

THE MYSTERIOUS RULER OF NOTHINGNESS AND IDENTITY: ABOUT THE ACT, WILL AND OTHER VOLITIONAL CONCEPTS AND THEIR SIGNIFICANCE FOR SYSTEMATIC PHILOSOPHY

Konrad Wyszkowski, Trans. Kamil Aftyka¹

*An sich ist nur das Ewige, auf sich selbst Beruhende, Wille, Freyheit.*²

ABSTRACT: The purpose of the following text is to present what I have established about volitional concepts such as act or will. I claim that the concepts play the most important rôles in epistemology and ontology (theoretical philosophy), philosophy of right (“die Rechtsphilosophie,” practical philosophy), and consequently in systematic philosophizing. The main part of the text deals with act, will and other volitional concepts as the main subject of the philosophy of right to exhibit these concepts at their finest. Especially the one of will, as the *paris pro toto* of volitionality, is examined and exhibited. The concept of will is in its element in the philosophy of right, so the latter is the best place for its examination. Eventually, after the summary of the main part, the advertisement of an application of the concept of will to the general philosophical issues is presented. This concept, as the spirit unto itself, is introductory confronted with epistemological and ontological problems such as the problem of novelty (of which an instance is known as the Meno’s paradox), the ontological status of laws of nature and laws of history, the problem of the emergence of intersubjectivity and the character of “true infinity” and of sublation. I wrote the

¹ An earlier version of this paper was published in Polish by Konrad Wyszkowski as, ‘Tajemniczy władca nicości i tożsamości. O znaczeniu pojęcia woli dla państwa, prawa etc.’, *Kronos*, No. 2, 2018, pp. 141–158. This was translated into English by Kamil Aftyka, and the paper then modified and supplemented by the author.

² Wilhelm Friedrich Joseph Schelling, *Philosophische Untersuchungen über das Wesen der menschlichen Freyheit*, in: Schelling, *Historisch-Kritische Ausgabe*, ed. T. Buchheim, J. Henningfeld, W.G. Jacobs, J. Jantzen and S. Peetz, 1st raw, *Werke*, vol. 17, ed. Ch. Binkelmann, T. Buchheim, T. Frisch and V. Muller-Luneschloss, Stuttgart, Frommann-Holzboog, 2018, p. 120.

text in a manner highlighting the moments of the presented reasoning that may stimulate interest and curiosity of the reader. In highlighting thus: the object, goals and theses, claims. This, necessarily, puts in the shade reasonings, *viz.*, assumptions, premises, and inferences themselves and makes the text sound like a summary. This is not a disguise: this is truly a summary of much broader considerations.

KEYWORDS: G.W.F. Hegel; A. Schopenhauer; Will; Law; State; Nature

INTRODUCTION

The purpose of the following text is to present what I have established about volitional concepts such as act or will. I claim that the concepts play the most important rôles in epistemology and ontology (theoretical philosophy), philosophy of right (“die Rechtsphilosophie,” practical philosophy), and consequently in systematic philosophizing. The main part of the text deals with act, will and other volitional concepts as the main subject of the philosophy of right to exhibit these concepts at their finest. Especially the one of will, as the *pars pro toto* of volitionality, is examined and exhibited. The concept of will is in its element in the philosophy of right, so the latter is the best place for its examination. Eventually, after the summary of the main part, the advertisement of an application of the concept of will to the general philosophical issues is presented. This concept, as the spirit unto itself, is introductory confronted with epistemological and ontological problems such as the problem of novelty (of which an instance is known as the Meno’s paradox), the ontological status of laws of nature and laws of history, the problem of the emergence of intersubjectivity and the character of “true infinity” and of sublation. I wrote the text in a manner highlighting the moments of the presented reasoning that may stimulate interest and curiosity of the reader. In highlighting thus: the object, goals and theses, claims. This, necessarily, puts in the shade reasonings, *viz.*, assumptions, premises, and inferences themselves and makes the text sound like a summary. This is not a disguise: this is truly a summary of much broader considerations.

There is no doubt, that we live in one of the most fascinating epochs in the history of the world in the broadest sense of the words. History seen not only as the history of political state, or of writing, opposed to the so-called prehistory, but as the whole existence in time, in a way in which natural history is a history. The

facts as theoretically interesting as our epoch are only, *e.g.*, either the beginning and the end of the universe or of the human kind (the latter of which could be treated as tantamount to the existence of the state in the meaning expressed below). It is so, because we, including our forefathers of the times of Italian Renaissance, are the witnesses of the still happening emergence of the liberal state, emergence of the state of freedom. Reality in which freedom is not only an ideal, but also a state of affairs. The heroic process of the state, becoming liberal in order to create a state of freedom, is for sure not even near completion. Nevertheless, liberty “is the sole ideal that has the solidity once owned by Catholicism and the flexibility that this was never able to have”³.

One can apprehend the model of liberal state more or less abstractly. The supporters of Platonic dialectic, that is, the dialectic from which formal logic ensues, will find this model more understandable, of course, in the form taken in Popper’s *The Open Society and Its Enemies*⁴. For the advocates of Hegelian dialectic *resp.* speculation, this model will be more pleasantly presented in the form it assumes in Croce’s *History of Europe in the Nineteenth Century*⁵. It is quite obvious that almost every reader will not use those tips, certain, and rightly so, that their inkling concerning this notion is more accurate, more adequate. Rightly so, because this notion is the main one among the current political notions, and since “everything is political”⁶, everything is hence categorized with and by this notion, and the notion is *eo ipso* omnipresent. This tip is only to make easier an effort of reading this text critically.

My aim in the text is to unveil the mysterious director of the spectacle presented before us. I do not say that the director is not himself an actor in some play far beyond this one. Yet, I think that the truth about the said director is one of the biggest truths of human knowledge. Hereunder I present the general, philosophical program of discovering the truth. I will use a mode of presentation in which I would examine the truths we know about human history, find the contradictions in them and new, richer truths. Therefore, till the end, the reader

³ Benedetto Croce, *History of Europe in the Nineteenth Century*, trans. H. Furst, New York, Harcourt, Brace and Company, 1933, p. 358.

⁴ Karl Popper, *The Open Society and Its Enemies*, Routledge, London-New York, 2011.

⁵ Croce, *History of Europe in the Nineteenth Century*.

⁶ Jerzy Andrzejewski, *Miazga (The Mash)*, Kraków-Wrocław, Zakład Narodowy im. Ossolińskich, 2002, p. 165: „wszystko jest polityczne”.

should not treat a given truth as final, but acknowledge it as partially true. In the text, I call this method dialectic or Hegelian dialectic, in reference to the method expressed in Hegel's *Science of Logic*.⁷ Albeit the term "speculative" or "speculation" would be more accurately Hegelian, I think that "dialectical" is more usually connected by the potential readers with the mode of presentation, reasoning and arguing which I express hereunder.

