

Reply to Howard, De Nys, and Speight

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Abstract: In this response I first address the criticisms of omission by discussing some of the elements of the original project that were excluded in the final version (section 1). In section 2 I respond to Howard's criticism that I assume too much transparency in conscience. In section 3 I discuss the problem of evil and the transition in the *Phenomenology of Spirit* from conscience to religion. I focus here especially on the distinction between Objective and Absolute Spirit, and on how that distinction plays out differently in the *Phenomenology* and the *Philosophy of Right*. In section 4 I take up the specifically political issues of conscience, responding to Speight's suggestion that conscience should have a transformative role and to De Nys's query about the State's relationship to dissenting moral and religious views. Finally, in section 5 I take up the issues of whether I and Hegel do justice to the range of uses of conscience and whether or not the Hegelian view is too optimistic about modernity.

In what follows I engage with the main criticisms in the papers of Jason Howard, Martin De Nys, and Allen Speight. I am grateful for their careful reading of my book and for the many important points that they raise. I cannot of course address every issue that they bring up. I will focus on what I take to be the main issues. I have divided my response into five parts. First I address the criticisms of omission by discussing some of the elements of the original project that were excluded in the final version (section 1). In section 2, I address some issues concerning Hegel's views on moral motivation. Responding mainly to Howard's criticism that I assume too much transparency in conscience, I argue that Hegel's conception of Objective Spirit largely explains why his version of conscience takes the form that it does. In section 3, I discuss the problem of evil and the transition in the *Phenomenology of Spirit* (*PhG*) from conscience to religion. I focus here especially on the distinction between Objective and Absolute Spirit, and on how that distinction plays out

differently in the *Phenomenology* and the *Philosophy of Right* (PR). In section 4, I take up the specifically political issues of conscience, responding to Speight's suggestion that conscience should have a transformative role and to De Nys's query about the State's relationship to dissenting moral and religious views. Finally, in section 5, I take up the issues of whether I and Hegel do justice to the range of uses of conscience and whether or not the Hegelian view is too optimistic about modernity.

1. Exclusions

As Speight and Howard correctly point out, there are many ways in which *Hegel's Conscience* is not a complete and comprehensive book on conscience in general, or even on conscience in Hegel's writings. The many earlier versions of the project were broader in scope, though (in a typically Hegelian way) more *abstract* in their inclusiveness. From a dissertation with the subtitle "Radical Subjectivity and Rational Institutions," the project went through many iterations before becoming the published book. In the final, most dramatic change, the project went from a version almost twice the current length (and which one anonymous reviewer called three books in one) to the much more tightly focused published version. In this section I will detail the many aspects of the totality that were left out along the way. More than being simply a list of excuses and an advertisement for other publications (though it will be both of those), it will allow me to fill in some of the backstory of the account and to defend the shape that the book finally assumed. Once we have a grip on all the elements that were *excluded* or negated in the end, we will have a sense of how the book became the determinate individual that it is.

There are of course many philosophical precursors on the topic of conscience. Aquinas, Butler, and Rousseau's Savoyard Vicar are among the most important who cast conscience in the specifically religious light in which it was first illuminated. By focusing on moral conscience as *rational* authority I treat conscience as an appeal that can be communicated across confessional divides. The possibility of such an authority was a crucial question in the rise of modern liberal political thought. Two of the most important thinkers for generating my interest in the problem of conscience are indeed Thomas Hobbes and John Locke, authors publishing their main works in the midst of England's two great seventeenth-century revolutions. I want to say a few words here about Hobbes and Locke because they form the crucial political

context for the conscience discourse, a context that I excluded but that deeply informs my thinking on the main issues.

Early in *Leviathan*, Hobbes takes on the radical protestant revolutionaries of his day by insisting that conscience is mundane rather than divine. Hobbes does his own genealogy to try to bring conscience back to earth.

When two or more men know of one and the same fact, they are said to be CONSCIOUS of it one to another, which is as much as to know it together. And because such are fittest witnesses of the facts of one another, or of a third, it was and ever will be reputed a very evil act for any man to speak against his conscience, or to corrupt or force another so to do, insomuch that the plea of conscience has been always hearkened unto very diligently in all times. Afterwards, men made use of the same word metaphorically, for the knowledge of their own secret facts and secret thoughts; and therefore it is rhetorically said that the conscience is a thousand witnesses. And last of all, men vehemently in love with their own new opinions (though never so absurd), and obstinately bent to maintain them, gave those their opinions also that revered name of conscience, as if they would have it seem unlawful to change or speak against them; and so pretend to know they are true, when they know, at most, but that they think so.¹

Hobbes insists that conscience either is just knowledge you have together with another person, or it serves as a mask to claim a status for one's own opinions that those opinions do not deserve. In matters of public law only the sovereign can say what is right, and individual conscience cannot claim an authority to compete with the sovereign. Arguing later against the idea that it is sinful to disobey conscience when it conflicts with the law, Hobbes writes, "though he that is subject to no civil law sinneth in all he does against his conscience, because he has no other rule to follow but his own reason, yet it is not so with him that lives in a commonwealth, because the law is the public conscience, by which he hath already undertaken to be guided."² The law trumps religious doctrine in cases of conflict, so one in effect gives up conscience as a source of appeal when it conflicts with the law.

Locke follows Hobbes in this restriction on conscience to some extent, especially early in his career,³ though in his most famous writings he tempers this view by limiting the domain that the government can regulate. He aims to protect religious and moral conscience by restricting government affairs to a narrow range of civic interests. But the most fateful part of the story of Locke on conscience concerns his famous "appeal to heaven" from the *Second Treatise*. On Locke's story this open-ended appeal is necessary because there is no definitive judgment, no place from which to judge, that cannot be contested by one of the parties. If one as a revolutionary believes

in the justness of one's cause, namely that the government has broken its trust, one appeals to heaven as a way to sanctify one's belief. Locke writes, "Force between either Persons, who have no known Superiour on Earth, or which permits no Appeal to a Judge on Earth, being properly a state of War, wherein the Appeal lies only to Heaven. And in that State the *injured Party must judge* for himself, when he will think it fit to make use of that Appeal, and put himself upon it."⁴ Each must judge for herself, in conscience, with the guarantor for that conscience being only God himself. Only the ideal other of the lord within judgment can ground an appeal in such cases. Locke thus goes for a more open-ended view on ultimate judgment than Hobbes. Though Hegel is more often associated with Hobbes, I will suggest towards the end that there is a way to read him as more of a Lockean on the question of ultimate political judgments.

The philosophers who most influenced Hegel's views, Kant and Fichte, both endorsed a division between the realm of right and the realm of morality, and were mainly concerned with the moral rather than the political significance of conscience. *Hegel's Conscience* follows their lead on this in so far as I do not dwell on the extremely important issue of the conflict of conscience and law (which I discuss further below). In earlier versions of *Hegel's Conscience* I detailed the accounts of conscience in Kant and Fichte, emphasizing that conscience is the practical version of the unity of apperception. As such a unity, conscience has methodological significance and is the locus of some of Kant's and Fichte's key innovations in practical reason and moral psychology. In the paper I eventually published on conscience in Kant,⁵ my main concern is with the two curious treatments of conscience in the *Metaphysics of Morals*. I focus in particular on the claim that an erring conscience is an "absurdity," which highlights how conscience is Kant's version of *practical apperception*, or moral self-consciousness. Just as in the theoretical philosophy the unity of self-consciousness makes objects possible, in the practical case there is an argument (that Kant never fully spells out) that conscience constitutes moral actions. I argue that this puts some pressure on Kant's claim that moral duties are determined through the form of lawfulness, since as a unity that can be separated from the law (in one of Kant's descriptions), conscience as practical apperception opens up the possibility of a constitution of duty through the pure act of self-imputation alone.

