Symposion

Theoretical and Applied Inquiries
in
Philosophy and Social Sciences

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RESEARCH ARTICLES

Kripke on Identity Statements

Alex Blum

Dedicated to the memory of my brother Leon

Abstract: We show that Kripke's argument for the necessity of identity statements relating objects a and b by their rigid designators demands an additional significant premise.

Keywords: identity statements, necessary truth, possible world, rigid designator, Saul Kripke.

In his groundbreaking work on identity, Kripke (1971, 1980) argues that statements of identity relating objects a and b by their rigid designators,[1] if true, are necessarily true. But this is true only if a and b are necessarily what they are. That is, only if we add a premise, an instance of the proposition that:

(I) Everything is necessarily what it is.

A rigid designator, in Kripke's words, "is a term that designates the same object in all possible worlds." (1971, 145) And thus, if the terms 'water' and 'H_2O' are rigid designators and water is identical to H_2O, then 'water=H_2O' is necessarily true. For 'water' and 'H_2O' tag the same objects in every possible world in which they exist.

But this is true only if a relevant instance of (I) is true. That is, only if the object tagged 'water' in the actual world remains water in every possible world in which the tagged object exists. Otherwise, there would be a possible world in which the object tagged 'water' would not be identical to H_2O, and the statement 'water=H_2O' would then not be necessarily true.

Kripke writes:

If 'a' and 'b' are rigid designators, it follows that 'a=b', if true, is anecessary truth. (1980, 3)

We should add, but only if neither a nor b could have been different from what they are.[2]

References

Kripke, Saul. 1971. "Identity and Necessity." In *Identity and Individuation*, edited by Milton K. Munitz, 135-164. New York: New York University Press.
———. 1980. *Naming and Necessity*. Cambridge, MA: Harvard University Press.

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[1] More on rigid designators below.

[2] I am deeply grateful to Yehuda Gellman and Laureano Luna for their written comments and to Peter Genco, Dan Wardinon and David Widerker for discussion.

Hegel's Treatment of the Free Will Problem: a Conceptual Oversight and Its Implications for Legal Theory

Robert Donoghue

Abstract: G.W.F. Hegel offers a thorough, complex, and unique theory of free will in the *Philosophy of Right*. In what follows, I argue that Hegel's conceptualization of free will makes the mistake of collapsing the possibility of organic freedom (the ability to act freely of causal determination) into the potential for moral freedom (the capacity to act in accordance with Reason). This article engages in three distinct tasks in making this argument. First, I provide a critical overview of Hegel's conception of free will – namely, how he envisages the movement from the abstract, incomplete, and undeveloped will, to that of a concrete, complete, and developed one through the unfolding of Reason. Second, I introduce the contemporary debate regarding nomological determinism between libertarians and skeptics, of both the in compatibilist and compatibilist variety. I suggest that, in the context of the modern free will debate, Hegel is best categorized as a compatibilist as he both accepts causal determinism but remains committed to the notion that certain persons can act in concert with their own volition. Third, I argue that Hegel's compatibilist understanding of free will has important and problematic consequences for legal theory, particularly normative jurisprudence. Compatibilism, generally, and Hegel's particular version, substantiates the idea of basic moral desert which poses a serious threat to the possibility of moral progress from a retributive justice system to a consequentialist one.

Keywords: Hegel, Free will, compatibilism, incompatibilism, retributivism, consequentialist justice, retributive justice.

I. Introduction

This paper argues that G.W.F. Hegel's theory of free will, particularly as conceived of in the *Philosophy of Right*, is critically limited because it collapses the question of organic freedom into an exploration of moral freedom. A number of modern philosophers – Hobbes, Spinoza, and Kant, etc. – have questioned the possibility that we are indeed free autonomous beings. They point to the fact that we live in a physical world that operates in accordance with natural laws, most notably, causation. The question of nomological determinism, therefore, can be put in the following terms: if humans, like all other things in reality, are situated within this physical world, are we not determined by the natural laws that govern physical processes? If so, this would ultimately imply that our actions must simply be effects of prior causes. This problem – which I am labeling *organic freedom* – casts doubt on our manifest image of 'free will' (Zawidzki 2014). That is, our

conventional understanding of the self – that we are the ultimate source of our decisions and possess libertarian freedom – is directly threatened by a scientific worldview.

In what follows, is an attempt to show that Hegel not only fails to adequately address the question of organic freedom, but his attempt to re-conceptualize (or redefine) free will overlooks this debate entirely. While Hegel acknowledges that the human condition is composed of a natural and spiritual dimension, his theory of freedom – which I am labeling moral freedom – functions similarly to theories of moral (political) freedom championed by thinkers like John Stuart Mill (virtue of individuality) and Amartya Sen (capabilities approach) (Mill 2013; Sen 2009). That is, Hegel's theory of freedom deals almost exclusively with the spiritual side of [wo]man, and ultimately strives to document the conditions that allow for individuals "to pursue the high aim of preserving an absolutely rational society" – to fully express their highest duty and self (Dyde 1894, 661). In the process of outlining this model, Hegel's construction of the three-part will prematurely dismisses the concerns surrounding the problem of organic freedom.

The collapsing of the problem of organic freedom into the problem of moral freedom has serious political and social consequences. For instance, our dominant understanding about free will, and whether we humans possess it, is fundamental to the construction of judicial philosophies. Insofar as the traditional notion of organic freedom is believed to exist, retributivist philosophies of justice will continue to shape our legal system and civil society in general (Caruso 2019). Such political consequences suggest, rather demand, that we must treat the problem of organic freedom as independently and as exclusively significant. In other words, any attempt, conscious or unconscious, to dissolve the problem of organic freedom into that of moral freedom should be carefully considered, and if necessary, challenged. Weighing in the balance is the perpetuation of morally erroneous justice orientations, and a host of logical consequences like the post-incarceration stigma.

In what follows is a sequential order of arguments that expose the potential threat Hegel's conception of freedom presents to moral progress in contemporary justice systems. First, I will review Hegel's theory of freedom as articulated in the *Philosophy of Right*, and his broader system in general; how individuals, as abstract being, come to their full stature in the world and exist in alignment with the Absolute Idea. For Hegel, this process is composed of three parts from the abstract individual to the free man living in harmony with Reason. Second, I outline the contemporary debates surrounding the problem of organic freedom. This problem is centrally defined by whether humans are determined, and if so, can they still be free? The current literature is predominantly comprised of competing philosophical camps, namely, the incompatibilists and compatibilists. This section will allow for a proper understanding of how Hegel's moral freedom compares, contrasts with, and overlooks the issue of organic freedom. It will become evident that Hegel's account of free will fails to prove the veracity of the

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libertarian ideal, which states that to be free and individual must be (1) the ultimate source of their actions, and (2) have been able to do otherwise.

Third, I will explore the relationship between freedom of the will and judicial philosophy. As the arguments of hard determinists' continue to grow stronger, visually speaking, with the aid of advancements in neuroscience, some thinkers have given profound consideration to the effects of societal-wide subscription to determinism on the criminal justice system. The key function of this section will be to show how our conventional understanding of freedom, the freedom we associate with basic moral desert, is under threat by scientific discovery. Finally, I will use the first three sections as a means of showing that Hegel's theory of freedom is flawed. His lack of consideration on the problem of organic freedom can lead to the development of a morally objectionable justice system, which in turns, prohibits the possibility of Absolute Reason becoming fully realized.

II. Hegel and Free Will: Human Nature and Spirit

The conceptual theory of freedom articulated by Hegel begins with understanding how he sees the human being, or, how he defines human nature. According to Hegel, what makes the human species unique from other organic entities within the biosphere is that it embodies both a natural and spiritual dimension. The Hegelian ontology of mankind is that he or she is at the same time a being of nature (animalistic) and a being of spirit (rational). As Hegel continually does throughout his work, he argues for an ontological unity between categories that have historically been separated by previous thinkers. In Hegel's words, "Man is, on the one side, a natural being. As such, he conducts himself according to arbitrariness and chance; as a restless subjective being. He does not distinguish between the essential, and the unessential. On the side, he is a spiritual, rational being. From this side he is not from nature[...] Man must bring his two sides in agreement; that is, to make his singularity adequate to his rational side, or to make this one, the dominant one" (Hegel 1986, 258).

As we will see in subsequent sections, this definition of man is a foundation that implies a compatibilist position with respect to the problem of free will. Man is the unity, the convergence of these constituents; they are like two sides of the same sheet of paper, and any attempt to separate them into distinct and exclusive categories is misguided and categorically flawed. Put more adequately by Ramón (2015), "it is not that the natural and the spiritual consist of different ontological realms, rather, the natural consists of a mode of being/thought of the spiritual, in such a way, that the *natural mode* of being, can be transformed or converted into the *spiritual mode* of being and vice versa" (312). This understanding of human nature implies a monist position, but one that is different than historically prior monistic conceptions, such as the materialism of Hobbes or the pantheism of Spinoza.

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Hegel's idealism also plays a significant role in his conceptual development of the human being. Hegel's subscription to Absolute Idealism implies that, "*only* thought or that which is the product of thought is, strictly speaking *real*, or even *is* in a strong or higher sense" (313). This ontological position entails that, within Hegel's system, the spiritual side of man is of a greater or higher status, and ultimately the source of his freedom (in similar fashion to Mill's interest in the cultivation of individuality). In the *Phenomenology of Spirit*, Hegel contemplates the notion that Spirit is separate in quality from nature, definitionally speaking. That is, these dimensions have and exhibit different properties in how they cognize the world and are given to consciousness. Specifically, phenomenological inspection tells us that nature and spirit are given to consciousness in disparate ways.

The natural world, everyday objects like tables, chairs, and bodies are found in the immediacy of consciousness; they exist for-another or in-itself. Unlike mental activity they are not a product of our own cognition but are already there in the world. While Hegel's argument that even objects given to consciousness are in some way determined by the historical conditions in which we cognize it, the point of its status in consciousness – as simply given and immediate – still stands. Another element to consider is that we understand objects of nature to lack the connection to Spirit that man possesses. These entities do not engage in the cognizing role of Spirit, even though they are immanent to Spirit. Hegel (1983a) explains that "The formation of plants, of animals, consists only in maintaining their natural being, or in that this is modified only a little" (228). This definition of the natural dimension will be informative in the process of critique. It shows that Hegel accepts the underlying truth of natural law and the determinacy of the material universe. Any attempt to defend organic freedom – including by compatibilists – inevitably involves some form of intellectual acrobatics to extricate man's freedom from nature, and show that his condition is transcendent to, or not beholden to natural law and determinacy.

Conversely, the nature of Spirit is such that it is not immediately given to consciousness but is a product of it. Spirit arises from thought and the thinking of the subject(s). Again, to quote Ramón (2015), "Spirit is its own concept presented in and through thought, spirit is self-thinking thought, thought as subject and object as well, is spirit" (314). The fundamental aspect of spirit is that it unfolds as process, in a somewhat different way than the processes found within nature. Spirit is constantly being recreated in the act of self-cognizing; thus as an entity, it constitutes a process of 'spirit-in-action'. The perennial tradition, which has a great deal in common with Hegel's work as they both advance theories of Absolute Idealism, argues that the most fundamental constituent of reality and being is *creativity*. The movement from abstract, undefined potentiality to a concrete, particular, content is pure creativity, it is 'Spirit-in-action' (Wilber 2003). The derived content from the process of Spirit unfolding through cognition is constructed by self-consciousness, it is not discovered 'out there' – outside of the

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subject. Since all of reality is the unfolding of Spirit through the innate impulse of Reason, with the goal of attempting to know itself in Absolute Reality, Spirit is, "not an abstract thing, it is, essentially, a system which differentiates within itself" (Hegel 1983b, 64).

Before we move on to Hegel's broader conception of freedom, it is worth pointing out the philosophical importance of the nature/Spirit distinction as outlined above. Hegel sees the natural dimension as being determined because its nature is purely given as such; whereas, Spirit is self-determining, it is continually reproducing itself from moment to moment. Thus, entities that are defined as nature, such as animals and plants, are considered to be for-another, in-itself and ultimately, 'unfree' in their experience of being. They do not participate in the production of spirit. Entities that are defined as embodying Spirit, in other words human consciousness, are for-itself and are 'free' in their experience of being. Whenever the agency of an individual subject is thought to be of nature or spirit, whatever is decided will influence our intuition about the possibility of freedom for that agent. In the subsequent section, I intend to explore how the incompatibilist argues against, not this distinction *per se*, but that freedom is found in this distinction. Conversely, the compatibilist, like Hegel, sees all entities as belonging to nature, but some have the dimension of spirit which is the foundation for the possibility of a free will.

II.i. Hegel and Free Will: The Three Parts of the Will

Hegel's theory of freedom, as outlined in the *Philosophy of Right*, is the story of the movement from abstract, incomplete, and undeveloped will to that of a concrete, complete, and developed will. In the grandest sense, the beginning is the complete undifferentiated *emptiness* of pure abstractness, to the fully cognized self-consciousness in the form of the Absolute Ideal. Again, I borrow terminology from the perennial tradition to help elucidate Hegel's project. Emptiness is the Buddhist concept for the ground of being, or, that which is metaphysically prior to all manifestation (Rinpoche 2009). The term emptiness implies a truth about the purely abstract, namely, that it has no content, it has no form. Pure potentiality contains within it all possibility, and totality is simply another term for nothing, for to be *every thing* is to be *no thing* (Watts 2011). As Hegel shows, it is only through the differentiating process can self-consciousness come to cognize its own being. In discussing the purely abstract, insofar as one wishes to be precise, only the use of apophatic language is appropriate – that is, you can only say what it is not (Columbus and Rice 2012, 46). In the process of philosophizing about it, as this paper is attempting to do, one can use kataphatic language, that is, to say what the purely abstract *is like*.

The movement of self-consciousness from the first point to the omega point, follows the logic of dialectic. Philosophers of religion, especially those of the Whiteheadian tradition, use the term 'omega point' to represent the point when God comes to fully know itself, which would be something like Hegel's self-

consciousness embodying the Absolute Ideal (Polanowski and Sherburne 2004, 56). The movement between these points begins with the purely abstract of negative freedom which is eventually negated by its own incompleteness. The abstract as mentioned above is pure emptiness, it has no content, and thus no *actual* will. Thus, in order to cognize its own being, self-consciousness must differentiate itself from within moving outward. As Hegel (1986) puts it, "The will, as the interior determinant concept, is essentially activity and action; It translates its interior determinations into an exterior existence, in order to present itself as Idea" (57). The production of Ideas is what produces the world that is to be cognized by self-consciousness. It is in this first stage of the will that Hegel's theory of freedom begins to skip over the from the problem of organic freedom. As will be clearer at a later point, the contemporary debates surrounding organic freedom are concerned with is the very 'activity and action' of the will. More precisely, the contemporary problem asks exactly how self-consciousness "translates its interior determinations into an exterior existence, in order to present itself as Idea." For contemporary theorists, this question is of paramount significance, but for Hegel it is of less concern due to the necessity of moving from the abstract to the concrete.

Recall that humans are the embodiment of both the natural and spiritual dimension. This means that, for spirit-in-action to occur – that is, for spirit to "translate its interior determinations into an exterior existence" – certain material conditions must be present: "In simple terms, aside from the fact that human beings conceive ends and execute them or reject them, there is, and must be, a sphere of normativity which establishes what a valid/invalid action is" (Ramón 2015, 318). This 'sphere of normativity' begins with need for *individual rights*. The will of undifferentiated self-consciousness is able to move from the purely abstract to differentiated content insofar as the individual has rights that will allow self-consciousness to externalize itself in the world. Before further exploring the function of rights, I want to point to other themes in Hegel's system that will help us better understand the value of rights in the emancipation of the will.

This first stage of the will, as conceptualized by Hegel, is more intelligible when keeping in mind two central concepts in Hegel's system. First, is how *materialist* Hegel's idealism actually is. Hegel is fiercely consistent to his view of human nature, that man is the synthesis of nature and spirit. That is, Hegel sees [wo]man as needing and constituted of both domains, and further, that these dimensions of [wo]man reproduce each other. This is why, at times, it is hard to think of Hegel as purely idealist. Second, Hegel's master-slave dialectic outlines, in part, how he understands this first stage of the will. The master-slave dialectic demonstrates the contingent element of sociality for self-consciousness in Hegel's system. That is, self-consciousness is not fully realized without a social element; it must be mediated by another entity, or put another way, it must be *recognized* by another to affirm its own existence. However, the meeting of two self-

consciousness is not a simple matter. Individual self-consciousness is pure subjectivity, but the introduction of another consciousness changes that fact. Upon the 'meeting of the minds' self-consciousness is given to itself as an object through the Other: "But the other is also a self-consciousness; an individual makes its appearance in antithesis to an individual. Appearing thus in their immediacy, they are for each other in the manner of ordinary objects" (Hegel 1967, § 186).

As neither self-consciousness likes being objectified, a battle for who defines the situation commences, which Hegel labeled a battle to the death. He writes,

> In so far as it is the other's action, each aims at the destruction and death of the other[...] The relation of both self-consciousnesses is in this way so constituted that they prove themselves and each other through a life-and-death struggle. They must enter into this struggle, for they must bring their certainty of themselves, the certainty of being for themselves, to the level of objective truth, and make this a fact both in the case of the other and in their own case as well" (§ 187).

The alternative to death is the voluntary submission of one consciousness to the other, and the result is a master-slave relationship. Hegel concludes the lordship and bondage section by showing us how this dynamic is, upon closer inspection, not what we might imagine it to be. He argues that the master never obtains what he actually desires, which is recognition from an *equal* consciousness. Through complete domination of the slave, the master is merely recognizing himself through the other consciousness; the Master's consciousness is "existing on its own account which is mediated with itself through an other consciousness" (§ 190).

Meanwhile, for the slave "Through work and labour, however, this consciousness of the bondsman comes to itself" (§ 195). This is a crucial idea in Hegel's understanding of the self and freedom. Self-consciousness is free insofar as it has the ability to represent itself through some process of externalization, both materially and ideally. The material externalization is the process wherein self-consciousness "translate[s] its interior determinations into an exterior existence." In Hegel's own words,

> The negative relation to the object passes into the form of the object, into something that is permanent and remains; because it is just for the labourer that the object has independence. This negative mediating agency, this activity giving shape and form, is at the same time the individual existence, the pure self-existence of that consciousness, which now in the work it does is externalized and passes into the condition of permanence. The consciousness that toils and serves accordingly attains by this means the direct apprehension of that independent being as its self[...] shaping or forming the object has not only the positive significance that the bondsman (§ 195-196)

Thus, with a more developed understanding of how self-consciousness relates to the material or natural dimension we return to the 'sphere of normativity' that allows for self-consciousness to be free. In light of Hegel's

exposition on Lordship and Bondage, we now see with greater clarity the role of *individual rights*. A truly emancipated will must have rights in order for self-consciousness to produce itself in the world, somewhat like how the slave is able to. (This is not to suggest that the slave is free, as the slave is still beholden to the *fear* of the Master). In other words, rights are a social force that grants the individual access to the material means from which the externalization and differentiation process can emerge. According to Dyde (1984), "The idea most significant in the first part [of the stages of the will] is that of property, which Hegel regards not as so much external matter, separable from the owner of it, but as the owner's outer self. Each thing a man owns is a piece of him; and he who owns something is more complete than he who owns nothing" (658). Property is necessary for the will to become fully realized; it is foundational to the development of Spirit. The social aspect of man demands that he live in communion with others, but this must be balanced with agency. Individual rights function as the balancing tool, by ensuring the possibility of both communion and agency. Dyde (1984) continues, "With regard to freedom, the point is that in full ownership my liberty becomes something higher and better, because in it are found all the relations to others commonly associated with the term 'rights,' and the individual in making a thing his own is willing the maintenance of these relations" (658). Karl Marx took this idea very seriously, and argued that the problem of capitalism is that, in its recourse to private property rights, it fails to provide property as an individual right. The means and modes of production are controlled exclusively by the capitalist, stripping away most individuals' access to the property.

Recall that the progress of the will is one that transcends and includes what has come before. This movement of *transcend and include* signifies that next stage of will does not forsake the prior stage, but rather, enfolds each stage in its transcendence to the higher stage (Wilber 2001). This is the secret impulse of Reason: enfold and unfold. The prior stage is contained within the higher stage, but the higher stage goes beyond the sum of the parts making that comprise the prior one. Molecules transcend atoms but also include atoms; cells transcend molecules but include molecules; organisms transcend cells but include cells, and so on (Wilber 2016, 47). The higher stage *needs* the previous stage, they are linked by mutual necessity. If you destroyed all cells, there would be no organisms; if you destroyed all molecules there would be no cells; if you destroyed all atoms, there would be no molecules, and so on. The stages of the will function in the same way. In the words of Dyde (1984), "The absolutely emancipated will must have rights, but he will see them in connection with higher relations" (658). To be sure, the movement of the will does not stop with the obtaining of rights. Indeed, the secret impulse of will transcends to higher callings beyond rights, as rights are necessary but not sufficient to produce a completely and totally emancipated will. Rights often operate as a form of negative freedom, in that they say what the individual cannot do in relation to others (Jones 1994). Rights, usually, are not positive in

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nature, but are almost exclusively negative imperatives in application; you cannot do (x) because it violates Y's rights – Y has a moral claim against Z doing (x). While one can 'exercise' their right, the movement to exercise such rights is not demanded from within the content of the right itself.

