

THE CONTEMPORARY ETHICAL-POLITICAL
COMMUNITY: ON THE BORDER OF UNIVERSAL LAW
AND SINGULAR LAW

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Abstract

This paper seeks to trace the limits of the speculative discourse in Hegel's *Phenomenology of Spirit* in order to rethink the contemporary ethical-political community. Two axes will guide the reflection. The movement of Antigone who, in her progress, triggers the "creation of worlds" that question the problem of ontological production. And the "insurmountable paradox" triggered by her action, whose mark will reveal the impossibility of the end of the definitive reconciliation of the ethical-political community, since it modifies the speculative conception of unity by guiding the vision of the human spirit, not only to achieve the unified experience but also the inevitable recognition of its limits.

Keywords

Hegel, Antigone, action, community, insurmountable paradox

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Introduction

It is an undeniable fact that the myth of the community based on the principle of land, equals, the state, work, family, siblings and blood, is called into question by a time of loss and disappointment. The collapse of the single value system to which his fictitious security was anchored weighed on the self-sufficient (selfish) subject. Suddenly, in an instant, he found himself in the midst of a confused game of promises made and unfulfilled longings, between the violence of domination and intolerance, between the appearance of freedom and the deception of conformity. The symbols are diffuse; we build an absolute, unified, universal world on the basis of the dislocated, discordant, jarring and fragmented nature of existence. The light that guided the past, present and future confused its meaning by metamorphosing the rational onto the supra-rational in its race to reach the absolute. In its unshakable logical order, it does not tolerate any changing form. It dissolves contents and withdraws to organize everything from the coldness of abstraction, where pure reason offers its own solution and surrenders itself to the empty game of intolerant conventions, which it continues to regard as a greater certainty.

Given this bleak scenario, what leads us to re-think the experience of the contemporary ethical-political community? What does “community” mean? The experience of living here forces us, now more than ever, to examine the question of the community, to think about it from another perspective, to join the resonance of certain contemporary European thinkers (Nancy, 2000, “a”; Blanchot, 2002; Derrida, 2001, ”a”, 2000, 1998; Esposito, 2003; Agamben, 2003; Bataille, 2001, 1961; Levinas, 2000, 1999, 1987), who, in recent decades have begun to raise the question of the silence organized around the discourse of “ordinary” implemented by the Western tradition. However, the point is not to “erase” what has been thought. It is essential to distance oneself from the community that has been launched in terms of tasks or political projects, in other words, to stop thinking of it as a starting point or goal. The point is also to ceaselessly return to the silence where the first impressions are recorded. Reaching out to the community would have to be done by interrupting a tradition that refuses to admit its "ineffectiveness" and outlines the contours of a geography -both impossible and illicit- of proximity. Indeed, in order for this to take place, it is necessary to summon it from its absolute contemporaneity, pour it out until the

enigma that supports it goes along its own track, and from that point, considers the “ordinary” with and against the Western philosophical tradition.

This paper seeks, albeit briefly, to question the idea of an ethical-political community, in terms of “reconciled totality” on the basis of the interpretation of certain passages from *Phenomenology of Spirit* (1985). Although he barely mentions the figure of Sophocles’ Antigone in his speculative discourse, Hegel returns to the language of tragedy to clarify his statements about the finite and, in his efforts to ensure their expiration, creates a counterpoint between the triumph of the absolute and tragedy (George, 2006). In this respect, and assuming that the experience of Antigone is closely linked to phenomenological discourse, I suggest developing the reflection around two core problems. The first refers to the incessant movement of Antigone, who, in her progress, triggers “the creation of worlds,” a creation that baffles and distorts the issue of the production of the ontological argument, since in her movement, she creates a crisis in the world’s ethical life. The second, derived from this creation-in-the-act (Nancy, 2006:32) is the experience that triggers the “insurmountable paradox” unleashed by her action, whose mark reveals the impossibility of the end of the definitive reconciliation of the ethical-political community, since it modifies the speculative conception of unity by guiding the vision of the human spirit, not only to achieve the unified experience but also the inevitable recognition of its limits.