Fichte actually makes the full shift from lawfulness to judgment in his account of conscience. Though he often professed to be an authentic Kantian,

in the following passage he departs from the letter of Kant's theory in claiming that judgment has a certain priority over the universality of legislation:

It is by no means a principle [*Prinzip*], but only a consequence of or an inference from a true principle, that is, a consequence of the command concerning the absolute self-sufficiency of reason. The relationship in question is not that something ought to be a maxim of my will because it is a principle of a universal legislation, but rather the converse—because something is supposed to be a maxim of my will it can therefore also be a principle of a universal legislation. The act of judging comes purely and simply from me [*geht schlechthin von mir aus*]. This point is also clear from Kant's proposition, for who is it that judges in turn whether something could be a principle of a universal legislation? This is surely I myself.⁶

Fichte's account is focused on first-person harmony in judgment, with the affirmation of conscience being the most direct consciousness of the "absolute self-sufficiency of reason." While Fichte does leave room to theorize moral wrong and evil, he too (like Kant) holds conscience itself to be infallible. The most charitable reading of this claim is that he means that conscience is constitutive of moral agency and action, so that to be in error or to do evil is simply to diverge from or shut out conscience. For Fichte conscience is a success term that indicates that our highest capacities are operating as they ought to be. This idea of conscience as specific harmony or success is a source of both consternation and inspiration to Hegel. It bothers him in so far as it led to romantic irony and other forms of extreme subjectivism, but it inspired him in so far as it showed how conscience could be a subjective ideal placing demands on objective social norms. My reading of Hegel takes this Fichtean legacy very seriously, for I think that Hegel was much more influenced by Fichte than Hegel admits, and Hegel does go along with Fichte in the critical move of giving judgment precedence over the law.

My two chapters on conscience in Hegel's various developmental phases did not make it into *Hegel's Conscience*, though one survived almost intact to appear recently in the *Owl*.⁷ I show that conscience is a focal point for Hegel's reactions to Kantian moral philosophy in his writings in the 1790s. On the crucial issues of moral motivation, determinacy and conflict, Hegel formulates his nascent critique of Kant in the language of conscience. He also begins to make the moves towards the purely formal Fichtean conscience and towards an intersubjective view of conscience's authority. This emphasis on conscience has gone relatively unnoticed because Hegel set the language of Kantian autonomy and individual conscience aside as he worked out his own logic in the Frankfurt and early Jena years. In my view there is a turn

back towards Fichte in the 1803–04 fragments. In those fragments we can see the roots of Hegel’s reintegration of conscience into his mature view. The issues that he treated in the 1802 *Natural Law* essay in the language of “intuition” and “indifference” are translated into the language of negativity, certainty, and self-consciousness in the *Phenomenology*.

I wish I could say that my account of Hegel’s mature views included all aspects of his thought that are directly relevant to conscience. But that proved impossible to do in a short book oriented by an engagement with contemporary metaethics. I have elsewhere given a more detailed account of the logical underpinnings of Hegel’s move from conscience to Ethical Life in the *Philosophy of Right*.⁸ Among the other important issues that I barely touch on in *Hegel’s Conscience* are the place of psychology and feeling/emotion in Objective Spirit, Hegel’s conception of the specifically religious conscience, and the role of conscience in Hegel’s conception of philosophy itself. The latter would have involved (indeed, in an earlier version, did involve) a close reading of “Absolute Knowing” in the *Phenomenology*, in which conscience plays a hugely important role. The relation of conscience to religion and philosophy would have taken me deep into Hegel’s theory of Absolute Spirit, whereas the psychological issues would have required a deeper engagement with the theory of Subjective Spirit. As I emphasize below, my account is mainly focused on Objective Spirit, and though I do not think one can in the end avoid bringing in the other dimensions, there is much to be gained in clarity and precision in drawing a smaller frame around conscience. Many of the substantive objections of my critics concern that smaller frame, which did in fact lead me to elevate the practices of justification in Objective Spirit over the many other elements of Spirit that bear on conscience.

2. *Motivational Opacity, Values and Reasons*

Howard has charged me with excessive cognitivism because of my emphasis on reasoning over the moral emotions. I am not entirely clear whether Howard is saying that my account is not really faithful to Hegel’s texts, or that I am not faithful to conscience itself, and therefore do not offer a “critical reading” that would show how Hegel gives a limited view of the phenomena. It seems that Howard wants to say both, but he does not always keep the two aims clearly distinguished. He thus sometimes attributes to Hegel, against my reading, positions that are quite foreign to Hegel’s thought. I freely admit that there is a possible critical reading of Hegel’s philosophy from a different concep-

tion of conscience. Hegel's rationalism and institutionalism open him up to such an attack, one that was leveled against him already by Fries (as Speight points out). When Howard says that my account "privileges logical conciseness over a more expansive phenomenological fidelity to the experience of conscience" (p. 119), I take that to be a criticism of Hegel himself, not just of my interpretation of him. There are important issues at stake surrounding the question of what Howard calls "existential pathos" (p. 108), though I will stress in these remarks that Hegel himself is less troubled by them than today's existentialist would be.

Let me start with a reminder of how I arrive at the *Reasons Identity Condition*. The jumping off point for this is the Kantian idea that for an action to have moral worth the reasons that we perform the action and the reasons that make an action right must be the same. On the textbook reading of Kant, moral action must be performed for the sake of the moral law, which is the same reason that makes the action right. An action that is merely in conformity with duty does not have moral worth. For Hegel the mere form of the moral law is not enough to provide moral content, and he thus levels his famous emptiness charge against Kant. Yet Hegel has a similar connection of reason and freedom, and he endorses the element of universality in Kant's ethics. My claim is that Hegel endorses some version of the *Reasons Identity Condition* (which has, I take it, some strong intuitions behind it), yet he aims for a different kind of identity, one that can both retain the link to *rationality* and accommodate *determinate content*.

In Hegel's terms, the key question is how to get the agent's particularity into the picture. How do the subjective conditions of action, the motivational structure of instincts, interests, and drives, mesh with such an identity condition? Part of Howard's worry is that the very form of the *Reasons Identity Condition* distorts the lived experience of conscience. The worry is that Hegel (or my Hegel) does not diverge enough from the Kantian picture to overcome the objections to ethical formalism.

I set up my complex version of the *Reasons Identity Condition* by disambiguating, with the help of a critique by T. M. Scanlon, Bernard Williams's concept of a subjective motivational set (S). Here is Williams's list: "S can contain such things as dispositions of evaluation, patterns of emotional reaction, personal loyalties, and various projects, as they may be abstractly called, embodying commitments of the agent."⁹ These items mainly consist of psychological states, but these states include reference to *objects* of concern

that have value for the agent. The distinction that I draw is between affective states and the values that the agent *takes* to be significant (this is the distinction between natural motives and standing purposes in my account). Our affective states are responsive to our judgments and reason-giving, but they are not (in the typical case) the objects of our concern. The values or purposes on which we act are essentially public and therefore naturally lend themselves to a discourse of reasons.