THE STRUCTURE OF THE WILL

To examine human history we need to decide tentatively what the agency creating history with its action is, and thus what agency is in general. It follows from this that agency forms history and history dialectically follows from its notion, from the notion of agency. The differentiation between "subjectivity" and "agency" covers the Polish differentiation between "subiektywność" and "podmiotowość". English "subject" has at least four philosophically important meanings: serf, someone submitted to a rule (1), theme or topic (2), subject of cognition (3) and subject of action or rights and freedoms (4). In English (as well as in the case of Polish "subiektywność"), "subjectivity", although rooted in the word "subject", has only one distinct meaning (at least were we to choose from the foregoing list). It is the essential trait of the subject of cognition (3) and, above all, it is that trait which distinguishes the knowledge that is *only* subjective from the knowledge that is also true, that is also authenticated by reality. Therefore, I use the word "agency" to express the sense of Polish "podmiotowość", *viz.*, the essential trait of the subject of action or rights and freedoms (4). The subject in this sense could be also called an agent, but such use can – in some contexts – conceal its numerical identity with a subject. (It is worth noting that in Polish, subject is primarily an agent: "podmiot" is related to "podmiotowość", "agency", not to "subiektywność", "subjectivity").

Historical agency in general and in universal is will⁸, and in particular it is

⁷ Georg Wilhelm Friedrich Hegel, *The Science of Logic*, trans. G. di Giovanni, Cambridge, Cambridge University Press, 2010.

⁸ Hegel, *Elements of the Philosophy of Right*, trans. H.B. Nisbet, Cambridge, Cambridge University Press, 2014, pp. 35-37 (§ 4) in the context of pp. 281 *sq.* (§ 259; these and next passages have their logical equivalents in the *Encyclopaedia of the Philosophical Sciences in Basic Outline*, yet Hegel himself recognized the *Elements of the Philosophy of Right* as further developed exposition of the legal sciences – see Hegel, *Philosophy of Mind*, trans. W. Wallace and A.V. Miller, Oxford, Clarendon Press, 2010, p. 219, § 487).

law⁹, people¹⁰ and state¹¹ as a unity¹². Agency in this particular becomes a historical individual, a subject. This subject enters the relations with other such subjects¹³. The dynamic, dialectical entirety of these relations are the international affairs, and their principle is the spirit of history¹⁴. These are the theses following from Hegel's *Elements of the Philosophy of Right* (for the philosophy of history is a part, within this frame, of the philosophy of right).

By "state" I mean the concept of the state as an "Idea"¹⁵, constituting the third sub-form of "ethical life" ("die Sittlichkeit"), that is, the third form of will (*resp.* its freedom). Consequently, I mean here also the concept of the state as a single emanation of this "Idea", merging itself in its outlines with an ordinary image (by "image" I mean "das Bild" or "die Einbildung" in German or "obraz" and "wyobrażenie" in Polish, not "die Vorstellung" often contraposed to the concept, "der Begriff", "pojęcie") of the state. The image which includes social facts such as being hired by the state or giving and pronouncing judgments in the name of the state. The state so understood fulfills the function of the subject of history¹⁶.

History has much in common with affairs, and not only those international. As the Polish word "dzieje" with its relation to "dziać się" (to happen) and "działać" (to act, to do, to work), German "die Geschichte" with its relation to "geschehen" (to happen) and Latin "res gestae" with its relation to "gero" (to manage) illustrate, the relation of history and action is very close. (It could be noted that as German and Latin accentuate the perfective side of history, the idea that history is the past, this what already happened, the things already done, Polish created a word opened also for the future and for change brought by action. Therefore, history meant as "dzieje" is a whole together with the future, is a process in which we, as contemporary agents are participating.) History is not only something which we can make, as something living its own life, but also

⁹ Hegel, *Elements of the Philosophy of Right*, p. 275 (§§ 257 *sq.*); as the law really acknowledged: laws, customs, legal and moral practices *sensu largo*.

¹⁰ *Ibid.*, pp. 339-359 (§§ 301-320): legally, politically expressing itself as casts, classes, estates *etc.*

¹¹ *Ibid.*, pp. 288 *sq.* (§§ 267 *sq.*).

¹² *Ibid.*, p. 312 (§ 274).

¹³ *Ibid.*, pp. 366-371 (§ 330-340).

¹⁴ *Ibid.*, pp. 372 *sq.* (§§ 341-344), p. 380 (§ 360).

¹⁵ *Ibid.*, pp. 275-282 (§§ 257-259).

¹⁶ *Ibid.*, pp. 281 *sq.* (§ 259).

something which is and will be made from our deeds.

As it has been said, and what demands a special mention here, the state is a sublation of the concept of will. Will is the highest state of consciousness that can be reached by a subjective spirit, *i.e.*, a single consciousness, in the isolated process of the logical enrichment of this concept. While apprehending the thing with this determination in mind (will as a state of consciousness), we will tell that will is a character¹⁷, *viz.*, a system of individual traits of a human individual raised and formed by culture. Human in an ordinary sense is, in its essence, the smallest intelligence or soul, excluding from its precincts everything other than itself. This is why I use in this article the term “human individual”¹⁸, and “individual” for short. Being in such a state allows the individual to sense unity (so necessary for it) in all the acts¹⁹ conducted by it, and thus gives it an identity. This, in turn, enables it to become its owner²⁰: of its own, *sc.*, its own body and its sensuality, and the things physically external to the body. It also enables the individual *eo ipso* to enter relations with other wills²¹, and thus also with other individuals capable of independent exteriorization. The aforementioned sense of unity is most often experienced by the sense of responsibility, about which Schopenhauer writes more²². Now that we claimed that will is a state enabling, so to speak, the individual to exit itself and move outside, one can henceforth call it a faculty of changing the objectual reality, *i.e.*, the reality of objects, not the whole objective reality²³ (because in the subjective reality, also the powers serving theoretical purposes have the subjective causative force)²⁴. It is hard not to summarize this in a fashion other than by saying that it is precisely will which is a power of mind (and at the same time the synthesis of such powers) that makes an individual a

¹⁷ Giovanni Gentile, *Genesis and Structure of the Society*, trans. H.S. Harris, Urbana, University of Illinois Press, 1960, pp. 90-97.

¹⁸ Used very fortuitously in translation: Hans Kelsen, *Czysta teoria prawa (Pure Theory of Law)*, trans. R. Szubert, Warszawa, Lexis Nexis, 2014, p. 60 (“jednostka ludzka”).

¹⁹ Cf. Hegel, *Elements of the Philosophy of Right*, pp. 37-42 (§§ 5-7).

²⁰ *Ibid.*, pp. 73-84 (§§ 41-53).

²¹ *Ibid.*, pp. 102 *sq.* (§ 71).

²² Arthur Schopenhauer, *Prize Essay on the Freedom of the Will*, trans. Ch. Janaway, in: Schopenhauer, *The Two Fundamental Problems of Ethics*, Cambridge, Cambridge University Press, 2009, pp. 105-109.

²³ “Objectual” in this meaning is equivalent of the Polish adjective “przedmiotowy”.

²⁴ Cf. Immanuel Kant, *Critique of Practical Reason*, trans. W.S. Pluhar, Indianapolis-Cambridge, Hackett Publishing Company, 2002, pp. 23-25 and *passim*.

metaphysical unity and subject.

State is thus, as a will, a state of (social) consciousness that, in an assemblage of individuals, is an adhesive of the common character (thus formed by culture) which enables the assemblage to take actions as a metaphysical unity and subject. Its logical necessity, concluded by the philosophy of right²⁵, follows from the necessity of making the source of law concrete, *i.e.*, historical, but also eternal, *i.e.*, ideal and objective being. The history, *viz.*, the happenings and the performances of the spirit, are such a concretized, eternal and objective source of right²⁶, and in individual, the state is such a source.

