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HEGEL'S PLURALISM: HISTORY, SELF-CONSCIOUS ACTION, AND THE REASONABLE

Dean Moyar

In his discussion of marriage and the incest prohibition in the *Philosophy of Right*, Hegel remarks that “the power of procreation, like that of the spirit, increases with the magnitude of oppositions out of which it reconstitutes itself.”¹ This claim turns on the value of difference for assessing social wholes such as the family and the political order. He uses the term “power [*Kraft*]” to make a point about social rationality. Spirit, like the union of two individuals in marriage and reproduction, is more rational the greater the difference that is integrated into the unified structure. In the social sphere, understanding how the guiding value of Hegelian political rationality, freedom, is a function of difference, opens up a reading of his political philosophy as fundamentally engaged with the issue of pluralism. Hegel’s practical philosophy presents a multi-layered approach to pluralism, and offers a new reason to take his method and system seriously as a resource for contemporary liberalism. In the *Phenomenology of Spirit*, Hegel gives an historical narrative that shows how radical value pluralism undermines itself. In the systematic political theory of his *Philosophy of Right* he demonstrates how a liberal social and political order can not only accommodate, but actually benefit from and promote a plurality of different conceptions of the good. A leading virtue of the account presented here is that Hegel can respond to the two main problems of pluralism with a single conceptual figure: *recognized self-conscious action*.

1. TWO PROBLEMS OF PLURALISM

The problem of *value pluralism* is most often associated with the work of Isaiah Berlin, who claims that there are many different “ultimate values” in human life and that they are equally objective. These values produce irresolvable and often tragic conflicts, which stand in the way

of any attempt to provide a unified or ideal theory of human activity, including political activity. Berlin's view has been called "agonistic value pluralism," and raises problems for any attempt to provide a value-laden justification for liberalism. If liberal values are just one set among others, it seems that they need to be justified from the ground up, in a way that can withstand skeptical challenges from all other value perspectives. I will call this the "all comers" question raised by Berlin's view, since it implies that liberal norms stand in need of justification against all competing orderings of value. One response to this question is simply to declare it unanswerable, and to justify a very minimal liberalism as the only way in which we can live in relative peace given the incommensurability and irreconcilability of values. Perhaps the best liberalism can hope for is a kind of *modus vivendi* between various competing positions. This is a way of getting along in spite of ourselves. On such a view, the aim of political processes is not to reach mutual understanding or agreement on principles or values, but simply to find negotiated agreements of interest on particular issues.

The all-comers question helps focus the issue of value pluralism, but it should not be allowed to stand as a complete statement of the problem. There is no way to justify a value-laden political theory to someone who shares none of the theory's values. The proper formulation addresses ways to constrain the context of justification without rejecting value pluralism in a more moderate form. If we can say for whom a public justification has to be valid (e.g., only for those willing to accept certain minimal conditions), or how deep the justification has to go (e.g., to the level of shared religious or philosophical convictions), we will significantly lessen the divisive force of value pluralism.

The first problem of pluralism can be stated briefly in the following way:

PP1: How to delimit a context of justification such that some orderings of values are ruled out as illiberal, yet a moderate form of objective value pluralism is affirmed.

The problem is how to rule out some conceptions of the good while preserving a deep pluralism that can be acknowledged in a transparent, public manner.

The second problem of pluralism stems from what Rawls has called *the fact of reasonable pluralism*. For liberals who think that a moral (i.e., value-laden) basis for liberalism is indispensable, the goal is to secure a basis for moral consensus that does not rely on any controversial theory about the nature of value. In modern societies we cannot expect "reasonable" people to agree upon a comprehensive conception of the good.² Kantian moral theory will be one such conception, and the theistic

conception of the singular source of value in God will be another. Many liberals therefore claim that political consensus should be based on a minimal, non-metaphysically grounded morality that can be endorsed from different substantive perspectives. I will refer to the claim at the heart of these liberal theories as “reasonable pluralism.” The idea is that public authority should not rely for its justification on any comprehensive doctrine that could not be endorsed by all “reasonable” agents, minimally defined. Rawls tries to incorporate moral pluralism into the basis of liberal theory by writing of an “overlapping consensus” of different comprehensive doctrines on the principles of justice. The hope is that agents can, from within their own substantive viewpoints, endorse the impersonal and formal conception that justifies the rational social order. The idea of an overlapping consensus is designed to answer the second pluralism problem, which can be formulated as follows:

PP2: How to find a shared moral basis for a liberal political order given the fact of reasonable pluralism.

The primary differences between the two problems are that 1) they work with different conceptions of pluralism, and 2) while the first is exclusive, the second is inclusive. Pluralism as such is at issue in the first problem, while reasonable pluralism about conceptions of the good is at issue in the second problem. An answer to the first problem would seek to rule out or limit what is an acceptable view while respecting some form of value pluralism. An answer to the second problem would seek a positive basis for inclusive social unity without restricting pluralism about conceptions of the good.