I claim that Hegel shares with Williams a thesis about the priority of values or purposes (I treat these as roughly synonymous). Once we separate the objective value for the agent from the agent's mere subjective states, we can see that Williams's intuitively attractive point is that an agent's reasons stem from her values. Attributing this point to Hegel, I couched my version of the *Reasons Identity Condition* in the language of purposes that is so prevalent in Hegel's texts. On my view, the individual's reasons typically stem from purposes that can be nested within the purposes that provide justifying reasons. The underlying picture is one in which reasons come from values, and justifications of those values refer to other values. For Hegel this nesting comes to an end with *Geist* or a form of life that is the bedrock of normativity. Hegel's priority of value thesis, along with his refusal of any formal criterion of rationality independent of value, does allow him to appreciate tragedy, literature, pathos, in ways that we all find exhilarating. I would not of course want to suck the life out of Hegel by advocating an empty transparency of reason-giving.

The payoff of the idealizing terms of reasons and beliefs is that the content of those reasons and beliefs can be communicated and thus recognized by others. The reasons are an expression of the agent's freedom, though this is not a kind of rational freedom that goes "all the way down" in the sense of complete self-legislation by reason. I take some time in *Hegel's Conscience* to criticize Alan Patten's much more Kantian view of validation through reason alone. I offer instead a view of performative freedom that I associate (all too briefly) with the idea of *practical incorporation* through action.¹⁰ The basic idea is to resist an abstract opposition between an act of reflection or choice, on the one hand, and given content, on the other. In making a purpose one's own, one incorporates it into one's character not simply by fiat, but rather through actions and justifications. You don't just add beliefs or purposes one by one to your character, but rather incorporate them in a process that changes both you and the content itself.

The point of using the language of belief and reasons is not “that there is nothing that cannot be translated into the lucidity of a clear conscience” (Howard, p. 116), but rather that appeals to conscience involve a commitment to responsibility and communication. It is a misunderstanding to say that this is a commitment to unveiling your entire inner life, or even to making transparent all the emotions and biography that figure into your action. I avoid using the language of “clear conscience” because for Hegel such language is already too psychological to define the norms at issue. Agents of course do struggle to live up to their responsibility and to avoid wrongdoing, but that does not mean that success in meeting the identity condition must entail or be defined by such a struggle.

One way to take Howard’s criticism would be as an amped up existentialist version of Williams’s view of the *personal* character of reasons. Owen Wingrave’s refusal could be interpreted as existential pathos—the military career is not the career for him because he could not serve without sacrificing himself. In the book I say that Owen better have good reasons not to become a soldier—there *are* after all good reasons (and good values backing them up). If he *just* says no, or Bartleby’s “I prefer not to,” we would rightly worry about the excess self-regard or obstinacy of his stance.

Another justification of my approach is that Hegel situates conscience squarely within Objective Spirit, a domain in which appeal to raw feeling or sheer individuality is off limits. Here is Hegel’s description of Objective Spirit (from the introduction to the *Encyclopedia* (E) “Philosophy of Spirit”):

II. in the form of reality, as a world it is to bring and has brought forth, freedom being present within this world as necessity,—Objective Spirit. (E §385)¹¹

This emphasis on the reality of a world indicates how difficult it is to appeal to the subjectivity of feeling within Objective Spirit. The phrase “freedom being present within this world as necessity” indicates both the normativity (the reasons) and the leading value of freedom. As “brought forth” by Spirit, this value emerges from the level of feeling, but it is not *constituted* by feeling. In the *Encyclopedia* introduction to “Objective Spirit,” Hegel writes,

But the purposive action of this will is to realize its concept, freedom, in the externally objective side, so that freedom is a world determined through the Concept, in which the will is thus at home with itself [*bei sich selbst*], locked together with itself [*mit sich selbst zusammengeschlossen*], and the Concept [is] thereby fulfilled as the Idea. Freedom, shaped into the actuality of a world, receives the *form of necessity*, whose substantial context [*Zusammenhang*] is the

system of determinations of freedom and whose appearing context is *power*, *being-recognized* [*Anerkanntsein*], i.e. its validity in consciousness. (E §484)

The emphasis on recognition of the public norms highlights the outer-directed character of individuals within Objective Spirit. Hegel does not intend to eradicate the more interior dimensions of emotional life, art, and religious experience. He does, however, intend to block direct *appeals* to feeling. In an instructive passage that I discuss at length elsewhere,¹² Hegel writes that when feeling is ‘appealed’ to in right and morality and religion, this has,

1. The correct sense, that these determinations are its *own immanent* determinations,
2. and then, in so far as feeling is opposed to the *understanding*, that it can be the *totality* against the one-sided abstractions [of the understanding]. But feeling *can* also be *one-sided*, inessential, bad. The *rational*, which is in the shape of rationality something thought, is the same content that the *good* practical feeling has, but in its universality and necessity, in its objectivity and truth. (E §471)

This reference to “the same content” in good feeling and the rational shows that Hegel holds that the element of feeling is incorporated in actions on reasons, and that the latter give that feeling “objectivity and truth.” Hegel is enough of a naturalist to hold that feeling is a bona fide expression of *Geist*, albeit one that is not in the proper form to be capable of objectivity and truth. The worry one can rightly have about Hegel’s view, then, is that the emphasis on rationality and objectivity makes him truncate the noncognitive dimensions of conscience beyond recognition.

It is Hegel’s objective conception of conscience that provokes Howard’s claim that conscience as the site of “our . . . moral worth and self-identity” (p. 113) is underappreciated in my treatment of conscience as practical reason. The existential project involves emphasizing the value of the individual self apart from the context of value and action in which the self is always situated. Hegel of course *can* do this, and occasionally does, but as I emphasized in my summary comments on immanent negativity, the self in Hegel cannot function on its own as a bedrock first principle or phenomenological anchor of meaningful experience. I have taken pains to show that Hegel values the first-person perspective, the subjective side, but *in the relation of complex identity* with the objective side.

Hegel is a champion of particularity, marking it as the distinctive value and right of the modern age while insistently binding it to universality. In *PR*, Hegel criticizes those who think that any subjective or particular element

in action vitiates the worth or value of the deed. Hegel holds that actions can have, and usually do have, both subjective and objective purposes. He defuses the worry about the “real” motive behind a deed with his famous comment that “What the subject is, is *the series of his actions*. If these are a series of worthless productions, then the subjectivity of willing is likewise worthless; if on the other hand the series of his deeds is of a substantial nature, then the inner will of the individual is also” (*PR* §124).¹³ I take Hegel to be saying that we do not have to worry about the specific natural motives of agents because we are oriented by the accomplished purposes, by the achieved value of the willing. So there is reason for Hegel to resist the idea that the agent’s self-conception, detached from reasoning about action, is the locus of moral worth. Of course individuals can have moral worth in their character, in their integrity and willingness to do what is right, but I don’t know how this evaluation can be separated on Hegelian grounds from the issues that I have thematized throughout the book. If my claims about value, interpreted through subjective and objective purposes, do not capture what Hegel has to say about moral worth, I am not sure what does. In his complaint that I (and/or Hegel) do not take seriously conscience as the locus of moral worth, Howard does not appreciate that I am talking about issues of value all along.

