

BEYOND CAUSALITY:

A reinterpretation of Hegel's concept of *Tat*
in the question of the responsibility and imputation

Giulia Battistoni

1. Introduction

Responsibility and imputation, which are two focal concepts of Hegel's theory of action, have attracted interest not only in the moral but also in the legal fields¹. They are closely connected with the concepts of deed (*Tat*) and action (*Handlung*): the distinction Hegel draws between the latter in the Morality chapter of the *Elements of the Philosophy of Right*² is prone to different interpretations. If *Handlung* means intentional action, determined by three elements which also represent three sorts of accountability and imputation (purpose, intention and insight into the good), *Tat* has mostly been understood as external alteration mechanically caused by an agent. However an interpretation which limits *Tat* to events considered in terms of the relationship of causality and imputability to exclusively intentional actions would fail to allow the

¹ The noteworthy studies of A. Laitinen and C. Sandis (eds by), *Hegel on action*, Palgrave MacMillan, Basingstone, New York 2010; B. Caspers, 'Schuld' im Kontext der Handlungslehre Hegels, in «Hegel-Studien», VI. 58, 2012; K. Vieweg, *Das Denken der Freiheit*, Wilhelm Fink Verlag, München 2012; C. Yeomans, *Freedom and Reflection. Hegel and the Logic of Agency*, Oxford University Press 2012; M. Quante, *La realtà dello spirito. Studi su Hegel*, a cura di F. Menegoni, trad. it. di G. Miolli e F. Sanguinetti, FrancoAngeli, Milano 2016 and F. Menegoni, «Handlungen und Tätigkeiten in Hegels Philosophie des objektiven und des absoluten Geistes», in T. Oehl and A. Kok (eds by), *Objektiver und absoluter Geist nach Hegel. Kunst, Religion und Philosophie innerhalb und außerhalb von Gesellschaft und Geschichte*, Brill, Leiden/Boston, 2018, pp. 123-141, show, in particular, that the debate on these themes is still current. Discussed is, for example, the possibility of the retrospective determination of intention. See A. Laitinen, *Hegel on Intersubjective and Retrospective Determination of Intention*, in «Bulletin of the Hegel Society of Great Britain», n. 49/50, 2004, pp. 54-71 and R. B. Pippin, *Recognition and Reconciliation. Actualized Agency in Hegel's Jena Phenomenology*, in «International Yearbook of German Idealism», n. 2, 2004 pp. 249-267.

² G.W.F. Hegel, *Elements of Philosophy of Right*, trad. ing. di H.B. Nisbet, Cambridge University Press, 2003. The citations from *Elements of Philosophy of Right* will be indicated with the abbreviation PR, followed by the paragraph number.

ascription of responsibility for events that the agent neither caused nor wished to cause but may nevertheless be attributed to her³.

A significant step to fill this gap is made by the German jurist Karl Larenz⁴, who does not limit the imputation of a deed (*Tat*) to a judgement on a causal modification in the external world, but rather interprets imputation as a teleological judgement that relates back to the agent's will and represents the precondition of her responsibility. In so doing, Larenz is able to explain both the imputation of negligence, which he thinks is not explicitly illustrated by Hegel, and § 116 of the PR, which is considered by many interpreters to be particularly difficult, since it provides an example that falls neither under the category of intentional action nor under that of acts directly caused by an agent. Almost ninety years later, the philosopher Mark Alznauer⁵ introduces the concept of «external responsibility». He bases it on the concept of *Tat* and differentiates it from mere causal responsibility: the former is mediated by concepts of right and based on the legal person, who possesses free will and has rights as well as duties. Alznauer also underlines the importance of being *recognized* as a member of a state in order to be held responsible for an action. The normative standards which the members of a society value and recognize as rational laws play an important role insofar as they provide a common yardstick by which to judge an action.

My paper sets out to show, through Larenz's and Alznauer's interpretations, how a different reading of Hegel's concept of *Tat* will help clarify the concepts of imputation and responsibility and their connection. To this end, I will first discuss how Hegel understands responsibility and imputation in the Morality chapter of the PR, where he also distinguishes the concepts of *Tat* and *Handlung*.

2. Hegel's understanding of Imputation and Responsibility: the concept of «Schuld»

Hegel's understanding of imputation and responsibility terminologically depends on the concept of «Schuld» and on the way it was used in the 19th century in Germany. At that time the concept of «Verantwortung», which in present-day use means «responsibility», was not

³ See for instance PR, § 116. Such cases still exist as current legal concepts (*Gefährdungshaftung* in the German language and *strict liability* in the English one).