From obsessive movement to the “creation of worlds”

The mark of the experience of concrete political action is rarely as clear in philosophers as it is in Hegel. Particularly, in *Phenomenology of Spirit*, whose fundamental purpose is the discussion of ethical life to understand how it is woven through others and how the struggle of consciousness in its efforts to find a place as a rational being in the political, social and historical world and filial relations is continually confronted by some form of crisis that must be overcome to achieve the truth of the Spirit that summarizes the real ethical essence (Hegel, 1984: 260-261). What it shows is the notion of ethical life in its relation to the concrete experience of the community. The speculative approach requires it to elucidate political, social, historical and ethical issues, in concrete terms. This is precisely where the difficulty lies in understanding ethical life in Hegel,

since he not only associates it with a key stage in the development of the conscious rationality of himself but also with the historical period of Ancient Greece. Moreover, he develops a range of issues linked to the political experience of the modern community referring to the power of the state, the factions, family, gender and sex, war, the change of era and tradition (George, 2006: 73). From this perspective, Antigone's action in his work could also be regarded as a testimony of the perils of modern authoritarian political power that man must confront in order to achieve self-fulfillment and as such, represents the expression of a crucial state in the formation of the modern world, in which the individual moves away from the crucible of the fight for awareness, against the power and authority of the state, putting a conception of "unachieved" "common things" at stake (Madison, 1988: 93).

The mark of the concrete experience of politics in Hegel has undeniably elicited a powerful debate over the interpretation of his work. Thinkers such as Weil, Marcuse, Kojève, to cite just a few examples, again raised the issue of Hegelian philosophy as a whole, emphasizing the writings in which he expressed his political concerns (Weil, 1950; Marcuse, 1954; Kojève, 1969). They thereby revealed the parallelism between his political writings and the reciprocal evolution of his System (Habermas, 2000: 87-122). This debate prompted the interpretation of *Phenomenology of Spirit* that had been neglected in favor of his most systematic texts, particularly, *Encyclopedia and Philosophy of Law*, if the point was to properly understand his ethical-political proposal. The new interpretation shifted the image of a totalitarian, reactionary Hegel towards a "neo-Hegelianism" that overlapped with the "Existentialism" of Sartre and, to a certain extent, coincides with Merleau-Ponty (1962); the "transcendental materialism" of Bloch (1983) and the "Critical Theory of Society" of Horkheimer and Adorno (2002). It even emerges in the Heideggerian horizon, particularly in the *Letter on Humanism* (Heidegger, 2008), *Identity and Difference* (Heidegger, 1988) and Hegel's *Phenomenology of Spirit* (Heidegger, 1992) as well as in Butler, Laclau and Žižek (Butler, Laclau and Žižek, 2000) to mention a certain Hegelian resonance in the reflections of Lacanian thinkers.

Undoubtedly, this all takes place between the interpretations of Hegel. The statement of this experience at the beginning of this section warns of this. From one singular to another there is contiguity, yet without continuity. There is proximity, but only insofar as the extreme nature of

proximity reveals the distance that increases it (Nancy, 2006: 21). Despite the central thought of *Phenomenology of Spirit*, which lies in showing the knowledge that the spirit progressively achieves of itself, and ensuring that it is the science of the experience of awareness, and, as such, its purpose is “think what has been thought” (Mondolfo, 1982: 12), the so-called “neo-Hegelianism” and the multiple interpretations of his ideas do not constitute a homogeneous meaning; its spacing as an absolute condition for continuing to say lies at the heart of the work. The fact of Hegel’s political experience, whose uniqueness seeks to become objectivized in the creation of civilization and during this attempt makes mistakes that continually confront it with the limit or denial of the other, is what allows one to keep thinking about the political experience of what has been thought in the cracks in which it is revealed. And to keep thinking about the chaotic, fragmented, confused reality which it has become today.

As in a musical score, in *Phenomenology of Spirit* the indications referring to Antigone introduce the melodic line in a dialogue with the voice of the Spirit that support her, the philosophical word captures the precise logic of an argument that captivates its evidence: the presentation of the triumph of the Spirit, harmonized by tragedy. This speculative ambition, which is perhaps arrogance, as noted by George (2006: 3), forces us to be wary about establishing a community in its absolute form and inquiring whether the game of speculation and tragedy extracts a sense of spirit and finitude. It is difficult to understand the accuracy of a word without appreciating the extent of its passing. I shall therefore endeavor to follow the movement of her feature in order to learn to perceive the almost inaudible because “that to which one does not have access because of a lived experience –writes Nietzsche- which one does not have ears to hear [...] and in that case does not listen to anything the author says and has the illusion that where nothing can be heard, there is nothing” (Nietzsche, 1990: 277). But nothing is nothing more than the dis-position of the emergence in which Antigone introduces the empirical awareness of the sensitive, from which self-awareness emerges and then reason, until she eventually achieves the Spirit. However, through her movement, she also sets in motion the “creation of worlds” where all previous figures make the concept of “origin” and “resolution” untenable:

