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**THE LOGOS OF LAW:
PARMENIDES - HEGEL -
DOSTOEVSKY**

The Speculative and Logical Foundations of
the Metaphysics of Law

Monograph

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The Logos of law: Parmenides - Hegel - Dostoevsky. On the Speculative and Logical Foundations of the Metaphysics of Law: Monograph.

The monograph studies the relation between the "first philosophy" as the doctrine about the unity of thinking and existence, on one hand, and the philosophy of law as a specialised philosophical science, on the other. This paper explores the methodological and general theoretical foundations for ~~the interpretation~~/interpreting of the classical philosophy of law, the problems of monism and dualism in the justification of the theory of law, the relations between law and morality, law and religion, and the Absolute in law.

The notion of absolute freedom as a paradigm of the classical German philosophical and legal school of thought is considered herein. It is demonstrated that in the classical philosophy of law as presented by Kant, Fichte and Hegel, this foundation is used to overcome both the paradigm of substantive natural law and the paradigm of the social contract, which remains dominant to this day.

The target audience of this monograph includes researchers specialising in the history of philosophy and theory of law, legal experts, instructors, post-graduate students as well as anyone who is interested in the philosophy of law.

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Oh, Eternal Light, which only emanates
 From itself and is understandable and understood,
 It is understood and cherishes its image!

Dante Alighieri. Divine Comedy. Paradise.

The state is not a mechanism, but an intelligent life of self-aware freedom, a system of a moral world.

Georg Hegel. Philosophy of Law.

Through science man moves from diversity to synthesis, from facts to generalisations and knowledge. The nature of God, however, is different. It is full synthesis of the entire being, which examines itself in all distinctions through analysis.

Fedor Dostoevsky. From a notebook, 1864.

Introduction

The philosophy of law is an element of philosophy as a universal system of knowledge because its subject matter is part of the subject matter studied by philosophical science, which is the universal unity of thought and being. Thinking and existence are the two ultimate forms of being that encompass everything. In philosophy, this "everything" is not simply a dead aggregate akin to a pile of rubbish, ~~but is instead~~/but it is learned and comprehended as an all-encompassing unity. The principle of the unity of the world implies that the real world in its entirety is ordered and operates as a system with interacting components, rather than existing as a chaotic mass. ¹ However, in philosophy, unity is not a self-evident phenomenon but rather a problem. It was understood and demonstrated as a problem by the first Greek philosopher, Parmenides. Philosophy at the time

was yet to learn how to think about this all-encompassing unity as the harmony of being and as the specific identity of being. And that problem remains relevant in philosophy to this day.

~~The philosophy of law, if it is to be a philosophy,~~
 / If it is to be a philosophy, the philosophy of law must demonstrate how universal unity reveals in itself the certainty of law and legal consciousness. Furthermore, it should be able to project the foundations of law contained in the universal harmony of being onto the ~~historic~~/historical forms of development of the human species, society and the state. Thus, the contents of the philosophy of law ~~includes~~/include the discourse of the transition from philosophia prima (the first philosophy) that studies the general foundations to a positive theory of law. Therefore, in focusing only on its subject matter, the philosophy of law has ~~very limited~~/minimal content. Such content is limited by its task of the theoretical mediation of the teaching about the universal unity

of thought and being, on one hand, and the fundamental problems of the ontology of law, the epistemology of law, the anthropology of law, the logic of law, the ethics of law, the practice of law and legal awareness, on the other.

Thus, the science of the first foundations of law could be defined as *speculative metaphysics of law* so as to set aside discussions about the subject matter of the philosophy of law that have been going on for centuries. ² If we single out metaphysics of law as a separate discipline that looks at the content of the process through which the relation between philosophia prima and the entire set of knowledge about law is mediated and made sense of, then the next step would be the traditional philosophy of law, which encompasses issues that are particularly important to practicing legal professionals: "...the philosophy of law is the scientific link between philosophy and legal sciences, but it should not in any respect be regarded as belonging to the latter.

The philosophy of law is not part of the general theory of law, rather it indicates the areas that theory of law should study, offers a methodology of law, outlines the approaches and fundamental problems of law, and attempts to find ways to address those problems. It can then be concluded that the subject of the philosophy of law includes the fundamental issues of legal existence, the essence of law, the methodology for learning about law, the values of law, legal awareness, the logic of law and the place of the individual in legal relations".³

The system of synthetic postulates that explain the metaphysics of law must be *preceded* by an interpretation of the problem of the unity of thinking and being and an expanded explanation of the notion of this unity and how it can be thought of in any *specific* context. In the form of a theory, this meaning stems from an understanding of the entire historical and philosophical process that sheds light on the internal unity of the contents and its logical

result as outlined in Hegel's Science of Logic. "Hegel's system was the last historical form in the development of philosophy. It includes all the preceding philosophy, removes the historical form in the logical form of the development of philosophy, and through that succeeds in highlighting the difference between the subject of philosophy and the subjective of positivist sciences."

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On the whole, both the metaphysics and philosophy of law had three ~~basic~~/primary historical forms. The first version was based on the notion of a natural substance of law. The classical expression of this idea is natural law as some sort of a positivist law substance, ~~as seen in the works of Thomas Aquinas~~/ as seen in 'Thomas Aquinas' works. The second notion of positive law is derived from the actions of the subject, and was defined as a social contract by thinkers such as Hobbes and Locke. However, they are both limited; in the first case, the

substance of law is presented without any subjectivity, whereas in the second case, we have subjectivity without substance. The third option is found in classical German philosophy, in which law is understood as an active entity comprising both the substance and the subject. The latter was linked to the revival of the Christian understanding of freedom but with a philosophical interpretation of its meaning (perhaps most fully and concretely revealed in Hegel's concept of the spirit).

The classical philosophy of law that emerged between the 18th and 19th centuries (Kant, Fichte, Hegel) does not revive the theory of natural law and neither does it expand on the conceptual foundations of the social contract. Instead, it expands on the fundamental understanding of law on the basis of a detailed philosophical interpretation of the Christian idea of absolute freedom, a feat never before seen in the history of science.

If law is based on the notion of freedom, then a true understanding of law depends on the interpretation of the concept of freedom or ~~on~~ whether we understand freedom only as the possibility to do whatever we want as long as our actions ~~don't~~/do not interfere with the freedom of the Other. In this case, the notion of freedom is interpreted in a purely mechanistic fashion and is defined as something relative (i.e. freedom is defined through our relations with other people). Thus we find the notion of freedom in concepts developed by Hobbes and Locke as well as in all the political and legal doctrines that lead up to the ideas of 17th-century British classics. Alternatively, we could understand freedom ~~within the framework of the Christian tradition~~/ within the Christian tradition framework, as the greatest gift that God has ever bestowed on humans, as a definition of the absolute source of human essence, which they must find in themselves and actualise ⁵. The notion of freedom as

absolute and the notion of the absolute as freedom form the foundations of the legal concepts of classic philosophers such as Kant, Fichte, Schelling and Hegel.

Freedom understood as the absolute foundation for the self-actualisation of a human being manifests in the *process* of distinguishing good from evil, and subsequently in the process of acting upon the results of deciding what is good and what is evil. After all, any action taken by a human being presupposes some kind of a goal, and good and evil ultimately define the ultimate goals of any human action. Without a distinction between good and evil, the human will would be heteronomous rather than autonomous, to use Kant's terminology. The *key word/ keyword* here is "process". Freedom is understood as relative only as a condition or an opportunity to act, and that means that it is understood statically rather than as an evolutionary process. Absolute freedom is then interpreted as the

process of learning about the absolute and the practical actions that people take on the basis of the knowledge acquired through this process.

Therefore, freedom can be defined as the *process* of distinguishing between good and evil, whereas law can be defined as the *form* that this distinction, once established, takes, and morality can then be understood as the *content* of this distinction. It should be stressed that law is not *a form of the process* of distinguishing between good and evil (in other words, law is not a form of freedom), but rather a *form of distinction* between good and evil.

It should also be noted that for this reason, law is absolutely formal, even though it does have some substance. This feature of law was made clear for the new European legal awareness by Christian Thomasius and was then analysed in detail by Immanuel Kant. In its formality, law is similar to sophistry in Plato's interpretation of the latter: adherence to the form of comprehension of the truth,

regardless of whether it is the truth that is being comprehended or whether the mind is actually trying to comprehend it at all. Morality is the content of the distinction between good and evil. In our analogy, this content is regarded as philosophical thinking, which is trying to learn the truth and thus strives to comprehend it.

Law only consists of the *pure form* of the distinction between good and evil, unlike morality, which contains both the form and its content ⁶. However, a pure form *can't* / *cannot* really be thought of without any content that gives it meaning. This means that the pure legal form must include some kind of content of its own, some kind of essential characteristic of the form itself. Such content or essence does not correspond to any material objects and thus can only comprise thoughts and ideas. The essence of a pure form can only emerge for us as a *thought* entertained by a

legal expert and expressed in a specific context as his or her reflection.

In this case, a purely philosophical contemplation about good and evil is a moral imperative for those who practice law. This link between the study of law, the production of law and philosophical and legal reflection is *not direct*, and therefore it is not obvious and can even appear accidental and dependent on the ~~good—will~~/goodwill of the researcher or the legislator, their personal interests, passions etc. A legal expert's contemplation about good and evil is not directly related to the laws they come up with and are devoid of pragmatism in the conventional sense. But that's ~~exactly~~/precisely the way they should be, because they are not related to the content of legal relations, but with the pure form of law instead ⁷.

Therefore, a legal expert's reflections on good and evil *must* occur regardless of the fact that a lot if not everything has already been said on this topic, or of

the fact that all these *reflections* will have little effect on any specific legislative regulation that may be passed to address a specific issue relevant at a given point in time. These reflections *must* occur precisely because they make up one of the hidden elements of law creation, elements that are not necessarily seen and do not manifest in the outside world but are nonetheless very important and required. Thus, the philosophy of law is required not only as purely theoretical knowledge, but as an element of legal practice and legal reality⁸.

Therefore, it is no coincidence that the modernisation of how city-states ('polis') were organised in ancient Greece in the 7th through 6th centuries B.C. provoked social demand for the development of philosophy as a new type of highly generalised knowledge that was neither religion nor art and yet was closely intertwined with both. Unlike art and religion, which focused on immediate knowledge acquired through personal experience

(revelations, intellectual intuition, creative observation etc.), science was supposed to employ reason to re-examine and re-interpret every element of knowledge, and therefore any element of scientific knowledge is always interpretive in nature.

Politically, a democratic city-state in ancient Greece was organised around rationally justified laws rather than the authority of kings claiming to have descended from the gods praised in the Aedes. A person has absolute freedom and thus if he or she should ever be forced to follow some arbitrary rules, this can only go on for a very limited time. Sooner or later, violence and manipulation can carry the charade no further and the external will come up against the core indivisible absolute freedom of the individual.

The true foundation of any external power that human beings can submit to over the long term can only come from moral authority manifested through the family, the state and the law. In the

archaic/ancient city-states, this moral authority was maintained through mythology and art. The democratic power of city-states, which appealed to the rational argumentation and discourse of written law, could only rely on the authority of reason. But if *reason* claimed to offer an alternative to religion and art, it had to be able to explain the workings of the *entire world* without resorting to irrational explanations. In other words, it was necessary through reason alone to explain whether there was harmony and order in the world, whether there was unity, or whether the world was just chaos. It was then necessary to explain how the individual human being and the society that he or she was a part of (the city-state) were included in this overall harmony of the world (if it was real and could be thought of).

If the harmony of the world, the harmony of society and the harmony of the individual are one and the same, then the sum total of these harmonies

represents what is traditionally referred to as moral law (with morality being understood in the sense that we used when we compared it with law). This moral law means that the universal unity of the world manifests as the inner meaning of human existence and as the supreme source of their actions, i.e. as freedom rather than as some abstract law of nature. Legal law expresses moral law only if it gives form to the content of freedom rather than when it tries to imitate the law of nature.

Freedom starts with knowledge, and the first knowledge that lies at the core of freedom is the knowledge of the distinction between good and evil. The process of distinguishing analytically between good and evil solidifies this distinction as the first stage in the distinction of the synthetically unified being. By analytically making this distinction, we assume that being is *specific* in its nature because specificity is what allows us to distinguish the component parts in a whole. However, thinking

about being as distinct (without which no specificity or harmony would be possible) and at the same time as one and unified (without which no unity of being would be possible) creates a problem that cannot be tackled through thinking alone.

It was Parmenides who managed to identify this problem and formulate it in a manner that made it accessible to thinking and analysis./Parmenides managed to identify this problem and formulate it in a manner that made it accessible to thinking and analysis. It was then up to Socrates to determine the conditions for the resolution of this problem and show the way for the further development of thinking to the necessary level of specificity. But only *Christian* thought has managed to understand the universal not as some kind of abstract being similar to a natural force, but as a moral idea, and furthermore as a personality, which, according to Dostoevsky, encompasses the entire synthesis of

being that reflects upon itself through diversity and analysis.

One alternative to the Christian tradition of understanding the universal as a moral idea of a spirit was offered by *gnostic* dualism of existence and non-existence (in the moral dimension, this dualism manifests as the dichotomy between good and evil), in which rational *thinking* is done away with as the sole being and apologetics of non-existence and death, and in which the world can only be accepted as *absurd*. Christian theodicy upgraded the notion that the world can only be thought of as a harmony of absolute good while also *recognising* all its contradictions by someone who appreciates and understands their freedom as the highest and inalienable gift of God.

Now philosophy had to reinterpret this *understanding* ("Begreifen") of freedom as the highest gift, as an absolute and affirmative notion that simply had not been explored in ancient

thought. But it took philosophy almost two thousand years to formulate this problem theoretically in this manner, and it was only achieved when Descartes took it upon himself (even though at the time it seemed like he was motivated by a completely different problem: the task of developing a system of justified and self-explanatory scientific knowledge). Studying supreme unity, i.e. the universal unity of thinking and being, from the point of view of thinking as the unity of the subject consisted of nothing more than learning about the conditions of absolute freedom through philosophical thought. In this context, the absolute minimum of self-awareness meant the same as the absolute maximum of existence or being.

The level of thought and understanding of the total unity of the world, society and the individual, which was inherent in Christianity from the very start, had yet to be introduced into the system of scientific thought. And that's exactly what we see

for the first time in the classical German philosophy, and especially in the logical form that Hegel gave it (with a few caveats introduced by Fichte). The logical form of philosophy restores the relevance of the historical forms of this science. The unity of historical and logical philosophy then becomes a method for understanding the universal not as just a substance, but also as a subject.

In this way, Hegel used the word spirit to denote the universal that has been understood and that understands itself, and for the first time in history, he gave this notion both a theoretical and a methodological meaning. It is only at this level of understanding of the universal that we can really understand Dionysius the Areopagite's idea that *"evil is non-existent and thus cannot be found in that which exists. Thus evil, as such, cannot be found anywhere..."* Once we can express something logically, we can translate this knowledge that contains the Christian understanding of freedom into

a specific discursive form comparable to the form of law. ~~For this reason~~/Thus, it is with the achievement of this level of scientific thought that we generally associate the emergence of the new paradigm of law ~~that is~~-based on the Christian notion of freedom and its explication in thought. M. Zakharchenko was correct when he said that, "The spirit manifests itself as truth, asserting itself through goodness and leaving evil to self-destruct after it's been stripped of truth... What makes the notion of the 'Absolute spirit' so bold is that by asserting it, Hegel ultimately claims that good triumphs over evil in this world."⁹

Parmenides is the one to discover classical philosophy, while Hegel *completes* this exploration. The problem of epistemology posed during the historical development of science are resolved in the classical German philosophy. "The Absolute is the self-contradicting unity of the subject and the object, of thinking and being. Coming to terms with this self-contradicting unity ultimately means that the

historical development of dialectics of the relation between the subject and the object, between thinking and being has come to an end... We're now seeing the beginning of the form of the truth, the logical understanding of the universal unity of the subject and the object, of thinking and being. But this dialectics of the universal as something specific in itself, understood as an absolute idea and expressed in a logical form, is none other than the universal dialectics of Hegel."¹⁰

The end of philosophy in the works of classical German philosophers does not mean an end to this science as such. Not that much time has passed since Fichte and Hegel were alive, well at least compared to Plato and Aristotle. **Hegel believed the main goal of the next generation of philosophers was to preserve the content and understanding of the meanings that he had developed. / Hegel believed the next generation of philosophers' main goal was to preserve the content and understanding of the**

meanings that he had developed. He put it very succinctly in the conclusion of his lectures on the philosophy of religion: "Just like in the era of the Roman empire when universal unity was lost in religion, profanity replaced the divine and all political life came to a standstill, any credibility in it was lost; reason fled to the shelter of private law, existence in and of itself fell apart, and the goal was then prosperity. Today we have a very similar situation, as moral views, personal opinions and convictions have acquired significance beyond any objective truth, while priority is given to individual rights and pleasure, when in the fullness of time justification through understanding has become an essential need, there is no unity between the internal and the external in the immediate consciousness or in reality, and nothing gets justified through faith. Here neither do we have the strictness of an objective order nor an external force or state authority; the decline has gone on for far too long

and has gone too far... This dissonance was done away for us by philosophical experience and the goal of these lectures would be to reconcile reason and religion, while experiencing the latter in all the multitude of its forms as necessary and regain truth and the notion of a religion of revelation. But such reconciliation would only be partial and devoid of external universality, so in this respect, philosophy is like a temple in a desert, whose priests are an isolated group that cannot bring the world under control and must therefore protect their own access to the truth. The temporary empirical present must be left to its own devices to find a way to get out of its schism and discover what form to take, as this is not exactly a practical issue or a philosophical subject." ¹²

Thus, Hegel never really talked about the complete end of the history of philosophy. He was simply talking about the end of a specific stage in philosophy that we refer to as classical philosophy.

Universal history has not yet developed content for the next stage of the development of philosophy. Contrary to conventional wisdom that really isn't based on anything, Hegel never believed that history in general or the history of philosophy should end at this stage. On the contrary, he called for the preservation of knowledge obtained as a result of the historical development of philosophy in expectation of a new phase of development of general history, without thinking too far ahead about the content that reality had not caught up with yet.

As he attempted to define the place of Hegel's speculative philosophy in the historical and philosophical process. M Heidegger wrote, "Philosophy ends in the system of speculative idealism, in other words it peaks and comes to an end. Hegel's contention about the end of philosophy is shocking. It is regarded as pretensions and described as delusion that has since been falsified by history. After all, philosophy continued to exist after

Hegel and it still exists today. However, the contention that philosophy has ended does not mean that it ended in the sense that it ceased to exist. Rather, the end of philosophy in this context means **a** turning **of** a page and creates opportunities for the emergencies of new forms including very basic ones. The end of philosophy does not mean its cessation and cannot be reduced to an isolated system of speculative idealism. What ends here is just an uninterrupted cycle of the history of philosophy in which the beginning remains as significant as the ending: Hegel and the Greeks". ¹²

In Hegel's philosophy, science and scientific thinking received a definite result of their **historie/historical** development, which is the method for understanding the universal unity of the world. Therefore, the task of thinking of one being, which was posed by Parmenides at the beginning of the history of philosophy, was ultimately resolved in its outcome. However, *after* Hegel, this result needs to

be further expanded by answering the following Socratic question: What do this unity and harmony mean for the specific individual? History repeats itself on a new coil of the spiral: the discourse of ontological problems of being must define human morals.

We believe that this task is tackled brilliantly by the philosophy of *Dostoevsky*. The Russian writer transforms the problem of the *essence* of being into the problem of its *meaning*.

Regardless of how the Russian writer viewed the results of Hegel's philosophy and how well he knew it (and there is some evidence suggesting that he was quite familiar with it ¹³), Dostoevsky objectively tackled the problem that history posed to philosophers in the post-Hegel era.

This becomes especially obvious if we take into account the reconstruction of Dostoevsky's philosophy undertaken in the 20th century by the great German philosopher Reinhard Lauth. What

Lauth found in Dostoevsky's philosophy was the experience of the Christian answer to the question of what man's place is in the universal harmony of the world (or, to be more precise: the human being *before* this harmony)¹⁴. Other schools of philosophy contemporary to Lauth (existentialism, philosophy of life etc.) each supplied their own answers to this question, but all those answers hinged on the duality of being and non-existence, good and evil.

In Dostoevsky's philosophy, Lauth was able to find a well-thought-out and very precise substantiation not only of the question of the essence of being, but also of the meaning of existence, i.e. an answer that does not only state that universal harmony *exists* but one which specifies the meaning of such existence for people. And this is a necessary detail in ~~the~~ understanding ~~of~~ the essence of being, absolute harmony and absolute goodness. This detail is necessary specifically for the philosophical justification of law because the

distinction between good and evil ~~contained~~ in the form of the law must also contain ~~in-itself~~ a *direct* call to action for the human being. More specifically, there must be a call to action to exercise one's substantial freedom. ~~In order for/For~~ the notion of absolute good to be put forward as a notion of law, it must be in harmony with the human *soul*.

Hegel's philosophy of law is part and parcel of the doctrine of the objective spirit. In order to correctly understand this idea, we need to bear in mind that the objective spirit entails the removal (Aufheben) of the subjective spirit. That means that if we want to understand the real meaning of Hegel's doctrine of law, we need to be able to explicate in it this subjective foundation, i.e. the doctrine of the soul. The real subject of Hegel's philosophy of law is exposed in his notion of 'free spirit' that is only mentioned in very general terms in the Encyclopedia of Philosophical Sciences. In one edition, Hegel

included this notion in a section of the doctrine of the subjective spirit as its highest result, and in another edition it was mentioned in the same section as its starting point.¹⁵

As he bridges the gap between the absolute and the soul, the total objective harmony of the world and its limited subjective meaning reflected in the human soul, Dostoevsky directs us towards discovering the true founding principles of law. After all, in terms of its values, law is for the human soul an expression of absolute harmony as it applies to practical relations with reality. For this reason, it is no coincidence that one of Russia's most prominent theoreticians of law, Pavel Novgorodtsev, made specific mention of Dostoevsky as the true founder of the Russian philosophy of law. Dostoevsky talks about the possible answer to his question about the meaning of existence, and the unity of the absolute minimum and the absolute maximum in *Writer's Diary*. In it, he calls upon the

folk traditions that act as collective memory that accumulates the experience of real interaction with God, i.e. "from its saints who worked for the benefit of the people and defend the motherland to the teachings about how to go about living one's life, from those very saints that the common people respect to this day and whose names they remember and whose tombs they pray at".

The relevance of the metaphysics of law cannot be appreciated without this detail introduced by Dostoevsky about philosophy as a doctrine of the unity of thought and being. It should be noted that even Hegel's Philosophy of Law cannot be regarded as this kind of metaphysics. Rather, it primarily represents a treatise on the experience of speculative interpretation of positive law, which, by the way, largely stems from the objectives of the curriculum for which the book was written (we need to remember that both Philosophy of Law and the Encyclopedia of Philosophical Sciences were both

intended as textbooks). But in its essence, the metaphysics of law must include a detailed theoretical explanation of the form of the notion of good (as it is given in the Science of Logic), with an explication of the beginnings of subjectivity contained in it.¹⁶

In this case, the science of law will be given a theoretical foundation created by the entire history of classical philosophy and solidified by its logical content. At that point, any appeals to archaic ideas of natural law and mentions of the liberal theory of social contract will become superfluous. The true sovereignty of a state implies first and foremost sovereignty of its legal system in terms of the philosophical foundations of law.

This monograph defines the general historical and philosophical context that can be used to update the theoretical and methodological foundations of the speculative metaphysics of law. We hope that this monograph can become a foundation or a starting

point for other researchers interested in this philosophical matter.

Part I.

Essence and Meaning

of the Universal Unity of Thinking and

Being

Chapter 1. Logic and history in the process of learning about universal unity

The nature of law is absolute and transcends history. Otherwise, people would be giving up their freedom every time they abide by the law. After all, abiding by something that is not absolute and dependent on some context or other people would inevitably be submitting to some specific external circumstances: the will of the state, social conditions, public or private psychology, the activities of practical or "communicative" reason etc. In this case, it would be impossible to tell the difference between good and evil, which could only be a free process and then morality would be impossible (as the content of this distinction) and therefore *law would also be impossible* (as a practical manifestation of this distinction). Law cannot be derived from the will of the state, or the will of the class or the logic of communications. In

any of these deductions (and many other options that are possible), there will be no absolute values and thus the values of law will be devoid of any real meaning for people.

Kant wrote: What is law? This question can confuse even legal experts unless they're willing to engage in some tautology or, instead of giving a general definition, simply refer to examples of the laws of some country or other. It's / It is like asking logicians what truth is. They may point to what follows from law (*quid sit iuris*), i.e. what laws stated in *someplace* or other at one time or another. However, when it comes to law (*recht*) and what general criterion can be used to distinguish between right and wrong (*iustum et iniustum*), this remains beyond the legal expert's understanding. That is, unless they let go of the aforementioned empirical principles and stop looking for sources of these ideas in reason alone (even though the laws mentioned above could have served as a good guide

for them), in order to find a foundation for a potential positive body of law. The purely empirical doctrine of law is the head or reason (sort of like the wooden head in Phaedrus' fable), which can look beautiful but which may not have a brain at all.¹⁷

For this reason, it is critical for the theory of law that it is based on absolute values and that absolute values can be thought of as present in law. This is what I. Mikhailovsky, one of Russia's most prominent legal experts, was talking about when he wrote: "Just as general philosophy seeks to discover not only the absolute foundations of the world but also the order in which these foundations can be seen and the ways in which they manifest, the philosophy of law must point out the general ways and principles that can help the absolute idea of law as part of the global ethical order to manifest in our environment and in the history of culture."¹⁸ Mikhailovsky calls Hegel "the pinnacle of European thought", while offering a very accurate assessment

of his philosophy as a whole: "Hegel deals the final blow to the duality of thinking and being, our reason and a thing in itself (this process was begun by Fichte and especially Schelling)... and the identity of thinking and being is asserted." Arguing against the neo-Kantians with their famous motto "Back to Kant!", Mikhailovsky calls on people to go back to Hegel.

On the other hand, when it comes to the issue of the Absolute in law, the majority of legal scholars will most often interpret the notion of the Absolute dogmatically, i.e. in the traditions of 17th-18th century rationalism (assuming that dogmatic in this context has the same meaning in which it was used by Fichte in his First Introduction to the Science of Knowledge).¹⁹ In other words, they interpret it as something immediate and thus unchanging, and in the best case scenario, as a substance. This sort of Absolute is devoid of any change and development, just like the real world, with regards to which the

universal must be thought of as something absolute that ensures the unity of this world.

However, this simplified approach to the interpretation of the absolute is inevitable in law as long as the thinking of the legal scholar remains within the boundaries of 17th-18th century rationalism or empiricism. The classical philosophical school as espoused by Kant, Fichte, Schelling and Hegel, which overcame the new European metaphysics, makes it possible to understand the absolute not only as a substance, but also as a subject. And what this means is: as a specific process, i.e. not just something given but as some content in and of itself through which it expresses its attitude to specific forms of being. Classical philosophers of the 18th-19th centuries created a *method* that allowed them to think of the specificity of the unity of the subjective and substantial in the absolute, the unity that is both

immediate and interpreted, the unity of the whole and of the distinguished in diversity.

At that level of thought, the notion of freedom is no longer simply a well-meaning wish or an abstract notion (i.e. it is not a must as H. Kelsen put it). At this level of thought, freedom can be understood as a specific notion with its own content that is equal to the notion of the unity of the world and that contains it within itself as its absolute minimum and absolute maximum (if we remember how Nikolai Kuzansky wrote about it). Then, the highest spiritual knowledge can be included in the science of law without profaning it or contradicting **the morals of the individual/individual's morals**. Without this, the theory of law loses its most important part: its subject matter.

"Law is a reality whose purpose is to serve the legal value or the idea of law. The notion of law also strives for the idea of law. The idea of law can be none other than justice. "Est autem ius a iustitia,

sicut a matre sua, ergo prius fuit iustitia quam his" (Gloss 1.1. pr. D. 1.1). ("Law is born of justice as its mother, because justice preceded law"). We also have every reason to regard justice as a starting-off point because the just, like the good, the true and the beautiful, is absolute, i.e. it is a value that cannot be derived from some other value. We can try and see a form of the moral Good in justice. That is exactly what it is in terms of human virtues," wrote the great German legal scholar Gustav Radbruch.²⁰

Meanwhile, questions about the essence of being and its purpose are of utmost *value* for human beings precisely because they are also questions about freedom. Freedom means self-determination and agency in the world self-determination as an act of freedom of a human being assumes the unity of the human personality: If a human person has free agency, it presupposes that there is a subject that initiates all the actions taken by the individual, in other words, the human being in this model has to

be conceptualised as separate from the rest of the world. After all, if an individual was affected by multiple subjects apart from him or herself, then whatever actions he or she takes could not be regarded as an act of freedom on their part. However, regarding oneself as a free individual also means that one has to regard oneself as an internally *unified* person. We have to conceptualise ourselves in this manner at least because we want to regard ourselves as the subject of freedom and such a subject, as was mentioned earlier, must be whole.

Furthermore, **This/this** wholeness or unity of the **person-hood** of a free individual (as a result of and the prerequisite for considering oneself to be free) can only have any meaning for the individual as an absolute all-encompassing unity. It must include the entire **person-hood** of the individual, touch every moment of his or her life and be reflected in every meaningful moment of the person's life, as well as in the person's every action.

A human being lives in the world, and carries out these actions in the world, through which their free essence is manifested, ~~and each one~~ of which is a facet of their on-going process of self-interpretation as a free individual. But in this case, awareness and exercise of one's freedom as a unified subject must assume an *internal unity of the world*. A human being's life is a set of strands that connect the internal world and external world in which the human being lives. A human being is an integral part of the world, and this means that his or her internal unity is reflective *for them* of the unity of the world.

Thus, through simple analysis of the notion of self-determination of the individual as the subject of freedom, we have arrived at the notion that the possibility of self-determination hinges on the unity of the individuality of the human being (or, to be more precise, it assumes it to the same extent as it creates it), as well as the internal unity of the world.

These are *not two separate* unities for the human being, rather they are *one and the same*, because a human being's life is inseparable from the world in which they live. Thus, the questions about the unity of the world, the unity of the human being, their freedom and agency only appear as separate questions asking about different things. In actuality, they are closely intertwined on a deeper level, and furthermore, they could even be regarded as *one and the same* question. A human being has only one life and from this simple fact follows the need for its unity. If we postulate the unity of life, the unity of being inevitably follows.

Thus, the notion of individual freedom implicitly includes the notion of the unity of being and harmony of the world. In order to make these notions specific enough, the philosophical method itself had to be refocused so as to allow for this specificity to be properly thought of and reasoned. The classical German philosophy related this

refocusing of the philosophical method to the achievement of its *logical* form by philosophy. Formal logic was compromised in the metaphysics of the 17th through 18th centuries. Classical philosophers believed that it was only suitable for reasoning at the level of household management (Engels). However, the basic idea to bear in mind here is that Hegel referred to general logic as speculative. "Hegel's notion of the spirit, which overcomes the subjective forms of self-awareness, can thus be traced back go/to the metaphysics of Logos and the Mind (Logos-Nous-Metaphysik) found in the tradition of Plato and Aristotle, which was postulated long before any issues of self-awareness were even brought up. In this manner, Hegel resolves the problem of justification of the Greek Logos by using the more modern notion of the self-aware spirit."²¹ The logic of the Logos is a revival of the ancient world view, but at the same time, it is offered as a tool for incorporating

Christian spirituality into modern science. This, however, also has its limits.

It is important to realise at this point that the correct understanding of speculative logic in and of itself represents a major philosophical problem, whose solution can only be **achieved** through the use of proper methods of cognition and reading of texts. These methods cannot be either an external interpretation for which the subject matter of the logic of the Logos is simply absent, nor its immanent interpretation, which would simply equate it to an object of historic and philosophical research. And that's the question **we're** / **we are** going to address now.

First/However, it should be noted, ~~however~~, that most modern historians of philosophy tend to lose sight of the fact that logical philosophy is essentially a philosophy of the Absolute, which is understood not only as a substance but also as a subject. This means that the texts of Kant, Fichte, Schelling and

Hegel, in full accord with the letter of those texts themselves, cannot be treated dogmatically, as simply an objective given. If we assume that Hegel's philosophy does not cast Fichte's philosophy aside but merely "removes" it (Afheben—moving beyond while preserving the existing content), then it must be treated accordingly.

Hegel's Science of Logic is not simply a text that describes some subject matter, even if said subject matter is absolute; it is first and foremost a set of methods to include the philosopher in the discourse of the historical and philosophical process, which is the only thing that can be regarded as proportional to the nature of the absolute. The human mind is limited (at the very least in terms of time), so it **can't** / **cannot** really comprehend and contain the philosophical truth. **However, it should be borne in mind that every human scholar always relies on the experience and discoveries of the past generations, / However, it should be borne in mind that every**

human scholar always relies on past generations' experience and discoveries, passed down through accumulated knowledge, traditions, culture, science, religion and means of production. It is important to accept this historical fact with trust, that it be absorbed and included in the practice of our own thinking, reasoning and action, which, after all, are also part of history, social life, reproduction and the expansion of traditions. Outside of this experience, there can be no human beginning and no human life. There can be no free self-creation of human life ²².

The form through which this experience is manifested for people is tradition²³. Familiarisation with tradition gives a person basic guidelines for learning about the truth and enables us to tell the difference between good and evil, particularly when the person finally develops a consistent attitude towards the values offered by such tradition./ towards such tradition's values. Tradition is the form through which history gets passed down directly to

the next generation. Thought is the form that *allows* people to figure out their own attitude towards history. History is precisely the process through which the truth gradually manifests, revealing itself step by step as it discards external forms.

In order to understand the nature of speculative logic, we need first to identify the point from which we can begin *to adequately interpret it.* / *to interpret it adequately.* For Hegel, the science of logic is first and foremost a science of understanding ²⁴. Therefore, it would only be natural to start by considering the initial definitions of the notion by looking at the following reasoning postulated by the author of the Science of Logic: "It is just as impossible to directly specify the nature of the concept, as it is impossible to directly postulate the concept of some other object. It could seem, perhaps, that in order to specify the notion of some object we already assume that there is some logical element (das Logische), and that this logical element,

in turn, cannot have something else as a prerequisite or be derived in the same manner as in logical statements of geometry in the form in which they are applied to values and thus are postulated as axioms that are not derived from any other facts. However, even though the idea of a notion should be regarded as not only a subjective prerequisite but also as an absolute foundation, it can still serve as such, but only to the extent to which it has made itself the foundation. The abstract-immediate phenomenon is something primordial, but as it is abstract, it is most likely something mediated, and so its foundation has to be learned through its own truth, which has yet to be found. This foundation, even though it must therefore be something direct, it must also be something that makes itself *direct/directly through the removal of interpretation* (highlighted by us, the authors.)" ²⁵ Let's /Let us discuss this passage at length.

People have a variety of capabilities for learning about the world: there are senses, there is observation, there is imagination, there is reason and there is consciousness. Thanks to these capabilities, people can break down the things he or she is trying to learn about and understand into multiple elements, which nonetheless need to be put back together if the phenomenon being studied is to be understood in its entirety as a whole system. Moreover, while these capabilities enable people to comprehend some truths that were understood in the past and that are now being simply presented to us (this is, for example, the role of observation in art), each one of them still remains one-sided and thus secondary. In the result of learning and understanding, each one of these capabilities / As a result of learning and understanding, each of these capabilities is used either to analyse and distinguish between elements (reason) or to synthesise and see something as a whole (observation, imagination).

The entirety of learning (the unity of the process and the result, the unity of synthesis and analysis) can give us the sort of thinking that philosophy refers to as thinking in understanding.²⁶

This kind of thinking assumes firstly that all the necessary fullness of every aspect of the subject matter is identified in the notion itself, which corresponds to the analytical side of cognition. Secondly, it assumes that the justification of the need to understand the notion is part of the notion itself (i.e. the need to distinguish the subject matter based on these specific aspects in this specific manner), and this already presupposes synthesis. Here, the form of necessity is the form of both the subject matter at hand and the notion.

However, as we try to introduce this justification of necessity into our notion, we must try and avoid falling into an infinite regression of justification, because then understanding through form becomes impossible. Consequently, the foundation that we

include in our new notion must be such that it does not have any other foundations either beside it or behind it, but rather it justifies itself, serving as the foundation for its other manifestations and as the foundation for its attitude towards these other manifestations. This foundation, as we've already noted, / As we have already noted, this foundation must be included in the notion itself and that implies a very important requirement for the foundation that it be a notion itself (rather than an observation, for example. After all, if the concept is based on contemplation, then the question will inevitably arise as to what links this justifying contemplation and the concept it justifies. In this way, we would once again be infinitely regressing through one foundation after another, and infinite regression is a sure sign that true thinking hasn't really begun yet. Then again, how can something synthetically whole, something that is only whole as an observation serve

as the foundation for analytical distinction in a notion?).

We should further note that a notion must have other notions as its aspects (as opposed to presentations or observations). If this is the case, we need to accept the fact that a notion can be subdivided into sub-notions, with nothing remaining outside of it, which brings us to the need for a notion of a universal being. It follows then that the foundation of our notion will also be universal. Taken in the definition of universality, the notion and its foundation, as well as the need for unity and distinction, being and form of thinking then become one. Thinking in notions then means to think the universal and to think in a universal way.

It is precisely this task of thinking the universal that philosophy takes upon itself as one of its main jobs. It does not simply explain how a notion can serve as a form of scientific acquisition of knowledge (i.e. a notion that explicates all its

aspects, including its foundation that is equated to itself). Philosophy not only takes advantage of this opportunity, it actually creates it by developing the contents for this absolute form.²⁷ In this manner, philosophy could be said to be one of the prerequisites for scientific knowledge.

However, the very way in which the task of thinking about the universal is formulated already creates an obstacle that prompts us to forego any attempts to understand the nature of the universal entirely, or to significantly transform its own ability to acquire knowledge. For the form of knowledge acquisition that Hegel defined as reason, this proves to be an insurmountable task. Throughout history, reason has only been able to imagine knowledge acquisition through experience. In experiential knowledge acquisition, on the one hand, you have a single subject that is seemingly ready to learn, but on the other, you have the object that is immediately opposed to it. Meanwhile, the experience itself acts

as a third party in this transaction, whose job is to link the subject and the object. But the fact is that in knowledge acquisition of this manner, the subject can only be learning about some single object (or about its isolated quality as described by Locke). If the object was universal, it would include the subject too and then the act of knowledge acquisition **wouldn't** / **would not** be based on experience. The everyday mind is used to dealing with objects that are seemingly presented in a direct way. Indeed, to learn about an object means ultimately to do some thinking about it. But for this to occur, the subject that is supposed to be doing the requisite thinking must be given an object to think about first. **To be given means that for the subject that is doing the learning, the object must be presented as immediate.** / **To be given means that the object must be presented as immediate for the subject that is doing the learning.** But how can the subject learn about such an object that in principle

cannot be simply presented? The universal, however, is precisely this kind of object in the context of experience. The mediation of all isolated phenomena through other phenomena is ultimately the very nature of the universal. In contrast, for the immediate individual subject, an object of study can only be presented as an immediate individual made available to them as is. The immediate universal is a contradiction in terms. Thus, we can see that philosophical acquisition of knowledge that tries to think in terms of notions runs up against a problem that seems insurmountable at first glance: philosophy must understand an object that, in principal, because of its universal nature, cannot simply be given to it.

However, even though the universality of the philosophical object brings us to a contradiction, it also provides a resolution for this contradiction.

Let's/Let us look at this issue in more detail. We can see that the universal, even in its very first and

completely abstract definitions, must serve as the foundation for the relation between the self and the particular. Only the universal itself can be used to define the relation between the universal and the particular. Otherwise, the definition would have to introduce some new universal, which cannot be done explicitly. This means that their relation must be immediate. Indeed, the relation between the universal and the particular is immediate, because there is nothing between them except the universal itself. **It is important, however, that / However, it is important that this** immediacy only exists because the mediation of the universal and the particular has already been established. The immediacy of the universal is only possible as an immediacy that includes the mediation that presupposes it. At the same time, it would not be considered immediacy if it was unconditional and "primary" in relation to mediation.

It could be described as a "second immediacy" that includes mediation but is still primary with regards to the latter. From this perspective, the universal subject of philosophy can and must be defined as an immediate subject. This means it can be made available to our knowledge acquisition process, but only as "second" immediacy. This, in turn, is only available to a kind of knowledge acquisition that finds itself in the dialectics of the self-mediation of the universal. If knowledge acquisition is real knowledge acquisition, it must link the subject that is doing the acquisition and the universal, and thus must act as a process of mediating the latter. From this, we can conclude that learning about the universal object *is none other than the universal object itself*, because it mediates it as universal. (It should be noted that knowledge of the universal in and of itself has "second" immediacy with the necessity to know it). Neither the universal regarded in isolation from thinking

(i.e. pure being in and of itself) nor thinking regarded in isolation can be the truth: they can only be defined and become something specific when they flow into each other. Therefore, the universal can only be understood as the universal identity of thinking and being.

Thinking that is not identical to its subject is thinking in name only. This means that philosophical thinking cannot be regarded as the object of identity, because it regards the identity between itself and being as its subject. Identity means the immediacy of the aspects contained in it. Thinking is immediately being, and being is immediately thinking. The only caveat here is that **we're** / **we are** dealing with "second" immediacy alone, because this immediacy contains mediation in itself.

Thus, when we consider the nature of thinking in terms of concepts and ~~the issue of~~ the specificity of philosophical knowledge acquisition, we arrive at

the following conclusions, which may at first appear as external to each other: 1. The subject matter of philosophy is the universal and it must manifest in the universal dialectics of the unity of thinking and being; 2. This unity is "given" to thought only as an immediacy that includes mediation, i.e. as a "second" immediacy. The main contradiction of philosophical cognition, which manifests primarily in the fact that the object that philosophy is trying to learn about must be given to it but cannot be given to it, is thus resolved through the fact that, in the dialectics of the immediate and the mediated, this very contradiction becomes the necessary transformation of the object that is identical to the acquisition of knowledge about it. More detailed analysis of this contradiction must reveal it as dialectics of the historical and logical forms of philosophy, outside of which the nature of the logical cannot be adequately interpreted.

Russian philosopher Evgeny Linkov wrote: "The revolution in the understanding of the subject of philosophy was thus brought about by the discovery of general dialectics, the understanding of which really is philosophy, even if this dialectics is hidden in the historical form of development. Universal dialects, as was noted above, is the conclusion of the historical form of the development of the subject matter of philosophy and consequently manifests as a necessity only at the highest stages of philosophical development. And while Hegel's dialectics contains the entire historical development of philosophy, understanding this historical content when it is removed and subjected to the highest historical development stage of the subject matter would be impossible without reviewing the historical process of the development of philosophy itself. Furthermore, without understanding the historical content contained in the result, it is impossible to understand this result. The result is the

process of mediating, distinguishing and removing it in immediacy. But immediacy is only one aspect of the result. The immediacy of the result is just the beginning.

The historical form of the beginning of the development of philosophy itself does not yet reveal its necessity, and consequently this beginning can be regarded as philosophy in name only. Immediacy may be a form of necessity, but this form is not immediately a necessity. The beginning and the result mutually mediate each other by creating a historical and dialectical contradiction. The necessary beginning can lead to the desired result. But only the desired result can lead to the need for a beginning...

Each stage of development of the subject matter conceals an aspect of necessity in its immediacy. But this immediacy of the form of manifestation is not something unchanged, it reveals itself to be historically transient, albeit as a function of the

development itself, it is an appearance... The higher the stage of development of an object, the more developed its need, letting go of various external forms of manifestation, which are part of the process of achieving a form that is identical to the necessity of the object. The process of visibility in which historical development is clothed is at the same time the process of removing this visibility, and revealing and identifying the need for an object that goes through various stages. However, this process is not a negative infinity. The process of removing the historical form, although it goes through a series of steps, reaches the stage at which the necessary subject of philosophy receives the necessary form of expression, devoid of historical visibility, precisely as a result of the removal. Only a developed necessity of an object that is specific in and of itself can obtain the form that is identical to this necessity.

In the historical development of the subject of philosophy, which reveals its internal necessity as a

dialectical development, each step is not only necessary, but also transient. This dialectic of the stages of necessity determines the removal of the historical form of the subject of philosophy. Each stage, like all finite phenomena, negates itself as a result of the development of its own contradiction. But this negation is the negation of its specific, limited content. What arises from the certainty of negation is something definite. In this process of removal, the previous stage does not disappear, but passes into a more **developed/advanced**, more specific stage, becoming its subordinate aspect. As a result of this, each philosophical system is not only abolished, but is also preserved. The historical stages of the subject of philosophy have disappeared in their immediacy of historical forms of manifestation, but they are all preserved in their necessity, which turns out to be a process of aspects subordinate to the necessity of the achieved level.

This, the history of philosophy becomes philosophy²⁸.

This dialectic of the logical and historical is already implicit in the proposition that the subject of philosophy can be given to knowledge only in the form of "second" immediacy, i.e. in the form of a result. But the result is always at the end of knowledge acquisition, however, for philosophy, it must be the basis of its beginning. This is the paradox of philosophical knowledge. We believe that in order to resolve this paradox we first need to do away with the fetish of time. If we do not appeal to contemplation as the highest form of knowledge, we must recognise that the main form of contemplation—time—must also be justified and established. Philosophy is integral in nature and therefore philosophical thinking should be able to think of the whole as primary, and the parallelism of its moments in time as secondary.

The Hegelian concept of time has been the subject of special discussion in philosophical literature. Martin Heidegger devoted two paragraphs to this issue in his famous work, *Being and Time*: “Hegel's concept of time”²⁹ and “Hegel's interpretation of the relationship between time and the spirit”³⁰. On the whole, Heidegger describes the Hegelian concept of time as traditional and even vulgar, claiming that it could be shown that it is derived directly from Aristotle's *Physics*.³¹ Such a conclusion, it seems to us, became possible due to the fact that Heidegger carried out his analysis by mainly relying on the relevant paragraphs of the *Philosophy of Nature*, without taking into account the lectures on the philosophy of religion, in which the great philosopher examined the relationship between time and eternity in the context of history and the logic of the spirit. Having made his assessment on limited material found in the *Philosophy of Nature*, Heidegger proceeds to

analyse the concept of time in the *Phenomenology of the Spirit* and in the philosophy of history. Heidegger contrasts the Hegelian interpretation of time as “the fate and necessity of the spirit”, a position derived from the existential analytics of *Dasein*, according to which “the Spirit” ... exists as the initial temporal (*Zeitigung*) of time ... This shows the time of the world in which the horizon can “manifest” “histories” as taking place within time (als innerzeitiges Geschehen).”³²

Hegel was the first to categorically define the two terms that are both translated as “history”: “Historie” and “Geschichte”.³³ “Historie” is history as a simple immediate given. Those who interpret history only in the sense of “Historie” can only describe its phenomena, returning again and again to the question of which of these phenomena deserve to be viewed as historical and which do not. A link can be established between such phenomena, but it is impossible to understand their meaning. Hegel

called this approach "only historical" (nur-historischen, bloss-historischen), i.e. consistent with empirical history. When applied to philosophy, the "only-historical" approach inevitably turns into its interpretation as a simple set of opinions. However, as Hegel noted, "if the history of philosophy was only a gallery of opinions [...] then it would be a superfluous and pretty boring science, no matter how much they point to the benefits derived from such processes of thought and scholarship [...]" When a person speaks of philosophy as a set of opinions, we immediately become convinced that they do not have a philosophical culture, even if they themselves were a historian of philosophy. Philosophy is an objective science of truth, a science about its necessity, knowledge through concepts..."³⁴ Entering into philosophy as a science of truth (when it comes to the historical form of philosophy) is impossible, unless we understand its history as "Geschichte". The notion of history as "Geschichte" was first

developed into a conceptual form by Hegel, a philosopher who gave his science a logical form (which is not a coincidence at all).

Here we should touch on the issue of the semantic difference between the notions of “Historie” and “Geschichte”. There are a number of works devoted to this in German literature. Unfortunately in our country, this topic has not been studied in depth, and the two different terms are translated simply as “history”³⁵. However, Hegel uses them in his works in completely different ways; he used “Historie” in the sense of historical only (nur-historischen, bloss-historischen). G. Bauer, however, emphasised that “Hegel did not at all share the rationalistic neglect of the “historical only”, but, in contrast, achieved a positive notion of history (Geschichte), which understands the recalled past as a carrying and moving moment of the spirit”³⁶. Therefore, the great philosopher introduces into his system a carefully thought out concept of “Geschichte”,

which carries a much deeper meaning than the concept of "Historie". Moreover, the concept of historicity, as well as the word historicity (Geschichtlichkeit), according to L. Rene-Fink, was also first introduced by Hegel ³⁷. Rente-Fink also emphasises that the set of problems outlined by the concept of "Geschichte" is formed exclusively within the framework of Christian tradition: "In the concept of historicity (Geschichtlichkeit), historical consciousness achieves a self-image and self-expression, which for the first time becomes possible only with the emergence of Christianity" ³⁸. The specificity of the concept of "Geschichte" began to emerge in connection with the peculiarities of the question of the historicity of Christ in the so-called historical theology of the 18th century, and the difference in the aspects of "Bloss-historischen" and "Geschichtlichkeit" therein. As direct predecessors of Hegel, Rente-Fink pointed to Etinger and Bengel, the great 18th-century theologians. He directly

related this issue to the tradition of Western speculative theology, which he associated with figures such as Boehme, Paracelsus, and Eckhart (including the four evangelists, which, however, seems somewhat dubious to us). The use of the word "Geschichte" in the sense of "history" (which was still very unusual even in the era of Frederick the Great) was finally fixed by German romanticists. The meaning of the concept of "Geschichte" can only be revealed in the context of Hegelian philosophy, so we will provide its interpretation (as well as its relation to the concept of time) later on.

The appeal to this section of the Hegelian heritage is predicated not only by the inherent link between the concept of "Geschichte" noted above and the traditions of Christian thinking. The thing is that in the Philosophy of History and Aesthetics, which also each include significant sections on history, Hegel often gives rise to a one-dimensional, objectivist interpretation of history, considered as

history of the embodiment of the spirit-as-substance. Understanding the spirit at the same time as a “subject” is a necessary condition for a truly speculative interpretation of Hegel's “Geschichte”. In this sense, the lectures on the philosophy of religion represent a unique text: the historical aspect of the logical notion of religion contained in them cannot be interpreted in a purely substantialist spirit. Owing to the speculative nature of his subject (the concept of religion), Hegel was forced to increase the degree of explication of the speculative content of the concept of “Geschichte”.

In the field of the history of philosophy, we must turn to the complex and deep principle of understanding history developed by the German classics, which requires consideration of the totality of the historical result, the beginning and the historical process itself. Meanwhile, the difference in these aspects is set only by the totality itself. The embodiment of the latter is largely found in the

result of the development of philosophy, which is associated with the German classics.

The development of philosophy involves deepening and expanding the knowledge of its subject, which at the same time means the formation of adequate notions about the nature of philosophical knowledge itself. Therefore, at the beginning of its development, philosophy can appear in external, alien forms—in the form of the philosophy of nature, the philosophy of man, the theory of knowledge, etc. until, in the course of historical development, it slowly but surely evolves into a science of the universal dialectics of thinking and being. The achievement of a form that matches the content is a result of the historical development of philosophy. As such, it directly expresses the entire philosophical content. But this immediacy manifests only as containing mediation in itself, discarding it, and so the result is then lost. **But/However** immediacy is only one aspect of the

result. The immediacy of the result is just the beginning. This beginning is created and mediated by the result and the entire process of philosophy, and as an immediate one is the beginning of the historical development of philosophy.

Chapter 2. Antiquity: the metaphysics of the Logos

We have provided the simplest, most abstract definitions of the concept of philosophical thinking, which, however, constitute an essential prerequisite for tackling the question of the nature of the logical. The study of this issue led us ~~to the need~~ to consider the historical process of the development of philosophy in its main nodal points, expressing the need for a logical form of philosophy. The content that manifests as a result will also contain the most important characteristics, the necessary aspects of the logical itself, which is the basis and result of the

historical. As the result of this process, / As a result of this process, the logical is an adequate form of the process of the universal dialectical identity of thought and being.

However, historically, philosophy does not begin with the knowledge of the relationship between opposites, but only observes the abstract unity, and in the form of one of the opposites. Specifically, in the form of being. Thinking comprehends being as the universal origin of all that is singular. But at the same time, thinking elevates itself to "universal thinking", even if only within the limits of subjectivity. Thanks to this, thinking at this stage of development can not only be, and is indeed in unity with being as with a universal essence, but also determines this unity. The beginning of the elevation of thought over its own individuality and randomness lies in the self-determination of thinking by means of separating true thinking from opinion. The defining criteria of true thinking is that

it must be non-contradictory. This first step, from which the history of philosophy in the original sense of the word begins, was taken by Parmenides³⁹.

For the first time, Parmenides, whom Hegel called the first philosopher in the exact sense of the word, raises the question not only of the essence of the universe, but of being, and furthermore he framed it as a question of the *unified existence* of the world and the human being. More specifically, he posed the question of the unity of being and what is most important in the human being, i.e. thinking. The philosopher suggests that thinking should carry out some intellectual operation on itself, through which it can find ~~a~~ a definition of being within.

This operation first and foremost supposes a separation of true thinking from its imitation or lies. One can hardly argue with that; after all, only true thinking is capable of comprehending the essence of being. Another question entirely is what we mean by 'thinking' itself. In ordinary terms, *we're* / *we are*

used to regarding thinking as any process that happens in the brain. The fact is, however, that most of the time we have all sorts of images, reflections, ideas and 'falsities' flashing through our brain that can only superficially be regarded as thought. As Reinhard Louth noted ever so subtly, some of the propositions put forward in science (for example, about changing the truth in history) are not logical statements at all, but rather represent grammatical forms that merely mimic real thought.⁴¹ In fact, the number of processes happening in our brain that can really qualify as true thinking may actually be quite limited. Actually, philosophy was conceived in antiquity as a way of distinguishing truth from lies, a way to separate true thoughts from the rubbish that fills our brain but that can hardly qualify as true thinking.

But at the time, Parmenides was only able to define true thinking in a negative sense, i.e. by saying what did not constitute true thinking. First of

all, thinking that contradicts the laws of logic cannot be true thinking, and Parmenides in fact provides the first formulation of the logical law of contradiction, in calling those whose judgements are contradictory "two-headed mortals": "He talks about the fact that two conflicting judgements cannot be true at the same time, which appears in the verses where he condemns the equating of opposites"⁴¹.

"Thinking of truth is thinking of being and at the same time distinguishing the thinking of being from the thinking of non-being or of nothing. It is impossible to think of nothing. Those who claim the opposite simply don't/do not understand what they are talking about, they don't/do not understand the nature of thinking. Or they are leading us away from the truth. "Because thinking equals being, we can only speak and think that which exists, but nothing does not exist: please think about it" ⁴².

Parmenides thus focuses his thinking on the concept of being, and the first result this approach

yields is the conclusion that true thinking can only be thinking about being, because a thought about nothing is a contradiction in itself and is thus impossible. It only imitates thinking, but in fact is nothing more than a grammatical construction, rather than a real thought. Non-existence cannot be thought of or expressed or named, because if you even say that there is non-existence, it would mean denying its nature as non-existent. Only someone who does not understand the nature of thinking can say that non-being exists.

At the same time, it is *self-negation of the thought of non-existence* that makes it possible to express the first true, consistent, reliable thoughts about the nature of being. Or, to be more precise, it makes it possible to express the thought of being. And the expression of this thought means that the essence of being has the nature of unity. After all, only something that is not being itself, i.e. non-existence, could be divided into parts. However, a judgement

about non-existence, as we remember, cannot be expressed or thought.

This conclusion pretty much sums up the first step in philosophy. This is where it starts. All the other judgements given by Parmenides about being (about its integrity, eternity, immobility, etc.) are, in principle, only modifications of the result of the development of what we conventionally refer to as the "self-negation of the judgement of non-existence." But this self-negation could best be defined as an expression of the absolute negation of being (and by the same token, negation of thought). The absoluteness of this negation consists primarily in the fact that it also negates itself, so that the fixation of the self-negation of the judgement of non-existence is logically only the fixation of the negation itself. Truth be told, however, what remains absolutely unclear is: are we dealing with the negation of being itself or is the absolute negation used alongside it?

But if you think about the essence of the result of thinking about being (such a result, we repeat, is the idea of the unity of being, expressed precisely as a position that has been proven and mediated through thinking), and if you were then to think about the relation between the result and the very principle of negation, it becomes clear that: the point is not (or not only) that the philosopher's thought reveals the absolute negation behind the judgement of the impossibility to conceive non-existence, and not even that thanks to this negation we can conceive a developed (although in the first definition only—the definition of unity) concept of the essence of being.

It is important that by denying the existence of non-existence, we also deny the thinking of non-existence in the same act of thinking. The negation of being is at the same time the negation of thought and vice versa. It is in negation that thinking and being are absolutely identical. (Looking ahead, we can say that this identity between them, which is

already found in the Parmenidean beginnings of philosophy, is an identity of the same order as the identity between being and self-awareness that we find later in Decartes' Cogito.⁴³). And it is not with the help of thinking that we find distinctions in being: the united being distinguishes itself through its negation, bringing this distinction to the absolute difference between natural phenomena. However, thinking about it in this capacity is the main problem for philosophy. In substantial terms, absolute negation is the unity of being and thinking. However, since the philosopher's thought turns out to be thinking in its substantial unity with being, then as it achieves absolute negation (which, and this is very important, means for the philosopher the denial of one's own finiteness, the elevation to infinite thinking), thought becomes identical with the negation of universal being. It is for this reason that it ends up being true thought about the essence

of being, rather than yet another opinion about things that exist and things that **don't/do not** exist.

Now we can only reiterate that true thinking is thinking about being, or rather, thinking of being, because thinking that comprehends being cannot itself be something non-existent. And here, Parmenides defines the highest principle of philosophical knowledge, the principle of absolute identity between thought and being. Now, only reasoning that follows this principle can qualify as philosophy. "Because to think means to be... You can only say and think things that exist, and nothing does not exist: please think about it" ⁴⁴. It is impossible to think of nothing. Those who claim the opposite simply **don't/do not** understand what they are talking about, they **don't/do not** understand the nature of thinking. Or it leads us away from the path of truth, either deliberately or through folly. It is precisely the negation, a kind of self-negation, of the thought of non-existence that allows us to express

the first true, non-contradictory and reliable thoughts about the nature of being. Or, to be more precise, it makes it possible to express the thought of being. And the expression of this thought means that the essence of being has the nature of unity. After all, only something that is not being itself, i.e. non-existence, could be divided into parts. However, a judgement about non-existence, as we remember, cannot be expressed or thought. The contention that the judgement of non-existence is not a thought, but only a verbal construction that imitates it, is found in ~~the~~ the final stages of development of classical philosophy.

These are the advanced definitions of the beginning of philosophy. It should not be forgotten that ~~we've/we~~ have only been able to arrive at them so far because we know the final outcome of the history of philosophy. But at the same time, this is the necessary rather than accidental development of these definitions. It is not an arbitrary interpretation

of historical narrative, because the historical beginning of philosophy itself can only be thought of as being mediated by the final outcome. In the very immediate historical beginning, the completeness of its own content is not outlined. This contradiction serves as a source of development of philosophy in history.

What makes the first philosopher, Parmenides, so great is that he never tried to reach conclusions that human thinking had not yet matured enough to comprehend. He never tried to force the course of his own thought, and in this manner he allowed general thinking to discover its own path. But the latter had yet to manifest in individual thought. And accordingly, individual thought had yet to realise it had the same nature as universal thinking. So at that stage of historical development, it was not yet possible to conclude that absolute negation was its own definition of the nature of being, rather than an essence defined alongside being. Moreover, at that

stage it was not yet possible to express the content of this negation as a form of self-distinction of being, or to understand the positive nature of negation (we only find this in new age philosophy).

Parmenides was extremely wise in stopping as soon as he had reached his limit. For him, being is one and whole. It does not transfer into the world of finite things, as dealing with it would have been problematic for him. Through the parallelism of the two parts of his philosophical poem, Parmenides poses the problem of the relationship of universal being to the world of finite, changing things on the one hand, and to the sensual world of continuous movement on the other. Finite things cannot be parts of being, as being is one, whole, and does not have parts. Neither can they be involved with it as a whole. For what would then separate one from the other? For the first time, the philosopher thinks about universal being, hoping that it will help him explain the existence of the individual. However, he

fails to achieve that in a direct or immediate manner. The universal acts as a self-suppressing principle, and thought falls into a kind of "black hole" that is not easy to get out of. In this respect, the universal and the thought of it (which had not yet been revealed as his thought) found expression in the ancient understanding of the nature of the universal: the universal can and must be defined in itself and there could be no direct transition to the individual (there could be no direct deduction if terminology that came into use later on is used).

The great philosopher chose not to focus on the movement of thought that had yet to be realised. But he set a goal that was to become the main goal for all subsequent philosophers: provide a logical foundation to link the two parts of their system, discover the dialectics of the one and the many, show how the one can allow itself to be divided up into many, and how the many can converge into one. In other words, the goal was set to show the

specificity of the universal unity that is capable of distinguishing itself into a multitude.

The universal cannot remain abstract, it must instead be expanded into a system of specific definitions. This is achieved when it is interpreted as universal thought. That is why once a philosopher starts thinking about it, he or she cannot stop. Comprehension by universal substantial thinking of itself in individual subjective thinking, and by subjective thinking of itself as substantial just means comprehending the united being in the form of a specific notion. Or: the comprehension of self by the single being (which is the same thing, since thinking is being). This means comprehending the universal as a concrete universal that can distinguish separate elements in itself. However, this position can only be achieved if Parmenides' principle becomes the main active principle of philosophy: "Thinking and what you're thinking about are the same thing" 45.

