

## HEGEL, RECOGNITION AND RIGHTS: 'ANERKENNUNG' AS A GRIDLINE OF THE PHILOSOPHY OF RIGHTS<sup>1</sup>

Jürgen Lawrenz<sup>2</sup>

**ABSTRACT:** Although the *locus classicus* of the concept of recognition is the master/slave episode of the *Phenomenology*, it is readily portable into the *Philosophy of Right*. However, the fact that the term occurs only six times in the 400 pages of the *Philosophy of Right* has obscured its structural role, and accordingly scholarly effort is scant on the concept as it might pertain to this work. It is the argument of this paper that despite its 'invisibility' it governs foreground proceedings as if from behind a curtain, for it cannot be gainsaid that the conceptual foundation of the Rights *presupposes* the principle of recognition. The suspicion has been voiced that Hegel deliberately *suppressed* reminders of the presence of *Anerkennung* in his philosophy of rights in order to distance himself from the perceived limitations of the Fichtean exposition of the concept. Accordingly this paper brings up the background of Fichte and examines the *Philosophy of Right* in its strategic dispositions to uncover the recognitive structure implied in it.

**KEYWORDS:** Hegel; Rights; Recognition

The man accustomed to the ways of society is always outside himself and knows how to live only in the opinions of others. And it is, as it were, from their judgement alone that he draws the sentiment of his own existence.

— Rousseau, *Discourse on the Origins of Inequality*.

### 1. INTRODUCTION: THE HIDDEN 'AGENT PROVOCATEUR'

Although the *locus classicus* of the concept of recognition is the master/slave episode of the *Phenomenology*, it would seem readily portable into the *Philosophy of Right* (PR).

---

1. I am alluding here to the term *Grundlinien* in Hegel's title, for which 'Gridlines' would be an unusual but feasible alternative to 'Elements'. — Translations from German sources, whether Hegel, Fichte or scholarly, are generally my own. See Hegel, G. W. F., *Grundlinien der Philosophie des Rechts*, Leipzig, Felix Meiner, 1930; Hegel, G. W. F., *Elements of the Philosophy of Right*, Allen Wood (ed.), trans. H. B. Nisbet, Cambridge, Cambridge University Press, 1996 (henceforth PR); Also see Hegel, G. W. F., *The Philosophy of Right*, trans. T. M. Knox, New York, Oxford, 1980.

2. I wish to express my thanks to Paul Redding of the University of Sydney for his careful reading of this paper in draught and for valuable suggestions on its improvement.

However, the fact that the term occurs only six times in the pages of the PR seems to have obscured its structural role, and accordingly scholarly effort is scant on the concept as it might pertain to this work.<sup>3</sup> Yet an argument could be put that, despite its invisibility it governs foreground proceedings as if from behind a curtain, for it cannot be gainsaid that the conceptual foundation of the Rights *presupposes* the principle of recognition.

The plausibility of this suggestion is immediately apparent when, as early as the third paragraph of *Part I, Abstract Right*, we encounter the following passage:

Das Rechtsgebot ist daher: sei eine Person und respektiere die anderen als Personen (PR § 36).<sup>4</sup>

It is neither difficult nor illegitimate to the context to see in ‘*respektiere*’ here a synonym for ‘*anerkenne*’. And this invites us to contemplate a dilemma: for on the one hand one could quite readily trace out a recognitive structure in the PR—

The role of recognition in its various forms in the constitution of knowing and acting subjects ... [is] developed most fully in the *Philosophy of Right*. There in his treatment of the social institutions of modern life, the family, civil society and the state, Hegel sketches the sorts of epistemic and ethical competences that are found within these realms.<sup>5</sup>

On the other hand the suspicion has been voiced that Hegel deliberately *suppressed* reminders of the presence of *Anerkennung* in his philosophy of rights:

Hegel persists with making claims on the figure of *Anerkennung* which was fundamental to the practical philosophy of the JPG [*Jena Philosophy of Spirit*], while systematically pushing it into the background in the PR. In later portions of the PR we will encounter further intersubjective structures that give evidence of being incompletely derived in this manner.<sup>6</sup>

A plausible explanation for this state of affairs is offered by the fact that Hegel had long before writing the PR distanced himself from the liabilities of Fichte’s system, which in many respects was his intellectual paternity; and *Anerkennung* was of course a celebrated Fichtean coinage in the context of his work on Natural Right.<sup>7</sup> However, in Hegel’s PR the principle had gained a great deal of *philosophical* substance; and in particular he took great care to ameliorate the deficiencies of argument in Fichte’s presentation (see *infra*). For reasons best known to himself, however, Hegel chose the way of declining all association and thus covered up the tracks leading back to his erstwhile mentor.

---

3. The presence of *Anerkennung* as an underlying principle of the PR has been completely neglected in the enormous bulk of Hegel scholarship until very recently—and even at the moment of this writing only Robert Williams, *Hegel’s Ethics of Recognition*, Berkeley, University of California Press, 1997 and Paul Redding, *Hegel’s Hermeneutics*, Ithaca, Cornell University Press, 1996 have produced studies with a major segment on recognition in the PR at their focus.

4. ‘The commandment of right is therefore: be a person and respect others as persons’.

