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### The Social Basis of Morality Hegel's Jena Theory of Recognition

**Abstract:** This paper attempts to demonstrate that Hegel's Jena theory of recognition furnishes a conception of moral justification which is able to integrate the binding force of the moral into the substantive identities of social agents. As a result, Hegel is able to surmount the difficulties encountered by a number of prominent liberal theories when called upon to explicate the relation between morality and social identity. It is argued that, by identifying the moral point of view with the outcome of an abstract reasoning procedure, both the contractualist tradition and Habermasian discourse ethics are forced to conceive the moral as a set of external constraints on self-identity. In contrast, Hegel's theory of recognition, on account of its notion of social experience as a learning process, is able to provide a justification of moral norms which builds upon the presuppositions of substantive social identity. Through presenting conflict-ridden forms of interaction as struggles for recognition, Hegel is able to conceive the moral point of view as emerging from the normative content of identity claims.

The contractualist tradition in liberal political theory has generally conceived the justification of social norms in terms of the limits which fair cooperation places on rational self-interest. This provides an interpretation of the problem of political thought as that of how one can get from the pre-social state of conflicting self-interest to the social sphere of mutual cooperation. The most important recent formulation of this idea can be found in John Rawls' *Theory of Justice*.<sup>1</sup> In Rawls' theory, the original position represents an attempt to provide a normative justification of social constraints on self-interest through an abstraction from the types of social identity within which self-interest acquires a substantial form.

Hegel, I believe, articulated at Jena a rival conception of justification which overcomes the central difficulties of the contractualist procedure. Hegel believed that the attempting to explain the binding force of social norms through the appeal to a form of contract makes the mistake of positing an initial split between social identity and morality which is fatal to the attempt to reconcile the contractual justification of norms with the substantive identities of socialised individuals, for whom these norms are supposed to be action-guiding. It is at Jena that Hegel first develops an alternative to this view, and the key to his theory is the concept of recognition. Recognition overcomes the division between

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substantive social identity and abstract reason by conceiving social experience as a learning process. In this way, the moral point of view can be generated from a developmental account of social existence. Through a series of stages of opposition, conceived as struggles for recognition, individuals are brought to an awareness of the intersubjective conditions of human freedom. Hegel takes over Fichte's notion of recognition as a condition of self-consciousness and applies it to the theoretical framework of the Hobbesian conception of struggle. Because individuals seek *recognition* in the struggle, and not simply an increase in power, the transition to the social can be presented as the awareness, on the part of the individuals concerned, that the other will only grant to oneself recognition as a free being if this is reciprocated. In this way, individuals become aware that their own freedom is dependent upon the conditions sustaining the freedom of all.

In this paper, I will trace the gradual development of this idea during Hegel's time at Jena though the *System of Ethical Life*, the first 'Philosophy of Spirit' and the 'Philosophy of Spirit' of the Jena *Realphilosophie*. However, rather than concentrating on situating the Jena theory of recognition within the context of Hegel's philosophical development, I shall focus on its importance for explicating the *social* basis for morality.<sup>2</sup> My goal will be to demonstrate that, by conceiving the struggle for recognition as the bridge between the state of nature and the social, Hegel is able to provide a justification of social norms without separating the substantive identity of individuals from forms of moral reasoning.

### Tentative Beginnings: The System of Ethical Life (1802)

The 'Negative', the second part of the *System of Ethical Life*, appears as the bridge between the 'formal' universality of natural *Sittlichkeit* and the speculative unity of the individual and social totality in genuine *Sittlichkeit*. It is here, if anywhere, that we must look for a conception of ethical life as a formative process within individuals' social identities. The negative is presented as the positing of 'pure freedom' *against* the relative identity of natural *Sittlichkeit* (SEL p. 130, Sds p. 465). The negative, that is to say, as transgression, tries to establish itself as *outside* the relations between the social totality and the individuals of natural *Sittlichkeit*. But, because it simply *opposes* itself to social relations, it can only suffer the 'negative' *Aufhebung* of being cancelled in its turn by the universal. Hegel claims,

....the negating subject makes himself a cause and posits himself as negative indifference, but therefore the proposition must be converted upon him and he must be posited under the same determinacy (*Bestimmtheit*) of

the indifference as he posited. What he negated is to be equally negated in him, and he has to be subsumed just as he subsumes (SEL p. 132; Sds p. 466-7).

This reciprocal subsumption is, in fact, precisely the principle of Jewish law which, at Frankfurt, Hegel had opposed to Jesus' teaching of reconciliation through love. Like Kantian morality, according to Hegel, Jewish law articulates a 'positive' relation to the universal because of the externality of its commands to the ethical and social identities of the individuals whose behaviour it regulates. It seems plausible to maintain, therefore, that Hegel's characterisation of the 'negative' *Aufhebung* articulates a relation in which the origin of normative force is set apart from the motivations which individuals may have as concrete social agents. The task, then, for Hegel, must be to find a way to derive the binding force of the moral from *within* substantive social identity. By the time of the *System of Ethical Life*, I believe, Hegel had rejected the idea that the unity of moral claims and self-identity could be conceived in terms of love, but a principle capable of interiorising the *Aufhebung*, and hence of generating the adherence to universal commands from a formative process at the level of social identity, had yet to emerge in Hegel's thought.