“...the self-awareness ... [Antigone] experiences in her actions, both the contradiction of those powers into which substance has been split and their mutual destruction and the contradiction

between her knowledge about the ethical nature of her actions and what is ethical in and of itself, and finds her own decline. But in fact, through this movement, ethical substance has become actual self-awareness, or this self has become something that is in and for itself; but it is precisely through this that ethics has sunk,” (Hegel, 1985: 262).

Antigone’s movement puzzles and distorts the synthesis of the spirit that is the true essence of ethics. After her action and after the contradictions that always precede the return of the absolute real essence that sustains itself, there is no going back. The experience of the awareness of ethical life will be unable to elide ethical disagreements (Georg, 2006: 75; Hegel, 1984: 277). Here, Antigone produces a movement that consists of nothing more than the emergence of the arrival in nothing (“in person”) says Nancy, “It is a distance that suddenly has the full breadth of all space-time, and that suddenly is nothing more than the gap in the world’s intimacy” (Nancy, 2006: 32). There is nothing that exists beforehand, nor is there anything that pre-exists the creation of what takes place there. It is simply the act of emergence, the origin insofar as it is nothing more than creation *ex nihilo* (Nancy, 2006: 32). In the singular appearance of vestiges lies the singular *former position* of what exists and *existence*. And existence is creation, which, on the other hand, should not be interpreted in terms of anthropocentric thinking that places man at the center of “creation” but rather goes through it in the enormity of its infinitely original singularity (Nancy, 2006: 33). In Antigone, existence is exposed and an exponent. It is perhaps for this reason that this mythical character captivates Hegel, while remaining in contact with its origins. It is fertile ground for representing the efforts of consciousness in its reconciliation with the inevitable, legitimate duties derived from the community, heritage, family and law, with a deep understanding of itself and as a genuinely rational being who must adopt the principles for guiding its actions and life. It characterizes the impulse of consciousness to establish a sense of the individual vis-à-vis the threat of state power, but also questions the meaning of consciousness that embraces a series of political, social and ethical commitments, while remaining true to itself (Barnett, 1988: 1). In its movement, the figure of Antigone “creates worlds” in which it speaks of the forms of discontinuity and limits that the Spirit finds in the course of its development to harmonize divergent commitments: “... The community can only keep repressing this spirit of uniqueness and since this spirit is an essential moment, the community also creates it and creates it precisely through its repressive attitude to it, as a hostile principle” (Hegel, 1985: 281).

While it is true that for Hegel, consciousness eventually triumphs over this form of vulnerability of the community insofar as its negative side inwardly suppresses the singularization of individuals through dialectical overcoming in the development of the spirit (Hegel, 1985: 282). The experience of ethical life shows that it is only in the highest stages of the development of consciousness -philosophical reflection, religion and art- that it is possible to unify the difficulties of practical life through the experience of forgiveness. In *Phenomenology of the Spirit*, the figures of “good conscience, beautiful soul, evil and forgiveness” (Hegel, 1984: 368-392), represent the moment of the definitive solution of the conflicts of modern morality, which, after the progressive movement of the Spirit, find their redemption. However, recognition of the fact that the experience of absolute awareness does not cleanse the memory of the painful experiences of the spirit of disunity and that redemption is only achieved through the contemplative life, reveals the territory in which the crude action of practicality develops, thereby confirming the impossibility of the definitive reconciliation of the community.