In Parmenides' poem, this reasoning comes across as something abstract that has little to do with real life. Their fully practical meaning would only become apparent almost a thousand years later in the debate between Christian thinkers and the Gnostics. However, we believe that the ancient Greeks themselves **didn't/did not** really view these issues as abstract. The question about what is true and what is not can only seem as contrived and meaningless to someone who remains within the limits of their sensual perception. And really, what's the point in debating something like a table or a wall in front of us, or some other object, if our senses are telling us that we have that object in front of us? But there is still no thinking when it comes to feeling, and as soon as we move on to *intelligible* objects, all that seemed so apparent is suddenly put to question and we must resort to thinking. Do things such as freedom (of the kind about which Pericles said "for us Greeks it is valued above all else"), law or morals

even exist? Is there any substance to such things as good and evil? Or are they just mental constructs and all we have is this one persona, his or her ego, and nothing else? Someone who is a true thinker can no longer simply brush these questions aside because too often we encounter people who in all seriousness believe their ego to be the only thing that exists. Therefore, if theoretical solipsism almost never appeared in philosophy in its purest form, surviving instead as some ultimate logical construction, moral solipsism occurs quite often outside of philosophy. Here we **can't** / **cannot** help but remember the famous Dostoevsky quote: "All those business people that think these issues are meaningless and that they can live without ever pondering them are nothing more than rabble, bugs and grass on fire."

When society goes beyond the boundaries of traditional existence and when it comes to questioning values, people begin to appeal to

thought, law and the written word, and it is impossible to do without philosophy. Having survived the crumbling of traditional values and schemes of the 7th to 6th centuries BC, Greek society brought the first philosophical systems to life. The **first-ever** philosopher, Parmenides, proved through flawless logic that true being can only be one. After all, what could ever destroy its unity and break it up into parts? Only something that is different from it. And that is non-being? But non-existence cannot be thought of or expressed or named... So true thought of being substantiates and explicates the unity of being, the starting point of its harmony.

The sum total of the phenomena we see in the universe does not yet constitute universal being. On the one hand, we can see a huge multitude of these phenomena, which can be perceived through human perception and whose existence is thus self-evident. On the other, there is the universal being, being

itself, being as it is that can only be understood through thinking. Parmenides demonstrated that there was nothing in common between these two sides of being. At the same time, we *must* learn to think of that as one. Otherwise, we would have to simply give up on any and all thinking, and that would mean giving up on the harmony of the world, the harmony of the human being and on its substantial freedom. The question is, therefore, /Therefore, the question is about the existence of the human being as a free subject in the most direct theoretical and practical sense of the word. And this would become clear several centuries later during the struggle between traditional Christianity and Gnostic heresies.

Following in the path of solving this problem meant first of all revealing the unity of the two highest definitions of all that exists—thinking and being, and in the moral—good and evil, in the philosophical dimension. Overcoming these

contradictions in thinking and in practice means comprehending the highest unity of the world, or to be more precise: discovering it in oneself as the essence and meaning of one's existence. When a person discovers this unity in themselves as a specific unity, they acquire a new form of freedom as a source and goal of self-determination and self-awareness.

Hegel draws attention to the link between the free self-awareness of a person and the knowledge of good and evil, reflecting on the meaning of the biblical Book of Genesis: "*The fact that a person must make themselves what they are, that we eat our bread by the sweat of our brow, that we must create ourselves; this is an essential distinctive property of human beings that is directly related to the knowledge of good and evil*".¹

¹ G.V.F. Hegel. The Philosophy of Religion in Two Volumes. Vol. 2. M., 1977. P. 263.

After Parmenides, natural philosophers for a time tried to reason about the dialectics of the one and the many as if there was no problem of learning about it and expressing it. They spoke of all-uniting love and all dividing Enmity (Empedocles), or of the divine Mind that connects similar elements of being (Anaxagoras). Heraclitus stood out in his teachings about the Logos as the foundation of global harmony. But these arguments either had the appearance of some arbitrary statements that were not logically justified, or new mythology was introduced to replace philosophical reasoning at a crucial moment.

Empedocles and Anaxagoras tried to express the nature of universal being as a unity that contains the definitions of many (the primordial elements of Empedocles, the homeomeria of Anaxagoras). Empedocles went exceptionally deep in his realisation that much of existence would only take place on condition that distinctions are made within

the principle of unity itself (love and enmity as two competing forces that define everything else through their unity). It is remarkable that the highest principles of these teachings ("becoming", "one in many things", "all in all") are given definitions that are very close to the definitions of universal thinking. The definitions given by Heraclitus (Logos) and Anaxagoras (Mind) are particularly important in this context.

The idea that was expressed rather vaguely by the first philosophers, beginning with Thales, was now expressed in a completely distinct manner: the essence of being is not water, not air, not even a simple abstraction of the one, rather the essence of being is thinking. Ancient philosophers did not treat thinking as one of the human abilities along with sight, walking, hearing, let alone as a function of the body. It was only much later that such understanding of thinking emerged. The ancient view of thinking as a universal element was

infinitely closer to the truth than anything else. An individual's ability to acquire knowledge can only qualify as thinking because it belongs to this universal element ("Not to me but to the Logos", as Heraclitus put it). Thinking is divine. The ancients sometimes worshipped thinkers as if they were gods.

Heraclitus and Anaxagoras were the ones who elevated thinking to the rank of a universal element. But they never went beyond the notion that their own thinking was a natural element. It should be noted that individual thinking does not dissolve into the universal, as some people reason. It is just that at the time, nobody had yet asked the question about how they were linked. The divine mind is not a live participant in the drama of thinking; it is given the honorary role of *Deus ex machina*. Therefore, the way the highest principle of the Parmenidean philosophy was specified at the time was by and large illusory. At best, it was a brilliant anticipation

that remained opaque to the contemporaries but whose meaning was truly comprehended in the future as deeper philosophical principles were brought about by Socrates.

The sophists actually went ahead and decided to not try to understand universal being on account that there was nothing it could offer them in terms of understanding specific phenomena. "Man is the measure of all things: things that exist in the fact that they exist rather than in the fact that they do not exist," taught the sophist Protagoras. Here he was not talking about the genetic nature of humans, not about humans in general, but rather about humans in their empirical givenness, i.e. about specific people named Callicles, Zenon or Preimage. In other words, according to him, everyone can appeal to their own self to judge what is the true and what isn't, which entities and values exist and which **don't/do not**. After this ostracism of universal thought, when thoughts and words were equalised, the only

function left to philosophy was ~~that of~~ ordering speech. Thus the sophists were teaching how to make *the speech of any person/any person's speech appear* as if they were speaking the truth rather than how to *comprehend* the truth. In the end, it turned out that from the divine path to the understanding of eternal being, thinking was forever going to become a strictly technical tool for justifying opinions.

The relativism introduced by the sophists reflected the internal fracture in Greek society in the 5th century when the values of freedom found in city-states, as well as those of collectivism and civil society, began to recede for many in the face of new values of personal prosperity and happiness. The response to the crisis in philosophy came in the form of Socrates and his teachings, which brought reflection back into philosophy and opposed the skepticism of the sophists, refocusing philosophy once more on trying to understand the truth. According to Socrates himself, as recorded by Plato

in the *Apologetics* of Socrates dialogue, he originally wanted to go into politics to prevent the degradation of the Athenian polis (city-state). But, guided by the oracle (who told him to listen to his muses), Socrates chose instead not to pursue a career in politics, because at the time honest civil service could easily put his life in danger. Socrates himself cites two examples where performing his civil duties as required put him at risk of being convicted of a crime. However, Socrates believed that engaging in philosophy was also a public service, as philosophy taught people how to comprehend the truth. The truth was important as it was the only thing that could bring people together, whereas ignorance of the truth and lack of desire to learn the truth (which according to Socrates are one and the same) divides people. The internal unity of the two paths manifested when Socrates eventually did get sentenced to death for his philosophical activities rather than for his politics.

Unlike the other great philosophers of the past, Socrates never wrote any poems and never tried to force any philosophical doctrines on the people. On the contrary, he addressed every individual personally in an attempt to stimulate their thinking, in an effort to lead them to the truth. For him, the truth is not just a set of some general abstract claims. Rather, the truth is the essence of human existence. It is his or her personal truth, and in this sense, everybody has their own truth. But it is also a universal truth. Just as every person is healthy in their own way, but health itself is a universal concept for which we ~~don't~~//do not have many names. On the contrary, there are multiple diseases, even though everyone experiences disease in their own unique way. The truth is universal because it does not separate people, but unites people. The truth is the reality of the whole and in many ways, it is the truth of the many in unity. A person's truth reveals the essence of being to them.

It was Socrates who discovered the fullness and implication of all that was already contained in Parmenides' poem: the universal unity of being includes the human being. It is the unity of the world and people. And Socrates leads philosophers to the knowledge of being through the knowledge of *human beings*. Meanwhile, humans for him are not something particular, accidental, or transient. For Socrates, the human being contains the highest sense of being that can and must be discovered. It is on this path that a person can become a philosopher, as they attempt to understand the truth and become virtuous, charitable, and just if they also transform themselves in the image of the truth that is revealed to them.

True being is the truth of the existence of humans; this is the essence of Socrates' principle. Two important and philosophically new conclusions followed from this: firstly, the human being must try to comprehend the true being not only for the sake

of observing it, but first and foremost in the name of spiritual transformation. Secondly, it is through human beings and their activities that true being discovers, manifests and realises itself. And for this reason it has a practical nature. Here, the human being and their living individuality become necessary partners in the absolute mystery of the universe: “...as far as the human being has succeeded in advancing in their own spiritual development to their universal human nature, the essence of the external world is revealed to them; as far as they managed to advance to the essence of the outside world, to the same extent will they have advanced to their universal human nature,” E. Linkov says.⁴⁸

Pure being, having defined itself as universal pure thinking, found its necessity in individual thinking. Namely, it found its boundary, its limit through which it achieves self-determination. A human being's thought manifests not only in their thinking

but in their actions and in all their practical activities. It is necessary for this thought to have a universal nature, to be a universal thought—the true essence of human existence. This is only possible if the universal essence of being finds its subjectivity to the fullest extent. Understanding this notion (even if it may not yet be expressed as such) marks the true difference between philosophy and any other form of general theoretical expression of thought. The teachings of Thales and Anaximander, and even those of Heraclitus, Empedocles, and Anaxagoras, barely differ in form (the form of the principle of their teachings and not the form in which they were presented) from Eastern philosophies. And indeed their philosophical content, the specific relation between thinking and being, had no form whatsoever. Socrates' philosophy is the only kind of philosophy that makes us regard **the teachings of earlier Greek thinkers** / **earlier Greek thinkers' teachings** as philosophy. Socrates introduced the

principle of individuality into universal thinking, and that principle would later be developed into the principle of subjectivity through universal thinking. It was only thanks to this principle that philosophical content was given an adequate form. But the full and comprehensive development (and completion) of this process of forming the subjectivity of the substantial would only be found in the Hegelian logical system. Nevertheless, even the revolution that Socrates brought about in philosophy can be compared to the removal of a huge dam that had held back philosophical thought up until that point. Indeed, while the actual philosophical content of the pre-Socratics is extremely scarce, drowning in cosmological, moralistic and other “near-philosophical” material, Plato (a student of Socrates) developed it into a concrete system.

It was the Socratic approach to the interpretation of the essence and meaning of being that gave rise to

the formation of Plato's philosophy, in which the problem posed by Parmenides was resolved in an idealistic way. If the truth of human existence is the essence of universal being, then this essence has the same nature as the essence of human existence. In the Socratic tradition of philosophy, this essence was understood as thinking. This means that, according to this logic, the essence of universal being also has thinking at the core of its nature. **It's / It is** neither water, nor air, nor divine fire, it is thinking. It should be reiterated, however, that thinking is understood in this context not as a vain reflection of any mortal, not as an accidental reflection, but understood as Parmenides understood it. That is, as universal thinking, which has a logical nature.

Plato's dialogues are dramas, in which the role of the mind is played not by a Deus ex Machina, but by a living thinker, Socrates. For this reason, in these dialogues Nus is not a static principle that we saw in

the teaching of Anaxagor, but a living soul through which philosophical concepts move. The most important of these notions are defined by the preceding philosophy: the one and the many, the being and the other. It should be noted, however, that the latter to a larger extent comes from Plato himself: the negation of being is transformed from a simple negation, from nothing, into a negation defined by being itself. This negation is defined and thought of through how it relates to being itself, defined as the other, i.e. not being.

In Parmenides' philosophy we saw how the subjective thought realises its identity to being. But in this realisation, the only real thing is the identity of thought and the negation of being. In the act of thinking, the subjective thought does away with its finiteness, i.e. it ceases to be a finite thought. However, it does not yet regard itself as having the same essence as the universal element of thinking – the essence of being. Therefore, it only knows its

negation, but it does not know that this negation has positive content. The negation itself is not regarded here as thought (externally this is expressed in the ban on thinking of negation, which essentially defines it as a "non-thought"). But that actually means that the negation is not regarded as a positive definition of being, but instead remains outside of being and alongside it.

For Plato, it is precisely because he knows his subjective thought as a moment in the universal existence, that universal thinking, the essence of being, reveals its subjective nature. The negation of the finiteness of one's own subjective thought does not make Plato freeze when faced with one being. On the contrary, it is this negation that for him becomes a way to learn and express the process through which the one being distinguishes itself into the definitions of the many through the force of its subjectivity. Precisely because universal being was defined as thinking, and subjective thought was now

regarded as universal thinking, it became possible to see the inner definition of being in the negation and through that resolve the Parmenidean problem of the relationship between the one and the many. In other words, it became possible to show what really constitutes the connection between the universal and the particular.

After all, it is thought that distinguishes itself in the multitude of thoughts, and merges them into one simple thought. In Plato's dialogues, we see the movement of a single thought that distinguishes itself from this difference and then merges once again into unity. This movement of thought is at the same time an expanded reflection of the development of being. *Expressing the movement of thought as a form of the movement of being* is a fundamentally new approach to philosophy, which was only possible in the Socratic tradition. Plato's theory of ideas, if put in modern terms, is an

intellectual model of the essence of being as universal thinking.

Universal thinking identifies separate elements in itself, which Plato refers to as ideas or Eidos. Every idea is the essence of a separate thing but it preserves itself in unity as well as in individual thinking, with all thoughts originating in the universal thinking of human self-awareness. All ideas are united in the higher idea, the idea of ideas. Plato avoided interpreting this absolute idea in a direct manner, preferring instead to lead the characters in his dialogues towards it **through exploration/by exploring** of specific ideas such as beauty, virtue, knowledge etc. It was only on occasion, such as in the Philebus dialogue, that he allows himself to refer to the highest idea as the idea of virtue, but he never insists that this is the absolute definition of the absolute idea.

However, the paths for interpretation remain open. Following in the footsteps of the great Plato

scholar Vladimir Solovyov⁴⁹, we can define this supreme idea as the unity of Truth, Goodness and Beauty. Then, every thing that exists, whether it is a beautiful work of art, a just state or a virtuous person, is a reflection of a fragment of the supreme truth, and thus embodies the principles of absolute goodness and constitutes something beautiful. The manifestation of these qualities in a human being is a genuine criterion of their actual existence as a person, the completeness and perfection of their life. In this sense, *law* is a manifestation of absolute good⁵⁰.

Indeed, only that which contains in itself the basic principles of Truth, Goodness and Beauty can be said to actually exist. A thing exists to the extent that it is involved in these ideas; therefore, the state and law are not only fair, but also true and beautiful. But since no thing is also an idea, rather things are only *related* to ideas, their being is thus limited and finite. Therefore, as Goethe put it, everything that

exists is worthy of destruction. However, from a Christian point of view, a person who embodied the beginnings of Truth in their earthly life does not perish, but passes into "eternal life".

According to Plato, what happens to unworthy things such as evil, filth, cruelty, in which there is no glimmer of truth or absolute good? Here the answer is apparently very simple: these do not exist if they don't/do not contain in them at least the beginnings of being, and thus they are to be treated accordingly. It should be reminded here that, to some extent, there is no place for evil in Christian tradition either. The archetypes that represent evil in Christianity, such as the fallen spirits and the devil himself, are all dead. According to the teachings of the church, an angel "falling" is the same as a human being dying. But this, however, does not completely exclude the possibility that this "non-being" can be subjective, and therefore active. The methodologies for understanding and interpreting

this subjectivity and the possibility of the action of what is "not there" were absent in ancient philosophy and only introduced much later. This notion was introduced in classic German philosophy, but at this stage this issue did not get adequate methodological focus.

In the case of beauty, this is somewhat different from that of morality. In terms of its essence, beauty coincides with the absolute good and its manifestation in the element of morality. But, what's important in beauty is form. Therefore, a beautiful form can, in principle, be given to something that does not exist, and the appearance of being can be given to something that does not actually exist. The aesthetisation/ aestheticisation of evil, the aesthetisation/ aestheticisation of death, which modern art is so fond of, is dangerous precisely because it gives rise to the illusion of their reality.

It is important to note that it is precisely this speculative nature of the Platonic philosophy that

provides the key to a real solution to the **Parmenidian/Parmenidean** problem, which consists in the fact that the unity of thinking and being is understood not only as objective, but also as subjective, and, in turn, the unity of subjectivity and objectivity of the identity of thinking and being allows us to think of the latter as one. The German philosopher Franz **von** Baader draws attention to this, exploring **the historical background of the Fichte dialectic / the Fichte dialectic's historical background**. Based on the Sophist and Parmenides dialogues, Baader draws the following conclusion: "Understanding that nothing can be thought of non-being and nothing can be said about it emerges in the process of reasoning about being and non-being, as I co-construct the relation between them at the time that I'm reasoning about it. At the same time, inexpressible, unthinkable, non-existent non-being becomes existent due to the very process of reasoning, during which the knowledge of non-

being is built up as something untouchable, unthinkable, and non-existent. The co-construction process serves here as an artificially natural process: on the one hand, I create something, but on the other, I discover this something as real in my subconscious and in it. Discovering and constructing take place in the very act of grasping the concept, which is opposed to all my speech and mental capabilities, all available mental and communicative means. Non-existence **turnes/turns** out to be such a structure of thought that exists prior to all divisions and contrasts, including the division between subjective and objective... The construction of the most extreme, mentally possible, borderline case is not only transcendental, i.e. located on the other side to the being of knowledge, but also ontological, i.e. located on the other side to being in general. However, once it ends up in the field of secondary reflection, this construction begins to get various ideal projections. Thus, in the ontic projection,

"non-existence" becomes the subject of reasoning, and in the projection of means of thinking, it becomes a logical structure, a principle that organises the structure of thought itself." ⁵¹

We have quoted such a large excerpt because he provides a very good illustration for what we believe is an important point: the speculative-reflexive movement of thought allows us to express the unthinkable and non-existent non-being as something given that can be included in the space of thought. However, it is essential that non-being is defined not as something given in itself, but as another being, as its definite mode. Therefore, we cannot agree with the conclusion drawn by Baader that "non-being turns out to be such a structure of thought that exists before all divisions and oppositions", and also "a logical structure, a principle that organises the structure of thought itself". In its reflexive movement, a thought in fact captures the negativity of being, therefore it is true

that “the world is divided and organised within the limits that are defined and redefined by thinking.”⁵² However, an attempt to hold onto the moment of reflection that reproduces the negativity of being and say that “non-existence” is a logical structure of thought can only be the result of an unacceptable interruption of the thinking process, the very possibility of reflective-negative movement of which results from the need to remove this movement. At the same time, it is precisely this course that gives thinking the power (sinful power, essentially) to give non-existence the appearance of something that exists, thereby creating the preconditions for justifying evil and aestheticising sin and crime.

So, Parmenides' demand for the self-determination of a thought that wants to know true being unfolds in the dialogues of Plato to the specificity of the philosophical method. In this concreteness (concreteness of the method), self-

determination of thinking and the definition of being appear as a single process. This was seen by contemporaries as an invention of a new science called dialectics. It is this science that comprises the true content of Plato's philosophy, the part of it referred to as esoteric. Dialectics is a science that interprets and depicts the movement of the identity of thought and being in its subjectivity.

H-G. Gadamer drew attention to the commonality in the interpretation of the dialectical nature of the logical in Hegel's Logic and in ancient Greek philosophy, especially Plato's philosophy. It is from the Elean concept of pure thinking through the Pythagorean-Platonic tradition that, according to his fair judgement, the tradition leading to Hegel emerged.⁵³ Based on this position held by Gadamer, one can interpret the Platonic pralogical dialectics as a dialectic of emerging negativity. Even the Eleatics turned the positiveness of the definition of being as pure being into negativity, which manifests itself in

the fact that being is understood as pure thinking. In Plato's writings, we can see this negativity move in a manner that affirms the development of the one into the many, and the internal falsehood of the stability of the existence of the many. It would only be in new age philosophy that the movement within the negativity itself would be reproduced, albeit in a haphazard form. It is this movement, as we will try to show later on, that will reveal the internal subjectivity of the logical dialectics and allow us to construct its own system. It should be said though, that new age philosophers would never reach the limits of the logical definitions of the system. Instead, up to the philosophy of Fichte and Hegel, we must be content with the purely external ordering of categories and foundations.

According to Plato, the state and the law are created by people, but only as a result of the contemplation of higher ideas, and that contemplation is something that only the best people

are capable of. The socio-political entities that are created through that can be called states only to the extent that they are involved in the original idea of the state, as laid down in the very foundations of being, in the absolute idea of the unity of truth, goodness and beauty, focused on the idea of absolute good.⁵⁴

Plato's one is embodied in the divine mind and then in the global soul, which, as Plato put in his Laws dialogue, has two manifestations: good and evil. The latter is associated with all the imperfections in the world but the former dominates. Following the movements of the good soul of the world, the idea of good enters the world, embodied in ideal states and in the perfect moral order of the human person. The idea of good, according to Plato, is that which "... gives truth to knowable things, and bestows a person with the ability to know..."⁵⁵ Its knowledge is the most important knowledge, because "...justice and

everything else become usable through it..." ⁵⁶ By virtue of participation in the idea of good and justice, the state and the law bear the beginning of the absolute, rising above everything temporary and relative.

Plato was the first to so consistently and definitely introduce the idea of the absolute into the political, legal and ethical context. Without reference to the absolute, law loses its function as a directly acting social regulator and becomes only a means used by individuals or social groups to further their own ends. It is important to emphasise here that in the Platonic system, it is the idea of absolute Good, open to cognition in the form of the idea of justice, that mediates the connection of the absolute with the law and the state. From there on, any philosophical and legal theory, regardless of its interpretation of the absolute (up to a purely negative one), introduces the absolute content through the idea of justice, without which it is

impossible to conceive of law. After all, a person obeys the norms of law and orders of state power not just because he or she experiences the coercive activity of the latter, but first and foremost because law and the state are for people the highest value, rather than something that is alien to human nature. A person's adherence to the norms of law is consistent with their ideas of morality. Both gain power over people only by rising above temporary needs and passions, as the absolute rises above all relative and individual. In this case, the rule of law does not suppress people, but rather expands upon their internal freedom and expresses it in society.

In conclusion, it should be noted that in Plato's writings in general, the dialectics of the logical (more precisely, the content that will later be defined as the logical content) is still presented without a system, but rather as an element. His dialectics turns out to be a depiction of subjectivity, the concrete self-determination of the identity of

thought and being, but the depiction process itself does not determine this subjectivity. As will be seen later, this is not an external flaw in Plato's "methodology", but the limited comprehension of the very identity of thought and being at this stage. Therefore, Plato's dialectics remains only an internal esoteric logic of his dialogues, and does not give itself a systematic form. In general, Platonists brought only the products of Platonic dialectics into the system, but not the dialectics itself (which carries the main content of the philosophy of the great thinker). It is no coincidence that at that time, even Aristotle himself was only able to develop logic as a science of the form of the products of thinking, but not as a science of thinking itself. However, it is no coincidence that it is precisely in Aristotle's writings that we first find a **well-developed** doctrine of what a concept is, although it is presented only in a one-sided subjective form. The very power of the universal concept appears in

Aristotelian thinking, which, in its efforts to distinguish the many facets of the concept, reproduces (and recreates) universal being as an ideal.

The philosophy of Plato's student Aristotle does not contradict his theory of ideas, as is commonly believed. Moreover, the internal unity of their philosophy was explicated and developed in detail in non-Platonic schools, specifically in the works of Plotinus, Proclus, and Porphyry. Expanding on Plato's philosophy, Aristotle demonstrates the power of the analytical ability of the mind, considering each entity as a unity of the beginnings of matter, form, a source of movement and purpose. Each of these fundamental concepts has its own origin. But in order to avoid infinite regression, Aristotle postulates initial sources for them: primordial matter, the form of forms, the source of movement and the end goal of all that exists. But there aren't four of these primordials. At their core, they

coincide and constitute one and the same principle that Aristotle interprets as the divine thought, the higher mind, which constitutes the universal foundation of all being and is identical with it. Since this ultimate source of all being contains an inner distinction and an inner power, in order to postulate this distinction, we can say that in Aristotle's philosophy it is thought of as concreteness ⁵⁷.

This raises the question of how the thinking of an individual person relates to this divine thinking. Considering the definition of man in his treatise *On the Soul*, Aristotle provides a very succinct interpretation of individual thinking as a person's ability to reproduce any form in an ideal space. "Thinking, of course, should not be subject to anything, but should be able to perceive forms, i.e. in the possibility of being such as is comprehended by the mind, and just as the ability to sense relates to what is being perceived, so the mind is related to that which it comprehends. And since the mind can

think everything, it needs to be apart from everything so that, as Anaxagoras put it, it can rule over everything and know everything."⁵⁸

Thinking can thus be said to be the form of forms. But it is not some separate new form that exists alongside the universal form of forms. On the contrary, the form of forms is one, and that means that *human thinking is the universal form of forms in its manifestation stage.*

We also find that Hegel's interpretation of Greek religion follows the peripatetic interpretation of human thinking as universal thinking and human life itself as a universal life in comparison with the life of an animal: "*Life in general* is this infinity of free existence, and as a living thing it is this subjectivity that responds to immediate certainty and considers it identical with itself in sensation. But the life of the *animal* as a present being and the expression of its infinity has only a *limited content*, and is immersed only in individual states. The simplicity to which

this certainty returns is limited and only formal, and the content does not conform to this form. In a thinking person, on the contrary, the *spiritual* is expressed, even in his or her *individual* states. This expression makes it possible to understand that even a person in a limited state rises above it, *remaining in themselves* and yet acting as a *free* agent... Aristotle also suggested that only human organisation is an image of the spiritual... ".⁵⁹

It should be noted that the universal nature of thinking is also recognised ~~also~~ in materialistic philosophy, at least in its most profound forms. Here is an E.V. Ilyenkov quote to that effect: "...the specific form of action of a thinking body is universal...A person—a thinking body—builds its movement in the form of any other body. A person does not wait until the insurmountable resistance of other bodies makes them go astray; the thinking body seeks to circumvent any obstacle of the most complex form. The ability to actively build one's

own action in the shape of any other body, actively coordinate the shape of one's movement in space with the shape and arrangement of all other bodies is what Spinoza regards as a distinctive sign of a thinking body, a specific feature of that action, which is called "thinking" or "reason" .⁶⁰ The excerpt given below explores this in more detail: "...since, in principle, there is an infinite number of forms of things and circumstances of actions, then the "soul" (i.e. "thinking") must be capable of an infinite number of actions. But an infinite number of actions cannot be anticipated through ready-made schematics programmed in the body. Thinking is the ability to actively build and rebuild external action schemes in accordance with any new set of circumstances, and not act according to a ready-made algorithm, as an automaton or any inanimate body would do."⁶¹

If we accept our interpretation of how Stagirite interpreted thinking, then it should be recognised

that thinking does not then constitute some individual human ability similar to the natural abilities of sensation, movement, etc. It should be understood as a manifestation of universal thinking in the human being. In the activities of a thinking person,/ In a thinking person's activities, it is precisely this universal thinking, i.e. framed *prima materia* and the prime mover of the universe, that reveals itself. Individual thinking that comprehends the truth is the "nerve" of universal thinking that gets excited in an individual; this retains the unity of the entire diversity of the universe for as long as it remains active. Therefore, human thinking is not some local act of reflection or an act limited to a specific place and time, or to the topic that is being thought about. Thinking is the ability to perceive and reproduce the internal form of any entity in the intellectual space. For this reason, thinking is not limited in this world and there is nothing in the world that is inaccessible to it. An animal is

inextricably linked to its environment; such as a dolphin is linked to the ocean. An animal is thus a reflection of its environment. When we look at an animal, we can easily imagine the kind of environment it belongs to. For the human being, however, the environment is the whole world.

Human thinking reflects on the universe as a whole, and is a *manifestation of universal thinking*, its activity, and embodiment. When a human thinks, they manifest the universal thinking that they are directly linked to. But then again, individual thinking manifesting the universal thinking of the universe is not a passive process. Universal thinking is not kept separate from the human being by a great wall, and human thinking is an important element of universal thinking. It is only through human thinking that universal thinking can become concrete and acquire its highest definition as an act of freedom, in other words, if we were to use the peripatetic coordinate system, it is through human

thinking that universal thinking manifests as an absolute goal. After all, the goal of a human being is freedom, provided it is understood correctly: as self-determination in the spiritual space of the Absolute Good.

In a work provisionally titled "Nicomachean Ethics", the great thinker reveals the nature of the will that strives for this kind of self-determination. He calls it the aspiring mind or meaningful aspiration.⁶² To find out what is the real moral good and what is apparent good, a special science must be developed, a policy, which is what Aristotle carefully develops. In it, the ethical and political, as well as legal and economic knowledge is presented in a unified form that is difficult to take apart without losing meaning. Already from this unity of scientific knowledge and the approach to it that we find in Aristotle's legacy, it becomes clear to what extent we can speak here about the mutual penetration of legal and moral principles into each

other. It should be stressed that this is not about the initial unity or some kind of insufficient dissection of the two kinds of social norms, as was the case with the early Greek philosophers (before the sophists). Rather, it is about an attempt to consciously synthesise, or at least compare, two completely different principles. Later on, when natural law would begin to be seen as the sphere in which the most organic synthesis of moral and legal principles can occur, this content of Aristotle's teachings would serve as one of the most important sources for the theory of natural law.

According to Aristotle, morality and justice constitute the good of the state in the sense "...that serves the common good ..." ⁶³. But this does not at all mean that Aristotle shared the utilitarian views on the purpose of the state. According to him, the state is not just a shared place of residence and **it's / it is** not established to prevent mutual grievances or to facilitate exchange ⁶⁴. On the contrary, the state

represents a great moral idea and "...state communication exists for the sake of facilitating good deeds..."⁶⁵.

So, human thinking as a manifestation of universal thinking is universal as a subject. But, being directed at the universal, it also has a universal object. In the end, **it's** / **it is** an activity aimed at comprehending the universal. It is this ability to comprehend the universal that allows the mind to recognise and understand the specific features of the manifestation of the universal in the forms of nature, public processes, and the motivations and actions of people. Thus, the ability of the eye to see **the** light enables it to distinguish shadows. However, this focus on the universal that underlies every act of knowledge acquisition is hidden from humans at a fundamental level. If we were aware of it, we would not be able to distinguish between the particular and the singular. In the same manner, it would be impossible to see objects if seeing included the

process of seeing itself (Nicholas of Cusa). However, without awareness of the universal nature of thinking, learning about the particular would be impossible. It is the universality of thinking that provides knowledge with qualities such as fundamentality and self-evidence. This contradiction is resolved by the fact that this knowledge of the universal nature of thinking by subjects that are acquiring it does not get reflected, but is given to them in direct form. It was only in modern philosophy that Fichte tried to make the relevance of universal thinking in the act of cognition be the object of reflection and build a system of scientific knowledge based on this content.

Chapter 3. Freedom as the existence of absolute good

Christian thinking generally accepts the approach embodied in the idealistic philosophy of Plato and Aristotle. It was for a reason that these philosophers (at least in the western tradition) were often referred to as Christians before Christ. But Christianity reinforces many times over what was only mentioned in ancient philosophy in passing, specifically: comprehending the *moral* nature of the supreme essence of being. Furthermore, in Christianity the supreme essence of being is personal in nature. From there on, God is understood not as a kind of universal natural force, as the Greeks generally thought of God, but as the spiritual beginning of the world, viewed primarily in its moral dimension. Even in its highest result, Greek religiosity, manifested in the philosophical concept of the supreme god as a universal cosmic Mind (Anaxagoras), the absolute idea (Plato), the primary engine of thought (Aristotle), still, in essence, imagined God as a kind of natural force. In

fact, it was only in Christianity that this unity of the world manifests as a moral force.

In Christian thinking, this beginning is not an abstract unity but a specific unity of the many; in itself it manifests as the Trinity⁶⁶. Here there is no contradiction with ancient philosophy. On the contrary, it reveals what was only hinted at and began to be developed in ancient philosophy.

In turn, Socrates' idea is justified; that the essence of human being in its moral truth coincides with the essence of universal being. It is only now that people get a specific moral ideal, the God-man. There is nothing surprising in the incarnation of God as a human being: for God, who created the universe, there is nothing in this world that he cannot do, that is out of his reach. In principle, God can be embodied in any object. But any object of the material world will be disproportionate to this. Therefore, God comes into the world as a human being, and not just any human being, but as a *perfect*

human being. But this perfection is not the perfection of the body as we find, for example, in the ancient god Hercules. It is the perfection of a moral human being, a human being without sin who has both a human and divine nature. Through him, we are introduced to God and can understand that God is not a natural but a spiritual person.

Christianity also introduced another notion into the history of philosophy: the notion of society. God's third incarnation is his manifestation in the community, which is now understood as whole, spiritualised and alive. This echoes Plato's idea that a moral human being can only exist in a moral society. But it is only in Christian thought that this idea finds its final resolution.

Ancient philosophy had two main results. The first one was practical: Aristotle raised Alexander, the man who laid the political foundations for the new world. In this world, the synthesis of cultures has become the way in which societies exist, rather

than a sporadic phenomenon "at the junctions" of various civilisations. The second result is theoretical: a way of thinking was developed, which later made it possible to express (or at least to try to express) the meaning of this synthesis, the logic of the spirit that manifested itself in it in the form of a concept. Only the "concept" as the unity of analysis and primary synthesis could be adequate to the truth revealed to us by the Incarnate Logos. "The concept of the Logos is connected with the Greek philosophy in which it arose and with the Christian theology in which it was established... The idea of the Logos undoubtedly originated in metaphysics, but with the highest speculative interest that this idea represents, it undoubtedly includes a practical interest in the deepest moral significance."⁶⁷ The first principle of the world—God—is revealed to the Christian world view not as a simple substance, but as Himself in Himself, distinguishing the Trinity,

embodied in the truth of **people**—in the Living Logos—and given to us in the Spirit.

A necessary result of the explication of the problems of people in the doctrine of the one, which was carried out by Socrates, was the realisation in late antiquity and later in Christian philosophy that philosophy does not just comprehend the world as a single entity, but it comprehends it specifically as a place *for people*. This means, therefore, that if we follow the same Socratic principle, if it has learned to think of the world as one, now it must also reveal *why* it does this. As a result, philosophy strengthens its reflective potential. This is manifested in the fact that it can now do two things at the same time: answer the question of *how* it understands the world (whether it sees it as united and harmonious or as torn and chaotic) and show what this knowledge can give people.

For human beings, the central question from the very first days of being has been the question of

good and evil, and the value-based classification of human actions. This *question of good and evil* is a moral *alter ego* of the question of the essence and meaning of *being*. Without a discursive answer to it, there can be neither morality nor law.

Even Plato, who constantly turned to the question of justice as the main quality of a virtuous person and of a just state as an environment for the exercise of their virtues, linked these qualities to the idea of good, which he correlated with the highest idea, the *eidos of eidos*, or the idea of ideas. In other words, he saw that *as being* linked to true being itself. In the philosophy of late antiquity, the unity of being had to be explained first of all as the unity of opposites that sets and removes its boundaries, makes changes to itself and then overcomes them. But what about the most significant struggle for human beings: the struggle between good and evil? Can we contend that good and evil are two sides of one coin without running the risk of compromising

or even corrupting the nature of good? And if we deny such unity and moral intuition does not allow us to equate good and evil, do we not then destroy the unity of the world, which is so significant and important for people?

Towards the end of antiquity, the first sprouts of a new European civilisation emerged, whose genetic elements began to form and gravitate towards each other, slowly but surely creating the mosaic of a new cultural integrity. During the decline of the Roman Empire in the West and its transformation for a new stage of history in the East, this question of the unity of the world and the reflection of this unity in the essence of the human being was understood as the main and practical question of philosophy. In one form or another, it was given voice both in the writings of pagan Neoplatonists, and in the holy ecumenical councils of the church. How do we go about understanding God and his unity if God identifies as a trinity? And what does it mean for the

understanding of the human being that we come to as we turn our attention to the true human being, the theanthropic God-man?

The trinity of God and the duality of the God-man were the two interconnected questions, the answer to which caused major rifts between peoples, cultures, states and legal systems. It did not allow, for example, the Goth-Arians to convert to Christian Orthodoxy (even when the price of Arianism was the throne of Constantinople) and forced the Nestorians to go further east, where they established their own states.

Orthodox Christian Roman emperors such as Constantine, Theodosius, and Justinian, who ultimately created the Christian empire, were purely practical people, and yet they considered participating in the Ecumenical Councils, which compiled the church's creed, to be the most important thing in life. The reason was that they understood that the Ecumenical Councils were

essentially creating the genotype of a new human being, a new state and new law. The historical discussion between Orthodox Christian authors and Gnostics in the first centuries of Christianity required that the entire logical potential of ancient philosophy be updated, and yet in the end it ultimately proved through its outcome that there was really no difference between ontological and ethical issues.

In the purely cultural sense, Gnosticism was an attempt to merge the **Hellenistic**, classical and Eastern cultures of the ancient world⁶⁸. However, two kinds of synthesis are possible. This can be achieved through understanding and by establishing a deeper foundation. More specifically, one that is not immediately contained in any of the elements that are being synthesised. In this process, the elements that are being merged undergo significant transformation and reveal their true nature. Such is the synthesis of Christianity, in which the doctrine

of a dying and resurrecting God, the eschatological struggle of the good and the evil in the universe, the establishment of a divine kingdom on earth, and other elements whose contents had already been developed in earlier cults, find their new meaning in the light of the principle of the triumph of the absolutely spiritual in the universe, overcoming the dualism of good and evil, spirit and matter, soul and body.

The synthesis of cultures proposed by Gnosticism is completely different. The main element in it is the preservation of the basic principle of past religiosity, which had reached a breaking point in its development. And that principle is dualism. The practice of previous cults here receives only syncretic unity. In previous cults, it was possible to perceive both the sublime and the base, and their hierarchy could be arbitrary: where there is no monistic principle, the pluralism of many reigns, which opens the way for arbitrariness. Adherence to

the latter creates a hierarchy of initiates who are privy to the big secret (by contrast, in the Christian church the main duty is to proclaim the truth to everyone).

Gnosticism was a syncretic religious form, which included elements of Zoroastrianism, Judaism, Assyrian and Egyptian cults along with Christian motifs, as well as numerous borrowings from the astrological, magical and hermetic teachings of its time, and from Neoplatonic philosophy. Historically, there were two branches of Gnosticism; Eastern (the Ophites, Satorpilus, Basilides, Kerdon, Marcion, Vardesan, and Manichaeism was a special form of Eastern Gnosticism) and Western (the Alexandrian school: Karpokrat, Valentin).

Behind all this variety of mythological forms in which the Gnostic teachings were presented, we find one very important principle that they all share. Namely, absolute dualism, the contrast of the two initial principles of the universe—absolute good and

absolute evil, embodied in the world of matter and in the world of spirit, in God and in the devil. For Gnosticism, any confusion of God and the created matter is unacceptable, which is identified either directly with evil (Eastern Gnostics) or with nothingness (Alexandrian Gnostics). Thus, an intermediary needs to be introduced as the creator of the world, the demiurge. The doctrine of the demiurge, the creator of the Universe, was influenced by Neoplatonism, going back to Plato's dialogue "Timaeus". God emits elements of his being—zones of a spiritual nature. The demiurge mixes them with the matter he creates, and thus creates the world. Accordingly, the demiurge is the creator of evil and the ruler in the material world he created. In later traditions originating from Gnosticism, the demiurge is often directly identified with the devil (the Bogomils, for example, called him Sataniel). Human souls are zones locked up in matter, which are trying to reunited with the original

deity. So God sends one of his higher aeons to help them, and for the Gnostics this higher aeon is Christ. Thus, in Gnosticism, Christ is not God, but only one of the highest emanations of the deity.⁶⁹ But even as such, he should not be thought of as being mixed with matter. Therefore, the Gnostics insisted that Christ had a purely spiritual nature. His presence on earth was only a phantom, a ghost. (A similar doctrine of the disembodied nature of Christ was put forward in the 4th century by the unholy Arius, who for many years caused a significant schism in the Christian church, with his teaching bringing about many derivative heresies.)

But even this ghostly Christ cannot grant salvation to all people; while we are all equal before God in Christianity, one of the most fundamental postulates in Gnosticism is that people are unequal and there is a hierarchy of individuals. Practically all Gnostic schools saw the human being as a microcosm comprising of a soul and a body, in

which God (the spiritual origin), the demiurge and matter were reflected to varying degrees. Consequently, in Gnosticism, all people are divided into three basic types (pneumatics, psychics and somatics). For the Gnostics, ethical requirements or practical rules regarding human behavior (primarily law and legal regulations) could only be applied to psychics. Thus, in theory, it was postulated that all people were divided into higher and lower beings. This division of all people into higher and lower castes justified the existence of various degrees of initiation in the early Gnostic philosophical and religious communities and, later, in the religious organisations of the Manichaeans. And later, it justified the assertion of value inequality based on skin colour, gender, how gifted someone was, their success, etc., all the way to the postulates of Nazism in all its forms. It should be noted, however, that this idea of the initial inequality of people was very characteristic of ancient culture. Plato perhaps

summed it up best in his famous dialogue Phaedrus. In this particular aspect, the classic ancient philosophy was self contradictory.

A central issue in Gnostic ethics was how to treat matter, flesh and its desires. And different Gnostic authorities had some very different ideas about it: some of them solved this issue in the spirit of asceticism, while others advocated "freedom of the flesh" in the traditions of Epicureanism, a philosophical movement that was very influential in late antiquity. Both solutions were based on a dualistic view of the world in which matter was seen as the source of evil or sin. Thus, for example, Saturnil and Marcion forbade sensual pleasures and pleasures of any kind for their followers, especially when it came to food; they also renounced marriage, which, according to them, led one to give in to sinful matter. Others (Nicolaitans, most Ophites, Carpocratians) taught that sensuality must be defeated by through the satisfaction of its sensual

pleasures, since there is nothing that could bind the spirit or defeat it. In practice, one extreme would often lead to the other. For example, the Nicolaitans first sought to fulfill their basic demand for “mortification” of the flesh through strict asceticism, but then they switched to attempts to exhaust themselves through sensual gratification. We think that this combination of such extreme approaches was precisely the main source of inconsistency in the information we have today about medieval heretical movements (Bogomils, Cathars, Albigensians, etc.), as of them talk about extreme asceticism while others about extreme promiscuity.

On the whole, a characteristic feature of gnosticism and other spiritually related teachings spiritually is the denial of matter, the desire to destroy and suppress everything sensual, a desire that sometimes actually translated into organised destruction of cultural artifacts (especially shrines, temples, churches, etc.) as well as mass murder and

suicide. All this differs significantly from the bright principles of the Christian religion, which affirmed the compassion of God, who was incarnated in matter in the image of a perfect human being! For Christians, the material world is an embodiment of the will of God and so it has to be worshipped and revered, and the only evil is sin, whose origin is not material. For Christians, the source of evil is spiritual; it stems from free agency that descended into pride.

According to the Gnostic doctrine, the human being is a prisoner of the world of evil, and their dream is to escape from this captivity. Gnosticism shows people the way to salvation, claiming that it reveals people's true nature to them. However, this liberation itself, through the achievement of a special kind of comprehensive knowledge, the so-called "gnosis", is relative in nature, since knowledge itself does not have a moral nature. In this way, at least, Gnosticism does not exclude the

possibility of developing the mystical content contained in it in the direction of cultivating its demonic origins. This possibility was further reinforced by the dualistic nature of Gnosticism.⁷⁰

In Christianity, thinking has a universal nature and for this reason alone it cannot be quantified. Every human being has the capacity to think in equal measure, the only difference is in their capacity in terms of willpower. Christian thinking is rational in principle because the postulate of the higher synthesis allows for and demands analytical distinction between aspects of thinking. For Gnosticism, the reverse is true: Gnosis as the highest form of knowledge is only attainable by a select few and cannot be differentiated, which means this higher knowledge cannot be rational. In this context, the only choice is to compensate for the lack of specificity of knowledge with occult experience.

The conflict between Gnosticism and Christianity in the spiritual space of late antiquity can be seen

especially well in such an important, central issue for the two teachings as the question *of dualism*, i.e. whether the world has one or two fundamental principles. While Christianity is monistic, Gnosticism is dualistic; Christianity understands the Divine principle of creation as an internally distinct Unity, Gnosticism sees it as two homogeneous entities; Christianity exalts nature as a Divine Creation, Gnosticism renounces it as nothing, as the creation of Satan; for Christians, the Divine Thought, the Divine Logos is embodied in the human being, for the Gnostic there is an abyss between people and God; for Christians, all people are equal before God; for Gnostics, people are inherently unequal; for Christians, truth is revealed in a spiritually transformed thought, for Gnostics, truth is acquired through one's God-given ability to mystically contemplate the divine; for Christians, people are free; for Gnostics, freedom is only a conscious necessity⁷¹. Thought should have

inevitably turned to Christianity, having embarked on the path of a dialectical solution to the problem of being as posed by the first ancient philosophers (Parmenides). Gnosticism was ultimately a refusal to find a solution to this problem through thinking⁷².

The Holy Fathers and Teachers of the Church, Gregory the Theologian, Basil the Great, John of Damascus, and Epiphanius of Cyprus revealed the logical failure of the Gnostic world view by citing two main arguments.

Firstly, if we claim that the world has a dualistic nature, we cannot limit ourselves to acknowledging just two substances (the absolute good and the absolute evil). A third substance must also be postulated, the one that mediates their beginning, as well as the beginning that mediates this beginning, and so on and so forth, indefinitely. In this case, the world is divided into an infinite number of primordial elements, and the question of the first

origin loses all meaning. This absolute pluralism cannot even prove the existence of these primordial elements, as the substance inevitably gets annihilated in the regression of origins. Thinking that is not elevated to the universality of its subject is insufficient. Thinking that insists on dualism is ultimately a rejection of thinking itself.

Secondly, if the absolute negative (non-existence, evil) were to be recognised as an independent substance, then it might as well be recognised as the only substance. If we are to remain consistent, it is possible to conceive only a single principle, but if they strive to think of two, then they deny their own thinking, falling into a contradiction that cannot be resolved, the antinomy that the Church Fathers revealed. In fact, if the nature of the negative substance consists in negative action, then in the fullness of time it will already have destroyed the positive substance and itself. Then the world is essentially nothing, and this nothing is the secret of

existence. In dualist thinking, being is just an appearance, an eternal obstacle that weighs down on the inherently imperfect human mind.

Saint John Damascene wrote: “The fact that not two principles exist—one good and one evil, we can conclude from the following. Good and evil are hostile to each other, fatal to each other and cannot exist in one another or one with the other. Therefore, they can each only exist in part of the Universe. But that means that each of them would not only be limited by the universe, but by that part of the universe in which it resides. The question is, then, who assigned those parts of the universe to good and evil? After all, we cannot assume that they entered into an agreement with each other and made peace, because if evil makes peace and compromises with good, it is no longer evil, and good that makes friends with evil is no longer good. But if there is some outside force that put them in their current places, that outside force is most likely God. And

then there can be only one of two possibilities: either these principles come into contact with each other and annihilate each other, or there is something in between, in which there is neither good nor evil but which simply acts as a barrier that keeps good and evil separate. But then instead of two fundamental forces in the universe, we have three. There are two more conditions, one of which must be met: either these forces keep the peace, which is impossible for evil, for he who abides in the world is not evil; or they wage war, which is impossible for good, because the militant is not completely good. Alternatively, evil starts a war on good and good does not resist and gets destroyed by evil, and thus forever suffers affliction and oppression and that can hardly be a sign of good. This brings us to the conclusion that there can only be one origin that is free from any evil.⁷³ John Damascene then reproduces the logic of the second argument: if evil is a destructive (negative)

principle, then it must destroy good, but then in the infinity of time it should have already destroyed it and there should be only evil left. In this case, it would have to destroy itself, since its nature is destruction. So, assuming that the two principles exist in infinity means to either assume that neither of them exists anymore (the second argument) or assume that there are infinitely many of these forces (the first argument). Neither is possible for a thinker brought up in the traditions of ancient logic.

Gregory the Theologian puts forward the same arguments, albeit in a more emotional form: “And you, the *evil darkness of Manichaeans*, were not from the beginning equal to the altar of the highest Light! If there was a God, then there was no darkness; because evil could not have argued about equality with God. If there was darkness, then you do not make room for God: it is indecent for Him to be in harmony with darkness. If you imagine them in a fight; the stronger must prevail. And if you say

that they are equivalent; who is the third **who/which** brings them into unity with his wisdom, and ends the struggle? And it is very surprising that having aroused terrible enmity, you immediately forget about this struggle and imagine that the warring parties have come to an agreement. I comprise a body and a soul. And my soul is a jet of infinite light, the God-man, and you claim that my body comes from the dark and evil origin. And yet these two forces that are as far from each other as can be are brought together in unity. If I have one common nature, there is no enmity in me. But if the enmity in me is irreconcilable, then I am not one nature comprised of body and soul. Two warring forces cannot produce a single being. Oh, what darkness shrouds your heart"⁷⁴. While making the same arguments, Gregory the Theologian gives them his unique spin: a stronger emphasis is put on the universality of divine nature; an example is introduced about the body soul dichotomy in the

human being. It is therefore no coincidence that he ends his polemic by postulating the united nature of the divine origin: “And in my teaching, there is one God with no beginning who is not fighting with anyone, there is only one good Light, the power of high level minds who are simple and interrelated in heaven and on earth, and the darkness only came later; it's not some external force but rather our own sin.”

However, if the world, as it is understood in Gnostic dualism, can only be thought of as non-being, how can this be reconciled with the fact that it has things existing in it (at least my thinking is an “empirically” established fact)? The theoretical answer can only be reduced to taking note of the absurdity of this situation itself. Then, all that's left to do is declare that our world is simply absurd—something which was done more than once in the philosophy of the twentieth century (and not only). In the practical sense, what we get is an impulse to

destroy this world and thus resolve the aforementioned contradiction. This impulse is intrinsic to both the individual (Thanatos, according to Z. Freud), and society. In the latter case, L. Gumilev defined it as an “anti-system” —a code of self-destruction embedded in the culture that from time to time begins to dominate it. The Gnostic ideology is a form of reflection of this code. It is criminal to promote this impulse, from the artistic forms of aesthetising evil and the destruction of being⁷⁵, to social practices such as ancient Manichaeism, medieval European Satanism, or the establishment of the occult Reich.⁷⁶

One radical solution to the problem of the absurdity of this world and the rejection of its harmony by the human soul is the destruction of this world. But if a person cannot physically destroy nature, then they can at least destroy themselves. This is the whole point behind the reasoning for “logical suicide” we find in Dostoevsky's *A Writer's*

Diary, where he follows the reasoning from Notes from Underground, and Kirilov's thoughts in the Demons.

Church fathers insisted that there was no special beginning of non-existence or evil, arguing that the true concept of God and the dualism of good and evil were thus incompatible, and emphasising that the root of evil was the perversion of God's supreme gift, i.e. freedom, by the devil and by people.⁷⁷ In the Christian tradition, freedom is regarded as the highest gift of God, created by his essences, i.e. freedom is absolute, not relative. However, it also makes these entities from among those who have self-awareness (people, angels and in the Middle Ages, sometimes animals), personally responsible for the evil they do.

“By nature, everything is subordinate and obedient to the Creator. Therefore, when any of the creatures voluntarily oppose and choose to disobey their Creator, then they become evil. Hence evil is

not any entity and not a property of essence, but something random, i.e. willful deviation from the natural order of things, which (precisely) is sin. So where does sin come from? It is the invention of the devil's free will. Therefore, the devil is evil. In the form in which he was created, he was not angry, but kind, for he was created by the Creator as a bright and brilliant angel and as a rational one and, most importantly, he was created free; but he voluntarily departed from the natural path and found himself in the darkness of evil, having departed from God, Who alone is good, life-giving and a source of light; for everything good through Him is made good, and since he moves away from him through his own will rather than in terms of distance, he ends up in evil.”⁷⁸ In modern terms, John Damascene contrasts the mechanistic understanding of the origin of evil with his own, much deeper knowledge, which includes the nature of the spirit, and in its main definition—the definition of freedom.

So, in order to think of being in its unity, we must learn to understand (and logically express as a concept) the highest phenomenon of being—the phenomenon of freedom. Otherwise, we will not be able to cope with the trap of the dualism of good and evil, which will inevitably result in immoralism, as well as explicit or implicit apologetics of evil and death. Human life can only qualify as true being when its essence is freedom. Therefore, from the principles of a single being comprehended as absolute good, a system of conditions and forms of human existence-as-freedom must be deduced. This system is what the Christian European tradition understood as a system of law (or whatever was meant by it). It is not a collection of arbitrary precepts invented by people, but is the result of their comprehension of the will of God and the eternal meaning of being. Law is a system of freedom rooted in the existence of absolute good and sanctified by divine grace.

We won't find a detailed theory of law in Eastern Patristics. However, if we want to develop the latter, within the boundaries of the Christian tradition, we will definitely have to proceed from the basic concepts outlined by patristic thought, which deal with the relationship between the problems of Good and evil, the problems of the order of being and its relationship to the Will of God, and the problems of human free will. It could be argued that outside of this Western legal awareness there remained a lot of ~~of~~ what had been achieved by both ancient and Christian thinkers, who contemplated being, freedom and people. Legal thinking over time came to dominate legal awareness, / Over time, legal thinking came to dominate legal awareness and this legal thinking ultimately emerged from the pagan philosophy of Roman law, which had little idea of what true freedom was all about. Western law developed primarily as legalistic law rather than as a law of grace.

Meanwhile, in Patristics, a tradition was established whereby the nature of being was understood ethically, in a manner that brought it closer to absolute Good and Virtue. Although the belief that existence is something good was already quite common, even for ancient thinking, this idea was only fully established in the history of philosophy when Christianity came around. The mediating link in this understanding was the concept of freedom, which in Christianity reveals its true universality and completeness of all aspects. At the same time, non-existence and evil are decidedly stripped of all substance. This kind of thinking can be clearly seen in Hegel's writings, including in his attempts to philosophically comprehend the myth of Lucifer (but we also find that in Schelling's writings as well). **Let's** / **Let us** take a closer look at how the classic philosopher interpreted the myth of Lucifer.

The development of manifestations of God in Hegel's philosophy of religion follows the general

form of Hegelian dialectics: the starting point is an immediate abstract identity, which is further defined in relation to its opposite, so that it regards this other as itself and finds its best definition in it. Thus, the starting point achieves a definition of concreteness. The first definition corresponds to God the Father. He is God in his eternal idea: “Considered in this way, in the element of thinking, God exists, so to speak, before or outside the creation of the world. Since he, therefore, is in himself, he is an eternal idea, not yet posited in its reality, but only an abstract idea.”² However, this abstract idea is not empty: it contains its own distinction. The result of this distinction is the real world, the existence that is the other side of God. Further distinction is found in the fact that the world discovers its own divine nature. “The existence of the world is to have a moment of being, but to remove this gap, this split

² G.V.F. Hegel. *The Philosophy of Religion in Two Volumes*. V.2. M. 1977. P. 22.

with God, and return to its source, enter into a relationship of spirit, and love. Thus, before us we have the process of a world in which there is a transition from falling away, from breaking up to reconciliation.”³ Hegel sees the image of this reconciliation in the sacred history of God the Son, whose earthly nature reveals a spiritual, divine essence. The great philosopher captures the result of the reconciliation process in the image of the Kingdom of the Spirit.

If development stops only at the moment of distinction, at the form of the negativity of the world in relation to God, without bringing this negation to the definition of the negation of negation, then this state contradicts the integrity of truth; there is a lie and evil, there is the very dualism that we spoke about above. “... this distinction, as an independent one, is only for itself the negative moment of

³ Ibid. p. 249.

otherness, of being outside itself, which as such has no truth, but is only one aspect.”⁸³ The personified image of this pure negativity is the devil; “...the first begotten Lucifer, who was luminiferous, bright, but imagined himself in himself, that is, intended himself for himself, became a being and, thus, fell away, but the Eternal Firstborn was immediately put in his place.”⁸⁴

What is meant in the latter case is Christ. The fact that Christ is “immediately posited” in this place means just that: through him, the development from which he fell away and in whose path Lucifer became an obstacle. Lucifer personifies an aspect in the development of God himself—hence the reason for his power; but he insists on stopping this development—and this is a source of evil. In *The Phenomenology of Spirit*, Hegel emphasised the personal, albeit insubstantial nature, the character of the devil, which he defined as evil in itself and false, turned into a particular subject.”⁸⁵ So, evil cannot

be affirmed as a beginning, as being, just as is the case for good. Evil is interpreted as the result of the free will of a rational being, if it criminally diverges from the will of God and from the principles of the order of being established by Him. But this is the last act of free will. By committing evil acts, people abandon free agency (being-as-freedom).

Thus, in order to think of being in its unity, we must learn to understand (and express logically through notions) the highest manifestation of being, i.e. freedom. Otherwise, we will not be able to cope with the trap of the dualism of good and evil, which will inevitably result in immoralism, as well as explicit or implicit apologetics of evil and death. Human life can only qualify as true being when its essence is freedom. Therefore, from the principles of a single being comprehended as absolute good, a system of conditions and forms of human existence-as-freedom must be deduced. This system is what the Christian European tradition understood as a

system of law (or whatever was understood to function as such). It is not a collection of arbitrary precepts invented by people, but is the result of their comprehension of the will of God and the eternal meaning of being. Law is a system of freedom rooted in the existence of absolute good and sanctified by divine grace.

The opposition interpretation of freedom, that is, as self-will rather than the internal harmony between the individual and the being of order, not as a right, inevitably results in the recognition of the meaninglessness of existence as such. This was convincingly shown by the German thinker R. Lauth in his study of Dostoevsky's philosophy ⁸⁶. "If in self-will one sees something higher that can be achieved," he wrote, "then to a person striving towards self-will, being becomes intolerable, since we are all created as being dependent on other things. A person who seeks metaphysical freedom takes offense at the fact they were born without

knowledge of where they are from, where they are going and what they are destined for, and without power to change the essential conditions of their existence. The consequence of this is protest rather than self-gratification. Obsessed with the idea of self-will, they turn not only against the meaninglessness of existence, but also against any existence that does not contribute to their own freedom, even if it came from God, i.e. from an absolutely meaningful reality. The position taken by such people is so selfish that they **don't/do not** even take into account their own experience, and without thinking, draw the conclusion that there is no meaning in existence; furthermore, existence must not have any meaning. This is the final position of those who deny existence, a position they never question."⁸⁷

Christian thought contrasted all of this with its doctrine of the absolute freedom of the human being as the main definition of the essence of his or her

existence (freedom is the highest gift of God to people). Therefore, evil is not ontological, even though it is subjective: **it's/it is** borne of the evil will of people. "Evil begins in exactly the same place where people being and evil is borne not of the human body in all of its states and manifestations but of the human spiritual world, the human soul that is the actual place where we find good and evil" wrote I.A. Ilyin.⁸⁸

The world is united by the unity of the Absolute Good. God is not outside the visible world; through his incarnation as a human being (God-man), he was manifested as the world beyond. This sanctifies matter and gives human *life meaning*. At the same time, the Christian experience of holiness and spiritual life opened the way to the practical implementation of ancient Greeks' philosophical ideas about the unity of being and absolute freedom as a form of unity (in the **peripatetic** sense of the

concept of form), as well as about human life as a manifestation of this unity.

An evil will that brings about conflict in existence and destroys a person's life can be evil, because it is of sound mind. In other words, at its core it has the ability to learn and distinguish between good and evil. Hegel explained the link between the ability to tell the difference between good and evil and human existence, human freedom and human life with exceptional depth: "...cognition really is the source of all evil, for knowledge, *cognition*, is an act that gives rise to a *gap*; the first negative *division*, the bifurcation in the most immediate definition of being-for-itself. Human nature is not what it should be; cognition reveals this to the human being and gives rise to that being which it should not be."⁸⁹ Thus, in the interpretation of the great philosopher, the "*first division*" *of a single being* passes through the human being and begins with the human being. Thus, people are not on the periphery of the world,

our very life touches the central nerve of the universe. But human life is our self-creation based on learning about ourselves, i.e. thinking as a means of realising the universal thinking of being. We have seen that this notion was directly linked to the highest definition of human existence, the definition of freedom. This freedom and this knowledge can lead us to true existence, or they can give rise to being the way it should not be.

Hegel then expands on the concept that he previously mentioned as an important point: “This obligation is its notion and the fact that it's not like that first emerged in the gap, in comparison to the fact that it is in itself and for itself. Knowledge first postulates contradiction, in which evil arises. Animals, stones, and plants are not evil; evil exists in knowledge, evil is awareness of being or existence for itself as opposed to another type of existence, but is also opposed to the object that is in itself universal in terms of its notion and in terms of

reasonable will. It is only through this gap that I exist for myself and that is evil. Evil in the abstract simply means *compartmentalising*, though which you set yourself apart from the universal, and the latter is intelligent, the laws of the definition of the spirit. **The** universal spiritual only emergence at that point, law is that which must be, since we as people are spirits, we must become being for ourselves because our object is our own *subject*, that which for us is good, the universal, is our very definition. The spirit is free, and freedom contains an essential element of this gap. In this gap, being-for-itself is postulated and evil has its place; this is the source of bad things, but also the point at which the last sources of reconciliation are also found. This is the cause of illness and the source of health.”⁹⁰

The development of the concept of freedom became the highest step in solving the ancient problem of the one and the many, which Christianity transferred from pure ontology to ethics.