The section on the negative is concerned with three forms of violence: 'natural annihilation' (pure havoc), theft, and war between families. The third conflict is the most significant because it presupposes the abolishing of legal relations (SEL p. 141; Sds p. 477). Thus, as in the *Spirit of Christianity*, genuine *Sittlichkeit* presupposes the attainment of a standpoint beyond the sphere of legality (GC pp. 348-50). However, the standpoint exterior to legal relations is no longer conceived as the beautiful soul renouncing life in order to retain its purity, but is attained through the diminishing of hostility and the consequent development of a feeling of equality (*Gefühl volliger Gleichheit*) (SEL p. 142; Sds p. 478).

This hostility is present in family members as *Thimnôs*. Hegel's treatment of *Thimnôs* already indicates the desire to portray the transition to ethical life as a learning process in that the diminishing of *Thimnôs* is to come by the realisation, on the part of individuals themselves, that they cannot attain their ends by destruction, and thereby opening the way for reconciliation. This contrasts with Hobbes' portrayal of this characteristic as a political danger to be suppressed by the sovereign.<sup>3</sup> For Hobbes, *Thimnôs* is overcome by the external imposition of order, *not* through the raising of individual selves to a recognition of their equality. A further important point is that, as members of families, individuals learn to act as members of a whole (*Glied einer Familie*) (SEL p. 140; Sds p. 476). This prepares the way for the *Aufhebung* of individuality in *Sittlichkeit*. These indications aside, however, Hegel makes no sustained attempt to demonstrate that the transition to *Sittlichkeit* can be understood as a necessary

development within individuals' ethical identities. Indeed, Hegel speculates that the outcome of the war among families may be a 'difference without connection or relation' (*unbezogene verhältnislose Differenz*) (SEL p. 142; SdS p. 478). It would seem, then, that forms of transgression are not being used here to describe a formative process at the level of social identity.

### Spirit And Volk (1803/4)

By the time of the 1803/4 lectures on the Philosophy of Spirit, Hegel's practical philosophy had become inscribed within the framework of the return to itself of spirit from its fall into otherness (FPh.S. [268]). Consequently, and in contrast to the *System of Ethical Life*, Hegel can inscribe the interactions between individuals and the environment within the unified narrative of spirit's self-development. Simultaneously with the new prominence given to spirit, Hegel gives a central theoretical role to consciousness. Consciousness, Hegel says, is the 'concept of spirit' (ibid. [269]), and the concept must 'realize itself' (ibid. [270]). It is the notion of consciousness which will enable Hegel to present the movement from the exclusionary individuality of families to *Sittlichkeit* as a learning process within individuals' self-definitions. With the new centrality given to consciousness, Hegel can describe the transition to *Sittlichkeit* through an account of the way in which consciousness attempts to overcome contradictions in the way it experiences the world. The dynamic principle providing direction to these forms of experience is the principle of recognition.

The concept of recognition allows for the elucidation of the contradiction within consciousness as that between what it claims to be, and the self-identity reflected back to it from its interactions with its world. In the movement of recognition, the individual will realise that he can only gain recognition, in terms of the understanding he claims for himself, by ceding his individuality and entering into unity with the *Volk*. The elements necessary for a rival to the Hobbesian contract theory, therefore, are now in place. Hegel can oppose to the Hobbesian understanding of the social as a *limitation* of freedom the idea that it represents an awareness of the *intersubjective conditions* of freedom. The need for recognition as a free, self-defining being will lead to an acknowledgement of the necessity of these conditions for the exercise of one's own freedom.

The notion of a learning process first becomes apparent in Hegel's presentation of the development of forms of rational social activity occurring as a result of interactions between the human subject and the environment, in which both are reciprocally modified. For example, in the analysis of the tool, Hegel demonstrates that labour presupposes an idealisation of desire (*Begierde*). That is

to say, desire must abstain from immediate enjoyment (*Genuß*) of the object, a 'conciliation without any ideality', in order to be able to form the object according to a pre-existing conception of its possible usefulness to human needs (FPh.S. [299-300]). Although the conception of labour as presupposing the difference between desire and enjoyment had already appeared in the *System of Ethical Life* (SEL p. 106; SdS p. 437), here Hegel can present it as the development of consciousness, through interaction with its environment, in such a way that it is able to constitute itself as capable of rational activity.

The theoretical worth of such a model, once again, can be shown by a comparison with Hobbes. Hobbes' statement that industry and 'culture of the earth' are impossible in the pre-social state, given the lack of certainty of keeping what one produces,<sup>4</sup> reflects the dominance of the psychological framework determining relations among men in the natural state. Essentially, this framework posits that the more one has, the more one has to acquire in order to defend the extent of one's possessions against the attacks of others, and hence the less one can be certain of being able to secure what one has. Therefore, a condition of non-violent coexistence is impossible.<sup>5</sup> What Hobbes never considers, however, is that forms of interaction with nature can have a modifying, even educating effect on the forms of motivation driving human activity.<sup>6</sup> As a consequence, Hobbes can only present forms of political and social authority as founded on the need to suppress the motivational structure of human activity in the natural state. Hegel's analysis of labour, in contrast, suggests that forms of interaction are capable of changing the motivational structure governing human activity in such a way that consciousness undergoes an interior development preparing it for entry into social existence.