5. Redding, *Hegel’s Hermeneutics*, p. 17.

6. Herbert Schnädelbach, *Hegels praktische Philosophie*, Frankfurt/M., Suhrkamp 2000, p. 205.

7. J. G. Fichte, *Grundlage des Naturrechts*, in *Sämtliche Werke, Dritter Band*. Berlin, Veit und Comp., 1945.

## 2. STARTING FROM FICHTE

Yet the idea of *Anerkennung* is intrinsic to the concept of ‘rights’. The latter find their logical situation in the philosophy of agency in which they are embedded, e.g. ‘[the PR] is an *agent-oriented* or *self-actualization* theory, based on a conception of the human self to be exemplified or instantiated.’<sup>8</sup> Moreover it makes little difference to this fundamental fact of human relations whether one’s orientation is legal or philosophical. A ‘right’ remains an empty concept unless it is allied with the *recognition of a person as the bearer of that right*. ‘The validity and legitimacy of right are fundamentally a matter of the “We”, that is, of objective spirit.’<sup>9</sup> In other words, it is of some importance to be mindful of the master/slave juxtaposition and distinguish the narrow conception of ‘rights’ that are its outcome there from broad base on which Hegel pursues it in the PR. Seen from the opposite angle, one may deny *Anerkennung* to any one as a person or as a legal entity, but in Hegel’s context this is tantamount to a diminution of the human spirit. Thus in his introductory remark to the PR,

Der Boden des Rechts ist überhaupt das Geistige ... (PR § 4)<sup>10</sup>

the primary mode of recognition is identified. For although *Anerkennung* represents, in common with many human traits, simply a high development of analogous animal instincts, the crucial enhancement is not a mere amplification, but its *Vergeistigung*.<sup>11</sup>

For Fichte, as predecessor and trendsetter to Hegel in its conceptualization, it served the twofold function of establishing the domain of the will and the determination of the ‘I’ through its *Anstoß* (collision) with external objects, including other wills. The world which is the content of minds is formed by these interactions; but whereas objects merely resist, and in their resistance impose *shape* on the subjective world, other minds do this through complex intersubjective influences which demand on both sides the acknowledgement (*Anerkennung*) of innumerable social, intellectual, spiritual, emotional and material features in which humans in society are enveloped. Accordingly any proposed code of rights must begin with the acknowledgement

that a rational creature cannot posit itself as such in full consciousness of itself, except by positing itself as an *individual*, as one among many rational creatures whose existence it accepts as much as it accepts its own.<sup>12</sup>

However, two aspects reverberate in the background to this statement. Individual freedom is, by natural and social circumstances, *constrained*; yet also, in this very constraint *enhanced* and *enriched*, for this is the nature and outcome of interrelations with other

8. Allen Wood, ‘Hegel’s Ethics’, in Frederick Beiser (ed.), *The Cambridge Companion to Hegel*, Cambridge University Press, 1993, p. 217.

9. Williams, *Hegel’s Ethics of Recognition*, p. 111.

10. ‘The basis of right is altogether in the spirit.’

11. A bird entrenched in a corner of its territory issuing warning calls to others of its species not to infringe, a dog urinating on objects to leave its mark on them: these are as it were the instinctual benchmarks from which human recognition climbs up into the cognitive realm.

12. Fichte, *Grundlage des Naturrechts*, p. x. Quotations cited in accordance with the pagination of the original 1796 edition.

minds—

[though] only under the present presupposition that, if only one individual exists apart from myself, and only this one affects me, the initial condition—so to speak the root of my individuality—is not determined by my freedom, but by my connection with another rational being.<sup>13</sup>

As Fichte remarks, this has repercussions for his whole theory of rights. What he calls the ‘external sphere’ of an individual—the penumbra of privacy which envelops the person in his public appearances—comprises the ‘space’ of decisions and choices; and now to remove this from the arbitrariness of individual relations, a public codification of rights suggests itself. Plainly the same applies to Hegel; and thus the following passus, although from Fichte’s pen, is not foreign to the latter:

Limit your freedom by recourse to the concept of the freedom of all other persons with whom you come into contact.... I cannot but think of myself as a man among men in a society with whom nature has joined me; but I can scarcely do this without acknowledging the constraints of my freedom by their freedom.<sup>14</sup>

Another rational agent, or non-I in Fichte’s terminology, therefore represents both challenge and invitation (*Aufforderung*) to the subject to manifest its causality.<sup>15</sup> The goal is engagement in mutual self-projection and self-determination on the basis of mutually recognized freedom. Now the subject may resist or evade the challenge, but will ultimately have to declare his hand, for it emanates from and is addressed to a being capable of recognition who must respond, one way or another, because both parties are *rational* beings:<sup>16</sup> Accordingly,

The relation between free agents in vis-a-vis is [...] the relation of a mutuality of interaction based on intelligence and freedom. Neither can recognize the other, if they do not reciprocally recognize each other; and neither can treat the other as a free agent if both do not do the same.<sup>17</sup>

We find an echo of this in Hegel’s ‘Bei-sich-selbst-sein in einem Andern’ (being with oneself in Another, PR § 23), which in Wood’s words ‘does not limit but expresses my self ... it is not a hindrance on me, but is in fact the very actualization of my freedom.’<sup>18</sup>

Philosophically, however, this is not as clear cut as these remarks make it appear. Echoes from Hobbes’ ‘brutish nature’ disturb Fichte’s endeavours; for although in accordance with his declared intention he derives natural rights from the *Wissenschaftslehre*, his account of recognition amounts in the end to nothing more than a rational commendation. In particular, ‘trust and faith’ (*Treu und Glauben*) are not enforceable; hence

13. J. G. Fichte, *The Science of Ethics as Based on the Science of Knowledge (Sittenlehre)*, trans. A. E. Kroeger, London, Kegan Paul, 1897, §18.

14. Fichte, *Grundlage des Naturrechts*, p. xii.

15. Fichte, *Grundlage des Naturrechts*, p. 24.

16. Fichte, *Grundlage des Naturrechts*, p. 28.

17. Fichte, *Grundlage des Naturrechts*, p. 37. — NB: It should be observed that in this same paragraph, Fichte twice uses the term *Erkenntnis* as a cognitive act prior to *Anerkennung*.

