

Recognition: personal and political

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1. Towards the end of *The Philosophy of Right* Hegel discusses international affairs and the recognition of states, and in the course of this he comments:

A state is as little an actual individual without relations with other states as a single man is actually a person without relations with other persons. (§331)¹

It is this comparison that I want to discuss here, for the ‘relations’ of which he here writes include recognition as a central case; so Hegel’s comment suggests that the ‘individuality’, i.e. the independence, of a state depends on recognition by other states in the way in which the moral status of someone as a person depends on recognition by other persons.

Recognition among persons is a prominent theme of contemporary moral and political theory, and the significance of recognition among states is a staple topic of international law. But the two issues are not often connected. Nonetheless, in both cases there is a question about the relationship between recognition and autonomy, be it personal or political, and I shall argue that by comparing the two cases we can get a clearer view about this relationship.

2. The first point that needs discussion here is the concept of recognition itself. The simplest cases of recognition are those in which one recognises a person (Bill), a place (New York), a kind (ash trees) etc. – object-recognition, as I shall call it. Object-recognition is perceptual and implies knowing who or what the item is, though the converse implication does not hold: I know who Xerxes was, but I am not in a position to recognise him because I lack any even indirect perceptual knowledge of him. This kind of

recognition is an exercise of memory which draws on previous experience: I re-cognise someone with whom I have been previously acquainted or whose appearance is familiar from photographs and similar images. Because object-recognition is conceptual as well as perceptual it typically involves propositional recognition: in recognising New York I recognise that I have been there before or something similar. This recognition is an exercise of memory – I remember that I was there before. But not all propositional recognition is of this kind: if I am discussing a sensitive matter with someone I may recognise that what I am saying is likely to distress them. Plainly, recognising that this is the case is not remembering it; instead recognition here is primarily an awareness of the significance of my remarks which draws on my memory of similar situations. Recognition of this kind is not, however, simply an exercise of memory; it can involve significant inferences, as when we are invited to use our experience of others in order to recognise faults of our own of which we were not previously aware.

This last case introduces a further aspect of recognition. The point of getting us to recognise our own faults is typically to motivate us to do something appropriate, to make what amends we can to those whom we have harmed and to change our ways for the future. Hence recognition is often not just a matter of realising the significance of what has been said or done; it often includes a response which confirms the value judgment inherent in one's realisation. This kind of evaluative recognition is paradigmatically exemplified by acts which involve the award of a prize or a punishment. Thus the Nobel Prize committee awarded the 1998 prize for Economics to Amartya Sen in recognition of his achievements in this field; and a judge may impose a severe sentence on an offender in order to recognise the seriousness of the offence he has committed. But there is a very wide range of acts which constitute a form of evaluative recognition. It may be just a speech-act, such as an apology or thanks or praise; or it may be something more tangible,

such as a prize or penalty; or, again, it may be a long-term change in status, such as promotion or demotion. In all these cases the presumption is that the response is an act which is deserved in the light of that which is being recognised, - an achievement, an offensive remark or whatever. But there are other cases where the question of desert does not arise. For example where companies are competing in a free market, if one company lowers its prices and others recognise a threat to their market share, they may well lower their own prices as a response. This response is explained and justified by the competitive situation of the market, but it is not strictly speaking deserved, since there is no question here of entitlements (though the competitors may say that the first company to lower its prices 'got what it deserved' if it is driven out of the market by them). Similarly, if we are playing chess and I recognise your move as a potential threat to my position, I will try to respond in a way which counters your threat; but my response is not to be thought of as deserved by your threat. If, however, you go on to defeat me and thereby win the chess competition in which we are engaged you may well deserve a prize in recognition of your victory.

In these cases where the response is not deserved, the response is a reaction to the agent's assessment of the situation but it does not just confirm that this recognition of its significance; instead it is typically an attempt to modify the situation so that a perceived threat is countered or something similar. I shall call cases of this kind 'reactive recognition'. By contrast where a response is thought of as deserved, its role is in part that of a public affirmation of an evaluation by an agent who is authorised to deliver this response; hence it is through responses of this kind that we give public recognition to the value of the acts that are recognised, and these acts, such as prize-giving or punishment, are often symbolic or expressive as well as instrumental. In these latter cases, therefore, the response is internal to the evaluative recognition, and I shall henceforth restrict the

phrase ‘evaluative recognition’ to cases of this kind since it is primarily through evaluative recognition of this kind that recognition looks as though it may have something distinctive to contribute to moral and political theory. A good example here concerns the sense in which same sex couples ‘seek recognition’. They do not just seek to promote knowledge about their long-term relationships, nor do they seek to provoke a reactive response to this knowledge. Instead they seek evaluative recognition from the legislature of their relationships as deserving a change in the law which would give them the same legal status as relationships between persons of different sexes.