The interior development of consciousness becomes most apparent in the struggle for recognition, which forms the link between the articulation of the forms of *individual* activity, and life in the *Volk*, or *Sittlichkeit*. Hegel's notion of recognition builds a *moral* dimension into encounters between individuals in the pre-social state. It postulates that individuals do not simply seek to maximise their power over others, but seek confirmation of themselves as moral beings. In this way, Hegel is able to transform Hobbes' conception of struggle. As Axel Honneth has argued, rather than being seen as motivated by individual subjects' desire for an increase in power, Hegel conceives the struggle in terms of claims by individuals to moral respect.<sup>7</sup> The centrality given to recognition in intersubjective relations also reflects Hegel's reinterpretation of the Aristotelian concept of activity (*enérgeia*) as self-objectification,<sup>8</sup> in the *Realphilosophie*, as a consequence, Hegel will define work as 'sich zum Dinge Machen' (RP p. 189).<sup>9</sup> In labour, consciousness overcomes the otherness of external reality. With the principle of recognition, this acquires the *moral* sense of a need for affirmation of who one is from the other.

In the struggle, individuals represent the family totality as consciousness, and seek to exclude the other from the extent of their life and possessions and to gain recognition as an excluding totality.<sup>10</sup> If this is to be a learning process for the individuals who are themselves engaged in the struggle, Hegel must show that the attempt to gain recognition as of who one is by dominating others (i.e. through forcing their exclusion from the sphere of what is one's own) is self-contradictory. This is shown in the following way: In order to gain recognition as an 'excluding totality', each must be ready to bring about the death of the other. One must be ready to exclude absolutely. But this presupposes that one is prepared to risk one's own life. As a consequence, Hegel claims, the recognition of each seeks can only be gained through putting at stake the very possibility of possession and life itself (FPh.S 1310j). Therefore, one is only able to gain recognition as a rational being; as able to separate oneself from one's natural existence, *not* as extended over a sphere of property. The impossibility of securing recognition of who one is by a project of exclusion produces the sublation (*Aufhebung*) of individuality (*Einzelheit*): individuality can only be what it is, and be recognised as what it is, by uniting with its other. The individual must become a part of the *Volks*.

This struggle is Hegel's interpretation of the paradox of recognition, which was first uncovered by Fichte.<sup>11</sup> One cannot coerce the other into a recognition of oneself as a free agent. Recognition must be reciprocal. That is to say, it must be freely given by both parties. For Hegel, however, the movement of the recognition produces a change in self-identity, in the self-understandings of the agents involved. As a result, rather than conceiving the social as a restriction of freedom, Hegel presents it as the first appearance of genuine (that is, intersubjectively guaranteed) freedom. This occurs when one is able to recognise the other as the condition of *one's own* freedom. Only by giving up one's *exclusivity* in an identity with others does one become able to assert one's *individuality* and have that individuality recognised by others. This reading shows us that the result of the struggle is *not*, as H. S. Harris claims,<sup>12</sup> that to be a 'man of honour' is to be dependent upon a 'higher community'. Rather, it is the realisation that one cannot claim freedom for oneself unless one grants the establishment of the conditions which sustain the freedom of all. According to the Fichtean paradox of recognition, one must grant freedom to the other, in order that the other is able *freely* to recognise *oneself* as a free being.<sup>13</sup>

The change in self-identity, which is generated by the struggle, cannot come through criteria being forced on the individuals having the experience, so to speak, from the 'outside'. This would constitute *Verrichtung* (nullification), not *Aufhebung*. Individuality must be permitted to generate its *own* overcoming.

<sup>10</sup>This cognition of ours, then, that the recognized totality is only consciousness, so far as it sublates itself (*sich aufhebt*), is a cognition of

this consciousness itself; it makes this reflection of self into self all by itself, that the singular totality in that it wants to be, to maintain itself as such, sacrifices itself absolutely, it sublates itself (*sich aufhebt*) (FPh.S [312j)].<sup>14</sup>

We can see here that, in contrast to the *System of Ethical Life*, the *Aufhebung* can appear as part of a formative process driven by the identity claims of individual consciousness. In consequence, the binding power of moral norms can be derived from the individual's awareness of the social bond as a *condition* of freedom, since only after having entered the *Volks* can consciousness find the confirmation of itself as a free being. Hegel can now, therefore, reject the conception of the social as a constraint on self-interest, central to the contractualist framework.

This becomes possible through the implicit presupposition that individuals in the pre-social state have a *moral* interest in recognition (rather than, as in the contractualist view, an exclusive concern with some form of rational advantage) which can only realise itself in a social world guaranteeing rights and freedoms. Given its view of the motivational structure of human agency in the pre-social state, the contractualist view is unable to generate the transition to social existence, governed by normative rules, from claims raised at the level of concrete identity. As a result, the contract tradition has been plagued by the difficulty of establishing a connection between the results of abstract reason and the identities of socialised individuals.