⁴ K. Larenz, *Hegels Zurechnungslehre und der Begriff der objektiven Zurechnung: Ein Beitrag zur Rechtsphilosophie des kritischen Idealismus und zur Lehre von der "juristischen Kausalität"*, A. Deichertsche Verlagsbuchhandlung, Leipzig, Deichert 1927

⁵ M. Alznauer, *Hegel's Theory of Responsibility*, Cambridge University Press, 2015.

very widespread. This was also true of both «Zurechnung», which stands for «imputation», i.e. the possibility to ascribe an action to an agent, and «Zurechnungsfähigkeit», i.e. accountability in the sense of an agent's psychological faculties which make her capable of self-determination at the moment of the action. On the other hand, the German concept of «Schuld» was widespread in Hegel's day and had many different meanings, including not only *culpa* (the latin juridical term), debt, negligence, reason and cause of a modification in the world, but also responsibility. Moreover, it was linked to the concepts of imputation and accountability⁶. That this word had so many different uses indicates that «Schuld» was not only an ambiguous term but also had many important functions.

Now, «Schuld» is mostly used by Hegel with two meanings: in a broad sense it refers to the cause of a modification in the world. Therefore the agent is in general responsible in the sense that she is the cause of an alteration in the world and «the will is entirely *responsible* [schuld] for it in so far as the abstract predicate 'mine' attaches to the existence so altered» (PR, § 115)⁷. The agent has acted in general (*überhaupt*) and brought about a modification Hegel calls «*Tat*», translated as «deed». However, this on its own does not mean that the agent can be imputed responsibility for the modification. To do so requires further specifications:

It is, however, the right of the will to recognize as its *action* [Handlung], and to accept *responsibility* [schuld] for, only those aspects of its *deed* [Tat] which it knew to be presupposed in its end, and which were present in its *purpose* [Vorsatz]. — I can be made *accountable* for a deed only if *my will was responsible* for it — *the right of knowledge*⁸.

In this quote the German word «schuld» is translated, for good reason, by the English «responsibility»: this second connotation of the word is strongly connected to the will and the purpose of the agent. The right of the will and the right of knowledge make it possible to differentiate the concept of deed (*Tat*) from that of intentional action (*Handlung*). The connection between action (*Handlung*) and «Schuld» in the sense of moral responsibility is developed in the Morality chapter, where the three elements of the action, representing also three kinds of accountability, enrich the concept of intentional agency as well as that

⁶ See the definition of «Schuld» in the *German Dictionary* of the Brothers Grimm 1854-1961.

⁷ The German term in brackets has been added by me.

⁸ PR, § 117. The German terms in brackets have been added by me.

of imputation. This has led many interpreters to highlight the connection between Hegel's concept of imputation and that of intentional action, as if only the direct intended consequences of an action could be imputed to an agent, and thus reducing the concept of *deed* to a mechanically caused alteration in the world. But this is not the case, as a careful analysis of Hegel's text shows. Note that in the above quotation the *deed* is «*its deed*», namely the deed of the will. It would therefore be improper to identify the Hegelian concept of *deed* with every modification brought about by «something» in the world (like natural agents or animals). The *deed* is a modification already linked to a will. Moreover, the imputation of intentional action is itself developed dialectically in a way that includes not only the subjective rights of the individual but also the «right of the objectivity» which contributes to the determination of imputation, as I will now clarify.

The first element of intentional action is the *purpose* (*Vorsatz*). However, Hegel presupposes the agent to be a thinking being who brings her to plan her action in the broader sense of having an *intention* (*Absicht*), i.e. a wider aim by acting. A thinking being has, therefore, the «right of intention»: she should recognize the universal quality of her action in order for the action to be imputed to her. But at the same time this right of the agent corresponds to a right that belongs to the action itself: the right of objectivity (PR, § 120), because of which the agent cannot justify herself by claiming only a particular purpose in action without any wider intention. She cannot, for example justify herself committing a murder by saying that she just wanted to hit one part of the body of somebody else: «Hence in murder, it is not a piece of flesh as an individual entity which is injured, but the life itself within it» (PR, § 119A). The *end* that an individual has realized in the external world through her action has a specific meaning in the externality as such which the agent must recognize and comply with:

[...] since action is an alteration which must exist in an actual world and thus seeks recognition in it, it must in general conform to what is *recognized as valid* in that world. Whoever wills an action in the actual world has, *in so doing*, submitted himself to its laws and recognized the right of the objectivity⁹.