Thus there are three aspects to evaluative recognition: first, knowledge of relevant facts, typically concerning someone’s actions; second, an evaluation of these actions; third, a response by an agent with the appropriate authority which is thought of as deserved by the actions evaluated. In some cases the response is mandatory, as where a student who has accumulated most marks in some subject is awarded a prize in recognition of this achievement; in most cases, as with the award of a Nobel prize or with legislative changes, the act is discretionary, and it is in these latter cases that evaluative recognition most clearly adds something of significance to the situation evaluated. One can have the first two aspects of evaluative recognition, the evaluation of action, without the third, the response – as when someone is considered for an award but does not receive it; but it would be strange in such a case to speak of the person receiving recognition, unless, perhaps, the consideration takes the form of a public short-list (as with book prizes), where the publication of the short-list itself counts as a response, and thus as a modest form of authoritative recognition. But there is clearly no impropriety in evaluating an action without doing anything at all as a result, where the action is not specially remarkable; and in that way one can recognise the value of an action without responding to it.

Evaluative recognition is factive: one cannot gain recognition for something one has not done, even from those who mistakenly think that one has done it. In this respect therefore evaluative recognition is like knowledge; indeed it includes knowledge of the facts whose value is recognised. But evaluative recognition is not just a matter of knowledge of what has been done and of its merits or faults, since it is accomplished by an act, such as the award of a prize, which is a response to the value of the actions recognised. Curiously, we do have the verb ‘to acknowledge’, which sounds like a kind of knowledge, but actually has much the same sense as ‘to recognise’: thus one can acknowledge someone’s achievements by the award of a prize, though acknowledgment is often a less formal response than recognition. So despite its etymology, acknowledgment is not a kind of knowledge either, although, like recognition, it includes knowledge of the facts acknowledged.

3. Hegel is famous for giving recognition (*Anerkennung*) a central role in the constitution of self-consciousness. In saying this I am taking it that *Anerkennung* is pretty much recognition as I have been discussing it. There is an unsettling suggestion by Frege that judgment (*Urteil*), whose fallibility he acknowledges, is the *Anerkennung* of truth, thereby raising a question as to whether *Anerkennung* really is factive². But I shall set this usage to one side, and assume that the standard translation of *Anerkennung* as recognition is acceptable.³ Hence, returning to Hegel, let us consider briefly his famous discussion of self-consciousness in *Phenomenology of Spirit* and in part III of his *Encyclopedia of the Philosophical Sciences* (Philosophy of Mind):

Self-consciousness exists in and for itself when, and by the fact that, it so exists for another; that is, it exists only in being recognised. (*Phenomenology of Spirit* §178)⁴

where this recognition involves mutual recognition:

They *recognize* themselves as *mutually recognizing* each other. (*Phenomenology of Spirit* §184)⁵

Exactly what Hegel has in mind at this stage of his argument is notoriously difficult to understand. He allows that there is a form of purely subjective self-consciousness which is antecedent to mutual recognition; what mutual recognition is supposed to add is consciousness of one's objective existence as a subject in virtue of one's recognition that someone else, another subject whom one recognises as such, recognises one as a subject. Hegel holds, however, that this mutual recognition is not easily achieved; the pursuit of recognition leads first to the master/slave dialectic and only subsequently, after the evolution of political society, to mutual recognition of the right kind.

To understand what is going on here we have to see that Hegel takes it that objectivity is here primarily a matter of autonomy (*selbständigkeit*⁶), which includes a normative claim to the effect that one is worthy of respect as an autonomous moral subject. Hence the type of recognition sought here is evaluative. Hegel argues, however, that recognition of the existence of others initially takes the form of a potentially deadly struggle which is a response to the recognition that, in the proverbial state of nature, others are a threat to one's own existence.⁷ Thus mutual recognition is initially an extreme form of reactive recognition, a Hobbesian state of war, which comes to an end when the parties to it accept a social hierarchy in which the 'master's' authority over the 'slave' is recognised – i.e. a Hobbesian 'commonwealth by acquisition' is established. This form of political society does not, however, provide for either side the kind of evaluative recognition of autonomy which was initially sought. This is obvious as far as the slavish subject's situation is concerned; but Hegel's insight is that the sovereign master's autonomy is equally not recognised by means of his slavish subjects' submission to him,

since this recognition can take place only where it is freely given and the slavish subjects are in no position to provide this. Hence, given the rational aim of achieving recognition of one's autonomy as a person worthy of respect in one's right, the internal dialectic of unequal social formations such as the master/slave relationship which inhibit this evaluative recognition prompts the evolution of new social formations until a stable situation is reached in which there are political institutions and procedures which enable the citizens of a state to recognize each other as equal bearers of rights under the law. At this point, then, what was at first mutual reactive recognition in the state of nature has been transformed into a form of mutual evaluative recognition within political society, such that the status of being a free and responsible citizen is collectively conferred upon the members of a state by each other.