Rawls's idea of the “reasonable” aims to provide a unified solution to the two problems of pluralism, PP1 and PP2. The reasonable in Rawls is actually a two-pronged idea, with each prong solving one of the two problems. These two prongs are first, the “burdens of judgment” and second, the idea of reciprocity. The burdens of judgment are meant to rule out as unreasonable those who think political judgments can be based on a single set of infallible values. At the same time they underwrite a strong sense of toleration and an unwillingness to impose one's views on others.³ Political justification should not include positions that do not acknowledge these burdens. The burdens themselves imply that there are multiple orderings of value that should be tolerated, thus addressing PP1. The idea of reciprocity involves being willing to set terms for others that these others would likely accept given that they are free and on an equal footing with ourselves.⁴ The fundamental moral doctrine of willingness to set fair terms underlies the famous Original Position construct, which Rawls describes as making sure that agents are reason-

ably situated. Reciprocity thus solves PP2 by providing a shared moral basis for an egalitarian liberalism.

The main inadequacy of the Rawlsian burdens of judgment is that they are undermotivated, and they therefore run the risk of encouraging skepticism towards any convergence on value. Rawls's main historical argument for the burdens of judgment refers to the wars of religion in the sixteenth and seventeenth centuries. He takes it that this historical example demonstrates the need for toleration and freedom of conscience.⁵ The problem with this assumption is that it lends itself more to a *modus vivendi* strategy than to a theory that seeks a moral basis for politics. Moreover, adopting a general attitude of toleration is a long way from accepting the burdens of judgment. One could, for instance, just think that most people are simply mistaken in their beliefs, and yet also think that they should not therefore be punishable under the law. Without a determinate outcome from the breakdown of moral consensus in the emerging modern world, it is hard to move from the case of religious wars to the case of reasonable pluralism. We need an account of why certain conflicts of value have led to a specific modern context for political justification, a context with enough positive content that it does not imply skepticism or foster political fragmentation. In this sense the answer to the first problem of pluralism should also be the answer to the second problem. Rawls's "reasonable" accomplishes this in name only, for the two prongs of the concept are not integrated enough to reinforce each other.

The problems with the second prong of the "reasonable," reciprocity, are more familiar, since they go to the heart of the Original Position argument. In order to get fair terms of cooperation, terms not influenced by existing power relations, the subjects behind the veil of ignorance know nothing about who, specifically, they are. The veil of ignorance is required to generate the egalitarian aspects of the two principles of justice (Rawls repeatedly says that the Difference Principle expresses reciprocity), but also to ensure a kind of neutrality towards various conceptions of the good. Yet the move to this abstract conception under-values the very differences that a theory of justice ought to recognize as robustly pluralistic. Of course, to count as liberal, some form of abstraction and some form of neutrality is required, but Rawls's "device of representation" is counterproductive vis-à-vis pluralism.

2. SELF-CONSCIOUS AGENCY AND THE HISTORY OF SPIRIT

In his Introduction to the *Phenomenology*, Hegel writes that the account will enact a "self-completing skepticism."⁶ This method, which through the figure of determinate negation is constructive as well as destructive,

provides in the political realm a version of the limiting function played by Rawls's burdens of judgment. Hegel unfolds a much more articulate account of how the modern context for political justification has been determined by a history of conflict. In the chapter called "Spirit," in which Hegel treats explicitly historical worlds and their prototypical shapes of consciousness, this skepticism takes the form of showing how the immediate or substantial shapes⁷ fail from their own internal conflicts. These conflicted shapes are inadequate configurations of the objectively plural values that Hegel assumes to be part of the human condition. The shapes that result from the failures of the substantial are all shapes of "formal freedom." These later historical shapes overcome the agonistic value pluralism that destroyed the earlier shapes by changing the terms of public justification. The trouble is that these "solutions" turn out to be one-sided, precisely in not adequately sustaining the objective value pluralism that Hegel takes to be essential to any developed form of life. Hegel is very sensitive to the deficiencies of the formal solutions to the problem of value pluralism, solutions that seem to use strategies of neutrality but end up devaluing the (purported) beneficiaries of these strategies. Hegel does preserve formal freedom within the figure of self-conscious action, and succeeds in uniting the formal structures with actual positive content. The last shape of freedom in the *Phenomenology*, "conscience," does adequately defuse agonistic value pluralism, and also forms the basis of a public reason that can be moral while respecting individual difference. The final section of the "Spirit" chapter lays out Hegel's own theory of action, in which agents are reconciled with conflicts of value and with differing conceptions of the good.⁸