Thus, morality enters as the second stage of the normative sphere of the will, and the medium of positive duty. Rights create the possibility for the balance of communion and agency, but morality provides the normative direction for Spirit. According to Dyde (1984), "The characteristic feature of this second step in the logical journey towards the absolute, is the private conscience with its unquenchable desire to to realize the general well-being" (659). Hegel builds a notion of morality that defines duty in a way that considers the interests of the general public and we notice this in how the element of morality plays a crucial mediating role in the the first and third stages of the will. For instance, morality transcends the domain of rights (the first stage), but it shapes the very nature of rights, in that it ensures the actual existence of rights. In other words, what reason would I have to adhere to a notion of 'rights' if it is ever in my interest to disregard such a social construct? Rights cannot be built upon a logic of selfishness alone; their fulfilment depends upon moral reason(ers) (this is why Randianism and egoism ultimately fail). Again, to quote, Dyde (1984), "The antagonism of individual to individual is not found in duty and the good conscience, as it is in rights. The enemy, from the standpoint of duty, is not a fellow-mortal, but the prevalence of evil, of which other persons or institutions may of course be the champions" (659). (This idea of the moral part of the will being responsible for counteracting the presence of evil will serve to be a major point of concern later on in this paper.) Moreover, the third stage of State institutions, is also only functional if its members can observe their moral duty in the face of state abuses of authority. Let us now turn to that third stage and the role of the state.

Finally, the third stage in the normative sphere of the will, is the institution of the state. For Hegel, the secret impulse of Spirit is to arrive at the creation of the nation-state; it is the final link in the chain of progress, the final stage in the unfolding of self-consciousness. The function of the state is to produce the conditions that allow for the final and total expression of self-consciousness through its embodiment of Reason. Hegel sees the state, not only as a product of Reason, but as a vehicle for the submersion of Reason at the level of self-consciousness. Thus, insofar as the state is the vehicle of Reason, "we discern that spirit or reason is at home in the institutions of the state. The rational individual thus finds his own realization in carrying out the reason implied in these institutions" (659).

In other words, the state creates the grounds for economic, political, and social interaction that can lead to the possibility of living in accordance with pure Reason. In simpler terms, honoring a legal code, contributing to a welfare state, producing for others' consumption, voting in a democratic political order, and systems of commerce, all features of social life made possible by a central

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government authority, are the channels of Reason upon which we can travel as members of a nation-state. Therefore, living in harmony with the Reason of the state is ultimately man's source of freedom: "Therefore, if freedom is to be harmonized with obedience, the object to be obeyed must be shown to be not the will of any man or class of men, but the necessary embodiment of reason" (659). In *The History of Philosophy*, Hegel suggests, with rather poor and fallacious arguments, that humans who do not live in the nation-state are not living in accordance with Reason and are therefore not fully 'human'.

We now find our answer to the question of what Hegel defines as having free will. For Hegel, to be free, is to live in in accordance with the State, which is to say, for those whose interests intersect with the public interest are free. He who acts to construct and preserve a society predicated on absolute rationality is living in accordance with Spirit, and ultimately fulfilling "the occupation of a true and complete man" (661). Dyde (1984) helpfully analogizes this to a religious image. In religion, it is argued, a complete and *good* life is one in which the individual devotes herself to honoring the glory of God. This can be done through honoring the theology of a religion, trying to make the world according to God's will, and living in accordance with God's will. Since Hegel sees the state as "the path of God in the world", the complete and *good* life is one in which the individual devotes herself to honoring the glory of the State. Again, this can be done through honoring the State (or Reason), trying to make the world according to the State's will, and living in accordance with State's will.

To quote Dyde (1984), "Who, then, is free? The question now almost answers itself. From the standpoint of religion, and the highest social morality, he is free who finds his interest in the public interest. As the public interests are the visible framework of the reason of the universe, to spend one's self for them is not to negate one's true being, but to enter into it. He who becomes one with a reasonable society in all its ramifications, becomes, also, one with the divine; and such a man is free" (661). As we can see, Hegel's definition of freedom is in direct conflict with traditional notions of freedom as espoused by other modern thinkers like Hobbes and Rousseau. These other philosophers take the position that man is actually shackled by the state and find its system of laws and norms to be a threat to individual liberty. Hegel is practically 'flipping this on its head' by suggesting that without the nation-state man is not free; for to be free is to live in accordance with Reason, and Reason can only be fully embodied in the context of the nation-state. Without systems of Right and Law, properties of the state, self-consciousness can not fully express itself and align itself with Reason. The realization of the Spirit takes place in and through the State; and to participate in Spirit – the greatest end of self-consciousness – one must acknowledge that the freedom needed to achieve such ends comes through obedience to the will of the state.

I want to briefly summarize what has been said so far before moving on to the next section. *The Philosophy of Right* outlines how self-consciousness moves

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"from the conception of an abstract, incomplete, and undeveloped will to that of a concrete, complete, and developed will" (656). The will is 'free' to move from its initial state of the abstract to the end of the concrete developed will insofar as it goes through three stages that transcend and include, unfold and enfold each other. First is the notion of rights which allows for the externalization of self-consciousness by granting it the property to do so. Next, the second stage, is the function of morality which mediates and ensures the possibility of rights. Third, is the manifestation of complete Reason in the nation-state, in which self-consciousness is completely free.

III. The Contemporary Problem of Free Will: Doctrine

Free will has been a philosophical quandary for hundreds of years now. It has seen a recent revival in philosophical discourse due to recent advancement in neuroscience, which we will turn to shortly. The standard account of free will (or at least the conventional notion) is captured by some combination of these facts: one is free if and only if they (1) have the ability to do otherwise, and (2) they are the ultimate source of their actions (Harris 2012). Within the literature, however, there has grown a number of different conceptions about what constitutes freedom of the will. Some argue that free will is choosing to act in accordance with one's own desires (the minimalist account); acting in accordance with rightly constructed values and appetites; the alignment of first and second order desires; the presence of complete control; to be the ultimate originator; and others (O'Connor and Franklin 2020). How one defines free will is fundamental to whether they are concerned with organic or moral freedom, and the ontological status of these freedoms. Different definitions imply different possibilities, and this is a huge source of both debate and confusion.

The core of the contemporary free will debate involves addressing the possibility of subjects possessing free will in what appears to be a causally determined world. Historically, philosophers have commented on how this seems impossible, pointing to the fact that we live in a physical world of cause and effect, and our actions must simply be effects of prior causes. A famous example sometime cited by John Searle is the collapsing bridge. If a bridge collapses, it is quite obvious that it had to collapse at the given moment it did. The reason for its collapse would be some prior cause such as old materials, wind, too much weight crossing at one time etc. Engineers could very well inspect the bridge afterwards and discover the cause of the collapse. Our action, so it is argued, is much like the collapsing of the bridge; *it had to happen*.

If humans, like bridges, are part of the physical world, and thus are part of a chain of physical causes and effects, then how are our actions not determined by previous causes as well? Just like how prior causes determined that the bridge had to collapse, prior causes determined your action at any given moment. On a side note, there is a common objection to this line of thinking, specifically that some events in the world are not causally determined but are the product of

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randomness, hence quantum mechanics and the Heisenberg uncertainty principle. However, this really does not restore any sense of individual freedom, as it suggests that our actions would be the product of chance and randomness. The traditional problem of nomological determinism, "is the thesis that the course of the future is entirely determined by the conjunction of the past and the laws of nature" (Timpe 2016, n.d.).

From this thesis has arisen – broadly speaking – two general views about nomological determinism: incompatibilism and compatibilism. This categorical distinction comes from two different answers to the central question of causal determinism: Could we have free will even if determinism is true? According to the incompatibilists, "the existence of free will is incompatible with the truth of determinism. If a given possible world is deterministic, then no agent in that world has free will for that very reason." While incompatibilists generally share the belief that free will and determinism cannot mutually exist, there are a number of different arguments supporting their position. One such argument is that of the Originator Argument as annotated by (Timpe 2016):

1. An agent acts with free will only if she is the originator (or ultimate source) of her actions.

2. If determinism is true, then everything any agent does is ultimately caused by events and circumstances outside her control.

3. If everything an agent does is ultimately caused by events and circumstances beyond her control, then the agent is not the originator (or ultimate source) of her actions.

4. Therefore, if determinism is true, then no agent is the originator (or ultimate source) of her actions.

5. Therefore, if determinism is true, no agent has free will.

Compatibilists, on the other hand, argue that the problem of nomological determinism is not a threat to the possibility of free will. They argue that free will and determinism can coexist, that they are ontologically compatible. Now, the originator argument of the incompatibilists is logically valid, which means that the compatibilist must argue that it is not sound, that one of its premises are flawed. Given the highly defensible, almost manifestly obvious nature of premises (2) - (5), an argument for compatibilism almost always involves a challenge to (1). In other words, compatibilism generally involves some kind of definitional acrobatics to clarify or amend our definition of freedom, so that it is salvageable amidst the truth of our causally determined universe; or, more fairly, compatibilists attempt to show that a certain type of freedom is (a) most important (Daniel Dennett's degrees of freedom), (b) the grounds for moral evaluation (Frankfurt's ordered desires), (c) what we actually mean when we talk about free will.

III.ii. The Contemporary Problem of Free Will: Where Does Hegel Belong?

Now that a general overview of the contemporary problem of free will has been given, we can explore how Hegel's theory of freedom relates. On my reading, there are three key points to consider: (1) Hegel accepts the premises (2)-(5) of the Originator argument, (2) Hegel is a compatibilist, and (3) Hegel's compatibilist position mirrors type (a) – he argues that the presence a certain type of freedom is the most important issue. In regard to the first point, we can say that Hegel accepts all of the premises in the Orignator argument, except for (1), based on his theory of human nature. Recall that, for Hegel, [wo]man is comprised of two dimensions: the natural and the spiritual. He argues that these qualities of man cannot be separated, that there 'paradoxical unity' is a fundamental aspect of human nature. Additionally, we explored how materialist his idealist theory actually is. His arguments about the slave's possibility of finding recognition through his work, and, his value of private property rights in the first stage of the will show the value he places on the material in effecting self-consciousness.

Hegel's theory of freedom, however, in no way suggests that he thinks our material nature strips us of the possibility to be free. Thus, if he accepts the truth of natural law – and with it theories of causation – but leaves intact the possibility of human freedom, then he must be endorsing a theory of compatibilism. Like most other compatibilists, then, Hegel's theory of freedom re-conceptualizes or redefines the first premise of the originator argument, which states, "An agent acts with free will only if she is the originator (or ultimate source) of her actions." It is in this philosophical move that I think Hegel's theory of freedom is mistaken, in that it overlooks the the natural component of man and focuses too much on the spiritual component. As the Originator argument suggests, an agent is only free insofar as they are the ultimate source of their action. Furthermore, as beings of nature, our biological condition plays a central role in thinking about the possibility of an individual human being the source of their action. The problem of nomological freedom suggests that we are physical beings in a physical universe that operates according to the natural law of causation. In other words, effects of prior causes *had to happen* and those effects couldn't have happened any other way. This was made evident with the bridge example. Humans exist in this context, and our own way of being is an effect of prior causes, and those effects become causes for future effects of which we have no control. Hegel's theory of freedom completely ignores this phenomenon – which I have called, at earlier times, the problem of *organic freedom*. In sum, as organic creatures, how are we free to overcome our organic host of being which is controlled by the laws of nature?

I see Hegel's theory of freedom overlooking the problem of organic freedom primarily because he thinks that the movement of self-consciousness does not depend on *how action commences*, but more importantly, that action *moves in a certain way*. To once again quote Dyde (1984),

> Before giving Hegel's conception of freedom I may perhaps be allowed to make
> use of a distinction between psychological and moral freedom. Free will is, as we

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are told, the identification of ourselves with a conceived end[...] When we set aside the moral character of the end, we consider merely the agent's capacity to follow out his purpose, and this capacity is freedom, regarded, as we may venture to say, psychologically. On the other hand, we may rightly speak of a person as at least not yet free, but in bonds, if he harbors a low ideal. He is not hopelessly in bondage, unless he is incapable of realizing what he believes to be good. Still he is not morally free, unless he throws himself on the side of this good. Indeed, complete moral freedom implies that within the reach of his volition must be not only a general good, but the ultimate good, however that may be defined. Close him away from the possibility of realizing this highest good, and you at the same time close him away from the highest liberty, the liberty involved in his being God's freeman. Neither Schwegler nor v. Hartmann accuses Hegel of setting up a theory, which would reduce free action to a play of merely physical tendencies. Hence the contest between Hegel and his opponents must be fought out on the field of ethics. The real question is, What does Hegel conceive to be the purpose of the world? Can man realize it, or must he content himself with something short of it? Is he free in reality, or free only in appearance? (655-656) (italics are my own for emphasis)

As Dyde says, Hegel is not giving much consideration to 'the agent's capacity to follow his purpose', i.e. the problem of organic freedom, but rather the nature of the end he is pursuing and whether that end will be achieved. Thus, in Hegel's system, freedom is not 'reduced to a play of physical tendencies' which is the thrust of the concern for nomological determinism and the problem of organic freedom. In short, for Hegel, *freedom exists when self-consciousness is motivated by Reason towards the Absolute Ideal; and, when conditions are sufficient for self-consciousness to execute the necessary movement*. In Dyde (1984)'s words, "Free will is, as we are told, the identification of ourselves with a conceived end" (655).

V. The Strengths and Limitation of Hegel's Theory of Freedom

We can see from this definition produced above – '*freedom exists when self-consciousness is motivated by Reason towards the Absolute Ideal, and, when conditions are sufficient for self-consciousness to execute the necessary movement*' – that Hegel's theory of freedom is composed of two parts. (As an aside, this is an interesting definition of freedom, as many people have noted, because it implies that almost all humans throughout history, and most humans alive during Hegel's time are and were unfree. In fact, it is argued from Hegel's conception of freedom, that only the people of western advanced nations are 'free'.) First, that the end pursued by self-consciousness is of a certain kind. The nature of end for self-consciousness is an important thing to consider when asking whether an individual is acting of their own accord. For instance, if someone were to say "I want to be rich" it would be reasonable to suspect that maybe the person doesn't actually want to be rich, but that they have been brainwashed into desiring such a thing by dominant social attitudes. In other words, being free requires that one's ends are their own ends, and that these ends are Right. According to Hegel, it is the job of Reason to ensure that the ends of self-consciousness are such.

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The second part of the definition, that conditions allow for the pursuit to be successful, is also of critical importance when thinking about human agency. The material conditions of one's life have significant consequences on their potential freedom. A simple thought experiment will suffice. Consider the opportunities available to a child of Donald Trump, and, the opportunities available to the child of a minimum wage worker. In almost all possible goals that these children could have, the child of Trump would be much freer in their ability to pursue such goals, whether it be higher educational attainment, becoming a politician, working at a specific firm, traveling abroad, etc. To contextualize this in Hegel's own system, the importance of the nation-state is its ability to provide conditions for the development of self-consciousness. The economic, political, and social consequences of a state produce opportunity for self-consciousness to externalize itself as it so chooses.

As Dyde notes, this model of freedom – the existence of specific ends and that conditions are sufficient for their realization – explicitly outlines a type of *moral freedom*. Specifically, it alludes to the moral goals and conditions that bring about the possibility of human freedom. In this respect, it is not much different than the theories of political philosophers like John Stuart Mill and Amartya Sen, as mentioned earlier. John Stuart Mill was also concerned about the individual ends in society and whether society will develop the sufficient conditions for the achievement of the Right ends. For instance, he worried about the despotism of custom as illegitimately shaping people's intentions, opinions, and ultimately their ends. Furthermore, Mill argued that a certain type of liberal government, predicated on maximizing individual liberty is necessary for bringing about the possibility for individuals to pursue their own ambitions. Without protections for free speech, expression, congregation, individuals would not have the freedom needed to fully self-actualize. Sen defines freedom as capability development: that is, one is only free insofar as there are capable of developing their potential. He too believes that certain state regimes are needed to ensure this outcome.

Hegel's theory of *moral* freedom is extremely elaborate, insightful, and useful in thinking about what society should value, and how it can be achieved. However, as I am arguing in this paper, by ignoring the issue of organic freedom, it admits to dangerous possibilities, and severe limitations. In its failure to consider the nature of individual human behavior, and the causes behind such action, 'the play of merely physical tendencies' it lacks an answer to important questions of justice and moral evaluation, most pressingly, whether an individual can be ascribed basic moral desert. This is evident in the resurgence of the free will debate propelled by advancements in neuroscience. I will now explore how the problem of organic free will is beginning to emerge in the judicial system and courts, and how Hegel's theory of freedom has very little, if not nothing, to say on the matter.

First, it is important to note that a significant consequence of the free will debate, generally speaking, is the effect it has on how we morally evaluate others.

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As with all philosophical problems, there are a number of theories about the nature of moral responsibility. However, there does however appear to be some sort of general consensus that moral responsibility demands agents be free and autonomous. In Timpe (2016)'s words, "according to the dominant view of the relationship between free will and moral responsibility, if an agent does not have free will, then that agent is not morally responsible for her actions" (n.d.). It was put even more succinctly by Kant's proclamation that "ought implies can." It is this moral intuition, about the link between freedom and moral responsibility, that explains why, generally, we don't hold non-human agents to the same moral standards as fellow humans. If your computer were to shut down prior to you being able to save a twenty-five page paper on Hegel's theory of freedom, for instance, you would not hold the same attitudes, nor be consumed by the same reaction, as if someone went on to your computer and deleted it. In both cases, you would be very upset, but the instance of the later would involve something extra: holding the *person* morally responsible for their action. Why this distinction in attitudes? Because we recognize that a computer is not a moral agent in that it does not have the freedom to decide and will its actions – it simply acts in accordance with physical causes and effects.

As one can imagine, the battle between the theories of compatibilism and incompatibilism may end up playing a significant role in determining how our justice system processes offenders of the law. It is clear that "the American legal system has shown a preference for free will as the basis for its underlying philosophy" (Jones 2002, 1031). The Supreme Court acknowledged this, saying that "a belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil [is a belief that is] universal and persistent in mature systems of law" (Rosenzweig 2013, 2). In sum, it is fundamental to our criminal justice system, and the dominant beliefs in our polity, that we possess freedom of the will. Furthermore, according to Greene and Cohen (2004), "the current legal doctrine [in the United States], although officially compatibilist, is ultimately grounded in intuitions that are and, more specifically, libertarian" (1776). Libertarian in this case is different than the political denotation, in the free will debate the term signifies the view that we have complete freedom over our actions as the ultimate source of our decisions.

Not until the past couple decades has this issue of free will been seriously considered by the criminal justice system. The rise of neuroscience and neuropsychology is starting to weigh in on the debate between compatibilism and incompatibilism, as such 'empirical and scientific' evidence is admissible in court. The research emerging from the neuroscience community is providing a new image for which to think about free will and moral responsibility. To be fair, the neuroscience image isn't introducing new facts beyond the imagination of philosophers who have historically debated the problem of nomological determinism. It is however, providing a 'mainstream' argument against free will that is more accepted as evidence in the courts.

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Professors Joshua Greene and Jonathan Cohen co-authored a bold paper titled *For the Law, Neuroscience Changes Nothing and Everything* (2004) in which they say, "however, we argue that the law's intuitive support is ultimately grounded in a metaphysically overambitious, libertarian notion of free will that is threatened by determinism and, more pointedly, by forthcoming cognitive neuroscience" (1776). Greene and Cohen explore how the justice system will be impacted by the continually forthcoming research that challenges the notion of free will. Their analysis starts with considering the effect it will have on our alignment with specific judicial philosophies. They begin by drawing a distinction between consequentialist and retributive forms of justice. They correctly label consequentialist theories of justice as primarily concerned with prevention and the containment of dangerous people (public safety); whereas, a retributive theory is more concerned with making sure one receives what they are due (i.e. inflicting negative deserts). Greene and Cohen suggest that our justice system will possibly move away from its retributive stance to a more consequentialist one, as the neuroscientific research challenging the idea of free will begins to pile up. Of course, there will inevitably be heavy resistance to this transition, as many find it intuitively problematic to deny the existence of free will, and also relinquish the practice retribution.

Yet this resistant position will continue to lose its footing as neuroscience can more vividly articulate the illusion of libertarian freedom. In other words, how could we have any sense of justice that incorporates evil and retribution if no one is truly responsible for his or her actions? There is ample and growing evidence to suggest that this outcome is a very real possibility. For instance, it is quite interesting to note that our legal system is already starting to make convictions within a consequentialist framework based upon the latest neuro-research. Our justice system and personal moral intuitions suggest that a retributive punishment is not always appropriate. There appear to be very obvious cases in which one's neural-chemistry reduces their culpability. Carey (2007) reported that,

> damage to an area of the brain behind the forehead, inches behind the eyes, transforms the way people make moral judgments in life-or-death situations, scientists are reporting today… The finding could have implications for legal cases. Jurors have reduced sentences based on brain-imaging results, and experts say that any evidence of damage to this ventromedial area could sway judgments of moral competency in some cases. (n.d.)

Information regarding the status of a legal offenders neural-chemistry can immediately shift our moral intuition with regards to a proper sentencing. If someone is prosecuted for the murder of another absent the information that a brain tumor had damaged his or her ventromedial area, then a retributive punishment seems plausible. Greene and Cohen suggest that eventually we will view all offenders like the offender with a brain tumor, as being caused by some concoction of biology and environment that produces behavior beyond the

control of the actor. We will understand that every action and behavior is caused by prior physical events that one has no control over. As Green and Cohen (2004) put it, "at this time, the law deals firmly but mercifully with individuals whose behavior is obviously the product of forces that are ultimately beyond their control. Some day, the law may treat all convicted criminals this way" (1784).

