

## **Realizing My Authority:**

### **Hegel's Complementary Accounts of Individuals and Institutions**

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In Jena, in the most explosive years of his development, Hegel was searching for a way to leave “subjective idealism” behind. The theories of Kant and Fichte, which Hegel analyzed so incisively in his first published works, had broken down because they took the rational individual as the ultimate basis for their idealism. In theoretical and practical philosophy, the conditions established as valid through the transcendental method retain an unwarranted “positivity” because they are indexed to individual mindedness, individual representing and judging. How, though, to overcome this limitation while preserving freedom – autonomy and self-determination – as the guiding principle? The great appeal of Kantian and Fichtean idealism lies in the claim (that they make in very different ways) that the ultimate appeal is to my authority. If Hegel is rejecting the individually instantiated transcendental I as fundamental, what can he take as authoritative? The traditional answers to this question have been mysterious or all-too-clear, such as cosmic spirit (in Charles Taylor’s reading) or the divinized State. Hegel wrote sentences that can be used to support these interpretations, but such “sources of authority” have of late been correctly revealed as manifestly inadequate to the problematics of the modern freedom that Hegel passionately embraced.

Given the context of this essay’s appearance, I would like to frame my goals in terms of what I take to be the two most distinct options for interpreting Hegel that are represented in this volume. Both respect the Kantian origins of Hegel’s philosophy,

reading Hegel's fundamental concern to be with the normative as it can be determined through an account based on self-consciousness. On the broadly pragmatist reading of Hegel developed recently by Terry Pinkard and Robert Brandom, authority is ultimately located in social and historical processes in which reasons come to be authoritative for us as members of communities of reason-givers. This (left-) Sellarsian reading of Hegel promises to demystify the question of authority in Hegel, reducing all apparently metaphysical issues to problems of/abstractions from concrete processes of the "negotiation and administration" of determinate norms. The alternative reading of Hegel, well represented by Michael Quante and Christoph Halbig, is more concerned with ontological aspects of Hegel's view, and reads the *logical structures* in Hegel's systematic philosophy as authoritative independently of whether various historical communities have come to take them to be valid. I would like to stress that as I read this "Münsteraner" position, it accepts Hegel's reliance on the method of self-consciousness, but reads Hegel's use of self-consciousness as a claim about the "*Grundstruktur der Wirklichkeit*" in a robustly ontological sense. One of my aims in this paper is to provide a kind of mediation of these two views by examining Hegel on practical authority. Although in focusing on the practical philosophy I will not address head-on the question of how metaphysically we should read Hegel, I will be addressing the status of the logic of subjectivity, which does I think get to the heart of the disagreement.

Much of the disagreement of the two positions stems from their taking different texts as primary. Pinkard and Brandom both take the *Phenomenology of Spirit* as their primary text, while the Münsteraner Hegel scholarship focuses on the *Encyclopedia* as the ripe fruit of Hegel's systematic thought. In this paper I will analyze one especially

important topic as Hegel treats it in the *Phenomenology of Spirit* (hereafter *PhG*) and the *Philosophy of Right* (hereafter *PR*), and by arguing for the *complementarity* of the *PhG* and the *PR* provide a kind of mediation for the pragmatist and ontological readings of Hegel (and also an oblique argument for the complementarity of the *PhG* and the System). This complementarity comes into view, I will argue, when we appreciate the role of the figure of *conscience* in the two texts, and attend to why we need both accounts of authority to make sense of our freedom. I will attribute to Hegel a logic that is sensitive to historical processes without appealing to them for its authority, and an account of practical reasoning as historically and socially mediated that does justice to an individual's appeal to his own consciously reflective authority. Attention to conscience in the *PhG* will bring out how Hegel thinks he has achieved *the* logic of subjectivity in the self-conscious individual (thus requiring a modification of the Pinkard and Brandom sociality of reason thesis), while also showing that this logic can be viewed from two distinct and complementary perspectives (requiring a modification of the strong ontological reading).

Taking the *PhG* and the *PR* by themselves, one does arrive at two different views of the basics of Hegel's philosophy, because the books work with distinctively different methods. While the method of the *PhG* follows "the experience of consciousness," the *PR* takes as fundamental the speculative concept of the will. When we assume, as most contemporary ethicists and political theorists do, that the standpoint of individual or collectively formed consciousness is authoritative (in some sense), the account of institutional content in the *PR* is bound to look very strange (if not outright dangerous). In part this dissonance in reading the *PR* reflects a real difference,

namely that Hegel was not an advocate of democratic forms of government. In my view, however, he provides in the *PhG* one of the best narratives of legitimacy *for democracy*. In the *PR*, on the other hand, he provides one of the best accounts of *liberal* institutions. I will claim that Hegel did not in fact change his mind about any substantive issues in his ethical theory between the two works, and that the apparent difference in the two accounts reflects the different methods of the two works. One does not have to choose between the two works (though one would want to “update” them both), and one should not choose. As liberal democrats we need an account both of individuals as equally ultimate sources of authority (in the *PhG*), and an account of the content of liberal political structures that is explicitly “above” direct individual adjudication (the *PR*). Many contemporary theorists are unwilling to give rational reconstructions of a just society because a claim to give the content of society seems insensitive to individual beliefs about “the good” and seems to leave too little work for “the democratic process.” One of my basic claims is that once a *PhG*-style account has been given, a *PR*-style account – in which we make explicit and determinate the institutions supported by our shared principles – can proceed without the anxieties of undoing individual autonomy. Once we understand how institutions have developed through processes of mutual recognition in which individual authority takes precedence, we can give a logic of liberalism that can be employed to reconstruct a rational social order. So in addressing a question about the content of Hegel’s views on individual and institutional authority, my goal is to also provide a novel insight into the origin and status of the logic of subjectivity.

The paper consists of four parts. First, I sketch the difference between the methods of the *PhG* and the *PR*, with specific attention to why the conscience

problematic is central to both works (**Part One**). Next, I examine closely Hegel's claims in the *PhG* that conscience is a culminating moment in Spirit's development, the moment that provides content for earlier empty shapes (**Part Two**). I then discuss Hegel's differentiation in the *PR* of formal and true conscience, and read the transition to ethical life as a transition to institutions that incorporate and express the demands of conscience (**Part Three**). In the final section, I present the complementarity of the two accounts of conscience through the lens of several controversies surrounding Hegel's philosophical program: (1) contingency and the closedness of the System, (2) conflict and the top-down hierarchy of social spheres, and (3) intersubjectivity and the System's "monologic" character (**Part Four**).

## 1. The Experience of Consciousness & the Logic of Action

The basic difference of the *PhG* and *PR*, most evident in their respective starting points, is the difference between consciousness and the speculative conception of the will. One is tempted to identify this difference as one between a philosophy of consciousness and a philosophy of action. Yet not only does action play a crucial role in many parts of the *PhG*, Hegel emphasizes that conscience, the culmination of Spirit, is "first of all moral *action qua action*" (§635, p. 418) while the earlier stage was stuck at the level of moral consciousness. The fundamental difference is better conceived as a difference of authority. In the method of the *PhG* individual self-consciousness is in some sense ultimate, though its authority is only educated and vindicated in action and the attendant social processes of recognition. In the *PR* Hegel employs the principle of

self-consciousness (in the concept of the will) to develop a system of rational determinations of individual action, in which, roughly speaking, the system of constitutional law developed from the rational will is the ultimate authority. Whereas the *PhG* account in the “Spirit” chapter culminates in the individual who acts with the awareness that every duty is a function of his autonomy (so that the rightness of every act and every institution presupposes agents of conscience), the *PR* culminates in an account of ethical institutions as the fundamental contexts for individual actions. In the *PhG* the individual presupposes other like-minded individuals who will recognize his action as his duty, but only in the *PR* is the rational world of determinate contexts of duty actually developed from the logic of freedom. In Hegel’s terminology, the *PhG*’s account of the “experience of consciousness” leads to higher and higher levels of formal idealization, while the *PR* develops the Idea of Right, the system of idealized content, from the concept of the free will. Before turning to the place of conscience in these texts, I will first flesh out the methods and why the conscience problematic is central to both projects.