But there is another point here that must be emphasised. If we are talking about the concept of freedom as a definition that is equal to the concept of the universal unity of the world, then we should talk about freedom in its entirety, i.e. *absolute* freedom. If we only regard freedom as something relative, deterministic, or as Kant put it, heterogeneous, then we will immediately find ourselves beyond the bounds of freedom. By rejecting the absoluteness of freedom, we reject the very possibility of freedom and, further, the absoluteness of the unity of the world. As a result, we instead postulate duality, pluralism and chaos as the foundation of the world.

If this is the case, we should assume that people are always free and that they are always free absolutely. We can only be objects of social manipulation to the extent that we choose to be. Those who put too much stock in social "technologies" are mistaken. They will immediately

falter as soon as they come up against the maximum and absolute personal freedom, which they will interpret as irrational and mysterious.

Furthermore, a person's moral choice can only be defined by the person themselves. Neither cosmic forces, nor stars in the sky, nor the person's genetic code have sway over you or determine your choice, priorities and preferences. Arguments about the supposed scientific proof of the genetic foundations that precondition our moral choices are little more than a social myth. Something of a higher order can never be determined by something of a lower order; the spiritual can never be determined by the biological, and moral choices can never be determined by genetics.

Paradoxically, the human will is absolutely free even from itself, i.e. its own inclinations and autonomous determinants. I. Kant, however, begged to differ. He wrote: "It can be assumed that if we were able to penetrate so deeply into a person's

mindset as it manifests itself through internal and external actions, we would know every impulse to them, even the most insignificant ones, as well as all external causes that affect that person, then human behaviour in the future could be predicted with the same accuracy as a lunar or solar eclipse.”⁹¹ But the fact is, or so it would seem to us, that it is fundamentally impossible “to penetrate the human mind to that degree of depth,” because people are internally whole and primordial, their personalities are integrative, synthetic, as follows from the philosophy of Kant himself (however, it was Fichte who taught us to understand Kant in this way). It would seem that in this context Kant was still under the influence of modern mechanistic beliefs, when it was thought that the motives driving people could be broken down into atomic elements, like Hobbesian atoms.

Kant goes deeper in the *Critique of Pure Reason*, in which he links freedom to the absolute unity of

the self-awareness of the person and bases his notion of freedom on that: "... freedom can not only be viewed negatively as independence from empirical conditions (in that case, the ability of the mind would cease to be the cause of phenomena), but be positively designated as the ability to spontaneously start a series of events." ⁹²

Freedom must be manifested in the external world, since remaining only internal, i.e. as it was seen by the Stoics for example, freedom cannot be absolute freedom. However, here, as Kant showed, freedom inevitably collides with the outside world of inert necessity, and a contradiction between them is inevitable. This collision is the basis of any classical tragedy—from Prometheus by Aeschylus to Shakespeare's Hamlet to Tolstoy's Anna Karenina. In this contradiction, the human being inevitably perishes, but this is the foundation of the refined heroism that Nietzsche wrote about as he contemplated Kant's reasoning. Meanwhile, Kant

never really required any heroics from anyone, but instead defined the conditions under which everybody can live in the outside world as a free moral individual while remaining alive. This is the recognition of the Other as being equal to oneself, an ability to see free agents in others. Where a person is deprived of an internal motive for this kind of attitude, they are motivated by morality and law. Therefore, “if free will is assumed, then it is enough to take apart the concept of freedom so that morality and its principle follow from it.”⁹³ That said, **it's / it is** important that at the same time human freedom retains its absolute nature: its contents are by no means limited to how people treat each other and are not even determined by this relationship.

Absolute freedom is also the starting point of Fichte's entire philosophical system: “I want to freely want according to a goal chosen of my own accord; I want for this will to be the last reason... the cause that sets in motion, first of all, my body and

through it everything around me, and makes changes in it. The active force inside me must be in the power of the will and not be set in motion by anything other than this will.”⁹⁴

In this way, the dualism of being and non-being, good and evil, as we see it, is an apologetics for the meaninglessness of being, an apologetics of death. Ancient philosophy showed the way in which the mind can think of being in its unity, by thinking and at the same time not thinking "nothing." The latter is presented in the form (albeit not manifested as a form) of absolute negation that removes itself from the positivity of the emerging being. But for this purpose, it was necessary to rise to the understanding of thinking not only as an abstract element (even as the universal essence of being), but as thinking that has the same “matter” as the thinking of a particular person. It was this point, developed by ancient philosophy into a system of positive (albeit spontaneous) dialectics, that could

not be accepted by those who denied the human nature of God, who considered Christ a ghost. Worldviews derived from gnosticism are nothing more than pure apologetics of "nothing". And not just in the theoretical sense, but in a practical sense as well.

In conclusion, we would like to look at this problem taking into account the results **we've/we have** obtained so far. As a problem, the crux of it is that on one hand we can clearly see that evil does exist in the world and its representatives are known. On the other hand, evil is not included in being because it is defined as the negation of being. So how do we go about postulating the unity of being (and the impossibility to think of non-being) and the fact that evil actually does exist in the world? "The following two circumstances torment a person struggling over the meaning of being: the existence of evil and the incomprehensibility of the purpose of being."⁹⁵

The unity of being means the identity of being and absolute good, thereby excluding any involvement in the existence of evil. Let us recall Dionysius the Areopagite when he said, "*evil is non-existent and thus cannot be found in that which exists. Evil as such cannot be found anywhere...*"⁹⁶. Evil and being are incompatible. There is no evil in nature. It appears only as an act of individual self-awareness, an act of a person who has free will. By doing evil, a person brings this division into the world but this division cannot exist in the world. Thus, by doing evil, people attack existence itself. Evil through action, regardless of how private it may appear to the person engaging in it, will also be a crime of cosmic proportion because it breathes existence (being) into non-existence. It would appear that this sort of reasoning contradicts the notion of the unity of being. But being itself resolves this contradiction by localising it in the

individual. Is evil a manifestation of non-existence? No, it just reveals a lack of personality.

A human being is not something borne of nature. Due to the nature of their being, people must create themselves as individuals in the world of being. But if they commit evil, that means failure to exist. The evil done by an **evildoer** is testimony to the **evildoer's** nothingness. There is no personality. There is only universal being, there is no evil and no non-existence. Or (and) is there a multiple personality syndrome that rejects its own synthetic unity? “Bifurcation is separation from the universal being, isolation and ultimate isolation in non-existence close to spiritual death; synthesis, on the other hand, entails a connection to the life of the universe, to God, to all that exists.”⁹⁷ In this case, law only brings the form into line with the content by thinking of freedom or human life, depending on whether there is a partial or complete disintegration of the persona. Thus, the violated law is restored.

Evil is a phenomenon with no essence. However, this does not exclude the question about the subject of evil, including the global subject. After all, subjectivity does not match either self-awareness or personality. Subjectivity is not the definition of being. It is the product of the movement of its reflection, which aims to elevate subjectivity itself to the objectivity and absoluteness of being. But even without this elevation, before it (“before”, of course, in a purely logical sense, without any hint of time), subjectivity is already present in the movement of the reflection of being. It exists and does not exist at the same time. It can be expressed logically, but it cannot be thought of (expressing something logically does not mean thinking it in the ancient or Hegelian sense of the word: reflection is not thought because it is not being). Thus, the logical form of philosophy, its method allows us to understand and say out loud the thought of Dionysius: there is no evil anywhere. They make it

possible to answer a question of fundamental importance for the theory of law; namely, how to combine the idea of the fundamental non-thinkability and non-existence of evil with the fact that evil nevertheless manifests its subjectivity.

The logical form of philosophy, the genesis of which we find in the teachings of Kant, Fichte, Schelling, and ~~and~~ whose formation and development can be seen in the science of Hegel's logic, is not only the result of the development of philosophy, but even more so it is its foundation. Speculative logic cannot be interpreted either as an ontology that describes the structures of being, nor as epistemology that gives an interpretation of the forms of thinking. It should be reiterated that it makes sense only as the foundation and result of that process of thinking, which comprehends the universal unity of thought and being as the unity of the entire universe. This logic gives modern thinking that method, with which it will be in a

position / able to transform itself spiritually and to understand the spiritual. Only on this path can it be given the monistic principle of conceptual being, including the logical interpretation of the traditional philosophy of the problem of good and evil, which we have touched upon in connection with the problems we focus on in our research above, when we considered the ontological teaching of the Church Fathers.⁹⁸

In the logical result of the development of classical philosophy, all the opposites that make up the dialectics of the development of a single being are removed, and it is comprehended as a concrete unity, the moments of differentiation of which rely on themselves as a result of its activity. The concreteness of universal being means that it is the original synthesis, which in itself forms the basis for its analytical distinction in a variety of forms and aspects.

Chapter 4. Freedom as the essence and meaning of being: Dostoevsky's lessons

Classical modern philosophy with its idea of the subjectivity of absolute synthesis entails the development of the rich content that is revealed by the idea of freedom, if it is considered as an answer to the question of combining the recognition (and acceptance by people) of the unity of being and the presence in the world of non-substantial evil (and its rejection by people). The challenge for philosophy was that it now needed to find a method for expressing this content, as ancient philosophers had failed to do. Meanwhile, science responded to this challenge by creating a doctrine on the subjectivity of the unity of thinking and being as a source of freedom in cognition and in the practice of transforming nature and society based on the conclusions of science (Descartes), with this

subjectivity then being developed to the absolute level (Fichte and Hegel).

That said, the need for such a breakthrough in philosophy to deeper principles became apparent only after one and a half thousand years, and outwardly it was not connected either with the problem of absolute freedom, nor with the problem of theodicy which is so prominent in the Christian world view. On the contrary, the purely mundane tasks of creating a new science that was capable of dealing with the challenges of early industrialisation and building a new model of a sovereign state, which J. Boden wrote about in the 16th century, created a need to develop a new methodology for establishing the correspondence between subjective forms of thinking (ideas of the mind) and objective forms of nature and society (things). This distinction between the source and the driving force of the philosophy of modern times ultimately determined

the opposition between its two main branches: empiricism and rationalism.

Philosophy was only able to solve its historical task by comprehending and updating as much as possible the content that it received after the Christianisation of thinking, since the philosophy of the New Age simply did not have any other positive prerequisites for a breakthrough in the development of theoretical epistemology, ontology, methodology of science, or ethics. Prior to this, for many centuries, philosophy required only a categorical apparatus and logical forms for the discursive statement of the truths of revelation (acting as a "servant of theology"). But the potential of ancient philosophy was more than enough for that.

As it moved forward, philosophy had to understand the higher harmony of being as a moral order, the idea of absolute freedom as a key element linking the highest idea of morality and the soul of a person, and it had to reveal the moral potential of

cognition. In other words, philosophy had to somehow deal with all those new ideas that became part of the spiritual world of man with the emergence of Christianity. But philosophy in that era saw itself primarily as the creator of a *new science*, a new method, responding to the social demand of its time. So the true prerequisite for this new stage of development remained hidden from it.

Nevertheless, even when classical German philosophy overcame the atheism of the Enlightenment and the simplified scientism of 17th-century philosophy, and when Hegel's philosophy of nature and his law of philosophy fully revealed the thinking potential specified by its Christianisation, the full explication of this content had not yet become a real fact in philosophical awareness. All the wealth of thought of German classics was the result of appealing to the principle of absolutely spiritual unity of the objective harmony of the world and the moral order of the human soul. Without

understanding this fact, the main category of classical philosophy—an absolute idea, whether in the Schellingian or in the Hegelian interpretation—would have been imagined only as something alienated and opposed to people. This is how classical philosophy was understood by Feuerbach, Kierkegaard, and many others in the 19th century.

Therefore, rethinking the eternal question of absolute freedom of the human being, when its absoluteness reaches the last limit—the freedom to choose or reject world harmony, became a kind of "presentation" of classical philosophy to the modern world. This, of course, was never fully realised by those played an active role in this "presentation". But it was for a reason that Pavel Novgorodtsev pointed to Dostoevsky as the starting point of the Russian philosophy of law.

In order to understand the true meaning of classical German philosophy, rather than getting hung up on the most superficial and premature ideas

about it, in his works Dostoevsky explicates the moral potential of human thinking that directs man towards self-development, which makes Dostoevsky's ideas just as necessary as Marx's, who continued to use the Hegelian method to offer a scientific explanation for the "alienation" of man. Both Dostoevsky and Marx ultimately were talking about the ways in which a person can attain their freedom and *grow*.

Let's / **Let us** take a closer look at this issue.

Firstly, it must be noted that our focus on these aspects in Dostoevsky's philosophy should come as no surprise at this particular point in our **work**. **At** first glance, it might appear that, in terms of text organisation, this should have been done at the end, after an analysis of Fichte and Hegel. But the work presented here is not a statement on the history of philosophy, so **we're/we are** not concerned with chronology.

Our goal is to identify the *key metaphysical ideas that gave impetus to the synthesis of the idea of law* based on the notion of freedom. To do this, we believe it is justified to cite some of Dostoevsky's ideas here, since Dostoevsky was perhaps the most convincing in the way he identified the full potential of the notion of absolute freedom for people in determining the essence and *meaning* of being. It was this potential that was then realised in classical German philosophy. So we need to bring up Dostoevsky here in order to get the correct perspective for the interpretation of the German classics as a metaphysical source of the idea of law based on the notion of absolute freedom.

If the central element of Dostoevsky's philosophia prima is the doctrine of the meaning of universal existence and the significance of this issue for the mind and will of man, and the central element of ethics is the doctrine of good and evil and the freedom of man, his social philosophy is

focused on the question of the historical significance of Russia and the Russian people⁹⁹. However, all these issues are so closely related that they can be separated at most in abstraction, but by no means in reality. As a thinker, Dostoevsky was a "philosopher of synthesis" rather than a "philosopher of analysis". First and foremost, he was trying to see the higher unity of all sides and facets of being.

For him, it was obvious that all the questions that people encounter in life and that he was asking himself had to have one simple answer. This means "simple" not in the sense of simplistic, but rather in the sense that Aristotle talked about when he said that what is simple in nature can be the most complex thing for a person to understand. Alternatively, in the sense in which Hegel talked about the simplicity of concepts.

The possibility of this one "simple" answer is obvious if there is meaning in the universal united being, then all the diversity we see emanating from

it also has meaning. On the contrary, if there is no sense to universal being, then all the diversity we see in nature and life forms have no meaning either, or they descend into an infinite regression of asking about the meaning of the entities, and the meanings of entities of entities, and so on and so forth, ad infinitum. But this is just the appearance of infinite regression; if universal being has no rhyme or reason, the singular being automatically loses all meaning.

The fact is that if the reflective action of thinking is necessary to answer the question about the need to think about the universal *essence* of being, the question of the *meaning* of being already contains reflection. At this stage, no real thinking is required: it is enough for self-awareness to take note of this reflection, and then the need for the universal meaning of individual things, actions and events will become self evident. In the discourse of the problem of the meaning of being, the unity of the

“absolute minimum” and “absolute maximum” is self-evident, and this self-evidence is the whole point!

The very fixation of the reflection of the meaning of being immediately reveals the unity of being as meaningful. This can be achieved both within the framework of discursive logical thinking (the one that H.-G. Gadamer associated with “Logos-Nous-Metaphysik of the Platonic-Aristotelian Tradition” in his article “The Idea of Hegelian Logic”), and even more simply and convincingly—through artistic reflection. That is why in all of Dostoevsky's characters and plots, the universal meaning (the meaning of the universal) always comes through.

Gadamer wrote the following about this logic of the Logos: “The obvious truth of Plato's “Parmenides” is that the Logos is a set of ideas, and the relation of ideas to each other. Since the first truth of Hegelian logic is the truth of Plato, which is already heard in Menon in the form that all nature is

interconnected, the path of remembrance of the One is the path to the All. There are no singular ideas, and the task of dialectics is to remove the untruth for self-being.”¹⁰⁰ If these words are projected into aesthetics, then with a certain interpretation we will get an exact definition of Dostoevsky’s artistic method.

And this unity is not an abstraction of the mind nor the result of the ecstasy of intellectual intuition, but the result of an ascetic experience of communication with the living personality of God—with Christ. For an individual person, the highest unity of the universe cannot be something external and abstract; if there is no unity between that person and the universal being, then this being itself is not united. So, for a person, being is one and makes sense only if said person establishes this unity. But whether this unity is established or not depends entirely on the person, since universal unity is already open to them and includes them. God is the

creator of the supreme harmony and the unity of being, and he always turns to every person and calls them to him. This would be impossible if God were merely an intellectual abstraction and not a living individual. By rejecting the call of God addressed to us, man destroys the unity of the universe, because if there is even the slightest fall away from unity, at the level of one “absolute minimum”, then the unity will no longer be absolute, and all the harmony of the world will be destroyed, immediately rendering all existence meaningless. This is true at least at the level of individual people in the context of their subjective answer to the ultimate question of the meaning of being. But in this case, and only in this case, when the subject postulates the division of being for him or herself, this division *automatically* becomes objective. We therefore need to mention a caveat here: at least, it gets removed by itself.

The highest artistic meaning of Dostoevsky’s work is that each character and each plot embodies

an objective reflection of the higher meaning of existence. The very unity of the harmonious essence of being and its meaning determines the symphonic integrity of the artistic universe created by Dostoevsky. There is no place for dialogue here, because there is no such thing as individual ideas, and anyway there can be no dialogue between good and evil. Every element in this symphony calls upon its creator, and through that a polyphony and supreme harmony are created. Dostoyevsky's world is one of harmony, freedom, existence and life as opposed to gnostic dualism, darkness and death. It is a world in which, as Parmenides would have put it, being exists and non-being does not exist, and as Dionysius the Areopagite would have put it, there is no evil whatsoever. It is not a Gnostic world of non-being whose existence can only be called absurd, but rather, **it's** / **it is** a world envisioned by a Christian thinker and artist.

According to the Christian world view, as well as the characteristic views of classical philosophy, evil cannot be affirmed as a beginning, or as being, just as is the case with regard to goodness. Evil is interpreted as the result of the free will of a rational being, if it criminally diverges from the will of God and from the principles of the order of being established by Him. But that is the last act of free will. By committing evil, we inevitably abandon our own free existence. Therefore, in order to think of existence or being in its unity, we must learn to understand the highest phenomenon of being, which is freedom. Otherwise, we will not be able to cope with the trap of the dualism of good and evil, which will inevitably result in immoralism, as well as explicit or implicit apologetics of evil and death.¹⁰⁰

Human life can only qualify as true being when its essence is freedom. The opposition interpretation of freedom, that is, as self-will rather than the internal harmony between the individual and the

being of order, not as a right, inevitably results in the recognition of the meaninglessness of existence as such. This was clearly shown by R. Lauth in his study of Dostoevsky's philosophy. If self-will is seen as something higher that can be achieved, then to a person striving to be able to do what they want, being becomes intolerable, since we are all created as being dependent on other things. A person who seeks metaphysical freedom takes offense at the fact they were born without knowledge of where they are from, where they are going and what they are destined for, and without power to change the essential conditions of their existence. The consequence of this is protest rather than self-gratification. Obsessed with the idea of being able to do whatever they want, they turn not only against the meaninglessness of existence, but also against any existence that does not contribute to their own freedom, even if it came from God, i.e. from an absolutely fulfilled sense of reality. People like this,

skeptics and materialists, are so selfish that they don't/do not even take into account their own experience, and without thinking, draw the conclusion that there is no meaning in existence; furthermore, existence must not have any meaning. Dostoevsky wrote about this in 1864, in his diary: "The teachings of the materialists can be reduced to universal inertness and the mechanics of matter, which means death. The doctrine of true philosophy is the destruction of inertia, that is, thought/ though, ~~that is~~, the centre and synthesis of the universe and its outer form—matter, that is, God, that is, infinite life."¹⁰²

Thus, at one end of his philosophy Dostoevsky notes the mechanistic Gnostic materialism comprised of "universal stagnation", whereby the whole world is reduced to nothing but matter. From this observation, he tries to strive for the meaning of existence: inertia and dead matter mean death. At the other end is synthesis; in classical philosophy,

synthesis is the idea of the Absolute in its specificity, for example, the transcendental synthesis of self-awareness in Kant or the synthesis of the absolute idea in Hegelian philosophy. For Dostoevsky, this absolute synthesis imparts the transcendental meaning of God (although he does not identify them as such); he then goes on to identify the premises for the question of the meaning of being—overcoming death, and the idea of the immortality of the soul, which is as significant as in the philosophy of Plato.¹⁰³

Christian thought problematises the spiritual component of the humanised *essence* of being in the question of the *meaning* of being. In his analysis of the meaning of being, Dostoevsky goes from individual to the universal: from a single human being's contemplation about the meaning of their own existence to the question of the meaning of existence as such, and to the question of the significance of man as the supreme value of

existence. This logic can be seen throughout all of Dostoevsky's works, who expressed his philosophy through contemplation of human problems. Without people, being would be absolutely mute, but negation of muteness cannot be an attribute of the absolute affirmation of being. But if nobody is asking what the meaning of existence is, no meaning can exist in existence: being is meaningless if nobody question its meaning. Nature does not ask about the meaning of life, so without man in it, nature is incomplete and the universe is incomplete. One **can't** / **cannot** ask nature what the meaning of existence is and whether it has any purpose, because nature cannot answer this question, nor can it ask any. By contrast, the meaning of being is a manifestation of the reflection of existence in itself. This means there must be a subject of this reflection. The small premise of the "absolute inference" of being is a reflective premise, and man is a reflection

of the essence of being, revealed through its meaning.

The question of the harmony of being in philosophical ethics is problematised by the question of what this harmony means for every single person. The answer to this question is what a person's attitude towards the meaning of existence depends on. Questions about the essence of being and its meaning are of the highest value for man, just as man himself has the highest value for created being. These questions relate to human life itself, and only a person alone in the entire universe can pose and answer them. What's more, without asking and answering these questions, we **can't** / **cannot** really be human, because it is impossible to be human without knowing what the meaning of being is. Let us recall Dostoevsky's words: "All those business people that think these issues are meaningless and that they can live without ever pondering them are nothing more than rabble, bugs

and grass on fire." The being of such "grass on fire" is insignificant, transient and meaningless. In order to experience the fullness of human life, a person must be confident that the world they live in has meaning. Without it people cannot live: "This is my wish, this is my desire. You will scrape it out of me only when you change my desires."

By giving form to the ethical problematisation of the question of the meaning of existence, Dostoevsky chooses to argue from the opposite viewpoint. He takes the notion about the meaninglessness and alienation of existence for the individual to the extreme, and then proceeds to analyse what the consequences of that will be, all the way to suicide. We find such problematisation of the meaning of being twice in his works; in *Notes from Underground* and *A Writer's Diary*. The two works are similar in terms of ideology and content.

Commenting on Dostoevsky's train of thought, Lauth notes that raising the question of the meaning

of one's existence up to the question of the meaning of existence in general is the exclusive prerogative of man. Reflection on the meaning of being is, according to Dostoevsky, the very essence of being for a person, and is immediately linked with this and cannot be separated from it. At the same time, it does not really matter whether the person realises it or not: this link to the meaning of existence runs through all his or her desires and thoughts. A child subconsciously believes that being has meaning, and only the frustrations and imperfections of life make them doubt it later on. In their later life, a person can either reject this issue, considering it insoluble, or attribute it to the background of their life, letting it hide behind current affairs and concerns, or (as the writer himself did) turning this issue into the centre of their life, both at the spiritual level and even in their day-to-day affairs. But even when people reject this question, it does not go away and continues to nag at them.¹⁰⁴

According to Dostoevsky, people are constantly trying to figure out if their life has any meaning and how the "crystal palace" of universal harmony and purpose can align with human freedom, including their freedom to turn their back on any and all purpose and tell it all to go to hell. Human existence is completely illusory without it. But even the recognition of this illusion does not save us, since it immediately turns out to be disproportionate to the scale of human consciousness, which requires a positive value for itself and is not content with the purely negative conclusion that I am just an empty shell." If the answer to the question of the meaning of human existence is not obvious in itself and it is possible that existence itself hides it as an eternal secret, the human mind is able to ask and solve the problem of the significance of this issue and its practical consequences. This train of thought is on the whole similar to Kant's logic: if I have yet to prove that the truth is comprehensible, I can

nonetheless still figure out how significant it is for me within the constraints of my own mind. We believe that Dostoevsky offers a compelling answer to this question; if a human being is simply an animal and there is no sense in nature, then there is no meaning to human existence either. But in this case, people should not even exist, because life without meaning contradicts the very notion of a human being. That means that as logically thinking beings, we must resolve this contradiction. That is, we need to bring our reality into alignment with this notion; we must kill nature or kill ourselves. Dostoevsky also models this train of thought in his *Writer's Diary*, putting it in the mouth of his logical suicider, and **it's** / **it is** a train of thought that runs parallel to the reasoning of the underground man and Kirillov in the *Daemons*, which we will quote later on.

“...Indeed, what right did this nature have to bring me into the light, due to some of its eternal laws? I

was created with consciousness and recognised this nature: what right did it have to produce me, without my will, or awareness? Conscious, therefore, suffering, but I do not want to suffer—what would I agree to suffer for? Through my awareness, nature tells me about some harmony on the whole. And people have created religions based on this message. It tells me that, even although I know perfectly well that I cannot and will never participate in the “harmony of the whole,” and I don’t/do not understand what it means at all, I still have to submit to this proclamation, resign myself, and accept suffering in the form of harmony in general, and agree to live. But if I was to choose consciously, then, of course, I would rather wish to be happy only the moment I exist, and the whole and its harmony have nothing to do with me after I am destroyed—will this whole and harmony remain in the world after me or will they too be destroyed immediately after I’m gone. And why should I care

about preserving it after I'm gone? It would be better if I were created like all animals, that is, living, but not consciously aware of myself; my awareness is not harmony, but, on the contrary, disharmony, because I am unhappy with it. Look who's happy in this world—what sort of people agree to live? It is those who live like animals, and whose consciousness is less developed because of it. They agree to be alive, but only on condition that they can live like animals, that is, live a life where they eat, drink, build their nest, reproduce and that's it. Eating, drinking and sleeping like a human being means to profit and to steal, and building a nest means robbing. They will perhaps object to the idea that one can settle down and build a nest on reasonable grounds, on scientifically correct social principles, and not by robbery, as it has been until now. So be it, but I will ask: what for? Why settle down and go to such great lengths to settle in a society of people in the proper way, rationally and

morally? To this, of course, no one can give me an answer. All they can say to that is: to enjoy ourselves. Yes, if I were a flower or a cow, I would enjoy myself. But, even now, as I constantly ask myself questions, I cannot be happy, even with the highest and most immediate happiness of love for my neighbour and the love of humanity for me, for I know that tomorrow all this will be destroyed: myself and all this happiness and all this love and all of humanity will just be gone, having dissolved into the chaos that was here before. And given this condition, I cannot accept any happiness for anything—not from reluctance to agree to accept it, not from obstinacy due to some principles, but simply because I will not and cannot be happy when I know there is no tomorrow. This is just an immediate feeling that I am experiencing and I cannot help but feel it. But suppose I was only mortal but humanity would go on forever, perhaps then I could find some comfort in the thought that

while I may die, humanity will carry on into eternity. Our planet, however, is not eternal, and humanity only exists but for a short time, just like me. And no matter how rationally, joyfully, righteously and sacredly humanity might be settled on earth, all this will ultimately have been for nothing. Although this is necessary for some reason, according to some omnipotent, eternal and dead laws of nature, believe me that this thought contains the deepest disrespect for humanity, and I personally take great offense at it, made all the more unbearable by the fact there is nobody to blame for it.

Finally, even if we were to suggest this fairy tale about humanity that managed to settle on earth at last on some reasonable and scientific grounds—and we could perhaps buy into it and believe in the future happiness of people, then the mere thought that nature needed to torture people for thousands of years before allowing us to partake in this happiness on account of some rigid laws, that mere thought is

unbearable. Now add to that the fact that the very same nature that finally allowed us humans to experience happiness for some reason needs to turn all this happiness into dust tomorrow, despite all the suffering humanity has paid for this happiness. Most importantly, it **doesn't/does not** even bother to hide it from me the way it hid it from the cows and other animals—I **can't / cannot** help but have this extremely funny but unbearably sad thought going through my head: "**what/What** if people were placed on this planet as some sort of experiment, to see whether this sort of creature will be able to survive on earth or not?" What makes this thought so sad is that once again there is nobody to blame, because in reality there was never any experiment and we **don't/do not** have anybody to point our finger to, everything just happened due to some dead laws of nature that I **don't/do not** at all understand and that my soul simply **can't / cannot** agree with. Ergo:

Because in reply to my questions about happiness, nature tells me that the only way for me to be happy is in the harmony of the whole, which I **don't/do not** understand and which I am fairly sure I can never understand.

Because nature not only denies me the right to ask questions of it, but does not even answer me at all, and not because it **doesn't/does not** want to, but simply because it **can't / cannot** answer my question.

Since I am convinced that in order to answer my question, nature simply turned the tables on me and answers them through my own consciousness (because I'm essentially just talking to myself).

Because, last but not least, given this state of affairs I take it upon myself to be both the plaintiff and the defendant as well as the judge in this comedy that nature is putting on for us, and I conclude that this comedy is stupid and I find it humiliating to participate in it.

Therefore, as plaintiff and defendant and judge, I condemn this nature that made me suffer so unceremoniously, I condemn it to humiliation along with myself. And seeing how I can't eliminate nature, I'm going to destroy myself out of sheer boredom by enduring this tyranny for which nobody is to blame."

Thus, life built upon denying global harmony is devoid of any meaning and is thus absurd. The only sensible and reasonable thing to do for the materialist is to commit suicide. No more and no less. Here, at the highest level of understanding the problem of being, specifically at the level of understanding it as a spiritual entity, Dostoevsky chooses to not reflect on it. Instead, he chose to simply follow the tradition of classical philosophy and recreate the train of thought followed by the world's first philosopher, Parmenides. any thought of non-existence is the annihilation of thinking and the annihilation of being, total self-denial. Now the

thought of being as nature denies itself through the subject that produces it, the materialist. The suicide of the consistent materialist is the implementation of the Parmenidean metaphor that being exists and non-being does not exist. In Parmenides we see self-negation of the notion of non-existence, and here we see self-negation of a human being who identifies with non-existence (or distances themselves from the harmony of existence, which is essentially the same thing).

Here, when “nothing destroys itself”, and the Gnostic materialist kills themselves, the philosopher sees only an act of reflection, denying the negation of being and thereby restoring its positivity, affirming its meaningfulness and spirituality. The negative dialectics of Dostoevsky transforms into his positive metaphysics. Therefore, the answer to the liberal nihilism (“Demons”) and the cynicism of skepticism (“The Brothers Karamazov”) in Dostoevsky's system is the meaningfulness and

spirituality of a person who sees their truth and ideal as the perfection of the God-man.¹⁰⁵

One should always bear in mind the exclusively personal attitude that Dostoevsky had to the God-man, in whom he also saw the embodiment of a moral and aesthetic ideal. “There is only one positively beautiful face in the world, and that is the face of Christ, so the appearance of this infinitely beautiful face is already an endless miracle. (The entire Gospel of John in this sense; he finds the whole miracle in one embodiment, in one manifestation of the beautiful),” wrote Dostoevsky to his niece P.A. Ivanova in 1868. But before any other ideals, it was Jesus Christ as a living person that was most important for Dostoevsky. And that was the *main secret* of the Russian genius' philosophy. Only by treating Christ as a living breathing individual could he have uttered the following words: “If someone were to prove to me that Christ is not the truth, and that *in fact* the truth

is outside of Christ, I would stay with Christ rather than with the truth” (from a letter to N. Fonvizina, 1854). Without an understanding of this notion, which comes from Dostoevsky’s “appeal” not to the idea of the God-man, but to His living Person, it is impossible to adequately interpret the Russian writer’s way of thinking. Lauth wrote that Dostoevsky’s philosophy cannot be understood only as a set of philosophemes, without taking into account the artistic and aesthetic principles of his work, style, etc. But even less can it be understood by removing it from the framework of its strictly religious—not philosophical!—content.

Prep. Justin (Popovich), who to this day is venerated in Serbia as a saint first and a scientist second, pointed to the fact that the Christ-like features of Dostoevsky’s positive characters stems from the fact that they all hold on to the enchanting image of Christ in their souls. This image of Christ lies at the core of their personality. They live

through Him, think through Him, feel through Him, create through Him, whatever they do they keep Him in their minds, and thus create the Orthodox Theodicy through Christodicy”¹⁰⁶. Here, the unbreakable unity of the three components of Dostoevsky's work is clearly indicated: artistic, religious and philosophical. The philosophical theodicy was created by Dostoevsky on the basis of his religious feeling and the way he depicted his positive characters. For Dostoevsky, the God-man fully embodied the highest moral foundation of the world in human nature. That is why His message of love and mercy was so effective. Though every person who carries the image of God in themselves is involved in the idea of absolute goodness, it is only through the God-man, through His death and Resurrection, that a person reaches the level of concrete knowledge of this idea. Therefore, the very existence of a person moves to a new level and reveals the fullness of his meanings.¹⁰⁷ Lauth

summarises Dostoevsky's "Christology" in the following words: "Existence arose only because this event could occur: the life and work of Christ. In it, existence was completed and cleansed with the redemptive suffering and overcoming of time and the death by resurrection to perfect existence in God and with God." He uses slightly different wording elsewhere: "God is infinite beauty, identical to perfect being."

Without Christ—not only without the ideal of the God-man, but also without the living person of Jesus Christ—Dostoevsky sees no way to understand and accept the universal harmony of being as the moral order of the human soul. So, he does not see the possibility of the existence of absolute freedom (more precisely: being as absolute freedom): freedom of choice or freedom to reject the world order. This is the lesson of his main work, *The Brothers Karamazov*, which shows an alternative to the false dichotomy of choosing between rejecting

evil and rejecting world harmony. It is the character that allows evil (Ivan Karamazov), on the one hand, and rejects freedom, which is put forward as a condition for overcoming evil (through the power of mystery, miracle, and authority proposed by the Grand Inquisitor¹⁰⁸), on the other hand. The result of this choice is always the same, that is, death. In the case of the former, it is a rebellion against God and suicide. In the latter, it is the dehumanisation of a person through deprivation of their most important asset—freedom, which actually makes a person a person.

What Dostoevsky saw in the problem of good and evil were deeply personal questions regarding the dialectics of the human soul, as well as questions of the place “where the devil fights with God,” questions of the global human anthill and its eschatological alternative, issues of social unity and overcoming the gap between social groups, all of which were so relevant in the Russia of his day (and

remain relevant in Russia today). Solving the problem of good and evil makes it possible to understand the essence and meaning of existence and without this understanding a human being cannot live. The unity of being means the identity of being and absolute good, thereby excluding any involvement in the existence of evil. Evil and being are incompatible. There is no evil in nature. It appears only as an act of individual self-awareness, an act of a person who has free will. By doing evil, people bring this division into the world, but this division cannot exist in the world. Thus, by doing evil, people attack existence itself. Evil through action, regardless of how private it may appear to the person engaging in it, will also be a crime of cosmic proportion because it breathes existence (being) into non-existence. It would appear that this sort of reasoning contradicts the notion of the unity of being. But being itself resolves this contradiction by localising it in the individual. Evil is

conceptualised as a manifestation of non-existence. The only thing it reveals is the absence of persona
109.

A human being is not something borne of nature. Due to the nature of its being, people must create themselves as personas. But if they commit evil, that means failure to exist. The evil done by an **evildoer** is testimony to the **evildoer's** nothingness. There is no personality. There is only universal being, there is no evil and no non-existence. Or there is a multiple personality syndrome that rejects its own synthetic unity. According to Lauth, bifurcation is separation from universal being, isolation and ultimate isolation in non-existence close to spiritual death; synthesis is the connection with the life of the universe, with God, with all that exists. If the meaning of existence lies in its harmonious and multi-form unity, then our existence will become meaningful, if we learn to recognise evil, reveal the secret of its non-existence and its subjectivity, and

find ways to overcome schisms in our souls, in society, and in the world. These schisms are the essence of the manifestation of evil, the insignificant appearance of external reflection, whose appearance has no essence, and does not contain anything living in it. But through these schisms, which give the form of a phenomenon to that which is not there, evil penetrates the world even further: in the split soul of the underground man, death is born; material interest that rose above freedom threatens to turn a person into an ant, but for now, it spreads death around itself; the educated class, detached from the common people, corrupts the people, mocks their faith, and is already secretly ready to proclaim: "Let the people die!" Dostoevsky is ready to give an answer to these diverse questions and offer solutions to these problems in a single word. And this word is "God-man", who historically came to earth as God the Son (the son of God). But the most valuable point to note here is that this answer has nothing to

do with external moralising, or another magical phrase. This answer is literally strewn all throughout the work of the great writer, who suffered greatly in his life. It can be seen in the very harmony of his novels, in which the thinker hoped to see the overcoming of the impending disharmony of absurd non-existence.¹¹⁰

Gnostic dualism of existence and non-existence, good and evil (having a prerequisite for rejecting concrete thinking of the universal and replacing it with an irrational occult “gnosis”) represents hidden apologetics of the meaninglessness of existence, and apologetics of death. Overcoming this dualism, and therefore death, requires the practice of thinking, which follows the path of knowing the harmony between being and the universal. But now the universal is concrete: freedom manifested in the spiritual unity of the world and the human being. Dostoevsky finds this path of concrete thinking in art and religion, asserting the truth of the Christian

faith and making the last point in criticism of the philosophy of Gnostic thoughtlessness.¹¹¹ Maybe this is enough. In any case, humanity had lived through these forms of knowledge of the truth for one and a half thousand years¹¹².

Nevertheless, history finally posed the challenge for philosophy to ascend to a new level of thinking, the task of moving to a deeper principle of philosophy than the one that it inherited from antiquity. Therefore, philosophy had to not only restore the entire depth of ancient thought, but also to open a new dimension in philosophical thinking that allows us to understand absolute freedom as the beginning of human existence and as the beginning of the universe. In other words, philosophy had to reveal the content of the absolute in humans as the ability for self-determination, and as subjectivity. This impetus ultimately led to the emergence of logical philosophy, which synthesises the subjective and the objective and supplies a method for

understanding the absolute as spirit, the substance of which is freedom. Without philosophy's movement towards deeper principles and more complex forms, it would not have been possible to develop the theoretical foundation for the most complex social formation that the sovereign state of the “Westphalian” type proved to be after centuries of medieval particularism.

Part II.

The Logical Form

of Philosophy as the Metaphysical

Foundation of the Theory of Law

Chapter 5. The self-expanding Logos: the principle of subjectivity and its significance for the development of logical philosophy

During the development of ancient philosophy, the definitions of existence turned into the definitions of thinking, thereby their absolute unity became apparent. It was only in the process of this unity that the first beginnings of the world were revealed as being one. The spiritual development of humankind demanded that philosophy reach a new level of dialectical monism compared to classical ancient philosophy, focusing on the problem of the method of cognition. "New European thinking begins with this method, because after the Renaissance and in contrast to the medieval mentality, which was based on the church doctrine of faith and salvation, there emerged a desire for free enterprise in purely human affairs, that is, everywhere, in the economy, which includes trade,

craft and politics. And such a desire for freedom manifested itself first in poetry and rhetoric, and then in metaphysics."⁴

It was no longer enough to know the unity of thought and being only as a result of comprehending a single being or only as its mute premise. Now, unity itself had to speak for itself in that historical dispute with dualism, which brought the dialectics of the immediate unity of thought and being to the level of the opposite. It was necessary to fully comprehend this opposite, so that the unity of thought and being would reveal itself as truly concrete, self-determining, i.e. as a subjective unity of thinking and being. So we initially find it only in the philosophy of R. Descartes. It became common place to talk about the dualistic nature of the Cartesian philosophy. However, we believe the

⁴K.A. Sergeev, Y.V. Petrov. Hegel and Modern Historical Awareness // G.F.V. Hegel, Lectures on the History of Philosophy. Book Three. SPB, 1994. Pp. 15-16.

reality is exactly the opposite: Descartes never introduced dualism into philosophy, rather, he tried to resist it. The starting point of his philosophy, expressed by the principle of "Cogito ergo sum", is strictly monistic. In this, the difference between thinking and existence is postulated to be removed, so only their unity is real.

Let us look in more detail at what is behind this "removal" of the contrasting definitions. In analysing the Parmenidean problem, we noted that a single being can be thought of as divided into "parts", moments, and even more so into opposites, or 1) postulating "nothing" as conceivable (but this path of justifying "nothing" means the path of death for thinking), or 2) finding the source of the difference in the very unity of being, in its own negation. The latter was the general result of ancient philosophy, which came to the negation of being, proceeding from its unity (although the internal process of ancient thinking already included the

notion of negation, as we have shown). Now it was necessary to go backwards, from negation to the unity of being (even though unity here was treated as a prerequisite). In this movement, **we're** / **we are** dealing with definitions of nothing, which would have been preserved as a postulate that supposedly exists alongside being. But this sort of nothingness stops being nothing per se and is reunited with the united being. So here even the appearance of nothing is removed, making it impossible to even pretend that nothing exists. In this manner, thinking overcomes the main point of the Gnostic dualism of being, and nothing which supposedly challenges being. Here, we see the main positive result of the complex and controversial philosophy of new European rationalism: Ancient philosophy lays the foundations of the monistic thinking of being, revealing the meaning of negativity as its own definition of being, self-identifying its differences. Negation here “cuts through” being like a bolt of

lightening, revealing at the same time its insignificance, denying itself and thereby again postulating the unity of being. Meanwhile, the new age rationalism regards existence in this movement of negation.

For this reason, its definitions are reflective definitions. After all, reflective movement is exactly the movement from the essence "from nothing to nothing and therefore back to itself" ¹¹⁵. The meaning of this movement and its result (which, however, does not appear immediately—really only in Fichte's later philosophy) consists in the assumption that negation is only an appearance, in the assertion of negation as the complete positivity of a single being. Thus the absolute minimum becomes the absolute maximum. But the true absolute minimum is self. And it is only in Fichte's later ideas that we find the full disclosure of the positive result of the reflexive movement of negativity of the absolute identity of thought and

being. In ancient philosophy, we find attempts to learn about the universal being that contains negation within it. In modern philosophy, we find attempts to learn about the universal being from the side of this negation. Both, however, affirm the unity of the essence of being. It is important that this unity here appears as subjective, i.e. self-determining, unity (which, as we have seen, is the result of the entire previous development of philosophy). But since the definition of the subjectivity of the substantial has been achieved, our science immediately faces the task of developing the subjectivity of identity to the definition of objectivity.

And in the Cartesian philosophy, we see exactly this sort of development of the subjective identity between thinking and being (as postulated in *Cogito ergo sum*) into an objective identity of its substantial unity. This allowed R. Lauth to assert that the transcendental line of philosophy associated with

names such as Kant, Fichte and later Husserl actually began with Descartes. He believes that prior to Descartes, knowledge was regarded exclusively as objective and was never treated as the subject of conscious reflection. By putting forward his *cogito, sum* as the basic principle of philosophy, Descartes thereby formulated a transcendental viewpoint that postulates the unity of the object and the act through which the object is presented and studied.¹¹⁶

Descartes' radical doubt, which rejects any thought that does not contain the power of authenticity of being, is a concretisation of the process of self-negation of thought or non-existence, which we have already seen in Parmenides. However, if the ancient philosopher viewed the thought of being (and, accordingly, its self-denial) as something direct, the Cartesian doubt, postulated as a requirement of "evidence", already contains the mediation and removed knowledge about the specificity of the absolute. "Evidence" is the thought

of the immediate unity of thinking and being in a scientific postulation. However, since this postulation has a particular and not universal content here, this immediacy can only be “posited” immediacy. To be more precise, it can only be a result of reflection.

Therefore, looking ahead, we note that the requirement for evidence for the supreme foundation of science was the greatest inconsistency for Fichte, who thereby rejected the absolute immediacy of the universal. The requirement for evidence contained a hidden reference to a higher principle, which laid the first foundation. Thus, the universal, in fact, was reduced to the level of the particular and the subject of philosophical knowledge again eluded reflective thinking.

The result of Descartes' radical doubt, as well as the result of Parmenides' self-negation of thought, was the discovery of the universal unity of thought and being. However, since the very act of negating

non-existent thought contained a reflection defined by all the experience of previous philosophy, from Socrates to Basil the Great, existence too was revealed here not as an object to the thoughts of the philosopher, but as a subject.

By postulating *Cogito, ergo sum* as the most basic foundation of science, Descartes ultimately postulated absolute identity between thinking and being. But unlike Parmenides, this identity is postulated and viewed not as being in the sense that it is one with thinking, but as thinking, which is immediately being. In other words, the philosopher looks at this identity not from the side of being but from the side of thinking. It should be noted once again that this approach is not a result of an arbitrary postulation proposed by the researcher, or a whim. It was only possible because the objective unity of thought and being was interpreted through thinking in the historical process of the development of philosophy.

Now, completely new possibilities opened up for philosophy, because firstly, the general thinking and reflection of the philosopher were supposed to be uniform on a categorical level, and secondly, thinking, taken as a starting point and possessing the qualities of activity and self-determination, allowed us to express our identity with being not only in the form of an object, but also in the form of a subject. However, the attainment of this principle, which is deeper than the ancient principle of philosophy, also contained a new challenge, since now, thinking was required to deduce from its own content the definition of the objectivity of thinking and being.

Descartes could not solve this problem, just as Parmenides could not solve the problem of unity and multiplicity of being that he himself posed due to the initial abstractness of thought about being. Accordingly, the absolute subject of Descartes, which ultimately became the starting point of the new philosophy, was only postulated declaratively,

and therefore was abstract in its content. But that was the only way this could have happened, since we are at the starting point of a new philosophy. The concretisation of this principle became possible thanks to the centennial reflective thinking of philosophers such as Descartes himself and all the way to Leibniz and Wolf. Only after that did Kant set the task of explicating the specificity of the subject, and Fichte required that from this specificity the entire objective content of science must be derived.

In the subject itself, marked by the aphorism “*Cogito ergo sum*”, neither the objectivity contained in it nor the necessity of its position are manifested. Descartes correctly connects the impulse to this objectivity with the absolute nature of the subject, but does it in a rather vague manner. Therefore, the call for help from the scholastic ontological proof of the existence of God is very much similar to Anaxagoras' *Deus ex machina*. It is true that the

development of thinking should result in the idea of objectivity as the very present objectivity. But the process of this kind of thinking is only postulated rather than explicated by Descartes. As a result, the postulation of the objective identity of the two substances, thinking and extension, forced Descartes to incorporate non-philosophical content into his philosophy. Specifically, we refer to mythologems of God. And no one can say that we are dealing here with religious content and Descartes is talking about the living God of Abraham, Isaac and Jacob.

As a result, the development of the subjective identity of thinking and being to the stage of objectivity appears in Descartes' philosophy through the relation of three ideas: 1) the idea of the subjective identity of thinking and being ("Cogito ergo sum"); 2) the idea of the identity of the concepts of the universal and the most universal (ontological proof of the existence of God); 3) the idea of the substantial identity of thinking and being

(the idea of two substances as created substances). The first one of these ideas is the immediate beginning, the second is the mediation process, and the third is the result. **It's** / **It is** just that their unity must be an idea that specifically expresses the absolute identity between the substantiality and the subjectivity of the universal. But this specific unity is what we never find at this stage of the development of philosophy. All the three ideas (which could have represented aspects of the absolute idea of the identity of substantiality and the subjectivity of the universal) objectively appear here only as direct data. Their immediacy is clearly expressed in the fact that they appear as completely external, indifferent to each other. This, in turn, is in contradiction with the idea of development, which should be an expression of their integrity.

The external reflection of the philosopher as the individual subject of cognition is once again forced to take on the role of the connecting link. This leads

to the fact that the general link between the three aspects of the idea and each of the aspects separately (especially the first) acquire the features of external subjectivity. Moreover, they acquire it in such a way that the very idea of subjectivity was identified for a long time with the characteristic of the individual cognitive ability of a single subject. Therefore, all three aspects of the idea (already here, in fact, having the nature of the logical) are clothed in an external form marked by random historical features. Consequently: 1) the idea of a subjective identity of thinking and being is described as the authenticity of identity for self-awareness; 2) the idea of the identity of a concept and an object is viewed as traditional proof of the existence of God; 3) the result (the process of achieving which is not described here as its content) takes note of the absence of concrete identity of thinking and being—thinking and being here appear as substances external to each other¹¹⁷.

Consequently, the identity of thought and being after Descartes could only act as a concrete identity in the unity of its subjectivity and its objectivity. Spinoza hoped to achieve objectivity by dissolving the process of self-development of the identity of thinking and being in the abstraction of the result of this process. Leibniz posed the problem of explication of the principle of subjectivity of substance, which was only implicitly posited in the philosophy of Descartes and Spinoza. A single substance unfolds into an infinite variety of subjective substances—contemplative monads. “Subjectivity thus becomes not just a part, a fragment of the world, but its pulsating beginning, from which, in fact, the world itself and its definitions unfold and manifest. The main idea of Leibniz’s monadology consists precisely in the assertion of self-consciousness or apperception... as the initial identity of the difference between subjectivity and objectivity.”¹¹⁸ We note that in

Leibniz's system, the subjectivisation of the substantial remains in fact only individualisation, since the unity of the subjective and the objective here is no more than a good wish (a requirement of predefined harmony), and not a properly deduced principle.

Representatives of philosophical rationalism could argue with representatives of empiricism indefinitely. On the whole, this was all in vain, because the main question remained unanswered: what are the grounds based on which rationalism treats the definitions of the universal, which it only has in the form of thoughts (in the form of innate ideas), as if they were definitions that came from outside of thinking (the existence (being) of things on their own)? But just within the limits of a given level of development of philosophical thinking, this question could not be resolved! After all, if the identity of thinking and being is not specifically defined, then how can we define the basis for the

mutual transition of the definitions of thinking and the definitions of being that are required here?! And then, can the universal appear as universal mediation and as subjective self-justification? Or as a concrete universal? No. Here, the universal was completely defined in the abstract only as the objective primary nature of the world. Subjectivity (the necessary aspect of the universal) was found only on the side of thinking, and on top of that it was understood in a purely rational manner.

As a result of the development of the modern philosophy, the identity of thinking and being concentrated on two poles: subjectivity and objectivity. It is between these poles that the tension of the concrete content of philosophical thought emerged, striving to find the highest form of monistic thinking of being.

The movement towards their unity begins with Kant raising the subjectivity of thinking itself to the rank of the objective, and thereby with the

introduction of the principle of subjectivity into objectivity. But here the process of movement and distinction is already beginning within the boundaries of positivity of the inner negation of being, acting, thus, as the removed negation. Kant takes the first step on this path by raising the question of the nature of thinking that can comprehend the truth. This question is expressed in the problem of distinguishing between thinking related to oneself and thinking related to an external object. By solving this problem, thinking attains true, substantial subjectivity.

All previous philosophy, both rationalistic and empirical, dealt with the definitions of thinking (which included the concept of subjectivity) as with the definitions of things in themselves (with which the concept of objectivity was associated). The unity of the subjective and the objective promised to reveal in full concreteness the essence of the identity of thinking and being, and thereby, give a universal

basis and method for conceptual thinking. But to achieve this, it was first necessary to investigate the relationship between the subject and the object from the point of view of their difference.

In the process of comprehending an external object—through experience—the truth is unattainable, because in experience the object is always given by the conditioned, and the universal revealed by the truth is always thought of as unconditional. Therefore, thinking must go beyond the boundaries of experience. But it must enter not the realm of things that are external to it, or objects that we experience, as this would lead us nowhere, but it must go outside of thinking itself. It is only in this thinking, whose subject matter is itself, that is, in pure thinking, that we get a chance at attaining unconditional knowledge. It is only pure thinking and its products that can be referred to as objective. However, this objectivity is already replete with subjectivity.

Kant's achievement, as noted by R. Lauth, largely stems from the fact that he thematised the Cartesian idea of the identity of the subject of knowledge and knowledge itself. Kant demonstrated that empirical contemplation and reason are two independent abilities of subject constitution, on the basis of which theoretical knowledge is developed. He was also the first to realise that we ourselves construct time and space as pure forms of contemplation, and that is why a priori statements about them are possible. For the first time, thanks to this, it was possible to capture reflexively the constructive experience of the human spirit in the representation of the object in the field of reflexive contemplation.¹¹⁹

Analysis of the subjectivity of pure thinking, defined by Kant as true objectivity, results in the identification of the transcendental identity of apperception, which is inherently synthetic, as the highest unity of thought. The need to justify this

identity as the basis for the deduction of categories, in turn, leads Kant to formulate the idea of a new logic, which he calls transcendental logic. This distinguishes from traditional formal logic, which could also be called empirical logic.

Defining the idea of transcendental logic, Kant firstly notes its formal nature. Like other parts of “general” logic, it distracts "from any content of knowledge, that is, from any relation to the object, and considers only the logical form in relation to knowledge to each other, i.e. a form of thinking in general."¹²¹ But this logic is substantial at the same time. However, its content is of a particular kind—logic must find it in itself, in its very formality. The content of transcendental logic is an analysis of the origin of knowledge whose goal is to separate pure, *a priori*, knowledge from empirical knowledge. Traditional logic, however, is distracted from all content, therefore, it suffers from a peculiar “shortsightedness”: its laws can be attributed both to

a priori and to empirical knowledge, which it is not able to distinguish.

Kant explains why he calls the new logic transcendental logic, and what meaning he gives to this concept in this case. The transcendental nature of the logic is determined by two conditions: 1) it shows that certain concepts can exist and apply exclusively a priori; 2) it explores the possibility of such an existence and application and substantiates this possibility.¹²¹

Kant writes: “...in anticipation of the possibility of concepts that a priori relate to objects not as pure or sensory contemplations, but only as the actions of pure thinking, that is, of a concept, but not of empirical or non-sensory origin, we already establish the idea of a science of pure understanding and mind-based pursuits, thanks to which we think of things completely a priori. Such a science, which defines the origin, volume and objective significance of such knowledge, should be called

transcendental logic, because it deals only with the laws of reason and reason alone, but only insofar as it a priori relates to objects, unlike general logic, which considers the relation between them both on the one hand and empirical knowledge on the other, as well as knowledge based on pure reason without distinction."¹²² Thus, the uniqueness of transcendental logic is determined by at least two circumstances: firstly, it should criticise the source of knowledge, separating empirical knowledge from a priori knowledge, and secondly, it is only the logic of pure a priori knowledge, and therefore it can neither replace the traditional logic that treats objects external to thinking, nor be replaced by it .

Kant's achievement is that he put forward the idea of a new philosophical science, which should, in his opinion, be both the basis and the core of all philosophical knowledge, and be the main philosophical science. With ingenious insight, Kant classified this science as logic, although its

designation as a logical science did not at all follow either from the definition of its subject, nor from the definition of the specificity of its form. Transcendental logic is a science in the depths of which the genesis and production of knowledge was to occur, revealing the subjectivity of the identity of thinking and being. Kant himself did not yet relate it in any way to the ancient notion of the Logos. This relationship would later be revealed when Fichte, Schelling and especially Hegel all tried to fill the gaps in Kant's construction of a new science and overcome its inconsistencies, the subjectivity of identity would be turned into absolute objectivity, and in the logical form of philosophy they would see the content of the global historical and philosophical process.

Kant begins with analytics, i.e. with dividing all our a priori knowledge into the beginnings of pure rational knowledge.¹²³ This is hardly the right thing for a science that should study the primordial nature

of synthesis in cognition and at the same time be a self-applicable science. Therefore, the actual starting point of logical ability—"I think," which is the initial form of spontaneity, an absolutely a priori synthesis of apperception—does not at all reveal itself as such.¹²⁴ The method of presentation remains rational and does not correspond to the method of the subject. It was at this point that Fichte later turned his attention, using the relation to this as the starting point of his demarcation with Kant and his critique of the Kantians for failing to see a pivotal aspect in *The Critique of Pure Reason*; that is, the actual primacy of synthesis with respect to analysis.¹²⁵

The fact that Kant postulated the primacy of a priori synthesis but could not implement this principle by building a science based on it served as the source of those shortcomings of his analytics for which Hegel criticised him the most: "As the Self is the universal transcendental unity of self-awareness,

which generally brings the empirical matter of representations into communication, different types of this relationship exist in the same way, and this is the transcendental nature of categories and universal definitions of thinking. But Kant comes to these types in such a way that he simply takes them in the treatment that they received in ordinary logic."¹²⁶

From this we can conclude that the main goal is not achieved, namely, the deduction of pure definitions of reason for the Kantian transcendental logic. Therefore, Hegel is even more categorical and harsh regarding the culmination point of transcendental analytics in the concepts presented in the Critique of Pure Reason—a deduction of categories carried out by Kant on the basis of the recognition that the essence of the concept constitutes “the original-synthetic unity of apperception”. However, in terms of the actual formulation of the problem, he considered this position to be one of the deepest and

most correct views found in Kant's Critique of Pure Reason.¹²⁷

It would appear that despite the fact that Fichte and Hegel made some good points in their critique of Kant, they were both wrong about one thing: it was hardly possible to demand from Kant that the principle of primary synthesis of a concept must be self-applicable. Kant did not yet have the methodological tools necessary for constructing such a logical theory, which were later developed by Fichte and Hegel themselves, but they developed these on the basis of Kant's philosophical legacy. “By an a priori synthesis of the concept, Kant acquired a higher principle in which duality in unity could be recognised, and therefore, what is required for truth could be found.”¹²⁸

Nevertheless, it was Kant who formulated the basic prerequisites for the development of the logical in German philosophy. Hegel, comparing his science of logic to Kant's transcendental logic, noted

that the latter partly corresponds to what he himself defined as “objective logic”—the first part of the science of logic, which includes the doctrine of being and the doctrine of essence.

The very content of transcendental logic can serve as the foundation for such an analogy: the analytics of concepts examines the categories that Hegel analyses in the section on "being" (for example, quality, quantity); the foundational analytics looks at the relationships of contradiction (supreme foundation of all analytical judgements), relationships of foundation (supreme foundation of all synthetic judgements), relationships of causality (the second analogy of experience is “the foundation of occurrence” and partly the third analogy, “the foundation of communication”), relationships of modality (postulates empirical thinking), etc., which Hegel considers to fall under the "essence" rubric. However, the analytics of concepts considers the categories that Hegel analyses in “essence”

(causality, modality) and the analysis of the foundations also looks at the definitions of quantity (extensive quantities in relation to the axioms of contemplation and intensive quantities in relation to anticipations of perception”). Meanwhile, transcendental dialects **remains/remains** outside the bounds of the analogy.

With the same success (and, perhaps, even with greater success), one could draw analogies between the development of logical content in transcendental logic and Hegel's “subjective logic”, i.e. in his doctrine of the concept. Then, the analytics of concepts would correspond to the concept, the analytics of foundations to judgement and partly to inference, and transcendental dialectics to the doctrine of inference, of objectivity and of the idea.

Thus, no direct analogy can be drawn: in transcendental logic, if we look at it from the point of view of the Science of Logic, we would find a mixture of concepts of varying levels of

concreteness and a completely different nature with regard to the relationship between logical forms (concept, proposition, and inference), as well as a different interpretation of their meaning. In addition, the analogy is made more complex by the fact that the Critique of Pure Reason does not only have purely logical content, but also contains both logical and phenomenological content, and even psychological content, in undifferentiated form. The latter is largely a result of Kant's subjectivism in how he interprets the nature of the concept. It is important to note that it was precisely this subjectivism that Hegel linked with the formalism of Kant's interpretation of the nature of the logical: "... the concept is recognised as something purely subjective, from which reality (*herausklauben*) cannot be brought out, by which, in view of the fact that it is opposed to subjectivity, objectivity should be understood; and in general, the concept and the logical are declared to be only formal, which,

because it distracts from the content, does not contain the truth.”¹²⁹

We believe that it was the phenomenological and psychological aspects that researchers tend to pay most attention to. The logical content of the Critique of Pure Reason (especially in the analysis of the foundations in its connection with the Critique of the Power of Judgment) has yet to receive detailed analytical treatment from the standpoint of speculative philosophising.

Hegel viewed logic as an element of reason. As we know, Kant was the first to distinguish between understanding and reason. According to Kant, discursive understanding is not enough, because understanding cannot have knowledge of the unconditional, since the unconditional, having no sensuous analogue, cannot be deduced from experience,¹³⁰ and the categories, according to the highest principle of all synthetic judgements, make sense only as experimental conditions.¹³¹ In terms of

understanding, the mind is doomed to draw one conclusion after another about objects of experience, but it is never going to be able to complete this series of conclusions, since the completion of a series of conditional judgements (conditional a posteriori, i.e. through experience, or in a priori synthesis, i.e. through each other) must be precisely the unconditional.

Thus, according to Kant, the mind is not capable of understanding the internal link between judgements, their coordination etc. It literally does not comprehend them. However, Kant still insists that it is possible to substantiate knowledge, at least for the simple reason that it constitutes empirical fact. According to the author of the *Critique of Pure Reason*, this task can be tackled by the capability that humans have that he refers to as reason.

Reason must transcend the form of judgement. Therefore, the highest principles of the mind, that is, ideas, are principals of the relations and

transmutations of judgements, i.e. they are principles of logical conclusions.¹³² Kant deduces the system of ideas of reason, analysing the content of the logical form of inference. Ideas make up the concreteness of three aspects of inference: the foundation of the beginning (the first subject of inference), the completeness of the conditions of the judgement (the totality of the judgement itself, the conclusion itself), and the basis of the result (the final predicate of the conclusion). Therefore, the relation between ideas is itself a conclusion, and so the form and content of the logical are one and the same here. The justification of the logical form turns out to be the logic equivalent to that form.

