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Affektive Anerkennung und soziale Freiheit – psychoanalytische und normativ-rekonstruktive Begründungslogik der Gesellschaftskritik im Werk von Axel Honneth

Abstrakt Die Aufgabenstellung dieses Artikels lautet: wie ist die theorieimmanente Spannung in Honneths letzten Schriften zu erklären und aufzulösen, d.i. die Spannung, die durch die Differenz zwischen sozialer Freiheit (die auf Hegels Sozialphilosophie beruht und methodisch durch normative Rekonstruktion geschaffen wird) und dem Konzept „affektiver“ Anerkennung (anstelle des normativen Anerkennungsbegriffs) erzeugt wird – oder: gibt es einen sachlich-logisch begründeten Weg von der Frage subjektiv-individueller Anerkennung zur intersubjektiven Anerkennung freier (Rechts-) Subjekte in der Gesellschaft?

Meine These lautet: die angebliche Spannung ist nur scheinbar vorhanden. Sie entspannt sich – ohne sich aufzulösen –, sobald die beiden Begründungslogiken, die bei Honneth am Werk sind, miteinander verbunden werden. Unbeschadet der von mir behaupteten Spannungsfreiheit ist aber der psychoanalytische Weg als solcher irreführend, insofern sich aus den Konstellationen des empirisch einzelnen Bewusstseins nicht direkt auf kollektive Komponenten von Gesellschaft schließen lässt. Das Verhältnis von subjektiver Einzelheit und objektiver (intersubjektiver) Allgemeinheit ist insofern ein objektiver Widerspruch (im Unterschied zu einer bloß theoretisch vorhandenen Spannung). Schlägt man diesen Weg trotzdem ein, trägt man in die Gesellschaftstheorie ungewollt eine psychologistische Betrachtungsweise hinein. Diesen psychologistischen Anstrich bekommt dann unvermeidlich auch Honneths Theorie intersubjektiver (normativer) Anerkennung.

Schlüsselbegriffe: Honneth, Hegel, Freud, Anerkennung, Gesellschaftskritik, Recht, Selbstbewusstsein, Begierde, Verneinung, Freiheit.

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Vorbemerkungen

Die Aufgabenstellung, die mich zu dem folgenden Beitrag motiviert hat, kann kurz so umschrieben werden: wie ist die offensichtliche oder nur vermeintliche, theorieimmanente Spannung in Honneths letzten Schriften zu erklären und aufzulösen, d.i. die Spannung, die durch die Differenz zwischen sozialer Freiheit auf der einen Seite (die auf Hegels Sozialphilosophie beruht und methodisch durch normative Rekonstruktion geschaffen wird) und dem Konzept „affektiver“ Anerkennung auf der anderen (die sich auf Resultate der Psychoanalyse sowie auf Hegels Philosophie des Selbstbewußtseins

stützt – anstelle des normativen Anerkennungsbegriffs, der sich aus dem Jenaer Hegel und den Arbeiten von Mead speist) erzeugt wird – oder allgemeiner formuliert: gibt es einen sachlich-logisch begründeten Weg von der Frage subjektiv-individueller Anerkennung zur intersubjektiven Anerkennung freier (Rechts-) Subjekte in der Gesellschaft?

Dass es zwischen der kritischen Gesellschaftstheorie der Frankfurter Schule und der Theoriebildung der Psychoanalyse von Anfang an eine begründete und in ihren Motiven nachvollziehbare enge Verbindung gegeben habe, scheint für Honneth außer Frage zu stehen.¹ Man kann diese Motive jedoch auch für irreführend halten (z.B. sollte man nicht länger versuchen, Hemmungen revolutionärer Gesellschaftsbewegung auf unbewusste psychische Blockaden der Subjekte zurückzuführen)².

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Meine These lautet: die angebliche Spannung ist nur scheinbar vorhanden. Sie entspannt sich – ohne sich aufzulösen –, sobald man die beiden Begründungslogiken, die bei Honneth anscheinend am Werk sind, miteinander verbindet. Unzutreffend ist nämlich die Annahme, das Konzept *affektiver* Anerkennung löse das der *normativen* ab. Unbeschadet der von mir behaupteten Spannungsfreiheit ist aber der psychoanalytische Weg zur anerkennungstheoretischen Gesellschaftskritik als solcher irreführend, und zwar auch in der revidierten Fassung der Psychoanalyse, insofern sich aus den Konstellationen des empirisch einzelnen Bewusstseins – ob es nun pathologisch oder gesund ist – nicht direkt auf kollektive Komponenten von Gesellschaft schließen lässt. Das Verhältnis von subjektiver Einzelheit und objektiver (intersubjektiver) Allgemeinheit ist insofern ein objektiver Widerspruch (im Unterschied zu einer bloß theoretisch vorhandenen Spannung). Schlägt man diesen Weg trotzdem ein, trägt man in die Gesellschaftstheorie ungewollt eine psychologistische Sichtweise hinein. Diesen psychologistischen Anstrich bekommt dann unvermeidlich auch Honneths Theorie intersubjektiver bzw. normativer Anerkennung.

Der Rekurs auf die psychoanalytische Subjektbetrachtung im Anschluss an Freud soll zugleich eine „anerkennungstheoretische Revision der Psychoanalyse“ enthalten.³ Darauf gehe ich im zweiten Abschnitt des Artikels ein.

Intersubjektive Anerkennung. Kritik an Honneths Hegel-Interpretation

Die Elemente der intersubjektiven Anerkennungstheorie, die das Herzstück in Honneths kritischer Gesellschaftsanalyse ist, schöpft der Autor

1 Vgl. Honneth (2010: 251).

2 Vgl. Ebd., 252.

3 Ebd., 251.

hauptsächlich aus der Philosophie Hegels, und zwar zunächst aus dessen Jenaer Schriften, erst später – wie er selbst erklärt – aus der Hegelschen *Rechtslehre*. Durch das Studium der zuletzt genannten Quelle ist nach seinem eigenen Bekunden die Einsicht in Bedeutung und Leistungsfähigkeit der praktischen Philosophie Hegels im Hinblick auf ihre Aktualität für die Lösung zeitgemäßer Probleme in Politik und Gesellschaft gewachsen. Sie erlaubte es ihm, die Theorie der *Anerkennung* zu einem an den Institutionenbegriff gebundenen Konzept liberalistisch gedachter Gesellschaftsform und sozialer und politischer Gerechtigkeit auszubauen.

Bei der kritischen Beleuchtung des Ursprungs der Anerkennungstheorie Honneths aus der Analyse von Schriften Hegels beschränke ich mich auf die *Phänomenologie* (1807) und die *Rechtsphilosophie* (1820). Auf die früheren Entwicklungen des Hegelschen Denkens in Jena und die damit verbundenen konzeptionellen Verschiebungen, etwa in der *Jenaer Realphilosophie* von 1803/04, die Honneth gleichfalls untersucht hat, kann ich an dieser Stelle nicht eingehen.⁴

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In der Vorbemerkung des Bandes *Das Ich im Wir* (2010) berichtet Honneth rückblickend von der Entwicklung seiner Hegel-Rezeption, ausgehend von seiner Schrift *Kampf um Anerkennung* (1992), in der er seine spezielle Auslegung des Hegelschen Denkens vorgestellt habe. Auf diesem Weg blieben zunächst noch viele Fragen ungelöst. Das Ziel bestand stets in einer Rekonstruktion der Hegelschen Anerkennungslehre, und zwar in der Weise, dass zum einen eine Revision des Gerechtigkeitsbegriffs, zum anderen eine Verbesserung der „Bestimmung des Verhältnisses von Vergesellschaftung und Individuierung [...] folgen sollten“.⁵

Mit der Hinwendung zu einer kritischen Auseinandersetzung mit Hegels Rechtslehre⁶ unter dem Aspekt ihrer möglichen Relevanz für zeitgenössische Fragen der politischen Philosophie hat Honneth neue Akzente gesetzt.⁷ Dabei hebt er als besondere Leistung Hegels hervor, „eine Art von ethischer Metatheorie des Rechts“ entwickelt zu haben, die eine „institutionelle Rahmung“ darstelle, die die abstrakten Moralprinzipien umfasse.⁸ Für den von Honneth konstatierten „Aktualitätsverlust der Hegelschen Rechtsphilosophie“ werden Vorurteile und Zweifel ins Feld geführt und vor allem „undemokratische“ oder gar „antidemokratische“ (staatsautoritative) Charakteristiken dieses

4 Vgl. dazu „Kampf um Anerkennung: zur Sozialtheorie der Jenaer Realphilosophie Hegels“ (1992). In: Honneth 1994. Vgl. „Jenaer Realphilosophie (1805/06)“. In: Hegel 1969; „System der Sittlichkeit (1802/03)“. In: Hegel 1967.

5 Honneth 2010: 7.

6 In Hegels Schrift *Grundlinien der Philosophie des Rechts* (1821). In: Hegel 1970.

7 Vgl. Honneth 2001: 7.

8 Ebd., 9.

Werkes verantwortlich gemacht.⁹ Methodologisch fragwürdig erscheint die *Rechtslehre* dem heutigen Leser, weil es schwer fällt, ihre Begründungsstruktur auf die vorausgesetzte Logik zu beziehen.¹⁰ Den Vorurteilen zum Trotz versucht Honneth eine Reaktualisierung der *Rechtsphilosophie* Hegels auf indirektem Wege der Kritik an den Vorurteilen bzw. Einwänden, ohne Beschädigung des substantiellen Gehalts der Theorie.¹¹ Ohne Hilfe der Logik und des Staatsbegriffs will Honneth Aufbau und Zweck des Textes der *Rechtsphilosophie* Hegels rekonstruieren. Dieser Versuch läuft darauf hinaus, die Aktualität der *Rechtsphilosophie* Hegels durch den Nachweis zu begründen, dass sie sich als „Entwurf einer normativen Theorie“ wechselseitiger Anerkennung interpretieren lasse. Eine solche Form der Anerkennung ist – so die weitergehende These – konstitutiv für die „moralische Identität moderner Gesellschaften“.¹² Zwei Elemente spielen bei dem Versuch der Rekonstruktion des Werkes eine dominierende Rolle: die Vorstellung von Gesellschaft als „objektiver Geist“ und die Implikationen des Sittlichkeitsbegriffs.¹³ Im Verhältnis der Sittlichkeit sind Normen und Werte bereits als interaktionsfähige *Institutionen* gesellschaftlich verankert.¹⁴ Alles was „Recht“ ausmacht wird durch die Idee des allgemeinen freien Willens bestimmt und kann als Zentrum einer Theorie der Gerechtigkeit interpretiert werden. Honneth sieht jedoch auch Grenzen der Hegelschen Rechts- und Sittlichkeitslehre, die darin liegen sollen, dass die Bedingungen individueller Freiheit übermäßig institutionalisiert gedacht werden.¹⁵

Neben dem triadischen Aufbau der *Rechtsphilosophie* im ganzen hat Honneth vor allem auf die Entstehung der Institutionen (als kommunikativen Handlungssphären) der Familie, der bürgerlichen Gesellschaft und des Staates im dritten Abschnitt (Sittlichkeit), die zugleich als Stufen der Verwirklichung individueller Freiheit bzw. der Bestimmung des freien Willens zu begreifen sind, das Augenmerk gelegt. Dabei will er ohne Erwägung etwaiger Systemzwänge auskommen. Ohne Rekurs aber auf die Logik des Begriffs lassen sich Dreiteilungen von Gedanken zum Thema nicht in ihrer Notwendigkeit erfassen. Sie hängen gewissermaßen in der Luft, und es bleibt insbesondere unklar, inwiefern die ersten beiden Stufen (*abstraktes Recht* und *Moralität*) unterentwickelte Freiheitsmodelle darstellen, die in der Konsequenz in der gesellschaftlichen Wirklichkeit als Beschädigungen des Sozialgefüges

9 Ebd., 11.

10 Ebd., 12.

11 Ebd., 13.

12 Ebd., 14.

13 dazu Mesch 2005.

14 Ebd., 15.

15 Ebd., 17, vgl. S. 102 ff.

(„Pathologien“) in Erscheinung treten können.¹⁶ Was Recht ist und was subjektive Rechte im Kontext der moralischen Selbstbestimmung von Individuen in der bürgerlichen Gesellschaft bedeuten, kann nicht mit hinreichender Genauigkeit ermittelt werden.¹⁷

Meine Interpretationsidee besagt in Kurzfassung: *An-Erkennen* heißt genau genommen: negatives Erkennen, Erkennen des eigenen Selbstbewusstseins durch ein anderes Selbstbewusstsein, nicht: Achtung, Respekt, Anteilnahme oder Mitgefühl eines menschlichen Subjekts gegenüber sich selbst oder einem anderen. Es entsteht hier kein soziales Verhältnis im Sinne einer Intersubjektivität. Subjekte, die einander „begegnen“, um eine Kommunikationsgemeinschaft zu bilden, kommen im Selbstbewusstseinskapitel der Hegelschen *Phänomenologie* (1807) nicht vor. Das Andere ist nicht „der“ Andere als eine *Person*, sondern ein besonderes Verhältnis des Selbstbewusstseins zu sich selbst (dessen Aufhebung *Begierde* genannt wird). Dass das „*Ich*, das *Wir*, und *Wir*, das *Ich* ist“ enthält keine Spur von Intersubjektivität (als Beziehung zwischen einzelnen, an sich isolierten Subjekten), sondern bezeichnet das Selbstbewusstsein als der antizipierte Begriff des *Geistes* als Einheit verschiedener Selbstbewusstseine.

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Es ist eine verdienstvolle Arbeit, die Honneth investiert hat, um die relevanten Abschnitte des Hegelschen Textes genau (Satz-für-Satz) zu interpretieren.¹⁸ Sie beansprucht eigentlich eine ebenso gründliche Prüfung und Kommentierung. Das ist an dieser Stelle nicht möglich, angesichts des hohen Schwierigkeitsgrades des Hegelschen Originals.¹⁹ Ich beschränke mich daher auf wenige kritische Anmerkungen.

Zu kritisieren ist vor allem Honneths Auslegung in *Das Ich im Wir* (Honneth (2010): 21-24): der Rekurs auf das *Leben* als *Gattung* ist m.E. unangemessen ausgelegt: *Leben* ist hier zwar „als *Prozeß*“ gedacht (141);²⁰ es ist aber nicht als *Naturprozess* bestimmt, sondern *Leben* als *Bewegung des Begriffs*, – seine Bestimmung folgt „aus dem Begriffe“, und das ist hier seine „*Natur*“ – und zwar eines konkreten Begriffs, d.i. als des *Selbstbewusstseins* (nicht des logischen Begreifens gemäß der *Idee des Lebens* in der *Wissenschaft der Logik*). Die wenigen

16 „Das ‚Recht‘ in der Rechtsphilosophie: Notwendige Sphären der Selbstverwirklichung“. In: Honneth 2001: 41-43. vgl. „Leiden an Unbestimmtheit: Pathologien der individuellen Freiheit“. In: Honneth 2001: 49-69.

17 Vgl. dazu meinen Aufsatz „Recht, Gerechtigkeit und individuelle Selbstbestimmung. Kritische Bemerkungen zu Axel Honneths Kant-Interpretation“ (im Erscheinen).

18 „Von der Begierde zur Anerkennung. Hegels Begründung von Selbstbewusstsein“. In: Honneth 2010: 15-32.

19 Hegel 1970: 137-155 (Cap. IV).

20 Diese und die folgenden Seitenangaben beziehen sich auf die Ausgabe der *Phänomenologie des Geistes* in Bd. 3 der Werkausgabe, Frankfurt a.M. 1970.

Momente, die zu ihrem „Kreislauf“ (142) gehören, werden von Hegel bestimmt angegeben (140 f.). Das Selbstbewußtsein ist lebendig, insofern es begriffen wird und sich selbst begreift, d.h. als Einheit aus den unterschiedenen Gliedern („selbständigen Gestalten“) in sich selbst zurückkehrt und diese Unterschiede aufgehoben hat. Ihm steht das *Ich* als „ruhige Einheit“ gegenüber (137). Lebendig wird aber durch den Akt der Reflexion auch der Gegenstand (das für das Selbstbewußtsein Negative). Selbstbewußtsein und Leben (als „unendliche Einheit der Unterschiede“) entzweien sich und bilden einen Gegensatz (139). Das Selbstbewußtsein macht damit die Erfahrung, dass es nicht bloß Begierde ist, sondern dass sein Gegenstand auch ein Selbständiges und Lebendiges ist (140). Die unterschiedenen Gestalten bilden dadurch „das Leben als *Lebendiges*“ (141). Der „Prozeß“ des Lebens ist einerseits „Gestaltung“, andererseits „Aufheben der Gestalt“ (142). Aber das Leben als Kreislauf ist mehr als nur dieser Prozess und seine Glieder, es ist die Entwicklung und Erhaltung des Ganzen aller dieser Momente (142). Das allgemeine Resultat dieser Entwicklung ist das was Hegel die „*einfache Gattung*“ nennt. Diese verweist auf das Selbstbewußtsein als ein Anderes (ein anderes Leben), für das sie ist. Es hat das einfache Ich zum Gegenstand. In der Erfahrung des Bewusstseins wird sich dieser Gegenstand gemäß der Entwicklung des Lebens entfalten. Durch das Aufheben des Anderen wird das Selbstbewußtsein sich seiner selbst gewiss und ist so *Begierde*. Zugleich tritt in der wahren Gewissheit mit der Vernichtung des Anderen als des Gegenstandes der Begierde die Befriedigung der Begierde ein. Dies setzt aber wiederum das Bestehen des Anderen voraus, das also nicht aufgehoben sondern ebenso reproduziert wird wie die Begierde. Das was nun entstanden ist, ist ein Anderes als das Selbstbewußtsein, nämlich das Wesen der Begierde. Begierde ist also Reproduktion des Aufgehobenen und Befriedigung, d.h. Aufheben (143). Im weiteren Verlauf solcher Verkehrungen zeigt sich, dass das Selbstbewußtsein seine Befriedigung nur in einem anderen Selbstbewußtsein erreicht (144). Es muss sich also verdoppeln. Damit vereint der Begriff des Selbstbewußtsein drei Momente in sich: 1) unmittelbar ist das reine Ich sein Gegenstand; 2) er ist Aufheben seiner selbst, Vermittlung, d.i. Begierde; 3) die Wahrheit der Begierde ist die Verdopplung des Selbstbewußtsein. Genauer ist so ein Selbstbewußtsein „*fuer ein Selbstbewußtsein*“. Dadurch ist es „die Einheit seiner selbst in seinem Anderssein“ (145) Da nun an sich schon der Begriff des *Geistes* vorhanden ist, erfährt das Bewußtsein im weiteren Verlauf, was der *Geist* ist als Einheit „verschiedener für sich seiender Selbstbewußtsein[e]“ (145).

Ebenso steht es mit dem Begriff der *Begierde*: wo sagt Hegel im betreffenden Kapitel, dass sie an die Leiblichkeit, an die Natur, das Organische, die biologische Natur des Menschen gebundenes Gefühl sei? „Begierde“ (Begierde überhaupt oder unmittelbar) bedeutet vielmehr im Hegelschen Kontext einerseits das Selbstbewußtsein, insofern es sich auf seinen Gegenstand als

den der sinnlichen Gewissheit richtet, der für es etwas Negatives ist (139), andererseits die Reflexion des Gegenstandes in sich, der dadurch auch „ein *Lebendiges*“ wird (139, 143). Keinesfalls findet sich an der zitierten Stelle über die *Begierde überhaupt* (139) so etwas wie ein „*practical turn*“.²¹ Das Verhältnis eines Selbstbewußtsein zum anderen ist nicht „inhärent gesellschaftlich“.²² Das Selbstbewußtsein begehrt aber darüber hinaus ganz wesentlich und entscheidend, mit *sich selbst* eine Einheit und damit wahr zu werden (139). Diese Kritik hat unter Umständen ganz erhebliche Auswirkungen auf die gesamte Anerkennungsproblematik, die Honneth in seinen Schriften entfaltet. Das kann ich hier nicht weiter verfolgen. Sie macht aber, bezogen auf den Gegenstand dieses Aufsatzes, insbesondere plausibel, wie Honneth auf den Gedanken einer *affektiven Anerkennung* und den Rekurs auf die Psychoanalyse hat kommen können.

Schließlich zu dem von Honneth aufgegriffenen Titel der *Anerkennung*, wie er sich in Hegels Text an den angegebenen Stellen (*A. Selbständigkeit und Unselbständigkeit des Selbstbewußtseins; Herrschaft und Knechtschaft*) ermitteln lässt und verschiedene Bedeutungen annimmt. Das Selbstbewußtsein ist „nur als ein Anerkanntes“, insofern es „*an* und *für sich*“ ist, und zwar „für ein Anderes“ (145). Es hängt mit der Natur (dem Wesen) des Selbstbewußtseins selbst zusammen, dass seine Momente, insofern sie unterschieden werden, „immer in ihrer entgegengesetzten Bedeutung genommen und erkannt werden müssen“ (ebd.). Das „Wesen des Selbstbewußtseins“ ist es nämlich, „unendlich oder unmittelbar das Gegenteil der Bestimmtheit, in der es gesetzt ist, zu sein“. Sein Begriff ist doppelsinnig, „Einheit in seiner Verdopplung“. Die Entfaltung dieses *Begriffs* ist es zunächst, die nach Hegel „die Bewegung des *Anerkennens*“ darstellt (146). Es ist m.a.W. der Prozess des Erkennens durch die Negativität des doppelten Selbstbewußtsein, ein negatives Erkennen oder *An-erkennen*. Dazu bedarf es nicht der Voraussetzung zweier für sich seiender Subjekte in der Welt, die mit der Absicht interaktiven Handelns aufeinander zugehen, obwohl im Text von einem „Individuum“ gesprochen wird, das einem Individuum gegenüber auftritt (148).

Die Entfaltung des Begriffs des Selbstbewußtseins (als Verdopplung in der Einheit) stellt sich als Wechselspiel gegenseitiger Durchdringung und Bestimmung des Selbstbewußtseins und seines Anderen dar (146). Sie beschränkt sich nicht auf einen einmaligen Akt sondern ist ein und dasselbe Tun, das ständig seinen Akteur wechselt. Die beiden Selbstbewußtseine anerkennen sich in diesem Wechselspiel schließlich „als *gegenseitig sich anerkennend*“. Der jeweils Andere wird nur insofern anerkannt, als er selbst die Leistung des Anerkennens erbringt. Jedes Selbstbewußtsein kann sich nur in

21 Pippin 2009: 138.

22 Ebd.

und durch die Anerkennung des Anderen erfüllen, denn dadurch anerkennt es sich selbst. Die weitere Rekapitulation des Tuns der beiden Selbstbewußtseine in ihrem Verhältnis gegeneinander, das ein solches der Ungleichheit zwischen *Herr* und *Knecht* ist und sich „durch den Kampf auf Leben und Tod *bewähren*“ soll (149) – ein Kampf der für die Selbsterkenntnis des Selbstbewußtseins die nicht nur gewiss, sondern *wahr* sein soll, notwendig ist –, ist für den Zweck unserer Untersuchung nicht nötig.

2. Der Freudsche „Stachel“ der „Negativität“

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In „Aneignung von Freiheit“ entwickelt Honneth auf der Grundlage selten beachteter Aufsätze von Freud, in denen der letztere ziemlich deutlich über die Funktion der Negation einen Weg zur Bildung des freien Willens anvisiert (obwohl die Interpretation noch genaue Aufschlüsse liefern muss) einen Übergang von der Psychoanalyse zur Anerkennungstheorie. Dabei war Honneth im „Kampf um Anerkennung“ noch davon überzeugt, dass die sog. *Jenaer Systementwürfe* Hegels allein die Grundlage einer Anerkennungstheorie enthalten konnten.²³ Erst durch das Studium der Hegelschen Rechtsphilosophie gelangte Honneth zu der Überzeugung, dass Hegel von Anfang an eine intersubjektivitätstheorie vom objektiven Geist (als „soziale Realität“ ausgelegt) aus zu entwickeln suchte und dieses Vorhaben zeitlebens beibehielt. Dabei enthielt gerade die *Rechtslehre* Hegels den „bahnbrechende[n] Gedanke[n]“, dass „soziale Gerechtigkeit“ aus dem Blickwinkel „wechselseitiger Anerkennung“ bestimmt werden müsse und dass dazu von „institutionalisierten Anerkennungsverhältnissen“ auszugehen sei. Die Analyse von Hegels Konzeption des Selbstbewußtseins in der *Phänomenologie des Geistes* sollte klären helfen, was unter „Anerkennung“ „systematisch“ zu verstehen sei.²⁴ Meine oben skizzierte kritische Prüfung der Rekonstruktion des Selbstbewußtseinskapitels durch Honneth deckte einige Missverständnisse auf, die die Legitimation einer vollständigen Berufung auf Hegel in Honneths Theorie der Anerkennung zumindest fragwürdig erscheinen lassen.

Anerkennung bedeutet demzufolge zunächst eine „Art von moralischer Selbstbeschränkung“ im Verhältnis zu anderen „Personen“. Dadurch gelangen wir zu einem Bewusstsein unserer selbst. Auf der Grundlage der Hegelschen *Rechtsphilosophie* sollte dann der Zusammenhang zwischen der so konstruierten Anerkennungsproblematik und der menschlichen Freiheit aufgezeigt werden. Hegel wollte, nach Auffassung Honneths, darlegen, „dass wir nur durch Teilnahme an institutionalisierten Praktiken der individuellen Selbstbeschränkung unseren Willen tatsächlich als unbeschränkt frei erfahren können“.²⁵

23 Honneth 2010: 8.

24 Ebd.

25 Ebd.

Wenn sich Honneth in diesem Zusammenhang der Psychoanalyse bedient, so ist diese Hinwendung in seinem Schaffen keineswegs neu. Er nimmt damit „einen theoretischen Faden wieder auf“, den er aus arbeitstechnischen Gründen eine Zeitlang vernachlässigen musste. Wie der Autor uns selbst versichert, war er schon „von Anfang an“ der Auffassung, „daß sich soziale Anerkennungsbeziehungen nur unter der Voraussetzung von entsprechenden Strukturbildungen innerhalb der menschlichen Psyche entfalten können, wie sie vorbildhaft von der psychoanalytischen Schule der Objektbeziehungstheorie untersucht werden“.²⁶ Zu Recht könnte gegen Honneth damit der Vorwurf einer (unnötigen) Psychologisierung seiner Anerkennungstheorie erhoben werden. Honneth hat jedoch gute Gründe für eine solche Verschränkung. Ich werde weiter unten, den Motiven Honneths durchaus Rechnung tragend, den potentiellen Vorwurf durch zwei Argumente unterstützen (Unmöglichkeit des Übergangs von der Einzel- über die Gruppenpsyche zur sozialen Interaktion; Missverständnisse in der Interpretation der Freudschen *Negativität* und der Hegelschen *Anerkennung*).

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Zunächst gilt es zu berücksichtigen, dass Honneths Einverleibung von Resultaten der Psychoanalyse von vornherein eine „anererkennungstheoretische Interpretation“ derselben anstrebt.²⁷ Es wird also hier etwas in die klassische Form der Psychoanalyse hineingetragen (bzw. mit ihr vermengt), was andererseits – ebenfalls fragwürdig – der Hegelschen Philosophie entnommen wird. Man kann nicht davon ausgehen, dass etwa der Begriff der „Negativität“, der in Freuds Theorie stark gemacht wird und andererseits ein Schlüsselbegriff der Hegelschen Philosophie ist, derselbe ist und als methodische Brücke zwischen ungleichen Theoriegebilden dienen könnte.

Honneth will insbesondere untersuchen, ob und inwieweit die „Negativität“ – „der eigentliche ‚Stachel‘ Freuds“ – durch die Erweiterung zur „Objektbeziehungstheorie“ (für Honneth ein „Paradigmenwechsel“) aus der psychoanalytischen Betrachtung eliminiert wird.²⁸

Warum bedarf eine kritische Gesellschaftstheorie überhaupt einer Ergänzung durch die Psychoanalyse? Honneth gibt selbst aus seiner Sicht die Antwort, in der zwei Gründe genannt werden:

Auf der *normativen* Ebene ist es nach Honneth von essentieller Bedeutung für eine kritische Gesellschaftstheorie, über ein „realistisches Konzept der menschlichen Person“ zu verfügen. Der Personenbegriff darf sich in seiner Bedeutung m.a.W. nicht auf das beschränken, was die klassische Moralthorie

26 Ebd., 10. S. dazu auch Honneth 2003.

27 Vgl. Honneth 2010: 11.

28 „Das Werk der Negativität“. In: Honneth 2010: 251.

(etwa die kantische) darunter verstand,²⁹ sondern muss unbewusste, nicht-rationale Regungen des Subjekts (Affekte) bei der Beurteilung gesellschaftlich relevanten Handelns berücksichtigen. Der menschlichen Rationalität in dieser Hinsicht keine Grenzen aufzuerlegen, hieße den Standpunkt eines „moralischen Idealismus“ einnehmen, der den Handlungsträgern ein Übermaß an rationaler Kompetenz zubilligte. Dank der Psychoanalyse werden nun „an der menschlichen Person unbewusste Antriebskräfte berücksichtigt“. Zum Schutz vor der Gefahr der Irrealität, die in den „Ideen einer Vernunftmoral“ lauert, „bedarf diese kritische Theorie daher der Ergänzung durch eine Moralphysikologie, die sich von psychoanalytischen Einsichten leiten läßt“.³⁰

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Einer eben solchen Ergänzung durch die Psychoanalyse bedarf die kritische Theorie der Gesellschaft, von der „explanatorischen Ebene“ aus betrachtet.³¹ Die Begründung lautet hier ähnlich wie die in Bezug auf die normative Ebene bereits vorgetragene: um soziale Vorgänge angemessen *erklären* zu können, sind die Motive menschlichen Handelns auf solche hin auszuweiten, die sich einer geordneten, bewussten Reflexion entziehen. Solche Motive werden von der Psychoanalyse thematisiert und aufgedeckt (sie drücken sich aus in „Ängsten, Bindungssehnsüchten, Verschmelzungswünschen und Unterwerfungswünschen“). In zweiter Linie stellt sich damit die Frage, welche Richtung innerhalb der Psychoanalyse die geforderte theoretische Leistung am besten erbringen kann. Nach Honneths Überzeugung ist das die „Objektbeziehungstheorie“. Das Kriterium für diese Auszeichnung ist die „relativ nahtlose“ Übersetzbarkeit psychologischer Grundbegriffe „in gesellschaftstheoretische Kategorien“.³² Aus inhaltlichen Gründen habe ich Zweifel, dass eine solche „Übersetzung“ gelingen kann.

Denn: Unabhängig von Einzelheiten der „Objektbeziehungstheorie“ und den Entwicklungen innerhalb der Psychoanalyse, die zu ihrer Entstehung geführt haben,³³ besteht der Grundgedanke der Neuerung darin, dass von der Behandlung von „Beziehungspathologien“ auf die Bedingungen der affektiven Beziehungen von Menschen auf andere, insbesondere der Interaktion zwischen Mutter und Kind in der frühkindlichen Entwicklung, im Zustand der mentalen Gesundheit geschlossen wird. Auch wenn sich aus diesen Entwicklungen innerhalb der Psychoanalyse tiefgreifend neue Erkenntnisse über den psychischen Prozess der Entwicklung des Kindes und seine sozialen Bindungen an Bezugspersonen ergaben, – unbeschadet auch der daraus

29 Vgl. dazu meinen Artikel „Recht, Gerechtigkeit und individuelle Selbstbestimmung. Kritische Bemerkungen zu Axel Honneths Kant-Interpretation“ (im Erscheinen).

30 „Das Werk der Negativität“. In: Honneth 2010: 253.

31 Ebd., 254.

32 Ebd., 255.

33 S. dazu „Das Werk der Negativität“. In: Honneth 2010: 255ff; sowie Honneth 2003.

gezogenen Folgerung, dass die Verinnerlichung und Nachbildung von Interaktionsmustern durch das kindliche Subjekt von seiner Seite aus zur *Anerkennung* solcher objektiv vorhandenen Interaktionsbeziehungen führt, die Anerkennung also bereits in die frühkindliche Organisation der Psyche einfließt,³⁴ bleibt zu fragen, ob es tatsächlich berechtigt ist, anzunehmen (wie die *Objektbeziehungstheorie* anscheinend unterstellt), dass die Gesellschaft im Ganzen, die Totalität aller in ihr wirksamen Sozialbeziehungen, soweit sie konkret in der individuellen Sozialisation erlebt werden, sich in der Struktur der Psyche „spiegelt“?³⁵ Mir scheint, dass dies gerade von den wesentlichen gesellschaftlichen Komplexen subjektiven Handelns und den Grundformen bürgerlicher Vergesellschaftung nicht gelten kann, da sie weder wahrnehmbar noch direkt erlebbar sind. Es kann deshalb nicht davon ausgegangen werden, dass von der *Objektbeziehungstheorie* als einer Spielart der Psychoanalyse „leicht der Anschluß an eine Gesellschaftstheorie hergestellt werden“ kann.³⁶ Es sind nämlich gerade die Defizite kritischer Gesellschaftstheorie, die u.a. die objektiv-rechtlichen Verkehrsformen unserer heutigen Gesellschaft nur unzureichend erfasst, die nach solchen theoretischen Ergänzungen rufen, wie sie durch die Errungenschaften der Psychoanalyse vermeintlich angeboten werden.

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Honneth gibt der „Objektbeziehungstheorie“ den Vorzug vor der orthodoxen Psychoanalyse. Dennoch verschwinden dadurch die „negativen Kräfte“ der Triebtheorie nicht so einfach. Der „Zwang zur Anerkennung“ führt auch unter den Voraussetzungen der *Objektbeziehungstheorie* zu Konflikten und Schädigungen der kindlichen Psyche. Die Kräfte der *Negativität* entspringen jedoch gemäß dieser Theorie nicht der menschlichen Triebnatur sondern werden als notwendige Folge der Form der Gesellschaft begriffen.³⁷ Deshalb könnte man im Sinne Honneths vielleicht sagen: Die Diagnose sozialer Pathologien hängt wesentlich vom Auftreten psychischer Störungen ab, insofern diese – legt man ihrer Analyse die *Objektbeziehungstheorie* zu Grunde – ihrerseits wieder Abbilder gesellschaftlicher Fehlentwicklungen sind.

Trotz vieler Parallelen, Berührungen und Überschneidungen, die interdisziplinäre Forschung rechtfertigen, gibt es doch unüberschreitbare Grenzen zwischen einzelnen Fachdisziplinen wie Psychologie und Soziologie, die sich ja nicht ohne Grund historisch als spezielle Wissenschaften aus komplexeren Wissensgebieten verabschiedet und verselbständigt haben. Die sog. kritische Gesellschaftstheorie scheint solche gewachsenen Grenzen gelegentlich zu missachten. Unter diesem Gesichtspunkt spielt es keine Rolle,

34 Honneth 2010: 257.

35 Ebd., 258.

36 Ebd.

37 Ebd., 259.

welcher Ausrichtung der Psychoanalyse – der orthodoxen oder der reformierten – Honneth den Vorzug gibt. Innerpsychische Vorgänge sind ohne Relevanz für die Frage nach den wesentlichen Bedingungen gesellschaftlicher Organisation.

An welcher Stelle innerhalb der Freudschen Theorie sitzt nun der „Stachel“, den Honneth beschwört, was bedeutet er und was ist seine Funktion? Darauf kann im folgenden Abschnitt nur eine knappe Antwort gegeben werden.

3. „Aneignung von Freiheit“

Obwohl das Werk von Sigmund Freud nach Honneths Einschätzung durch die neueren Entwicklungen in der Psychoanalyse in eine fundamentale Krise geraten ist,³⁸ verteidigt und würdigt Honneth gerade solche Theorieteile darin, die wenig bekannt, dafür aber aus dem Blickwinkel einer Theorie der Gesellschaft höchst interessant und überraschend aktuell zu sein scheinen. Gegen die Tendenz, Kernstücke der originalen Lehre Freuds durch die modernen Neurowissenschaften zu reaktualisieren, entdeckt Honneth Freudsche Bestrebungen, der menschlichen Willensfreiheit einen psychoanalytischen Weg zu bahnen. Die Leitidee dabei ist, dass die Freiheit des Willens durch reflektierte Aneignungsakte des Subjekts entwickelt wird. Hierbei spielt die Funktion, die Freud „Verneinung“ nennt, eine wesentliche Rolle. Es liegt im Interesse des Menschen, seine innere Freiheit auszuweiten und dadurch die grundsätzliche Spaltung seines Wesens aufzuheben. Sein Freiheitsstreben zwingt ihn zur Aufmerksamkeit auf seine eigene Lebensgeschichte, sie in der Erinnerung wieder lebendig zu machen und abgespaltene (verdrängte) Erlebnisse im nachhinein „anzueignen“. Durch solche Aneignungsvorgänge kann er seine Willensfreiheit verwirklichen.³⁹

Interessanterweise entwickelt Freud den Reflexionsprozess des gesunden Menschen in Bezug auf jene Mechanismen der Verdrängung und Abwehr, die zunächst nur für die Entstehung psychischer Erkrankungen maßgeblich waren. Diese Erweiterung seiner ursprünglichen Theorie der Verdrängung bringt ihn in die Nähe der „Objektbeziehungstheorie“.⁴⁰ Mit der „Normalisierung der Verdrängung“, die Folge einer ursprünglichen Trennungsangst beim Kleinkind ist, schien es möglich, den Reflexionsvorgang des intakten Subjekts zu bestimmen, der die Emanzipationsleistung vollbringt, die im Falle des Erkrankten Aufgabe des Psychotherapeuten ist. Freud selbst hat nach Honneths Lesart die Verbindung „zwischen individueller Autonomie

38 Vgl. Honneth 2007), „Aneignung von Freiheit“. In: Honneth 2007: 157f.; vgl. Eagle 1988.

39 „Aneignung von Freiheit“. In: Honneth 2007: 158f.

40 Vgl. ebd., 165.

und reflektierter Vergangenheitsbewältigung“ hergestellt, auf die es Honneth im Zuge der Aneignung des eigenen Willens zur Ermöglichung der Willensfreiheit hier ankommt.⁴¹

Wenn es nun aber dieselben mentalen Vorgänge sind, die sowohl das normale als auch das erkrankte Subjekt beherrschen,⁴² dann könnte man daraus einen Schluss ziehen, der uns bereits beim Studium der Studien Hegels über psychische Krankheiten in der Anthropologie der *Enzyklopädie* vertraut sind: jedermann, auch der Gesundeste kann von psychischen Krankheiten erfasst werden und zeitweise sein intaktes Bewusstsein verlieren und wiedererlangen. Psychische Krankheit ist nur ein „Widerspruch“ in der Vernunft.⁴³

Durch die Erweiterung der Verdrängung auf den gesunden Menschen, können diesem wie dem erkrankten unbewusste Wünsche in die Quere kommen, die wie Zwänge wirken und die menschliche Willensfreiheit gefährden.⁴⁴ Die Willensfreiheit wird in diesem Fall dadurch realisiert, dass das jeweilige Subjekt seinen Willen durch die „Arbeit des Erinnerns“ aneignet wird.⁴⁵ In der Retrospektive wird das Ungewollte in Gewolltes umgewandelt. Freud rechnet (in Honneths Sichtweise) jedem Menschen die Fähigkeit und das Interesse zu, zur Bildung eines freien Willens die eigene Vorgeschichte kritisch aufzuarbeiten. Das Subjekt erscheint dabei nicht als Leidensperson, aber es entwickelt das Bedürfnis, die unterdrückten Wünsche, die zurückkehren und ihm unverständlich sind, aufzuklären, um frei sein zu können. Die Rückwendung auf die eigene Lebensgeschichte ist ein Reflexionsprozeß, bei dem sich – so legt Honneth Freuds Darlegung aus – das Subjekt die eigene „Bildungsgeschichte“ aneignet. Ziel dabei ist zunächst die Wiederentdeckung von Zeit, Ort und Umständen der Entstehung des unverständlichen Wunsches.⁴⁶

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Die Suche nach solchen Erlebnissen in der eigenen, erinnerten Lebensgeschichte ist zugleich ein Versuch der Wegräumung von Blockaden (Hemmungen), die den Zugang zu den auslösenden Ursachen der Verdrängung verstellen. Weder Honneths Freud-Interpretation noch Freuds eigene Darstellung sind in dieser Hinsicht klar und verständlich. Insbesondere ist der

41 Ebd., 159 f.

42 Ebd., 162.

43 Vgl. dazu meinen Aufsatz „Hegels Entwurf psychischer Krankheit in der Anthropologie der Enzyklopädie“ (im Erscheinen). Vgl. Honneth 2007: 163 f.

44 Honneth 2007: 171. Soweit ich sehe verwendet Freud in der Schrift, auf die sich Honneth maßgeblich stützt („Hemmung, Symptom und Angst“. In Freud 1955: 111-205) den Begriff des freien Willens nicht. Vielmehr scheint Honneth Freuds Terminus des „Ich“ als Willensfreiheit zu deuten.

45 Ebd.

46 Ebd., 175.

Schlüsselbegriff der „Verneinung“, den Freud benutzt und der das entscheidende Moment in der Selbstaneignung sein soll,⁴⁷ ziemlich verschwommen. Bedeutet er nun die Ablehnung des verdrängten Wunsches, also das Fortwirken der Verdrängung, oder dessen Aufhebung? Entscheidend ist dieser Punkt für die Frage der Realisierung der freien Willensbildung.

Das unbewusste Verdrängte ist in dieser kleinen Schrift Freuds über *Verneinung* ein Verneintes. Ein verdrängter Vorstellungsinhalt, der sich verneinen lässt, kann (erneut) zum Bewusstsein „durchdringen“:

„Die Verneinung ist eine Art, das Verdrängte zur Kenntnis zu nehmen, eigentlich schon eine Aufhebung der Verdrängung, aber freilich keine Annahme des Verdrängten.“⁴⁸

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In diesem Zusammenhang redet Freud von einer Scheidung der „intellektuellen Funktion“ vom „affektiven Vorgang“. Aus der Verneinung „resultiert“ eine Art von intellektueller Annahme des Verdrängten „bei Fortbestand des Wesentlichen der Verdrängung“ (nämlich des *affektiven Vorganges*). In der Psychoanalyse gelinge es, „auch die Verneinung zu besiegen und die volle intellektuelle Annahme des Verdrängten durchzusetzen, – der Verdrängungsvorgang selbst ist damit noch nicht aufgehoben.“⁴⁹

Wir registrieren hier eine zweite Verneinung, die ebenfalls intellektueller Natur ist und die erste, die die betroffene Person (der Patient) selbst vornimmt, ergänzt, aber eine Leistung des Therapeuten ist.

Der Begriff der „Verneinung“ – „Negativität“ ist ein Ausdruck, der dagegen in Freuds Texten keine Verwendung findet – ist mehrdeutig und daher verfänglich. Er hat durchaus einen Bezug zur Verdrängung ins Unbewusste, ja, er ist sogar mit dem Ausdruck der Verdrängung identisch. Andererseits ist er für Freud ein Terminus der gewöhnlichen Urteilslogik:

„Etwas im Urteil verneinen, heißt im Grunde: das ist etwas, was ich am liebsten verdrängen möchte“.

Durch die Verwechslung der Besonderheit einer Psycho-Logik mit der allgemeinen Logik gibt Freud der allgemeinen Logik einen psychologistischen Anstrich:

„Vermittelt des Verneinungssymbols macht sich das Denken von den Einschränkungen der Verdrängung frei und bereichert sich um Inhalte, deren es für seine Leistung nicht entbehren kann.“⁵⁰

47 Vgl. Freud 1955: 11-15.

48 Ebd. 12. Zitiert von Honneth, Axel, *Aneignung von Freiheit*, in: Honneth 2007: 177.

49 Freud, ebd.

50 Ebd.

Der Psychologismus in Freuds Verständnis logischer Funktionen des Urteils wird am deutlichsten, indem er diese logische Funktion auf seelische Triebe zurückführt:

„Das Studium des Urteils eröffnet uns vielleicht zum erstenmal die Einsicht in die Entstehung einer intellektuellen Funktion aus dem Spiel der primären Triebregungen. Das Urteil ist die zweckmäßige Fortentwicklung der ursprünglich nach dem Lustprinzip erfolgten Einbeziehung ins Ich oder Ausstoßung aus dem Ich“.⁵¹

Nicht Willensfreiheit, wohl aber Denkfreiheit scheint sich aus Freuds Begriff logischer Verneinung zu ergeben, wenn er sagt:

„Die Leistung der Urteilsfunktion wird [...] erst dadurch ermöglicht, dass die Schöpfung des Verneinungssymbols dem Denken einen ersten Grad von Unabhängigkeit von den Erfolgen der Verdrängung und somit auch vom Zwang des Lustprinzips gestattet hat“.⁵²

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Soweit Freud.

In der *Verneinung*, sagt nun Honneth, wird die Verdrängung „manifest“. Sie wird nicht zugleich durch sie aufgehoben. Mit *Verneinung* wird aber auch der Akt der Identifizierung, Bewusstmachung und Reflexion des Verdrängten bezeichnet, das dadurch als zum Subjekt gehörig begriffen wird. Sie bezieht sich insofern auf das Wiedergefundene, dessen Verdrängung in der Vergangenheit liegt. Verneinung ist also einerseits der ursprüngliche einmalige Akt der Verdrängung und andererseits die stetige Wiederkehr dieses Aktes im späteren Leben, ohne dass dadurch bereits die näheren Umstände der vergangenen Situation erkannt werden.

Unbeschadet solcher Unklarheiten, wird aber deutlich, dass mit der „intellektuellen Vergewärtigung der ursächlichen Umstände“ (Honneth) allein der eigene Wille noch nicht befreit ist. Über die kognitive Einsicht hinaus muss noch die psychische Eigenleistung erlernt werden, das Eingesehene auch zu akzeptieren (d.i. zu wollen). Erst dann kann der Aneignungsprozess als abgeschlossen betrachtet werden. So sagt Freud:

„Die Verneinung ist eine Art, das Verdrängte zur Kenntnis zu nehmen, eigentlich schon eine Aufhebung der Verdrängung, aber freilich keine Annahme des Verdrängten. Man sieht, wie sich hier die intellektuelle Funktion vom affektiven Vorgang scheidet. [...]“.⁵³

51 Ebd., 15.

52 Ebd.

53 Freud 1955: 12.

Was den „affektiven Vorgang“ gegenüber der intellektuellen Leistung auszeichnet und wie er zu bestimmen ist, lässt Freuds Text weitgehend offen. Ebenso unklar ist, was für ihn das „Wesentliche[] an der Verdrängung“ ist, das durch die Verneinung fortbesteht (ist es der „affektive Vorgang“?). Die Verneinung deckt nur das Faktum der Verdrängung auf (dass das Verdrängte nicht zum Bewusstsein gelangt ist, d.h. dass ein bestimmter Vorstellungsinhalt etwas Verdrängtes ist). Sie führt nicht zur nachträglichen Akzeptanz des Verdrängten (des „affektiven Vorgang[s]“). Um dies zu erreichen, müsste schon der Affekt selbst, seinem *Inhalt* nach (Honneth: „der intentionale Gehalt des verdrängten Wunsches“) erfasst und *intellektuell* verarbeitet werden. Dass er auch „affektiv“ angenommen werden muss (wie Honneth glaubt)⁵⁴, scheint mir unmöglich zu sein und von Freud auch nicht gefordert zu werden; denn das Affektive entzieht sich ja gerade durch seine eigene Natur einem solchen unmittelbaren Wissen, das selbst wieder affektgeleitet wäre. Honneth ist sich der Lücken und Unklarheiten sowie der objektiven Schwierigkeiten beim Textverstehen durchaus bewusst. Trotzdem konstruiert er, aus den wenigen Andeutungen innerhalb des Freudschen Textes, den er für seine Zwecke erweitert, die Figur einer „affektiven Anerkennung“.⁵⁵

Diese Erweiterung ist eingeständenermaßen ein Weg, der von Freuds Auffassung abweicht. Honneth formuliert ein eigenes Ziel der Selbstaneignung (und damit auch der Realisierung des freien Willens); es besteht in der Hinnahme (Anerkennung) der Verdrängung. Diese Hinnahme soll selbst wieder *affektiv* begriffen werden. Durch die Verneinung sollen wir nämlich lernen, „bis ins Affektive hinein“ den Umstand zu akzeptieren, dass die *Trennungsangst* die eigentliche Ursache der Verdrängung eines Wunsches war, der als bedrohlich empfunden wurde: „das emotionale Eingeständnis dieser Angst ist es, was uns nachträglich die vollzogenen Abspaltung als etwas Selbstgewolltes hinnehmen und damit uns als Eigenes wiederaneignen lässt“.⁵⁶ Somit ist die Anerkennung der Angst im eigenen Seelenleben für Honneth der einzige Pfad zu lernen, den verschütteten Inhalt des verdrängten Wunsches „doch noch mental zu reorganisieren“. Schließlich fasst Honneth Freuds Einsicht so zusammen, dass die „Selbstbeziehung“ des Menschen „im Prozess der Selbstaneignung seines Willens durch das affektive Eingeständnis von Angst“ besteht.⁵⁷

54 Vgl. Honneth 2007: 178.

55 Zu den vielfältigen Bedeutungen des Wortes „Anerkennung“ in der Psychoanalyse und insbesondere bei Freud vgl. die informative Studie von Wildt 2005: 461-478. Für Honneth ist eine solche Form von Anerkennen *vor dem Erkennen* von entscheidender Bedeutung. Auf sie als „eine Schicht der existentiellen Anteilnahme“ soll sich gesellschaftliche Anerkennung gründen (vgl. Honneth 2005: 46.).