The right of the objectivity has, therefore, a normative claim to the agent. Although the contingent consequences of a deed cannot be imputed to an agent either in moral or in legal sense, the thinking agent

⁹ Ivi, § 132A.

must know the necessary consequences of her action, i.e. those consequences which are part of the essence of the action that is identified by her intention. This represents the second form of accountability: the first one, which is limited to the purpose, is therefore not sufficient to impute an action in its entirety.

Nonetheless Hegel recognizes that not every person can actually be considered as a thinking being at the moment of her action:

the *responsibility* of children, imbeciles, lunatics, etc. for their actions is either totally *absent* or diminished. [...] only such pronounced conditions as these can annul [*aufheben*] the character of thought and free will and allow us to deny the agent the dignity [*Ehre*] of being a thinking individual and a will¹⁰.

Hegel's claim has obvious implications for bioethics and psychiatry. One could not assert in any way that mental illness denies an agent the dignity of a human being as «a thinking individual and a will». The expression Hegel chooses here seems not to be the most appropriate one. Nevertheless, what is of essence here is that thought and free will are the conditions of free agency; they are the faculties that differentiate the action of human beings from that of animals, which act simply out of instinct, without thought or reflection. According to this argument, these faculties constitute in Hegel's view the "dignity", i.e. the characteristics of human actions as such: at a specific moment and in specific cases some human beings may lack these faculties and therefore be unable to actually act in Hegel's sense. Moreover, Hegel seems to have enriched his view of mental illness in the *Encyclopedia* (1830), where he claims that «the truly *psychic* treatment of derangement [...] holds firmly to the view that it is not an abstract *loss* of reason, either in respect of intelligence or of the will and its responsibility [*Zurechnungsfähigkeit*], but that it is literally derangement, i.e. not the absence but merely a contradiction of reason [...]»¹¹.

Furthermore, in the *Encyclopedia* Hegel praises the French psychiatrist Philippe Pinel precisely because he treated mentally deranged people as human beings with the so called "moral treatment", which led some patients to recover. Thus it seems that Hegel does not see these people as lacking the faculty of reason and does not deny the possibility for some of them to be healed. For these reasons, mentally deranged

¹⁰ Ivi, § 120A.

¹¹ M. J. Petry (eds by), *Hegel's Philosophy of Subjective Spirit*, VI. 2, D. Reidel Publishing Company, Dordrecht, Holland/Boston: U.S.A., 1979, § 408A. The German term in brackets has been added by me.

people are still human beings in his view: they suffer from a contradiction between their subjective representation of reality and reality itself. They remain potential accountable thinking beings that can sometimes recover their faculties through appropriate treatment. In the broad sense of the term «Schuld», they still remain the cause of the alterations they bring about in the external world. The court has to then verify if these individuals are capable of standing trial. As a consequence, in specific cases some events cannot be imputed to an agent as her responsibility, although they are still alterations brought about by a person who potentially possesses a will.

The last element of the intentional action, as well as the last kind of accountability, is an insight into the good: for an action to be imputed to an agent, she must have known the value of the action itself, must have known that it was good or bad, legal or illegal. But also in this case, Hegel recognizes that «the right of the subject to know [*kennen*] action in its determination of *good or evil*, legal or illegal, has the effect, in case of children, imbeciles, and lunatics, of diminishing or annulling [*aufzuheben*] their responsibility [*Zurechnungsfähigkeit*] in this respect, too» (PR, § 132A)¹². In closing:

in the *state*, as the *objectivity* of the concept of reason, *legal responsibility* [*die gerichtliche Zurechnung*] must not stop at what the individual considers to be in conformity with his reason or otherwise, or at his subjective insight into rightness or wrongness, good or evil, or at what he may require in order to satisfy his conviction. In this objective field, the right of insight applies to insight into *legality* or *illegality*, i.e. into what is *recognized* as right [...] ¹³.

As we can see, Hegel's understanding of the concepts «Schuld» and «Zurechnung» has not only moral but also legal and social implications. The causal nexus of the kind “X caused Y” cannot satisfy the meaning of a judgement of imputation. On the one hand, Hegel's concept of deed cannot be simply understood as an alteration mechanically caused by any agent; as I will show in the next section, the jurist K. Larenz carries out a fruitful reconsideration of the imputation of the deed in this sense. On the other hand, to judge an action and impute it to an agent, one should not only consider the moral and inner rights of the agents; an action takes place in the world and is, therefore, submitted to a community which has to judge it according to the standards in

¹² The German term «Zurechnungsfähigkeit» has been added by me: it rather refers to the faculties that an agent must have in order to be held responsible for an action.