Each of the elements of the absolute inference attained in this manner (a specific subject in unity with itself, unity of inference conditions, the last predicate is the highest concept of reason) must also include two other elements. If Kant had revealed the essence of this unity in each of the three elements,

then he would have received the absolute form of their identity, i.e. an absolute single idea. Then, already within the framework of critical philosophy, the logical concept of existence that is united in its self-distinction would have been achieved, the concept of a concrete identity of the ability of knowledge and the subject of knowledge, reflection and thinking, the logical form and content of the idea. But that would have been incompatible with the idea of experience as the source of all knowledge, and Kant could not abandon that notion. In addition, revealing the content of the unity of the three elements of absolute judgement as highlighted in the analytics of the foundations would have required the method of cognition itself to be reworked. However, it was Fichte who first began to address this.

Thus, Kant's three ideas remained external to each other and were examined on the basis of external problems, which were also heavily

burdened by the originality of historically developed features. This is a problem of the soul and its substantivity, the infinity of the world, and the relation between being and the notion of God. That said, this issue could be looked at from another angle; an internal link is revealed here between the logical problematics and the content that was previously the subject of metaphysical research. Nonetheless, the meaning behind this relation still remained unclear to the author of the Critique.

Ideas as transcendental concepts of reason that are opposed to immanent concepts.¹³³ The latter are related to objects of possible experience, the former are devoid of this. However, we must then enter the realm of transcendental concepts of reason, since we must allow for the unconditional, which would give rise to a number of conditions and make a large premise of inference possible. The unconditional cannot be given in experience, nevertheless, it is

related to all acts of cognition, and in this sense Kant defines it as absolute.

Since the subjective reality of an idea lies in the fact that Kant leads us to it by analysing the necessary conclusions, and these consist of three types (categorical, hypothetical, and disjunctive), there are three types of ideas that correspond to these three types of conclusions. Thus, as in the more well-known deduction of categories, Kant's logic here is directly opposite to the logic of the subject he is dealing with: *it's* / *it is* not from ideas that we arrive to the conclusions they stipulate, but rather we "guess" about ideas by considering the conclusions that are already known to us.¹³⁴

It should also be noted that by and large Kant was not satisfied with this course for knowledge acquisition and he must have been aware of its shortcomings. Therefore, in his Critique of the Power of Judgment, he puts forward the idea of hypothetical understanding that "goes from the

synthetically general (contemplation of the whole, as such) to the particular, i.e. from whole to parts. Therefore, ideas about the whole do not contain the randomness of the connection of parts in order to make a certain form of the whole possible, as our understanding needs to go from parts as the foundations, which are conceivable in a general way, to various possible forms to be summarised under these foundations as consequences”.¹³⁵ However, here we draw attention to the fact that Kant does not see any other way than to base such understanding on the faculty of contemplation, excluding the possibility of its purely logical nature. At a later point, Schelling followed this specific path.

A psychological idea corresponds to the form of a categorical judgement or conclusion. Kant explores this while criticising the paralogisms of pure reason. The hypothetical form corresponds to the cosmological one. Here Kant reveals the antimonies

of pure reason. The theological idea corresponds to the disjunctive form. At this point, Kant raises the question of the idea of pure reason and analyses the immortal question of the relation between God and being.

Although all these problems are actually directly related to the topic of our study of the nature of the logical, we must nevertheless consider them on the basis of Hegelian philosophy. Therefore, we will not dwell in detail on the identification and assessment of the speculative-logical meaning of the Kantian doctrine of reason. We will only note here that Kant recreates the logic of absolute inference first proposed by Descartes; in examining the scope of psychological ideas, Kant mainly analyses the Cartesian "I think"; within the cosmological notion, the question of the nature of being is clarified; where we are talking about the ideal of pure reason, the question of the possibility of synthesis of Self and existence (being) is considered (the last question

is even looked at using Cartesian material: the problem of ontological proof of the existence of God). And just like Descartes, he fails to combine the three notions into a single absolute idea.

If the analysis of the logical content of Kant's transcendental logic had already been carried out in this context in modern scientific literature, it would be possible to more accurately and objectively identify the differences in the nature of the logical between Kant and Hegel. Moreover, we would have been able to offer a more accurate explication and a deeper interpretation of the logical content of the Hegelian philosophy of religion, his evidence of the existence of God, and his teachings about the soul.

Noting the differences in the interpretation and image of the logical between Kant and Hegel, we should also mention what the two largest representatives of classical German philosophy have in common. M.F. Bykova addresses this issue, and in our opinion she is right in noting the commonality

(as well as the source of difference), specifically in how they resolve the issue of the relation between subjectivity and the synthetic unity of apperception on the one hand and pure logic on the other. “A pure subject as a principle of thinking (a subject of pure mental actions),” writes Bykova, “is for Kant, as for Hegel, the principle of logic. It does not precede logic and is not developed in some separate science of its own, but is a universal notion of logic itself. However, the core different in the Kantian interpretation was that pure apperception was for him a principle of logical unity in general, and thus for him it represented a principle of formal logic. It was at the same time regarded as a principle of transcendental logic, alongside sensual contemplation, which provided this logic with a diversity of content. By contrast, Hegel believes the pure subject (or concept) produces the multiplicity of definitions that correspond to it. And therefore,

logic that is based on this principle is not formal or transcendental, but speculative logic.”¹³⁶

Kant quite correctly (and this may be his most significant contribution to the development of the nature of the logical) insists that a direct transition from pure thinking to the definitions of reality itself is inadmissible. With this transition, we get paralogisms and antinomies, and cognition feeds on illusions. But at the same time, Kant forbids any transition from pure thinking to thinking of reality and objectivity, even if we are talking about the objectivity of thinking itself.

Although Kant's pure logical thinking turned out to constitute both subjectivity and objectivity at the same time, as objectivity it cannot become the subject of theoretical reason, it turns out to be a thing-in-itself for him, and it is at that point where it connects with subjectivity. Pointing to the fundamental impossibility of maintaining an immediate relationship between the two forms of

thinking, pure and empirical, it was necessary to reveal the certainty of the process of mediating their relationship. However, this is precisely what Kant cannot do, fixing only the starting point for the correct solution to this problem.

Kant identified a contradiction between 1) the need to remove the immediacy of the relationship between pure thinking and objective thinking and 2) the lack of mediation in this relationship. However, the contradiction does not go away, instead it constantly manifests in the schemes between a phenomenon and the thing-in-itself. The concept of the thing-in-itself appears before reason when it must begin to understand the universal and unconditional: the Self of self-reflection and God (or to be more precise, what is understood by God in this context). Both are defined to one degree or another as a thing-in-itself. It is important to note that this very duality of the thing-in-itself is illusory. In actuality, the thought of a thing-in-itself only

expresses the contrast noted above between pure thinking and objective thinking.

This schemes runs through all lines of Kantian philosophy: between the transcendental unity of self-awareness and the categories of understanding; between understanding and reason; between freedom and necessity; between the fact that we should not think of the soul, the world or of God in the same exact way that we think about external things, and the fact that we can not think of them in any other manner. Practical reason also does not overcome the dualism of necessity and freedom, being and thinking, dwelling on the ideal of good without reality. Here, the point of view of subjectivity in the interpretation of the logic of objective action is most clearly expressed.

In relation to the subject of philosophy, Kant performs the same tasks that were addressed since ancient times by philosophy as it carried on in the Socratic tradition: to show how we can think of the

subject of philosophy—a single being, as existence that distinguishes itself. In essence, it is still the same old **Paramenidean/Parmenidean** problem: to think of the single being simultaneously as the many, which means thinking of it specifically and making it key to knowledge about reality in conceptual terms, rather than having it as an abstract conceptual subject of contemplation.

However, now this subject is no longer just being. The negation of being that is identical with thinking revealed and defined its positive essence in the development of modern philosophy. Philosophical thinking now ascends to it, moving from reflexive definitions to concepts. At the same time, it becomes obvious that this positivity of the “negation of negation” of being can no longer be adequately reproduced either in the definitions of being in itself, or in the definitions of thinking in itself, but must be dialectically revealed within the framework of a concrete identity of thinking and being. Moreover, it

can only be revealed by those means that are adequate to the universal essence of identity. This is a result of the previous development of philosophy that was formulated in Kantian philosophy with the utmost clarity. It is possible to move forward beyond Kant's philosophy only by expanding upon the aforementioned identity. And it was Fichte who began to work out a solution to this problem.

Chapter 6. The Logical Content of Transcendental Philosophy and the Problem of Transitioning to the Philosophy of Absolute Idealism

The substantive and formal schisms in Kant's philosophy are the result of an inner distinction between the identity of thinking and being. Through each break in the subject field of Kantian philosophy, the concreteness of the unity of thinking

and being shines through. This, however, was not recognised by Kant himself. For this reason, when he presented the findings of his philosophy in his three critiques, he insisted exclusively on the contradiction between thought and being. The highest expression of this contradiction is the principle of transcendentalism.

Fichte had every right to claim that Kant did not understand the significance of his own philosophy; it was Fichte who took the necessary step to explicate its true content. In Kant's philosophy, the identity between thinking and being reveals its subjectivity. It itself must be the source of activity, consisting in the self-distinction of identity and in removing the difference. However, the subjectivity here does not yet capture the thinking of the philosopher himself, who must depict the process of its movement. Prior to Fichte, thinkers could perceive themselves as a subject of philosophical knowledge, only referring to themselves as an

empirical subject (at least in the era of modern philosophy), which could not but distort their attitude to the subject of his science. Such a subject is able to record the findings of knowledge only at the moment of its negation, but is not able to bring negation to a positive statement and thereby reduce the opposite definitions (self-determination) of the universal into a concrete unity. It was thus necessary to revise the thinking of the subject that is learning about the universal. Consequently, this also meant that subjectivity had to be expanded upon.

With some degree of simplification, we could claim that a method of speculative philosophy was being developed here. It was for this reason that Fichte gave this method the focus it needed, which made it possible to discover the true content of Kantian philosophy, but in a form that was completely different from what Kant envisioned.

The Fichtian philosophical method is called the transcendental method, and his philosophy is called

transcendental philosophy. We will cite the definition given by R. Lauth, which we believe to be adequate: “What a philosophical statement makes transcendental is not the kind of subject matter (be it knowledge or even the unity of knowledge and the subject matter), but the fact that what is thought about in it is the relationship with the essence of its own knowledge, the unity from which they both emerge—this subject matter and this cognition.”¹³⁷

Hegel noted the primacy of the synthetic identity of pure and empirical consciousness which was indicated in transcendental philosophy: “The identity of pure and empirical consciousness is not an abstraction from their original opposites, but, on the contrary, their opposite is an abstraction from their primary identity”¹³⁸. This becomes clear after reading Kant's philosophy. But it was only Fichte who made the very fact of the primacy of the identity the starting point of philosophising and develops forms for analysing this primacy

(especially in the later versions of his teachings on science), which makes the previous form of philosophy fundamentally impossible. The thing-in-itself is also made impossible in this new system that now reveals all of its foundations.

According to Fichte, the philosopher in the process of cognition must discover such a self-movement of thinking that does not depend on their subjective will, but, on the contrary, is its highest principle (as well as the highest principle of the subject's theoretical ability). Here, the philosopher only controls the observation of the movement of the Self, the reference to itself constitutes the activity of the Self, which is therefore objective in relation to philosophical reflection¹³⁹. It is important to note here that this reflection is no psychological introspection; in actuality, what **we're** / **we are** dealing with here is a process of removing the finiteness of thinking itself, and ascending to universal thinking. The latter represents the reality

of the identity between pure self-awareness as opposed to empirical consciousness. However, unlike Kant, Fichte insists that this pure self-awareness is not a thing-in-itself but is the real content of philosophical knowledge. It is a substance beyond all knowledge, activity, or self-justification of any notions. Therefore, the science of pure self-awareness (epistemology, the science of knowledge) is the foundation for any and all scientific concept. Not, however, in the sense that it imposes prescriptions on science regarding the methods and goals of cognition, but in that, by opening up the path of activity for the universal substance of self-awareness, it makes the very possibility of thinking in conceptual terms relevant.

Specifically, the form of pure self-awareness, according to Fichte, is absolute certainty and self-evidence, and therefore it contains the highest foundation of knowledge, the reliability of which determines the reliability of all other certain

provisions.¹⁴⁰ However, this foundation itself should be a science. It is with regards to this last assertion that Fichte made a big step forward compared to his predecessors, especially Descartes. The latter, as we recall, also put forward the requirement of constructing a system of scientific concepts, each of which had to meet the criterion of evidence and reliability to the extent that basic position B is evident to be the foundation for a given position A and to the extent that the link between them must be obvious. Descartes, like Fichte, linked the first foundation with the form of pure self-awareness and its subjectivity. The Cartesian Cogito corresponds to the Fichtean Self, and in the philosophy of Descartes we find the first holistic system of transcendentalism.¹⁴¹ The step forward taken by Fichte consists in connecting to the idea of the evidence of a higher foundation with the idea of mediation. If for Descartes the immediate evidence of the foundation is sufficient to develop a system of

internal mediations of deductive science, then Fichte already demands mediation within the limits of subjective evidence itself. In other words, he demands that it itself become a science. And that's what epistemology must become for Fichte.

What is remarkable is that in defining this content, Fichte limits it exclusively to the formal aspect: it is just a science, knowledge in the formal sense of the word.¹⁴² In this capacity, it gives other sciences their foundations and their form. Since, according to Fichte, another science emerges here under the name of logic, with the same claims, it is necessary to study how the science of knowledge relates to logic.¹⁴³ The corresponding paragraph in his work on the Science of Knowledge (how general epistemology relates to logic) allows us to conclude that, for Fichte, the term logic on the whole meant what it means in traditional usage (here Fichte makes a step backward compared to the Kantian interpretation of transcendental logic): logic is an

artificial product of the human spirit in its freedom.¹⁴⁴ According to Fichte, logic is only formal while epistemology offers sciences not just form but also content. Therefore, Hegel's teachings on the logical and his Science of Logic should be compared not with Fichte's writings on logic (as that would represent only a partial comparison) but with Fichte's epistemology. It is in epistemology that the content that Hegel later defined in the notion of the logical is concretised.

This becomes quite obvious if we recall that Hegel, like Fichte, called his basic philosophical science formal. The only subject and content of philosophy for Hegel is the absolute idea¹⁴⁵. Logic depicts the self-movement of the absolute idea and “has in its content itself as an infinite form, a form that is the opposite of content insofar as the content is the definition of form brought back to itself and removed in the identity in such a way that this particular identity is opposed to the identity

developed as form”.¹⁴⁶ In logic, form and content pass into each other and content is only an aspect of self-determination of the absolute form, which distinguishes itself in itself on the one hand, and itself as identical to content on the other. “The certainty of an idea and the entire development of this certainty constitute the subject of the science of logic; from this unfolding, the absolute idea itself emerged for itself; for itself, it turned out to be such that certainty does not appear in the form of content, but entirely as a form, and that the idea thereby appears as a completely universal idea.”¹⁴⁷

It is the formal aspect of the content of Fichte’s science of knowledge that corresponds to the nature of the logical as defined by Hegel. It should be noted that Hegel linked Fichte’s Self with his pure concept¹⁴⁸. Accordingly, the science in which the concreteness of the Self is defined can be regarded as the science of a pure concept, i.e. as a science of the logical in the sense in which Hegel defined this

concept. However, while Hegel's content of his "first philosophy" is limited to the limits of the most absolute form in its development, Fichte seeks to concretise the subject of science, defining it as a system of human knowledge in general.¹⁴⁹ Of course, we are not talking about the empirical content of knowledge to which science gives form. At the same time, in our opinion, we still have an intersection of the logical and phenomenological content, which Hegel subsequently sought so consistently to separate in the process of establishing the logical form of philosophy¹⁵⁰. By making "knowledge" the main object of philosophical analysis in the later versions of *Foundations of the Science of Knowledge*, Fichte seeks to exclude from it any empirical content and contrasts it with "actual consciousness."¹⁵¹

Fichte's science of knowledge (*Wissenschaftslehre*) by and large solved the problem that Hegel approached through speculative-

logic, and which dates back to Parmenides' statement about the question of the unity and multiplicity of being: to reveal "the incomprehensible real foundation of the separation of the individual and the ideal connection of everything."

This goal remained unchanged from the very first versions of Foundations of the Science of Knowledge and all the way to his later drafts. The goal of the science of knowledge is defined as converting everything that is diverse into absolute unity.¹⁵² Self as the highest synthetic unity must in itself find the foundation of its difference on the opposite. Moreover, Fichte regards the Self as given as a unity, not immediately, but because it contains in itself a negation of all the finite through negation of the negative relation itself. Thus, it is the immediacy that contains mediation, the immediacy of mediation itself. However, in the first versions of the science of knowledge, negation was defined only

through the process of abstraction, so the actual synthesis of immediacy and mediation was not obvious.

The universal Self, because it is none other than negation related to itself, is also unity. Thus, Self is the concrete unity of the universal and the singular, even though this concreteness is achieved in a manner that is still external to it, i.e. through abstraction.

As a concrete unity that distinguishes itself in itself, the Self must create its opposite. The opposite of Fichte's Self is what he termed the "Non-Self". The opposites of Self and Non-Self must be connected and equalised with each other, without destroying each other.¹⁵³ Non-Self can be interpreted as nothing, or nothingness, if it is abstracted from the process of defining its Self, and from its restriction on the part of the Self.¹⁵⁴ In abstraction from the activities of the Self, the Non-Self could be conditionally regarded as an analogue of

Parmenides' "non-existence", which cannot be conceived, expressed or named. In specific interactions with the Self, it should better be defined as Plato's "other".

The problem can be solved if we recognise the divisibility of the Self and Non-Self and, through this, recognise the possibility of their mutual limitation, which would be the way they interact without mutual negation. The posited Self and Non-Self were unconditional foundations and in this sense they could be called transcendental ideas in the spirit of Kant. Meanwhile, the third foundation (Self contrasted with the indivisible Self) is a conditional proposition. It is the original synthesis that makes the logical notion possible in the first place. A consistent system of syntheses of science, which results in the concepts of boundary, substance, representation, etc., can therefore be considered as a process of development of a universal logical concept.

The beginning of the development of this process, which is precisely the third foundation, according to Fichte, is immediate (just as indefinite immediacy will be the beginning of the logical process for Hegel): "This synthesis is immediately possible; we are authorised to it without any further basis. All other syntheses, which must be valid, must be contained in it; they must be carried out simultaneously in it and with it."⁵ Due to this, each of the syntheses can be defined as immediately relevant and obvious as the first synthesis. Thanks to this, the process of presenting a logical notion is carried out as a science in accordance with Fichte's understanding of the knowledge of science.⁶ However, although these subsequent syntheses of the concept should be recognised as immediate, since they are derived from the immediate

⁵J.G. Fichte Writings in two volumes. V.1. SPB, 1993. Pp. 98-99.

⁶See: *ibid.*, pp. 18-20.

foundation, they are nevertheless simultaneously mediated by the processs of derivation. The latter, however, also applies to the third foundation itself.

The presence of a divisible and mediated Self in the third foundation along with a completely immediate and self-identical Self of the first foundation indicates the need for the concept of an absolute Self, which would include the definition of immediacy and mediation of the Self. It is important to note that for Fichte we are not talking about two or three Selves—in science we are dealing with one single Self, which itself implies immediacy and mediation, divisibility and indivisibility, universality and singularity.

It is this, the absolute Self, which is revealed through the completeness of all three foundations and the system of subsequent syntheses, that is truly the first and starting point of the science of knowledge. The foundation of the absolute Self is an act of self-positing, from which it is impossible to

abstract oneself and which Fichte defines as an act-action (*Tathandlung*). He contrasts “*Tathandlung*” with “*Tatsache*”—a fact whose essence consists precisely in the fact that it is not self-sufficient, can be abstracted from itself and is an object of a subject external to it.¹⁵⁹ The concept of “*Tathandlung*” can be considered as one of the most profound in Fichte's epistemology.

However, since Fichte insists on his demand for the evidence of the starting point, the aspect of immediacy in the absolute Self is abstracted. The result is that in the early version of Fichte's *Foundations of the Science of Knowledge*, it was not possible to make ends meet: this abstract immediacy, naked immediacy, devoid of mediation as its necessary second definition, constantly reveals itself as an external justification of the system.

First of all, it affects the nature of Fichte's method itself, which is more reminiscent of suggestive induction than speculative deduction. P. Gaudenko

comments on Fichte's method: "Self and Non-Self are opposites: how can they be united without at the same time losing the quality of being opposite to each other? So in order to bring them together, an intermediary link is placed between them, which is influenced by both of them and through which they indirectly influence each other (and thus merge into a single entity). But in this link, too, it is necessary to assume a point at which both opposites coincide again; to prevent this, a new link must be placed and so on ~~and so forth~~. This process can go on ad infinitum; after all, it's clear this process can never be complete, and goes into infinite regression. The philosopher puts a stop to that himself when all theoretical abilities are logically deduced using this technique."¹⁶⁰ Thus, the subjectivity of the philosopher is a necessary aspect in the development of the logical concept, which clearly contradicts the requirements imposed by Fichte himself.¹⁶¹

Secondly, “without infinity there is no limit; without limitation, there is no infinity; infinity and limitation are combined in one and the same synthetic link.”¹⁶² However, if an infinite activity, according to Fichte, constitutes the very essence of the Self, then the rationale for its limiting activity turns out to be a real obstacle for the German philosopher. And, after all, only this justification would mean the concreteness of the concept of Self—its real capacity for self-division, self-limitation and thereby— for self-postulation. In order to solve this problem, Fichte introduces the proverbial original push (*anstoss/ anstoß*), which is external to the system and abstract in ~~in~~ its immediacy as a source from which restrictions are imposed on infinite action.

Thirdly, the remaining immediacy manifests in his desire to rely on intellectual contemplation, i.e. to justify concepts using methods that are non-conceptual.

The internal rift of epistemology, the contradiction between the development of a logical concept as a unity of immediacy and mediation, on the one hand, and the retention of an element of exposed immediacy, on the other hand, led Fichte to constantly revise his epistemology. He was also encouraged to do so by accusations of subjectivism that were coming from his critics, the most serious of which were brought by Schelling and Hegel.¹⁶³

In later versions of the Science of Knowledge, Fichte seeks to explicate the absoluteness of the Self and make the totality of all its definitions, which he denotes as "knowledge", the actual starting point of epistemology. "The unity to which all the diverse should lead can only be knowledge in itself."¹⁶⁴ This is especially evident if we turn to the theme of the 1804 lectures: when developing the basic principles of epistemology, Fichte is constantly striving to solve two problems 1) to trace the process of putting together a figure of knowledge and 2) to justify the

possibility of reducing all knowledge to the form of pure knowledge. Structurally, epistemology begins now with a kind of **antithetics/antithetic**, the essential content of which Fichte formulates as “rising from a disjunction through conjunction and synthesis to pure unity, which in itself does not have either a conjunction or a disjunction... A pure consequence, a **jump-off point**, an absolutely renewed visibility in itself and for itself. The same forever and ever again”.¹⁶⁵

In epistemology there is now an opposition between pure unity and the pole of diversity, and thus there is no unity. The notion of pure unity is opposed not only by the notion of disjunction, but also by the notion of conjunction. Both conjunction and disjunction assume that there is a difference between at least two points through their “disjunction” or “conjunction”. As Fichte points out, pure unity as a verbal expression for what is ultimately just "one" in itself knows no such

division. Both the affirmation of unity and the affirmation of non-unity, including their opposition, require justification. Without this, their bare evidence will turn out to be a "proposition of a proposition with an absolute gap", "a walled up and closed internal essence, naked pasting onto an external being."¹⁶⁶ Instead of a simple factual statement in epistemology, Fichte requires justification of a contradictory phenomenon, demands "the introduction of a genetic or (in other words) intellectual authenticity in the Internal or in the foundation of the essence of the matter (Sache)."¹⁶⁷ In further exploring the phenomenon of absolute doubt, Fichte uses it as a necessary prerequisite in order to approach specific antithetics of the "affirmation and negation" of absolute unity. The latter is resolved by considering the living existence of the consciousness. The living notion of absolute knowledge is interpreted here as the true image of the absolute.

A detailed analysis of Fichte's late science of knowledge falls outside the scope of this work.¹⁶⁸ The nature of the logical concept of the absolute as found in Fichte and Hegel can be compared better by analysing the arguments that Fichte himself put forward against Hegel. We will look at this later based on the results produced by Reinhard Lauth, the most prominent authority on Fichte, in his paper titled *Hegel before the Science of Knowledge*¹⁶⁹. Here we will only note that the combination of the logical and phenomenological layers of philosophising, which continues in the later versions of epistemology, inevitably emerges from the requirement for "evidence" of the foundations and intuition as a means of philosophical cognition, which gives the subject of epistemology that unique flair that today makes it possible to directly link it to the subject matter of the science of logic.

There is something else that needs to be mentioned here: while for Hegel the science of logic

is definitely the “first philosophy” ¹⁷⁰, for Fichte it was only when he was working on the later version of his science of knowledge, specifically in 1804 when his philosophical prowess was apparently at its peak, that he announced his intention to outline the most important part of his science of knowledge. This was his first philosophy, as the science of the absolute and in the absolute manifestation of its completed form, i.e. in the unity of the principle.¹⁷¹ Thus, the first philosophy is only part of his science of knowledge, albeit the most important part.

The thematisation of the foundations of the “first philosophy” was largely due to the intensification of the development of Fichte’s system of his philosophy: condensation at one of the poles of this system of material that was empirical in its origin inevitably led to the crystallisation of speculative-logical content at the other pole. His series of lectures on issues regarding the science of knowledge (in 1804, Fichte delivered them at least

three times between January and March, between April and June and between November and December) was supplemented with lectures on the principles of the science of God, morals and law. He also developed a "system of the intelligible world". Fichte clearly saw this system as different than the science of knowledge, which can clearly be seen in the fragments of the letter he wrote at the time, excerpts from which were quoted by Lauth: "The reason why Schlegel and Schleiermacher talk about their tangled Spinozism and the even more confused Reinhold who talks about their Bardilianism lies in the fact that I still could not come to the point of presenting my system of an intelligible world. Specifically, the Science of Knowledge (as you understand it; according to me, N.U. = philosophy in general) or transcendental idealism can be taken as a system that moves inside the circle of the subject-object Self, as the final intelligence, and inside the initial limitation of it through material feeling and

knowledge, and being perfectly able to produce within this circle a world of sensuality (or: the sensory world), however, this does not at all begin to explain this initial limitation itself: there forever remains the question of whether this initial limitation can be explained as well. The knowledge of the intelligible as the noumenon (or God) are feelings that represent only the lower part of the intelligible, the manifestation of the intelligible in the sensuous. This produces (...) two parts (...) which intersect in the middle. The finite intelligibility as spirit is the lower potency of the intelligible as a noumenon; as the essence of nature, it is also the highest potency of intelligibility as nature. I have not yet been able to develop these expanded principles (...) Achieving this will be my first order of business as soon as I'm done with my new presentation on epistemology. In other words, there is still no transcendental system of an intelligible world.”¹⁷² Using this system, Fichte

understood at that time the system of absolute knowledge, which in turn included the “system of the spiritual world” and the “incomprehensible real foundation of the separation of the individual and the ideal connection of everything = God”. In Fichte's philosophy, the system of an intelligible world is presented as the highest point.

On the one hand, Fichte distinguishes it from the system of the spiritual world, which is only part of the system of the intelligible world. On the other hand, he distinguishes it from the "first philosophy", which he developed as the highest form of the science of knowledge. This highest content of the science of knowledge was first presented in the second half of the first part of the New Exposition of the Science of Knowledge in 1802. As a result of several years of improvements, the “first philosophy” took on a complete form, and despite slight changes (especially in Erlangen's Science of Knowledge of 1805), remained henceforth the

unchanged basis of epistemology. It is characteristic that at the same time Fichte was developing a system of “higher logic”, which he links to Kant's transcendental logic. Fichte stresses that prior to Kant, a thorough and deep look at logic was not possible at all, since the principles of transcendental thinking were not developed. ¹⁷³ Lower logic performs logical functions, and higher logic produces them, being at the same time a special science. ¹⁷⁴ Alongside metaphysics, “higher logic” adjoins Fichte's first philosophy, but unlike the Hegelian system, it does not mix with it.

The substance of self-awareness is absolute and active rather than passive in all versions of the science of knowledge. At the same time, it cannot be regarded as a given, as something that is constantly present behind the back of its manifestations. On the contrary, the substance has already manifested as **pure absolute action/absolute pure action**, as a

process. The substantiality of universal thought consists only and exclusively in its subjectivity.

The explication of substantiality (which is likewise subjectivity) is not a kind of crown of knowledge brought together in the system (or semblance of a system) of the science of sciences. Nor is it a methodological adjunct to this system. But, acting as a specific process for thinking (which in previous forms of cognition always remained only an internal source of subject activity), this universal subject-substance should become an essential enzyme of all scientific knowledge. Fichte's lasting achievement is that he developed a system of thinking within the framework of which it was possible to identify and retain the substance-subject as a pure activity of thought. An object understood in this way could not be perceived by the previous, subcritical thinking, which would, again and again, strive to keep this object as abiding, as some finished substance, found only in its incidents.

Meanwhile, the universal substance-subject is something given from the very beginning, something different from the process of its discovery.

With the same act of philosophical thinking, Fichte shows that the highest principle of thinking is at the same time the highest principle of being—"I am All" (And vice versa, Schelling adds, "Everything is I")¹⁷⁵. In the same act, he also created a method for learning about this principle. Fichte's philosophy tends towards a philosophy of absolute idealism. After it, it is no longer possible to think of the universal as an absolute substance or, what would be the same thing, to separate one's subjectivity from its subjectivity.

In Kant's doctrine, logical thinking was revealed as the absolute negativity of the discriminating universal, which is understood as the process of the identity of thinking and being. As he goes about revealing the absolute nature of thinking itself,

Fichte affirms the principle of philosophising, which makes it possible to express the negativity of the universal as a positive content in the concept, and thereby expresses the procedural identity of the subject and object, of thinking and being in the concept. However, Fichte himself never realised the full potential of this philosophical principle ¹⁷⁶. For Fichte, the process of elevating an empirical subject to a universal subject remains only a formal requirement. It is never mediated by anything, and for that reason, has all the features of chance. Accordingly, the result of this elevation—the need for pure thinking—turns out to be a completely abstract necessity, which is fixed in the image of the first impulse that defines the Self to the activity, but is not comprehended by it. Then it becomes inevitable that an appeal to immediate certainty should be made, while the abstract subjectivity of the thinker continues to be the guarantor of the absoluteness of the subject-object. Thus, we can

once again note that in Fichte's philosophy we deal with absolute idealism only as a tendency.

Fichte's specific identity of thinking and being is not revealed in the positive content of the unity of all aspects of the substance-subject, but is preserved in the form of one of them (namely, in the form of subjectivity). Although from the point of view of content, we have already developed a relationship between both. So, for this stage, it is necessary to note first of all the insufficient development of the form. If modern-day metaphysics philosophers talked about the movement of thinking in the sphere of the negativity of being, with Fichte this negativity reaches the highest point of its development and, removing itself, is revealed as its positive definition, although it does not go beyond the limits of negativity itself. Since this is a movement in the sphere of negativity, its main method is reflection. This negativity at the moment of removing itself as negativity turns out to be positive, and therefore

carries the full richness of being and essence. Here Hegel turns to the internal logic of the historical process of philosophy, which allows him to reveal the specific content of the process of the identity of thinking and being, giving him an adequate, namely, logical, form.

Chapter 7. Hegelian Science of Logic as the Historical Result of the Development of Philosophy.

In his early work titled *The Difference Between Fichte's and Schelling's Systems of Philosophy*, Hegel noted that in Fichte's writings “identity remains only a formal principle, it is expressed only in one of the opposite forms and cannot manifest itself as a substance-subject. A philosophy based on formal principles becomes a formal philosophy”¹⁷⁷. In the same piece, Hegel talks about a formidably impending revolution in philosophy, as a result of

which the principle of philosophy must receive complete concreteness¹⁷⁸. All the main prerequisites for it are already in place. In the course of the historical development of philosophy, all the aspects of the self-determination of the universal as the identity of thought and being came to light, gaining their concreteness in a dialectical movement of thought that reveals the objective content of its own subjectivity and the subjectivity of objective content. At the same time, thinking that has risen to absolute subjectivity, having defined through its principle a concrete process equating thinking and being, can no longer have as its object an “external object”, as it seemed to the empirical subject. The transformation of thinking in accordance with this principle also demands the transformation of the object of thinking. Since such an object cannot be regarded as intended, and the difference in thinking with it has yet to be achieved, it is true that this

unity (which appeared here as a result) is the unity of thinking and its transformed object.

This unity can be defined as absolute unity, and in the highest form of its definition, since it distinguishes itself, thereby acting as subjectivity, and it also then includes the process of the philosopher's self-determination in its field of activity. This sort of definition of the absolute identity between thought and being is linked to the notion of the spirit, according to Hegel.

The complete unity of the Self as an absolute concept and the Self as an empirical unit of self-awareness is correctly identified by M. Bykova as an essential element in the content of subjectivity.¹⁷⁹ One can agree with her analysis of the Hegelian concept of subjectivity, in the process of which she identifies three aspects: the substantive aspect is the aspect that considers the subjectivity as a principle of logic (Hegel's concept of pure self-awareness as a logical concept of Self, thus it is the the aspect most

relevant to our topic). The second aspect is the interpretation of subjectivity as concrete, individual self-awareness, as a "living individual". The third is the aspect of the link (in the structure of subjectivity actually occupying an intermediate position) between the first and second aspects of subjectivity, and in it subjectivity is understood as a kind.¹⁸⁰

These essential aspects of subjectivity (which it also reveals in other definitions in the course of its development) and the forms of their relationship are gradually given concrete content at each of their stages of forming that complex procedural unity which Hegel denoted using the concept of spirit. For Hegel, it is the spirit that is a particular concept, thanks to which he reveals the entire analytical complexity of the initial synthesis of subjectivity of the logical and the substantial logic of subjectivity. "In his speculative-idealistic theory, Hegel succeeded in integrating the problem of the relations of the transcendental and empirical Self in a

modified form. In the 20th century, this problem had already become definitive in the criticism that early Heidegger directed at Husserl, and on top of that he also managed to present it as a problem of the relationship of the absolute and the divine to finite, human subjectivity.”¹⁸¹ We can only add here that in the latter, Hegel also reveals its universal, to a certain extent, divine content. We will analyse the process of explication of this content when, following Hegel, we trace the development of the relationship between God and man to the form of the relation of the absolute spirit to its subjectivity.

The absolute unity of the universe is the unity of existence, but also the unity of thinking (being in its unity and thinking in its unity). It is that which is comprehended as subjectivity that is the spirit. The spirit regarded as a philosophical category is ultimately what Hegel invented. The philosopher first began using it in this sense in his 1803-1804 lectures¹⁸². New studies of Hegel's philosophy

confirm that it was the introduction of this new notion that served as a turning point in Hegel's own personal growth¹⁸³. His spirit synthesised the notion of freedom as the absolute and the notion of the absolute as freedom.

H. **G.** Gadamer pointed out how crucially important the notion of the spirit was for the emergence of the very idea of Hegelian logic. At the same time, he also called attention to the significance of this category for the revival of the ancient tradition in Hegel's Logic¹⁸⁴. However, Gadamer also noticed the fact that what we find here is a development of the content that was already included in Fichte's notion of the pure Self.¹⁸⁵ And at this point, what's important for us is first and foremost this genetic link between the Hegelian concept of spirit and Fichte's concept of Self.

As **we've/we have** already noted before, the spirit (just like some of the other purely logical categories found in Hegelian philosophy) are much too often

interpreted as some kind of an objective substance, forgetting that it is actually a subject. Working with such a delicate subject as a substance-subject (including as an object of historical and philosophical research) requires an adequate method, which must include a certain transformation of the individual thinking of a philosopher (or a researcher of philosophy, if only this is possible). It is in Fichte's philosophy that we find a thorough study of this experience, which will be useful when we need **to interpret Hegel adequately**.

If we claim that Hegel's philosophy is an extension of Fichte's science of knowledge, then in accordance with the Hegelian definition of "removal", it must to the same extent preserve the transcendental philosophy and its methods. Highlighting the Hegelian philosophy from this angle could give us a lot of material to learn about ways to work with it. Being and thinking are one as a concept, while being a concept. The logical

concept is not created by people, being itself is discovered as a concept, as the essence that, being the primordial synthesis, has a certain definition and distinction within itself ¹⁸⁶. When a notion manifests as being, it turns out to be thinking. That was the general logical meaning of the definition of the absolute spirit, and of the spirit as being the absolute.

“The absolute is the spirit; such is the highest definition of the absolute. To find this definition and understand its meaning and content—that was, one might say, the absolute tendency of all education and philosophy—all religions and sciences rushed to this point; only from this aspiration can world history be understood”¹⁸⁷.

Here we cite a quote from *The Phenomenology of Spirit*, which we find to be in accord with some of the findings of our own research: “...the spirit is not only a retreat of self-awareness into its pure inner essence and is not a simple immersion of self-

awareness in the substance and non-existence of its difference, but it is the movement of self that detaches itself and immerses itself its own substance, but equally as a subject, it has gone inside of itself and makes it an object and content when it removes this distinction between objectivity and content”¹⁸⁸.

In *The Phenomenology of Spirit*, Hegel showed that a concrete and true comprehension of the universal is possible only in the context of this specific concept of the "spirit", i.e. possible only by means of spiritually developed thinking, which understands its subject as a spirit. What we find in *The Phenomenology of Spirit* is exactly the development of the subject of philosophical knowledge to the form and content of the "spirit". The following remark that M. Bykova makes is interesting and conceptually important, that it is “absolute knowledge that really forms the problem centre which determines the connection between

Hegelian logic and phenomenology. This does not just refer to the fact that the result of phenomenology becomes the starting point for logic. Hegel effectively defines the problems for his philosophical theory: absolute knowledge, which was pure in phenomenology, required concrete justification, which could only be a systematic deployment of all its definitions.”¹⁸⁹

At the level of comprehension of the subject of knowledge as spirit, all the relations we have examined between the subjective and the objective reveal themselves in a substantially transformed form. The problem of the relationship between the direct Self and the absolute Self, the relationship of the philosopher’s self-awareness and the universal act-action (*That-Handlung*), which was already discussed by Fichte (at least in his early works), is considered in Hegel’s philosophy through dialectics of subjectivity and objectivity of the spirit (subjective and objective spirit), in which “this”

subject is to the same extent a substance”¹⁹⁰. Moreover, the dialectical unity of “thinking of thinking” and “thinking of an object” is expressed in the dialectics of the universal spirit.¹⁹¹ The truth of the latter can be found in the definition of the absolute spirit, which should mean the full manifestation of its subjective and objective nature in the universal spirit, and in such a way that neither exists independently, but only in the unity of the absolute spirit.

To our mind, the process of the concrete identity of the subjectivity of the immediate Self with the development of the universal spirit, which removes this immediacy in the dialectics of the subjective and objective, corresponds to the nature of the logical in this context¹⁹². The specificity of this identity can be seen in the fact that the self and the universal spirit mutually mediate each other, and are thus connected with each other internally and externally, they are one. The spirit cannot exist

without the Self. And the Self can only exist in the spirit. On the other hand, this does not mean that the Self dissolves into the impersonal spirit or is subjugated to it. ~~For the~~ The Self is present in the spirit in an actual way, even in the definition of “this” subject (not to be confused with the empirical subject, because the empirical subject is always the subject of experience, but here we are talking about knowledge that is superior to experience). Unfortunately, this is not spelled out in the Science of Logic. But we consider it impossible to adequately interpret the logical without accepting it (however, if presented in this very general form it will probably raise few objections), as any interpretation will always be biased. Therefore, a new method of interpretation is sorely needed. Its identification and explication will require additional development, ~~for which~~ ~~that is~~ ~~why~~, we believe, it is necessary to use Fichte’s experience in developing a

method for the relationship between a single and universal subject in the process of knowledge.

Thinking as a universal, spiritual (rather than empirical) subject is universal thinking, acting in the historical and philosophical process. The task that immediately confronted philosophy in the post Kantian era could best be expressed as follows: to remove the appearance of a simple immediate givenness of the historical and philosophical process; to show that in this process we were dealing not with a random clash of opinions of various thinkers, but with a single, self-mediating process of philosophy. It is the fact that we are given this process, which mediates the development of a philosophical subject, that can only reveal this objectivity in its “second” immediacy.

But at the same time, it also set the task of demonstrating that this process is carried out by a single subject of knowledge. This in turn demanded that the nature of this absolute non-empirical subject

be explicated. But even that ~~wasn't~~/was not enough. The subjectivity of the historical and philosophical process had to not only be explicated and depicted using adequate philosophical tools. This in itself would mean discovering the internal need for the historical development of philosophy and removing any historical forms of chance. Something more was needed, however: this subjectivity had to be exercised in the literal sense of the world. As a “second” immediacy, the historical and philosophical process had yet to be established. This, in turn, is possible only by removing the appearance of "only-mediation" in the process of formulating this immediate subject of philosophy.

We saw that, in transcendental philosophy, the premise of the immediacy of the philosophical subject was radically overcome; the universal subject was only defined in unity with the activities of the Self that mediates its givenness. However, the appearance of givenness was preserved as a result of

the abstractness of the Self. This appearance is manifested both in the requirement for immediate reliability of knowledge, and in the immediate givenness of higher foundations (for example, in the absence of a real transition from the first Fichtian foundation to the second), in the demand for a first impulse, etc. The main problem of the subject of philosophy, which consists in the fact that it is both mediated by the activity of the Self and is also directly linked to it (that is, the subject of philosophy must be both transcendental and immanent) cannot be solved within the framework of philosophical transcendentalism. The concreteness of Self is explicated in the concept of spirit. Attaining concreteness makes it possible to solve the problem of the subject, since it is precisely the point of development of thinking that is reached where the contradiction of transcendence and immanence is overcome, giving way to the self-distinguishing process of the spirit. At this stage,

philosophy must draw a line in the sand to remove the appearance of simply mediating the historical development of philosophy.

The meaning of this boundary is precisely the logical form of philosophy, in the literal sense—the Hegelian science of logic. It completely removes the mediation of the philosophical process. Immediacy is thus restored, but now it is a "second" immediacy that contains mediation within it. Philosophy becomes unified by overcoming the one-sidedness of its historical form. It thereby becomes able to give full theoretical expression to the idea of the absolute (also laying down all the necessary conditions for thinking in terms of notions).

Here it is appropriate to recall the well-known Hegelian definition of the absolute idea: “The absolute idea is for itself, because in it there is neither a transition, nor prerequisites and generally no certainty that would not be fluid and transparent; it is a “pure form” of a concept that contemplates its

content as itself. It is its own content, since it is an ideal distinction between itself and itself, which, however, contains the totality of forms as a system of meaningful definitions. This content is a logical system”¹⁹³. We see that the system of logic is defined here as the content of an absolute idea, a content identical to the system and at the same time with it, i.e. the system, the pure form of the concept, comprehended ("which contemplates its content"). Once it comprehends itself, it distinguishes itself, which is a condition for its content. But this content does not fall apart into separate aspects, it remains a totality. For Hegel, the historical process of philosophical thinking only becomes a theoretical comprehension of an absolute idea (and only then acts as a “pure form of a concept that contemplates its content as itself”) when it contains “identity with itself”, and not only a variety of historical forms.

This identity should be laid down as a concrete identity, one that precisely contains the totality of

forms as a system of meaningful definitions." After all, only then will the difference in historical forms be revealed as a necessary, and not accidental, difference. And it will represent the totality of the historical and philosophical process. In necessarily achieving a "pure form of concept", the historical process of philosophy becomes logical. The need for a logical system grows out of the awareness of the need for this kind of completion of the historical and philosophical process, which will implement and express its integrity. The significance of Hegelian philosophy in this context is determined by the fact that it sets the necessary boundary for the historical development of philosophy, assuming "its other", logical, form. It is this move that sets the historical integrity of philosophy because only that which is limited can be whole.

But it is precisely this integrity that constitutes the real beginning of philosophical knowledge (even if not given directly, i.e. not given as historically first).

“This stage is the completion of the historical form of development of the subject of philosophy, due to which the necessity of its beginning and further stages is revealed... Moving forward, to the result of the historical development of the subject of philosophy, means simultaneously moving back to the beginning, but not to the beginning in its historical necessity, but to the necessity of the beginning, to that universal foundation which develops in various particular forms of philosophy. This foundation is the universal dialectic of being and thinking, which determines the need for both the beginning and the entire subsequent development of philosophy... Although universal dialectics is in this way the unconditional foundation of all philosophical knowledge, this is precisely why it is not given immediately, but requires mediation, the development of thinking and is revealed only in the dialectic of the relationship between being and thinking, which goes through various stages... It is,

therefore, the foundation and result of the entire historical development of the relationship between thinking and being."¹⁹⁵

Naturally, we are dealing here with the negative result of the development of philosophy, but this is the negative which simultaneously reveals itself as the best possible positive. We have seen that the beginning of the science of the universal (which is the condition for all theoretical thinking in the concept) cannot be either the absolute Self in itself, nor something opposite to it. The beginning can only be the unity of one and the other, which does not add up to their totality. On the contrary, as the absolute first with respect to them, it still has yet to divide itself into these opposites. Similarly, the difference in the historical forms of philosophy is therefore a prerequisite for their integrity. This means that the result of philosophical development is also a prerequisite. Although for an ordinary

consciousness, of course, the situation is exactly the opposite.

Thus, the logical form of philosophy, the genesis of which we find in the teachings of Kant, Fichte, Schelling, and the formation and development—in Hegel's science of logic, is not only the result of the development of philosophy, but even more its foundation. Hegel's logical philosophy exists only as a forming element, an important supporting structure of the historical and philosophical process. Taken out of this context, it becomes completely incomprehensible. Then it is impossible to correctly explain neither its beginning, nor the result, nor the relationship of immediacy and mediation in the development of its content.

One example is Schelling's approach, who, interpreting the logical only as the “sphere of the negative,” argued that the beginning of the logical for Hegel is an abstraction, a negation of everything subjective, that is, something “most objective”.¹⁹⁵

Thus, Schelling brings Hegel's position closer to that of his own, presented in the exposition of his system of philosophy, the beginning of the philosophy of identity is interpreted as a product of abstraction from everything objective and everything subjective.¹⁹⁶ The only difference he considers is that Hegel, according to him, abstracts only from the subjective, completely maintaining objectivity. In this case, only the external subjectivity, namely the subjectivity of the “philosopher”, that is, arbitrariness, can be the driving force behind the development of the logical, which is devoid of internal subjectivity.

But that is exactly the position Schelling sees in Hegel: “The fact that Hegel nevertheless ascribes an immanent movement to pure being means only one thing, namely, that a thought that begins with pure being feels it cannot dwell on this very abstract and empty issue, as Hegel himself defines pure being. The need to get away from this is explained only by

the fact that thought has already become accustomed to a more concrete and substantial being ,and therefore cannot be satisfied with the poverty of pure being, in which thought is the only content, and there is no specific content.”¹⁹⁷ Talking about the fact that “thought has gotten used to” something and “cannot be satisfied with the poverty of being,” Schelling, in a terminological manner, even introduces a purely psychological justification into the movement of the logical. From there, he concludes that: "...not in an empty concept, but in the most philosophical one there is a need that persists in its memory and does not allow it to dwell on this empty abstraction.”¹⁹⁸

Schelling’s interpretation can be refuted if it can be shown that, firstly, Hegel himself did not interpret the beginning of the logical as an abstraction from the subjective, and secondly, that it is not independent of the will and intention of the author of the Science of Logic. Regarding the first

point, it is enough to refer to Hegel's way of interpreting the nature of the principle of logic in the section titled "Where should science begin?" In "The Science of Logic."¹⁹⁹ He points out that the principle can be understood in two senses—either as a result obtained indirectly, or as genuine beginning taken immediately. In the former sense, we are talking about the external mediation of the beginning, which Hegel interprets in a spirit directly opposite to what we find in Schelling: he links the process of mediating the logical beginning with the movement of thought that was depicted in the *Phenomenology of Spirit*, and the result of which is the realisation that "pure knowledge is the last, absolute truth of consciousness."²⁰⁰ "The beginning is the logical beginning, because it must be made in the elements, thinking that exists is free for itself, in pure knowledge."²⁰¹ Being a form of "knowledge," the beginning of the logical cannot exclude subjectivity from itself, and the phenomenology of

the spirit cannot be interpreted as a process of abstracting from the subjectivity.²⁰² Indivisible unity of the subjective and the objective, consciousness and being is, according to Hegel, the logical principle as the elements. These two moments must be contained in the logical. And precisely because they differ in this unity (however, Hegel adds, “not as existing for themselves”), the logical unity “is not abstract, deathly, motionless, but concrete.”²⁰³

As for the second identified aspect of the problem, the following can be said. The beginning of the logical is really something abstract and immediate, but this abstraction and immediacy are of a different kind than Schelling ascribes to them. This is not an abstraction of the objective or subjective, as they are given immediately prior to the assumption of their identity (which is the case in Schelling's own writings on his philosophical system). This is an abstraction of the very identity of the objective and subjective, thinking and being,

which, according to Hegel, is the primary and self-mediating principle, and is not at all mediated by the abstracting thought of the philosophising subject.

The process of mediating the identity of thinking and being by itself includes a moment of abstraction that expresses the nature of immediacy. It is with this moment that Hegel begins his outline of the logical in the *Science of Logic*. However, this is an abstraction and immediacy of the process of mediation itself. Therefore, for the logical, it is just as small a start, and with the same right can be considered a result or an intermediate moment. It is no coincidence that Hegel, whenever he considers the nature of the beginning of the logical, raises the question of the unity of immediacy and mediation.²⁰⁴ He interprets the beginning as “arising through mediation and, moreover, through mediation, which at the same time is the removal of itself”.²⁰⁵

Hegel defines the beginning as “indefinite immediate”²⁰⁶ This is logically the most precise definition of the beginning. The fact that Hegel links it to the category of "being", which draws on a long train of historically expressed meanings, and gives rise to an ambiguous interpretation. Specifically, this results in the ontologisation of the beginning. However, in light of what has been said above, it is clear that it can equally be called the gnosiological (epistemological) beginning. We are dealing not just with being, but with the concept of being, i.e. with one of the aspects of the concept in the process of its self-constitution, or self-creation. “In order to comprehend Hegel’s logic, it is important not to lose sight of the fact that in all its parts, into which the idea distinguishes itself in itself and for itself, there is a doctrine of the concept. Being is a concept in itself, essence is being for itself and an appearance of a concept, and a concept is a concept in itself and for itself.”²⁰⁷

However, the nature of being, which consists in the fact that it is an immediately logical concept, has not yet been completely defined. Therefore, it initially appears as an indefinite immediacy. Its development consists in revealing this certainty. Since the logical concept is the unity of opposites, the development of being lies in **the discovery / discovering** of its inner distinction. This distinction is held in unity, and thus unity mediates the connection of self as a simple unity with itself as a different unity.

In this process, being puts itself in opposition to something else. This something else, for the very reason that it is defined through being itself and is only a form of self-distinction of absolute unity, is abstract in nature. The boundary that runs between the many others is a form of unity of being and the other.

Quality is a certainty that is identical with being. This identity manifests in the boundary. According

to Hegel, the united is a certain boundary, which at the same time is not a boundary such as a boundary that exists in being, but is indifferent to it.²⁰⁸ By pointing to this “indifference” of being to its internal difference—the boundary—Hegel once again brings us back to the idea of the absolute unity of being, for which all forms of differentiation are only those laid down by it and “subordinate” to it.

This boundary, which is also not a boundary, is the absolute unity and absolute distinction, which Hegel refers to using the notion of quantity. At the same time, he distinguishes between continuous quantity, which corresponds to unity (non-boundary) and discrete quantity, which corresponds to distinction. Their unity—a certain amount, a quantum—is already a very complex form of a concrete unity of being, speaking of which, Hegel rightly uses the concept of certainty. Pure quantity, having reached the certainty of a limited quantity

and degree, returns to quality, acting as a qualitatively determined quantity, i.e. measure.

Hegel again returns these forms of difference to the realm of unity, which he here refers to as indistinguishability, or indifference.²⁰⁹ However, this indifference, in contrast to the indistinguishability of the original pure being, has already discovered its mediation. Specifically, it is mediated through the “denial of all determinations—quality and quantity, and their first direct unity—measure.”²¹⁰ In other words, Hegel here indicates that all special determinations have shown themselves to be inconsistent with the nature of universal unity, and all forms of differentiation of the universal that produce it or other certainty, have found themselves as forms of movement of unity.

Thus, unity is now being revealed in a different plane—in the plane of movement of the removal of certainties (quality, quantity, measure), and in the very movement of the negativity of the united being.

This negativity manifests as a form of unity and, in the end, as an absolutely positive definition of the unity of being and thinking. But this process of defining the essence of unity from the point of view of the movement of negativity has certain laws, according to Hegel. Therefore, Hegel puts it in a separate sphere, which, as we know, he calls the sphere of essence. And the methodologies of his research change accordingly, with reflection beginning to play a major role.

Let's / Let us consider the nature of the essence of the logical in more detail. So, if Hegel designated being as indefinite immediacy, then the essence for him is the identical unity of absolute negativity and immediacy.²¹¹ In other words, the unity of being reveals itself as immediate. That is why the unity of being in the historical beginning of philosophy was perceived (Parmenides) as something obvious, although it was justified in the process of cognition. It was necessary to determine how this unity could

embody negativity, which was not something external to it.

In the sphere of “essence,” the very definition of negativity is immediate, that is, the ability of being to self-distinguish and self-mediate. Thus, mediation here takes the form of immediacy. However, now the former cognitive task is reproduced, as it were, on a new level—immediacy (now the immediacy of mediation) must “remove” itself, and show the process of self-distinction, i.e. mediation. Since this is not yet here, the sphere of “essence” can, in principle, be regarded as equivalent to the sphere of “being,” and to a certain extent it is parallel with it. “This, therefore, is the restoration of immediacy, or being, but it is the restoration of being, since it is mediated by the removal of mediation.”²¹²

It is not by chance that Hegel begins the section on essence by pointing to that form of uncertainty in which the identity of immediacy and mediation was present in Greek philosophy, especially in Plato's

writings: in the definition of cognition as remembering. "Only when knowledge from direct being goes deeper within (sich erinnert), through this mediation does it find essence. "The German language in the verb "to be" (sein) preserved in the past tense (gewesen) / was / a form of the German word for essence (das Wesen), for the essence is a past, but timeless past being."²¹⁴

"Erinnern" literally means to recollect or recall. When using the etymology of this word (inner – internal), Hegel interprets it as "to go deeper within", to become internal, i.e. to become mediated. In developing the theory of the essence of being as a process of universal mediation, Hegel thus appeals to the teachings of Plato on knowledge as memory, which he hints at with this play on words. Hegel contrasts the Platonic understanding of cognition, as well as the rational metaphysics of modern times with its doctrine of innate ideas on the one hand, and with empiricism on the other, which

identifies any kind of cognition with experience. The juxtaposition of direct and indirect cognition was typical for that, and for another way of philosophising, and in the same way for other forms of irrationality. It was only in Hegelian logic that the nature of their inner unity was revealed, which, however, ancient thinkers already knew. It is the spontaneous expression of this knowledge that we find in Plato's theory of remembering.

In the *Encyclopedia of Philosophical Sciences*, Hegel speaks about this even more definitely: “Both the proponents of innate ideas and their opponents adhered to the same opposition as the defenders of direct knowledge, namely, the opposition between universal definitions that are directly and substantially connected with the soul, and those definitions that are linked with the latter in an external manner that is mediated by objects that are regarded as given... If Plato's philosophy states that we remember ideas, then this means that ideas

themselves are found in people, and do not (as the sophists claimed) come to them from the outside, as something external to them. This understanding of knowledge as remembering, however, does not exclude the development of what a person finds in themselves, and this development is nothing but mediation.”²¹⁴)

Hegel expresses the unity of immediacy and mediation in essence through the category of substance, which simultaneously reveals itself as the fullness of being and the possibility of positing any forms of being through its internal negative distinction, and at the same time as what Hegel refers to as “self-related negativity”. This is negativity that is aware of itself as a negativity and thus overcomes its negative nature.

The dialectic of substance, according to Hegel, is the genesis of the concept.²¹⁵ In this case, the first definition of substance can be considered as the genesis of universality in conceptual terms, and the

second as the genesis of singularity. “Self-related negativity” manifests itself in a person who, being humbled by their individual nature, thereby elevates themselves to the universal, while being humbled by necessity and maintaining their unchanging personal principle, becomes a free person.

The sphere of the logical concept into which substance passes is generally considered by Hegel as a logical exposition of freedom, since in it the universal immediately contains the individual, and the individual directly reveals its universality. The universal and the individual do not act as limiting to each other, that is, as being necessary to each other. They are identical, and all forms of their relationship (concept, judgement, conclusion) are only forms of revealing their identity to each other.

In defining the logical content of the concept, Hegel says that, firstly, it is absolute certainty (as opposed to the concept of being), and secondly, this certainty is also immediacy. However, here one can

speak of immediacy only because it is the ratio of the identity of thought and being, universal and individual, with itself, in so far as it is its mediation. Here the identity of the individual and the universal fully reveals both its nature of identity and its nature of self-distinction. "Unity is the splitting of itself, the transformation of oneself into the free appearance of this bifurcation, a bifurcation that appears in the difference between the individual and the universal as the complete opposite, which, however, is so visible that when one is comprehended and expressed, the other is directly comprehended and expressed".²¹⁶

Sometimes attempts are made to present the Hegelian logical concept of the universal identity of thinking and being as a kind of pre-accepted axiom, which supposedly **gives us permission** / **permits** to postulate the definitions of thinking in the status of definitions of being. But this identity, as is clear from the above, firstly, cannot be an axiom as some

unsubstantiated prerequisite for the content of the philosophical system.²¹⁷ The very nature of the evidence presented here has, due to the particular nature of the logical, a certain originality that distinguishes it from the evidence accepted in the positive sciences. The universal unity of thinking and being, expressed in a logical form, as universal unity is the foundation of itself, the form mediating itself, and therefore it does not need other foundations and does not allow them. The speculative-logical proof of the unity of thinking and being cannot but be this proof itself, since a thought that does not coincide with its subject is a thought in name only and thus it cannot be evidence-based. The foundation of a speculatively comprehended unity of thinking and being should be the activity of this unity itself, specifically organised as the relation of philosophical reflection and contemplation. It is not an axiom as a *prerequisite*

for philosophical knowledge (speaking about our second point), but it is its activity principle.

The subject of philosophical knowledge in the course of historical development revealed itself as its method (and vice versa). The result of comprehending an object therefore cannot be indifferent to the process of its comprehension. This correctly expresses the speculative-dialectical nature of the universal, which, if we consider it as the foundation for the development of the particular, is that the universal is not some ready-made entity that determines this development from the outside, but essentially coincides with the latter. The development of the universal in this context does not consist in anything else other than giving the development of a particular character of necessity, removing its spontaneity, and through this, it creates its freedom.

Therefore, the disclosure of the nature of the universal in its own certainty, that is, in the realm of

the logical, is reduced precisely to revealing its nature, that it (the universal) is the process of achieving it itself. Each new logical step is the result of the reflection of the previous step onto its foundation, namely, the disclosure with full certainty for this step, that it is nothing more than a way to achieve it (which here, in the logical element, coincides with the necessity of this path). Therefore, the highest result of this progressive development, as reflected in the Science of Logic, is an absolute idea and does not contain anything other than disclosure, with all the certainty that the very process of this disclosure entails. The absolute idea coincides with the absolute method. This is why the last chapter of the Science of Logic is primarily an exposition of the method. "The logical in the absolute idea can also be called one of the ways to comprehend it."²¹⁸ But this is an insufficient definition of the logical. The absolutely logical method is not only a method for acquiring

knowledge, but the universality of the form of the absolute.⁷

The nature of the absolute method as the universality of the logical form is revealed by Hegel in the unity of three points. The first of these is the abstract universal, because its abstractness is presented “as particular”. It contradicts its truth, its universality, even if **it's** / **it is** just abstract. This contradiction **leans** / **leads** to the negation of abstract universality. Defining the necessity of this negation removes the appearance of its external character, it is its own negation, or negation of negation (Hegel willingly uses this expression of medieval scholastic philosophy). This is the second aspect that characterises the necessity to position the universal in the other and, at the same time, elevate this other to the truly universal through the recognition of oneself as universal (more strictly speaking, through the relation to oneself as universal). “The correlation

of the negative with oneself should be considered as the second premise of the entire conclusion.”²²¹

The third (which, Hegel observes, can be called the fourth, if the first negation is called the second aspect²²²), is the unity of the first and second aspects, their necessity, which in this movement and only in this movement receives its external expression. “...the third is immediate, but immediate due to the removal of mediation, simple through the removal of distinction, and positive through the removal of the negative, a concept that manifested through its otherness, merged with itself through the removal of this reality and restored its absolute reality, its simple relationship with itself ”.²²³ But, Hegel continues here, "these forms of judgement: “The third is immediacy and mediation” or: “It is their unity”—they are not able to grasp it, for it is not the third, which is in a state of rest, but as this unity it is a movement and activity that mediates itself with itself.”²²⁴

These are three logical aspects that characterise the movement of the concept of the universal: its immediate identity with itself, the abstract relation to another and the relation of another as to itself (or the relation to itself in another) were not revealed here as its parts, where in order to determine the nature of the whole, we must make a transition from one of them to another, but as stages of deepening knowledge about one and the same subject, in the same relation, which reveals its own dialectical inconsistency.