18. Wood, ‘Hegel’s Ethics’, p. 219.

Fichte needs to resort to a ‘law of compulsion’ (*Zwangsgesetz*) together with ID cards and related shenanigans.<sup>19</sup> This makes it apparent that his arguments suffer from an inner contradiction: if trust is a dubious quantity, where has mutual recognition gone? As Williams writes,

Fichte’s account of mutual recognition subverts itself because individuals remain external to each other in spite of their relationship. Thus community is either impossible or not genuine ... the coercion argument undermines the ethical life that the recognition argument is supposed to generate.<sup>20</sup>

This is where Hegel fills the gaps in the picture. His account brings with it the insight that full intersubjective recognition *changes the nature of self-knowledge of the subjects* engaged in this interaction and thereby rewrites the basic tenets of recognition itself. Thus Hegel’s account is not only philosophically richer but a *full appropriation* of recognition. This is exemplified in the phrase which, though it pertains to exchanges of property or competencies, permits extrapolation upon the whole of the PR, viz., the moment of recognition is already contained in and presupposed by it.

### 3. ANTI-ANERKENNUNG

Since it appears first in the PR, it is convenient to deal at once with the contrary of *Anerkennung*, namely its refusal. In the PR this leaps out at the very beginning, where Hegel dilates on the difficulties in Roman law of defining a human being: it was not possible to succeed with such a definition since slaves could not be included in it (PR, Introduction § 2).<sup>21</sup>

There is an apparent contradiction to § 21 in this on which Ferrarin writes, ‘Slaves are not slaves because their humanity is not acknowledged, but because they do not think and know themselves as human.’<sup>22</sup> One may easily refuse one’s consent to this interpretation, since it is not qualified by a political or legal edge, but takes Hegel’s phrases at *prima facie* value. Surely any slaves in Athens or Rome, the United States or Tsarist Russia, knew full well of their humanness! The discrepancy can be resolved, however, by taking note of the fact that Hegel speaks of ‘the slave’ in the singular, as a *universal*. In any case, he finally confirms that slaves do possess an ‘absolute right’ to their freedom, even though the culture in which they live may not be conducive to its (legal) implementation (PR § 66A). The heart of this matter can therefore to be found in the context of domination, which Hegel defines as *extrinsic*, i.e. without impairing the ontological freedom of the person:

As a living thing a human being can certainly be subjugated, i.e. be brought under the power of another in his physical or otherwise extrinsic attributes; but the free will cannot *per se* be coerced (PR § 91).

19. Fichte, *Grundlage des Naturrechts*, p. 165.

20. Williams, *Hegel’s Ethics of Recognition*, p. 289.

21. One of the few positive things with which Hegel credits Christianity is its disavowal of slavery, which was based on the preciousness of each individual soul to God.

22. Alfredo Ferrarin, *Hegel and Aristotle*, Cambridge University Press, 2001, p. 327.

Accordingly, it is *slavehood* which contradicts the principle: not necessarily the person who feels comfortable with it as a way of life.

Hegel saw a related danger coming to the surface in his own age, with the effusiveness of romantic *Schwärmerei* and irony taking hold of *belles lettres* (already leaning into a nihilism that was still to come). His words, i.e. that ‘this manner of unmediated consciousness and feeling promotes subjective, chancy and arbitrary knowledge to a principle’, were surely meant as a *warning* that thoughtless nature worship leads to the ruin of rights and recognition.<sup>23</sup>

Turning from slavery to criminality, non-recognition is a *violation* of humanness. As Wood aptly notes, in Hegel’s theory the commission of a crime entails the criminal’s consent to punishment: ‘When I commit a crime, my act revokes my own claim on the right that I violate, [for] by invading another’s sphere of freedom, I declare by my action that I no longer recognize that right as inviolable.’<sup>24</sup>

With this the criminal puts himself ‘*in partibus infidelium*’. A criminal act, like self-willed slavery, is self-subverting: ‘The committing of an infringement of right as right may have a positive extrinsic existence, but it is null in itself’; and being null, it cancels out the infringement (PR §§ 97-8); but after the rights of the situation are redressed, the punishment remains as the redressing of the *legal* issue. For Hegel, a criminal act is not primarily damage to or alienation of extrinsics, but an offence against the fundamentals of ethics, tantamount to assault on the person who embodies them. And punishment is unavoidable to prevent the act from inadvertently acquiring *Anerkanntsein*, or social acceptability.

It follows from these criteria that disposing of one’s external possessions is unproblematic (PR § 65-7);<sup>25</sup> my body and/or freedom, however, are another matter. ‘There is no statute of limitations on those rights which concern the essential nature of my self-consciousness, as well as my intrinsic personality and in general my freedom of will, ethical condition, religion’, writes Hegel (PR § 66). Thus, although voluntary acts of disposal (*Entäußerung*) like bondship and legal incompetence, but also superstition and powers of attorney, are relatively common, yet no other party can ever have a positive *claim* on them.

To end, an ironical aside from Hegel’s disquisitions on love and marriage. *Anerkennung* is the self-evident basis for this institution (cf. *infra*); its opposite is hidden between the lines of this passage:

Modern dramas and other artistic productions, however, where sexual love is the

---

23. It is surely significant that Hegel uses almost identical language in both paragraphs, viz. ‘ein gesteigertes Gefühl, die eigene Brust und die Begeisterung zur Quelle des Rechts [zu machen]’ (PR § 2) and ‘[die] das Denken ausschließen wollen und an das Gefühl, Herz und Brust, an die Begeisterung verweisen’ (PR § 21). Is this type of behaviour, which ‘rob[s] mankind of all truth, value and dignity’ not the consummate exhibition of self-willed slavery of spirit?

24. Wood, ‘Hegel’s Ethics’, p. 114.

25. Externals may include my labour, skills and even those mental qualities which I see fit to put at another’s service—but always and ever for a limited period of time and never to the point of completely surrendering what is *constitutive* of my spiritual integrity (§ 67).

main attraction, put us in touch with a pervasive frigidity factor which is infused into the heat of the passions being portrayed by the utter fortuitousness associated with all this; and the whole interest is thought to rest only on *these*—which may well be of infinite importance to *them*, but hardly in itself (PR § 162).<sup>26</sup>

The point of bringing this up is that *Anerkennung* can play no role here: it is pure indulgence, a *false relation* between consciousnesses, a conflagration rather than a meeting of minds.