The standpoint of speculative philosophy, of the System, can be reached only after a long climb. In terms of the practical philosophy, we can read Hegel’s image of the *PhG* as a ladder to science as the project of showing the individual why modern ethical life need not be alienating. Hegel admits – and indeed celebrates – the distance of philosophical thought from ordinary everyday consciousness of one’s relation to the world. Yet Hegel holds that modern freedom demands that the philosopher be able to show the individual the way to philosophical thought – to speculative thought – and this is just what the *PhG* is designed to do. It is worth looking at the ladder passage in detail:

Conversely, the individual has the right to demand that Science should at least provide him with the ladder to this standpoint, should show him this standpoint within himself. His right is based on his absolute independence, which he is conscious of possessing in every phase of his knowledge; for in each one, whether recognized by Science or not, and whatever the content may be, the individual is the absolute form, i.e. he is the *immediate certainty* of himself and, if this expression be preferred, he is therefore unconditioned being. ... Science must therefore unite this element of self-certainty with itself, or rather show *that* and *how* this element belongs to it. ... This *in-itself* has to express itself outwardly and become *for itself*, and this means simply that it has to posit self-consciousness as one with itself. (§26, pp. 20-21)

The individual's "absolute independence," as Hegel makes clear in many other places, is a distinctly modern achievement. He traces this achievement to the Protestant Reformation in particular, and to the freedom born of the liberation of individual conscience from priestly authority. By the time the *PhG*'s dialectic arrives at conscience, at the end of the long "Spirit" Chapter, Hegel will have succeeded in redefining conscience in his own terms, and it will then have become a very high rung on the ladder. At this practical level, the goal of the ladder is to establish the possibility and actuality of a rational account of freedom that does not, by its very determinacy, threaten the authority of my conscience, of my capacity to decide *for myself* what counts as my freedom. The *PhG* is supposed to dispel the anxiety, or arrogance, that the "real me" cannot be embodied in institutions, that my perspective as a moral being is always somehow above, beyond, or outside of public institutions. To show that "self-consciousness" is one with Science means showing not only that the self-certainty of conscience cannot be conceived as standing "outside" of determinate social norms, but also that determinate social norms are only fully justified or authoritative if self-consciousness can achieve certainty within them.

Although the *PhG* is oriented by and towards the individual as "absolute form,"

Hegel's method in the Spirit chapter proceeds through a history of social forms in which each world that possesses immediate content breaks down and results in a new, more "mediated" world. Each aspect of Hegel's "mature" account of Objective Spirit is represented in the *PhG*, but in the "Spirit" Chapter's dialectic these moments are introduced historically, and thus are not fully developed and articulated in their modern shape (more on this below). The latter shapes *develop out of* the earlier, while the earlier are shown (through the process of determinate negation) to *presuppose* the latter for their "completion." Hegel shows that conscience is only possible because of the prior moments of Spirit, which are therefore not foreign to what he calls my "self-actualizing moral essence," (§634, p. 417) while also showing that we can only fully "inhabit" the prior moments now as agents of conscience. The rungs on Hegel's ladder are "Science as it appears," which in political philosophy means that the relations among the institutions *as they appear* to consciousness are preserved on the ascent to the present day. One way to state a main premise of my account of the *PhG* and *PR*'s complementarity is that Hegel's ladder cannot be kicked away once we have reached the "standpoint of Science."

There is good reason to think that conscience is more than just another rung on the ladder. While I will explore the significance of conscience in more detail below, I will first exhibit here a passage from the end of the *Phenomenology* to indicate why conscience can be seen as the *completed practical realization* of Hegel's method, and not just as one more moment. In "Absolute Knowing," when he is recapitulating the book's purpose and its separate moments, Hegel writes:

Finally, as conscience, it [Spirit] is no longer this continually alternating placing and displacing of existence and the Self; rather it knows that its *existence as*



such is this pure certainty of itself; the objective element into which it puts itself forth when it acts, is nothing other than the Self's pure knowledge of itself.

These are the moments of which the reconciliation of Spirit with its own consciousness proper is composed; by themselves they are single, and it is solely their spiritual unity that constitutes the strength of this reconciliation. *The last of these moments is, however, necessarily this unity itself* and, as has been revealed, it in fact binds them all into itself. (*PhG*, 518-519; ¶¶792-93; my emphasis)

Conscience is “necessarily this unity itself,” binding all the moments to itself, and constituting “the strength of this reconciliation.” Very few readers have brought attention to this passage, though Hegel is very clear here about conscience's significance. I think that conscience's importance becomes comprehensible when Hegel is understood as having an *inferential* understanding of authority. First let us take the “single moments” of consciousness as possible postures of the theoretical and practical mind. Hegel has shown how each of them breaks down and brings about the next shape within the evolving system of consciousness's determinations. Since practical judgments “contain” theoretical judgments (intentions to act include beliefs about the way things are), practical judgment is the singular activity in which the unity of all the moments is expressed. Conscience, which Hegel conceives as the process of practical judgment in a setting of mutual recognition, is the activity that binds all the moments to itself because judging how to act in a specific case in which many morally relevant aspects are in play requires a mastery of multiple (and perhaps *prima facie* conflicting) inferential moves. The “interiority” that we typically associate with conscience is just the necessary first step – which enables me to respond to a situation as a whole – by suspending the direct authority of each separate source of obligation. Hegel describes conscience with the language of *negativity* because in judging I determine the inferential

moves licensed by my action, or what that action's implications are – both what I cannot and what I must subsequently do. Conscience is itself a social practice, manifestly spiritual in Hegel's sense, since in my judgments, my acts, I know the world as hospitable to my deeds – I know that others will recognize me. Spirit is reconciled with its “consciousness proper [*eigentliches Bewußtsein*]” because social authority now tracks the authority of self-determining agents of conscience. The problem with this “culmination,” however, and one reason why so many of readers of the *PhG* have not taken Hegel at his word on the question of conscience, is that he tells us so little in the *PhG* about how the modern social world is determinately structured, how agents of conscience can be satisfied in their deeds.