¹³ PR, § 132A.

force. Thus action involves recognition in a society, as I will show through an interpretation of M. Alznauer in the last part of the paper.

3. Beyond causality: Karl Larenz's teleological characterization of imputation

As I have mentioned, interpreters of Hegel tend to identify deeds with modifications brought about in the external world without taking the agent's point of view into account, thus limiting imputation to intentional action. In contrast, Larenz deals with the imputation of deeds (*Taten*), whose meaning he enriches with reference to the concept of End (*Zweck*). In so doing, he seeks to rectify what he sees as a shortcoming of Hegelian theory of action: the lack of an explicit discussion of negligence¹⁴. According to Larenz, imputation is, in general terms, the «recognition of the subject [*Subjekt*], his freedom and personality [*Persönlichkeit*] through objective Right»¹⁵.

As I noted earlier, Larenz deals with the imputation of the deed (*Zurechnung zur Tat*). This is an objective imputation: it represents a judgement that determines if an event can be defined as a *Tat* of an agent, i.e. if it can be traced back to the will of an agent according to an objective connection, regardless of any judgement on the action's moral or legal value or of an agent's individual faculties as they appear in concrete form¹⁶. The question of whether an event is imputable as a moral or legal fault requires further assessment of the agent's awareness of the illegal nature of the deed. For these reasons, Larenz thinks that legal imputation and responsibility depend on the judgement of objective imputation that distinguishes the deed, which can be traceable to an agent's will, from a mere natural event.

Larenz understands the causality of the will as a «Zweckkausalität», i.e. a causality that has a teleological character and therefore differs from natural causality. In this way, Larenz seems to go beyond a concept of imputation limited to the causal relation as analyzed by Hegel

¹⁴ K. Larenz, op. cit., p. 52. According to Larenz, the first Hegelian who explicitly introduced the concept of negligence in a theory of imputation, based on Hegel's considerations, was K.L. Michelet. I do not think, however, that this intuition was not present in Hegel. I discussed this issue in my article: G. Battistoni, *Die Möglichkeit des Wissens als Grundlage der Zurechnung: Die Lehre der Imputation bei K. L. Michelet und K. Larenz auf der Grundlage von Hegels Handlungstheorie*, in «Rechtsphilosophie. Zeitschrift für Grundlagen des Rechts», n. 4, 2017 pp. 380-395.

¹⁵ K. Larenz, op. cit., p. 50. My translation.

¹⁶ Such aspects rather give substance to what K. Larenz defines accountability and subjective imputation (*Zurechnungsfähigkeit und subjektive Zurechnung*).

in the Doctrine of Essence¹⁷. Larenz shows that the will gives itself actuality through the realization of its «End»¹⁸, a concept that is analyzed by Hegel in the Teleology (which is in turn part of the Doctrine of the Notion)¹⁹. The will is therefore the overcoming of the mere causality in that its end unifies cause (*Ursache*) and effect (*Wirkung*), which in nature still remain independent and indifferent against each other: the realized end does not represent something which is alien or accidental against the will. The realized end is rather *its (the will's) own deed*²⁰. Hegel himself recognizes the «supreme importance» of the difference «between the End or *final cause*, and the mere *efficient cause* [...]». In the following passage from Hegel's text we can better understand how the teleological perspective differs from the causal one:

Causes, properly so called, belong to the sphere of necessity, blind, and not yet laid bare. The cause therefore appears as passing into its correlative, and losing its primordality thereby sinking into dependency. [...] The End, on the other hand, is expressly stated as containing the specific character in its own self – the effect, namely, which in the purely causal relation is never free from otherness (EL, § 204).

As a consequence, a person should never be regarded as a mere cause (*Ursache*) of an alteration in the world, but as a *causa libera*, a free author (*Urheber*) with a will that determines its own ends. The objective imputation is therefore that judgement which distinguishes an agent who is *causa libera* of what she does (*Urheber*) from a natural event that produces effects in a causal way (*Ursache*): again, Larenz underlines that the causality of the will is a teleological causality. Moreover, those consequences that form a whole (*ein Ganzes*) with the action and that the agent, as a thinking being, could have known, can be attributed to her. As a result, even if an agent did not actually intend the outcome that she accidentally brought about, negligence is objectively imputable to

¹⁷ For a deepened analysis of the chapter on causality in the Doctrine of Essence, see T. Meyer, *Hegels Wesenslogisches Kausalitätskapitel als Identitätstheorie der Kausalität*, in «Hegel-Studien», VI. 51, 2017, pp. 91-119.