56 Ebd. 178.

57 Ebd. 179.

Honneths Argumentationslinie in verkürzter Form: affektives Eingeständnis der eigenen Angst verwandelt das Verdrängte nachträglich in ein Gewolltes. Was gewollt wird, ist etwas Angeeignetes. Es dokumentiert den eigenen freien Willen.

Was hier aber (bei Freud und Honneth) beschrieben wird, ist *erstens* nicht der gewöhnliche, verinnerlichte Lebensprozess im allgemeinen, sondern nur der eines Intellektuellen, der eben durch seine kulturelle Bildung befähigt ist und dadurch allein interessiert daran sein kann, seine eigene Lebensgeschichte kausalerorientiert zu reflektieren. Die Pseudo-Freudsche Unterstellung, jeder Mensch bringe von Natur aus dieses Interesse, die Bereitschaft und die Fähigkeit zu einer solchen Reflexionsleistung mit, ist eine Wunschvorstellung des Psychoanalytikers, eine Hypostasierung des betroffenen Subjekts.

Zweitens: Der Ausdruck der „affektiven“ Anerkennung verdeckt ein Missverständnis. Verdrängte Wünsche können affektiv wahrgenommen werden, die zwar für das jeweilige Individuum von Bedeutung, aber gesellschaftlich irrelevant sind. Der Andere, der die Anerkennung erteilt, taucht dabei gar nicht auf; er spielt keine notwendige Rolle. Insoweit ist die *affektive* Anerkennung niemals *intersubjektiv*.

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Drittens: Der angeeignete, subjektive freie Wille ist ein empirisch konstituierter Wille beliebigen Inhalts, der in dieser Form nicht sozial und auch nicht frei ist. Er ist daher als eine Grundkategorie der modernen Gesellschaft unbrauchbar.

Viertens: Selbst wenn man den über Freud hinausgehenden, erweiterten Begriff affektiver Anerkennung, den Honneth anbietet, akzeptiert, ist damit keineswegs die Frage beantwortet, wie und wodurch man von der emotionalen, subjektiv einzelnen Anerkennung des Verdrängten in der Eigenpsyche zu intersubjektiven (gesellschaftlich vermittelten) Prozessen der gegenseitigen (objektiven) Anerkennung gelangt. Gibt es von hier aus einen Weg, der zur normativen Anerkennung führt? Ich denke: nein. Zwischen der affektiven Anerkennung des eigenen Selbst und der intersubjektiven, normativen Anerkennung besteht eine tiefe Kluft.

Fünftens: Der abschließende Befunde meiner Untersuchung fällt somit drastischer aus als die Fragestellung erahnen ließ: Wir haben es nicht mit einer bloßen Spannung zwischen einer psychoanalytischen und einer normativen Begründungslogik der Anerkennung und der kritischen Gesellschaftstheorie zu tun (da Honneths Vorgehensweise diese Spannung plausibel entschärft), sondern mit einem objektiven Bruch zwischen zwei heterogenen Ansätzen der Analyse und Begründung.

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Werner L. Euler

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Affective recognition and social freedom – the psychoanalytic and normative-reconstructive logics of grounding social critique in Axel Honneth's work

Abstract

The task of this paper is the following: how should one explain and solve the theory-immanent tension in Honneth's recent works, i.e. the tension that reflects the difference between the concept of social freedom (a concept grounded in Hegel's social philosophy methodologically articulated through normative reconstruction) and the concept of 'affective recognition' (which has replaced the earlier normative concept) – in other words: is there a certain logically-factually grounded path from the question of subjective-individual recognition to the intersubjective recognition of free (legal) subjects in society? My thesis is the following: this supposed tension is a pseudo-tension. It loosens up – without completely resolving itself – as soon as we combine the two logics of grounding critique that we find in Honneth. However, unrelated to my claim about the pseudo-nature of the mentioned tension, the psychoanalytic mode of grounding critique is erroneous, since one cannot directly arrive at collective components of society starting from the empirical constellation of individual consciousnesses. The relation between subjective individuality and objective (intersubjective) generality is an objective contradiction (as opposed to a purely theoretical tension). If we still decide to pursue this path of grounding critique, we we inadvertently introduce a psychologistic approach into social theory. Such an approach can be found in Honneth's theory of intersubjective (normative) recognition as well.

Key words: Honneth, Hegel, Freud, recognition, social critique, law, self-consciousness, desire, negation, freedom

Verner L. Ojler

Afektivno priznanje i društvena sloboda – psihoanalitička i normativno-rekonstruktivna logika utemeljenja društvene kritike u delima Aksela Honeta

Apstrakt

Zadatak ovog članka je sledeći: kako objasniti i razrešiti unutar teorijsku napetost u Honetovim skorašnjim delima, t.j. napetost koja proizilazi iz razlike između socijalne slobode (konceptije utemeljene u Hegelovoj socijalnoj filozofiji koja se u metodološkom smislu artikuliše putem normativne rekonstrukcije) i konceptije „afektivnog” priznanja (koja zamenjuje normativnu konceptiju priznanja) – odnosno: postoji li određen činjenično-logički utemeljen put od pitanja subjektivno-individualnog priznanja do intersubjektivnog priznanja slobodnih (pravnih) subjekata u društvu? Moja teza glasi: ova navodna tenzija postoji samo prividno. Ona popušta – ne rastvarajući se u potpunosti – čim se obe logike utemeljenja koje postoje kod Honeta međusobno povežu. Međutim, nezavisno od moje tvrdnje o nepostojanju pomenute napetosti, psihoanalitički put utemeljenja kritike je kao takav pogrešan, jer se iz empirijske konstelacije pojedinačnih svesti ne može direktno stići do kolektivnih komponenti društva. Odnos između subjektivne pojedinačnosti i objektivne (intersubjektivn) opštosti predstavlja objektivnu protivrečnost (nasuprot jednoj čisto teorijskoj napetosti). Ukoliko se ipak odlučimo za ovaj put utemeljenja, nehotice ćemo u društvenu teoriju uvesti jedan psihologistički pristup. Ovakav psihologistički duh se stoga nehotično očituje i u Honetovoj teoriji intersubjektivnog (normativnog) priznanja.

Ključne reči: Honet, Hegel, Frojd, priznanje, društvena kritika, pravo, samosvest, želja, negacija, sloboda

Luiz Gustavo da Cunha de Souza

Social Pathologies, False Developments and the Heteronomy of the Social: Social Theory and the Negative Side of Recognition¹

Abstract The aim of this paper is to explore a tension between two concepts designed to expose social discomforts in Axel Honneth's mature work, namely social pathologies and anomie. Particular emphasis will be given to how they contribute or obstruct Honneth's apprehension of social tensions. In the first session of this exposition I will show that Honneth's interpretation of social pathologies is based on a conception of society as an organic whole (I). While this interpretation represents a slight change regarding Honneth's understanding of social pathologies in *Das Recht der Freiheit*, it does not change the fact that in his work subsequent to that book the concept of false developments has not been properly theorized. Accordingly, social discomforts related to deviations from expected patterns of a normative reconstruction remain largely ignored. This calls for a perspective more fully able to grasp the heteronomy of social life (II). As a result, in Honneth's mature work there seems to be a tension between the aims of a normative reconstruction and those of social critique, mainly due to an inability of the author to combine both elements of his social theory. In its final section (III), the paper will address that tension in order to critically contribute to Honneth's attempt to link normative reconstruction, social analysis and criticism.

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Keywords: Social pathologies; anomie (false developments); normative reconstruction; social criticism; social conflicts.

Introduction

In the theory of justice exposed in *Das Recht der Freiheit*, Axel Honneth (2011) distinguishes two forms of social discomfort: Social pathologies and anomie (or, as he alternatively puts it, false developments). Presented in that book as false understandings of the intersubjective conditions for the realization of social freedom, social pathologies are later related to a different conception of society Honneth exposed afterwards, namely that societies should be understood in analogy to organic bodies, so that social pathologies are illnesses of society (Honneth 2014). In any case, those social pathologies are described as having their cause within the norms of social interaction; furthermore, they

1 This article was partially written during a research stay at the Institut für Sozialforschung an der Goethe Universität – Frankfurt am Main, in Germany, with a joint scholarship from CAPES and the Alexander von Humboldt Foundation.

cause the subjects to act upon a falsely justified comprehension of the ideals and norms to be collectively achieved in a given society. Hence, it is necessary for Honneth to make clear what are those collectively shared, underlying goals, which according to his method possess normative value. This method is the normative reconstruction of modernity's norms and ideals, among which the principle of social freedom enjoys the highest rank. Generally speaking, Honneth's reconstruction of modernity's values and ideals follows the path opened by Hegel and complemented by Durkheim and Dewey, and is named by him a functional normative perspective, according to which social differentiations fulfil the normative function of enabling the institutionalization of ever new forms of individual self-realization, hence allowing society to be reproduced through the gaining of legitimacy before its members.

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The second form of social discomfort, though, has ever since not received much attention from Honneth. This could be partly explained because he describes anomie as having their causes somewhere else, that is, outside of that organic conception of a good functioning society, the development of which is the part of his work that has been given the bulk of attention as much by him as by other commentators. Furthermore, in a more recent work (2015), Honneth appears to endorse explanations of social discomfort solely as social pathologies. However, in another paper (Honneth 2013), he does seem to affirm that false developments rather lie in a zone of barbarized social conflict. As a result, the analysis of that discomforts that have not to do with the internal logic of the system of reciprocal recognition that lies a the basis of social freedom, that is, the analysis of the false developments either finds no room within the architecture of Honneth's theory or is relegated to a subaltern position.

Nevertheless, some authors have pointed the need of a more refined understanding of the negative side of recognition (Martineau, Meer and Thompson 2012). Some highlighted how different forms of misrecognition may be encountered in social reality and thus plea for a typological study of those (Klikauer 2016), some showed how the reinforcement of recognitional ties in situations of social disintegration can lead to the ambiguous effect of establishing forms of group-based animosity (Kaletta 2008), and some showed how specific forms of discomfort are also expressions of a discontent towards the general forms of political and social organization of the modern era (Smith and Deranty 2012). All of these investigations have in common that they are not particularly related to forms of social discomfort whose cause could be allocated within a misunderstanding of the ethical norms that govern social interaction; they all rather reveal the existence of claims that at some level try to justify alternative norms or values for the social organization. Yet, the key point here is not what specifically unites them all, but to show that in many situations experiences of misrecognition, disrespect

or derecognition are the result of practices, which are intended and justified by those involved in their performance². Accordingly, these claims for the reorganization of society imply a critique of normative legitimation and hence challenge the very chosen criteria for a normative reconstruction (Claassen 2014).

This last challenge represents, so the argument in this paper, an attempt to bring back in the game those social and political claims that have been dismissed by Honneth's method. On the one hand, this paper defends the idea that this task could be better accomplished through a model of social analysis of the phenomenology of recognition, as exemplary developed by Cillian McBride (2013). Particularly, such a model would permit us conceptualize collective claims as a dispute among different and sometimes concurrent worldviews over normative hegemony and legitimation within society. Applying this approach to the highlighted necessity to refine the research on the negative side of recognition, it should be possible to contribute to the investigation about the causes of the lack of recognition (Ikäheimo 2015). Finally, such a theoretical model would enable a better understanding of those social discomforts called by Honneth false developments.

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In its conclusion, this paper will argue, against Honneth's emphasis on internal discomforts, that either the organic conception intentionally refrains from apprehending the complexities of social conflict or it tries to subsume anomie within the concept of social pathologies, hence making the distinction between both unnecessary. Throughout this paper the idea will be advanced that Honneth tends to second option; yet, a more promising strategy for social philosophy would be to develop a social theoretical approach to the moral grammar of social conflicts and to the phenomenology of recognition. Accordingly, Honneth's limitation regarding the analysis of social conflict could be overcome through a distinction between the heteronomous moment of social life, considered to be a moment in which claims for normative authority are raised, and the moment of institutional social freedom, considered to be a moment in which moral progress can be *a posteriori* normatively

2 It should be understood here that some social groups support and work for the implementation and institutionalization of specific social practices and routines that lead to relations of subordination or derecognition, even if they claim to be interested in establishing relations of recognition. In this sense, such practices are the result of an intentional design by groups able to exercise social power. Yet, some of these practices are openly particularistic, which demands from the groups involved that they justify their belief that particular practices are a better worldview among concurrent others. Of course, not every particularism is a question of social power (think of supporters of a football club), as well as not every form of hierarchisation results in particularistic forms of derecognition (think of ideological, patriarchal recognition of women's beauty, shyness and fondness of housework). Nevertheless, some particular forms of misrecognition only can be exercised if social power comes to play.

reconstructed. In advancing this critique, the paper will defend the idea that Honneth's option for following a philosophical tradition of normative functionalism that goes back to Durkheim, Parsons and Hegel makes him indebted to what some critics have called normative history (Freenhagen 2015). If, however, social theory should retrieve a theory of heteronomous conflict as an alternative to the Honnethian model of cooperative normativity, it should approach the idea of heteronomy as a feature of social reality, and indeed as a feature that predates the choices met by the methodological procedure of normative reconstruction. This will lead to the somewhat complicated, yet promising social theoretical claim that Honneth's conception of the objective reality of social freedom is rather a normatively organized form of a much vaster, heteronomous, social reality, within which collective claims struggle for legitimacy.

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Social pathologies and the society as an organism

According to Honneth's exposition in *Das Recht der Freiheit*, social pathologies cause effects on a level of social reproduction other than that of the establishment of chances for equal participation on cooperative processes (2011: 157). Since he considers that the effects of social pathologies occur on a higher, reflexive level, it is fair to say, first of all, that Honneth conceives modern societies as being normatively ordained in two levels which are equally important for their reproduction. The first one is the level of institutionalized mutual cooperation for a society's material reproduction, a level in which implicit norms and ideals take factual shape; the second one is the level of the comprehension about the normative character of the reproduction of social life, a level in which those norms and ideals which will be put forward in the first level are reflexively legitimated. It is precisely because of this dual picture of society, that Honneth's approach to social discomfort includes, beyond forms of traditionally conceived social injustice, the notion of social pathologies as reflexive misunderstandings about the conditions of social freedom – but it also implies that such conditions for the realization of any collective principle undergo a permanent process of legitimization by the members of society.

Consequently, the normatively more complete form of freedom, social freedom, does not refrain from a dimension of reflexivity that would be expected to correspond to the merely partial form of reflexive freedom, on the contrary: a reflexive understanding of the underlying collectively legitimated ideals and goals is actually a trait of social freedom, for only through the possession of that understanding about the shared construction of social reality can the individuals fully grasp the objective character of the later (Honneth 2011: 81). In this sense, the misunderstandings identified by Honneth

as social pathologies relate to the underlying shared goals of society, that is, the norms established in order to find legitimated forms for the reproduction of collective life.

This conception of social pathologies, which was suggested to Honneth by Christopher Zurn (2011), takes such discomforts as an analogous to the Marxian concept ideology in the sense that they can produce false beliefs through a disconnect between the first-order contents of social life and the individual's actual comprehension about them. So, they are to be understood as possessing the structure of "second-order disorders" (Zurn 2011: 345). In as far as social pathologies are related to that level of reflexivity, if the equation is reversed, one arrives at the picture of a society in which the expected normative developments would lead its member to have a comprehension about what exactly is at stake in social life, namely shared ideals and joint pursuit of goals. That is, one of the features of a conception of society centred around the notion of social freedom is that the individuals must have some sort of comprehensive capacity about the society they live in.

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At this moment it is necessary to ask what is it exactly, that individuals must comprehend about society. Particularly, what is it that they must comprehend in regard to social freedom, so that normative developments can occur, or normative expectations can be fulfilled. Honneth's answer to this question is given in the form of a method of normative reconstruction. Through an prospective investigation of the underlying normative ideals and values that are collectively shared by the members of society at every level of social development, he intends to find and expose the grounds through which modern societies are legitimated by its members and consequently reproduced over time. Reversely, these collectively legitimated ideals and values are used as the criteria by which a philosophical perspective can measure present society's achievements in reproducing and legitimating itself. However, a further premise of Honneth's method consists in selecting out of the variety of existing practices and routines only those that are indispensable to social reproduction. The key here is to show that those indispensable routines and practices are the embodiment of underlying principles which achieve legitimacy at the eyes of the members of society exactly because they are taken by the later to be fair, hence justifiable (Honneth 2011: 23; 26). Interestingly enough, this selection of material implies that some of the attitudes found within social reality are considered to be in accordance to the underlying criteria of normativity, while others are not. While this means that progress can only occur when some normatively justifiable values are met that surpass the forms of freedom existing until that given moment, it also means that the moment in which the political and social disputes over the norms occur are left out of analysis. Thus, the criteria of progress are measured by their ability to find legitimacy whereas legitimacy can only be normative if

it means progress, or put otherwise: legitimated values and ideals are normative and their realization means normative progress.

440 Progress, then, occurs when new norms and values are legitimated and promote wider chances for the individual self-realization of individuals within society, so that the main reason for new norms to be legitimated is, according to this conception, their capacity for being more inclusive. For this reason, Honneth affirms that a normative reconstruction that claims some sort of moral progress within modern societies must also show that every level of newly established principles are normatively superior to the old ones (Honneth 2011: 120). First of all, this move makes the construction of ideal norms unnecessary, for the norms and ideals are the result of what one could call momentary social contracts and in this sense, they are historically shaped to be as good as the concerned can expect them to be at that given situation; but it also reveals how the procedure of normative reconstruction implies a degree of teleology, although this teleological background is accessed rather from an *a posteriori* perspective (Honneth 2011: 111-2). More important now, is to understand that moral progress happens through functional differentiations, that is through the transformation of the social institutions in order to fulfil the task of granting legitimacy even anew. Accordingly, what is there to be understood by the subjects about society's reflexive level is the functional role those collectively legitimated arrangements must fulfil. As a result, Honneth arrives at an idea he applies initially to the analysis of economic markets, but that can be expanded to the whole of his social theory, namely, the idea of normative functionalism. According to it, in order to live up to the ethical promise of mutual recognition contained in the division of social labor, markets must be able to reflect moral rules of reciprocity, which means that even economic action in the capitalist market is coordinated through the ethical point of view of social cooperation and not only from an economic one (Honneth 2011: 333).³ A generalization of this

3 In this sense, Honneth distinguishes two set of problems related to the premises of the capitalist market, the Adam Smith problem and the Karl Marx problem. The first one, which also concerned Émile Durkheim, is presented as tension within Smith's thought in *The wealth of the nations* and in *The theory of moral sentiments* according to which the idea of individual profit maximization could only be properly understood if the subjects possessed the image of other individuals as trustful counterparts to her actions. The second problem is presented as the idea that in any case capitalist markets cannot live to the promise of free exchange because there is no escape from the fundamental relation of exploitation. As Honneth puts it, both perspectives cast shadows over the legitimacy of the market order; however, the second complex – if the economic market is a sphere of unavoidable constraint – is logically posterior to the first one – if the economic market indeed fulfils its institutional promises (cf. Honneth 2011: 326-331). Furthermore, Marx and Durkheim share the impression that social contracts are not free, but for Durkheim the conditions that make contracts unequal, and consequently not free, are to

principle would mean that in order to live up to the promise of accomplish moral progress through the widening of chances for individual self-realization, social institutions must be able to institutionalize functional differentiations that could later prove to be normatively better than the previous ones from the viewpoint of social freedom. As opposed to pathological practices characterized as “unlearning” or “deficits of rationality” (Honneth 2011: 157) in order to fulfil the expectations normatively reconstructed, subjects must comprehend functional differentiations if they are to fully grasp the reflexive structure of social freedom, but they also must be able to legitimate only those differentiations that generate more freedom, if they are to contribute to moral progress.

The level of reflexivity in which social pathologies eventually develop is, thus, the level in which collective arrangements are met and legitimated in order to society to permit a wider range of moral forms of self-realization to occur. Social pathologies, for their turn, are distorted understandings about those values *and* their function.

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Yet, the very idea of social pathologies is not undisputed. Arto Laitinen, for instance, is not completely sure that there is no difference between reflexive social pathologies and a further differentiated form of social pathology. Accordingly, he refers to social pathologies as a third-order disorder (2015: 45). His criticism of Zurn (and Honneth) refers to whether the idea of a disconnect is enough to explain all aspects of discomfort that occur within the reflexive structure of modern societies. Laitinen begins by approaching this reflexive structure and presenting it as possessing four aspects, or orders, which could be roughly summarized as: the first order, that of objective reality; the second one, that of consciousness; the third one, that of the self-conscious reflection about the first two; and a fourth order, that of the institutionalized comprehension about the contents of the other three, that is, the ethical life. Laitinen’s question is whether one should limit the occurrence of disconnects to the passage from the second to the third aspects or if there is rather different forms of disconnect at different aspects – thus making true of his Anna Karenina principle, at least at its negative side (Laitinen 2015: 51)⁴.

Nonetheless, Honneth would rather plead for a different solution. Instead of acknowledging this multilayered structure that could locate disconnects

be investigated as an empirical rather than as a metaphysical fact (Honneth 2011: 356; Durkheim 1999. 270 ff.).

4 Laitinen refers to Tolstói’s idea that every suffering is a particular form of suffering, whereas all forms of happiness are alike (Laitinen, 2015: 45). Its negative side, that is, that every suffering has its own specific character, is proven true if Laitinen is able to show that at every level of disconnect a specific form of discomfort can emerge that not necessarily fits into the scheme of reflexive disconnects.

in any of those societal orders, he seems to move in the direction of an unifying idea of society as an organic whole, inside of which pathologies are unexpected developments. To make sure, his account of the society as an organism is to be understood as a tool that allows social pathologies to be understood rather as a collective experience than as individual ones. Correspondingly, in as much as social pathologies affect society as a whole, one must admit that as many social pathologies can exist as different levels of importance for the reproduction of society exist. For Honneth, they are three: The relation of humans to the external nature, the formation of a socially internal nature (of humans) and the regulation of interpersonal relations. This does not mean that he could accept the truthfulness of (the negative side of) Laitinen's *Karenina* principle, but that although they find specific forms relating to each of the spheres in which they emerge, the structure of social pathologies is always the same: the failure in accomplishing the tasks associated with the vital functions within each of those three levels (Honneth 2014: 58). His solution would rather run like that: behind closed doors, every unhappy family is unhappy in their own particular ways; in public they are unhappy in the same way!

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This solution, however, is only related to social pathologies and not to the second kind of social discomfort mentioned by Honneth, namely the false developments.

False developments and the heteronomy of the social

Had Laitinen managed to make true of the negative side of the *Anna Karenina* principle, what could be said about the attempt to make true of its positive side, the idea that all happiness look the same? This also proves to be an important task, once one acknowledges the importance of Rutger Claassen's (2013; 2014) objection to Honneth's normative reconstruction. According to Claassen, in his reconstruction of the normative values that are embedded in the sphere of capitalist markets, Honneth implicitly relies on a constructivist point of view, albeit unacknowledged. Claassen begins his argument by questioning to what extent the project of normative reconstruction implies acceptance of the implicit principles collectively legitimated by the members of society as that momentary social contract; furthermore, he asks if it is at all possible to reconcile subjects with different moral conceptions around this shared norms (Claassen 2014: 70). Subsequently, he claims that it remains unclear why Honneth ascribes to certain social movements, namely the ones who defend a cooperative market economy, the capacity to raise normative claims that are valid while other claims, for example the neoliberal Tea Party in USA or radical socialism, do not enjoy this status (Claassen 2014: 74). His central point is that in modern, pluralistic societies, virtually

every propositional claim is at least indirectly based on a philosophical basis, which is called upon when it comes the moment to justify those claims. Dismissing those grounds for justification as distortions or deviations would mean that one endorses some set of norms without discussing its advantages over others, and therefore raises the suspicion that the project of a normative reconstruction includes a hidden constructivist theory. Why, after all, should other social claims not be taken into account, even when they raise views about the functioning of the market that are antagonistic to the regulative one, although they still see the market as an arena of cooperation that represents the citizens' aspirations, asks Claassen (2014: 75)⁵? In general, therefore, his argument demands that in following a normative reconstruction, one would have to choose between two options: either to assume some constructivist theory that has to be justified *a posteriori* (which is, according to Claassen, what Honneth should do and to a certain extent does); or try to explain how one among a variety of normative claims achieved a hegemonic position within the public sphere – or, at least, how one or some claims achieved legitimacy. This second path seems as important as the first because of the hidden premise that alternative claims could, on good grounds, be seen as normatively legitimated. If, on the one hand this is a criticism of the very method of normative reconstruction, on the other hand it seems to correct the later overemphasis on *a posteriori* legitimacy through an emphasis in the claims that are raised amidst social conflicts.

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The proof of the pudding would be, of course, exactly to show if those alternative claims for the organization of society would be in the position to bring about forms of societal reproduction that could be legitimated. What is needed here is to prove that instead of considering them distorted perceptions about social justice, those alternative claims are at the service of alternative notions of justice⁶, even though incomplete, that also represent popular claims. Honneth's own attempt to redress the socialist project as a normative ideal akin to his own notion of social freedom gives a first indication that it may be possible to speak of alternative organization forms as possessing also a normative potential. Of course, Honneth's view of socialism is of a very different nature from the one Claassen has in mind when he

5 As a brief remark, it is important to note that Claassen assumes that competition is also a form of cooperation.

6 From a rather empirical discussion about the idea of a multiplicity of justice conceptions, see Rosenfield *et al.* (2015). The authors try to show, through sociological analysis of biographical interviews with cultural agents, how these people perceive their contributions to society in different manners and, from that point of departure, formulate different conceptions of justice. Interestingly enough, the presented conceptions of justice have nothing to do with self-realization; they are rather related to form the concerned think society should be fairly organized.

gives his example, so it would be necessary to investigate in how far neoliberal or socialist views could pass the proof of legitimation.

Honneth, notwithstanding, has given a different response to that objection. His position is that the signs of History show undoubtedly how the normative content of modernity has progressed towards the present situation; he thus refrains from admitting that alternative claims are also not obviously wrong, as pointed by Claassen. Moreover, he affirms that the reconstructive methodology shows how the emergence of each given modern sphere of justice is accompanied by justificatory claims that make reference to the internal principle they embody (Honneth 2013: 39). Nevertheless, this response does not show why exactly these signs are the ones which reveal normativity or moral progress. It rather shows that the method of normative reconstruction is able to grasp the dynamics of change within society, as it refers to the signs of legitimacy of what I have called a momentary social contract. Such an answer is not dissimilar to the way Honneth has recently responded to Jacques Rancière's objection to his theory of recognition. According to Rancière (2016: 93) the main problem with Honneth's approach is the stance of identification that lies at the very ground of the concept of recognition; thanks to it, radical political change, or the reconstruction of implicit equality, cannot be devised, for it lies beyond the given terms of social agreement. Honneth replies that indeed such radical change can occur, as in the bourgeois revolution, and this should be called an external struggle for recognition, that is, one situation in which the involved cannot find the adequate means to express their dissatisfaction (Honneth 2016: 105). The most frequent struggle, however, is what he calls an internal struggle for recognition, that is, that sort of small struggle aimed at reframe and reinterpret everyday experiences of injustice and subversion (Honneth 2016: 106). As in his response to Claassen, it seems here that Honneth is interested in assessing the progressive character of the *results* of social struggle, and therefore he would rather refrain from engaging with social struggle itself.

But a more complex answer can be devised in another train of thought adopted by Honneth, which would recall Critical Theory's commitment to the Hegelian philosophy and merge it in the newly espoused notion of society as an organic body. In the tradition of Critical Theory, Reason is a tool out of the heteronomy of the social (Honneth 2011: 89). Particularly in Honneth's attempt to actualize Hegel's philosophy of right, Reason is potentially embodied in the ethical form of collective life. His response to why should some features of historical progress be understood as normative, thus, recalls their functional importance within the development of ethical life. Distortions or deviances are always distortions of and from the expected norms of ethical life. This candidate explanation would mean that, watched from a reconstructive

perspective, the signs of History show not only moral progress, but also that this progress meant the realization of the claims that could be collected at the moment of their emergence; furthermore, these claims may have proved to more inclusive claims than the then existing ones and this is why they won the public competition for legitimacy. In this sense, ethical life is not a mere embodiment of moral claims, but a way out of heteronomy that has proven, at the eyes of the concerned, to be a fair solution to the problems they faced.

Although factually acceptable, this too is not a proper methodological answer to the challenge of explaining, on the one hand, how one normative vision becomes hegemonic, and, on the other hand, how does this hegemonic view relates to other potentially normative claims. In general, even this complex answer still does not touch the affirmation that there are internal developments possible, which would be as easily legitimated among the concerned individuals as any other. The collection of evidence, as has already been shown, is itself guided by this *a posteriori* approach, which tends to dismiss concurrent claims. Consequently, fractures within the spheres to be reconstructed tend to be ignored and concurrent claims rather silenced by this approach. Much more interesting than dismissing then would be an attempt to understand if they could embody some normative form of societal reproduction. Here one would have to note that this line of thought leads to the assumption that the *social* in social freedom is a step out of heteronomy, so that there is a distinction between practical life and social life, where the former pre-dates the later. A set of questions would then arrive, which would revolve around the phenomenological experiences that pre-date social life (in Honneth's sense) and determine which aspects of heteronomous social relations will gain entrance to the ethical relations as normatively legitimated.

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If this is the case, the causes for social conflict over the normative authority for different moral claims must be sought somewhere out of the system of reciprocal recognition that underlies ethical life in modern societies. That is exactly where Honneth suggests that the causes for the anomie be looked for (2011: 231), for contrary to both moments of his understanding about social pathologies, the false developments have to do with the specific spheres in which they occur. But then it would also mean that the emergence of social conflicts is the heteronomous moment in which normative values are still to be defined.

First of all, the idea that at the still heteronomous moment of collective life (as opposed to the moment of social life) there are already normative claims that struggle for legitimacy makes it impossible to prove true the positive side of Laitinen's Anna Karenina principle: One has to conclude that, because of the impossibility to rule out that different claims have also normative potential, there could also be different claims for what is fair or, put

otherwise, which principles should be referred to in order to organize social life. This implies, moreover, that the organization of collective relations of mutual recognition could also be challenged or redressed – and, naturally, this would affect the way the negative side of recognition should be theorized, for different forms of misrecognition or non-recognition would also have to be evaluated in light of the respective underlying philosophical basis of those possible rearrangements.

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This is all the more important because it could be a step forward in conceptualizing the causes for the lack of recognition. As Heikki Ikäheimo has tried to show, there are at least three main candidates to be the causes for the lack of recognition: capacities, costs and understanding (Ikäheimo 2015). The absence of capacities can cause the lack of recognition in that there could be necessary skills for the giving and receiving of recognition that are missing; excessively high cost for the individual who intends to give recognition can also prevent her or him to perform it; finally, excessively high cognitive requirements about the giving of recognition can also prevent individuals from giving it. Whereas the evaluation of the lack of capacities to perform recognitional acts seems to Ikäheimo to be rather a problem of empirical oriented disciplines (2015: 33), he assumes that at least the other two candidate causes could be accessed from a philosophical viewpoint. From this point on, Ikäheimo considers that recognition is to be understood as something desirable and good for the involved only within the Hegelian scheme of concrete freedom. This approach to freedom requires from the individuals way more intellectual ability than the mere negative freedom, in the first place, because it demands from them that they understand that determination of one's own self-interest depends on some concrete Other. Furthermore, if concrete freedom and its implied dependence on the presence of the concrete Other is experienced – or at least fathomed – by the individuals as being against her or his self-interests, it is possible that she or he concludes that the cost of recognizing the Other's authority are too high to be met (Ikäheimo, 2015: 33-34). These distinction seems to roughly correspond to the distinction between social pathologies and false developments: The lack of understanding could be associated with the incapacity to comprehend in how far one's own existence and ability to self-determination is embedded in the presence of concrete others; for its part, the assumption that recognizing the external authority of those others may be dangerous to one's own self-determination shows that individuals may respond to concrete situations through the mobilization of their own expectations about their freedom, that is, their normative expectations. Accordingly, one could conclude with Ikäheimo that, although theoretical understanding is essential to establishment of institutional contexts of mutual recognition, the most essential issue for a practical understanding of the causes for the lack of recognition is

the way particular conceptions of freedom guide factual thinking about the goodness and badness of institutional designs and social practices (Ikäheimo 2015: 38), that is, how they relate to idea of social freedom.

If this is correct and the causes for the lack of recognition on the side of false developments could be looked for in the different conceptions of freedom, it would not seem wrong to consider that underlying some practices of misrecognition that the Honnethian organicist perspective would consider pathological, one can also find attempts of normative justification that relate to the notion of recognition. This is why it is necessary to advance the idea that, among the cluster of phenomena that have been summed up under the notion that individual's moral conceptions may impede them to participate in recognition relations due to their costs, some distinctions must also be met. For that there is more to the negative side of recognition than social pathologies has already become clear; likewise, it has also become clear that the denial of recognition may have a moral-philosophical background. Further investigation should eventually reveal that practices of denial of recognition also occur in different forms.

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For instance, Thomas Klikauer (2016) developed a typology of forms of negative recognition that goes beyond misrecognition and non-recognition. According to him, at least four asymmetrical relations could be identified (mostly within work relations, but potentially also in other spheres). Misrecognition is taken to be the non-intentional result of a failure to perceive structural asymmetries shaping relations of recognition; non-recognition, which can occur either as a sanctioned form of unequal treatment or as informal acts performed in public, is the deliberately and purposely differentiation in treatment engineered by those on higher positions; derecognition, the third type, is the process by means of which one individual or group withdraws previous attributed recognition from some group or individual; finally, pathological mass-recognition is a form of exaggerated identification between masses and one figure in a prominent, mostly political position. Now, what is interesting about Klikauer's rather confused typology⁷,

⁷ I say it is a rather confusing typology because Klikauer seems to bring together effects (Misrecognition as failure), causes (overly identification and engineering of hierarchies) and processes (non-recognizing) and present them all as negative forms of recognition. Furthermore, even though he speaks about formally sanctioned and informal non-recognition, Klikauer fails to understand that many practices of informal non-recognition could be better classified under a proper concept of derecognition. In order to do that it would be necessary to consider that derecognition is more than a mere process that can result either in misrecognition or non-recognition (Klikauer, 2016: 43). Derecognition, from this perspective, should be treated as an action's guiding principle that embodies a series of moral conceptions of the involved about how they should relate to those who, in relation to the ones prone to derecognize, occupy socially in inferior or external

is that it presents an internal differentiation between non-recognition and derecognition that seems to empirically support the view that behind practices of denial of recognition there are purposes and intentions by the part of those in better position to exert social power; moreover, Klikauer shows, through examples taken from work relations, how the planned avoidance of recognition is engineered in order to established hierarchies, which are deeply interwoven in new forms of managerialism, but that are still dependent on recognitional relations (2016: 43).

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The centrality of the problem of hierarchy for theories of recognition is also emphasized by Cillian McBride, who thinks that the fundamental conflict over the achievement of respect and esteem should be understood in terms of a competition rather than in terms of a complementarity between aspects of recognition. By choosing the later, so McBride, one tends to ignore the fact that, as a normative phenomenon, recognition refers to the forms by which people evaluate each other (McBride 2013: 67). In as far as this evaluation occurs amidst a struggle for the normative authority individuals have over their own self-interpretations and the expectations of others towards them (McBride 2013: 6; 136), the establishment of normatively justified hierarchies serves a double purpose: On the one hand it reinforces the feeling of belonging of individuals towards the groups they recognize as their own; on the other hand, however, once a group achieves authority over a public narrative about its social position, that is, once a group succeeds in establishing social hierarchy, it finds itself in the position of determining how other relate to itself and to others. A particular effect of such competition over esteem has been explored by Barbara Kaletta. According to her, there are situations in which some groups or individuals experience a deficit in the position they occupy towards other groups, that is, a deficit in positional recognition caused by the concurrence they face within society for the acknowledgement of their particular achievements, their worldviews, or even their value as members of the community; in these situations, says Kaletta, groups or individuals that feel themselves threatened tend to develop responses vary between symbolic demarcations towards different Others and open violence (2008: 43). This whole complex of responses, which Kaletta analyses through the concept of group-based animosity (2008: 39), related in an ambiguous manner to the idea of recognition, for such groups that espouse that animosity aim at reinforcing their internal cohesion and solidarity through defending it from an imagined external thread. More important, those responses also show that subordinated groups develop responses to the failure of the

positions. In this sense, some of the practices that Klikauer sees as accounting for informal non-recognition, as the rendering of some people invisible or the establishment of symbolic forms of demarcation could be understood as practices of derecognition that have intended institutional effects.

institutionalization of the ideal of equal respect, and that in these responses they replace the ideal that everyone is an equal member of the moral community with a rival, hierarchical view of the world (McBride, 2013: 67).

Again, we arrive at the notion that different conceptions of recognition, much like different notions of freedom, help organize worldviews that struggle for normative authority. Throughout this paper the social visions espoused by the representatives of such struggles, when they imply in the institutionalization of notions of freedom that differ from social freedom, have been shown to be purposely pursued ideals and goals. Accordingly, they should not be understood simply as embodiments of deviant or distorted understandings of the normative values of modernity, particularly of social freedom. If, on the contrary, they are taken to be part of an heteronomous societal reality that pre-dates the establishment of the functional differentiations, which will later crystallize in the progression of ethical life, one could associate those different conceptions with the struggles for the establishment of alternative norms for the organization of society. In this sense, what Honneth has been calling false developments would rather be associated with this moment of heteronomy. The question would then be, if one could actually speak of false developments, and if the answer is positive, how to relate then to that moment of heteronomy of the social life.

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To speak of a moment of heteronomy within a Hegelian inspired theory of recognition seems plausible, on the one hand, because one of the methodological premises of a normative reconstruction is to select social practices and routines (Honneth, 2011: 26), thus leaving the door open to note that a much varied array of social practices occur around those selected. On the other hand, Honneth himself has attempted to present a sociologically inspired diagnose of the current state of the struggle for recognition, in which he arrived at the picture of a conflict devoid from moral foundations (Honneth 2013: 38). However, he seems to have chosen a different path for the development of his social theory. In conceptualizing society as a body prone to fall ill, the main cause of discomfort is the inability to reach the adequate adjustment between functional differentiations and the existing arrangements. The most important consequence of such an option would be, therefore, that all of the social discomforts would have to be understood in relation to malaises they would cause for the good functioning social organism. This is way, in public, every suffering is alike. Here, the concepts of deviance and distortion would gain upper hand, since they are the measure bar with which non-conform practices can be accessed⁸ and consequently the analysis – let alone the very concept – of struggle loses importance.

8 Interestingly enough, in the article dealing with the organic analogy Honneth mentions false organizations as social pathologies (2014: 57).

Therefore, apparently there are two ways Honneth could properly deal with the notion of false developments: he could either abandon it altogether, for it does not refer to more than practices that can more or less easily be rectified and do not relate properly to the features of institutionalized social freedom; or it could be subsumed to social pathologies, since, if the distinction between heteronomy and social freedom is discharged, each and every alternative moral conception could simply be taken to be a misunderstanding of the implicit value of freedom.

Nevertheless, none of those alternatives seem seductive enough either for the project of sociologically explaining the causes for the lack of recognition or for the project of better understanding those false developments themselves. As a conclusion I will try to summarize what could be gained by adopting that distinction between heteronomy and social freedom and accepting that the heteronomous moment should be taken to be a constitutive part of social analysis.

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Part III - Heteronomy and claims for justification

If Honneth's account of normative functionalism is indeed not suited to understand the diversity of claims for justice, it is because it cannot justify why some world views are normatively valid and others are not. Normative functionalism is rather a tool that enables an understanding of History from an *a posteriori* point of view (and note that this is not a God's eye point of view), since by reconstructing the historical development of human societies by ordering the functional differentiations that made society come to where it is, it becomes clear which ones were the demands that once institutionalized generated moral progress. It is exactly thanks to this method of writing justice backwards that Honneth can properly speak of what Amy Allen called "progress in History" (2016: 13): being able to present the historical course of social life as a series of differentiations that fulfilled normative functions, it becomes clear that History progress in the direction of a higher moralization, or better, of a complexification of morality, one that enables even more people to achieve self-realization. Key here is that the functions can be reconstructed as leading to an actual state of affairs, and indeed, a state of affairs that can be deemed normative because it was possible to show that it embodied some very specific values, namely those of freedom as reciprocal recognition.

Although many regressive moments also occurred during the progression of History, compared to functional differentiations that enabled wider perspectives for the individual self-realization, they appear unambiguously as regressive moments. Yet, this is not the case for those claims whose wrongness cannot be asserted beyond any ambiguity. These alternative claims, now

putting it on the vocabulary of the Hegelian influenced Critical Theory, are part of the heteronomy of the social world. In this sense, the procedure of a normative reconstruction also shows how the members of society were able to organize their shared goals and collective ideals around the principles, which could most probably take them out of the heteronomy of the social world and institutionalize ethical forms of life. This is what I called momentary social contracts. But social research, and sociology in particular, care exactly about the social, political and economical elements that influenced such arrangements. Its interest could be achieved rather through a cartography of the social (Voirol 2012: 98). For with the application of the normative reconstruction also these not obviously wrong claims end up silenced, since they are thrown away as not belonging to the normative canon of functional differentiations. Among those claims, however, alternative conceptions of freedom and about the social order would also be found that could help understand practices that result in the denial of recognition to some members of society, particularly because subjects evaluate in how far they would be ready to cooperate with each other and recognize the value and authority of concrete Others. A suggestion not to let those claims out of sight for the theory of recognition would be to understand these claims sociologically, as demands for normative legitimation that precede the institutionalization of social norms and values. If this is correct, Claassen objection, namely that there are some political claims about the organization of social life that are not obviously wrong, would have to be addressed as if those claims were located at these level of heteronomous political struggle over legitimacy. If this is correct, not only we would be able to provide a deeper analysis of the struggles over normative legitimacy that constitute modern societies; we would also be able to understand how normative claims and alternative conceptions of freedom guide the social and political actions of individuals and groups; finally, we would be in the position to investigate how a specific form of social discomfort emerge, namely that one which results of the costs for recognizing being too high. It seems that all of that justifies that the idea of false developments be rather further developed than abandoned or subsumed to that of social pathologies.

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Socijalne patologije, pogrešni pravci razvoja i heteronomija društvenog: društvena teorija i negativna strana priznanja

Apstrakt

Cilj ovog rada je da se istraži određena napetost između dve koncepcije koje služe za analizu društvenih napetosti u zrelih radovima Aksela Honeta, naime društvenih patologija i anomalije. Naročita pažnja je posvećena pitanju kako ove koncepcije pospešuju odnosno ograničavaju Honetovo razumevanje društvenih napetosti. U prvom delu rada pokazujem da Honetova interpretacija socijalnih patologija počiva na koncepciji društva kao organske celine (I). Iako ova interpretacija predstavlja određenu promenu u Honetovom shvatanju socijalnih patologija u odnosu na *Pravo slobode*, to ne utiče na činjenicu da u radovima koji nastaju nakon ove knjige koncepcija pogrešnih pravaca društvenog razvoja nije adekvatno teorizovana. Shodno tome, društveni problemi koji se sastoje u odstupanjima u odnosu na očekivane obrasce normativne rekonstrukcije ostaju neprimjećeni. Ova činjenica upućuje na neophodnost perspektive koja bi mogla

u potpunosti da shvati heteronomiju društvenog života (II). Usled svega navedenog, u Honetovim zrelim radovima postoji napetost između ciljeva normativne rekonstrukcije i društvene kritike, uglavnom zbog toga što Honet ne uspeva da kombinuje oba aspekta svoje društvene teorije. U finalnom odeljku (III), rad razmatra ovu napetost sa ciljem da se da kritički doprinos Honetovom pokušaju da poveže normativnu rekonstrukciju, društvenu analizu i kritiku.

Ključne reči: socijalne patologije, anomija (pogrešni pravci razvoja), normativna rekonstrukcija, društvena kritika, društveni sukobi

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Freiheit und Freundschaft in Axel Honneths *Recht der Freiheit*

Abstrakt In Axel Honneths *Recht der Freiheit* (RF) dienen persönliche Beziehungen, zu welchen Honneth neben Familien- und Liebesbeziehungen auch die Freundschaft zählt, der Verwirklichung einer „besondere[n], schwer zu charakterisierende[n] Form von Freiheit“ (RF 233). Diese Behauptung fügt sich ein in die Kernthese des *Rechts der Freiheit*. Demnach vermochte es die „Freiheit im Sinne der Autonomie des Einzelnen“ innerhalb unzähliger „Vorstellung[en] vom Guten“ als einzige, die moderne Gesellschaft nachhaltig zu prägen, wohingegen alle anderen Werte, die in der Moderne wirkmächtig geworden sind, als „Facette[n] der konstitutive[n] Idee der individuellen Autonomie“ (RF 35) verstanden werden müssen.

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Wir argumentieren, dass Honneths Erörterung des Werts von Freundschaft in dreierlei Hinsicht sein Ziel verfehlt: *Erstens* zwingt sie Honneth zu einer radikalen Beschneidung des Freundschaftsbegriffs, indem er einen überzogenen Kontrast zwischen antiken und modernen Konzeptionen von Freundschaft zeichnet. *Zweitens* marginalisiert Honneth mit seiner Betrachtung andere Axiologien der Freundschaft, welche dieser gewichtige instrumentelle, konstitutive und finale Werte zuweisen. *Drittens* scheint selbst eine schwächer angelegte These, die den Wert, den Freundschaften für die individuelle Freiheit haben, auf die Stellung eines *primus inter pares* zurückstufte, immer noch den zentralen Wert, den Freundschaften für uns haben sollten, zu verfehlen. Dadurch wird Honneths Kernthese von der Exklusivität des Wertes der Freiheit für unsere Gesellschaft in Frage gestellt.

Keywords: Axel Honneth, *Recht der Freiheit*, Freiheit, Nahbeziehungen, Freundschaft, Aristoteles, Werttheorie, finale Werte, konstitutive Werte, instrumentelle Werte.