Exactly this project of unfolding a modern institutional world is completed in the *PR*'s account of Ethical Life, yet many readers have felt that individual reflective consciousness goes missing as a result. Or rather, it appears that Hegel pays some lip service to individuality, only to valorize State authority as supreme in the end. There are many ways to misread the *PR*, not a few of which stem from the Preface's famous *Doppelsatz*, “the rational is actual, and the actual is rational” (p. 20, *Werke VII*, p. 24). One imagines that Hegel thinks we are simply sunk in reality, with no chance to escape through rational criticism. There is evidence on almost every page, however, that Hegel has no sympathy for mere historical positivity, or the lifelessness that mere acceptance of reality entails. In another barely veiled reference to conscience, Hegel writes near the end of the Preface:

It is a great obstinacy, the kind of obstinacy which does honour to human beings,

that they are unwilling to acknowledge in their attitudes [*Gesinnung*] anything which has not been justified by thought – and this obstinacy is the characteristic property of the modern age, as well as being the distinctive principle of Protestantism. What Luther inaugurated as faith in feeling and in the testimony of the spirit is the same thing that the spirit, at a more mature stage of its development, endeavours to grasp in the *concept* so as to free itself in the present and thus find itself therein. (p. 22, *Werke VII*, p. 27)

Spirit freeing itself through the concept is an extension of the freedom of conscience that developed out of the Reformation. To be “justified by thought,” however, does not simply mean that whatever individuals can justify to themselves must be acknowledged as right, or taken as authoritative. The political philosopher must be able to give an account of legitimacy or rational authority, that can be operative in law as well as in the individual disposition. It is through the concept of the will, or the will as concept, that Hegel gives this account, and unfolds the content of practical life. I will be trying in what follows to explain the sense in which the *PhG* has led us to this standpoint, justified the standpoint of a speculative account of Ethical Life for the self-conscious individual. The point I wish to stress at the outset is that “overcoming consciousness” does not mean that we can simply turn ourselves over to the State once we have understood the *PhG*. The State is informed by and accountable to autonomous acting consciousness, and the individual’s comportment to the State need not become a blind trust.

Hegel goes out of his way to emphasize that the *PR* is determined by his logic, not by an historical development. The logic of the will is most succinctly stated in *PR* §5-7, in which Hegel outlines its three moments in terms of the three moments of the Concept, namely universality, particularity and individuality. He describes each moment with the language of negativity, which I will unpack here through the concept of *incompatibility*. The first moment, which Hegel identifies with “pure indeterminacy,” is the

“limitless infinity” in which “pure thinking” abstracts from all content (§5). This “negative freedom,” or “the freedom of the void” (§5R), became actual in the Reign of Terror. In this regard, Hegel remarks that “wherever differences emerge, it finds them incompatible with its own indeterminacy and cancels them” (5Z). The second moment, the positing of determinacy, is “just as much *negativity*” as the first moment (§6R), but is the “other side” of negativity, as it were. Both moments for Hegel express a power of the “I” – in the second “the absolute moment of the *finitude* or *particularization* of the ‘I’” (§6). As opposed to the abstractive incompatibility of the first moment, in the second moment I establish my determinacy by excluding a host of other determinations incompatible with whom I take myself to be. The third moment of the will sets the course of the entire dialectic: “It is *individuality*, the *self-determination* of the ‘I,’ in that it posits itself as the negative of itself, that is, as *determinate* and *limited*, and at the same time remains with itself ...” (§7). This formulation, which expresses freedom as being with oneself in otherness [*bei-sich-selbst-im-Anderssein*], is the completed concept of will that is most fully realized in the account of Ethical Life in the *PR*. For our purposes, it is important that Hegel aligns this moment of the will with its “substantiality,” his term of art for that which produces its own content. The will as individuality achieves its identity in its determinate incompatibilities, in the commitments it has undertaken, or posited for itself.

Amidst the multiplying formulations of the third moment in the *PR*, Hegel gives an example – friendship – of how individuality involves a commitment in which I remain “with myself.” The question is how my negativity is contained even in my positive commitment to another results from my negativity, and how my negativity is preserved

within that positive commitment. Being someone's friend means that there are many actions I will not carry out, many commitments I will not undertake. Do I feel limited, alienated, as a result? Not in genuine friendship (in Hegel's terms, friendship according to its concept), in which I embrace this negativity, these incompatibility relations, as constituting who I am. The point is not simply that my ability to withdraw from the commitment allows me to maintain my freedom. Rather, it is that I know the expressions of my selfhood to *be* myself; I do not distinguish a "real me," unencumbered by the past, from the self who has taken on commitments. Yet being a friend also cannot serve as an exculpation for wrongdoing: part of what it means for the first moment to be contained in this relationship is that I am aware of the limits of how much a commitment determines me. I remain responsible to myself even in my "dispersal" into another, and this is a second sense in which my negativity is contained in the relationship. One way of thinking about the authority of the State vis-à-vis conscience is to ask how my pure accountability to myself can come into play when the State's demands are unreasonable, or unjust. Further, we should ask why in the *PR*'s account of Ethical Life certain duties are essential to my identity, and indeed constitute us as fully rational agents. Where is my conscience if I am bound to spheres of action I might not consciously endorse?

## **2. Conscience in the *Phenomenology of Spirit***

The unique status of conscience within the *PhG*'s strategy of "overcoming consciousness" becomes intelligible when conscience is seen as the endpoint that is also a starting point. My thesis is that while functioning as the culmination of the *PhG*'s

“Spirit” chapter, the theory of action formulated as conscience in the *PhG* is also the starting point in the *PR* for a logical explication of Ethical Life. As the apex of the “Spirit” chapter, the world of conscience is superior to the Greeks’ “true ethical life,” the Roman world of formal Right, and the culture of 17<sup>th</sup> and 18<sup>th</sup> century France (among others). The movement of the Spirit Chapter is from ancient Greece, or “true ethical life,” to the world of conscience in which individual self-certainty is the essence of social practices. This movement represents the most explicitly historical and social version of the process Hegel describes in the Preface as the “laborious emergence from the immediacy of substantial life” (§4, p. 5). It also dramatizes Hegel’s description of his method as leading us along the “pathway of despair” (§78, p. 61). The image of harmonious life in a Greek *polis*, in which each individual knows – immediately – just what to do and how his action “fits” into the life of the whole, gives way to a formalized “world”: the *universality* of law (i.e. Roman legal status) comes to take precedence over social integration. In the next phase, the formalized *universality of willing* of the French Revolution is the endpoint of the cultural splendor of 17<sup>th</sup> and 18<sup>th</sup> century France. In the final world of self-determining, autonomous action, the individual of conscience takes responsibility for the moments of Spirit, or in other words the agent posits that their requirements are satisfied in his act. In this positing lies the basis for an individual’s authority in acting, his demand that his actions be respected as expressing his duty. This standpoint is fundamental to how we have come to live, though – as we will see in the next section – it can function only indirectly as the foundation of modern institutional norms of freedom.

To understand just how conscience serves as the culmination of Spirit's development, and how conscience relates to the *PR*, I will focus on two striking claims that identify conscience as attaining rational content. I will begin at the end of the crucial section of text (§§633-641). In §641, Hegel states his thesis – echoed in the passage above from “Absolute Knowing” – that conscience is the shape of consciousness that incorporates the previous shapes of Spirit. I give the whole paragraph:

If we look back on the sphere where spiritual reality first made its appearance, we find that the Notion involved was that the utterance of individuality is that which is both in and for itself. But the shape which immediately expressed this Notion was the *honest consciousness* which busied itself with the *abstract thing itself*. This ‘thing itself’ was there a *predicate*; but it is in conscience that it is for the first time a *subject* which has posited all the moments of consciousness within itself, and for which all these moments, substantiality in general, external existence, and the essence of thought, are contained in this certainty of itself. The ‘thing itself’ has substantiality in general in the ethical sphere, external existence in culture, the self-knowing essentiality of thought in morality; and in conscience it is the *subject* that knows these moments within itself. While the ‘honest consciousness’ always seizes merely the empty thing itself, conscience, on the other hand, wins the thing in its fullness, a fullness given to it by conscience itself. Conscience is this power because it knows the moments of consciousness as *moments*, ruling them as their negative essence. (§641, p. 421)

We can approach this passage through the distinction between the *Sache selbst* as predicate in the “honest consciousness” and as subject in conscience. We can understand this difference in terms of the individual agent's relationship to his intentions in the two cases. The honest consciousness is the person of sincerity, while the subject of conscience is constituted by rational commitments. The former truly cares about one thing – the fact of his sincerity, his expression of a “real self” that “lies behind” his actions. Qualities and actions are ascribed to this self, but the agent is always more concerned that others appreciate his sincerity – attached as a predicate to the act –

than that they appreciate the determinate content of the act. The agent of conscience, on the other hand, does not withhold himself from the deed, as if the deed were lucky to “belong” to his self. He approaches the action from the standpoint of comprehensive reason-giving, and his commitment extends to the realization of his intention (in external existence). In acting, the agent engages with and respects the community of other rational agents, whose recognition is crucial to the achieved rationality of the act (as he writes in ¶1640, this is the moment of substance).