From this perspective it is possible to suggest that Hegel’s treatment of certain ways of thinking about practical life, aimed at achieving the “suture” of the community in response to the most hostile aspects of the practical world, raises fundamental questions about specific issues of praxis that continue to be valid to this day, but in another tenor. The introduction of “guilt” and its recognition, as a figure that expresses the duality overcome in the ethical purpose and the return to the ethical disposition contemplated solely in law (Hegel, 1984: 278) anticipates the association between the “trial and guilt” that will find resonance in the ethical powers of the law, which, in their struggle to reconcile individuality with universality, are driven by the irreconcilable opposition of tragedy, as shown in the development of Sophocles’ *Antigone*. After accompanying her blind father into exile, Antigone returns to Thebes where her brothers Polinices and Eteocles are fighting for the throne of the city only to find them both dead. Eteocles is buried with full honors, while Polynices is not given a burial since he is regarded as a traitor to the Thebans by Creon. The burial of Polynices was forbidden on pain of death, condemning him to the infamous punishment of wandering, since he is forced to wander without being buried. Antigone disobeys the order and buries her brother. After being discovered, her uncle condemns her to die by being locked in a cave. In his stubbornness to defend civil law, even though it is contrary to divine law, Creon causes Antigone’s suicide, the death of his son

and Eurydice, his wife (Sophocles, 2000: 84, 90-95, 106 -107, 120 to 123.125). In this turn of events, the representation of the tragic character of finitude is so powerful that it threatens to undermine the final unity of the spirit. But it is precisely there that Antigone's exposure occurs, understood as a creation-in-act in which existence is exposed as such. This defiance of the law, represented by Creon, and the condemnation of his action led to the consummation of the manifest spirit in which he experienced his supreme right to impeachment while his victory heralded his own decline (Hegel, 1984: 280). However, what Antigone exposes as such, is not the world of men, but the non-human world to which humans are exposed that humans in turn expose (Nancy, 2006, 34). The force of law embodied in Creon, is due, in the last analysis, to the fact that Antigone's action has no end nor limit. Given this empty universality, the form of fullness and content has substance and the latter is now totally free and not arranged. In fact, the spirit that subjugated it and maintained the coherence of its unity is no longer present. Therefore, this emptiness of the person is, in fact, a contingent being and movement and action without essence (Hegel, 1984: 284).

It is simply what is exposed, it is not its means or representation. For this reason, these two figures cannot be a complement to the resolution of the ethical life of the community. They are not the law of the day and the law of the night dissolved in the consummation of the dawn. It is pointless for Creon to threaten Antigone with death. Seizing the sense of awareness given by the value of its power, he is upset by the representation of a spacing, "That is not a representation but rather immersion in the thing itself. It would exist alone and the origin and the thing would only be in him" (Nancy, 2006: 34). It is nothing but creation *ex nihilo*, as explained above, it is the emergence of the arrival at nothing. It is the creation that baffles and distorts the issue of the production of the ontological argument, insofar as it represents, as Patocka notes, the call for an infinitesimal hope Creon has hidden for us: "The fact that man does not belong, that his meaning is not Meaning, that human meaning ends as soon as it reaches the shore of the Night, and that Night is not nothing, but belongs to what 'is' in the strict sense of the term" (Patocka, 1973: 59).

And so once again, the conflict between Creon and Antigone creates a space of "curiosity" in which consciousness arrives at ethical life with the learning that the centrality of reason and all related issues should be governed by laws of their own making. However, this is not the curiosity

understood by Heidegger in terms of seeking novelty without the worry of seeing in order to understand what has been, that which only seeks to see and jumps over that to something else, characterized by a typical inability to focus on the immediate, without pausing to contemplate (Heidegger, 2013, 172-175), but rather, in Nancy's way, a curiosity that removes the inconsistent, but involves access to the openness that exists. This gains access to the earliest layer of a curiosity in which we are primarily interested in the constantly renewed otherness of origin. "I find other beings curious, because they give me access to the source. They make me touch it, they leave me in front of it and its increasingly stolen return" (Nancy, 2006: 35-36). From this point of view, awareness of ethical life will be dedicated to the harmonization of self-knowledge in terms of a legislative being, in the awareness that life is also guided by the multiple agreements and conditions of which they are not the authors (George, 2006: 77). Thus, the obsessive race of awareness to reach the absolute, when it looks in the ethical mirror of substance, will be repelled by the curiosity of an Antigone, who, in her exposure to death, puts an end to the practical life of the community. Through its action, Hegel's reflection is shifted towards the idea that practical life is not based on the potential basis of cohesion and unity –and in this part, I will follow George Theodor's thesis- but on the "insurmountable paradox" that places us in the fault of an indelible line that separates our links with the world from the sense we have of ourselves (Theodor, 2006: 87). This dimension distorts the production of the argument of the ancient tradition of dialectics, since it yields the idea of the "common," the intractable crisis of the universality of law, expressed in human law and the law of uniqueness, embodied in divine law.