1. Einleitung: Freundschaft und Freiheit

Wie Marilyn Friedman zu Recht diagnostiziert, ist von allen Sozialbeziehungen die Freundschaft diejenige, welche sich angesichts der immer weiter abnehmenden Bedeutung von Verwandtschaftsverhältnissen und der ungeklärten Rolle von Liebesbeziehungen „als die unumstrittenste, beständigste und befriedigendste aller engen persönlichen Beziehungen erweist“.¹ Es ist daher nur folgerichtig, wenn eine umfassende Gesellschaftstheorie wie die Axel Honneths, die den Anspruch hat, die zentralen Institutionen unserer

1 Friedman 2008: 148. Siehe auch Honneth 1997: 215f.

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Gesellschaft daraufhin zu untersuchen, ob sie sich unter dem Banner der Freiheit vereinigen lassen, auch die Freundschaft in den Blick nimmt.

In seinem Werk *Das Recht der Freiheit* dient „das breite Feld persönlicher Beziehungen“ (RF 233),² zu denen Honneth neben Liebes- und Familienbeziehungen auch die Freundschaft zählt, „zunächst und vor allem“ (RF 248) der Verwirklichung einer „besondere[n], schwer zu charakterisierende[n] Form von Freiheit“ (RF 233). Diese Beziehungsformen werden von ihm als Bedingung für die Ausweitung der eigenen, individuellen Freiheit in Form der Entfaltung der eigenen „Gefühle, Einstellungen und Absichten“ verstanden, die dadurch „jede Verschließung nach innen“ verlieren (RF 248).

Honneths Behauptungen zum Wert der Freundschaft fügen sich in zweifacher Weise in den breiteren Rahmen des *Rechts der Freiheit* ein: *Zum einen* beschreibt die Freundschaft gleichsam den Kerngehalt aller weiteren von Honneth in den Blick genommenen Nahbeziehungen: Wie im Folgenden näher zu erörtern sein wird, sieht Honneth in der Freundschaft wesentlich eine Form von Partnerschaft, in der „die Subjekte allein aufgrund von wechselseitiger Zuneigung und Anziehung miteinander verbunden sind“ (RF 241).

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Dieses Merkmal zeigt sich nun aber auch in den beiden anderen von Honneth betrachteten Formen der Intim- und der Familienbeziehung. Es zählt dort ebenfalls zu deren essentiellen Bestandteilen: So sieht Honneth die Intimbeziehung allein in „sexuellem Begehren und wechselseitiger Zuneigung“ begründet (RF 252); sie stellt sich so als Freundschaft plus wechselseitigem „Verlangen nach sexueller Intimität und eine alles umfassende Freude an der Körperlichkeit des Partners“ dar (RF 263).

Aber auch in der im Unterschied zu den vorgenannten Formen sozialer Beziehungen durch das Kind um ein drittes Glied erweiterten Familie hält in der von Honneth betrachteten modernen Variante die wechselseitige Zuneigung als Kernelement Einzug. Zwar betont Honneth, dass „die Art der Verpflichtung in heutigen Familien“ nicht einfach „nach dem Muster von Freundschaftspflichten zu konzeptualisieren“ sind (RF 299). Waren jedoch früher die wichtigsten Zutaten des sozialen Haftmittels der familiären Bindung „soziale Konventionen oder verinnerlichte Rollenklischees“, so werden diese im Laufe des 19. Jahrhunderts und noch verstärkt in unserer Zeit nun durch „Gefühle wechselseitiger Zuneigung“ (RF 302) verdrängt.

Neben der zentralen Funktion, die der Freundschaft für die deskriptive Rekonstruktion innerhalb der von Honneth betrachteten Trias sozialer Nahbeziehungen zukommt, erweist sie sich *zum zweiten* auch als wichtiger Prüfstein

2 Alle Zitate aus *Das Recht der Freiheit* werden im Folgenden über das im Klammern gesetzte Sigel „RF“ angegeben, gefolgt von der Seitenzahl.

seiner zu Beginn genannten Kernthese des *Rechts der Freiheit*, die der Freiheit in unserer Gesellschaft den werttheoretischen Primat zuweist: Demnach vermochte es die „Freiheit im Sinne der Autonomie des Einzelnen“ innerhalb unzähliger „Vorstellung[en] vom Guten“ als einzige, die moderne Gesellschaft nachhaltig zu prägen, wohingegen alle anderen Werte, die in der Moderne „wirkmächtig“ geworden sind, als „Facette[n] der konstitutive[n] Idee der individuellen Autonomie“ (RF 35) verstanden werden müssen.

Diese These vom axiologischen Primat des Werts der Freiheit scheint zu implizieren, dass andere in unserer Gesellschaft für bedeutsam gehaltenen Werte – und hier bilden diejenigen Werte, die wir unseren Nahbeziehungen im Allgemeinen und der Freundschaft im Besonderen zuweisen, zweifellos eine wichtige Teilmenge – unsere Aufmerksamkeit letztlich alleine oder zumindest wesentlich aufgrund des Gewinns verdienen, den wir aus ihnen für unsere persönliche Freiheit ziehen.

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Unser Ziel ist es zu zeigen, dass Honneths Erörterung des Werts der Freiheit als der für Freundschaften zentrale Wert unbeschadet ihrer Plausibilität als *eine* Wertfacette dieser Nahbeziehung in dreierlei Hinsicht zu eng angelegt ist: *Erstens* zwingt sie Honneth zu einer zu starken Beschneidung des Freundschaftsbegriffs. Da er die Geburtsstunde des Werts der Freiheit erst in den gesellschaftlichen Transformationsprozessen der Moderne erblickt, lokalisiert Honneth den Beginn der ihr zugeordneten sozialen Beziehung der Freundschaft in der für uns heute relevanten Form erst mit dem Aufbruch festgefügtter Rollenerwartungen Mitte des 18. Jahrhunderts. Dies führt in unseren Augen zu einem fragwürdigen und unnötigen Bruch mit der davorliegenden, spätestens mit Aristoteles einsetzenden Tradition der philosophischen Auseinandersetzung mit der Freundschaft. Gerade die bereits von Aristoteles analysierten Gründe für die Entwicklung und Erhaltung der emotionalen Zuneigung zwischen Freunden bilden unseres Erachtens eine wichtige Richtschnur zur Offenlegung möglicher Werte, die unser Eingehen und Führen von Freundschaften rechtfertigen können.

Durch diese Engführung marginalisiert Honneth in seiner Betrachtung *zweitens* alternative Axiologien der Freundschaft. Diese können ihr weitere gewichtige instrumentelle, konstitutive und finale Werte zuweisen, die sich als unabhängig von Honneths axiologischem Primat der Freiheit erweisen. Sie sind von Honneths Primat *unabhängig*, weil sie sich nicht auf den von Honneth unter der individuellen Autonomie gefassten Freiheitswert der Freundschaft beziehen müssen in dem Sinne, dass ihr Bestehen von Vorteilen abhängt, die die Freundschaftsbeziehung dem Einzelnen für seine individuelle Selbstbestimmung einbringt. Weiterhin lassen sich diese Werte als *gewichtig* rubrizieren, weil Güter wie die Sorge um das Wohlergehen des anderen oder die Freude, die aus gemeinschaftlichen Unternehmungen gezogen

werden kann, Gründe für Freundschaften darstellen, die bereits für sich genommen sowohl *psychologisch* wie auch *normativ hinreichend* erscheinen, diese Art von sozialen Beziehungen einzugehen. Dadurch scheint eine *erste Lesart* von Honneths These vom axiologischen Primat der Freiheit widerlegt: Die individuelle Freiheit ist nicht das einzige Gut, von dem ausgehend unsere Nahbeziehungen allererst ihren Wert erhalten. Dies steht nicht nur zu Honneths Verständnis des Freundschaftsbegriffs in Spannung, sondern wirft grundsätzlich die Frage nach der Plausibilität von Honneths Grundthese vom Primat der Freiheit auf.

Drittens scheint auch eine schwächer angelegte These, die den Wert, den Freundschaften für die individuelle Freiheit haben, auf die Stellung eines *primus inter pares* zurückstuft, immer noch den zentralen Wert zu verfehlen, den Freundschaften für uns haben sollten: Wie immer dieser Wert im Einzelnen gefasst und begründet werden mag, muss er sich doch auf den Freund als eine Person beziehen können, die als die konkrete Person, die der Freund ist, wertgeschätzt wird, anstatt dass der Freund innerhalb der Freundschaft nur als *funktional nützlich* für andere Dinge angesehen wird. Erst damit wird die Eigenheit des Werts der Freundschaft als einer auf wechselseitige Zuneigung beruhender sozialen Beziehung eingefangen, die nicht über weitere Werte begründet werden muss, wie sie etwa die mittels Freundschaft erreichte Steigerung persönlicher Freiheit aufweist. Dadurch wird Honneths oben referierte These von der Exklusivität des Wertes der Freiheit auch in einer *zweiten Leseart* in Frage gestellt.

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Unsere Diskussion gliedert sich dementsprechend wie folgt: Nachdem wir Honneths Konzeption von Freundschaft rekonstruiert haben (Abschnitt 2), kritisieren wir seine Gegenüberstellung von antiken und modernen Freundschaftskonzeptionen (Abschnitt 3). Darauf aufbauend argumentieren wir für eine pluralistische Axiologie von Freundschaft, die neben funktionalen auch finale Werte anerkennt (Abschnitt 4). Dies führt zu der Frage, worin der zentrale Wert der Freundschaft besteht und wie dieser sich zu Honneths These vom Primat der Freiheit verhält (Abschnitt 5). Eine Zusammenfassung der Ergebnisse beschließt die Diskussion.

2. Vergegenwärtigung: Der Wert der Freundschaft bei Honneth

In seiner Behandlung von Freundschaft betrachtet Honneth diese als Form sozialer Beziehungen, „deren reziproke Erfüllung den Beteiligten zur Erfahrung einer intersubjektiven Verwirklichung ihrer jeweiligen Besonderheit verhilft“ (RF 237).³ Wenngleich Freundschaft im Vergleich zu den anderen

³ Unsere Rekonstruktion des Werts der Freundschaft bei Honneth stützt sich vor allem auf sein *Recht der Freiheit*, da hier seine aktuellste Konzeption von Freundschaft vorliegt.

von Honneth untersuchten Beziehungen „den geringsten Grad an institutioneller Verankerung besitzt“ (ebd.), sind auch hier soziale Regeln identifizierbar, mit deren Hilfe sich bestimmen lässt, „ob eine Freundschaft in einem konkreten Fall vorliegt“ (RF 238).

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Dadurch erhält Honneth den Raum, zwischen „wahren“ und „falschen“ Freundschaften und insbesondere auch verschiedene Unterformen davon zu unterscheiden. Er nutzt diese Differenzierungsmöglichkeit, um einen „modernen“ von einem „antiken“ Freundschaftsbegriff abzugrenzen, die jeweils eigenen Regeln bezüglich der Anbahnung und dem Führen von Freundschaften gehorchen. Den Beginn der philosophischen Konzeptualisierung von Ersterem lokalisiert er philosophiehistorisch in der schottischen Moralphilosophie des 17. Jahrhunderts, namentlich bei Adam Ferguson, Frances Hutcheson und David Hume. Kennzeichnend für diese „modernen Freundschaften“ ist deren Freiheit von „kommerziellen Erwägungen“ zwischen den Partnern; stattdessen seien sie in den Worten dieser Moralphilosophen „allein auf ‚sympathy‘ und ‚sentiment‘ gegründet“ (RF 241). In Abgrenzung dazu zeichnet sich die für Honneth ideengeschichtlich davor anzusetzende „antike Freundschaft“, wie sie in der klassischen Antike und im Mittelalter vorherrschend war, vor allem „durch die Verschränkung von politischen und geschäftlichen Absichten“ aus und beruht somit wesentlich „auf reziproker Interessenwahrnehmung“ (RF 240).

Die Loslösung vom Prinzip des *Do ut des* („Ich gebe, damit du gibst“) als das erste Kennzeichen von Honneths moderner Freundschaftskonzeption wird ergänzt und begründet durch ein zweites: Während die „antike“ Freundschaft an die Gleichheit von Geschlecht (wobei sie hier prinzipiell nur Männern vorbehalten war), Stand sowie (und häufig damit korreliert) Rolle geknüpft war, ist dies bei „modernen“ Freundschaften nicht der Fall.⁴ Dies erklärt den auf „pure[...] Nutzenabwägungen“ (RF 240) abzielenden Charakter antiker Freundschaften: Wenn diese Form sozialer Beziehungen sich nicht auf Sympathie, sondern auf Interessenüberschneidungen gründet, werden letztere zum entscheidenden *Movens* ihrer Bildung und zur wichtigsten Begründung ihrer Erhaltung.

Beide Kennzeichen moderner Freundschaften und deren explanatorische Verknüpfung in Abgrenzung zu der antiken Form der Freundschaft helfen bei der Erklärung des spezifischen Werts, den Honneth in dieser sozialen Verbindung erblickt. Erst mit dem allmählichen Wegfall von Standesgrenzen

Gleichwohl werden wir wo sinnvoll auch Gedanken aus Honneths früheren Beiträgen (z. B. Honneth und Rössler 2008) zu diesem Thema einfließen lassen.

4 Zur Betonung des Unterschiedes zwischen traditionellen und modernen Freundschaftskonzeptionen siehe auch Honneth 1997: 215.

und starren Rollenbildern in der Neuzeit hat für ihn „die große Stunde der rein privaten Freundschaft [...] geschlagen“ (RF 245): Während klassische Freundschaften ihren Parteien „wenig Spielraum für persönliche Selbsterkundungen boten [...], so treten an deren Stelle nun wesentlich offenere, emotional verflüssigte Identitätsentwürfe“ (ebd.).

Tatsächlich markieren „Selbsterkundung“ und „Identitätsentwürfe“ in Honneths Freundschaftskonzeption die entscheidenden Stichworte für die Erfassung des Werts der Freundschaft als sozialer Institution: Sie dient vor allem der besseren Entfaltung der eigenen Persönlichkeit im Zuge einer ungezwungenen *Erkundung* und damit *Offenlegung* des eigenen Selbst, das beispielsweise durch das Anvertrauen und Besprechen der eigenen Sehnsüchte, Ängste und Unsicherheiten mit dem oder der Freundin neuen Raum erhält. In Honneths Worten machen moderne Freundschaften

das eigene Wollen als etwas erfahrbar [...], dessen Artikulation vom konkreten Gegenüber seinerseits erstrebt wird und damit jede Verschließung nach innen verliert. Die komplementären Rollenverpflichtungen, durch die die Praktiken der Freundschaft heute bestimmt sind, ermöglichen eine wechselseitige Offenlegung von Gefühlen, Einstellungen und Absichten, die ohne den jeweils anderen kein Gehör fänden und damit als nicht darstellbar empfunden werden müssten. (RF 248)

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Wenngleich Honneth unumwunden zugesteht, dass es „wahrscheinlich nicht diese Art von Freiheit [ist], die Subjekte heute vordergründig mit dem Wert der Freundschaft für ihr individuelles Leben assoziieren“, hält er nichtsdestotrotz daran fest, dass hierin der axiologische „Kern aller modernen Freundschaften“ (RF 249 f.) auszumachen ist. Diese These möchten wir im Folgenden mittels dreier Einwände in Frage stellen.

3. Zwei Formen von Freundschaft?

Honneths werttheoretische Fassung der Freundschaft als „Ermöglicher“ einer Ausweitung der individuellen Freiheit(-serfahrung) nimmt wie gesehen ihren Ausgangspunkt aus in Gegenüberstellung von „antiker“ und „moderner“ Freundschaft. Unsere Kritik daran setzt zunächst hier an. Dabei ist es *eine* Frage, ob eine solche Unterscheidung plausibel gemacht werden kann und eine *zweite*, ob sie die axiologischen Besonderheiten rechtfertigt, die Honneth in modernen Freundschaften ausmacht, indem er sie essentiell mit einer erst durch diese Form sozialer Verbundenheit aufscheinenden Form von Freiheit verknüpft.

Jedwede philosophische Analyse des antiken Freundschaftsbegriffs, ja von Freundschaft überhaupt, wird als historischen Fixpunkt Aristoteles'

Erörterungen zum Thema nicht unberücksichtigt lassen können.⁵ Tatsächlich gesteht auch Honneth selbstverständlich zu, dass Aristoteles' Ansichten hierzu in der modernen Philosophie – er nennt als Beispiele Kant und Hegel (vgl. RF 242) – eine unverändert breite Rezeption erfahren haben. Er setzt jedoch hinzu, dass diese und andere Philosophen des 19. Jahrhunderts neben Aristoteles „mehr noch das bereits rudimentär praktizierte Ideal der schottischen Moralphilosophie“ vor Augen hatten (vgl. ebd.).

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Wie groß ist die Differenz zwischen dem „antiken“ Freundschaftsideal, wie es von Aristoteles beleuchtet wird, und seiner „modernen“ Fassung, bei Honneth vertreten durch die schottische Moralphilosophie, tatsächlich? Auf den ersten Blick ergibt sich tatsächlich ein gewichtiger Unterschied. In den für Aristoteles' Freundschaftskonzeption entscheidenden Bücher acht und neun der *Nikomachischen Ethik* kann man zunächst den Eindruck gewinnen, dass die Einhaltung fester Standesgrenzen beim Eingehen von Freundschaften und deren Ausgestaltung innerhalb statischer Rollenbilder durchaus im Sinne des Stagiriten war:⁶ Denn „wenn in Gutheit, Schlechtigkeit, Wohlstand oder etwas anderem ein großer Abstand entsteht [...] dann sind die Betreffenden nicht mehr Freunde und erwarten nicht einmal mehr, es zu sein“ (NE 1158b 33–35). Freundschaften sind also nur dort möglich, wo beide Parteien etwa über einen hinreichend ähnlichen sozialen Hintergrund verfügen, der das wechselseitige Verständnis von- und ein gegenseitiges Schätzen füreinander fördert. Weiterhin wird sich die wechselseitige Kooperation besonders auf Bereiche erstrecken, in denen gemeinsame Interessen vorliegen: denn „[d]ie Zeit mit anderen verbringen kann man aber nur, wenn man einander angenehm ist oder sich an denselben Dingen freut“ (NE 1157b 23–24).

Es gibt jedoch auch Elemente in Aristoteles' Verständnis von Freundschaft, die der Auffassung, es gäbe einen starken Bruch zwischen antiken und modernen Konzeptionen, entgegenstehen. So macht Aristoteles' Dreiteilung möglicher Arten von Freundschaft deutlich, dass die von den schottischen Moralphilosophen hervorgehobene wechselseitige Sympathie füreinander auch in der „antiken“ Freundschaftstradition eine bedeutsame Grundlage für Freundschaften bildet, werden ihre Arten doch nach den „Arten liebenswerter Dinge“ unterschieden: „Denn bei jeder Art gibt es eine Erwidderung der Liebe, die nicht verborgen bleibt, und die Liebenden wünschen einander Gutes im

5 Wie verschiedene Kommentatoren betonen, ist der altgriechische Begriff der *philia* weiter gefasst als unser Begriff der Freundschaft (siehe z. B. Annas 1977: 532). Dennoch dürfte Aristoteles zumindest in der Form der *philia*, die in der wechselseitigen Zuneigung zum anderen um des anderen willen besteht, eine soziale Beziehung im Blick haben, die wir mit dem Ausdruck „Freundschaft“ benennen.

6 Alle Zitate aus der *Nikomachischen Ethik* werden im Folgenden über das im Klammern gesetzte Sigel „NE“ angegeben, gefolgt von der Seitenzahl nach der geläufigen Paginierung von Immanuel Bekker.

Hinblick auf den Grund, aus dem“ (NE 1156a 8–9). Dabei sind für Aristoteles diejenigen „am meisten Freunde“, „die den Freunden um dieser selbst willen Gutes wünschen“ (NE 1156b 9–10). Diese für Aristoteles „eigentliche“ Form der Freundschaft ist, anders als von Honneth für die „antike“ Freundschaft vermutet, gerade nicht von „puren Nutzenerwägungen durchzogen“ (RF 240), aber auch nicht, wie Honneth schreibt, einfach „selbstlos“ (vgl. ebd.): Vielmehr ist der Freund oder die Freundin geradezu „ein anderes Selbst“ (NE 1166a30–33), und „der höchste Grad der Freundschaft [gleich] der Selbstbeziehung“ (NE 1166b1). Wie sind Aristoteles' Aussagen hier zu verstehen?

In der Aristoteles-Exegese werden drei Interpretationsmöglichkeiten zu dieser Frage diskutiert: Nach der ersten könnten die Wendung „ein anderes Selbst“ und der Vergleich der Freundschaft mit der Selbstbeziehung dahingehend gedeutet werden, dass Aristoteles auf das eigene Selbst als normativen Zielpunkt der Freundschaft verweist: Die Freundschaft mit dem anderen ist letztlich um des Vorteils für das eigene Selbst willen zu schätzen. Diese Deutung leidet freilich unter der Bürde, dass Aristoteles wie gesehen (und im Einklang mit dem *Common Sense*) explizit davon spricht, dass wahre Freunde den Freund um *seiner* selbst willen Gutes wünschen, nicht um des *eigenen* Selbst willen. Jedwede Lesart, die Aristoteles nicht einfach einen offensichtlichen Widerspruch unterstellen möchte, muss sich daher nach anderen Deutungsmöglichkeiten umschauen.

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Eine zweite Lesart, die prominent von Anthony Carreras (2012) ins Spiel gebracht worden ist, erkennt im „anderen Selbst“ des anderen das eigene Ich, welches der Freund im Vollzug der Freundschaft, etwa über gemeinsame Unternehmungen und wechselseitigen Austausch, selbst mitgeformt hat, so dass dieser nun auch einen Teil des eigenen Selbst enthält. Freundschaft wird so zur wechselseitigen „Formung“ zweier „Selbste“ untereinander,⁷ die sich so im jeweils anderen einprägen und bei dessen Betrachtung wiedererkannt werden. Dieser Vorschlag soll sicherstellen, dass der andere *als* anderer wertgeschätzt wird und gleichzeitig dennoch als eigenes Selbst erkannt wird; doch muss verwundern, weshalb man das Selbst des anderen, gedacht als Ko-Produktion von sich und dem Freund, dann primär über sich selbst identifiziert anstatt über ein „Wir“, zu dem auch das Selbst des Betrachteten geworden ist.

Die dritte Deutungsalternative, die beispielsweise von Julia Annas (1988) und Richard Kraut (1989) vertreten wird, sieht in der Selbstliebe eine Art Urbild, über das sich die Liebe zum Freund hilfreich explizieren lässt:⁸ Man schätzt den Freund in einer Weise, die der eigenen Selbstliebe *gleich*, aber nicht *als*

7 Vgl. Carreras 2012: 325 f.

8 Vgl. Kraut 1989: 132.

eigenes Selbst oder *um* seiner selbst willen. Die Bezugnahme auf das „andere Selbst“ dient hier lediglich dem Kenntlichmachen der Art und Intensität der Liebe, nicht als Hinweis auf eine ontologische Verknüpfung zwischen dem eigenen Selbst und dem Selbst des Freundes. Dieser Deutung zufolge kann der Freund problemlos um seiner selbst willen geschätzt werden, eine drohende „Übernahme“ durch die Selbstliebe ist abgewehrt.

Sieht man von der ersten Alternative ab, wird sowohl bei der Betrachtung des anderen als „Teilselbst“ als auch in der Analogie-Deutung der Rede vom Freund als „anderem Selbst“ der andere in der Tat um seiner selbst willen geschätzt, sein Wohlergehen erscheint uns *um seiner willen* förderungswürdig, und nicht erst, weil und so weit *wir selbst* aus der Beziehung einen Nutzen ziehen, oder wir durch eine abstrakte Mehrung des menschlichen Wohlergehens im Freund unsere Tugend kultivieren. Dies verdeutlicht, dass Aristoteles' Freundschaftskonzeption näher an den von Honneth angeführten modernen Autoren liegt, als dieser zugestehen bereit ist.

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Wie steht es jedoch um die geteilten sozialen Rollen, die bei Aristoteles als Voraussetzung wirklicher Freundschaften gelten und die doch offenbar im Kontrast zum modernen Freundschaftsverständnis stehen? Eine vollständige Antwort auf diese Frage müsste nicht nur die Freundschaft als isolierte soziale Institution in den Blick nehmen, sondern die soziologischen Faktoren auswerten, unter denen Freundschaften zu früheren Zeiten geschlossen werden konnten. Gerade weil der soziale Austausch in vormodernen Gesellschaften an Standesgrenzen und damit einhergehende Rollenbilder gebunden war, so unsere Vermutung, war das typische soziale Umfeld durch eine ungleich größere Homogenität ausgezeichnet, als dies in unserer Epoche der Fall ist. Im Ergebnis konnten so Freundschaften in der überwältigenden (und über die verfügbaren historischen Quellen erfassbaren) Anzahl der Fälle auch nur innerhalb der eigenen *peer group* gefunden werden. Maßgebend für die spezifische Form „antiker“ Freundschaften wäre dann aber das *allgemeine* Verständnis vormoderner Gesellschaften hinsichtlich des sozialen Umfelds, mit dem man sich umgibt, und nicht deren *spezifischeres* Verständnis von der richtigen Art und Weise, Freundschaften zu führen.⁹

Wie steht es weiterhin um den vermeintlichen von Honneth hervorgehobenen Kontrast zwischen den Freundschaftsverständnissen der Antike und der Moderne bzw. Gegenwart in Bezug auf die in der Antike vorgenommene

9 Eine andere Strategie, diesen Aspekt von Aristoteles' Freundschaftstheorie zu verteidigen, bestünde darin, Beiträge der gegenwärtigen Freundschaftsdebatte in Bezug daraufhin auszuwerten, ob es auch Argumente gibt, die eine Ähnlichkeit von Freunden befürworten. Friedman etwa behauptet, „die Ähnlichkeiten zwischen Freunden [seien] der Sorte von Vertrauen förderlich, die sie dazu bringt, die moralischen Differenzen des jeweils anderen zu begrüßen und anzunehmen.“ (Friedman 2008: 166).

Betonung des Tauschgedankens? Auch hier zeigt sich, dass der Bruch zwischen den Epochen geringer ausfällt, als Honneth argumentiert. Denn auch in der Gegenwart ist die von Aristoteles durchaus anerkannte, über den wechselseitigen Nutzen sich definierende Form der Freundschaft ja beileibe keine ausgestorbene Sozialform. Die unverändert aktuelle Rede von „Freundschaftsgeschenken“, die nicht selten Gefälligkeiten zum eigenen Nutzen zum Gegenstand haben, weist darauf ebenso hin wie das Phänomen der „Freundschaften“, wie man sie in sozialen Netzwerken pflegt. Hier liegt offenbar ein stark erweiterter Begriff von Freundschaft zugrunde, in der der einzelne ganz gewiss nicht darauf bedacht sein sollte, alle „inneren Grenzen“ fallen zu lassen, um so das persönliche Wollen „in all seiner Unschärfe und Vorläufigkeit“ anderen „ungezwungen“ zu „enthüllen“ oder gar „zugänglich zu machen“ (vgl. RF 249). Beides weist darauf hin, dass wir auch heute noch eine große Bandbreite an Sozialbeziehungen, die von der zweckmäßig eingegangenen Verbrüderung über flüchtigere Bekanntschaften bis hin zu in-nigen, vertrauten Beziehungen reicht, gleichermaßen unter dem Oberbegriff der „Freundschaft“ fassen.

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Zusammengefasst mögen sich also zwar die *äußeren Bedingungen*, unter denen Freundschaften geführt werden, zwischen Antike und Mittelalter einerseits und der Moderne andererseits erheblich gewandelt haben; jedoch ist Freundschaft *als soziale Institution*, d. h. als Menge aufeinander bezogener Normen, die bestimmen, was eine „wahre“ Freundschaft von einer falschen unterscheidet, dabei essentiell *dieselbe* geblieben. Diese Sichtweise hat nun gewichtige Auswirkungen darauf, welche Werte mittels dieser Normen geschützt und befördert werden sollten.

4. Eine pluralistische Axiologie von Freundschaft

Axiologisch lässt sich eine komplexe soziale Institution wie die Freundschaft in mehreren Hinsichten bestimmen, was sich in den verschiedenen Analysen der philosophischen Literatur widerspiegelt, die Honneth zum Teil auch aufgreift (vgl. RF 247 f.). Hier werden jeweils unterschiedliche Wertaspekte des Freundschaftsbegriffs in den Mittelpunkt gestellt und somit unterschiedliche Antworten auf die Frage gegeben, weshalb wir uns anderen gegenüber den Regeln dieser sozialen Institution gemäß verhalten sollen, wenn wir Freundschaften anbahnen, vertiefen oder pflegen.

Zunächst ist es erforderlich, einige grundsätzliche wertterminologische Unterscheidungen vorzunehmen, um damit die verschiedenen Positionen zur Freundschaft besser einordnen und zueinander in Beziehung setzen zu können.

Für die gegenwärtige Diskussion ist es insbesondere hilfreich, verschiedene Arten zu unterscheiden, auf die etwas wertvoll sein kann. So hat etwas

in unserem Verständnis einen *instrumentellen Wert*, wenn ein Wert als Mittel zur Realisierung eines anderen Wertes dient.¹⁰ Die 50-Euro-Banknote in meiner Geldbörse ist instrumentell wertvoll, weil ich damit Dinge kaufen kann, die mir als wertvoll erscheinen, hat aber als reines Zahlungsmittel keinen eigenständigen Wert. Und etwas ist *konstitutiv wertvoll* für etwas Anderes, wenn es als Bestandteil von etwas anderem wertvoll ist: Es kann wertvoll sein, dass ich beim Joggen Schmerzen empfinde, indem mir dies erlaubt, Disziplin und Härte zum Ausdruck zu bringen, weil das Erdulden von körperlichen oder seelischen Härten unter anderem darin besteht, derlei Zustände zu erfahren.¹¹ Beide Weisen, wertvoll zu sein, sind in ihrem Wert vom Bestehen eines anderen Wertsachverhalts abhängig und können daher nur mit Bezug auf diesen Verhaltensgründe liefern. Wir bezeichnen beide Wertarten im Folgenden daher auch als „funktional“, um diese Bezogenheit zum Ausdruck zu bringen.

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Davon unterschieden hat etwas *finalen Wert*, wenn es weder konstitutiv noch instrumentell wertvoll für etwas anderes ist, sondern die mir durch den Wert gegebenen Gründe ohne Bezug auf weitere Werte rechtfertigen kann: So sollte ich einer alten Frau über die Straße helfen, auch wenn ich nicht dafür belohnt werde, und auch unabhängig davon, dass solches Handeln Bestandteil einer tugendhaften Lebensführung ist; meine Hilfe für die alte Frau ist schlicht damit zu begründen, dass sie Hilfe braucht und Hilfe gegenüber Notleidenden einen finalen Wert besitzt. Gleichfalls ist die bewundernde Betrachtung eines schönen Gemäldes etwas, wozu ich einen Grund habe, weil das Gemälde es aufgrund seiner Schönheit verdient, von mir betrachtet zu werden – unabhängig davon, dass ich dadurch meine Kunstsinnigkeit unter Beweis stelle, und ganz gleich, ob mir das dabei hilft, meine Begleitung zu beeindrucken.¹²

10 Ein solches Verständnis von „instrumentell wertvoll“ macht den Wert des instrumentell Wertvollen abhängig vom Vorhandensein von etwas nicht-instrumentell Wertvollem, zu dem das instrumentell Wertvolle führt. Alternativ kann etwas dadurch instrumentell wertvoll sein, dass es etwas Schlechtes verhindert. Siehe dazu Bradley 1998 mit weiteren Feinjustierungen, die aber für unsere Diskussion unerheblich sind.

11 Siehe für ein solches Verständnis von „konstitutiv wertvoll“ etwa Dworkin 1988: 80 f. und Schroeder 2016: 2.1.1.

12 Diese Beispiele für „final wertvoll“ lassen es somit offen, ob die so bewertete Sache selbst auch intrinsisch wertvoll ist (also wertvoll aufgrund der ihr zukommenden, nicht-relationalen Eigenschaften; die Schönheit des Gemäldes etwa könnte sich rein aus Eigenschaften ergeben, die ihm innewohnen: Die Leuchtkraft seiner Farben, die Spannung in der Komposition der darin auftretenden Figuren, etc.) oder aber extrinsisch wertvoll (d. h. wertvoll aufgrund seiner relationalen Eigenschaften; die Hilfsbedürftigkeit der alten Frau etwa hat etwas mit den Umständen zu tun, zu denen sie zum Zeitpunkt ihrer Hilfsbedürftigkeit in Beziehung steht). Siehe zum Unterschied zwischen finalen Werten und der Wertdimension der extrinsisch oder intrinsischen Werte Rabinowicz und Rønnow-Rasmussen 2000.

Mithilfe dieser Terminologie lassen sich nun Ansätze unterscheiden, die Freundschaft als ein funktionales Gut betrachten (so dass man dieser wahlweise einen instrumentellen oder konstitutiven Wert auf etwas anderes hin beilegen kann) und solche, die ihr einen finalen Wert zuschreiben.¹³

In die erste Kategorie fallen zum einen klassische Positionen der Philosophiegeschichte, von denen zwei exemplarisch genannt werden sollen. So vertrat Friedrich Nietzsche die Ansicht, wahre Freundschaft sei darauf ausgerichtet, zur Vervollkommnung der Beziehungspartner beizutragen, indem diese sich gegenseitig herausfordern und so stärken.¹⁴ Auch Francis Bacon verortet den Wert von Freundschaft im Nutzen, der sich aus der Beziehung ziehen lässt: zum einen dürfen wir unter Freunden unsere Emotionen wie Wut oder Trauer ungeschützt zeigen und werden so in die Lage versetzt, wieder in ein emotionales Gleichgewicht zu gelangen. Zweitens tauschen sich Freunde offen und ohne Hintergedanken über ihre Probleme aus und stehen sich beratend zur Seite; dies erleichtert und verbessert den Prozess der Urteilsfindung. Drittens stehen sich Freunde in Dingen des Alltags helfend zur Seite.¹⁵

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Auch in der gegenwärtigen Debatte finden sich Positionen, die für verschiedene instrumentelle und konstitutive Facetten der funktionalen Wertanalyse von Freundschaft eintreten, und zwar sowohl in Bezug auf die Bedeutung von Freundschaft für Individuen wie auch hinsichtlich der Gemeinschaft als Ganzer. D. B. Annis etwa argumentiert utilitaristisch, wenn sie betont, dass Freundschaften mit gegenseitiger Zuneigung, altruistischer Fürsorge und mit Vertrauen einhergehen. Diese wiederum spielen eine instrumentelle Rolle bei der Ausbildung von Selbstachtung.¹⁶ Eine epistemische Funktion der Freundschaft identifiziert J. M. Cooper in seiner Interpretation von Aristoteles: um ein gutes Leben zu führen, bedarf es einer akkuraten Selbsteinschätzung, und die erfahren wir im offenen Umgang mit Freunden.¹⁷ Über den instrumentellen Aspekt hinaus ist für Cooper Freundschaft auch konstitutiv dafür, ein gelungenes Leben zu führen. Es gibt Projekte, die unser Leben besser machen, und nur durch die Ermunterung durch Freunde geben wir nicht frühzeitig auf, sondern behalten Freude unserer Tätigkeit. Beispielsweise üben wir jahrelang ein Instrument und hätten schon längst die

13 Neera Kapur Badwhar nimmt eine ähnliche Unterscheidung vor, berücksichtigt aber nicht, dass Freundschaften auch einen konstitutiven Wert haben können. Sie unterscheidet zwischen „end friendships“ and „instrumental friendships“. Siehe Badwhar 1987: 2–4 und 1993: 3.

14 Siehe Nietzsche 1999: 14, Kaufmann 1950: 361–368 und Grayling 2013: 10. Grayling schreibt in diesem Zusammenhang Oscar Wilde das *Bonmot* zu, ein wahrer Freund sei jemand „who stabs you in the front“, ebd.

15 Siehe Bacon 2012 und Grayling 2013: 91–94.

16 Vgl. Annis 1987: 350f.

17 Vgl. Cooper 1977.

Lust daran verloren, wäre nicht die Aussicht darauf, eventuell zusammen mit unseren Freunden zu musizieren.

Einen Ansatz, der das epistemische Argument von Cooper vertieft, vertritt die feministische Philosophin Marilyn Friedman. Dieser zufolge erlauben es uns Freundschaften, unser moralisches Urteilsvermögen dadurch zu schärfen, dass wir an den Erfahrungen unserer Freunde teilhaben und so den „Aktionsradius unserer begrifflichen Ressourcen, die wir zum Interpretieren und Bewerten all der moralisch signifikanten Erfahrungen, die wir erfassen, benutzen können“, erweitern.¹⁸ Honneths eigene Theorie ist Friedmans Ansatz nicht unähnlich, insofern für ihn freundschaftliche Beziehungen einen geschützten Raum darstellen, in dem Individuen ihre Selbstentwürfe prüfen können und so ihre individuelle Freiheit ausweiten.

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Neben diesen funktionalen Werterklärungen, die auf den individuellen Nutzen von Freundschaft abstellen, seien auch Ansätze angeführt, welche die soziale Funktion von Freundschaft betonen. In diese Kategorie fällt etwa John Rawls, für den soziale Beziehungen dabei helfen, eine moralische Perspektive zu entwickeln, die unerlässlich ist für die Teilnahme am Gemeinwesen des Staats.¹⁹

Neben diesen Theorien, die exemplarisch die Pluralität der funktionalen Wertanalysen des Freundschaftsbegriffs abbilden, gibt es jedoch auch Ansätze, welche auf einen nicht-funktionalen oder finalen Wert der Freundschaft selbst abzielen. Der entscheidende Gedanke lautet hier, dass das Führen einer Freundschaft, also das Schätzen eine anderen Person um ihrer selbst willen (was sich etwa in der Sorge um deren Wohlergehen ausdrücken kann oder in der Bereitschaft für gemeinsame Unternehmungen), bereits *an sich* einen Wert realisiert, der nicht darauf reduzierbar ist, einen Beitrag zu etwas anderem zu leisten.²⁰

Dass Freundschaften ein solcher finaler Wert zukommt, scheint nicht zuletzt Honneths eigene Analyse von Freundschaft als „Person-qua-Person“-Beziehung nahezu legen.²¹ Dieser Typ von Beziehungen ist für ihn dadurch gekennzeichnet, dass die jeweiligen Partner der Beziehung nicht austauschbar sind, was in der Freundschaft „durch ein besonderes persönliches, sorgendes Interesse an der anderen [Person] um ihrer selbst willen, nicht um bestimmter

18 Friedman 1993, zitiert aus Honneth und Rössler (Hg.) 2008: 160.

19 Rawls 1971: 409 f. Allerdings ließe sich hier anmerken, dass Freundschaften einer Gemeinschaft ebenso schaden können, da die damit verbundenen Solidaritätspflichten dazu führen können, dass wir in Fällen, die die Gleichbehandlung aller verlangen (etwa bei Stellenbesetzungen oder allgemein bei der Allokation knapper Güter) aufgrund bestehender sozialer Beziehungen unsere Freunde bevorzugt behandeln.

20 Einen solchen Ansatz vertritt Badwhar 1987.

21 Vgl. Honneth 2008: 11.

Ziele willen, die erreicht werden müssen", zum Ausdruck kommt.²² Je größer aber die mangelnde Substituierbarkeit von Personen innerhalb der Beziehung ausfällt, desto plausibler stellt sich das Einbinden finaler Werte in der Analyse des Freundschaftsbegriffs dar. Denn Beziehungen, die nur funktional gerechtfertigt sind, können diese Nicht-Austauschbarkeit von Freunden nur schwer begründen. Denn ist die Funktion das entscheidende Merkmal einer Wertzuschreibung, dann liegt es nahe, deren Träger auszuwechseln, sobald sich bessere Alternativen zur Realisierung desjenigen Werts finden, von dem die Wertzuschreibung abhängt: So sollte man einen kaputten Hammer austauschen, wenn es gilt, Nägel in die Wand zu schlagen (instrumenteller Wert), und ebenso verdorbenes Mehl durch frisches ersetzen, wenn man Brot backen möchte (konstitutiver Wert). In ähnlicher Weise könnte man es nun auch mit Freunden halten, falls die Beziehung zu ihnen nur einen funktionalen Wert aufweist: Sollte sich ein Gegenüber finden, mit dem sich gewisse Ziele besser realisieren lassen als mit meinem derzeitigen Freund, dann sollten wir die gegenwärtige Bindung auflösen und gegen die bessere eintauschen.²³

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Daneben bleibt freilich auch denkbar, dass sich der funktionale Wert der Freundschaft nur mittels einer bestimmten Person verwirklichen lässt: So könnte beispielsweise die Realisierung des eigentlich angestrebten Werts hochspezifische emotionale und zeitliche „Investments“ in den anderen erforderlich machen, die als „sunk costs“ nicht einfach abschreibbar sind; oder die Einzigartigkeit einer Beziehung stellt sich gar als integraler Bestandteil des anderen Wertes dar, so wie man vielen Leistungen nur dann Wert beimisst, weil sie durch einen selbst erbracht worden sind.

Aber auch in diesem Fall verfehlen Freundschaftskonzeptionen, die den finalen Wert einer solchen Beziehung außer Acht lassen, einen wichtigen Wertaspekt: Sie versäumen es, die sorgende Zuneigung um den anderen als eigenständigen Wert anzuerkennen, der selbst dann noch Bestand hätte, wenn sich der von der Freundschaft unterschiedene Wert *notwendigerweise* mit dieser einstellt. Wir werden auf diesen Punkt im folgenden Abschnitt noch zurückkommen.

Zwei Eigenschaften sind für das Verhältnis der eben benannten Wertdimensionen von Freundschaft relevant: *erstens* beschreiben die verschiedenen Axiologien Aspekte, die sich nicht gegenseitig ausschließen. Eine Freundschaft kann mich gleichzeitig in die Lage versetzen, ein guter Bürger zu sein, mir Selbstachtung geben, mich vor Fehleinschätzungen bewahren, meine moralische Sensitivität verbessern und gleichzeitig einen eigenen finalen Wert besitzen, ohne dass sich daraus ein Widerspruch oder auch nur eine Spannung ergibt.

22 Ebd.

23 Vgl. dazu Helm: 2013: 2.1.

Zweitens und damit verbunden scheinen sich die verschiedenen Wertaspekte von Freundschaft nicht auf einen einzigen funktionalen oder finalen Wert reduzieren zu lassen. So könnte etwa die Freude, die Freunde bei gemeinsamen Unternehmungen erfahren, als Begründung bereits ausreichend für die mit meinem Freund verbrachte Zeit sein und in diesem Sinne meine Freundschaft rechtfertigen. Damit wäre sie weder Bedingung für die Ausweitung individueller Freiheit im Sinne Honneths, noch trägt sie notwendigerweise zur Schärfung unseres moralischen Urteilsvermögens bei. Im Ergebnis heißt dies, dass nur eine pluralistische Axiologie in der Lage ist, das Phänomen der Freundschaft korrekt zu deuten, was freilich nicht ausschließt, dass bestimmte Wertaspekte zentraler gewichtet werden müssen als andere.

5. Der zentrale Wert der Freundschaft

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Wie der vorangegangene Abschnitt nahelegt, fällt eine plausible Axiologie der Freundschaft pluralistisch aus und lässt daher keine Reduktion der übrigen Werte auf den von Honneth ausgemachten Wert einer Ausweitung individueller Freiheit, wie sie durch Freundschaften ermöglicht wird, zu.

Das stellt jedoch Honneths zentrale, im *Recht der Freiheit* aufgestellte These von der Exklusivität des Werts der Freiheit innerhalb des Wertekanons moderner Gesellschaften (und deren Sozialbeziehungen) nicht notwendigerweise in Frage: Selbst wenn die übrigen von Freundschaften generierten oder in ihr aktiven Werte nicht als „Facette[n]“ (vgl. RF 35) des Werts der Freiheit interpretierbar sind, kann die soziale Freiheit vielleicht immer noch eine herausgehobene Stellung gegenüber den anderen Werten einnehmen und damit Honneths Exklusivitätsthese zumindest in einer abgeschwächten Form stützen.

Wie ließe sich für eine solche These argumentieren? Offenkundig benötigen wir ein Kriterium oder einen Maßstab, um zentralere oder wichtigere Wertaspekte eines Phänomens von weniger zentralen oder unwichtigeren Aspekten dieses Phänomens zu unterscheiden. Eine Möglichkeit bestünde im Verweis auf die subjektive Bedeutung, die Menschen dem Wert der Freiheit einräumen. Dieses Kriterium scheint bei einigen Wertphänomenen auch durchaus zu den richtigen Ergebnissen zu führen: Um etwa herauszufinden, welche von den Lebensplänen einer Person die wichtigsten oder zentralsten sind, ist es sicherlich zielführend, in Erfahrung zu bringen, was *für diese Person* die wichtigsten oder zentralsten sind. Ebenso könnte man es nun auch im Falle der Freundschaft halten: Legte man uns eine Liste aller mit Freundschaften in Beziehung stehenden Güter vor, würden wir, so die Annahme, „intuitiv“ den Freiheitswert der Freundschaft am höchsten gewichten.

Das Ergebnis einer Anwendung dieses Kriteriums auf den vorliegenden Fall bliebe jedoch zumindest offen: Wie von Honneth eingeräumt, assoziieren

die wenigsten von uns den von Freundschaft abhängigen Wert der Freiheit mit dieser Form sozialer Beziehung, sondern nennen andere Werte wie den Beistand in Notsituationen oder das Vergnügen, dass sich aus gemeinsamen Interessen und Unternehmungen ergibt (vgl. RF 249 f.). Dagegen scheint es jedoch mit Honneth nicht unplausibel einzuwenden, dass wir den Wert von Freundschaften für die Freiheit als so selbstverständlich annehmen, dass dieser sich unserer bewussten Erfahrung fast schon entzieht, zumindest aber kaum Aufmerksamkeit erfährt. Selbst wenn aber zugestanden wird, dass ein bestimmter Wertaspekt von Freundschaft als „selbstverständlich“ mit dieser verknüpft ist, scheint damit noch nichts über die relative Wichtigkeit gegenüber anderen Werten, die durch Freundschaften ermöglicht werden, ausgesagt worden zu sein.

Eine weitere, in unseren Augen vielversprechendere Möglichkeit, den für Freundschaften zentralen Wert inmitten der Vielzahl unterschiedlicher Wertaspekte ausfindig zu machen, zielt auf dessen Verknüpfung mit dem *Wesen* des betrachteten Phänomens. Demnach wäre derjenige Wert für Freundschaften zentral, der am stärksten von ihren je spezifischen Eigenheiten abhängt und daher *nur so in und von* Freundschaften verwirklicht werden kann. Dieses Kriterium scheint bei vielen Phänomenen durchaus brauchbare Ergebnisse zu liefern. So erscheint uns beispielsweise der emotionale Wert einer von unserer Großmutter geerbten Brosche gerade *aufgrund* seiner mangelnden Substituierbarkeit *in eben dieser Hinsicht* bedeutsamer als etwa ihr materieller Wert – die Brosche ist einzigartig wertvoll und in diesem Wert durch nichts ersetzbar. Solche Betrachtungen scheinen nun weiterhin nicht allein für *an sich Wertvolles* geeignet, auch *funktional Wertvolles* stellt sich etwa bei vielen Typen sozialer Artefakte wie Geld auf diese Weise plausiblerweise als primärer Wert seines Trägers heraus: Gerade weil Geld seiner Rolle nach wesentlich als Tauschmittel, zur Werterhaltung und als Wertmaßstab dient, machen diese Nutzen seinen hauptsächlichsten Wert aus.