For our purposes, the most provocative aspect of the above paragraph is that the three moments conscience has “posited within itself” correspond – *in reverse order of presentation* – to the three moments of the will in the *PR*. The “essence of thought” is the abstract universality of the ‘I,’ while “external existence” is the moment of the I’s determinacy, and the substantiality of *Sittlichkeit* is the moment of individuality from *PR* §7. The reversal of ordering corresponds to the opposite trajectories of the two works: in the *PhG* a “laborious emergence from the immediacy of substantial life,” going from ethical wholeness to the primacy of individual self-certainty in social norms, and in the *PR* a portrayal of modern ethical life as the articulation of modern social freedom from the most basic to the most complex structures. The *PhG* works towards a “purification” of content – full transparency to my autonomous activity – whereas the *PR* unfolds ever more comprehensive structures of content already purified of what Hegel calls the difference of consciousness. The *PhG* presents (in the “Spirit” chapter) an historical narrative that culminates in the ethical world of conscientious action, while the *PR* actually develops the content of the ethical life in which individuals realize their purposes. Of course the difference between the two accounts is not simply a reversal:



*Sittlichkeit* in the *PR* is not the same as *Sittlichkeit* at the beginning of the Spirit Chapter (Hegel does not advocate a return to the Greek polis), for modern ethical life develops from and through the dynamics of conscience. That is, conscience is the presupposition of ethical life, meaning that modern ethical life will be determined by the structure of agency Hegel calls conscience. Within the *PhG*'s trajectory, conscience can retrospectively reconfigure the movement (and the content) of which it is the result; conscience will now demand that ethical life be such that individuals can act within its institutions in a non-alienating manner.

How, though, does conscience play a role in political processes? At the beginning of the "conscience" section we find a claim about the "content-providing" role of conscience that appears to be different from the one we found in ¶641. Emerging directly from the inadequacy of a social world based on Kant's practical postulates, Hegel emphasizes the concreteness of conscience against the abstract formalism of the Kantian moral worldview. He again argues that conscience resolves the deficiencies of the prior shapes, but now he refers to their totalized, "empty" forms. He writes,  
First as conscience does it [the self] have in its *self-certainty the content* for the previously empty duty, as also for the empty right and the empty universal will; and because this self-certainty is at the same time the immediate, it is the determinately existent itself. (*PhG*, 416-417; ¶633)

While the claim from ¶641 related conscience to the previous moments of content, this claim relates conscience to the previous moments of emptiness, of *formal universality*, namely legal right, the general will and the Kantian moral worldview. In ¶641 the claim was that conscience commands all the aspects of content, whereas here the claim is that conscience provides the content for the empty shapes. Are these claims the same

or different?

We can begin to answer this question by reformulating the two sets of moments in terms of incompatibility relations. The implicit incompatibility of Greek ethical life (of the human and divine laws of the substantial world) led to the explicit incompatibility relations of “empty right.” In the empty right of the Roman world I am recognized by the law as an exclusive person, but only as a “bare particular” – there are no publicly recognized *determinate* incompatibility relations. In the second part of the Spirit chapter, the various incompatibilities implicit in the world of culture are resolved first into a calculus of utility (nothing is incompatible because all content can be reduced to a single standard), and *then* into the abstractive incompatibility of the general will (and the Terror). The moral world, by contrast to the two previous worlds, begins with the emptiness of pure duty – internalized formal incompatibility – and moves through the implicit incompatibility of pure duty and acting on a good end to a moment (*the moment*) of content, or determinacy, in conscience. Conscience, like the third moment of the will (in *PR* §7), is a kind of identity through incompatibility, through negativity. I take my actions to alter what I can henceforth claim, and thus who I can henceforth be. I take responsibility for the three moments listed in ¶641, and take my action as authoritative because I have posited those moments – as a unity – within it. As I read the two claims together, Hegel is saying that the structures of abstract incompatibility remain, but the individuals who occupy them are now different, whole and autonomous, so the shapes as they inform our world are no longer empty.

So the claims about content in ¶633 and ¶641, though closely related, are different. One might have thought that the claims are the same because the content of

each empty moment ought to have the character of the world from which it came; the content of right should be “substantial,” and the content of the general will should be “external existence.” But the thesis that conscience-as-content “contains” all three logical moments as a unity means that the content of the “previously empty right” will be not only substantial (say, a mere right to citizenship), but rather the content will be based on the “spiritual unity” that is acting conscience. Hegel’s position is that for any of the modern institutions to work as they should – according to their concept – they require the society’s individuals to be agents of conscience. In this sense conscience serves as their presupposition, since the process of their constructive breakdown, or determinate negation, is only completed when such modern agents have come into view. The task of the *PR* is just to run through the institutions on their new, modern footing. For the *PhG* account, though, there remains the question of how conscience, as the **result** of the education of spiritual consciousness, is bound to take responsibility for the moments through which it has passed. How does conscience “contain” the lessons of the prior breakdowns, of the prior implicit incompatibilities?

The question is why an agent of conscience, in providing content for the empty shapes, is rationally bound to those institutions Hegel thinks essential to modern ethical life. We know that the central institutions for Hegel are the family, the State, and Civil Society, all of which appear in various guises in the first two parts of the Spirit Chapter. There must be a way, I think, to link the implicit incompatibilities of those sections to the dynamics of conscience’s responsibility in acting. Conscience is a shape in which no conflict of incompatibility relations is devastating for the individual – the agent can live with multiple, competing duties (or spheres of duty). Though I cannot argue for it in any

detail here, I would suggest that the implicit incompatibilities which, in becoming explicit, propel the “experience of consciousness” in the Spirit Chapter, are also incompatibilities – and potential conflicts – for the agent of conscience. The point about conscience containing the earlier moments in a determinate way (rather, than, say just in terms of the logical moments) is not that any modern agent needs to be able to tell the *PhG*’s story about the rise of legal status or of the general will; rather, the incompatibilities that led to our explicit formal norms remain essential to the fabric of ethical life, and in individual consciousness are experienced as such. So, to take the most dramatic example, we can examine the conflict in Greek ethical life between the family and the State, analyzed by Hegel in terms of Antigone and Creon in Socrates’ tragedy. For a modern agent such a tragic conflict can also exist (think of the resonance – and endless repetition – of Sartre’s famous example of choosing between one’s sick mother and one’s occupied country), but it is only a possibility – one that the mediating institutions of modern civil society and modern subjectivity itself serve to defuse. Hegel’s claim is that the depth and seriousness of our commitments depends on their relationships to our other commitments, relationships that in large part define the commitments themselves. Of course the individual’s relation to content is conditional on his maturity, on his *Bildung* and experience, but Hegel is saying that ideally the individual’s ability to take responsibility, his practical authority, includes a structured relation of the moments that constitute Spirit’s experience of itself. Without the tensions between the institutional spheres, conscience would be, as Hegel says of absolute Spirit at the end of the *PhG*, “lifeless and alone.”