Rawls, for instance, in *Theory of Justice*, introduces the question of social identity only when the abstract reasoning procedure of the original position has already generated the fundamental normative principles. This is why social identity can only appear under the rubric of social stability.<sup>15</sup> That is to say, for Rawls, the moral point of view cannot be conceived as emerging from a developmental process *inside* social identity. It is perhaps significant that precisely this problem of generating a point of entry into concrete social identity has proved a considerable bane to Jürgen Habermas's discourse ethics. Habermas, like Rawls, is forced to characterize social identity in the value-neutral terms of 'processes of socialization'<sup>16</sup> because moral argumentation, the origin of normative force, is conceived as a procedure which is separated from the substance of what Habermas calls the 'ethical'. This strongly suggests that these difficulties are those of Kantian liberalism more generally, rather than simply being confined to the contractualist conception.

My suggestion is that, by showing how the necessity of the social bond can be derived from the desire to be recognised as a free agent, Hegel can show how the binding power of social norms can be integrated into the need for self-assertion of social identity. Consequently, the source of movement can be said to be internal to social existence. As we shall see in the next section, by the time of

the 1805/6 *Realphilosophie*, Hegel is able to incorporate interaction with institutions into the theoretical framework of the struggle for recognition.

### The Dialectic of Institutions (1805/6)

In the 'Philosophy of Spirit' of the 1805/6 *Realphilosophie* lectures, social unity is conceived *not*, as in the 1803/4 Philosophy of Spirit, as the sublation of individuality in the *Volk* but, rather, as the emerging awareness, on the part of the individual will, that the possibility of individual freedom is dependent upon the forms of activity which are sanctioned and sustained by a universal will. Hegel Although consciousness is once more pushed into the background,<sup>17</sup> Hegel retains the framework of the struggle for recognition. Forms of recognition are here presented as a series of oppositions, or contradictions, between the individual and the universal will. Hegel gives an account of the emergence of legal and economic institutions in terms of the development of patterns of recognition. An essential aspect of Hegel's account is that it is through interaction with these institutions that the learning process occurs which brings the individual to awareness of his identity with universal spirit.<sup>18</sup> The universal will is no longer perceived by the individual as a threat to, or as limiting his freedom, but rather as an expression or manifestation of that freedom.

The first important movement occurs immediately before the transition to 'Actual Spirit' (*Wirklicher Geist*). This is the stage of the encounter of independent individuals following the account of the family (HHS p. 110; RP p. 195). The struggle for recognition here will show how, through the ascription of a desire for recognition to individuals in the pre-social state, moral relations can be derived from the consequences of the attempt to win recognition from others. In this way, the moral point of view will be generated from social action, rather than abstract reason. An injury (*Verletzung*) occurs, Hegel claims, through the appropriation of possession. This is the positing of one's own for-itself (*Fürsichsein*) in the possession of another. The possessor was unaware, whilst acquiring possessions, that its actions might entail a certain relationship with others. The moment of injury brings to light the intersubjective basis of appropriation: by reserving a particular sphere of free activity for oneself, one is necessarily excluding others from it. Through an injury, the excluded party seeks to make apparent that what the other party does places it in a certain relationship with the possibility of the free activity of the other. That is, the excluded party brings to the other party's awareness the *social context* of its action.<sup>19</sup> The appropriation of possession, therefore, can be interpreted as a call for individual activity to be inscribed within a normative framework in which rights and expectations are clearly delineated. Injury must therefore be

understood as the social manifestation of individuals' desire to have their needs and interests taken into account by others.<sup>20</sup> To make this claim against the possessor, the excluded party responds by appropriating his (the other's) *Fürsichsein*, or in other words, the possibility of his free activity (HHS p. 115; RP p. 201). Using a formula he will repeat in the *Phenomenology of Spirit*, Hegel claims that both individuals are now '*außer sich*' (HHS p. 116; RP p. 202),<sup>21</sup> that is to say, they are aware that their actions place them in a certain relation to other individuals.

The struggle begins, then, when the purely self-related appropriation of possessions is superseded by a desire for a positive reflection of oneself in others. It is essential, if the normative content of the struggle is to be realised, that the possessor, in turn, respond *morally* to the excluded party's attack. It must show *itself* to be capable of bringing normative expectations to bear.<sup>22</sup> As in the first Philosophy of Spirit, there ensues a fight to the death (*Kampf auf Leben und Tod*), as a result of which each individual gains recognition as a pure self (*reines Selbst*) (HHS p. 118; RP p. 203). Because each knows that the other risks its life, each knows that the other is, like itself, a pure will separable from its material existence. In consequence, it can recognise the other as capable of pressing *moral* claims, that is, claims which do not have the desire for mere physical gratification as their basis. Because, in the struggle to the death, each individual self demonstrates that the legitimacy of its claims matters more to it than physical existence, there emerges the possibility of moral relations between them.<sup>23</sup>

The struggle to the death is necessary because individuals must find a means of expressing their moral nature as an object of recognition for the other. This *social* expression of one's moral nature is, of course, central to the possibility of deriving moral claims from the social self-assertion of individuals. In contrast with Kant, who, in the *Kritik der praktischen Vernunft*, deduces the moral nature of individual selves from the fact of obligation, Hegel shows how it is demonstrated through social struggle. Therefore, there emerges a *universal* will which is present as *Anerkannsein* (being as recognised) (*ibid.*).