It is then this relationship between citizens that Hegel alludes to in the passage I quoted at the start of my paper and uses as a model for the mutual recognition of sovereignty between different states, where again is clear that recognition is to be evaluative:

The legitimate authority of a state is partly a purely domestic matter. On the other hand, however, it is no less essential that this authority should receive its full and final legitimation through its recognition by other states, although this recognition requires to be safeguarded by the proviso that where a state is to be recognized by others, it shall likewise recognise them, i.e. respect their autonomy.⁸

4. In his book *The Struggle for Recognition*⁹ Axel Honneth suggests that in order to appreciate the significance of Hegel's conception of recognition it is helpful to go back to Hegel's early discussions of the way in which self-consciousness connects with

recognition by others. Honneth sketches Hegel's early theory in the following passages from *The Struggle for Recognition*:

Hegel's model starts from the speculative thesis that the formation of the practical self presupposes mutual recognition between subjects. Not until both individuals see themselves confirmed by the other as independent can they mutually reach an understanding of themselves as autonomously acting, individuated selves. For Hegel, this thesis has to be the point of departure, since it discloses, as it were, the basic structural feature of the societal subject-matter with which he is concerned in his theory of ethical life.¹⁰

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The second thesis (and the first that is constitutive for Hegel's conceptual model) asserts, on the basis of intersubjectivist premises, the existence of various forms of reciprocal recognition, which are to be distinguished according to the level of autonomy they make possible for an agent. Both the *System of Ethical Life* and the *Realphilosophie* contained at least a tendency to assume – with regard to 'love', 'law' (*Recht*), and ethical life – a sequence of recognition relations, in the context of which individuals reciprocally confirm each other to an increasing degree as autonomous and individuated persons.¹¹

Honneth then summarises his own position by means of the following table in which he seeks to characterise the moral structure of three different 'patterns of relationship' – love (as in a family), law (the formal relationships of civil society), and 'ethical life' (the informal ideals and relationships characteristic of a society):¹²

Patterns of Relationship	love	law	ethical life
Mode of Recognition	emotional support	cognitive respect	social esteem
Dimension of Personality	needs, emotions	moral responsibility	traits, abilities
Forms of Recognition	primary relationships (love, friendship)	legal relations (rights)	community of value (solidarity)
Practical Relation-to-self	basic self-confidence	self-respect	self-esteem
Forms of disrespect	abuse, violence	denial of rights, exclusion	denigration, insult
Threatened component of personality	physical integrity	social integrity	'honour', dignity

There is too much here to go through all the details, but an example to enable one to start thinking about this table is the recent legislative change in the UK which provides the legal recognition of same-sex relationships as ‘civil associations’ whose status is much the same as that of marriage between partners of different sexes. This is a change falling within the sphere of ‘law’ which removes ‘forms of disrespect’ that previously attached to these relationships, and by providing instead that the rules of home ownership, inheritance and so on which apply to married couples should apply to civil associations it enhances the respect accorded to relationships of this kind; it gives the partners in these relationships a status which they did not previously possess and thereby, one can say, protects their ‘social integrity’. What is then odd about Honneth’s description of this situation is that he describes the ‘mode of recognition’ characteristic of ‘law’ as ‘cognitive respect’. For the introduction of this new legal relationship, civil association, is precisely not just a matter of cognitive recognition of the facts for what they are. Instead it is a legal act which confirms the evaluation of these relationships by conferring a new status on them; hence it is clearly a case of what I have been calling evaluative recognition. Once that point is corrected, however, so that the ‘mode of recognition’ is the achievement of an appropriate legal status, then this column makes good sense, except that this mode of recognition is not straightforwardly reciprocal, as Honneth, following Hegel, suggests that it is. For although the authority of the legislature depends on the mandate conferred upon it by citizens through democratic processes which can be regarded as a form of evaluative recognition of those who are elected to the legislature, this form of recognition is very different from that afforded by the legislature to those affected by changes in the law concerning civil associations. So although there is two-way recognition between the legislature and the citizens, it is scarcely the mutual recognition of equals.

If one turns to ‘ethical life’ it is, I think, now easy to see what is going on. Again, the ‘mode of recognition’ is evaluative, but here it takes the form, not of a legislative change, but some other authoritative act, such as the award of a prize or an honour as a mark of ‘esteem’ for someone’s achievements. As before, talk of mutual recognition is here strained; for it is not as though, in accepting the Nobel prize, Amartya Sen confirmed the status of the Swedish Academy, at least in the way in which the committee’s award to him confirmed his status. What one can say, I think, is that the Academy’s status, and indeed the status of the Nobel prizes generally, depends upon the esteem in which the institution is held among the public at large, and thus upon their evaluative recognition of it. So there is an interdependent pattern of recognition here; but it is not simply a matter of mutual recognition. Thus this column is essentially an extension of the previous one and characterises the kind of recognition that we most commonly think of when we speak of someone gaining recognition for their work, though I would not say that a lack of public recognition or esteem poses a threat to one’s ‘dignity’, as Honneth suggests; instead it is, I think, one’s pride which may be hurt by a lack of recognition of this kind.