3. *Experience, Evil, and the Two Transitions from Conscience*

Howard and Speight emphasize the dialectical aspects of Hegel’s treatment of conscience and question whether I do justice to the *Phenomenology’s* account of the experience and conflict of conscience. In *Hegel’s Conscience* I do place more emphasis on the transition from conscience to Ethical Life in the *Philosophy of Right* than on the transition from conscience to religion in the *Phenomenology*. Part of this emphasis stems from my focus on the understudied core of conscience as practical reason. *Everyone* dwells on the potential hypocrisy of conscience, on the beautiful soul, and on evil and its forgiveness. They are all important moments, but their significance depends on getting the prior account of practical reason, which most commentators have neglected, right. Another reason that I compressed what had in earlier versions been an extended commentary on the final stage of the *Phenomenology’s* dialectic is that reading it responsibly involves discussing the Religion and Absolute Knowing chapters of the *Phenomenology*, which in turn requires more devotion to the project of the book as a whole. As anyone who has studied the issues knows, the *Phenomenology’s* overall goals and place in the

system raise difficult questions that take one very deep into Hegel's speculative waters. The beautiful soul in particular is a tricky figure, for it takes on two guises after its initial introduction. One guise is the judge, who I thematize at length (in 2.6 and 5.5), and the other is the "self-intuition of the divine" that Hegel links rather closely with the unification that characterizes Absolute Knowing.¹⁴ To discuss the latter version as merely a danger of conscience's self-reliance (as Howard suggests) is to let ourselves fall back into the familiar channels of interpretation that I have tried to resist.

I will first say a few words about the *Phenomenology's* dialectic of conscience and then discuss the role of evil in the two transitions from conscience. The stretch of the dialectic that I left out of my account comes right after Hegel introduces the language of conscience and emphasizes that this is the language of mutual *assurance*. The nature of this assurance changes in the course of the next paragraph (*PhG* §654), in which Hegel presents a version of conscience's immunity to error. At the very end of the discussion of the language of conscience, Hegel suddenly declares that the "universal self" is not in the "content of the action," but rather that universality lies only in the form. This is a shift from the earlier claims about expression in which conscience was constituted by the goal of uniting the content of the action with the form of language. In thematizing the form "which is to be posited as actual," Hegel shifts the discussion from the equality of motivating and justifying reasons to the ideal priority of justification. The move is to thinking of the object of consciousness not as a purpose to be realized in the world, but as the agent's formal, interpretive power itself.

What happens next is quite strange. Hegel presents several outgrowths of conscience's concept, in quick succession, culminating in the beautiful soul. These are the moral genius, the religious community, and the "absolute self-consciousness" that he calls the "poorest shape" of consciousness (*PhG* §657). Hegel's rapid-fire introduction of these figures, and the subsequent return (after only four paragraphs) to the agency of conscience proper, leaves the status of these shapes very much up in the air.

To Howard and to many other readers these moves signify how things go from bad to worse for conscience, how the attempt at self-authorization leads only to replacing action with talk, and thus with emptiness.¹⁵ That reading is not *completely* false, but it does wholly miss the point. The point is the methodological one that Hegel is exhibiting moral consciousness here as a pure *self-consciousness* cut off from the object-relations of ordinary moral

agency. These shapes portray, by thematizing the subject's own interpretive power, the three main shapes of what Hegel calls Absolute Spirit. Art, religion and philosophy must themselves appear within the shapes of consciousness for the progression of consciousness to be complete (as Hegel implies in "Absolute Knowing," the shapes in chapters VII and VIII of the *Phenomenology* are no longer shapes of consciousness, but rather of self-consciousness). This move serves the *Phenomenology's* overall goal of a *convergence* of the ordinary perspective with the philosophic perspective, for it allows Hegel to stage a scene of recognition (confession and forgiveness) that unites the perspectives of moral agency (conscience) and philosophy (judge) within consciousness itself. The process of recognition that follows from the introduction of the beautiful soul makes explicit the convergence of the ordinary agent with the speculative philosopher, a point that Hegel repeatedly emphasizes in "Absolute Knowing."

Howard claims that I have made an "error" of "egregious" proportions in not discussing "the fate of the beautiful soul" (Howard, p. 114). But in addition to the discussions of the beautiful soul as judge in 2.6 and 5.5, I do in fact mention the figure by name on p. 79 in commenting on a passage in the *Philosophy of Right* that includes a "thinly veiled reference to the beautiful soul and judge from the *Phenomenology* dialectic of conscience." In that paragraph I am discussing Hegel's critique of justifications that are based only on "abstract universal reasons" and "abstract universal goods." It is puzzling that Howard criticizes my account of Hegel for overemphasizing reasons and neglecting Hegel's critique of excess rationalization when I thematize that very critique in many places (including in that same paragraph, where I mention the danger of casuistry).

In chapter five I address the *full* significance of evil and confession in the *Phenomenology* by way of contrast with the transition from conscience to Ethical Life in the *Philosophy of Right*. The main differences between the two transitions out of conscience are reflected in the different treatments of recognition. In *Hegel's Conscience* I introduce a distinction between direct and indirect recognition, and I claim that in Objective Spirit Hegel is mainly concerned with indirect recognition, whereas *direct recognition* is at issue in the generation of universal self-consciousness (in the "Phenomenology" section of the *Encyclopedia*), and in the confession and forgiveness that introduces Absolute Spirit.

Here is the basic contrast that I draw in *Hegel's Conscience* between direct and indirect recognition. With direct recognition, one agent explicitly challenges or acknowledges another's competence as a free agent. The other's agency is what my deed or speech is *about*. This kind of recognition is on Hegel's mind in the famous "Self-consciousness" chapter of the *Phenomenology*, and it is often taken to be the only important kind of recognition for Hegel. I argue that in *Objective Spirit* the main type of recognition is *indirect* recognition, which is more a recognition of *actions* than of agency. I claim that in recognizing actions, we recognize the *value* of actions in the purposes. I note that people typically act because they value their purposes, not because they seek the recognition by others of their capacities. On my view, indirect recognition is the norm, and direct recognition mainly comes up in challenge situations.

My argument is that in the transition to religion in the *Phenomenology*, Hegel is using a challenge situation to make a shift to a new level, that of Absolute Spirit, whereas in the *Philosophy of Right* the transition to Ethical Life is a shift to stable contexts of (mainly) indirect recognition. This difference is mirrored in the differing emphases on evil in the two transitions. In the *Phenomenology* the agent is placed in a challenge situation in which the evil of his action comes to light and a new shape results in which evil is reframed. In religious community, we can be recognized in our biographical particularity, and forgiven for the all-too-human indulgences in our particularity.

Of course *experience*, in the ordinary and Hegelian versions, is central to the exercise and development of conscience. We all have to make our own mistakes, and the subsequent remorse can lead us to abandon values. Bad conscience is the awareness that you did not act on the commitments that constitute conscience. I agree with Howard that there are "tendencies" in the agent strong enough to sabotage conscience, but what Hegel is really concerned about are the excuses we give, or our attempts to combine acknowledgement of responsibility with failure to do what is right. These failures must remain in a cognitive register for Hegel if they are to have the dialectical significance that he assigns them.