It is the relation between the universal and the individual will established in contract which serves as the ground for the next moment of opposition. Hegel attempts to demonstrate that, when it develops to the point of establishing relations with others, labour gives rise to normative claims.<sup>24</sup> The central point is that, in economic relations, individuals become aware of the dependence of their activity on a universal will.<sup>25</sup> Contract is conceived as a mutual undertaking in which both parties acquire obligations and, thereby, bind their will to a particular performance (*Leistung*). The opposition arises through the breaking of contract (HHS p. 125; RP p. 210). The individual who breaks the contract participates in the universal procedures constitutive of contract, yet attempts to free himself from the obligations and expectations following from that participation. Hegel shows that because, in the practices constitutive of economic relations, one is

constituted as a particular type of free agent, namely, a 'person', through breaking the contract, one contradicts the presuppositions of one's freedom. Hegel is obviously drawing on Rousseau here, as is indicated by the statement that one is here forced (*gezwungen*) to be a person (HHS p. 126; RP p. 211).

But Hegel's use of the verb *widersprechen* (contradict) with reference to the will which separates from the universal, suggests that he also has Kant in mind. In fact, the comparison with Kant here brings to light how the theory of recognition is able to provide an account of the moral point of view as emerging from forms of social practice. In the *Critique of Practical Reason*, after having explicated the nature of morality as universal law, Kant gives as a test case whether one should keep deposits where ownership law could not be proved.<sup>26</sup> His answer is that this maxim could not serve as a universal law since it would make the practice of giving deposits impossible. According to Kant, the contradiction occurs when a particular maxim is posited as a universal principle of action. To act on such a maxim would be to contradict the understanding of self as what Kant calls a 'rational being' (*vernünftige Wesen*). For Hegel, however, the contradicting of oneself as a *rational agent* is also a contradiction of oneself as a *social being* constituted by patterns of recognition. Hegel claims that contract must be enforced, one's word must count (*gelten*), not merely on 'moral grounds' (*moralischen Gründen*), but because

...my will exists only as recognized. [In breaking the contract] I not only contradict myself, but also the fact that my will is recognized; my will cannot be relied upon, i.e. my will is merely mine (*mein*), mere opinion (HHS p. 126; RP p. 211).

The breaking of contract, therefore, is understood by Hegel as a transgression of patterns of recognition establishing expectations and obligations. The contradiction is *not* between the maxim which one's posited action presupposes and the universality of law, but concerns the distinction between what one does and the *social* presuppositions of being who one is.<sup>27</sup> The individual opposes the framework of recognition establishing his identity as a 'person'. Therefore, in the transgression, the individual 'contradicts' his social identity established by forms of recognition. By locating the 'moral contradiction' at the level of interaction within concrete social existence, Hegel can tie the demands of rational agency to the demands of one's nature as a *social* being. Because the rational motivating force of moral norms is inscribed within a social process of identity formation, the 'ought' of moral claims follows from the 'is' of substantive identity. For Hegel, therefore, what Kantians have tried to derive from an abstract reason separated from the substance of social ends, is a presupposition of the *social conditions* of free agency. The *reasons* which constitute the binding force of the moral arc, in consequence, not sharply

separated from the condition of the self-assertion of the concrete individual. As a result, the problems which arise for the contractualist (and, more broadly, the Kantian) depiction of the relation between the binding force of norms and social identity are surmounted by Hegel's account.

We can also see here how recognition is, to some degree, the translation of the earlier notion of the causality of fate into the categories of political and social analysis. In the *Spirit of Christianity*, Hegel had opposed the operation of law - which can only react to transgression with an opposite subsumption, and which remains external to the particulars themselves - to punishment as fate, in which the universal is not severed from the particular (GC p. 342). Unlike law, which the universal is not severed from the individual realises that the fate opens the possibility of reconciliation, since the individual realises that the hostile nature facing him was created by his *own* actions, and is part of the same unified life (GC pp. 343-5). In a similar way, the outcome of the interpretation of transgression in terms of the notion of recognition is that what was seen (by Kant) as a transgression of law is interpreted as a transgression of *oneself as a social being*. The recognition that what one opposed to oneself - the universal will - was not different from oneself, makes possible a reconciliation through the realisation that the social whole is not separate from, but essentially sustains, one's self-identity. Thus we can see that, for Hegel, the experience of law can serve in a process of *Bildung*.<sup>28</sup> Kantian universal law, because it remains external to the social identity of individuals, is incapable of giving rise to this process of opposition followed by reconciliation in a higher unity.

The discussion of crime and punishment (HHS pp. 128-32; RP pp. 212-217) presents a higher level of struggle, in that here the individual seeks to establish himself as the universal (HHS p. 129; RP p. 214).<sup>29</sup> Against this, the universal can only assert itself as punishment, as the reassertion of the validity of recognition (HHS p. 130; RP p. 215), and reestablishment of the injured forms of coercive law (*Das Gesetz habende Gesetz*), which ushers in the *Aufhebung* of *Einzelheit* (individuality) (HHS p. 133; RP p. 217). As judicial force (*richterliche Gewalt*), says Hegel, coercive law overcomes the 'ambiguity of the ought' (*Zweideutigkeit des Sollens*) (HHS p. 142; RP p. 225). That is to say, judicial force is the concrete social form established by the constitution of rights and expectations through patterns of recognition in the socio-economic sphere. As such, it is the objectification of morality - the *Sollen* - which Kant had defined in opposition to the realm of experience.<sup>30</sup> Furthermore, because it emerges from the moral presuppositions of forms of recognition constitutive of the individual, the individual is able to relate to it as the objectification of its social being.<sup>31</sup>