The first shape of formal freedom is the Roman world described at the end of the "Ethical Life" section of the "Spirit" chapter. In the lead-up to this moment, Hegel praises the ancient Greeks for their ability to live with both a deep awareness of the ultimately plural sources of value, and for their faith that the particular polis could provide a non-alienating form of unity. But the Greeks' "true ethical life" had internal insufficiencies that led to an irreconcilable conflict between human and divine law, which Hegel portrays in his famous analysis of Sophocles' *Antigone*. The Roman world tries to correct this deficiency and to secure the conditions for individual action by identifying political freedom simply with one's bare legal status as a person. This first formal shape of Spirit (which resembles the level of "Abstract Right" in the *PR*) produces an *indifferent pluralism*. The basis of the community's norms is indifferent to whatever content for the good one might choose. The only form of public rational justification is a function of a type of subjectivity that is a bare particular locus of agency. Hegel thus writes, "But this content, liberated from the negative power [of ethical life], is the chaos

of spiritual powers which, in their unfettered freedom, rage madly as elemental essences against one another in a frenzy of destructive activity.⁹ These spiritual powers, by which Hegel means the different deities of Roman polytheism and the different values operative in the lives of individuals, are not transparently embedded in political authority.¹⁰ The price of this abstract Right's public neutrality is that one's reasons for action no longer reflect the justificatory structures of public norms. Public norms themselves, without a moral basis, become prey to the whims of the emperor and his "monstrous excesses."¹¹ The breakdown of the Roman world shows that if all we had were basic property rights, absent any concern for community or representative government or morality, there would still be pluralism but our differences could not be respected in public action.¹²

The next stage in Hegel's account of Spirit's development is "Culture," *Bildung*. He narrates the rise of institutional differentiation in modern societies, with reference primarily to seventeenth- and eighteenth-century France. Hegel writes of the trajectory of culture as a process which displays "the spiritual powers ordering themselves into a world and thereby preserving themselves."¹³ He writes of "the spiritual powers," plural, indicating that the goal of this process is to establish the reality, now on a modern secular basis, of a plurality of spheres of value. But this reality is "alienated Spirit," for the typical political structure of this stage is absolute monarchy, and its economic inequality leads to unjust forms of dependence. Hegel champions the figure of Rameau from Diderot's famous dialogue *Rameau's Nephew* precisely because he embodies the pluralism of "culture" as "the widespread wealth of its moments."¹⁴ The problem with this agent is not that he has appropriated the multiple sources of value and can make use of them in witty speech, but rather that he cannot constructively *act* on them. His action is only telling jokes, or putting on a kind of theatrical show. The telos of modern freedom is to locate oneself *in* one's action, and the alienated self cannot do that. The Enlightenment attempts to rationalize the world, but is burdened by its opposition to religion (what it calls superstition). The utilitarian shape of consciousness that is the "truth of the Enlightenment" in Hegel's narrative wins this unity only by erasing all difference in the world. Hegel criticizes "utility" precisely because of its monolithic character: there is nothing but utility, defined in terms of the pleasure it produces.

The endpoint of Culture, the French Revolution, finds its theoretical parallel in Rousseau's attempt to make humans whole again through an idealized participatory citizenship. The revolutionary process is one of rationalization, of formalized freedom, but it too comes at the expense of realizing one's distinct identities in action. Hegel writes of the French Revolution that "Spirit thus comes before us as *absolute freedom*. It is

self-consciousness which grasps that its certainty of itself is the essence of all the spiritual spheres of the real as well as of the supersensible world . . . the world is for it simply its own will, and this is a universal will."¹⁵ There are no longer any radically opaque or incommensurable "spiritual spheres," and to that extent this revolution is a victory over a certain kind of agonistic value pluralism. Agents recognize themselves as the sole source of normativity, and hence infer a radical equality among both values and the valuers. In Hegel's mature political philosophy, the shapes of Right are only shapes of the free will, but squaring this fact with pluralism requires rethinking the free will such that it can express differences of value. In the isolation that the abstract free will achieved in the French Revolution, the freedom of the general will forfeits positive constructive action, leaving only the "fury of destruction."¹⁶ This ideal contains a vision of self-determination and equality, or a kind of reciprocity (expressed in the Revolution in the catchword of fraternity). But by interpreting the pure universal will as the *sole* source of value, the only action possible is the destruction of existing social structures and the persecution of all enemies of "the people" in the Terror. The slogan is "Tear off the masks!" but no individuality, and thus no actuality, will survive the process.¹⁷

In the transition to the third and final world of Spirit, Hegel writes that the progress made in the French Revolution is not lost, but becomes the basis of subjectivity in German (i.e., Kantian) moral theory. Hegel's critique of Kant largely boils down to the complaint that Kant makes the Categorical Imperative the sole source of moral worth, of moral value. The critique works equally well against Rawls's Original Position, in which choice is considered purely rational because it is made without any knowledge of actual interests, actual conceptions of the good. By requiring a certain hypothetical neutrality towards one's own plans and projects, not to mention towards one's own substantive moral commitments, Rawls guarantees that his vision of justice will lack efficacy, or have the status of a mere "ought." There must be a way, so Hegel's thinking goes, to understand duty as arising out of the content of our many, often conflicting values, rather than conceiving of normativity as a kind of schema applied to, or enforced upon, our commitments.