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Welcher Art von Wert würde auf diese Weise die Freundschaft mit sich führen? – Ausgehend von der seit Aristoteles vertretenen, grundsätzlichen Bestimmung von Freundschaft als *wechselseitige Interessennahme am Wohlergehen des Freundes um seiner selbst willen* wäre nun demgemäß derjenige Wert für Freundschaften zentral, der dieses spezifische Interesse rechtfertigen würde.²⁴ Die einfachste Antwort darauf würde zunächst ein solches Interesse als nicht weiter rechtfertigungsbedürftig behaupten, so dass Freundschaften

24 Honneth selbst scheint dieser Auffassung von Freundschaft nicht abgeneigt, wie wir bereits im vorangegangenen Abschnitt gesehen haben. Dort wurden von ihm Freundschaften als „Person-qua-Person“-Beziehungen charakterisiert, die „geleitet sind durch ein besonderes persönliches, sorgendes Interesse an der anderen [Person] um ihrer selbst willen, nicht um bestimmter Ziele willen, die erreicht werden müssen.“ (Honneth und Rössler 2008: 11).

final wertvoll für diejenigen sind, die sie führen. Tatsächlich erscheint eine solche Annahme auch keineswegs als abwegig und wird beispielsweise von Vertretern eines Objektive-Listen-Ansatzes von Wohlergehen oder des guten Lebens vertreten.²⁵ Jeder dieser Ansätze versucht sich sodann in weitergehenden Erklärungen dessen, was genau es heißt, dass wir berechtigterweise ein wechselseitiges Interesse am Wohlergehen des anderen um seiner selbst willen nehmen; sie alle finden sich aber einig darin, dass sich dieser Wert in der einen oder anderen Weise auf der Einzigartigkeit des Freundes gründet.

470 Es ist dieser Zugang, an dem es Honneths Beitrag zum Wert von Freundschaft weitgehend mangelt. Ihm gemäß findet die Freiheit im Feld der Freundschaft ihre „Heimstätte“ mittels der „Erfahrung einer umsorgten und zugleich gewollten Selbstartikulation“ (RF 249). Es ist mithin die *eigene* individuelle Freiheit, die im Mittelpunkt der Freundschaft steht, nicht diejenige des Freundes. Dass letzterer „hier nicht Begrenzung, sondern Bedingung der [eigenen] individuellen Freiheit“ ist, ändert nichts am *Telos* freundschaftlichen Tätigseins. Das eigene Selbst wird durch den mittels freundschaftlichem Austausch induzierten Wegfall der inneren Grenzen (vgl. RF 249) ja keineswegs zu einem *erweiterten* Selbst, das sich sodann als selbstständige Einheit der Freundesparteien konstituiert, dem dann in Folge eine *eigene* Freiheit zugeschrieben werden kann; Träger der Freiheit bleibt vielmehr stets das einzelne Individuum.

Selbst wenn Freundschaft also für die von Honneth ausgemachte Form sozialer Freiheit konstitutiv ist (und nicht nur ein Mittel zum Zweck derselben abgibt), gerät doch der andere *als Anderer* letztlich nur als Ermöglicher der eigenen Freiheit in den Blickpunkt. Es bleibt mithin unklar, warum das Wohlergehen des anderen um *dessen* (statt des eigenen) Selbsts willen eine eigenständige Quelle unseres berechtigten Interesses ist. Will man diesem Interesse aber seine Richtigkeit nicht absprechen, sollte dem hierfür dann gesondert einzubringenden Wert (wie gerade argumentiert) die Position des axiologischen „Kern[s] aller modernen Freundschaften“ (wie auch der „antiken“ Freundschaften) zukommen. Dies aber würde implizieren, dass Honneth es nicht gelingt, die Exklusivität des Werts der Freiheit in Bezug auf die zentrale soziale Institution der Freundschaft plausibel zu machen.

6. Fazit: Das Recht der Freundschaft

Honneth argumentiert im *Recht der Freiheit* für einen werttheoretischen Primat der Freiheit: Ihr Wert durchzieht alle wichtigen Institutionen und Strukturen moderner (westlicher) Gesellschaften. Den Aufweis, inwiefern

25 Siehe etwa Chappell 1996: 34–37; Murphy 2001: 126–131; Hurka 2011: Kap. 7; Fletcher 2013: 214.

diese auch in Abkehr von früheren Verwirklichungen der von Honneth behandelten Institutionen auf den Wert der individuellen Autonomie ausgerichtet sind, bildet ein Kernthema von Honneths Werk. Wir haben im Rahmen dieses Aufsatzes die Plausibilität dieses Ansatzes für die Institution der Freundschaft geprüft, dessen Kerngehalt sich auch in den anderen beiden von Honneth betrachteten Nahbeziehungen wiederfindet.

Das Ergebnis unserer Prüfung fällt kritisch aus: Während Honneth plausibel machen kann, dass der Wert der persönlichen Freiheit in den vergangenen beiden Jahrhunderten die für unsere Gesellschaft konstitutiven Institutionen tief geprägt hat, gelingt es ihm nicht, seine These von ihrem axiologischen Primat in zwei ihrer plausibelsten Lesarten zu verteidigen. Wie wir argumentiert haben, hängt das in Teilen damit zusammen, dass er seine eigene konzeptionelle Betrachtung der Freundschaft nicht zufälligerweise zu dem Zeitpunkt einsetzen lässt, in der sich Vorstellung vom Wert der Freiheit ideengeschichtlich zu formieren beginnen. Dadurch drohen wesentliche Wertaspekte von Freundschaft, die bereits seit der aristotelischen Analyse im Mittelpunkt stehen, marginalisiert zu werden.

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Betrachtet man die zeitgenössische Literatur zur Freundschaft, die nicht selten auf aristotelisches Gedankengut zurückgreift, wird deutlich, dass eine starke Lesart der These vom axiologischen Primat der Freiheit, nach der sich alle übrigen Werte westlicher Gesellschaften lediglich als Bestandteile, Aspekte oder Facetten des Werts individueller Autonomie erweisen, nicht haltbar ist: Die Ausbildung der eigenen moralischen Sensibilität, die Entwicklung von Selbstachtung oder auch nur die Freude an freundschaftlichen Unternehmungen – das alles scheint Freundschaften für uns wertvoll zu machen, unabhängig davon, dass wir sie *auch* zur Steigerung unserer individuellen Autonomie nutzbar machen können, selbst wenn dafür die Entwicklung der Freundschaft hin zu Stadien, die die Realisierung der übrigen genannten Werte begünstigt oder sogar erforderlich macht, notwendig sein mag.

Aber auch eine weniger starke Lesart des axiologischen Primats der Freiheit erscheint wenig plausibel: Demnach ist der Wert der Freiheit nicht der einzige, aber der wichtigste oder zentralste Wert zur Begründung von Freundschaften. Auch für diese Lesart finden sich bei Honneth Hinweise, wenn er etwa davon spricht, dass der Wert der Freiheit den „Kern“ moderner Freundschaftsbeziehungen ausmache. Doch kann auch diese Deutung von Honneths These nicht überzeugen, wenn man als Kriterium die von den Freunden empfundene subjektive Bedeutung des Freiheitswerts heranzieht. Des Weiteren liefert auch das Kriterium, dass den zentralen Wert einer Sache mit ihrem Wesen verknüpft, nicht die von Honneth gewünschten Ergebnisse: Abermals in Rückgriff auf Aristoteles scheint derart verstanden der spezifische Wert der Freundschaft in ihr selbst zu liegen: Die Zuneigung und

daraus erwachsene Sorge um den anderen um des anderen willen gibt nicht allein den Kerngehalt der Freundschaftsbeziehung wieder, sondern offenbart auch einen Eigenwert, der diesem Verhältnis innewohnt.

Unbeschadet dieser Erörterungen gelingt es Honneth zweifelsohne, die Bedeutung des Werts individueller Selbstbestimmung auch für den Bereich der persönlichen Nahbeziehungen auszuweisen – was eine wesentliche, in der philosophischen Literatur zur Freundschaft bislang wenig beachtete Erweiterung ihrer Axiologie darstellt. Entgegen Honneths Annahme ist die Freiheit vielleicht der ausgreifendste, aber keineswegs der einzige Wert für moderne Gesellschaften, anhand dessen sich der Kerngehalt der ihre Institutionen auszeichnenden Regeln bewähren muss.

Insofern lässt sich eine adäquate Rekonstruktion der konstitutiven Sphären unserer Gesellschaft anhand der institutionellen Verkörperung bestimmter Werte nicht allein auf den Wert der individuellen Freiheit stützen, wie Honneth annimmt: Zur Freiheit müssen weitere Werte mit in ihren Verkörperungen als Institutionen je eigenen Prinzipien sozialer Gerechtigkeit hinzukommen. Das Recht der Freundschaft stellt eine solche Quelle sozialer Prinzipien dar, deren Einfluss angesichts der Bedeutung des deskriptiven Gehalts der Freundschaftsbeziehung auch für die übrigen Nahbeziehungen nicht unterschätzt werden sollte.

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Freedom and Friendship in Axel Honneth's Freedom's Right

In Axel Honneth's *Freedom's Right* (FR) personal relations, among which Honneth includes not only family and partner relationships but friendship as well, enable the realization of one 'specific form of freedom, which is difficult to specify' (FR 233). This assertion constitutes one of the main thesis of *Freedom's Right*. Accordingly, 'freedom in the sense of individual autonomy' should, among countless different 'conceptions of freedom' be understood as the only one that has the power to shape modern society, while all other values effective within modernity should be understood as 'aspects of the constitutive idea of individual autonomy' (FR 35). In this paper we argue that Honneth's discussion of the value of friendship does not accomplish its aim for three reasons: *first*, Honneth is

compelled by his argument to postulate one radical cleavage internal to the concept of friendship, by way of an exaggerated contrast between ancient and modern forms of friendship. *Second*, in his discussion Honneth marginalizes other existing axiologies of friendship, which attribute some other important instrumental, constitutive and final values to this term. *Third*, even a weaker thesis, one that treats the value of friendship as the precondition of individual freedom as a *primus inter pares*, seems to lose sight of the central importance that friendship has for us." Honneth's key thesis about the unique value of friendship in our society is thereby challenged.

Key words: Axel Honneth, *Freedom's Right*, freedom, friendship, Aristotle, value theory, final values, constitutive values, instrumental values, relationships

Sebastijan Muders Filip Švind

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Sloboda i prijateljstvo u Honetovom Pravu slobode

Apstrakt

U *Pravu slobode* Aksela Honeta (PS) lični odnosi, u koje Honet pored porodičnih i emotivnih ubraja i prijateljstvo, omogućavaju realizaciju jedne „specifične, teško određive forme slobode“ (PS 233). Ova tvrdnja spada u ključne teze *Prava slobode*. Shodno tome, „sloboda u smislu autonomije pojedinca“ mora se, među bezbrojnim „konceptijama dobra“ shvatati kao jedina koja oblikuje moderno društvo, dok se sve ostale vrednosti koje postaju delotvorne u modernosti moraju razumeti kao „aspekti konstitutivne ideje individualne autonomije“ (PS 35).

U radu argumentujemo da Honetova rasprava o vrednosti prijateljstva ne uspeva da postigne svoj cilj iz tri razloga: *prvo*, Honet biva primoran da postulira jedan radikalni rascep unutar pojma prijateljstva, tako što stvara jedan preteran kontrast između antičkih i modernih koncepcija prijateljstva. *Drugo*, Honet u svojoj diskusiji marginalizuje druge postojeće aksiologije prijateljstva, koje ovom pojmu pripisuju još neke značajne instrumentalne, konstitutivne i konačne vrednosti. *Treće*, čini se da samo jedna slabija teza, koja vrednost prijateljstva kao preduslova individualne slobode postavlja na mesto *primus inter pares*, a da pri tome ne gubi iz vida centralni značaj koji prijateljstvo treba da ima za nas. Na taj način se Honetova ključna teza o posebnoj vrednosti prijateljstva u našem društvu dovodi u pitanje.

Ključne reči: Aksel Honet, *Pravo slobode*, sloboda, prijateljstvo, Aristotel, teorija vrednosti, konačne vrednosti, konstitutivne vrednosti, instrumentalne vrednosti

Arthur Bueno

The Psychic Life of Freedom: Social Pathology and its Symptoms¹

Abstract This paper discusses the relationship between Axel Honneth's intersubjective theory of recognition and his political theory of democratic ethical life by addressing the potentials and difficulties attached to the notion of social pathology. Taking into account the diverse uses of this concept throughout Honneth's oeuvre, it focuses initially on two of its formulations: first, the more recent discussions presented in "The Diseases of Society", some of which can be read in continuity with arguments presented in *Freedom's Right*; second, an implicit conception of social pathology that can be found in *Struggle for Recognition*. These formulations involve contrastingly different premises with regard to phenomenological, methodological, social-ontological and etiological matters. I argue that such differences can be better grasped if one bears in mind two distinctive ways of understanding the fundamental intuition at the basis of the notion of social pathology: either as an analogy or as a homology. By disclosing the actual or potential discrepancies between both conceptions, the aim is to outline the grounds on which they could be brought together within the framework of a comprehensive concept. With this purpose, I then critically examine a third conception of social pathology which was first presented in *Suffering from Indeterminacy* and later developed, with some restrictions, in *Freedom's Right*. Finally, a definition of social pathology is suggested which can bring together the different contributions of each conception while avoiding their pitfalls.

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Keywords: social pathology, recognition, freedom, suffering, social ontology, analogy, homology, Axel Honneth

The notion of social pathology holds a central place in contemporary critical theory and especially in Axel Honneth's philosophical work (cf. Honneth 1996 [1994], Honneth 2009 [2004]). Yet, this is also one of the categories that went through more modifications along his intellectual trajectory. In this concept, perhaps more than in any other, were expressed some of the main changes in Honneth's theory, both in terms of its philosophical foundations and of the challenges presented by the diagnosis of the present time. As a consequence,

1 A previous version of this paper was presented at the workshop *Anerkennung und Freiheit – eine Verhältnisbestimmung* (University of Zurich, January 2016). I would like to thank all participants and especially Axel Honneth for their comments. I am also grateful for the valuable suggestions made by Hartmut Rosa and other members of the Max-Weber-Kolleg, by the participants of the workshop *Social Pathologies and Mutual Recognition* (University of Jyväskylä, May 2016), as well as by Mariana Teixeira and Dagmar Wilhelm. This work was generously supported by the Alexander von Humboldt Stiftung.

to this “nearly impossible concept” (Honneth 2014) was ascribed a wide variety of meanings, among which it may seem difficult to find a common core.²

In the following, some initial steps will be taken towards a conception of social pathology capable of combining conceptual breadth and consistency. Taking into account the diverse uses of this concept throughout Honneth’s oeuvre, I will mainly focus on three of its formulations. First, the more recent discussions on the topic – especially those presented in “The Diseases of Society” – will be examined with a view to highlighting its central features as well as its potentially problematic aspects. To that end, four dimensions of the concept will be considered: (a) phenomenological, (b) methodological, (c) social-ontological, and (d) etiological. Second, an implicit conception of social pathology that can be found in *Struggle for Recognition* will be reviewed and contrasted to Honneth’s more recent arguments on the subject. By disclosing the actual or potential discrepancies between both conceptions, the aim is to outline the grounds on which they could be brought together within the framework of a comprehensive concept of social pathology. With this in mind, finally, I will analyse the transformations of the conception of “pathologies of freedom” which was first presented in *Suffering from Indeterminacy* and later developed, with some restrictions, in *Freedom’s Right*, as well as suggest ways of avoiding its pitfalls.

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The Diseases of Society: Four Dimensions

The first question one must address in order to characterize social pathologies is how to *phenomenologically* define the psychological experiences which can be associated with them (a). Honneth states in *Freedom’s Right* that “such pathologies certainly cannot be interpreted as a social accumulation of individual pathologies or psychological disorders”. The symptoms in which social pathologies are reflected would rather appear in tendencies to “a certain rigidity in [...] social behaviour and relation-to-self expressed by diffuse moods of depression [*Niedergedrückttheit*] or a loss of orientation” (Honneth 2014 [2011]: 86-87). In a similar vein, Honneth has more recently argued that in order to diagnose societal functional disturbances it is sufficient to notice something “odd or irritating about social life”. The diagnosis of social pathologies would thus rely on “behavioural abnormalities” among members of society or “cases of merely vague indications of a social discontent, or even simply a diffuse prevailing social atmosphere” (Honneth 2014: 687, 690). The

2 For a review of the uses of this category in Honneth’s work, see Freyenhagen 2015. In contrast with the latter approach, my purpose is not to discuss in detail all the different meanings of the notion of social pathology in Honneth’s writings, but rather to critically reconstruct them in order to outline a more comprehensive and cohesive concept. For another overview of Honneth’s conceptions of social pathology, cf. Laitinen, Särkelä and Ikäheimo 2015.

main thrust of these arguments is to release the diagnosis of social pathologies from the necessity of relying on the accumulation of medically diagnosed mental illnesses, which played an important role in previous versions of the concept. However, it is not only psychological disorders which have ceased to be considered crucial to the diagnosis of social pathologies. In some passages of “The Diseases of Society” and of Honneth’s recent remarks on the subject (Honneth 2015a), this position is pushed even further: while the symptoms alluded to in *Freedom’s Right* still refer to experiences that might display some degree of suffering, even if the term is avoided, in his later writings this is no longer the case, and the idea of a necessary reference to such kind of experience is explicitly refused.³ Honneth then holds that “societal abnormalities, which raise suspicion about something being pathological, can also consist of behavioural patterns that cause no individual suffering and thus also do not necessarily constitute psychic disorders” (Honneth 2014: 691).

One should notice that, in passages such as the latter, the term ‘suffering’ is applied only to cases of mental illnesses as physicians might diagnose them or which are perceived by individuals as a condition requiring therapeutic treatment. A sharp distinction between social behavioural problems (i.e. “visible abnormalit[ies] in ordinary behaviour”) and mental disorders (i.e. “suffering from mental impairments which are recognizable by individuals”) then becomes crucial to Honneth’s argument. He refuses to equate such behavioural abnormalities with mental disorders, for this “would lead us to set a very low bar for qualifying as a mental disorder, and would thereby downplay the suffering of the genuinely mentally ill”. Diagnoses of social pathologies could primarily rely – as it would be the case in Adorno’s and Foucault’s analyses – on “common enough behaviour patterns that are without any resonance within the subject in question” and might not appear to the latter as “perceived suffering” (Honneth 2015a: 216). Judging by this last passage, it may seem that Honneth’s intention is to unlink the diagnosis of social pathologies solely from mental illnesses and from suffering as perceived by the subjects themselves. However, at other times this decoupling is clearly taken further and related to experiences of suffering in general, be them reflectively perceived as such or merely felt. It would then be a matter of refusing altogether the “idea that the ‘suffering’ of the subjects would always provide a warrant for the initial diagnosis of a pathology”: one should rather avoid inflating this category, pushing it “at too far a remove from the experience of subjectively felt discomfort” (Honneth 2015a: 216-17).

However, while it seems plausible to claim that social pathologies are not necessarily expressed in mental illnesses or perceived suffering, the same may

3 It is also worth noting that in *Freedom’s Right* Honneth still talks about “symptoms”, whereas in more recent writings the term is avoided. Cf. Honneth 2014 [2011]: 86-87.

not be said of subjectively felt discomfort. Whether this experience is designated as suffering or not, we should assume that a social pathology must in some way resonate negatively within the subjects in question, or it would not make sense to attach such a strong expression to it. Neither would it be clear where the motivation to overcome a given social pathology could come from. Without relying on the subjects' negative experiences (even if these are not reflectively perceived as such), the reference point needed to establish certain modes of behaviour as problematic seems to be lost and the ascription of behavioural abnormalities appears as an arbitrary act of the analyst, with the corresponding risks of what Maeve Cooke (2006) called epistemological and ethical authoritarianism.

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Such a stance regarding the phenomenological dimension of social pathologies also has specific *methodological* implications (b). The disconnection of societal disturbances from psychic illnesses and experiences of suffering is initially based on the assumption that it is not feasible to build such a diagnosis by relying on empirical research. In *Freedom's Right*, Honneth states that the diffuse moods which constitute a first indication of a social pathology only seldom can be directly perceived in empirical investigations, since the "analytical tools used by sociological researchers are generally too blunt to capture such diffuse moods or collective sentiments". Thus, indirect displays of these symptoms should be looked for in novels, films or works of art (Honneth 2014 [2011]: 87). In "The Diseases of Society", likewise, behavioural abnormalities are seen as displaying a lower degree of visibility than the symptoms by which therapists or physicians diagnose an individual's illness.

Once more, however, Honneth's latest stance seems to consist in a more radicalized version of the previous one: in his recent remarks on the subject, it is no longer simply a matter of difficult scientific access to those experiences but of their own epistemological status as expressions of social pathologies. Though conceding that "without the presence of some visible abnormality in ordinary behaviour we cannot have cause to consider whether a social pathology might be in play" – otherwise the analyst would not be in a position to identify an impairment to individual freedom –, Honneth considers that such behavioural problems would initially be perceptible only from the perspective of an observer (Honneth 2015a: 216). Since one could not rely on conspicuous symptoms of psychic diseases or (perceived) suffering in order to formulate diagnoses of social pathologies, the latter should be based solely on behavioural abnormalities of limited visibility which are hardly perceivable from the participant's point of view. Only afterwards would the afflicted individuals be able to "confirm that these problems really are extant, if they – thanks to the diagnosis – are made capable of taking up and recognizing both their affliction and the underlying causes of it" (Honneth 2015a: 216).

Yet, it is not clear how one should identify abnormalities in ordinary behaviour if not based on the lived experience of the subjects in question. Moreover, given that such problematic modes of behaviour constitute visible expressions of impairments to individual freedom, it seems one should assume that the latter are somehow subjectively felt. If this is so, then a diagnosis of social pathology must be able to identify or at least presume, by taking up the participant's perspective, subjective indicators or symptomatic expressions of such impairments – which could, in a further step, be referred to disturbances in social reproduction.

These arguments do not stem only from Honneth's stance with regard to phenomenological and methodological issues, but also from his particular standpoint in relation to *social-ontological* matters (c). In "The Diseases of Society", it is argued that social pathologies consist in functional disturbances which take place "on a level set principally above that of the subjects" (Honneth 2014: 700). Although they are expressed in certain moods or behavioral abnormalities, these should not be confused with psychological functional disorders or with the (perceived) suffering of individuals, insofar as it is "the 'society' itself [which is] encroached upon by a particular disorganization of its social institutions in their functional efficiency" (Honneth 2014: 684). Diseases of society should not be confused with the total amount of psychic illnesses affecting some sufficient number of singular persons, nor with the collective understood as a macro-subject with its own particular clinical syndrome. In rejecting the latter options, Honneth argues for "the strong thesis that diseases of society are *separate* phenomena, to be found *solely* at the level of society itself, not at the level of its individual members" (Honneth 2014: 688; emphasis added).

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The claim that social pathologies are located only at the level of society and not of its individual members raises, however, some difficult questions from a social-theoretical perspective. Certainly, Honneth does not intend to establish a complete separation between these two levels; after all, diseases of society are seen to be expressed in behavioural abnormalities or diffuse moods experienced by its individual members. At times, his purpose seems to be merely the categorical clarification that functional disorders situated at one level are not always equally expressed as functional disorders at the other level. However, as this categorical argument is translated into the claim that an "ontological difference" (Honneth 2014: 688) holds between society and its members, the risk arises of incurring in a fallacy of misplaced concreteness (Whitehead 2011 [1925]) in the sense that two types of processes (social reproduction and psychological experience) come to be conceived as two different entities (society and the individual).

Given the Durkheimian accent of these formulations, we might turn to the writings of the French sociologist in order to highlight the potential

problematic aspects of such social ontological perspective. In Durkheim's writings, this kind of fallacy is most visibly portrayed in the frequent transition from the premise that the whole is greater than the sum of its parts – which amounts to understanding social life as the product of relations between individuals and not the mere juxtaposition of their individual experiences – to a tendency to personificate society in a “collective spirit”, an expression that “do[es] not have a mere verbal value but express[es] facts that are eminently concrete” (Durkheim 1975 [1887]: 272). Or in his account of the human being as “homo duplex”, divided between “our individuality – and more particularly, our body in which it is based” and “everything in us that expresses something other than ourselves” (Durkheim 1960 [1914]: 328), therewith assuming a split between individual and collective consciousness so that certain ideas and actions would have their origin in the former and others in the latter. While Honneth certainly does not make claims like these, one runs the risk of holding similar assumptions when social pathologies are defined as phenomena located solely within society as a *sui generis* entity, ontologically distinct from its individual members.

Based on such social-ontological arguments, Honneth advances two conceptions of the *etiology* of social pathologies (d). In a first, provisional definition, social pathologies are characterized as “the failure or disorder of a function whose fulfilment is required for the sake of the social order’s preservation” (Honneth 2014: 699), which means there would be as many diseases of society as there are self-preserving social functions. However, since the latter are always culturally defined, they should be understood as representing particular demands that can only be introduced by taking into account the normative self-understanding and the institutional arrangement of a society. Thus, “one can speak of a societal disease or pathology if a society in its institutional arrangement fails, according to its prevailing values, at one of the tasks it takes up within [its] functional cycles” (Honneth 2014: 699). Yet, such a definition seems to push aside the intuition underlying the concept of social pathology, namely the analogy to the notion of illness as “an interference that we experience as a restriction of freedom”. Honneth’s proposal is that, in order to preserve the analogy which lies at the basis of the concept of social pathology, the latter should be conceived as consisting of disorders and frictions occurring at the “higher level” of the entanglement of diverse functional spheres – that is, not at the level of society’s separate functional cycles but of their interplay.⁴ Thus, diseases of society would take place when the

4 In “The Diseases of Society”, this interplay is conceived as one between the functional cycles of socialization, processing of nature, and regulation of relations of recognition. In *The Idea of Socialism* (2015b), however, the same argument is applied to the entanglement of the ‘ethical’ (*sittlich*) spheres of personal relationships, the market, and democratic will-formation.

institutional regulations of such spheres mutually prevent each other from successfully developing. With such a move, the parallel to the living organism would be preserved and, as in the case of individual illnesses, social pathologies would amount to “a troubled relationship of a subject [i.e. society] to its self” experienced as a restriction of freedom (Honneth 2014: 701). Correspondingly, the realization of freedom would appear as the harmonious cooperation between social organs leading to society’s unhindered development.

One should not forget that all this is formulated from the perspective of the “higher ontological level” of society as a *sui generis* entity. Hence, in this context what is meant by freedom is, strictly speaking, *society’s* freedom, considered solely at the level of its relation to itself. It is evident that one should bear in mind Honneth’s concept of social freedom presented only three years earlier, as well as his recent comments relating social pathologies to impairments to individual freedom. Understood in such terms, however, the concept of “diseases of society” seems to be at odds with the latter premises. After all, a conception of social pathology which relies on a strict ontological distinction between society and its members does not seem fit to grasp the continuity among two kinds of troubled or “free” self-relations: of individuals to themselves and of society to itself. By conceiving the parallel between living and social organisms as a purely analogical one, such a framework is only equipped to understand the relation among them as either one of mere similarity or one of exterior causality. Moreover, the combination of a holistic social ontology with a purely analogical conception of social pathology has the consequence of demanding a significant restriction of the concept. The only possibility of conceiving social illnesses is, then, at the highest level of the interplay between “social organs”, hence leaving aside a considerable part of what Honneth himself has designated in the past as social-pathological phenomena.

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Pathologies of Recognition: Analogical versus Homological Approaches

The problematic aspects of Honneth’s latest word on the subject can be further addressed by way of a reinterpretation of previous versions of the concept present in his work. Particularly relevant for this purpose is the fact that the analogy which lies at the basis of his more recent conception of social pathology has, seemingly, a previous version. In *Struggle for Recognition*, it is noted that individual experiences of disrespect are commonly described in terms of metaphors referring to “states of deterioration of the human body”, to “physical suffering and death” (Honneth 1995 [1992]: 135). Such metaphors imply an analogy between the “negative role that organic infections take on in the context of the reproduction of the body” and “the various forms of disregard for the psychological integrity of humans”: the experience of being socially denigrated or humiliated endangers the identity of human

beings, just as infection with a disease endangers their physical life. If this analogy seems plausible, as Honneth claims, it is first and foremost because “the comparison with physical illness prompts the idea of identifying, for the case of suffering social disrespect as well, a stratum of symptoms that, to a certain extent, make the subjects aware of the state they are in” – such as the sort of negative emotional reactions expressed in feelings of being ashamed or enraged, hurt or indignant (Honneth 1995 [1992]: 135). Hence, as physical illnesses constitute symptoms that make the subjects aware of threats to the reproduction of their physical body, certain negative emotional reactions could be seen as symptoms that signal threats to their psychological integrity.

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Yet, such analogy does not hold only between organic and psychological states. For just as threats to the physical integrity of an organism emerge in the context of its relations with the environment, threats to its psychological integrity generally arise in relationships with the social surroundings. So, becoming aware of the state one is in might involve not only acknowledging one’s psychological status, but also the social forms of disrespect to which one is subject. Unlike organic diseases, however, such socially produced and psychologically experienced disorders take place on the basis of the normative self-understanding of a historical epoch. They always emerge within a certain ‘grammar’ on which subjects rely to formulate their discontent and expectations regarding social relations in which they are involved. In modern societies, the language in which those forms of disrespect are articulated is, according to Honneth, founded on the idea of mutual recognition. By connecting threats to the psychological integrity of humans to social forms of disrespect, the framework presented in *Struggle for Recognition* thus establishes a fundamental connection between personal identity and social patterns of recognition.

The reason for this can again be seen in the constitutional dependence of humans on the experience of recognition. In order to acquire a successful relation-to-self, one is dependent on the intersubjective recognition of one’s abilities and accomplishments. Were one never to experience this type of social approval at some stage of one’s development, this would open up a psychological gap within one’s personality, into which negative emotional reactions such as shame or rage could step. Hence, the experience of disrespect is always accompanied by affective sensations that are, in principle, capable of revealing to individuals the fact that certain forms of recognition are being withheld from them (Honneth 1995 [1992]: 135).

Those negative emotions are more than just an initial indicator of what might be involved in relations of disrespect; as symptoms, they already represent the first reaction of the organism to what threatens its psychological integrity. It is for this reason that they can be regarded as the motivational basis of moral struggles for recognition. However, as in the case of organic threats, that

chain of reactions does not necessarily occur: a physical discomfort does not necessarily constitute a disease; a disease is not always perceived or diagnosed as such; and even diagnosed, one may not proceed to its treatment. Similarly, a negative emotion does not necessarily constitute a sign of a form of disrespect; experiences of disrespect are not always perceived as such; and they may not give rise to forms of social struggle for the establishment of relations of mutual recognition. But to the extent that this chain of reactions does take place, social struggles for recognition can come to have a 'therapeutic' aspect, in that they constitute reactions against disturbed forms of social relationship and self-relation motivated by the establishment of "social guarantees associated with those relations of recognition that are able to protect subjects most extensively from suffering disrespect" (Honneth 1995 [1992]: 135).

Now one can observe that what is at stake in these arguments is more than an analogy. Disorders of organic and psychosocial type are not only similar in many respects; they are also *in continuity* with each other. Thus, if the metaphor presented in *Struggle for Recognition* makes sense, it is because it refers to the fact that disturbances in relations of mutual recognition effectively constitute a threat to the individual life of human beings and, correspondingly, to social life as a whole. The analogy between the biological and the socialized body might then reveal not only what is similar among them, but also that their similarity is dependent on their character as moments of the same vital process. Hence, one should speak in this context rather of *homology* than of analogy: while the latter comprises the establishment of superficial similarities between two entities or processes, a homology entails a common causal mechanism that underlies their resemblance and thus the assumption of a real continuity between them (cf. Elster 2009: 7-8). Designating certain phenomena as social pathologies therefore amounts to considering that, as in the case of physical diseases, one is dealing with occurrences by means of which human life – both in its individual and social dimensions – is threatened in its integrity.

This homological perspective significantly modifies the way in which the relationship between different analytical dimensions comes to be conceived in the diagnosis of social pathologies, in particular with regard to their symptomatic expressions. As reactions to threats to *psychic life*, negative emotions that arise in the context of experiences of disrespect are taken here as symptoms of social-pathological phenomena, but only at a first level of analysis. Beyond those emotional experiences, social pathologies would equally manifest themselves in disturbances which appear at the second level of the reproduction of *intersubjective life* and often lead to, as well as are opposed by, struggles for recognition. Finally, such a framework can be extended to the institutional realm of society, though in 1992 Honneth had not yet fully developed arguments in that direction: symptomatic indications of

social-pathological processes might then be detected at the level of *institutional life*, in the form of disturbances and conflicts regarding the definition of dominant social roles and their interplay. Each of these phenomena counts as a symptom of social pathology because, at various levels, they consist in “frictions” in human life that represent threats to its integrity, as well as provide the latter with the impulse to reverse this condition.

484 These arguments have important consequences for the concept of social pathology. First, as in Honneth’s recent writings, the perspective developed in *Struggle for Recognition* does not establish a necessary connection between social pathologies and psychic diseases. However, it does relate the occurrence of social pathologies to negative emotions (sometimes referred to as ‘suffering’), thus establishing a continuity between troubled forms of social relationship and experiences of subjectively felt discomfort. Even though it may be the case that in most situations this discomfort is not perceived by the afflicted subjects, hence largely appearing as a mere “diffuse prevailing social atmosphere”, one might find particular examples in which the underlying troubles are displayed in intensified form, either as perceived suffering or as psychological disorders.⁵

Second, this signals the possibility of empirically investigating social pathologies from the participant’s perspective. Subjects not only display their negative emotions in a number of implicit ways, but may also perceive them in moral or ethical terms. The social theorist is then able to anchor her own critical standpoint in the subject’s problematic experiences, either expressed in the ‘higher’ form of explicit manifestations of discontent or in the ‘deeper’ form of indirect displays of discomfort. Both of these represent the “pre-theoretical fact” (Honneth 2007 [1994]: 72) on the basis of which a critique of the relations of recognition can identify its own theoretical perspective in social reality and then, from a reconstructive standpoint, formulate its diagnoses by articulating the subjects’ (implicit or explicit) claims in social theoretical terms and developing them further.

Third, this implies a social theoretical standpoint that, while retaining the important categorical distinction between social reproduction and psychological experience, avoids the risk of building an ontological gap between them. Disorders in the process of social reproduction find expression in “irritations” within psychological experience as much as in “frictions” in patterns of social relationship and their institutional crystallizations. Therefore,

5 For instance, the disturbing consequences of consumerism (discussed in Honneth 2014) can be more clearly identified in the experience of subjects who see themselves as compulsive buyers. At least that is what I tried to demonstrate in a qualitative empirical research with members of the Debtors Anonymous group, who identify themselves as compulsive buyers and/or debtors. Cf. Bueno 2009.

relations between these analytical dimensions are marked by what Honneth, in a previous debate on the relationship between institutions and patterns of recognition, designated as “co-evolution” (cf. Honneth 2011: 402-405).

Fourth, despite the noticeable similarity of the metaphor presented in *Struggle for Recognition* with the analogy that opens Honneth's more recent article, a significant difference consists in that in 2014 the organic body is regarded as merely analogous to society as a *sui generis* entity, while in 1992 it is viewed as homologous to social patterns of mutual recognition and forms of individual relation-to-self. These analytical domains hence come to be perceived as continuously interconnected, so that the symptomatic expressions of disturbances in social reproduction are differently displayed in all of them. In this broad conception, frictions in the interplay between social spheres appear as merely one form of social pathology, and only inasmuch as they assume forms which to some degree represent threats to the integrity of social and psychic life.

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Pathologies of (the Possibilities of) Freedom

In view of this definition of social pathology as a process that endangers human life on several levels, we can now reconsider another model, developed by Honneth in the period between the two perspectives discussed so far.⁶ In the initial formulation of this model, based on the reactualization of Hegel's *Philosophy of Right*, Honneth conceived the main social pathologies of modern times as a result of an absolutization of partial understandings of individual freedom, so that individuals would no longer be able to orient themselves by the rational content of their social relations of communication (Honneth 2001). Such pathologies would not only take place in the cases examined by Hegel, whereby legally defined freedom or moral autonomy are assumed to constitute the whole of individual freedom, but also in contemporary tendencies to absolutize other incomplete understandings of freedom, such as those represented by romantic individualism or the model of mere freedom of choice. These were all conceived as ‘pathologies of freedom’, whose problematic consequences for the subjects' self-relation found expression in the category of “suffering from indeterminacy”. Symptoms of this kind of experience were then identified not only in phenomena such as “solitude”,

6 It was in this period that social pathologies came to be conceived as “second-order disorders” (Zurn 2011). Though I will not be able to further discuss this point here, I agree with Freyenhagen (2015) and Laitinen (2015) on the fact that the designation of social pathologies as ‘second-order’ phenomena can be misleading if we understand by that only disorders in the *reflective* access to primary systems of actions and norms. In what follows, I will reconstruct Honneth's conception of “pathologies of freedom” in a way that encompasses, but is not restricted to, dysfunctional relationships between reflective and unreflective value-commitments.

“vacuity” and “burden”, which Hegel analysed in his *Philosophy of Right*, but also in the “most widespread forms of the subject’s psychic failure” in current society, such as the increasing incidence of depression (Honneth 2000).⁷

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This model for conceptualizing social pathologies was preserved in *Freedom’s Right*, but with significant restrictions. Not only psychic illnesses lost the leading position they had in the previous formulation of the ‘pathologies of freedom’, but also these came to be seen as particular to the social spheres of modern law and autonomous morality. In this view, it would be specific to such institutional spheres – which share the characteristic of providing only “possibilities” of freedom – an internal tendency to continuously generate illusions of the complete realization of individual freedom. This would occur in such spheres by way of a practical misinterpretation of their underlying normative regulations, generated by the same norms to which this misinterpretation is committed. Thus, would be constitutive to them a structural tendency to bring members of society to mistakenly consider mere possibilities of freedom to be the whole of freedom. For their turn, the ‘ethical’ (*sittlich*) spheres of personal relationships, market relations, and democratic will-formation – precisely because they provide “realities” of freedom and thus already hold in principle the institutional conditions for its complete realization – would not have the internal tendency to generate systematic illusions. Since in these spheres “the participants [...] could not entertain the idea that they could realize their freedom through purely individual action”, structural deformations such as those prevailing in the cases of law and morality would not take place, but only misdevelopments (*Fehlentwicklungen*) arising from the influence of external factors, by means of which “the level of the realization of the underlying promise of freedom, which has been achieved through successful outcomes of social struggles, could either be entirely undone, or seriously put at risk” (Honneth 2015a: 215).

Honneth has recently reconsidered this distinction between social pathologies and misdevelopments. He now acknowledges the possibility that “the spheres of social freedom might [...] be vulnerable to systematic misinterpretation, as they cannot eliminate the possibility of having their principles understood merely in terms of *negative* freedom” (Honneth 2015a: 215). This signals, so to speak, a return to the broader model of pathologies of freedom

⁷ The connection between partial understandings of individual freedom and forms of psychological suffering is also central in other texts published in the same period (Honneth 2004 [2002], Hartmann and Honneth 2006 [2004]). In these articles, a diagnosis of the present time is developed in which paradoxical reversals of normative potentials and extant forms of individualism are referred to an increasing incidence of cases of depression, as analysed by Alain Ehrenberg (2009 [1998]). Hence, they can be seen as part of this larger group of texts dedicated to the ‘pathologies of freedom’, even if the concept of social pathology is only incidentally mentioned in them.

presented in the early 2000s. One must then ask how such systematic misinterpretations would be possible in the 'ethical' (*sittlich*) spheres, since in these cases we cannot hold – as in the spheres of modern law and autonomous morality – that there is a misunderstanding of the incomplete character of the forms of freedom constitutive of those spheres. At this point we arrive at one of the probable reasons for Honneth's difficulty in conceiving the occurrence of internal social pathologies in the 'ethical' spheres. Indeed, it was only possible to assume in *Freedom's Right* that the participants in these spheres "could not entertain the idea that they could realize their freedom through purely individual action" (Honneth 2015a: 215) because their normative structure was conceived in an excessively homogeneous manner. Advancing a theory of justice that aims to proceed immanently with regard to social practices by finding its own principles in social reality, Honneth set himself the difficult task of defining, in the context of complex and heterogeneous societies, general normative principles that could serve as the basis for a critical reconstruction of their accomplishments and normative potentials. To do so, however, it was necessary to assume that to each institutional sphere corresponds a "dominant value" (Honneth 2014 [2011]: 6). Only then the "stylized" (*typisierend*) consideration of progresses and regresses in historical development would be able to take its course. However, this "sociologically stylized approach" with respect to the "conflictual and non-linear realization of these principles" (Honneth 2014 [2011]: 8) ended up losing sight, from a systematic point of view, of the *constitutive* role that normative conflicts between modalities of freedom might have within 'ethical' spheres. Without this, deviations in the realization of social freedom could only be conceived as misdevelopments caused by factors which are *external* to these spheres' normative regulations.

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Especially in the case of the market, an examination – even if 'stylized' – of the normative conflicts which are institutionally inherent to it seems necessary for the conceptualization of the particular systematic misinterpretations that take place there. In order to do so, one must bear in mind that the normative structure of social spheres does not only comprise their participants' self-understandings, but also the way in which social roles are structured within them, often regardless of the subjects' explicit beliefs. This is particularly true for the economic sphere. Considering that social institutions are the medium which enables certain forms of social relation to take place, if we aim at understanding the normative regulations of the market sphere we must look at its primary medium, namely money.⁸ One might

8 This amounts to adopting a different strategy than the one taken up by Honneth in *Freedom's Right*, which rather relies on theoretical explanations of the market and on the subjects' explicit understandings about it. Cf. Honneth 2014 [2011]: 176-252.

recall here Georg Simmel's arguments concerning the monetary means as an institution which *detaches* at the same time that it *binds*. On the one hand, the peculiar combination of (personal) distance and (impersonal) connection embodied by money allows for a multiplication of social bonds and the creation of renewed and extremely strong links between subjects: since it cannot be immediately consumed, the monetary means always points to the other participants in the economic system and, more generally, to the totality of economic exchanges. Moreover, its status as a universally recognized means of exchange offers "grounds for an immediate mutual understanding" among human subjects in such a way that Simmel deemed it partially responsible for the emergence of the idea of the "universally human" by the end of the eighteenth century (Simmel 1992 [1896]: 51). In both these regards, money is seen as representing a powerful medium for the generation of social cooperation and, thus, can be understood as an 'ethical' (*sittlich*) institution of recognition.

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On the other hand, the inevitable and entangled character of the integration put forward by the money economy also allows for a larger openness for the development of individuality and personal independence. Due to money's capacity to distance what is simultaneously bound by it, monetary remuneration can serve in several contexts as a guarantee of some measure of personal freedom, since in payment in cash the individual does not deliver the totality of her self but only impersonal results of her work (cf. Simmel 2011 [1907]: 305-383). However, this freedom is often practiced and understood as a merely negative one, i.e. as freedom *from* something and not freedom *for* something, given the fact that money establishes a personal domain of reserve and choice which might remain, nonetheless, an empty realm of pure possibility. In this situation, as Simmel observes, it is not uncommon that subjects experience those "feelings, apathetic and so modern, that the core and meaning of life slips through our fingers again and again, that definitive satisfactions become ever rarer, that all the effort and activity is not actually worthwhile" (Simmel 1992 [1896]: 51). The structure of monetary exchange thus contains within itself the tendency to a restrictive practical misunderstanding of the normative potentials it itself establishes. Given its 'paradoxical' normative structure, the modern economy can be thought of as a sphere of realization of social freedom *and* simultaneously as motivating practices shaped according to the model of negative freedom: within economic relations, agents can think and act as if they actualized social freedom precisely as they think and act as detached self-interested agents.

In this as in other cases, we can thus speak of social pathologies in a broad sense as "persistent 'disorders' in the course of the gradual realization of our rational powers" by means of which "reason fails to adequately perform its available potential" (Honneth 2015a: 212; cf. Honneth 2009 [2004]), without

having to rely on an excessively restrictive conception of the way in which this process occurs. One must bear in mind, however, the different forms taken by those disorders within each sphere. In modern law and autonomous morality, as Honneth points out, there is an *undue extension* of partial understandings of freedom: incomplete forms are systematically misinterpreted as already complete ones due to their normative one-sidedness. In the market, as Simmel's arguments indicate, there is an *undue restriction* of social freedom: forms already posited as complete are systematically misinterpreted as incomplete ones due to their own paradoxical, self-undermining normative structure. In fact, even the spheres of personal relationships and democratic will-formation are potentially subject to such systematic misinterpretations, although the mechanisms via which this occurs still must be properly analysed. In any case, the diagnosis of social pathologies must proceed by analysing the internally conflicted nature of modern institutions and their specific tendencies for generating systematic illusions, whose problematic character, as the example of the market indicates, should be simultaneously assessed from the observer's and the participant's perspectives.

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Concluding Remarks

The question of a general definition of social pathology can now be briefly addressed. Unlike the other two models presented in "The Diseases of Society" and *Struggle for Recognition*, the conception of 'pathologies of freedom' does not find its justification in an analogical or homological allusion to organic processes. One might question, thus, if the term 'pathology' should apply to it at all. However, the above considerations regarding the interconnectedness of human life in all its levels should allow us to at least envision the possibility of interpreting this conception in the broader lines of the model at the basis of *Struggle for Recognition*. After all, as Honneth stated, "in contrast to pre-human collectives, determining what makes a human society capable of survival always involves regarding the normative beliefs of its members" (Honneth 2014: 697). Human social life develops historically by means of transformations in the normative self-understanding of its members, as well as through the experimental attempts to realize the values and ideals thus established. This process does not occur without disturbances, which can be regarded as social pathologies insofar as they constitute impediments to the realization of what a form of life, at a given moment in its history, considers appropriate to itself.

On the basis of the reinterpretation of Honneth's work carried out in this paper, such assumption can now appear as congenial to both the framework of 'pathologies of recognition' (presented in *Struggle for Recognition*) and the model of 'pathologies of freedom' (developed in *Suffering from Indeterminacy* and *Freedom's Right*). Each of these perspectives can be seen to emphasize

a different aspect of social reproduction and its disturbances: whereas the former focusses on the insufficient or inadequate recognition enjoyed by certain social groups, the latter emphasizes generalized and systematic misinterpretations of underlying norms and values. In both cases, however, those occurrences consist in social pathologies to the extent that they obstruct the realization of our current rationality's available potential and, as such, systematically disrupt social life at the psychological, the intersubjective, and the institutional levels. Only then, by referring to all these dimensions and their corresponding symptomatic manifestations, can one adequately comprehend – from a perspective that is at once observational and participatory, theoretically informed and empirically investigated – the internal connection between two kinds of troubled self-relations: of individuals to themselves and of society to itself.

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Artur Bueno

Psihički život slobode: socijalna patologija i njeni simptomi

Apstrakt

U ovom radu se razmatra odnos između intersubjektivne teorije priznanja Aksela Honeta i njegove političke teorije demokratskog etičkog života, pre svega tako što se analiziraju potencijali i teškoće vezane za koncepciju socijalne patologije. Uzimajući u obzir različita značenja koncepcije u Honetovom delu, rad se na početku fokusira na dve formulacije: prvo, na skorašnju raspravu u „Bolestima društva“, koja se delimično može tumačiti i kao nastavak argumentacije iz *Prava slobode*; i drugo, na implicitnu koncepciju socijalne patologije koja se može pronaći u *Borbi za priznanje*. Ove dve formulacije se u potpunosti razlikuju u pogledu svojih fenomenoloških, metodoloških, socijalno-ontoloških i etioloških premisa. Smatram da te razlike mogu bolje da se razumeju ako imamo u vidu dva različita shvatanja fundamentalne intuicije koja leži u osnovi pojma socijalne patologije: razumevanje u formi analogije odnosno homologije. Kroz eksplicaciju nekih od realnih ili potencijalnih diskrepancija između ove dve koncepcije, cilj rada je da se ponudi jedna preliminarna osnova za povezivanje ove dve varijante u okviru jedne sveobuhvatne koncepcije pojma socijalne patologije. U svetlu svega navedenog, rad na kraju kritički razmatra treću koncepciju koja je predstavljena u *Patnji neodređenosti* i kasnije razvijena, uz određena ograničenja, u *Pravu slobode*. Konačno, predložena je jedna definicija socijalne patologije koja može da spoji različite doprinose svake koncepcije, ujedno izbegavajući njihove zamke.