What, however, about the left-hand column (‘love’)? Honneth specifies friendship and love as the ‘forms of recognition’ characteristic of this type of relationship. But is friendship really a form of recognition? It is plainly not recognition of a truth, nor is it like the reactive recognition of competing businesses; equally it does not at first appear to be the kind of recognition exemplified by the passage of a law giving legal privileges to civil associations or by the public award of a prize for some major achievement. For friendship does not involve any authoritative act whereby the parties confer a privileged status on each other. Nonetheless because friends enjoy each other’s company, there is typically an understanding between them that there are things which they do together because they value each other, and there is often some occasion, e.g. a party, at which a friendship is

explicitly acknowledged. So there is among friends an informal recognition of each other as people for whom the course of each other's life is important, and it is for this reason that the 'mode of recognition' of friendship, as Honneth puts it, is 'emotional support', and equally that what we get from friendship is 'basic self-confidence', as he puts it. Hence friendship can be regarded as a form of evaluative recognition, and although it is less formal and authoritative than the other types, unlike them it is straightforwardly reciprocal. Honneth places love alongside friendship in this category, and many of the same points apply here: lovers do indeed confer a privileged status on each other as a unique foundation of their happiness, and there are acts, such as the exchange of gifts, whereby they signify to each other their recognition of this status. But in this case, unlike friendship, there is also the possibility of moving on to formal recognition of the relationship, by marriage or civil association – in effect combining Honneth's first two patterns of relationship ('love' and 'law').

5. Honneth's Hegelian thesis is that these different forms of recognition make possible different levels of autonomy for an agent, what he identifies as the practical 'relations-to-self' in his schema - basic self-confidence, self-respect, and self-esteem. Kantians may well object that our fundamental moral autonomy is not socially constituted in these ways; instead, they hold, it is a fundamental implication of the capacity for rational choice.

Rawls expressed this position in his claim that to be morally autonomous is to be 'a self-originating source of valid claims';¹³ for the thesis that the valid claims one makes are 'self-originating' implies that their validity is not socially constituted. But there are complications here and having introduced Rawls it is worth considering the central role which he himself assigns to social recognition in his own theory of justice. Rawls is

famous for the slogan ‘justice as fairness’, but he came to realise that this phrase was misleading because fairness is on a par with justice itself – the difference between them being only that justice is a virtue of compulsory institutions such as political society whereas fairness is a virtue of optional associations. Hence, he argued, the fundamental value which is expressed in institutions which are just or fair is the mutual recognition by persons of one another as persons with similar interests and capacities:

But the concept of justice is embedded in the thoughts, feelings, and actions of real persons; in studying the concept of justice one is studying something abstracted from a certain form of life. Now what is the basis of the procedure in this form of life? The answer sketched above, is that the recognition of one another as persons with similar interests and capacities must show itself, failing a special explanation, in the acceptance of the principles of justice and in the acknowledgment of the duty of fair play in particular cases. The procedure is not strictly speaking ‘imposed’ by anything; it is involved in the notion of persons recognizing one another as persons with similar interests and capacities and engaged in common undertakings.¹⁴

This is a striking passage: the use here of the phrase ‘form of life’ is, I take it, deliberately Wittgensteinian.¹⁵ For in presenting his position Rawls draws overtly on Wittgenstein in maintaining that recognizing another as a person has the normative significance he here imputes to it, - ‘acknowledging the duty of fair play is a necessary part of the criterion for recognizing another with interests and feelings similar to one’s own’, he writes and then adds in a footnote: ‘I am using the concept of criterion here in what I take to be Wittgenstein’s sense’.¹⁶ The term Rawls then uses to abbreviate the mutual recognition by persons of one another as persons with similar interests and capacities is ‘reciprocity’, and he affirms its foundational role in his theory of justice in the following passage:

It is this requirement of the possibility of mutual acknowledgment of principles by free and equal persons who have not authority over one another which makes the concept of reciprocity fundamental to both justice and fairness. Only if such acknowledgment is possible can there be true community between persons in their practices; otherwise their relations will appear to them as founded to some degree on force and circumstance.¹⁷

Reciprocity thus understood plays a central role in Rawls's thought thereafter. It is central to his conception of what is 'reasonable', as he makes clear in the following passage in *Political Liberalism*:

Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with others.¹⁸

Again in his late paper 'The Idea of Public Reason Revisited' Rawls returns to his Wittgensteinian idiom and writes of the 'criterion of reciprocity' as a requirement whose role 'is to specify the nature of the political relation in a constitutional democratic regime as one of civic friendship'.¹⁹