My sense is that while Hegel uses crime and evil to effect dialectical transitions in the *Philosophy of Right*, he does not consider these non-ideal factors to be terribly threatening within the framework of modern ethical life. Here is a striking passage from the 19/20 lectures (that I quote in chapter four) that comes after the discussion of conscience and evil:

But in the genuinely good, evil also always appears. A human being who has to act in a concrete and fulfilled life must also know to be capable of evil. In the pursuit of the essential purpose, a host of purposes that could otherwise be valid are neglected. Thus if the evil is on the one hand a moment [of the will], it furthermore also always appears in actuality.¹⁶

Hegel gives his view here of what I would call objective necessary evil. He attributes this evil to the concrete good life itself. So evil is not merely a moment of the weak or corrupt will, the preference of one's own particularity over the universal good, but rather it is an unavoidable fact of a complex society. My point in revisiting this passage here is just to stress that in Objective Spirit Hegel does not take the problem of evil to be one that calls for an existential crisis. Like his famous claims that the negative or false must be included in the positive or true (in the *Phenomenology* preface), Hegel holds that evil cannot be excluded from the good. The "host of purposes" that are neglected are a host of values that we would honor were they not overridden or sidelined in pursuing the main purpose/value at hand.

Turning back now to the *Phenomenology* account, an important question is what is at stake in the act of confession and the breaking of the hard heart. It is clear that the evil at issue here is also unavoidable, for it is a function of the necessary particularity of willing. In confessing, the evil agent does not renounce her particularity, for that would reproduce the one-sidedness of the abstract moral worldview. This I think is what Hegel means when he says that the confession does *not* involve "an abasement, a humiliation, a throwing-away of himself in relation to the other" (*PhG* §666). There is no way of deciding whether the acting conscience of another is "really evil," whether the agent really puts himself before the universal. This problem—caused by taking an action as a whole as primary—is exactly the problem which makes the confessional, explicitating move necessary. We cannot isolate the determining ground of action—that is just the mistake of the judge. But we also cannot let the agent of conscience simply refuse the question, deny *any possible* difference between his particular interest in an action and its universal aspect. In writing favorably of the act of confession, Hegel is not saying that agents must give up their discrete particularity, for a particular passion is something that the actor, the hero, needs. Rather, the agent must acknowledge the self-conscious certainty of action to be only a moment, and not a factor that privileges my reasons over the impersonal authority of reasons accessible to all.

Now Howard insists that I have missed the "depth" of the "real difficulty" of the dialectic because I do not emphasize that the evil agent and judge

“cannot relinquish their emotional and psychological investment in the way they see the world” (p. 115). The complaint seems to be once again that I ignore the deep affective character of the conflict. I sense here a misconstrual of Hegel’s project (and of my own) that is worth dwelling on. Howard treats agents as directly constituted by their emotional states, and he considers the reasons they give or the claims they make as shallow surface phenomena. But Hegel’s move to the full-blown level of *Geist* is supposed to establish the reality of the social world as a deeper or more profound reality than that of the psychologically conceived individual. Howard’s view here sounds to me like the shapes in “Reason” such as “The Law of the Heart, and the Frenzy of Self-conceit,” sections that correspond to the stages in the *Encyclopedia* that Hegel actually groups under the label of “Psychology.” Yet even there Hegel’s method of examining shapes of consciousness as pairs of concepts and objects makes him treat action and agency as conceptually explicit. Once we get to the “Spirit” chapter, corresponding to Objective Spirit, Hegel is very clear that it is the *taking* of the world in a certain way, the *thinking* of the world in a certain way, that is at stake. There is a sense in which the language of “existential” does seem appropriate for norms of action and their development given that the conceptual configurations *constitute* these agents. But if “existential” primarily means “emotional,” as on Howard’s view, then it does not capture the most important aspects of the dialectic.

We should notice that it is not at all clear that any *mistake* in the ordinary sense of the term is made or acknowledged in Hegel’s dialectic of confession and forgiveness. The acting consciousness does not say that he realizes he should have done something else. At most the deficiency is in his *interpretation* of his action (I thus concur with Speight that the issue here is one of meaning), not in the content of the action itself. The agent confesses that the interpretive tension in his claim of pure duty was unredeemed in a certain sense. His motivational source was not wrong, and his claim of duty was not wrong. The deficiency was that he did not hold himself responsible for making his reasons explicit in a form recognizable to others. The discussion aims to shift the context of justification such that there are now reasons that incorporate particularity and universality. These two elements do not need to be separated for the reasons to be motivating or justifying.

In the case of Objective Spirit this shift in context is to a set of objective purposes that incorporate subjective purposes. If one achieves value through the purposes of Ethical Life, then for Hegel one’s particular moral views or

natural motives are secondary in determining the character of one's willing (the will just *is* the series of its actions). Within Ethical Life, therefore, we usually do not need to pry the action apart into its components to judge the value of the action. In the *Phenomenology's* shift to Absolute Spirit, by contrast, the full particularity of one's deeds can be recognized, and the guilt and redemption, encapsulated in the story of Christ's crucifixion and resurrection, can be given communal form in worship.

So how do the purposes of Objective Spirit relate to the idealizations of Absolute Spirit? Aren't the cultural practices of art, religion and philosophy also a part of ethics, and doesn't Hegel's view require that the purposes of Objective Spirit be nested in those of Absolute Spirit? If this were the case, then my contrast between the transitions in the *Phenomenology* and the *Philosophy of Right* would not amount to much.

It is certainly the case that Hegel worries (in *PR* §270) about the stability of a State whose individuals do not have a religious grounding for their ethical purposes. But once again, I think that Hegel's boundary between the two levels of spirit is also very important. Just as we can misunderstand ourselves if we take feeling as determining ethical content (ignoring the gap between Subjective and Objective Spirit), so too we can misunderstand our actions and institutions if we take religion or philosophy to have direct authority over those practices. CRIC is a condition on *reasons for action*, and the nesting that I invoke there of the subjective in the objective holds *within Objective Spirit*. On the subjective nesting side there is a continuity with Absolute Spirit in that it is the same individual conscience doing the work of nesting the individuals purposes within ethical institutions and religious narratives. But on the objective side Hegel is not advocating a single religious authority or philosophical authority (!) to compel/sanction the nesting of the subject's purposes within Absolute Spirit. There are voluntary communities, like the philosophical community, in which we do the nesting of the objective in the absolute, but then we are not dealing with the kind of necessity that Hegel stresses as the hallmark of Objective Spirit. This is *part* of what I meant when I said that Hegel has a secular ethics—namely that his account of Objective Spirit is oriented by a conception of action and interest that can be detached from religious authority. The *content* does not depend on religion, although Hegel thinks that anchoring it in a Protestant religious community is a great good. I also meant to imply that I take Hegel's own conception of religion as non-supernatural (and thus not recognizable as religion by many believers), so

that even when we admit the ethical role of religion, it is religion conceived as reason realized in human community. The religious community cannot make direct demands for exemption from the laws of Objective Spirit, which of course raises issues about the relation of the individual moral conscience and the public laws of Objective Spirit.