Hegel claims at the outset of the section "Conscience. The Beautiful Soul. Evil and its Forgiveness" that conscience qua action provides content for the earlier empty shapes:

It is as conscience that it [moral self-consciousness] first has, in its *self-certainty*, a *content* for the previously empty duty, as also for the right and the universal will that were empty of content, and because this self-certainty is at the same time the *immediate*, [it has] determinate existence itself.¹⁸

The main point to note here is that Hegel takes individuals as conscientious agents who have determinate content of their own, different from other agents. This determinate existence is inseparable from their status as rights-bearing persons (the right of the Roman world), as members of a social whole (the universal will of the French Revolution), and as moral subjects (the empty duty of Kantian Morality). No generalized self can do justice to the relations that we enter into in contexts of public action. Conscience provides content because it assumes agents with interests and dispositions that are realized in action. It counts as a version of autonomy in which the individual successfully negotiates value pluralism because in the context of an action, where a specific judgment is called for, I have the ability to overcome conflicts of value through an internalizing activity in which all my commitments become “fluid.” The activity of conscience qua deliberation is formal in this sense, but the actions that agents of conscience performs are not.

The formality of conscience provides a general criterion for people to meet the minimal conditions of participation in modern ethical life. It is in this sense that conscientious agency, as the result of Hegel’s complex historical narrative, can answer the challenge of PP1 that Rawls answers with the reasonable. Hegel’s acceptance of conscience’s first-person authority in action brings with it the idea that the context of justification is limited to the practical point of view. The theory of conscience is admirably limited and minimal in restricting deep questions of value to contexts of action, such that interacting agents need not get stuck on insoluble metaphysical questions about the nature of value. I need to sincerely avow my belief in my action, but to maintain that my justification should also hold for you, I need to give reasons that refer to practical interests. The challenge is to understand how conscience can serve as a principle for systematically grounding institutional content, thereby solving PP2. Recognition—specifically, the mutual recognition that replaces Kant’s universality of thought—enters the picture to provide the answer to this grounding problem.

3. RECOGNIZED CONSCIENCE AND INDIVIDUAL DIFFERENCE

The very presence of the Morality section in the *Philosophy of Right* has made many suspicious that Hegel thinks the modern State must be built on a single comprehensive moral doctrine. But the model of moral action he advocates is much more pluralistic than some of his formulations might suggest. It is true that Hegel defines a conception of “the Good” which he thinks is realized in Ethical Life, and especially in the State. Yet this thesis does not entail that we all must have the same goals and the same moral beliefs.¹⁹ The Good as defined by Hegel is “realized freedom,” or “universal welfare in accordance with freedom.”²⁰

This moral view is very indeterminate, or a “thin theory of the Good.”²¹ Within the dialectical structure of the *Philosophy of Right*, conscience is the moment of particularizing the good which leads, dialectically, to ethical life. Conscience is “that which posits particularity, the determining and decisive factor,” and as “the power of *judgment* which determines solely from within itself what is good in relation to a given content.”²² Whereas Kantian universality has no content, Hegelian conscience has the content of the concrete individual, whose beliefs give determinacy to the abstract moral purpose of freedom and welfare. The integrative power of recognition comes into view only when action is conceived primarily in terms of purposes, for when described in terms of purposes, an action’s success conditions can be made explicit in a way open to assessment by others. I must be willing to stand behind my action, to avow my belief in its goodness, but the action thus avowed is a matter of public justification in so far as I am willing to describe the action in terms of purposes that others can understand.

Conscience remains the primary figure of action in Hegelian *Sittlichkeit*, ethical life, but the recognized form of conscience. What does this recognition entail? The fundamental point is that my act, and indeed my free agency, includes a reference to other agents.²³ The theory of recognition makes no claims about how humans are constituted metaphysically, for it means that individuals attain a certain status as free by being treated that way.²⁴ I act on *my* end, but I can only be assured of the objectivity and validity of my action if my purpose is *recognized* by others, others whom I myself recognize as free. Hegel appropriated this theory from Fichte, for whom recognition is a relation in which each agent marks out a sphere of his own activity which excludes the action-sphere of another and hence is a limit on the agent. But this action is only possible if the agent knows that the other has left open a sphere of action for him, and knowing that means recognizing the other as free.²⁵ Hegel generalizes this point from its merely external and restricted form in Fichte’s thought. He claims that we need shared norms in order to recognize each other as free, as mutually self-limiting, but that each of us must also identify with the norms in a particular way, and hence demonstrate in the self-conscious *manner* in which we take up the norms that we are free and so deserving of recognition. I expect others to recognize that I am capable of taking on responsibility, but it is not simply up to me *what* I take responsibility for, how my action is to be evaluated. This distinction between my uptake of norms and the pre-existing social space should not be taken too sharply, for the spontaneity of my uptake can alter the original norm. In judging for themselves, individuals arrive at new conclusions, and thus alter the existing social space.