This reliance on the concept of reciprocity in Rawls's theory indicates that for Rawls, as for Honneth, recognition is of fundamental importance. As ever, we need to ask what type of recognition is in play here. Since Rawls writes that 'the recognition of one another as persons with similar interests and capacities must show itself, failing a special explanation, in the acceptance of the principles of justice and in the acknowledgment of the duty of fair play' it is clear that a form of evaluative recognition is involved here: persons manifest their recognition of each other as autonomous moral subjects through a commitment to confer on each other the status of equal members of society to whom the

duty of fair play is owed. So is Rawls after all an up-dated Hegelian, in the manner of Honneth? Not quite: for the role of recognition in Rawls's theory of justice is rather different from that which it has in Honneth's Hegelian theory. According to Honneth social recognition makes possible individual autonomy in its different forms; for Rawls, by contrast, justice just is the social recognition of the evaluative significance of individual autonomy. I shall come back to this contrast in the final part of this paper.

Before moving on I want to note one final aspect of Rawls's position, which connects back with my own opening theme, the comparison between the recognition of persons and states. For in *The Law of Peoples* Rawls makes much the same comparison. In Rawls's case the context for this comparison is his direct extrapolation of his account of political justice, justice within the state, to the 'law of peoples', his account of international justice, justice between states (or peoples, as Rawls calls them):

Given the pluralism of liberal democratic societies – a pluralism which is best seen as the outcome of the exercise of human reason under free institutions – affirming such a political conception as a basis of public justification, along with the basic political institutions that realise it, is the most reasonable and deepest basis of social unity available to us.

The Law of Peoples, as I have sketched it, simply extends these same ideas to the political Society of well-ordered Peoples. For that law, which settles fundamental political questions as they arise for the Society of Peoples, must also be based on a public political conception of justice.²⁰

Since, as we have seen, reciprocity is central to Rawls's political conception of justice, it is no surprise that he also applies it to the Law of Peoples:

Thus, the criterion of reciprocity applies to the Law of Peoples in the same way it does to the principles of justice for a constitutional regime. This reasonable sense of due

respect, willingly accorded to other reasonable peoples, is an essential element of the idea of peoples who are satisfied with the status quo for the right reasons.²¹

This ‘reasonable sense of due respect, willingly accorded to other reasonable peoples’ is the international form of the mutual recognition among persons who ‘recognize one another as persons with similar interests and capacities’ which is central to Rawls’s theory of political justice. Just as this latter recognition was not, for Rawls, constitutive of personal autonomy, but only of the normative relationships between persons which make possible justice among them, for Rawls international recognition amongst peoples is not constitutive of their political autonomy; instead it provides for relationships of ‘due respect’ among them which make it possible for them to work together as equal free members of international society.

6. This account of the role of recognition in international affairs contrasts with more ambitious positions which accord it a constitutive role whereby a ‘people’ acquires the status of a state through international recognition. Intuitively, some such position seems correct. Take a new state such as, say, East Timor: antecedent to its recognition, on the face of it, there was no such state, but following recognition by international organisations such as the United Nations East Timor is now regarded as a state. Hence it appears that this kind of international recognition is an act which confers international status and, therefore, one would think, is an act which constitutes a ‘people’ as a state with a territory.

But critics of this constitutive view hold that it overstates the significance of international recognition. While not disputing that recognition here is evaluative, an act which confers status, the critics maintain that this act is essentially just ‘declaratory’: international recognition is just a public declaration that the conditions for existence as an autonomous state have been met, thereby enabling the putative state to take its place

within the international system.²² As such international recognition is comparable to the award of a degree to a student who has passed his exams and met the other conditions for graduation. The award of the degree is a ‘declaration’ that these conditions have been satisfied and enables the student to present himself to others, potential employers for example, as a graduate. But the award of the degree does not have a constitutive role in the student’s degree: it was the student’s academic record which entitled him to the award of a degree. Similarly, then, on the declaratory view of international recognition, recognition has a ceremonial role, but the grounds for being recognised as a state are constituted by other conditions which do not involve recognition.

The key thesis here is this last one, that there are conditions not themselves requiring international recognition whose satisfaction by a people entitles them to international recognition. It is this thesis which is rejected on the constitutive view, according to which, on the contrary, the conditions whereby a people is entitled to be declared a state themselves involve international recognition. The standard account of the conditions that have to be satisfied before the status of statehood is granted are those specified in the Montevideo convention of 1933 which include the following: (i) a permanent population; (ii) a defined territory; (iii) a government. Other conditions may be added, such as the protection of minority rights, but the Montevideo conditions already exhibit the difficulties which the declaratory theory faces. First: what counts as the ‘permanent population’? In particular, how is the status of former residents who are now refugees to be decided? Suppose the acting government of the candidate state is unwilling to respect the normal right of return for refugees since this would radically alter the ethnic balance of the population? Is not this a matter itself requiring international agreement prior to the recognition of a state? Second: how is the supposed ‘defined territory’ to be defined? While there are many established practices for determining territorial rights,

having to do with occupation, past conquest, treaties and so on, it is notoriously difficult to find ways of resolving territorial disputes without external arbitration. Third: there is supposed to be a 'government'. But suppose power lies with one group but democratic legitimacy, such as there is, lies with another group; how is it determined which is the government if not by some international action?

