt with consequence and guilt without consequence as an analogue for the difference between determinate and abstract negation. Just as abstract negation provides only a dead end, guilt without consequence will result only in shame, self-loathing, and punishment. In this form, the actor’s identity is taken to be exhausted by the criminal act. The label of guilt thus paralyzes the actor, and moving on becomes impossible. On the other hand, guilt which embodies the full meaning of *Schuld*, a sense of present and active indebtedness and connection to the other, allows the actor to internalize the scars of Spirit and use them as a spring board to further action.

Earlier I spoke of guilt as a kind of split within a subject—in that case guilt was a feeling of committing to one law while turning away from the other in Greek ethical life. Now, however, it expresses the feeling of being torn between the many ethical forces that pull upon a subject. Every person I encounter exerts an ethical force on me, for they are themselves conscientious self-legislating subjects, and, because of my recognitive relationship to them, I cannot ignore the normative force of their actions and determinations. I am, in a sense, *indebted* to them in this way. To respond to *all* the ethical demands placed upon me at any given time is obviously impossible. Thus, in simply being a person who acts, I break an infinite number of ethical norms each and every day to varying degrees. A deepened sense of guilt corresponds to the feeling that I have become split in a more dramatic way than usual. But regardless of its degree, that guilt is always present, and is inescapable. In the end, I would have to be entirely ethically numb to

never feel a pang of guilt. My relationship to another is *Schuldverhältnis* taken in its most literal sense: a relationship of guilt.

Friedrich Nietzsche wrote of the connection between guilt and debt in his *Genealogy*, hoping to demonstrate that the feeling of guilt has its origins in our first attempts to measure actions and transgressions so that reconciliation may come from knowing how to restore a kind of equality to a situation that has been thrown off balance by a transgression. The strong association between guilt and debt arose from the desire to understand “every offense as in some sense *capable of being paid off*, hence, at least to a certain extent, to *isolate* the criminal and his deed from each other” (Nietzsche, “Second Treatise” §10). The continuing attempts by legal and religious institutions to make this thought a reality have grave consequences for Nietzsche, resulting in a conception of distinctly Christian guilt that leads to the decay and sickness of society. While I still wish to speak of guilt as an affect expressing one’s feeling of division between ethical spheres, I do not think that this divisiveness *necessarily* needs to end where Nietzsche thinks it does: in *ressentiment*, *décadence*, and an unhealthy feeling of bad conscience. Rather, when we think guilt from a phenomenological standpoint, we are able to conceptualize guilt in a different manner—as indebtedness to the fact of each person’s conscientiousness.

With this talk of “indebtedness” there is a temptation to turn Hegel into an ought-ish moralist, but we should steer away from this idea. That is, the fact that we are all, in some sense, culpable, does not in turn lead to the moral imperative to forgive. Rather, the very possibility of creating ought-ish moral structures lies in our being-together in recognitive communities. Thus, confession and forgiveness, as modes of recognition, cannot themselves initially be subject to a priori moral imperatives. To attempt to construct an a priori ethics of confession and forgiveness would be to fall into the same infinite task that consciousness suffered during its entire journey:

it thought it could find a fail-safe standpoint, and each time it felt that one had been obtained, it was driven to despair. We need not continue on this “pathway of doubt, or more precisely ... the way of despair” (78), for the failings of each standpoint along the way are remembered and part of our education towards Absolute Spirit. As the hard heart’s refusal reminds us, recognition, in the form of forgiveness or otherwise, is not compulsory. There is no situation in which one *ought* to recognize the other, or forgive the other. Moreover, a relationship of guilt to another is not a pre-recognitive, ahistorical given. Rather, it is recognition itself that *makes possible* the ensuing social structures that allow for such claims of entitlement and belonging in particular relationships. Our thinking of guilt as indebtedness and responsibility *can only exist as embedded within an already recognitive social structure*. Thinking guilt as responsibility is not, therefore, a call to a new a priori moral system. Rather, it invites us to think through our recognitive being-together.