4. *Morality and Right*

I am grateful for the comments from De Nys on pacifism, and from Speight about conscience under non-ideal circumstances. The key question is how conscience can be a force of resistance to the existing order/powers if it mainly serves the integrating functions that I have stressed. As De Nys frames the issue, an appeal to one's conscience may be needed to challenge the State on moral grounds when one takes the State's policies to be morally abhorrent. Speight writes of the transformative power of conscience that is needed when the social world is out of joint. From this critical perspective it can seem that calling conscience the "principle of state power" (see the passage *E* §552 cited on p. 103 in the summary above) is a perversion of conscience, since conscience should be a source of authority to oppose state power.

My short dodge of this question is that I cut most of the political issues from *Hegel's Conscience* and will include them in my next project on morality and right. Not all of De Nys and Speight's concerns fit neatly within the morality vs. right issue, but most of the issues do in the end concern individual moral belief vs. positive law. The short (and still unsatisfying) answer to the question can be formulated in terms of CRIC. In *Hegel's Conscience* I distinguish subjective and objective versions of CRIC, corresponding to individual conscience holding the identity together and social/recognitive forces holding the two sides together. The present issue is what to make of the case in which $CRIC_{\text{subjective}}$ and $CRIC_{\text{objective}}$ conflict, so that the objective norms have force (especially punitive forces) but an individual cannot believe in them, cannot believe in nesting his own purposes within the objective institutional structures. You might then have the objective forces of identity—institutions and other people—putting pressure on you to act in ways that you yourself cannot be motivated by, and in fact are motivated to disobey. You might hold that you have much better reasons to disobey the law than to obey, since you might reasonably hold there to be very important values that are not outweighed by the interests of the State. On the transformative power question, we do think that new ways of meeting $CRIC_{\text{subjective}}$, new ways of fit-

ting one's reasons/purposes into larger purposes/reasons, can and should have the power to change the institutions (and thus CRIC_{objective}) themselves. To cut off conscience from serving this role would be to undermine its distinctive authority.

I don't see that Hegel needs to rule out such roles for conscience. Though in the *Philosophy of Right* (and especially in the notorious Preface) he does worry about subjective conviction overstepping its bounds, one does not have to look far to find places where he grants to the subject shelter from the power of positive law. He writes, "conscience is a sanctuary which it would be *sacrilege* to violate" (PR §137R), and in a less well-known passage, "Since morality and moral precepts concern the will in its most personal [*eigensten*] subjectivity and particularity, they cannot be the object [*Gegenstand*] of positive legislation" (PR §213). The system of norms requires both action and belief, which should not be detached, as I have stressed. But the positive law implicitly licenses a kind of detachment in so far as it can only compel action, not belief. Applied to the Quaker case, this would involve the claim that one cannot legislate that people be outlawed from believing that war is morally abominable. Hegel's resistance kicks in only when that moral belief implies/leads to *action* that undermines the system of rational institutions. Of course conscientious objection to war, especially in the form of refusing to serve, is a kind of action. Hegel presumably holds that pacifism is incompatible with Ethical Life in practical terms because he does not think that the sovereignty of the State is sustainable without a collective willingness to go to war. If pacifism were universalized the State would disintegrate, and the objective purposes would lose their integrity. The pacifist could bite the bullet and say they *should* lose their integrity if they depend on warfare. This is where Hegel will demand a real, non-utopian alternative to the modern nation-state. It is not at all clear to me that there is any such alternative.

But more positively, conscience as the seat of moral belief is for Hegel a major *indirect* source of the transformation of objective norms. The mismatch of the subjective and objective forms of CRIC is always possible, and to some extent inevitable and welcome on Hegel's view. Without such a mismatch ("difference" or even "contradiction") a social world is dead, for life, as Hegel often emphasizes, involves the drive to overcome a difference that is always to some extent reproducing itself. In the book I give some highly suggestive passages on Hegel's support of social dynamism, especially §552 on the "process of liberation" through the principle of conscience. There is

also a line from the lecture notes that “Everything which arises in the ethical realm is produced by this activity of the spirit” (*PR* §138A). For conscience to have this transformative function, though, there have to be bridges from individual moral belief to the formation of new laws. There are two crucial bridge concepts in the *PR*, namely public opinion and the leadership of world-historical individuals.

I want to take a moment to clear up one source of confusion about my use of reliability and trust. Speight objects that my emphasis on trust is misplaced given Hegel’s views about reason and insight as modern principles. There is a sense in which I am taking conscience to be subjective freedom generally, the *authority* of the individual’s practical reason. The trust that I discuss in chapter five concerns the expectation by others that one has reasons for one’s actions even though one does not in fact in each case spell those reasons out. Insight and reasons are crucial to the modern practice of conscience, and (as Howard’s charges attest) they are at the heart of my view. The point I made about trust is that the basic commitment to *CRIC* is something we normally assume of each other. The formulation in terms of purposes is important because the purposes are manifest actions that we engage in with and for each other. We trust each other to be in a position to give reasons for actions, not to have comprehensive views on the nature of justice and world peace. Hegel thus takes Ethical Life to be largely a matter of habit and settled dispositions. Of course as philosophers and ordinary citizens we do espouse views that go beyond our action-contexts to imagine worlds different from the one we have. In highly discursive contexts it will be formal rather than actual conscience that will predominate. The question is how the two are related such that the innovations of the formal can become actual.

The divide between formal and actual conscience is central to Hegel’s ambivalence about public opinion. The formality of first-person belief *qua* belief (vs. action) is on display especially in the communication of beliefs that do not have a direct link to action proper. This detachment of opinion or judgment from action is a central feature of public opinion. A brief look at a few passages from the *Philosophy of Right* makes this evident. He writes, “Formal subjective freedom, whereby individuals as such entertain and express their *own* judgments, opinions, and counsels on matters of universal concern” (*PR* §316). In the lecture notes to this section, we find “But public opinion has been a major force in all ages, and this is particularly so in our own times, in which the principle of subjective freedom has such importance

and significance. Whatever is to achieve recognition today no longer achieves it by force and only to a small extent through habit and custom, but mainly through insight and reasoned argument [*durch Einsicht und Gründe*]” (§316A). This supports my view that the rational authority of conscience is central to Hegel’s practical philosophy. His praise of public opinion borders on hyperbole, and it echoes his praise of conscience. Hegel writes,

Public opinion therefore embodies not only the eternal and substantial principles of justice—the true content and product of the entire constitution and legislation and of the universal condition in general—in the form of *common sense* (The ethical foundation which is present in everyone in the shape of prejudices), but also the true needs and legitimate tendencies of actuality. (PR §317)

The public opinion that Hegel praises here must be that of the *Rechtstaat*, not of any State, for he identifies it with both “eternal and substantial principles of justice” and “the entire constitution.” People who have legal rights and moral standing will react to public events and changes from a deep-seated sense of the inalienability of those rights. Hegel separates from this element another one that he identifies as “the true needs and legitimate tendencies of actuality.” The contrast is between abstract principles of justice on the one hand and practical needs and dynamic, transformational elements grounded in the specific historical situation on the other.