The "insurmountable paradox" of "the ordinary"

Hegel ends *Phenomenology of Spirit* by stating that not only is the spirit of man destined to achieve an absolute form of self-consciousness, but *it is also stuck to the potential of achieving independence* (Hegel, 1984: 473). In his approach, there is a shift from the Hegelian concern with the "disagreement" of the Hegelian concern with the "mismatch" between the singular and the universal as an intrinsic characteristic of "unity". This is not to say that Hegel has not realized the twist this gives his discourse. He knows that its exposure does not always meet the need of the thing, which is precisely why it appeals to the adjacent dialectical unfolding in order

to approach the thing differently (Gadamer, 2005: 19). What I want to emphasize is that in the development of this movement, the idea emerges that the unit is shot through, not only by the resolution of opposites, but also by the distance that brings them together.

Before continuing, it is necessary to add a second item to the reflection in relation to Antigone's action-decision (Klenner, 2000: 65-66) to "bury" Polynices, an action that triggers the issue of "judgment" and "guilt" expressed in the confrontation with Creon, in which human law debates with divine law. In the preface to *Phenomenology of Spirit*, says Gadamer, Hegel presents the distinction between ancient philosophy concerned with developing speculative dialectic, in which he recognizes Plato as being the first to develop a dialectic that aspires to contemplate the universal, "that which should count as determination," taken purely in itself, which means showing it in its unit with its opposite. In this respect, for Hegel, Aristotle is the real indoctrinator of mankind, since he is able to reduce a variety of determinations to a single concept: he gathers together all the moments of a representation in which they appear scattered and unconnected, without leaving out determinations or first establishing one and then another and instead combining them into a single one. *Conversely*, says Hegel, the task of modern philosophy is to achieve the universal and "imbue spirit" by abolishing fixed, determined thoughts. However, this contraposition results in the mere lifting of the universality of thought, but for Hegel there is still the task of discovering in this universality, immediately confirmed, the "pure certainty of self," in other words, self-awareness. Herein lies, from his perspective, the deficiency of the philosophical consciousness of ancient times. Phenomenology -far from the interpretation which states that it is a propaedeutic that still does not have the nature of science, is paving the way towards raising common awareness to philosophical awareness, whose end will be the figure of absolute knowledge (Gadamer, 2005: 15-19). Along these lines, ancient tragedy is the mediation of pure knowledge, the thought-to-self in all determinations and modern philosophy the law that governs the movement of the dialectic, which is self-awareness (Gadamer, 2005: 20). Therefore, by advancing the movement of the spirit from the time of ancient Greece to the Roman Republic, to the knowledge of the Roman legalistic interpretation of the human being assumed as a person, Antigone's action-decision *creates* the space for reflecting on the limits of consciousness to achieve ethical life. This change of era, regarded by Hegel as one of the most important in the history of ideas, anticipates the discovery of the

personality of awareness, and, albeit in an incipient fashion, of the modern free individual (George, 2006: 88). This movement heralds the insurmountable paradox in which the singular and the universal remain in continuous confrontation.

The two movements mentioned in the first paragraphs of this section, testify to the alliance Hegel establishes with Antigone to discuss the fact that in the Greek ethical world, rational action in practical matters is impregnated with finitude, to the extent that is attached to a peculiar form of failure. However, this is where a few questions and suspicion slip in. If failure constitutes the inherent mark of community, its “insurmountable paradox,” is the disagreement between human law and divine law derived from “judgment” which allows its continuity in time? Does the collusion between judgment and guilt safeguard the power of its finitude, in other words, the rational action of receiving, choosing, selecting, filtering and granting in the territory of practical life? And in this respect, does the incessant movement of contradiction “reveal” time and time again the perversions of the enclosure of the community, while permitting its reconfiguration? Thinking about what has been thought is what dialectics proposes. Thinking about something in itself, for itself and as such, is necessarily the combined thought of contradictory determinations, where the unity of conflicting determinations, insofar as they are exceeded in a unity, have the very nature of themselves (Gadamer, 2005: 31). Is this what the existence of the ethical-political community consists of, of investigating the source of its permanent solution?