Thus, according to the constitutive theorist, the standard conditions for statehood are not comparable to the accumulation of examination credits which entitle a student to the award of a degree; instead the conditions are themselves ones whose acceptance generally requires a significant element of international recognition – of citizenship, territory and government, as the constitutive theorist predicts. But perhaps this is too quick. After all, determining the legitimate government of a state is typically an internal matter: established states do not seek to dictate to each other what government they should be having, and where there are democratic political institutions in place they certainly do not do so. It is generally only following external military intervention that other states may choose not to recognise an occupying administration and, perhaps, support a government-in-exile instead. Hence the legitimacy of a government does not normally depend on external international recognition; instead it depends on the existence of decent internal political institutions and procedures. Similarly citizenship is generally regarded as an internal matter. But on this issue there is an important constraint: if a putative (or indeed actual) state sought to exclude a group of the existing population from citizenship, with the result that these people were likely to become stateless refugees, the international community might well intervene to ensure that these people are able to enjoy full rights as citizens. In practice the issue here connects with the question of territory, for it may be that the best solution to political divisions within a population is secession, as has happened in effect with respect to Kosovo. But the important point is that citizenship cannot be an

exclusively internal matter; it is not acceptable that large groups of people should be stateless and there is therefore a role for the international community in ensuring that the existing state system encompasses everyone. The clear case, however, where the international community has a constitutive role even with respect to established states concerns territorial boundaries. For territorial boundaries between states are obviously not a matter internal to any one of them. In some cases they are settled by negotiations between the states directly involved, and no further international involvement is required; but frequently this is not the case, especially where a new state is created following secession, and external international adjudication is needed. This point does, of course, depend on there being a plurality of states with territorial boundaries, and an imaginary situation in which there was just one world-state on earth would be one in which this point did not apply. But that is not our world; nor is it one that critics of the constitutive role of international recognition should wish for since this imagined hypothesis would assign much greater authority to the government of the imagined world state concerning the demarcation of internal boundaries between the peoples of this one state than is assigned to the international community by those who give international recognition a constitutive role.

Thus there is a strong case for accepting that international recognition has a constitutive role with respect to the determination of territorial boundaries and also, to some degree, with respect to citizenship where new states are created. But to this the declaratory theorist responds that where the basic conditions are not unequivocally satisfied and other states act individually in a quasi-constitutive way, as they see fit, the result is just a chaotic clash of opposed judgments. Thus Kosovo is recognised by some states, such as the UK, but not by others, such as Russia. This result is intended to be a *reductio* of the constitutive theory; for how can international status be conferred where

there are opposed judgments? It would entail that international status is inherently relative, which, to some degree undermines the status itself (although the international community has learnt to live with this situation in respect of Taiwan). But there is a way out for the constitutive theorist: namely to hold that international recognition is constitutive only where it is collective, accomplished by an authoritative international organisation, such as the United Nations. This move eliminates the chaotic pluralism complained of just now. It faces the objection that it is utopian: the Badinter Commission was, in effect, an attempt to achieve collective international recognition of states emerging from the break-up of Yugoslavia, but it plainly failed in this enterprise and, by raising expectations, it may have even helped to precipitate the civil war in Bosnia.²³ Still: it is not clear that there was then, or is now, any acceptable alternative; to adopt a declaratory view is to invite groups to use force or concrete in order to attempt create facts on the ground which meet the conditions that are supposed to entitle a people to a declaratory recognition of their statehood (which is, indeed, exactly what did happen in the former Yugoslavia). It invites the *realpolitik* which substitutes force for right. Whereas what lies behind the constitutive conception of collective international recognition is the belief that no such facts on the ground have a moral basis antecedent to a collective acceptance of them by an international association which has the authority to recognise the territory and population of a state. ‘Peoples’ are not a natural kind and territories are not natural rights; hence institutional artifice, in Hume’s sense, is inescapably central to international affairs, and the only way in which the artifice of the state can be legitimated is through constitutive international recognition.