Cljučne reči: socijalna patologija, priznanje, sloboda, patnja, socijalna ontologija, analogija, homologija, Aksel Honet

HEGEL'S PHILOSOPHY AND CONTEMPORARY SOCIETY
HEGELOVA FILOZOFIJA I SAVREMENO DRUŠTVO

II

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Klaus Vieweg

The End of Capitalism and its Future: Hegel as Founder of the Concept of a Welfare State

Abstract A key part of Hegel's practical philosophy is his theory of civil society and the idea of a rational regulation of the market. This is the foundation of Hegel's theory of a social state. The copyright on the notion of a modern society of freedom and a rational, social state belongs to Hegel. Hegel proves himself to be the thinker who until now has provided the most convincing foundation for freedom in modernity.

The theoretical foundation and at the same time bone of contention of Hegel's political thought is to be found in his concept of ethical life (*Sittlichkeit*), in particular in his theory of civil society. The current shipwreck of deregulated capitalism does not mean the foundering of our journey towards a free society. Nevertheless the deficiencies and unsustainability of both traditional models – *socialist collective ownership and market fundamentalism* – exhibit two contradictory claims to a share of the wealth of nations. To take up Hegel's project is, in essence, to aim at a new conception of an environmentally and socially sustainable and just society, and a corresponding world order. It is to further Hegel's philosophy of freedom.

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Keywords: social state, modern society, freedom, Hegel's practical philosophy, regulation of the market

In an article in the New York Times with the title 'Hegel on Wall Street' the New York philosopher J. M. Bernstein diagnoses the reasons for the failure of neoliberal market-fundamentalist Wall-Street capitalism and recommends turning to the ideas of Hegel: "the primary topic of [Hegel's] practical philosophy was analyzing the exact point where modern individualism and the essential institutions of modern life meet. If Hegel is right, there may be deeper and more basic reasons for strong market regulation than we have imagined."¹ In the years since Hegel was writing, the gap between rich and poor has widened so far that the very foundations of democracy are threatened. 1% of the population now presides over one fifth of total wealth. Over one billion people today suffer from chronic hunger or malnutrition, as a result of which one dies every five seconds. One sixth of the world's population – the so-called 'bottom billion' is condemned to live in extreme poverty, while at the same time there are 1,826 billionaires with an aggregate wealth of \$6.5 trillion.²

1 Bernstein 2010.

2 „The World's Billionaires“ 2016.

That Hegel's philosophy is highly relevant to social, economic and political problems is something one could already read over 100 years ago, in an article in Harper's *New Monthly Magazine*.

There it states that "Hegel is the most conspicuous of the liberals, a main figure of the liberal movement in Europe – "the true philosopher of progress, the philosopher par excellence of the only true political liberty." What American readers glimpsed over a century ago is *the profundity of Hegel's practical philosophy*. And a key part of Hegel's practical philosophy is his theory of civil society and the idea of a rational regulation of the market. This, I argue, is the foundation of Hegel's theory of a social state.³ Hegel's concept of civil society, of the rational regulation of the market and the idea of a social State will be my themes.

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At the outset we may note that the pattern of thinking one finds in the Wall Street market fundamentalists actually shows remarkable similarities to that of their professed opponents, namely supporters of the People's Republics – both display an *untenable economism* and a *tendency towards state socialism*. Today these two conceptions form an unholy alliance and lead to a dead-end. Both reject one of the main achievements of the 20th Century, namely the social State based on a market economy, a rationally designed, regulated capitalism. In so doing, these two diametrically opposed economic worldviews endanger the very project of modern freedom. One of the most significant economists of the 20th Century, John Maynard Keynes, got to the heart of this issue with the title of his book *The End of Laissez Faire* and its key finding:

"the decadent international but individualistic capitalism ... is not a success. It is not intelligent. It is not beautiful. It is not just. It is not virtuous. And it doesn't deliver the goods."⁴

The copyright on the notion of a modern society of freedom and a rational, social State belongs to Hegel. To demonstrate this requires a short, if by no means straightforward, tour round the infamous lumber room of philosophy. The so-called 'Hegelian turn' in philosophy is on the agenda here, because Hegel proves himself to be the thinker who until now has provided the most convincing foundation for freedom in modernity. Since Hegel, no other thinker has stepped forward who is in the same league as him.

I. Civil Society as Modern Community of Market, Education and Solidarity

The theoretical foundation and at the same time bone of contention of Hegel's political thought is to be found in his concept of ethical life (*Sittlichkeit*),

3 See Vieweg 2012.

4 Keynes, "The End of Laissez Faire" (in: Mihm/ Roubini 2010: 23).

in particular in his theory of civil society.⁵ In his philosophy of right, Hegel was “the first to conceptualise the separation of state and society.”⁶

His overcoming of the traditional equation of civil society with State provides a significant contribution to a “proper theorization of modern political and social conditions,”⁷ the foundation for a modern theory of society and State.

With civil society, ethical life enters the sphere of particularity. An immediately ethical association in the form of the family is dissolved, the immediate unity experiences its first sublation (*Aufhebung*) – into a unity of reflection, a unity of understanding. The concrete individual person thereby wins the possibility of their particular self-determination, they exist “in independent freedom and are particular for themselves.”⁸ At the same time the concrete individual initially loses their ethical-communal determinations and enters the realm of contingency. At first, the concrete person is necessarily conscious of, and takes as their purpose, not the unity of the ethical but their own particularity. The immanent negativity of the ethical finds expression in its ‘diremption’, in its splitting into extremes. Observing this ‘loss of ethical life’, Hegel summed-up the key characteristic of civil society: it is “*ethical life split into its extremes and lost*.”⁹ In this ‘system of the atomistic’ the ethical substance mutates into a general relationship of independent extremes and particular interests.

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Hegel sets out the idea of a *modern* world, an idea of freedom built on the notion of a *modern* state, an idea that underpins modern forms of life. In the notion of civil society we find a foundation stone for this theoretical construction. Two basic elements characterise civil society: a) *the principle of particularity*, the concrete person who has particular ends and who comprises particular needs, natural desires and impulses, and b) *the principle of universality*, the necessary relationship between particular persons. Each particular person may assert themselves only through the mediation of this universality. What distinguishes civil society from the State is that the former is shaped by the market principle, a system of all-round dependence, a community of need and understanding, while the latter is governed by structures which ‘sublate’ (*aufheben*) this market principle, by simultaneously respecting and overcoming the impulses and accidents of particular individuals.

The market system, Hegel tells us, cannot sufficiently regulate or control itself, it tends towards market fundamentalism; left to its own logic it tends,

5 See Ferguson 1767; Smith 1776.

6 Koselleck 1989: 388.

7 Horstmann 1997: 203 ff.

8 Hegel 1997: § 523.

9 Hegel 1983: § 184.

in the last instance, to damage or even destroy itself. As in what Hegel calls ‘the understanding’, so it is in a state based on the understanding, the structures are “essentially unstable and tottering and the building they support must [without rational regulation] collapse with a crash.”¹⁰ The Hegelian State does not do away with the market. It respects the capitalist market order and grants it a role within prescribed limits. The State, however, must protect the market from its own immanent self-destructive power. Its task is to regulate this sphere, to provide it with a framework and to supervise it.

The Hegelian State has the duty to restore the ethical life that has been ‘lost in its extremes’ and thus to bring *the understanding to reason*. The State may not let itself be determined by market principles.

The three moments of civil society:

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1.

The Economic “System of Needs”

Mediation of needs and the satisfaction of the individual through his or her work and through the work and satisfaction of the needs of all others.

Mediation of needs and their satisfaction in a system of the needs of all.

Sphere of inequality.

2.

Constitution of Law (administration of justice)

Realization of the universality of freedom and protection of rights.

Legal equality of persons.

3.

Oversight and Regulation – social care and provision

Provision for residual contingencies in each system and the fulfilment of particular interests as a common good, basis of a social State, universal provision for the welfare of individuals and for the subsistence of rights, foundation for creating justice.

II. All-round Dependence in the ‘Community of Need and Understanding’

Individual persons are conscious of their own particularity and their being-for-themselves and take these as their own purpose – the ‘system of the atomistic’, in Hegel’s words. This is the principle of independent particularity, the “principle of the self-subsistent inherently infinite personality of the individual.”¹¹ Here we find a defining feature of modernity: the *right to particularity*

10 Hegel 1995: § 38.

11 Hegel 1983: § 185.

on the part of subjects, the right to subjective freedom. Only in the modern world, according to Hegel, do we find this form of life – civil society – intervening between family and State. The formation of civil society belongs exclusively to modern times. The particularity of the actor, their interests and goals, form an inescapable aspect of their freedom. This constitutive principle of civil society, namely the particularity of the individual and his or her *relative and insufficient* association with the community, represents an *essential constituent of a free community* and the *core principle of modernity*. The rejection of this principle, in whatever form of political or economic organization, implies the destruction of freedom. Thus Hegel cannot be read as a critic of such a civil society, which for him is the *sine qua non* of a free society, nor can he be read as a critic of modernity. On the contrary, Hegel has provided the decisive foundations for a philosophy of modernity, a philosophy of freedom.

However, another necessary constituent of modernity is the moment of particularity with its enormous potential for danger. Hegel's approach provides a theoretical analysis of the threat civil society poses to itself and its rational sublation in the State. Civil society as a system of torn ethical life must therefore preoccupy us here. The concrete person as a sum of interests and needs has only himself or herself for his or her purpose, but he or she exists in mutual relations to other particulars, in a community of concrete persons, and in this way particulars are supposed to be equal. They are not, however. On one side we find the selfish goal of obtaining subsistence, while on the other we find that our rights, welfare and subsistence are bound up with the rights, welfare and subsistence of all. The private person aims to satisfy their own merely particularistic needs and inclinations, but needs the other private person. They depend on each other, they have need of each other, they stand in a relation of *external* necessity to one another, they exist in a situation of 'need as accidental necessity'.

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When Hegel talks of a State based on 'understanding' (*Verstand*) he is referring to its logical status, to its *formal universality*, its *understanding-universality*, to a unity that establishes understanding. The 'understanding' is here a deficient form in which universality appears.

Particularity has the right to give itself universal existence, to develop itself in an all-rounded way, to realize itself. All human possibilities can be developed, including all the accidents and inequalities of birth or of fortune. On the other side we have an inescapable context in the form of a community of mutual dependence.

The unlimited satisfaction of desires, impulses and subjective pleasures is, Hegel tells us, an infinite process, a bad infinity, one which encapsulates the logical problem of the understanding itself: desire, impulse, opinion and need

are all *boundless*. Civil society cannot, on its own, define any rational measure or bounds; it suffers in many ways from *boundlessness*. A striking indication of this is to be seen in the permanent instability and crisis-ridden nature of the industrial market economy, which is accompanied by a ubiquitous myth of stability and self-healing. The actual cause of boundlessness is the very human *particularity* which is a defining principle a modernity. Satisfying the needs of the particular person within a system of all-sided dependence and arbitrariness is itself *accidental*; it presents itself to the individual as the work of a mysterious, hidden power, as fate, as a lottery with happy or disastrous results. In this necessary feature of civil society the *arbitrariness* of its satisfaction of human needs comes strikingly to light: our needs may successfully be satisfied or they may not. The particular can be identical with the universal, or it may diverge from it. Putative freedom may turn into fatalism, into faith in an external necessity and civil society come to resemble an aggregate of necessities.

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Individual parts of this giant machinery and indeed the entire machine itself may break down and so hinder or prevent the realisation of needs. The continual possibility of economic crises is for Hegel an essential feature of the capitalist economy.¹² Civil society thus involves the setting-free of particularity, it appears as a “battlefield of the private interests of each against all,”¹³ as a ‘theatre of debauchery and misery’.

Concrete persons can raise themselves only to *formal freedom* and to a *formal universality of knowledge and willing*, they can educate themselves only in the sense of reflection and understanding. Education nevertheless gains an infinite value: in its “absolute determination” it is the only way to freedom. The education or formation (*Bildung*) of the concrete person thus presents a fundamental milestone on the road to freedom – *only the educated and thus self-determining free citizen (Bürger)* can guarantee the survival of a free community. Modern civil society must therefore be not only market- and welfare-based but also grounded in *education*.

III. Political Economy and the Regulated Market

For Adam Smith the functioning of the market was guaranteed by a mysterious power, *the invisible hand*, a process in which the egoistic and often conflicting interests of individual economic actors converge in a stable and self-regulating economic system. Out of the chaos of countless individual decisions arises order.¹⁴

12 See Stiglitz 2010.

13 Hegel 1983: § 289.

14 Mihm/ Roubini 2010: 61.

From this theory derives market fundamentalism, the myth of a self-balancing, self-repairing, efficient market – “the conviction that free markets themselves generate economic wealth and growth” or “that markets regulate themselves and that the self-interested behavior of market participants guarantee markets’ proper functioning.”¹⁵

Hegel respects the market as the basis of modern economies, but he finds in it no self-regulating structure. On the contrary, the market involves a sphere of the arbitrary and accidental, a context which requires rational organization (by the State) and which cannot function properly on its own.¹⁶ Hegel points to the crisis-prone character of market mechanisms and explains their causes. According to Roubini, it is clear that “capitalism is anything but a frictionless, purring, self-regulating framework. On the contrary it is an extremely unstable system.”¹⁷

Contrary to delusions that have become widespread in recent decades, delusions about the stability and rationality of markets and contrary to the evangelism of deregulation, privatization and liberalization, the market structure proves to be highly fragile, precarious, risk-laden and crisis-prone.

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Hegel’s proposed solution and the set of conceptual tools he employs to this end prove (and he is confirmed in his solutions by present-day economic theory) a major contribution to our understanding of world economic conditions. The keywords here are: regulation instead of deregulation, oversight instead of arbitrariness and chaos, legal frameworks instead of ‘voluntary’ self-regulation, natural and social sustainability instead of market fundamentalism, rational international organisation of markets instead of exploitation of the Earth and the impoverishment of billions. These are the general outlines of a concept of a regulated market constitution, a *rational and socially-organized capitalism*. In any event the ideology of deregulation, with its disastrous results, needs to be abandoned. A modern market *only functions at all* with the aid of elaborate regulative institutions. With Hegel one can say that the idea of the market needs to be *protected* from the market fundamentalists, whose gospel leads directly to the collapse of market structures themselves.

IV. Regulation and Social Organization

The *relative* unity of the principles of particularity and universality is achieved in various institutions of *order* and *regulation*. Relevant here too are forms of ‘public welfare’ and organizations based on diverse professions, interests and

15 Stiglitz 2010: 11.

16 See Stiglitz 2010: 10 f.

17 Mihm/Roubini 2010: 66.

locations. Society is under obligation not only to respect the *formal rights* of particular subjects but also to *help realize those subjects' right to welfare*. Civil society as an assembly of free persons has to be not only a *market economy* but a *community based on solidarity*, not only an *economy based on individual performance* but also a *community based on welfare*, an alliance of the *solitary* and the *solidary*. Only in this synthesis can it prosper, i.e. only thus can it constitute a community of free beings, and guarantee their freedom. A meaningful functioning of civil society implies the *solidary-social*. Here we already find the foundations of Hegel's *theory of a social State*, which stands in direct opposition to the views of market fundamentalists, for whom talk of social justice is a heresy and for whom giving the State a welfare function would destroy the market.

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Central to Hegel's theory are the ideas of *oversight*, of *regulation* and of *social help*. These, it should be emphasized, are functional conditions of modern societies, they are constitutively entwined, essential categorial elements of Hegel's theory of modernity. Until now, however, Hegel's significant contribution to this field has been either forgotten or neglected. But precisely here we find one of the major achievements of his practical philosophy: the conceptualizing of a *regulated and socially-organized modern community*, the foundation for a constitutional and social State based on a market system. Hegel insists on the unity of rights and well-being and pushes the idea that we address not merely formal rights but that rights must have a content – this content is the common good of all members of civil society. The subsistence and well-being of every individual emerged at the level of the System of Needs only as a *possibility*, whose realization was dependent upon natural particularities and accidental conditions.¹⁸ But the accidents which derail the goal of well-being must be overcome, the particular well-being must be treated as a *right for all* and be realized.

V. Oversight and External Regulation

A first dimension of oversight comprises *legal oversight and intervention* in the form of a guarantee of *security* along with a certain *control and management of collective public action*, for instance commercial or market activity. It involves “general institutions [...], which must have a public power,”¹⁹ and they must have this public power precisely because the entire set of market relations and mediations cannot be viewed and controlled by individuals alone.

These interventions, which must be relevant and reasonable, relate firstly to the testing and approval of products for technical or health usage; they are

18 Hegel 1983: § 230.

19 Hegel 2005: 217.

undertaken by health authorities, building planning offices, bodies responsible for technical safety, food safety, consumer protection, etc. Secondly, intervention aimed at the rules of the market – involving oversight of all areas of buying and selling such as the industrial market, banking and exchange. In both cases, the intervention is about stipulating sensible procedures and preventing cases of serious violation or injustice. The health care system and the design of infrastructure also come under this heading.

The tasks performed by such public bodies, which we often take for granted, show that internal oversight on the part of the market is insufficient and that legitimation and regulation by the state, oversight by a higher public authority, is indispensable. Matters essential to the survival and flourishing of a community, such as health, environmental protection and infrastructure, must be preserved from the influence of the market principle, an idea that contrasts starkly with the current mania for privatization. The right to a share of the common wealth must be guaranteed to *all* individuals, each concrete person has the right to join in civil society, and every exclusion from civil society and the common wealth should be considered a crime.

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VI. Social Care and Forethought – Foundations of Hegel's Conception of a Social State

In thinking about our relationship with *nature* Hegel developed the ideas of *concern* (*Sorge*) and *forethought* (*Vorsorge*), in the sense of *natural sustainability*; now we move on to the terrain of *social concern and care*, of *social sustainability*. A brief example can be given here, namely the three forms of social help and the interaction between them: *subjective help* as a first form arises out of individually felt moral duties, benevolence, beneficence, charity, individual solidarity as the moral duty to assist in times of need. A second form of social help is *charitable* or *non-governmental help* where individuals come together in a type of mutual aid and solidarity, a sphere of civic charitable engagement. The word 'charitable' (*gemeinnützig*) is used here very much in Hegel's sense – it is about universal usage, one *harnesses the universal*, and thereby serves the *general good* or the *common wealth*. This form of help does not fall under the aegis of the market principles, but neither is it a form of State aid. Nevertheless, while extremely important and not to be underestimated, such subjective forms of help remain random and accidental; there is no guarantee of them lasting and so sufficient guarantees for the well-being of those affected are lacking. Help remains here a contingent principle, and may fail.

For this reason, individuals in need also have a right to *universal, public help*, from which arises a whole set of aid and welfare institutions, and which go beyond the capabilities of civil society (for example social welfare organizations, child and youth welfare organizations, bodies which care for the

elderly and disabled – these are all forms of public-governmental solidarity). Today one also finds particular combinations of subjective and public help, sustained by engagement from their participants and by charities, themselves supported by public, governmental institutions. What is decisive for the governance and resourcing of social help is, for Hegel, the instrument of *taxation and the tax system*, particularly the model of a progressive income tax, whereby portion of one's income, relative to one's wealth, goes into the collective pot, allowing *collective* obligations to be fairly met. All the above-mentioned types of social help form the cornerstone of a social State, the most decisive condition for a functioning market order in a modern society – “the well-designed welfare state,” as Stiglitz puts it, supports “an innovative society,”²⁰ the *sine qua non* of freedom in the modern age.

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The State, the political, then manifests itself as the ‘true ground’ of civil society, as the presupposition of its subsistence. This notion stands diametrically opposed to the thesis of Marx concerning civil society as the basis upon which the superstructure of the State rests. It is also in stark contrast to the economic credo of the market fundamentalist Chicago Boys. It stands opposed to both the omnipotent fantasies of Wall Street and the deregulated capitalism of the great People's Republic, that is, against concepts which threaten the foundational principle of modernity – individual freedom. Nor can Hegel be denounced as someone who would limit individual freedom, let alone viewed as a precursor of totalitarianism.

The idea of the State as a community of free citizens, of free citizenship, stands at the centre of Hegel's practical philosophy, at the centre of his thinking of freedom. But without the unfolding of the particular concrete person – with all their contradictions, especially the contradiction between their *potential for innovation* and that for *destruction*, and the conflict between *progress* and *insecurity* – the idea of a free community cannot be adequately established or grounded. The protagonists of market radicalism celebrate the market as the holy grail of freedom, but clearly the market is a nexus of the arbitrary and accidental, a ‘swarm of caprice’, most spectacularly embodied in the stock market on Wall Street. Thus arbitrariness and randomness are (inadvertently or deliberately) confused with freedom and one remains stuck at the level of the Understanding, of a deficient universal. Meanwhile, against the backdrop of the vast series of ‘capital offences’ recently committed in the financial system, the neoliberals with their promise of self-regulating markets have some explaining to do.

At least since the time of Hegel one could understand that the market, while forming one essential pillar of a free community, cannot alone – precisely due

20 Stiglitz 2010: 256.

to its determinacy – generate rational structures, and so must be rationally organized, that it requires appropriate regulatory frameworks. The market-radical mantra that “regulation kills innovation” has now lost its attraction.²¹

The market is to be neither demonized nor glorified. Although it is an important *enabling condition* of freedom, one can in no way describe the market itself as ‘free’. Both the deregulated capitalism of Wall Street and the bureaucratic-socialist People’s Republic (or an explosive mixture of the two) endanger and undermine the principle of the freedom of all particular individuals that has shaped modernity. The current shipwreck of deregulated capitalism doesn’t mean the foundering of our journey towards a free society. Nevertheless the deficiencies and unsustainability of both models – *socialist collective ownership and market fundamentalism* – exhibit two contradictory claims to a share of the wealth of nations.

To take up Hegel’s project is, at core, to aim at a new conception of an environmentally and socially sustainable and just society, and a corresponding world order. It is to further Hegel’s philosophy of freedom. Now is the time for such a fundamental transformation in thinking, now is the time for the *Hegelian turn* in philosophy.

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21 Stiglitz 2010: 40.

Klaus Fiveg

Kraj kapitalizma i njegova budućnost: Hegel kao osnivač pojma države blagostanja

Apstrakt

Ključni deo Hegelove praktične filozofije je njegova teorija građanskog društva i ideja racionalne regulacije tržišta. To je temelj Hegelove teorije socijalne države. On je idejni tvorac modernog društva slobode i racionalne, socijalne države. Pokazalo se da je Hegel mislilac koji je do sad na najuverljiviji način postavio temelj slobodi u modernom dobu.

Teorijski temelj i istovremeno sporno mesto Hegelove političke misli se može pronaći u njegovom pojmu etičkog života (*Sittlichkeit*), posebno u njegovoj teoriji građanskog društva. Trenutni brodolom deregulisanog kapitalizma ne označava i potapanje našeg puta ka slobodnom društvu. Bez obzira, nedostaci i neodrživost oba tradicionalna modela – *socijalističkog kolektivnog vlasništva i tržišnog fundamentalizma* – izražavaju dva protivrečna zahteva za raspodelom bogatstva nacija. Nastaviti Hegelov projekat je, u suštini, težnja ka novoj ideji ekološki i socijalno održivog i pravednog društva, kao i odgovarajućeg svetskog poretka. To znači unaprediti Hegelovu filozofiju slobode.

Ključne reči: socijalna država, moderno društvo, sloboda, Hegelova praktična filozofija, regulacija tržišta

Tereza Matějčková

Hegel's Invisible Religion in a Modern State: A Spirit of Forgiveness

Abstract This study focuses on the interrelation of freedom, finitude, and reconciliation in Hegel's understanding of religion. These three moments are found at central stages of Hegel's treatment of the religious, from Hegel's early fragments to his mature work. Finitude taking shape in the religious phenomena of a tragic fate, sin, or more generally, failing, is central to Hegel's philosophical understanding of one-sidedness. As finite, man needs to reconcile with the other, and only as reconciled does he achieve freedom. Hegel credits Christianity with the discovery of the primary essences of spirituality: freedom and forgiveness. Freedom is intensified with the death of God: man realizes that there is no God-given, only man-made, legislation. This deepening of freedom does not overcome man's finitude but instead intensifies it along with a heightened sense for responsibility, and an increased potential for guilt. In this context, forgiveness is the highest spiritual capacity of modern man, whose fate is to bear the freedom of oneself and the other.

Keywords: Hegel, freedom, finitude, sin, fate, reconciliation, forgiveness, modern state, Christianity, religion, Luther

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“I hear the genuine ring enjoys/
The magic power to make its wearer loved,
Beloved of God and men.
That must decide!”
G. E. Lessing, *Nathan The Wise* (1991: 234)

Introduction

On this occasion of the 500th anniversary of Martin Luther's “Ninety-Five Theses,” scholars are again reflecting upon the deep spiritual, cultural, political, and economic transformations provoked by Luther's revolution. It is beyond doubt that this religious revolution profoundly altered both the public sphere and the way (not only) Western man relates to himself, to others, to his world, and to God. In fact, one of Hegel's central theses of both his philosophies of history and of religion is that Luther can be credited with the “discovery” of modern interiority. It may be added that Luther was a decisive factor in the constitution of the public sphere as well: the monk's ingenious use of the printing press turned the revolution into the first media event translating theological disputes into public debate. The inventor of interiority is in the most important sense an inventor of the public sphere

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as well—and it is both of these “discoveries,” inner freedom and the public sphere, that Hegel sees as the doorway to (Western) modernity.

This success-story was not without its ambiguities, even tragic defeats. Luther damaged the Reformation massively by his involvement in the Peasant's War, and Nazism—to name the gravest failure of a not-so-distant past—formed in the cradle of a largely apolitical Protestantism too impassive in the face of dangers stemming from an aberrant ideology. Irrespective of concrete historical facts, it is generally accepted that Protestantism did shape (not only) the dominant “Western spirit” profoundly and lastingly.¹

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Even though this spiritual transformation is not easy to substantiate, central figures of Western intellectual tradition have emphasized the elective affinity of Protestantism, individualization, and rationalization. While Max Weber (1992) was interested in economic transformations that themselves gradually altered the face of religion and eventually Western society as such, Émile Durkheim wrote a “psychiatrically” oriented but no less classical counterpart to Weber's *The Protestant Ethic*. In his *Suicide* (1952), the French sociologist substantiates the thesis that in actively motivating free inquiry, and in releasing men from the burden of mediating authorities between his inner self and God, Protestantism gave rise to a pathological form of freedom—to isolation from human bonds and social structures, a phenomenon which led to a heightened proclivity to commit suicide among Protestants. For Weber and Durkheim, the protestant values gradually gaining dominance in Western culture were more than a symbol of liberation; they carried a potential for social and individual pathologies as well.

Hegel is among the first thinkers to explicitly link Protestantism with a new form of freedom, calling this religiosity the flag of “freedom, of the true spirit” and crediting Luther with the discovery of an “infinite subjectivity” (Hegel 2011: 506).² This German monk did not leave the monastery in order to embrace worldliness but to transform the world itself into a monastery of a specific kind; henceforward, any deed and any occupation performed with the inner certainty of the presence of Holy Spirit is to be viewed as an act of devotion. Faith was not to be relegated to a specific time and place; instead, the *whole* life of the Christian is to be one of repentance, as expressed in the very first Thesis (Luther 1961: 490).

1 For a most recent publication dealing with the social, political, and cultural transformations triggered by Martin Luther see Ryrle 2017.

2 Hegel comments on Luther's principle of subjectivity as follows: “This is the new and ultimate banner around which peoples gather, the flag of freedom, of the true spirit. This is the spirit of the modern era, and it designates the modern period. The ages prior to our age have faced but one labor, have had but one task, and that has been to incorporate this principle into actuality, thereby achieving for this principle the form of freedom, of universality” (2011: 506).

Already Luther's break with the monastery is an act of "secularization" in the sense of a transfer of people or property from the religious to the worldly sphere.³ This secularization is, however, religiously motivated; Luther does not denigrate the sphere of the holy but on the contrary aims to strengthen it by investing common daily occupations with spiritual meaning. Neither does Hegel, conceived of as the "father of secularization theories" (Dierken 2014: 36), eliminate the sphere of the religious, even though he is critical of any form of otherworldliness. In turning away from otherworldliness, Hegel—at least in his self-understanding—embraces religion even more firmly: he takes it to be the very foundation of modernity. This surprising thesis, paradoxically, stands in no contradiction to the commonly held identification of modernity and secularity. In Hegel's perspective, religion finds its fulfilment in being integrated into the worldly realm. The West is secular precisely because it once accepted Christianity as its religion. From this very integration of the religious into the worldly sphere, the modern state arises that is no longer attached to a single concrete confession or religion but guarantees freedom of conscience. In this sense, secularization is the fulfilment of religion—it becomes invisible because it is what modern man and modern state stand on.⁴

In what follows, I want to analyze Hegel's conception of religion from the view of this secular and secularizing fulfilment. Primarily, I will focus on Christianity, since it is this religion that takes the secularization inherent in monotheism⁵ to a new level. In Christianity, the "word becomes flesh," and with it the perspective on man and God radically changes: God relinquishes a considerable part of his will to man and his world, even allowing man to condemn and sentence his son to death. No longer is it God's but man's will that is central to the story of salvation.

This theological dimension of the Christian story is the very fundament of Hegel's understanding of modernity and modern conceptions of freedom.

3 The term "secularization" has not been used until the 16th century, primarily in the pejorative sense of a profanization of the once sacred. For a history of this concept, see Strätz 1984: 792–809.

4 In this sense, Hegel can be viewed as having anticipated Thomas Luckmann's (1967) concept of the "invisible religion."

5 For secularizing tendencies in monotheistic religions, see Gauchet 1997. Gauchet follows Weber's definition of disenchantment as an exclusion of magic from the worldly sphere. In this sense, monotheism is highly disenchanting as it refuses to worship diverse sources of the miraculous. Instead, the believer subjects his entire life to the only true, but unworldly, God. As to these monotheistic and secularizing tendencies, Hegel remarks in *The Spirit of Christianity and Its Fate*: "The whole world Abraham regarded as simply his opposite; if he did not take it to be a nullity, he looked on it as sustained by the God who was alien to it. Nothing in nature was supposed to have any part in God; everything was simply under God's mastery" (Hegel 1996c: 187).

The “hard saying” that God is dead means primarily that God has ceded to man the power to decide—salvation is the gift of freedom and the duty to decide for oneself. In the following study, I want to pay attention especially to the interpersonal and social aspect of religion, and, in this context, I will specifically focus on an aspect less often emphasized but central to Hegel’s conception of a religious attitude in the modern world: religion as embodied in Christianity is a spirit calling us to discover our freedom. This tremendous power is vitally linked with the second discovery Hegel attributes to the Christian spirit: forgiveness. In fact, the spirit of Christianity is essentially forgiveness, and *therefore*, it is the spirit of freedom.

Hegel’s Early Interest in Religion: The Spirit of Community

I.

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Already in the very first sentence preserved from Hegel’s oeuvre, the young student of theology shows a lively interest in religion characteristic of his entire early thought:⁶ “Religion is one of the most decisive aspects of our life” (Hegel 1986a: 9). In these earliest fragments, religion is not understood primarily as an inner spiritual dimension but as the uniting spirit of a community, even a factor constitutive of the social sphere: where there is community, there is religion.

In a way, this is peculiar. After all, these early fragments clearly show that already the young Hegel is conscious of the fact that modern religion as experienced in Protestantism is more of an inner spirituality than a public force. Especially in his later works, Hegel takes the separation of state and religion for granted, and it seems that—along with this separation—he in fact should embrace an interiorization of religion as well. After all, the public de-potentiation of religion is only the reverse side of its interiorization (Jaeschke 2009: 10). However, does Hegel in his later work refuse the public role of religion, a role he embraced as a student of theology?

I will argue that this is not the case. In fact, Hegel’s writing is characteristic of a continuity of the early and late work. In demanding religion to be a public force, the student does not call for its re-politicization but for its re-socialization that is key even to Hegel’s later work. While a re-politicization is anathema to Hegel, a re-socialization is vital even in his later work—not despite the fact that modern society has discovered man’s innermost self, his individuality and the tremendous force of his conscience but *because* of these processes of individualization. In his early works, Hegel clearly seeks a force

6 It would be an error, however, to infer from the fact that only early texts dealing with religion have been preserved that the young Hegel was interested exclusively in religion or has written only about religion.

re-constituting or re-infirming the communal, once it has been questioned or side-lined by individualization and rationalization.

Considering the infatuation with Greek religion common among young German intellectuals in late 18th century, it is no wonder that for Hegel, the religion of ancient Greeks serves as a model. In fact, it is in view of the ancient Greeks that Hegel finds religion to be indissociably linked to community: man as related to and dependent on his fellow, is part of the sphere of the social that overlaps with the religious (Hegel 1986a: 41). Of course, in Hegel's time, religion was often conceived of as a factor endangering individual freedom and autonomy. However, Greeks are considered the inventors of personal freedom precisely *because* of their emphasis on the social realm; this social realm, however, is only the reverse side of the religious. Thus in this context, if the appreciation of the social realm is key to personal freedom and if the social realm overlaps with the religious, it is at the same time the religious that is central for this conception of freedom, at least for the Greeks as interpreted by Hegel.

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How can this be, or even more importantly: how did Hegel conceive of this interrelation of the social, the religious, and freedom? For Hegel, man is defined by his capacity for freedom, but man is man only among other men; he is free only in the plural. Plurality, communality, and freedom are intimately related; an isolated and solitary man is not free, but is he religious? Not in the eyes of Greeks, and neither in Hegel's. Greek religious feelings find expression primarily in feasts—and for feasts (just as for freedom), there need to be at least two or three. Hegel formulates the link between the concept of religion, community or nation, and freedom straightforwardly: “Folk-religion... goes hand in hand with freedom” (Hegel 1986a: 41).

Already in Hegel's early fragment, *Volksreligion und Christentum*, the student emphasizes the fact that religion is not primarily related to the theoretical faculty but is decisive for human affectivity and volition. Just as his predecessors Kant and Fichte, Hegel derives religion from a “need of the practical reason” (Hegel 1986a: 17). However, in contrast to Kant, Hegel's interest lies not with religion's role to motivate morality. Rather, the inspiration of Greek religion leads him to conceive of religion as a force constituting the realm of the social in the first place.

This aspect carries systematic consequences for his entire future work: religion is not an outer perspective on the given world and it certainly is not an “as-if-fiction.” Instead, it is constitutive of social reality and based on this constitution it *secondarily* takes on an ethical or moral dimension; it expresses the substantial, even ontological dependence of man on nature, fellow man, or gods, and conceives of this dependence not as a burden to be shaken off

but reinterprets it positively. In this vein, the dependency expressed in religion is fundamentally conceived of as an openness—it is the ability to view oneself as part rather than a whole and to appreciate this fact not as a desideratum.⁷ Only in conjunction with others, with nature, and with God does man reach wholeness.

In this sense, it is characteristic that the young Hegel holds a negative conception of understanding (*Verstand*): taken in isolation, this faculty of differentiation is an instrument of self-love and closure. On the contrary, reason (*Vernunft*) is the ability of synthesis; its social “representation” would be communality, an appreciation of one’s dependence on familial and social bonds, on bonds with nature, one’s body, and even on emotions. It is especially in one’s relation to one’s kin and near ones, in relation to the duties one has to others, that man transcends his limited self-consciousness and partiality.

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In this context, Hegel voices his harsh judgement on present-day Christianity, even claiming that it has perverted the nature of religion; instead of educating the human being to remain true to his world, the Christian is a “citizen of the heavens” (1986a: 43). Thus, Christianity disturbs man’s relation to the worldly and social realm, and it leads to intolerance, even misanthropy (1996c: 201). In this sense, present-day Christianity is for Hegel a prime example of an otherworldly religion that elevates a narrow spectrum of phenomena to an absolute and by this degrades other manifestations of life as well as other gods to a status of inferiority or even falsehood.

Along with considering Kant or Fichte’s religion “within the bounds of mere reason,” in his early writings Hegel further turns to Lessing, whom he credits with finding a way to divest monotheism of his exclusivist and potentially fanatic spirit of an either/or (Hegel 1996b: 72). The emphasis on the rational aspect of religion, on the so called “natural religion,” is to be understood as an attempt to blur the conflicting and often bloody borders of different religions or confessions and to find a new common ground of which the different religions were conceived of as mere modifications. Dilthey called the attempt to formulate a “religion within the bounds of reason” aptly “an opportunity to take a breath in a world tormented by the pressure of confessional wars” (Dilthey 1911: 95). Hegel consents to this move: reason transcends divisions—not because of a passive indifference, but due to its insight

⁷ This conception finds a direct echo in *The Phenomenology of Spirit*. Commenting on the nature of religion, Hegel notes: “But this substance is now manifest; it is the depth of Spirit that is certain of itself, which does not allow the principle of each individual moment to become isolated and to make itself a totality within itself; on the contrary, gathering and holding together all these moments within itself, it advances within this total wealth of its actual Spirit, and all its particular moments take and receive in common into themselves the like determinateness of the whole” (1977: 414).

into the nature of differences that constitute each other. In this sense, reason is fundamentally linked to an “opening of borders,” and thus, it is liberation.

However, for Hegel this rationality inherent in religion is not linked to a Kantian noumenal sphere or to logical reasoning; instead reason is the bond uniting men: it is the ability to find oneself in the other, to transcend one's limited perspective and thus live up to the dictum “the True is the Whole” (1977: 11). If this dictum be considered from the perspective of Hegel's religious thought and his emphasis on sociality, Hegel is more a follower of Lessing than of Kant: the wearer of the “genuine ring” is not characterized by a specific knowledge or by rational and regulative ideas but by his ability to make oneself “beloved of God and men” (Lessing 1991: 234).

II.

Hegel looks closer at this fundamentally religious and spiritual liberation (that is of an interpersonal and social nature) in the early fragmentary treatise, *The Spirit of Christianity and Its Fate*. In a philosophically more systematic manner, he formulates a unity of life that is not stifling as in the case of unifications envisioned by monotheistic religions. The monotheistic faith is built on exclusion, on a rupture: “The first act which made Abraham the progenitor of a nation is a dissection which snaps the bonds of communal life and love” (Hegel 1996c: 185).

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In Hegel's conception of Judaism, God is the master, man the slave, and this fundamental relation finds its continuation in the relation of the believer to his or her world: the chosen one is the master, the pagan a slave to be subdued, and as God's partner man has the duty to subject under his power outer nature as well as his body (Hegel 1996c: 183). This peculiar dualism specific for Judaism carries significant consequences for the political structure. While monotheism favors a monarchical constitution, polytheistic religions allow for a decentralized political structure, even an opening towards other nations. The Greeks “by their gentle arts and manners won over the less civilized aborigines and intermingled with them to form a happy and gregarious people” (Hegel 1996c: 185). On the basis of his study of the spirit of different religions and communities, Hegel formulates a philosophical concept of life that gives an answer not only, even not primarily, to the nature of different religions but that answers the ontological question, “What is being?” According to the young Hegel, it is “life,” an immanent, restless dynamic overcoming distinctions. These distinctions, however, are not overcome—as is the case in the “spirit of monotheism”—by subjection. Instead, Hegel likens life to the archetypical element of water, its ability to overcome any distinctions being based on its malleability.

In likening life to water, Hegel follows the oldest conception of *arché* in Western philosophical thought. However, for Hegel water is only a metaphor, and rather than evoking Pre-Socratic thought, Hegel's idea stems from early modern sources. Different intellectuals such as Jacobi, Hölderlin, Nietzsche, and even Fichte take life to be an immanent principle of wholeness polemically directed against a reifying scientific worldview and a profanation of the world in the modern era. This is the decidedly modern background of Hegel's interpretation of Greek religion. In his reading, the ultimate goal of Greek religion is to find oneself united with life, and the only means to reach this wholeness is by worshipping all aspects of life, a failure to stand up to the manifold duties in life ending most often in a tragic fate.

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In view of this interpretation, Judaism, being a religion that places man's focal point into the transcendent and calling man to tear himself away from the one but multifaceted immanent dynamic of life, fails to live up to this spiritual challenge. On the contrary, Christianity's central term, love, is a life-unifying dynamic. As to this, Hegel contrasts it with the Jewish religion: "Abraham wanted not to love, wanted to be free by not loving" (Hegel 1996c: 185).⁸ Of course, love is neither a mere emotion nor a perspective. For Hegel, as the conjunction of differences love is the law of life, and thus life and love are twins.

However, Hegel's contrast of Christianity and Judaism is not convincing unless his robust pre-suppositions are taken into consideration. In fact, Abraham's life seems to have been dominated by his very love for God, going so far as to sacrifice his only son. Hegel retorts that Abraham's faith is a form of devotion but not of love; more specifically, it is a devotion to an other-worldly ideal, a sentiment that makes him a foreigner to the real world (Hegel 1996c: 187). Love, on the other hand, Hegel associates strictly with worldly, secular phenomena.

Why is love to be related exclusively to worldly phenomena? For Hegel, the world is a realm where man does not belong to himself, and love is the confirmation of the fact that "nothing is unconditioned; nothing carries the root of its own being in itself" (Hegel 1996a: 304). The loving person feels clearly that he or she does not belong to himself or herself completely and that he is complete only as related to the beloved one. In this sense, the phenomenon

8 This rejection of Judaism is in many ways inappropriate and has rightly been criticized (see e.g., Jaeschke 2010). At the same time, Hegel does capture an important trait of monotheism that is closely studied even among contemporary scholars of religion. According to Jan Assmann, Judaism in fact invented what is today called religious fundamentalism and with it religious violence because it introduced the question of truth into religious worship: either man worships the right and truthful God, or he is on the side of falsehood and thus guilty of idolatry. As the Old Testament amply illustrates, the rule "No God but One" has been enforced by a form of violence unknown among polytheistic cults and religions (Assmann 2016: 31).

of love, prominent in Hegel's early work, expresses something substantial about the human being: by his very nature, man is dependent on others, of course not only or even primarily in his affections but above all in his spirituality and freedom.

Still, how does this relate to Abraham's faith in God and his alleged inability to love? Key to the understanding of Hegel's argument is the fact that Hegel refers to Abraham's God as to an "ideal." Hegel's unusual terminology betrays his interpretation of Judaism from the perspective of a "Kantian" structure of thought. It is typical of his early as well as his later work that Hegel conceives of the Kantian (but above all post-Kantian, i.e., romantic) subjectivity as a solitary and thus "un-worldly" inner realm relating *qua*, its inner, to an unconditional. In the *Phenomenology of Spirit*, the reader comes about a structurally analogous form of consciousness: it is the conscience that is free from any content and can therefore "possess the majesty of absolute autarky" (1977: 393).

However, the problem thematized repeatedly in Hegel's work is that one's own peculiar subjectivity can easily be mistaken for an (alleged) unconditional: instead of subjecting oneself to an impersonal norm, to a duty or sacral law, man elevates his own peculiar subjectivity to godly heights. In this sense, Hegel thematizes a phenomenon later taken up by Durkheim: freedom in the form of liberation from the outer can lead to a pathological, even fanatical, isolation. Therefore, Hegel emphasizes that it is crucial that any faith be lived *in relation* to another human being; anything taken to be absolute needs to be communicated and laid open to others' judgement. In other words, the fate of modern religion is a "linguistification of the sacred" (Habermas 1985: 77–111), and in this process, the role of philosophy is indispensable. For Hegel, it was philosophy that managed "to liberate godly reality from its other-worldly imprisonment" (Siep 2015: 179) and made it part of the (worldly) realm of argumentation.

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This insight is present even in Hegel's theological reflection of the founder of Christianity. In Jesus, God has revealed himself completely, and in this, he concluded the need for further revelations; now, we know the nature of God (Hegel 2011: 145). Just as God has laid himself open to scrutiny and judgement, so too it is the duty of anyone to reveal oneself. However, what has God revealed? Jesus is the incarnation of love and humility, and *as* love made flesh, He is God. Substantially, Jesus is relation; relation is the new absolute, and in Hegel's early fragment, this absolute takes on the form of love and life.

As already mentioned, for Hegel, religion is an interpretation of one's dependence; in religion, man learns to understand his finitude. In this context, the question of punishment becomes central. While for the Jews punishment reinforces the fact that man is deficient in view of God's law, Jesus

is the friend of sinners, and he does not call for punishment when nailed to the cross; instead, he invokes mercy and forgiveness. This is central to understanding the Christian message as interpreted by Hegel: faults, sins, and failures are not condemned but instead are stepping stones, even “rocks,” on which spirituality is built. In other words, they are to be accepted as an integral part of the very substance of reality and even of truth.

This does not mean that sins and misdeeds are welcomed, but the amazing message of Christianity (and curiously of Hegel's philosophy as well) is that any wound inflicted upon life can heal (Hegel 1996c: 230, Hegel 1977: 407), and that any fault can be corrected. Again, forgiveness is shown to be akin to freedom; that man can correct any fault means that he is never simply a victim of his own failings but thanks to his freedom can follow up on these in a positive manner. This insight discovered in a theological context will be pivotal for Hegel's *Phenomenology of Spirit*. Here, truths are essentially faults corrected.

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Hegel's Phenomenology of a Religious Spirit?

I.

It is a paradox that the *Phenomenology of Spirit* has often been read as a grand narrative of reconciliation even though it is a series of conflicts not solved but abandoned. The conflict of master and slave does not lead to resolution, neither Antigone and Creon's fight nor the struggle of the noble and base consciousness. In this sense, the dispute of the judging consciousness and the acting conscience is exceptional, and it is in these closing passages of the chapter on spirit that Hegel examines his central concept of reconciliation, taking up the motives of judgement, evil, and conscience encountered in his early fragments.

Hegel stages a conflict between a Kantian “judging consciousness” and a figure called “the doer” (1977: 404). While it is not known what this “delinquent of conscience” is found guilty of, the judging consciousness calls it “evil”: it failed to act according to universal norms and now appeals to an inner conscience as to the criterion of rightness. However, for a Kantian, whoever places himself above the universal, acting according to his own law and conscience, is in fact wrongdoing others (1977: 402). The doer objects to this condemnation: at least he has acted. Meanwhile, the judge is a hypocrite: he refrains from action in “dread of besmirching the splendour of inner being by action and existence” (1977: 400). Instead of acting, he moralizes.

Suddenly something pivotal happens. The good conscience exclaims: “I am so” (1977: 405) and with this repents for his act. In repenting, man aims at a transformation; the profession of one's guilt is more a practical than a theoretical act. The repentant seeks to lay open new possibilities both for himself

and for others. This can be illustrated by the simple and everyday act of apologizing; we do not apologize to inform the other of a fact that happened but to motivate him to come forth, to cancel some of our guilt, maybe to even acknowledge that he too has found himself many times guilty. In short, an apology is a call for reciprocity: "this utterance is not a one-sided affair, which would establish his disparity with the other" (1977: 405). Neither does the good conscience want its repentance to be understood as a piece of information. Instead, in the failings of the good conscience, the judge shall recognize that his position is limited, too. After all, just as the concept of conscience is not without its problems so is the abstention from acting.

In other words, both protagonists are to acknowledge that the universal is real only in the deed, but this does not prove the judge altogether wrong; the individual's deed is deemed legitimate only in being universally acknowledged. One needs to act in view of the universal, and one needs to correct the particular act that necessarily fails to be universal by a form of retrospective rationality. There may be situations in which it is necessary to break universal norms. *Post factum*, however, the agent needs to convince the others that his breach was well motivated. If he fails and if his act is not acknowledged, by Hegel's standards, an act not acknowledged cannot be considered good.