¹⁸ See T. Meyer, «Strafrechtliche Hegelianer im 20. Jahrhundert» in M. Kubiciel, M. Pawlik and K. Seelmann (eds by), *Hegels Erben? Strafrechtliche Hegelianer vom 19. bis zum 21. Jahrhundert*, Mohr Siebeck, Tübingen, pp. 213-244, 2017, p. 219

¹⁹ K. Larenz refers to the *Encyclopaedia Logic*: for this reason, I will limit my discussion to the *Encyclopaedia Logic* (EL) too.

²⁰ See K. Larenz, op. cit., p. 44. D. Moyar writes: «Der Zweck beinhaltet somit einen *Selbstbezug*, den man sich als einen Akt des eigenen Willens denken kann [...]», in D. Moyar, «Die Lehre vom Begriff. Zweyter Abschnitt. Die Objectivität», in Quante and Mooren (eds by) *Kommentar zu Hegels Wissenschaft der Logik*, «Hegel-Studien», Beiheft 67, 2018, p. 637.

her, because it can be traced back not so much to the actual knowledge of the agent at the moment of her action, but rather to the possibility of knowledge of the circumstances of the action; the fact that this possibility has not actualized into concrete knowledge depends on the individual and is her fault, her responsibility²¹. According to Larenz, the possibility of knowledge (*Möglichkeit des Wissens*) is therefore the basis for the objective imputation of the deed²²: thus *Tat* comprehends the consequences which are potentially traceable to her will because they constitute a whole together with her «goal-directed» action²³.

In closing, Larenz interprets § 116 PR as an example of objective responsibility²⁴ for events which result neither from a causal nor from an intentional act of an agent and that for this reason cannot be properly defined as his actions:

It is admittedly not of my doing if damage is caused to others by things [*Dinge*] of which I am the owner and which, as external objects, exist and function within a varied context (as may even be the case with myself as a mechanical body or living entity). But the damage is *more* or *less* my fault [*Last*], because the things which caused it are after all mine, although they are in turn only more or less subject to my control, supervision, etc., according to their own distinct nature²⁵.

This is an event which the agent did not intend to happen, and which she cannot be held morally responsible for. Larenz solves this apparent contradiction by introducing a broader kind of objective imputation, the *Zurechnung zum Willensbereich*, which could be paraphrased as an imputation of events that fall within the sphere of an agent's will, because they are directly brought about by objects or people submitted to the agent herself. This event is so attributed to the agent on the basis

²¹ Let us take the example of a drunk man who drives a car. In Aristotelian terminology, this is an example of «acting in ignorance», that differs from «acting by reason of ignorance» and is imputable. See the 3rd book of Aristotle, *Nicomachean Ethics*. Hegel himself claims «du hättest dies wissen sollen», you should have known this. PR, § 137R.

²² K. Larenz, op.cit, p. 53

²³ Ivi, p.81. K. Larenz talks about a «zweckvollen Ganzen», ivi, p. 43.

²⁴ Similar to strict liability. The concept of *Gefährdungshaftung* was introduced into German civil law only at the end of the 19th century. So Hegel's considerations came as forerunners to the development of this legal concept. See B. Caspers, 'Schuld' im Kontext der Handlungslehre Hegels, in «Hegel-Studien», suppl. 58, 2012, p. 192

²⁵ PR, § 116. The German word "Last" has been added by me.

of the property relations that she maintains with everything that comes under the «sphere of her will».

Larenz recognizes, however, that such a shift of responsibility is not possible in criminal law, where a principle of subjective imputation is in force (*Schuldzurechnung*) and where guilt (*Schuld*) is strictly connected with the concrete faculties of the agent. In the law, therefore, objective imputation finds its essential supplement in an imputation that takes into account the faculties, intentions, and accountability (*Zurechnungsfähigkeit*) of the agent. The verdict of «guilty» (*Schuldurteil*) does not only judge that the act objectively conflicts with the law, but also and more importantly evaluates whether the agent was able to acknowledge the illegal nature of her action²⁶. In Larenz's interpretation the subjective imputation requires the objective one: for this reason, Larenz claims that we can consider even the «mentally deranged» as being objectively accountable for their actions. A deranged is also, indeed, a person *in himself* (*an sich*), who has rights and duties, in any case: the *personality* of a deranged is «*aufgehoben*» but not destroyed.