#### 4. LOVE AND MARRIAGE

Recognition forms the bedrock of the estate of ‘marriage’. Its substantiality is the unity imparted by love; the individual is subsumed as a member; and the overt unity of *natural* sexes transforms itself into a union of the spirit (PR §§ 158 & 161).<sup>27</sup> Concomitantly the legal form this takes is characterized by treating the union as a kind of corporate entity: the individual is a legal person only where he/she must be detached (*abgesondert*) from the family unit.<sup>28</sup>

Given the temper of his times—as a contemporary of the romantic generation in the wake of Herder—it is not perhaps surprising that love was important to him in a way it could never be to, say, Descartes or Kant. ‘[It] is both a speculative ontological principle and an account of intersubjectivity’, Williams writes, adding that its effect is the diminution of distance, separation and alienation between self and other by way of ‘depriving the other of its foreign or alien character’.<sup>29</sup> Recognition in both the biblical and Hegelian sense; even though the somewhat patronizing biblical ‘companionship’ is here replaced by the ‘I’ becoming a ‘We’.

However, Hegel’s position retains traces of patriarchalism in that he allows only ‘the reality of the species’ as constitutive of the ethical relationship of marriage. Today *de facto* marriage is legally acceptable; not for Hegel, whose ethical baseline of the ‘objective determination and therefore ethical duty’ entails a commitment of the partners to enter into a socially and legally *formalized* state of marriage (PR §§ 160-2). Natural drives are sated by being removed from the condition of chance encounters; but as the *Remark* to this point adds (PR §§ 160-2), the principle which justifies marriage is the dissolution of singleness and its replacement by the ‘family as a person’ whose members are now its

26. Nisbet and Knox in their translations give us ‘these *particular individuals*’; but there are no individuals in Hegel’s text. It appears they were looking for a subject of the statement and missed *Leidenschaft* and *Zufälligkeit* as the two symptoms of modernity (i.e. the *these* and *them*) which incur Hegel’s displeasure.

27. I stress ‘natural’, for Hegel’s exclusive concern is with man/woman relationships. As §163 makes clear, he would hardly condone the relationship between a pubescent male and his mature mentor extolled in Plato (*Symposium*); for Hegel this and the monkish habits familiar to Christian culture are aberrations from the ‘natural vivacity’ of love.

28. Where that person does not act as a representative of the family, but *selbsterherrlich*. This does not impair the competence of the male to enact administrative decisions and also covers situations of dissolution (divorce, majority of children) (PR § 159).

29. Williams, *Hegel’s Ethics*, p. 208.

*accidentiae*.<sup>30</sup>

It is interesting, now, that Hegel is disinclined to consent to the mere external *signs* of such a union, whether sanctified by church or civil authorities, as truly constitutive. For example, chastity is valueless if *imposed*, for it does not then arise from a conscious acknowledgement of its ethical inevitability and *Anerkennung* has little chance for being realized in the relationship. But to be One is to occupy the *geistige Boden*; (PR § 166) and therefore the recognition which is basic to the partnership finds its natural complement in the *Anerkennung* (acknowledgement) by society that this union is sanctified by its laws and customs and therefore inviolate in principle.<sup>31</sup> How this covers the property and means of subsistence of the union is adumbrated in §§ 169-72.

The upbringing of children brings an intriguing aspect of recognition to the fore. It is after all the desire of parents to give their children a good start in life; and this entails passing on the recognitive structure which governs relationships within society. It involves parents seeking recognition first *for themselves as parents*, then *for their children* by appropriate upbringing, and simultaneously by positioning themselves where social benefits are the declared ‘investment outcome’. Thereby the children, when they leave the nest, will find themselves embraced by the recognitive environment on the strength of efforts not their own, and which they will seek to replicate (or improve) when their turn at parenting comes.

As an appendix to the foregoing, it is to be noted that Hegel explicitly invokes *Anerkennung* in respect of the children when they attain majority (PR § 177). Indeed, their right to this acknowledgement is laid into their cradle, since in conformity with Hegel’s overall philosophy, ‘Children are free per se ... they belong neither to their parents nor to anyone else as property (objects, items, *Sachen*)’ (PR § 175).

Equally interesting are the recognitive criteria applicable to inheritance. Hegel stems

30. Feminists are unlikely to concur with Hegel’s provisions of §166 and put them down to the prejudice of patriarchalism. And indeed the needs of which Hegel speaks are plainly male oriented on biological and anthropological criteria, which have in recent times been levelled out by technological advances, relieving women of many constraints of their biological natures. But technology cannot change their genetic profile; and in this respect some feminist commentators are inclined to concede to Hegel an important point, namely (as Wood notes in ‘Hegel’s Ethics’, p. 245) that ‘woman orders things according to her feelings and thus govern [the family] in a genuine sense, deriving what should happen from her individuality’; and as Williams point out, ‘contemporary views concerning women’s distinctive moral capacities [are shared by] Carol Gilligan and Sarah Ruddick’ Williams, *Hegel’s Ethics of Recognition*, p. 222 with references). The upshot is that Hegel’s insistence on the *complementarity* of men’s and women’s capacities may have philosophical virtues that are lost on certain mores of contemporary society.