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However, the judge is not ready to make any concessions and "repels this community of nature" (1977: 405); it is the "hard heart that is for itself, and which rejects any continuity with the other." The fluidity of communication, the life of the spirit is disrupted (1977: 406), and the possibilities the situation offers seem to have been exhausted. Yet at this moment something even more unforeseen than the confession of the evil-doer happens; after the heart of the judge has "hardened" and after even the good conscience has retreated into itself, suddenly both are prepared to reconcile.

What has initiated this strange break? Hegel does not even attempt to demonstrate how this reconciliation "logically" came about. There is no logical stringency to reconciliation; if a conflict can be reconciled, something contingent that cannot be enforced by either of the parties, needs to happen. The acting conscience cannot force the judge into forgiving; neither can the judge force the good conscience to understand his viewpoint, and even one's own willingness to forgive is not sufficient for forgiveness. We ourselves may *want* to forgive and still be unable to do so. Forgiveness is an act implying willingness by the parties on both sides, while at the same time transcending them.

Significantly, the willingness and eventual ability to forgive is the closing act of the chapter devoted to the spirit.⁹ In this sense, forgiveness can be called

9 Stekeler calls this phenomenon aptly the "logical secularization of the concept of mercy" (2014:721).

the highest spiritual act. Hegel uses in this context the expression *Versöhnung*, meaning not only “reconciliation” (1977: 408) but hinting as well at a more spiritually, even religiously, charged “atonement.”¹⁰ In *Versöhnung*, we apprehend *Sühne*, the German expression for “penance.” That Hegel in fact wants this act to be understood religiously is emphasized in solemnly announcing that at last God has arrived on scene, and Hegel even paraphrases a biblical sentence: “For where two or three are gathered together in my name, there am I in the midst of them” (Matthew 18:20).¹¹ God dwells in a “reconciling Yea” (1977: 409) in which both expand into “duality” (Hegel 1977: 409).

II.

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Does this religious dynamic transcend the sphere of the interpersonal? In the *Phenomenology of Spirit*, Hegel focuses on the social aspect of religion in his explicit treatise of Christianity. Here, the reader hits upon the “hard saying” that “*God himself is dead*” (1977: 476). For Hegel, this thesis is, however, not primarily of utmost theological significance but has primarily social repercussions. The moment self-consciousness realizes that “God is dead,” it reaches the insight that any normativity is “man-made.” It is man, not God who is endowed with the “infinite power of decision” (1986b: 404). No longer is normativity conceived of as stemming from eternal, godly sources; it is essentially social. With this insight, self-consciousness refuses Antigone’s claim that there is a law “unwritten and infallible,” and therefore “everlasting” (1977: 261). This insight into the timely nucleus of everything that is, is the birth of modernity.

The closing passages of the *Phenomenology of Spirit* illustrate this fact that in modernity, human invention now takes the role of divine normativity. Absolute knowledge is insight into the fact that as a fundamental part of the social, self-consciousness is both on the side of the subject *and* the substance.

10 Etymologically, “at-one-ment” is related to the process of becoming one (Skeat 2005: 37). Just as on other stages of the *Phenomenology of Spirit*, this is what self-consciousness is aiming for. However, on its spiritual journey, it learns that, paradoxically, self-consciousness can be one only in the other (1977: 406); identity is mediated by the difference. A unity exclusively with oneself, bare of differences is, to the contrary, a “non-spiritual unity of [mere] being” (1977: 407).

That this spiritual journey is religiously connoted is something noticed by Paul Cobben (2012) as well: “From the retrospective view of the (concluding) last chapter of the *Phenomenology of Spirit*, it becomes clear that religion pervaded the entire development. for this reason, Conscience reflects on a society that has passed through the development of revealed religion” (189).

11 This biblical citation is found in *The Spirit of Christianity*, as well (1996c: 387). In the *Phenomenology of Spirit*, Hegel alters the citation to fit the subject matter: “it is God manifested in the midst of those who know themselves in the form of pure knowledge” (1977: 409).

Subjective categories are substantial as far as they are social. As *social*, they are not at will of the *individual* subject, but since they stem from a social *subjectivity*, they are open to modifications, even by the individual *subject*. Living reflexivity flows and solidifies into objective structures of institutions.

This insight into the overlapping of spontaneity and passivity, into the subjectivity of the objective, is what Hegel calls absolute spirit. Key to this insight is an appropriate understanding of the central term of Hegel's philosophy—reconciliation. In reaching reconciliation, the subject realizes that his or her spontaneity and the acceptance of this commonly shared background are two sides of the same coin. Substantiality is no longer linked to an otherworldly God, to eternity, but is part of the timely communicative horizon of society.

In this context, we can return to Hegel's thesis that Christianity has put an end to revelations once God has revealed himself in the figure of Jesus. Henceforward, there is no secret to venture. The meaning of this "end" of revelation is, once again, decidedly social; in modernity, the dichotomy of a revealing other-worldly God and a passive receiver of revelation is no longer convincing. Instead, the world *as* communicated to other men in scientific, aesthetic, or religious vocabulary turns into an ongoing process of revelation.

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The *Outlines of the Philosophy of Right*: Spirit's Will to World

I.

Hegel seems to hold two opposing views on the relation of modern society and religion. On the one hand, he takes religion to be the very foundation of the state. On the other hand, he decidedly emphasizes that the modern state is defined by being secular; and in a secular state, religion loses its monopoly on deciding what is right and wrong, and it is no longer key to offering life-orientation. In the modern state, the political is set up with the intention to secure man's freedom against religious demands no longer deemed legitimate.

The subsumption of the religious under political power is in accordance with Hegel's emphasis that in modern times, subjective freedom is pivotal. In the Foreword to his *Outlines of the Philosophy of Right*, he adds that it was the Christian worldview that captured this new concept of freedom for the very first time.¹² However, this concept is not exhausted in the subjective inner freedom but needs to translate into a new social reality as well. Echoing St. Paul's *Letter to the Galatians* (3:28)—"There is neither slave nor free man, there is neither male nor female; for you are all one in Christ Jesus"—in §

12 In the Preface to his *Outlines*, Hegel stresses the absence of this inner, subjective freedom in Plato's work and relates the discovery of freedom to an "impending revolution," i.e., the birth of Christianity. The modern world is its heir (2008:13).

209, Hegel states: “A human being counts as a human being in virtue of his humanity, not because he is a Jew, Catholic, Protestant, German, Italian, etc.” (2008: 198).¹³

It is consequential that for Hegel, the foundation of this “oneness” invoked by St. Paul lies not in the person of Jesus Christ but in the *institutions* making up the *modern* state. Only in the modern state is this Christian freedom taken to be a general property safeguarded by legal structures. It is well known that Hegel interprets history as the “progress of the consciousness of freedom” (2011: 88), a progress achieved by world-transforming individuals and their fights for freedom. In this sense, the modern state is itself a revolutionary, world-transforming structure in making the fight for freedom of individuals superfluous.¹⁴ One shall not need to be exceptional to be free: freedom is a right common to man as man, an institution safe-guarded by the state. In this regard, Hegel’s later work differs from his earlier writings; in the early fragments, the theology-student criticized the tendency of early Christianity to surrender to deadening positive structures. In his later works, Hegel notes that Jesus’ work has been fulfilled not by Jesus himself, but by his followers. In fact, it is only in the apostles that we find the whole and developed truth because even “the kingdom of God, needs organization” (1986b: 397).

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Luther challenged this institution for its decay, and according to Hegel, rightly so. However, Luther’s Reformation needed and in fact found a new objective structure—the modern state. In this sense, it is crucial to account for both the Christian teaching *and* the specific historical development of the Western state, society, and culture. Religion in the form of the “Protestant principle” is the groundwork of the modern state—but in the form of a *principle*, not in the form of a concrete institutionalized church.

This principle finds its embodiment in the whole structure of the modern state and its institution—and it is this manifold structure that is the telos of history, not a concrete church decreeing its truths. The modern state is the true home of the realm of the spirit because it is universal and thus encompassing but supervening any concrete institution. As embodying a wholeness rather than a particular standpoint, it safeguards the right to have concrete rights. Therefore, for Hegel, it is the modern state, rather than the church, that is universal, and therefore the state is the rightful inheritor of the spirit of Christianity.

13 “They count not as Greeks, Romans, Brahmins, or Jews, as high or low class; instead they have infinite worth as human beings and, in and for themselves, they are destined for freedom” (Cf. Hegel 2011: 457).

14 “The heroes who founded states, introduced marriage and agriculture, did not do this as their recognized right, and their conduct still has the appearance of being their particular will” (Cf. Addition to Hegel 2008: § 93).

II.

This strengthening of the state in view of the religious sphere is clearly motivated by the fear of religious conflicts endangering the stability of the state and the freedom of its citizens. However, Hegel's interest in fanaticism reflects more than this fear. In fact, fanaticism is of systematic interest because it is the utmost sign of a loss of spirituality and thus of a loss of context and the victory of partiality. Fundamentalism is an especially rampant danger in modern societies since its members need to accept that there is no one standpoint that is the home of the absolute. In this sense, fundamentalism is an anti-thought linked to the inability to accept modern reality; it is a negation of the present, the given, and in this sense, of the finite since any concrete institution is finite and lacks the ability to be universal. A hallmark of fanaticism is undue emphasis on a particular standpoint elevated above competing perspectives and the attempt to subdue these. Against these fantasies, Hegel places the often-misunderstood thesis formulated as a speculative sentence:

What is rational, is actual/and what is actual, is rational (2008: 14).

If interpreted in a conservative, even reactionary, vein, as many of Hegel's critics have done, the sentence says that under the assumption that the actual is rational, we are to be satisfied with the present state of society, and thus no changes are warranted. However, upon focusing on the first part, the sentence lends itself, quite to the contrary, to a revolutionary interpretation: if the rational is actual, we are licensed to aim at an actualization of whatever we consider rational. This revolutionary interpretation is suggested by a version of the sentence found in Hegel's work: what is rational, *will* be actual (Henrich 1983:51).

The "trick" of this *Doppelsatz* is that both viewpoints need to be taken: "what is actual, is rational" means that we need to take what is empirically given here and now as our departure; as spiritual, we are subjected to the demand to overcome and at times bracket our subjectivity, and we are to seek the rational in what is present, irrespective of our self-centered contentions of how the world *shall* be. This standpoint is a normative demand of what Hegel calls formation (*Bildung*): man needs to remain perceptive to his own blind angles and respect that the present in a way exceeds any one individual viewpoint since it arises from an objective spirit, i.e., from the spirit of the collective. In this sense, man shall be "obedient" to the present.

The first part of this speculative sentence, however, hints towards man's spirituality: man is spiritual precisely in taking his own standpoint on reality, in not accepting everything as simply given. In looking at the present as something to be accepted, man thus at the very same time needs to take

a second glance and ask, "What of the present is indeed rational?" With this second glance, freedom and obedience are integrated.

In view of this first part's emphasis on one's freedom, the call to accept the present in the second part is neither reactionary nor a call for blind obedience; rather, it is a form of *caveat*: man needs to take the standards of his measurements of what is good and bad from the present. The day is measured by the possibilities inherent in the present day, not from the distant future or past, since both of these are "otherworldly."

What does it mean that they are otherworldly? An undue emphasis on the future fails to respect the present, even denigrates it to a transfer point without value on its own. The nihilism of this future-orientedness has proven fatal for totalitarian regimes of the 20th century. Neither is it an idealized past that shall be the measure of the present day. Once again, man sets up an ideal excluded from a rationality that is real only as lived in communication and argumentation. To be rational means to be open to scrutiny, even refutation, but both nostalgia and visions of a better future are irrefutable and therefore irrational.

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Hegel's double imperative expressed in his speculative sentence can be summed up thus: Take the present to be rational! Look for what is rational in the present! In this reading, the double-sentence is formulated as a precaution against religiously or politically motivated expectations of a new redemptive social order.

In view of this, it is clearer why Hegel decidedly refuses to take the church to be an arbiter of spirituality (2008: § 270, 249). In a secular state, any one party loses its monopoly on truth and authority. In this sense, secularization is not synonymous with a weakening of religion exclusively. The modern state too has to leave space for individual self-determination on the three basic levels of the modern state—the family, public society, and participation in state institutions. The state is thus a unity in difference, an identity of identity and non-identity: "The state is actual, and its actuality consists in this, that the interest of the whole is realized in and through particular ends. Actuality is always the unity of universal and particular, the universal articulated in the particulars which appear to be self-subsistent, although they really are upheld and contained only in the whole" (2008: § 270, 253).

From Hegel's perspective, freedom and Christianity are twins—they tend toward reconciliation of the individual with that which grounds or transcends an individual. Both strive toward truth. Truth as felt and lived is love; truth as expressed and institutionally lived is rationality. True to his speculative double sentence, Hegel fights on two fronts: against an activist political theology and against a sentimental religion of the solitary inner. These two fight

zones are systematically treated in Hegel's philosophy and in his dictum that "what is rational, is actual." This famous *Doppelsatz* is applicable to religion as well: one's own individual religious feeling—this tremendous Christian discovery of the inner realm—needs to be shared to create lived love and truth in the present. The spirituality of self-consciousness is the will to the world, the sphere of the secular.

Conclusion

Throughout his work, Hegel emphasizes Jesus' demand not to judge. Jesus never condemns anyone—and by this he transcends the distance between himself and others, between saint and sinner, even Jew and pagan, but above all between God and man. This motive is taken up in the central passages of the *Phenomenology of Spirit* where Hegel treats the conflict of a judge and a wrong-doer and eventually introduces his concept of reconciliation. It is significant that a secular setting changes into a religious one once both protagonists are prepared to reconcile.

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Hegel's spirit is religious, by way of being reconciliatory. However, it would be a mistake to assume that Hegel aims at a dissolution of differences. On the contrary, he repeatedly emphasizes that the spirit is an acceptance of difference since these are at the same time means to apprehend one's own limitations: the judge and the conscience reconcile once they realize the one-sidedness of their attitudes. However, it is crucial that this difference be encountered as incarnated in a concrete figure. Once the two figures reconcile, their differences do not vanish: "they are these sheer opposites for one another." They are *identical* in their *duality*; thus, they are reconciled (Hegel 1977: 409).

For Hegel, freedom is essentially linked to one's ability to forgive, and forgiveness is an act that Hegel treats almost exclusively in a religious setting. In this sense, religion is the foundation of modern society defined by its wide scope of freedom accorded to individuals. The free act moves the previously unmoved, by this the unforeseen comes into the world, and along with it emerges guilt: "Innocence, therefore, is merely non-action, like a mere being of a stone, not even that of a child" (1977: 282). Freedom is movement, and thus is at the same time guilt and pain.

True to his education in theology, Hegel takes Christianity to be key to the discovery of both primary essences of spirituality: freedom and forgiveness. Freedom is the greatest of our gifts—we have obtained the power to determine ourselves independently of God and independently of any of our individual failings. However, forgiveness is the highest spiritual capacity in the context of a being whose fate is to bear freedom—both of oneself *and* of the other.

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Tereza Matejčkova

Hegelova nevidljiva religija u modernoj državi: duh praštanja

Apstrakt

Ova studija se fokusira na međusobne odnose slobode, konačnosti i pomirenja u Hegelovom shvatanju religije. Ova tri momenta se pronalaze u centralnim stadijumima Hegelovog bavljenja religioznim, od Hegelovih ranih fragmenata do njegovog zrelog rada. Konačnost koja se oblikuje u religioznim fenomenima traži sudbine, greha, ili opštije, neuspeha je u centru Hegelovog filozofskog razumevanja jednostranosti. Kao konačan, čovek mora da se pomiri sa drugim, i samo kao pomiren dostiže slobodu. Hegel pripisuje Hrišćanstvu zasluge za otkriće primarnih suština duhovnosti: slobode i praštanja. Sloboda se intenzivira sa smrću Boga: čovek shvata da ne postoji Bogom-dano, već samo ljudsko zakonodavstvo. Ovo produbljivanje slobode ne prevazilazi ljudsku konačnost, već je intenzivira, zajedno sa pojačanim osećajem odgovornosti i uvećanim potencijalom za krivicu. U ovom kontekstu, praštanje je najviša duhovna sposobnost modernog čoveka, čija je sudbina da podnese svoju i tuđu slobodu.

Ključne reči: Hegel, sloboda, konačnost, greh, sudbina, pomirenje, praštanje, moderna država, hrišćanstvo, religija, Luter

Christian Krijnen

The Very Idea of Organization: Towards a Hegelian Exposition

Abstract: The contemporary debate on the social ontological foundations of organization does not, for methodological reasons, sufficiently get a grip on the phenomenon of organization. The original determinacy of organization remains presupposed. To render this implicit meaning of organization explicit, another, more embracing and in-depth methodology is needed. German idealist types of philosophy provide an extremely powerful methodology. In the philosophy of German idealism from Kant to Hegel, along with neo-Kantianism and up to contemporary transcendental philosophy, however, the idea of organization is not addressed. Indeed, it is a challenge to construct the idea of organization from the perspective of German idealism: the perspective of reason, and with that, of freedom. It results in a new framework for dealing with organization in theory and practice. The article constructs the idea of organization (and claims that it still makes sense to do so) within the framework of G.W.F. Hegel. It shows where the issue of organization should be addressed topologically in Hegel's system of philosophy and what, then, organization shows to be here speculatively.

Keywords: social ontology, organization, Hegel, transcendental philosophy, philosophy of the social sciences

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Organization as a Philosophical Problem

A closer look into the contemporary debate in organization studies about the foundations of organizational research, the so called 'meta-theoretical debate', shows that this debate is running into difficulties regarding the basic concept of the reality that organization studies deal with, that is to say, regarding the ontology of organization. The meta-theoretical debate poses the question: what is an organization? In what follows, I shall present an answer to this question by means of a proper exposition of the concept of organization from a Hegelian perspective. An exposition does not aim to produce a full-blown philosophy of organization, rather, its purpose is to supply a well-determined *beginning* of a philosophy of organization within the system of philosophy: it reveals the place of the concept of organization, and with that its initial determinacy. For reasons of space, I shall focus on methodological aspects concerning the construction of the concept of organization. Let me first elucidate the reason for this, at first sight, rather abstruse approach.

An ontology, i.e. a theory of an object, a matter, as such, and more precisely, a social ontology, i.e. an ontology of the social sphere, is a core issue of the 'meta-theoretical' debate within organizational research. In the eighties and nineties of the last century, this debate was largely dominated by researchers operating from the point of view of either positivism (e.g. Donaldson 2003) or social constructionism—also called: social constructivism or post-modernism (e.g. Linstead 2004; Westwood and Linstead 2001). Since the middle of the nineties, 'critical realism' has become an important participant in it (cf. e.g. Reed 2000, 2005; Danermark, ed. 2002; Ackroyd and Fleetwood 2000; Fleetwood and Ackroyd, eds. 2004).

The main contributors to the foundational discourse that accompanies organizational research are social scientists: the debate is an internal one within the *social sciences*. From the perspective of *philosophy* and its standards, however, it cannot be overlooked that in this foundational debate philosophical concepts are used but that a *sufficient reflection on the determination and validity of these concepts is lacking*. An in-depth reflection on this debate directly leads to an idealist approach as paradigmatically developed within the tradition of German idealism, and its relevance for contemporary social philosophy (Krijnen 2015: chap. 1).

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Against this background, I have tried to carve out the approach of Kantian transcendental philosophy (as it has taken shape particularly in neo-Kantianism and contemporary transcendental philosophy) and of Hegel's philosophy regarding the foundations of social reality, and to confront both approaches with each other. The result of this exploration eventually boiled down to a Hegelian turn in social ontology and a corresponding construction of the concept of organization (Krijnen 2015). Therefore, the upcoming exposition of the concept of organization follows Hegel's line of thought.

Before exposing the concept of organization, it seems opportune to make three important methodological remarks, concerning the more general notion of the 'social', to which the more specific notion of 'organization' apparently belongs.

First, seen from the perspective of a history of the problems of philosophy (*Problemgeschichte*), the concept of the social traditionally belongs to the domain of 'practical philosophy', particularly political philosophy, including philosophy of law and the state, and moral (ethical) philosophy (Röttgers 2002: 25ff.). The social as a genuine, independent, specific realm of meaning only became a concept for theoretical and philosophical determination in the course of the nineteenth century. Hence, the social is younger than the philosophy of German idealism. As a consequence, we are referred to post-Hegelian history. Post-Hegelian history supplies the material for *us*,

when we aim to construct the social in *Hegel's* philosophy. Moreover, it can be shown that the history of the social and of social philosophy begins with the neo-Kantian movement (Röttgers 2002: 47ff.). This movement dominated the philosophical discourse the last decades of the nineteenth and the first of the twentieth century. Therefore, neo-Kantianism, the subsequent Kantian transcendental philosophy inspired by it, and Hegel make up the spectrum of idealist philosophical positions for constructing sociality.

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Second, in the course of this construction the possibility of addressing the concept of organization emerges philosophically: The problem of 'actualizing freedom' (Hegel) or 'realizing validity' (Kantian transcendental philosophy) implies the issue of organization as a subsequent social philosophical topic. The social is essentially the realm of realizing values, to articulate it in terms of Kantian transcendental philosophy, or that of objective spirit as the realm of actualizing freedom, to apply Hegel's terminology. Realizing validity, actualizing freedom, however, is conceived of differently in both traditions. Whereas Hegel conceptualizes actualizing freedom as a development of unconditionedness (development of free spirit in the realm of objective spirit), Kantian transcendental philosophy conceptualizes it as a development from conditionality into unconditionedness (i.e. from conditional into unconditional self-formation of the subject, from conditional validity into unconditional validity).

The former model of development turns out to be more advantageous (Krijnen 2015: chap. 4). From a systematical point of view, therefore, it is more promising to accomplish the exposition of the concept of organization within the framework of Hegel's philosophy. Nevertheless, in the course of a thorough confrontation between the conception of realizing validity of Kantian transcendental philosophy and Hegel's conception of actualizing freedom, a perspective occurs that is very relevant for the concept of organization, though not addressed by Hegel. This perspective is related to freedom, but it does not qualify figures of unconditionedness on the level of unconditionedness. In fact, it concerns another dimension: the dimension of their inner instrumental (teleological) purposefulness. To put it less ambiguously, it concerns the dimension of their inner purposive (appropriate) organization conform the idea or value of utility, and with that of the economic-social fundamental values of economic and social profitability, sustainability, and favorability (cf. on these values Flach (1997: 137 ff.))—the purposeful organization of figures of objective spirit. This yields a very complex subsequent social philosophical topic, in need of further exploration: the philosophical exposition of the concept of organization, hence, of a basic concept of the social sciences.

Third, the methodological issue of revisiting phenomenology. What is at issue here? At the beginning of the series of investigations into social ontology

in general and organization in particular, a phenomenology is necessary in order to scientifically establish organization as a legitimate issue for philosophical explorations.¹ In discussion with what Kant calls the 'fruitful *bathos* of experience', that is to say, with determinations of organization supplied by organization studies including its meta-theoretical debate, a desideratum has been achieved. It transpired that determinations of organizations resulting from a direct relation to its object (*intentio prima et recta*) always presuppose the original determinacy and validity of 'organization', and hence, of a more original concept of organization in need of philosophical exploration. This exploration is forced to go beyond the present meta-theoretical debate on organization too. Therefore, in the course of the initial phenomenology at most 'organization' has been established as a genuine philosophical *problem*.

This, however, does not suffice for an *exposition* of the concept of organization. An exposition requires considerably more material determinations of organization, which need to be ordered successively in a justified way. These material determinations also have to be delivered phenomenologically.² That is to say that phenomenology should be revisited. Revisiting phenomenology addresses the history of organization and organization theory concerning contents relevant for the basic features of organization. As a result, based on the current state of affairs in relation to organization theory, a general concept of organization with a maximal extension is established. This concept also integrates the history of philosophy, in particular of political philosophy, a branch of philosophy organization theory refers to frequently. To give attention to the history of political philosophy, however, requires a strong reconstructive approach, as in that history organization is not a topic on its own: at most it is addressed implicitly. Organization in the sense of organization theory is not specifically thematic in the history of philosophy before Hegel, or more generally, in history as such; in fact, it is mainly co-addressed in other contexts.

That this is in fact the case also transpires from the perspective of the history of the concept (*Begriffsgeschichte*) of organization (cf. Dohrn-van Rossum and Böckenförde 1972). To the days of German idealism, the concept of

1 This function of a phenomenology stems from Hegel's *Phänomenologie* too insofar as this work is an introduction into thought as the speculative subject matter of philosophy (*Logik*). It is also guiding for, among other philosophers, Edmund Husserl, who correspondingly distinguishes between a 'phenomenological' reduction and an 'eidetic' one. Also the neo-Kantian Wilhelm Windelband or the contemporary transcendental philosopher Hans Wagner, for instance, offer a phenomenology in the sketched sense. Cf. Krijnen 2008: 59-62 incl. note 13 and pp. 67 ff.

2 Whereas Hegel's *Phänomenologie*, by contrast, is from the start developed from material determinations, and the *Enzyklopädie* continuously integrates the historically available meanings of a concept.

organization remains primarily connected to the context of right and state. In the course of the nineteenth century, the concept of organization broadens its scope of application and becomes established as a guiding concept for discussions about a conscious change of the society and its order. It concerns a discussion that not least emerges from the social antagonism that went along with the working population of the nineteenth century. The concept of organization, then, is *extended*. It refers to the connection of many, pursuing common purposes, entities, capable of goal-setting and goal-realizing by actions. Hence, the restriction to arrangements and business processes in the realm of the state and politics is disclosed. The concept of organization is transformed into a technical term of the emerging business studies and of sociology, and finally even into a fundamental concept of interpersonal activity.

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Such explorations into the history of the meaning of the concept of organization lead to at least two different insights, which are significant for comprehending organization philosophically, in first instance and, of course, significant for the exposition of organization as a phenomenon of spirit. First, a *general* concept of organization with a *maximal extension* comes to light. Second, *perspectives* or paradigms of organizational research come into focus; organization theory conceptually determines the general concept of organization within such perspectives.

Concerning the latter, scholars continuously emphasize that organizational research can only be achieved within the framework of fundamental points of view, regardless of whether they are called 'definitions', 'perspectives', 'paradigms', 'views', or 'concepts' of organization (Scott 2003; Geus 1989; Strati 2000; Diest 2010; Reed 2005). Such fundamental points of view first constitute the field of organizational research and are supposed to be neither verifiable empirically within a certain paradigm nor can they be fully reconciled by scientific research, as this research itself is based on fundamental assumptions about the subject matter of organizational research. Therefore, it is all the more surprising that within organization theory we can observe a dominating *overarching* concept of organization. This concept seems both regarding its form and matter not to relate to a paradigm. Hence, we are facing a dominant paradigm-unladen concept of organization. Moreover, this dominant paradigm-unladen concept does not conceive of organization merely as a specific, restricted phenomenon, for example of the modern economy, but as a human phenomenon *sui generis*.

According to this concept, organization consists of a) *humans*, b) *cooperating* c) in order to achieve a *purpose* or several purposes. Sociality, explicit determinations of purposes, and coordination (formalization) characterize the phenomenon of organization as the subject matter of organization studies. This general determination of organization makes up the foundation for

distinguishing different *perspectives* (paradigms, etcetera) of organizational research. These perspectives supply us with aspects that are superordinate and yet immediately materially related to organization. These material aspects, as far as they are relevant, need to be translated into the intended philosophical concept of organization. Without doubt, existing attempts by the social sciences and philosophy to determine organization and its foundations conceptually are important *material*. The meaning and significance of this material itself, however, is to be determined by a genuine *philosophy* of organization, aiming to determine systematically the concept that is in need of determination: the concept of organization. As far as a philosophical *exposition* of the concept of organization is concerned, the available material is of only rudimentary relevance (by contrast, it is all the more relevant for a doctrinal elaboration of the concept of organization). This relevance has already become manifest: it was by means of a phenomenological consideration that we have been able to come up with a general concept of organization based on *organization theory*. It is this phenomenologically established concept that needs to be exposed speculatively. In order to do so, in first instance, it needs to be clarified where in Hegel's philosophy such an exposition should take place.

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Organization in Hegel's philosophy of spirit, topologically

Revisiting phenomenology results in a rich, rewarding, and at the same time fundamental determination of organization from the perspective of organization theory. If we connect the material collected phenomenologically with Hegel's philosophy, then it becomes apparent that the attempt to determine organization is related to a number of themes addressed in Hegel's philosophy, especially in his philosophy of spirit: freedom, survival, creativity, theoretical and practical epistemic competencies, the plurality of subjects and problems of order and coordination accompanying it, the abstract character of systems of rules and their embedding in shared forms of normativity, the dependence of the activity of the subject on a natural and personal environment, and so forth. Differing from current concepts of organization in terms of 'perspectives' etcetera, Hegel does not hivel off the indicated aspects but conceives of them in their intrinsic relationship.

Where in Hegel's philosophy of spirit, then, is the phenomenon of organization to be located initially? That is to say, where in Hegel's philosophy of spirit should it be located conceptually as a topic for philosophical investigation?

The answer that organization is a figure of *free* spirit could pave the way for finding its appropriate place. There are many good reasons for taking organization as a figure of free spirit. They come to light by focusing on the general and most comprehensive determination of organization that appeared to underlie the 'definitions', 'perspectives', and 'paradigms' of organization:

organizations consist of humans, cooperating in order to achieve a purpose or several purposes.

From this, we can conclude first that the phenomenon of organization, as addressed by organizational research, is not a phenomenon of *subjective* spirit but of *objective* spirit. Organization is a figure of the spirit, to put it in terms of “free spirit,” that “knows” and “wants” itself as free, spirit that has freedom, the “essence” of spirit, to its determination and makes its own freedom to its “purpose.” (Hegel 1991: §§ 481 with 482, cf. 469) This form of spirit realizes itself in an externally found objectivity, transforming this objectivity into a world that is determined by free spirit. This dimension of objectifying freedom represents a departure from the subjective dimension as a ‘relation to itself’. Within the context of the philosophy of objective spirit, Hegel conceives of free spirit as a “purpose activity” (Hegel 1991: § 484), striving to bring the inner (essential, free) determination of spirit into being. Organization is not a natural product: it is a result of humans giving shape to the world, and hence, the result of freedom or free-spiritual endeavors—a shape of humans that are the subject of theoretical and practical activity.

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All these affinities with Hegel’s philosophy of spirit should not lead to losing sight of another issue no less important—‘organization’ is as such not thematic in Hegel’s doctrine of free spirit and its figures (although aspects of organization are occasionally touched upon). This is a significant insight. It will continuously play a role in the following and in the course of that obtain a more precise determination. What matters now is to set organization apart from the figures of objective spirit, while at the same time making plausible that the concept of organization contains a concern that deserves to be translated into a philosophical concept.

The conducted phenomenology of the concept of organization finally resulted in organization as the form of conscious cooperative purposive activity. The philosophy of organization has to determine this form. In doing so, it determines what conscious cooperative purposive activity itself is. It is hardly a surprise that the purposeful organization of figures of objective spirit was and is mainly discussed in terms of ‘instrumental rationality’. The mere instrumental view on actualizing purposes, however, has been overcome in principle within contemporary transcendental philosophy (by the economic-social idea); actually, the instrumental view has neither been guiding Hegel’s philosophy of objective spirit—which is a doctrine of the objectification of *free* spirit (Krijnen 2015: chap. 4). Hence, organization should be comprehended as a moment of the unconditionedness of figures of objective spirit.

In this regard, it has to be emphasized that organization concern utility. Organizations are conscious cooperative alliances of humans in order to achieve

purposes, goal-determined, goal-oriented communities, focused on actualizing purposes. Organization as a topic or figure of objective spirit, however, does not concern these objective figures themselves as unconditional forms of shaping human subjectivity or forms of free spirit. Organization concerns another dimension: the dimension of inner purposefulness of these objective figures of freedom, videlicet their inner arrangement according to the idea or value of the utile. Hence, the arrangement of objective figures in conformity with the purpose of utility becomes the issue to consider; an arrangement, whose free form itself is guaranteed by the figures of objective spirit themselves: they are figures of free spirit.

These considerations differ from Hegel's insofar as Hegel's philosophy of spirit and its development are guided by self-knowledge of the idea as spirit, intending to comprehend spirit as the "producer of its own freedom" and the development of the concept of spirit as spirit "freeing" itself from "all forms of existence not adequate to its concept." (Hegel 1971: vol. 8, § 382 A) The figures of existence of free spirit as objective spirit themselves and their relationships are the subject matter of Hegel's philosophy of objective spirit. The function that a certain figure has for actualizing freedom, and hence, the determinacy of this figure, is the issue, not the inner arrangement of a figure of objective spirit according to the idea of utility as the effectivity and efficiency of conscious actualization of purposes.³ Effectivity, here, is not focused on the function for freedom a figure of objective spirit has, and hence, on the relevant form of actualizing purposes itself, but on a concrete content as the purpose that free spirits intend to actualize. The focus is not on the presuppositions of successful actualization of purposes: these presuppositions must count as fulfilled, as otherwise there would not exist any actualization of a purpose at all, which would make the question concerning its useful arrangement superfluous. The exposition of the concept of organization and the subsequent development of its principles are the answer to this question.

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Where does the concept of organization occur? To put it more precisely, where would the concept of organization have occurred as an issue to be comprehended philosophically if Hegel had addressed it specifically? To answer this question, one should be mindful of the place in the system of philosophy where the concept of organization, which resulted from revisiting phenomenology, can be captured most appositely.

A first run-through of the philosophy of spirit resulted in *objective* spirit as the place where the concept of organization has to be exposed. Seen more

3 These concepts are to be understood in the general sense mentioned, and hence, not from the start in an economically reduced sense (a legal system is useful too—not, however, because it is financially more profitable to have one instead of none, but because it is useful for the freedom of the subject).

closely, objective spirit contains three different forms of actualizing freedom: (abstract) right, morality, and *Sittlichkeit*. It is illuminating to go through these forms *via negativa*, that is to say, by excluding options.

Abstract right only contains an abstract rationality of right. As an organized (and guaranteed) legal system, right is addressed on the level of *Sittlichkeit* (Hegel 1991: §§ 488–502; 1955: §§ 34–104). Basically, the same applies to *morality*. Morality concerns the inner constitution of the will of the person (Hegel 1991: § 503; cf. 1955: § 105). Both are relevant for organizational phenomena and part of their determinacy. However, they do not qualify such phenomena specifically. As a result, *Sittlichkeit* remains as the adequate place of exposition. Here, in the “living good” (Hegel 1955: § 142), the abstractness of both the objectivity of a formal system of rules of right and of the will reflected in itself has been overcome in favor of a substantial will.

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Although particularly the early texts of organization theory offer a rather wide concept of organization, which includes families too, on the basis of the concept of organization gathered phenomenologically—having a relatively high formalized social structure and a relatively specific purpose-determinacy—family in the Hegelian sense becomes no longer relevant. Rather, it is *civil society* which constitutes the proper place to expose the concept of organization within Hegel’s philosophy of spirit. Here, we are dealing with independent free spirits that have their particular interests “in their conscious and as their purpose” (Hegel 1991: § 523). Yet, this only forms for Hegel “the one principle of civil society” (Hegel 1955: § 182). Hegel conceives of them in their relatedness: The “relation” (Hegel 1955: § 182) to other such particular persons, all striving to actualize their particular interests—hence, the “mediating relation of independent extremes” (Hegel 1991: § 523)—is the other principle of civil society (Hegel 1955: § 182). More precisely and by implication, the “self-seeking end in its actualization” (Hegel 1955: § 183) concerns a “system of atomism” (Hegel 1991: § 523), a system of “all-around dependence” (Hegel 1955: § 183), a *Sittlichkeit* “lost in its extremes” (Hegel 1955: § 184).

Hegel denotes this system initially also as an “external state,” as a “state of understanding” or of “need” (*Not- und Verstandesstaat*).⁴ In this kind of state, the citizens are private persons that all have their own interest as their purpose; the universal, hence, appears for them merely as a “means.” With this, however, they at the same time determine their knowing, wanting, and acting “in conformity with the universal,” making themselves into a “link in the chain” of this relation, which is the state (Hegel 1955: § 187). Organization just is such an *external state*, a state of understanding.

4 Hegel 1955: § 183; cf. Hegel 1991: § 523. The *Not- und Verstandesstaat* stands in contrast to the “proper political” (Hegel 1955: § 268) or “substantial” state (Hegel 1991: § 534).

In order to characterize the concept of organization more in detail via negativa, it makes sense to relate it to the first moment of civil society, that is the “system of needs” (Hegel 1991: §§ 524 ff.; 1955: §§ 189 ff.), as well as to distinguish organization from ‘economy’, hence, from a sphere that is of major interest in Hegel’s doctrine of civil society. In addition, it is important to distinguish between Hegel’s perspective of knowledge of civil society and the perspective that is required by a conceptual development of the concept of organization.

It firstly can be noted that by determining organization as an external state, organization is not conceived of as merely ‘instrumentally’: organization has turned into a moment of something higher or more universal that is freedom. This aspect of being a moment of a higher determination of freedom, and hence, of having a specific function for actualizing freedom, constitutes the focus of Hegel’s considerations. The purpose of the civil society is to satisfy the needs in a “stable and universal way, videlicet to secure this satisfaction” (Hegel 1991: § 533). Hegel certainly does not identify the civil society with the sphere of modern economy. Civil society is a figure of right as the existence of freedom; solely as a moment of the existence of freedom is the modern economy itself possible regarding its rationality, that is to say, possible as a rational expression of modern subjectivity.

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Freedom’s functional moments determine the course of Hegel’s conceptual development. Hegel addresses the relevance the various figures of objective spirit have for freedom (their ‘right’ as existence of freedom). Organization theory, by contrast, is interested in the inner arrangement of an objective-spiritual figure in conformity with the idea of utility, understood as efficiency and effectivity of conscious purpose-actualization. This not only marks a difference to the relevant perspective of knowledge. The perspective of knowledge of organization theory also differs from that of economics.

Economics in particular plays an important role for Hegel’s elaborations on the system of needs. Under the title of “system of needs” he deals with themes like needs and their satisfaction, labor and optimizing its productivity, assets (*Vermögen*) and the economic division in the form of estates (*Stände*) related to it, in short, economic constellations. Here, humans are to some extent conceived of as a utility factor, as in the context of need satisfaction, the tendency to increase the abstract character of labor (specialization of production processes and division of labor) leads the “dependencies” and “inter-relations” of humans into “total necessity” (Hegel 1955: § 198), and hence, into “unconditioned dependency” of the societal context (Hegel 1991: § 526).

Both economics and organization theory are concerned with optimizing welfare, and thereby with ‘utility’ too; yet, their respective subject matter

differs: organization theory is bothered with the organizational aspect, economics with the economic aspect. The organizational aspect concerns the form of social units in which purposes are actualized. Basically, 'sociological' points of view guide the concern. The economic dimension is a specification of this form of actualizing purposes. In contrast to organization theory, economics (*Volkswirtschaftslehre*) deals with, as it is put today, macro-economic and micro-economic issues.

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The highlighted differences can be formalized as follows. Economy itself is a *figure* (shape) of objective spirit, or more precisely, of *Sittlichkeit*, whereas organization only concerns a formal *aspect* of this figure: the orientation towards the cooperative actualization of the purposes of economic behavior. Organizations as phenomena of spirit, therefore, only exist as commercial enterprises, state enterprises, bureaucracies, and so forth. As a consequence, organization does not coincide with any of Hegel's spheres of objective spirit. By contrast, organization concerns a *subsequent theme*. The place to expose this theme is Hegel's 'system of needs'. Organization in itself relates to *Sittlichkeit* as such, as the normativity we are living in and the condition of actualizing determined purposes. Organization is effective throughout. However, with regard to the two determinations of purpose-determinacy and formalization, which are guiding for the concept of organization of organization theory, organization as an issue should be addressed subsequent to the satisfaction of needs in the system of needs.

Concerning Hegel's concept of the state, this implies two different matters to pay attention to: a negative one and a positive one.

The place to expose the *concept* of organization is not identical with the place the *term* occurs prominently in Hegel's philosophy of spirit, that is, in the elaborations of the (substantial, political) state. For Hegel, organization concerns the actual structure or differentiation of a figure of spirit that is entirely free—a free organization of free beings. Hence, the issue at hand is the organization of freedom. Hegel's thematization of the organization of freedom, however, takes place in a specific regard that differs from that of organization theory. For organization theory, the organization of the state only makes up one specific type of organization. Moreover, organization theory is not concerned with organization as a way to structure or differentiate the state as the actualization of right, and hence, with a figure of objective spirit: organization theory is concerned with an *aspect* of this structure, differentiation, or figure.

Interestingly enough though, in Hegel's discussion of the state, and especially of constitutional law, many moments come up for discussion that qualify organization *in general*, regardless of the pursued purpose, even if Hegel addresses them only with regard to the state, and hence, with regard to

the purpose of the universal. Such moments will become determinations of the concept of organization to be exposed. In addition, they exhibit tendencies that can even be taken into account as the fundamental principles of organization.

Pursuing and actualizing particular interests requires, as a condition of its own possibility, something universal that retains and penetrates it. Organizations must have a constitution that suits their particular purpose, just as the state, as focused on the universal, has a constitution that suits its purpose. Hence, the constitution of the state as a structure that mediates between the universal and the particular, both in an objective (constitution) and a subjective (disposition) direction, concerns a specification of organization. Something universal is acknowledged consciously, and by implication, the mediating structure between singularity, particularity, and universality is too (regardless whether we can distinguish the recognized universal in the political state from the universality of arbitrary actualization of purposes). Any organization requires the recognition of some universal, penetrating an organized entity. This involves the issue of a functional division, and hence issues like the division of labor and its criteria, leadership, (ultimate) responsibility, organizational structure, centralism, hierarchy, salary, moral competence, abuse of power, corruption, etcetera (cf. Hegel 1955: §§ 287 ff.). The orientation towards the universal, as Hegel exemplifies regarding the state, can only be preserved by a purposeful division of functional units of organization that is differentiated in itself.

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Organization in Hegel's philosophy of spirit, speculatively

It is clear, then, that we can carve out several aspects from Hegel's doctrine of *Sittlichkeit* to be considered for themselves, that is from the perspective of organization. They appear as moments of the concept of organization as such, not immediately as moments of self-knowledge of the absolute idea as absolute spirit (which is Hegel's project). These moments, in conformity with the method of a philosophical determination of reality, have to be based on both the *material* and the *logic* of the concept, or in short, on the matter itself.

Concerning the material foundation of organization, we could allusively emphasize moments of the concept of organization in Hegel's philosophy. However, an explicit thematization is absent due to the focus of Hegel's philosophy of spirit. For this reason, superordinate concepts that divide (articulate) the concept of organization and enable its material differentiation are absent too—not to mention their speculative order.

The first task, thus, is to establish superordinate concepts for the division of the concept of organization. Interestingly enough, the history of transcendental

philosophy, more in particular contemporary transcendental philosophies of the economic-social, contains potential in this respect. As mentioned already, Flach's analysis of the idea of utility is of interest here. It results in the economic-social fundamental values of economic and social profitability, sustainability, and favorability of labor. I have suggested that with these values a perspective occurs that is not addressed by Hegel. Although this perspective is related to freedom, it does not qualify objective-spiritual figures of unconditionedness on the level of unconditionedness. Actually it concerns the dimension of the inner instrumental (teleological) purposefulness of these figures, that is to say, the dimension of their inner purposive (appropriate) organization in conformity with the value of utility.

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Flach takes the principles of profitability, sustainability, and favorability into account as the fundamental values (or defining moments) of the idea of the utile, that is of the idea of the economic-social. Within the framework of a Hegelian determination of organization, however, these principles can be useful in the determination of the purposive organization of figures of objective spirit. They depict the basic material moments of Hegel's doctrine of *Sittlichkeit* regarding its relevance for organization. The triadic structure of those principles or fundamental values predisposes them to a speculative articulation in conformity with Hegel's logic of the concept.

In Flach's elaborations on the economic-social sphere, the concept of labor takes center stage (Flach 1997: 141–5), leading to the economic-social fundamental values of economic and social profitability, sustainability, and favorability of labor. The principle of *profitability* concerns the exploitation (*Verwertung*) of what is (in either way) pre-given, which is accomplished by labor. This exploitation is subjected to the purpose of "utility," which is regarded as imperative to establish "profitable relationships," (profitable in the sense of production, calculation, consumption, and welfare). In this way, a uniform spectrum of economic-social phenomena is 'constituted'. The principle of *sustainability*, then, 'regulates' these established profitable relationships to the effect that it concerns relationships that "permanently repeat themselves," and hence, relationships that "stabilize themselves." Only then is the exploitation of the given material "truly efficient." In this regard, the principle of *favorability* takes account of the fact that labor is not uniform, which is to say, labor is or should be divided on the basis of "skill" (*Geschicklichkeit*); it should 'pay off' for all participants (the individual, group(s)) in one way or another.

In order to expose the concept of organization, these three basic values or principles need to be linked with the material of Hegel's doctrine of *Sittlichkeit*. As shown above, the system of needs is the proper place to expose the concept of organization. Moreover, it also became clear that Hegel's doctrine

of the state contains numerous moments that qualify organization in general. The purpose of the civil society has been revealed as securing the satisfaction of needs in a 'stable and universal way', which involves the inclusion of moments of the state. Hegel goes on to touch upon the issue of the allocation of labor, regarding the competences of the subject, and hence the personnel allocation of labor, as well as the objective qualification of the allocation of labor (its function for actualizing freedom). And that all this should pay off for the individuals involved belongs to the disposition of Hegel's doctrine of the civil society: the civil society is about enabling individuals to pursue their own welfare according to their own opinion. The same applies to the state: its essential functions include secure welfare.

In short, the divisional concepts of the economic-social, taken from Flach's transcendental philosophy, have a material foundation in Hegel's philosophy. Articulating them speculatively involves logically modeling Flach's Kantian schematism of constitution and regulation into a relation of Hegelian universality, particularity, and singularity. As a result, the fundamental values of profitability, sustainability, and favorability would be translated into the Hegelian 'concept'. Admittedly, such a translation into the logic of the concept can only concern making it plausible that the divisional concepts mentioned are capable of being interpreted as the moments of the concept, which are the universal, particular, and singular. To develop them in terms of a logic of the concept, a logic of judgment, and a logic of inference would transcend the task and purpose of the present study: to present the place of the concept of organization in the system of philosophy, and hence, to expose it.

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First, it is an important methodological feature of a speculative philosophy that determinations do not join in 'externally': that they do not stem from an outward position but from an "immanent deduction" (Hegel 1951: 219).⁵ Accordingly, "the concept as such" contains itself the moments of universality, particularity, and singularity (Hegel 1991: § 163); the concept is the "concrete par excellence" (Hegel 1991: § 164; cf. Arndt et al., eds. 2006; Koch et al., eds. 2003; Düsing 1986; Fulda 1978). As a result, the concept is only determined by itself, and not by any externality. Therefore, the beginning of a speculative sequence of concept development is *as* a beginning something immediate (Hegel 1951: 488). The meaning of the progress, again, is that the beginning, as the abstract universality it is, determines itself, becomes 'for itself' the universal (Hegel 1951: 490). Subsequently, the achieved result turns into a beginning again (Hegel 1951: 499). The method extends itself into a "system" of determinations of thought (Hegel 1951: 500).

5 As it is put in the *Philosophy of Right*: "the immanent differentiation of the concept itself" (Hegel 1955: § 33 R).

Regarding specifically the *free will* as the starting concept of the philosophy of objective spirit, the free will must initially count as “immediate,” then as “reflected in itself,” and finally as the unity of both determinations, that is as “substantial” will (Hegel 1991: § 487). By implication, it contains in itself the “pure indeterminacy,” “universality” (Hegel 1955: § 5), the “transition from undifferentiated indeterminacy to differentiation and determination,” “particularization” (Hegel 1955: § 6), and the “unity of these both moments,” the “particularity that is reflected in itself, and hence, restored to universality—singularity,” veracious “self-determination” (Hegel 1955: § 7). Therefore, it contains exactly that “freedom of the will” that makes up its “concept or substantiality” (Hegel 1955: § 7). The same constellation occurs within the sphere of *Sittlichkeit*: the “substance of *Sittlichkeit* (*sittliche Substanz*)” initially is an “immediate” spirit (“family”), then a “relative totality of relative relations between individuals as independent persons in a formal universality” (“civil society”), and finally the “self-conscious substance” (“state-constitution” (Hegel 1991: § 517)), “substantial universality” (Hegel 1955: § 157).