In positing and eliminating the internal negation in itself, the sphere of the logical as it is presented in the Science of Logic is self-sufficient. The method here does not conflict with any of the elements of the system of the development of the logical, which is the system of development of the method itself (at least if we are not talking about a destructive contradiction that does not lead to dialectical development). However, according to Hegel, the

concrete sciences that study the nature and phenomena of the final spirit also have and preserve the logical as an internal generative principle, just as the logical was their prototype.²²⁵ The deduction of this “second” logical, its relationship with the “first” is, perhaps, one of the main problems of Hegelian philosophy. The implementation of the absolute method in the sphere of the particular leads to deep contradictions across the whole system, which, however, manifest differently in nature and in the spirit.

If the universal, taken in its relation to the particular, completely determines the latter, then the universal, considered as such, in this consideration itself assumes its own form of particularity, which at the same time is not such, since it really represents the knowledge that it is only an expression of the universal and is necessarily removed in its necessary movement. Thus the universal, represented as the absolute method, does not contain the need to

postulate the particular that is external to it. Consequently, the transition from the knowledge of the universal in itself, in the universal itself, to its knowledge ~~in the particular~~ / **in particular** does not include the need for mediation. This contradiction between the real relation of the universal to the particular and their relation in the sphere of cognition is the source of the latter's progress.

Chapter 8. The logical form of philosophy and the problem of its incarnation in the philosophical systems proposed by Fichte and Hegel

The Fichtian Renaissance, which began to be spoken about in the last two decades and which has largely been the result of the studies and publications by Reinhard Lauth's and his students,

can be regarded as a kind of posthumous challenge to Hegel.

Through the efforts of R. Lauth and his group, Fichte's later philosophy has effectively been reconstructed. After this, one does not need to heed the words of the Bavarian scientist who wrote that Fichte was read mainly “through Hegel”, which in the minds of philosophers the early version of the Science of Knowledge dominated the later ones, and that Fichte was not a step towards Hegel, but an alternative to him. What's more, he offered an alternative truth. The latter suggests that a deep revision of the Hegelian heritage might be in order. The dialogue between a mature Fichte and a mature Hegel, which did not take place historically, is nevertheless relevant in the ideal space of the historical and philosophical process.²²⁶ It can constitute the most important content of philosophy at the turn of the 21st century, even if it remains on

the periphery of the awareness of the modern scientific community.

The first step on this path could be said to have been taken by R. Lauth in his publication titled *Hegel before the Science of Knowledge*, which is, without a shadow of a doubt, one of the best treatises on the history of philosophy ²²⁷. However, it was only the first step, as it talks primarily about Fichte's response to early criticism from Hegel. This means that later versions of the *Science of Knowledge* still need to be compared and contrasted with late Hegel. We **can't** / **cannot** argue with Fichte's arguments against Hegel and Schelling (outlined and analysed by Lauth). However, it seems to us that this criticism can be valid precisely in relation to Hegel's early ideas, and mainly where his judgements coincide with the position of Schelling put forward in the era of the philosophy of identity. It would be interesting to consider Fichte's criticism in the context of the discrepancies between the two

young philosophers that emerged almost at the same time with it.

Furthermore, **even** if Fichte's criticism is perfectly justified with regards to early Hegel, there still remains the task of linking it (and to an even greater extent—the transcendental philosophy itself) with the mature system. Let us make an assumption that the Hegelian philosophy of the substance-subject nevertheless “removes” the main result of transcendental philosophy, which, therefore, can and should be explicated (and an **in absentia** discussion with Fichte should give the best result here). Truth be told, this task also imposes related demands with respect to the method for comprehending and interpreting Hegel's philosophy, which we have already discussed above. If we nevertheless agree with the conclusion of R. Lauth that the young Hegel (like Schelling) did not understand Epistemology, then we can answer this question with the words of Fichte himself, based on the

awareness of the most important capability of the mind: “We can draw the wrong conclusions here and there, intermediate provisions can be omitted, verifiable provisions can be put forward without proof or can be proven wrong—and the most important results will still be correct.”²²⁸ Such an outcome can only occur when the philosopher’s thought is not autocratic, but rather is inscribed in the general course of the historical and philosophical process and is guided by its logic. It is the logic of the historical and philosophical process that is the context in which an ideal dialogue (rather than an external comparison) of the two historical forms is possible—Fichte and Hegel’s idealism.

We are going to draw on works by R. Lauth, N. Glivitsky, E. Fux as well as Russian researchers such as P.P. Gaidenko, N.V. Gromyko, E.S. Linkov, and N.V. Motroshilova, to try and ~~identity~~/identify the key elements in Fichte’s critique of Hegel and subject them to a critical analysis of our own.²²⁹

In analysing the content of Fichte's polemic with Hegel, Lauth identifies as the main reproach that Fichte put forward against commentators of the Science of Knowledge that, ~~according to their view~~ / **in their view**, "Epistemology is (within) subjectivity and rises at the point of reflection (ReflektirPunkte)"²³⁰. According to Fichte, this opinion is based on a misunderstanding related to the concept of Self, as it is stated in the Foundations of the Entire Science of Knowledge. Hegel and Schelling believed that the Self in that context referred to the Self of internal perception. Fichte spoke out against this interpretation in his 1804 lectures, in which he touched upon polemics with the absolute idealism found in Schelling and Hegel: "Epistemology surpassed this idealism from day one of its existence. It showed this first of all in its main point, which is Self. It never agreed that this (Self) was (something) found and perceived in its principle."²³¹"We therefore do not rely on this,"

notes Fichte, “as on some kind of empirical perception of our life, which as a modification of consciousness should be completely rejected, what we rely on instead is general understanding (Einsicht)... Self is based on the construct of the One (absolute) being (des Einen (absoluten) Seins)”²³². Fichte thus brushes aside charges of empiricism that were put forward against him by Schelling and Hegel, pointing to the genetic link between Self and the absolute existence taken in its unity. According to Fichte, Schelling and Hegel cannot get to the absolute step, which is the unity of the subjective and the objective, precisely because they removed living subjectivity and reflection ~~form~~ / ~~from~~ their philosophical systems. Fichte identifies two principles causes of this: 1) representatives of absolute idealism understand the Self of the Science of Knowledge only as an empirical, but not as a transcendental Self; this, in turn, is inevitable, since 2) the contents of the practical part of the Science of

Knowledge remained unknown to them, and, after all, it is here that the individual Self fully reveals its nature as a pure Self.

According to Fichte's argument, the absolute that the representatives of absolute idealism point to is actually an imaginary absolute. "Kunststück", thanks to which one can come to an imaginary absolute in some other way, can now be achieved as follows: in **someplace** they cease to reflect, or if they have a predecessor who claimed absolute reflexivity (Fichte clearly means himself—S.Z., V.S., D.M.), then they deny it for what—there is no place in the system of knowledge where you would like to have an absolute. "Through this, they make themselves blind, and then blind faith arises, which, since it is also blind (...), clings not to faith, but to knowledge. It should also be pointed out what this is; (It is here that truth dominates) objective intuition, (namely) material, since (this faith) is something derivative, (namely, the so-called) intellectual (contemplation),

since it must be absolute. The true principle of mad daydreaming that we are also expected to regard as happiness, but what do you do when this daydreaming gives birth to something terrible?"²²³.

In turn, the pure Self is identified by the representatives of absolute philosophy with the objectified Self, namely, objectified in the form of intellectual contemplation, pure thinking of oneself, pure self-awareness.²³⁴ According to R. Lauth, just referring to this fragment of Hegel, Fichte wrote in 1805: "It is understood that no objectified Self can be a pure and absolute Self (...) This is also one of the foundations of the misunderstanding of the Science of Knowledge. The pure Self does not exist in a representation; if it did, it would not be pure."²³⁵

Fichte's reaction to Hegel's reproach of the emptiness of the science of knowledge, which he made in his article Faith and Knowledge, is also extremely interesting. The essential aspect of absolute knowledge in the Science of Knowledge, as

Hegel noted, is that a pure concept, empty thinking, is connected in a conceptless way to the content, the certainty of a concept, or vice versa, the certainty to uncertainty. Fichte's counterargument demonstrates that in actuality things are more complicated than that. The abstractness of the highest principle of the Science of Knowledge—absolute knowledge—indicates that the need for a transition from a pure logical principle to the present certainty of a finite object is not at all laid down in the logical principle itself, and therefore remains fundamentally undefined. This is a problem that, it seems to us, Hegel was not able to completely solve in his system of the philosophy of nature and philosophy of spirit. Speaking quite simply and with a fair amount of simplification of the problem, it can be designated as a problem of the relationship between the universal and the particular.

Fichte identifies this problem as follows: If “emptiness” (*Leerheit*)—in this case, the emptiness

of the transition from the highest principle to the present item—should mean that when "emptying" ("Ausleerung") things in their concrete being, the Science of Knowledge deals with principles and only principles, then the remark is of course "correct", but only in as much as it is clear that the **geometerician** / **geometrician** with their points, lines etc. completely separates themselves from the world of bodies (KörperWelt), and only thanks to this separation geometry becomes possible."²³⁷

So, the diverse certainty of a concrete reality could not be deduced from the unity of pure knowledge. Fichte, of course, is correct in his meta-criticism of Hegelian critique: young Hegel takes the immediacy of the link between higher unity and the diverse reality (stemming precisely from their fundamental immediacy or as yet inaccessible to the knowledge of mediation) to be the immediacy of unity itself, and completely mistakenly considers the latter an abstract identity. Although it is actually

concrete, Fichte rightly insists that he was able to reveal the inner specificity of the highest unity of the absolute.

Commenting on this controversy, R. Lauth, based on Fichte's handwritten remarks, describes this specificity as follows: "Absolute knowledge is self-confirming reason itself, which in its a priori definitions deductively develops from itself through the fact that it simultaneously translates the virtual certainties existing in it into relevance, which, however, does not develop a priori, but is realised in free form through "the drawing of lines" (Linienziehen), and this "drawing of lines" is at the same time a consequence of the self-definition of the mind."²³⁷ The somewhat obscure term "Linienziehen" can be translated as establishing the direction of differences, or "boundaries" (if we take the meaning of the term as it is given in the Science of Logic) in the world of real certainties. Knowledge of a logical higher principle (including "knowledge"

in the purely Fichtean sense of the word) does not yet provide knowledge of what constitutes the real differences of being in its sphere of existence. It only reveals the nature of these differences and indicates their direction. That is how we ~~can~~ can understand the meaning of the rather tentative notion of the "drawing boundaries". The logical part of epistemology does not provide an a priori schema of reality that the latter could be **molded** / **moulded** into, nor does it lay down any boundaries for existence. It only highlights the directions of these boundaries and justifies their possibility. The specificity of the higher principle justifies the specificity of being but it does not establish it.

However, Schelling's criticism of the Science of Knowledge was not in vain. Fichte's subsequent efforts were aimed precisely at more convincingly and more clearly revealing the substantive concreteness of his idealistic principle, while also finding mediating links between the absolute and the

relative being, between pure “knowledge” and reality. Assuming that he succeeded in doing this in his 1894 versions of the Science of Knowledge, Fichte rejects the reproach of emptiness on the basis (Leerheit) that “Our system is protected against the greatest flaw that can only be blamed on philosophical systems, and almost all without exception, that is, the reproach of emptiness (Leerheit). **Reality**, the actual true reality, is deduced. No one will continue to confuse this reality with (being) (with objectivity), the latter is something certain and self-enclosed, and therefore dead for itself in stable presence (Fursichbestehen) and self-resting (Aufsichberuhen). The former exists only in life and life only exists in it, and it cannot do anything other than live. And thus, our system is guaranteed against death, which in all systems of exclusion has taken root somewhere (...) It is finally recognised and instilled (in everyone) that this reality is only One (Eine) and is always equal to

itself. This is so because Light and Life ultimately are One (Eins), and that insight (Einsicht), through the denial of which the One becomes reality, is also only One. At the same time, our system has achieved solid unity and has firmly established itself against the reproach that there is still duality in its foundation (in seiner Wurzel)”²³⁸.

The universal introduction given in the presentation of the Science of Knowledge in 1801/02 indicates that being can be present only as a living being, and as such, can only be present in absolute knowledge. “If only this (form of Knowledge or) form of Self allowed itself to be clarified (...), then we would understand what would follow us and our consciousness exclusively from this form and, thus, this would not be pure but formed (formirtes) life, and if only we could separate it from our total (gesamten) life, we would find out what remains to us as a pure and absolute life, which is usually called real (das Reale). Some

epistemology would then emerge, which would at the same time be a science of life (Lebenslehre)."

This programme, according to Lauth, finds itself executed in the *philosophia prima* of 1804. Fichte also pointed out in the aforementioned universal introduction of 1802 "that a truly living philosophy of life must go towards a philosophy of being, and that the path from being to life would be completely transformed, therefore such systems that would remove the absolute as being would completely exclude it from itself"²³⁹. At the same time, we must keep in mind that we are talking here about a kind of "life" as a concept, which in the system of the science of knowledge is not a dead schema or abstract thought, but, in a certain way, an objectively and subjectively existing being that is identical to thinking. In other words, the "living" concept must come to being and in this (but only in this!) sense, give birth to it. The notion of the absolute must self-mediate. Fichte expresses this

thought as follows: "In science, the absolute cannot be contemplated by becoming outside oneself." Fichte was mistaken, though, in assuming that in his critique of the science of knowledge, Hegel was guided by the requirement that philosophy must develop a posteriori definitions deduced from the absolute. This is a point of view that is infinitely alien to the author of the Science of Logic, who, apparently, would willingly agree with the arguments that Fichte put forward in his [defense](#) / [defence](#) (in this case, against an imaginary opponent). The universal concept, says Fichte, is not an abstraction from what has been experienced, on the contrary, the particular is the secret of the universal and the One ²⁴⁰.

Hegel's critique of the abstractness of both the philosophical principles of both Fichte and Schelling was coupled with criticism of intellectual intuition as a latent form of empiricism and an appeal to naked immediacy that does not contain

mediation. The reconstruction of the texts of scientific studies carried out by R. Lauth showed that Hegel was not quite right about Fichte. The latter himself was aware of limitations as a point of view of intellectual contemplation, i.e. the point of view of abstract immediacy. So the point of view of the "concept" is an equally abstract mediation. Here, we should bear in mind the fact that Fichte used the term "concept", of course, not in the sense that Hegel later attached to it in his *Science of Logic*. Thus, Fichte's work on logic fully indicates that he interpreted the concept in the traditional sense of the form of rational knowledge.

Analysing the 1804 science of knowledge from this point of view, Lauth establishes that Fichte stressed the unsatisfactory aspects of both the notion of a concept and that of intuition. The reductive movement up to the 15th lecture (in the second course) is subordinated to the dialectic of criticism of both. Fichte demonstrates that intuition is

constantly removing anything present for itself or the substance. True comprehension of the absolute, according to Fichte, should be based on the unity of the aspects of analytical and synthetic in cognition. And synthesis must be the starting point.

Regarding the science of knowledge, Fichte emphasised that not absolute unity “should be explained from its members, but the members should be explained from absolute unity, together with all their changing definitions: It is not, as in other philosophical systems, a synthetic principle of analysis intended for it (an experienced reality), but it is itself analytic, and only as a result of this analysis does it become a synthetic principle. It should not be explained through these joints, but these joints should be explained through it; however, it must be comprehended only for itself (*fur sich*).”²⁴² Fichte further emphasises that in epistemology “there can be no true unity at all, no unity that manifests itself as just unity (*blosse*

Einheit), but truly correct unity can only be the principle of emerging (simple) unity and the principle of disjunction at the same time. Namely, being not just a (nicht bloss) principle as something external, so that they are both, i.e. unity and the principle of disjunction, would chart projectively and objectively in relation to the phenomenon, but on the contrary, internally and organically; so that it could not be the principle of unity, without at the same time (in demselben Schlage) being the principle of disjunction, and vice versa. That is how it was comprehended (einsehen), and unity consists precisely in this absolutely alive internally acting and fulfilled force, and not at all in some kind of mortified entity (Wesenheit).²⁴²

However, it is precisely this initial unity of analysis and synthesis, which Fichte also refers to as the unity of disjunction and conjunction, that constitutes the actual starting point of Hegel's philosophy, and it is the logical form of philosophy

that allows us to specifically think of this unity as primary. From this, we can conclude that, firstly, Fichte's philosophy can already be defined as logical philosophy in the sense we have given, and secondly, there is no fundamental difference in the understanding of this issue (and in its fixation) between Fichte and Hegel. The only difference is in the way they go about solving the problem.

However, Fichte's argumentation, as we see it, is fully valid with regards to Schelling. Fichte does not notice any significant differences between Hegel and Schelling. Here are some excerpts from Fichte that have been reconstructed by Lauth, which contain the criticisms aimed at Schelling by the founder of the science of knowledge.

“For someone who cannot think of relevance (...) without changing (...), for that the transcendental world is, of course, closed. This is the case with Schelling; if he wants to prove that something could not be thought of as an act, then he proves this from

the fact that it could not be thought of as change, and not within time. The fact that he is not able to think of the act differently is more power to him: (...) this is (...) bad thinking and constitutes a lack of any first need for philosophising. Schelling got it into his head that some other being could have been given, other than a living being (...) He now quite naturally considers this other as the only true being in death (namely, in some restful substance) (...) Of course, the benevolent reader is usually not inclined to suggest that his speculative talent may be powerless in order to rise to the concept of an act on the basis of which the Science of Knowledge was postulated."²⁴³

In this criticism, as Lauth observes, Fichte reiterates the anonymous author who wrote at the time in the *New Museum of Philosophy and Literature Magazine* in his *Aphorisms on the Absolute*: "In order to abide by these obvious fallacies of the doctrine of the absolute, we must

first ask: How did it come to pass for the roots of the absolute concept of possibility and reality, of the universal and the particular, or of everything else, and how come it interprets everything as if it were the same as everything else? Are we now supposed to look for the absolute in the identity of these concepts? It is easy to comprehend that the concepts of form (Formheit) and power (Stoffheit), unity and diversity, or other relativistic ways of representing the mind and even all opposites captured in the empirical field were also well suited as similar origins."²⁴⁴ "Reason in general never learns from understanding and sensibility, and does not at all draw material from the latter for its ideas. What he knows and imagines, he instead projects exclusively from himself and creatively produces it from his own deepest core. The identification of the possible and the real, therefore, also cannot be its business, but constitutes a certain bastard of the power of imagination." "The assumption of the identity of the

possible and the real" and thus also the positioning of the subject and the object occurs here, however, only through the "pure annihilation of both by means of each other, or through the assumption of two relative negatives". The illusion that the absolute is derived from this arose from the opinion "that the concept of the identity of the possible and the real, which only means (ausmacht) the concept of the lack of both, corresponds to something real, which is not burdened by the limitations of both and which people want to call the absolute. The doctrine of the identity of possibility and reality in the absolute is thus (...) a hollow and barren product of fantasy, and there is nothing left to justify it except the empty claim that it was not understood."²⁴⁵

Speaking about the relation of the logical principle of the science of knowledge to the realm of real phenomena, Fichte also gives the following objection. "In A. (as a principle of the phenomenon), much more than the indifference of

the subjective and the objective is postulated (...) Sch(elling) (and Hegel) will never be able to come to this through faded thinking”²⁴⁶. In a purely genetic manner, the Science of Knowledge of 1804 deduces the double disjunction of the subject and object, thinking and being, nature and intelligence, together with the foundation of the disjunction itself from the point of any genetic development (Entfaltung), which, for its part, is derived from the absolute simultaneously with simple absolute unity. “Where is our reasoning now,” Fichte asks in the 4th lecture of the Science of Knowledge of 1804, “if indeed we really keep our sanity (...) Obviously, in our (phenomenal) construction through the principle of separation (Sonderung)—through that which should be significant at all, not at all because it is constructed, but in itself (an sich); in this way completely directly (...) between both principles: the principle of separation and the principle of unity, destroying and at the same time postulating both one

and the other. Thus, the point of view of the Science of Knowledge that remains in one's mind is not at all a post factum synthesis; but through a priori synthesis, which finds neither isolation nor unity, but creates both of them with the same action (Schlage).”²⁴⁷

The drawback of absolute idealism, according to Fichte, is, therefore, that the absolute is not grasped by Hegel and Schelling as an analytical-synthetic principle. The analytical distinction of nature and intelligence, which both Schelling and Hegel spoke about, must be deduced from the absolute, in which absolute unity reigns in accordance with its nature. But for this, it is necessary to first comprehend the absolute itself, and then derive from it the forms of nature and intelligence, leaving the "absolute unity of the absolute", and constantly remembering that, according to Fichte, the very "das absolute" would not be absolute if it existed in some form.”

Thus, Fichte, is well aware that the universal cannot be identified with any relative form of the particular, and is also aware of the full extent of the complexity of comprehending and expressing the universal. He seeks to solve it by exploring the absolute in its genetic dimension.²⁴⁸ And this is one of the main objectives of his later epistemology. Only in this way, according to Fichte, is thought able to comprehend “where the form in which the absolute appears comes from, (and) where, in fact, this form exists (*einheimisch sei*).”²⁴⁹

The first part of the second series of lectures of the Science of Knowledge of 1804 is devoted to achieving this objective. In defining the path of thought to the knowledge of the pure absolute, Fichte reveals the nature of the discursive concept, its origin, showing that the concept cannot be absolute and cannot be “placed” in the absolute. This seems to be the main difference between Fichte’s first philosophy and Hegel’s science of

logic, even if we take into account the entire depth of the difference in their interpretations of the very term "concept". The absolute for Fichte is fundamentally unclear, although intellectual intuition, which became a way for Schelling to get away from the problem, is also unacceptable for Fichte, as we have seen. At the very least, he tries to find some new interpretation and meaning for the latter.

However, the "concept" still plays a very significant role in the Fichte's later system. Specifically, it plays the role of a mediating link between the absolute and relative being. It is something akin to the demiurge in Gnostic systems, in which it was placed between God and the world. To be even more precise, it is not the concept that plays this role, but what Fichte refers to as the "origin of the concept", which he designates using the specific German term "Durch". The term "Durch" derives from the pronoun "Durcheinander",

which is normally translated as "through each other". By postulating "Durcheinander" as the main characteristic of the concept, Fichte justifiably sees the latter universal mediation as its nature. However, by treating the concept as only a discursive one, Fichte refuses to reveal the same nature of immediacy therein (specifically, the immediacy of universal mediation). Thus, "Durch", the universal "through", becomes the universal principle of "Durcheinander", and consequently it becomes the universal principle of the concept itself. The term "Durch" has associations with *dialectics* as a process in which the subject produces its productivity, a topic very close to the heart of the author of the Science of Knowledge.²⁵⁰

However, this intermediary god, the demiurge god "Durch", is a deprived deity for the author of the Science of Knowledge, which, according to Fichte, is endowed with the absolutely absolute and the relatively relative. "Durch," and, therefore, the

logical concept as such appears in this system to be something completely unsubstantial. It makes sense at this point to include another Fichte quote here: “"Durch", as the origin of a concept, does not exist on its own, but needs someone else's life, which it can extend to itself. It is quite obvious that life as life could not be in “Durch”, although the form that perceives life here (in comprehension) is in the “Durch” as a transition from One to the Other... the result: The existence of “Durch” presupposes an initial life, which in itself is not based on “Durch,” but completely on itself.”²⁵¹ “For the concept of the absolute relation of the projected image to the original image (Bild) and vice versa, since it is only this relationship, the situation never progresses to where the projected image must be stable for itself and existing (für sich bestehende) as light, but must just be a depiction of this light; the depicted and the image, simply as such, are sufficient for it. Hereinafter for its internal essence (that is the

matter) it is supposed to be absolutely stable for itself (als absolut für sich bestehend), but not even stable on the basis of the depicted and the original image, but then again this internal essence is nothing more than *Durcheinander*. Thus, it was effectively found that "*Durcheinander*", specifically as an existing entity, makes both the depicted (*einleuchtet*) and the image obvious. However, who has the right to tell us (...) that "*Durcheinander*" must be something that is given apparancy, something that exists?"²⁵²

Lauth argues that Hegel transferred this "*Durcheinander*", namely "*Durcheinander*", relating to the spirit and nature, to the sphere of the absolute, the Science of Knowledge "proves that they do not directly proceed from the absolute itself, but from an indirectly genetised concept ("*Durch*")."²⁵³

We, in turn, would like to present a slightly different proposition. In Hegel's dialectical system, there is no concept that would correspond to Fichte's

notions of "Durcheinander" and "Durch", which Fichte used to fill in the non-mediated transition from the absolute to the present reality, to final intelligence, and ultimately to nature. So wherever Fichte employs the concept of "Durch", Hegel makes a leap from the logical absolute to the internal logic of nature and the spirit. Further on, we will try and demonstrate that wherever Hegel tries to mediate this transition (in the philosophy of nature and the philosophy of spirit), he uses a method for this mediation process which contradicts the system. As an element of the Hegelian system, the method is unsubstantial (based on the dialectics of universal logic) to the same degree as it is substantial (since logic itself has the method as the highest result of its self-development, at least that is how Hegel reveals this result in the final chapter of the *Science of Logic* dedicated to the absolute idea).

In the philosophy of nature and spirit, when the method acts precisely as a means of mediating the

immediate leap from the logical to the present, it results in rendering the system completely schematic. Where Hegel acts as a mediator between the logical and the present in the form of history interpreted as “Geschichte”, that is, the unity of the objective process and its subjective interpretation (moreover, the “subjective”, literally, in every sense), schematism fails to find its place and the deeply philosophical emerges as a truly speculative understanding of actual processes. Later on, we're/we are going to try and illustrate it using the philosophy of religion as an example.

It seems to us that the matter is not the principal difference between Fichte's transcendental idealism of the logical and Hegel's speculative-logical which Lauth says lacks transcendentalism (and Fichte naturally could not have known about Hegel's speculative logic). The thesis about the fundamental difference between the two types of the logical (in Fichte and Hegel) is one of the cornerstones of the

Munich school represented by Lauth. One of the most prominent and profound representatives of this school, Franz Bader, seeks to give a historical and philosophical justification for this difference, leading him to the opposite of the logical principles of Plato and Aristotle.

The need to assume the principle of the unity of thinking and being, not only as an ontological but also as an epistemological (gnosiological) principle all the way to their absolute indistinguishability, as Fichte does, fully corresponds to the speculative method of Hegel's later ideas. The absolute unity of the absolute, "living" according to its own laws, which cannot be directly extrapolated to the sphere of the special (as well as vice versa), is the principle of philosophising that anyone who has thoroughly studied Hegel's logic will agree on. The difference between the two great systems that crown the historical development of classical philosophy, when looked at from this angle, lies primarily in

their focus. While for Fichte it was important to justify the specifics of knowledge of the absolute, which corresponds to the powerful pedagogical potential of his system,²⁵⁴ Hegel sought to make time to fully reveal the process of logical movement within the absolute. We also think that Fichte provided a more subtle analysis of the relationship between the absoluteness of the universal and the relativity of the specific, and revealed all the theoretical and methodological difficulties associated with the task of mediating them. His teaching on "Durch" makes it possible to gain a deeper understanding of the Hegelian system and to more clearly see its shortcomings.

However, it was no coincidence that it was Hegel, and not Fichte, who revealed the internal process of the absolute in **in** the movement of the logical. The insurmountable obstacle for Fichte turned out to be the dialectics of the direct (immediate) and indirect in the absolute and in everything connected with the

absolute. The reason for that was probably that Fichte / That was probably because Fichte was never able to get rid of the requirement for evidence in philosophical knowledge. This requirement remained as a kind of rudiment that Fichtian philosophy inherited from the new European thinking.

To sum up, we can say that in general the Fichtian and Hegelian systems of the logical actually complement each other rather than being in opposition to each other. At the same time, the main pressure point of the logical form of philosophy is made only too clear; it is the problem of the pure element of the logical that represents the absolute process with particular spheres of spirit and nature.

Part III.

The Logical and Spiritual Foundations of

Law

Chapter 9. The relation between the notions of the logical and the historical in Hegel's teachings about religion as a form of the absolute spirit

In the preceding chapters, we examined the concept of the “logical”, as defined in classical German philosophy, as well as the need to explicate the nature of the logical for the thinking that wants to manifest in the concept. As we have seen, the logical exists in the spirit and through the spirit. It is only the spirit that acts as the true carrier of the logical, so the further up the stages of spiritual development we move as we follow Hegel, the more organic the form of the relation between the logical and the real becomes. We have tried to demonstrate the need for the notion of the spirit based on the content that exists in the identity of the Self with itself. In the process, it transpired that this content includes, firstly, an identity between the substance and the immediate subject and, secondly, the content

of the fact that this absolute identity is at the same time an absolute difference.

The immediate subject, trying to preserve itself precisely as the immediate subject, seeks to maintain the relation to its identity with the substance in the form of spontaneity alone, which means that it also wants to retain the definitions of absolute identity exclusively in the definitions of absolute difference. Otherwise, spontaneity would have shown itself as the kind of spontaneity which contains mediation in itself, and this would no longer be just a direct relationship. Therefore, the direct relation to the universal spirit of “this” immediate subject should be the same as the relation of the identity of the Self to itself to itself, but taken in the definition of difference. In his *Phenomenology of Spirit*, Hegel defines the form for this relation as time: “Since this equality, as absolute negativity, is an absolute difference, the equality of the Self is opposed to this pure difference, which, in being a pure difference

and at the same time objective for the self-knowing self, must be expressed in the form of time”²⁵⁵.

So, the form of immediacy of the spirit (or one of these forms) can be defined as time. In our opinion, the corresponding excerpt from the manuscripts relating to the so-called Jena real philosophy allows us to interpret the concept of time in a similar way²⁵⁶.

However, the spirit cannot remain at the stage of immediacy, since this contradicts its concept. The process of its development consists in removing the form of its immediacy, postulating itself as its essential mediation and thereby restoring immediacy once more, but already as a “second” immediacy. In other words, it is necessary to develop the spirit in time in such a manner (as a form of its immediacy) that is ultimately a form of the spirit postulating itself as the main content of this development. This movement is the path of liberation of spiritual substance—the act through which the absolute goal

of the world is achieved in it. The spirit, which initially exists only in itself, progresses to consciousness and self-awareness, and thereby to the disclosure and reality of its essence that exists only in-itself and for-itself... ”²⁵⁷. Since this development exists in time and in being, it represents history²⁵⁸; “....world history is generally a manifestation of the spirit in time”²⁵⁹. It was precisely in treating history as a “manifestation of the spirit,” rather than a simple sequence of empirical events, that Hegel preferred the concept of “Geschichte” to the concept of “Historie”.

Now we can more specifically express the content of the concept of “Geschichte” in the context of the notion of the spirit: the process of historical “Geschichte” entails the process of spiritualising history with the simultaneous removal of time as a form of immediacy in this development. The result of this process should, however, be the restoration of immediacy, but this must be immediacy that

already includes mediation, and therefore it has a different form. Namely, this immediacy refers to the entire process as a whole and to this wholeness as a concrete form of the spirit. Since the spirit itself must postulate its mediation, this process can otherwise be expressed as the process of developing the principle of subjectivity to universality, which brings us to the logical principle already indicated in the sphere of the spirit.

Having reached the point in our analysis at which the logical movement reveals the concept of the spirit for us, we must now demonstrate how the concept of the spirit itself now distinguishes its aspects, including historical and logical ones. Therefore, we need to move back from the concept of the spirit to the concept of the logical. It is only then that we will be able to come up with a truly concrete definition for the latter. In its developed form, we will find a depiction of this process in Hegel's philosophy of religion. But before we turn to

it for this content, we must first demonstrate how the notion of spirit appears in the Hegelian notion of religion. Secondly, we need to appropriately interpret the very concept of the spirit so that the movement of the logical (in unity with the historical) appears precisely as the movement postulated in it.

Hegel notes that religion is primarily represented as a form of the relationship between man and God²⁶⁰. This relationship appears as 1) a theoretical relationship (in this context this is an activity aimed at getting to know God) and 2) a practical relationship (as service to God, worship). In exploring the former aspect, Hegel begins by criticising the points of view that deny the notion that there is knowledge in a religious relationship, i.e. in the relationship between man and God. First of all, this is the point of view that Hegel called piety (it was most clearly manifested in that era in pietism). Piety seeks to subordinate all cognitive

abilities to feeling, having dissolved the latter, like all other final definitions, in the feeling of God²⁶¹.

Outwardly, the opposite is the position of rational cognition, which makes the finite the subject of its interest, and considers God as a postulate containing a single external addition of the abstract universal to the finite²⁶². However, at their foundation, these two forms do not differ from each other: For them, God exists as the abstract universal, and the relationship with him remains undetermined. Both elements, as they attain full developed in their ostensible opposition, ultimately lead to the same result: "...the field of religion has absolute knowledge and purpose, but as a positive aspect. Cognition has captured all finite material; however, by establishing the necessary connection in it, it is not capable of introducing an absolute link into it "²⁶³.

Cognition, devoid of an absolute goal, is meaningless, and piety, not associated with the ultimate activity, is lifeless. Here the true religious

relationship ceases. However, the ultimate ideas about the essence of knowledge do not allow us to get out of this impasse. Therefore, Hegel seeks to find and define the form of knowledge that could become adequate to the cause of religious knowledge with regard to God. Indeed, according to Hegel, cognition lies in the very essence of religion, and in particular in the Christian religion²⁶⁵.

Hegel sequentially considers the following forms in which a religious relationship can act as cognition (knowledge): feeling, contemplation, representation, and, finally, thinking as such. The last bit (“as such”) is essential, since for Hegel, feeling, contemplation and representation considered in their truth do not remain external to thinking. The scientific study of these forms was carried out by Hegel in the *Phenomenology of the Spirit* and in the *Philosophy of the Spirit*. In these works, they were considered as forms of the relationship of the spirit to itself and, due to this specificity, appeared in their

abstract purity. We consider it necessary to go into sufficient detail on the Hegelian analysis of these forms of cognition, since they will be important in the interpretation of historical forms of religion. In the philosophy of religion, they already appear as forms of a specifically religious relationship, the subject of which is supposed to be universal, and therefore their analysis should lead us to the true form of how this subject has been given to us.

It is feeling that Hegel defines as the first form of cognition capable of having the universal as its subject²⁶⁵. The basis of any particular feeling is the feeling of oneself, relating to particular feelings in the same way as substance relates to accidents. "It is a feeling of any content and at the same time a feeling of oneself"²⁶⁶. Feeling is capable of referring to a universal subject through particular content, but it is not yet able to distinguish between the universal and the particular, and, equally, between the subjective and the objective (the conjugation of

these four points here is also not accidental). Therefore, although feeling may be a form of relationship towards God, but taken immediately, it is only the first undeveloped form of this relationship. It is the simple immediacy of the identity of the Self and God, expressed in the simple knowledge of what God is.

Ordinary consciousness often tends to equate religious faith with a simple feeling. But already the analysis of the very form of feeling undertaken by the philosopher shows how wrong this identification is. Religious faith is a complex (or it would be more correct to say: simple) whole of the theoretical and, above all, of the practical relationship that man has to God, to himself, and to the world. It would just be too hard for it to be cramped within the framework of sensuality, which is actually very limited. Hegel carries out an in-depth analysis of the reasons why feeling as a form is insufficient. His main conclusion is this: it is impossible to close in this

one form precisely because the universal cannot be given to it as a concrete, distinct universal in itself. Therefore, "God does not yet have content, or any further significance"²⁶⁷. The lack of concreteness of the universal also means that something untrue can be the subject of feeling. Through this, universality will also shine for man, but as evil. "God, if imprisoned in feeling, has no advantages over the most evil content."²⁶⁸ According to Hegel's analysis, the form of feeling itself requires a transition to a more developed definition of God and His relationship to man. At the same time, the difference between the universal sense of self and the particular feeling of specific content, which lay as if it were "behind the back" of a sentient individual, should be manifested and postulated for them: "The difference of feeling is, first of all, the internal difference in the Self itself; it is the difference between me in my pure solubility and me in my certainty.

However, as reflection penetrates into this inner distinction, the distinction is also assumed as such. Now I remove it from my certainty, contrast it with myself as another, and thus subjectivity becomes for me my relation to objectivity”²⁶⁹. In **these** efforts of the Self aimed at distinguishing itself, it comes to the negation of its immediate existence and enters into the sphere of the universal²⁷⁰. But then **we're/we are** dealing with a form of contemplation.

Here the spirit rises to the difference in itself between subjectivity and objectivity, but not yet to the knowledge of this difference. Subjectivity itself exists for it only in the form of objectivity. However, by virtue of this, the subject of contemplation is devoid of subjectivity. Hegel argues that the form of contemplation is already completely inadequate to the religious relationship and is internally contradictory, since the contemplative subject, who finds the whole content of this relationship in themselves, still needs a

sensually contemplated object. The latter, in turn, cannot represent the truth in its entirety, since self-awareness and subjectivity are outside it. God and man here seem mutually passive, which contradicts the concept of both one and the other. Contemplation is only a transitional stage in the development of the religious relationship. “The now necessary development must consist in the totality of religious relationships really being posited as such and as unity. Truth then obtains objectivity, in which its content as essence in-itself and for-itself is not only postulated, but is essential in the form of subjectivity itself, and the whole process takes place in the element of self-awareness”²⁷¹. As a result of this development, we get a form, according to Hegel, that is capable of maintaining the fullness of the relationship between man and God.

This is a representation, which, according to Hegel, is the main form of religious attitude, although it does not have the status of the highest

form of knowledge. Here one might see religion as belittled, because we know that only in religion does a person find absolute knowledge of the truth. In order to believe this, one could find a reason in the fact that Hegel did not know true religion, seeing how he was never a member of any church. Undoubtedly, we are talking about the consciousness of an individual subject, a consciousness devoid of collegiality. And of course, Hegel could not avoid the absolutisation of the graceless religious experience of the Lutheran church. We should also bear in mind that we are dealing here with only preliminary reflective judgements.

The very power of the living concept led Hegel to the fact that, by including historical content in the logical concept of religion, he eventually ends up with a much larger idea of religion, and one that is much closer to the truth than one would expect by comparing his preliminary arguments about the

essence of religion with the interpretation of the representation in the *Phenomenology of Spirit* or in the *Philosophy of Spirit*. However, a similar appeal to the representation can also be understood because it allows Hegel to introduce some aspects that are important for his further presentation of the concept of religion. Specifically, by emphasising that, religion, in contrast to philosophy, is a relationship between man and God in the form of a representation, Hegel holds a significant moment of immediacy in the definition of this relationship; “... religion,” he noted, “as an immediate representation.”²⁷² Indeed, he defined immediacy as the **main/major** category of representation²⁷³. However, here too, a more careful examination of the very form of immediacy, which Hegel undertakes by analysing the dialectics of religious relations, allows us to conclude that this immediacy hides some essential mediation.

The explication of the latter can be found in the Hegelian analysis of the relationship between the finite Self and God. The difference between them, which the ordinary mind perceives as a prerequisite for research, in actuality turns out to be something that has yet to be achieved and proven. Meanwhile, the origin is unity. Truth is contained in the process of the self-representation of this unity. Here, **the identity of the Self and God, / the self and God's identity**, taken as a prerequisite, then their difference, and, finally, the identity postulated as a result of removing the difference, should be defined and deduced as aspects of a single process. This self-mediating integrity can be understood only in the concept of the spirit, which is conceived in this concept as a spirit that distinguishes within itself its finiteness and its absolute infinity. Both God and man (who has revealed to himself his identical nature with God) can, according to Hegel, be defined only through this concept. “Both sides of the

spirit—the spirit in its objectivity (usually referred to as God) and the spirit in its subjectivity—create the reality of the absolute concept of God, which, as the absolute unity of these two moments, is the absolute spirit. The certainty of one side corresponds to the certainty of the other...”²⁷⁴.

At this stage, the notion of religion achieves its most advanced definition: understanding it as a form of relationship between man and God is no longer enough, since both man and God have received a higher definition as spirit. Thus, "religion is now viewed as a relationship between the spirit and the absolute spirit... This is not only the relationship between the spirit and the absolute spirit, but the absolute spirit itself is related to what we define on the other side as differentiated; therefore, in a higher understanding, religion is the idea of a spirit related to itself, the self-awareness of the absolute spirit”²⁷⁵. Only when **it's** / **it is** understood as a process of this self-awareness can knowledge be interpreted as a

form of a religious attitude. At this point, Hegel ends his introduction to the philosophy of religion and begins to talk about this philosophy itself; all preliminary definitions have been removed and transformed into a completely new objectivity, which can no longer be considered from external assumptions and which requires an adequate method developed from the subject itself. The essence of the logical and its relation to the historical can only be revealed through the dialectics of self-determination of the concept of spirit. In this dialectic, the subjectivity of the spirit, and the latter's relation to objectivity, as well as the self-awareness of the concrete unity of the subjectivity and objectivity of the spirit, must manifest. Given that "religion is the idea of the spirit relating to itself", then the notion of religion must contain this self-awareness. But therefore, the self-awareness of the spirit must reveal in itself and postulate all its definitions in the necessary fashion.

Including the definition of the logical in its relation to the historical and to the spirit as such²⁷⁶. It is not by chance that Hegel says that “the concrete content of the concept of religion is the creation of a concept through itself”²⁷⁷. As we already noted, the spirit distinguishes itself in accordance with its understanding. Hegel defines the form in which this difference appears as naturalness for the self-awareness of the spirit, as an aspect of nature present in the spirit: “The concept that we have thus established (that is, the concept of religion—S.Z., V.S., D.M.) is the self-awareness of the absolute spirit, the self-awareness that it is for itself; for itself it is a spirit; that in which it distinguishes itself from itself in an aspect of nature”²⁷⁸. When the spirit removes its distinction and its finiteness, i.e. when it becomes a real spirit, this appears in the form of the spirit's return from nature to itself, to an adequate form. Hegel defines the practical aspect in the

movement towards the removal of the finiteness of the spirit through the concept of a cult.

We already have that definition of religion, according to which it represents the relationship of the absolute spirit to the difference between itself and the finite spirit, more precisely—itsself and the form of its finiteness. It is important for a person how much their self-awareness is developed in order to be included in this relationship, which is absolutely objective, but also absolutely subjective for them. Since, according to Hegel, the highest value of a particular era is determined by the level of development of the spirit achieved in it, then it is through their involvement in the practice of religion that people relate to the historical content of their era. Only by partaking in the activities of this single spirit does man enter into a meaningful relationship with God. True religion is therefore impossible outside the historical tradition of the people, outside the national tradition of inclusion in the activity of

the universal spirit. (Otherwise, it simply turns into an ideological form that only imitates a real religion. Examples of such imitations include various Satanic cults and the totalitarian heresies that arise from them).

It is here that man finds his spiritual basis: "...the one spirit is the substantial basis in general; this is the spirit of the people as defined in various periods of world history, this is the national spirit: it constitutes the substantial basis of the individual."²⁸⁰ In this relationship between the national spirit and the spirit of the individual, the entire multitude of the latter's goals is defined through the universal infinite goal.

This kind of elevation over the finite and reflection into its substantial foundation (which true religion allows) brings man into the circle of world history, opening up for him the global historical horizon for the first time. Religious worship, as it reproduces world history in the realm of the ideal as

a divine history makes it tangible for people. In this way, it remains within the limits of the relationship with world-historical content, but, at the same time, also within the limits of religious relation²⁸⁰. As a result, “here, in the subject, the spirit is as it truly is in itself and for itself and, accordingly, in its content, and this content is no longer something otherworldly, in it, subjectivity has its essence as an object. Thus, the cult is, finally, the presence (die Gegenwartigkeit) of the content which constitutes the absolute spirit. As a result of this, the history of the divine content is essentially the same as the history of mankind, the movement of God towards man and man towards God. A person knows that they are essentially contained in this history, intertwined with its aspects; when they contemplate it and are immersed in it, this immersion is a concomitant of the movement of the content, so they learn the authenticity of the reconciliation contained in it and enjoy it”²⁸¹. The result is presented in this

manner only when worship acts as an effective cleansing of the will from all finite and accidentally postulated goals, when it takes the person into the realm of moral content. At the same time, according to Hegel, a significant link then emerges between religion and the state and law. The theoretical religious form of the relationship between man and his substantive content and the practice of implementing this content turn out to be the two prerequisite moments of a single process. The former acts as the subjective form of the self-relationship of the spirit and the latter as its objective form. At the same time, "the true is the objective relationship of God in himself, his logical nature in itself".²⁸² The subjective and objective spirits here once again prove to be forms of self-distinction of the one absolute spirit.

Hegel offers a large-scale and at the same time detailed examination of this process in his lectures on the philosophy of religion. They primarily reveal

the content of the subject of this science in the relation to its method. The subject is primarily the very notion of religion. Its nature as a notion is that it contains in itself both the method for distinguishing its aspects and the form of their relationship. Hegel considers the notion of religion in its universality as the first step of this distinction. But here this notion already manifests as an identity between the subjective and the objective in the religious relationship. However, this identity is abstract because it exists only for a reflecting consciousness, but it has not yet been postulated for itself as a notion. Meanwhile, the process of postulating this identity of the subjective and the objective notion of religion (or its emergence as the identity for its self-awareness, which is ultimately the same thing), already makes up the content of the next phase: the notion of a specific religion. The contradiction that causes the transition from the notion in its universality to the notion of a specific

religion is as follows: the spirit as a process of attaining itself cannot be postulated from the very beginning as an absolute spirit. However, since the foundation of this achievement is the spirit itself, it contains the fullness of all its aspects, even though they have not yet become for it the subject and the goal, i.e. they have not been subjectified by it. Thus, there is a contradiction between the postulated definition of the spirit in its universality that requires mediation, an internal definition and a notion of the spirit as an absolute spirit. Moreover, only the spirit itself can act as the mediating agent here.

The resolution of this contradiction will **consistute** / **constitute** the process of developing the universal spirit into the absolute spirit—the content of specific religions. At the same time, this development will also be the development of its self-awareness. “Since the spirit is essentially self-awareness, then the stages of this awareness arise

within it, and it is always only aware of itself in accordance with these steps. It is these steps that create a specific religion, and the religion here is the awareness of the universal spirit, which has not yet realised that it is the absolute spirit."²⁸³ According to Hegel's position, this religion, which is defined by its own concept, is a historical (in the sense of "Geschichtlichkeit") religion. "As the main aspects are revealed in the passing of all stages, it is revealed how these stages exist historically in the development of religion, and this process creates a number of morphogenesis; the history of religion"²⁸⁴. At the same time, Hegel is still a long way from being able to fetishise time in any way: for him, the spirit is the original totality of both the beginning and the result (through which, in the first place, its opposition to natural phenomena is expressed). It rises above the definition of time. What was actually spiritual in various phenomena of

social life or finite thinking can be determined only when the result of their development appears.

The movement through time applies only to one aspect of the spirit: the definition of its immediacy. The integrity of the spirit should be considered primary in relation to the process of removing this immediacy that takes place over time. Note that although the content of the concept of religion, which postulates its history, has a logical form itself, it should not be equated with the concept as it appears in the elements of logic itself. Therefore, the development of the concept of religion simply cannot duplicate the movement of the concept in pure logic. Otherwise, the Hegelian system's accusations of logicism would have been justified, and the philosophy of religion would have lost all interest from philosophers. Precisely because "nowhere does Hegel bring logic and real sciences into such detailed and definite correspondence as in the philosophy of religion"²⁸⁵, in the latter we find

the most striking evidence that the great philosopher primarily sought to reveal the inner logic of reality itself, to define its own concept, and rather than imposing the reality of the schematism of pure logic. This is also evidenced by the nature of the development in lectures in different years that interpret historical religions and the very notion of the historical. Thus, the 1821 lectures don't/do not pay much attention to it. In them, it is only used as an illustration for various aspects of making the concept of religion more concrete. The fact that Hegel had a similar attitude to historical material at that time is evidenced by his letter to Hinrichs²⁸⁶. Hegel advises his correspondent, who prepared the manuscript of a book on the philosophy of religion, to use historical data to illustrate and popularise the material. However, in the lectures of subsequent years, we already find that the historical content of the development of religion is presented in much finer detail, and there is a gradual rejection of the

rather rigid logical structure used in 1821²⁸⁷, the bulk of attention is now paid to identifying the internal logic of historical religions.

First of all, we would like to draw attention to the fact that the very concept of the historical is interpreted by Hegel as a developing concept. This refers to the historical difference in the realm of specific religions and the absolute religion. The latter is a full embodiment of the notion of religion. The transition from a specific to an absolute religion as a whole is marked by a transition from the universal to the absolute spirit, which significantly changes the status and nature of the historical phenomenon in the process of self-determination of the spirit. But even within the framework of the most specific religion, Hegel also distinguishes two stages of its development: there is the stage of natural religions and the stage of religions of spiritual individuality. The publisher of Hegelian lectures, W. Jaeschke, is inclined to believe that this

division within the sphere of specific religions is not important, since it is present in only one of the four lecture cycles²⁸⁸. We, however, believe it has the right to exist because it expresses a significant difference in the character of the historical process at different stages of the development of the spirit. An important clarification needs to be made here. While in the 1821 and 1825 lectures Hegel talks about historical religions, in the 1827 lectures he switches to talking about historical forms of religion, a wording that expresses his overall position much more precisely. There are not many **religion** / **religions**. There is just one religion the same way as there is only one truth. If a person's thinking, feeling and perception do not have a true relation to God, then they are all pointless, since God cannot have a true relationship with such a person.

However, historical forms are not adequate to the very idea of religion. The true form of truth,

according to Hegel, is achieved only in Christianity. In previous forms, Hegel, however, always emphasised the true content that is presented in them. But at the same time, he is always striving to show that the noted content acquires its perfect form only in the Christian representation. Thus, noting the existence of the idea of man-god in natural religions,²⁸⁹ Hegel emphasises that the true meaning of this idea would be revealed only in the absolute religion, i.e. in Christianity. (We can add here that historical forms of religion were true until the perfect superhistorical religion (Christianity) came forth; after this, earlier cults acquire the features of demonic beliefs). The identification of the historical roots of Christianity does not at all mean that Christianity itself is historical in nature (and certainly not syncretic), if only we understand the nature of the historical with the same measure of depth that the great philosopher ascribed to his concept of "Geschichte".

So, the subject of Hegel's lectures on the philosophy of religion is the concept of religion. In them, we find both an example of the development of a philosophical concept and an explication of the logical form of the concept itself. The latter is possible owing to the specifics of the subject itself, which includes the Logos as its essential aspect (which will become especially clear as we proceed with our discussion). Moreover, the historical as a necessary element of the logical is included in the concept as its essential point. Here Hegel considers not the history of religion but the **historic/historical** forms of the notion of religion. The latter, naturally, is different **to / from** empirical history. In the speculative sense, the history of religion is a depiction of religion itself in accordance with how it is conceptualised, and vice versa. In the development of the spirit from the definition of universality to the definition of absoluteness, the most significant aspect is the formation of the unity

of the concept of religion and its self-awareness. This emergence is effected as the development of the subjectivity of the substantive unity of the spirit. The latter constitutes the content of the process of self-mediation of the spirit. Since the self-mediation of the spirit is the removal of its immediacy, and we, like Hegel, defined the latter as time, the process of establishing the unity of the concept and self-awareness of religion, subjectivity, and substantiality necessarily takes a historical form. But this form itself is postulated by the logical.

It is known that in the sphere of “natural religions”, Hegel distinguishes four historical forms of religion. Let's / Let us take a closer look at the self-distinguishing (self-development) aspects of the spirit that he relates them to. We will also determine the importance of this sphere for the development of the logical concept of religion. So, "the first religion is that in which the awareness of the divine is revealed to the human as-a power, force, dominion

over nature. This first religion, if we choose to call it that, is a religion of witchcraft"²⁹⁰. The remark about how we choose to call it religion is intentional ²⁹¹, because at this stage, the spirit is not yet self-aware, so *it's* / *it is* too early to talk about a religious attitude. However, since the spirit is already present in this form, *we've/we have* already got the starting point for the genesis of this attitude at this stage. The question now is what form the spirit has here and what foundations *it's* / *it is* got for further development.

First of all, we find that the spirit, even though it has already been postulated, has only been postulated in the form of absolute finiteness, which completely contradicts its concept. The spirit here has its own object in the form of a natural phenomenon, and *it's* / *it is* a natural phenomenon that occurs accidentally (people begin to take an interest in the sun and start casting spells on it only after experiencing an eclipse, they start paying

attention to the earth after an earthquake and so on and so forth). The definitions of subjectivity here apply to a person who is completely immersed in their finite, momentary interests. For Hegel, nature in general is a definition of the state of not being postulated, the state of immediacy of an idea "... nature is an idea in the form of another being"²⁹². Since in the religion of witchcraft, the spirit finds itself inseparably merged with nature, i.e. with its immediacy, then the first definition of the spirit is enclosed by this immediacy. Fixing the elevation above nature in the act of witchcraft means for Hegel the transition from just witchcraft to the religion of witchcraft²⁹³. And "...in the religion of witchcraft, there is already a distinction between the individual empirical consciousness and the one who performs witchcraft, the latter being defined here as the universal power in things"²⁹⁴. The difference between the spirit and nature, and through this

difference—the relation of the spirit to itself—is the main thing achieved in the religion of witchcraft.

At this stage there is yet *no freedom*: “The knowledge of God as an absolute power is not yet a religion of freedom” ²⁹⁵. The substantive identity of the subject and the object at this stage has already been achieved, but for the subject it is only as a substance in which it cannot yet distinguish its subjectivity. The substantiality of the identity has yet to develop to the stage of subjectivity. Hegel calls this lower religious form, which is nonetheless quite developed for its level, pantheism. At the same time, he does not miss the opportunity to criticise any attempt to revive the pantheistic worldview in the contemporary context. It is enough to study those fragments of lectures on the philosophy of religion, which contain the Hegelian criticism of pantheism, to understand how groundless all attempts to accuse him of pantheism really are.²⁹⁶

Hegel identifies the form of religious pantheism primarily with the Chinese state religion, which, however, he does not at all regard / regarded as being different than the religion of witchcraft, considering it only as the second stage in the development of this religion.²⁹⁷ Hegel distinguishes the Chinese state religion from other religions common in China. At the same time, “the point of view of witchcraft even evolves into an organised monarchy in this case, whose world view contains something majestic and sovereign.”²⁹⁸ Here, at the highest level of the religion of witchcraft, the substantive unity of the subject and the object appears as an object of contemplation. However, the substance that makes up the foundation of this unity is perceived only as something immediate, something that is not at all spiritual yet. The spirit only manifests as a finite spirit, an individual person who is the living incarnate of the substantive. However, man embodies this substantial not in the

same way as he would if he postulated himself as a finite incarnate of the infinite substantive. (For that to happen, it would be necessary for the infinite itself to manifest its finite as its necessary moment, its essential definition). Man simply dissolves in the substance and he is always accidental in relation to it and thus not free.

Since this substantive appears as immediate, it is given to man in the image of nature: “The state religion, the religion of the Chinese empire, is the religion of Heaven, where Heaven, Tien, is recognised as the supreme dominant one.”²⁹⁹ At the same time, Hegel emphasises that “what is called heaven is not only a natural force^s, but a natural force that is at the same time linked to moral definitions... This Tien denotes a completely vague, abstract universality, a completely unclear concept of physical and moral unity in general.”³⁰⁰

This unity suggests that what **we're** / **we are** dealing with here is a substance of spiritual self-

determination, and not just a simple direct relation to one's nature as the first stage in the religion of witchcraft. Here, a person is a conductor of substantive power in its entirety, and not only in part (the latter is found in the notion of the sorcerer). It is noteworthy that in the Chinese religion, this sorcerer figure that rises above everybody else is the emperor, who is viewed as the centre of state power. As the personification of substantial power, he rules not only over people but over natural elements as well. Once again, this brings us back to the notion of the primacy of the spiritual substantiality over nature. However, as something incidental, even the emperor is only an external expression of power. He is not yet his own, internally necessary aspect of his self-distinction and self-determination. The spiritual substance is found by him as something postulated outside him, and thus inside him it remains undefined. That which should constitute a cult practice in religious life appears here first of all as

compliance with the requirements of the state system, embodying a universal measure. All the other cult activities are comprised of performing standard witchcraft rites, spells, following various superstitions, in other words, of the sorts of things that are not much different to what we find in the first stage of the religion of witchcraft.

Yet in the Chinese religion, the religion of witchcraft reached its peak. The main result of this development is that the first aspect of self-determination of the spirit is obtained: the spirit was defined as the unity of the subjective and the objective, but in such a way that the difference between the subjective and the objective belongs to subsequent development. Subjectivity has not yet emerged 'for itself.' The spirit ~~doesn't~~/does not yet know itself as a spirit. The spirit (and that means the person within that spirit) can only just feel itself. Therefore, it does not realise its identity in time, it feels it, but does not make it an object of thinking.

The movement through time for it does not yet include the development of its essence. **That's / That is** the viewpoint of pure substantivity which does not yet know the subjectivity contained in it. "Substance is the universal presence of the present..."³⁰¹. Therefore, the spirit, whose activity takes place within the framework of the first stage of the religion of witchcraft, has no history. The latter, according to Hegel, can only be found among those peoples who have managed to create a state³⁰². Therefore, it is only at the second stage of the religion of witchcraft that we find the initial definition of the historical. But here history is still a thing "in itself", it has not become the subject of thinking, an essential point in the very definition of the spirit. Therefore, its other side—the logical—has not yet emerged as a concept in the relationship of its definitions (substantial, subjective, objective...). Consequently, the state and law too are only things "in-themselves" at this stage. The spirit of the state

and law exists only as a substance that dissolves its accidents in it, but which is still devoid of real subjectivity.

The next form, which drives forward the development of the religious attitude, should be, according to the logic of development, one in which we would find a deepening of this content in ourselves and ~~and~~ which results in its inner distinction. But now this is a distinction that has become subjective for the spirit. Therefore, as the second form of development of natural religion, Hegel highlights one whose essence embodies this deepening of the substantive unity of the spirit in itself. If at the previous stage, the need to include a specific person in the space of self-determination of the spirit was already recognised, it was still unclear for self-awareness what this necessity itself consisted of. The choice of the human being as a fetish seemed accidental. And even when this choice was reinforced by the very objectivity of religion, in

our case, by the state practice of the Chinese empire, it still did not express the self-determination of the spirit as its essential definition. For the spirit, it remained an external act, and the person at the same time still did not reach an understanding of the objectivity of the substantivity that they were coming into contact with. For this reason, the expected process of deepening with regard to religious content, which is achieved at the first stage, coincides with the discovery of this content as something significant in the person themselves, in their self-awareness. "...The second form, which contains the more advanced content, is the human being, but not in their immediate naturalness, not in their immediate self-awareness, or subjective lust, but as a person who goes into themselves and collects themselves in themselves, so that this internal content is essential, supreme, most powerful, and dominant. This second one is a human being existing in themselves"³⁰³. According

to Hegel, this second form corresponds to religion in being in itself, which for him manifests in Lamaism, in the Fo religion in China, as well as in Buddhism as it exists in India, Burma and Ceylon.

The differences between these religions are exclusively ethnic in nature and do not affect the fundamental principles. Here, people begin to understand that the spiritual is their main content and people themselves are the only focus of spirituality on this planet. People no longer regard themselves as a collection of all their random empirical qualities; these no longer matter, and are brushed aside as people realise their spirituality as their main objective content.

But if at the previous stages this objectivity was achieved through the abstract separation of one from among all, here it appears as a definition of truth that everyone can and must reveal in themselves. Since the spirit here is still preserved in the form of the indivisible substantial identity of the subjective

and the objective, the human being also achieves their unity with the spirit as a substance by simply dissolving in it all their final definitions, focusing on their universality, which, without enclosing the definitions of finiteness, remains only an abstraction. In this existence for itself, “all differences are removed, all definitions of the nature of the spirit, all particular forces”³⁰⁴. At this stage, **it's** / **it is** only the process of the spirit going deeper into itself that is postulated as the next step in the spirit's self-development. Having comprehended their content as an objective aspect of the spiritual and of the divine, people thereby postulate the prerequisites for their self-distinction, the development of their subjectivity. However, the result of this reflection is found in subsequent forms. The primary reflection that we identified mediates this distinction but is not yet mediated by it. Consequently, it is only immediate at this stage. This finds expression in the fact that “although God

is comprehended as nothing, as an entity in general, he is known as this immediate person, as the Fo, Buddha, the Dalai Lama.”³⁰⁵ The highest form of the spirit's distinction in itself is achieved only in Christianity, therefore this aspect of a person's deepening into themselves and their elevation to spiritual objectivity appears as spontaneity, mediated by the inner self-distinction of the spirit. The God-human in Christianity is “not a person in the sensuous, immediate existence, but a person who carries an image of the spirit.

If the absolute is revered in the immediate extremity of man, then this is an incredible combination in its contradictory nature even more impossible than a god in the form of an animal.”³⁰⁶ But this is precisely the existence of religion in and of itself. The substantiality of the spirit has not yet developed to achieve subjectivity. “A specific spirit makes up for this shortcoming, which is the lack of subjectivity, that is, spirituality. However, here, at

the stage of natural religion, this spirituality is not spirituality as such, it is not yet universal spirituality created by thought, but sensuous, immediate spirituality”³⁰⁷.

A person who has attained this objectivity make up for the lack of subjectivity of his or her object with this newly attained subjectivity, which is no longer alien to them. Therefore, further development should consist in comprehending the objectivity of this subjectivity, comprehending the latter as one's own subjectivity of the universal spirit itself. In substantive identity, God is essentially one, but he is not yet one in his subjectivity. In the images of Indian religion, the third form of the development of religion³⁰⁸, Hegel found a variety of incarnations of divine subjectivity, not yet reduced to its unity. “The third form is that which contains human consciousness, although as an entity in itself, deepened in itself, but also emerging from this abstraction of existence for and of itself, that form

which assumes the concrete not being-in-itself as such, but which is this concreteness in the decay of infinitely many forces, the universal aspects that are connected with the essential nature in itself, are to a greater or lesser extent a reflection of this materiality”³⁰⁹. Universal power as a single substance is defined in this religious form under the name Brahman. Since the definitions of the subjectivity of this substantiality are not yet brought together, they act as a variety of independent entities. As a result, the original universal power disappears in them, but equally, they disappear in it. However, here we are not dealing with absolute mutual negation: “Constant shifts are that single entity, that difference in the quality of the totality, and they make up the inconsistency of this sphere, which confuses consistent understanding, but at the same time is also a consistency of reason in the ~~the~~ concept as opposed to a consistency of understanding”³¹⁰.