There are preexisting norms of action in any social space which largely set the terms of responsibility. On Hegel's dynamic view, shared norms are constantly in the process of being negotiated by the individuals acting through them. My action is identified as free not through my spontaneous act of willing alone. Rather, in being recognized as a free agent acting on determinate norms I can both justify my action with reasons that others accept and locate one or more contrast classes of actions (one central function of Hegel's language of negativity), securing my action's determinacy. Conversely, when I recognize someone as responsible, I treat that person as a universal, as someone capable of taking a stand on a content because he identifies with it as his own. I internalize the relevant norms within a specific action context. I then, in a logically separate moment, identify with a particular action as a free agent, as a subject of conscience. Then the norms are, to use Robert Brandom's language, applied and instituted in the same practice, "the practice of actually making determinate judgments."²⁶ A practical judgment may be unprecedented, but that is no obstacle to its recognition. Individuals can be, and often are, recognized for extending a certain norm or set of norms rather than merely instantiating them. One's ability to make novel judgments is a key part of what it means to have mastery of a norm or practice.²⁷ The response-dependent element in Hegel's theory of norms means that I may not know if my action counts as rational until after the fact, and I may have to struggle for its recognition. When I perform an action, it expresses who I am, at the same time that it is not completely in my control to say what an action means. The important point is that I enter the realm of actuality, or in the terms proposed here, that my action be *recognizable*.

4. THE REASONABLE AND THE RECOGNIZABLE

The demands of recognized self-conscious action in Hegel serve the same functional role as Rawls's criteria for the reasonableness of any comprehensive view. Both are a kind of ticket into the social and political conversation. The preceding should have defused the worry that Hegel defines free action as coextensive with fixed norms ethical life, and therefore sharply limits what could be recognized as an instance of free agency. If we start instead with a formal criterion of the "recognizable," we can read ethical life as a number of loose configurations of this concept. Within these configurations, which Hegel calls the family, civil society, and the State, each of which has its distinctive shape, there is latitude as to what could count as recognizable. Hegel claims both that conscience is a formal standard that ethical life will have to fulfill, and that individuals can only meet the demands of conscience within ethical life. Public deliberation and laws in the State must meet a standard of

legitimacy that is higher than the standard set by the individual's mere subjective certainty, which Hegel contrasts with the "true conscience" operative within practices of mutual recognition.

With the intersection of conscience and recognition now firmly in place, I propose the following four criteria for the recognizable. These criteria hold for individuals in the situation, taken as paradigmatic, of individual action and the assessment of that action by another individual.²⁸

1) In acting, I suppose that the full justification of my action is not entirely up to me, but rather is subject to legitimate challenges by other agents. I understand that part of what it means to take responsibility for my action is to be willing to give reasons, and to accept that my reasons are not necessarily conclusive.

2) When confronting another agent, I presume that the agent's description of his action is correct, and that his evaluation of it is a product of free, self-conscious, agency. Any person referred to in the description must be treated as the bearer of the (abstract) rights of a person, though not as a mere person.²⁹ I value the concrete agency so described in part because of its difference from my own modes of agency.

3) When my description of another's action conflicts with his own description, I am willing to work to reach an agreement on terms to properly describe and evaluate what he is doing. I value, and assume that others value, stability in our descriptions and evaluations, since such stability facilitates the achievement of our purposes.

4) In adjudicating my own and others' actions, I am willing to nest my purposes and the goods to be realized within more inclusive institutional structures. Ultimately this set of appeals ends in constitutional law. We must therefore presuppose common allegiance to a sovereign state.

The first important thing to point out here is that these criteria are formal enough and limited enough to incorporate an extraordinarily wide range of conceptions of the good and of comprehensive views.³⁰ These criteria (especially the first) are also meant to include what is attractive in Rawls's burdens of judgment, for I acknowledge that there are other legitimate points of view from which my action can be challenged. The second criterion is meant to be stronger than the part of Rawls that argues for toleration in so far as it requires positive recognition of the value of specific differences. The third is closest to what Rawls calls "fair terms of cooperation." It also incorporates a concern for stability, or patterns of successful recognition, that can serve as a basis of social unity. The fourth criterion is not excluded by Rawls, but Rawls generally restricts his paradigm case to argument over constitutional essentials.

The Hegelian notion of the recognizable, on the other hand, can operate at all social levels. It allows us to say that social practices such as the family are dependent on the State even while maintaining that the family has its own distinctive mode of recognition.