The abovementioned concept of the state rests on the concept of law as also certain, objective will. As it has been already said, the objectivity of such will means, firstly, the power of changing the world in a metaphysically real way. Secondly, it refers to an equally objective being. The necessity of the objectivity of such a being comes from, *in nuce*, the need for sanction, status, rule. This need results from a more generic need for certainty²⁷. A sentence to capital punishment can be imposed only by the ruler of life and death, that is, by a sovereign state. A merciless judgement expropriating widows and orphans has its uncompromising legal validity only because it is delivered by some objective will. Not devised by this or that consciousness, but existing more objectively than any subjectively self-confident individual. The state is a state of the will. The things which happen to the will because of its own actions form history. Thus, history is a performance of the will.

At this point, once the bases for the concepts of history, state and will have been indicated, what is beginning is the presentation of the results of the attempts of building on those bases higher walls: the Tower of David *in spe*, but someone's piercing critique may demonstrate that only the Tower of Babel. The question that arises in the face of what we attributed to the state is as follows: what does it mean that a law with whose sovereignty a society identifies, and which is a factor of history, is the same thing as the respective state? In other words: what does it mean that will that is a state is the same will as that which is historical and

²⁵ Hegel, *Elements of the Philosophy of Right*; the work is itself one such big proof, given by the method indicated on pp. 59-62 (§§ 31 *sq.*).

²⁶ *Ibid.*, pp. 372-377 (§§ 341-354).

²⁷ *Ibid.*, pp. 191 and 196 (§§ 147 and 153).

sovereign law? Law may ostensibly seem to be a way of expressing a certain set of texts: that such state of affairs is the case the current practice of legislating, and interpreting, and using law suggests. A cliché lawyer identifies a word used in some text with legal form, and by following linguistic intuition, and in the best case, a dictionary, he presses the sense of such a legal act into this pseudo-form.

A will forming a state is a necessary assumption of the system of legal atoms, norms. Neither words alone nor their sense seem to, however, fill in, or even constitute, the metaphysical part of that which the state in fact is. But the interpretation of the words forming the text known as legal may be significantly altered by introducing a certain rigor. The rigor of reading them not simply as some normative expressions but as expressions of the objective will alone. With such a change they will probe to be expressions of the particular, properly understood legal norms²⁸. It will turn out that every word in a legal text is an expression of a decision of the objective will, and thus an expression of the objective and normative thought, which we call the legal norm. These norms are mutually connected with each other: some constitute rights and duties (which are correlates of rights); some others constitute the rights of positing the preceding ones as objective norms; and so on. These (mutually linked with each other) norms connect with the extra-legal reality through the rights of the particular subjects of law, *i.e.*, legal persons. Law awards to those subjects a right to a binding decision whether one can or even has to apply a certain norm, and so in other words, to the verdict if certain facts (state of facts, “der Tatbestand”, “stan faktyczny”) occurred. *Sub specie iurisprudenciae*, and we are assuming here Kelsen’s proofs, facts are a term of an extra-legal premise of the decision that is being made by an entitled subject²⁹. The premise is thus only subjectively binding the subject’s decision. This subject may be controlled or supervised, and *eo ipso* forced to public justification of its actions or even to withdrawal from them. However, the assumption of this control or this supervision again will be extra-legal, and thus a subjective criterion. *A contrario*, law closes off itself from the extra-legal

²⁸ Cf. Kelsen, *Pure Theory of Law*, trans. M. Knight, Berkley-Los Angeles, University of California Press, 1967 (reprint: Clark [New Jersey], The Lawbook Exchange, 2008). The paragraph is an interpretation of the theory presented in the book.

²⁹ Kelsen, *Pure Theory of Law*, pp. 239-242, *pars pro toto*.

reality, enclosing the entire objectivity of will in the concepts of norm, the relation between norms, and the relation between norm and law's subject.

State, however, consists in a reality much broader, a reality of common law (“die Sitte” and “die Sittlichkeit”)³⁰, and in general any norm currently in force. “Ethical life” is – from perspective of my apprehension – the unity of customs and folkways, laws, ethical ideals and models of life, *viz.*, the common law. Of course, I use here a bit mythologized image of common law, yet I think that Anglo-Saxon countries, especially the USA and the UK, present such model with all the variations, peculiarities and odds added always by the reality. Thus, I use the term “common law” to name “die Sitte” and “die Sittlichkeit”. Hence, it shall be stressed that all states have their common law; that the common law is the ultimate form of any legal order, *i.e.*, objective spirit. It does not limit itself thus only to the objective norms constituted as they are, but it includes all constituted norms, *sc.*, comprehended in the contraposition³¹ to the internal, inner, subjective part of the soul. Yet, as the custom is acknowledged as the proper mode of existence (or validity) of the norm, the idea of the order of norms can be a bit neared to the idea of objective spirit. In this way, the idea of the legal order, whose rudimentary (now enriching bit by bit) form was derived from Kelsen³², includes all the terms of Hegel's state's objective will, because the order is the state³³. Thus, the state is a basis for the coherence of the legal order (*viz.*, law in the Kelsen's static aspect of law³⁴).

The necessity of assuming the legal order ought to lie in it itself. The identity of state and law that is forcing itself now comes up against a serious difficulty: it has been stated above that state is a will also because it posits unity and decides about the unity. Unity not only in concept but also in action; unity and identity of acts carried out in the name of the state and by the state in the course of the history³⁵. The legal order, as it has been determined so far, emerges historically but also

³⁰ Hegel, *Elements of the Philosophy of Right*, p. 195 (§ 151).

³¹ Hegel, *Philosophy of Mind*, p. 207 (§ 470).

³² Kelsen, *Pure Theory of Law, passim*; especially pp. 30-58.

³³ *Ibid.*, pp. 286-319.

³⁴ *Ibid.*, pp. 70 *sq.*; p. 70: static theory of law “is directed toward the legal norms created, applied or obeyed by acts of human behaviour”.

³⁵ Hegel, *Elements of the Philosophy of Right*, pp. 372 *sq.* (§§ 341-344).

purely positively. Purely positively, that is, as something given, and not as something possible to be philosophically deduced, which aligns well with the common opinions about law. The only positive, in this sense, facts creating the legal order are the facts presenting this order fragmentarily, acts, bills, legislations *sensu largo* (*leges*). The unity is thus introduced into the legal order by the subject with greater or smaller power, which is nevertheless always only the power of its own agency. On this level of logical development, the concept of the historical and sovereign form of law does not, however, correspond to the concept of state.

The basis on which the being of a state rests is a dialectical principle of law-making. It seems ostensibly that this homogenous will ought to be “something”; something of the kind of “a stone, a tree” or at least of the edifice of the Chancellery of the Prime Minister of Poland. However, this image is *in nuce* false, and this is precisely because it is an image. The imagination of some, so called, brute or hard facts, some transcendent materiality, finally, of some transcendent and absolutely independent and spontaneous being. Bishop Berkeley rightly mocked this imagination by asking Hylas what his so-called matter actually is: given that it is nothing among all those which can be somehow named. Since it cannot be expressed by any fact, the difference between the sum of norms and subjects of law on the one hand and state on the other can express itself only in their order. We only need to understand correctly the idea of order applied here. Not as an abstraction of formal logic, which connects some logical atoms into some specific kind of a – so-called – set but as a real, concrete principle. The principle manifesting itself in reality and objectively putting the reality in order, and even assuming the reality in itself and being the source of the being of single occurrences. The order so understood shapes itself in this case in the following way: the mutually linked norms create new subjects of law, which set these norms in normative, positing movement. Norms are here like motives of individual will, which now mutually condition themselves not only externally (by the individual will) but also internally (by their own content). They are reasons, principles, and rules of law-making, which are directed by law in its dynamics. And precisely this interiority of theirs is a reference of some inner order to some supra-legal reality, which is the principle of those norms. State puts in order the norms according to normative rules, directing itself according to them as the reasons of its strivings.