### 3. Conscience and the Logic of the *PR*

The *PhG* account of conscience appears to be compatible with a broad pragmatist reading in which individual authority develops out of processes of recognition, with a community of mutually self-assuring agents as the ultimate result. Yet there are already difficulties here. In particular, I am not clear just how the absoluteness of abstract right or the general will can be accounted for in the Pinkard and Brandom readings. Hegel draws very strong conclusions in “Absolute Knowing,” partly centered on the agent of conscience, that do not seem finally dependent on the historical dimensions of reason’s development. More familiar problems arise with the pragmatist account as an overall interpretation of Hegel’s social and political philosophy when we turn to Hegel’s definitive statement in the *PR*. In the Introduction and in the paragraphs that lead into Ethical Life, Hegel’s logical vocabulary stands persistently in the foreground. For some readers sympathetic to Hegel these passages are an embarrassment to be explained away as quickly as possible. Yet for others, who take Hegel’s systematic logical claims as the starting point for any discussion of his thought, the *PR*’s presentation will not appear to be a falling off from the young Hegel’s insights. One way to formulate the claims that many find hard to swallow in the *PR* is that the Idea is the source of authority, and that my authority as an individual is only legitimate *qua* my place in the system of the Idea’s determinations. But these claims are not so foreign to the *PhG* account as they first appear, and Hegel’s logical vocabulary should only frighten us if we forget what the *PhG* has achieved. Conscience in the *PhG* contains the logic that Hegel employs to develop the Idea of Right in the *PR*. Indeed, though he does not in the *Science of Logic* present the movement of conscience in the

language of conscience, it is clearly this activity that forms the transition to the Absolute Idea. Hegel's views did not fundamentally change between the *PhG* and the *PR*, and the different emphases are a strength of his overall approach, not an inconsistency.

In this section I first examine the "official" discussion of conscience in *PR* §§136-138. I will then discuss the transition to "Ethical Life" and the place of conscience in Hegel's account of modernity's central institutions. Finally, I will give a brief textual argument for the claim that Hegel did not change his mind on his fundamental position between the publication of the two books.

Perhaps the most striking difference between the accounts of conscience in the *PR* and the *PhG* concerns what the transition "out" of conscience is a transition *to*. While the "breakdown" of conscience in the *PhG* leads to the sphere of religion, the breakdown of conscience in the *PR* leads to *Sittlichkeit*. Hegel's language in the *PR* transition (especially in §§142-157, the sections introducing *Sittlichkeit*) has been the source of much alarm among liberal readers of the *PR*. Hegel's logical – and apparently metaphysical – language of substance and accident, wholeness and the "disappearance" of the individual, gives a strong impression that the State is meant for Hegel to envelope all other kinds of authority. While there is some reason for this alarm, the worry arises in Hegel due to an issue within liberalism itself on the line between individual and public authority. My thesis is that Hegel addresses this issue by providing *complementary* accounts of individual and institutional authority in the *PhG* and the *PR*, but we have to understand the latter before we can examine their relationship.

On the face of it, Hegel's account of conscience in the *PR* arises from considerations very similar to those in the *PhG* account, namely from the insufficiencies

of Kantian morality. In the sections preceding §136, Hegel both endorses the universal character of Kantian moral theory and repeats his criticism that the Categorical Imperative is an empty standard. In the *PR* conscience enters the picture as the moment of *specificity*, or the conclusion of practical reason that captures my action here and now. Hegel's account of moral content here does make individual judgment primary: conscience as practical judgment is neither an application of a pre-existing principle nor a mere trained response to a recognized situation, but an internalizing and synthesizing process. The double-sidedness of conscience becomes clear in §138:

This subjectivity, as abstract self-determination and pure certainty of itself alone, *evaporates* into itself all *determinate* aspects of right, duty, and existence [*Dasein*], inasmuch as it is the power of *judgment* which determines solely from within itself what is good in relation to a content, and at the same time the power to which the Good, which is at first only represented [*vorgestellt*] and *ought* to be, owes its *actuality*. (§138)

Conscience is both dissolutive *and* creative. The creative aspect is what makes it the moment of the *actuality* of the Good, the power of specifying an action as right, as my duty, in the circumstances at hand. But to do justice to the situation as a whole, my judgment requires the conceptually prior moment of internalizing all fixed normative structures. This “dissolutive” ability allows modern subjects to act without being torn apart by their potentially conflicting commitments. Conscience renders all content a matter of *possible* bindingness on my will, and then synthesizes in judgment the “normative manifold” into a unity of action which “contains” those separate spheres of obligation. This conscience does resemble the doctrine of acting conscience in the *PhG*, with the dual process of §138 reformulating in more abstract terms the inferential model of conscience as a master moment in the *PhG*. The principal difference is that Hegel

does not indicate a determinate relation of conscience to the other moments of the will – conscience, for all its power in these passages, does not seem rationally bound to any content.

Many of the specifically political worries about Hegel's view of conscience stem from his claims in *PR* §137 that the formal freedom of individual reflection is inferior to "the true conscience," the disposition to will what is "in and for itself good." This move is a statement that conscience is in fact rationally bound to certain content, and the problem with the subsequent transition to ethical life lies in understanding how the truth conditions could be cashed out without invoking an authority alien to the subject. It seems like a short road from true conscience to a view of politics in which institutional norms are based on a hegemonic public Good that disregards individual differences. The distinction between formal conscience as "the certainty of *this* subject," and true conscience as the agent disposed to act on what is objectively recognized as good, raises the question of how my conscience can be held to a standard I might not *consciously* endorse. Hegel claims that true conscience is a "sanctuary which it would be a sacrilege to violate," while also holding that the State cannot recognize conscience in its distinctive form, as interiority. It is therefore tempting to read Hegel as arguing in this passage for a tautology: the State must respect conscience if conscience acts in accord with the laws recognized by the State. Yet Hegel's claim that the State cannot recognize conscience in its distinctive form is a thesis at the historical core of liberal political thought. The thesis cannot be denied without answering some questions about how liberal polities can function if the law can be broken in the name of conscience. The main question is how to theorize cases in which an individual takes the dictates of his



conscience on *practical matters* to conflict with what the law explicitly demands (as Hegel himself makes clear in §137R, religious conscience is not at issue here). It is hard to see how the State *could* take the individual's side if the individual cannot, or will not, provide reasons for his action that can be assessed through open debate (Hegel's thesis has little bearing on questions of free speech, in which we are already outside of conscience's most "distinctive form"). Of course this issue would be threatening if the State took on the role of dictating the particulars of how one should live one's life. But as the realm of law, especially constitutional law, State power – by its very generality of application (equally to all individuals) – should not as a matter of course run up against one's individual purposes. Hegel does not, though, merely want to provide, through the indeterminacy of the law, room for individuals to differ. The methodological force of his claim about formal and true conscience is that the political philosopher can and should reconstruct the institutions through which a society's freedom is in fact embodied. I think Hegel is well aware that formal conscience disrupts the claim to full determinacy and that true conscience cannot be isolated within social practices (he does not mention the term again). This tension should not block, though, the attempt to explicate the logic and content of the institutions that have developed in conjunction with conscience.