VI. Conclusion and Discussion

As we can see, the nature of justice systems is largely influenced by the problem of organic freedom, in addition to moral freedom. If a person's biology and environment is constituted in such a way as to show that their unlawful behavior is attributable to forces beyond their control, our moral evaluation of their action is radically altered. Indeed, the moral intuition shift upon understanding the truth of 'tumors all the way down' is extremely socially significant. If we fail to understand the truth about organic determinism, then the United States justice system will continue to be built upon a flawed metaphysics that enshrines concepts like evil and undetermined human volition. The enshrining of such flawed metaphysical concepts results in a host of problems: inappropriate sentencing, improper moral evaluation, post-incarceration stigmas, and abuse of prisoners. The United States criminal justice system is committed to a worldview that is mildly compatibilist, but believes firmly in the notion that humans possess organic freedom. This foundational belief is the central to the way we punish; it justifies a retributivist orientation that endeavors to inflict negative deserts on those who infringe upon the law.

Considering that the nature of punishment, and the philosophical orientation of justice systems – whether retributivist or consequentialist – depend on getting the question of organic freedom correctly, is it important that it not be collapsed into the problem of moral freedom. As we saw in previous sections, Hegel is guilty of this by defining freedom as the specific content of one's ends, and whether conditions are sufficient to realize such ends. This is not to say, however, that the work produced by Hegel on the question of moral/political freedom isn't of great value, or even that it is incorrect. My argument is simply that we must be critical of attempts to collapse one problem into another, as doing so has real tangible consequences, and in this specific case, potentially harmful ones. It would be worthwhile in future projects to consider how Hegel's theory of freedom could be reinterpreted or reconstructed so as to properly address this problem of definitional collapsing in the free will debate.

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The Early J.S. Mill on Marriage and Divorce

Janelle Pötzsch

Abstract: This paper discusses Mill's early essay on marriage and divorce (1832) and gives two possible sources of influence for it: Plato's arguments on the appropriate scope of the law in book IV of his *Republic* and Unitarian ideas on motherhood. It demonstrates that Plato's *Republic* and Mill's essay both emphasize the crucial role of background conditions in achieving desirable social aims. Similar to Plato's claim that the law should provide only a rough framework and not concern itself with questions of etiquette (*Republic*, 425d), Mill envisions a society in which men and women meet as equals and hence are in no need of marriage laws. Besides, this paper will relate Mill's essay on marriage and divorce to Unitarian ideas on the social role of women to account for his reservations about the gainful employment of married women and mothers. Mill's claim that the rightful employment of a mother is "the training of the affections" (Mill 1970, 76) is fueled by the Unitarian conception of women as the moral educators of future citizens.

Keywords: divorce, John Stuart Mill, marriage laws, Platonism, *Republic*, Unitarianism.

I. Mill as 'Platonist'

In calling himself a Platonist, Mill appropriated a term which used to define two very dissimilar groups: for one, it denoted scholars who adhered to "the established tendency to treat Plato primarily as a metaphysician." (Demetriou 1996, 15) Deeply influenced by Neoplatonism, they pursued a theological agenda in construing Plato as a forerunner of Christian transcendentalism (Demetriou 1996, 15). Additionally, there were scholars who did seriously engage with Plato's philosophy, but mainly to establish "an intellectual movement against the rationalistic mainstream of the Victorian period," (Demetriou 1996, 16) i.e. the rise of individualism and positivistic science, all of which these critics saw embodied in Utilitarian ethics. Thinkers like William Sewell made use of the sharp conflict between Platonic philosophy and sophistic teaching to frame the Utilitarians as modern representatives of sophistic reasoning. This served the purpose of discrediting their political projects (Demetriou 1996, 17). Yet the Utilitarians felt more obliged to Plato's philosophy than their opponents cared to believe. Specifically, they considered Plato "a negative and inquisitive mind" and valued him because of his "dialectical method of inquiry." (Demetriou 1996, 36) This was especially true of James Mill. In his *Autobiography*, J.S. Mill emphasizes that his father admired Plato's works and mode of thinking: "There is no author to whom my father thought himself more indebted for his own mental culture, than Plato." (Mill 1971, 14) It comes as no surprise that Mill's own education had a

strong dialectical bend, for his father "trained [him] to argue both sides of every question and taught that you had no right to a belief unless you understood the arguments for its opposite." (Rose 1983, 103f.)

Moreover, "[i]n a draft of his *Autobiography*, John Stuart Mill professed himself a pupil of Plato 'beyond any modern I know of except my father and perhaps beyond even him.'" (Nordquest 2016, 19) Yet Mill's deep admiration for Plato does not imply that he agreed with all aspects of Plato's philosophy. Especially Socrates' argument given in the *Gorgias* that the just person who suffers severe disadvantages or maybe even death is better off than the unjust person strikes Mill as implausible (Mill 1978, 417ff.). Nevertheless, it has been established that the *Gorgias* inspired some key arguments of Mill's *On Liberty* and *Utilitarianism* (Nordquest 2016). In this paper, I want to show that Mill's political ideas have been influenced by another Platonic dialogue, the *Republic*. Specifically, I will relate Mill's essay on marriage and divorce (1832) to Plato's *Republic* to demonstrate that both works argue for a macro-level approach by emphasizing the crucial role of background conditions in achieving desirable social aims.

II. Plato on the Appropriate Scope of the Law

In book IV of his *Republic*, Plato specifies how and why the kind of education he has developed for the guardians will enable them to maintain his ideal city on a self-regulating basis: "Once it gets off to a good start [...] our regime will be a kind of virtuous circle. If you can keep a good system of upbringing and education, they produce naturally good specimens. These in turn, if they receive a good education, develop into even better specimens than they predecessors." (424b) The crucial point is to avoid any change in the educational system. Plato expects the guardians to be especially vigilant when it comes to musical education. He holds that music is the most obvious gateway for unwanted innovations that put the moral accomplishments of his ideal city in jeopardy: "Changes in styles of music are always politically revolutionary" and music is "certainly a place where breaking rules can easily become a habit without anyone realising." (424d) Plato considers the preservation of the educational system the most important task of the guardians. Its accomplishment is the only thing necessary to ensure social order in his ideal city. If the guardians succeed, their city does not need any further legislation. Instead, Plato expects that the citizens of his ideal city will "easily develop most of the necessary legislation for themselves." (425e) This covers not only questions of etiquette, like the appropriate behavior towards one's elders, but also business dealings like "[t]he contracts various parties make with one another in the market place" as well as "the general regulation of the markets, city or harbours." (425d)

Plato argues that the instructions necessary to regulate human interactions "aren't the result of spoken or written rules" and, even if they were, they would not last (425c). To illustrate this idea, Plato compares the desire to regulate every detail of human interaction to "people who are ill, and who lack the self-discipline

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required to give up their unhealthy way of life." (425e) As long as people follow the wrong diet, it is pointless for them to try medicaments. Sustaining health requires an integral way of living. Similarly, citizens can live a morally valuable life only under very specific background conditions. Hence, sovereigns will not succeed in setting up 'correct' rules if they neglect the "first and great commandment." (423e). Rather than trying to fix the effects of poor political circumstances, leaders should seek to establish and maintain a political order that shapes subjects to such a degree that the desirable conduct becomes second nature to them. To use modern terminology, Plato advises the political leaders of his ideal city to pursue a macro-level approach. The aim of this approach is to make citizens act on internalized values and thereby preclude moral conflict on the micro-level. Plato's ideal city is hence in no need for regulations because its citizens know what kind of conduct is appropriate in which situation.

In the following section, I will show that the young Mill has a very similar approach in his social philosophy. In his early essay on marriage and divorce (1832), Mill maintains that marriage laws simply tend to the repercussions of an unjust social order. They will become unnecessary as soon as the greater evil is abolished, i.e. if society has established gender equality. Like Plato, Mill pursues a macro-level approach to prevent social evils on the micro-level, which would otherwise call for legislation. The social philosophy of both Plato and Mill builds on a specific conception of man, which is claimed to do justice to human nature and make possible their conception of the good life. Plato's utopian scheme starts from the question of what man ought to be and what kind of life is truly valuable. In a similar vein, Mill underlines that the "question of marriage cannot properly be considered by itself alone. The question is not what marriage ought to be, but a far wider question, what woman ought to be." (1970, 73)

III. Mill's Essay on Marriage and Divorce

Mill's essay on marriage and divorce was probably written in early 1832, two years after he has met the married Harriet Taylor, née Hardy, at a dinner party of their mutual acquaintance, Unitarian minister William Johnson Fox (Rossi 1970, 19). Their letters from 1831 onwards show that Mill and Taylor had formed a close intellectual friendship – apparently close enough to contemplate "the problem of divorce and provision for the children of divorce" (Rossi 1970, 20) in two essays they wrote for each other. The essay by Harriet Taylor is not only significantly shorter[1] but also more radical in its demands. Both Taylor and Mill hold that women should receive a thorough education which enables them to earn their living. But whereas Mill argues "that a woman's goal would continue to be marriage to a man she loved" (Rossi 1970, 23) and that only unmarried women should be expected to sustain themselves, Taylor insists 1) that all women be

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[1] It's less than four pages in modern print compared to the sixteen pages of Mill's essay. See Alice S. Rossi's edited volume *John Stuart Mill and Harriet Taylor Mill: Essays on Sex Equality* (1970).

granted free choice of occupation irrespective of their marital status and 2) married women be wholly responsible for the maintenance of their children. Mill's essay is noteworthy for its sophisticated social analysis and Platonic ring.

At the beginning of his essay, Mill ponders the origins of popular morality and states that it represents "a compromise among conflicting natures." (1970, 68) Yet a compromise on moral issues is nothing laudable or desirable per se. Mill underlines that only moral beliefs which achieve social conciliation "with the least sacrifice of the happiness of the higher natures" (1970, 68) are truly valuable. Mill uses the term 'higher natures' to refer to persons who are most capable of feeling and bestowing happiness due to their natural as well as acquired talents. He seems to have in mind particularly altruistic persons when he writes that those higher natures bestow happiness in two ways: Either by "being beautiful to contemplate," which makes them objects of love and admiration, or by being devoted to increasing the happiness of all who fall within their range of influence. However, these higher natures are in the minority and hence easily outvoted by 'inferior natures.'

Mill considers these 'higher natures' to be the real victims of social compromise because, in bowing to public opinion, they give up what would bring them real happiness, whereas average people are deprived only of lesser gratifications and enjoyments which would "bring no real happiness" (1970, 68) anyway. Yet, despite these divergent dispositions, Mill holds that the morality entertained by higher natures is equally suitable for 'inferior natures.' (1970, 69) Besides, the acknowledgment of the superior morality by 'inferior natures' would, according to Mill, even preclude moral conflict, which in his view stems solely from "the conflict which continually arises between the highest morality and even the best popular morality." (1970, 70) This moral clash becomes most obvious in laws on marriage and divorce, which in Mill's eyes are the result of another moral compromise to the disadvantage of higher natures. These laws embody the popular belief that marriage is only entered into for physical pleasure. They hence do not allow for the idea that marriage might offer more than that, namely, real intellectual friendship. Mill emphasizes that laws on marriage and divorce are dispensable if it were not for the concession to 'popular morality':

> If all, or even most persons, in the choice of a companion of the other sex, were led by any real aspiration towards, or sense of, the happiness which such companionship in its best shape is capable of giving to the best natures, there would never have been any reason why law or opinion should have set any limits to the most unbounded freedom of uniting and separating. (1970, 70)

Yet, as it now stands, the law of marriage "has been made *by* sensualists, and *for* sensualists, *to bind* sensualists." (Mill 1970, 70, emphasis in the text) Because of an erroneous conception of human nature, society provides wrong incentives and thus prevents its members from attaining true happiness. Yet, given the internal logic of this scheme, both men and women consider the regulation of their intimate relations as the only viable option: if man is indeed an unstable and

sensual being, any relations he enters into demand social control, i.e. marriage laws and the ban of divorce. Mill concedes that since most men are "attracted to women solely by sensuality, or at best by transitory *taste*; it is not deniable, that the irrevocable vow gave to women, when the passing gust had blown over, a permanent hold upon the men who would otherwise have cast them off." (1970, 71, emphasis in the text) Similarly, a man who no longer feels attracted to his wife continues to feel responsible for her simply because she is *his* wife. An indissoluble marriage hence increased the social status of women and made them less vulnerable. According to Mill, this is also the reason why women feel stronger aversion towards divorce than men do. Women conceive divorce as a challenge to their dearly bought position: "They have a habitual belief that their power over men is chiefly derived from men's sensuality; and that the same sensuality would go elsewhere in search of gratification, unless restrained by law and opinion." (1970, 71)

In the light of women's dependence on a man for subsistence, Mill concedes that their aversion towards divorce is understandable. Yet their attitude is the result of practical constraints, and reasonable only from a particular vantage point. Mill seeks to broaden the picture when he denounces "the absurdity and immorality of a state of society and opinion in which a woman is at all dependent for her social position upon the fact of her being or not being married." (1970, 72) Moreover, women's dependency is rendered "artificially desirable" by denying them an education worthy of the name (rather, they are "being educated to *be* married" – 1970, 72, emphasis in the text), which in turn deprives them of the possibility to make a living on their own. Consequently, to provide women with an education which allows them independence from husband and father is an 'indispensable step' to improve their situation. Yet, even though women should be made capable of earning their own keep, Mill does not think "that a woman should *actually* support herself." (1970, 74, emphasis in the text)

This has partly to do with economic considerations; Mill cautions that if women took to work, the labor market would be burdened 'with a double number of competitors,' (1970, 75) which would cause a decrease in wages. We find a similar argument in Mill's later *Subjection of Women* (1869), where he holds that "[i]n an otherwise just state of things, it is not, therefore, I think a desirable custom that the wife should contribute by her labour to the income of the family." (2008, 532) Mill has been severely criticized for this view (Annas 1977; Okin 1979; Tulloch 1989), yet this argument is not necessarily inconsistent with Mill's feminist thought. Rather, it is based on the 'wage-found theory' doctrine of income Mill has developed in this *Principles of Political Economy* (Smith 2001). There, Mill asserts in a wording very similar to the one in his *Subjection of Women* that

> It cannot, however, be considered desirable as a permanent element in the condition of a laboring class, that the mother of a family (the case of single women is totally different) should be under the necessity of working for a living, at least elsewhere than in their place of abode. (1965, 394)

However, Mill's main argument for merely *enabling* women to earn their living rather than expecting them to actually do so rests on his ideas on the 'natural task' of a wife "to adorn and beautify" life. This does not mean that Mill sees women's accomplishments as being purely ornamental. Rather, he expects wives to see to the *moral* education of their children. The emphasis on 'moral' is important insofar as Mill underlines that women neither can nor should be expected to take the place of a professional teacher or governess. For one, it would be highly inefficient to ask wives and mothers to each carry out a job "on a small scale, what a much smaller number of teachers would accomplish for all, by devoting themselves exclusively to it." (1970, 75) Secondly, it would not do justice to the professional requirements of teaching, since the average mother could never compete with "persons trained to the profession." (1970, 76) According to Mill, the only educational objective of a mother "is the training of the affections," which is achieved by spending time with the child, catering to its needs to make it "happy, and therefore at peace with all things," and by checking bad habits (1970, 76). This argument builds to a large extent on Unitarian ideas on women's social role, which I will detail in the next section.

IV. Mill and Unitarianism

A dissenting Protestant group, the Unitarians bought heavily into Lockean philosophy and psychology (Gleadle 1998, 10). Locke's conception of the human mind as *tabula rasa* void of any innate ideas offered a wholly new outlook on man, for it draw attention to the crucial role of a person's surroundings on the development of her character and abilities. This implied that inequalities and differences between human beings are social and alterable. The Unitarians hence believed in the perfectibility of *all* human beings, and "their strong naturalist psychology saw man as a bundle of potentialities to be developed." (Watts 1980, 275) This also made them take the formative years of early childhood into account – and, as such, reconsider the role of women and mothers. Lant Carpenter (1780-1840), renowned Unitarian minister and educational theorist, emphasized that "the education of infancy and childhood and much of the most important moral culture of the more advanced period will be derived, if obtained at all, from the female sex." (Carpenter 1820, *Principles of Education*, 202, quoted in Watts 1980, 280) It was a widely shared belief among Unitarians that women's task was to "lay the foundations of the future patriot and Christian," promote "just and large views of life" and increase "human happiness." (Le Breton 1874, *Correspondence of Dr. Channing and Lucy Aikin,* 192, quoted in Watts 1980, 281)

However, this does not mean that Unitarians entertained 'feminist' ideas in the modern sense of the word. Rather, their emphasis on the importance of 'right' mothering for a person's moral and intellectual growth reveals their focus on the domestic sphere. Women were considered "relative creatures," (Gleadle 1998, 24) beings who did not live for their own benefit or fulfillment but that of others, i.e. their family. Even the excellent education some of the Unitarian women received

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was expected to be put to use within the limits of meeting and advancing the interests of their husbands (Rose 1983, *Parallel Lives. Five Victorian Marriages*, quoted in Gleadle 1998, 25). In these respects, the Unitarian notion about the role of women shares many characteristics with the conception of 'Republican motherhood' in America (Kerber 1976; Zagarri 1992): it implied an elevation of women in its recognition of the wider social and political implications of mothering, but it also contributed to women's confinement to the domestic sphere.

Mill was familiar with Unitarian thought due to the comparatively close ideological and personal connections between Unitarianism and Utilitarianism (Gleadle 1998; Mineka 1944). The political strife for reform of both groups built on a very similar conception of man, which in turn was influenced by Scottish Enlightenment thought (Rendall 1985).

Personal ties between Unitarians and Utilitarians began to form in the 1820s. John Bowring, like Mill, member of the Philosophic Radicals, and editor of their newly founded *Westminster Review*, knew Unitarian minister William Fox from his work on the committee of the Unitarian Fund. On Bowring's invitation, Fox wrote the leading article for the first issue of the *Westminster Review* (Mineka 1944, 186). Mill was hence already acquainted with Fox in the early years of the *Westminster Review*, but "[u]ndoubtedly it was through Harriet Taylor that the tie between the two men became strengthened." In the wake of this, Mill also became a regular contributor to Fox's seminal journal, *The Monthly Repository* (Mineka 1944, 272).

But, as mentioned above, there are significant differences in the essays by Mill and Harriet Taylor on marriage and divorce. These differences can be accounted for by a shift in Unitarian thought. This shift becomes particularly evident in the stance Fox and his Unitarian group took on women's rights. Due to their proto-feminism, this group would become known as the Radical Unitarians. The demands Taylor makes in her essay suggest that she subscribed to the ideals of the so-called Radical Unitarians around Fox (Rossi 1970), whereas Mill seems to adhere to the more conservative notions of the 'regular' Unitarian denomination, which sees women solely as moral educators.

Nevertheless, Mill does not confine women per se to the domestic sphere (for details on Mill's ideas on women working outside the home, see McCabe 2018). Even though he considers the moral role of wives and mothers essential, Mill holds that women ought to be enabled to choose between marriage (and thus, material dependency on a man), or to remain unmarried and financially independent. The crucial point is that the material dependency of a wife should be a *voluntary* one, i.e. a woman ought to be able to choose whether or not she wants to rely on a husband for support. Only then can marriage become "wholly a matter of choice," (1970, 77) which Mill considers important for social progress.

V. Mill on Divorce

For reasons of social progress, Mill likewise demands divorce to be allowed and easily attainable. He offers two arguments for this. The first invokes a different, more sophisticated idea of man by illustrating what an interdiction of divorce at worst entails: the liability to perform 'conjugal duties' despite one's antipathy towards the spouse. Mill appeals to man's self-understanding (maybe even vanity) by declaring: "No one but a sensualist would desire to retain a merely animal connexion [sic!] with a person of the other sex, unless perfectly assured of being preferred by that person, above all other persons in the world." (1970, 78)

In his second argument in favor of divorce, Mill refers to the usual background conditions of an ordinary marriage, like a young and inexperienced couple who barely know each other and meddling parents. Given such "complicated disadvantages," (1970, 79) couples very probably will not find "happiness in a first choice." (1970, 80) In addition, if a person does not have the possibility to revise a poor first choice, this very likely "embitters existence." (1970, 80) Divorce is hence a pragmatic solution to increase (the chance of) human happiness. After all, "[m]arriage is really, what it has sometimes been called, a lottery: and whoever is in a state of mind to calculate chances calmly and value them correctly, is not at all likely to purchase a ticket." (1970, 78) Likening marriage to a game of chance highlights the unpredictability of its success. In calling attention to our fallibility, Mill's second argument in favor of divorce harbors an epistemic quality.[2]

To summarize, Mill holds that the laws of 19th century England provide the wrong incentives for marriage: women marry for subsistence, men for physical pleasure and dominance. Both sexes hence believe that their only tie consists in their sensuality. This narrow understanding is the result of a much larger misconception: the idea of the superiority of the male sex, which has led to the disenfranchisement of women in the first place. Thus, marriage laws simply mend the repercussions of an unjust social order that precludes women from making a living. Women's poor qualification and financial dependency require that marriage, as their only alternative to destitution, be indissoluble. Mill therefore demands that women receive an education that enables them to make a living on their own. The idea is to turn marriage into one option among many to achieve equality between the sexes. Yet Mill does not stop here: according to him, marriage should also be as terminable as any other contract. Turning marriage from a lifelong obligation into a free and voluntary association has several positive effects: for one, it appeals to the best in human nature, because the chosen partner wants to prove worthy of his/her preference. Additionally, if women no longer depend

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[2] This reasoning is very similar to one of Mill's arguments in favor of free speech in *On Liberty*: "To refuse a hearing to an opinion, because they are sure that it is false, is to assume that *their* certainty is the same thing as *absolute* certainty. All silencing of discussion is an assumption of infallibility." (*On Liberty*, II, 2, emphasis in the text)

on marriage for subsistence and if men can no longer use marriage to increase their dominance, Mill expects marriage to change from a means to regulate an "animal connexion[sic!]" to an intellectual and sincere friendship (for details on Mill's ideas on an ideal marriage, see Urbinati 1991).