How, though, do we get from the recognizable to the normative content of the State's constitution? In using the reasonable as a baseline for those views that count in an overlapping consensus, Rawls gives the reasonable quite an essential role in the substantive theory. He claims that the veil of ignorance is a way in which parties to the social contract are "reasonably situated," and he thinks of the Difference Principle as an expression of the reciprocity that constitutes the reasonable. The Hegelian criterion of the recognizable can do both less and more than this. It can (and should) do *less* in so far as it does not imply that the mere acceptance of the criteria will inevitably lead to a controversial view about the redistribution of goods. Rawls threatens to jeopardize the value of pluralism by bringing the reasonable too close to the ideal agents represented in the original position. The recognizable on the other hand leaves more open what will count as genuine mutuality in an up-and-running set of institutions.

Yet the recognizable can also do *more* than the reasonable, largely because it has built into it the notion of nested purposes. To take a simple example, imagine two individuals with widely divergent political views who both strongly value family life. In so far as they can recognize each other at the level of the family, and in so far as they are willing to view the family as nested within the institution of the State, they are more likely to find common allegiance to the State, and more likely to communicate in an articulate way at the level of political disagreement. It is harder to see on Rawls's view how the confrontation between opposed comprehensive views is supposed to work at the political level. By taking one principle as instantiated at different levels, individuals can build on, for instance, their mutual recognition of each other as good family members in trying to find common ground at the political level.

5. RECOGNIZABLE PLURALISM IN ETHICAL LIFE

Hegel writes that the pluralism of Civil Society is *the* distinguishing feature of the modern state. Yet his overbearing language in describing the State (e.g., as "the march of God in the world") has raised questions about just how robust this pluralism is in the end. The overall evidence indicates that for Hegel pluralism is not a fact to be lamented and grudgingly accommodated, but is rather a source of legitimacy and stability in modern states.

In Civil Society the individual has “himself as his end,” meaning that he acts on his own conception of the good, often in competition with other agents. Hegel writes that particularity is given “the right to develop and express itself in all directions.”³¹ An important question here is whether Civil Society should be read as an “amoral” sphere, meaning that what is developed are primarily professional activities rather than different moral conceptions. Hegel does seem to model this realm of action on economic activity, conceived as the pursuit by individuals of their material interests. If this were all that he intended, then the pluralism he defends in this sphere would be of limited value for today’s liberals. Yet Hegel simply does not draw a sharp distinction between our interested pursuits and our moral objectives from the standpoint of the individual. Civil Society is therefore more of a catch-all category than a specifically economic one. Any public action that does not refer explicitly to the State or to one’s family has a home in Civil Society. Of course our ends are largely structured by our occupations, so it makes sense that the category of work should loom largest in this sphere. But many of Hegel’s comments indicate that the particularity at issue in Civil Society covers a very wide range of actions. There is no general criterion for what counts as good or bad in this sphere, but our actions, and our differing conceptions of the good, can still be recognized.

The only other restriction on this sphere is that one must act and be willing to describe one’s action in the way indicated in the criteria above. The pluralism of Civil Society crosses over into universality because our purposes implicate us in relations of (inter)dependence with others. No matter our different visions of the good, in action we need to take account of each other.³² In terms of political or social theory, Hegel’s model makes it possible to think of how I am implicated in larger, or simply different, purposes in acting on the purposes closest to my sense of who I am. He writes in the 1819/20 lectures, “In Civil Society the means are expanded through which I bring to recognition that something is mine.”³³ Work and contract will be the dominant sort of means, but the idea of public expression is quite broad. Of course there is a competition for recognition in Civil Society, and that means that there are winners and losers, but there is little restriction on the multiplicity of configurations on value.³⁴

Stable sites of recognition are what Hegel calls corporations, which are an essential part of how pluralism has public standing, and how we view the majority of our activities (as non-civil servants) as relating to the State. The real strength of modern pluralism comes not from individuals each doing their own thing, but from the establishment of centers of value distinct from the State yet recognized by the State as valid. These include not only businesses, but also the infinite number of

other organizations, such as churches and charities, clubs and universities, whose guiding aims bind individuals to one another. Even ethnic identity, when it comes into the description of our actions, refers implicitly to the ethnic community and its history, and so should be placed at the level of the corporation. When we describe our actions, many of the descriptions will refer to such associations, and can be valued in relation to those associations.