The first suggestion of the identity of state and law was linking them to the extra-legal reality, to facts (states of facts) and physical substrata of legal persons. (Even in the natural person its body is only a physical substratum.) This next suggestion refers to the basis of the law which rests in the law itself. State is the principle of law-making and functioning of the legal order (the principle of law understood like in Kelsen's dynamic interpretation³⁶), and thus is this order itself. This position already surpasses, however, the methodological framework of Kelsen's project, and only makes use of his terminology. The methodology accepted by him only allows to apprehend the first suggestion of the identity of state and law, getting tangled up in the same contradiction as Kantian position concerning the categorical imperative³⁷.

Will whose expression concerns only the creation of law is non-sovereign will, and thus the will that is not state's will. Again, however, the unity of state and law faces the challenge of the relation to reality and to its objectivity. In the case of the first suggestion of the identity of state and law, the legitimacy of the relation of will to reality broke up because of the subjectivity of the relation between specific norms. The objectification of these relations by the principle and the basis of some order of law takes away from the subjects of law, however, the room for creative action. The repetitive action is not, on the other hand, an agent's kind of action, and thus its lack leads to cognizing a significant feature of state and law. Hence, if neither the concept of the formal system of norms nor the concept of the dialectical system of norms, then maybe the dialectic of norms related to facts will turn out satisfactory?

The only space in which will is free is nothingness. Nation, the people is a community molded in the state's own image and after its own likeness but at the same time differentiated from it³⁸. The legal order gives the people a certain mass of instructions contained in the norms that have force over the subjects of law as

³⁶ Kelsen, *Pure Theory of Law*, pp. 70 *sq.*; p. 70: dynamic theory of law is directed "toward the acts of creation, application, or obedience determined by legal norms".

³⁷ Hegel, *The Encyclopaedia Logic*, trans. by T.F. Geraets, W.A. Suchting and H.S. Harris, Indianapolis-Cambridge, Hackett Publishing Company, 1991, pp. 100-105 (§§ 52-60).

³⁸ Cf. Hegel, *Elements of the Philosophy of Right*, pp. 373-376 (§§ 344-350).

individuals. After the self-recognition by the legal subjects in their collective being not only on the level of consciousness but also their action, that is, after gaining national identity, patriotism, the “political disposition”³⁹, also these instructions of norms become mutually connected in their results, expected realizations. The highest reason, which in its being a source for the lower reasons is alone the state’s will, binds all the dispositions into one which is pure disposition commanding the people to reshape the reality in a way determined in the disposition. This is how the legal order becomes one, comprehensive, all-embracing norm that designates for the people its proper future.

The objective norm, which a state is, that is the categorical imperative of a citizen, does not relate to reality as some empirically stateable fact but to reality as nothingness that can be somehow posited. Of course, law assumes that the posited future, after having been posited, will be a fact, but it will be such only after pushing through the norm itself. The norm cares thus neither about whether its execution, that is, its full execution, will be actually possible (in other words, about whether it can really act on reality) nor about whether it refers to something factual. Moreover, the norm does not want to refer to something factual: it strives to refer to something which is not yet there – not in any pattern, not in any paradigm; not on earth, not in the heaven. It wants to be this very paradigm, and the real factor in the becoming of reality. The norm is completely abstract, and, what is more, as such is constituted. The norm, in contrast to logical judgments, has no claims to be a concrete, real reference to reality; the norm, quite on the contrary, wants to posit this reference and counteracts any dependency from how things are, from any factual establishment. It must be emphasized that the norm detaches itself even from the current, actual and active becoming of things in order to touch what is not even becoming yet, what is still even unimaginable, that is, true, still transcendent future. The norm strives to make this transcendence immanent, to bring it, the heaven, down to earth, in order to posit this which is and this which will be for the sake of its own abstract determination of *raison d'état*. Due to the activity of the norm *raison d'état* becomes *raison d'être*. This is why it uses the language and meanings which are completely abstract; it creates for itself special definitions and detaches words from their current

³⁹ *Ibid.*, pp. 288 *sq.* (§ 268).

meaning: in such a way as to express with them what corresponds to its abstract, one-sided determination of the future. The norm assumes its abstractness fully, and thus also to such extent that it foresees that it will be fulfilled in a way which it cannot foresee. It permits thus for the interpretation of it, and it only leads this interpretation in some direction, expecting that the concreteness of reality overgrows, surpasses its ability of creating foreseeing dispositions.

A significant mark of obligation, it is precisely abstracting from the objective, objectual rules and necessities⁴⁰. This is why law cannot be comprehended by an individual as fulfilled, but as demanding the fulfillment. Insofar as the objectivity of actual and active reality is assumed by the spirit trying to comprehend it, the objectivity of the legal order is pure and full, and also fully self-conscious. A law cannot be derogated heteronomously, by referring to some objectivity surpassing it: one can only question its subjective cognition, that is, its interpretation. The maxims such as *lex iniusta non est lex* are not heteronomous at all, if they are not to be laughable, but they refer to something even more legal than law.

Nothingness is ostensibly only an abstract space for the freedom of will. The objectivity of law results thus from its abstract character, from the detachment and abstraction of the will (the will that is expressing itself in the state and is the state) from the individual conditions and individual contents. State as such purely abstract construction, however, is also something real, something that *hic et nunc* partakes in the becoming of the reality, and is also accordingly something concrete. Thus a contradiction occurs here, between a purely abstract being of the state and its historical concreteness: between an abstraction of an obligation and the obligation's objectivity understood as existential independence (for which in Polish we have a meaningful word “samoistność”). Given that the state and the law want to refer to the not-being, to form mirages, why do they demand from the individuals definite, concrete choices? Brutus, the founder of the Republic of Rome, was certain that his son ought to be sentenced to death for the betrayal of fatherland; from what did he know this, however, given that in what the father took as betrayal, his son saw the fatherland's salvation? What is the source of certainty of Coriolanus's mother? Immanently contradictory, it presents itself to

⁴⁰ Hegel, *The Science of Logic*, pp. 103-108 and 729-734, especially 731 *sq.*

non-dialectical studies as void *resp.* unclarity and indefinability. This is why Kelsen was suggesting accepting obligation as a “simple notion”, citing George Edward Moore⁴¹. However, as it will turn out, the acceptance of the assumption that no concept is nor can be simple, and the application of it here *per dictum de omni (et nullo)* will turn out to be more fruitful.