31. Pursuant to § 167, such *Anerkennung* can only be validly enacted in a monogamy. Polygamy and the ‘free’ love relationships nowadays endorsed cannot realize the appropriate ethical criteria. As Williams, *Hegel’s Ethics of Recognition*, p. 223 points out, ‘Polygamy remains on the pre-ethical level; it does not break with nature or natural determinations, but is an extension of natural inequality’. — A more difficult issue, touched upon in § 168, of love relations between partners in close consanguinity, is as not convincingly resolved and one fails to see the point where they leave the *Boden des Geistigen*. This issue cannot be further pursued here beyond quoting Jurist, who writes that ‘Hegel’s claim that the brother-sister relation is removed from natural desire ... sounds dubious to post-Freudian ears’. Elliot Jurist, *Beyond Hegel and Nietzsche: Philosophy, Culture and Agency*, Cambridge, MIT Press, 2000, p. 171.

himself against alienation of family property due to death: while the family (or extended family) persists, no property may be described as *herrenlos*. Moreover, testamentary dispositions based on *Willkür* incur his censure, for in such cases *Anerkennung* of external services only succeeds in damaging the ethical basis of the family and encourage baseness (*Niedertracht*) by parties with self-serving interests: it is therefore a false, irresponsible recognition.<sup>32</sup>

In sum, what is depicted in the love-and-family scenario of these sections is the three-fold aspect of recognition in the PR which reflects the division proposed by Honneth into *Primärbeziehungen* (love), *Rechtsverhältnisse* (rights) and *Wertgemeinschaft* (solidarity).<sup>33</sup> Honneth's remarks may be digested here for the light they throw on *Anerkennung* in each facet of its tripartite structure. He sees *trust* (*Vertrauen*) as central to love, whether between the sexes or grown-ups and children. Legal recognition, on the other hand, obviously excludes affectivity, for it represents the 'purely cognitive capacity of understanding';<sup>34</sup> while finally solidarity, which exceeds mere 'passive tolerance' of the others ideally rises to *Selbstschätzung*, or the integrity of communal self-regard.<sup>35</sup> We may take these few comments as providing a bridge to the consideration of other features of *Anerkennung* in Hegel's philosophy of right.

## 5. PERSONAL INTEREST AND ITS REFLECTION IN OTHERS

The preceding discussion suggests a logical structure being built, a kind of scaffolding with three major arms on which the filial, civic and judicative 'realizations' of the objective will find their place as well as their cross linkages. If now we recall the *Boden des Geistigen* as the fundamental tenet, then Hegel's remarks in the 'Transition from Property to Contract' reveal themselves as their complement:

*Dasein* as determinate being is essentially being with purpose.<sup>36</sup> Property, to the extent that *Dasein* is extrinsic to it, is for other externals and to the degree of their mutual connectedness, necessity and contingency. But as *Dasein* of the *will*, [property] exists as an intentional object only *for the will* of another person. This relation of will to will is the peculiar and bona fide ground on which freedom has its existence (PR § 71).<sup>37</sup>

Interestingly Hegel has no compunction in allowing self-interest being mediated by its

32. Hegel effectively says that no part of the family *Vermögen* may be alienated (given away) by a member of the family by a testamentary disposition. cf. PR § 178-9.

33. Axel Honneth, *Kampf um Anerkennung*, Frankfurt/M, Suhrkamp Verlag, 1992, p. 154ff.

34. Honneth, *Kampf um Anerkennung*, p. 178.

35. Honneth, *Kampf um Anerkennung*, p. 210.

36. Nisbet translates 'being for another'. This is unfortunate, for the reader must wonder how it dovetails with the immediately ensuing *Eigentum*, and how it fits into the context of Hegel's cross-reference to § 48. The cause, one suspects, was mistaking *anderes* for *andere*; but the former does not normally refer to persons but to things, events, circumstances or, in this passage, to *purposes*.

37. Hegel's diction here is pretty gnarled and has confused readers. The pronoun '*dieser*' seems like a lost waif looking for its parents. Who are they? Solution: *Eigentum* and *Äußerlichkeiten*. Thus the skeleton of the sentence is 'property is for externals their necessity and contingency'.

absorption into the universal recognition on which the state must be reared. He calls it 'convenience', explaining,

Owing to the fact that I must oblige others, the form of universality enters the picture. I acquire from others the means by which to satisfy my wants and must accordingly take note their views. But at the same time I am obliged to provide the means for satisfaction of their wants. So, one hand washing the other, all are linked together; and to this extent particulars acquire a social character (PR § 192 A).

Civil life relies on this mutuality of conveniences for its *normativity*. Recognition is here little more than an acknowledgement that mutuality is its cardinal feature, though Hegel identifies a flaw in this limited view. For normativity presumes on the automatic conferral of opportunity on everyone to enter the goods-and-services percolator. The fact is, that some individuals play this game better than others and so it could happen (as in fact it does) that the needs of some members are not satisfied. For Hegel this is an unacceptable state of affairs, which he blames to some extent on the social contract model. What is wrong with the latter is the choice of a deficient ethical standard:

Ethical life is not abstract like the good life, but actual in the most intensive sense. ... Accordingly only two points of view can possibly pertain to the ethical life, namely that we assume its substantiality and proceed from there, or else deal with it atomistically, building up from a base of particulars. The latter point of view is vapid, because it amounts to mere aggregation; but the spirit is not a particular ... (PR § 156 A).

The 'atom' which finds his disfavour is the Cartesian *cogito*, whose self-sufficiency stands in the way of the desired transition to recognition; therefore, in Williams' words, 'they only reach the concept of the state as a social contract between autonomous individuals who remain independent'.<sup>38</sup> The spirit is not essential to such a transaction and consequently remains unnoticed. But it is crucial for Hegel's philosophy, as already noted, that not only should the ethical life facilitate the 'I' becoming a 'We', but that the singular will is overcome so as to fulfil itself in the process of a recognition which is at the same time a *self-recognition*. It is from this point of view that Hegel's critique of Rousseau acquires its persuasive force:<sup>39</sup>

The misunderstanding of the general will begins when freedom is understood as the contingent arbitrary will of each individual. On the contrary, freedom must be taken in the sense of the rational will, the will in and for itself. The general will is not to be regarded as a collection of expressed individual wills, in which the latter remain absolute.

As Williams very pertinently notes, the individual will remains as it was before amalgamation. *Geist* remains an unwanted stranger to this scenario; the particular will has no avenue towards transformation, whereas the 'general will' as vested in either an author-

38. Williams, *Hegel's Ethics of Recognition*, p. 265.

39. I quote here from *History of Philosophy* in the rendering given by Williams, *Hegel's Ethics of Recognition*, p. 277.

ity or a champion, supposedly a universal, remains simply a transmogrified particular.