The *civil society*, as the external state, or as Hegel also puts it, as a state of understanding, contains as its *first* moment precisely the moment that turned out to be the starting point for an exposition of the concept of organization: “The mediation of need and the satisfaction of the individual through its labor and through the work and satisfaction of the needs of all the others—the system of needs” (Hegel 1955: § 188; 1991: § 524). The ‘reflected *Sittlichkeit*’ of the external state, which is an organization as such, has

a) as its *abstract universal* determination of the beginning the determinacy that qualifies organizational phenomena in general or as such. Hence, it constitutes phenomena as organizational phenomena. This determination concerns the satisfaction of particular needs by a productive activity that is labor (cf. also Hegel 1955: § 196, and for Hegel’s concept of labor, e.g., Schmidt am Busch 2002). Labor exploits pre-given material. The formation of pre-given material by labor is subjected to the directive of *profitability*, or of “utility,” oriented towards establishing these or those “profitable relationships.”

b) This universal dimension of establishing profitable relationships is *particularized* by specifying them into relationships that “permanently repeat,” “stabilize,” “maintain,” and therefore “sublimate” themselves. The formation of pre-given material, more specifically, is hence subjected to the directive of *sustainability* of labor.

c) The *substantial unity and truth* of immediacy and reflection in itself, of abstract profitability and particular sustainability, is achieved only on the basis of a skilled allocation of labor over the individuals (and, of course, by the respective execution). The principle of *favorability* of labor assures that the

effort 'pays off', that labor is self-determined labor, and hence, that labor is actual establishment of profitable relationships.

As a result, we have reached the idea in its universal existence in and for itself, to be more precise, the idea of *organization*.

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Kristijan Krajnen

Sama ideja organizacije: ka hegelijanskom izlaganju

Apstrakt

Savremena debata o socijalno ontološkim osnovama organizacije, iz metodoloških razloga, nedovoljno zahvata fenomen organizacije. Početno određenje organizacije ostaje pretpostavljeno. Da bi se ovo implicitno značenje – toga šta organizacija jeste – učinilo eksplicitnim, potrebna je drugačija, obuhvatnija i temeljnija metodologija. Filozofija nemačkog idealizma pruža veoma moćnu metodologiju. Međutim, u filozofiji nemačkog idealizma od Kanta do Hegela, neo-kantijanizma, pa sve do savremene transcendentalne filozofije, ideja organizacije nije obrađivana. Odista, izazov je konstruisati ideju organizacije iz tako idealističke perspektive: perspektive razuma i, uz to, slobode. Ovo nam pruža novi okvir za bavljenje organizacijom u teoriji i praksi. Članak konstruiše ideju organizacije (i drži se toga da i dalje ima smisla to raditi) unutar okvira G. V. F. Hegela. Pokazuje gde bi, topološki gledano, problemi organizacije trebalo da se obrađuju u Hegelovom filozofskom sistemu i, stoga, šta se ovde pokazuje da organizacija jeste spekulativno.

Ključne reči: socijalna ontologija, organizacija, Hegel, transcendentalna filozofija, filozofija društvenih nauka

Paul Cobben

Hegel's Concept of Corporation as the Mediation between Free Market and State

Abstract The experiences of the communist countries in Eastern Europe have made clear that the centralized planned economy (without a free market) does not function. From Hegel's perspective, it can be said that this experience is not just coincidental: the abolition of the free market includes the abolition of the institutional framework that enables insight into the formation of particular interests. Without this insight, it becomes impossible to determine the content of the general good. Therefore, Hegel's alternative, self-conscious planning of the economic process while the free market is preserved, seems to be unavoidable. However, it remains highly problematic whether or how this connection between planning and free market can be understood. In this article I investigate whether Hegel's concept of the corporation can help in finding an answer to this problem.

Keywords: Corporation, System of Needs, wage labor, rationalization, Hegel, Marx

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Introduction

Marx's criticism of the capitalist society can be understood as a criticism that is rooted in Kant's categorical imperative. At the capitalist market the workers are reduced to a thing, i.e. they are one-sidedly transformed into a means and, therefore, they are not recognized as moral subjects.¹ This criticism can be immediately translated into a criticism of Hegel's *System of Needs*.² Also in the *System of Needs* the workers (wage laborers) are reduced to things at the end: their labor is becoming more and more mechanical and can, in last resort, be replaced by machines.³

It is surprising that this kind of criticism can be exercised over the *System of Needs*, if one realizes oneself that the *System of Needs* is not a positive, scientific model of the free market, but rather a moment in a normative project

1 "Der praktische Imperativ wird also folgender sein: *Handle so, dass du die Menschheit, sowohl in deiner Person als in der Person eines jeden anderen, jederzeit zugleich als Zweck, niemals bloss als Mittel brauchst.*" (Kant 1965: 52)

2 Hegel, *PhR*, §189 ff.

3 "Further, the abstraction of one man's production from another's makes work more and more mechanical, until finally man is able to step aside and install machines in his place." Hegel, *PhR*, § 198.

in which Hegel develops the self-realization of the free will.⁴ In this development the *System of Needs* not only stands for a legal institution that has to do justice to the freedom and equality of the legal persons, but it also stands for an ethical institution that enables them to realize themselves as moral subjects. The *System of Needs* is a system in which, on the one hand, the individuals are related to one-another as persons (it is a free market in which the persons enter into exchange relations), but, on the other hand, they are mediated by exchange relations, which serve their subjective welfare. Because, in the *System of Needs*, the mechanism of the market makes that the particular welfare is served in accordance with the general welfare, Hegel thinks that the individuals at the market realize themselves not only as persons, but also as moral subjects: their particular actions immediately correspond to the particular actions of all, and, thus, serve the general welfare.⁵

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For Marx the violation of the categorical imperative brought about by capitalism is not only unacceptable (because it literally leads to the death of individuals), but it is at the same time connected to a development that brings about the conditions to overcome this violation. Also for Marx the competition at the market results in the mechanizing of labor.⁶ Labor becomes a purely physical exercise of power,⁷ i.e. it becomes work at a production line in which the labor's quality is no longer determined by the workers, but rather by the machines at which they are working. Labor has become one-sidedly corporeal. The mental aspect of labor is left to intellectual labor, i.e. to the scientist and technicians who have designed the production apparatus.⁸ This means, however, that the power of nature is basically broken: in modern

4 The institutions of ethical life express freedom. "Thus ethical life is the concept of freedom developed into the existing world and the nature of self-consciousness." Hegel, *PhR*, § 142.

5 Systematically the System of Needs is the synthesis between the second moment of *abstract Right (Contract)* and the second moment of *Morality (Intention and Welfare)*. (See: Cobben 2015: 90-94) The mechanism of the System of Needs (i.e. the mechanism of the free market) makes that the particular welfare can only be observed in a general form. Hegel elaborates under which institutional conditions this mechanism can result in the self-conscious realization of the general welfare.

6 "Die Gewohnheit einer einseitigen Funktion verwandelt ihn in ihr naturgemäss sicher wirkendes Organ, während der Zusammenhang des Gesamtmechanismus ihn zwingt mit der Regelmässigkeit eines Machinenteils zu wirken." (Marx 1969 (*Das Kapital I*): 370)

7 "Alle Arbeit ist einerseits Verausgabung menschlicher Arbeitskraft im physiologischen Sinn, und in dieser Eigenschaft gleicher menschlicher oder abstrakt menschlicher Arbeit bildet sie den Warenwert." (Marx 1969 (*Kapital I*): 61)

8 "Die geistigen Potenzen der Produktion erweitern ihre Masstab auf der einen Seite, weil sie auf vielen Seiten verschwinden. Was die Arbeiter verlieren, konzentriert sich ihnen gegenüber im Kapital. Es ist ein Product der manufakturmässigen Teilung der Arbeit, ihnen die geistigen Potenzen des materiellen Produktionsprozesses als fremdes Eigentum und sie beherrschende Macht gegenüberzustellen". (Marx 1969 (*Kapital I*): 382)

science the working of nature has mentally been appropriated. The modern production apparatus is nothing else than this mental appropriation objectified in machines. However, as long as intellectual and manual labor oppose one-another at the capitalist free market, the broken power of nature cannot be utilized. The power of nature continues at the market, because the external causality of the laws of nature returns in the form of the laws of the free market. Only if mind and body are re-united by abolishing the free market, a production system is possible in which the workers realize their own freedom, namely in a communist society in which production is self-consciously organized in service of the good life. Only if this is the case, products' use value has priority instead of their exchange value.⁹

Also in the *System of Needs* the competition relations of the market result in the expulsion of labor. The mechanization creates a surplus of wage labor, i.e. of unskilled workers, exercising mechanical labor. Basically the market is not able to integrate this surplus.¹⁰ The only solution to prevent their starvation, according to Hegel, is colonization, building a new society elsewhere in the world.¹¹ But like Marx, Hegel thinks that the mechanization of labor leads to a turning point that offers the possibility to overcome the violation of the categorical imperative. Like Marx, Hegel thinks that this violation can be overcome by suspending the free market. In Hegel, however, this does not mean the revolutionary transition into a communist society, but rather the transition into a self-consciously organized mode of production, that still includes the free market as one of its constituting moments. The institutionalized free market is not only the necessary condition for the rationalization of the production process, but remains a necessary condition if this rationalization has resulted in a system of corporations in which the production is self-consciously organized. Rationalization is an ongoing process that can never be ended, not even by a class-struggle that is pushed to extremes, viz. the struggle between wage labor (mechanical, manual labor) and capital (that is served by the intellectual laborers), as Marx thinks,

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In Hegel's view, the mechanization and automation of labor rather express that natural reality has lost its status as an external power. The technological knowledge underlying the process of automation is developed on the basis

9 "Die Gestalt des gesellschaftlichen Lebensprozesses streift nur ihren mystischen Nebelschleier ab, sobald sie als Produkt frei vergesellschafteter Menschen unter bewusster planmässiger Kontrolle steht." (Marx 1969 (*Kapital I*): 94)

10 "It hence becomes apparent that despite an access of wealth civil society is not rich enough." (Hegel *PhR*, § 245).

11 "This far-flung connecting link affords the means for the colonizing activity—sporadic or systematic—to which the nature of civil society is driven and by which it supplies to a part of its population a return to life on the family basis in a new land and so supplies itself with a new demand and field for the industry." (Hegel *PhR*, § 248)

of modern science. In modern science, the natural reality is understood as the appearance of the laws of nature that can be known by testing hypotheses in an experimental setting. In that sense, nature has an essence that can be known. Therefore, also the essence of the thing at the market (the commodity) is not understood as abstract labor (as in Marx's view), but rather as the pure law form, or (what is the same for Hegel) the pure notion, freedom conceptualized as pure self-relation.¹² Therefore, automation of labor not only results in the violation of the moral law (in so far as the civil society is not rich enough for all)¹³, but it is also the condition that makes it possible that the moral law can be realized at all. Only if the natural content of particular actions can be understood as expression of our insight into nature, it is possible to satisfy the demand of the moral law: to reconcile particular action with the general freedom.

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The possibility of moral action can only be realized under the condition of institutions in which the points of departure of the free market (the striving after particular welfare by the free and equal persons) are overcome. After all, action in accordance with general freedom is not in service of the particular welfare, but rather in service of the general welfare. This means that civil society has to be embedded in the institutions of the state, the institutional level at which the general welfare is self-consciously realized. From this it does not follow (as in Marx's conception) that the free market is replaced by a planned economy that is directed at state level, but rather that the free market is mediated by institutions that make the free market function in harmony with the general good (the institutions of the 'Verstandesstaat')¹⁴. In this framework of institutions the corporations are central. The corporations are production communities which together, on the one hand, take care of the production of goods that enable the realization of good life, but, on the other hand, function in the context of the free market. They not only produce for the market, but also recruit their members from the free market.¹⁵

The experiences of the communist countries in Eastern Europe have made clear that the centralized plan economy (without free market) does not function. From Hegel's perspective, it can be understood that this experience is

12 As Kant, also Hegel introduces a Copernican turn to understand the laws of nature. He transforms, however, the transcendental subject into the pure self-consciousness, in some sense his version of the Cartesian cogito.

13 See note 10.

14 Hegel *PhR* § 183: "the state as Understanding envisages it."

15 Thomas Klikauer is right when he explicates the tension in this determination of the corporation: "However, Hegel's corporations are also part of a market economy and hence follow a different route. While they follow *Sittlichkeit*, i.e. mutual benefit and mutual and equal recognition, they also follow competition and therefore exist in tensions." (Klikauer 2017: 223).

not just coincidental: the abolition of the free market includes the abolition of the institutional framework that enables insight into the formation of particular interests. Without this insight, it becomes impossible to determine the content of the general good. Therefore, Hegel's alternative, self-conscious planning of the economic process while the free market is preserved, seems to be unavoidable. However, it remains highly problematic whether or how this connection between planning and free market can be understood. Is this contribution, I will especially investigate whether Hegel's concept of corporation can help in finding an answer to this problem.¹⁶

The *System of Needs* as the presupposition of the corporation

As, in Marx's view, the formation (*Bildung*) of the production system in capitalist society is the presupposition of the communist society, so Hegel thinks that the formation in the *System of Needs* is the presupposition of the corporation. The fundamental difference between both approaches is, however, that Marx maintains that in the communist society the free market of the capitalist society is abolished, while Hegel admits that the *System of Needs* continues to exist in the Rechtsstaat as a moment that has its own distinguished shape distinct from the corporation. While Marx with the abolition of the free market aims to overcome a development in which some become superfluous, Hegel can only hold the observation that civil society is not rich enough for all. It is true that Hegel thought that this problem can be solved if those who have become superfluous found a new society (emigration), but the finitude of earth makes this solution an illusion.¹⁷

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Since, in Hegel's view, the *System of Needs*, is an essential moment in the formation of freedom, its abolition is not an option for him. Therefore, we have to look for alternatives for emigration. How can the formation of the *System of Needs* be preserved and, at the same time, the process in which workers become superfluous be avoided? At the end of the day, in the Rechtsstaat

16 Klaus Vieweg clarifies that the concepts of modern ethical life are not static, but must rather be re-actualized: "Ähnliches gilt auch für die Korporationen. Damit wird Hegels Konzeption moderner Sittlichkeit stets zu bereichern, zu konkretisieren, zu aktualisieren sein, dennoch behalten die Grundkonstituentien des Sittlichen ihre volle Gültigkeit." (Vieweg 2017: 32).

17 Also in Hegel's time there were no uninhabited countries. Emigration to America, for example, was at the costs of the Indians. The 'solution' that Hegel presents, has its analogon in the family. As the family develops into the community of families, so the civil society develops into a (world-) community of civil societies (the mature civil society is driven to "colonizing activity" (Hegel *PhR*, § 248). Also at the level of the family the finitude of the earth limits an endless expansion. The question has to be raised of how birth-control can be arranged in a Rechtsstaat.

that stands for the realization of freedom for all, no-one should become superfluous.

The abolition of labor could be prevented by measures that compensate the working of the free market. For those who cannot find a labor position projects of employment could be organized. Hegel, however, rejects this kind of solutions, because they would result in a fundamental disturbance of the mechanism of the market. While the market cannot absorb the supply of unskilled labor, the projects of employment create a surplus supply of goods and services that result from the employment of unskilled labor. This means that the initial problem is only strengthened: the project would only diminish the demand of unskilled labor.¹⁸

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At its basis, there is nothing against Hegel's reasoning. If abolition of labor is caused by automation, then it is irrational to compensate this by organizing employment for workers whose labor could be exercised by machines. It is precisely the rationality of the working of the market, the ongoing pressure to innovate, that is undermined by this kind of measurements. I think, however, that Hegel has to be fundamentally criticized in another way. The very problem is not how to employ unskilled labor (wage labor), but rather that the *System of Needs* generates wage labor throughout. How can the *System of Needs*, as a moment in the self-realization of free individuals, afford to allow a form of labor in which free individuals are reduced to their corporeal functions? Should not wage labor (labor that can be measured in units of time) be rejected at all as labor that is appropriate for intellectual beings because it condemns them to purely mechanical activity? Does wage labor not reduce laborers to a thing throughout, even if they are able to find employment at the market? However, if wage labor can no longer form part of a community in which freedom is realized, a new problem arises immediately. Especially wage labor is, according to Hegel, the result of the rationalization of labor. The pressure caused by the competition at the market leads to the theoretical and practical education of labor.¹⁹ This makes that labor appears as a process in which the underlying general rules are more and more explicitly expressed. Labor becomes more and more general and less complicated. Precisely this becomes clear in wage labor that can, as mechanical labor, switch between the distinct branches. Insight into nature not only underlies the mechanizing of labor, but is also the condition under which the production process can be self-consciously organized at the level of the corporation.

18 Hegel *PhR* § 245: "As an alternative, they [the needy, pc] might be given subsistence indirectly through being given work, i.e. the opportunity to work. In this event the volume of production would be increased, but the evil consists precisely in an excess of production and in the lack of a proportionate number of consumers who are themselves also producers."

19 Hegel *PhR*, § 197.

To investigate whether the process of rationalizing is thinkable without wage labor, it is important to specify a bit closer how Hegel understands this process. The kernel of rationalization is the process of education that results in insight into nature. This process of education, according to Hegel, is performed in the process of production under the influence of the pressure to innovate that is induced by the competition at the market. Competition enforces qualitatively new supply or supply that is more efficiently produced and, thus, can be sold for lower prices. The innovation of the supply is enabled by a process of ongoing labor division. At the field of the production this specialization results in more knowledge of the nature that is worked on and newly discovered manners to use nature.²⁰ Moreover, it results in more insight into the processes of nature and in the development of new technological knowledge.²¹ New technologies not only contribute to labor processes that are more and more efficient, but they even enable their automation: nature can be organized in a way that its working serves our satisfaction of needs. In the field of consumption the specialization results in a differentiation of the needs. Needs that primarily appear as needs that are traditionally given, develop themselves and are transformed into needs that are based on insight into their nature. This means that the process of education leads to insight into the external nature on the one hand and to insight into the internal nature on the other. Precisely these insights create the possibility to freely relate to nature.

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The above mentioned description of the process of rationalization does not seem to differ from a Marxist analysis. The views of Marx and Hegel oppose one-another, however, because Marx thinks that the benefits of the process of rationalization one-sidedly fall to the class of capitalists. According to Marx in capitalism the highest stage of labor division has been reached, namely the division between intellectual- and manual labor.²² The developed insight into the process of rationalization falls to the intellectual labor (the intellectuals, the scientists and the skilled labor). The labor of the manual workers (wage labor exercising purely mechanical labor) is robbed from all spiritual dimensions and is, therefore, nothing else than stupid labor force. Precisely because a surplus of this kind of labor is generated at the market,

20 "die mannigfachen Gebrauchweisen der Dinge zu entdecken ist geschichtliche Tat." Marx 1969 (*Kapital I*): 49/50.

21 Vgl. "Since in social needs, as the conjunction of immediate or natural needs with mental needs arising from ideas, it is needs of the latter type which because of their universality make themselves preponderant, this social moment has in it the aspect of liberation." (Hegel *PhR*, § 194).

22 "Die Teilung der Arbeit wird erst wirklich Teilung von dem Augenblicke an, wo eine Teilung der materiellen und geistigen Arbeit eintritt." (Marx 1969 (*Deutsche Ideologie*): 31)

the wage laborers can only accept the most minimal wage (wage that only guarantees a minimum existence).

In Hegel's view, on the contrary, the subject of the process of rationalization rather seems to be wage labor. He states that the process of education is shaped in the theoretical and practical education of labor.²³ As a result of this education, labor becomes more and more abstract and ultimately can be automatized.²⁴ In this way the rationalization of labor is a process of education in which the laborer emancipate himself more and more from tradition and can ultimately freely relate to the traditional context of labor.²⁵ Just in this process the freedom and equality of the legal persons is realized. At the level of the *Administration of Justice* (Rechtspflege)²⁶, the persons can participate in a legal community that enables them to realize their freedom self-consciously.²⁷ The corporations belong to the institutions in which this realization of freedom is actually shaped. The education offered the individuals the opportunity to acquire insight into their subjective particularity. Insofar as they participate in the corporations justice is done to this subjective particularity.²⁸ The corporation is a labor community in which labor has the form of free self-realization.

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However, it remains difficult to comprise how Hegel understands the education in the *System of Needs* as the presupposition of the self-realization of labor in the corporations. If the process of education concerns the labor that develops itself into mechanical wage labor, it is not clear how this process leads to insight into nature. Those who are bearers of this insight become superfluous and disappear from the labor process. Therefore, Marx's option seems to be more adequate. The subject of the process of education is not wage labor, but rather capital. Automation of the labor process is attended

23 Hegel *PhR*, § 197.

24 Hegel *PhR*, § 198.

25 The function of the theoretical and practical education in the *System of Needs*, can be compared with the Realm of Education in Hegel's *Phänomenologie des Geistes*. The Education in this realm precedes the freedom and equality of the citizens of the French Revolution. The Education is a process of rationalization that results in a free relation to tradition.

26 Hegel *PhR*, § 209 ff.

27 The citizens of the French Revolution do not succeed in this transition (the French Revolution is followed by Terror), because they all have their subjective version of the general freedom. In the *Philosophy of Right*, however, civil society presupposes the domain of the state in which a subjective will is objectified who wants the general will as such. The *Administration of Justice* and the *Corporations* are institutions in which the state power expresses itself. Therefore, they can contribute to the realization of a community in which the general freedom is objectified.

28 Hegel *PhR*, § 251 "a member of civil society is in virtue of his own particular skill a member of a corporation."

by a better understanding of the rules underlying the process of labor. The bearers of this understanding must, however, belong to the intellectual laborers and not to the manual laborers who are expelled from the labor process. Since the intellectual workers will participate in the corporations, the developed insights will be maintained.²⁹

However, also this option does not solve the problem. Those who have access to the corporations are supposed to have developed insight into their subjective particularity. Therefore, they must have emancipated themselves from traditional relations. But it is precisely this emancipation process that was understood as the education of labor that as wage labor is expelled from the production process. This would mean that those who ultimately are admitted to the corporations have been working as wage laborers, are expelled from the process of production, have next educated themselves in order to acquire insight into their subjective particularity and, finally, have successfully applied for a position in the corporation. It remains generally unclear how the *System of Needs* can maintain its existence next to the system of corporations. This problem can neither be solved if the corporations are understood as institutions that produce their conditions of existence. Under that condition the process of education would be an integrating part of the corporation.³⁰ But how can this be understood if the corporation members cannot be fired? Until now, the process of education was understood as a result of the innovation pressure of the market, the pressure to produce more and more efficiently. Expulsion of labor (that is unthinkable without the possibility to discharge) belongs to this efficiency.

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If the *System of Needs* coexists with the system of corporations, does this imply that Hegel conceptualizes two kinds of companies, namely companies that are part of the *System of Needs* and companies that are part of the system of corporations? Since they would both produce for the market, this would involve absurd consequences. Companies of the *System of Needs* would compete with corporations. This would make the transition into a system of corporations undone: it would no longer be possible to maintain the self-conscious organization of production.

29 “The Corporation member is to be distinguished from a day labourer or from a man who is prepared to undertake casual employment on a single occasion. The former who is, or will become, master of his craft, is a member of the association not for casual gain on single occasions but for the whole range, the universality, of his personal lifehood.” (Hegel *PhR*, § 252)

30 Hegel remarks that the corporation has “to provide the education requisite to fit others to become members.” (Hegel *PhR*, § 252). The mechanization of labor is not discussed at the level of the corporation.

How to overcome the *System of Needs*?

The *System of Needs* and the system of corporations cannot co-exist as institutions that both participate to the Rechtsstaat as one of its moments.³¹ On the one hand, the education of the System of Needs resulting in the formation of wage labor and expulsion of superfluous workers does not correspond to the points of departure of the Rechtsstaat and, on the other hand, a system of corporations in which there is no room for an ongoing process of education (as the institutional domain in which the ongoing transformation is performed from the finite individual into the individual that has realized its freedom) does no justice to subjective freedom. I think that this problem can only be solved if the institutional distinction between the System of Needs and the system of corporations is overcome. The process of education that Hegel situates in the System of Needs has to be understood as a moment of the system of corporations. I will systematically discuss which are the consequences of this conjunction and which problems occur.

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1. Persons who become a member of a corporation basically cannot be fired. Their access to the corporation makes them a member of the 'second family'³² that takes care of all tasks that we in our time entrust to the welfare-state, for example continue a person's wage in case of illness, care for widows and orphans.³³ This means that the meaning of power force as a commodity is highly reduced. It is true that the members of the corporation are recruited by mediation of the market, but they can no longer be reduced to things by excluding them from the labor community because their labor has become superfluous. This has to solve the problem of that the "civil society is not rich enough for all".

If, however, the recruitment of members for the corporation is mediated by the market, it seems still possible that people become superfluous. For the supply of jobs can be too narrow, or the supply may not match with the subjective qualities of the applicants. This problem can principally be solved by attributing to the corporations another mission-statement than the companies of the System of Needs. Their mission is not only to produce as efficiently as possible the goods and

31 Timo Jütten's thesis makes sense: "Meine These ist, dass die Versöhnung von individuellem Eigeninteresse und gesellschaftlicher Solidariät deswegen problematisch ist, weil es uns schwerfällt die *Sphärentrennung* zu leben, die philosophische Gesellschaftstheoretiker von Hegel bis Habermas und Honneth beschreiben." (Jütten 2017: 159)

32 Hegel *PhR*, § 252.

33 "Within the Corporation the help which poverty receives loses its accidental character and the humiliation wrongfully associated with it." (Hegel *PhR*, § 253)

services that can contribute to the realization of the good life³⁴, but also the preservation of employment.³⁵ This mission implies that the preservation or creation of employment (even if this is not per se necessary for the production process) eventually has to be recompensed. This can be compared to subventions and tax facilities that nowadays are adjudged to jobs that are created for handicapped people.³⁶

2. Employee are recruited by mediation of the labor market. The primary function of this market is to allocate the employees as efficient as possible. The labor community in which they exercise their labor must enable them as good as possible to realize their subjective talents. Since the employees basically can claim a lifelong participation in the labor communities, the labor market is no longer a market that can determine the level of payment. Somebody who once has a permanent job, has no need to compete with others. Therefore, other mechanisms are needed to determine the level of the salaries. In the actual labor market, by the way, It is already the case, that there are many mechanisms that determine the level of the wages. Independent from the market, for example, a minimum wage can be determined. In case of tenured labor contracts or job protection the influence of the market is also reduced. Collective labor contracts that are entered by mediation of the trade unions suspend the mechanism of the market. This is also the case for salary scales that have to do with seniority and not with productivity.

Apart from that, a relation between the level of payment and the mechanism of the market could indirectly be continued. The profit made by the labor community could benefit all workers dependent from certain distribution keys.³⁷

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34 In that sense, also the corporation new style are “under the surveillance of the public authority” (Hegel *PhR*, § 252). We will discuss, however, that this surveillance cannot be direct control.

35 Hannes Kuch advocates an “Änderung der Spielregeln und Ausgangsbedingungen des Markte” (p. 200), especially “garantierte Gleichstellung zwischen Kapital und Arbeit in der Unternehmungssführung.” (Kuch 2017: 199)

36 Honneth states: “The structure of a capitalist labor market could only develop under the highly demanding ethical preconditions that all classes are able to entertain the expectation both of receiving a wage that secures their livelihood and having work that is worthy of recognition.” (Honneth 2010: 232/3). He calls these normative principles a “counterfactual basis for the validity of the capitalist organization of work.” (Honneth 2010: 233) Of course, the normative framework in Hegel is not “counter-factual”, but is rather a presupposition of the *System der Bedürfnisse*, and must regulate the system.

37 This is in accordance with Hegel’s determination of the corporation: “In accordance with this definition of its functions, a Corporation has the right, under the surveillance of the public authority, (a) to look after its own interests within its own sphere” (Hegel *PhR*, § 252)

3. If the institutional distinction between the System of Needs and the system of corporations is eliminated, it is no longer possible that the subjective education in the labor process precedes the access to the corporations. In that case it is problematic that the central criterion disappears to judge whether somebody can be admitted into the corporation, namely the insight into his subjective talents. This means that this insight has to be developed otherwise. But how is this possible when the insight is principally connected with education in the labor process?

At this point we can appeal to Marx. If he states that capitalism is a necessary stage in the transition into the communist society because it is its historical task to develop the productive forces, then he basically states that the insight into the working of nature when it is developed under capitalist conditions can be applied under the circumstances of the communist society. If the insight of modern science and modern technology once are acquired, then the institutional framework in which this insight has been performed, apparently must not per se be reproduced.

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Analogously it can be maintained that the production of the system of corporations is based on insights that are developed in a preceding form of society (in which the System of Needs still existed). In the system of corporations these insights are applied and more developed, but their 'reality' is guaranteed at institutional level and is valid as a social attainment. Starting from these insights individuals can be educated in special institutions (schools, universities). This education can offer them insight into their subjective talents. Taken certificates can furnish proof of these subjective talents. In this way subjective talents can play a role in the acquisition of laborers for the corporations.

4. What strikes in Hegel's conception of the corporation is the participation for life. The education of the members is not thematized, because it was located in the System of Needs. This seems to result in a rigid economy without any flow. Moreover, it does not seem to reconcile with the adage of actual economy that lifelong occupations are rather an exception than a rule. The idea is that somebody who has the same position for more than five years is a loser.³⁸

38 Klaus Vieweg remarks: "Zugleich drängt dies [die Behinderung langfristige korporative Bindungen aller Betreffenden am gleichen Ort, pc] aber auch zur neuen kreativen Formen des Korporativen, etwa durch Internet-Connections oder -Foren, soziale Netzwerke im *world wide web*, Twitter, Blogs, Facebook, Alumni-Verbindungen, Fan-Conventions, berufsständische Messen, Kongresse etc." (Vieweg 2017: 39/40) I think that all these new forms of cooperation can be integrated in the new-style corporations.

Insofar as the corporations produce for the market they are under the pressure of innovation. Therefore, the education of laborers must be a concern of the corporations. But in distinction from Hegel's conception this education is not preceded by education at the level of the System of Needs (we discussed that this education is situated in special schooling institutions) and will not lead to expulsion of labor (because the laborers basically participate in the labor community for life). However, this seems to provoke the problem of that innovation of the labor process results in automation, or, more generally, in the fact that some tasks become superfluous. Is not the consequence of this development that the labor community is threatened to be saddled with employees who are basically superfluous?

If the preservation of jobs belongs to the mission-statement of the corporations can, from that point of view, nobody become superfluous. Therefore, the problem raised by innovation is rather that meaningful new occupations have to be found for laborers whose previous tasks have become superfluous. These other tasks can, in the first place, be created by means of education. For innovation does not only mean that tasks disappear, but it also means the introduction of new technologies in the labor process. It belongs to the responsibility of the corporation to provide an *éducation permanente* for its employees that enables them to develop their skills in accordance with the new technological findings.³⁹ Education, however, cannot be the only manner to solve the problem. Maybe there is a lack of jobs also for those who had extra schooling. Or, maybe some do not have enough talent to be considered for extra schooling. This can be solved by creating new (more simple) tasks that are necessary for the immediate production process, but can contribute to an improvement of the working climate in the labor community (like activities in the canteen, care for the esthetic in the workspace, organization of recreational activities). The corporation can also unfold new initiatives that result in new labor communities in which there is room for employees who no longer have appropriate tasks in the original labor community. Moreover, the corporation can mediate in the transition into other labor communities.

The lifelong guarantee of employment excludes voluntary dismissal. But of course this cannot mean that the employees are forced to stay in one corporation during their whole life or that they are not entitled to resign voluntarily and accept employment in another corporation.

39 This dimension of education partly is already discussed by Hegel at the level of the System of Needs: "By this division, the work of the individual becomes less complex, and consequently his skill at his section of the job increases, like his output." (Hegel *PhR*, § 198)

In this context, a possible problem could be that the best employees leave the corporation to accept employment in another corporation for better payment. This would result in an unacceptable a-symmetry. On the one hand, the corporation would be obliged to bear the burden to employ people, but, on the other hand, the employees would decide themselves whether or not they stay true to their corporation or try to achieve more benefit in another corporation.

This problem, however, has to be put in perspective. Participation in a labor community is not only about salary, but also about the subjective self-realization that can take place in the labor community. Moreover, we already discussed that the level of salary is not one-sidedly determined by the market. This means that the improvement of payment that can be achieved if somebody switches to another corporation will remain limited. That does not take away that there can be all kinds of other reasons that someone can realize himself better in another corporation. Maybe the comparison can be made with someone who has a position as football international. A football international belongs to his club and has been enabled by his club to develop his talents. If a football international really has outstanding capacities, at some point a bigger club will present itself. Subjectively the international could be interested because this club offers him better opportunities for the future development of his talents (or the environment of a new club could seem so attractive and adventurous that it would in itself a convincing reason). The transfer of a talented international would mean a loss for his original club. Most of the time this kind of losses are compensated by a transfer sum. This transfer sum can be considered a compensation for the costs that are made for the schooling of the talented international. I admit, by the way, that in the system of corporations the huge differences in salary as we know them from the world of football will not exist because the salary levels correspond to legal boundaries.

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5. Hegel understands the corporation as a system of cooperation communities that together take care of the goods and services that are needed for the realization of the good life. The analysis of the corporations as a coherent system is problematic for several reasons. Firstly, the question can be raised of from which entity this system precisely borrows its unity. In modern society, the good life is not a traditionally given order, but receives a content that is involved in an ongoing development under influence of the innovation at the level of civil society. This especially means that new branches can arise in the production apparatus. (The ICT-sector, for example, was completely unknown in Hegel's time.) Moreover, the actual production process

not only serves the national market (corresponding to a concept of the good life that is determined at national level), but also the world market. This seems to contradict a coherent system of corporations. The dynamics of the market rather seems to ask for risky new initiatives that exceed the prevailing frameworks (compare the rise of companies like Microsoft and Apple).

Next, the dynamics of the modern production process also seems to contradict the system of cooperation communities with respect to the lifelong participation of its members. If the modern production process presupposes the ongoing education, can it then be realistic to assume that its employees belong to the same corporation for life?

Both problems can be made more manageable if it is brought into account that what Hegel calls 'corporation' does not have meaning so much at the level of distinct companies, but rather at the level of production branches. For example, a distinction could be made between the corporation for health care, the corporation for the financial sector, the corporation for food and stimulant industry, the corporation for transport, the corporation for information and communication etc. At this level of abstraction it remains meaningful to speak about a coherent system of corporation and can, at the same time, be avoided that this functions as a strait-jacket. Dependent on the development of these dynamics possibly new corporations can be added.

Thanks to this more abstract determination of corporation (branch versus labor community) a more realistic meaning can be given to the lifelong membership of the corporation. It is true that each individual participates in a certain labor community, but the responsibility of the labor community to guarantee somebody a lifelong job is shared by the corporation to which the labor community belongs.

6. The corporations not only must take care that all individuals can participate in a labor community that does justice to their subjective particularity, but must also guarantee the production of the goods and services that enable the realization of the specific content of the good life at the level of the state. This implies that what is produced cannot one-sidedly left to the free market. According to Hegel, it can only be achieved by the immediate influence of the state on the corporation. The board members of the corporation have to be appointed by the government.⁴⁰

40 "The maintenance of the state's universal interest, and of legality, in this sphere of particular rights, and the work of bringing these rights back to the universal, require to be superintended by holders of the executive power." (Hegel *PhR*, § 289).

On the other hand, Hegel thinks that this may not result in rigidity (as we have witnessed in the really existing socialism). To prevent rigidity he introduces a legislative power (the lower house⁴¹) that consists of representatives of the corporations. If necessary they can in common consideration contribute to new legislation that enables the integration of new developments in the conception of the good life.

Hegel rightly pays attention to the reciprocal relation between the corporation and the legislative power. But the immediate interweaving of the political and economic domain that Hegel expresses hardly leaves any room for the functioning of an independent free market. Therefore, the relation between both must be less immediate than Hegel proposes. On the one hand, the legislative power that determines the legal framework in which the corporations function must not consist of representatives of the corporations. It is not only important that the legal framework creates the possibility to integrate innovations in the prevailing production system, but it must also be able to take a stance to the production system in itself. The legislative power must consist of representatives of political parties that struggle about the conception of the good life in the parliamentary debate. Starting from the conception of the good life that is determined at political level the legal framework in which the production process has to operate can continuously be adjusted.

Hegel, however, has sharply observed that the adaptations of the legal framework need an ongoing input from the developments in the production process. Legislation must have support from the employees of the corporations. Innovative legislation presupposes broad knowledge of the development that already took place at the level of the corporations. Therefore, an institutional framework is needed in which the corporation can continuously deliberate with the legislator, in order to attune legislation to the developments in the production process.⁴²

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41 Hegel *PhR*, § 313.

42 In The Netherlands, for example, this function is exercised by the SER (Social Economic Council).

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Paul Koben

Hegelov pojam korporacije kao medijacije između slobodnog tržišta i države

Apstrakt

Iskustva komunističkih zemalja u istočnoj Evropi učinila su jasnim da centralno planirana ekonomija (bez slobodnog tržišta) ne funkcioniše. Iz Hegelove perspektive se može razumeti da ovo iskustvo nije puka slučajnost: ukidanje slobodnog tržišta podrazumeva ukidanje institucionalnog okvira koji omogućava uvid u formiranje pojedinačnih interesa. Bez ovog uvida postaje nemoguće utvrditi sadržaj opšteg dobra. Stoga, Hegelova alternativa samosvesnog planiranja ekonomskog procesa uz očuvanje slobodnog tržišta deluje neizbežno. Međutim, ostaje vrlo problematično da li i kako se ova veza između planiranja i slobodnog tržišta može razumeti. U ovom prilogu ću posebno istraživati da li Hegelov pojam korporacije može da pomogne u pronalaženju rešenja ovog problema.

Cljučne reči: korporacija, sistem potreba, radna snaga, racionalizacija, Hegel, Marks

STUDIES AND ARTICLES
STUDIJE I ČLANCI

III

Petar Bojanić

How to Be Together *beyond* Corporations and Firms? Hegel at the “End of Capitalism”¹

Abstract: The text examines different assumptions of Hegel’s understanding of the corporation across various versions of his *Lectures of the Philosophy of Right*, given recent contemporary reflections on “the end of capitalism.” My intention is to take Hegel’s thematization of the poor and poverty, as well as the significance Hegel ascribes to common work and the constitution of a working group as the foundation of civil society, and formulate these as real conditions of a potential reconstruction of the corporative model and new common action.

Key words: corporation, poverty, civil society, “end of capitalism,” Hegel.

At the beginning of “Briefe aus dem Wuppertal” (March 1839), of a letter in the form of a little travelogue, Friedrich Engels is ruthless in speaking about the bitterness of leaving the Rhine: before him are the fog and soot enveloped factories and the Wupper filled with bright red sludge, yet the color having nothing to do with a bloody battle (*aber seine hochrote Farbe rührt nicht von einer blutigen Schlacht her*) (Engels 1920: 20). “The only battle here in Wuppertal,” continues Engels, “is between theological pens and verbose old women, usually over trifles” (*denn hier streiten nur theologische Federn und wortreiche alte Weiber gewöhnlich um des Kaisers Bart*). The phrase used by the nineteen year old Engels, “*Streit um des Kaisers Bart*,” is immediately contradicted by his detailed and brilliant analysis of various curates, cheats, preachers and mystics (without doubt an analysis of several forms of corporations, their members and leaders, the church, of course, being a corporation) – all of whom hide something much more serious, which Engels mentions only in passing: the back-breaking work in factories, the persons, the flock who breathe carbon dust instead of oxygen, children who work in factories instead of going to school, etc. The factories here also represent clear examples of pseudo-companies or firms.

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The young Engels’ dramatic line – “this red color has nothing to do with a bloody battle” (*aber seine hochrote Farbe rührt nicht von einer blutigen Schlacht*

1 This paper is an edited version of a lecture given in Padua (at the Department of Philosophy) on the 27th of February, 2015, and a lecture given in Wuppertal (at a conference that took place from 4 to 6 February 2016, “Jenseits des Kapitalismus,” organized by the Department of Philosophy). I would like to thank Luca Illetterati, Smail Rapić and Wolfgang Streck.

her) (this timid announcement of a new violence that could potentially destroy the lie of pietism, the injustice and inequality of capitalism also functions as nothing other than a trifle) – could potentially be replaced with the pronoun “We,” and thus set the premise of a specific and precise regulative instance of communal life and work “beyond corporations and firms.”

It would seem that what is possible, or as if possible, *beyond* corporations is an entirely uncertain, indefinite “together” and a quasi-we (“*wir*”). Paradoxically, in order to precisely describe this possibility of being together in the (near)² future at all, to function and subsist within a new “we,” it is perhaps necessary to reconstruct, as concretely as possible,³ these “artificial persons called bodies politic, bodies corporate (*corpora corporata*) or corporations,”⁴ and then announce a potential discovery of an entirely new corporativity and common life.⁵ If the discovery of corporations as we know them today (the invention of limited liability; corporation as a “nexus of contracts,” etc.) has been treated as a privilege and one of the greatest discoveries of humanity, or of capitalism,⁶ that is, if capitalism was able to discover forms of associative work and life that brought great pleasure and a good life to (some, not all of) its members (in the hopes and under the condition that the latest invention of capitalism – turning fellows or fellowships [the original form of corporation] into followers [by which I mean, for example, Facebook or Instagram] – is also its last), then the discovery of something new in the near future would mean that some capitalist protocols will be partially continued, albeit perhaps under a different name and substantially reformed.⁷

Therefore, my intention is really to sketch a supposition about the new discovery of associative work and the community, analyzing or conceptualizing some consequences of Hegel’s interpretation of the idea of the corporation

2 It is more a process than event. “Conceiving of the end of capitalism as a process rather than an event (...).” (Streeck 2014: 47)

3 In the commentary of paragraph 190 of *The Philosophy of Right*, when speaking of a system of needs, within a bourgeois society, Hegel uses the word *concretum* (to designate what is named human), which then Marx, in the *Introduction* from 1857, transforms into *Gedankenconcretum*. Thinking concretely or “Concrete Thinking” suits the man citizen who works along with others. (Hegel 1991: 228)

4 *William Blackstone’s Commentaries on the Law of England* (1765-1769), Vol. II, chapter 18 “Of Corporations.” <https://lonang.com/library/reference/blackstone-commentaries-law-england/>

5 The four-page chapter “The Capitalist Corporation and Beyond” at the very end of Geoffrey Hodgson’s book *Conceptualizing Capitalism. Institutions, Evolution, Future* (Hodgson 2015: 376-380), can function as a sketch for a future program and project of corporate reforms and transformation of corporations into “numerous smaller cooperatives.”

6 Cf. Barry 2003: 22-26.

7 “It is in this sense that Geoffrey Hodgson has argued that capitalism can survive only as long as it is not completely capitalist (...).” (Streeck 2014: 50).

or ideal corporation (with all the terminological confusion he encountered and which still remains).⁸ Further, in that sense, I would like to, quite briefly, mention the figure or pseudo-concept of counter-institution (*contre institution*) that we encounter in Saint-Simon (and later in a few interviews and one of the last published texts of Jacques Derrida),⁹ and which could indeed be a good alternative to old institutions and old corporations in searching for new models.¹⁰ I am thus interested, since the end of capitalism has been identified as process and not event, in those “institutional channels” or “modes” that would be most successful in changing or replacing or supplementing the familiar and insufficiently functional protocols that belong to capitalism. There are other reasons why it seems to me that it would be important to, yet again, identify the corporation (or company) as the “crucial agent or actor in capitalist economy,”¹¹ and then once again thematize some of Hegel’s

8 In a significantly limited context, my paper could serve as a complement to Hodgson’s project in conceptualizing capitalism, since Hegel is mentioned in his book only twice and in passing. To be more specific, Hegel’s reconstruction of the corporation could be confirmation that the corporation implies cooperatives (associations) and that it completes Hodgson’s vision.

9 At the time when Hegel is giving his lectures on the philosophy of right, Saint-Simon defines those counter-institutions, probably thinking of Adam Smith. In *Catéchisme des industriels*, Saint-Simon writes: “One can see that the English have set two parallel fundamental principles as the basis of their social organization. Further, one can see that these two principles, being of different, even opposing, natures, have resulted, as they necessarily must have, in the English being at once subject to two distinct social orders. They have in all directions, double institutions (*dans toutes les directions, doubles institutions*), or rather, they have established in all directions a counter-institution for each institution (*dans toutes les directions les contre-institutions de toutes les institutions*) that held sway before their revolution, and which they have preserved to a great extent.” (Saint-Simon 1823: 81) One of Jacques Derrida’s last lectures, along with one his last published texts, carries the title “Le modèle philosophique d’une ‘contre-institution’ ” (Derrida 2005). This text was translated into English as “The Philosophical Model of a Counter-Institution,” in *Artists, Intellectuals and World War II* (Derrida 2006: 46-55). Cf. Bojanić 2016: 579-589.

10 Here I am reiterating the vision or strategy of Joseph A. Schumpeter from his 1928 text “The Instability of Capitalism.” “The new processes do not, and generally cannot, evolve out the old firms, but place themselves side by side with them and attack them. Furthermore, for a firm of comparatively small size, which is no power on the money market and cannot afford scientific departments or experimental production and so on, innovation in commercial or technical practice is an extremely risky and difficult thing, requiring supernormal energy and courage to embark upon. But as soon as the success is before everyone’s eyes, everything is made very much easier by this very fact.” (Schumpeter 2008: 70)

11 Cf. Hancké 2009. Schumpeter solves this dilemma in a way similar to Saint Simon’s. In the “Avant-propos” of his brief, 1814 text on the reorganization of Europe, Saint-Simon speaks about the importance of the institutions and mentions that bad or failing institutions (*le défaut d’institution*) lead to the destruction of society as a whole: “Old institutions prolong the ignorance and prejudices of the time in which they were formed.” (*Les vieilles institutions prolongent l’ignorance et les préjugés du temps où elles sont faites*) (Saint Simon

intuitions from many years ago about the corporation. I think that, much as in the case of the company, economists (but not only they) are not in agreement about what is a corporation, nor do we have a sketch of a definition that could be partially accepted in different states or traditions.¹² This last fact is worrisome and is a consequence of a very complicated framework that constructs the field in which the corporation functions. The corporation is at once a legal phenomenon (it is always in some relation to the state and laws of a country); it is an institution (meaning that a kind of institutional legalism would best suit a potential reconstruction of corporation as such); also, the corporation is a social, as well as moral phenomenon and the key element of bourgeois society; finally (or above all), the corporation is an economic institute (or “the economic bond which ties individuals together, such as transactions, debts, property rights, etc.”)¹³ and is probably essentially no different than the market.