What is at stake, therefore, both here and in the breaking of contract, is that increasingly intensified attempts to assert oneself *as* an individual are emerging as sustained by a greater dependence on the universal, as the guarantor of freedom.<sup>32</sup> Individualisation, that is to say, is occurring together with greater

socialisation. Hegel was, perhaps, the first modern thinker to articulate clearly the logic of what Emile Durkheim was later to call 'organic solidarity'.<sup>33</sup> The greater concrete dependence which Durkheim sees as the result of individualisation through the social division of labour, is expressed, by Hegel, as a dependence on universal structures guaranteeing individual freedom. Axel Honneth has demonstrated how the entwinement of individualisation and dependence, expressed in Hegel's theory of recognition, can provide a critique of liberal theories of self-realisation deriving from J. S. Mill.<sup>34</sup> Honneth argues that a theory of self-realisation such as that of Richard Rorty, which can only conceive social bonds as shackles on individuals' striving for freedom,<sup>35</sup> overlooks the constitutive role of the normative framework, established through intersubjective recognition, in making possible individual self-realisation.<sup>36</sup> It is significant that the Millian theory of self-realisation and the contractualist conception of justification both fail to acknowledge the social bonds guaranteeing the freedom of all as a constitutive condition of individual freedom. The social bond is, at best, simply external to social identities which give substance to the exercise of freedom or, at worst, a positive threat to the possibility of individual freedom.

When, to return to the *Realphilosophie* lectures, after the account of crime and punishment, a new opposition arises between coercive law and the individual will, the law is seen to be positing the validity of one's own universal self against oneself as a particular (*gegen mein besonderes Selbst mein allgemeine*) (HHS p. 143; RP p. 226). This again calls to mind Rousseau's opposing of the *volonté particulière* to the *volonté générale*. But the innovation in Hegel's account is that the universal will emerges *not* from an original contract, but from forms of social activity, which simultaneously constitute the individual, through a formative process, as a social being able to recognise that the universal will is enforcing the social conditions of free agency. This demonstrates that, because Hegel derives moral norms from the interior development of social identity, he can furnish an account of normative validity *without* severing it from the question of binding force for the individual. Hegel can achieve this because, given the posited link between normative validity and social identity, transgression of the moral immediately reveals itself to be *also* a betrayal of oneself.

In Hobbes' account, in contrast, the obligations following from contracts must be secured by the fear of an external power.<sup>37</sup> As I suggested earlier, this problem manifests itself in contemporary Kantian liberalism through the instrumental account of social identity in terms of stability (Rawls) or patterns of socialisation (Habermas). Kantian reason here manifests itself as fundamentally Hobbesian. Because Kantian liberalism cannot derive moral justification from within social identity, the socialising process can only take on the instrumental role of procuring obedience to pre-given moral norms external to concrete

identities. The merit of Hegel's account is that its explanation of the social basis of morality can combine rational justification with motivating force for the concrete individual by deriving the justification of norms from an interior development at the level of social identity. The importance of recognition in this theory is that it furnishes a point of entry into the social which enables Hegel to portray the emergence of the moral point of view from the normative potential of identity claims.

In Hegel's Jena writings, then, Recognition emerges as the process which can account for the generation of the moral point of view from social practice. It is able to play this role because Hegel interprets it as encompassing a series of forms of practical existence rather than, as in Fichte, as a structure of self-consciousness. For Hegel, family, labour, and legal and economic relations all function as forms of recognition through which the individual is brought to an awareness of its identity with the social universal. Because this identity is a precondition for free self-realisation as a particular, recognition can be said to be a principle of individualisation through socialisation. Recognition can play this role by bringing the individual to an acknowledgement of the intersubjective conditions of the exercise of his freedom. This overcomes the difficulties of the contractualist account which follow from the sharp divide between moral reasoning and substantive social identity. Through building immanent normative claims into forms of social activity, therefore, the concept of recognition is able to explain the emergence of a reconciled social unity through a formative process at the social level.

Roger S. FOSTER, University of Ottawa.

#### Abbreviations of Hegel's Works used in Text:

GC: 'Der Geist des Christentums und sein Schicksal', in *Theorie - Werkausgabe* (TWA) I (Frankfurt am Main: Suhrkamp, 1971).  
 NL: 'Über die wissenschaftliche Behandlung des Naturrechts', in TWA II.  
 SEL: *System of Ethical Life*, trans. T. Knox (Albany: SUNY, 1979). In German, SDS: 'System der Sittlichkeit', in *Jenener Schriften* (Berlin: Akademie Verlag, 1972).  
 FPh.S: 1803/4 'Philosophy of Spirit', in *The System of Ethical Life*, trans. T. Knox (Albany: SUNY, 1979) [Page references refer to the divisions of the original manuscript].



HHS: *Hegel and the Human Spirit* (translation of 1805/6 'Philosophie des Geistes' I, trans. L. Rauch (Detroit: Wayne State University Press, 1983). In German, RP: 'Philosophie des Geistes' in *Jenaer Systementwürfe III* (Felix Meiner, Hamburg, 1987).  
 Ph.S.: *Phenomenology of Spirit*, trans. A. Miller (Oxford: Oxford University Press, 1977). In German, Ph.G.: *Phänomenologie des Geistes* (Hamburg: Felix Meiner, 1948).  
 PR: *Elements of the Philosophy of Right*, trans. H. B. Nisbett (Cambridge: Cambridge University Press, 1991).