Contractual relations, according to Hegel, suffer greatly from a misunderstanding of what transpires in their execution, namely that they are grounded in the notion of an absolute equivalence between property and contract:

Contracts presuppose from the contracting parties the *recognition* of each other as persons and proprietors. Since it is a relationship of the objective spirit, the motive of recognition is already contained in it and presupposed (PR § 71).

The explicit naming of *Anerkennung* together with Hegel's stress on the 'will' in § 71 is clearly designed to show that, in contradistinction to the attitude of the Lockean tradition, property is not a *thing*, but *my will vested* in the thing, in acknowledgement of which another party must be prepared to offer an appropriate inducement for me to surrender my *interest*. This interest in belongings is frequently indicated physically by a *mark* on them—a kind of personal signature impressed on it which represents my 'spirit' in the object (e.g. a trademark or even just a coat of paint) (PR § 58). This is a practice as old as society itself and has sound reasoning behind it:

Simply grasping and holding an object is not an adequate example of freedom, because it does not achieve its aim, which includes stability of holding (§45). Mere seizure of things doesn't prohibit others from making off with one's holdings. Possession is distinguished from mere holding by others' recognition that one possesses something (PR § 51).<sup>40</sup>

So Hegel's point in writing, 'the concept of a mark is this, that the matter should not pass for *what it is*, but what it *gives to understand*' (PR § 51 A italics added), is that the mark identifies *someone*, it has a content which points beyond itself to an *intention*. Accordingly the point of leaving my mark on my property is to elicit from others the recognition of my *interest* vested therein.

Nevertheless, the economic realities which pertain to society tend in recent times to obscure persons and frequently to refer to corporations rather than owners. Even so their prevalence indicates a reluctance to let go of a convenient anthropomorphism. What is often called 'brand loyalty' would seem to Hegel an especially pernicious misuse of the idea of intentionality, for in innumerable cases such brands serve merely to disguise the complete anonymity of the 'owner'. Hence today's economic agent must learn to depersonalize 'desire', or, as Paul Redding puts it, '[to] see desire from a type of "third person" or quasi-naturalistic point of view'. This implies that 'each producer ... [confronts] the will of a generalized other, a will with no fixed characteristics but which is always subject to unpredictable fluctuation and change. We might say that here *the market* is master'.<sup>41</sup>

Of course 'the market' of this phrase indicates simply another anonymous feature of present-day society—a kind of 'Ersatz' recognition to cover up the suppression of *Geist*

40. Kenneth Westphal, 'The Basic Context and Structure of Hegel's *Philosophy of Right*', in Frederick Beiser (ed.), *The Cambridge Companion to Hegel*, Cambridge University Press, 1993, pp. 234-269, p. 248. cf. also PR §§ 71-4.

41. Redding, *Hegel's Hermeneutics*, p. 201.

in favour of ‘the economy’.

## 6. *ANERKENNUNG* INSTITUTIONALIZED

The state itself has a recognitive structure: for in the same respect as ‘rights’ cannot exist in themselves, neither can states have existence *in abstracto*. The state can be said indeed to represent the *apotheosis of recognition* in both its negative and positive connotations.

Institutions and authorities extend the domain of private and civil recognition to the whole of society. Indeed it is scarcely too much to say that their very existence in a state is predicated on the need to recognize the need for unilateral recognition. When Hegel states in § 188 that their office is ‘care for the particular interest as a *common* interest’, this reflects nothing more (nor less) than a recognition by the collective which empowers those authorities that innumerable private interests are the same across the board; and conversely it is recognition on the part of institutions of the rights of citizens to be acknowledged *in* their interests.

As Hardimon correctly depicts it, those functions embrace legal recognition as a formal mechanism for the protection of individuality; the vouchsafing of social rights of individuals even against the power of institutions; and (not to be underestimated) the right to public welfare for those who are legitimately to be considered unable to fend for themselves.<sup>42</sup> Hegel accepts from Locke the fundamental liberal *recognition criterion* of the right to ‘life, liberty and property’ and to unhampered economic activity.<sup>43</sup> Another vital element of institutionalized recognition is the freedom of citizens to form guilds, clubs, unions and commercial, religious and political associations which are then to be treated as corporate bodies and recognized as a kind of ‘second family’ (PR § 252). In an interesting passage, Hegel points out that individual membership implies the possession of a capability which on the strength of having been admitted need not thereafter be demonstrated—it is *socially recognized* on the strength of having already been *institutionally recognized* (PR § 253). And this entails that this individual is *somebody*; being in possession of a socially recognized persona he has acquired *honour in his estate* (*Standesehre*).<sup>44</sup>

An honourable social station is not in this context a question of ‘great’ or ‘small’, nor of hereditary honour, but of *Anerkennung* which will neither disparage nor seem overweening. In part this reflects the criterion of *Bildung* that is so important to Hegel’s social theory. Its principal role is to *cultivate the bases of recognition* in facilitating the individual’s

42. cf. Michael Hardimon, *Hegel’s Social Philosophy: The Project of Reconciliation*, Cambridge University Press, 1994, pp. 196-7.

43. John Locke, *The Second Treatise of Government: An Essay Concerning the True Original, Extent and End of Civil Government*, J. W. Gough (ed.), 3<sup>rd</sup> ed., Oxford, Blackwell, 1966, § 87.

44. The italics are Hegel’s. — Since constraints of space disallow the expansion of this discussion, I wish at this point merely to draw attention to the fact that *honour* is a *prima facie* instance of recognition, initially growing out of the master/slave situation but in the PR institutionalized in the manner above. The *honour* of being a person of competence in a socially useful profession means that the spread of recognition into lower strata of society draws these members into the larger net of societal recognition; it provides (as it were) a socially harmless *and* useful competitive basis for growth.

actuality by giving him entry into *determinate particularity* (PR § 197 and 207); though evidently the acquisition of this ‘actuality’ also entails specific recognition by the community that *Stände* are integral to a society’s self-definition.