To sum up what I have tried to establish about guilt in Hegel, and to bring this all back to Hegel’s own terms: “Determinate Guilt,” as I am using it, refers to a phenomenological attentiveness to the conscientiousness of all other self-consciousnesses, alongside the way in which actions that I deem to be conscientious fail the conscientious expectations of others, all of which is based upon a recognitive, rather than a priori, understanding of intersubjectivity and the ethics that can arise from it. The lesson that I see in this is simple: ethics has a recognitive, not a priori, basis, and must be understood phenomenologically, not metaphysically. A priori approaches to ethics, as we have seen, given their claims to absolute truth (either as divine or human law, or the general will) only generate what we called “abstract guilt.” That is, upon feeling the failure to uphold a bond, there is no hope of moving on, as absolute law is capable only of condemnation, and the guilty party must either negate itself (Creon) or be negated (the

victims of the guillotine). Thus, not only are such approaches to ethics impossible, but the striving to attain such impossibility is politically irresponsible and dangerous. On the other hand, a recognitive approach to ethical feelings of responsibility, as we saw in the section on confession and forgiveness, produces what we called “determinate guilt.” That is, guilt that induces in the guilty subject a feeling not that he/she has failed an abstract law, but that he/she has failed a fellow conscientious human being. Abstract law is unable to forgive, but human beings can. Thus, a recognitive approach allows for

[t]he wounds of the Spirit heal, and leave no scars behind. The deed is not imperishable; it is taken back by Spirit into itself, and the aspect of individuality present in it, whether as intention or as an existent negativity and limitation, straightaway vanishes. (669)

By no means does this extinguish evil or injury from the world. Rather, an ethics of recognitive intersubjectivity is an infinite task—not in the sense of the unhappy consciousness—but in the sense that we are responsible for constantly upholding, understanding, critiquing, and reforming ethical commitments that can only be—and must always be regarded as—ours.

Notes

¹ I should make clear that the German words *Schuldbrief*, *Schuldverhältnis*, and *Schuldverschreibung* are not part of Hegel’s terminology, but heuristic examples that I have chosen to elucidate the meanings of *Schuld*.

² All references to Hegel’s *Phenomenology of Spirit* cited by paragraph number.

³ Interestingly, Sophocles at times seems to offer the reverse interpretation. The individual *only* exists when in compliance with the natural order of ethical life. Antigone has ceased to have any substantive existence for Creon. One only *is* as a citizen given over to the law of the polis: “ISMENE: How can I live alone, without her? CREON: Her? / Don’t even mention her – she no longer exists” (Sophocles 638-9). Also consider Creon’s denial of his own existence, which serves as an epigraph for this paper.

⁴ Polynices' body is a representation of the *polis*, given his status as a male warrior and would-be ruler, and at once Antigone's perished sibling, part of the community of the dead who "rise up in hostility and destroy the community which has dishonored and shattered its own power, the sacred claims of the Family (474).

⁵ To quote Antigone herself, "Lucky tyrants—the prerequisites of power! / Ruthless power to do and say whatever pleases *them*" (Lines 566-7).

⁶ As many have pointed out, Hegel's reading of *Antigone*, while brilliant in its own creative appropriation, is not at all agreed upon and may be highly suspect. I think, however, there is more to be gained in our case by ignoring the debate over the accuracy of the reading and focusing on its philosophical merit.

⁷ I am thinking of Hegel's discussion of Life in "The Truth of Self-Certainty": "Thus the simple substance of Life is the splitting-up of itself into shapes and at the same time the dissolution of these existent differences; and the dissolution of the splitting-up is just as much a splitting-up and forming of members" (171). Of course, this movement is the case for life as much as it is the case for Spirit or being. The important point is that the whole can never be thought without its constituent shapes. In the case of the condemned victim of the Terror, while Life remains, individuality remains and exerts itself to the bitter end.

⁸ I am borrowing a description of this form of beautiful soul as a romantic ironist (see for instance, Pinkard 214-5 and Bernstein, "Confession and forgiveness").

⁹ This is a thought that pervades the entire *Phenomenology*, thus making a specific textual reference difficult. The constant unrest of substance is captured famously in the preface: "The True is thus the Bacchanalian revel in which no member is not drunk; yet because each member collapses as soon as he drops out, the revel is just as much transparent and simple repose" (47).

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