The trouble with this wisdom of common sense is that it tries to make universal pronouncements against actuality when its grievances are often quite specific and arbitrary. The raw material for change is there, latent in public opinion, but opinion itself is too reactive. So on the critical side, Hegel writes,

As soon as this inner content attains consciousness and is represented in general propositions (either in its own right or for the purpose of concrete reasoning on felt needs and on events, dispensations, and circumstances within the state), all the contingencies of opinion, with its ignorance and perverseness, its false information and its errors of judgment, come on the scene. (PR §317)

Though sound at its core, public opinion does not have a privileged access to that core: “the substantial cannot be known from public opinion itself, however; its very substantiality means that it can be recognized only in and from itself. No matter how passionately an opinion is held or how seriously it is asserted or attacked or contested, this is no criterion of what is really at issue [*was in der Tat zu tun sei*]” (PR §317R). In this characteristic claim, Hegel argues against passion and seriousness as criteria for justification. This is consonant with Hegel’s criticism of formal conscience for its detachment

from action and more generally from practical consequences. If there is a real need there, such passion and seriousness will only be incidental to the substantial issues.

But how are we to operationalize the tendencies towards progressive transformation? One route is to look to the world-historical individual, of whom Hegel writes, “He who expresses the will of his age, tells it what its will is, and accomplishes this will, is the great man of the age. What he does is the essence and inner content of the age, and he gives the latter actuality” (*PR* §318).” A person wins this greatness by tapping into underlying needs and pushing through the changes to laws and institutions. Of course this is not a terribly satisfying answer to the question of how we are to understand the progressive dynamics of liberation or the transformative force of exemplary individuals of conscience. Does Hegel give us a way to understand the social preconditions for changes in laws, policies and principles?

The best way to make sense of Hegel’s claims about public opinion and about normative transformation is to link up those issues with a concept that gets very little attention in *PR*, namely *alienation*. Only with this link in place, and with a connection of both sets of claims to conscience, can we make sense of the transformational dynamic of liberation through subjectivity. I close this section with a few comments on how this would be theorized.

Alienation is a disconnect between self-consciousness and action that can take many forms. It essentially involves the breakdown of contexts of action, for that goes beyond the constant dissatisfaction of mere opinion. In an alienated condition individual and universal purposes are seriously out of sync.¹⁷ Hegel presents alienation in the *Phenomenology* as a necessary step on the way to modern freedom. It is necessary in order to overcome the entrenched hierarchy of feudal society, to enter fully into the modern age of self-determination and rational normativity. Although alienation is burdened with disunity and thus signifies a lack of self-determination, it is a precondition of the liberation that comes with a return to unity.

Conscience is a force of unity that overcomes alienation while not suffering from the one-sidedness of absolute freedom or Kantian morality. This is clearest in the *Phenomenology* presentation, in which conscience is presented as a shape of Spirit that incorporates the determinacy or difference of alienated culture while preserving the elements of substantial recognition and the universality of thought. Seen in this light, conscience is both a driver of liberation and a potential obstacle to transformation. It can be an obstacle

because conscience allows us to *avoid* the condition of alienation that would force us to political action. We can *deflect* the awareness of injustice by focusing on our particular purposes and coming up with some kind of rationalization to connect ourselves to an objective story. But conscience also *drives* liberation in that it forces us to bring together our commitments and implications. That bringing together is how injustice gets crystallized—when we see that a practice or assumption of ours conflicts with our fundamental commitments. If enough people are objectively alienated (forced to act in ways they cannot stand behind), and the unifying force of conscience subjectively asserts the case and demands change, then change will come. When enough people are alienated, then we reach a transformative moment in which the conscience of the exemplary individual can tap into existing normative tensions to effect change in objective structures.

We can now better see how to place Hegel in the disagreement between Hobbes and Locke that I mentioned in section 1. While emphasizing along with Hobbes that formal conscience cannot be recognized by the State in its distinctive form (individual conviction), he is closer in the end to Locke in stressing the limits of State power and in theorizing a responsiveness to public opinion and a resistance to alienation (though not a *right* to revolution) that could explain and even justify (retrospectively) the overthrow of government. The sticking point for Hobbes is that without ceding absolute authority to the sovereign, without giving the sovereign the final say in all judgments, the door is open to irresolvable conflict of authority and thus civil war. For Hegel, the picture of State authority is much more differentiated and for that reason the question does not have to be answered in an all-or-nothing manner. Although he advocates a constitutional monarchy, he places authority in the laws, advisors, and assemblies in such a way that the judgment of the monarch is a mere finishing touch on the processes and decisions closer to the ground. In public opinion and the world historical individuals, Hegel shows that there is a kind of appeal to heaven, or rather an appeal to *Geist*, representing the “true needs and legitimate tendencies of actuality,” though one that can only be, just like conscience itself in new situations, legitimated after the fact.

5. “Conscience,” *Modernity and Tragedy*

In this final section I address the criticisms of Speight and Howard concerning the uses of the term “conscience” in ordinary and philosophical discourses

that Hegel's picture does not seem to capture. There is the problem, first of all, that although appealing to conscience as a "mysterious oracular source of moral truth" is off the table for Hegel, for the ordinary individual that conception of an "inner voice" is still very much alive. Without such a picture of conscience as something inexplicably divine, it might seem that we do not need to use the language of conscience, but can refer simply to practical reason. Speight presses the related point about moral perfectionism, asking whether conscience should be oriented more towards the ideal (and disappointment at not realizing the ideal) than towards the mundane. Addressing these concerns will lead me to make a few points about the fate of conscience in modernity and the possibility of a more tragic reading of modern freedom than the one that Hegel endorses.

On the question of the ordinary use of conscience, I think that the best answer is the one that Hegel himself develops over the course of the *Phenomenology*. In the Preface he emphasizes that the philosopher cannot just ask the ordinary person to view the world scientifically, for that would be asking him to walk on his head. Likewise asking a person to think of conscience in the terms of rational authority has to be properly motivated; there has to be a ladder to that standpoint. I have admittedly not provided such a ladder in *Hegel's Conscience*, which is addressed to philosophers and not to the ordinary agent (though I have made some effort to show that Hegel's account is intuitively plausible for ordinary agents). Literature is a crucial aid in this regard. The quotations that I placed at the front of the book from Austen, Hawthorne, and Melville were intended as a hint of such an intuitive guide to philosophical reflection (more on Melville below). The question of conscience is that of the *ultimacy* of the individual's authority over her own beliefs and actions. Hegel writes of the individual as having "absolute self-sufficiency" and the "*immediate certainty of himself*" in every kind of knowing (PhG §26). He aims to lead this ordinary consciousness to the perspective of science, but he also arrived at his own conception of science/philosophy by criticizing other rationalist (formalistic) philosophies that could not do justice to the claim of the individual. In the end Hegel does maintain the element of intuitive certainty in conscience, but joins it with the elements of recognition and the determinate purpose in order to show that it is capable of truth as well.

Speight outlines three other versions of conscience in the tradition and criticizes my account for not giving them a place. These are 1) conscience as a companion or guide, 2) conscience as judge or accuser, and 3) conscience

as a call to action. I actually think that Hegel does address all three and that my account incorporates them, although Hegel does admittedly (especially with (3)) shift some of the traditional emphases. The element of conscience as a guide is picked up by recognition, which is both the recognition by other agents and the authority of those agents within an individual's deliberation. I chose the passage from Austen's *Persuasion* because it captures so well this dimension of submission to another (along with the retrospectivity element).¹⁸ If the complaint is that I have not said enough about the moral psychology of this dimension, fair enough. But if the question is about the authority and its link to otherness, I think that the account of recognition is an adequate rendition of the point. I am also surprised that what I said about the hard-hearted judge and judgment in general does not count as making 2) central to my account. For Hegel the accuser is figured as another agent, separate from the agent of conscience, but this is just a way to bring together senses 1) and 2) of conscience. The essentially divided self of Christian morality that is perhaps in the background of Speight's criticism is aligned either with Kantian morality, or, in more basic terms, with the "Unhappy Consciousness." Finally, with 3), I confess that I consciously did not cast my account of Hegel in the heroic register of a call to resistance to corrupt existing norms. But in so far as I called my view a *performative* view of practical reason and freedom, action is the central concern of the account. It is true that I did not stress action *against* existing norms. This is a result of taking (with Hegel) the identity of the individual and social as the decisive mark of rationality. There is a danger of using rationality in ethical and political theory, but Hegel is clear enough that he is not advocating a rationality imposed from above or a fixed standard impervious to change.