Nothingness occurs in history unceasingly as the need whose fulfilment is behind the purposefulness of the law-making. A feature of norm and normativity that proves at this moment its necessity is its potential purposefulness. Whereas in the case of the second proposition of the identity of state and law the objectivization concerned the legal form, now it has to concern also the legal matter, *sc.*, a concrete object of regulation. Since the regulation wants to encompass something, this means it has some intention concerning this object, some purpose; this purpose is *ratio legis*. Of course, insofar as it is a purpose resulting from the state’s will; but this is the only kind of purpose we can mean because only such a purpose is legal. The change of regulations is also validated by *rationes legis*. In this way, a chronicle of regulations emerges, the chronicle consisting of the consecutive legal bases (formal and material) and norms issued with their permission. The chronicle corresponds to the series of phenomena ordered by the relation of causality according to the Kantian schema, which corresponds to the Kelsenian claim about the existence of the analogies between Kant’s causal order and the legal order⁴². To infer the validity of a certain norm one has to show a past indefinite in the aspect of its end, the antiquity of the series of bases on which the norm rests⁴³. In accordance with the results of Kelsenian research in the discipline of custom law, such bases, in the proper, scientific sense of the word are acts of the recognition of these laws, either by court, or other subject authorized to state the validity of customary norms⁴⁴. Hence, in the barbarian

⁴¹ Kelsen, *Reine Rechtslehre*, Wien, Österreichische Staatsdruckerei, 1992, p. 5; I could not find Kelsen’s footnote, which is crucial for this citation, in the English translation, therefore I make a reference to the German original.

⁴² Kelsen, *Pure Theory of Law*, pp. 76-81 (“Causality and Imputation: Law of Nature and Legal Law”).

⁴³ “Niedocieczony” (“indefinite”) – this is most likely the most proper Polish translation of the word *indefinitum* in its Kantian sense; if this is the case indeed, then it is another confirmation of the above-mentioned analogy, although such an understanding of its was denied by Kelsen: *Pure Theory of Law*, p. 91.

⁴⁴ Kelsen, *Pure Theory of Law*, pp. 225-229.

Germanic law, the justification of the validity of some norm was demonstration, or at least proclaiming its indefinite antiquity.

Deducing of the legitimacy of the relations between the will and nothingness from indefinite antiquity is insufficient. However, this whole series of legal bases is nothing else than a form of spurious infinity. It is the moving-away and postponing of the proper elucidation of the objectivity of norms to the sphere of indefinite beginning, the hiding of the rational, objective basis of the validity of the norm before consciousness. This is why this basis must become posited as actual and active, as valid, binding *hic et nunc*. The source of normativity must be posited as active incessantly and at all instants. The indefiniteness of the beginning of the legal order in its normativity, understood as objective normative character, turns out to be merely a symptom, a phenomenon resulting from the timelessness, extra-temporality of the very legal order. The legal order, the objective will acting always and everywhere, actually and uniquely is beyond any particular form of individualization and beyond any instance of the rule of sufficient reason⁴⁵. It is proper will, which Schopenhauer was describing anticipately. The will beyond time, space, causality, motivation and formal logic. The will, which is the most objective, the most independent from contaminations of individual cognition, that is the contaminations of subjectivity, which is a fragment and an element of reality.

State and law, if they are to be will at all, must be the same will as the one standing behind all forces, laws and phenomena of nature. The series of legal bases along with its respective series of *rationes legis* creates the chronicle of laws; this chronicle is an expression of a certain special historical concreteness, the state. This concreteness manifests itself in the configuration of this chronicle: it is ordered according to a specific, special state principle. It is in this sense an expression of a certain historical spirit (being the individualization of a universal world-spirit) that leads

⁴⁵ Schopenhauer, *On the Fourfold Root of the Principle of Sufficient Reason*, trans. D.E. Cartwright, E.E. Erdmann and Ch. Janaway, in: Schopenhauer, *On the Fourfold Root of the Principle of Sufficient Reason and Other Writings*, Cambridge, Cambridge University Press, 2012, pp. 3-197 (resp. 3-152; on pp. 153-197 are presented variants of the text), *i.e.*, the whole text of the *On the Fourfold...*; the proper Schopenhauerian meaning of the term “principle of the sufficient reason” follows from the text as a whole. And the full meaning follows from putting it in the context of his theory of the will and its individualization.

the respective people. This spirit appears here as a necessary sublation of the contradiction between an assumption that the legal bases are the source of the validity of the state-norm and an assumption of a spurious infinity of ends and justifications of citing these bases. And hence the legal order becomes once again constituted as objective will. But now already as the will sublating its entire chronicle of changes and accidents and anticipating future changes and events.

This will inherently neither persists nor is it becoming alongside the reality, but it, in this reality, manifests itself as its eternal axis and principle. This will is an intelligible character that reveals itself in this reality, but at the same time it already has the reality in itself in the reality's entirety and it determines in the reality everything *a priori*. All movement of state's spirit is already determined and destined. It is fixed. Empirical reality is for the will only an empty spectacle, which repeats itself perpetually and cyclically according to unchangeable instances of the rule of sufficient reason, imposed on the phenomena as extreme individualizations of this will. Such will is bored with the reality, for which it constitutes, predestining all of its movements and possibilities, immanent providence. It is bored with the motion-picture, that is the same and only one it was watching, is watching and will be watching. It is bored with this shadow-play. The eternity of will and its eternal persistence as unchanging actuality and activity is thus the constancy of Parmenidean being. The being being an immanent, Leibnizian God, which has already assumed in itself all virtuality and actuality as all possible worlds and this single one among all of them that is the best, which is really created. As Gentile is demonstrating⁴⁶, and what we are assuming after him, such representing for oneself of the spirit enlivening the world is a recognition of all being as fixed and made as a past, present or future fact *in saecula saeculorum*.

On the other hand, this will is to be eternal not only in the sense of its stately constancy, but also in the sense of its actuality and activity, validity, which is acting *hic et nunc*. It is to be not just *stans*, but also and first of all *nunc*. It is to be an incessant and always present legal authorization for the norm as such, that is, in its normativity. It is thus to be that which can be called *ratio iuris*, to distinguish it from ordinary *ratio legis*. Every legal deed is to be legal in this, concrete instant

⁴⁶ Gentile, *Theory of Mind as a Pure Act*, trans. H.W. Carr, London, Macmillan and Co., 1922, pp. 179-201.

and since that instant: it is this instant which is to be authorizing it. If it is authorizing the past state of affairs, it is not because it is in itself past, but because it is also retroactive. If it acts on the past, it is precisely because it is dependent on our acts *hic et nunc*, and it even is its effect. Eternity in this second understanding is an incessant actuality and activity, continuous following of the changes and maintaining in them its own identity. This is an individualization that really enriches itself by its change.

The identity of will, of omnipresent unity and might, enslaves it. However, even if one accepts after Gentile⁴⁷, and that is what I indeed do, that precisely the empirical particularity and multitude are needed for the preservation of the possibility of change, then still it does not respond to the challenge of the Schopenhauerian image of the world. The world in which, despite empirical diversity and its changeability, the will is that which is unchangeable. That which makes concepts unchangeable (from which will makes each non-abstract one a natural kind and *eo ipso* the essence of all phenomena). Despite the process of individualization, the immanently and incessantly positively constituting spirit, and despite the stochasticity of accidents, the spirit as such is already once for all posited and constituted. It is a *factum* that purely abstractly opposes itself to itself and creates for its own sake a false, abstract self-knowledge, while is in reality remaining already something constant, like solidified lava⁴⁸. And here exactly follows a contradiction between these two determinations of eternity, between the claim that the philosophers' God knows whole past and future, and the claim that the freedom of free creation of the future belongs to individuals according to their discretion. This contradiction occurs thus also on a higher, than Gentile stated it⁴⁹, level: it occurs between two determinations of eternal individualization. Gentile used precisely the concept of individualization in order to explain from where there comes positivity in the reality, and thus here in particular: from where there comes a validity of the norm transforming the world, but this concept

⁴⁷ *Ibid.*, pp. 202-219.