One of Hegel’s most important responses in relation to the structure of tragedy in the encounter with consciousness, is the confrontation between human law and divine law, to which the corpse of the “traitor” is interposed, revealing that the “judgment” will result in the violation of one of the two laws. This contradiction, whose inscription we would have to trace in the reflective judgment on the contemporary ethical-political community, particularly in the debate engaged in by Seyla Benhabib (2004, 1996, 1992, 1986), results from the fact that both laws prescribe legitimate and necessary duties for agents assigned to respect laws: Creon and Antigone are obliged by reason and custom to fulfill their duty. However, in practical life, these two laws repel each other, forcing each of the parties to defend its exposure to the other within the framework of ethical commitments that arrive at a sort of speculative conjecture impossible to reconcile, Faced with the body of the traitor, writes George, neither party is able to avoid blame for the action

taken to support a law on the disobedience of the other (George, 2006: 89).

But what is Hegel's goal in confronting consciousness with the enigma that the ethical world is forced to accept the point of view that not only is rational action on the behavior of human beings shot through by blame, but also the rational action of the divine law? The purpose of the law of universality, of human law, is to enforce respect for the binding force of law and, as such, its task is to guide all the actions of human beings governed by laws. The government to which the duty of the law is adhered must therefore remain "blind" to the claims made about itself by divine law. Just as the divine law of the singular, which seeps into every area of practical life, requires compliance in the figure of the woman (Antigone), who must also, in a sense, remain "blind" to the demands of human law. Hegel states that the guilt of the rational agent is similar in Creon and Antigone, which he expresses in a short quote taken directly from the tragedy of Sophocles that states: "Because we suffer, we acknowledge wrongdoing" (Hegel, 1984: 278). If the laws of universality and singularity cut through every action in the ethical world and if these laws prove to be incompatible with each other and antithetical to actual practice, then the argument would be that all rational actions are driven by guilt. We should therefore ask whether the conflict between human law and divine law reveals guilt as a general rule of rational action.

This movement exposes a puzzling, oblique angle of entrance to the road of the contemporary ethical-political community. In the logic of respect for compliance with the law and its supplement "guilt," it *germinates* the limit of the "judgment" of the rational action of agents to establish the existence of "the ordinary." The problem of deliberation is precipitated in the course of the action-decision. Antigone is guided by a rational law with a long tradition, which would lead her to assert her innocence, although the fulfillment of her purpose leads her to violate Creon's decree. In the singular explanation of that which exists, which is merely existence, Hegel interrupts the movement of speculation in order to return to the indelible flaw: What does it mean to participate in a political, social and ethical community shaped by other rational individuals, while remaining true to oneself as a lawmaker? And at the same time he comes back to repeat to us, over and over again, that not only is the spirit of man destined to achieve an absolute form of self-awareness, but it is also linked to the potential to achieve its independence (Hegel, 1984: 473).

Final thought or starting point?

At the junction of these two movements, where unity is not only shot through by the resolution of opposites but also by the distance that brings them together and the action-decision of Antigone shifts awareness to knowledge of the legal interpretation of human beings which have become a person, lies the experience that precipitates the “insurmountable paradox” that reveals the impossibility of achieving the final reconciliation of the ethical-political community. However, this is what the readmission of the ancient dialectic with the truth of modern philosophy corresponds to. In speculative discourse, Hegel proves that he has yet to complete the task of integrating the legacy of ancient and modern tradition into a single dialectic process (Gadamer, 2005: 20-21). And it is precisely on the basis of this “insuperable” flaw in the unfinished, contradictory nature that the *decision to think of ourselves as a ethical-political community*, addressing the issue of “judgment” and “guilt” expressed in the confrontation between human law and divine law, that the deepest meanings of the action of rational agents in the territory of practical life are revealed. In Hegelian dialectic, as Gadamer points out, whether it considers logic or phenomenology or any other part of speculative science, the law that governs the movement of this dialectic is grounded in the truth of modern philosophy, which is the truth of self-consciousness and, as such, thinking begins with itself, in other words, the decision to think (Gadamer, 2005: 20).

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