## NOTES:

- 1 Oxford: University Press, 1971.
- 2 An account in terms of Hegel's philosophical development is given by H. S. Harris, in his *Hegel's Development II, Night Thoughts* (Oxford: Clarendon Press, 1983). Harris, however, does not attempt to explore the merits of recognition in relation to the problematic of modern social and political theory. In order to generate a critical encounter with political and social thought, I believe that it is necessary to draw instead upon the German scholarship which has emerged in the wake of, or in response to, Jürgen Habermas's landmark essay 'Labour and Interaction' (in *Theory and Practice*, tr. J. Viertel, Boston: Beacon Press, 1973). The most significant works here are those by Ludwig Siep (*Anerkennung als Prinzip der Praktischen Philosophie*, Freiburg/Munich: Alber, 1979), Andreas Wildt (*Autonomie und Anerkennung*, Stuttgart: Klett Cotta, 1983), and Axel Honneth (*The Struggle for Recognition*, tr. J. Anderson, Oxford: Polity Press, 1995).
- 3 See Hobbes, Thomas, *Leviathan* (London: Penguin, 1968), p. 140.
- 4 *Leviathan*, p. 186.
- 5 This psychological framework is essentially stated by Hobbes in *Leviathan* p. 161, '...[man] cannot assure the power and means to live well, without the acquisition of more'.
- 6 This aspect of Hegel's account of labour was stressed by A. Kojève: 'dans le travail, l'homme transforme les choses et se transforme en même temps lui-même', in *Introduction à la Lecture de Hegel* (Paris: Gallimard, 1947), p. 30.
- 7 See his *The Struggle for Recognition*, p. 5. The importance of the relation to the Hobbesian conception of struggle is missed by H. S. Harris (*Hegel's Development II*, pp. 329-34). Furthermore, Honneth's suggestion that the motive for the struggle is that of 'moral respect' rather than (as in Harris) 'honour', suggesting basic human dignity rather than social privilege, is better able to bring out its relevance to the social basis of the moral.
- 8 See M. Riedel, 'objektiver Geist und praktischer Philosophie' in *Zwischen Tradition und Revolution* (Stuttgart: Klett-Cotta, 1982).
- 9 This is repeated in the *Phenomenology* (Ph.S § 351; Ph.G p. 258).

- 10 It should be noted that, in contrast to the similar stage in the *System of Ethical Life*, Hegel has here not yet derived the existence of property. Therefore, participants do not encounter each other as property owners. The security of property is, in fact, an essential aspect of what the struggle is meant to secure.
- 11 'Keines kann das Andere anerkennen, wenn nicht beide sich gegenseitig anerkennen', *Grundlage des Naturrechts*, in *Fichtes Werke* 3 (Berlin: W. de Gruyter, 1971), p. 44.
- 12 *Hegel's Development II*, p. 330.
- 13 This is discussed by Ludwig Siep in his 'Recht und Anerkennung', in *Selbstbehauptung und Anerkennung*, (Hrsg.) H. Gündl (Sankt Augustin: Akademie, 1990), p. 169.
- 14 Hegel will make the same point in the *Rechtsphilosophie* (HHS p. 111; RP p. 197).
- 15 See *Theory of Justice*, §§ 69-76.
- 16 Habermas, J., *Justification and Application*, trans. C. Cronin (Mass: MIT, 1993), p. 33.
- 17 See Harris, H.S., 'The Concept of Recognition', in *Hegel's Dialectic of Desire and Recognition*, ed. J. O'Neil (New York: SUNY, 1996) p. 248.
- 18 Siep L., *Anerkennung als Prinzip der praktischen Philosophie*, p. 192.
- 19 Honneth, Axel, *The Struggle for Recognition*, p. 44.
- 20 If I am right here, then Hegel's interpretation of the struggle for recognition would lend theoretical weight to Barrington Moore's reading of forms of social disobedience as motivated by the desire for self-respect and 'decent human treatment', in his *Justice: The Social Bases of Obedience and Revolt* (New York: M.E. Sharpe, 1979). The idea that the struggle is initiated by moral claims is, once again, overlooked by H.S. Harris. His suggestion that 'the interloper' does not know that he has violated a right (*Hegel's Development II*, p. 486) suppresses the critical force of the struggle by preventing the act of injury from itself being understood as a moral claim for the establishment of more equitable interpersonal relations.
- 21 'Es ist für das Selbstbewußtsein ein anderes Selbstbewußtsein; es ist außer sich gekommen' (Hegel's italics, Ph.G p. 141; Ph.S § 179).
- 22 'Er geht darauf, nicht mehr sein Dasein herzustellen, sondern sein Wissen von sich, d.h. anerkannt zu werden' (RP p. 202).
- 23 See Honneth, Axel, *The Struggle for Recognition*, pp. 46-7.
- 24 It is worth noting that, in this respect, the *Rechtsphilosophie* has an advantage over the later *Philosophy of Right*, since in the latter 'Abstract Right' is presupposed, not derived from forms of social and economic activity.
- 25 See Denis, Henri, *Hegel Pensée Politique* (Lausanne: L'Âge d'Homme, 1989), p. 70.
- 26 Kant, I., *Kritik der praktischen Vernunft*, in *Werke* 6 (Wiesbaden: Insel, 1956), p. 136.
- 27 In this sense, the theory of recognition can be said to conceive the sphere of the moral in terms of a 'performative contradiction'. It is worth comparing the contradiction which arises here with that which lies at the basis of Habermas's discourse ethics (see the essay on discourse ethics in Jürgen Habermas's *Moral Consciousness and Communicative Action*, Mass: MIT, 1983). Habermas's rendering of the performative contradiction, as between what