It might be objected that the pluralism guaranteed in Civil Society is vitiated by the strong language of unity, and universality, with which Hegel characterizes the State. One way of dampening the force of this objection is by noting that Hegel does not have a conscious consent, or explicit consensus, view of the unity of the State. Hegel's claims for the State's unity, power, even divinity, derive from the model of action. On the model of action, the State can be recognized as the unifying ground of a pluralistic culture even if no explicit consensus on justice consciously binds individuals together. The question of pluralism and the Hegelian State is not: how is it possible that so many people with different views nevertheless consent to submit to a single power? Rather, the question is: how can so many people act in diverse and novel ways that are recognized by others as rational? The answer is, only under a sovereign State with a transparent set of constitutional laws. Reasonable or recognizable pluralism would not really be possible—in so far as it involves action—without a strong State. Further, the content of our relations to the State is actually very thin. Besides paying taxes and being willing to sacrifice when war threatens the State's sovereignty, there are no requirements for the great majority of people vis-à-vis the State. Our purposes are nested within the State, but we very rarely need to invoke the State in order to carry out those purposes.

The very pluralism that States make possible becomes a criterion for their legitimacy and stability. If individuals did not develop different interests and different moral conceptions, the state would “hang in the air,” and not live up to the modern principle of freedom. Thus Hegel writes in introducing constitutional law,

The state is the actuality of concrete freedom. But *concrete freedom* requires that personal individuality and its particular interests should reach their full *development* and gain *recognition of their right* for itself. . . . The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfillment in the *self-sufficient extreme* of personal particularity, while at the same time *bringing it back to substantial unity* and so preserving this unity in the principle of subjectivity itself.³⁵

Supporting the State becomes a conscious purpose on the part of individuals because all their more particular projects, involving multiple and intersecting spheres of value, take shape against the law's stable backdrop. But this relation does not mean that the State becomes the source of my particular values. The weight of the "concrete" in calling the State-as-purpose a concrete universal is that the plurality of value is sustained in relating our lives to our society's most inclusive institutional structures.

Rawls distinguishes "stability for the right reasons"³⁶ from stability based on fear of conflict and from stability as the result of an unreasonable restriction on practical reasoning. Hegel's "substantial unity" is not the result of either of these two factors, though it is also not the Rawlsian stability of an overlapping consensus on shared political principles. Political allegiance for Hegel, and in fact, is much more inchoate than Rawls's ideal theory would have us believe. If we require explicit consensus on shared political principles, the two problems of pluralism cannot be solved at once. But if we think of the conditions of the recognizable as satisfied at many mutually reinforcing levels, our allegiance to and the stability of the State will not look mysterious, or require anything like an explicit consensus.

There remains the question of what conceptual space Hegel has provided for criticizing the State. In general, Hegelian criticism derives from ground-level practices, though Hegel also saw the need for reform from above in countries where the wealthy control intermediary power structures. The terms of recognized action vary between different spheres of action, and a change in the laws of the State are often a response to the specifics of local misrecognition. Though the lower spheres are nested within higher ones, the highest (the State) requires the lower spheres to be well-ordered, to not be producing widespread dissatisfaction by impeding recognized action. If individuals, or especially associations, are subjected to misrecognition that is permitted by the law, they have legitimate grounds for criticism at the State level. The recognizable can both be used to describe successful practice, and to highlight where that practice is going wrong. That the recognizable can only be used to criticize from within the practice, or from another level of recognition, is a salutary check on theoretical interventions in politics, but does not fundamentally constrict processes of change. Actions will always bring out existing differences and create new differences, and we are reconciled with these when we can affirm our common citizenship not in spite of our differences, but because of them.

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NOTES

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1. *PR*, 168A. All translations are from *Elements of the Philosophy of Right*, ed. Allen Wood (Cambridge: Cambridge University Press, 1991).

2. My orientation in these problems owes much to Charles Larmore's "Pluralism and Reasonable Disagreement," in *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996); and to Joshua Cohen's "Moral Pluralism and Political Consensus," in *The Idea of Democracy*, ed. David Copp, Jean Hampton, and John E. Roemer (New York: Cambridge University Press, 1993), pp. 270–291. Cohen's remarks on Civil Society in Hegel diverge from the view presented here, though his closing comments are very much in the spirit of this paper.

3. Among Rawls's list of six such burdens, the four most relevant ones are (1) the vagueness of our concepts and the subsequent need for interpretation, (2) the dependence of judgment on individual experience, (3) the difficulty of arriving at a judgment in those many cases in which several normative considerations come into play. Finally, (4) with reference to Berlin, Rawls writes that we are often forced to choose among cherished values, and "we face great difficulties in setting priorities and making adjustments. Many hard decisions may seem to have no clear answer." *Political Liberalism* (New York: Columbia University Press, 1996), pp. 56–58.

4. See Rawls, *Political Liberalism*, pp. xliv, xlvi, li; and *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, Mass.: Harvard University Press, 2001), p. 49.

5. Rawls actually cites Hegel in making this point. *Political Liberalism*, xxvi. Rawls also tries to avoid the "all comers" problem by limiting his context of justification to the American case.

6. *PhG*, 61; ¶78. References are to *Phänomenologie des Geistes*, ed. Hans-Friedrich Wessels and Heinrich Clairmont (Hamburg: Felix Meiner, 1988). Paragraph numbers refer to those given in the *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1979). Translations are based on Miller's text, but most have been emended.