The distinctive character of conscience in general, which makes it the appropriate culminating figure for the *PhG* but also indicates why conscience cannot have the final authority in the *PR*, is that my *positing* of the legitimate authority of my conscience can only appear to others and to the State as an inscrutable presupposition. Hegel writes in a remark, The ambiguity associated with conscience therefore consists in the fact that conscience is presupposed in advance to signify the identity of subjective knowledge and volition with the true good, and is thus declared and acknowledged to be sacrosanct, while it also claims, as the purely subjective reflection of self-consciousness into itself, the authority

which belongs only to that identity itself by virtue of its rational content which is valid in and for itself. (§137R, modified)

The integrity of individual conscience *must be presupposed*, but the authority of conscience can easily be misunderstood, and abused, by those who claim it. Since in conscience I am the ruler over “all determinate aspects” of the ethical world (as the unity of the concept’s three moments), I can imagine that my “purely subjective reflection” directly confers authority. Yet the rational content arises from the achieved concept of self-consciousness, and is tested in processes of recognition. Of course Hegel thinks that new situations will always arise, and no modern society can be so determinate that we will know in advance how each person should act in each situation. Conscience will therefore always remain experimental, since acting on one’s own beliefs is far from infallible, and can often only be known as valid after the fact. In a complex society, the ambiguity of conscience can obviously be exploited in the pursuit of one’s own advantage, which is one reason Hegel writes sarcastically of those who can easily find conflicts of rights and duties around every corner. This ambiguity, one crucial to understanding the instabilities of “post-conventional” life, can be very harmful to a society’s normative structure, yet Hegel thinks that we can live with this essential tension.

Based on the *PhG* account, one would think that the transition from “Conscience” to “Ethical Life” in the *PR* would proceed on the basis of recognition. But in the actual transition in *PR* §141 to “Ethical Life” Hegel relies on his logical vocabulary, rendering the connection of conscience to institutions rather opaque. He makes an identity claim between the abstract good and the abstract determinacy of conscience.

This move is very close to the forgiveness and reconciliation of the hard heart (the abstract Good) and the acting conscience (the particular that ought to be universal) that had led to Absolute Spirit in the *PhG*. Here, Hegel's logical claim is that the moments of particularity and universality, proving themselves identical when "totalized," exhibit the need for a greater ethical whole in which the moments are not distinguished, or in which their distinction is sublated. His answer to the potential emptiness of particularity is not to simply say that we need to give up the activity of judging for myself and submit to ethical authority. There is, rather, a shift in perspective from individual purpose to social context. The trouble with moving from individual judgment to a theory of institutions in which individual consciousness is only a "moment" is that it seems there must be a drastic loss of subjectivity. But we tend to read Hegel this way because we have the wrong model in mind.

A major source of the problems in reading the transition and introductory paragraphs to Ethical Life is that we tend to approach these passages from the "standpoint of consciousness" Hegel had tried to overcome in the *PhG*. This assumption has two consequences for my self-conception as an agent: (1) I think that any whole "greater than myself" must be a threat to my freedom to choose my own conception of the good, what I take as authoritative, and (2) I think that the institutional agency "above" me must be a kind of super-consciousness that "rules" me like I ruled the various moments in the *PhG* account. To avoid these worries we must keep separate the tasks of the *PhG* and the *PR*. Though we can of course experience modern institutions as conscientious agents testing content against an explicit inner moral code, this would be an abstraction from the "normal functioning" of life within the institutions

central to our ethical world. The challenge is rather to understand how my agency can find satisfaction within the “action-contexts” of modern institutions. They have incorporated conscience’s self-referential subjectivity into a form of living, so that the moment of radical interiority need not normally occur.

My suggestion is that we can read *PR* §§142-157 as describing, in the terms of Hegel’s fully developed logic, the recapitulation that we are meant to imagine at the conclusion of the conscience section in the *PhG*. When Hegel writes, in *PR* §144, “The objective sphere of ethics, which takes the place of the abstract good, is substance made *concrete* by subjectivity *as infinite form*,” we can read him as proposing that we take the lessons of the end of the Spirit chapter of the *PhG* and “apply” them to the earlier shapes, beginning with the “substance” of “True Ethical Life.” “Subjectivity as infinite form” is very close to, if not identical with “the individual as absolute form” from the Preface to the *PhG*. But this infinite or absolute form itself has articulated moments, as Hegel discussed in terms of conscience in *PhG* ¶641. In the *PR* Hegel figures this articulation in terms of the subjectivity of willing, and writes that each of the institutions will be differentiated according to the logical moments of the concept (and of conscience in the *PhG*).

Having recognized that we are *already* in §142 at the point of union of the substantial and the infinite form, we should not be so overwhelmed by Hegel’s language in §145. From the standpoint of conscience, Hegel’s claim that the “ethical sphere is a circle of necessity whose moments are the *ethical powers* which govern the lives of individuals” (§145) can look like an inverted world. But the essence of all the spheres of ethical life is subjectivity itself, which individuals achieve in its most “reflective form” as

agents of conscience. The point of this passage and others like it is simply to say that the contexts of free action – the structures of norms and purposes – are not under the direct control of the agents who act within them. Of course social practices change and develop through individual action, but only from within the practice (and only with considerable and sustained effort).

But is the account I have sketched so far really true to Hegelian ethical life? Consider the first institution of ethical life, the family. On Hegel's view, romantic marriage, where partners freely choose one another, expresses the "modern principle of subjectivity," since in it one's "*infinitely* particular distinctness" is affirmed in another (§162). Love is in multiple ways the intersubjective analogue of the conscience described in §138, as it should be in the progress of Hegel's dialectic. In the ideal of romantic love, all content is evaporated ("I love you no matter what you do"), relativized to the couple's bond to one another. As for the other, creative side, love is often portrayed as causing one's world to be remade; one's previous reality is reconstituted when one falls in love and is loved in return. Romantic love is akin to the original meaning of conscience as "knowing with," the recognitive conscience Hegel discussed in the *PhG*. Conscience can be satisfied through love because one's purposes find immediate confirmation in another who "knows you as she knows herself." This is not to say that Hegel is under any illusions that love could be a source of broadly social norms, that it could extend beyond the family into other institutional spheres (though it is important for his view of religious community). Even more than Aristotle's friendship, this kind of love can only extend so far without losing its force.

The family also has the primary responsibility for ensuring that children become

fit to be members of civil society (for Hegel, at his more primitive stage of history, only the male children), to be independent individuals. Civil society, into which the (male) children enter upon adulthood, is explicitly the realm of self-sufficient particularity. Here Hegel's "formal conscience" is truly at home, for the individual has wide latitude for choice-making and the pursuit of economic well-being, for deciding just what actions he will take as his duties. Agents of conscience (as Hegel made clear in ¶635 of the *PhG*) do not need to ignore their interests, for only with an interest do we act at all.

Conscience as action has the moment of *Dasein*, determinate existence, because with Hegelian conscience my *moral life* is not sharply distinguished from my very particular projects and plans. Modern civil society, the distinctive modern institution, develops in conjunction with the post-Reformation development of free individual conscience.

The biggest question, of course, is the State's relation to the individual. But rather than being a challenge to the reading of Ethical Life as the logical rendition of conscience's proper content, the State provides the most dramatic confirmation for the view. One worry we might have in tracing the figure of conscience through ethical life is that while Hegel is clearly referring to subjectivity, even independent individual subjectivity, throughout, conscience itself is not thematized by name, so seems to be just another shape of subjectivity. Indeed, most commentators who have looked for the true conscience of §137 in the State have focused on the "political disposition" (and have naturally come away unsatisfied). I want to direct our attention instead to Hegel's analysis of monarchy, and in particular to the third moment of monarchy, the moment corresponding to the individuality of the will:

The *third* moment in the power of the sovereign concerns the universal in and for itself, which is present subjectively in the *conscience* of the *monarch* and

objectively in the *constitution* and *laws* as a *whole*. To this extent, the power of the sovereign presupposes the other moments, just as it is presupposed by each of them. (§285)

With this claim, strange to our ears, Hegel in a sense brings together the two projects – *PhG* and *PR* – as I have been describing them. In the *PhG*, the claim was that the agent of conscience (no mention is made there of the monarch) is the presupposition of the other moments; as their result, conscience also posits them as its own, and its authority presupposes that the act has satisfied their requirements. But in the *PR*, the institutions are actually developed on the basis of modern freedom, so the presupposition is cashed out, as it were. In the conscience of the monarch the logic of presupposition achieves public authority, and the penetration of self-consciousness into “objective ethics” is complete.