Here, diverse subjectivity emerges from substantial unity, but then returns to it again. “This return, this concentration of thinking could, in accordance with the idea, serve as the completion of the moment of spirituality, if the first universal thinking made a difference in itself and if it knew itself as a return. However, on the basis of abstract thinking, this return itself remains devoid of spirituality”³¹¹. At this stage, Hegel already finds the fullness of the aspects of logical understanding: 1) the objective unity of the subject and the object, 2) the difference in the objectivity and subjectivity of the unity, 3) the return of this difference back to unity. However, abstract thinking leaves these moments disintegrated, and external to each other. Therefore, even though the specificity of a concept (including even the idea of the trinity of God) “shines” behind every fantasy in the Indian religion, this concept nevertheless always appears in some fantastic form that is unacceptable to the mind.

The content of the next step in the development of religion should be determined by the movement towards the unity of the three indicated aspects of the concept. As the first stage of this movement, we must get the elevation of spiritual subjectivity to unity 1) with ourselves and 2) with the substantiality of the spiritual and the divine. Thus, the spirit gains a higher level of its own self-awareness and its subjectivity, embodied in the free element of the spiritual concept of God (or, to put it another way, human understanding of God). But in its own way, this notion too becomes an objective force once it acquires self-awareness. "Subjectivity is a power in itself as the relation of infinite negativity to itself. However, it is only power in itself, but only together with subjectivity is God posited as power."³¹²

It is this interpretation of the notion of God (in his unity with his substantiality and subjectivity) that Hegel ascribes to Zoroastrianism, because in so far as the indicated unity is subjectivity in and for itself,

it proves capable of self-distinction. Furthermore, since this unity is subjective in itself and, therefore, no longer merged with the subjectivity of the immediate individual, the spiritual substance, God himself, is understood by man as absolute objectivity. (It is noteworthy that at this stage God is comprehended as an absolutely objective good that distinguishes itself from evil. Before this, man only knew good and evil as relative concepts: good is whatever is beneficial for me and evil is whatever is bad for me. Now these notions are understood as absolute: the distinction between good and evil is contained in the very foundations of being. It should be noted that this religion was the first to include a human historical perspective; the world is a mystery of the struggle between good and evil and the outcome of this struggle depends on the choices people make. This, of course, is a dualistic worldview. But since it is a historical form of religion that contains an intention for its historical

extension, its dualism is of a completely different sort than the Gnostic-Manichaeian dualism. The former leads to the true monism of the Christian faith, while the latter is fraught with Satanism). According to Hegel, substantial unity postulates a distinction in itself through the idea that "if the universal...is understood as a definition of itself in itself, then it opposes the other and there is thus a struggle with its other"³¹³. In this way, the positive and the negative are distinguished in the universal.

The former is understood in the Persian religion as the absolute good. The latter is viewed as evil. These are purely spiritual definitions, and as such, they cannot be either objects of contemplation such as we have dealt with in the religions of fantasy or religions that are in and of themselves, neither can they be objects of feeling. This means that here we finally reach not only the developed, concrete objectivity of religious attitudes (i.e., the objective concept of God as a beginning, in its substantive

unity that distinguishes itself), but also, according to Hegel, an adequate form of religious attitude which consists in representation. The high level that is achieved at this stage has as its prerequisite the entire previous path of the development of religion and, thus, is mediated by it. However, it still does not consider itself to be mediated, and its historical development as mediating. As a historical form, the "religion of good" is immediate and therefore its content is represented in the form of natural images, primarily in the image of light. (It should, however be noted that the idea of God as light has been preserved in Christianity, albeit without its absolute meaning). As God is defined here as a self-distinguishing spiritual unity (and through this distinction it also defines and mediates itself), it or he must also postulate the need for his relation to a particular person. Thus, God must not only be found by man but must reveal himself to man. Light defines itself first and foremost as the internal light

found in man. But at this stage, it has yet to define itself as such. In this case, we will end up with a more advanced definition of the spiritual: its immediacy, and thus its spiritual image, will be removed and the spirit will be defined as having been mediated by itself. Thus, the need arises to transition from the sphere of a natural immediate religion to a religion of the spirit as such. Or, as Hegel defines it at this stage, a religion of spiritual individuality. “If unity in itself is defined subjectively, then it contains the principle of spirituality in itself, and it is this principle that develops in religions that constitute a similar transition”³¹⁴.

Hegel saw the form of this transition in the Egyptian religion. However, in the 1827 series of lectures, the Egyptian and Persian religions are regarded as two representations of the same form of transition: “The fourth form is the beginning of separation from the immediate individual, starting

with a division, the objectification of which is realised as the highest form. This form has two representations. The first is the one that contrasts the concrete with the simple in this objectification, but this simple is still abstract in its natural image, however, it develops a spiritual definition in itself. The second way of objectification of the substantial consists in the fact that the concept of subjectivity, the concrete, the development of the concrete and this development as totality bring the subject to self-awareness”³¹⁵.

The objectification of the substantial is, as we have seen, the emergence of the subjectivity of the substantial as the objective definition of the latter. At the stage of transition from natural to spiritual religions, the subjectivity of the universal already acts as a universal mediation. However, it has not yet found itself as the only true and (by right of spiritual principle) religious dominance: "...here there is still a mix of the substantial unity with

subjectivity"³¹⁶. This stage is replete with inconsistencies, spiritual definitions are still mixed up with natural ones, and "the goal of subjectivity is to purify itself"³¹⁷. For Hegel, the symbol of this religion was the sphinx, a grotesque mix of the human and the natural that is supposed to represent a mystery; "...the Egyptian sphinx, according to the wondrous and profoundly significant myth, was killed by a Greek, and the answer to its mystery is this: the content is a human, a free spirit that knows itself"³¹⁸. The subjectivity that reveals itself as a result contains, as Hegel noted, two main points: It is 1) subjectivity as self-mediation of universal spirituality (the formation of its self-awareness) and 2) subjectivity as an aspect that assumes and holds the denial of this universal as different (which corresponds to the process of incarnating the universal spirit that has known itself in a different state, in its nature). This other, therefore, does not dissolve as the simple finite in the infinite, but

(since this negation of the finite was revealed as an essential aspect of the infinite, intrinsic to it) it "remains, but obeys and serves as a means"³¹⁹.

This process of assuming the infinite form of its finiteness is a process in which the finite transforms and which makes up the history of the next sphere. But in this sphere, we will find not just another stage in the development of religious attitudes, but a qualitatively new stage of this development, which Hegel defined as a religion of spiritual individuality.

Here, as we follow Hegel in the transition to the new stage in the development of religion, we will aim to draw some preliminary conclusions about what **we've/we have** accomplished so far. First of all, it should be noted that **we've//we have** been dealing with one and the same subject of development, which can be defined as a spirit that is learning about itself in a religious form. The key aspects that make up the logical concept of this subject were postulated from the very beginning so

that it did not represent a synthesis of elements external to each other. These aspects, the most important of which were the definitions of the subjective and objective, underwent the process of mutual discrimination, and the subsequent reduction of this difference into unity with the retention of its results. Thus, religion developed from its abstract integrity to a more advanced spiritual concreteness.

Each of the forms that emerge at the corresponding stage of the development of the spirit, precisely because it possessed all the aspects that make up its concept, had an infinite capacity for its extensive development, for the reproduction of its principle in various finite phenomena. The need for the self-restriction of the principle was not inherent in it, since this very need had yet to emerge as the result of its development. The contradiction between the fact that a concept had already been postulated at each of the distinguished stages, and the fact that at the same time it was only supposed to

act as a concrete concept, is the real source of the development of religion, as we find it in Hegel's philosophy of religion. So far, this source remained outside the historical form of religion. The latter will never progress to a higher sphere on the basis of its own principles. Thus, at this stage, history turns out to be separated from historical forms. The real source of development is a notion that, as we know, has a logical nature. In the development of historical religions, we saw the process of becoming a concrete identity of immediate self-awareness with its immediacy being removed into the dialectic of the subjective and objective development of the universal spirit. This means the emergence of the logical as the content and the form of this process.

It should be stressed that the development of the logical is the primary and determining factor with regards to the movement of the historical. But not at all in the sense that it precedes the historical as some ready-made entity, which must reveal itself through

the movement of the historical. First of all, this would contradict the very nature of the logical, as we have described in the first chapter of this work. In fact, the opposite is true; the logical turns out to be primary precisely because it did not exist from the very beginning and its nature consists solely and exclusively of the achievement and postulating of itself. Since the historical form of religion is a form of the spirit, this logic of development is its internal certainty, its depth, as Hegel puts it³²⁰.

It is important to note that this is the spirit's own logic of development. Hegel traced the emergence of this logic in the historical development of religion and did not try to fit the latter with the schematics of the movement of categories in pure logic. In this regard, we should agree with the assessment of the Hegelian analysis of Eastern religion and culture proposed by G.B. Shaimukhambetova: “Only Hegel gave it (material on Eastern history and culture contained in contemporary literature—SZ, V.S.,

DM) a true philosophical generalisation, by the way, generally the first in the history of culture and, according to some researchers, the only attempt that went so deep into the subject matter... If, together with Hegel, we consider that the meaning and purpose of human existence in history is to build ourselves up and thereby realise ourselves as bearers of the spirit of freedom, as free individuals, and that means creating culture, a world of culture and improving that culture through essential transformations into "the world of freedom", then Hegel actually created something unique in terms of how complete it was in the presentation and depth of comprehension of Eastern material."³²¹

The definition of the logical only as the internal "depth" of a self-determining spirit does not at all exhaust the content of the relationship between the historical and the logical in religion. "A particular difficulty in considering religion is," Hegel noted, "that we are not dealing with pure definitions of

thought, as in logic, nor with existing definitions as in nature, but with those that, since they have already passed through the subjective and objective spirit, contain an aspect of self-awareness, of the final spirit in general, for religion itself is the self-awareness of the spirit about itself and it turns these various stages of self-awareness that the spirit goes through in its development into the object of consciousness”³²². Therefore, the difference in the logical concept determines not only the internal depth and content of religion, but also its form, which is given for the individual self-awareness of a particular person.

A certain form of difference in spirit for Hegel is at the same time a universal logical form³²³. “Such is the nature of the concept,” he notes, “which consists in being the essentiality and the essence of the phenomenon, the difference in form” ³²⁴. In contrast to nature and the final spirit, “where logical definitions as a substantial basis are hidden and do

not appear in their simple existence that corresponds to thought," in religion, by virtue of the fact that it is an absolute form of the relation of the spirit to itself as universal and as the final spirit; "the spirit makes the *logical* appear more clearly"³²⁵.

However, the concreteness, the self-awareness of the spirit of this identity of form and content, logical as absolutely internal to the historical and logical as absolutely external to it, has yet to be achieved. From this, it becomes clear that since the historical and the logical at this stage are identical only "in themselves," for the natural religions themselves, the internal identity of the historical logic with the self-awareness of their own present existence is not yet postulated in this very existence. They, therefore, are historical only for a more developed spirit (with a very high degree of simplification it can be said, only for a philosopher), but not for themselves. There is no history for them. Here, "the history that is being contemplated in the subject is

not the eternal history that comprises its nature but only a history of its states".³²⁶

So, in the development process of the universal spirit towards the establishment of the unity of its self-awareness and its concept in the form of a religious relationship, we found that the logical is essential in the historical development of religion both in terms of its content and form. This development consisted in the formation of a concrete unity, on the one hand, logical as the content of the historical and, on the other hand, logical as the definiteness of historical forms. The concreteness of this unity is determined by the development of its subjectivity, which consists in positing the unity both as itself and the negativity of its relation to another. Thus, the relationship of the logical and the historical in the definition of the spirit itself appears as a spiritual, mediated one. At the first stage of the development of the spirit in the elements of a particular religion, the logical content

of development turned out to be significant, and the immediacy of the forms of historical development in the image of the natural principle, on the contrary, revealed itself as insignificant. Now, since the logical, by virtue of its developed subjectivity, itself assumes its relation to another and immediacy is already mediated immediacy, the form of immediacy is restored as a phenomenon of the essential.

The appearance of the spirit in the form of immediacy is history (we recall that, following Hegel, we defined the immediacy of the spirit as time). Thus, we are talking about the fact that the spirit itself out of its logical materiality postulates the historical. Here, the historical should already be a form of the manifestation of the spirit, which is precisely why it ceases to need a natural image. The logical concept of religion, which has reached its developed subjectivity, necessarily considers the history of the spirit as adequate to its objectivity.

“The spiritual subjectivity to which we have come is a completely free force of self-determination, so that it is nothing but a concept that has no other content than the concept; this self-determination contains nothing but itself”³²⁷.

If the development of the concept was fixed in the movement of natural forms at the previous stage, then here we are dealing exclusively with the development of the concepts themselves. Thus, Hegel stresses the qualitatively new level of development of a particular religion. Its concept must objectify itself in the forms of the spirit itself: natural images are unable to express the content of the concept, which has nothing but the concept itself. Let us first look at how this development of the logical concept is presented in Hegel's lectures on the philosophy of religion.

First of all, we find that this concept turns out to be internally different, which is the first step of its development at this stage. Hegel singles out three

points as a result of this distinction, which he denotes as logical definitions of unity, necessity, and ultimate expediency. Each of these points acts as the main definition of the three religions respectively: the Jewish religion, the Greek religion and the Roman religion. Moreover, this does not take place in the sense that the essence of each of these religions is exhausted by the corresponding concept and in each new form we could find a new level of self-awareness of the spirit. We saw this sort of movement in natural religions. Here the situation is as follows: “We said that these three metaphysical concepts correspond to three religions; however, one should not imagine it in such a way that each of these concepts refers to only one religion. On the contrary, each of these definitions belongs to all three religions”³²⁸. Here, however, as in the previous sphere of its development, the movement of the concept does not coincide in absolute measure with

the self-awareness of the religious level, it occurs as if "behind its back."

The difference between the spheres of natural religions and "religions of a spiritual individuality" in this regard consists only in the fact that, in the former, the development of religion is alienated from the concept itself into the field of movement of natural forms, while in the latter the development is immediately connected with the movement of the concept. Moreover, what is lacking is the combination of the development process of the concept with the form of self-awareness of the historical level, which would constitute the absolute fulfillment of the concept as a religious relationship. But here, as we have seen, the aspects of the concept, although they are distinguished by themselves, pass one into the other, but, they have yet to achieve their concrete unity. The difference in the aspects of the concept also causes the difference

in the three forms of religious self-awareness with the internal unity of their concept.

The fact that what is essential here is precisely the internal difference of the concept, and not the difference between the three forms of religious self-awareness and their relationship to each other, was demonstrated by Hegel through the very nature of the presentation of the material in his lectures. Thus, in the 1821 series of lectures, he first looks at Judaism, then at the Greek religion, then the Roman religion, a presentation that follows the structure of traditional presentations. In the 1824 lectures, the Greek religion is looked at before Judaism. In 1827, Hegel returned to the previous structure, but the Roman religion of expediency generally moved beyond the scope of this sphere, being defined instead as a transitional stage to absolute religion.

The development of substantial unity into a spiritual individuality, which we have as a result of the transition to the second stage of a specific

religion, means the development of subjectivity as spiritual self-mediation. Substantial unity itself is defined here as individuality, a positivity of the subjectivity of the spirit. The power of the infinite, limiting itself, now appears as subjectivity, freedom. But since the aspects of understanding have yet to be brought together into spiritual unity, their relation to each other and to the spiritual self-awareness itself is only immediate at this stage. Accordingly, after we have established that the spirit itself must act as the form of objectivity of religion, we inevitably draw the conclusion that this form here is still only the spirit in its immediacy.

Thus, the movement of the aspects of the notion of religion towards unity contains objectivity in the very movement that removes the immediacy of the spirit, i.e. the movement of the historical. The historical acts as the objectivity of the concept of religion at this stage of its development. However, the historical here is not something pre-discovered

by the spirit, but rather, **it's** / **it is** something postulated by it. Thus, the historical here also goes to the next level in relation to the historical of natural religions (as we saw it too in the development of the logical concept of religion). The three definitions of the logical concept of religion and the spiritual individuality as a whole correspond to the three main fields of the science of logic: being, essence and understanding.

The first definition is unity. Since here we are no longer talking about a simple substantial unity of spiritual forces, but about a subjective substantial unity, Hegel (apparently wishing to take into account the originality of the historical form) designates this moment as “One”. Here, unlike in the pantheism of natural religions, it is not a god that is defined as unity, but the one and only God. It should be noted when talking about this definition that, firstly, the One (God), as the absolute divine power, does not contain any natural elements.

Secondly, he is the beginning of all truth, but at this stage he **doesn't/does not** yet contain the fullness of it because it **doesn't/does not** yet include the principle of development. Thirdly, he finds its own finiteness (that he needs for understanding) in the fate of a single group of people. But this finiteness has not yet been postulated by his understanding, because the goal here is only an exclusive goal and thus it does not contain a truly global historical scale. Fourthly, the self-awareness is only an appearance of the One, consequently, at this stage there really is no freedom yet.³²⁹

In the second definition, we have a negation of unity, we have the finite which postulates the negation of its finiteness and is thereby postulated as the accidental. The accidental reveals itself as a necessity. "Necessity", as we read in the Philosophy of Religion, "is that which itself has been postulated as mediation, so what **we've/we have** got here is the mediation of self-awareness"³³⁰. God's goal here is

no longer an exclusive goal, but rather the internal expediency of the self-withdrawing finite. As an image of internal expediency / expediency, we find the form of the beautiful. Divine truth was previously viewed as a spiritualised nature, as something good and wise, now it's / it is necessary third aspect is beauty. The subjectivity of the spiritual individuality manifests here in multiple particular images. It is true that the universality of unity is reduced to the particular, but the particular goals are elevated to the universal. The absolute necessity that has appeared here results in (as an activity of divine subjectivity in removing its immediacy and therefore containing self-mediation) the removal of immediacy of the spirit.

Thus, in our opinion, we can speak of the first form of positing the historical as a logical concept, of removing the immediate givenness of the historical self-awareness of the spirit, and thereby the formation of the historical self-awareness of

peoples in the form of a religious worldview. Therefore, we encounter a division between the real and sacred histories for the first time. The historical is presented in the boundaries of the religious self-awareness itself. For the Judeans **it's** / **it is** the biblical history of their nation and for the Greeks **it's** / **it is** the history of their gods. Hegel researches the latter in some great detail, and so here we find some very interesting interpretations of the Greek myths that are deserving of special attention. On the whole, it can be noted that in the self-awareness of the religions of spiritual individuality, what we find are specifically the starting elements of the historical self-awareness, because they already contain the principle of development over time. The form of the mythology of natural religions is generally devoid of the development principle and only contains an external transition from one image to another, even though it is a result of the development of a concept that has gone through all previous forms of

development. Since religion's self-awareness at the stage of natural cults is not yet identical to its concept, its previous development and its history are not refracted into religious consciousness.

It's / It is a whole other matter when it comes to religions of spiritual individuality. With these, we are now in mutual mediation of the self-awareness of religion and its logical notion. Therefore, at this stage the religious form includes the history of its development from natural religions to religions of spiritual individuality. Hegel interprets the content of Greek mythology in accordance with this. His view is that the most important point about Greek myths is that gods representing natural forces are replaced by gods that represent moral forces. The unity of these moral forces is the absolute necessity in the main principle of the Greek religion, which is interpreted as faith in its self-awareness. The special divine spirits here are not yet brought together into a spiritual unity (as is done in Indian religions). Like

people, they are subject to fate, which allowed the Greeks not to treat their gods too seriously, as Hegel notes. Here, human dignity is fully preserved and the spiritual foundations are laid for our freedom. For the Judeans, the principle of the historical is given as the principle of the reproduction of their national unity, and for Greeks, it is offered as historical memory, Mnemosyne. The principle of the spirit itself here is individuality. As individuality, it postulates the identity to itself at all stages of its existence over time. But this identity is not abstract. And it gives itself a definition as individuality. To realise the life of their predecessors as their own essential content, and the spiritual development of previous generations as a process of their self-determination—that is the great work of the spirit.

But this also means that what **we're** / **we are** dealing with here is an activity of the spirit in which it reduces all the previous development to a single

principle of its existence, in other words we're dealing with the movement of the historical. History at this stage is not only the immediate form in which the substantial principle of the life of a people is expressed. Now this principle can define and manifest itself in accordance with its self-determination in the historical. The people do not just reside in history, they also create it in accordance with their concept of the spirit. This spirit, this concept, thus becomes an active force. If at the previous stage the spirit simply resided in history and the logic of its development remained hidden from it, now (because the content of this logic was none other than the movement to its self-discovery), the spirit postulates its own history. Thus, the immediacy of the spirit (which is historical in its movement) discovers its spiritual mediation in itself and becomes a form of the phenomenon of this mediation.

But it cannot yet become the form in which the mediation can be removed, it does not yet become the "second" immediacy. It does not become so precisely because the concept of religion does not yet know itself in the unity of its immediacy and its mediation, and does not yet match up in an absolute way with its own self-awareness. In the religion of spiritual individuality, the spirit postulates the historical but it does not yet recognise itself in it. The fact that at this stage the historical is only a manifestation of the logical represents the limit for both the former and the latter. The form in which the historical is defined as a logical concept here is the goal relation, according to Hegel.

The goal is the third definition of the logical notion of the religion of spiritual individuality. The realised goal is precisely the finiteness which "remains belonging to the subject in which it has itself, it has been objectified in it, freed from simplicity, but at the same time retained itself in

diversity”³³¹. However, mediation developed only to the form of necessity cannot give the postulation of the entirety of the subject in the finite, or, which is the same, the absolute removal of the finite and the postulation of the absolute integrity of the spirit. The goal thus acts only as a particular, finite goal, while history does not rise to the concept of global and divine history. History here is only postulated as the history of a specific group of people, which we have already mentioned above. The transformation of the spirit according to the emerging unity of its concept and its self-awareness simultaneously entails the transformation of the world in which the spirit must embody and express itself. (This requirement of transforming the world is akin to the need to transform the object that we had in the formation of the logical principle itself). In this context, it means the elevation of the history of individual peoples to world history and the elevation of the ultimate goal, in which the spirit finds for itself a form of positing

the historical to the goal of the absolute. The goal must now be postulated as a global historical goal, and history as the goal of the spirit, and the spirit as the goal of history.

We only find the form of absolute goal-setting in absolute religion. The stage of transition to it is defined by Hegel as the stage of development of a particular goal to actual universality. This stage corresponds to the third definition, the third aspect of the concept of religion at this stage. “The third aspect is the **final particular** / **particular final** goal, which in its particularity enters into universality and expands to universality, but which, while being empirically external, is not the true universality of the concept; embracing the world, nations, (it) expands them to universality, but at the same time loses its certainty, aims at cold, abstract power and something aimless in itself.”³²³ A form of religious attitude, the main content of which, according to

Hegel, is exhausted by this kind of goal-setting consistent with the Roman religion.

The object of worship in it is primarily Roman statehood, an expression **of the will and spirit of the people / of the people's will and spirit**. The cults of individual gods take place to the extent that they are aimed at achieving goals related to the good of Rome. The good of the state is postulated as the supreme goal and the main purpose of religious relations. Since the Roman state eventually grows into a global empire, the goal of the roman people becomes a global historical goal. The synthesis of the Eastern monarchist and polis principles gave rise to the imperial principle of statehood, in which, on the one hand, the global-historical idea was expressed. On the other hand, since “the universal goal has a basis in real feeling, and its seat in self-awareness”³³³, an individual is first defined as an entity, a person, a subject of law.

A personality is a subject whose unity of being is postulated in relation to another as to itself. In this capacity, the personhood was defined later on as the subject of law.

Indeed, a person does not receive a definition, at least not in the Roman religion, in which the world-historical goal was expressed in the abstract principle of statehood, but only when the spirit in all the concreteness of its concept acted as this goal. Meanwhile, the principle of statehood does get addressed. But we only find its full expression in the absolute religion, in Christianity³³⁴. Thus, “the religion of external expediency in its internal meaning is the end of final religions.”³³⁵ The Roman idea of statehood and the value-based foundations which are postulated in Roman religiosity became concrete when the legal system that matured within this statehood was completed and refined in the spiritual idea of law. But the latter was only made possible in the context of the Christian culture.

Thus, Roman statehood transformed into Christian statehood in the empire of Saint Justinian.

All the preceding development of religious self-awareness prepared the foundation in which the world-historical spirit was to manifest itself in its entirety. The empire absorbed a multitude of peoples that were more or less equal to each other in their development. Equal in the sense that each of them contained a certain particular historical idea that was necessary for the existence of a world-historical education (Hegel gave an example of an analysis of such historical ideas: unity, necessity, goal). Now, between these ideas, a system of relations was to be formed that would correspond to the nature of the spirit and be determined by its single principle. The essential internal unity of ideas (which was revealed in the fact that they, although to a different extent, were present in each of the three historical peoples identified by Hegel) was to come to the fore. The result of such a development can in no case be

considered only as a purely logical conclusion to the development of the concept; it directly includes the result of its own historical development of the spirit. It acts as this kind of result in removing historical forms and preserving them. But it only preserves them as forms defined by itself. We thus postulate global history as a global court³³⁶, while the logic of historical development is posited as a result, and at the same time the beginning that gives these forms a new eternal life.

This world-historical principle of the spirit—Christianity—is, therefore, not just the result of the previous stage of historical development. It is literally the fruit of the entire movement of global history. Indeed, facing the threat of the collapse of the entire cultural world in the era of late antiquity, it was Christianity that emerged as the spiritual phenomenon that made it possible to concentrate the cultural heritage of previous civilisations into a single spiritual principle. As a removal of previous

historical forms and the “historical” as such, this principle replaced the peoples who perceived it with a lack of historical experience. It did not allow people to remain hemmed in within the limits of their specific national and cultural context, which it preserved and exalted to global historical goals. He elevated man, purifying the spiritual content of his aspirations, and affirming him as a subject of world-historical action. Christian peoples, Hegel rightly noted, did not know spiritual slavery.³³⁷

Here the historical development of the religious spirit ends. Christianity removes the historical as the historical. The dialectics of the logical and the historical are transferred deep inside the religious self-awareness that coincides with its own notion in an absolute manner. It should be pointed out that this coincidence, the way Hegel saw it, could have been extremely significant for finding a solution to the theoretical and historical problems posed by classic German philosophy and all the previous

philosophies. And above all, for the development of the philosophy of law.

Chapter 10. Christianity and the Spiritual Meaning of Law

The Hegelian interpretation of the historical development of religion reveals the process of forming a concrete unity of self-awareness of the spirit and its concept. The spirit only appears by what it knows about itself and through this knowledge exhausts all its depth.

We are not talking about an extensive expansion of knowledge which can only achieve relative fullness. Here, the object and its knowledge turn out to be absolutely identical and all the previous development reveals itself only as a process of revealing the specific content of this identity, by the very same identity postulated. The absoluteness of

truth, therefore, does not at all lie in the fact that truth must encompass the fullness of the final content (to which it is indifferent), but in the fact that it is the acquisition of such an object that simultaneously turns out to be its own knowledge and the removal of everything finite. By removing the “finite” identity, the universal object and self-awareness is not an abstract identity, but reveals its content as a concrete content. And once again, this process of removal perfectly coincides with the content of identity. Thus, the process that we saw in the movement of historical forms of religion in the development of its logical concept is completed here. And it is completed by entering this logical notion as a necessary component of it.

The truth is absolute and outside of history. In this we fully agree with the main points of the polemical work of Reinhard Lauth, *Absolute Unhistorical Truth*³³⁸, a translation of which will soon be presented to the Russian reader. The

necessity (and methodological possibility) of the relation to the spirit, comprehended in its absoluteness and concreteness, as a primary principle and as a concrete truth makes it possible to relate to the finite, relative, as well as to the form of the finiteness—to time, and to the end result and everything historical, too, as something postulated in spirit and truth. Our analysis of the logical form, which provides a methodological means of retaining the primacy of the spirit in the concept (while preserving the concreteness of the concept), contains new arguments in favour of the ideas put forward by R. Lauth.

Religion appears in Hegel primarily as a form of manifestation of the universal spirit, developing to its absoluteness. The process of this development, it should again be stressed, is also the process of the emergence of the notion of religion and its self-awareness. The logic of the historical development of religion coincides with the logic of the result of

this development. Thus, the concept reaches the fullness of its definition, and the universal spirit is realised as the absolute spirit. Each of the aspects of the spirit (concept and self-awareness, unity and diversity, historical and logical certainty) contains here the fullness of the aspects of the opposite, so here there is truly only the integrity of the absolute spirit. It is in this integrity that its absoluteness consists. The unity of integrity with each of its aspects, as well as each of the aspects with the other, is the concreteness of the absolute. At the previous stages, we also dealt with a concrete concept of the spirit, but here the very nature of concreteness transforms itself in accordance with the concept. The concreteness of the concept includes, in a transformed form, the concreteness of the previous steps. Only here it is revealed that the historical movement of religions turns out to be the essential content of the very concept of religion, revealed in its highest form, in the form of absolute religion.

The previous stages had their present, empirical existence even without it, but as “historical” they exist only for the self-awareness of absolute religion. And once again, they only exist only insofar as this self-awareness realises itself in the process of their development as universal self-awareness. It is not possible for us to interpret Hegel's philosophy of religion in the opposite way and try to keep the entire concreteness of his concept of spirit. The historical, therefore, does not exist outside of logical spiritual thinking. Thinking, however, rises to the definition of universality through the movement of the historical, in which subjectivity reveals its substantiality, and the substance of the spirit is subjectified. What is most contrary to Hegel's point of view contradicts most of all the often-held idea that, in his system, the spirit is supposedly a universal substance, which, as a mute universality, subjugates the movement of individual historical forms. If this were the case,

then we would have to admit that the movement of the spirit from its subjective form to the objective and further to the absolute is a simple negation, discarding the steps that have been taken, and the logical is here only an external schematism, and not a form of spiritual thinking.³³⁹ But in this case, too much in the Hegelian heritage (including in the philosophy of religion) would remain incomprehensible.

For Hegel, the epoch of historical religions ends with Roman religions. The appearance of the certainty of these religions by their natural origin or their development over time is removed. Certainty turns into self-determination, thereby the universal spirit turns into the absolute spirit. Therefore, Hegel considered himself entitled to define Christianity as the religion of the absolute. But he never calls it a historical religion. The historical development of religion has ended, but that does not mean the end of world history. We have to more carefully consider

the content of this result in order to clarify our views on Hegel's understanding of the nature of the logical in its relation to the "historical".

We have already noted that Hegel belongs to a branch of the Western Christian tradition which placed particular emphasis on the identity of the relationship of man to God and God to man. "The finite consciousness knows God only because God knows himself in it"³⁴⁰. Comparing the nature of the development of a particular religion in the forms of the natural religion and the religion of spiritual individuality, we saw how this development transfers their external forms into the depths of the life of the spirit. Thereby, the latter acquires concreteness, which constitutes internal self-distinction and self-development. For Hegel, this means the formation of a complete inner specificity of a person, which is externally expressed in the fact that a human reaches the form of a personality, a person. But at the same time, it is also the formation

of the concreteness of the concept of God, which allows us to understand not only what God is, but what he is. As a result of the historical development of religious relations, God was defined for man as an absolutely objective principle.

But this objectivity is of the kind that is at the same time absolute subjectivity. And **it's** / **it is** not external to man. Thus, the unity of the subjective and the objective can be defined here as a logical unity that has a spiritual nature. Considered in relation to God himself, this dialectic is expressed in His triune nature—in the unity of God in three Entities. The concept of the trinity of God is one of the main features of Christianity, as well as of Hegel's philosophy of religion. (It is not without reason that Hegel is referred to as "one of the greatest thinkers of the Trinitarian tradition"³⁴¹ in the West). In the logic of the trinity of God (which, according to the erroneous opinion of some scholars, also acts as the logic of comprehension of

God³⁴²), we find the expression of the “logical” as an internal self-distinction of the spirit.

According to the previous development, the indicated self-distinction and self-development of the spirit must firstly contain in itself its own immediacy as the immediacy postulated by itself. Secondly, it should include the removal of this immediacy and its form—time (to put it another way, we can say: it must include the movement of the historical towards its removal as historical). And thirdly, it should consider this immediacy as embodying mediation, i.e. as a “second” immediacy. Hegel finds such development of the spirit expressed in each of the three aspects of God (here Hegel preferred the expression "Kingdom"). In each such kingdom, in accordance with the character of its internal logic, a certain aspect of development is highlighted.

Firstly, Hegel defines the Kingdom of the Father as a pure unity of spirit with itself “as a simple

activity of thinking when there is nothing between the subject and the object”³⁴³. This pure attitude of thinking towards oneself, *actus purus*, is the ~~most~~ essential thing in the logical. Moreover, it is important not to lose sight of the fact that we are dealing with a developed concept of the spirit and the need for internal self-distinction has already been concluded in this pure unity. Or to be more precise, the very simplicity of the identity of the spirit to itself is none other than the notion of its self-distinction. This distinction is generally the finiteness of the spirit, in which the spirit considers itself to be finite. Here we find the first form of the relation of the absolute spirit to its finiteness, which, however, still remains within its unity. But ~~it's~~ / ~~it is~~ a necessary aspect: the universal only then defines itself to the postulation of difference, when the difference is contained in the very principle of its unity. Since the immediacy of the spirit is not yet distinguished from its mediation, but immediately

identical with it, it does not acquire an independent external form, which could be time—a form different from the pure form of mediation. Therefore, Hegel says that “God appears in his eternal truth, and this is conceived as a state before time, preceding time.”³⁴⁴

The difference between the absolute spirit and its finiteness here does not yet have a definition of time, but there is only a simple thought: “It is necessary to completely eliminate any definition of time, whether it be duration or “now”, and to establish only a simple idea of another, a simple thought, for the other is an abstraction.”³⁴⁵ (All this can be directly attributed to the form of the universal being in its logical, purely philosophical respect). This “simple thought”, which nonetheless contains the difference between the universal (taken in the form of eternity) and the finite (taken in the form of time) is linked by Hegel with the image of Christ, the pre-eternal Logos, as per Christian tradition.

For presentation, this thought acts as a timeless act of creating the world. Here, the development of God manifests to us as the postulation of an identity between eternity and time, but without maintaining the difference between them. The idea of removing the temporary in the eternal at this stage is still completely abstract, but it forms the basis of the specificity that makes up the content of the next stage—the Kingdom of the Son. For Hegel, the second sphere, the second aspect of self-distinction of the absolute spirit in the form of the divine, is important primarily as a mediation of the relationship of the first and third sphere. More specifically expressed, in the Kingdom of the Son we find the process of mediating the relationship between God and the finite world, in which the finiteness is considered to be the “finiteness” of God, but is thereby removed.

This achieves the definition of the third sphere—the Kingdom of the Spirit, in which the mediation of

God and the world is set and therefore also removed as mediation. The Kingdom of the Spirit will be the subject under consideration as we further analyse Hegel's philosophy of religion. In the meantime, to explicate our topic, it is important to note that since we have the removal of the immediacy of the spirit in the sphere of the Kingdom of the Son, presented as a process, then we are dealing with a historical process. Indeed, the content of the second sphere contains the so-called divine history, the history of Christ.

Let us consider the content of the dialectics of the logical and historical in the development of the absolute spirit it expresses. It is significant that since we are dealing specifically with the realm of the absolute, so far all the definitions are in a dialectical identity. The preceding sphere already contained the position of the unity of immediacy and mediation, so here the difference is an internal difference within the identity itself. The latter is expressed in the fact

that the content of the most divine history is to a large extent the resolution and removal of the historical as such. We have already noted that the end of history in the system of Hegelian categories can be understood only in the sense that the historical as the “first” immediacy of the universal spirit is removed, and its “second” immediacy is postulated in accordance with the logical concept of the spirit. It is postulated as a result of the development of the unity of the universal spirit with its subjectivity. In this removed unity also lies the identity of the immediate Self, the final “this” individual with the universal spirit in its entirety. This identity of the subjectivity of the immediate Self, with the subjective and objective development of the universal spirit that removes it in the dialectic, corresponds to the nature of the logical. Thus, at the highest stage of development of the spirit in religious form, it is not by chance that we find the image of the finite individual, a person who

embodies the fullness of the universal spirit, and moreover, all the fullness of the divine principle. The requirement for it stems from the logical result of the historical development of religion. For this reason, it is no coincidence that in the Christian tradition it is referred to as the Living Logos. The logical that was absolutely internal in the historical development of the spirit eventually grows out of it and manifests as the absolutely external, explicit and open, as a human being that is a Logos incarnate.

The Lord Jesus Christ is the perfect human being and the true God. In Christ, the finite spirit gets revealed to us as the finite of the absolute spirit itself. This finite is postulated by the spirit as a difference between its infiniteness and its finiteness. Its subjectivity, its awareness and its will rise above to the definition of divine, universal subjectivity.

The object of knowledge given to this finite spirit in this development also got completely transformed. From a sensuous, empirically existing

object, it turned into a divine aspect of God himself, which exists at a substantially higher level”³⁴⁶. Since in the image of the God-man we find the immediate unity of the objectivity and the universality of the spirit, then, taken in the aspect of universality, it must also include the historical process of the formation of this unity. For Hegel, therefore, the most important part of the history of Christ is the story of how the divine nature is discovered in the Son of man. In this story, as it were, in a condensed, concentrated form, the previous history of the spirit is repeated, which for Hegel also consisted in the elevation of man to the divine. Here we have a history of the manifestation of the identity of the divine and the human, when this identity is already postulated and is the basis of its own discovery. In this way, the divine history removes the main content of the global history of the spirit into itself and explicates it for further presentation. And in the form of presentation, it reveals the historical itself to

consciousness. Christ in this story, Hegel noted, “is not a symbol—his subjectivity, his internal image, his self in essence are this very history, and the history of the spiritual does not appear in an existence that does not correspond to the idea, but in its own element”³⁴⁸.

Thus, in the philosophy of Hegel’s spirit, we find the image of the completion of the historical process (taken here as the historical development of the spirit in the form of religious self-awareness), which is also not the completion, but rather the restoration of its integrity. This integrity of the historical process and its result, in which the historical finds its finished meaning and new life, is that which is constantly defined as spirit. At the same time, the very form of the available historical stages will change as well: they are no longer found in the process of movement through time, but rather in the integrity that transcends the definition of time. What Hegel saw in the images of the Kingdom of the Son

was the mystery of removing the immediacy of the spirit and removing the historical. It is important to note that we find here the removal of the very form of the immediate spirit, the removal of time. Hegel links that to the image of the death and resurrection of Christ. **Let's** / **Let us** take a closer look at this issue.

"Death is the destiny of human finiteness"³⁴⁸. However, the image of Christ has already given the positive content of the removal of this finiteness—death. For this reason, the negation, the death of the finite spirit serves here as **an** affirmation of the absolute spirit. "Thus, the story of the resurrection and ascension of Christ to the right hand of the Father is accomplished, so the story gets a spiritual meaning. In Christ's death, therefore, eternity is postulated, through which time is removed. For the subject of religious relations, in making this death the subject of its faith, eternity turns out to be truly existent. Everything else historical has meaning for

it, only being comprehended in the light of this eternity, being mediated by it. “At this point in the realisation of eternity, the meaning of history must be decided.”³⁴⁹ “The question of the relation of time and eternity covers the question of the meaning and purpose of history, which is called theological eschatology”³⁵⁰.

As we can see, Hegel addresses this issue in purely Christian traditions. Having realised their participation in the divine eternity, people enter the Kingdom of the Spirit. According to Hegel, only by elevating oneself to identity with the spirit can a person attain a true relationship with the historical truth and become a real subject of the historical action. “In the true understanding of death, there thus appears the relationship of the subject as such. Here the simple consideration of history ceases, the subject itself becomes involved in the process, it feels the pain of evil and its own estrangement, which Christ took upon himself, assuming the

human form, but also destroying it with his death”³⁵¹. Understanding the meaning of divine history, an understanding is reached that “faith is not a relation to something else, but a relation to God himself. The important points here are that people are aware of the eternal history, the eternal movement, which is God himself.”³⁵²

The logical meaning of removing time by eternity is that it ends the mediation of that which initially represents the immediate in the spirit. This process, at the same time, negates the form of this immediacy. Its result is the spirit, which “is an infinite return to oneself, an infinite subjectivity; it is not represented, but real, present divinity. Therefore, it is not the substantive being-in-itself of the Father, which is not true in the objective image of the Son, but it is subjectively present and real, which itself subjectively appears as an externalisation in this objective contemplation of

love and its infinite pain, and as a return in this mediation”³⁵³.

Thus, we have here the immediacy of this mediation completely mediated by self-awareness for self-awareness. This conclusion that we expressed logically is found in Hegel's lectures in the form of the traditional position of the Christian doctrine, that God is directly present in the community and in it we find a concrete identity of man and God. The specificity of this identity can be seen, first of all, in the fact that it contains its own mediation, contains its own history. The depiction of a divine story, in which the world history of the absolute spirit in the form of a religious relationship is contained in a shot, should become an objective image in the community. “They must now complete this story, this process in themselves.”³⁵⁴.

The result of this for Hegel is what he calls reconciliation. Reconciliation is the act in which the former becomes non-existent, perfect and imperfect.

Man refers to the past as only history, as something with which he does not mix, while maintaining his individual freedom. But this attitude is possible only because he postulated the “historical” as his own content and reproduced it in himself, elevating himself to the integrity of the spirit, to the point where the past, present and future are united. In this way, he elevates his freedom, which is initially only an abstract freedom of the individual, to the concreteness of freedom of the spirit. Only in the act of freedom does he comprehend the historical, and only in this comprehension does he give his freedom a spiritual content.

For Hegel, this process coincides with the transition of religious relations into the sphere of morality, when the subject of religious relations is revealed as a subject of global-historical activity. The sphere of morality receives its complete embodiment in legal reality and in the state, which (if only it exercises itself in the forms of spiritual

activity) should also be mediated by the movement of history, should embody the specific spirit of the people. That spirit, according to Hegel, is recognised in a religious form. “The morality of the state and the religious spirituality of the state are thus mutual guarantees for each other”³⁵⁵. Neither the state, nor historical activity, nor law can be true if they are formed on the basis of abstract principles, pseudo-religious inspiration or subjective arbitrariness of the personality, if they do not grow on the basis of living practice of the spirit.

So, following in Hegel's footsteps, we tried to trace the movement of the logical in the sphere of the development of the spirit, to consider how the logical appears in its inextricable entanglement with spiritual content. Hegel's philosophical doctrine of religion, which has become the subject of our study, is not, as one might imagine, just a part of the philosophy of the spirit. On the contrary, since each sphere of the spirit constitutes totality, then if we

consider religion philosophically, we thereby advance in comprehending the nature of the whole spirit as such. The specificity of movement within this sphere is manifested, however, in particular in the spirit's relation to itself, especially its self-awareness. According to Hegel's concept of religion, we are dealing here with a specific relation of the absolute spirit to the distinction between itself and the finite spirit. The development of the spirit from universal to absolute is, in the sphere of religious relations, primarily the establishment of the unity of the concept of religion and its self-awareness. This emergence is effected as the development of the subjectivity of the substantive unity of the spirit. This development constitutes its self-mediation, or, in other words, the process of removing the immediacy of the spirit. In accordance with the earlier definition, we can designate it as a historical process, unfolding, however, not by itself, but only

within the concept of religion (for Hegel, as an aspect of the concept of a “specific” religion).

At the first stage of this process, where we had the development of the spirit's self-awareness in the form of natural religions, the logical revealed itself as a unity of the historical content and at the same time as a unity of its form. It is, therefore, absolutely internal and at the same time absolutely external to the historical. However, the absolute identity of the concept and self-awareness here is still only found in the process of becoming, therefore, the historical development of religion occurs as if “behind its back”, without entering into the self-awareness of the religious form. The result of this development at this stage is that religious consciousness ceases to be aware of itself in its natural form, it becomes the knowledge of the spirit in terms of it being all the fullness of its content and all the integrity of its form. Thus, religion rises to a new stage of its

development—to what Hegel calls religions of "spiritual individuality".

At this second stage of the historical development of religion, the immediacy of the spirit is preserved, but now as a form expressing its self-mediation. Thus, the logical, which has become the unity of the content and form of the spirit, turns out to be historical as a form of its immediacy. Therefore, here the historical is included in the content of religion in the form of the ultimate goal of the people embodying this stage of spiritual development. We see that the historical in the process of the development of the spirit transitions into the logical, the result of which is the postulation of the logical historical. Therefore, the logical and historical "in themselves" are one and the same thing, both in itself and for itself. The absolute spirit is their foundation, and achieving this absoluteness corresponds to the third stage of the development of religion.

In this absoluteness, the logical and historical already appear in their essentially transformed form; the logical primarily as a movement of internal self-distinction of the spirit, taking the origin, according to Hegel, in the very logic of the Divine trinity. At this level, immediacy acts as removed, and removed in an absolute way, meaning that it is present only to the extent that the mediated removal is manifested in it. And this, in turn, allows us to say that the logic of the Divine trinity has within itself the historical, but in a special way. Namely: it has it as a form in which immediacy and mediation mutually remove each other. (After all, there should be a form of what is already postulated!). At the first stage of the self-determination of the spirit—in the Kingdom of the Father—this form is given in the dialectics of eternity and time. Here time appears to be postulated, but immediately removed as a form of immediacy of the spirit. In the Kingdom of the Son, it is present as a form of the world history of the

spirit and is focused, but already as a history comprehended in the concept. In the Kingdom of the spirit, the attained integrity of the spiritual moves to postulate the entire world history as a story conditioned by the spirit itself. Hegel connects this transformation of history with Christianity. Hegel's achievement is that he reveals the importance of "understanding" the absolute nature of the Christian religion for an adequate expression of the essence of world history, and at a deeper level, for understanding the nature of the historical as a whole.

But we think that we **won't** / **will not** find a detailed theory of such an understanding in Hegel's legacy. Being reconstructed on the basis of all his works (first of all, *Logic* and the *Philosophy of Religion*), this theory can be included in the system of Orthodox-oriented science. But for this, appropriate development of thinking is necessary. It is necessary to "raise" our ability to think in conceptual forms to the level of this task. Moreover,

the Hegelian logic of the Logos, which offers the key to understanding and appropriating the truth in the historical and philosophical process, a logic that draws its content from pure spiritual sources that are not marked (at least not directly marked) by the seal of Gnostic-Satanic pseudo-spirituality, will apparently be needed for a new Russian worldview.

It should be noted here that the desire to somehow connect the logical content of Hegel's philosophy and Fichte's science of knowledge with the Gnostic tradition is, in reality, nothing more than a misunderstanding, just as Gnosticism itself is a lack of thought. Classical philosophy, especially that of Hegel and Fichte, is not a Gnostic philosophy and cannot be a source of Gnostic knowledge or a Gnostic worldview, if it is correctly understood. Both Hegel and Fichte primarily sought to build a monistic philosophy of absolute synthesis, fundamentally rejecting dualism even in ontology, even in epistemology, even in philosophia prima. In

this *main* principle of their philosophy, they completely disagreed with the *main* principle of Gnosticism. In this case, no possible influence of the Gnostic tradition, the adoption of certain ideas and approaches, or even a personal passion for Freemasonry, can change anything *fundamentally*. Moreover, it is Hegel's philosophy, as rightly noted by professor A. Dobrokhotoy in his article "Mythological and literary motives of Gnosticism in light of Hegel's speculative method" contains a "specific antidote" against Gnosticism (A. Dobrokhotoy concludes his article with the following words: "...the signs of the "Gnostic syndrome" are not just alien to speculative philosophy, but in most cases they have a specific antidote against them in Hegel's teaching. This is hardly accidental, since Hegel felt his contemporaries trending towards neo-Gnosticism (perhaps, more precisely, towards patho-Gnosticism). Many of his polemical passages can be

considered a response precisely to this fascination with Gnosticism. The polemic with pantheism, “direct knowledge”, with some romantic patterns of thought is directly related to our topic. It is less obvious, but no less interesting, that we can also find an anti-Gnostic motive in his critique of the first sprouts of future totalitarianism that are scattered in the Philosophy of Law. It is of fundamental importance that his teachings on the Absolute Spirit are based on a kind of “myth of creation” that is markedly different from the “eschatological myth” of the Gnostics. But those anti-Gnostic patterns of thought that are incorporated into the speculative method itself are especially important. First of all, this is the doctrine of the concreteness of the spirit and the doctrine of the total self-mediation of the absolute, thanks to which Hegel overcame the critical paradoxes of new European rationality ”³⁵⁶).

In his classicism, Hegel's logic is perceived as an attractive alternative to Western postmodern trends. However, it is indisputable that it should be cleansed of some groundless claims, first of all, claims of theological meaning. Having revealed the meaning of the “logical” woven into the contexts of classical German philosophy, we will be able to elevate our thinking to the level of a methodically (in the sense of a philosophically understood “method”) verified concept.

Based on the aforementioned, let us consider in more detail how the Hegelian dialectics of the finite and infinite, temporary and eternal, subjective and objective determines the spiritual meaning of law.³⁵⁷

Law in its universal definition (as "abstract law", if we use the terminology of Hegel's Philosophy of Law) is manifested in the form of the relationship of one person to another on the basis of the universal idea of freedom, and consists in recognising the other as an equal and free person. The difference

between law and morality is that for the latter this recognition is a *prerequisite* for interpersonal relations. Such, for example, are relations in the family, where the recognition of the equality and unity of individuals is immediately assumed in the mutual love of its members. But legal relations between individuals occur in the event that the other is not necessarily assumed by me initially as an equal and free person, but I believe *it's* / *it is* good for me to treat them that way.

Thus, the concept of law implies the idea of *good* and, moreover, the idea of absolute good, if we are talking about the universality of the rule of law (and without the qualities of absoluteness and universality, this is not law). The law also has as its premise the idea of universal *equality* (or value) of all people, regardless of their "qualitative" differences from each other. Law, further, presupposes the idea of absolute *freedom*, understood as the highest value and as the highest

imperative of all action. The synthesis of these three ideas gives us the general idea of law. In this case, the intermediate synthesis is the synthesis of the concepts of equality and freedom into the concept of personality.

And another important point. Law is a *form* of interpersonal (or, if you like, social) relationships focused on these three ideas. A lot has been written about the formalities of law, but it is important not to forget the genuine, i.e. Aristotelian, meaning of the concept of form. As a *form*, law is an explication of the inner content of the absolute ideas of equality, freedom and good. So for the formation of law, i.e. for the synthesis of this form and the “matter” of social relations, the manifestation of these three ideas and the manifestation of their synthesis into reality are necessary. To rightfully become an active form, this form itself must manifest itself as an eidos, i.e. as a “generative model” (as expressed by A. Losev) of public relations. Historically, this

synthesis and its manifestation, i.e. Its formation as a form, an image of the unity of the idea of good and the idea of personality (including the idea of equality and freedom) is carried out in the manifestation of the God-man and the associated transfiguration (i.e., changing of the image) of a person, involving their personal growth. The freedom of a person is first of all the possibility of self-determination and the ability to make one's own choices in the world.

The unity of man for himself is manifested primarily through the opposition of absolute infinite multiplicity (namely: the multiplicity of moments of *time*) and in elevation above it. Man understands this opposition of his inner unity of the multiplicity of being in the form of a boundary in time—death. But this is still a completely abstract unity, since it is opposed to the abstract multiplicity of "evil infinity." Therefore, its assertion, which is a kind of manifestation of the unity and freedom of the

individual, is possible only by postulating the abstract border of its being in an act of heroic death. Here, of course, a spiritual meaning has already been included, the essence of which is in the affirmation of freedom as the source and outcome of the multiplicity of existence. But this meaning is still completely abstract, and therefore cannot become a universal law, the same way as law cannot grow out of Nietzsche's "refined heroism". Death is the opposite of freedom, and here lies the tragic contradiction with the spiritual meaning of heroism.

In order to get away from this abstractness of being, death, and the resulting general contradictions, a person must have the antithesis of his unity, not the abstract timelessness of time as a form of the multiplicity of being, but the concrete unity of the spiritual principle of nature, society and man himself. This very unity considers itself a form of multiplicity and removes it from itself, in which case the whole diversity of the forms of nature, life,

infinity of moments of time and points of space are only the result of this unity, and find their *form* of the *result* in a person's spiritual activity, in which, according to Schelling, nature becomes aware of itself.

However, this vision of the unity of the world and social practice corresponding to this vision could not be given to man from the beginning, but required historical development. So, ancient thought went a long way in comprehending the nature of the unity of the world and man from the abstractness of the Pythagorean number to the specificity of the *peripatetic* concept of the cosmic mind, which thinks of itself. As noted above, Christian thinking generally accepts the approach embodied in the idealistic philosophy of Plato and Aristotle. But Christianity reinforces many times over what was only mentioned in ancient philosophy in passing, specifically: comprehending the moral nature of the supreme essence of being. Furthermore, in

Christianity the supreme essence of being is personal in nature.

From now on, God is understood not as a kind of universal natural force, as the Greeks generally imagined him, but as the spiritual principle of the world. Even in its most refined findings, Greek religiosity, manifested in the philosophical concept of the supreme **god** / **God** as a universal cosmic Mind (Anaxagoras), the absolute idea (Plato), the prime mover (Aristotle), still, in essence, imagined him as a kind of natural force, without going beyond the concept of abstract unity in its understanding. And only in Christianity does this unity of the world reveal itself as a moral force.

God, as the spiritual principle of the world, reveals himself to the world (revealing himself, in general, constitutes the nature of the spiritual), through incarnation in the God-man. Only man can reveal the spiritual nature of God and the unity of the world in its entirety. But for this, he must be an

absolutely perfect man, again perfect not in the physical but in the moral sense. Only Christ manifests Himself in all his fullness and integrity as the idea of personality, combining the principles of unity and freedom, and the idea of absolute good (the emanation of which is the system of morality).

So, it gives them a *form as a generative model of law*. But this form reaches absolute only after the death on the Cross and the Resurrection of the God-man. Within the limits of philosophical discourse, Hegel wrote about it this way: “For the true consciousness of the spirit in the death of Christ, the finiteness of man has been destroyed. This natural death is, therefore, of universal significance; the finite is destroyed, evil as a whole is destroyed. Thus, the world is reconciled, thanks to this death, the world *in itself* is freed from evil. In the true understanding of death, there thus appears the *relation of the subject as such*. Here, the simple *consideration* of history ceases, the subject himself

becomes involved in the process, he feels the pain of evil and his own estrangement, which Christ took upon himself after assuming human form, but also destroyed in death”³⁵⁸.

This is a *true* understanding of death, in which “the relation of the subject as such appears”, it includes not only a person’s understanding of the dialectics of the finite and infinite, eternal and temporary, individual and absolute, but also an active inclusion in it. God assumes his absolute finiteness, incarnating in a finite person and removing this finite human nature through death. However, this finiteness is posited by the infinite itself, posited by a unity that distinguishes itself in multiplicity and returns from it back into unity, and therefore also includes the removal of itself as a finite. Death itself is rejected through the Resurrection of Christ, which is precisely a spiritual act. Thus, the dialectic of the removal of the finite, postulated in the sphere of the finite spirit (in the

history of Christ as God and as a person, in the history of the individual), transitions into the dialectic of the formation of the spirit as a *social* form of relations between people.

Therefore, only after the suffering on the Cross and the Resurrection of Christ and the emergence of “the relation of the subject as such”, the subsequent manifestation of the God of the Holy Spirit and the formation of a spiritually sanctified church community, does the real subject of the historical process and the subject of law emerge. And it is no accident that law itself acquires its perfect and completed form precisely in the Orthodox empire of St. Justinian.

Was there law before Christ? And to what extent can a system of legal regulations based on the law of the Old Testament be considered law? Can the Code of Hammurabi be considered law, or in the laws of Solon? Within the framework of the article, these questions are easiest to answer using the categorical

apparatus of Hegelian philosophy, and designating pre-Christian systems of “legal” norms as law-in-itself. Law-for-itself is what law becomes only with the emergence of the idea of personality and the idea of freedom as an absolute, and these are purely Christian concepts. Law as a form of manifestation in the world of Absolute Good becomes possible only when "the world *in itself* is freed from evil." Following in Hegel's logic, it can be said that when the world in itself was cleansed from evil it became possible for law in itself to transition into law for itself. Once the world for itself is cleansed from evil, law will become superfluous.

During the Enlightenment, the idea of law was associated primarily with human rights and even deduced from these rights. In fact, the situation is exactly the opposite: human rights are not primary with respect to law, but are derived from it. The first man did not have rights, because he did not oppose anything (God or man) and did not know the

difference between good and evil. The fall is not only the estrangement of man from God, but also the estrangement of man from man. If it is possible to talk about human rights as a source of law, then in this aspect it would be most accurate to speak exclusively about the law of the God-man. (From this, by the way, it follows that the rights of God should also be enshrined in positive legislation, as well as human rights. At least the law on the protection of the rights of believers should be supplemented by the law on punishment for blasphemy).

The resurrection of the God-man overcomes the estrangement of man from God and provides the true form for overcoming the estrangement of man from man. Man as a person sets a *boundary* for himself. Since he *himself* sets the boundary, he realises himself as a universal, internally unlimited and free subject. This means that he considers himself to be a real person, since only that which

has a border has a definition and a form. Since he realises himself as an exercise of freedom, he sets this boundary and his own freedom.

The abstract and absolute in its abstractness, the boundary of a person and their freedom is death. Therefore, all types of law-in-itself were in one way or another an explication of a person's relation to death: the principle of talion in its limit is the exchange of death for death, a knightly duel as "the judgement of God" has the same basis. We can say that the right-in-itself is a form of a person's relationship to life and death, the right-for-itself is to eternal life.

In defeating death and affirming man over death, Christ not only makes him absolutely free (including from death, without which freedom is not absolute), but also gives the true form to the boundary of the personality: it becomes the freedom of another person. Assuming the relation to another as a free person, a person thereby defines themselves as a

free person. Not abstract death, but concrete freedom of a particular person becomes a way and form of a person's relationship to their absolute unity. The object through which the subject of law asserts itself is not the evil infinity of time, but the true infinity of the spirit.

This means that the act of recognising the Other as equal to oneself, which is the basis of relations of law, is given an adequate subject, which in Hegel's *Philosophy of Law* was defined as "personality": "The universality of this free will for itself is a formal, self-conscious, simple and otherwise deprived of content relationship with itself in its unity, therefore the subject is a person"³⁵⁹. And further: "It is included in the personality that I...know myself in infinity as infinite, universal and free... Individuals and peoples do not yet have a personality until they have reached this pure thinking and knowledge of themselves"³⁶⁰.

Thus, in the Philosophy of Law, Hegel says that the level of determination and self-determination of a person as an individual, a person, must be achieved historically. And in the Philosophy of Religion, he links this historical point with the death and resurrection of the God-man.

An analysis of the concept of “Geschichte” showed us that for the author of the Philosophy of Law, the historical is not only what happened in time and therefore has passed, but also what is in eternity, and specifically in the form of the Sacred History of Christ and the sacrament of the Holy liturgy. The liturgy not only symbolises the Holy History, but literally reproduces it. And through the sacrament of the Body and Blood of Christ, each believer asserts in themselves a personality—“an infinite, universal and free subject.” “The simple *consideration* of history stops here, the subject becomes involved in the process ...” Therefore, if one relies on the interpretation of classical

philosophical-legal and philosophical-religious texts, it would not be bold to say that without the spiritual heritage of the Church there can be no law. This relationship is not obvious, because it lies in the sphere of relations of essence, not of phenomena. The death and Resurrection of Christ determine the transformation of the right-in-itself into the right-for-itself. Therefore, the preservation and reproduction of the spiritual heritage of the Church **is** / **are** essential for understanding law as a moral idea and for the very existence of law as a social institution.

Thus, only on the condition of recognising the Resurrection of Christ and understanding the significance of this historical fact does it become possible to understand the meaning of the classical definition of law as “the totality of conditions under which the arbitrariness of one person is compatible with the arbitrariness of another person in terms of the universal law of freedom”³⁶¹.

Chapter 11. The idea of absolute freedom, law and justice in the classical philosophy of law

In the preface to the Critique of Pure Reason, Kant evaluated his contribution to the development of science, describing it as a “Copernican coup”. The coup consisted of the fact that both Copernicus and Kant radically changed the established ideas about the structure of the universe. The former put the Sun at the centre of the solar system instead of the Earth. He brought the Earth to the periphery of the solar system, postulating that the Earth's movement was caused by solar gravitation. The latter made the subject of knowledge primary, subjecting the object to its conditioning effect.

The new approach introduced by Kant did not at all mean a solipsistic denial of external being. First of all, he created a new paradigm of cognition,

which focused on cognition in the unity of subject and object, knowable and knowing. The previous theory of cognition sought to achieve the unity of subject and object, by positing their difference from the get-go. But by having a prerequisite for a split, true unity can never be achieved.

Therefore, with regards to the issue of cognition of the higher unity of the universe—the unity of thinking and being—it did not go beyond abstraction. Accordingly, the concreteness of all the particular types of unity of diversity was now gone: the unity of nature and the diversity of its phenomena, the diversity of individuals and the integrity of social processes, the unity of law and the diversity of laws. The pre-Kantian science “did not see the forest for the trees”, and vice versa. In the 17th century, this approach had been productive, focusing on the analysis of phenomena in their versatility and diversity, but by the middle of the 18th century, it had already been running dry. The

fundamental unattainability of synthesis, to which any scientific analysis should lead, manifested as a crisis of sciences.