4. Mark Alznauer: a socio-juridical concept of responsibility beyond causality

According to Alznauer too, children and the «mentally deranged» are still potentially rational persons. In this respect, only animals are truly innocent, precisely because they do not have the faculty of acting in the strict sense of the term: they do not have a will. But the psychological and cognitive faculties of human beings still are not enough to talk about responsible agency, according to Alznauer. He thinks that agency, which is of its very essence connected with the concept of responsibility, is only possible within the social and normative framework of a state, where the agent is submitted to a rightful, a moral, and an ethical evaluation, in Hegel's sense, and has to answer for what she does. Responsible agency, therefore, takes place within the perspective of the law of a state, where a system of norms, to which all citizens are

²⁶ K. Larenz incorporates the two categories of «subjektive Zurechnung» and «subjektive Rechtswidrigkeit» into the German concept of *Verschulden*. The imputation which is based on the guilt of the individual (*Schuldzurechnung*) prevails, according to Larenz, in criminal law, which considers the subjectivity of an agent and her faculties of foreseeing the possible consequences of her action. Larenz, op.cit, p. 90. According to Larenz's interpretation, however, not only does the subjective imputation have its basis in the concept of *Person* as free individual who is able to determine herself, but also the objective imputation relates implicitly back to the will of an agent who is able to set specific aims that direct natural events and transform them into her acts, as I have already discussed.

subject, is in force²⁷. Alznauer takes the intrinsic social character of agency as the basis for his reinterpretation of the concept of deed (*Tat*) which corresponds, in his view, to a rightful action (*rechtliche Handlung*): it considers the external, forensic dimension of an action justified if permitted by «abstract right». Deeds involve a third-person perspective and satisfy the so-called external requirement of agency: an alteration caused in an objective sense, and in lawful terms, by the agent.

As a result, deeds do not correspond to a mere causal perspective of agency and instead form the basis for what Alznauer calls the external, legal responsibility: «to say someone is responsible for something in the framework of Abstract Right is to say it is a permissible or impermissible expression of the will in existence for which the agent is the cause in a forensic or broadly legal sense»²⁸. On this basis, Alznauer claims: «If something is a deed, a person can be held responsible or blamable for it in the external sense of *Schuld* (at least according to “Abstract Right”). Judging that something is an external deed is applying a “universal predicate” to it [...]»²⁹ that means «classifying it as arson, murder, or the like» (PR, § 119A). With H.L.A. Hart we could also say that «our concept of an action, like our concept of property, is a social concept and logically dependent on accepted rules of conduct. It is fundamentally not descriptive, but ascriptive in character [...]»³⁰. The concepts we typically use for ascribing responsibility or making accusations actually come from a legal language that has an ascriptive and sometimes performative character (in the case of accusations)³¹.

Thanks to his re-interpretation of the concept of deed, Alznauer is able to explain § 116 PR as a case of external responsibility. It is perhaps no coincidence that Hegel uses in this paragraph the term *Last*, meaning «burden», instead of *Schuld*, a term which (as we have seen) is mostly used to identify both a modification caused by an agent and her moral responsibility; however, this example does not really fall into either of the two cases. In Alznauer's view, this case exemplifies external responsibility, as I said, and it differs from mere causal responsibility

²⁷ See M. Alznauer, *Hegel's Theory of Responsibility*, Cambridge University Press 2015, p. 104 ss.

²⁸ *Ivi*, p. 136.

²⁹ M. Alznauer, *Hegel on legal and moral responsibility*, in «Inquiry: An Interdisciplinary Journal of Philosophy» n. 51(4), 2008, p. 375. See p. 381 regarding the third-person perspective involved in deeds and the first-person one involved in actions.

³⁰ H.L.A. Hart, *The Ascription of Responsibility and Rights*, in «Proceedings of the Aristotelian Society», New Series, n. 49, 1948-1949, p. 189

³¹ See M.Q. Silvi, «Atti ascrittivi e performatività», in E. Colzani e A. Rossetti (a cura di), *Mente, Azione, Normatività*, Ledizioni, Milano, 2014, p. 80.

because the former extends beyond bodily interventions of the agent to what is caused by objects in her possession: it is about an event evaluated within the normative legal framework, for which a person who is subject to the rules of law is held liable.