It may be objected that this gives too much authority and power to international organisations such as the United Nations. One issue here is the source of their authority. The obvious response is that their authority comes from their constituent members, existing states; but this is open to the objection that it makes it acceptable for these

organisations to function like a private club with a circular structure of legitimation, whereby existing members use their established position to protect their own interests (Rawls's conception of the Society of Peoples is, I think, vulnerable to this complaint). Hence, while in practice the involvement of existing states in international organisations is unavoidable, in principle the moral authority of the organisation can derive only from its representing the totality of humankind. Quite how this mode of representation should be conceived remains, for me, an open question; but there is here a fundamental truth in the cosmopolitan position which needs further articulation and institutional realisation. A satisfactory way of doing this, however, prompts a different question. What if this organisation started to redraw the map of the world in order to accommodate the aspirations of the many peoples who would like to form states?²⁴ While some might welcome this shake-up, existing states might well feel threatened, and the course of events following the collapse of Yugoslavia is not a happy precedent. It is clear enough in theory that what is required here is a corpus of international law which builds on the Montevideo convention and subsequent UN resolutions, and that any decisions concerning new states, their populations, and territories be made in the light of this corpus. But quite how such a process is to be implemented in a peaceful way is never going to be easy, for the application of international law in these areas is never going to be a straightforward determination of entitlements. Decisions and resolutions are often controversial and contested, with losers as well as winners: but it is only by means of them that international legitimacy can be sustained – as the constitutive theory of recognition maintains.

7. This conclusion in effect affirms a Hegelian account of the role of recognition in international affairs, to the effect that a state's authority with respect to its people and territory, and thus its autonomy, 'receives its full and final legitimation through its

recognition by other states'.²⁵ Thus the issue that remains to be settled is whether, as Hegel suggested in the passage from which I started, recognition has a similar constitutive role with respect to individual personal autonomy. Unreflectively, the cases appear very different. Recognition has a constitutive role in international affairs primarily because the state is an artifice, an 'Artificiall Man' in Hobbes's phrase,²⁶ and thus lacks any natural rights. By contrast individual persons are not artificial and are often taken to have natural, or fundamental human, rights. One sign of this difference is that whereas recognition in international affairs is a familiar actual procedure, there is no similar procedure by which the autonomy of an individual is officially recognised.

But it would be too quick to rely on simple contrasts of this kind. In considering the question further, a good case to start with is self-respect, whose importance is indicated by Rawls's thesis that self-respect is the most important of personal goods.²⁷ Honneth took self-respect to be the 'practical relation to self', the mode of self-concern, which is characteristic of the level of autonomy made possible by the legal recognition of rights, and one can formulate a Hegelian thesis concerning the constitution of self-respect by adapting Hegel's aphorism concerning self-consciousness to the case of self-respect:

Self-respect exists in and for itself when, and by the fact that, it so exists for another; that is, it exists only insofar as one is oneself respected by another whom one respects oneself.

Intuitively there does seem to be something right about this claim; yet it is not true that self-respect is in all cases dependent upon being respected by others whom one respects oneself. One can develop and retain a strong sense of the worth of one's life despite the fact that one receives little or no respect from others. The classic case here is Olaudah Equiano, the African slave who retained his self-respect despite the total lack of respect he received from his masters.²⁸ What is true here is that because the value of an individual is

the ground of claims on others, self-respect includes the thought that one is worthy of respect by others; and from this it follows that self-respect is best realised through relationships of mutual respect between people – which is the truth inherent in the Hegelian thesis. But this truth is not a truth about the constitution of self-respect; instead it is one about the norm inherent in its realisation. Hence in this regard our autonomy is confirmed, but not constituted, through recognition by others by means of relationships and institutions in which one's worth is evaluatively recognised by others.

This case is, I think, typical. For personal autonomy is fundamentally the capacity for making a life of one's own, and this is not on the face of it dependent upon recognition by others, although it does involve a normative claim concerning treatment by others which anticipates their recognition of this capacity. This complexity is captured by Rawls's characterisation of autonomy as the status of one who is a 'self-originating source of valid claims', in that the capacity which is the 'source' of the claims we make on others is not dependent on recognition by them although the 'valid' normative claims themselves are claims to recognition. But there remains a question as to quite how the basis of this validity is to be conceived, in particular whether it is contingent upon some form of social recognition. Since this is, in effect, a question about the basis of moral norms, it is not possible or sensible to address it comprehensively here. Honneth's Hegelian approach makes morality contingent upon the forms of recognition inherent in existing practices, and this is open to the objection that it does not leave sufficient space for moral norms which call for the critical appraisal of existing practices as unjust or worse. An intuitionist approach which just relies on rational intuitions of fundamental moral truths avoids this problem but faces familiar objections of its own, not the least of which, in this context at least, is that it significantly compromises the understanding of an agent's moral autonomy.²⁹ But Rawls's 'Kantian constructivism' offers an attractive way forward here.

For Rawls's thesis that moral norms are requirements of practical reason applied to social practices which address the circumstances of human life combines the intuitionist's appeal to reason with the Hegelian's emphasis on the importance of social practices while avoiding the main objections to both these alternative approaches to the foundations of morality.