The deeper point behind this complaint is related to Speight's later worry about the lack of a discussion of conscientious disappointment. Where is the ideal of rationality or goodness that could give us purchase within conscience to criticize and act out against bad social norms? You could say that I have given a very *deflationary* view of conscience in so far as I do not give it any distinctive content of its own. Like deflationists about truth who hold that truth adds nothing substantive to our claims, Hegel seems on my reading to say that conscience is transparency to moral facts. But a non-philosopher would object to the deflation both of truth and of conscience. We tend to think of both terms as claiming or bestowing honor on beliefs and actions. In cases of courageous action against bad laws we praise individuals not for

their use of practical reason, but for being true to their higher nature, to their conscience.

Yet this moral high ground has problems of its own, dramatized in overtly political terms in the French Revolution. Hegel appears to have reacted to the French Revolution by turning towards a kind of ethical gradualism that takes the rights-based bourgeois social order as the starting point and sets in motion processes of transformation oriented by the dynamics of recognition. He took pains to show that his view is not a compromise or second best ethical theory, but we still have our doubts. The question at hand is whether and how conscience could help cure the obvious illnesses of present day democratic capitalism. I have presented conscience as working *indirectly* to alter existing norms, and I do think that such indirection goes together with doubts about the ability of human beings to remake the world all at once. Pushing conscience for a direct solution tends to highlight the dangers rather than the advantages of self-assertion. It leads to the tragedy of modern life as a conflict between individual subjectivity and the natural and social forces that always threaten to engulf it.

I chose the quote from *Moby-Dick* to highlight how the discourse of conscience can go wrong, and to cast a bit of a shadow on the optimistic view of conscience and modernity that I present in Hegel's name in the body of the book. The passage comes towards the end of the book in a heated discussion between First Mate Starbuck and Captain Ahab:

"I was speaking of the oil in the hold, sir."

"And I was not speaking or thinking of that at all. Begone! Let it leak! I'm all aleak myself. Aye! Leaks in leaks! Not only full of leaky casks, but those leaky casks are in a leaky ship; and that's a far worse plight than the Pequod's, man. Yet I don't stop to plug my leak; for who can find it in the deep-loaded hull? or how hope to plug it, even if found, in this life's howling gale? Starbuck! I'll not have the Burtons hoisted."

"What will the owners say, sir?"

"Let the owners stand on Nantucket beach and outyell the Typhoons. What cares Ahab? Owners, owners? Thou art always prating me, Starbuck, about those miserly owners, as if the owners were my conscience. But look ye, the only real owner of anything is its commander; and hark ye, my conscience is in this ship's keel.—On deck!"¹⁹

Starbuck has the commercial interests of the ship's owners in mind as he pleads to halt the ship to stop whale oil from leaking out of the casks. He wrongly supposes that Ahab will respect the logic of capitalism. Ahab first

invokes the futility of measuring and saving in “this life’s howling gale,” a view of the human condition that places it outside the number-crunching of the owners. The owners are not his conscience, Ahab insists, for though his purpose in captaining the ship is squarely nested in the money-making purposes of the larger social entity of investors, he refuses to be controlled by that relationship. He is the commander of the ship and his conscience alike. There is some question about whether Ahab has transcended conscience or most fully represents it in his maniacal commandeering of the ship’s purpose. The Second Mate does say at one point of this “hot old man” that “he’s got what some folks ashore call a conscience.”²⁰ What is clear is that Melville gives us a tragic view of the contradictions of modernity, one that often seems much truer to our experience of modernity and much clearer about its costs.

In the end it is the structure of purposive action that keeps Hegel’s conception of conscience from flying off the rails. The key to “actual conscience” is that it binds together all the main “moments” of objective valuing, including recognized value, the determinacy of purpose and the universality of thought. We run into trouble if we isolate any of these to the exclusion of the others, and of course if we get carried away with our own subjective mastery itself. If we had to single out one other element of Hegel’s picture that anchors his view of modernity, it is that of property-owning personality. That too can be seen as a merely formal right, since the institutions of Ethical Life are essential to bringing it to life. Today the battle lines in the United States are increasingly drawn between individual liberty to own property and moral demands for greater equality and expressive choice. Sending this conflict to the level of Ethical Life helps show the interconnectedness of our values, but economic factors in the system of Civil Society also tend to obscure our priorities. We are told we have to live with big corporations and amoral investment banks, as the growth imperative and the demand for cheap consumer goods lead to a frenzied disregard for the environment and stultifying (or worse) work conditions. My hope is that conscience can still function to bring our shortcomings into focus, though in the end it can only be the widespread needs of actuality that fuel the move to something better.

NOTES

1. Hobbes 1994: 36.
2. Hobbes 1994: 212.
3. Locke is very cautious in the 1667 “An Essay on Toleration” about complete freedom of conscience. He holds that for the sake of peace one must submit to the law, even if it means being punished for doing what one thinks is right. See especially Locke 1997: 143.
4. Locke 1960: 427.
5. Moyar 2008b.
6. Fichte 1971: Vol. IV, p. 234; Fichte 2005: 222–23.
7. Moyar 2010–11.
8. Moyar 2007.
9. Williams 1981: 105.
10. Moyar 2011: 110.
11. *Encyclopedia (E)* refers to G. W. F. Hegel, *Enzyklopädie der philosophischen Wissenschaften im Grundrisse 1830*. I have emended the translation from *Hegel’s Philosophy of Mind* (part three of Hegel’s *Encyclopedia of the Philosophical Sciences* [1830]), trans. William Wallace and A. V. Miller (Oxford: Oxford University Press, 1971).
12. Moyar 2010.
13. Translations from *PR* are based on G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. Allen Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991). When the section number is followed by “A” it refers to the “Additions” compiled from student notes, and when it is followed by an “R” it refers to the “Remarks” written by Hegel himself.
14. See *PhG* §795. Citations of *PhG* refer to the section numbers of G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1977). I have also used the Miller text as the basis for the translations.
15. Williams 1992: 207–08; Franco 1999: 117; Stewart 2000: 380.
16. Hegel 1983: 112.
17. I have delved more deeply into this in Moyar 2008a.
18. Here is the quote: “Do not mistake me, however. I am not saying that she did not err in her advice. It was, perhaps, one of those cases in which advice is good or bad only as the event decides; and for myself, I certainly never should, in any circumstance of tolerable similarity, give such advice. But I mean, that I was right in submitting to her, and that if I had done otherwise, I should have suffered more in continuing the engagement than I did even in giving it up, because I should have suffered in my conscience” (Austen 1997: 184).
19. Melville 1991: 529–30.
20. Melville 1991: 159.

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