VI. Mill and Plato on the Good Life

To come back to Mill's claim that "[t]he question is not what marriage ought to be, but a far wider question, what woman ought to be," (1970, 73) I will now discuss how Plato's and Mill's ideas on legislation relate to their general conceptions of society and man. Both Plato and Mill entertain the idea that our conception of human nature affects the way we structure society. Wrong thinking and political injustice are hence closely intertwined. Moreover, neither Plato nor Mill confines his social analysis to side contradictions. Instead, they identify a principal contradiction which needs to be done away with in order to make possible the kind of society and way of life they consider desirable.

The shared starting point of Mill and Plato is the idea that the good life depends on certain background conditions. If these are not met, any other attempt to achieve one's goal is pointless, as Plato makes clear in his simile of the sick who try to offset their bad diet with medication (*Republic*, 425e). Similarly, Mill considers marriage laws as a futile remedy to a deeply unjust social order. To discern the background conditions necessary for the good life, we need to ask us how we see ourselves, what kind of life we want to lead, and whether our current society is consistent with our self-conception. Both Plato and Mill point out that we don't 'walk the talk'. Mill especially holds up a mirror to his contemporaries by asserting that English society is unjust and anti-rational in making people conform to rules which have "been made *by* sensualists, and *for* sensualists, *to bind* sensualists" (1970, 70) – an exposing observation of a society which prided itself on its rationality and foresight (Briggs 1994). Mill argues that English society fails to live up to its self-imposed standards. Like the sick man in Plato's allegory, English society is ignorant of what it really takes for a healthy life and contends itself with superficial measures to keep its comfort zone: rather than doing away with its key problem of gender inequality, English society merely tries to offset the negative repercussions of that gender inequality by regulating its citizens' most intimate relations. In contrast to this, Mill demands his contemporaries to reconsider what kind of life they actually envision for both men and women. His ideas on divorce are part of a larger utopia.

VII. Conclusion

I have discussed Mill's essay on marriage and divorce (1832) and gave two possible sources of influence for his arguments: Plato's *Republic* and Unitarian notions of motherhood. Specifically, I have related Mill's essay to the fourth book of Plato's *Republic* to show that their political philosophies have an important

aspect in common: both underline the crucial role of background conditions in achieving desirable social outcomes. Moreover, Plato and Mill pursue similar aims: both want to realize the 'good life' – Plato via a specific education, Mill by abolishing gender inequality. They hold that such makes any further legislation unnecessary because the social structures they aim to establish allow people to gain insight into what is socially appropriate and what not.

The idea that moral failure is linked to wrong conceptualizing features especially in Mill. He maintains that gender inequality results from a very limited view of human nature and of human relations. This narrow view makes people oblivious to how unjust and anti-rational their social order is. Yet neither Mill nor Plato dwells on how their schemes could be put into practice. Although Mill appeals to the self-understanding of his contemporaries, it remains questionable whether doing so carries enough weight to foster a social change from which men have so much to lose. Like his great exemplar, Plato, Mill seems to overstate the rational element in man.

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The Highest Good and the Relation between Virtue and Happiness: A Kantian Approach

Daniel Rönnedal

Abstract: The paper develops a Kantian view of the highest good and the relation between virtue and happiness. Several Kantian theses are defended, among them the thesis that the highest good is realized only if every virtuous individual is happy, the view that virtue is neither necessary nor sufficient for happiness, and the proposition that virtue is both necessary and sufficient for the *worthiness* of being happy. The author argues that the highest good ought to be realized and that it ought to be that everyone who is virtuous is happy. To prove these claims, the author will use techniques developed by modern deontic logicians. According to Kant, we do not have an immediate duty to promote our own happiness, the aim of morality being not personal satisfaction but rather virtue and the good will. The important question is not "How do I become happy?" but "How do I become good?". The arguments in this paper support this view.

Keywords: happiness, Immanuel Kant, Kantian ethics, the good will, the highest good, virtue.

Introduction

In his *Critique of Practical Reason* (KpV), Immanuel Kant discusses the ancient concept of the highest good. According to the Prussian philosopher, the notion of the *highest* contains an ambiguity. It can mean either the supreme or the complete (KpV 5:110). Virtue is the supreme, unconditional good, but it is not the whole and complete good. The possession of the complete good in a person is virtue and happiness together, and happiness distributed in exact proportion to morality constitutes the highest good of a possible world. Happiness is not absolutely and in all respects good, according to Kant, but it is good if it is combined with virtue.

According to the philosopher from Königsberg, we ought to strive to promote the highest good (KpV 5:125): "The production of the highest good in the world is the necessary object of a will determinable by the moral law." (KpV 5:122) Since practical reason commands us to contribute everything we can to the production of the highest good, we must necessarily represent it as possible (KpV 5:119). Kant uses these basic theses in his argument for the immortality of the soul and his moral argument for the existence of, or belief in, God. The fundamental ideas of his doctrine are summarized in the following quote:

> ... the *supreme* good (as the first condition of the highest good) is morality, whereas happiness constitutes its second element but in such a way that it is only the morally conditioned yet necessary result of the former. Only with this subordination is the *highest good* the whole object of pure practical reason,

> which must necessarily represent it as possible since it commands us to contribute everything possible to its production. (KpV 5:119)

Kant's doctrine of the highest good raises many questions. Is it an important part of his philosophy or not? Is it superfluous or not? Is the notion of the highest good a secular or a religious notion? Is it immanent or transcendent? Is it important for his *moral* philosophy or not? Can the highest good be realized in this world or only in some other world? Can it be realized in this life or only in some future life? Can the highest good be realized only if God exists and our souls are immortal? Does the duty to promote the highest good go 'beyond' obedience to the moral law, does it introduce any new obligations, or is it subsumed under our other duties? If it goes beyond our other duties, what is its unique contribution? Is the duty to promote the highest good compatible with other parts of Kant's philosophy? Is the doctrine of the highest good consistent with Kant's theory of the autonomy of morality and the ought-can principle? If we ought to make the highest good our end – and this, in some sense, presupposes certain religious beliefs – how can morality be 'pure?'; and if the highest good cannot be realized by us alone, how can we have a duty to promote it?

I will not enter into these debates in the present paper. I will address neither the issue of Kant's view of the relationship between morality and religion, nor issues regarding Kant's postulates of God and immortality. However, it seems obvious to me that the concept of the highest good is a very important one for Kant both in his ethics and in his philosophy as a whole; it might even be the most important concept of them all.

The aim of the present paper is not primarily to discuss Kant's own view of the highest good; it is to develop a theory of the highest good and the relation between virtue and happiness that is inspired by Kant. In this sense, it is an exercise in Kantian ethics and not an investigation of Kant's own ethics. Regardless of what Kant himself thought about these issues, the question of what the highest good is and how morality and happiness are related to each other is of independent philosophical interest. Still, I also hope that the paper is of some historical interest, and I will try to show that Kant's basic ideas can be explicated and developed into a doctrine of the highest good that is very attractive.[1]

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[1] For more on the highest good in Kant's philosophy, see, for example, Aufderheide and Bader (2015), Auxter (1979), Bader (2015), Basaglia (2016), Beck (1960), Beiser (2006), Caswell (2006), Denis (2006), Engstrom (1992, 2016), Friedman (1984), Höwing (2016), Insole (2020), Kleingeld (2016), Lin (2019), Mariña (2000), Marwede (2016), O'Connell (2012), Pasternack (2017), Reath (1988), Recki (2016), Silber (1959, 1963), Showler and Wike (2010), Simmons (1993) and Watkins (2010). For general introductions to Kant's moral philosophy and Kantian ethics, see, for example, Allison (2011), Baron (1995), Denis (2010), Guyer (2000, 2006), Herman (1993), Hill (2002), Korsgaard (1996, 2008), O'Neill (1989), Paton (1948), Timmermann (2009), Wood (2008), Timmons (2017). See, also, Baxley (2010), Betzler (2008) and Trampota et.al. (2013).

The Highest Good and the Relation between Virtue and Happiness

The paper addresses three questions: "What does 'virtue' mean?", "What does 'happiness' mean?" and "What is the relation between virtue and happiness?". Several Kantian theses are defended, among them the thesis that the highest good is realized only if every virtuous individual is happy, the view that virtue is neither necessary nor sufficient for happiness, and the proposition that virtue is both necessary and sufficient for the *worthiness* of being happy. I will argue that the highest good ought to be realized and that it ought to be that everyone who is virtuous is happy. To prove these claims I will use techniques developed by modern deontic logicians. By using these techniques, we can show with certainty that the proofs are valid. Thus, we *must* accept the conclusions or else reject some of the premises. This approach is clearly Kantian in spirit, since the great philosopher from Königsberg wanted to give morality a certain foundation and searched for necessary, universal principles that are knowable a priori. According to Kant, we do not have an immediate duty to promote our own happiness, the aim of morality being not personal satisfaction, but rather virtue and the good will. The important question is not "How do I become happy?" but "How do I become good?" or "How do I become worthy of being happy?". The arguments in this paper support this view.

The essay is divided into four sections. In Section 1, I discuss the concepts of the highest good, virtue, and happiness, and prove that it ought to be that everyone who is virtuous is happy. Section 2 deals with the relationship between virtue and happiness. I argue that virtue is neither sufficient nor necessary for happiness. In Section 3, I consider the relationship between virtue and the worthiness of being happy. I prove that virtue is both a necessary and sufficient condition for the worthiness of being happy. Section 4 includes a summary of the paper and some conclusions.

1. The Highest Good, Virtue, and Happiness

The highest good contains two elements, according to Kant: virtue and happiness. In this Section, I will define what I mean by these concepts in the present paper and I will begin to prove some theorems about the highest good.

1.1 Virtue

The first element in the highest good is virtue, morality, or the good will. In his first two critiques and *Groundwork for the Metaphysics of Morals* (G), Kant appears to treat these concepts as synonyms. In his *Critique of Practical Reason*, for example, Kant talks about virtue and morality as the unconditional good. He says that "*virtue*… is the *supreme condition*… the *supreme* good" (KpV 5:110) and that "virtue… is… the supreme good, since it has no further condition above it," (KpV 5:111) but also that "the *supreme* good (as the first condition of the highest good) is morality, whereas happiness constitutes its second element but in such a way that it is only the morally conditioned yet necessary result of the former." (KpV

5:119) This suggests that Kant believes virtue and morality to be the same thing and that being virtuous is the same thing as being a morally good individual, human being, or person. Be that as it may, in this paper I will treat these words as synonymous. Accordingly, I will assume that the following proposition is true:

> **P1.** It is necessary that an individual x is (perfectly) virtuous if and only if (iff) x is a (perfectly) morally good individual, human being, or person.

In *Groundwork*, Kant does not explicitly talk about virtue as the supreme good or supreme condition. Here, he says that it is the good will that appears to constitute the indispensable condition of everything good. According to the author of *Groundwork*, "a rational impartial spectator can never take satisfaction… in the sight of the uninterrupted welfare of a being, if it is adorned with no trait of a pure and good will; and so the good will appears to constitute the indispensable condition even of the worthiness to be happy." (G 4:393) "This will [the good will] may therefore not be the single and entire good, but it must be the highest good, and the condition for all the rest, even for every demand for happiness." (G 4:396) In his second critique, Kant advances the idea that it is virtue that is the condition of the worthiness to be happy, and in *Groundwork* that it is the good will. This suggests that virtue and the good will are the same thing for Kant. Whether or not this is a correct interpretation of Kant, I will assume that these words mean the same in this paper. Consequently, I will assume that the following proposition is true:

> **P2.** It is necessary that an individual x is (perfectly) virtuous iff x has a (perfectly) good will.

From proposition 1 and proposition 2 we can immediately derive proposition 3:

> **P3.** It is necessary that an individual x is a morally good individual (human being or person) iff x has a (perfectly) good will.

Proposition 3 appears to be defended by a number of Kant scholars; see, for example, Hill (2002). In footnote 1 to Chapter 6 in his work, Hill says that: "Having a good will (roughly, a will to do what is right) is… a moral good, for maintaining a good will is necessary and sufficient for being a morally good person. It is an unconditional good, a fundamental requirement of morality." Most Kant scholars, however, seem to agree that virtue is *not* the same thing as the good will according to Kant. Denis (2006), for example, claims that virtue implies a good will but that a good will does not entail virtue. Hill (2008) defends a similar interpretation: virtue is "a kind of strength of the will to do what is right" and is more than a good will. According to Wood (2008, chap. 8), virtue presupposes good will because the good will is simply volition according to good principles, but there can be good will accompanied not by virtue but by moral weakness. Still, there are scholars who suggest that Kant, at least at some points in his thinking, equates a good will with a virtuous one, perhaps in *Groundwork* and the second critique (see, for example, Allison 2011, 78). Baxley (2010) agrees that Kant sometimes seems to

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equate virtue and the good will, but she thinks that he does not treat these concepts as synonyms in his later works. Baxley seems to agree with Denis that virtue implies a good will, but not vice versa. Suppose that this interpretation of Kant is correct; then, we can weaken propositions 1 and 2 and claim that it is necessary that an individual is (perfectly) virtuous or morally good only if she has a (perfectly) good will, even though it is possible to have a good will without being perfectly virtuous or morally good. Furthermore, in this interpretation we ought to replace all talk of virtue, virtuousness, etc. in this paper with talk about the good will. However, since Kant at least sometimes appears to use 'virtue,' 'the good will,' and 'morality' as synonyms, I will do the same in the present paper.

What then does it mean to be virtuous? What is it to be a morally good individual and to have a good will? In the second critique, Kant says that virtue is "a disposition conformed with law *from respect* for law," (KpV 5:128) and, in *Groundwork*, that "That *will* is *absolutely good*… whose maxim, if it is made into a universal law, can never conflict with itself." (G 4:437) In *Religion Within the Boundaries of Mere Reason* (RGV 6:23n), Kant identifies virtue with "the firmly grounded disposition to fulfil one's duty" and in *The Metaphysics of Morals* he says: "*Virtue* is the strength of a human being's maxims in fulfilling his duty… virtue is… a self-constraint in accordance with a principle of inner freedom, and so through the mere representation of one's duty in accordance with its formal law." (MM 6:394) He also talks about virtue as the will's conformity with every duty (MM 6:395) and describes virtue as "the moral strength of a *human being's* will in fulfilling his *duty*, a moral *constraint* through his own lawgiving reason, insofar as this constitutes itself an authority *executing* the law." (MM 6:405) Perhaps we can think of virtuousness as a disposition to do the right thing for the right reason, or as a disposition to do one's duty for duty's sake. In this paper, however, I will use the concept of virtue or the good will in a slightly different meaning. I shall use the following definition:

> **Def 1.** It is necessary that an individual x is (perfectly) virtuous iff everything x wants ought to be (is morally all-things-considered good or is entailed by the moral law).[2]

This is a definition of *perfect* virtue; it is possible to be virtuous without being perfectly virtuous, but perfect virtue requires that absolutely everything x wants ought to be. So, when I speak about 'virtue,' I usually mean 'perfect virtue.'

From this definition, we can immediately derive the following corollaries:

> **C1.** It is necessary that an individual x is (perfectly) virtuous only if everything x wants is permitted.

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[2] In this paper, I assume that the following propositions are true: it is necessary that it is morally all-things-considered good that A iff it is necessary that the moral law is fulfilled only if A is the case; it is necessary that it ought to be the case that A iff it is morally all-things-considered good that A; and it is necessary that it ought to be the case that A iff it is necessary that the moral law is fulfilled only if A is the case.

C2. It is necessary that a perfectly virtuous individual wants nothing that is forbidden.

Proof. (**C1**). **C1** follows immediately from **Def 1** and the proposition that it is necessary that everything that ought to be the case is permitted, which can be proved in many deontic systems, such as, for example, so-called *Standard Deontic Logic* (see, for example, Gabbay et al. 2013 for an introduction to this system).

(**C2**). **C2** follows immediately from **C1** and the proposition that it is necessary that something is forbidden iff it is not permitted, which can be proved in almost any deontic system. Q.E.D.

In other words, it is necessary that an individual is (perfectly) virtuous or has a good will only if she wants nothing that is contrary to or inconsistent with the moral law. Note that **C1** is not equivalent to **Def 1**; **Def 1** entails **C1**, but **C1** does not entail **Def 1**. So, **Def 1** is stronger than **C1**. **Def 1** seems to me to be a very interesting definition of what it means to be virtuous and have a good will. Nevertheless, I will now consider three possible objections to it and try to show why the definition is plausible in spite of these potential problems.

According to the first objection, **Def 1** reads the implication in the wrong direction. It is not necessarily the case that an individual is virtuous just in case everything she wants is entailed by the moral law; she is virtuous iff she wants everything that ought to be the case. This is an interesting alternative interpretation of the concept of virtue. In Section 2 (**Def 3**), I will call a person that satisfies these conditions (perfectly) 'upright' or 'conscientious.' There are, however, some problems with this definition. It is possible that an individual wants everything that ought to be the case at the same time that she wants something that is forbidden. But if someone wants something that is forbidden, how can she have a good will and be perfectly virtuous? Furthermore, if we accept this definition, we cannot prove several of the theorems about the relations between virtue and happiness that we want to prove, for example **T8** and **T9** in Section 3.

According to the second objection, **Def 1** is wrong because it is too weak. We should instead use the following definition: it is necessary that an individual x is (perfectly) virtuous iff x wants A iff it ought to be the case that A. If we use this definition, all theorems **T1–T8** in Sections 1.3–3 still hold, while **T9** and **T10** in Section 3 cannot be proved. It is possible that there is an individual that deserves to be happy who is not perfectly virtuous in this sense. For it is possible that she does not want everything that ought to be, and hence that she is not virtuous, even though everything she wants ought to be, and that she therefore ought to be happy. Consequently, virtue is not a necessary condition for the worthiness of being happy according to this definition. Therefore, we shall stick with **Def 1**.

According to the third objection to **Def 1**, this definition is not a Kantian conception of a good will (or virtuousness) since it presupposes an independent notion of goodness. The good should be defined in terms of the good will rather than vice versa. Still, this is not necessarily a problem for **Def 1**; it depends on what

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we consider to be good. In the second critique, Kant says that "[w]hat we are to call good must be an object of the faculty of desire in the judgment of every reasonable human being, and evil an object of aversion in the eyes of everyone." (KpV 5:61) This suggests that he thinks that something is good only if everyone who is (perfectly) rational wants it to be the case. We shall also read this implication in the other direction. So, it is (morally all-things-considered) good that A iff everyone who is perfectly rational wants it to be the case that A. Furthermore, it is (morally all-things-considered) good that A iff it ought to be the case that A, or iff A is entailed by the moral law. In this reading, **Def 1** is equivalent to the proposition that it is necessary that an individual x is (perfectly) virtuous iff everything x wants is such that everyone who is perfectly rational wants it. In other words, having a good will (being virtuous) is wanting only things that it is rational to want. And this view is clearly Kantian.[3]

1.2 Happiness

The second element in the highest good is happiness. But what is happiness and what does it mean to be happy?

Most Kant scholars seem to agree that one can find several concepts of happiness in Kant's works. According to Watson (1983), for example, two characterizations are especially recurrent in Kant's writings: happiness as success and happiness as contentment. According to the first, happiness is said to be satisfying one's inclinations; and, according to the second, happiness is contentment with one's life on the whole or with one's current state along with the assurance that it will last. Elizondo (2016) counts at least three different views of happiness in Kant's writings: the satisfaction of inclinations (*Critique of Pure Reason* – KrV – A800/B828, A806/B834; G 4:399, 405), pleasure (KpV 5:22, *Critique of the Power of Judgment* – KU – 5:208), and well-being (G 4:393, 418). Wike (1994) distinguishes between several different meanings of 'happiness' in Kant's works. According to Wike, there are two fundamentally different ways in which Kant considers happiness: he treats happiness as a sensible state that involves the satisfaction of inclinations, brings pleasure, and is characterized as well-being; and he describes happiness as an intelligible state that involves moral contentment. In this paper, I will focus on happiness as fulfillment.[4]

The view that happiness consists in an individual's satisfaction of inclinations, or one's wish and will, is expressed in both *Groundwork* and the

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[3] For more on Kant's view of the good will, see, for example, Allison (2011, part II, chap. 3, 71-94), Ameriks (2003, chap. 7), Korsgaard (1996, chap. 2), Paton (1948, esp. chap. II and III) and Wood (2008, chap. 2), and, for more information about the concept of virtue in Kant's philosophy, see, for example, Baxley (2010), Betzler (2008), Denis (2006b, 2013), Grenberg (2010), Guyer (2000, chap. 9), Hill (2008) and Wood (2008, chap. 8). Peterson and Seligman (2004) include a general overview of various virtues.

[4] For more information on various theories of happiness, see, for example, Bok (2010), Boniwell et al. (2013) and White (2006).

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second critique (see also KrV A800/B828, A806/B834). According to Kant, "… all human beings always have of themselves the most powerful and inward inclination to happiness, because precisely in this idea all inclinations are united in a sum." (G 4:399) In *Critique of Practical Reason*, he expresses the same basic idea: "*Happiness* is the state of a rational being in the world in the whole of whose existence *everything goes according to his wish and will.*" (KpV 5:124) *The Metaphysics of Morals* (MM) contains a similar characterization: "That *everything* should *always* go the way you would like it to…. What is such a condition called?… It is called *happiness.*"[5] (MM 6:480)

Everyone (or at least everyone who is rational) wants to be happy, according to Kant. We can think of happiness as a 'higher-order' end. It is not a 'first-order' end, like money, political power, or fame, that we pursue directly; if it were, it would just be one end among many. But there is something special about happiness, according to Kant. Happiness is a final, all-inclusive end, an end that contains all other ends. Someone who wants to be happy wants *all* her desires or inclinations to be fulfilled. Pursuing money, political power, fame, or any other first-order end at the expense of happiness is, therefore, not reasonable.