This mutuality between private and common recognition is complemented by another feature. Since for Hegel all these criteria revolve around the central concept of a teleology of the *Geist* in society, it stands to reason that he will find in the commonality which characterizes corporate activity an exemplification of the same. So there is excellent point in Hardimon’s observation that

corporations have another crucial function: that of expanding the ability of members of society to identify with others ... one comes to see one’s fellow members as sharing one’s trade, outlook and way of life. And one’s sense of connection, loyalty and camaraderie is enhanced ... Indeed, in Hegel’s view, one of the reasons that corporations assign this task to their members is precisely to help them recognize that they are pursuing a common end and share a common project.<sup>45</sup>

The poor and deprived, inconveniences for society and often disparaged, have their own claims for recognition. Although Hegel frequently employs the term *Pöbel* (rabble) for them, this is less a reflection of his disapproval in principle, than a recognition of the inevitable outcome of societal neglect.<sup>46</sup> By the same token, he evinces a great deal of concern over their presence in his rational state—an issue to which Wood devotes some attention.<sup>47</sup>

Essentially the nature of the problem is an inadvertently *one-sided* claim to recognition whose outcome is, paradoxically, a matching one-sided claim at the opposite extreme, the over-affluent class. But while the latter’s claims *subvert* recognition in a concentration of wealth that endangers the maintenance of society (PR §§ 245-6), the poor constitute a reminder that a state is to be reckoned a failure so long as this class is isolated from the fulfilment of the objective spirit. Two passages from Hegel’s *Vorlesungen* are worth quoting in this context:

The rabble is the greediest after its rights, always hammering away at civil society’s obligation to maintain it... The rabble is distinct from poverty; usually it is poor, but there are also rich rabble.<sup>48</sup>

In such a society ‘the recognition of universal freedom disappears’.<sup>49</sup> Accordingly it devolves upon the civil institutions to reconstitute the damage, if necessary by *Vormundschaft* (PR §§ 239-40)—but with such considerations we enter a wasps’ nest of conflicts between rights and ideology that seems to provide no settled basis for an objective solution. Wood’s critical remarks suggest that ‘if civil society systematically produces a class whose existence violates [the principle of equal rights], then that tends to undermine the

45. Hardimon, *Hegel’s Social Philosophy*, p. 200.

46. Interestingly this word derives from the Latin *populus* and was germanized by none other than Martin Luther, not with pejorative intent! Hegel’s usage reflects rather the Greek equivalent of an *ochlocracy*. Schnädelbach, *Hegels praktische Philosophie*, p. 365.

47. Wood, ‘Hegel’s Ethics’, pp. 252-55.

48. VPR 4: 608-9, quoted by Wood, ‘Hegel’s Ethics’, p. 252.

49. VPR 19:195, quoted by Wood, ‘Hegel’s Ethics’, p. 252.

rationality of the ethical order as a whole.<sup>50</sup> But although he makes a persuasive case, it does not issue in an unequivocal conclusion that this is where Hegel's construction falls apart.

## 7. FUNCTION OF THE HEAD OF STATE

Two further instances of recognitive structure where, perhaps, one might not expect them, may end this discussion.

Hegel was much in favour of constitutional monarchy. There is good reason for this from the tenets of his political philosophy. He had to face 'the difficulty of finding a place for the recognition of each individual in his singularity'.<sup>51</sup> He found it in the role of a monarch whose function is little more than to 'sign his name' on legislation submitted to him (PR § 279A). This *name* is the crucial piece of data:

The subjective position of the king is required for the very conceptual coherence of the state qua act of collective self-positing ... grasping this in terms of the purely *affective* dimension of its functioning is to see these recognitive relations on the model of the family and to assume as normative the patriarchal state ... an act can only be *recognized* as an act of willing if it is enacted through a singular subject. The king's 'I will' is a singular act within which citizens can recognize a human intention as such. It gives singular form to the universality of the content and provides an address within which each citizen can recognize himself as that singular being who is addressed.<sup>52</sup>

Similar arguments serve for the recognition of a judge's pronouncements *ex cathedra* in conformity with the intentions of the law. The difference to the head of state who wears a crown to the judge who wears a gown might not weigh so heavily in terms of their respective responsibilities, but the accoutrement of the latter denotes that the law is embodied in a person drawn from *within* the texture of society who will return to it after their term of office expires. Therefore both plaintiff and accused bring into the courtroom the operative level on which society functions (which would not be the case were they invited to attend a royal audition). Accordingly,

in the pronouncement of *a* judge I recognize myself as a particular bearer of rights on a par with all the others, but in the utterances of *that* person, the monarch, I recognize myself in my peculiar determination as *this* person who *I* alone am.<sup>53</sup>

## CONCLUSION

Recognition is pervasive in the PR—a fact not obscured by the 'concealment' of

50. Wood, 'Hegel's Ethics', p. 255.

51. Redding, *Hegel's Hermeneutics*, p. 229.

52. Redding, *Hegel's Hermeneutics*, p. 230.

53. Redding, *Hegel's Hermeneutics*, p. 231. NB: Perhaps an indifferent point—but the term 'monarch' does not sit well with this head of state—he is not a *sole ruler*. 'King' on the other hand is unexceptional: after all, the German kings and emperors held their office for centuries as *primus inter pares*, as *elective* kings.

the term in Hegel's text. For its underlying premise in the question, 'what is the source of rights?' has only one answer, that *rights are attributes of persons* and that *persons are individualizations of Geist*. On the positive side, this conception of rights in the PR is a genuine reorientation from the iteration throughout history of variations on the slogan 'right is might'. It is not hard to agree to Hegel's proposition that the latter has impeded the development of freedom across the political history of all mankind.

Accordingly Hegel's recognitive philosophy entails a conception of rights and law which emphasizes their growth from the bottom up, from the *rights of persons*, instead of down from the top of the power echelon or where (as in the Lockean tradition) the law is enshrined in isolated splendour and indifferent to persons altogether. In Hegel's philosophy the state is the theatre where rights and recognition are compresent unilaterally.