one says and the presuppositions of argumentation, extracts it from the identity of socialised individuals. Therefore, the Habermasian performative contradiction cannot function in a social learning process. See the excellent discussion in Jay Bernstein's *Recovering Ethical Life* (London: Routledge, 1995), pp. 180-91.

<sup>28</sup> See H. S. Harris, *Hegel's Development II*, p. 193.

<sup>29</sup> This is essentially the same as the goal of the criminal in the *System of Ethical Life*. The criminal posits himself as 'negative indifference' (SEL, p. 132).

<sup>30</sup> The point of Kant's definition of morality as the *form* of universal law is that the form of law, as such, cannot give rise to an intuition subsumable by the understanding. Therefore, it cannot be said to be a part of the world of experience. See *Kritik der praktischen Vernunft*, p. 138.

<sup>31</sup> Coercive law is clearly identifiable as the precursor of the state in the *Philosophy of Right* which, like coercive law, is the social embodiment of the universal. Hegel refers to the state as the 'substantial spirit' of individuals (PR § 260).

<sup>32</sup> See Siep, L., *Anerkennung als Prinzip*, ..... p. 93.

<sup>33</sup> See Durkheim, Émile, *De la Division du Travail social* (Paris: Presses Universitaires de France, 1967), ch. 3.

<sup>34</sup> Honneth discusses these together with what he calls 'postmodern social theories'. See the essay 'Pluralization and Recognition', in his *The Fragmented World of the Social* (New York: SUNY, 1990). Also, see the first three essays in his *Desintegration* (Frankfurt am Main: Fischer Verlag, 1994).

<sup>35</sup> See Rorty, Richard, *Contingency, Irony and Solidarity* (Cambridge: University Press, 1989), ch. 2.

<sup>36</sup> Jene soziokulturelle Welt, von der die aktuellen Entwicklungsprozesse uns gegenwärtig zu enternen scheinen, darf nicht bloß als Hindernis für, sondern muß auch als eine bestimmte Organisationsform von individueller Freiheit betrachtet werden' (*Desintegration*, p. 18).

<sup>37</sup> *Leviathan*, p. 196.

## L'individu face au pouvoir : l'émergence du concept de "désobéissance civile" et son actualisation chez John Rawls

**Résumé :** L'examen que nous faisons ici de l'idée de *désobéissance civile* s'inspire au départ des travaux de Raymond Polin sur le sujet. Nous voulons voir s'il est pertinent de penser qu'une telle notion pouvait s'exercer conceptuellement chez des penseurs de la modernité classique et des Lumières (Hobbes, Locke, Kant) avant de conclure négativement, en montrant que ce concept est résolument contemporain. À partir de ce constat, nous mettrons en valeur son actualité en prenant comme point référentiel la pensée de John Rawls.

### 1. La désobéissance civile, une particularité américaine?

Dans un article récent, Raymond Polin soulignait que la notion de désobéissance civile était principalement anglo-saxonne et spécifiquement américaine<sup>1</sup>. En référence à cet article, voilà la position théorique de Polin concernant la désobéissance civile : "Pour les Anglo-Saxons et spécialement pour les Américains, écrit-il, la *civil disobedience*<sup>2</sup> intervient dans une communauté politique constituée en État de droit, où les gouvernants sont les représentants des citoyens et sont chargés d'exprimer la politique voulue, de plus ou moins loin, par l'opinion publique"<sup>3</sup>. Cette définition implique évidemment que ce concept est *moderne*<sup>4</sup>. On pourrait bien sûr nous objecter l'exemple antique d'Antigone refusant de se plier aux lois de la cité incarnées par Créon. Ce serait faire preuve d'anachronisme, les textes antiques n'abordant pas ce problème. Et Callicles, personnage mythique et troublant du *Gorgias*, qui semble aller très loin dans sa critique de la normativité juridique, ne pense guère à promouvoir une opposition populaire mais plutôt à permettre un salut individuel à travers l'opposition à la loi de la cité qui rend possible une distinction vis-à-vis du troupeau. Pas de désobéissance civile dans le monde antique donc, et le Socrate se dominant la mort pour obéir aux lois de la cité en est un bel exemple. Comme le dit Simone Goyard-Fabre, "si l'opposition est inconcevable dans l'antique Cité grecque, c'est que le citoyen y fait corps avec la Cité. Le peuple n'a pas de représentants et se gouverne lui-même"<sup>5</sup>. Impossible aussi d'imaginer une quelconque forme de désobéissance civile au Moyen Âge ou à la Renaissance quand les États de droit sont en gestation et quand toute idée de contrat institutionnel est non avenue - à tout le moins