In this paper, I will use the following definition of happiness:

> **Def 2.** It is necessary that an individual x is (perfectly) happy iff everything x wants is true.

This can be classified as a kind of desire-satisfaction theory. It is an objective form of desire-satisfaction theory, since the important thing is that our wants are *actually* satisfied, not that we *believe* that they are satisfied or that we *feel* satisfied. We are happy when the world is the way we want it to be. It is an unrestricted form, since absolutely *every* want must be satisfied for an individual to be perfectly happy. This includes, among other things, desires about other people and objective states of the world and the future, and not just desires about one's own life, subjective mental states, or the present. It is, of course, possible that an individual is happy in some vague sense even though not all of her wants are fulfilled, but it is not possible to be *perfectly* happy and unfulfilled, according to this theory. When I speak of 'happiness,' I will usually mean 'perfect happiness.' The theory is an actual and not an ideal form of desire-satisfaction theory. It is an individual's *actual* wants that must be satisfied, not her ideal wants or the wants she would have if she were (perfectly) rational.[6]

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[5] For more on the concept of happiness in Kant's philosophy, see, for example, Brännmark (2002, esp. Section 5.3), Guyer (2000, esp. chap. 11), Hill (2002, part II, chap. 6, 164-200), Hills (2006, 2009), Johnson, A. B. (2005), Johnson, R. N. (2002), Paton (1948, 55-57, 85-87, 91-92, 104-107), Reath (1989, 2006, chap. 2), Watson (1983), Wike (1987, 1994), Elizondo (2016) and Walschots (2017).

[6] Elsewhere, I try to develop this theory in more detail and defend it against some possible counter-arguments (Rönnedal 2021). I show that everyone who is perfectly rational wants to be happy and has happiness as a final end. Nevertheless, for our present purposes, the current characterization should suffice. Note that I do not make a distinction between wants and desires

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1.3 The highest good

We have now described the elements in the highest good: virtue and happiness. So, let us turn to the former concept itself. Kant's doctrine of the highest good is summarized in the following quote:

> *virtue* (as worthiness to be happy) is the *supreme condition* of whatever can... seem to us desirable and hence of all our pursuit of happiness and... it is therefore the *supreme* good... But it is not... the whole and complete good as the object of the faculty of desire of rational finite beings; for this, *happiness* is also required...

> inasmuch as virtue and happiness together constitute possession of the highest good in a person, and happiness distributed in exact proportion to morality (as the worth of a person and his worthiness to be happy) constitutes the *highest good* of a possible world, the latter means the whole, the complete good, in which, however, virtue as the condition is always the supreme good... whereas happiness is something that, though always pleasant to the possessor of it, is not of itself absolutely and in all respects good but always presupposes morally lawful conduct as its condition. (KpV 5:110-111)

In this Section, I will begin to prove some theorems about the highest good. I will show that it is necessary that the highest good ought to be realized, that it is necessary that the highest good is realized only if every virtuous individual is happy, and that it is necessary that it ought to be that everyone who is virtuous is happy.

To prove these theorems, I will use techniques developed by modern deontic logicians. The advantage of this approach is that we can show with certainty that our arguments are deductively valid. Hence, we must either accept the conclusions, or else, in each case, reject at least some premise. I will assume that it is true that it is obligatory (or that it ought to be the case that) A in a possible world, w, iff A is true in every possible world that is deontically accessible from w. I will also assume that it is true that it is (historically) necessary that A in a possible world, w, iff A is true in every possible world that is (alethically) accessible from w. Furthermore, I will treat the alethic accessibility relation as an equivalence relation, and the deontic accessibility relation as a serial, transitive, and Euclidean

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in this paper. According to this view, it is possible to want 'anything,' even things that are not possible. It is perhaps not *rational* to desire something that is impossible, but it is not *impossible*. Kant, however, seems to think that it *is* impossible to want (or will) something that cannot be reached by one's own actions. One may hope for it, wish for it or desire it but cannot 'want it.' He appears to believe that a desire alone for something immoral is not damaging my virtue, as long as I do not want it and act on it. For him, morality depends on the will. My happiness, on the other hand, can depend both on the success of my own actions and on my satisfaction of things happening to me. If this interpretation is correct, the terminology in this paper is different from Kant's. However, it is not obvious exactly how concepts such as 'drive' ('incentive'), 'desire,' 'inclination,' 'interest,' 'wish,' 'motivation,' 'choice,' 'will,' etc., are related to each other in Kant's philosophy. For more on Kant's use of such notions, see, for example, the introduction to MM, Englert (2017), Engstrom (2010), Frierson (2005), Grenberg (2001), Schapiro (2011) and Wilson (2016).

relation that is included in the alethic accessibility relation. Intuitively, to say that a possible world w′ is deontically accessible from a possible world w means that w′ is one of the best possible worlds that are alethically accessible from w. The highest good is realized in a possible world iff this possible world is one of the best (alethically accessible) possible worlds in this possible world. Technically, this means that the highest good is realized in a possible world just in case this possible world is deontically accessible from itself. Finally, I will also assume that, if w′ is alethically accessible from w, and w″ is deontically accessible from w′, then w″ is deontically accessible from w.[7]

According to Kant, the highest good ought to be realized. He expresses this idea in several different ways in the second critique: "It is a priori (morally) necessary *to produce the highest good*" (KpV 5:113); "we *ought* to strive to promote the highest good (which must therefore be possible)" (KpV 5:125); "The moral law commands me to make the highest possible good in a world the final object of all my conduct" (KpV 5:129), and "[i]t [is] a duty for us to promote the highest good."[8] (KpV 5:125) We shall now prove that it is necessary that the highest good ought to be realized.

T1. It is necessary that the highest good ought to be realized.

Proof. Suppose that **T1** is not valid. Then there is a possible world, w_1, in which it is false that the highest good ought to be realized. It follows that there is a possible world, w_2, that is deontically accessible from w_1, in which the highest good is not realized. Still, since w_2 is deontically accessible from w_1, w_2 is deontically accessible from itself (since the deontic accessibility relation is Euclidean), i.e. w_2 is one of the best possible worlds in w_2. Hence, the highest good is realized in w_2. But this is absurd. Q.E.D.[9]

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[7] These assumptions are plausible, but – due to considerations of space – I cannot defend them in the present paper. Many deontic logicians would accept them. For more information on deontic logic, see, for example, Gabbay et al. (2013) and Hilpinen (1971, 1981). The modal principles that are employed in our proofs are perfectly standard (see any introduction to modal logic). The theory of 'wants' that is used in this paper is developed in more detail in Rönnedal (2020). See also Rönnedal (2019b, 2019c, 2021). The 'quantifiers' that are employed in the deductions are so-called propositional or sentential quantifiers. In Rönnedal (2019), I say more about how such quantifiers can be combined with various modal systems. The talk of possible worlds might seem to be anachronistic, and of course in some sense it is, but the idea of different possible worlds was not foreign to Kant: see, for example, KpV 5:111, where he speaks of the highest good of a possible world; KrV 836, where the idea of a moral world is important; and RGV 6:5, where Kant considers what sort of world a human being who honors the moral law would create, were this in his power. The possible world semantics that is used in our proofs in this paper is a natural development of certain fundamental Kantian ideas.

[8] In a strict sense, these propositions are not necessarily equivalent, but it is beyond the scope of this paper to discuss the subtle differences between them.

[9] For more on my views on the concept of the highest good and the relation between the good and the moral law, see Rönnedal (2020b, 2020c).

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The Highest Good and the Relation between Virtue and Happiness

Our next theorem establishes a necessary condition for the highest good to be realized.

T2. It is necessary that the highest good is realized only if every virtuous individual is happy.

Proof. Suppose that **T2** is not valid. Then there is a possible world, w_1, in which the highest good is realized even though it is false that every virtuous individual is happy. Hence, there is someone, c, who is virtuous but not happy in w_1. Since c is virtuous in w_1, everything c wants to be the case in w_1 ought to be the case in w_1 (by **Def 1**). Since c is not happy in w_1, it is not the case that everything c wants in w_1 is true in w_1 (by **Def 2**). Accordingly, there is some X such that c wants X to be the case in w_1, even though X is false in w_1. It follows that if c wants it to be the case that X in w_1, then it ought to be the case that X in w_1. Hence, it ought to be the case that X in w_1. Since the highest good is realized in w_1, w_1 is one of the best possible worlds in w_1. So, w_1 is deontically accessible from itself. Therefore, X is true in w_1. Yet, this is absurd. Q.E.D.

From **T1** and **T2** we can derive our next theorem, **T3**, by the so-called means-end principle. According to the means-end principle, it follows that it ought to be the case that B if it ought to be the case that A and A necessarily implies B. Hence, we can use the following argument: (1) It is necessary that the highest good ought to be realized. (2) It is necessary that the highest good is realized only if every virtuous individual is happy. Hence, (3) it is necessary that it ought to be that every virtuous individual is happy. However, I will now use a reductio argument to prove **T3** directly. Accordingly, we do not have to assume **T1**, **T2,** and the means-end principle to establish **T3**.

T3. It is necessary that it ought to be that everyone who is virtuous is happy.[10]

Proof. Suppose that **T3** is not valid. Then there is a possible world, w_1, in which it is not the case that it ought to be the case that everyone who is virtuous is happy. Hence, there is a possible world, w_2, that is deontically accessible from w_1 in which someone, c, is virtuous but not happy. Since c is virtuous in w_2, it is true in w_2 that everything c wants in w_2 ought to be in w_2 (by **Def 1**); and since c is not happy in w_2, there is something, X, that c wants in w_2 that is not true in w_2 (by **Def 2**). It follows that it is true in w_2 that if c wants it to be the case that X, then X ought to be the case. Hence, X ought to be the case in w_2. Since w_2 is deontically accessible from w_1, w_2 is deontically accessible from itself (for the deontic accessibility relation is Euclidean). It follows that X is true in w_2. Still, this is absurd. Q.E.D.

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[10] Note that the 'converse' of **T3** does not hold. We cannot prove that it is necessary that it ought to be the case that someone is happy only if she is virtuous (where 'ought' has wide scope). However, we can prove that it is necessary that someone ought to be happy only if she is virtuous (see **T9** below) (where 'ought' has narrow scope). Suppose that we say that someone is virtuous iff everything she wants is permitted. Then we can prove that it is necessary that it ought to be the case that someone is happy only if she is virtuous.

2. The Relation between Virtue and Happiness

We have established that there is a *normative* relationship between virtue and happiness (**T3**). In this Section, I will, however, show that virtue is neither sufficient nor necessary for happiness, even though acting virtuously (doing the things one ought to do) is a necessary condition for happiness for every upright or conscientious individual. This is clearly a Kantian position. According to the Prussian philosopher, two elements that are combined in one concept form a unity that is either analytic (logical) or synthetic (real). Therefore,

> The connection of virtue with happiness can... be understood in one of two ways: either the endeavor to be virtuous and the rational pursuit of happiness are not two different actions but quite identical, in which case no maxim need be made the ground of the former other than that which serves for the latter; or else that connection is found in virtue's producing happiness as something different from the consciousness of virtue, as a cause produces an effect. (KpV 5:111)

According to Kant, there were basically only two ancient Greek schools concerned with the highest good: Stoicism and Epicureanism. Both denied that the highest good includes two elements. They differed, however, in their opinion of which of the two – virtue or happiness – was the fundamental concept:

> The Stoic maintained that virtue is the *whole highest good,* and happiness only the consciousness of this possession as belonging to the state of the subject. The Epicurean maintained that happiness is the *whole highest good,* and virtue only the form of the maxim for seeking to obtain it, namely, the rational use of means to it. (KpV 5:112)

Kant thought that both the Stoics and the Epicureans were wrong. In light of **T3**, their views are nevertheless understandable. We have shown that *it is necessary that it ought to be that everyone who is virtuous is happy*. Since it ought to be the case that the virtuous are happy, we have a tendency to want this state of affairs to obtain, and we sometimes believe that the things that we want to be true are actually true because we want them to be true. Hence, we have a tendency to believe that there is in fact a necessary relationship between virtue and happiness, that it is necessary that the virtuous are happy, or that virtue is a necessary means to happiness. We do not usually want the virtuous to suffer and the wicked to prosper; we normally want those who have a good will to be happy and, in general, that people get what they deserve. We want the world to be fair. But the belief that the world *is* fair is perhaps just based on wishful thinking. Just as one cannot derive an *ought* from an *is*, one cannot derive an *is* from an *ought*.[11] From the fact that it *ought* to be the case that the virtuous are happy, it does not follow that the virtuous *in fact* are happy, or that there is a necessary connection between virtue and happiness. It is possible to want to believe something and in

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[11] The former thesis is often called Hume's law. For more on this law, see, for example, Pigden (2010) and Schurz (1997). Schurz (1997) also discusses the latter proposition and shows that it can be proved in many deontic systems.

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fact believe something that is not true. Moreover, it does not follow that everyone ought to be virtuous, or that everyone ought to be happy from **T3** in itself. **T3** is a conditional norm.

According to Kant, virtue is neither a sufficient nor a necessary condition for happiness. Let us now establish this result.

> **T4.** Virtue is not a sufficient condition for happiness. It is not (logically or analytically) necessary that everyone who is virtuous is happy.[12]

> *Proof.* To prove this theorem, it is sufficient to establish that it is possible that there is someone who is virtuous who is not happy. It is easy to show that this is logically possible. We just have to construct a model that includes one individual that is virtuous but not happy in some possible world w. Everything this individual wants in w ought to be in w (by **Def 1**), but it is not the case that everything this individual wants is true in w (by **Def 2**). To show that it is not *analytically* necessary (in some wider sense) that everyone who is virtuous is happy we can use the following scenario. Sophia is a 'saint'; in the possible world w, everything Sophia wants ought to be the case. Hence, Sophia is virtuous in w (by **Def 1**). However, Sophia also wants her daughter not to be murdered and her daughter ought not to be murdered. Still, w is not an ideal world and her daughter is murdered. So, it is not the case that everything Sophia wants in w is true in w. Hence, Sophia is not happy in w (by **Def 2**). Accordingly, there is someone who is virtuous in w who is not happy in w. In conclusion, it is not the case that everyone who is virtuous is happy in w. But this possible world is conceptually conceivable, it does not include any *conceptual* contradiction. It follows that it is not (analytically) necessary that everyone who is virtuous is happy; virtue is not a sufficient condition for happiness. Q.E.D.

We can, of course, *stipulate* that 'virtue' should include 'happiness' and that we shall not call anyone virtuous if this individual is not also happy. Then it follows that it is necessary that everyone who is virtuous is happy. But this result is trivial. It does not follow that it is true that it is necessary that everyone who is virtuous is happy if we use the terms 'virtue' and 'happy' in the sense that we use these terms in the present paper. Furthermore, it does not seem to be the case that we normally use these terms in a way that makes it analytically true that there is a necessary connection between virtue and happiness. Most people do not think that it is a conceptual truth that everyone who is virtuous is happy.

> **T5.** Virtue is not a necessary condition for happiness. It is not (logically or analytically) necessary that someone is happy only if she is virtuous. Virtue is not a necessary means to happiness.[13]

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[12] One might think that this proposition is trivial since everyone accepts it and that we, therefore, do not have to spend any time on arguing for it. However, this is not obviously the case. The proposition seems to be rejected by orthodox Stoics, who believe that the wise and virtuous person is happy even on the rack. Kant thought that this Stoic view was wrong, and if the argument for **T4** is sound, he was right about this.

[13] Theorem **T5** is not 'trivially' true either. It seems to be rejected by at least some so-called Epicureans. Some ethical egoists and consequentialists might also question this proposition.

> *Proof.* If we can show that it is possible that someone is happy without being virtuous, we have established this proposition. To show that this is logically possible we just have to construct a model that includes one individual that is happy but not virtuous in some possible world w. Everything this individual wants in w is true in w (by **Def 2**), but it is not the case that everything this individual wants to be the case in w ought to be in w (by **Def 1**). To establish that it is not *analytically* necessary (in some wider sense) that someone is happy only if she is virtuous we can use the following scenario. Mr Bully is a criminal sociopath. Everything Bully wants in the possible world w is true in w. Hence, Bully is happy in w (by **Def 2**). However, it is not the case that everything Bully wants ought to be the case, for Bully wants all small business owners in the neighbourhood to pay him money for his 'protection,' and it is not the case that they ought to pay him (even though they do in fact pay him). Hence, Bully is not virtuous in w (by **Def 1**). It follows that there is someone who is happy but not virtuous in w. The world w is analytically possible; that is, it does not include any conceptual contradiction. Therefore it is not (analytically) necessary that someone is happy only if she is virtuous; virtue is not a necessary condition for happiness. Q.E.D.

T4 and **T5** show that it is possible for good people to suffer and for villains to prosper. If you are unhappy and suffer it is not necessarily your own fault, and it is not necessarily the case that everyone who prospers is worthy, according to this Kantian view. It is possible that there are people who have a perfectly good will, who want nothing that is wrong, who still suffer due to frustrated desires and unfulfilled dreams. A perfectly pure heart does not guarantee happiness. Whether or not all our desires will be fulfilled is usually not something that is entirely within our own control; it depends on what other people do and what happens in the world. Good people might be treated badly by other people and they might, for example, suffer from illnesses and accidents (even when they have done all that they should to be healthy and avoid various risks). Nor does viciousness necessarily exclude success. From **T4** and **T5** we can now immediately derive our next theorem, **T6**.

> **T6.** Virtue is neither necessary nor sufficient for happiness.

> *Proof.* **T6** follows from **T4** and **T5**. Q.E.D.

Kant wants to show not only that there are no analytical relations between virtue and happiness, but also that there are no causal relations. It is not necessarily the case that virtue causes happiness (at least not without divine intervention) and it is not necessarily the case that happiness leads to virtue. If we think of virtue and happiness as quantities that we can have more or less of, it is likely that there is a positive correlation between virtue and happiness, so that it is more likely that you will be happy if you are virtuous.[14] Yet, Kant is not primarily

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[14] Roughly, we can think of individual x as more virtuous than y if y wants more things that are forbidden than x, and we can think of x as happier than y if x's wants are fulfilled to a higher degree than are y's wants. These are rough measures of the degree of virtue and the degree of happiness, since not everything that is wrong is equally wrong and since some things a person

interested in such empirical correlations. He wants to investigate necessary and universal principles, and it does not seem to be causally necessary that virtue leads to happiness or happiness to virtue. Morality can demand that we make great personal sacrifices.

Establishing this, however, seems to be more difficult than proving **T4**–**T6**. It is not enough that we come up with some *conceivable* counter-examples; the counter-examples must be *causally possible*. If we can find some actual persons who are virtuous but not happy and some actual persons who are happy but not virtuous, it follows that there are no necessary causal connections. Still, this might be difficult since it is not certain that there ever has been anyone who is (perfectly) virtuous, nor anyone who is (perfectly) happy. If this is the case, it is vacuously true that everyone who is virtuous is happy and that everyone who is happy is virtuous (in our 'actual' world). I will not try to describe any examples of this kind in the present paper. However, there seem to be many real examples of persons who are virtuous to a high degree and who suffer a lot due to other people's viciousness or bad luck, and other quite vicious or immoral people who prosper (at least for some significant period of time).[15]

Even though virtue is neither necessary nor sufficient for happiness, Kant makes the following interesting observation:

> an upright man cannot be happy if he is not first conscious of his uprightness; for, with such a disposition, the censure that his own cast of mind would force him to bring against himself in case of a transgression, and his moral self-condemnation would deprive him of all enjoyment of the agreeableness that his state might otherwise contain… If a human being is virtuous he will certainly not enjoy life unless he is conscious of his uprightness in every action. (KpV 5:116)

It is not entirely clear what Kant means by an 'upright man' and 'uprightness' (Rechtschaffenheit), or what it means to be 'conscious' of one's uprightness. Perhaps an upright man is just a virtuous man according to Kant. I will, however, use this expression in a different sense in this paper. I will treat 'uprightness' or 'conscientiousness' as the 'converse' of virtue; that is, this concept is defined in the following way:

> **Def 3.** It is necessary that an individual x is (perfectly) upright (conscientious) iff x wants everything that ought to be.

Given this definition, we can establish our next theorem, **T7**.

> **T7.** Acting virtuously (doing the things one ought to do) is a necessary condition for happiness for every upright individual. It is necessary that if someone is

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wants are more important than other things she wants. It is beyond the scope of this paper to try to give exact definitions of what it means to be more or less virtuous or more or less happy.
[15] The examples that I describe in the proofs of **T4** and **T5** might perhaps be causally (and not only analytically) possible. If this is the case, we can use these examples to prove that there are no causally necessary connections between virtue and happiness.

upright (conscientious), then this individual is happy only if she does everything she ought to do.

Proof. Suppose that **T7** is not valid. Then there is a possible world, w, in which it is true that there is an individual, c, that is upright and happy, even though it is not true that c does everything she ought to do. Hence, there is something, X, that c ought to do in w that c does not do in w. Since c is upright, c wants to do everything she ought to do in w (by **Def 3**); and since she is happy, everything she wants in w is true in w (by **Def 2**). Accordingly, if c ought to do X, then c wants to do X in w; and if c wants to do X, then c does in fact do X in w. It follows that c wants to do X in w. Consequently, c does X in w. Yet, this is absurd. Q.E.D.