Thus in the end it is, I think, Rawls who identifies the proper place for recognition in moral theory, according to which it is not constitutive of a person's autonomy but, in an idealised reflexive form, fundamental to the determination of morality. Rawls's Kantian constructivist grounds the validity of putative moral norms on the rules of practices and institutions which, as rational and reasonable persons, we would agree to impose upon ourselves in situations in which all participants recognise each other as free and equal. One might object that just as for Rawls this agreement, or contract, is merely hypothetical, so too, on this account of the matter, is recognition; and just as it is notoriously difficult to explain the significance of a merely hypothetical social contract, it is going to be equally hard to attach importance to hypothetical acts of recognition. But in fact the cases are not similar. For whereas the Rawlsian social contract remains inherently hypothetical and its significance is best understood as an informal expression of the method of Kantian constructivism, the practical realisation of the requirements of morality, or justice, brings with it actual mutual recognition. Where the constitutional and legal principles of a state accord with principles of justice, the institutions of the state are actual, and not merely hypothetical, ways of realising the mutual evaluative recognition among citizens of each other as free and equal.

8. How then, finally, do things stand for the comparison between the roles of recognition in international and domestic affairs? In international affairs recognition by authoritative

institutions does have a constitutive role; for only in this way can a state's territorial boundaries acquire legitimacy. Nothing comparable obtains in the domestic case, for the moral standing of persons is not dependent on legitimation by others. Nonetheless Rawls's moral theory shows that recognition has a different role here: the demand for recognition is the demand for justice or, more broadly, morality. Morality is the evaluative recognition of the significance of individual autonomy.³⁰

¹ *Hegel's Philosophy of Right* trans. T. M. Knox (Oxford University Press, Oxford 1952) p. 212 (translation modified).

² See 'Thought', p. 329 in *The Frege Reader* ed. M. Beaney (Blackwell, Oxford 1997).

³ On this matter, see M. Kremer 'Judgment and Truth in Frege', *Journal of the History of Philosophy* 38(4) 2000, 549-581.

⁴ G. W. F. Hegel *Phenomenology of Spirit*, trans. A. V. Miller (Clarendon Press, Oxford 1977) p. 111 (translation modified).

⁵ *Phenomenology of Spirit* p. 112.

⁶ *Phenomenology of Spirit* p. 110.

⁷ The presumption of a state of nature is explicit in the 'Zusatz' to §432 of *Hegel's Philosophy of Mind* trans. W. Wallace (Clarendon Press, Oxford 1971) pp. 172-3.

⁸ *Hegel's Philosophy of Right* p. 213.

⁹ A. Honneth *The Struggle for Recognition* trans. J. Anderson (MIT Press, Cambridge MA 1996).

¹⁰ *The Struggle for Recognition* p. 68.

¹¹ *The Struggle for Recognition* p. 69.

¹² *The Struggle for Recognition* p. 129.

¹³ 'Kantian Constructivism' p. 330 in Rawls's *Collected Papers* ed. S. Freeman (Harvard University Press, Cambridge MA 1999).

¹⁴ 'Justice as Reciprocity' p. 213 in Rawls's *Collected Papers*.

¹⁵ In the 1950's Rawls taught at Cornell whence, thanks to Max Back and Norman Malcolm, the significance of Wittgenstein's later writings was introduced into the USA at this time.

¹⁶ 'Justice as Reciprocity' p. 212 in Rawls's *Collected Papers*.

¹⁷ 'Justice as Reciprocity' p. 209 in Rawls's *Collected Papers*.

¹⁸ *Political Liberalism* (Columbia University Press, New York NY 1993) p. 50.

¹⁹ 'Idea of Public Reason revisited' p. 579 in Rawls's *Collected Papers*.

²⁰ *The Law of Peoples* (Harvard University Press, Cambridge MA, 1999) pp. 122-3.

²¹ *The Law of Peoples* p. 35.

²² See J. L. Brierley *The Law of Nations* 6th ed. (Clarendon Press, Oxford 1963) esp. pp.

138-40. For a recent discussion, see C. Warbrick 'States and Recognition in International Law' in M. D. Evans ed. *International Law* (Oxford University Press, Oxford 2006).

²³ See R. Caplan 'Europe and the Recognition of New States in Yugoslavia' (Cambridge University Press, Cambridge 2005).

²⁴ For some details of these peoples see the website, www.unpo.com, of UNPO – the Unrepresented Nations and Peoples Organisation; despite the acronym, this organisation is not officially associated with the United Nations.

²⁵ *Hegel's Philosophy of Right* p. 213.

²⁶ 'Introduction' *Leviathan*.

²⁷ *A Theory of Justice* revised edition (Oxford University Press, Oxford 1999) p. 477.

²⁸ See Olaudah Equiano *The interesting narrative of the life of Olaudah Equiano* (first published in 1789; Kessinger Press, Whitefield MT 2004).

²⁹ Rawls makes this point in his *Lectures on the History of Moral Philosophy* (Harvard University Press, Cambridge MA 2000) pp. 236-7.

³⁰ This is a revised version of a paper given at the York PPE conference in May 2007. My thoughts on this subject have benefited from the discussion there and at subsequent occasions at Columbia and Warwick, and from comments I received from Philip Pettit.