7. What Hegel calls a "shape" of consciousness or of Spirit is a pairing of a concept and an object that the concept is supposed to match. The "experience" of each shape is the process in which the concept, when put into practice to justify a particular knowledge claim or action, fails to correspond to the object, thus resulting in another shape.

8. A world in which Spirit is reconciled *with* conflict. The language of reconciliation *with* rather than *of* can be found in the *Preface*. *PhG*, 16; ¶21.

9. *PhG*, 319; ¶481.

10. Roman religion does, on the other hand, have the formally unifying element of the Pantheon, which Hegel later in the book identifies with the unity of abstract Right. *PhG*, 489–91; ¶¶750–53.

11. *PhG*, 319; ¶481.

12. Hegel writes that the public power “is not the union [Einigkeit] of Spirit in which persons would recognize their own self-consciousness.” *PhG*, 319; ¶482.

13. *PhG*, 321; ¶484.

14. *PhG*, 346; ¶524.

15. *PhG*, 386; ¶584.

16. Hegel writes, “Universal freedom, therefore, can produce neither a positive work nor a deed; there is left for it only *negative* action; it is merely the *fury* of destruction.” *PhG*, 389; ¶589.

17. “The faces will come with them,” as Danton aptly replies in response to hearing this slogan in Büchner’s *Dantons Tod* (Stuttgart: Reclam, 1995), p. 22.

18. *PhG*, 416–417; ¶633.

19. *PR*, §124.

20. *PR*, §§129–130.

21. See Neuhouser, *Foundations of Hegel’s Social Theory* (Cambridge, MA: Harvard University Press, 2000), who makes a similar point. I disagree with Neuhouser’s sharp distinction between Hegel’s concept of the Good as a universal moral value and ordinary liberal conceptions of the good which refer to what is good for me. Since the Good develops dialectically out of the right of satisfaction, and since Hegel in general defends actions as many-sided in serving moral and personal interests, this seems like the wrong place to draw such a line.

22. §§136, 138.

23. See *PhG*, 420, ¶640. In the *Philosophy of Right*, Hegel states this thesis more clearly at §112.

24. On the non-metaphysical agency of recognition, see Pippin, “What is the Question for which Hegel’s Theory of Recognition is the Answer?” In the *European Journal of Philosophy* 8:2. Pippin does not adequately integrate the figure of conscience into his account of recognition, though most of what he claims is compatible with my account.

25. See *Grundlage des Naturrechts nach Principien der Wissenschaftslehre*, in *Sämtliche Werke*, edited by I. H. Fichte, vol. III (Berlin: de Gruyter, 1971), pp. 41–56; *Foundations of Natural Right*, edited by Frederick Neuhouser (Cambridge: Cambridge University Press, 2000), pp. 39–52.

26. “Some Pragmatist Themes in Hegel’s Idealism: Negotiation and Administration in Hegel’s Account of the Structure and Content of Conceptual Norms,” in *European Journal of Philosophy*, vol. 7, no. 2, p. 167.

27. For an elaboration of this argument with the practice of language-use, see Robert Brandom, "Freedom and Constraint by Norms," *American Philosophical Quarterly*, vol. 16, no. 3 (1979), pp. 187–196.

28. These are not exhaustive of the conditions of conscientious agency for Hegel, but they do unpack the central condition of recognition.

29. In these criteria, I am taking the conception of a person bearing abstract rights, or basic legal recognition, as given. Hegel himself justifies this starting point both historically and systematically. For a good reconstruction of the systematic argument given in "Subjective Spirit," see Thomas Lewis, *Freedom and Tradition in Hegel* (Notre Dame, Ind.: University of Notre Dame Press, 2005).

30. This approach bears some resemblance to Axel Honneth's "formal conception of ethical life" set out in his *The Struggle for Recognition* (Cambridge, Mass.: MIT Press, 1995). I differ from Honneth's view as presented there in thinking that Hegel's mature philosophy can be the basis of such a recognitive account. Honneth has since come to look more favorably on the *Philosophy of Right*, appropriating it for his theory of self-actualization in *Leiden an Unbestimmtheit* (Stuttgart: Reclam, 2001).

31. *PR*, §184.

32. See *PR*, §183.

33. *Hegel's Philosophie des Rechts: Die Vorlesung von 1819/20 in einer Nachschrift*, ed. Dieter Henrich (Frankfurt: Suhrkamp, 1983), p. 176.

34. I therefore disagree with Stern ("Unity and Difference in Hegel's Political Philosophy," *Ratio*, vol. 2, no. 1 [June 1989], p. 87) when he writes that Hegel underestimated the differences between individuals and therefore provided no way to integrate radical difference into the community.

35. *PR*, §260.

36. *Political Liberalism*, pp. 390–392.