3. Virtue and the Worthiness of Being Happy

We have established that virtue is neither sufficient nor necessary for happiness. If the counter-examples above are possible, we have to accept this conclusion. However, we can show something similar, namely that there is a necessary connection between virtue and the *worthiness* of being happy. In this Section, I will first describe what I mean by this expression, and then I will prove that virtue is both sufficient and necessary for the *worthiness* of being happy. To prove this proposition, I will first establish that it is necessary that someone is worthy of happiness iff she ought to be happy. Then I will prove that it is necessary that someone ought to be happy iff she is virtuous. According to Kant:

> … morals' is not properly the doctrine of how we are to *make* ourselves happy but of how we are to become *worthy* of happiness.…

> Someone is *worthy* of possessing a thing or a state when it harmonizes with the highest good that he is in possession of it. It can now be readily seen that all worthiness depends upon moral conduct, since in the concept of the highest good this constitutes the condition of the rest (which belongs to one's state), namely, of one's share of happiness. Now, from this it follows that *morals* in itself must never be treated as a *doctrine of happiness,* that is, as instruction in how to become happy; for morals has to do solely with the rational condition *(conditio sine qua non)* of happiness and not with the means of acquiring it. (KpV 5:130)

I will now show how we can prove that it is necessary that an individual x is worthy of being happy or deserves to be happy iff x ought to be happy if we accept certain Kantian theses. According to the quote above: "Someone is *worthy* of possessing a thing or a state when it harmonizes with the highest good that he is in possession of it." But what does Kant mean by 'harmonizes with?' 'Harmonizes with' could perhaps mean the same thing as 'is consistent with.' However, I shall interpret this expression as 'is necessarily implied by' in this paper. Consequently, we can use the following definition of what it means to be worthy of something:

> **Def 4.** It is necessary that someone is worthy of possessing a thing or a state iff it is necessary that the highest good is realized only if he is in possession of it.

From this definition, we can immediately derive the following corollary:

C3. It is necessary that an individual x is worthy of happiness iff it is necessary that the highest good is realized only if x is happy.

Proof. **C3** follows immediately from **Def 4**. Q.E.D.

To establish the proposition that it is necessary that an individual x is worthy of happiness (of being happy) iff it ought to be the case that x is happy, I will first prove the following lemma:

L1. It is necessary that it ought to be the case that A iff it is necessary that, if the highest good is realized, then A obtains.

Proof. Suppose that **L1** is not valid. Then there is a possible world, w, in which it is false that it ought to be the case that A iff it is necessary that, if the highest good is realized, then A obtains. Hence, it is either the case that it ought to be the case that A even though it is not necessary that A obtains if the highest good is realized in w, or else it is true in w that it is necessary that A obtains if the highest good is realized even though it is false that it ought to be the case that A. Suppose that the first disjunct is true. Then there is a possible world, w′, that is alethically accessible from w, in which the highest good is realized even though A is false. Since the highest good is realized in w′, w′ is deontically accessible from itself. Accordingly, w′ is deontically accessible from w. Consequently, A is true in w′. But this is absurd. So, the first disjunct cannot be true. Suppose the second disjunct is true. Then there is a possible world, w′, that is deontically accessible from w, in which A is false. Since the deontic accessibility relation is included in the alethic accessibility relation, w′ is alethically accessible from w. Hence, it is true in w′ that if the highest good is realized, then A obtains. Since w′ is deontically accessible from w, and the deontic accessibility relation is Euclidean, w′ is deontically accessible from itself. It follows that the highest good is realized in w′. Therefore, A is true in w′. But this is absurd. Hence, the second disjunct cannot be true either. Q.E.D.

Now it is easy to prove the desired thesis:

C4. It is necessary that an individual x is worthy of happiness (of being happy) iff it ought to be the case that x is happy.

Proof. **C4** follows more or less immediately from **C3** and **L1**. Q.E.D.

Furthermore, I shall assume the following proposition, from which **C5** easily follows together with **C4**:

P4. It is necessary that an individual x is worthy of being happy iff x deserves to be happy.

C5. It is necessary that an individual x deserves to be happy iff it ought to be the case that x is happy.

Proof. **C5** follows immediately from **C4** and **P4**. Q.E.D.

We are now in a position to prove that virtue is a necessary and sufficient condition for the worthiness of happiness. It is necessary that someone is worthy of being happy iff she is virtuous. In other words, it is not possible that there is someone who is worthy of being happy who is not virtuous, and it is not possible

that there is someone who is virtuous who is not worthy of being happy. First, we show that it is necessary that everyone who is virtuous is worthy of being happy; then, we establish that it is necessary that someone is worthy of being happy only if she is virtuous. The main conclusion follows immediately from these two theorems.

T8. Virtue is a sufficient condition for the worthiness of being happy. It is necessary that everyone who is virtuous is worthy of being happy (deserves to be happy, ought to be happy).

Proof. Suppose that **T8** is not valid. Then there is a possible world, w_1, in which someone, c, is virtuous, but in which it is not the case that c is worthy of being happy. Hence, c is virtuous in w_1 and it is false that c is worthy of being happy in w_1. Hence, it is false that c ought to be happy in w_1 (by **C4**). Accordingly, there is a possible world, w_2, that is deontically accessible from w_1, in which it is true that c is not happy. Since c is not happy in w_2, it is not the case that everything c wants in w_2 is true in w_2 (by **Def 2**). So, there is something, X, that c wants that is not true in w_2. In other words, it is true in w_2 that c wants X and it is false in w_2 that X. Since it is true that c is virtuous in w_1, everything c wants in w_1 ought to be in w_1 (by **Def 1**). Hence, if c wants X, then it ought to be that case that X in w_1. Since w_2 is deontically accessible from w_1, w_2 is also alethically accessible from w_1. Therefore, w_1 is alethically accessible from w_2 (for the alethic accessibility relation is an equivalence relation). Hence, c wants X in w_1. Consequently, it ought to be the case that X in w_1. It follows that X is true in w_2. But this is absurd. Q.E.D.

Since we have established both **T8** and **T4**, it follows that **T8** is compatible with **T4**. It is possible that virtue is a sufficient condition for the worthiness of being happy even though it is not a sufficient condition for happiness itself. Someone might be worthy of happiness without being happy. In other words, it is possible that someone deserves to be happy even though she is not happy. Only in a possible world where everyone who ought to be happy is happy, is it certain that everyone who is virtuous is happy.

T9. Virtue is a necessary condition for the worthiness of being happy. It is necessary that someone is worthy of being happy (deserves to be happy, ought to be happy) only if she is virtuous.

Proof. Suppose that **T9** is not valid. Then there is a possible world, w_1, in which it is false that everyone who is worthy of being happy is virtuous. Hence, there is someone, c, who is worthy of being happy in w_1 who is not virtuous in w_1. Therefore, c ought to be happy in w_1 (by **C4**). Since c is not virtuous in w_1, it is not the case that everything c wants in w_1 ought to be in w_1 (by **Def 1**). Accordingly, there is something, X, that c wants in w_1 even though it is false that it ought to be the case that X in w_1. It follows that there is a possible world, w_2, that is deontically accessible from w_1, in which X is false. Since c ought to be happy in w_1, and w_2 is deontically accessible from w_1, c is happy in w_2. Hence, everything c wants in w_2 is true in w_2 (by **Def 2**). So, if c wants it to be the case that X in w_2, then X is true in w_2. Since w_2 is deontically accessible from w_1, w_2 is alethically accessible from w_1. Hence, c wants it to be the case that X in w_2. It follows that X is true in w_2. But this is absurd. Q.E.D.

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Note that **T9** does not say the same thing as **T3**. In **T3**, 'ought' has wide scope; in **T9**, it has narrow scope. Necessary propositions are necessarily equivalent. Given the assumptions that we have made in this paper, both **T9** and **T3** are necessarily true; so, they are necessarily equivalent. But this is trivial. Two sentences may be necessarily equivalent and yet say different things.

Since we have shown that both **T9** and **T5** are valid, it follows that **T9** is compatible with **T5**. It is possible that virtue is a necessary condition for the worthiness of being happy even though it is not a necessary condition for happiness itself. Someone might be happy without being worthy of happiness, without being virtuous. Only in a possible world where everyone who is happy ought to be happy, is it certain that everyone who is happy is virtuous.

> **T10.** Virtue is a necessary and sufficient condition for the worthiness of being happy. It is necessary that someone is worthy of being happy (deserves to be happy, ought to be happy) iff she is virtuous.

> *Proof.* **T10** follows immediately from **T8** and **T9**. Q.E.D.

From **T10** we can immediately derive the following corollaries:

> **C6**. It is necessary that someone is worthy of being happy (deserves to be happy, ought to be happy) iff she is a morally good individual, human being, or person.

> **C7**. It is necessary that someone is worthy of being happy (deserves to be happy, ought to be happy) iff she has a good will.

> *Proof.* Both **C6** and **C7** follow from **T10**, **C4**, **C5**, **P1**, and **P2**. Q.E.D.

4. Conclusion

In this paper, I have developed a Kantian view of the highest good and the relation between virtue and happiness. I have proved several Kantian propositions, among them the thesis that the highest good is realized only if every virtuous individual is happy, the view that virtue is neither necessary nor sufficient for happiness, and the proposition that virtue is both necessary and sufficient for the *worthiness* of being happy. I have shown that the highest good ought to be realized and that it ought to be that everyone who is virtuous is happy. To prove these claims, I have used techniques developed by modern deontic logicians. Hence, we have been able to show that all theorems follow from our assumptions with necessity. Consequently, we must accept the conclusions, or else, in every case, reject at least one premise. Furthermore, since the assumptions we have used in the proofs appear to be plausible, we seem to have very good reasons to accept the conclusions. In other words, the Kantian propositions we have discussed in this paper appear to be very well justified.

A classic question that has been asked by philosophers for thousands of years is the following: Why should I be moral? One possible answer is that one should be moral because being moral is a means to the end of happiness. But this is not Kant's answer. It is not necessarily the case that everyone who is moral, who has a good will, and who is virtuous is happy. Morality is not a means to happiness,

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but it is a means to the worthiness of being happy. According to Kant, we do not have an immediate duty to promote our own happiness, the aim of morality being not personal satisfaction, but rather virtue and the good will. The important question is not "How do I become happy?" but "How do I become good?" or "How do I become worthy of happiness?".

Doing the things that you ought to do is therefore not (necessarily) doing the things that will make you happy, but doing the things that are necessary to create a possible world where those who are worthy of happiness are happy. Virtue (the good will, morality) is the supreme condition of the highest good, which is virtue and happiness together; it is not necessarily a sufficient condition for being happy. If the arguments in this paper are sound, as they clearly seem to be, this Kantian view is correct.[16]

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An Inhuman God for our Inhuman Times: Death in Heidegger's *Being and Time* and Jesus's Agony in the Garden

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Abstract: This paper attempts a careful reading of chapter I of Division Two, particularly section 53, on death in Heidegger's *Being and Time* (1927). Our aim is to deconstruct some of Heidegger's assumptions while imagining the margins of his text that could warrant a comparison and contrast with the biblical theological material of the *New Testament*. In parallel by reading the Synoptic Gospel of Mark on Jesus's agony in the garden prior to his arrest, trial, death, and resurrection, we can initiate a series of comparisons and contrasts. For Heidegger, there is no conception or idea beyond death, and yet death itself as a possibility, even as the greatest possibility to be, is not like any other point in time that a human being can experience, grasp, remember, or anticipate while they are alive. It is not the witnessing of the medically certified death of another person or animal. Out of this paradox, we will argue for a greater philosophical degree of complexity that Jesus the human being experiences when it comes to the possibility of death and the impossibility to surmount it. In the same token we cannot exclude the theological doctrine of the single hypostatic substance (as two natures) of the historically finite person Jesus as human flesh and divine transcendence. So philosophically speaking, his death is unique even though its event as physical expiration on the Cross is like any other human being. However, the physical death of the human called Jesus does not answer the question of the meaning of death in the split-natured unified hypostatic substance of Christ, the Second Person of the Triune Christian God, which includes the First Person of the Father and the Third Person of the Holy Spirit. By tracing a series of complicated philosophical relations, we hope to contribute to the fields of philosophical theology, albeit a heterodox one, and the philosophy of religion while attending to the inherent secular limits that Heidegger's philosophy requires in so far as he imagines his project as 'ontological,' and not 'theological' or 'historical.' We conclude with certain philosophical speculations to what is other to both Heidegger's ontology and mainstream Christian theology.

Keywords: death, Martin Heidegger, New Testament theology, philosophy of religion.

Introduction

We begin by introducing a complex, threefold hypothetical distinction. The objective is to begin to think about the conditions by which we can frame our analysis of death in Heidegger's (1962) *Being and Time* and Jesus's expectation of death in the *New Testament*. In particular we will focus on the *Gospel of Mark* in Chapter 14: 32-42, which depicts the scene in the garden of Gethsemane (Lane

1974, 513). Seeing that arguably the most influential philosophical work in the twentieth century, which itself is a survey of all of Western philosophy since the ancient Greeks up to Hegel and beyond him (Kierkegaard, Nietzsche, and Husserl), and nearly two millennia since the composition of the earliest Gospel by Mark, one cannot proclaim hastily even an intimation of original thought without appearing naïve at best. Laying out the distinctions of the threefold structure will allow us to bracket in a phenomenological sense any immediate senses or intuitions of what the texts offer in terms of ready-made images or perceptions of what we think the texts might be saying. Our thesis is that after nearly a hundred years since the publication of *Being and Time* in 1927 and approaching two millennia since the earliest Gospel of the *New Testament* canon (Lane 1974), there are reciprocal contributions that each text – one of philosophy and the other of theology – can contribute to the other in a manner that exceeds the scope of what either text explicates. If we have to define our field of study, then it would be the speculative philosophy of religion, which is never an object or intention of mainstream Christian faith.

Our intuition is that an imaginary third text forms the horizon by which we can see even more refined, complex, multiple groupings of possibilities for understanding fundamental metaphysical problems of time and death while transcending the limits of human reason and cognition. That is a bold statement, which beckons the lingering question of why. Why is this significant for our historical present? Because our times demand an ever deeper understanding of death and the role religion can play in an age of recurrent pandemics and mass death. Perhaps human history, all of plant and animal evolution in general and the future of the planet's geological survival, is reaching a tipping point. We do not even know if the concept of biological life and death may change in the future. Therefore ethically responsible thought is required to develop a greater philosophical understanding of death and its meaning in the unfolding drama of human experience, and not succumb dogmatically to apocalyptic fanaticisms regarding a doomsday or end-of-the-world scenario. We must rethink the *meaning* of death anew to provide comfort to those who have lost someone, and in our times, that number is legion.

Introducing the Threefold Distinction:

A.) We attempt to lay down the philosophical conditions for the exposition of the question of death in Heidegger's *Being and Time*, particularly Section 53 in chapter I of Division Two[1] (Heidegger 1962, 304) and determine a horizon other than time presented in *Being and Time*.

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[1] Martin Heidegger, *Being and Time* (1962, 304). For reference, we highly encourage the reader to consult three principle articles by Anglo-American philosopher Iain Thomson: "Can I Die: Derrida on Heidegger on Death" (1999, 29-42); "Rethinking Levinas on Heidegger on Death" (2009, 23-43); "Death and Demise in *Being and Time*" in *The Cambridge Companion to*

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And

B.) We must articulate the delay and stretch of the possibility of Jesus's death: when he is no longer in the world as lived by any other human being present or past, but through a non-representable hypostatic union that no other human – dead or alive – can access, the possibility of death lingers. There is a trace of the possibility that God will die. Jesus's internal struggle on whether to accept death is a radically unique, incomparable, individuated, non-relational, irreplaceably and singularly certain and true experience that marks the transcending relation between Father and Son during Jesus's agony (Matthew 26:39; Mark 14:32; Luke 22:39, Interlinear Bible, n.d.) in the garden. At first, he refuses out of fear, dread, anxiety, and concern – but not in a human-psychological way – the incoming death event even though he is the One who is without guilt. But then he accepts, willingly, the death sentence. (Contrast that with most, if not all, innocent people who are convicted and sentenced to death today. They may accept the death sentence; but the human instinct to survive, let alone vindicate oneself in the eyes of society, persists, at least in the most horrific cases of miscarriages of justice.)

And

C.) We must contrast A.) and B.) with the actual death of Jesus on the Cross that is witnessed, namely a dead corpse with or without a provable soul. All of this is prior to a non-witnessed resurrection in a sealed tomb, a subsequent flesh-like appearance of some kind to his disciples, and then a supernatural ascendance of that spiritualized body-hood in to heaven in the Gospel's conclusion and henceforth proclaimed articles of faith in mainstream Christianity leading up to and beyond the Pentecost.

We need to lay out all the distinctions and relations Heidegger makes in chapter I of Division Two of *Being and Time*, particularly section 53 (Heidegger 1962, 304), in light of our threefold hypothetical structure of distinctions, and the particular problems it poses for the philosophy and theology of death.[2] The goal is

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Heidegger's Being and Time (2013, 260-290). Thomson's towering achievement is not only his mastery of Heidegger's corpus, but the original way in which he responds to some of Heidegger's main philosophical inheritors in post-World War II France, namely Derrida and Levinas. We bracket the need to engage Thomson's works as he confronts and adds new insights that go beyond Heidegger, Derrida, and Levinas, but this must be deferred to a future work. We dedicate this article to him.

[2] For this paper, we will focus on the Christian religion but not from any denominational canonical dogmatic standpoint, namely Catholic, Protestant, Orthodox, or Evangelical. We do however acknowledge the giants in systematic theology of the twentieth century, particularly Barth, Tillich, Pannenberg, and Moltmann in the Protestant tradition and Rahner and Von Balthasar in the Catholic tradition. On Heidegger's relationship to religion in life and thought, see Benjamin D. Crowe, *Heidegger's Religious Origins: Destruction and Authenticity* (2006). For Heidegger's separation from theology but how his philosophy can help theology rethink itself on the question of death, see George Pattison, *Heidegger on Death: A Critical Theological Essay* (2016).

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to understand being-towards-death, time, and Dasein's possible intertwining relations between those terms without assuming any prior intuition of their significations. For example, Dasein is not a being born in time, which lives in the present, and will die as a mortal at some unknown date in the future according to a linear, chronologically-determined calendar timeframe. Let's face it: most people are thinking of themselves and life in general in that not so extraordinary manner. The abandonment of any recourse to physical, observable, spatialized time is one of the hallmark achievements of *Being and Time* (Heidegger 1962, 374-375).[3] It is virtually impossible to attend to the chapter on death without taking all of Division Two into account, including the problem of primordial temporality in section 65 (1962, 370), 'within-time-ness' in sections 78-80 (1962, 456-472) and Heidegger's penultimate confrontation with Hegel's *Phenomenology of Spirit* in section 82 (1962, 480).[4] We will keep this in mind without losing focus on the thematic of death and the comparison and contrast of Jesus's anticipation of death in the Synoptic Gospel of Mark.

Before moving on to our analysis, let us preface this work with one remark. We do not want to suggest, disingenuously, that buried beneath *Being and Time* lies a philosophical plagiarism committed by Heidegger. That would be to accuse him of an intentional misappropriation of the great theological problem of Jesus's approach to death before his actual death on the Cross and resurrection as the disclosure of the core theological truth of Christian revelation: that Jesus Christ, the Son of God, One Person who is co-Eternal with the Two Persons of the Father and the Holy Spirit who comprise the triune Christian God, died wholly and completely as any human being would except he did so for humanity's sins and was resurrected, ascended to heaven and will come again to judge both living and dead (Nicene Creed, n.d.). All the while and against this foundational proclamation of Christian truth, Heidegger proclaims a radical originality in his ontological articulation of the question of the meaning of Being (1962, 19): a question that has never been recorded in the history of Western philosophy and religion, particularly Christianity. Hence some may claim a prestidigitation occurs because his work is derivative of the true original break that is the *New Testament* precisely when Heidegger perpetrates that the totality of his project has nothing to do with theology or religion (1962, 30).[5] But proving a Heideggerean heresy by

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[3] Heidegger calls the linear, objective, physical, spatialized, or subjective time of now-points, whether no longer now (past), now (present), and yet to be now (future), 'ordinary' and 'inauthentic.' (1962, 374) This is from section 65 in Chapter III of Division Two where Heidegger give us his most elaborate view of a more 'primordial' and 'authentic' temporality that can derive the linear, inauthentic conception (1962, 375).

[4] Also see these moments in the text (Heidegger 1962, 370, 456, 480).

[5] Heidegger differentiates this task of the existential analytic of Dasein and the framework of fundamental ontology from all and any theologies. He mentions several times that his project is not that of theology; the latter 'science' seeks to describe the relation between human being and God through the phenomenon and logos of representations of the very Being of human beings in relation to transcendence. For Heidegger, this obscures the question of the meaning of Being

attempting to reoccupy the inner-contents of *New Testament* revelation and literally rewrite the text of the Bible to expose *Being and Time* as its false copy is not the goal.[6] It is tempting, but not the goal.

By laying out both structures – Heidegger's *Being and Time* and the *New Testament* – in their radical alterity to one another and in relation to another, we can then think about the conditions of the historical present. This means thinking of the radical alterity of both that has yet to be articulated within or between them. What we titled as an 'Inhuman God for Inhuman Times' is when mass death in the age of pandemics becomes normalized and accepted. When gratitude for individual survival in the face of mass death becomes the objective, or when fear of death into anonymous mass death persists. Or when everyday life continues to pass on as if either nothing new is happening (there have been mass plagues in human history before) or this is a new modality of being that we accept dogmatically. Individual death disappears within the invisible horizon of mass death, which is no particular death at any moment. An individual death in its truly singular individuality risks anonymity, and therefore not occurring in a personally unique way. There is nothing we can do about our situation, and this is just how things will continue to be as long as we as a species live on this precarious earth. This home that is our planet has been made more vulnerable with our actions and decisions. This is an earth that is being eroded by human-induced climate change. We learn to live not life as the fullest with hope and aspiration to become something someday, but life as contingent, fortuitous, and death as intrinsic to living, not something delayed. Death is not the goal at some endpoint of a progression, but something that happens before it should, somewhere in the middle of a lifespan. That is a contradiction or distortion of our most basic intuitions of living and dying. We become a living death so to speak. History (which is a recording of all past dead things and people) is passing into death itself as it is sucked into a void. We have resigned ourselves, and this is our fate pure and simple.