The moral action (*moralische Handlung*) refers, on the other hand, to the inner motivational dimension of the agent, taken as justification of the action itself³². So action is linked to a sort of *internal accountability*, evaluable in the first-person perspective. From his analysis of Hegel's text, Alznauer identifies the following conditions of accountability: the knowledge of 1) what we are doing, 2) why we are doing it, and 3) the value of our action, namely whether it is right or wrong³³. In this way Alznauer provides a definition for the internal requirement of agency as well as the precondition of the attribution of internal responsibility.

Alznauer claims that if Hegel's theory of responsibility is read as a question of reconciliation between the causal determination and freedom of an individual, the contrast between these perspectives is hard to dissolve. But if the two sides and requirements of agency are considered as different perspectives on the same ethical content, the contrast can be dissolved. By interpreting a deed (*Tat*) as an event which is evaluated in the third person in the legal field and an action (*Handlung*) as an event which is evaluated in the first person from a moral perspective, Alznauer reformulates the inner-outer problem concerning human action as a dialectical contrast between the requirements of Abstract Right and those of Morality which can be solved in the field of Ethical Life where, as Alznauer puts it, a moral objective responsibility comprehending both the external and the internal requirements takes place³⁴. The subjective will is indeed placed in a social objective space, and the right of knowledge is interpreted in the light of «what any responsible agent in a given society would have known [...]»³⁵. In Ethical Life (*Sittlichkeit*) the individual knows his social role and the norms to which he is subject; the opposition of the sides is overcome in «true conscience», in the will that conforms to the standards shared by the

³² M. Alznauer, *Hegel's Theory of Responsibility*, Cambridge University Press 2015, p. 109 ss. Alznauer uses the term *Handlung* also to refer to the *sittliche Handlung* and the *Welthistorische Handlung*. But, for our purposes, I am considering only the *moralische Handlung* here.

³³ *Ivi*, p. 130.

³⁴ However, we know that in Hegel the term “moral” refers to what Alznauer defines as internal requirement.

³⁵ M. Alznauer, *Hegel's Theory of Responsibility*, Cambridge University Press 2015, p. 153.

ethical community by which the deed can be publicly evaluated³⁶. Within Ethical Life, an individual recognizes legal, moral and political duties in relation to his social position, and on the basis of them he can be held responsible: the Ethical life, in Hegel's sense, removes, therefore, the opposition between what the agent thinks is right and the universal value of a deed³⁷.

In closing, in Alznauer's view two conditions must be fulfilled in order for someone to be considered a responsible agent: 1) the psychological prerequisite of thought, which is not present in animals, is not fully developed in children and can be temporarily absent in cases of mental disability; and 2) the specific social context in which agency can develop (savagery, patriarchy and slavery are regarded as states of innocence). This brings Alznauer to claim that «the *kind* of recognition responsible agency requires in order to exist fully and completely is political recognition [...]. Hegel's position is that responsible agency is fully present as soon as we have established a positive legislative order that recognizes individuals as persons»³⁸. In order to be recognized as a responsible agent one should not only be recognized by others as a free person. A bilateral recognition that individuals give each other outside a political context is not sufficient: rather, in Alznauer's view, Hegel's account of responsibility requires the kind of sociality involved in being members of a state.

5. Concluding remarks

According to both Larenz and Alznauer, albeit with some interpretative variations and the lapse of time between them, the concept of deed (*Tat*) does not coincide with a mere causal modification brought about in the external world, although this aspect is obviously present in Hegel's text. This alteration must, in fact, be related to the agent's will in order to distinguish it from a natural event. What has also emerged is that § 116 is not without issue: such a paragraph is indeed often considered to be out of place in the section of «Purpose and Responsibility» of Morality. Actually, it is not. And it corresponds to a broader meaning of *Schuld* that is not limited to the causal one but is rather mediated by concepts of right, such as those of property, and the way these relate to the agent, as both authors show.

³⁶ Id., *The role of "morality" in Hegel's theory of action*, in «The Owl of Minerva Journal of the Hegel Society of America» 44 (1/2), 2013 pp. 67-92.

³⁷ Ivi, p. 164.

³⁸ Ivi, p. 63.