In natural sciences, the crisis manifested in the fact that its rationalistic line, coming from Descartes and Spinoza, in the era of the so-called “Wolfian metaphysics”, increasingly left the solid ground of real cognition and replaced the study of sensory reality with the speculative construction of various postulates and statements of internal forces. On the contrary, the empirical line originating from Bacon and Hobbes increasingly lost its taste for theoretical generalisations, confining itself to a purely external description of phenomena and their rather meaningless classification.

In the field of social sciences, primarily in legal science, everything was somewhat more complicated. The method of forming the discourse of the transition from *philosophia prima*, studying universal principles, to a positive theory of law does

not depend on the scholar's personal preferences. It is determined by the level of development of *philosophia prima* itself, i.e. the depth of knowledge of the essence of the universal unity of thinking and being. By the middle of the 18th century, several basic paradigms had developed in the theory of law that determined the understanding of what constitutes law.

The paradigm of natural law had the longest history and held the most authority across many centuries. An antique understanding of this universal unity of thought and being as an objective harmony of being formed Plato's doctrine of the idea of the universal good, which involved justice, the state, and law. Aristotle realised the potential of constructing a theory of law and the state, consisting of the understanding of mediation of the principles of *philosophia prima* and positive science, the limit of which was set by Plato's concept of "involvement".

Historically, the concept of natural law has evolved into several versions of legal theory. Among them, it is necessary to mention first of all the teachings of Aristotle, Ulpian, Isidore of Seville, Thomas Aquinas.³⁶² In the latter, the concept of natural law achieves classically distinct conceptual clarity. Aquinas interpreted natural law as a substance that underlies all variants of positive law and coincides with morality. This substance in Aquinas' interpretation is something divine in the literal sense of the word: it is not only one of God's creations, but coincides with Him in the realm of “eternal law”, which is literally “part” of His essence. As such, eternal law is not knowable, since the knowledge of God himself exceeds the capabilities of the human mind. But at the same time, God still wants to reveal part of his nature to the intellect in a “segment” of eternal law. And it is precisely this segment that Thomas interprets as natural law³⁶³.

Thus, already in the writings of Aquinas, natural law is conceived only in unity with the knowing mind, with the subject. But this unity (in contrast to the later, Kantian) interpretation does not concern the very essence of natural law, which, therefore, is understood as just some eternal substance, but not as a subject. The central element of this substance is the so-called natural law, which is at the same time the root cause of moral standards and legal norms.

In later legal theories, including interpretations of the 17th century, primarily by Hobbes and Locke, natural law loses its self-sufficient character, but at the same time retains its significance and is integrated into the semantic fabric of paradigmatically different theoretical and legal models.³⁶⁴ In the process of this integration, the concept of natural law is transformed into the concept of a set of legal norms regulating the behaviour of an individual. In acting according to the norms derived from natural law, a person

considers themselves as acting in accordance with the laws of nature and the eternal truths of the mind, since the state and civil society are also tailored to the eternal truths of the mind, as far as the actions of the individual do not contradict social and legal norms³⁶⁵.

In this interpretation, the ideas of natural law fit into the new legal paradigm first developed by Hobbes in *Leviathan*. This refers to the theory of social contract. Actually, as a scientific hypothesis, the idea of social contract was proposed by Epicurus. However, in antiquity it did not receive wide recognition and remained on the periphery of legal thought. The value of the scientific paradigm (in the sense of the word that Thomas Kuhn gave it) was given to the idea of social contract only as a result of the resonance that it had in the 17th century among the *Leviathan* scientific community.

It is possible to speak of the theory of natural law and the theory of social contract as different

theoretical and legal paradigms, primarily because it is possible to tell the difference between their theoretical and methodological foundations. The theory of natural law proceeded from the peripatetic model of the universe, representing it as a single continuum. The methodological basis was the **sylogistics** / **sylogisms** or **sylogistic** of the Organon.

The theory of social contract, on the contrary, was based on an atomistic picture of the world, which was interpreted in a strictly mechanistic spirit. The atomistic model was applied to a society for which no special laws were recognised apart from the laws of nature.

The human will in Leviathan was an exact equivalent of the atom in the mechanistic picture of nature. It is just as immutable in its nature, in its eternal beginnings, as is the atom. And just as one atom in nature is indistinguishable from another, so the “atom” of the will of one person is

indistinguishable from the atom of the will of another. According to Hobbes, the will of any person is inherently evil and selfish, aimed at self-preservation. Based on this postulate, legal science by the method of empirical induction deduced all the basic postulates concerning the essence of law. In any case, it assured everyone and itself that it did just that.

However, despite the basic differences between the two paradigms, despite the differences in the understanding of "nature", "the natural" (hence the differences in the interpretation of "natural" law), they could well be complementary at the level of conclusions. And therefore, outwardly, they did not contradict each other, but rather complemented each other.

First of all, Hobbes and Locke, as classics of early liberalism, were attracted to the theory of natural law by the fact that one of its most important conclusions was the recognition of all people as

equal to each other at the level of nature and equally endowed by nature with the abilities of reason and will. The eternal laws of nature determine the principles of natural law, which must comply with the norms of positive law.

Compared with the medieval theory of natural law as proposed by Aquinas, in the theory of the social contract proposed Hobbes and Locke, the very understanding of nature, the understanding of “natural”, which now has not a divine, but a self-sufficient essence, is changed. In the interpretation of nature, the main emphasis is not on its origin from the Divine will, not on its integrity that follows from it, but on the subordination of the eternal and unchanging nature to the laws of mechanics. Nature is immutable, and therefore the will and mind of man are immutable. And also the laws that the community of people are subject to are invariable, regardless of the circumstances of the place and

time. The social contract paradigm is as antihistorical as the natural law paradigm.

The third paradigm of legal thought was set out in the 18th century in Montesquieu's book *On the Spirit of Laws*. The point of this paradigm was to place the principle of historicism at the centre of legal theorising, which became an opposition principle both in relation to the theory of natural law and in relation to the theory of social contract³⁶⁶. However, in the era of Kant, this paradigm was still in a state of formation. It was eventually made concrete in the works of Giambattista Vico, Gustav Hugo, Friedrich Schelling, and especially Georg Hegel, and would later reach its peak in a wide range of legal teachings of the 19th and 20th centuries, **from** / **from** Friedrich Savigny to Karl Marx.³⁶⁷ Therefore, the Kantian theory of law was formed as a new paradigm of legal thought, primarily with regards to the paradigms of natural law and social contract.

First of all, it has to be noted that evaluating the attitude of the Kantian doctrine to these two models of law, we should not interpret it as a synthesis of these concepts, just like the Kantian theory of knowledge was by no means a synthesis of rationalism and empiricism of the New Age. Moreover, such a synthesis, in fact, had already taken place within the framework of the empirical concept of social contract, albeit with well-known modifications being made to the theory of natural law. In our opinion, Kant formed a completely new paradigm of legal thought in world history.

First, the historically manifested natural-legal approach is not acceptable for Kant, since law is not an objective substance for him. The substantialist model for the critical philosopher is connected with the method of the previous dogmatism, which operated with the definitions of thinking (in this case, with the definitions of law) as with the definitions of “things-in-themselves”.

Secondly, according to Kant, law cannot directly have the social contract as its source. In this case, any transcendental basis of law would be reduced to a purely positive law. The social contract is an essential element in the formation of positive law. But it has nothing to do with its transcendental foundations, which actually make law law, i.e. in that, paradoxically, it combines in itself, on the one hand, a law prescribing a norm of action to a person, and on the other, the person's freedom.

This is precisely the kind of mystery of law that it must contain a contradiction of two aspects: freedom and violence. For understanding, this contradiction can only be brought out by levelling one or another aspect, which, in fact, we have in the two paradigms mentioned above.

So, one can refuse to comprehend this contradiction by moving the source of law to a non-rational space. We have seen how Aquinas related the source of law to God. For the author of *The Sum*

of Theology, law is something rational in nature, but not in origin.

A reference to God was unacceptable for the science of the modern age. Its ideal was a system of knowledge, each element of which was precise knowledge. Here, any irrational elements in science destroyed its fabric. Therefore, the 17th century saw wide adoption of the notion of a social contract, which represented a radical desacralisation of law, depriving it of its halo as something sacred, as something of absolute value³⁶⁸.

But in this case, the social contract turned out to be an external personality. So, to obey its norms, whether moral or legal, meant to obey something external to a person. The price for this in this case was personal freedom. Therefore, Hobbes quite consistently justified any despotism of political power and portrayed the state as a monstrous Leviathan. Classical liberalism turned out to be a system in which freedom could not be theoretically

substantiated. Kant understood very well that freedom in law cannot be understood or explained if law itself is limited to a system of positive legislation, because, according to Kant, positive legislation has an empirical nature, and freedom cannot be revealed in any empirical content. Therefore, it is necessary to find a way to deduce the foundations of positive legislation from the system of transcendental philosophy, which for the first time understands the universal not as a substance, but as a subject, and therefore involves the possibility of retaining the concrete concept of freedom in the subject field of philosophy.

The theory of natural law, as interpreted by Thomas Aquinas, was based on an understanding of “eternal law” as a universal substance. Since universal substance here was not yet understood as a subject (only Kant laid the foundation for such an understanding), so far knowledge of it could not have been developed from the definitions of the

substance itself. In the teachings of the New Age from Hugo Grotius to Christian Wolff and Emer **it** was postulated by Vattel that our minds have **an** inherent knowledge of natural law as a substance of positive law (in the form of "innate ideas that unfold to the natural light of reason"). Therefore, the deduction of the principles of positive law from the foundations of natural law was only a good wish, but not a real justification of legal science. And unlike the classical theory of natural law from Plato to Aquinas, the theories of the New Age theorists were in the realm of reflective judgments. This is the fundamental difference that set the theory of natural law of the modern age apart from what came before it.

In classical German philosophy, the universal unity of thought and being is first interpreted not only as a substance, but also as a subject, which constituted the outcome of all previous philosophy from antiquity to modern times. The substance-

subject is understood here as an active, self-fulfilling freedom, with the simultaneous explication of the Christian understanding of freedom as the highest gift to man, interpreted in the context of theodicy.

Neither Kant nor Fichte were satisfied with the approach of the supporters of the metaphysical version of the theory of natural law, deducing the legal categories from foundations, which were dogmatically interpreted as innate ideas of the mind, given to man as some “fact of consciousness”. And this is no accident. In the history of philosophy—from Parmenides to Hegel—we find a gradual advance in understanding the universal nature of thinking as the ability to reveal the higher unity of the world. At the same time, knowledge is gained about the very capacity of thinking, about its elements and about the relationship between various cognitive abilities. In the multitude of methodological issues and problems that were raised and solved by philosophers, there is one that has

always remained the same: whether or not thinking can attain synthesis in cognition. Immanuel Kant demonstrated that synthesis comes before analysis in cognition. Before we can analyse the subject of cognition, first, it must be given to us in its entirety, and second, there must be knowledge about how and in what directions the analysis should be carried out, into which parts cognition should dissect the subject in order to get material for new synthesis. This new synthesis mediated by analysis must contain more specific, i.e. more internal distinct knowledge about the subject.

The question about the primacy of synthesis has always been the most difficult for philosophical knowledge. Raising the question of how the existence of this relationship is possible, and how the primordial synthesis is given to cognition, classical German philosophy came to understand the understanding of the universal as the unity of the logical and the historical in cognition. For German

classic philosophers, thinking is the very possibility of the primary assumption of synthesis as a concept, the basis and form of self-discrimination of the unity of being and thinking—the spirit.

In solving the main theoretical difficulties of modern philosophy, the founder of classical German philosophy, Immanuel Kant, brought about a real revolution. Representatives of natural-legal rationalism could debate all they wanted with representatives of empiricism. On the whole, this was all in vain, because the main question remained unanswered: on what basis does rationalism refer to the general definitions of law, which it has only in the form of thoughts (in the form of innate ideas), as with the definitions of objective social existence? And in this case, there was nothing else left but to justify the rules of law as an empirical phenomenon, to appeal to another empirical phenomenon—to a person as an empirical given. But then, the rule of law is made dependent on an empirical, and

therefore accidental foundation, and could not be viewed as objective and universally mandatory.

Rationalism pointed to the idea of law as an eternal and unchanging objective substance, and therefore remained within the framework of the natural legal paradigm. Empiricism relied on the notion of law as a derivative of subjective wills, which fit into the paradigm of social contract. Thus, at one end of legal thought, there was the idea of pure objectivity of law, which, however, was devoid of the principles of subjectivity. At the other extreme, there was the notion of the subjectivity of these principles, which, however, did not lead to the proper substantiation of objective definitions of law.

At the heart of Kantian transcendentalism is a principle that makes cognising and determining thought itself a necessary component of the objective processes that are being judged. The first step towards the establishment of this principle is made by Kant the very question of the nature of

thinking, capable of comprehending the truth. This question is expressed in the problem of distinguishing between thinking related to oneself and thinking related to an external object. As it goes about solving this problem, thinking attains true subjectivity, which simultaneously carries a substantial content. A century later, and primarily by updating the reflective form in legal thought, Kantian legal experts such as G. Kelsen and G. Radbruch hoped to show how a thought that creates laws in an externally subjective and even arbitrary manner can generate such a substance as law³⁶⁹.

In the process of learning about law in the form of experience, true knowledge thereof is unattainable, since in experience the subject is always given by the conditioned, and the objective value underlying the law is always thought of as unconditional. Therefore, legal thinking must necessarily go beyond experience, and enter not the realm of external objects, or experimental objects, which is

futile, but the realm of legal thinking itself, which in this case should already be thought of as something objective. Only in this thinking, which has itself as the object—in pure legal thinking—can we gain knowledge of law as an unconditional value. And only such “pure” (in the Kantian sense of the word, where “pure” means reflective) thinking and the resulting products can be said to have an objective, universal result.

However, this objectivity, as Kant himself and his followers saw it, in this case, will be the result of the activity of subjective thought. The analysis of the subjectivity of “pure” legal thinking, defined by Kant as thinking that produces legal objectivity, results in the identification of the transcendental unity of self-consciousness as the highest unity of thought, from which reflective thinking can extract objective categories, values, and norms. The form of such deduction, according to Kant, lies in the new logic, which he calls transcendental logic and

distinguishes from traditional formal logic, which could also be called empirical logic. Kant's transcendental logic becomes the true core of the process of deduction of pure law from the process of subjective thinking.

Being extrapolated through the activities of practical reason to the processes of legal thinking, transcendental logic determines the formal nature of legal thinking and, ultimately, the formal nature of law itself. The fact that law is primarily a form of relations between people was taught by Christian Thomasius, in works such as the *Establishment of Divine Jurisprudence*, the *Foundations of the Law of Nature and Peoples*, and others. These works addressed the difference in moral standards, taking into account the content of the motives of these relations, and the legal norms for which maintaining their proper form is essential³⁷⁰.

However, transcendental logic is also substantial, but its substance is of a particular kind. To be specific, logic must find it in itself, in its own formality. The content of transcendental logic is an analysis of the origin of knowledge whose goal is to separate pure, a priori, knowledge from empirical knowledge. Thus, the formality of law is filled with deep content, moreover, it has a well-defined value, since distracting from the content of the matter and activating only its relation to its form, law gives people hope for justice to be served.

Kant goes about constructing transcendental methodology starting with analytics, i.e. from the distinction of all our a priori knowledge to the beginnings of pure rational knowledge. “Through an a priori synthesis of a concept,” wrote Hegel, “Kant acquired a higher principle in which duality in unity could be known, and therefore, that which is required for truth” ³⁷¹. However, the mind, according to Kant, is not able to understand the

internal connection of judgements, or their coordination, etc. However, Kant still insists on the possibility of substantiating knowledge, if only because this possibility also constitutes an empirical fact.

In order to solve this problem, the author of the *Critique of Pure Reason* calls upon the cognitive ability that he calls reason. The object of reason comprises purely speculative ideas for which no adequate object can be given in the senses. Thus, ideas are purely transcendental, i.e. going beyond all empirical knowledge. At the same time, Kant also seeks to preserve the forms of experience here, since cognition cannot be thought in any way other than as experience. Since there is no adequate object for the senses in the realm of the mind, the mind itself gives its knowledge of ideas a form of experience. But this form inevitably turns out to be a transcendental illusion. This illusion is inevitable, since thinking, according to Kant, is impossible

outside of senses. But at the same time, it still remains nothing more than an illusion. Indeed, no sensuous object can correspond to cognition here, and cognition models cognition for itself, as if it were coming from the senses; the “as if” knowledge, if we recall the well-known Kantian formulation also (as if).

This sort of duality of cognition at the level of reason leads to the creation of the inevitable phantoms of knowledge, the so-called transcendental illusions. Thus, we cannot but imagine the soul as a thing, although our understanding teaches us that it does not constitute a thing. The situation is similar with the concept of freedom, which is important for the theory of law. “Causality according to the laws of nature is not the only causality from which all phenomena in the world can be derived. To explain the phenomena, it is still necessary to admit causality through freedom”³⁷². But freedom is for Kant a pure

transcendental idea, which means that it is not representable in the forms of the senses. Consequently, for **our** understanding, its being is as possible as non-being, and therefore the antithesis is absolutely equal with the above: “There is no freedom. Everything happens in the world according to the laws of nature”³⁷³.

Thus, in theoretical terms, going from subject to object in the process of cognition, the phenomenon of freedom is not at all obvious. The situation is quite different with the practical attitude of the mind, going from subject to object in an act of will. Here, freedom is the starting point of an act of will, and therefore does not need any justification. On the contrary, the outside world in which free will is realised has yet to be “justified”, i.e. it must reach a form that is adequate to the law of freedom. In Kant's interpretation, it is precisely law that will turn out to be such a result of “formatting” the world of

necessity according to the internal transcendental law of freedom.

Then Kant distinguishes between pure reason, which gives general principles to cognition, and practical reason, which gives grounds for the ability of will. The nature of the latter is addressed in the second Kantian criticism, the Critique of Practical Reason. Kant sees the task of practical reason in setting moral and value orientations for a person in such a way that they, in a world dominated by the law of necessity (heteronomy of will, in the interpretation of Kant), can realise their inner freedom (autonomy of will).

According to Kant, freedom cannot be comprehended as experience. However, while remaining within the framework of empirical attitudes, Kant retains experience as the only form of knowledge. Therefore, freedom, in fact, is a thing-in-itself according to Kant. In the Critique of Pure Reason, in the section describing the

antinomies of pure reason, Kant shows that when discussing freedom, understanding inevitably falls into contradiction. And this for him means the illusory nature of cognition, when we take our cognitive ability for a thing-in-itself.

Freedom belongs to the noumenal world, and therefore cannot become the subject of theoretical consideration. However, as the basis of a series of causality in an act of will, it must be known and described by reason. In other words, cognition is not freedom itself, but a series of conditions defined by freedom, and we give it an interpretation as the basis of this series. Kant defines this series as a system of morality. Freedom determines the action of moral law, in which Kant sees the foundation of that “causality, which is not a phenomenon, although its result is nevertheless in the phenomenon” ³⁷⁴. In the world of nature and materiality, there is no freedom and neither can there be any freedom: “The idea of freedom takes place solely in relation to the

intellectual as a cause to a phenomenon as an action. Therefore, we cannot recognise freedom for matter with respect to its continuous action...”³⁷⁵.

Morality is strictly determined by the laws of freedom and excludes causality due to the laws of nature. According to Kant, if a person follows his natural inclinations, they act contrary to the laws of morality. This thesis of Kant was often misunderstood, but it is precisely the harsh contrast between nature and morality that forms the basis of Kantian ethics.

This contrast of natural and moral law leads to Kant pushing the concept of natural law into the background; the latter can cause analogies with the concept of naturalness. Natural law is preserved in it, but not as a universal substance of positive law, as was the case with Kant's predecessors, the modern rationalists, but as a section of law close to morality that acts only along with its other sections.

Without defining freedom, which is not possible within the framework of the transcendental methodology, Kant nevertheless offers a very capacious characterisation in his Critique of Practical Reason: “Since the pure form of law can be represented only by reason, therefore, it is not an object of senses and consequently cannot be regarded as a phenomenon, the concept of it as the determining basis of the will differs from all the determining foundations of events in nature according to the law of causality, since in this case, the determining foundations themselves must be phenomena. But if no other determining foundation of the will can serve as a law for it, except for the universal legislative form, then such a will must be thought of as completely independent of the natural law of phenomena in their relationship, namely, the law of causality. Such independence is called freedom in the strictest, that is, transcendental, sense”³⁷⁶.

For Kant, the notion of freedom is intertwined with will: “Will is a form of causality of living beings, since they are rational, and freedom would be such a property of this causality when it can act independently of the extraneous factors that determine it, just as natural necessity would be a property of causality of all mindless beings—determined by the influence of extraneous causes”³⁷⁷. Will can be heteronomic, i.e. justified by any external principles, or autonomous, i.e. justified only by oneself. In the latter case, this will is genuine freedom.

Kant also subdivides the will of personality into the higher and lower ability of desire. The lower ability consists of drives and inclinations aimed at sensual goals. Subordinate to the lower ability of desire, a person is attracted to personal well-being, to happiness. Higher ability is aimed at achieving universal goals. The object of attraction of a will determined by it is an absolute universal good. If the

autonomous will is determined by the highest ability of desire, namely, the desire for good or absolute good, then will is moral.

Here the main platonic reference to the absolute good as the highest **idea—the** form of unity of the **world—is** clearly visible. However, unlike Plato, the founder of transcendentalism does not consider good as the highest idea of the objective world. It should be noted that such an idea, according to the Critique of Pure Reason, cannot be anything other than the subjective ideal of pure reason. The idea of good for Kant takes place only as an object of the endless pursuit of practical reason, which is kind of similar to the ideal of theoretical reason. However, it is essential that, like Plato, Kant derives the principle of justice from the idea of good.

It is important here that the principle of justice in the form of a categorical imperative is for Kant just a subjective maxim, the external status of objectivity of which is given by the fact that the mind itself sets

a goal, defining it as a horizon of the highest good: “A categorical imperative, which generally expresses only that that which is obligatory states: act according to the maxim, which at the same time can have the force of universal law!—Therefore, you should first consider your actions based on subjective foundations; but whether this foundation is also objectively significant—you can find out only **because** because your mind experiences it: if you can think of yourself at the same time establishing universal laws, this foundation may prove to be suitable as such universal legislation”

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For Kant, the highest moral law is not at all a product of a social contract, whose content is ultimately determined by the decisions of people, and therefore thoroughly positive. But even less is it an element of some higher legal substance—natural law. The latter approach would be absolutely unacceptable for the founder of transcendentalism,

who always consistently criticised the old metaphysics for appealing to arbitrary concepts, which **it** / **is** identified with things-in-itself just as arbitrarily.

Accordingly, the attitude to the "natural state", which is such an important concept in Hobbes, is also being transformed. For Kant, a natural state is "a state that must be left in order to enter into a legal state"³⁷⁹. Kant, in contrast to Hobbes and Locke, opposes the natural state not to a social state, but to a civil state: "in a natural state, a society can exist, but not in a civil one."

Leaving a natural state entails the formation of a person living in accordance with reason, and not nature, and that makes them a potentially moral being. Indeed, it is reason, according to Kant, that establishes a moral law for people, the form of which is enshrined in law, the laws of the rule of law and the principles of civil society. Moreover, reason itself for Kant is the embodiment of the idea

of freedom. It is thanks to freedom, the spontaneous and autonomous action of the transcendental unity of self-awareness, that it becomes possible to comprehend sensory material (according to Kant, this means bringing it under one or another category of understanding). Unlike the classics of the 17th century, the principle of freedom for Kant is not only the result, but also the starting point for the development of the legal status of man.

According to Kant, it is precisely the nature of the attitude to the highest moral law that determines the difference in the principles of morality and legality, from which the divergence of moral and legal norms begins. More specifically, **if** in determining the content of an act we take into account the motive of the action, then we have an attitude of morality. According to Kant, such a motive can only be following the highest moral law, which is a person's duty. If we take into account only the form of following the highest moral law, then we get the

definition of legality. The latter is precisely the source of deduction of law and legal norms.

In this regard, Kant wrote the following: "The laws of freedom, unlike the laws of nature, are known as moral laws. Since they only apply to external actions and to whether or not said actions abide by the law, they are known as legal laws, but if they set down the requirement that the laws themselves be determinants of actions, they are referred to as ethical laws. In this case, it can be said that compliance with the former determines whether an action is legal and compliance with the latter determines whether the action is moral. The freedom to which legal laws relate can only be freedom in external application; And that freedom to which the latter are related can be freedom both in the external and internal application of arbitrariness, since it is determined by the laws of reason. So, in theoretical philosophy, it is said that in space there are only objects of external senses, in time there are all

objects, including both external senses and internal feelings, since representations of both external senses and internal feelings are the essence of the idea and in this sense all belong to inner feeling. In the same way, whether we consider freedom in the external or internal application of arbitrariness, its laws, as pure practical laws of the mind for free arbitrariness should simultaneously be the internal determining foundations of this arbitrariness, although they can not always be considered in this respect.”³⁸⁰

If following a higher moral law is a person's duty, then a person acts as a moral being by virtue of the very fact of submission to this duty. In this case, their actions will meet the criteria of justice. However, the latter concept fades into the background for the author of the transcendental philosophy of law, essentially dissolving into general definitions of morality. The fact is that Kant considered the concept of justice to be ambiguous,

believing that when it is applied in a legal context, two concepts of law are mixed, namely: law from the point of view of reason and law from the point of view of the court. Therefore, it may turn out that one who considers themselves right with full justification from the point of view of reason cannot find sufficient grounds to defend their claims before a court.

Although Kant does not offer any ideas on how to get out of the difficult situation in which the theory of law found itself when resolving these issues, its considerations are still of great interest at the present time. Kant very accurately pointed out the vulnerabilities of the dogmatic doctrine of law, which considers only what was established by the legislator to be law and therefore remains unable to resolve the issue of what to do in the event of gaps in the law.

From the principle of free self-determination in its transcendental form, the principle of voluntary

subordination of all to public order, a weakened form is born, which relies on the will of the majority and through the principle of the majority leads to a form of justice for which the content of the rule of law created according to it is not important. But the initial idea of freedom is still evident in the desire to limit the state's competence in interfering in everyone's freedom, so that the individual remains in an inviolable sphere.

According to Kant, the very formal nature of legal norms and the substantial nature of moral norms can, under certain circumstances, lead to their mutual contradiction. This difference stems from the **twofold possible** / **possible twofold** conditions for how reason should follow the requirements of the categorical imperative formulated in the Critique of Practical Reason.

More specifically, the recognition of the categorical imperative reveals the initial freedom of reason, and a person striving to be free cannot but

follow the instructions of reason itself. However, if at the same time we do not take into account the content of the motive for such a pursuit, which consists solely in being free, then we get only a simple form of free action, which Kant defines as legality: "The laws of freedom, unlike the laws of nature, are known as moral laws. Since they only apply to external actions and to whether or not said actions abide by the law, they are known as legal laws, but if they set down the requirement that the laws themselves be determinants of actions, they are referred to as ethical laws. In this case, it can be said that compliance with the former determines whether an action is legal and compliance with the latter determines whether the action is moral. The freedom to which legal laws relate can only be freedom in external application; and that freedom, to which the latter are related, can be freedom both in the external and internal application of arbitrariness, since it is determined by the laws of reason"³⁸¹.

To justify the deduction of law from the principle of legality, Kant is forced to first solve the question of how external (i.e. legal) coercion of the will of a free person is possible while maintaining the principle of autonomy of will. Owing to the property of autonomy, free will itself establishes a law restricting it, which does not depend on the nature of the subject at which the act of will is directed. Will which has absolute good is defined by Kant as "unconditionally good will." Unconditionally good will is the first step in the deduction of the concept of law, since its content is exclusively a form of will itself, and its basic law is the desire to make its principle (maxim) a universal law. Law is not an arbitrary establishment of reason or an agreement by a group of persons only when it is possible to use pure practical reason, in the criticism of which Kant finds out how such a synthetic a priori judgment is possible, which the deduced concept of the categorical imperative requires, and whether it is

true. The relationship between a pragmatic and a moral act is important here: the judgement of a pragmatic act, Kant says, could be thought of as analytical—and, therefore, prudential advice could force the will in the same way as the dictate of the law. Here Kant discusses the antinomy of practical reason as the antinomy of "duty" and "happiness". The former is related for him with the norms of morality and law, the latter leaves a person in the sphere of natural necessity.

According to Kant, both for morality and for law as a supreme law, there is only moral law as the law of autonomous will. The basis of law must be sought not in the nature of man and not in the circumstances in the world in which he is placed, but in the a priori concepts of pure reason. Kant contrasts natural law with positive, or statutory, law, which is the result of the realisation of the will of the legislator. From there, according to Kant, the powers follow which he classifies as natural powers

and acquired powers ³⁸². He refers to the former only as freedom and equality. In the content of the concept of equality, Kant includes, first of all, independence, which consists in “that others cannot oblige someone to do more than what he or she, for their part, can oblige them” ³⁸³.

If we are talking about purely external, i.e. legal, and not moral, submission to norms, we cannot assume voluntary submission, since in this case we will already take into account the person's motive. This means that strictly legal submission presupposes the existence of “the power to compel”, which, as Kant argued, should be “compatible with freedom that is consistent with universal laws”³⁸⁴. But despite this compatibility established by himself, Kant is forced to admit that there may be cases of a contradiction between the application of law and the requirements of justice, examples of which he cites in his *Metaphysics of Morals*. For example: “A domestic servant who receives a salary

by the end of the year and is paid in money that is depreciating during this time... cannot invoke their right at the same face value, but at the different real value of the money; he can only appeal to justice (a mute deity whose voice cannot be heard)...”³⁸⁵.

An attempt to resolve this contradiction lies in the distinction introduced by Kant between, on the one hand, the concept of “strict law” (*strikte*), which can also be presented as the possibility of complete mutual coercion consistent with the freedom of each person, and with universal laws³⁸⁶, and, on the other hand, the concept of law which is not enforced, despite being law. The latter exists between the poles of extreme necessity and justice. The first is coercion without law, the second is law without enforcement. It seems to us that Kant repeats the same technique that he uses in the *Critique of Pure Reason* when fixing the antinomies of pure reason; law in the broad sense of the word must be

recognised by reason as law and at the same time it cannot be recognised by it as law.

This contradiction is deprived of "strict law," conceptually associated with coercion. "Strict law" creates a duty not in the sense of material ethics, but exclusively and formally as ethically interdependent and binding, thus being enforced each time. The basis of strict law is a contract that is possible between equal individuals that mutually recognise each other's freedom. But in such a case, these individuals must be guaranteed that their right and their obligation related to the other individual(s) will always be supported and secured by the state. Therefore, "strict law" can also be presented as the possibility of complete mutual coercion, consistent with the freedom of everyone, and consistent with universal laws.

However, it seems to us that Kant's introduction of the distinction between "strict law" and law in the broader sense of the word does not overcome the

general antinomy between law and morality, but only pushes it into the background, which, of course, is not a solution to the theoretical problem. In fact, the antinomic nature of the relationship between law and morality, taken note of by Kant, hides the abstractness of the author of the Critique of Pure Reason's understanding of the very formal nature of law, and more precisely: the very concept of form. He interprets the latter not in the Aristotelian sense, as an active generative principle, the "soul" of content, but in the traditions of the new European mechanism, as something absolutely external to freedom. Law as a form is for him not an explication of the inner content of the absolute ideas of equality, freedom and good. And this is not accidental: the essence of freedom itself, according to Kant's agnostic position, is inaccessible to the knowing mind for the reason that it cannot be an object of experience, and Kant, who ultimately

remained within the empiricism of the New Age, does not recognise any other means of cognition.

Going beyond the framework of new European empiricism in the theory of cognition, by which political and legal science was limited in its development from Hugo Grotius to Immanuel Kant³⁸⁷, required further development of a method of cognition of the essence of individual freedom, morality and law, which was already implemented by Johann Fichte and Georg Hegel. Criticising the methodological prerequisites of new European rationalism, Immanuel Kant insisted that in order to achieve the ideal of reliability and persuasiveness of a scientific theory, the justification of all scientific provisions is required without exception, i.e. not only legal, but also logical. It seemed like achieving that would only be possible on the basis of transcendental reflection, which suggested the inclusion of the philosopher's reflection in the

system of logical, ethical and legal knowledge³⁸⁸. A similar position was shared by Fichte³⁸⁹.

The differences between the two classics of the philosophy of law begin with an interpretation of the very possibilities of transcendental reflection. For Kant, its limit was the internal content of the concept of freedom, the assumption of which, nevertheless, was declared as the last condition for the deduction of reliable knowledge. For Fichte, however, the very realisation of the freedom of the subject and the reflection on this realisation constituted the actual content of the first founding principle of science.

For Kant, reflection only pinpoints the source of cognition—the activity of a free subject. But it cannot itself be a form of cognition, since it cannot be given in the forms of sensuality. According to Kant, cognition is possible only in the form of experience, combining the category of understanding with the content of contemplation.

For Fichte, on the other hand, the activity of the subject of freedom reveals itself in reflection as an object of cognition, without the need for this to exist in forms of sensory contemplation. As a result, for Fichte, the starting point of the subject's activity is not an abstract "thing-in-itself", but the activity of absolute self-awareness, the process of exercising their freedom. It is from this activity that Fichte seeks to deduce the main foundations of science, which can be developed to concrete definitions of natural law. These definitions are obtained, thus, through reflection on the free activity of the absolute Self and the transformation of the results of this reflection into the form of logical judgements. That is, we are "advancing in our reflection to the construction of natural law"³⁹⁰.

According to Fichte, absolute self-awareness as a source of deduction of all knowledge is a practical action, and freedom is the primary condition for the implementation of this action. Self-awareness and

its freedom are not some external object, but a means of self-realisation of the subject itself. Therefore, Fichte thought, asking about the cognition of freedom was meaningless, because the idea itself is the primary condition of all cognition. The fact of consciousness makes this freedom an act of reflection, which the scholar does not, like Kant, reduce to the form of experience. Fichte believed that the unity of action and reflection is precisely what determines the reliability and objectivity of the first foundation of science: "Reason belongs only to observing the movement of the Self, turning to oneself is the activity of the Self, which is therefore objective with respect to reflection"³⁹¹.

Thus, the substantiation of the rule of law for Fichte is not based on the abstract "innate ideas of the mind" in the spirit of Grotius and Wolf, nor on the Kantian concept of the higher unity of self-consciousness as "thing-in-itself", which in reality is even more abstract than theoretical calculations of

Wolfian legal scholars. The source and foundation of law is the objective activity of the subject of freedom, which Fichte seeks to integrate into his theory precisely as an object. The highest fundamental principle of Fichte's scientific studies is the “dual nature” of the subject and object, that is, a "subject-object." This kind of "subject-object" is denoted by Fichte through the concept of Self.

This solution, which was completely new in the history of science (to make the beginning of a scientific theory not a reflection of an object, but an object itself, inextricably linked with the reflection of the subject), enabled Fichte to take the next step towards finding a good framework for law. More specifically, he could substantiate the objectivity of other entities based on the concept of "subject-object". From this, we proceed to the principles of relations that are possible between these objective “other” entities³⁹². These principles will allow us to develop the abstract concept of another subject to

the concept of personality, and to determine the possible form of relations between them as law.

The logic of the development of this content that Fichte followed is approximately as follows. The source and content of the Self is its freedom, since the source of its activity must be included in the subject itself. The exercise of this freedom is possible only if there is some external sensuous world opposite to it³⁹³. However, in this sensuous world, which in itself cannot contain freedom due to its complete opposition to the free sphere of the Self, nevertheless, objects must be contained that also embody freedom, and such objects can only be those that presuppose “other intelligent beings out of the Self”³⁹⁴.

Immediately, we note that for Fichte the very fact of direct deduction from the principle of freedom, the self-awareness of the position with regard to the necessary objectivity of others, implicitly includes the requirement to limit this initial freedom, as well

as the freedom of others. The principle of the relationship of the individual to such objects, i.e. according to Fichte, to other personalities (namely: a relationship carried out in accordance with the idea of one's inner freedom and assuming the freedom of others) is precisely the principle of a "natural legal relationship"³⁹⁵. According to the principle of natural legal relations, they "mentally represent every member of society that limits their external freedom to their inner freedom so that all the others next to them can also be externally free." Here, Fichte also offers his very general definition of law: "a commonality between free beings as such"³⁹⁶. The last disclaimer ("as such") is not accidental. This disclaimer indicates that for relations of law, the only thing that matters is that they are relations between abstract entities, the mutually recognised content of which lies only in that they, firstly, contain inherent freedom and, secondly, are external and objective for each other.

Since this concept of law is directly deduced by Fichte from the idea of freedom of self-awareness, the author of the *Science of Knowledge* does not need to mediate the concept of law with moral definitions, the way Kant does. The general premise of ethical and legal doctrine was the same for Kant and for Fichte.³⁹⁷ On the whole, it assumed the inclusion of the activity of the subject of cognition in the object of its reflection, which, in turn, necessitates the deduction of the foundations of law from the activities of the subject on the basis of the idea of freedom. But scholars themselves deal with this problem in different ways: for the author of the *Critique of Practical Law* and the *Metaphysics of Morals*, the transition from the subject's freedom to the rule of law is mediated by the highest moral law. For the author of *The Foundation of Natural Law According to the Principles of the Science of Knowledge*, law is directly substantiated in the idea of freedom.

According to Kant, as noted above, it is the nature of the attitude to the highest moral law that determines the difference between the principles of morality and legality. The principle of legality, mediated by the highest moral laws, is the starting point for the deduction of categories of law: if in determining the content of an act we take into account the motive of the action, then we have an attitude of morality. Morality is thus substantial. It includes both the form of following the highest moral law, and the motive that determines the process of this “following”. Law, however, is only an abstraction of the form of this process and encompasses only its possibility.

But Fichte, since he finds the direct foundations of law in the idea of freedom, considers it possible and advisable to separate law from morality, and ethics from jurisprudence. The author of the *Science of Knowledge* addresses the relationship between law and morality in accordance with his

understanding of the deduction of the foundations of the science of law from the general principles of epistemology and in accordance with the very results of this deduction. More specifically, since law can be derived directly from reason with mathematical precision, there is no need to introduce a moral link in the chain of deductive reasoning that leads to the idea of law. He writes: “The deduced concept of law has nothing to do with moral law, it is deduced without it, and it is already contained in it, since no more than one deduction is possible for one concept, which is factual proof that it should not be deduced from moral law.” This means that the sciences of law and morality are also not related to each other. “Both of these sciences were initially separated by our mind and were completely opposite to each other without our contribution”³⁹⁸.

It is important that Fichte deduces his concept of law by following the principles of the transcendental method of the Critique of Pure Reason, taking into

account the adjustment made by the Foundations of the Entire Science of Knowledge. “The concept of law should be the original concept of pure reason; therefore, it is necessary to consider it in this way”³⁹⁹. At the same time, it seems to us that the transcendental method of knowing the law reaches not only the highest development in Fichte’s teaching, but also its limit. This is due to the fact that the concept of primordial individual freedom is deprived of its specific content in Fichte’s epistemology, despite all the scholar’s numerous declarations on this subject.

In his deduction of the concept of law, Fichte manages to show that all definitions of law are rooted in individual freedom and are modifications of the definition of this freedom. The fact, however, is that thanks to this deduction, the very concept of freedom is not made concrete. Fichte launched the discourse on the concept of freedom and on the process of deducing law, but he failed to take the

opposite (or parallel) step; he failed to show the content of the process of development of law as an internal content of the concept of freedom. The latter, therefore, retains its abstract character, although this abstractness, as we see, is already of a completely different kind than that of Kant.

We believe that the **in absentia** discussion between Kant and Fichte on the issue of the relationship between law and morality, ethics and jurisprudence has not yet attained its final resolution, since it is necessary once again to analyse and evaluate their arguments and counterarguments on this issue, taking into account the achievements of modern historical and legal science. It is important not only to state the difference in the approaches that Kant and Fichte used to address the issue of deducing law and morality from the highest foundations of science, but also to reveal why this difference existed and what meaning it carries in itself for modern

philosophy of law. We will attempt to answer these questions.

First of all, we note the position on this issue held by Thomas Hobbes, who has created the paradigm of social contract in legal science, which is different from the new European theory of natural law and the paradigm of freedom of the classical philosophy of law. What we find in his teachings is a desire to carry out the simultaneous deduction of law and morality from a conventionally established natural law. However, this wish remains unfulfilled, since the very concept of a convention, the nature and source of its subjectivity are not disclosed. The Hobbes model of the social contract does not reveal the source of the generating force (power, as Hegel would put it: “Macht”) of the subject of the social contract.

Overcoming the naturalism of new European empiricism, in his doctrine on the transcendental subject, Kant emphasises precisely this creative,

generating force of the subject, which for him is identical with the freedom of the subject (later interpreted by Fichte and Schelling as a substance-subject). But this freedom remains an empty wish without its realisation if the subject does not possess the creative power of self-realisation. Self-realisation of the subject of freedom, according to Kant, is the assumption of a higher moral law and the assumption of duty to follow it. Thus, the subject of freedom becomes a subject of morality both in form and in content. Noting only the form of conditions for the implementation of the subject as a subject of freedom is a set of legal norms. The very process of this realisation in the indicated forms enables us to define these forms as forms of morality.

Thus, according to Kant, there is only one single form of realisation of the subject of freedom. Whether we regard this form (and its internal division, which is recorded as the rule of law) as a

form of morality or as a form of law, depends on whether we take into account the substantive side of the process of self-realisation of freedom or not. That is, it depends solely on the condition of the subject. Therefore, in full accordance with both the spirit and the letter of the Kantian ethical and legal doctrine, the difference between law and morality is determined not by their objective content, but only by the cognitive condition of the subject. Of course, to distinguish the form of the process of freedom as only the form (law) and the form of the process of freedom as a form together with its content (morality) is a prerogative and a kind of epistemological or gnosiological obligation imputed by Kant to the mind. But, nevertheless, this does not cancel out subjectivity in the interpretation of the difference between morality and law.

Kantian subjectivity in interpreting the process of exercising freedom (in interpreting the relationship of the form and content of this process) is a

manifestation of the fact that the process of freedom (causally caused by the freedom of the subject) is not in itself a way of representing this subject. It cannot be one by definition, because, as already noted, the subject of freedom in the coordinates of Kantian thinking is certainly a “thing-in-itself”, because it can never be given in experience (the only permissible form of knowledge, according to Kant).

As a result, it turns out that the subject of freedom and the process of its implementation are not connected in any way. If Kant allowed the possibility of understanding the process of self-realisation of the subject of freedom as a means of self-discovery and self-depiction of this subject, it would reveal the inner dialectic unity of the objectivity of this process as a whole, on the one hand, and the subjectivity of abstracting the form of the process, on the other. This means that the difference between the form of the process of

exercising freedom as a pure form (law) and the form in unity with a substantial motive (moral) should be understood not only as a difference due to the arbitrariness of the subjective mindset, but also as a difference due to the objectivity of the development process itself and the embodiment of the subject of freedom in the world, with all its emerging and empirically manifested motives, their objective conditions, methods of embodiment, etc.

But the last interpretation is, in fact, closer to the Hegelian historical and logical understanding of law: to understanding the subject of freedom as a historical process, and the historical process as the action of the subject of freedom. It is from this way of understanding (if we designate it in the categories of transcendental philosophy, and not as properly Hegelian) that Hegel's interpretation of law and morality, their self-distinction, and their self-identification grew: an interpretation so different from Kantian. Hegel's subject of freedom (spirit)

and the process of the objective realisation of this subject (history as "Geschichte") are inconceivable without each other. Without the spiritual subject of freedom, history is not history (it is only an empirical sequence of facts in which their meaning is not visible—"Historie"), and without history, the subject is not a subject of freedom, because freedom without the power of its self-realisation is such only in name. Therefore, law and morality are "deduced" not from the very subject of freedom and not from the very process of objectification of this subject, but from their spiritual unity.

The possibility (and necessity) of the transition to such a level of thinking of freedom, law and morality, which we find in Hegel's *Philosophy of Law*, was already found in the Kantian teaching as its theoretical premise. The latter, however, did not exhaust its creative potential until an attempt was made to consistently reveal the transition of the subject of freedom into the forms of its

objectification, after which further attempts were made to reveal the content of the process of freedom as a means of self-depicting this subject. And it was precisely this historically possible (and possibly necessary) work of thought that Fichte carried out. In this case, what Kant recorded as a pure form, i.e. deprived of content, as the form of realisation of freedom (law) and as a form in unity with the content of the motives of objectification (morality) should have been deduced from the very subject of freedom. To establish their differences also at the level of objective realisation of the subject (as Kant did) for Fichte, thus, became completely meaningless. Therefore, Fichte could justifiably claim that he deduced law directly from the self-postulating of the subject of freedom, and does not need to mediate this deduction through law. In this case, the question of what is primary, law or morality, and what is mediated, in principle, may not be posed, and maybe it should not be raised.

Fichte's attempt to deduce the idea of law from the reflection of the activities of the absolute subject of freedom requires further critical reflection. As does the meaning of the discrepancies between Fichte and Kant regarding the relationship between law and morality. Preliminarily, we still think that Fichte's position is closer to the truth: law and morality are not genetically related to each other, law is not mediated by morality and is not its abstraction. At the same time, law and morality do not substantively contradict each other, since they are the result of the development of a single idea of absolute good and between them there is something akin to Leibniz's "pre-established harmony".

The antinomic contradiction between law and morality is resolved in the philosophy of law put forward by Hegel, who returns to the concept of form in its deepest **peripatetic** meaning. By virtue of this, Hegel did not need (unlike Kant) to contrast being and duty, leading to a gap between law and

morality. Based on the dialectics of form and content disclosed in the *Science of Logic*, Hegel reveals the internal content of the formalism of law, thereby overcoming the appearance of its contradiction with the substantive nature of morality and resolving the Kantian dichotomy of law and morality, personal freedom and regulatory regulation.

As we can see, classical German philosophy sought to deduce a system of ethical and legal categories from a single concept of absolute freedom. At the same time, Kant perceived the conditions of this deduction in the ability of cognition and in the ability of the will of the subject. Hegel proceeded from the concept of freedom as a historically evolving unity of the subject and object. It is worth noting that the reflective thinking of the author of the *Critique of Pure Reason* is preserved and reproduced by Hegel at a new level—as a reflection of the universal absolute unity of thinking

and being. Thus, there is a transition from a subjective model of law based on a commonality of the principles of cognition to an objective model of the unity of law and morality, based on cognition of the historical development of thinking⁴⁰⁰.

In Hegel's interpretation, history is primarily a process of the activity of the spirit, revealing in time its essential freedom. But this is an activity that includes reflection, and therefore combines the historical process and historical memory. As we have seen, Hegel's spiritual understanding is inextricably linked with his interpretation of the role of religion, primarily Christianity, in the history of mankind and in the formation of history itself as an integral process. It is the "Sacred History" of Christ, being woven into the history of peoples, which gives it an inner meaning, according to Hegel, and elevates it from "Historie" ('historical only') to "Geschichte". Commenting on the Gospel, Hegel wrote: "In this way the story of the resurrection and

ascension of Christ is accomplished, so that history gets a spiritual meaning.”⁴⁰¹ Through the Holy History, “people realised the eternal history, the eternal movement, which is God himself.”⁴⁰² According to a 20th-century German scholar commenting on this turn of Hegel’s thought, “In the concept of historicity (Geschichtlichkeit), historical consciousness attains self-depiction and self-expression, which for the first time becomes possible only with the formation of Christianity.”⁴⁰³ It’s /It is important to note that in his study of Christ, Hegel combines the religious perspective, the definition of the essence and meaning of history and its most profound (in comparison with other works) interpretation of the essence of law.

Thus, Hegelian historicism in the interpretation of law is no longer just a requirement for studying the historical premises of the formation of law, which, as premises alone, are something external to the subject itself. We will also find this kind of

approach in the 18th century in the works of Charles-Louis Montesquieu and Giambattista Vico. For Hegel, however, history in the sense of an objective expression of freedom of the spiritual principle of man is an internal definition of law itself. Hegelian historicism in law is, of course, a completely new approach to the interpretation of law, which also differs from the position of F.K. von Savigny.⁴⁰⁴

From these positions, Hegel consistently criticised the theory of the social contract that dominated in his time for its empirical assumptions.⁴⁰⁵ The “natural state” of man and society put forward by empiricism as a prerequisite for a legal state is, in Hegel’s opinion, nothing more than a theoretical fiction.⁴⁰⁶ Hegel saw this as a kind of empirical pseudo-substantiation of law, according to Eng-Nam Lee’s assessment, as a kind of “circularity without dialectics.”⁴⁰⁷ In the philosophy of empiricism, freedom is understood in a purely

negative way as the limitation of a person's will from any influence of external determinants. In this case, law can only be interpreted as a way of combining unlimited free will with external necessity.⁴⁰⁸

Here it should be noted once again that for Hegel, thinking is not only what is embodied in subjective ideas as products of the action which is usually called thinking. Thinking is an objective process, passing from one generation to another, consisting of the intellectual creativity of various subjects. Such thinking is realised not only verbally, but primarily in the objective practice of mankind: in the practice of art, moral self-improvement and religious work, in art, but primarily in the forms of state and law. The latter are nothing but the results of a person's reflective knowledge of their essence and the essence of their attitude to nature, which have acquired objective forms. For Hegel, the state is, above all, the exercise of spiritual freedom,

embodied both in society and in individuals. And it is in this capacity that it appears as something morally whole and united.

Hegel sees two principles in the state: the spiritual principle, expressed in its internal differentiation and in connection with a differentiated civil society; and the beginning of life, the soul of the state, which makes it possible for it to have integrity and to reproduce itself, i.e. sovereignty: “the state as a spiritual state is the unfolding of all its moments, but individuality is both soulfulness and the life-giving principle, with sovereignty containing all the differences”⁴⁰⁹. The subject of the process of forming a state (government), according to Hegel, is spirit, i.e. the spiritual principle of man and humanity, which is also present in nature as its internal, hidden form. The substance of the spirit is freedom, and it is this knowledge that, in the spirit of its freedom, is embodied in stable forms of state

and law in accordance with the idea of sovereignty dating back to Marsilius of Padua⁴¹⁰.

Law, according to Hegel, is not only a social relation. Therefore, in addition to the “common will” of people, it also contains a universal content that refers to the highest fundamental principles of being. Following the tradition laid down by Plato, Hegel links the highest definition of the unity of being—an absolute idea—with the idea of good, or absolute Good. Law is based precisely on this recognition by man of the absolute goodness and on the recognition of his involvement in world harmony, which encompasses the unity of the diversity of world processes and phenomena. Hegel saw the source of this understanding of law in the historical development of the state, religion and church. Thanks to historical tradition, the idea of justice retains its role as the main moral value⁴¹¹, which turned out to be especially consistent with the ideas of Russian philosophy of law.

In Russia, questions of the internal unity of truth, justice and law have been among the traditional topics of philosophical and legal thought, starting with the Word of Law and Grace by Hilarion of Kiev. “In Russia, they have always looked for the truth of life, never having been not satisfied with usefulness and speculation. The truth cannot be a purely legal regulation of the behaviour of citizens, the truth is a desire for justice, for the truth of human relations, for goodness and perfection. The “Russian Truth” as a legal monument discovered by V. Tatishchev and originating from the ancient history of Russia, testifies to the depth of the merging in Russia of legal, moral and religious categories,” wrote academician A. Korolkov.⁴¹²

Hilarion of Kiev, the author of the 11th Century's Word on Law and Grace, wrote about the internal relationship between the moral principle of Truth and Grace and the legal principle, which for him was summarised in the concept of Law, combining

both legal and theological norms. In his interpretation, Truth, which carries in itself the principles of justice, is primary in relation to the Law and is its source; "the law is the forerunner and servant of Grace and Truth." Law is like the light of the moon, and Truth is like the rays of the sun. Truth, according to Hilarion, is gradually revealed through the Grace of Christianity. It fills the Law that developed in the bowels of the Old Testament tradition with a new, living content, when "the lake of law was dry, the gospel spring, being filled with water and covering the whole earth, spilled to our limits." ⁴¹³

As we see, the author of the Word on Law and Grace does not oppose the Law and the Truth, but, on the contrary, connects them with each other: "Truth is perceived by mankind thanks to the Law, and not contrary to it, because Jesus Christ did not come to the world **in** order to break the law, but, on the contrary, to fulfill it."⁴¹⁴ Law is the first step to

Truth, but only the whole Truth, known by a man sanctified by Grace, sets him free.

This idea of a deep inner connection between law and truth, knowledge of truth and freedom of the spirit has become both historically and logically the starting point of Russian national culture and Russian philosophical, legal and ethical thought⁴¹⁵. In fact, already in the first significant work of Russian national ideology, the idea of freedom and its legal and moral support, realised in the future as the fundamental value foundation of Russian culture, got its discursive expression. “A purely formal, rational attitude to legal laws, so characteristic of the peoples of the Protestant and Catholic branches of Christianity, is alien to the historical culture of the Russian people. Back in the 11th century, in the Word on Law and Grace, the author Hilarion of Kiev, with the greatest psychological accuracy, opened up the gulf between formal law (shadow) and grace (truth), a

sympathetic and enlightened soul. From ancient times, Russian literature has been writing about the soul, about the education of the heart; Orthodoxy determined the entire rhythm of a person's life, guiding them from birth to death. In Russia, ideals came close to the principles of real life, and so the legal norm was often defined in this country as a model, as an optimal state.”⁴¹⁶

Since the time of Hilarion, the trends in jurisprudence that have emphasised the internal unity of law and justice have always been important for Russian philosophical and legal thought. These trends were fully manifested at the end of the 18th century and at the beginning of the 19th century, when the Russian understanding of law and justice was expressed in the theoretical and legal work, which by that time had acquired consistent features of academic knowledge.

The 18th century was a period of predominant study and mastery of the basic ideas and

methodological approaches of Western legal science, when there was an active development of ideas; the century was a period of predominant study and mastery of the basic ideas and methodological approaches of Western legal science, when there was an active development of the ideas of Pufendorf, Locke, Montesquieu and other **opinion-shapers** of that era⁴¹⁷. Indicative in this sense is the figure of the first Russian professor of law, S.E. Desnitsky⁴¹⁸, who was educated in Scotland (which was the leading scientific and educational centre in Europe for a few decades in the mid-1700s), but he remained completely independent in his thought and never broke with the traditions of Russian legal culture.

According to Desnitsky, the very nature of man implies a desire for a higher moral ideal, for the Absolute: “The guardian nature of mortal bliss, the supreme happiness of man, apparently, affirmed on his everlasting desire for a higher state. Some

desires give birth to others in him; And both the former and the latter always attract him and exalt him...”⁴¹⁹. Rushing towards the highest moral ideal and following it as a constant reference point in economics (Desnitsky was a student of Adam Smith, the father of economics) and politics, a person interacts with other people and develops a set of moral and legal ideals in the course of this interaction: “Through such passion and through nature, man, aspiring and protected, fulfilling desires, passes on to others and chooses the best way of living for his future...”⁴²⁰.

Desnitsky believed (as Hegel himself later did) that the idea of justice was best expressed in a constitutional monarchy based on the principle of separation of powers; legislative, “judiciary” and “punitive”. These authorities are entrusted with the duty “to make laws fairly, to judge by laws and to enforce them”, and “almost all the ordinance and all the main government in the states” depend on the

activities of these authorities. The principles of justice in the separation of powers and in **state-building** as a whole require "that one power does not go from its limit to another" and this will be monitored by the "overseers" established in each government.

Desnitsky considered the legislature to be the highest of these authorities⁴²¹. The power that best expresses the idea of justice and is most guided by this idea in practice is the "judiciary" branch. Desnitsky also defines the general conditions for the administration of justice, which, on the whole, correspond to the civilised understanding of the role of justice.⁴²² But for justice to triumph throughout society and in the state system as a whole, education is first and foremost necessary. An enlightened monarch should be at the head of the state (the ideal for Desnitsky here is Emperor Augustus and King Louis XIV), but a monarch like that also needs an enlightened people. After all, only an enlightened

people can be governed not by arbitrariness, but by law, which was the ideal for thinkers of the eighteenth century. Desnitsky also believed that if all classes of society were enlightened and educated, then they would inevitably strive for the common good and justice.

In Soviet historiography, this attitude, common to all philosopher and educators in the eighteenth century, was criticised as "naive." They would certainly write about Desnitsky that he "shared illusions..." But these "illusions" were connected with very ancient traditions of legal thought, dating back to Socrates. Socrates, as we recall, believed that a person who knew the truth would certainly follow it. He was criticised for this by Aristotle, who believed in reason and will: it is not enough to know the truth, you must still have the will to follow it. It is difficult to disagree with this, but Socrates was probably right in something in this respect for the truth. Truth, nevertheless, is not such a helpless

thing, so as not to be able to express itself, but to show, not subjugate, the will of man, making it a *true* will.

Plato also came to the conclusion that only by understanding the idea of justice can we build a fair state. Of course, only in a fair state can a person be just, but, after all, a fair state structure is only a condition of justice of an individual. The person is also required to know and understand the idea of justice. So the state-legal construction and knowledge of the foundations of law and morality (education, speaking the language of the 18th century)—are all deeply interconnected. And the modern theory of state and law teaches that for the successful implementation of a fair law, an appropriate level of legal awareness and legal culture is also required.⁴²³

In the nineteenth century, Russia became a leading world power that the fate of the world depended on. What does she bring to the world?

What does it contain? What is the peculiarity of its culture and what are the lessons of the historical path? Which way should she choose? These questions were to be answered by Russian thinkers. Moreover, it was precisely in classical German thought, which was the pinnacle of Western philosophy, that Russian philosophers, historians, legal scholars rightly saw that developed method for thinking that would directly or negatively (“from the contrary”), but help to conceptually express the content of that spiritual tradition that Russia carried in her historical existence and that was laid down by Orthodoxy (and to a large extent was reduced to it). The formation of Russian philosophical and scientific schools in the nineteenth century took place against the backdrop of the rise of Orthodox spiritual life, marked by the appearance of Seraphim of Sarov and the Optina elders... Can we talk about this content in the language of a rational concept? How do we take it into account in the practice of

real-life to a point where impacts / affects real lawmaking? What should be the place of the Church in the Russian society and what is its relation to Russian statehood?

Could these questions have been resolved by Locke, Hegel or Spencer? Of course not. Having passed the necessary period of apprenticeship with the great philosophers of the West, Russian thought had to turn to its own, deeper sources, which, by the nineteenth century, seem to have been forgotten. It was necessary to recall that only the Orthodox tradition contained the fullness of Christian heritage and, accordingly, the entire depth of the ancient understanding of the world as a single being of the good and freedom of man. Of course, this could not but affect the foundations of Russian legal consciousness. No wonder Hilarion of Kiev (11th century), whose Word of Law and Grace can rightfully be considered programmatic for Russian national self-awareness that anticipated future

searches for our philosophy of law, taught that the foundation of Russian public self-awareness (and therefore the foundation of law) should be not the simple formalism of law, but the blessing of being that emanates from God — grace. But in order to elevate the meaning of this concept to a state of a scientific concept on which everyday practice of law could be built, it was necessary to philosophically comprehend deep and important topics, such as the relationship of man and God, ways to achieve real communion with God, man's place in the system of being, and the meaning of unity of man with this being, as the meaning and nature of freedom. Law should specifically combine the universal being and individual practices of man and the state. The history of philosophy shows how difficult it is to combine the universal and the individual in thought. We know from the history of state and law that combining them in practice is one hundred times more difficult. Here, the temptation is most serious

to replace true lawmaking, which comes from the being of man, from life itself, with the development and application of abstract universal formal schemes of life. And even more—to take them **ready-made**, at least from the West, and declare them law.

In an era when, according to Dostoevsky, all of Russia seems to have frozen over some critical point, the problem of the philosophical and religious foundations of law was not accidental. It is clear that Russian lawyers became philosophers not for love of speculation alone, but because of the requirements of practice itself. It is no accident that the main problem of Russian philosophy of law was the problem of the relationship of law and morality, the problem of the relationship of law and good. Russian thought clearly sought to return to the ancient tradition of grace, which Hilarion of Kiev spoke of, to try to find forms of state and law that embodied the beginnings of being, understood as the being of freedom and absolute Good. But this

problem has still not been solved to the present day, and therefore continues to be relevant.

Having passed the period of apprenticeship, Russian legal thought reaches its true maturity in the 19th century. Here, first of all, we should note the full and deep assimilation by Russian scientists of the content of Western political and legal theory and philosophy, despite the fact that at the turn of the century the latter reaches its highest result—the classical German philosophy of Kant, Fichte, Schelling and Hegel. German philosophy, having restored the Christian worldview in philosophy, taking into account the experience of the New Age and the Enlightenment, did what Russian legal thought had traditionally sought to do. That is, it found an adequate combination of scientific logical analysis and Christian values. In this sense, the role of A.P. Kunitsyn is especially important, as he laid down the traditions of Russian natural law school under the direct influence of Kant and Hegel ⁴²⁴.