Yet these ways of reflecting are incomplete and bury other possibilities to think in more philosophical, non-subjective, non-spatialized, speculatively unique ways. We must attempt not to think from within our historical present and from within the domain of human subjectivity. There is something uncanny occurring in our present, and it has nothing to do with the mass cultural, political, social, religious, and media coverage of today's Covid-19 global pandemic. This is not about what actual human beings are doing or saying about the current waves of death across the world. This seemingly new age of paranoia on mass death may haunt us in the future, but even that can be deconstructed, namely the relation

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from the outset. He will set out to do something entirely different (Heidegger 1962, 30, 50, and 74).

[6] On these matters of Heidegger's deep indebtedness to Christian theology that he himself often failed to acknowledge, see Laurence Paul Hemming, *Heidegger's Atheism: The Refusal of a Theological Voice* (2002).

between present and future on the one hand and a new conception of death on the other. Rather than the aforementioned senses of the present, philosophical reflection on death is difficult when one wants to resist all immediate intuitions, experiences, and perceptions of death happening today. And yet some of us, many of us, know people close to us who have been lost. And when they depart, they no longer can communicate to us as one living person to another.

Hence, we must return to Heidegger's *Being and Time* (1962) and the *New Testament* (Lane 1974) to uncover the possibilities of deeper meaning and ways to think what is not being thought today in response to the call for our times. This points to an attestation of what is truly most disturbing about our times. For over a year and half, the globe has been subjected to a daily count of infections, hospitalizations, and deaths, which seems to have no definitive end in society, while all of human interaction in the public space has been transformed. Different countries, which in normal times would never know about the internal affairs of the other, are now brought together in a common sense of empathy and compassion. Perhaps our universal humanity has been reinvigorated. But inversely vaccines are hoarded by the most enriched within a society or the wealthiest nations in the international system of relations, pointing to a peak of self-preservation at all costs. Many have died, and many are dying. In some sense, one might argue that our very human essence may have been altered, even epigenetically at the biological level for future generations.

And yet this question of death has not been carefully constructed, at least in a philosophical way. Because we are living through the torment of this historical present, we cannot run ahead to see how we will have reflected and thought about our past in the future. We are all blinded by the hyper-visibility of death that engulfs us. Yet we may venture a speculative attempt even in these most tormented of times. For as Heidegger noted, indeed, the past does 'historize' out of the impending future (1962, 41), and that has nothing to do with a point moving in linear time, whereby past is 'no longer,' present is 'now,' and the future a 'yet to be now.' (1962, 373) How the future births the past is never a present event transpiring now. Therefore, time is not like any other image or experience we may have as object or idea of the mind to be grasped following the legacy of Kant's critical-transcendental philosophy.

By further excavating the depths of Heidegger's text, we must develop the distinction between common senses of ending, for example cessation, negation, vanishing of all that is, including experience, being, living, imagination (regardless of an existence of a soul or spirit that lives on past the dead body) *and* a more radical notion of completion. But completion is not as an end point in linear time, like completing the last chapter of a book that is finished and now closed. There is no more writing to be done for that book. Completion as an ecstatic relational-event of movement is irreducible to the beginning, middle, and end of a story, for example the life and death of a historical person like Abraham Lincoln, namely his birth, presidency, and death. It does not entail a physical boundary in space and

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time, particularly chronological or historical time. In fact, the poles of beginning and end split apart into alterities releasing a different event of motion that is not linear or circular or rectilinear. This is how we will read both *Being and Time* and the *New Testament's* Synoptic Gospel of Mark, which means we have to interweave them into each other too. This question is why does the uncanny and irreducible difference between the two major attempts in the Judeo-Christian West – or the original Hebrew Bible and the Greek New Testament – exist, and what does that mean for the prospects of religion again in the West nearly two centuries after the critique of religion began publicly in the eighteenth-century Enlightenment. Perhaps previous dogmatic conceptions of the Godhead must give way to a new conception, heretofore unheard, unsaid, and unseen. And this would be unthinkable for Heidegger, or at least the Heidegger of the 1920s who conceived and composed *Being and Time.*

Reading the Text of *Being and Time*

Turning to the texts themselves, we must carefully delineate how many different terms associated with death and dying, which Heidegger introduces from the original German as provided in the Macquarrie and Robinson English translation[7]:

> Death (Tode)
>
> dying (Sterben)
>
> perishing (Verenden)
>
> demising (Ableben)
>
> no-longer-Being-there (Nicht-mehr-da-sein)
>
> the dead (Toten)
>
> 'deceased' (Der 'Verstorbene')
>
> Dead person (Dem 'Gestorben')
>
> Being-at-the-end (Zu-Ende-sein)
>
> Being-come-to-an-end (Zuendegekommensein)
>
> Coming-to-an-end (Zu-Ende-kommen)
>
> end and totality (Ende und Ganzenheit)
>
> being-towards-the-end (Sein zum Ende)
>
> being-towards-death (Seins zum Tode)

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[7] Therefore, we will not provide the original German for all English phrases, only the ones we see appear in the English translation of the text. These are the terms and phrases we saw appear through chapter I of Division Two. It points to the staggering number of terms and their various senses that Heidegger grapples with.

All these possibilities swirl around the question of death, whereby the impossible, or no longer being in the world, is conceived as a possibility, which in turn cannot be intuited, experienced, conceptualized, and recounted precisely as long as Dasein is. What Dasein is can never be present. Dasein has a relation to death, but not like a person who holds an object. Dasein does not possess death because death is not an event or thing. Death for Dasein, in short, is not a concept, thing, or event that is present or with a living person, and furthermore is not the biomedical death of a human body or the continuation of an immaterial soul into an afterlife for certain religions. Heidegger is not concerned with concepts of the afterlife or the state of being 'immortal.' (1962, 291) They all represent spatialized forms of thinking derived from presence. A sustained commentary of all these phrases on death to differentiate it from any scientific, social scientific (anthropological, sociological, political, or economic), metaphysical, or religious definitions of death in this all-important chapter of Division Two of *Being and Time* must be deferred.[8]

Let us restate with Heidegger in emphatic terms: that answering the question of what death is (for Dasein as understood in the existential analytic) does not arise from "biology, psychology, theodicy, or theology." (Heidegger 1962, 292) After making this statement and what follows after sections 46-49 (1962, 279-293), Heidegger produces his own unique interpretations of death and its relation to Dasein, which means care as the Being of Dasein (from Division One); and to look further ahead, the meaning of care (1962, 225) will turn out to be primordial temporality in section 65 (1962, 370) of Chapter III of Division Two. Death to care to temporality forms a horizon for inquiry. But the movement from Heidegger's articulations about death as the 'the possibility of the absolute impossibility of Dasein' (1962, 294) and death as "something that stands before us – something impending" (1962, 294)[9] to care to temporality is not simple by any means. For that movement, also non-relational, singular, and not to be taken over by another, is what encapsulates all the major points in Division Two. So we must stay here so to speak and be the Dasein of this moment of *Being and Time*, precisely as we imagine the passage into the New Testament text.

Reading the *New Testament's* Synoptic Gospels

Perhaps this could be the point of transition. Rather than continuing with the presentation of what occurs after Heidegger's formulations on page 294 to the end

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[8] We will not have time in this paper to generate that commentary because we have to take what we can from *Being and Time* and spend the major part of the paper on thinking new relations, differences, and interrelations of them in the *New Testament* Gospel account of Jesus's agony on his impending death. We highly recommending starting with Thomson's deft delineation of all the terms in *Being and Time* regarding death. See note 1 above.

[9] Furthermore, on the same page, Heidegger states: "Thus death reveals itself as that possibility, which is one's ownmost, which is non-relational, and which is not to be outstripped [unüberholbare]. As such, death is something distinctively impending." (1962, 294)

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of Chapter I: "DASEIN'S POSSIBIITY OF BEING-A-WHOLE, AND BEING-TOWARDS-DEATH," we can move on by prefiguring the scene of Jesus's agony in the garden. Presumably he is alone, the three disciples are asleep, and for a moment let's assume no passerby or travelers are within hearing distance. Jesus is talking, but apparently to no one until we learn that he is addressing his Father who is not manifest in the world as an object other than Jesus Himself as the Son, the preexistent logos Incarnate.[10] How these short passages on the scene in the garden, namely Mark 14:32-42, Matthew 26:36-46, and Luke 22:39-46, can blow up into larger philosophical treatises to counter line-by-line Heidegger's discussion about 'death as the possibility of impossibility' and 'freedom towards death' (1962, 311)[11] is the task being foreshadowed here in this section of our analysis.

When we line up the Gospels of Mark, Matthew, and Luke, the scene takes on subtle twists and turns in the narrative presentations. This is to say nothing of the complexity of the original Koine Greek.[12] We can try to compare and contrast certain speculative philosophical dimensions to an essentially faith-filled theological text, without necessarily subscribing to the faith itself, with a running deconstructive commentary on Heidegger's chapter, particularly on everything that follows page 294 in the English translation: it is there where Heidegger starts to introduce his own iconoclastic and original definitions of death after having differentiated the question from all other registers of death, ordinary conceptions that human beings presuppose as real-life occurrences, i.e. from science to religion. What haunts us is this striking difference-in-relation between what one can interpret out of the *New Testament* and where Heidegger is heading in his fundamental ontology.

In the *New Testament*, Jesus proclaims, first when the disciples were awake and then after they are sleep, all of which is preceded by the Gospel writer's characterization of Jesus's state-of-being in this terribly anxious moment: "He began to be greatly awe-struck and deeply distressed And He says to them Very

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[10] This is in reference to the prologue of the Gospel of John. Analyzing that Gospel by itself would require a separate work. After Jesus concludes the Last Supper scene with washing the feet of the disciples (which occurs in Matthew and Luke too), we have a series of long discourses to the disciples and then to the Father alone asking for prayers for them, Himself, and the future of humanity. See chapters 13 to 17 in the Gospel of John (Biblios.com, n.d., under *Interlinear Bible*).

[11] The culminating paragraph of the whole chapter I of Division Two on death is this: "We may now summarize our characterization of authentic Being-towards-death as we have projected it existentially: anticipation reveals to Dasein its lostness in the they-self, and brings it face to face with the possibility of being itself, primarily unsupported by concernful solicitude, but of being itself, rather, in an impassioned freedom towards death – a freedom which has been released from the Illusions of the 'they', and which is factical, certain of itself, and anxious." (Heidegger 1962, 311) For sure, we have to return to this passage time and again as it conceals in its crypt a bizarre analogy to what Jesus was facing in his agony in the garden.

[12] The author has one year of formal *New Testament* Greek study, but other than that can make no claims to being able to leverage the complexity of the original Greek for the purposes of this philosophical exposition.

sorrowful is the soul of Me even to death." (Mark 14:33-34, Interlinear Bible) And then the Gospel writes again on Jesus in the third person before rendering Jesus's first person prayer to the Father: "if possible it is might pass from Him the hour And He was saying Abba – Father all things [are] possible to You take away the cup this from me but not what I will but what You." (Mark 14:35-36, Interlinear Bible)

As Kierkegaard knew one must tread very carefully, slowly, and with great resolve to get into the paradoxes of time, eternity, the finitude of the self and hence tackle dilemmas as only a philosophically-minded writer can do to even attempt an encounter with this moment.[13] Who would dare try to take Jesus's place and think within the secret of his own messianic consciousness in the moment of his dread and sorrow, an impossibility for any mere mortal human being? Reading Kierkegaard in relation to Heidegger is a mighty task indeed.[14] But this is not the task at hand, let alone Heidegger's critique of Kierkegaard[15], and so minimally an acknowledgement of this intellectual historical connection must be made before attempting any claim to philosophical originality.

Returning to the quotations from the *Gospel of Mark*, we can initiate these critical observations keeping in the background a recollection of what is happening in chapter I of Division Two in Heidegger's *Being and Time* on the possibility of Dasein 'BEING-A-WHOLE' and 'BEING-TOWARDS-DEATH.' (1962, 279) At least for Heidegger, simply put, Dasein is never present, and as long as it is (in the world), it is incomplete. The only thing to complete Dasein is its greatest possibility to be that is death. But death is never an event in future linear, chronological time that Dasein will ever experience, pass through, and recollect in consciousness or dream from the standpoint of some other side, some outside of life. Death would seem to be content-less since it is not any 'thing' present nor any dialectical opposite in how nothingness, non-present, or no-thing could be understood. Yet there is nothing more certain in biological life than the fact of death (until our cells can be manipulated to be immortal). But again, living forever on this earth like some animal species seem to do says nothing about Dasein and its existential analytic on the quest to find the meaning of Being. The whole project is about the transcendence of all things and beings, which includes human beings

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[13] See Søren Kierkegaard, This Sickness Unto Death (1980) and The Concept of Anxiety (1981).

[14] See Michael Wyschograd, Kierkegaard and Heidegger: The Ontology of Existence (1969).

[15] The famous endnote vi in section 45 that opens Division Two: "Dasein and Temporality" is where Heidegger lodges his critique and separation from Kierkegaard by lumping him in with everyone else in the history of Western metaphysical conceptions of time and eternity. Heidegger states: "In the nineteenth century, Søren Kierkegaard explicitly seized upon the problem of existence as an existentiell problem, and thought it through in a penetrating fashion. But the existential problematic was so alien to him that, as regards his ontology, he remained completely dominated by Hegel and by ancient philosophy as Hegel saw it. Thus, there is more to be learned philosophically from his 'edifying' writings than from his theoretical ones-with the exception of his treatise on the concept of anxiety. [Here Heidegger is referring to the work generally known in English as The Concept of Dread.-Tr.]." (1962, 494)

when they use immanent forms of knowledge such as science or social science to understand life and death. But in the same token the Heideggerean project of fundamental ontology is thoroughly non-religious (and we don't say secular in a simple sense), which is what makes it so strange. Death is calling out from nowhere as to its singular non-relatability in the seemingly infinite uniqueness of its occurrence (as neither dead people in the past and people who will die in the future); it therefore hollows out any simple registers of the meaning of finitude, which is stretched on a much larger horizon that threatens to engulf Dasein's Being, which is always incomplete when it is in the world. Death is birthing, but what that means for Dasein is a like vanishing act, but not quite. It has nothing to do with the origin of physical life on earth. Every attempt to intuit what the completion of Dasein's Being whole means, when its Being is Being-towards-the-end, is not transparent. Even saying completion is not ending but an event of passage smuggles in spatialized thinking. We have a profound philosophical problem of movement.

But, inversely, from all these negative statements, death, whatever it is, has something to do with relation and belonging in a distinctive way: death in relation to Dasein's core of its Being, which is care, and whose ground is the temporalizing of time, is so certain, singular, non-relational, and never to be taken over or surpassed by another. Dasein's Being is a being-towards-the-end, which therefore is rooted in some kind of unique motion-occurrence. As we all know from Heidegger, one can die or sacrifice themselves for the other, but one cannot literally take the place of the death of the other or take the other's death away from them and appropriate it to one's own (1962, 284). (I can push you out of the way when a car is about to hit you, but you will live, and I will die in the process. Therefore I have not taken your death, only initiated mine. I also can't take away your death by making you immortal since presumably only a god can do that.)

In Heidegger's terminology – death is the "the possibility of the absolute impossibility of Dasein," (1962, 294) whereby impossibility means no longer 'Being-in-the-world.' Or, rather, "the possibility of no-longer being-able-to-be-there" (Heidegger 1962, 294) comes into focus. There is a possibility of this impossibility, or the possibility of no longer being in the world, and that does not mean a dead corpse or an afterlife in white clouds heaven. It is not the intermundia of a flat-line, a near death experience, travel into some ethereal, happy realm, and then a return to the living body on the surgical table. What this impossibility (as the possibility of no longer being in the world) means, this death that is 'impending,' and something also Dasein comes towards, is part of another threefold structure: as part of Dasein as being-in-the world whose constitution is care, we have: a.) the anticipatory nature of Dasein in general, always 'ahead-of-itself,' or 'existence,' b.) 'Being already-in,' or 'facticity,' and c.) 'Being-alongside,' or 'falling.' (Heidegger 1962, 293). Heidegger goes further and says if these three 'characteristics' (Heidegger 1962, 293) constitute Dasein's Being, then death too must be construed in those three terms: "If indeed death belongs in a distinctive

sense to the Being of Dasein, then death (or Being-towards-the-end) must be defined in terms of these characteristics." (Heidegger 1962, 293)

We are tempted to take speculative flight: that is into distilling out of all these formulations one intricately stretched out event where by the 'distinctive' (Heidegger 1962, 293) belonging and relationality of death to Dasein's Being is strewn out over the three modalities of 'existence,' 'facticity,' and 'falling,' (Heidegger 1962, 293) whereby death now seen as unique motion is a 'Being-towards-the-end.' (Heidegger 1962, 293) Ecstatically something is trying to stand out of itself, almost outside itself, splitting itself as the outside to itself (not the distinction of inside and outside); and this is not the future event of physical death or something coming to a stop. It is not 'perishing,' (Heidegger 1962, 291) but rather 'demising' (Heidegger 1962, 291) in relation to 'dying,' (Heidegger 1962, 291) to use Heideggerean terms. How death interpenetrates all three in this unique motion of never being present (unlike a car driving down the street) but always ahead of oneself, thrown back to what one is always in (not necessarily existing now at this second, hour, day, month, year), and then being in relation to others and things in the world but in a way where one's own most possibility doesn't just blend in with them. It is the vertigo of a zigzag-like movement with no center or source. Perhaps out of three ('ahead of, already in, and alongside') we trace a fourth yet to be named. This is the ultimate question, but we must pause here and repeat the possibility of the transition to the *New Testament* Gospel scene on Jesus's dread, one can say His Being-towards-the-end.

By now we have enough terms from Heidegger's discourse in order to plunge back into the *New Testament* Synoptic Gospel scene of Jesus agonizing in the garden. Let us unpack some other relations that are buried in this prodigious event, not just for theologians but speculative philosophers of religion too.[16] In this moment of the garden we have the following interrelations: a.) the hypostatic union of two natures in the Second Person of the Trinitarian God, who is both divine and human, pre-existent eternal Logos and temporally finite and bound to die like all humans; b.) the relation between Jesus the man and himself as the future, anticipated culmination on the Cross in the event of agony; c.) the brief moment where the disciples are awake and then asleep; d.) the description, by the Gospel writer, of Jesus's state of being ('greatly awe-struck' and 'deeply distressed') (Interlinear Bible, n.d.) as if he could be witnessed even though no one is around; d) Jesus's self-testimony but in speech to the disciples – "Very sorrowful is the soul of Me even to death" (Interlinear Bible, n.d.); e.) the Gospel writer's intriguing relations between a possibility of passing, flying over, going past Jesus and missing him and the arrival of an 'hour'(Interlinear Bible, n.d.); f.) and then Jesus's exhortation to the Father about Him achieving the taking away of the 'cup'(Interlinear Bible, n.d.) so it doesn't land on Jesus since "all things are possible"

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[16] We mentioned the great systematic theologians of the twentieth century before and those they have influenced today. See note 2 above.

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(Interlinear Bible, n.d.) for the Father; g.) but then Jesus's submission and acceptance that if it were to occur (the presumable bypassing of the irreversibly impending death) it should be by the will of the Father and not his. All in all, the will of the Father remains a mystery, and not just for Jesus. The 'possibility of impossibility' to borrow Heidegger's phrase is lodged in the mystery of the *Being* of the Father; but it is the *Dasein* of Jesus that must undergo it for it to happen to Jesus, what is impending in a unique way, namely this unique death belonging, relatedly, to this unique one-time occurrence for all time, namely Jesus the historical person. Death is an occurrence for sure, an occurrence of the transcendence of Being, not what precedes a resurrection or afterlife.

Through all of these contortions and movements of relations and interrelations, simply put, Jesus is asking for something but does not want to admit his will be involved, and therefore a call to a transcendental horizon which does not speak back. The full presence of the speech-act is not clear; because it is not as simple as one person speaking to another who is not present or visible, a person rehearsing orally what they will say when they see the person, or something else entirely that is not an internal voice of self or the madness of someone speaking to themselves out loud. Jesus is not any of these things. Splicing possibilities between all these relations derives from a complex ground of movement, and thought is tracing the silhouette of meaning in response to some call. The question is how the totality of this happens in the agonizing scene of the garden in terms of the wholeness of Jesus's Being-towards-the-end so to speak.[17] Between these seven possibilities of relations, which in turn form interrelations, in one gargantuan event, we have much to theorize in a strictly philosophical way. And for that we must turn around to Heidegger but explode his propositions into innumerable other possibilities that he did not articulate.

The Deconstructive Appropriation of Heidegger's *Being and Time* to Expand the Interrelations of Jesus's Agony and Being-Towards-Death

To speculate, as only philosophy can do, what might be occurring in the passages of Jesus's agony in the garden, we return to Heidegger's text but try to articulate a text underneath his text. The source of this other text is unknown. The text has purpose – to trace the meaning of 'to die.' Unfortunately, we will have to quote a long passage from Heidegger as we try to read every moment of it with the utmost attunement to what is most uncanny about the entire passage. On death as possibility, Heidegger states:

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[17] In a follow-up to this paper, we can look into the subtle distinctions between the rendition in the Gospel of Mark with that of the Gospels of Matthew and Luke that draw from the earlier Mark. But since this is not a work in biblical studies or biblical theology, we will not go forward now. For more on the Gospel of Mark and its relation to the other Synoptic Gospels, see William L. Lane, *The New International Commentary on the New Testament: The Gospel of Mark* (1974).