All of this may seem, however, very foreign to the “Spirit” of the *PhG*, and one may still be left thinking that there must have been a decisive shift in thinking between the two works. A brief look at the 1805-06 *Realphilosophie*, however, is enough to refute any such claim. Towards the end of this fragmentary work Hegel compares two different forms of Constitution, democracy and “modern” hereditary monarchy. With democracy he has in mind the direct democracy of ancient Greece, the beautiful ethical life of the polis. When he turns, then, to the modern alternative, he uses the very language with which he describes conscience in the *PhG* and the principle of monarchy in the *PR*. He writes,

Yet a higher abstraction is needed, a greater opposition and cultivation, a deeper Spirit. It is the realm of ethical life – each [individual] is custom, immediately one with the universal ... The higher diremption, therefore, is that each individual *goes back into himself* completely, knows his own *Self as such* as the essence, [yet] comes to this sense of self of being absolute although separated from the existing universal, possessing his absolute immediately, in his knowing. As an

individual, he leaves the universal free, he has complete independence in himself.

I think this passage and its surrounding claims leave little doubt that the fundamentals of Hegel's political philosophy remained unchanged between the time he composed the *PhG* and the *PR*. Of course this is not entirely good news given that the decisive point – the individuality of conscience – is the one that Hegel thinks most closely aligns with monarchy. But he himself has demonstrated in the *PhG* that the “majesty” of conscience develops and is realized independent of its role in validating hereditary monarchy. We learn in the *PhG* that each individual conscience is the constitution writ small, with the result that we are reconciled to modern institutions, though our connection to them as individuals remains unstable. Only the logically developed institutions of the *PR* provide the stability of context in which conscience can come into its own. The challenge lies in how to appropriate the *PhG* account to complement the *PR* account given our rejection of monarchy but our embrace of individuality as the principle of liberal politics.

#### **4. Contingency, Conflict and Intersubjectivity**

It should be clear by now that one goal of my complementarity thesis is revisionary in nature, for I am not out to vindicate monarchy. As I read him, part of Hegel's attraction to monarchy stemmed from the tension he correctly saw between liberalism and democracy. Yet his reflection on public opinion in the *PR* also show that he thought that in the end authority does come from the people, only (as with individual conscience) he thought it best if this happened indirectly (and not, say, through referendums). We have learned decisively since Hegel wrote – and the story of how this



was learned would constitute a main part of the required “update” to the *PhG* – that representative democracy is not only more true to the spirit of modernity, but that it is more successful, more efficacious, as well. My claim is that the idea, democratic in spirit, of every individual as the source of authority, and so every conscience as implicitly a sovereign conscience, is at the heart of the *PhG*. Yet as *liberal* democracies we need an account like the *PR* as well, for we need an account of determinate institutional content that is true to the claims of subjectivity. So although we will want to modify Hegel’s account, the double structure he provides is just what is called for in trying to elucidate norms of freedom. As an individual I need to know how institutions are justified from within my experience. The *PhG* account of “Spirit” gives us this justification through an account of history in which each moment is available to my experience either in fact or through imaginatively occupying the historical transition. On the other hand, I should not want institutions to be “up to me” in the sense that would lead, when generalized, to anarchy. As a society we need a justification of our institutions that expresses the principles they should live up to and that enables us to make claims about justice and right that do not rely on historical positivity. My goal in this concluding section is to flesh out the complementarity relation in terms of three issues whose status in Hegel’s mature thought has been the source of much controversy: contingency and closedness, conflict and hierarchy, and finally intersubjectivity and the monologic character of the System. These topics will also help elaborate the middle ground I hope to have marked out between the pragmatic and the ontological Hegel.

Many critics have worried that Hegel does not allow enough room for

contingency in the mature system, and that Hegel's social philosophy is consequently "closed" in some fundamental and corrosive sense. Now while I admit there is some cause for worry given Hegel's "strong language" about the State towards the end of the *PR*, there is no reason to think that he believed history had ended, or that the State will not change. Hegel did think contingency – which he associates with the merely natural – needed to have a place in the State. Indeed, he takes the naturalness of the hereditary monarch to represent just this feature of individuality. The principal challenge he takes on in the *PR*, however, is to reconstruct his social institutions as necessary, or fully justified, by developing them from the logic of the rational will. This project remains necessary: we should entertain a logic of subjectivity that can be employed to determine the content of just institutions. Such a project becomes less threatening (to democracy and to individuality) in light of a complementary, *PhG*-style account, in which history – i.e., "free existence appearing in the form of contingency," as he says at the end of the *PhG* (§808, p. 531) – is interpreted as the coming to be of a society that respects contingency. Let me explain. The action of conscience as described in the *PhG* is the way in which individual agents relate to other individual agents *qua* individual (that is, abstracted from mediating institutions). Although their actions are in some sense contingent – they cannot, for instance, know every particular of the circumstances in which they act (and future consequences), their actions can nevertheless be recognized as valid. I must give reasons, but because conscience, my self-certainty, is the source of authority, my contingent particularity and limitations (and Hegel insists – as always – that we need limitation to *do* anything) do not automatically count against the rationality of my judgment. Viewed from this perspective, it is also clearer why Hegel in general

takes the realm of Objective Spirit – by contrast to Absolute Spirit – to be a realm of finitude, where contingency is not fully redeemed. This point is only easy to miss because Hegel thinks that what is normally taken as the State's contingency – that the laws have their origin in human activity – is in fact the ground of their necessity and authority. What at first might appear to be contingent in history becomes necessary by becoming actual, taking root. Of course he thinks the laws and government are open to change, to historical development, yet he considers it a step towards sophistry (and towards an insidious irony) if we tack onto, say, every public obligation a rider reminding us that from some other perspective the existing law would appear contingent.

Another standard criticism of Hegel's System is that its dialectical structure disallows any conflict between the higher and lower spheres, so that in the political realm everything is adjudicated by the top level of the hierarchy, namely the State. This condition is supposed to rob moral and political life of its dynamism, fostering a top-down view of power that leaves individuals at the mercy of the State apparatus. While it is very odd to accuse Hegel of neglecting conflict – for the dialectical method is simply a process of conflict and incommensurability – his procedure in the *PR* of unfolding the Idea of Right does encourage this view of practical norms. By incorporating the lower spheres into the higher, and by suggesting that the higher “constitute” the lower, Hegel does encourage us to think of the State as having more reality than, say, a claim of humanity from the moral point of view. As with the previous issue I want to say two things here: 1) Hegel's approach in the *PR* is justified in emphasizing the comprehensive and determinate over the individual and abstract (though there are many indications in the *PR* that he took conflicts between the levels seriously); 2) what

we normally think of as conflict is fully accounted for and preserved in the *PhG*. In an important passage from the *PhG* Preface, after a sentence describing the process of culture (the spiritual world prior to Morality and Conscience), Hegel writes that “this result is itself a simple immediacy, for it is self-conscious freedom at peace with itself, which has not set the antithesis on one side and left it lying there, but has been reconciled with it” (§21, p. 16). I take this claim to emphasize that the experience of consciousness in the *PhG* is a tale of contradictions, incompatibilities, that do not completely cease to be such once we have progressed to higher levels. Recognition remains for us a struggle, the family and the State remain in competition for my devotion. It is true that in his account of conscience Hegel takes the individual to “rule” over all the other moments, but this means that the conflicting moments do not tear the agent apart (though of course they can and sometimes do). We have achieved something definite with our ability to live with what would have destroyed earlier individuals. The danger is less that contradictions in fact disappear, and more that we no longer take them seriously, since my own conscience can always appear to be in order, all conflict unactualized. I think Hegel is perfectly willing to admit that modern societies are internally contradictory; indeed, for him these tensions constitute the very life of individuals and societies.