Their re-interpretation of the concept of *Tat* is similar in a certain sense. In Alznauer's reasoning, *deed* primarily refers to an event which is evaluated in the sphere of Abstract Right (in Hegelian terms) and identifies the so called «external responsibility», which still does not mean that the event can be attributable at an inner and moral level as action of the individual. In Larenz, the objective imputation of the *deed* is based on the abstract concept of person without considering the individual's concrete particularity and does not correspond to considerations about the accountability of the agent. In his view too, attributing a deed to an agent in an objective sense still does not mean that she is also morally responsible for it. Moreover, both authors suggest to interpret *Tat* in a way that goes beyond the mere causal nexus, but they do so in different ways: Larenz interprets the imputation of the deed as a teleological judgement, thus overcoming the limitations of the causal relation. According to Larenz, this judgement is however «neutral»; it preceeds and lays the groundwork for every juridical or moral evaluation of the action. On the other hand, Alznauer's concept of *Tat* tries to overcome the causal perspective by integrating the concept of *Tat* into the juridical system and interpreting it as a deed evaluated according to the categories of abstract right in the social context of the state.

Both perspectives are fruitful in different ways. I agree with Larenz in reading the concept of the deed as already connected to the will of the agent (as Hegel's text shows). Moreover, I do think that a reading like Larenz's, in which the imputation of the deed precedes every juridical and moral evaluation, better express Hegel's view, especially if we consider the tragedy of Oedipus, an example through which Hegel shows that the «heroic self-consciousness» accepts responsibility for the entirety of its *deed* (PR, § 118A): in fact, the «heroic self-consciousness» is not able to distinguish between *deed* and *action*, exactly because it lives in a pre-moral condition and in a pre-statal context. However, I agree with Alznauer in the idea that the real sense of responsible agency can be only achieved in the social sphere, where the agent can be judged by institutions whose value she has recognized and by which she herself is recognized as a free person. As Larenz writes: «Das Recht macht den Menschen verantwortlich»³⁹, meaning that it is the law that makes the human being responsible for the consequences of his deeds, in the sense that she must answer for them in front of the community. The social context plays an important role as a prerequisite for judging responsible agency in a way that takes into account the external aspects of an action as well as its inner requirements, namely the accountability

³⁹ K. Larenz, op. cit, p. 89.

of the agent. This view supports an holistic conception of Hegel's practical philosophy in general and his theory of action in particular; however, as Michael Quante underlines, because of the fact that the will, as the fundamental structure of Hegel's Philosophy of Right, is not limited to psychological or mental conditions but is oriented to the social community as totality constituted by the relationship among its members, Hegel's philosophy is holistic but not in the sense that individuals do not play any role or are suppressed by a supposed «supra-individual subject»⁴⁰. As Larenz puts it, «Community is not suppression of the particularities, it rather presupposes them [...]»⁴¹ *.

⁴⁰ M. Quante, *La realtà dello spirito*, cit., p. 218.

⁴¹ K. Larenz, op. cit., p. 99.

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Il contributo è volto a mostrare, tramite la riconcettualizzazione del concetto hegeliano di *Tat* proposta, in modi differenti ma meritevoli di attenzione, dal giurista Karl Larenz (1927) e dal filosofo Mark Alznauer (2015), che imputazione e responsabilità non sono in Hegel limitati ad una visione puramente causale né ad una meramente soggettiva dell'agire. Il concetto di scopo (*Zweck*), trattato nella sezione "Teleologia" della *Scienza della logica*, si manifesta come il superamento della connessione causale e permette a Larenz di definire il carattere teleologico dell'imputazione del fatto (*Tat*). Gli standard normativi in vigore, riconosciuti dai membri di una società come leggi razionali, svolgono inoltre un ruolo importante in quanto forniscono il metro di misura per giudicare l'agire umano nello spazio sociale. A partire dalla teoria hegeliana dell'azione, Larenz e Alznauer hanno mostrato che è possibile rendere ragione di quelle tipologie di eventi imputabili all'agente, sebbene egli non li abbia intenzionalmente compiuti né solo causati.

Parole chiave: Hegel, fatto, imputazione, responsabilità, teoria dell'azione

By reconceptualizing the Hegelian concept of Tat as it is suggested in different but noteworthy ways by the jurist Karl Larenz (1927) and the philosopher Mark Alznauer (2015), this paper aims to show that responsibility and imputation are in Hegel not limited to either a merely causal or merely subjective perspective of agency. The concept of End (Zweck), which is analyzed in the section "Teleology" of the Science of Logic, manifests itself as going beyond causal connection and allows Larenz to determine the teleological character of the imputation of the deed (Tat). Moreover, the normative standards which are recognized by the members of a society as rational laws play an important role insofar as they provide a common yardstick by which to judge human agency within the social sphere. Starting from Hegel's theory of action, Larenz and Alznauer have shown that it is possible to give account of the kinds of events that must be imputed to an agent, even if she did not intend or cause them.

Keywords: Hegel, Tat, Imputation, Responsibility, Action Theory