> This ownmost possibility, however, non-relational and not to be outstripped, is not one which Dasein procures for itself subsequently and occasionally in the course of its Being. On the contrary, if Dasein exists, it has already been thrown into this possibility. Dasein does not, proximally and for the most part, have any explicit or even any theoretical knowledge of the fact that it has been delivered over to its death, and that death thus belongs to Being-in-the-world. Thrownness into death reveals itself to Dasein in a more primordial and impressive manner in that state-of-mind which we have called 'anxiety.' viii. Anxiety in the face of death is anxiety 'in the face of' that potentiality-for-Being which is one's ownmost, nonrelational, and not to be outstripped. That in the face of which one has anxiety is Being-in-the-world itself. That about which one has this anxiety is simply Dasein's potentiality-for-Being. Anxiety in the face of death must not be confused with fear in the face of one's demise. This anxiety is not an accidental or random mood of 'weakness' in some individual; but, as a basic state-of-mind of Dasein, it amounts to the disclosedness of the fact that Dasein exists as thrown Being towards its end. Thus the existential conception of 'dying' is made clear as thrown Being towards its ownmost potentiality-for-Being, which is non-relational and not to be outstripped. Precision is gained by distinguishing this from pure disappearance, and also from merely perishing, and finally from the 'Experiencing' of a demise. (Heidegger 1962, 295)[18]

Taking into account the seven-fold delineations we made in parsing the narrative text from the *Gospel of Mark* on Jesus's agony in the garden, we will attempt to deconstruct Heidegger's text but not for the sake of interpretation. We are also not attempting to explain the depths of Heidegger's chapter on death and how it fits within *Being and Time* and his entire corpus, from the early to later periods.[19] Rather, it is an act or event of appropriation: that is to take the remains from what is partially unsaid in Heidegger and transfer it into a re-patching – in speculative philosophical terms – what may be happening in the totality of Jesus's moment of facing death. Therefore, it is an act that would be inadmissible for Heidegger, perhaps heresy to the ontological divide between his existential analytic of Dasein on the one hand and philosophically-driven theology on the other. This is not about the relation between philosophy and theology, and how that may or may not be drenched in all of Heidegger's works.[20] This analysis will then conclude our preliminary investigation, which requires further extension in the future.

For Heidegger, death now takes on some new senses that are rather counter-intuitive and strange to say the least, certainly nothing like biological death. It borders not on the mystical but rather the mythic, like deification of an idea or concept that you might find in Greek antiquity, perhaps Hades. God of the underground is like a god called death. But this is not what Heidegger intends.

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[18] See endnote viii. after 'anxiety' in the passage links paragraph 251 with paragraph 184, which precedes section 40: "The Basic State-of-mind of Anxiety as a Distinctive Way in which Dasein is disclosed" in Chapter VI: "CARE AS THE BEING OF DASEIN" of Division One (Heidegger 1962, 228).

[19] See the aforementioned works of Iain Thomson.

[20] See notes 2 and 6 above.

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Death is not just the "ownmost, non-relational, not to be outstripped" (Heidegger 1962, 295) possibility of impossibility of Dasein (and hence, the possibility of no longer existing in the world). Rather, Dasein is "already been thrown" (Heidegger 1962, 295) into this possibility and therefore we have the facticity that death is also in the world with Dasein as long as it exists. Death (non-present event and never within linear time) *is* in the world along with Dasein as strange as that sounds. This would seem logically that once Dasein leaves the world, then so does its death, which means death is like life but instead of life coming to death, death passes on to something else. Or death is always just attached to Dasein wherever Dasein goes, even out of this world. Death flies out of the world. Yet this points to an absurdity because all we are saying tautologically is that something is leaving from itself; if Dasein's basic-state is being-in-the-world, then being-in-the-world leaves from being-in-the-world in the passage from death as a possibility to something one can call for now unnamable X. And we have yet to return to the fact that Dasein's Being is also Being-towards-death and hence related to movement, which is not linear and circular or spatialized. In going ahead of itself as the always, already thrown in where it already is (and while in the world alongside others who are there too) there remains a mystery of a stretching event; and yet the greatest possibility for this Being called Dasein to be is the possibility of its impossibility to be in the world. Dasein's death is like the surfer and surf as one rising together but to no-where, let alone the decline and dissipation of the wave at the shore. Things are about to become even more strange as we keep reading Heidegger's passage before plunging back into the Gospel scene.

Being thrown into this distinctive possibility of a movement-event of that which is impending and which Dasein faces, namely death, again is not a point in time that is present. This is where Heidegger makes his next move; he wants to abandon any 'theoretical knowledge' (1962, 295) so we don't drown in the empirical realm of human knowledge, namely natural science, social science, the humanities, and theology and what they say about actual human beings experiencing or imagining what death is, say in literary fiction. This goes to say that we need another entity than what we find in human beings as just human beings (one species among many animal species on earth) to compare and contrast with Dasein. And this is the passage-transition to the Gospel scene. This is where Heidegger's statements on anxiety and Jesus's dread seem to submerge in a strange field of resemblances that do not occupy the same space and time. They are not cocooned within either philosophy or religion.

Both Dasein and Jesus are being handed over to death but how and why that occurs happens for totally different reasons. Before going deeper in to Heidegger's passage on anxiety with Jesus's agonizing scene encountering death as the horizon for interpretation, let us restate a basic idea about how phenomenology is used in Heidegger's explication of anxiety. Any time you expound phenomenologically what the constitution of an entity is, you are attempting to describe its event of disclosure, what is in its Being in order to be any-thing, not just what appears or

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reveals itself after the event of disclosure.[21] One can say in a doubling that may seem problematic that it is the phenomenon of the possibility of the phenomenon to be a phenomenon. So no-thing, no presence will actually manifest. This is crucially important when considering Dasein's Being so that one avoids jumping to any simplistic definitions of what that Being is, particularly in banal, every day, human terms. Attaching a simple predicate to the verb 'to be' will not help. For Heidegger, anxiety is that which allows Dasein to be "brought before itself" (1962, 228), like an indicted person or a witness summoned to a criminal trial. This occurs through Dasein's 'own Being' (Heidegger 1962, 228) like a judicial apparatus that includes everything (society, court, jury selection, assignment of prosecution and defense teams, the entire juridical system of law and procedure). But then this metaphor to a real-life example dissolves. Heidegger is deeply concerned with how anxiety as content-less receptacle enables the disclosure of an entity – Dasein – through the latter's 'own Being.' (1962, 228) All of this is prior to the question of how anxiety relates to Dasein facing death to which we now turn. And then we need to finish with a deep dive into all the intricate possibilities for describing relations, differences, and interrelations of relations and differences buried in the Gospel passage.

For Heidegger, Dasein has "already been thrown" (1962, 295) into the possibility of impossibility called death, death as possibility is already in the world, with its own unique temporalization (neither a past nor future event) or death "belongs to Being-in-the-world" (1962, 295) and one cannot have 'theoretical knowledge' (1962, 295) or what all this points to as an idea or representation, let alone what it means. There is no predicate to what death is, the very Being of death. Already there is a question of being temporalizing as 'already,' hence past but not a past date or chronology in history. This complex event of being thrown or hurled into possibility is a stretched event, possibility not as the dialectical opposite of impossibility, but the almost phenomenal apparition that impossibility can actually be something, and death has the ability to belong to being in the world. Death hangs around the world like a stranger in town who no one knows, not as the passage from the world to another, neither realm. Death is not a cut in time or something beyond it. Taken as a totality, this is completely prior to any simple intuition; but also it represents the transcending supersession of human theoretical representation, and hence the failure of all human-created science, including philosophy, to come to grips with the question of what all this means at the end of the day. And yet anxiety remains.

What lingers in Heidegger's passage is where things really take a turn for the strange and uncanny. Heidegger flat out states that Dasein is "delivered over to its death," (1962, 295) but not like a citizen of a state or a war criminal from

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[21] Or to use Heidegger's language: "How is it that in anxiety Dasein gets brought before itself through its own Being, so that we can define phenomenologically the character of the entity disclosed in anxiety, and define it as such in its Being, or make adequate preparations for doing so?" (1962, 228)

another state sentenced to death or given a death penalty for others to witness. Instead, we must focus on this 'throwness into death' (Heidegger 1962, 295) as a revelation. The throwness, the act of being stretched out, is linked to a revelatory event in what is revealed to Dasein as its 'thrownenss into death' (Heidegger 1962, 295) occurs in a certain mode of revelation. The way and modality of revelation by which this 'thrownness into death' (Heidegger 1962, 295) is revealed to Dasein is linked with something even more 'primordial.' (Heidegger 1962, 295) The primordial nature of the revelation happens in the 'state-of-mind' (1962, 295) that Heidegger names as 'anxiety.' (1962, 295)

If we think about all the linkages, or rather groundings, of terms in one another- 'thrownness into death,' (1962, 295) how this occurs in a more 'primordial' (1962, 295) fashion, and where Heidegger will ultimately go in his novel attempt at rethinking 'anxiety' (1962, 295) as the basis of ultimately what Dasein will experience about itself, about its Being, then the project becomes even more astounding. In facing death through anxiety means that there is anxiety towards something, and interestingly enough, it is not death! The anxiety is not about fear of death or inversely passivity, aloofness, detachment, and indifference to death and dying; rather, the anxiety tends towards the transcendence of the possibility called death into 'Dasein's potentiality-for-Being.' (Heidegger 1962, 295) Death is being englobed by something much bigger. This is where Heidegger gets to make all of his distinctions in the existential analytic with all the ordinary understandings of death as 'experiencing of demise,' (1962, 295) 'pure disappearance,' (1962, 295) and 'perishing.' (1962, 295) What Heidegger is about to elaborate for the rest of the chapter on death before moving on to the rest of Division Two is the instantiation of fundamental ontological difference between a.) the primordial question of Dasein's 'potentiality-for-Being' (1962, 295) whole for which anxiety in facing death moves towards and b.) all ordinary registers that are assigned to anxiety about an actual impending death (say a terminal cancer patient), which could include 'fear,' (1962, 295) or something 'accidental' (1962, 295) like "a random mood of 'weakness' in an individual." (1962, 295)

We have something far more transcendent than these ordinary registers. Before we pause on Heidegger, we can summarize in his own words what the ontological focus of inquiry into anxiety has to remain steadfast in: anxiety "as a basic state-of-mind of Dasein, it amounts to the disclosedness of the fact that Dasein exists as thrown Being towards its end. Thus the existential conception of 'dying' is made clear as thrown Being towards its ownmost potentiality-for-Being, which is non-relational and not to be outstripped." (1962, 295) Anxiety as a primordial state of mind culminates as a type of revelation or 'disclosedness,' (Heidegger 1962, 295) and what is disclosed is the pure fact of 'Being thrown to its end' (Heidegger 1962, 295) and the "existential conception of 'dying'" (Heidegger 1962, 295) is not a physical cessation (say withdrawal of life support systems to initiate someone's physical death). 'Being thrown to its end' (Heidegger 1962, 295) and 'dying' (Heidegger 1962, 295) has everything to do with "thrown

Being towards its ownmost potentiality-for-Being, which is non-relational and not to be outstripped." (Heidegger 1962, 295)

These careful dissections and repetitions of Heidegger's text are, unfortunately, necessary. For we are doing everything in our power to resist calling Heidegger the greatest thief in the history of modern philosophy because of what we see as an uncanny resemblance to the Christian theological text of Jesus's agony regarding his impending death. As we move into the biblical text, we now have in the background, through Heidegger's own words and phrases about his strange entity – Dasein –, the basis for comparison and contrast with the God-man Jesus. Both of these figures, one from nearly a hundred years ago, and the other from nearly two thousand years ago, one of ontology and the other of theology, can both make claims to something so radically unique that no other human being has experienced. One asks the question of the meaning of Being, and the other is presented as the answer. Heidegger is not talking about human psychology in terms of Dasein being whole Being in non-relation, non-substitutable, not-comparable terms with anything or anyone, including Jesus. And now as we turn to different distinctions not made in Heidegger's philosophical work, the Jesus of the biblical text makes an appearance. Jesus's relation to His whole Being with regard to issues of time, possibility, anxiety and death always requires a necessary relation with the Being of the Father. We now quote again the biblical passage in the *Gospel of Mark*:

> He began to be greatly awe-struck and deeply distressed And He says to them Very sorrowful is the soul of Me even to death." (Mark 14:33-34, Interlinear Bible, n.d.)

> if possible it is might pass from Him the hour And He was saying Abba – Father all things [are] possible to You take away the cup this from me but not what I will but what You." (Mark 14:35-36, Interlinear Bible, n.d.)

This is where the departure from Heidegger's text has to take place based on our phenomenological exposition grounded in a speculative philosophical flight.

Jesus's state of agony, and one could say 'anxiety,' is that of his 'soul' (Interlinear Bible, n.d.) burrowing into a realm of being 'Very sorrowful' (Interlinear Bible, n.d.) as his whole Being moves toward death. There would be enough to unpack in terms of the mystery of the hypostatic union of the two natures – divine and human – experiencing what appears to be the human dimension of suffering, sadness, fear, thereby warranting the Heideggerean ontological dismissal of ordinary human reactions to death. But the matter does not end there because the hypostatic union does not accede to speaking about 'human part' and not the divine part, which can only be spoken about at the same time; for the two cannot be separated or mixed, and one cannot change or divide the other (The Chalcedonian Creed, n.d.). Trying to create a fantastical mathematical logic out of '2=1' is not the point either. There could be two movements within one entity, but we must foreclose that thought. However, the

issue is not using Christian theological doctrine to trump Heidegger's characterization of Dasein's relation to death; or, inversely, to save Christian proclamation from Heidegger's banishing of theology as part of the human realm and the history of metaphysics that his unique project seeks to destroy (Heidegger 1962, 30, 54, 74).

We stated from the beginning that our project is neither one of defending the faith nor religion in general nor accusing Heidegger of heretical thievery, or his aping of this basic scene in the garden and others in the *New Testament* regarding Jesus's unsurpassable relation to death before the events of the Cross and Resurrection. Rather, the real question is this: how is it in the core of Jesus's Being an alternative split with a new possibility beyond the possibility of impossibility, namely death, which hatches out of the progression and movement that will ultimately be human death? Death hangs over an incoming death, and this is not circular. This is internal to his own Being before we get to the transcendent relation with the Father on this possibility of Jesus having to face death. What we have to develop further in terms of philosophical speculation, even imagination, is a new fundamental ontological inquiry about not only the Jesus-Father relation in being-towards death but how new possibilities of death as the possibility of the 'hour' (a death-time linkage) that could 'pass from him,' how this transpiration or temporality occurs as death going around the living Jesus and the Father taking the 'cup' of death (which for Christian faith is salvation for humanity in Jesus taking all of its sins into accepting his death sentence) away from Jesus. None of this happens within linear time; the hour happening and the substance of the happening are not tantamount to the measurable span that transpires in clock time. All of this is according to the Father's will, and not Jesus in this greatest of human moments, namely the confrontation with the finality of a painful death. It all points to mountainous event of moving relations and interrelations in a complex notion of being-towards-death. In the world is not only human beings and Dasein, but also the Being of Jesus who faces death. But now in this instance, Jesus becomes a speculative object, not the deity who is adored and worshipped in Christian faith.

Recall what we get from Heidegger is 'anxiety' (1962, 295) as

> a basic state-of-mind of Dasein, it amounts to the disclosedness of the fact that Dasein exists as thrown Being towards its end. Thus the existential conception of 'dying' is made clear as thrown Being towards its ownmost potentiality-for-Being, which is non-relational and not to be outstripped. (1962, 295)

Rather than fear as evasion from death on the one hand or the heroic martyr or solider who dies for a cause on the other, Dasein has anxiety as a disclosure-event of the possibility for being whole, and this cannot be related to in any other manner than Dasein's own being-towards-death, and it cannot be 'outstripped' (Heidegger 1962, 295) or taken away or stripped away by another. That is what we have so far. And perhaps the story ends there for Heidegger on the matter, which tells us nothing about whether he feels philosophy should go no further

than what traditional metaphysics or religious theologies postulate, for example the afterlife of a soul after a body dies. But that is not the point here. Rather, we want to branch out from Heidegger's 'potentiality-for-Being' (1962, 295) and draw out a distinction between Dasein's Being and Jesus's Being, whereby the latter has a series of more complicated possibilities and relations, and therefore interrelations of relations and differences, in a colossal speculative Event; that *there is* beyond Dasein's ontological distinction from all the human registers (science, psychology, doctrinal institutional religion, anthropology, sociology and the entire history of philosophy before Heidegger's *Being and Time*) on the brutal fact of life, namely that at some point all living things have to die.

The preliminary sketch of this non-onto-theological distinction as distinct from Heidegger's ontological distinction with theology is a speculative parousia-logical difference; that is there is something more to say after the Gospels's accounts conclude and after St. Paul and other disciples reflect in their epistles on the meaning of Christian truth revealed in the life, death, and resurrection of Jesus. In short, there is something other to Christianity, and in that other to its most central character, namely the life of Jesus, and the most important event in that life, namely his taking on death as the transcendence and salvation of all human beings living and dead.

There is something coming, adventing, impending as the bridge between *Being and Time* and another text. That will require moving out from all the distinctions in chapter I of Division Two on death that Heidegger demarcates into these new split possibilities that apply as much to Jesus leading up to his actual death as they do to Dasein. But we have to add to them the question of the *priority* of the possibility of death flying over Jesus, the ground of Jesus's agony and sorrow unto death, and the Father – for whom "all things are possible" (Interlinear Bible, n.d.) – to take the death away from Jesus; all of this is before Jesus's and the Father's vindication that in fact he would go on to conquer death in His resurrection from the tomb. And for those in humanity who wish to believe in this event, they too will be raised from the dead. But we are not concerned at this juncture with either the event of death on the cross or the resurrection (let alone appearance and ascendance) in the tomb. The possibilities of death flying away and around the possibility of the impending death to come and being taken away prior to an actual human death in the world and a proclaimed miraculous resurrection points to the double-ness of death itself. As a possibility it carries a split or schism as to what the meaning of whole Being is if death is that passage, which can complete it as the presentation of Being to Being, and that has nothing to do with ending, coming to a close, or achieving closure. It is not the picture or symbol of a man dying on a cross or is already dead on the cross. But it does point to a titanic event. The event is the passage and completion to reveal the very meaning of the being of death, which will then reveal the mystery of time itself:

that is cavalry and the throne.[22] These are newer possibilities that can be grafted back into *Being and Time*'s text but as an outgrowth of an act of appropriation: that is taking the *New Testament*'s passage and blowing it up into a speculative philosophy. In other words, *Being and Time* and the *New Testament* can be entwined in a double movement where in radically different ways both can appropriate and expropriate the other. We can only conclude what that is in outline as we move to our conclusion.

Conclusion

The paper tries to offer reflections on death given the times we are facing in this age of pandemics. By introducing certain key definitions and propositions from Heidegger's *Being and Time*, particularly the key chapter I of Division Two on death, we do not make claims of new interpretation or scholarship that has not already been considered in previous works on death in Heidegger's *Being and Time* and his corpus in general.[23] Rather, the intention is to make sure that fine dissections and distinctions can be first teased out of Heidegger's text. This is to set up the possibility of framing a speculative expansion of Jesus's encounter in agony prior to his acceptance of the death sentence. Buried in those brief moments in the Synoptic Gospels, which is just a few lines in a single chapter of each Gospel, for us, is everything. It means that anxiety that discloses what Dasein experiences when facing death is not fear or evasion or apathy or heroism, but a grasping of the potentiality to be whole Being in such a radically singular and unique way, long before an actual human death occurs to Dasein. But now with a turn to the Gospel passage, out of it and beyond it and therefore not in defense of faith, but something entirely other just as Heidegger claims for himself as being absolutely ontologically irreducible to religion, and in this case Christianity, we too can say that the split of the possibility of death into two has a necessary structure; that it has the capacity to link to time – 'the hour' – which in its nature harbors the mystery of a movement that can go over, hang over, slide by, go around and be

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[22] This is a brief homage to the terms used at the very last sentence of the last section in Hegel's *Phenomenology of Spirit* or 'Absolute Knowing' prior to Hegel ending with a Schiller quote. Hegel's last sentence of this great work is this: "the two together, comprehended History, form alike the inwardizing and the Calvary of absolute Spirit, the actuality, truth, and certainty of his throne, without which he would be lifeless and alone." See G.W.F Hegel, *Phenomenology of Spirit* (1977, 493).

[23] Some could say that Derrida's later lectures on *The Death Penalty* (1999-2000) in examining the deaths of Socrates and Jesus, and also commandments against killing in the Torah but also Jewish circumscriptions of when a death sentence can be executed if the Law is violated, marks a type of innovation that presupposes all of Heidegger's ontological critiques of ordinary understandings of death. Death is everywhere in Derrida's corpus as is Heidegger's *Being and Time*, which are always hovering in the background; but his most sustained meditation on death in Heidegger's *Being and Time* is *Aporias* (1993). See Jacques Derrida, *Death Penalty*, Vol. 1 (2014) and *Aporias* (1993). For original scholarship on both philosophers and their relation on death, see the aforementioned articles by Thomson.

taken up by a complex, seemingly contradictory relation of horizon and ground in the very Being of God. The project therefore, after *Being and Time*, must be the explication of the reasons why we must ground the question of the meaning of the Being of God's Time, and the meaning of the question. If *Being and Time* cannot deliver the ultimate question of the meaning of authentic human life and death, which is so visible and ubiquitous in our time of mass biological destitution, and if one cannot remain within the dogmatic confines of doctrinal Christian faith and proclamation of the resurrection, then one has no other choice but to invent a new philosophical account of the question. This is what we will set out to do.

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