Hegel does often in the *PR* criticize those who wish to find conflicts between duties everywhere. I take him to be saying that as theorists we should not let our satisfaction in conceiving ourselves as champions of justice interfere with the attempt to uncover what justice, articulated in institutions, actually is. Hegel often makes these comments in the context of admitting that conflicts do in fact arise between the logically

different levels. Yet unlike in the *PhG*, where the difference essential to consciousness guides the dialectic, so that an antithesis is always overcome and preserved, in the *PR* the dialectical negations are unities. With the will rather than consciousness at the heart of the *PR*'s method, Hegel writes rather of conceptual structures – scenes of willing – which themselves contain their own dissolution. Thus the family, aiming in Hegel's view at the independence of the children, contains the seed of its own destruction: the end towards which the family is directed displays the context's own limitations (i.e. the limitation of familial immediacy). An illuminating instance in the *PR* of Hegel writing on conflict is when he discusses the relation of the judge's discretionary powers and the determinacy of the law. The student notes read, "Collisions arise in the application of the law ... to go so far as to eliminate such collisions altogether by relying heavily on the discretion of the judge is a far worse solution, because collisions are also inherent in thought, in the thinking consciousness and its dialectic, whereas the mere decision of a judge would be arbitrary" (211A). Here, in a clear reference to the *PhG*'s dialectic, Hegel indicates that conflict remains essential at some level. Though Right must be formulated as a logical System of its conceptual determinations, Hegel is never under any illusions that conflict can or should be eliminated altogether.

The final issue to view in terms of the complementarity thesis is intersubjectivity. The *PR* has been criticized for neglecting processes of communication and confrontation. There is reason for this complaint, as I noted in comparing the transition out of conscience in the *PR* and *PhG*, where the latter portrays a conscious process of recognition (in confession and forgiveness), the former presents a similar logical point in the language of the concept. Hegel's method in the *PR* follows the logic of the will,

driven by the speculative concept, and the transitions from one major shape to the next are not viewed as the reversals of consciousness that, in the *PhG*, mesh with the form of struggles for recognition. Another way to put this point is to say that the *PR* is an unfolding of the concept of Right into its achieved form in ideally functioning social practices. To say that they are missing the moments of disagreement and consensus-formation between individuals is just to say that Hegel should have rendered the telos of modern institutions in terms of consciousness rather than in terms of the will. Of course contexts of willing do contain consciousness as a moment, but Hegel is very concerned to show that the proper conception of rationality can reveal a necessity to modern life that avoids the idea that this life is somehow *merely* socially constructed. It is very hard for us to see a third way between reductive social constructivism and a retrograde natural or metaphysical delineation of political reality. But the *PhG* and *PR* together offer just such an alternative: a historical/developmental story of human institutions, breaking down through failures of mutual recognition to the achievement of the logical individual, and an account of social institutions developed through the logic that has “resulted” from that history. In the *PhG* we get the perspective of individual consciousness working its way through various social spaces, in dire conflict with other individuals. I am warped, alienated, guillotined in the process, but find in the language of conscience the voice of my duty acknowledged by others. Achieved intersubjectivity becomes a kind of divinity in the *PhG*, the “appearing God” as Hegel says, so it would be strange indeed if his mature political philosophy relegated processes of recognition to a minor role. There are plenty of indications in the *PR*’s account of Ethical Life that he does take recognition as fundamental to his method and results, but there are also good reasons that he does

not remind us at every moment that cooperation and competition are at work. His hostility to direct democracy is partly responsible for keeping him from valorizing public debate, but the division of labor of the *PhG* and *PR* also shows how most of what we value in experimental intersubjectivity is accounted for in the experience of consciousness. The crux of the issue is that norms are systematized retrospectively, and this requires a double act of conceptualization: first, a portrayal of the conflict and the generation of new norms, and second a logical reconstruction of the institution's "settled" shape.

Returning once more to the difference between the broadly pragmatist and the more ontological accounts of authority, I can now give a better sense to how my complementarity thesis plays a mediating role. The first thing to say is that on my reading, neither of Hegel's accounts of authority is reducible to the other. Neither of the groups of commentators would, I think, claim a reducibility to a) social and historical processes delineated in the *PhG*, or to b) the logical structure of the Hegelian Idea instantiated in the *PR*; but I often sense one of these claims to be implicit in the two readings. One of my goals in this paper is to show how we can deny both types of reducibility. What we see in the issues of openness, conflict, and intersubjectivity, is that which account we refer to depends on the type of question being asked, and who is asking it. Take, for example, cases of conflict. If I am confronted with a choice between following a duty of humanity (say working for an international relief agency) and having a family, I am not going to consult the *PR* to figure out what speculative logic requires of me. I might, rather, ask just what incompatibilities I affirm in becoming a family man, and how they relate to the experience of other spheres of duty (including the humanitarian

sphere, underdeveloped in Hegel's own time). Of course I look to my own experience first, but the *PhG*-style account will be structurally similar to my conscious experience of the tension between various norms. If, on the other hand, I am a government administrator trying to divide a budget between family-promoting policies at home and aid to poor populations abroad, a *PR*-style account will be an appropriate resource. I might then be able to say something like, one central purpose of the family is to produce individuals who are fit for Civil Society, and Civil Society is really the place that humanitarian aid should come from, so my resources are better allocated here at home. Or you might reach a different conclusion, but the logic of the *PR* will be a genuine tool for sorting out the conflict. As I have tried to show, these two kinds of account-giving are not completely independent, though their relationship is importantly *indirect*. The passion of experience must have faded for the logical justification to take its settled shape.

## **Conclusion**

The question of the source of practical authority requires a very complex answer even though legitimate practical judgments can be made "immediately." For a philosophy that aims at systematicity, the authority of the immediately judging individual presents special problems. In the years in Jena in which Hegel continuously promised the imminent completion of his System, he wrestled with the challenge of individual freedom, the practical supremacy of self-consciousness. Hegel worried that this modern principle would leave no ethical life standing, for when radicalized it too easily leads to subjectivism and irony. In the *PhG* Hegel met this challenge by telling a progressive



story about self-consciousness that demonstrates to modern individuals how the supremacy of the I is a result of conflicts among the very institutions that the subject must now remake in its own image. The remaking carried out in the *PR* is naturally time-bound, for Hegel was working with institutions proven in his day. The phenomena most alive for us are also different than those Hegel included in the late stages of his *PhG* account, so we cannot just let his account stand undisturbed. The free individual is our endpoint as well, our logical culmination. Yet we contain historical moments Hegel could not have imagined, so our narrative of legitimacy will include richer worlds, and a deeper despair. Still, our theoretical task remains double: to justify our history to the reflective individual, and to deliver the normative goods through the logic we have come to inhabit.

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