It is arguable that its effect on the redefinition of personal and familial relations, business and trade, property, institutions and authorities is that of a *humanization* of these traditional mechanisms of power. His state may be described as an *educative project*, designed to overcome the *subjective* concept of freedom by its conversion into *objective Geist* through the dialectical resolution of the 'I' and 'You' into the 'We'. It is true that along the way, some blemishes make themselves manifest—but it may be conceded to Hegel that these are *correctable* details which do not impair the overall structure of *Anerkennung*.

The actualization of the objective *Geist* and human freedom in the state represents the essential *non-negotiable value* he puts forth. If we contrast Hegel's state with those of, say, Plato or Hobbes, we note at once a crucial difference to which the concept of recognition offers the key. A sense of *subjective* freedom is native to all human beings; it serves Hegel as the lever for putting the rational-recognitive faculty at the centre of political philosophy. Therefore freedom as a fruit of the objective spirit, which is *unattainable* in both Plato's and Hobbes' state, is under Hegel's criteria achievable. For the power to implement it, and the rational faculties required, are given. Moreover the philosophical power of the *Anerkennung* doctrine as embedded in the PR accounts with rare insight for the human condition altogether, so that one may, without exaggeration, look upon it one of the great challenges for mankind still to be worked through in practice.

Jürgen Lawrenz  
University of Sydney

#### BIBLIOGRAPHY

- Fichte, J. G., *Grundlage der gesamten Wissenschaftslehre*, Hamburg, Felix Meiner, 1979.  
 Fichte, J. G., *Grundlage des Naturrechts*, in *Sämtliche Werke, Dritter Band*, Berlin, Veit und Comp. 1945.  
 Hegel, G. W. F., *The Philosophy of Right*, trans. T. M. Knox, New York, Oxford, 1980.  
 Hegel, G. W. F., *Grundlinien der Philosophie des Rechts*, Leipzig, Felix Meiner 1930.

- Hegel, G. W. F., *Elements of the Philosophy of Right*, Allen Wood (ed.), trans. H. B. Nisbet, Cambridge, Cambridge University Press, 1996.
- Hegel, G. W. F., *Phänomenologie des Geistes*, Stuttgart, Philipp Reclam, 1987.
- Beiser, Frederick (ed.), *The Cambridge Companion to Hegel*, Cambridge University Press 1993.
- Bloch, Ernst, *Subjekt-Objekt—Erläuterungen zu Hegel*, Frankfurt/M, Suhrkamp 1977.
- Dudley, Will, *Hegel, Nietzsche and Philosophy: Thinking Freedom*, Cambridge University Press 2002.
- Emrich, H. M., 'Identität und Versprechen', *Fichte Studien*, Band 6, Editions Rodopi, 1994, pp. 179-94.
- Ferrarin, Alfredo, *Hegel and Aristotle*, Cambridge University Press, 2001.
- Findlay, J. N., *Hegel: A Re-examination*, London, Allen & Unwin, 1958.
- Franco, Paul, *Hegel's Philosophy of Freedom*, New Haven, Yale University Press 1999.
- Girndt, Helmut and Schrader, Wolfgang (eds.), 'Realität und Gewißheit', *Fichte Studien*, Band 6, Amsterdam, Editions Rodopi, 1994.
- Hackenesch, Christa, *Die Logik der Andersheit: Eine Untersuchung zu Hegels Begriff der Reflexion*, Frankfurt/M, Athenäum Verlag, 1987.
- Hardimon, Michael, *Hegel's Social Philosophy: The Project of Reconciliation*, Cambridge University Press, 1994.
- Honneth, Axel, *Kampf um Anerkennung*, Frankfurt/M, Suhrkamp Verlag, 1992.
- Jurist, Elliot, *Beyond Hegel and Nietzsche: Philosophy, Culture and Agency*, Cambridge, MIT Press, 2000.
- Locke, John, *The Second Treatise of Government: An Essay Concerning the True Original, Extent and End of Civil Government*, J. W. Gough (ed.), 3<sup>rd</sup> ed., Oxford, Blackwell, 1966.
- Manz, Hans Georg von, 'Selbstgewißheit und Fremdgewißheit', *Fichte Studien*, Band 6, Editions Rodopi, 1994, pp. 195-214.
- Pinkard, Terry, *German Philosophy 1760-1860: The Legacy of Idealism*, Cambridge University Press, 2002.
- Pippin, Robert, *Idealism as Modernism: Hegelian Variations*, Cambridge University Press, 1997.
- Redding, Paul, *Hegel's Hermeneutics*, Ithaca, Cornell University Press, 1996.
- Schnädelbach, Herbert, *Hegels praktische Philosophie*, Frankfurt/M, Suhrkamp, 2000.
- Siep, Ludwig, *Anerkennung als Prinzip der praktischen Philosophie. Untersuchungen zu Hegels Jenaer Philosophie des Geistes*, Freiburg/München, Karl Albers, 1979.
- Speight, Allen, *Hegel, Literature and the Problem of Agency*, Cambridge University Press, 2001.
- Taylor, Charles, *Hegel and Modern Society*, Cambridge University Press, 1979.
- Tucker, Robert, *The Marx-Engels Reader*, 2nd ed., New York, Norton, 1978.
- Westphal, Kenneth, 'The Basic Context and Structure of Hegel's *Philosophy of Right*', in Frederick Beiser (ed.), *The Cambridge Companion to Hegel*, Cambridge University Press, 1993, pp. 234-269.
- Williams, Robert, *Hegel's Ethics of Recognition*, Berkeley, University of California Press,

---

1997.

Williams, Robert, 'Hegel and Nietzsche: Recognition and Master Slave', in *Philosophy Today*, Celina 2001, no. 5, p. 164ff.

Wood, Allen, *Hegel's Ethical Thought*, Cambridge University Press 1990.

Wood, Allen, 'Hegel's Ethics', in Frederick Beiser (ed.), *The Cambridge Companion to Hegel*, Cambridge University Press, 1993, pp. 211-33.