⁴⁸ Cf. Adam Mickiewicz, *Forefathers' Eve*, trans. Ch.S. Kraszewski, London, Glagoslav Publications, 2016, p. 257: "Our nation's like a living volcano: | The top is hard and cold, worthless and dried, | But boiling, fiery lava seethes inside. | One hundred years of cold won't cool its breath".

⁴⁹ Gentile. *Theory of Mind as a Pure Act*, pp. 179-201.

of his, great and by all means deserving admiration, enters a contradiction with the complete immanence of spirit, here: will.

The will annihilates itself in order to free itself from its identity. The will, which is to be both actual (and active) and eternal, must ensure for itself a possibility of change. Moreover, the change beyond any empirical determinations, but of course, given the limitedness of spirit, reflecting in them. The only solution in the face of which the will stands is, therefore, a pure self-denial (which is another side of “die Gelassenheit”), denying itself in the very principle of its identity. It must individualize itself by seeking itself in this which it surely is not, in this which is assumed as completely foreign, in this which is assumed as incomprehensible, that is, in transcendence. This pure reference of will is the constitution and position of nothingness as the object of reference. The constitution of something whose comprehensible aspect is determined by will’s will to realize it with the will’s entire essence and to transfigure itself in it. Of something which is nothing. It is thus a metaphysical point of the will’s intentional reference.

The will flips itself from one such point to another, and to write more strictly, it becomes one such point, while stopping being another. This power of positing nothingness and annihilating hitherto reality is also a power of denying any seemingly transcendent, providential laws of history. In the face of that, it seems to be denying the holding of the predicate of the organicity of the history, it seems to be denying the existence of the laws of history determining the past and the future of the spirit in universal. This is particularly relevant, if one assumes the proofs of August Cieszkowski⁵⁰ for the necessity of the acknowledging of the validity of the laws of history not just in the past, but also in the future and for the future, that is, if one assumes that one can be philosophically discovering the future, and this is what is being indeed assumed here. This is, however, an illusion and the theoretical use of the Gentilean determination of the actuality and activity of the spirit, which I make here, although not *in actu*, but *in potentia*, completely refutes such an accusation, although it also specifies the range of the

⁵⁰ August von Cieszkowski, *Prolegomena zur Historiosophie*, Berlin, Veit und Comp., 1838, pp. 1-44 (“Organismus der Weltgeschichte”); I cite the German original, because English translation is abbreviated: cf. Cieszkowski, *Prolegomena to Historiosophy*, trans. A. Liebich, in: Cieszkowski, *Selected Writings*, Cambridge-London-New York-Melbourne, Cambridge University Press, 1979, pp. 49-60 (“The organism of universal history”).

soundness of Cieszkowski's thesis. The spirit is constituting incessantly *de novo* and in its entirety the whole reality, with its empirical past and future, and thus also with the laws ruling them. All of them draw their legal validity precisely from this authorization that is entirely renewing itself. Indeed, one cannot know the laws of history once and for good, one must incessantly actualize them with the transformation of the spirit. One can philosophically foresee the future, but one can do it only in the actual and present state of this future.

The spirit needs to recognize in itself its own nature in order to totally negate it and to shake out from the metal constituting it all admixtures of the material, nature as something positive, and at the same time not spiritual. The will is an imperious might, encompassing the immanence, and symbolically phrasing the matter – it is a hand. The hand that holds on and tightly so (and is hence immanence), by taking the responsibility for immanence, for its content, in the face of transcendence. The will rules that which it has *in manu* and by that it posits the reality and legislates. Opposing the nothingness by the spirit is to report for duty in one's entirety, positing oneself in the actual and active entirety in order to find for oneself a new entirety. The spirit scrutinizes, inspects itself, makes a self-lustration and recognizes in itself all enemies in order for there not to remain anything without reason, irrational, unintelligible. And this is not just formal negation: this is a negation to whom a formal negation is an instrument⁵¹. It is the negation that follows from the positive character of spirit, and thus it is the negation that does not retreat from the need of organicity, because it excellently comprehends the organicity of spirit, but precisely because of this organicity, for the total change, it wishes to totally negate itself, which in particular means formal negation. Cieszkowski's "spirit out-of-itself" ("der Geist aus-sich-selbst")⁵² must become sublated by the spirit, let us call it this way, against itself. The reference to nothingness extorts from the spirit complete negation of itself; it determines itself here as Kant's transcendental negation. The spirit against itself is revolutionary spirit, radical spirit, which is for itself alone a fire that wants to

⁵¹ Cf. Max Stirner, *The Unique and Its Property*, trans. W. Landstreicher, Baltimore, Underworld Amusements, 2017, pp. 344-346.

⁵² Cieszkowski, *Prolegomena zur Historiosophie*, pp. 112-126 *sqq.*, especially pp. 115-117; I cite the German original, because English translation is abbreviated: Cieszkowski, *Prolegomena to Historiosophy*, pp. 73-77 *sqq.*, especially p. 74.

burn itself.

The full annihilation threatens to wreck the will's might of commanding the nothingness. The objective will (state and law) has determined itself thus doubly: on the one hand, it is a source of positivity and as such, it is eternal creating of the identity mighting and absolutizing itself. On the other hand, it is a constant, and moreover formal, complete negating of its identity as false pseudonature, as mistake and sin, which would be better to abandon once and for good, and not to remember any longer⁵³. But this obliviousness, this use of formal negation, for the sake of complete renewal in a clash with nothingness, assumes at the same time a memory about that which is negating as absolute and default object of reference. This, however, is incompatible with the revolutionary spirit, which wants to constitute a completely new order. If the spirit strives for total differentiation from itself, then it must negate also its own negating of the nothingness. This is why it falls in true nothingness; that to which it is not referring whatsoever, because it is not conscious of it; this constitutes its nihilism. Here manifests itself a religious and mystical moment of the revolution, namely, the moment of extreme objectuality of nothingness, in which transcendence reveals itself.