At the same time, in the development of Russian humanitarian thought, a positive role was also played by the patriotic upsurge associated with the victories in the Patriotic War of 1812 – 1814, prompting, among other things, people to seek independent paths in humanities. The greatest historian of Russian philosophy, V.V. Zenkovsky, wrote the following about the value of the 18th century for the development of philosophical and scientific culture of the XIX century and the perception of scientific philosophy in the nineteenth century: “The 18th century was, of course, only a “prologue” in the development of philosophy in Russia. However, the various trends that emerged already in the 18th century turned out to be not accidental; they all appeared later in the 19th century, in a more mature and distinct form. In any case, the 18th century in Russia finally won its special place for philosophy, it finally secured its secular character. By the eighteenth century, the

words that characterised the Kireyevsky spiritual atmosphere at the beginning of the nineteenth century are quite applicable: "the word philosophy, he once wrote, had (then) something magical in itself." Philosophy aroused hopes that went far beyond its capabilities — people expected from it not so much an answer to the theoretical inquiries of the mind as indications of how to solve the questions of life. This was not the elimination of theoretical problems, but the need for a holistic synthesis similar to that given by religion. That is why philosophy became the main conductor of creative searches, because it was perceived as a secular replacement of the church worldview. It should be noted, however, that secular tendencies, the **defense** / **defence** of the unrestrained freedom of philosophical thinking were not at all connected with rationalistic trends at this time. We find *the same thing*, for example, among those who defended the primacy of feeling rather than reason. And this is

especially important to keep in mind if we want to understand why the word “philosophy” had in it “something magical”; In philosophical searches, a significant place belonged to the demands of feeling (as we shall see later—mainly aesthetic). Hence the enthusiasm that is so characteristic of philosophising youth in Russia at the beginning of the 19th century.”⁴²⁵

In terms of the results, the most significant experience in adapting classical German philosophy (primarily the Schelling version) to the spiritual needs of Russian society, we find in the works of the most prominent Russian philosopher V.S. Solovyov. Solovyov repeatedly addressed legal issues, primarily in the aspect of the problems of the relationship between law and morality. His works *Criticism of Abstract Principles*, *the Justification of Good*, and *Law and Morality* had an exceptional impact on prominent legal scholars such as E.N. Trubetskoy, P.I. Novgorodtsev, and I.A. Ilyin.

Speaking about the internal connection between law and morality, V.S. Solovyov argued that the concepts of truth and law equally embody the unity of the legal and ethical principles. At the same time, he recognised the difference between these concepts, which reduced to three main points: firstly, the moral requirement is essentially unlimited and comprehensive, it implies moral perfection and an unconditional desire for moral perfection. On the contrary, legal law is essentially limited and, instead of perfection, requires a lower, minimum degree of moral condition, requires only a limitation of the manifestation of ill will. Therefore, with regards to morality, "law is the lower limit, or a certain minimum, of morality, which is mandatory for all.' This characteristic is contained in one of the most important works by Solovyov, the *Justification of Good*, in which he writes "Law is the lower limit or a certain minimum of morality." At the same time, Solovyov emphasises that there is no

contradiction between moral and legal law: the second is supposed to be the first, and even though the legal law does not require higher moral perfection, but it does not deny it.

The unity of law and justice does not exclude, but on the contrary, it implies their difference. Another criterion according to which the sphere of morality differs from law is that the highest moral requirements do not prescribe any external definitions of actions in advance, but represent the most ideal mood in the corresponding actions in relation to this provision, moreover, "these actions themselves can be ascribed moral value" and in no way do they exhaust the endless moral demand. Legal law, however, has as its subject matter clearly defined external actions, the fulfillment or imperfection of which results in the observance of the requirements of this law. This is another essential characteristic of law, and if it was originally defined as a minimum of morality, then

supplementing this definition, we **can** / **could** say that law is a requirement for the realisation of this minimum, i.e. the implementation of a certain minimum of good, or the elimination of a certain degree of evil. In this also, Solovyov emphasises that there is no contradiction between moral and legal law.

Thirdly, moral law presupposes the free and voluntary fulfillment of moral requirements, and any coercion is not only not desirable, but also impossible. On the contrary, the external implementation of the requirements of legal law allows direct or implied coercion, so the coercive nature of such law is a necessity.

According to Solovyov, the relationship between justice and law is equally necessary to define both of these concepts: “The principle of law can be considered abstractly, and then it is only a direct expression of justice: I affirm my freedom as a right, because I recognise the freedom of others as their

right. But in the concept of law, as we have seen, the element is objective, or the requirement for enforcement: it is necessary that the law should always be exercised, i.e. so that the freedom of others, regardless of my subjective recognition of it, i.e. from my personal justice, that I could always in fact limit my freedom equally with everyone. This requirement of coercive justice is introduced from the idea of the common good or public interest, or—which is the same—the interest of the **implementation** of the good, for which it is imperative that justice be a real fact, and not an idea only. The degree and methods of this implementation depend, of course, on the state of moral consciousness in a given society and on other historical conditions.”⁴²⁶ Without law, a moral sermon devoid of objective support in the real world would remain only idle talk, and law itself, if its formalities are institutions are completely separated from the principles of justice and moral goals,

would lose its “sound moral foundation”, and would be nothing more than a collection of arbitrary rules.

Together with Solovyov, his older friend F.M. Dostoevsky also played a great role in the moral search for Russian philosophy of law. It was the work of Dostoevsky that prominent early **19th-century** lawyer P. Novogordtsev credited as the source of his peculiar element of the Russian philosophy of law. Let us cite the relevant fragment from his article: “In the works of Dostoevsky, we find the clearest expression of the Russian worldview, we *find in him the deepest foundations of Russian philosophy of law*. If you try to express these foundations in a few words, then, in my opinion, they can be formulated as follows:

1. The highest ideal of social relations is the internal free unity of all people, the unity achieved not by coercion and external authority, but only by the Law of Christ, when it becomes the internal nature of man.

2. The only true and perfect path to the ideal is a free internal renewal of people and an internal awareness of their common responsibility for each other and their all-pervasive solidarity. Since this renewal can only be achieved by the grace of God as a result of faith and love arising in a person by God's grace, God's ideal cannot be attained without God. Reconstruction without God, without Christ is an attempt doomed to failure. Everywhere and always, where there is real moral progress, there is also the implementation of the work of God, which can take place without the will of man and his appeal to God, by the power of the highest Will and divine providence.

3. In the process of social construction, law and the state are only auxiliary stages of this development, which in themselves are too weak to transform life. Their task is to get closer to the real ideal of social life, embodied in the Church in its ideal sense, as a place of internal free coexistence of

people, sanctified and supported by divine grace. This is not the path to theocracy, which seeks by force and coercion to establish perfect harmony with a historical background that has not yet matured for it.

4. Since the Law of God, the law of love, is the highest norm for all life relations, the law and the state should draw their inspiration from this higher commandment. There is no split between law on the one hand, and morality on the other, as the new philosophy of law proclaimed, but a new, immediate connectedness of law and morality and their subordination to a higher religious law create the new standard for social life.

5. The process of social construction, the development of law and the state, their desire to bring the public life to church, cannot be considered from the point of view of earthly, human perfection and earthly, human harmony. We have no right to expect that someday such perfection and harmony

will come on earth that would overcome all life's contradictions in a perfect social form. For human nature, these contradictions are irreconcilable and insurmountable. Personality and community, equality and freedom, law and morality—as they move within the framework of historical development and human capabilities—are in eternal antagonism and do not allow for final reconciliation. Only being penetrated by the highest light of divine grace, only in the last days of the world, as the universal harmony that the Christian Gospel law requires, can such reconciliation be conceivable, only at the end of the world. Not in the natural development of human relations, but in their miraculous interruption, catastrophe, and salvation of the world—that is the view of Russian religious and philosophical inspirations, that is the way all social contradictions are to be resolved.

6. If the conflicting elements of social life are essentially irreconcilable, then this means that by no

effort of human will is it possible to achieve an absolute rationalisation of social relations. “Not a single nation has ever relied on intelligence and science in the organisation of their lives,” says Dostoevsky, “there has not been a single example of this, perhaps by stupidity this could only happen for an instant.” Intelligence and science have always, from the beginning to this day, played only a secondary and subservient role in the life of nations and will not play any role until the end of the world.

7. The point of view from which social progress is considered is characterised not by the expectation of a paradise on earth, not by the desire to achieve a carefree, calm life, and not by faith in the endless progress of mankind, but rather is guided by the cognizance of the inevitable end of the world and especially by the conviction that all human efforts based on the desire to achieve earthly paradise and settle down without God, only through the power of human mind, are doomed to failure.

These are the fundamental ideas that form the essence of the Russian spirit in its understanding of life and history, law and the state. At their core, they are nothing more than the perfect recognition and affirmation of the foundations of the Christian religion. On the other hand, these principles entail a strong rejection of all the foundations of the classical West European philosophy of law, which was formed in the 18th and 19th centuries and formulated by Rousseau, Montesquieu, Kant and Hegel.”⁴²⁷

The most prominent representative of legal thought in Russia in the 19th century was, without a shadow of a doubt, B.N. Chicherin. Although, without the direct influence of Solovyov and Dostoevsky, Chicherin independently developed the basic principles of the philosophy of law from the foundations laid down by German classics, primarily Kant and Hegel, taking into account the traditions and realities of Russian law and state.

Chicherin's legal model was based on the idea of the Absolute, understood as the unity of the higher natural and moral principles governing the universe. A person's peculiarity in the system of the universe is determined by their direct involvement in the Absolute: "...a person, by nature, is a supersensible or metaphysical being, and, as such, has a value in themselves and should not be turned into a simple tool. It is this cognizance that serves as the driving force of the entire development of human societies. From it comes the idea of law, which, expanding more and more, finally acquires the undeniable dominance of the minds."⁴²⁸

In human nature, its immediate involvement in the Absolute is manifested as freedom, the systematic form of objective expression of which is law and morality. Their unity reveals itself practically, in the person following the ideals of justice. These principles of justice manifested in human cognition form the basis of morality, since

they guide the practical activities of man: “As a bearer of the absolute principle, man in himself has absolute value. Obeying the ideal requirements of the whole to which he adjoins, he remains an independent member of the moral world, extending far beyond the limits of mankind. Therefore, in relation to a person, a moral law with all its consequences retains its absolute significance, regardless of the historical process of mankind. The requirement of the moral law as an absolute principle is that the external state of a person should correspond to the internal, or moral, dignity, for only through this moral law can we find supreme law for an entity that combines the sensory element with the rational. This is the basis of justice; in this lies the perfection of human life.”⁴²⁹

The difference between law and justice was defined by the Russian author of the *Philosophy of Law* as a qualitative difference between the law of truth, which constitutes the law of legal justice, and

the law of love. The law of truth requires everyone to give their own, while the law of love requires a person to sacrifice himself in the name of his neighbour. Unlike the law of truth, the law of love cannot be forced. In this case, the system of compulsory laws determines the external relations between people, and the laws of love, the internal. Legality establishes a rule for the external actions of people, justice establishes the internal routine of the human soul. Both areas supplement each other. Inner freedom is governed by the principles of justice, and coercion can be used in the name of another's freedom. Until a person violates someone else's freedom, coercion cannot take place. Moral law is restrictive; it restricts the exercise of rights. For example, a legal law recognises a person's ownership, but mooral law considers ownership of property unfair if said property is being used for immoral purposes. Legal law recognises the creditor's right to collect debt from every debtor,

while moral law considers it unfair to collect debt from the poor, if such debt collection can drive them even deeper into poverty.

In the name of moral law, man submits to the social principle as the highest expression of the spiritual connection of people. On the other hand, as a free person, he enjoys rights. Freedom is regarded here as public freedom, which determines the attitude of members of a group to each other. A contradiction arises, which is allowed by the law of development, and which consists in the gradual implementation of the internal nature of a developing society. The elimination of the contradiction is possible only as the positive laws come closer to the standards of justice, and the principles of justice begin to gain the same authority in society and the same opportunities for influencing the person as legal laws.

The traditions of Dostoevsky, Solovyov, and Chicherin were continued in the twentieth century

by the school of “revived natural law”, created by P.I. Novgorodtsev⁴³⁰. It is within the framework of the concept of natural law that the problems of justice gained the greatest weight among the theoretical and legal constructs of Russian lawyers. Supporters of natural law have always emphasised the ethical principles of law, and the need to evaluate legislation from the point of view of the principles of morality and justice.

Revived natural law was an important component of the theoretical foundation in Russia for political and legal reforms on the basis of legality and justice. Novgorodtsev considered the problem of the correlation of law and morality, justice and legality precisely in the context of his theory of natural law, which he interpreted as the eternal inalienable right of the individual, who has a moral nature and the nature of absolute value and is defined it as “a set of moral (moral) representations of law (not positive, but must be)”, as an ideal construction of the future

and a moral criterion for an assessment that exists independently of actual conditions found in law formation.⁴³¹ Thus, the question of natural law would inevitably lead to the question of “independence of the ethical principle.”⁴³² As a result, the essence of natural law, according to Novgorodtsev’s point of view, consists in a kind of “ethical criticism”, and **it’s / it is** “characteristic of the desire to evaluate the fact of existence from an ethical point of view. But this is precisely the task of the philosophy of law.”⁴³⁴

Recognising the necessity of the idea of justice and the requirement to rise above imperfect reality, and critically evaluating everyday life is an indispensable principle of moral consciousness according to Novgorodtsev. “Novgorodtsev opposed the false absolutism of the lethargic fact with the self-evident absoluteness of moral consciousness, the unconditionality of categorical obligation. This was not an abstract moralism. Moral consciousness

does not build an imaginary ideal world, and it is not for the sake of this dreamy ghost that it judges the existing order. The problem of moral action is that life must be determined by the inspiration of the Good, and if it is not, it must be judged and condemned.”⁴³⁴

According to the general conclusion of P.I. Novgorodtsev, the principles of justice can never be fully embodied in the system of legality, however, this unity should be one of the necessary elements of the social ideal, guided by which one can come to the construction of a real legal state.

One of the most significant and profound Russian legal theorists of the early twentieth century was I. Mikhailovsky. In his voluminous work, "Essays on the Philosophy of Law," I. Mikhailovsky systematically developed the doctrine of the Absolute in law. Absolute for I.V. Mikhailovsky stands in unity of reason and the idea of the good⁴³⁵, which, in turn, is transformed into a “synthesis of

personal freedom and the common good.”⁴³⁶ In the spirit of absolute idealism, the Tomsk-based professor determined the main foundations of the theory of law as follows: 1) direct connection with the Absolute Source of all life in the world; 2) rational and moral content; and 3) eternity and immutability for all times and peoples. The concretisation of these grounds should be, according to the scientist, connected with the development of the doctrine of the general foundations of being, translated into the legal research field in accordance with the method of cognition developed by the classics of legal philosophy.

The variety of approaches in understanding the essence of justice will not only be an obstacle on this path pointed out by the Russian philosophy of law, but also vice versa, will serve as a valid starting point for the expression and coordination of the positions of various groups of the population. First of all, it is necessary to achieve public agreement on

the basic principles of justice on which the state and law can be based. This agreement refers to the nature of justice that should become that element of legal awareness around which the entire system of national consensus will crystallise. At least this is true for Russia, as Russian history and the history of Russian philosophy of law teach us the philosophy of faith and morality.

Chapter 12. From Metaphysics to a Comprehensive Theory of Law

With the acquisition of its logical form, historical philosophy reaches the level of concreteness that allows us to express the concept of the substance-subject of freedom as absolute and absolute as freedom. The logic of this concept (the concept of “spirit” in the Hegelian sense), if it is developed from the second “hypostasis” of the absolute idea—

from the idea of good—reveals the initial conceptual principles of the metaphysics of law, which unites universal unity and certainty of law. Further, it is necessary for it to be able to project the principles of law concluded in the universal harmony of being into the historical forms of development of man, society and the state.

But this will be the next stage in the creation of a speculative-logical theory of law. Now, only one thing is clear: an understanding of the nature of law cannot be the result of the development of any particular tradition of political and legal thinking. Just as the logical form of philosophy actualises the true content of each of its historical forms, preventing this content from leaving a trace in the past, so the speculative logical metaphysics of law should first of all reveal the true content of all the classical models of the theory of law that have historically declared themselves and, further, combine this content into a single system of

scientific knowledge. The first step in this direction should be a comprehensive theory of law, which in the process of development, as the content of speculative-logical metaphysics of law becomes more concrete and formalised, will strive for an increasingly concrete and meaningful *synthesis* of legal knowledge.

In the meantime, we can only fix the cognitive value of a multilateral approach to understanding law. Today, legal theorists, often only on one facet of this phenomenon, judge it as a whole. Obviously, the theories obtained in this way run into insoluble contradictions over time. Then new thinkers appear who, sometimes sincerely believing that they see the whole thing, also focus on one of the manifestations of the object. Their theories are also refuted by other concepts, which are nonetheless far from perfect.

Historically, how many different concepts of understanding the law were there? It would seem a lot (positivist, natural, contractual, psychological,

historical, sociological, etc.). However, there are not as many as the facets of a diamond (as you know, the most common cut of a diamond has fifty-seven facets). Therefore, we will make the assumption that until a significant number of independent concepts are created that objectively and comprehensively reveal the specific facets of law, while at the same time concretising the content of the speculative-logical metaphysics of law, we cannot achieve its universal concept. But as soon as the number of definitions of law reaches a critical mass, it will grow into the quality necessary for the corresponding level of theoretical synthesis, as a result of which we will gain an understanding of law at a completely new level.

However, if we only combine everything that we know about law right now, will we get something more that suits everyone? Without achieving the concreteness of philosophical and legal thought, no. So far, we have only come to the understanding that

we cannot stop at only one concept of law, and try to “make” it dominant. We must strive to embrace the law as a whole, to study law comprehensively. Such a comprehensive approach ⁴³⁷ to the study of law in this case is the best option.

For this knowledge of law, philosophy is needed. It is philosophy that allows you to “rise” above the problem, evaluate it in a historical aspect, dynamically, taking into account the development of scientific knowledge about the world and existence. It seems that, philosophically, a significant amount of legal research, although it has global goals, actually constitutes work at the very basic level, and it is naive to believe that we will cover this enormous distance quickly. Moreover, sometimes instead of expanding knowledge, scholars actually go in circles. For example, more than a century ago, N.M. Korkunov summed up a convincing result of attempts to create the so-called encyclopedia of law. In particular, he wrote: “It was impossible to create

a science of sciences from the encyclopedia, which would simultaneously be an independent, special science and embrace the content of all separate sciences”⁴³⁸. At the same time, a century later, we are once again hearing suggestions to write an encyclopedia of sciences.

Another typical example. At present, there are attempts to combine the theory of natural and positive law into the integral theory of law of the Neo-Kantian type. In this context, a large number of publications can be seen⁴³⁹. But law is not only these two theories, and so the design in this form is doomed to failure. Philosophically rising above the problem and evaluating the combination of only these theories would be completely incomplete—not everyone gets it.

Philosophical assessments require legal science to adopt a modern attitude to law. So, it is now clearly observed that many experts began to write “sublimely good” about the phenomenon of “law”,

claiming that everything connected with true law is fair and honest. But what is unfair, totalitarian, undemocratic (although it is contained in legal norms) is no longer law. With this new trend, a slew of new expressions became commonplace such as illegal law, illegitimate power, lawless relations etc. In other words, law, especially recently, began to be idealised⁴⁴⁰.

Such an approach has become so widespread among students that teachers of a number of industry disciplines complain that in universities, where students are encouraged to think about the differences and contradictions between law and rights, it is extremely difficult to get future lawyers to study codes and other legislative materials, as many students are convinced that almost none of that is actually law.⁴⁴¹

It is important to understand that if we look at the phenomenon of law uncritically, we will not come closer to understanding its essence⁴⁴². It should be

recognised that if the legal norms of reform laws lead to mass impoverishment of the population, infringement on the needs for education and health care—this is legal arbitrariness. At the same time, the popular phrase “unlawful law” is often used to render law imponent, as if it explains everything and suits everyone. Under such circumstances, law becomes a shrine, an idol, to which everyone prays and is not tolerated by critics. **Let's** / **Let us** suppose that law is, by definition, good, honest, clean, and free from bad impurities. Along the same lines: law is freedom, justice, equality, and nothing else. For example, V.S. Nersesyants started the book on the philosophy of law as follows: the philosophy of law deals with the knowledge of law as a necessary form of freedom, equality and justice in the public life of people.⁴⁴³ But such an understanding of law is one-sided, and therefore not objective. The non-criticality of knowledge of any phenomenon contradicts the very essence of philosophy. You

can't/ cannot gain true knowledge if you go about getting it uncritically.

For the philosophy of law, this provision is fraught with great danger. A non-critical approach brings an understanding of a phenomenon to hypertrophic forms. This inevitably leads to a perverted understanding of the phenomenon, essence, and concept. Subsequent criticism, which erupts sooner or later, sometimes destroys not only the formed approaches to how the phenomenon is studied, but also discredits the phenomenon itself, along with the concepts and ideas associated with it. Going too far in one direction will often result in a multitude of problems and swing the pendulum in the other direction. As a result, even the brightest and most sensible ideas, after acquiring a hypertrophied form, are already being subjected to sweeping criticism, are being forgotten for a long time and are being supplanted by other concepts, which in fact are also not without flaws.

In addition, philosophers of law for some reason do not always take into account the reflection of philosophy. Throughout the history of the development of mankind, philosophy has been characterised by a constant reformulation of its main problems. One concept, which seems to be sufficiently substantiated, is inevitably replaced by another **that is** fundamentally different from it. If experts see the prospects of the natural-law theory as the prevailing theory of law in Russia for a long time, then this theory is all the more necessary to be approached more critically and meaningfully. This is not only for the purpose of emphasising the positive characteristics of this theory, but also to see certain omissions, the difficulties of its application, taking into account the existing mentality, legal consciousness and legal culture in Russia.

Attempts that are currently being made to isolate law from criticism are, it seems, doomed. Even if we proceed from the divine origin of law, are we then

supposed to pray to God and not law? Which is natural? It is absurd and senseless to create a dichotomy between God and law or to supplement God with your law.

Again, if you try to somehow idealise the law, create a law that everyone should strive for, then it is still not true to reduce it to a form of freedom, equality and justice. Law is much more multifaceted and ambiguous than the above categories. Moreover, precisely defining the indicated philosophical categories is the most difficult philosophical question⁴⁴⁴.

Law is an important and necessary phenomenon of public life. But other phenomena, such as culture and the economy are similar in significance. For example, is ideal justice in the economy possible, if, on a primitive level, one wants to sell high and the other wants to buy low? Is perfect justice possible in a legal dispute in the division of property? Everyone has their own justice. Is an unambiguous assessment

of works of art possible, will it be completely fair? At the same time, no one writes about an uneconomic economy, an uncultured culture, etc.

It should be said here that we do not equate law and legislation. However, we consider it fundamentally wrong to contrast these concepts⁴⁴⁶, and *it's* / *it is* a very one-sided contrast which attempts to shield law from all criticism. I would like to ask why they write “illegal law” and not, for example, “illegal legislation”? Why whitewash legal norms? Moreover, it happens that the norms that today seem to us legal and in all senses fair, do not seem legal through the historical lens. For example, the reforms in Russia carried out in the 1990s and formalised by the relevant legal regulations initially seemed to be legal and liberal. However, after a short period of time, they led to significant negative consequences: the collapse of the state, separatism in Russia, nationalism, impoverishment of a significant part of the population, armed conflicts,

etc. The leadership of the country recognised the ambiguity of the results of the reforms. It is now obvious that the rules of law that established the course of these reforms can hardly **be** viewed today as having been legal (in the sense in which legality is defined by some idealist scholars).

But there are **counterexamples**. The order issued by Marshal Georgy Zhukov during the **defense** / **defence** of Leningrad to defend the city at all costs was so cruel that it would hardly withstand the scrutiny of modern legal frameworks. However, the course of history objectively demonstrated the supreme justice of such a decision, its correctness under the circumstances and ultimately, its legality. Now it is obvious to everyone that if Leningrad had not been defended, the number of people killed would have been many times greater and the question of victory over fascism would have remained open. It must be said that the history of

mankind is replete with legal norms that today seem cruel and violent.

R.Z. Livshits was correct in writing that it is often the case that a particular law can epitomise equality and justice and be perfectly legal for one group, but then be completely unjust and illegal for another. Therefore, a general and unambiguous criterion for distinguishing a legal law from a non-legal law does not exist. Moreover, the same law can be legal and illegal at different stages of societal development⁴⁴⁶.

In this regard, the concept of legal and non-legal laws cannot become a guideline for state bodies and officials who apply the law. In other words, this concept is a kind of speculative construction that cannot be implemented when applying law. Here, at this stage, the issue of verifying ideas and constructions in a scientific and dialectical manner is again vividly highlighted.

A thorough study of the problem of "legal/non-legal" laws was carried out by O.E. Leist. In his

absolutely just opinion, a concept that was recently called a “historical-materialistic concept of the difference and correlation of law and legality” by its supporters, and that has now been renamed “libertarianism”, has become a serious obstacle to the development of substantial philosophical ideas in the study of law. In libertarianism, the laws adopted by the state are pitted against laws whose essence is seen in freedom, equality and justice. This is the basis of the concept of “non-legal law” that does not correspond to the ideas of freedom, equality and justice. Looking at issues from this viewpoint, it is generally difficult to find “legal laws” in the centuries-old history of mankind. If we consider law as the embodiment of freedom, equality, justice, then the history of law begins only from the 17th-18th centuries, and all the previous law (Hammurabi Laws, Manu Laws, Roman slave law, all the laws of the Middle Ages, in Russia—Russian truth, all Court Regulations and Codes, etc.)

should not be considered legal. It turns out that the "libertarian concept" abolishes most of the history of law in some way. Paying tribute to the theoretical courage and consistency of the founder of this concept, V.S. Nersesyan⁴⁴⁷, it should be noted that he recently abolished a large part of the history of the state. The state, in his opinion, is constituted only on the basis of "legal laws," and everything else that up until now was considered a state in history has actually been variations on despotism, fundamentally different from what a modern state should be.⁴⁴⁸

This continues with O.E. Leist, who expanded on his thought on the basis of abstract reasoning, which always contrasts good law with bad law, to point out that it is difficult to formulate any specific recommendations to the modern legislator, who in principle recognises the ideas of freedom, equality and justice, but does not always know how to translate them into law. In addition, from the point

of view of the advocates of the criticised concept, the opposite relationship completely disappeared—a good law and a shaky, unsecured and therefore bad law. An example of such a ratio is Article 59 of the Constitution of the Russian Federation, which stipulates that Russian citizens may choose alternative service to military conscription: in practice people are often unable to exercise this right because there are no laws regulating the procedure for exercising it. Proponents of the distinction between law and legislation did not notice that the law differs from the legislation in its ability to be implemented in specific legal relations, in the rights and obligations of members of society, and therefore law cannot be embodied in excessively general formulations (good by design) of specific legislative acts that do not specify a proper implementation procedure for them.

In addition, as O.E. Leist noted, the process of implementation of both has completely dropped out

of the field of view of supporters of the distinction between law and legislation, because, in their opinion, law is the idea of freedom, equality and justice, and legislation is the text that may contradict these ideas. However, stories are known of **well-designed** pieces of legislation, whose texts proclaim freedom, equality and justice in order to mask lawlessness, terror, violation of elementary human rights and freedoms. Such was the USSR Constitution of 1936, the democratic provisions of which were declarative in nature and were a form of propaganda during the years of mass purges. Was, in the opinion of proponents of the libertarian idea, this Constitution a “legal law”?⁴⁴⁹

Fully agreeing with the aforementioned scholar, I would like to add one example that clearly characterises the one-sidedness and inaccuracy of the approach to law as a definition of a good phenomenon in relation to a bad law.

The Constitution of the Russian Federation states that the rights of the individual have the highest value for the Russian state (Article 2). Some good legislation has been passed to uphold this principle so. Would it seem that everything is right? Indeed, by and large, there are no complaints against the laws—they all comply with the Constitution of the Russian Federation, and fulfill its message that human rights are the highest value.

However, one has to wonder whether the notion that the rights of the individual must be the highest value for the state is correct. What can be more important than the rights of an individual in Russia? Why should the rights of the individual trump the rights of society? Some people may argue that notions such as the motherland, the state, faith and the life and health of other people may be more important.

The famous Russian lawyer S.A. Kotlyarevsky wrote about this in 1915. He noted that there could

be no rule of law without citizens realising the value of law and without them being willing to uphold it. But neither can a state exist in a society where there is never any willingness on the part of the citizens to sometimes sacrifice said rule of law in the name of their obligations to the motherland, responsibility for her independence and safety, or to ensure its future historical development. “In this sense, the hypertrophy of the legal instinct, the well-known political effeminacy, so to speak, can turn out to be a dangerous quality in the struggle for life (and not a single state is safe from this struggle) if it is not balanced by a sufficient supply of basic immediate patriotism. On the other hand, the state needs not only the willingness of citizens to sacrifice themselves, it needs them to be able to ride out this wave of **patriotisms** / **patriotism** and the state needs to be able to excite patriotism in people. **We're** / **We are** dealing with a strange paradox here: people are able to give up their rights for the common good

only in a state that has **the** proper rule of law. What may at first seem like a sickly disharmony can eventually evolve into the highest type of harmony that the basic laws of life urge us to seek out everywhere.^{»450}

There is a belief that in Russia, a country that gets invaded at least twice a century and whose people grew up in big communities and were brought up in collective labour, the words patriotism, motherland, and self-sacrifice for the common good have a special meaning.

The Russian Orthodox Church is basically talking about the same stuff when it claims to speak on behalf of the Russian people. The Declaration of Human Rights and Human Dignity, adopted by the 10th World Russian National Council, states: “The rights and freedoms are inextricably linked with the duties and responsibilities of people. Being cognizant of their interests, people are expected to align them with the interests of their neighbours,

family, local community, people, and all humankind. There are values that are just as important as human rights, such as faith, morality, shrines, the motherland. When there is a clash between human rights and these other values, society, the state and the law must harmoniously combine both. Situations in which the exercise of human rights would suppress faith and moral tradition, would lead to an insult to religious and national feelings of certain groups of people, which would threaten the existence of the motherland, and thus such situations should be avoided. The “invention” of such “rights” that legitimise behaviour condemned by traditional morality and all historical religions is also seen as dangerous”⁴⁵¹. Thus, the Russian Orthodox Church has confirmed the view that to this day public interests in Russia are at least as important as the rights of individuals.

Therefore, a claim is made by certain organisations with their own agenda, like the

Orthodox church, that the Russian Constitution must uphold the rights not only of the individual, but of Russian society, along with the importance of the fatherland and protecting the fatherland.

Adherents to this view go on to claim that the current Russian Constitution is deficient because it prioritises human rights above anything else. Seeing how Russia does have a number of laws that deprioritise individual rights to protect the state and society, a claim is made that in this case we have a situation where the main law of the land is actually less adequate than the actual laws that were passed to implement it. The alternative view is that these "good" laws are simply unconstitutional.

Given how in the realm of law there exists such a broad range of opinions, it has to be concluded that law as an institution should not be idolised. Law is a public life phenomenon and it reflects social processes. Speaking of the natural rights of the individual (freedom of life, freedom of thought,

freedom of travel, freedom of religion), few would argue that people are endowed with these rights at birth but not before birth. In other words, all these rights only apply to living people who participate in public life. Consequently, all these rights are closely intertwined with society. Law is not some abstract thing hovering over people, and if law is rooted in people and society, we should not talk about it as if it were something supernatural. Law reflects people and society, our strengths and our weaknesses.

For us it still remains a mystery why legal scholars (especially theoretical legal scholars), tended to idolise law so much. Economics, culture, and politics, by contrast, are all viewed with a fair amount of skepticism and few illusions.

Perhaps the phenomenon of law itself contains people's constant desire for kindness, honesty, and justice. Or maybe the ideal of law is created by scholars who are somewhat divorced from specific legal realities, the stagnation of many legal

mechanisms, red tape in disputes, injustice, dishonesty, vile tricks, bribery or pressure on the court, etc.? Note that these qualities have always been found in law throughout history. They are repeatedly described in literature, historical works, and even by lawyers themselves. On behalf of the authors of these lines, a sociological survey of five thousand Muscovites, Russian citizens, was carried out.⁴⁵² The question put to them was: “What is law, in your opinion? If you are at a loss, then what is the first word that comes to mind when you hear the word law?”

The findings were quite puzzling. Of those surveyed, 86% answered that a law is a ban or they associated the word "law" primarily with prohibition and punishment. Five percent found it difficult to answer, and 9% gave a different reply. There is not much point quoting other replies here, seeing how overwhelming the majority is who think of law as some kind of prohibition and punishment. So here

we have a situation where scholars write about law as a measure of freedom, equality and justice, whereas for ordinary people law means punishment and prohibition. In other words, when it comes to practical law, punishment and prohibition are much more prominent for ordinary people than any mandatory rules or procedures for carrying out certain actions.

Of course, it would be nice if a similar survey could be conducted with all the possible parameters of the respondents being taken into account: age, education, social status, etc. It would also be nice to break down the replies by social groups. This, of course, would make it possible to get a more accurate picture of the public opinion than a random sample of five thousand respondents. Nevertheless, the findings are very revealing and give us plenty of food for thought.

On the one hand, it is good that Russians associate law with prohibition and punishment, but

not with violence and cruelty. However, on the other hand, prohibition and punishment are not a positive reaction either—these associations can hardly be described as encouraging. So **it's** / **it is** reasonable to assume that for most people, law is not associated with positive emotions. In fact, law is viewed mostly negatively. Moreover, even if we assume that the survey of specific segments of the population would have slightly different results, even 86% of respondents associating the notion of law with punishment and prohibition is quite a high number.

What makes punishment and prohibition dangerous? People **don't/do not** turn to them for protection. You can get used to a prohibition out of necessity, but our soul abhors bans. And here it is important to understand and feel the difference. Here is a simple example: everybody understands the importance of traffic regulations. They ultimately regulate our behaviour on the roads, and that is a

good thing. It could also be said that they demand that we behave a certain way and only that way when driving. But it could be said that they simply enumerate the behaviours that are prohibited and stipulate punishment for engaging in those banned behaviours. At first sight, there is little difference. All the statements **we've/we have** made about traffic regulations are true and the referential meaning is the same. But the first statement is positive, the second is neutral, while the third one is clearly negative; you can hear the subtext that people **don't/do not** want to abide by these regulations but they have to because of the implied punishment. People who view law in this manner do not expect any help from it or anything good from it in general. V. Malakhov put it best when he said the perception of law is negative in the sense that the whole body of law is only viewed through the prism of prohibitions.⁴⁵³

And yet, specifically given the Russian mentality, it is strict punishment that can get people to respect the law in general and other people's rights specifically.

However, the above could be looked at from another angle. Law is to some extent the public protest against the bad behaviour of an individual. It could be argued that to some extent, society creates law and the rights of individuals. In other words, **we're** / **we are** looking at never-ending dialectical entanglements and links, hence the comprehensive study of law that **we're** / **we are** working on.

We have to admit that we did not fully understand the idea expressed by V.M. Syrykh and supported by O.E. Leist that "...The recognition of the patterns of law as an object of the general theory of law is purely formal. In the process of exposition, no one has yet singled out or even attempted to name specific patterns of law."⁴⁵⁵ But do the essential characteristics of law (normativity, official

establishment and protection by the state, systematicity, formal certainty, authority) revealed in the process of scientific research not relate to its patterns to a certain extent, on the basis of which the legal concept of law is formulated?

These signs are manifestations of the systematic patterns of law as a legal phenomenon. Moreover, these signs identified during the study of law are given in all textbooks of the general theory of state and law, in one form or another, including in the book written by O.E. Leist. Researchers also noted other patterns in law.

We specifically highlight the word “legal” because here, the law is considered precisely and only through the prism of legal, not philosophical knowledge. Just as a surgical operation can be viewed solely from the point of view of medicine as a combination of actions to remove malignant tumors. But it is possible from a philosophical point of view to judge whether surgery is good in

principle, using criteria for the advisability of the intervention, the realities of maintaining the quality of life after surgery, etc. The same is true with jurisprudence. From a legal point of view, there are laws that have been studied in sufficient detail by the theory of state and law. From a philosophical point of view, the question is broader: it is the value of law, and the cognizability of its norms, and the correctness of the methods chosen for cognition, and the humanity of law, and the question of the original justice of the restriction of the rights of other (the same) people, and the permissibility of violence in law, limits on violence, and the reality of obtaining the necessary legal regulation, and so on, ~~and so~~ forth.

Law, like any phenomenon, can be evaluated through the past, present and future. If the past law is more or less clear, then the present law resembles a philosophical question: is a half-poured glass half-empty or half-full? Future law is rather vague, since

it cannot be said that scientists now absolutely accurately imagine what it should be.

There is a lot of idealism in modern concepts (natural, libertarian, integral, others).⁴⁵⁵ However, mankind has not yet succeeded and in the near future will undoubtedly fail to create an ideal society, even a society that is absolutely just. Outside of an ideal society, the models of idealised law are not really feasible; they will be refracted in a variety of directions, possibly reaching even anti-legal ones. Examples of when good ideas turn into lawlessness and terror are known to all.

Perhaps the light at the end of the tunnel will be visible when humanity comes to a common understanding of the word justice. When this term is equally recognised by humanity, it will be possible to talk about legal concepts that ensure its implementation in life and existence. And in this case, the rule of law may be fair for everyone. However, justice is a philosophical category. In the

entire history of mankind, a single and satisfying understanding of justice has not been created. This means that under a different understanding of justice there will be various, sometimes mutually exclusive, approaches to law, and ideas about what law should be. It seems that in its development, mankind has to go through many steps, and go through more than one century in order to come to law as a universal guarantor of justice.

In general, modern society is still far from such lofty goals as freedom, equality and justice. And specific legal mechanisms to achieve these goals and ideals (which is how they should be considered) have not yet been created.

The development of such legal mechanisms can be largely related to the standardisation (if possible) of the concepts of justice, equality and freedom. Wide horizons for philosophers, including those specialising in the philosophy of law, open up here. Moreover, in the modern world it is no longer

enough to discover, develop or create something. It is equally important to be able to publish your achievements, speak out, and then be heard. The trinity—create, tell, be heard- is a scientific ideal, which is sometimes achieved, often achieved late, and sometimes not achieved at all.

Many modern experts, as they go about learning about law, will start with some concept about the origin of law that they like.

However, we would suggest first evaluating the essence and content of law. This process is quite interesting.

After all, law is both protection against violence, violence in itself in order to coerce people to abide by the law, and the regulator of violence. In every society, depending on its mentality, traditions, culture and other social factors, the parameters for regulating violence are different.

Law also allows people to have their needs met while also putting a cap on their needs and

regulating them, so in this sense, law regulates people's lives.

Law also refers to specific laws passed by a state as well as existence that does not depend on specific laws and that may prompt the drafting of new laws.

Law is also a reasonable regulator of life as well as absurdity and craziness (for example there are a lot of useless and sometimes comical laws in common law). Law shows both the intellect and the recklessness of humanity.

Law seeks justice, but at the same time allows injustice.

Law aims to find the objective truth, but also allows for it **to not be found** / **not to be found**.

Law changes, but it contains a lot of contradictions in how it changes. Thus, depending on external societal factors, the same action may be regarded as a crime or as a commendable business practice (for example, arbitration).

Law is easy to understand in terms of the eternal values (do not murder, do **not** steal), but it can be hard to understand when it comes to classifying the aforementioned acts.

A lot of the time, law determines policy and serves as a political tool. Law **can't/ cannot** solve all human problems, even though some expect it to.

Law regulates the economy, but also depends on economic processes.

We could go on with these observations ad infinitum. In the final analysis, it can be said that law is undoubtedly a complex dialectical multifactorial social phenomenon, depending on objective and subjective factors. Subjective factors, for example, include the tyranny of a person authorised to issue legal requirements (there are many such examples).

Thus, law is a complex social phenomenon, multidimensional and contradictory, which must be considered without idealisation. This conclusion

underlies the formation of a comprehensive theory of the study of law⁴⁵⁶.

We are not completely satisfied with the definitions of law that are widely accepted, because although they reveal the features of law, they are, firstly, rather one-sided, and secondly, as already noted, they consider law from an idealistic and not objective viewpoint.

If law in itself is a complex and contradictory social phenomenon, then, accordingly, legal being is saturated with these contradictions. The contradictory nature of legal reality is manifested in the adoption of legal laws in the economic sphere, which almost always improve the situation of some and nonetheless worsen the position of others. And we emphasise that this refers to the adoption of legally valid laws or law enforcement practice. Now, the so-called competitive process has become mainstream. It is considered as the most democratic process, ensuring equality among the parties, etc. In

a process like this, the parties often provide the court with opposing and mutually exclusive evidence about the subject of the dispute. This means that at least one of the parties is openly lying. As a result, the court makes a decision. And the ruling is considered legal! Moreover, court decisions depend on the cunning of the parties, the resourcefulness of the lawyers, their eloquence, etc. As we all understand, court decisions are by no means always correct. And the law in these cases is paradoxical. In fact, it acts as a regulator of lies, a provocateur and a stimulant of lies, and not at all as a process that seeks to establish truth and ensure justice.

It seems to us that interest in law has recently grown in the scientific community. Substantial works have appeared that explore the essence of law. Sometimes these contain sharp criticism of the current state of compliance with the law, and the laws themselves are criticised always and everywhere. At the same time, instead of

indiscriminate criticism, concrete and meaningful proposals for improving laws and other normative legal acts are put forward. Actually, the dissemination and popularisation of law is also one of the elements of legal existence. But then again, almost everywhere, law is idealised. For example, the well-known maxim is that existing laws are bad and therefore illegitimate.

It seems that many lawyers make a methodological error in their reasoning, either consciously or because of trends. In jurisprudence, they copy the procedure of reasoning and the procedure of proof and that of natural sciences, where artificial quantities are necessary (for example, “ideal gas”). Terms such as “ideal society” and “ideal state” appear. And the word “ideal” is no longer added to the term “law”, since many began to believe that law must be ideal by definition.

Do such crude analogies make sense in humanities? We think not, because it is obvious that

it is fundamentally impossible to create ideal conditions for everyone in society. It is fundamentally impossible to create a body of laws that everyone will be happy with. However, with the backing they get from scientists, the Russian legislators no longer see this philosophical conclusion as a problem. As a result, a whole series of laws have been passed in Russia that were not enforced and could never be enforced due to the unrealistic nature of their requirements. The most striking thing is that the authors of the laws, in trying to justify their mistakes, stated that the laws were adopted for an ideal society to which Russia should aspire. In fact, such an explanation clearly demonstrated the departure of these authors from the foundations of philosophy and their own methodological error. In physics, experiments can be set up, bearing in mind the ideal conditions for the process or substance. However, in jurisprudence, passing laws on the basis of the ideal idea that, for

example, crime no longer exists, is unacceptable. Such laws will not only not be respected, but will also anger society, which will force the legislator to make adjustments. But at the same time, the social situation in the country and society may worsen to a degree that the government **won't** / **will not** be able to control it any more.

It seems to us that lawyers—scholars and practitioners—need to be closer to philosophy, and base their ideas more on it. They should question more, and look at legal phenomena more critically. A step in this direction will be the beginning of a movement from the observed mythical legal idealism towards legal realism and a comprehensive study of law⁴⁵⁷.

Now, there is probably not a single area of social relations that, to one degree or another, has not been regulated by law. The rules of law in their own way reflect and characterise the economy, culture,

politics, history, intelligence, ways of thinking, attitude to people, etc.

Under such circumstances, law is one of the forms of reflection of being. And since law is not conceivable without human existence, this is a form of reflection of social being, designed to regulate emerging social relations.

The question of the possibility of a legal existence without a person must also be viewed through the prism of realism and objectivity. What kind of being is this where there **is** / **are** no human beings, but there is law? Between whom does the law regulate relations in a deserted existence? Is law necessary if there are no people? In our opinion, the answers to these and other similar questions are obvious. Law, of course, makes no sense without people.

In this regard, law should not be regarded as **a** some kind of completely independent substance.

The next point is related to the way in which we learn about law and legal reality. In Russian legal

science, it is now common to share V.S. Nersesyantsa's view that law is revealed through legal law⁴⁵⁸. As the scientist wrote, legal libertarian epistemology as the required truth takes objective scientific knowledge about the nature, properties and characteristics of a legal law, and about the prerequisites and conditions for its approval as a valid law. Analysing the specified statement, A.N. Chashin writes that according to V.S. Nersesyantsa, the gnosiological difference between libertarianism and natural law (*ius naturale*) here is manifested in the fact that the emphasis is on legislation and not on law (for *ius naturale*, the emphasis is on natural law). The difference from Legalism (legal positivism) is that the latter regards any law as law, while libertarianism only regards legislation as law, separating it from laws that contradict it. The search for truth for *ius naturale* is in natural law, for Legalism it is in positive law, and for libertarianism it is in legal law⁴⁵⁹.

This point of view is doubtful for the simple reason that, as already noted, legal law is a very subjective concept. And what can be considered legal for one social group will be considered illegal for another. As a first approximation, it seems to us that it is more appropriate to evaluate law as a whole through its sources. Only laws or only legal laws should not be distinguished from law. Law must be evaluated in its entirety, taking into account each source of law, including sources such as legal custom, which is quite common in legal practice. Here it is pertinent to quote the director of the Institute of Philosophy of the Russian Academy of Sciences A.A. Guseinov about his brush with the law. He writes: “As the head of the institute, I had to deal with courts a couple of times. I still have the worst feeling from all this. Considering the real daily life of the institute, I can say: 95, maybe 99 percent all relations in the institute constitute positive activity based on custom, well-established

stereotypes of behaviour, verbal agreements, common sense—in a word, things that, if you were to bring them before a court there would immediately be questions about them”⁴⁶⁰. A.A. Guseinov also points out that, in saturating Russian society with lawyers, we have violated our historical tradition in terms of how **we've/we have** always viewed the link between law, on the one hand, and justice, morals and customs on the other.⁴⁶¹

A comprehensive and systemic assessment of law through sources of law leads to more objectivity and more honesty in the study of law, in our opinion.

Legal existence is dialectical, that is, it contains internal contradictions. This is most clearly manifested within the legal regulations of public relations. On the one hand, society strives for the maximum regulation of public relations by law. Literally, so that for any life situation, firstly, there is an appropriate legal norm, and secondly, so that this norm is not contradictory, it is clearly

understood and applied. Everyone sees and feels movement in this direction. The amount of regulations is noticeably increasing. Today lawyers are no longer seen as people who know all the laws or at least know about all the laws. A narrower specialisation is now required for specialists in the field of criminal, civil and administrative law. However, even there, the growth of the body of laws objectively brought about the need for even narrower differentiations of specialties. So, civil law birthed new specialists in land, family, and labour law, etc. However, a further increase in the ~~numebr~~ / ~~number~~ of laws now requires even narrower specialisation. For example, valuable specialisations today include in fields such as traffic regulations, their use, interpretation of traffic accidents—these have thousands of legal issues associated ~~witih~~ / ~~with~~ them and these nuances are important for people.

But, on the other hand, for any society it is highly desirable that all the laws are known, sufficiently simple and easy to understand for everybody. Today, though, we have a situation where even legal experts often find it challenging to figure out all the intricacies of the modern legal system of a specific country. The result is that most people, however paradoxical that may be, are fairly defenseless when it comes to the law. This conclusion^s is confirmed by numerous examples involving highly educated people with plenty of life experience falling prey not only to fraudsters but to state officials (traffic police officers for example) and cunning lawyers.

In legal being, we end up with yet another paradox and internal contradiction in the legal realm. Society and people, on the one hand, are interested in everything being clearly regulated by law, and on the other hand, they can no longer process and understand the existing body of law. Moreover, for objective reasons, some laws can be

detrimental to the individual and society. Not so long ago there was a joke about how **it's** / **it is** impossible to do anything without violating some law or other, which increasingly is no longer being perceived as a joke. And in this case, both government officials and ordinary people are in the same boat. State officials whose work is regulated by numerous instructions and orders can also easily run afoul of some regulation or other and end up inadvertently committing a misdemeanor or even a felony. The old Russian saying, "just find me a guy and I'll find what to charge him with" is increasingly becoming a reality.

This law and the legal reality turn out to be highly complex and dialectically contradictory phenomena.

The above allows us to formulate a theory of comprehensive legal studies. First of all, it has to be said that such a theory is very much relevant in the sense that there is a pressing need to evaluate the notion of law from the point of view of philosophy,

assess it in a comprehensive and honest manner, and do away with the tendency to idealise law that we are seeing today. The way we see it this theory must act as a sub-theory in the philosophy of law.⁴⁶²

As we know, any theory studies the patterns of emergence, functioning and development. From the point of view of the philosophical theory of knowledge acquisition, the object is what the knowledge acquisition is aimed at. The object is part of the objective reality that researchers are trying to learn about.

For our purpose, this reality is comprised of objectively existing public relations regulated by law.

The subject matter must reflect the main, essential aspects of objective reality. Based on the dialectical theory of knowledge, the subject of the theory of comprehensive law studies is the law itself as a complex, contradictory, multidimensional, dynamically changing social phenomenon, assessed

in a manner in which no specific legal concept is given precedence.

The subject of comprehensive law studies also includes:

- * The patterns of essential dialectical contradictions in law and legal being (some of them were mentioned in the paragraph).

- * The patterns in which external factors can influence adequate and objective assessment of the law and legal reality (such factors include economics, politics, ideology, the role of the head of state, etc.)

- * Development prospects of law in the context of the legal reality.

We started the chapter with a story about how rough stones have to be cut to make them into diamonds with fifty-seven facets. We believe and hope that as soon as legal scholars get access to just as many facets and features of law they will be able to figure out law's essence and purpose. This [isn't](#) /

is not going to be happening right now and not for a long time to come, we don't/do not think.

The path to truly understanding law is not in trying to persistently prove the correctness of one specific concept of law, the way some legal scholars tend to do. Neither does it lie in the integrated theory of law, which essentially attempts to use the best features of all existing theories of law. Without comprehensively understanding law, it is impossible to say which features are good and which are bad. So we don't/do not think that simply combining all theories is a good idea either.

The point of the proposed approach is to offer a strictly objective, real, down-to-earth method that is free from any and all ideologies and that makes it impossible for any one legal theory to dominate, while also taking each one into consideration. For us, all legal theories are new and self-sufficient facets of law.

Thus, the main features that set our comprehensive theory of law apart are as follows:

- No preference is given to any one theory of law, rather all of them are taken into account.
- All theories of law are regarded by the comprehensive theory as a given, i.e. without being criticised or put down, simply as facets of law that can manifest in law at one time or another.
- All theories of law are regarded not separately, but together, as one big system.

The more specific the notion of law that we attain as a complex, contradictory and multifaceted spiritual phenomenon with all its flaws and contradictions, strengths, and **weakness** / **weaknesses**, opportunities and limitations etc, the less time will need to understand the true essence of law.

Conclusion

A free person treats the law as “their own other”, viewing it not as an external alien force, but as their own value, and regarding it as unacceptable to destroy it through illegal behavior. And this attitude comes from something more than just simple pragmatism or fear of the state and its power. Consequently, law can only be law if it contains in itself some absolute content and this content is open to the mind in theoretical or practical form. The absolute is revealed to the mind in three forms: an aesthetic form as the knowledge of the absolutely beautiful and the expression of this knowledge in a sensuous form; in religious form as knowledge of the absolute Good that directs us toward moral life (this knowledge is based on revelation, which nonetheless takes us beyond the limits of reflective thinking into the realm of faith); in philosophical form, the concept of the Absolute is given as a process of comprehension of the absolute Truth. Law is one of the ways a person is involved in the

idea of absolute Good, which they attain as they learn to distinguish between Good and Evil. At the same time, all three forms of thinking manifest absolutely, albeit to different degrees and for different reasons.

Law in its extreme universal definition is manifested in the form of the relationship of one person to another on the basis of the universal idea of freedom and consists in recognising the other as an equal and free person. The difference between law and morality is that for the latter, this recognition is a prerequisite for interpersonal relations. Such, for example, are relations in the family, where the recognition of equality and unity of individuals is immediately assumed in the mutual love of its members. But legal relations between individuals occur in the event that the other person is not necessarily assumed by me initially as an equal and free person, but I believe **it's** / **it is** good for me to treat them that way.

Thus, the concept of law implies the idea of good, and therefore, if we are talking about the universality of the standards of law (otherwise it is not law), and the idea of absolute goodness or absolute Good, which is one and the same. Law also has as its premise the idea of universal equality (or value) of all people, regardless of their "qualitative" differences from each other. Law, furthermore, presupposes the idea of absolute freedom, understood as the highest value and as the highest imperative of all actions. The synthesis of these three ideas (the idea of universal equality, the idea of freedom, the idea of absolute Good) just produces the universal idea of law. In this case, the *intermediate synthesis* is the synthesis of the concepts of equality and freedom into the concept of personality.

The universal idea of law becomes a practical idea only when it is comprehended by thinking and this comprehension determines the actions of people

that comprehend it. The process of understanding the idea of absolute Good is carried out by people as a process of distinguishing between Good and evil; this is a reflexive process because distinction or discernment are reflexive. Law as a form of distinguishing between good and evil relates to morality in the same way as sophistry relates to philosophy, in Plato's *interpretation* / *interpretation* thereof. It encompasses only a *form* of comprehension of the truth, regardless of whether the truth itself is understood and whether the mind generally seeks to know it. The *content* of the distinction between good and evil is morality. In our analogy, this content is regarded as philosophical thinking, which is trying to learn the truth and thus strives to comprehend it.

Law as a form is thus a *pure* form of distinguishing between good and evil. However, we cannot conceive of a pure form as such, devoid of its own internal content. Law is only a pure form of

distinguishing between good and evil, in contrast to morality, which contains both this form and its content. This means that the pure legal form must include some kind of content of its own, some kind of essential characteristic of the form itself. Such content or essence does not correspond to any material objects and thus can only comprise thoughts and ideas. As reality, the content of a pure form can appear to us only as a reflecting thought of distinguishing between good and evil.

The reflecting thought of law should first of all determine for itself what substance it is dealing with. In other words, it must determine the ontological status of the law: whether the law itself is a certain entity embedded in the fundamental principles of being and somehow transmitted to a person, or whether law is a product of the activity of the mind, the result of the application of cognitive ability equally inherent in each person, or whether law can be understood by analysing the

characteristics of human psychology, or whether law is fictional, just an external form for **state arbitrary / arbitrary state** rule.

The next step should be a study of the epistemological foundations of the attitude that people have towards law. More specifically, how a person can know this legal substance and how this knowledge is translated into an act of will.

With Parmenides, philosophy begins as a science of the concreteness of the universal essence of the unity of thinking and being. Socrates, Plato and Aristotle attain an understanding of this concreteness, interpreting the essence of being as universal thinking. Ancient thought, focused on the problem of the unity of the one and the many, understood the absolute Good as the idea of any just action. Meanwhile, evil was understood as something non-substantial, i.e. something that is not being in the Parmenidean sense. Evil, in the most

precise sense of the word, does not exist because the very idea of evil cannot exist.

Christian thinking adopted this interpretation and further expanded on in the discourse on theodicy: there is no evil because the world was created by God, who is the source of absolute good. This content was further developed in Christian thinking in debates with the Gnostics who insisted that good and evil were two equal substances operating in the world. The Gnostic idea of the dualism of the two substances broke from the ancient tradition going back to Parmenides of understanding being as one and only. In fact, it led, as was demonstrated by the Holy Fathers of the Church, Vasily the Great and Gregory the Theologian, to the idea that evil, having a negative nature, would inevitably absorb evil in the infinity of time. Thus, the Gnostic dualism of good and evil was in fact apologetics of evil in disguise.

Christian authors defined evil not as a primordial substance, but as a result of the exercise of free will by intelligent agents who got to choose whether to choose Good or to oppose it, the latter constituting evil. The Christian interpretation of freedom synthesises and focuses both the ancient idea of the universal harmony of the world and the idea of the individual, which was unknown in antiquity. But, by denying the substantiality of evil, Christians nevertheless stressed its subjectivity on account that evil takes deliberate and active action in this world. And we can all experience the action of this subject and guess at its presence in this world as an important actor.

The Christian experience of holiness and spiritual life paved the way for the practical implementation of the philosophical ideas of the ancient Greeks about the unitotality of being and about absolute freedom as a form of unitotality (in the **peripatetic** sense of the concept of form), as well as about

human life as a manifestation of this unitotality. This practical embodiment was recorded in moral values based on the recognition of the Other as an absolutely free, essentially equal person. However, as was demonstrated by Hegel in his *Philosophy of Religion*, the legal form of this relation to the Other only attains the absolute level after the death on the cross and resurrection of the God-man (Christ). “Law as a form of manifestation in the world of the Absolute Good becomes possible only when “the world in itself is freed from evil” (Hegel). Following in Hegel's logic, it can be said that when the world in itself was cleansed from evil it became possible for law in itself to transition into law for itself. Once the world for itself is cleansed from evil, law will become superfluous. But in this case too, we are dealing only with the universal and globally-historical conditions of law, as well as with universal conditions of morality. The

implementation of these conditions largely depends on the success of reflective thinking.

As we all know, the very ability of thinking is what primarily distinguishes humans from animals, and moreover, from everything else that surrounds us in this world. At the same time, however, thinking is what unites us with the world around us. It is through thinking that people comprehend the essence of things and give them names. Thinking is the universal of things. For this reason, it is in human thinking that the universal essence of being is manifested. In this essence, thinking is extremely simple, because it reveals the internal unity of things, which as a unity has no parts. At the same time, thinking is complex, comprised of multiple facets and multiple stages, and with its own internal structure. Unity and diversity are two integral attributes of the process of thinking and being that is identical to it.

In the history of philosophy—from Parmenides to Hegel—we find a gradual advance in understanding the universal nature of thinking as the ability to reveal the higher unity of the world. At the same time, knowledge is gained about the very capacity of thinking, about its elements and about the relationship between various cognitive abilities.

In the multitude of methodological issues and problems that were raised and solved by philosophers, there is one that has always remained the same: whether or not thinking can attain synthesis in cognition. Kant demonstrated that synthesis comes before analysis in cognition. Before we can analyse the subject of cognition, first, it must be given to us in its entirety, and second, there must be knowledge about how and in what directions the analysis should be carried out, into which parts cognition should dissect the subject in order to get material for new synthesis. This new synthesis mediated by analysis must contain more specific, i.e.

more internal distinct knowledge about the subject. The question about the primacy of synthesis has always been the most difficult for philosophical knowledge.

By raising the question of how this relationship is possible and how the originality of synthesis is presented to cognition, classical German philosophy came to comprehend the understanding of the universal as the unity of the logical and historical in cognition. For Hegel, the logical is the very opportunity to postulate synthesis at the conceptual level at the very beginning. A more specific definition of the essence of this opportunity makes us recognise that the logical is not just the essence of being and not just the essence of thinking. The logical is the point at which individual and universal thinking intersect. The logical is an absolute power that distinguishes the one into the many and holds the multitude in unity. In classical German philosophy, the logical is the basis and form of self-

distinguishing the unity of being and thinking—the spirit, "a new justification of the Greek Logos on the basis of the modern, self-knowing spirit."

As a result of the development of classical philosophy, all the opposites that make up the dialectics of the development of a single being are removed, and it is comprehended as a concrete unity of thinking and being, the aspects of differentiation of which are posited by them as a result of its activity. The concreteness of universal being means that it is the original synthesis, which in itself forms the basis for its analytical distinction in a variety of forms and aspects. According to Dostoevsky, God is the origins of absolute being, which means that synthesis is the starting point for it. All people have to do is attain this synthesis.

In theoretical terms, understanding the essence of being as absolute freedom requires the development of a philosophy of its logical form, allowing us to think of the unity of subjectivity and objectivity as

an absolute spiritual harmony. This is the achievement of classical philosophy and, in its most refined form, the achievement of Hegel. By raising the question about the nature of thinking as a concept at the very beginning of this paper, we determined that the origins of the ability to think in this way lie in the primacy of the synthetic unity of the concept of thinking with respect to its analytical difference. Concretisation (i.e., analytical distinction) of the essence of being, before understanding it as an essence of a moral nature, became possible with the Christianisation of philosophical thinking. The moment of concreteness here is the moment in the differentiation between good and evil. However, preserving unity by thinking this opposite and at the same time not falling into dualism, which leads to the apologetics of evil, death, or general non-law, is possible only by increasing the specificity of understanding the essence of being to the level of understanding it as

freedom. Freedom is the highest definition of humans and the highest level of understanding of the essence of being. The unity of this freedom coincides with the essence of being and the essence of man—an absolute minimum and an absolute maximum.

On a theoretical basis developed by logical philosophy that provides a method for understanding the absolute as freedom and freedom as absolute, it becomes possible to develop a metaphysical understanding of law as the embodiment of supreme Good, an absolute moral idea in the form of absolute freedom. This kind of understanding cannot be a return either to the historical forms of natural law, or to the postulates of the theory of social contract, which until today have dominated positive law, or to Kantianism, which has dominated the theory of law.

In terms of practical use, understanding the essence of being as absolute freedom requires an

understanding of not only the essence, but also of the meaning of being. This means that people need to understand the universal harmony as their own, deeply internal content of their individuality. This aspect of the result of classical philosophy was explicated in Dostoevsky's Christology. Therefore, Russian legal scholars deservedly single out Dostoevsky as the founder of Russian philosophy of law: while he did not create this philosophy, he determined the direction of its formation and development.

This work presents a method for interpreting logical philosophy as a way to understand the universal unity of thinking and being (Fichte and Hegel) and interpreting the meaning of its harmony (Dostoevsky). We've/We have outlined the transition from the logic of the Logos to the metaphysics of the Logos of law. On this theoretical basis, it is possible to re-interpret the content of the classical philosophy of law, which understands the

idea of absolute freedom as a generative model of law.

The dialectic of the logical in the historical and philosophical process, highlighted by the Hegelian logic of the Logos, can play the role of a kind of “key” to comprehending the nature of law as the internal logic of human activity to distinguish between good and evil and to actually realise the person’s original involvement with the idea of absolute Good. In this case, we get a philosophy of law, which is neither a doctrine of the substance of law without subjectivity (the theory of natural law), nor an interpretation of law as pure subjectivity without substance (neo-Kantian models of law), but is an explication of the idea of substantive freedom in its original Christian (rather than liberal) interpretation. Moreover, in form it will have a completely different objectivity than that found in Hegel's Philosophy of Law, which in reality is closer

to a positive doctrine of law than to philosophical law itself.

This kind of task is relevant, since the real sovereignty of the state takes place only when the state is a subject of world history. But this is impossible if the legal system of a sovereign state is based on the principles of a borrowed philosophy of law. Thus, we have to update the logical content of classical philosophy as a method for speculative deduction of the metaphysics of law from the foundations of *philosophia prima*, in order to develop general theoretical principles of the comprehensive theory of law on this basis.

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