The will unites the universe and nothingness, and hence it rules them. The spirit stands in the face of vital danger, which is at the same time a necessity resulting from the spirit's tending to negate transcendence. The lack of sufficient descent, deduction of a legitimacy of its authority makes it refer directly to nothingness through terror. This revolutionary instrument is, however, only an extreme term of the discussed syllogism; it is only a deviation of the spirit against itself. This is why the spirit in the face of itself puts an emphasis on the credibility of the justice of the law it is constituting. It constitutes its history not merely as any old identity, but as ordered identity. Its actual and active identity sets for it some limitations of

⁵³ Cf. John Calvin, *Institutes of the Christian Religion*, trans. J. Allen, vol. 1, 2 vols., Philadelphia, Presbyterian Board of Publication, (1841), pp. 227 *sq.*: "no other explanation therefore can be given of our being said to be dead in Adam, than that his transgression not only procured misery and ruin for himself, but also precipitated our nature into similar destruction. And that not by his personal guilt as an individual, which pertains not to us, but because he infected all his descendants with the corruption into which he had fallen. Otherwise there would be no truth in the assertion of Paul, that all are by nature children of wrath, if they had not been already under the curse even before their birth."

action and expression, but those limitations do not have to be accepted, received by it. It can reject them, by changing its identity so that to get rid of them. Against Cieszkowski⁵⁴ thus I claim that the freedom of shaping the happenings, of making history does not limit itself to the accidents of historical laws. Quite on the contrary, it covers also the essence of these laws. What is the limitation of freedom, however, is the revolutionary and political practice, the constituted principles of the change of historical laws, which express themselves in the written and unwritten principles of legal order. And even these constituted principles are valid insofar as they have been constituted as a guarantee of identity; the constitution of a new guarantee allows to change them as well. The spirit thus shapes its identity in the choice between actual shape of its organism of history and the means of maximizing its freedom within its constitution (*sensu largo*) and the expression beyond these delimitations, this frame. The spirit is the founder, the framer and the signer of itself. Moreover, the spirit, because of the necessity of maintaining the reality of its entire establishment⁵⁵ and of its own, must be opposing the abstractness of its self-knowledge and constituting anew through the moment of novelty and clash with transcendence. The spirit becomes a total creator of itself. It provides for itself an authority and power over its identity. Such spirit determines itself thus as the spirit unto itself. It is viewing itself not only in its acts and deeds, but also in the freedom of transforming its identity. The revolution is for such spirit a mirror, in which it can look up “who is what”⁵⁶ really, which means according to the newly constituted ideals. But precisely not just new, but also constituted anew, which means constituted as historical, not just authorized by the past.

A will forming a state is a necessary assumption of the system of legal atoms, norms. The necessity of assuming the legal order ought to lie in it itself. The basis on which the being of a state rests is a dialectical principle of law-making. Will whose expression concerns only the creation of law is non-sovereign will, and thus

⁵⁴ Cieszkowski, *Prolegomena zur Historiosophie*, *passim*, especially pp. 154-157; I cite the German original, because in English translation the passage was omitted.

⁵⁵ Cf. The Treaty on the Functioning of the European Union, article 49: “freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings”.

⁵⁶ Jan Hempel, *O ludziach, którzy czemś są i ludziach, którzy coś mają* (On humans who are something and humans who have something), Warszawa, Biuro Propagandy Wewnętrznej, 1920.

the will that is not state's will. The only space in which will is free is nothingness. Nothingness is ostensibly only an abstract space for the freedom of will. Nothingness occurs in history unceasingly as the need whose fulfilment is behind the purposefulness of the law-making. Deriving the legitimacy of the relations between the will and nothingness from indefinite antiquity is insufficient. State and law, if they are to be will at all, must be the same will as the one being behind all forces, laws and phenomena of nature. The identity of will, of omnipresent unity and might, enslaves it. The will annihilates itself in order to free itself from its identity. The full annihilation threatens to wreck the will's might of commanding the nothingness. The will unites the universe and nothingness, and hence it rules them.

CONCLUSION

Finally, a few conclusions. The considerations presented here disclose the outstanding significance of the concept of will for understanding the concept of spirit in the modern world, and not only on the level of objective spirit. Hence, among others, follows the momentousness of finding, localizing the will also in absolute spirit, achieved by Cieszkowski. In it also finds its justification the proposition of Konstanty Danielewicz of resting the philosophically absolute picture of the world on the concept of will⁵⁷. Right are both Danielewicz and Schopenhauer (independently of the colossal differences between their apprehensions), that will ought to be examined as a being more fundamental than the ideal and real beings of the philosophy of law. Despite this the concept of will belongs precisely to the philosophy of law. The possibility of the reconciliation of those two positions, highlighting the significance of the philosophy of law, has been briefly presented in this article.

That which escapes cognition is ineffable⁵⁸. The essence of that which escapes cognition, *sc.*, that which the absolute spirit does not encompass, is nothingness.

⁵⁷ Konstanty Danielewicz, 'O woli' ('On the Will'), *Kronos*, No. 2, 2013, pp. 234-257.

⁵⁸ Hegel, *Phenomenology of Spirit*, trans. A.V. Miller, Oxford, Oxford University Press, 2004, pp. 58-66 ("Sense-certainty: or the 'This' and 'meaning'"), Hegel, *The Phenomenology of Spirit*, trans. M. Inwood, Oxford, Oxford University Press, 2018, pp. 43-48 ("Sensory certainty: the This and meaning"), Hegel, *The Phenomenology of Spirit*, trans. T. Pinkard, Cambridge, Cambridge University Press, 2018, pp. 60-68 ("Sensous-certainty; or the 'This' and meaning something") Hegel, *The Phenomenology of Spirit*, trans. P. Fuss and J. Dobbins, Notre Dame, University of Notre Dame Press, 2019, pp. 48-54 ("Sense-certainty: the This and meaning").

Nothingness is thus an essence of that which is ineffable. Stirner's "I" *vel* "Ego" of the "Unique" is historical creation⁵⁹, ineffable as the whole⁶⁰. So, nothingness constitutes an important point of reference for so-understood ego. As it manifested itself in this article, this reference depends on will and is posited by will. It seems that by using the method of demonstration used by Gentile in the works indicated above, one can raise Stirner's understanding of the ego to the level of the social ego. This, however, belongs to separate considerations.

The ego, as the concept of creative unity, opens the problem of novelty, of the possibility of discovering or inventing a thing previously unknown. One of the instances of the problem is known in analytic philosophy as Meno's paradox. The solution of this problem lies in proper shaping and formation of the concept of infinity. Danielewicz indicates the insufficiencies of this concept⁶¹, and professor Wawrzynowicz shows the paradoxicality of understanding the history as infinite process of constituting the purposes, ends of its progress⁶². However, as it has been indicated in this article, it seems that also finite teleology, either of Cieszkowski's *Prolegomena*, or of Danielewicz is unsatisfactory. The ability of opposing oneself to oneself in reference to nothingness, presented as the spirit unto itself seems to be a path of reconciling these two apprehensions of the teleology of history, by a satisfactory concept of infinity, and therefore resolving the abovementioned problem.

The proper concept of infinity allows to understand well the relation between history and nature. To the problem of discovering the nature untouched by human hand one can easily respond that it consists in only an algorithm⁶³ resulting from the categories and principles of the philosophy of nature. And hence, it comes down to a huge machine⁶⁴. However, in such a case, what is taken

⁵⁹ Stirner, *The Unique and Its Property*, *passim*, especially pp. 159 *sq.*

⁶⁰ *Ibid.*, p. 377.

⁶¹ Danielewicz, 'O woli' ('On the Will'), pp. 241 *sq.*

⁶² Andrzej Wawrzynowicz, 'Filozofia woli Konstantego Danielewicza' ('Konstanty Danielewicz's Philosophy of the Will'), *Kronos*, No. 2, 2013, pp. 218-224. It is worth to mention, that in the view of prof. Wawrzynowicz, the abovementioned mistake of Cieszkowski (division between the essence and the accidents of the necessary progress of history) is surpassed.

⁶³ Alexandre Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, assembled by R. Queneau, trans. J.H. Nichols, Jr., ed. A. Bloom, Ithaca-London, Cornell University Press, 1980, p. 147 (together with the footnote).

⁶⁴ Hegel, *Elements of the Philosophy of Right*, pp. 232 *sq.* (§ 198).

away from it is access to infinity. Nature should be able to create unexplained phenomena, to force the revision of the laws attributed to it. Nature forces thus on the spirit finding new names, proving oneself with ingeniousness in order to show to oneself the force of referring to objectual reality. Not only thus objectual freedom, *sc.*, law, but also objectual necessity, *sc.*, nature demand from will proving the force and seriousness of its power.

As it has been indicated above, in the main part of the article, the authority must thus rest on the might of the will ruling over nature; both wills must be identical. By expressing this identity with respect to the needs of the will of legal order, it is left to the imagination of the reader to add that the will of the human genus, as gigantic collective of intelligent ants and bees, is the basis of our identity. The will which manifests itself sometimes in lust, sometimes in the will of survival, sometimes in the will of primacy *resp.* will to power. Here in turn, the order, the system of the laws of nature directs thought to stating that the will of all times not only states this order but also instates it. And it does so in the same way as in the case of the laws of freedom; this means in turn that through reference to nothingness.

Nature, that is, this which is natural and hence inborn, has behind itself the same lineage as the history, that is, nothingness. The lineage is the right which the will brings down this time from the mountain of Transfiguration and which designates what laws rule the statutes, in which realm there happen incessant overturns. Significant differences between the laws of nature and the laws of freedom lie in the way of creating, performing and interpreting, and not in the mere concepts of their legality, legitimacy, and positing of them. More precise determinations of the concept of law in both of its uses (in the contexts of nature and freedom) demand, however, also separate considerations. It is still important to clearly emphasize that these must be the same considerations which will determine the historical dynamic of a modern state, the modern state of the will. The liberal state is a performance of liberal will. The will which has turned out to be a mysterious ruler of nothingness and identity.

BIBLIOGRAPHY

Andrzejewski, Jerzy, *Miazga (The Mash)*, Kraków-Wrocław, Zakład Narodowy im. Ossolińskich, 2002.

Calvin, John, *Institutes of the Christian Religion*, trans. J. Allen, vol. 1, 2 vols., Philadelphia, Presbyterian Board of Publication, (1841).

Cieszkowski, August, *Prolegomena to Historiosophy*, trans. A. Liebich, in: Cieszkowski, *Selected Writings*, Cambridge-London-New York-Melbourne, Cambridge University Press, 1979.

Cieszkowski, August von, *Prolegomena zur Historiosophie*, Berlin, Veit und Comp., 1838.

Croce, Benedetto, *History of Europe in the Nineteenth Century*, trans. H. Furst, New York, Harcourt, Brace and Company, 1933.

Danielewicz, Konstanty, 'O woli' ('On the Will'), *Kronos*, No. 2, 2013.

Gentile, Giovanni, *Genesis and Structure of the Society*, trans. H.S. Harris, Urbana, University of Illinois Press, 1960.

Gentile, Giovanni, *Theory of Mind as a Pure Act*, trans. H.W. Carr, London, Macmillan and Co., 1922.

Hegel, Georg Wilhelm Friedrich, *Elements of the Philosophy of Right*, trans. H.B. Nisbet, Cambridge, 2014.

Hegel, Georg Wilhelm Friedrich, *The Encyclopaedia Logic*, trans. by T.F. Geraets, W.A. Suchting and H.S. Harris, Indianapolis-Cambridge, Hackett Publishing Company, 1991.

Hegel, Georg Wilhelm Friedrich, *Phenomenology of Spirit*, trans. A.V. Miller, Oxford, Oxford University Press, 2004.

Hegel, Georg Wilhelm Friedrich, *The Phenomenology of Spirit*, trans. M. Inwood, Oxford, Oxford University Press, 2018.

Hegel, Georg Wilhelm Friedrich, *The Phenomenology of Spirit*, trans. T. Pinkard, Cambridge, Cambridge University Press, 2018.

Hegel, Georg Wilhelm Friedrich, *The Phenomenology of Spirit*, trans. P. Fuss and J. Dobbins, Notre Dame, University of Notre Dame Press, 2019.

Hegel, Georg Wilhelm Friedrich, *Philosophy of Mind*, trans. W. Wallace and A.V. Miller, Oxford, Clarendon Press, 2010.

Hegel, Georg Wilhelm Friedrich, *The Science of Logic*, trans. G. di Giovanni, Cambridge, Cambridge University Press, 2010.

Hempel, Jan, *O ludziach, którzy czemś są i ludziach, którzy coś mają (On humans who are something and humans who have something)*, Warszawa, Biuro Propagandy Wewnętrznej, 1920.

Kant, Immanuel, *Critique of Practical Reason*, trans. W.S. Pluhar, Indianapolis-Cambridge, Hackett Publishing Company, 2002.

Kelsen, Hans, *Czysta teoria prawa (Pure Theory of Law)*, trans. R. Szubert, Warszawa, Lexis Nexis, 2014.

Kelsen, Hans, *Pure Theory of Law*, trans. M. Knight, Berkley-Los Angeles, University of California Press, 1967 (reprint: Clark [New Jersey], The Lawbook Exchange, 2008).

Kelsen, Hans, *Reine Rechtslehre*, Wien, Österreichische Staatsdruckerei, 1992.

Kojève, Alexandre, *Introduction to the Reading of Hegel : Lectures on the Phenomenology of Spirit*, assembled by R. Queneau, trans. J.H. Nichols, Jr., ed. A. Bloom, Ithaca-London, Cornell University Press, 1980.

Mickiewicz, Adam, *Forefathers' Eve*, trans. Ch.S. Kraszewski, London, Glagoslav Publications, 2016.

Popper, Karl, *The Open Society and Its Enemies*, London-New York, Routledge, 2011.

Schelling, Wilhelm Friedrich Joseph, *Philosophische Untersuchungen über das Wesen der menschlichen Freyheit*, in: Schelling, *Historisch-Kritische Ausgabe*, ed. T. Buchheim, J. Henningfeld, W.G. Jacobs, J. Jantzen and S. Peetz, 1st raw, *Werke*, vol. 17, ed. Ch. Binkelmann, T. Buchheim, T. Frisch and V. Müller-Luneschloss, Stuttgart, Frommann-Holzboog, 2018.

Schopenhauer, Arthur, *On the Fourfold Root of the Principle of Sufficient Reason*, trans. D.E. Cartwright, E.E. Erdmann and Ch. Janaway, in: Schopenhauer, *On the Fourfold Root of the Principle of Sufficient Reason and Other Writings*, Cambridge, Cambridge University Press, 2012.

Schopenhauer, Arthur, *Prize Essay on the Freedom of the Will*, trans. Ch. Janaway, in: Schopenhauer, *The Two Fundamental Problems of Ethics*, Cambridge, Cambridge University Press, 2009.

Stirner, Max, *The Unique and Its Property*, trans. W. Landstreicher, Baltimore, Underworld Amusements, 2017.

Wawrzynowicz, Andrzej, 'Filozofia woli Konstantego Danielewicza' ('Konstanty Danielewicz's Philosophy of the Will'), *Kronos*, No. 2, 2013.