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My goal would be to show that it is vital to read Hegel (in the current case, that it is necessary to analyze this excerpt from *Philosophy of Right*, concerning the corporation) and that every thematization of the corporation depends on Hegel’s insights and his understanding of civil society. Before going any further, it is essential to elaborate a few difficulties that render my task even more complicated, above all Hegel’s absence among contemporary and 20th century authors who write on the corporation: Tony Lawson, Philip Pettit, John Searle and Raimo Tuomela,¹⁴ make no consideration of Hegel’s theory, nor do the two greatest theorists of corporation and community of the turn of the 20th century, Frederic William Maitland and Otto von Gierke. Nor is Hegel part of the syllabus of most philosophy departments in the world, and the aforementioned contemporary authors have almost certainly not even read him seriously.¹⁵ However, my intention is certainly not to reinterpret

1814: VIII). Institutions age because they no longer suit the ideas and mores of the time in which they exist, and ought therefore be completely destroyed. Saint-Simon cites two obstacles in this transformation of the old into the new: this reorganization does not happen right away or automatically (but rather, in time), and also, he also imagines the possibility that nothing arise on the ruins of old institutions (*la ruine des anciennes institutions*). In *Catéchisme des industriels* Saint-Simon *de facto* insists that the total erasure and destruction of institutions is impossible: “Institutions, much like the men that create them, can be modified; they cannot, however, be rendered extinct: their most rudimentary aspects cannot be completely razed.” (*Les institutions, de même que les hommes qui les créent, sont modifiables ; mais elles ne sont point dénaturables : leur caractère primitif ne peut pas s’effacer entièrement*). (Saint-Simon 1823: 31)

12 “A problem is that economist cannot agree what a firm is.” (Hodgson 2015: 204)

13 Commons 1934: 734.

14 Cf. I am referring to the lecture “Social Corporations as Institutions” Toumela held at the University of Berkeley towards the end of last year, which is still unpublished.

15 The exception (or partial exception) is the text by Roger Scruton and John Finnis, “Corporate Persons” from 1989. Scruton speaks of Hegel, “but he (Hegel) was anticipated

the status of the theory of the corporation in Hegel's system (which, it seems to me, has already been done and any addition would be superfluous¹⁶). Nor is to "rummage" around Hegel's system insisting, for example, that protocols of, let us say, "the corporation" in some way precede the institution of marriage and family, which in turn precede the state, meaning that the state is not, nor can be in any case "prior," as Hegel says.¹⁷ To be exact, it is not my intention to question the criterion and form of primacy [anteriority] of the state – the state can be prior because, for example, we must begin somewhere, or because "the state" can be a name of a collection of documents, for a book, a register, a text altered and deconstructed by the addition of each newly founded corporation and institution. In short, all that I would like to attempt is to select a few of Hegel's innovations in interpreting the corporation, without which an ideal theory of the corporation is absolutely impossible (and according to which, the main strength of a latent reconstruction of corporation would be in the hands of the poor, those continuously excluded by bourgeois society, only constituting itself). I would also like to possibly submit the idea that could put aside a largely trivial construction regarding Hegel's institutionalism. Finally, the third reason is implicitly already in the "primacy" of the state and that which is actually performed when a group of people wants to "incorporate." I am interested in how the *de facto* and *de jure* corporation becomes a corporation (is there harmony between social and legal acts?), how it acquires legitimacy, whether all the so-called

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by Burke, and also by Rousseau and Fichte." The same author continues, "whatever the virtues of those writers, none of them had that instinct for valid argument which would recommend them to an analytical philosopher, and everything they said must be rewritten, in the language which they would have abhorred." (Scruton & Finnis 1989: 254-255) 16 Cf. Ellmers & Hermann 2017. But before this book, I should mention Yoshihiro Niji's text "Hegels Lehre von der *Korporation*," (Niji 2014: 288-295). The innovation in this text was the attempt to examine the extent to which Hegel was familiar with the articles referring to the corporation in the "Allgemeinen Landrecht für die Preussischen Staaten" of 1794. The author ends up following the suggestion of Friedrich Müller, from the well-known book *Korporation und Assoziation* (Müller 1965: 16). Wolfgang Kersting writes about the corporation in "Polizei und *Korporation* in Hegels Darstellung der bürgerlichen Gesellschaft," (Kersting 1986: 373-382), along with Rolf-Peter Horstmann in "Hegels Theorie der bürgerlichen Gesellschaft," (§§ 158-256), (Horstmann 1997: 193-216), as well as Stefan Mertens in *Die juristische Vermittlung des Sozialen* of 2008.

17 "In actuality, therefore, the state in general is in fact the primary factor (*in der Wirklichkeit ist darum der Staat überhaupt vielmehr das Erste*); only within the state does the family first develop into civil society, and it is the idea of the state itself which divides into these two moments." (Hegel 1991: 274) Further, marriage or family imply a status for women in this construction by Hegel: women as a marriage partner, but also as citizen, a member of a collegium or "sisterhood," that is member of a corporation. For example, my marriage or my family only came about after I "incorporated" with my future wife, her sister and my sister, which I did in a company together with her (or them) and because we belong to the same guild (because our profession is the same; the word "company" is currently the word in Europe for "corporation" more commonly used in the Anglo-Saxon world).

“writing speech acts” are the unconditional conditions for the existence of a corporation. Here are three preliminary gestures, all of which refer to writing and “document theory,” that is, quotes from Searle, Althusius and Hegel.

In the text “What is An Institution?” Searle mentions the document as an addition to, but not as condition or background of any deontology.

But the deontic powers stop at the point where the larger society requires some official documentation, they lack full deontic powers. Collective recognition is not enough. There has to be official recognition by some agency, itself supported by collective recognition, and there have to be status indicators issued by the official agency.

And he continues:

A fascinating case is corporations. The laws of incorporation in a state such as California enable a status function to be constructed, so to speak, out of thin air. Thus, by a kind of performative declaration, the corporation comes into existence, but there need be no physical object which is the corporation. The corporation has to have a mailing address and a list of officers and stock holders and so on, but it does not have to be a physical object. This is a case where following the appropriate procedures counts as the creation of a corporation and where the corporation, once created, continues to exist, but there is no person or physical object which becomes the corporation. New status functions are created among people – as officers of the corporation, stockholders, and so on. (Searle 2005: 15-16)

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In *Politica* (chapter IV, “Collegiate Association,” Article 8), Althusius writes:

Collegiate intercourse (*communicatio*) is indeed support between colleagues and the performing of life favors, according to agreed pacts. These pacts and alwas of the colleagues are registered in the collegial books (*in libris collegiorum*), which in German we call *guild books* (*quos Zunftbücher vocamus*).

Continuing in article 17:

The communal right of the faculty and the colleagues is usually written in collegial books (*in guild books, in den Zunftbüchern*). Such right is accepted and introduced among colleagues based on their common consensus, or is granted and awarded to colleagues based on the special privilege of the highest *magister* (*superioris magistratus*). (Althusius 2009: 300-301, 306-307)

The third quote is a portion of Hegel’s amendment § 253:

If the individual (*der Einzelne*) is not a member of a legally recognized (*berechtigten*) corporation (and it is only through legal recognition that a community becomes a corporation) (*Ohne Mitglied einer berechtigten Korporation zu sein [und nur als Berechtigtes ist ein Gemeinsames eine Korporation]*), he is without the *honour of belonging to an estate* (*Standeshre*), his

isolation reduces him to the selfish aspect of his trade, and his livelihood and satisfaction lack *stability* (*seine Subsistenz und Genuss nichts Stehendes*). (Hegel 1991: 272)

This third reason I would like to insist on the corporation, along with these three quotes that mention a particular institutional instance in the background (“the institution of the institution,” a phrase used by Carl Schmitt as well as John Searle), the register (official agency or special authority), the book, and legitimation, these three help me to formulate my announced idea about the corporation as institution or institutionalization and the connection, on the one hand, between the written record and the state (as the keeper of the book or state as book), and a group of people (a community) on the other. Of course, the individual, in the Hegelian sense of the word, is in one way or another limited and powerless in relation to the already existing institutions (hence the problematic idea of “*l’institution de l’individualité*”¹⁸ and the dilemma about strong and weak Hegelian institutionalism¹⁹). And of course “ontological priority” belongs to institutions that already exist and that the individual encounters in the world in which she lives.²⁰ However, the institutional subject is always plural (a group, “We,” never “*Das Ich im Wir*,” or possibly “*Wir im Ich*”) and has the potential to change and transform the existing institutions. Which is why the police²¹ and the corporation (an institution in the contemporary meaning would probably contain within itself a combination of these two basic Hegelian institutes of civil society) constitute the most important institutional scene, one that greatly surpasses both the family and the state. When we speak of the institution or problem of institutionalization in Hegel, this certainly refers exclusively to the “institution of corporation”²² that appears within the group (civil society).²³

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18 This is a phrase used by J. F. Kervégan.

19 Institutionalism could be the position according to which socially accepted types of action have “ontological priority” or absolute primacy in comparison with the thinking and acting of the individual. Dieter Henrich evokes Hegelian institutionalism in the strong sense of the word (*Nachschrift* lectures of 1819-1820) (Hegel 1983b: 31), in opposition to Jean-François Kervégan with a weak or moderate institutionalism (*institutionnalisme faible*). Cf. J.-F. Kervégan, in Hegel 1998: 329. See: Kervégan 2008: 311-314, 367-373.

20 “Ontological Priorities” or “ontologically prior” are Roger Scruton phrases. For him, in a completely different context, individual persons (plural) are “ontologically prior” to corporation. Scruton & Finnis 1989: 254.

21 The police appears in this place in Hegel’s system as early as the Jena lectures of 1805-1806 (*Jeneser Realphilosophie*), while the corporation or “*zweite institutionelle Kanal*” appears only later. This is Wolfgang Kersting’s formulation (Kersting 1986: 379).

22 “Die Institution der Korporation,” says Hegel in § 253.

23 Hegel does not use the word “group” or the theory of a group (*Verbandstheorie*). “Das Wesen der menschlichen Verbände” is the title of Otto von Gierke’s Dean’s Speech from October 1902.

Hegel's, and Althusius', first problem, then, above all is the terminological confusion that follows the instrument or institution of "corporation," but also the crisis of capital and political upheavals occurring in various countries, to which he is witness. What is a corporation and from where does Hegel take the term *Korporation*? The first, probably most accurate answer would be from English newspapers Hegel reads, as well as some books by an English economist. For Hegel, *Korporation* ought first be understood as an English thing. At the same time, Hegel's ambition is to reconstruct the English ban on corporations, as well as its prohibition in Italy and France (in France corporations were banned in 1791 only to become legal again under Napoleon).²⁴ He is also seeking to "improve theoretically" the recently badly deteriorated position of the poor in England (there are authors who thought of corporations as a union). In all the versions of his lectures on law, from beginning to end, he speaks of corporations as on the wane, in crisis, of uncertain future, all the while imploring on their behalf. It seems to me that the concept of *Korporation* was chosen because it best suits all these various languages Hegel reads. Still, the problem of meaning of the word "corporation" remains unresolved. Just as at the beginning of the 17th century, Althusius combines Latin with German (*Describuntur haec pacta et leges collegiarum in libris collegiorum, quos Zunftbücher vocamus*),²⁵ as well as the Roman and German understanding of the community, Hegel uses the word *Korporation*, at the time completely non-existent in colloquial use.²⁶ In the beginning, during the

24 Cf. Fitzsimmons 2010.

25 In his book on Althusius, Von Gierke translates "*consociatio collegiarum*" as *Korporation*. (Gierke 1880: 22) Althusius's "*consociatio collegiarum*" ought to correspond to Henning Böhmer's *collegia Iusti*, which he opposes to *universitas* and divides into *private* and *publica* (Böhmer 1726: 442). In several of his books, Gierke attempts, drawing from Latin sources, to translate a multitude of various names for various associations into German. Sometimes his solutions are quite successful, but at other times, they are entirely obscure and inconsistent. When writing about the corporation in his great work *Das deutsche Genossenschaftsrecht*, Gierke, a realist much like Maitland, initiates a host of currently relevant problems completely missing from Hegel: the nature of the personhood of a corporative group, the possibility of corporation owning property, entity status (whether it is a voluntary or privileged association), capacity of corporation to act independently, whether the *universitas* of a body (*corpus*) changes with a change or removal of members, etc.

26 In contemporary German, this refers to a student association of the neo-feudal period. The German equivalent of the English, French and Italian word "corporation" are *Zunft* or *Innung*. Obviously, Hegel opposes the old-German institution *Zunft* (in amendment § 255: *Korporation ist keine geschlossene Zunft*; by the by, for Hegel, the family is "closed" unlike the corporation) because his intention is to distinguish between a civil from a feudal corporation. In the 1817 *Ständesschrift*, Hegel differentiates old corporation (*Zünfte*) or (*Zunftgeist*) from the professional, modern corporation. Still, Hegel's contrasting of words *Zunft* and the like (in § 289 he speaks of *Korporationsgeist*), still does not mean that he, strictly speaking, is renewing the Roman legal tradition and its theory of community, precisely because at the same time, he is Germanizing the Latin word *corpus*. One of the recent texts published on this topic is Yoshihiro Niji's "Hegel's Lehre von der *Korporation*,"

winter seminar 1818-1819, Hegel still vacillates between the words *Zünfte* and the English word *Corporation*.²⁷ Still, a few months prior, in Heidelberg (when giving the natural law course of 1817-1818), Hegel shows clearly that his task is to find harmony between corporations and the state, keeping in mind what is going on in other countries and what has taken place “here” during feudalism: small states developed out of corporations when rulers of these states were not able to quash resistance and movements of popular struggle (§ 125). Even as early as that, Hegel, imagining a future state (singular), wary of the danger of private rights of individuals being carried out through association,²⁸ takes several things under consideration. First, that states or the state not create or ought not itself create privileged corporation as had been the case in England. Second, that the state in no way be shaped or formed by these associations and that corporations are necessary because they guard from the ongoing atomization and dissolution of individuals (starting in 1816, hunger and poverty that swept across today’s southern Germany forced many people to emigrate to America and other countries) (§ 121). Third, that civil society form through corporation and that enjoyment lies in what is common, that is for people to find entertainment only communally, never alone (§ 121).²⁹ Fourth, that any future state certainly ought to oversee corporations and find instruments that ensure their coexistence (“danger” is the word Hegel associates with corporations throughout his lectures on the philosophy of right³⁰).

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Of all these points, which seem crucial for Hegel’s endeavors regarding the creation of corporations (certainly “[c]orporations are easier to create than to

Hegel-Jahrbuch, 2014, 288-295. Still, regardless of Rosenzweig’s exaggeration regarding the corporation as a reactionary or most reactionary element of Hegel’s *Philosophy of Right*, his diagnosis of Hegel’s intention still remains unsurpassed: “*Theorie der Korporation entwickelt und einer Erneuerung des alten Zunftwesens das Wort redet, die aber Arbeiter und Kapitalisten in gemeinsamen Körperschaften zusammenfassen muss.*” (Rosenzweig 1920: 124) 27 “§ 113. Zünfte – In neuern Zeiten ist man den Corporationen abhold geworden [(Bemer)] des besondern Gemeinwesen in dem Allgemeinen.” (Hegel 1973, I: 322) It is interesting that after Hegel’s death, Gans, in his lectures on natural law, still uses the same word, “*Corporation*” (with a capital C)

28 In § 125 Hegel quotes Johann Jacob Moser, *Neues Teutsches Staatsrecht*, 23 Volumes, Stuttgart, Frankfurt, Leipzig, 1766-1782.

29 § 121 “*da war der Genuss im Gemeinsamen, und der Einzelne vergnügte sich nicht für sich, sondern im Allgemeinen.*” (Hegel 1983c: 169) Or in the same paragraph: “*Das Vernünftige der Korporation ist, dass das gemeinsame Interesse, dieses Allgemeine, in bestimmter Form wirklich existire.*” (Hegel 1983a: 143) Although the Church is also a corporation, Hegel clearly distinguishes the association of people in a corporation or community (*Gemeinde*) from “*religiöse Gemeinschaftlichkeit von Individuen.*”

30 Cf. “*Die Corporation kann auch gefährlich werden, für den ganzen Staat, wie in der älteren Geschichte Frankreichs und Deutschland diess vorkommt, dass sich ganze Corporationen frei gemacht haben.*” (Hegel 1974, IV: 628)

understand,” Robert Hessen), three seem to me to have a historical or technical importance. Only the third point, I think, which refers to the relation of the communal, and thus the moral and corporate, has the potential to be further developed. In addition, for two sets of problems of crucial importance for today’s understanding of the concept of corporation, Hegel is of no use to us. The first refers to the differentiation of the entity of corporation from other similar forms of association, still relevant as we can see from Pettit or Lawson.³¹ In that sense, corporation is more easily defined than differentiated from related concepts of different historical and linguistic origin.³² The other set of problems refers to what is usually called “corporation as a judicial hallucination.” Being a realist, there is no doubt that for Hegel, as for Marx, lest we forget,³³ the corporation indeed exists (in contrast with Searle, for Hegel people exist, work, produce, enjoy, etc.) and that the corporation is a “*moralische Person*.”³⁴

In § 252 Hegel writes:

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In keeping with this view, the corporation, under the oversight of the public authority (*öffentlichen Macht*), has the right to look after its own clearly-defined interests, according to the objective qualifications of skill and

31 Cf. Pettit 2015 and Lawson 2015.

32 Here is a definition both contemporary and interesting. I cite it freely, with no precise reference: a corporation is a group of individuals authorized by law to act as a unit. The corporation assumes corporative responsibility, limited liability (widely considered one of the greatest inventions of the previous century: “I did not do it, the company did”). Pettit’s French translator renders the English word “corporation” as *entreprise*, *compagnie*, as well as *corporation*, and the word “corporatization,” as *privatisation*. Pettit attempts to solve the complete terminological chaos that always follows the corporation and related terms by drawing on Patrick W. Duff’s book, *Personality in Roman Private Law*. Duff defines *corpus* as “any set of men who are for any purpose regarded as a group.” Every *collegium* is a *corpus* (Duff 1938: 26, 28). There are two key books that deal with the genesis of concepts related to corporation, but as detailed as they are, they are of little help to carefully delineate the semiotic field of terminology for the corporation. The first of these is the book by Schnorr von Carolsfeld, *Geschichte der juristischen Person*, of which only the first volume has been published, dealing with the terms *universitas*, *corpus* and *collegium* in classical Roman law. The author insists that the *Körperschaft* always refers to three words: *Gemeinde*, *Zunft* and *Verein* (Schnorr von Carolsfeld 1933: 59). The other book is by Pierre Michaud-Quantin, *Universitas. Expressions du mouvement communautaire dans le Moyen-âge latin* (1970). On page 64, the author presents the difficulty with the word *corpus*, which, discounting legal texts, very rarely refers to a collective, although there are uses that concern associations of painters and other trades: “*Quant aux documents officiels, il semble que le mot aie eu un sens trop imprécis ou trop abstrait pour y figurer.*”

33 In many places in *Kritik des Hegelschen Staatsrecht*, Marx emphasizes the reality and materiality of corporations.

34 “*Eine Corporation stellt “Eine moralische Person” (§ 13, 50, 81, 88; Allgemeinen Landrecht für die Preussischen Staaten). Eine moralischer Person ist in diesem Zusammenhang als gesellschaftliche und juristische Person zu verstehen.*” (Niji 2014: 291) *Eine moralischer Person* is also a reappropriation of Pufendorf’s phrase *persona moralis composita*.

rectitude to adopt members, whose number is determined by the general system, to make provision for its adherents against fortuitous occurrences, and to foster the capacity necessary in any one desiring to become a member. In general it must stand to its members as a second family (*zweite Familie*), a position which remains more indefinite than the family relation, because the general civic community is at a farther remove from individuals and their special needs. (Hegel 1991: 271)³⁵

Nowhere does Hegel present the problem of such a right, nor the success of such “action” of the corporation in the name of the moral personality of their members.

Hegel’s focus, however, is not primarily on the transformation of my personhood into a new entity that has the right to protect and perform certain actions in my name. Nor on the production of a new instance, one more powerful than me or of all of us together. When Hegel says in amendment § 207 of the *Philosophy of Right* that “*Ein Mensch ohne Stand ist eine blosse Privatperson und steht nicht in wirklicher Allgemeinheit,*” then the belonging to a group of people that works together and functions on the market and has a proper name (an entity, a legal person) would only ever be fulfilled or completed with the help of another similar entity and in collective action for profit and recognition.³⁶ This collective and common action, much like the police that guards the rules of the game,³⁷ are a guarantee of morality or what Hegel calls “*Die Korporation als sittliche Institution.*” (Hegel 1974, II: 688) The corporation or *Stand* implies the existence of others and competition with others, which would then lessen the importance or set aside the plan for the fiction and the ‘mereness’ (*blosse*) of individuality (an individual *Stand* or corporation is equally fictitious as a private person or individuality taken on its own). Hegel’s intention, which could still be central in thematizing corporation, and certainly a subject not yet exhausted, refers to the necessity of working with others and for others, of conducting a general and communal activity (to discover and create a common cause), of participating in public affairs, as well as public property (as commons). The generalization of connections that exist between people (*die Verallgemeinerung des Zusammenhangs der Menschen*) (§ 243) is Hegel’s great socio-ontological endeavor, one that is more relevant, and certainly more comprehensible, than before. It seems to me that this “*Verallgemeinerung*” or “*öffentliche Macht*” is a forerunner of Marx’s phrase, appearing only once in *The Grundrisse*, rendered in English

35 Cf. Vieweg 2017: 34-41; Schüle 2017: 101-117.

36 § 253 *Die Korporation als Basis sozialer Anerkennung*. Hegel 1974, III: 709. Certainly, Axel Honneth’s project finds inspiration and direction in this moment.

37 The police appears in this place in Hegel’s system as early as the Jena lectures of 1805-1806 (*Jenenser Realphilosophie*), while the corporation or “*zweite institutionelle Kanal*” appears only later. This is Wolfgang Kersting’s formulation (Kersting 1986: 379).

as “general intelligence” or even Rawls’ “public reason.” These moments too could be the conditionless conditions for the transformation of the corporation into a cooperative. After all, if today we were to make a careful comparison of all the variations, finesses, and shades of Hegel’s lectures on the corporation from the beginning of the 19th century with a chapter of Adam Smith’s *The Wealth of Nations*, “Of the Public Works and Institutions which are necessary for facilitating particular Branches of Commerce,” not only would it be clear that Hegel is in a way copying and reiterating the project of Adam Smith,³⁸ but corporations as imagined by Smith, years prior to Hegel, really do seem like cooperatives, as alternative institutions, or better still, as “counter-institutions.”

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It seems to me that a bearer of reconstruction of such a corporative model, based on Hegel’s assumption, ought to be precisely the group that is as of yet unable to constitute itself as a group, to thematize its existence and its abilities, and thus design its common work or work in common. A few passages by Hegel regarding the poor who are excluded and marginalized in the course of constituting civil society, whose number is constantly increasing, could perhaps be Hegel’s most significant contribution to the understanding of the corporative model. Further, they could be the very opportunity for overcoming this very model. Hegel’s pseudo-project about the state and possibility of potential reduction of poverty, emerges from Hegel’s considerations of poverty (in his lectures on the philosophy of right), in the context of civil society that necessarily produces it.³⁹

I further think that in the history of philosophy only John Locke is a true forerunner of Hegel in the thematization of poverty. In his 1697 text, *Draft of a Representation, Containing a Scheme of Methods for the Employment of the Poor* (or *The Report on the Poor*), Locke seeks a profound reform of social life. He is excited by the statistical analysis published by Gregory King in 1696, which showed a 25% rise in the number of poor, and that despite the *Act of Settlement* from 1662, 50% of the population was poor. In brief, Locke is looking for a way to put vagrants and saboteurs to work, whose number, despite stricter penalties, is ever greater – because only those who work will

38 Perhaps Hegel did not really have “in mind any concrete historical institution that existed in his time,” as Schmidt am Busch and Lisa Herzog claim (Herzog 2015: 152), but the project of Adam Smith is deeply incorporated into his intentions. “Corporation spirit,” for example, is Smith’s phrase and it certainly orients Hegel’s fragments, as well as Marx’s reading of Hegel.

39 John Rawls noted this passage in his *Lectures On the History of Moral Philosophy* (Rawls 2000: 345 and further). He concludes that Hegel does not have a solution for the problem of poverty or that it does not fit into his system (which, when it comes to Hegel, is in itself impossible and entirely paradoxical). Rawls there refers to a few exceptional pages from Allen Wood’s book *Hegel’s Ethical Thought* (Wood 1990: 247-253).

eat, drink, be clothed and sheltered (the age at which both boys and girls begin their working lives at this time is fourteen).⁴⁰ Locke is *de facto* inventing punishments and strategies for the successful functioning of workhouses, opening all over England at the time.

Just like Locke, Hegel will construct a kind of group identity for the poor (although not only them), ascribing to them a dangerous, generally unknown and inexplicable role. What is significant is that Hegel recognizes that, a) civil society excludes many others (not only women, for example), which is entirely unjustified and inexplicable: “The emergence of poverty is in general a consequence of civil society and on the whole arises necessarily out of it.”⁴¹ Further, he insists that b) charity is no solution to the problem of poverty, opposing to it the solution in place in Scotland, where they sought “to leave the poor to their fate and direct them to beg from the public” (§ 245). c) Probably under the influence of Adam Smith, Hegel becomes a “real world political philosopher,” preferring social analyses he reads (mostly) in English books and newspapers, to his own speculative constructions. d) Hegel is perhaps the first to recognize that the poor are excluded “from the spiritual benefits of modern society, from education, even from the consolation of religion.” Finally, e) Hegel concludes, introducing the moral degradation of the poor, that no entity, not even the state can resolve this problem (Hegel takes it as axiomatic that the state is immanently present in civil society).

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The poor man feels himself excluded and mocked by everyone, and this necessarily gives rise to an inner indignation. He is conscious of himself as an infinite, free being, and thus arises the demand that his external existence should correspond to this consciousness. (Hegel 1983b: 195)

Poverty in itself does not reduce people to a rabble (*Pöbel*) [this is the passage quoted by Rawls]; a rabble is created only by the disposition associated with poverty, by inward rebellion against the rich, against society, against the government, etc. (§ 244)

The “rabble” is characterized by “envy and hatred against all those who have something,” as well as laziness and the right to live by the work of others. “The rabble is a dangerous [social] ill, because they have neither rights nor duties.” (Hegel 1973, I: 322) Finally, Hegel reverses himself and relativizes the link of poverty and the rabble, insisting on an entirely new point: the “rabble [is] distinct from poverty; usually it is poor, but there are also rich

40 “He who does not work – does not eat” is a cliché repeated by apostle Paul, the utopians, the Quaker John Bellers, Locke’s contemporary, who reminds his readers that in China, literally everyone works (the feeble-minded, the blind), etc.

41 Hegel 1983b: 193; “When there is great poverty, the capitalist finds many people who work for small wages, which increases his earnings; and this has the further consequences that smaller capitalists fall into poverty.” (Hegel 1974, IV: 610)

rabble.”⁴² This last point of turning the rich into the rabble (for example, a kind of *nouveau riche* who has all the characteristics of a poor person “who hates all those who have something or have more than him”) could be an example of the transformation of absolute into relative poverty, which often depends only on context and comparison with others.⁴³

Hegel’s conceptual theater carries at least three quasi-opuses of problems always present in the case of “poverty” and the poor. The first concerns the general problem of description and evidence of the existence of the poor and poverty, sometimes even testimony and experience of one’s own indigence or poverty of others (and the question of how to detect, explain, and produce motives for the construction of action or productive social action). The second refers to differences, levels and gradations of poverty (a problem probably unwittingly opened by Seeborn Rowntree at the turn of the 20th century). The third refers to the group or pseudo-group of the poor. And only at this point does the issue of corporation or the cooperative emerge as still and ever-relevant.

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42 Hegel, 1974, IV: 608. Many of the lines quoted here have already been translated into English by Allen Wood.

43 It is comparison with others that turns the poor into rabble, allowing them to be recognized or connect with those similar, and then potentially be categorized as part of a group whose constitution is never completed (for the rabble is never a group, but a mass of people that lives in pre-corporate or pre-institutional space).

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Kako biti zajedno s one strane korporacija i firmi?
Hegel na „kraju kapitalizma”

Apstrakt

U tekstu se ispituju različite pretpostavke Hegelovog razumevanja korporacije u mnogobrojnim verzijama njegovih *Predavanja o filozofiji prava*, a u kontekstu nekih savremenih refleksija o "kraju kapitalizma." Namera mi je da Hegelovu tematizaciju siromašnih i siromaštva, kao i značaj koji Hegel pridaje zajedničkom radu i konstituisanju radne grupe kao temelja građanskog društva, oblikujem kao realne uslove jedne moguće rekonstrukcije korporativnog modela i novog zajedničkog delovanja.

Ključne reči: korporacija, siromaštvo, građansko društvo, „kraj kapitalizma”, Hegel.

Kenneth R. Westphal

Hegel's Justification of the Human Right to Non-Domination

Abstract 'Hegel' and 'human rights' are rarely conjoined, and the designation 'human rights' appears rarely in his works. Indeed, Hegel has been criticised for omitting civil and political rights all together. My surmise is that readers have looked for a modern Decalogue, and have neglected how Hegel justifies his views, and hence just what views he *does* justify. Philip Pettit (1997) has refocused attention on republican liberty. Hegel and I agree with Pettit that republican liberty is a supremely important value, but appealing to its value, or justifying it by appeal to reflective equilibrium, are insufficient both in theory and in practice. By reconstructing Kant's Critical methodology and explicating the social character of rational justification in non-formal domains, Hegel shows that the republican right to non-domination is constitutive of the equally republican right to justification (Forst 2007) – both of which are necessary requirements for sufficient rational justification in all non-formal domains, including both claims to rights or imputations of duties or responsibilities. That is the direct moral, political and juridical implication of Hegel's analysis of mutual recognition, and its fundamental, constitutive role in rational justification. Specific corollaries to the fundamental republican right to non-domination must be determined by considering what forms of illicit domination are possible or probable within any specific society, in view of its social, political and economic structures and functioning.

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Keywords: Hegel, human rights, non-domination, Pettit, republicanism, justification, recognition

1 Introduction.

'Hegel' and 'human rights' are rarely conjoined; the designation 'human rights' appears seldom in his works. Indeed, Hegel has been criticised for omitting civil and political rights all together. My surmise is that many of his readers have sought some modern counterpart to a Decalogue, and have neglected how Hegel justifies his views, and hence just what views he *does* justify. Philip Pettit (1997) has refocused attention on republican liberty. Hegel and I agree with Pettit that republican liberty is a supremely important value, but justifying it by appeal to its value, to reflective equilibrium or to human psychology (Pettit 1997, 2001) are insufficient both in theory and in practice. By reconstructing Kant's Critical methodology and explicating the social character of rational justification in non-formal domains, Hegel shows that the republican right to non-domination is constitutive of the

equally republican right to justification (Forst 2007, 2011) – both of which are necessary requirements for sufficient rational justification in all non-formal domains. That is the direct moral, political and juridical implication of Hegel's analysis of mutual recognition and its fundamental, constitutive role in rational justification. Specific corollaries to the fundamental republican right to non-domination must be determined by considering what forms of illicit domination are possible or probable within any specific society, in view of its social, political and economic structures and their functioning.

To examine these issues about justice, justification and human rights, I ignore the still resounding din of the Hegel mythology (Kaufmann 1951, Stewart 1996) and omit summary of my previous findings regarding Hegel's republicanism in his *Philosophical Outlines of Justice* (*Grundlinien der Philosophie des Rechts*, 1821; 'Rph').¹

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Hegel's *Philosophical Outlines of Justice* is perhaps the most ardent, systematic, cogently justified analysis of (small 'r') republicanism possible. This is not a fact he could then and there trumpet: in 1792 Prussian censors blocked publication of Wilhelm von Humboldt's quintessentially liberal tract, *The Limits of State Action*; in 1831 they interdicted mid-way the publication of Hegel's (1831) searching analysis of the English reform bill. However politely they may have explained their interdiction, the censors can hardly have missed how Hegel's magisterial contrast, between progressive Continental constitutional reform and the stagnation of entrenched feudal interests and constraints in England, held equally well of the entrenched feudal relics and sclerotic interests ruling Prussia – topics of Hegel's earliest writings in political philosophy (Hegel 1798a, 1798b (ms.), 1799–1803 (ms.); cf. *idem*. 1817, Falkenheim 1909²).

2 Focussing the Issue of Justification.

Republican liberty in the form of non-domination is central to Rousseau's independence requirement, *viz.*: that no one be allowed to obtain nor to wield the kind or extent of power, wealth or privilege to command unilaterally the choice or action of anyone else (Neuhouser 2000, 55–81; Westphal 2013a). Rousseau's independence requirement is directly adopted and augmented by Kant's explication of the sole innate right to freedom (*MdS* 6:237). Kant's declaration of this sole innate right may appear to be no better justified than the purportedly self-evident truths exalted by the US Declaration of Independence. The history of political appeals to self-evidence shows that in any

1 See Neuhouser (2000), Conklin (2008), Westphal (forthcoming).

2 Falkenheim (1909) first identified Hegel as the translator and commentator to J.J. Cart's anonymous letters.

substantive domain, 'self-evidence' provides the mere appearance of rational justification. Kant does justify his sole innate right to freedom; Hegel further explicated, undergirded and augmented Kant's justification of the sole innate right to freedom. To appreciate the point, character and cogency of their justification of the sole innate right to freedom – including constitutively the republican freedom from domination and the equally republican right to justification – first requires characterising the weaknesses of other popular justifications.

Pettit (1997, 2001) certainly is correct that in practice non-domination has important social-psychological dimensions, that we need not fear others, but instead can engage with others – any and *all* others – as moral equals. I agree emphatically that this kind of self-respect is morally, politically and psychologically valuable, indeed decisively so. However, no appeal to psychology alone can *justify* the 'value' or the ideal(s) of non-domination, not, at least, until we have a sound and credible psychological theory to distinguish in principle and in practice between moral mental health and immoral sociopathy or arrogant egoism. Those bent on domination find it psychologically crucial to their own self-understanding, and very much worth their own while to dominate others. Alice Miller (1981–2005) has worked brilliantly to expose the psychological defects and effects of such domineering personalities, and to make their identification and preliminary diagnosis possible for a wide range of public officials, teachers, advisors to youth and mental health workers. Perhaps our most serious political problem is to understand why such domineering personalities so easily find willing political audiences. When we met in 1987, Kurt Schmidt – a German economist old enough to have been in Hitler youth, yet young enough not to have been sacrificed in Hitler's final delusion, the *Volkssturm* – put it to me this way: 'Every population has its 3–4% crazies; we need to worry when others start listening to them'. Little in this problem is specifically philosophical. One philosophical aspect of this problem concerns the institutions required to prevent democracy from deteriorating into demagoguery. Another philosophical aspect of this problem concerns the philosophy of education required to construct and conduct education at all levels so as to prepare young adults to become, and then to *be* – by conducting themselves *as* – competent holders of that vital public office, the office of citizen (Green 1999, Curren & Metzger 2016, Westphal 2016e). Both of these points are justified by, and are required for, the republican rights to non-domination and to justification, both in theory and in practice.

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3 Two Popular Failures of Justification.

To appeal to 'values', to 'ideals' or to some model of psychological health as a major premiss used to identify or to justify basic moral principles, however

natural such appeals may seem, is in principle insufficient, because any reasoning based upon those premises can only address whomever happens to share those premises. This is another, more general version of the problem already mentioned about appeals to 'self-evidence': In matters moral we most urgently need to secure both justification and, ultimately, agreement and acceptance in precisely those issues where disagreements arise most sharply, where these disagreements are often framed in terms of different supreme values, ideals, or models of healthy, decent, flourishing or pious individual lives. Preaching only to the converted cannot address divisive issues.

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Rawls (1971) – or rather his avid converts – popularised appeal to 'reflective equilibrium': examining and re-examining our most considered principles and their relation(s) – or lack thereof – to our most considered particular moral judgments (or 'intuitions'), so as to adjust these mutually to obtain a maximally satisfactory set of moral principles linked to specific moral judgments, and then to use these to address issues of distributive justice. Despite its popularity – it is also used by Pettit's republicanism (1997, 11, 102, 106, 130, 275) – 'reflective equilibrium' is not a *method*, much less a method of *justification*, for four reasons: (1) Achieving reflective equilibrium is a *conditio sine qua non* for holding a coherent – that is, a consistent and integrated – view, but coherence alone cannot justify any view, and especially not one regarding any controversial domain. (2) Nothing in this presumed 'method' of reflective equilibrium indicates how to distinguish between better or worse, sufficient or insufficient results of mutually accommodating principles and specific judgments. (3) Nothing in this presumed method of reflective equilibrium indicates how or why any two people, starting even with identical sets of principles and specifics, should equilibrate to the same coherent results, and so be led to argue for the same policy priorities. (4) This so-called 'method' indicates neither how nor how best to achieve sufficient agreement about any one coherent view, so as to use that agreement to justify credible consequences (implications, conclusions, policies) for any doubtful or controversial issue, not even amongst those who happen to share largely the same principles and specific judgments (or 'intuitions'). Quite simply and literally, 'reflective equilibrium' simply is not a *method*.

Rawls (1971, 20 n.7) borrowed his coherentism from Goodman's claim about rules of inference and inferential practice, whether deductive or inductive; Goodman stated:

A rule is amended if it yields an inference we are unwilling to accept; an inference is rejected if it violates a rule we are unwilling to amend. The process of justification is the delicate one of making mutual adjustments between rules and accepted inferences; and in the agreement achieved lies the only justification needed for either. (Goodman 1955, 64)

Goodman's formulation expressly concerns what we (purportedly) *do*, namely, that we trim specifics to fit our principles, and trim our principles to fit specifics. Nothing in his observations show that we *ought* to do this, nor *how* we ought *best* or even *properly* to do this. Thus his remarks neither provide nor suggest any justificatory *method*. Goodman's claim does nothing to link what we are willing or unwilling to accept, reject or amend to what we *should* be (un)willing to accept, reject or amend, nor to explicate how we ought *best* to make such adjustments. Hence Goodman's remarks provide no *method*, and certainly no method of *justification*. Goodman's mutual trimming of rules and inferences, or analogously of theory and data, is an exercise in conventionalism, nothing more (*cf.* Westphal 2015).

Perhaps such mutual trimming might be credible regarding empirical knowledge, where our claims, principles, theories and explanations must contend with natural fact and circumstance – though one of coherentism's prime contemporary exponents, Laurence Bonjour (1997), finally conceded to Susan Haack that coherence does not suffice for justification even within the domain of empirical knowledge. Yet even that apparent empirical advantage lacks a credible counterpart within the moral domain. Moral 'intuitions' are insufficiently well-ordered to ground stable equilibria (Perlmutter 1998), and there are deeply and apparently irreconcilable 'intuitions' (if indeed that is what they are) amongst (schools of) philosophers.³ Thus reflective equilibrium as such can scarcely avoid (sub-)cultural or historicist relativism; instead it may indeed be a source – if not an instance – of it. 'Reflective equilibrium' may be the best for which we can initially strive in highly problematic domains; it may be a *conditio sine qua non* for any tenable view, but even in fraught domains our goals must include devising genuine justificatory methods or criteria for the domain in question. 'Reflective equilibrium' does not suffice for justification because, as Griffin (1996, 124–5) noted, it says so very little (*cf.* Daniels 1996, 333–52).

Now Rawls does have a *method*, but that method lies in his elaborate use of the veil of ignorance and its progressive lifting. *This* method, however, cannot identify or justify *basic* moral principles, because his method presumes prevalent agreement about liberal fundamentals of distributive justice. If this feature becomes more pronounced in his later writings, it is already present in the first edition of his *Theory of Justice*, about which B.J. Diggs observed: If we asked John Rawls whose theory of justice this is, he would say, it is *our* theory of justice.⁴ Rawls' methods cannot justify the republican right to

3 On Rawls, see O'Neill (2003) and Reidy (1999, 2000).

4 Diggs made this remark in his undergraduate course in political philosophy (at the University of Illinois, Urbana-Champaign), which I had the good fortune to take (*ca.* 1971). I recall his observation clearly because I was surprised by it; I remain equally

non-domination, nor the republican right to justification. For reasons first identified by Kant's Critical method, these two rights are two aspects of the sole innate right to freedom; they are presupposed, rather than justified, by any tenable form of liberalism.

To appreciate Kant's Critical insights into rational justification in substantive domains, it is important to recognise that the justificatory failures just noted about self-evidence, about values or ideals as major premises, about coherence and about reflective equilibrium are, quite literally, ancient news: They are each variations on the old sceptical wheel, paradigmatically formulated by Sextus Empiricus in the Pyrrhonian Dilemma of the Criterion. This Dilemma poses the problem of justifying criteria of truth – or likewise criteria of justification – within any disputed domain. In disputes about specific substantive issues where no answer is patently obvious, issues easily arise about how to justify whatever one adduces *as* relevant evidence or reasons for one's view on that substantive issue. The problem is that spelling out one's account of, or approach to, justification can easily prompt further dispute about it, thus raising issues about whether or how to justify criteria of justification, whenever justification and its methods or basis are or become controversial. Sextus states the Dilemma in terms of criteria of truth, but the same dilemma arises with regard to criteria of justification:

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... in order to decide the dispute which has arisen about the criterion [of truth], we must possess an accepted criterion by which we shall be able to judge the dispute; and in order to possess an accepted criterion, the dispute about the criterion must first be decided. And when the argument thus reduces itself to a form of circular reasoning the discovery of the criterion becomes impracticable, since we do not allow [those who claim to know something] to adopt a criterion by assumption, while if they offer to judge the criterion by a criterion we force them to a regress *ad infinitum*. And furthermore, since demonstration requires a demonstrated criterion, while the criterion requires an approved demonstration, they are forced into circular reasoning. (Sextus Empiricus 1933, 2.4.20, *cf.* 1.14.116–7)

Though often mistaken for the Pyrrhonian original, Chisholm's (1982, 61–77) 'Problem of the Criterion' is much simpler and far less flexible than the Dilemma of the Criterion (Westphal 1998, 2014). The Pyrrhonian Dilemma of the Criterion cannot be resolved by the typical accounts of, nor approaches to, rational justification prevalent in philosophy, and especially

puzzled today about anyone – or any group – 'owning' a distinctive theory of justice. Perhaps Diggs' observation also had in view such cold war issues as Dewey's (1938) reply to Trotsky. Such communitarianism is an unnecessary default; what I call 'Natural Law Constructivism' is much more robust, cogent and cosmopolitan (Westphal 2016a). (It may be worth noting that B.J. Diggs is amongst those Rawls (1971, xii) acknowledged for providing helpful correspondence concerning his second manuscript.)

so in moral philosophy, where we lack uncontroversial counterparts to obvious ordinary claims which, as Pyrrhonists concede, appear indisputable, such as 'It is day', or 'I am now conversing' (*AL* 1:391, 2:144). If we may agree on terms, we immediately confront issues about their proper scope or designation: 'Virtue is good and vice is bad', but which traits or acts count as virtuous or vicious? 'Murder is wrong', but which killings count properly as murder? 'Respect all persons as free rational agents', but who is a person or who are people? Certainly I do not expect to refute anyone's bigotry by rational argument, but there are important considerations regarding how to identify bigotry, dogmatism, power-mongering or other forms of moral narrow-mindedness, and how to distinguish these from respectable forms of ardent, if heterodox conscientiousness.

4 Judgment to the Rescue?

If we focus solely upon propositions as premises in justificatory arguments, and upon their logical relations by which they are supposed to justify Someone's conclusions about principles, policies or actions, the Pyrrhonian Dilemma of the Criterion – and its lesser cousins, Chisholm's Problem of the Criterion or Williams' (1988) 'Aggripan Trilemma' – are insoluble: Either we argue in a vicious circle, we launch a pointlessly infinite regress, we presuppose what we ought to prove (*petitio principii*), or we regress back either to a false or to an irrelevant claim and admit defeat (*cf.* Alston 1989, 26–7).

However, there is much more to rational justification and to rational judgment than what we can state and analyse in our explicit premises and arguments. Frege (1879) rightly opposed psychologism: No merely descriptive account of our reasoning *processes* suffices to account for their *validity* – if indeed they are valid. Yet Frege also rightly focussed upon judgment and upon judgments, regarding their logical validity and regarding (in some contexts) their justifiedness (*cf.* Bell 1979). Recently I read widely in late Nineteenth Century (C.E.) European philosophy, and learned just how prevalent and problematic psychologism was.⁵ Since then, I have also learned that these same problems were widespread within philosophy of law at the turn of the Twentieth Century, with common appeals to psycho-social history regarding the root causes and consequences of legal systems.⁶ Nevertheless, Carnap's

5 *E.g.*, Brentano (1874), Lipps (1901, 1912, 1913), Wundt (1907).

6 *E.g.*, Gareis (1911), 9–11; Gareis (1911, 5n, 40–67) notes the importance of ethical considerations, but does not sufficiently distinguish the fact of voluntary submission to legal authority, or the fact that we may feel we have such a duty, from whether or when such submission to or acceptance of a legal order may be justified. Neither do Kocourek in his editorial note to Gareis (1911, 9–11n), nor MacDonell in his 'Introduction' to Berolzheimer (1912, xxxi). Issues about psychologism are not moot; following Quine, Pattaro (2005, xxvii, 190, 364, 373, 382–3, 388–406), expects great gains for philosophy

(1950a, §11) strategy for avoiding psychologism – to eschew consideration of judgment altogether, and instead to focus solely upon propositions and their logical analysis – was excessive, indeed, self-undermining.

586 Carnap's exclusive attention to the logical analysis of concepts, their combinations (in propositions) and the inferential relations between propositions was excessive even within his own semantics, for reasons important to recall here. Carnap's case for concentrating upon logical analysis alone requires successfully distinguishing between questions 'internal' and 'external' to any linguistic framework. Carnap's linguistic frameworks are, however, conceptual explications writ large: combinations of explicated concepts and principles sufficient to formulate the logical and physical laws for some domain of scientific inquiry. The problem is that assessing whether or in what regard(s) any explicatum improves upon its explicandum requires assessing whether or the extent to which the explicatum functions *better* within the context of its original, by better facilitating that scientific inquiry or explanation. Such assessment is fundamentally and ineliminably contextual, and explicatae can only *be* assessed if there *is* more to their use, to their syntactic structure and to their intensional content than what is explicitly formulated *in* any stated explicatum (or linguistic framework). Such assessment involves, Carnap observes, matters of degree and some form of expected utility. There can *be* such expected utilities only if the context within which the explicatum is used has some sufficiently stable and identifiable structure unto itself such that some explicatae or some linguistic frameworks *can be* more effective or efficient than others, and can be *noted* – that is: *judged* – to be more effective or efficient than others. Carnapian explication requires and involves fundamental aspects of semantic, mental content and also justificatory externalism – the theses that some important aspects of semantic content (intension), of mental content or *mutatis mutandis* of cognitive justification are not expressly and explicitly formulated within the propositions or linguistic framework(s) in question, nor within or by the thoughts or judgments made by whomever devises, uses and assesses those explicatae. In sum, Carnap's (1950a, 1–18) own explication of the method of conceptual explication

of law and jurisprudence from future neuroscience. Those expectations are misplaced because the issues of identifying and *justifying* basic principles of justice are independent of neuro-physio-psychological *explanations* of how we are able to address these issues (Westphal 2016a). Quine preached 'naturalized epistemology' – a philosophical theory of knowledge which appeals to empirical psychology – though he never took his own advice (Westphal 2015). In principle and in practice, *explaining* how we can do *x* can never suffice for *justifying* whether or when we ought (not) to do *x*. A philosophy of law remains incomplete unless it addresses fundamental issues about when a legal system deserves to be accepted as legitimate, *per* Weber's (1922, §22) sociological definition of a political state, in contrast to a dominant protection agency (Nozick's term) – or worse.

undercuts Carnap's (1950b) own best attempt to divide framework-internal from framework-external questions, and to escape issues about judgment altogether. (This is the root of objectivity to which Burge (2010) has sought to redirect philosophical attention.)

These points about the contextual character of judgment are undergirded by the 'open texture' of all empirical concepts (Waismann 1919, Austin 1920, Wittgenstein 1958), according to which in principle we cannot provide necessary and sufficient conditions for the proper use of any empirical concept, because future instances or observations may always reveal unexpected characteristics which require revising our concepts, our use of them, or both. (This is a key reason why there can be no pure procedural justice.)

These externalist aspects to conceptual explications and their development, use and assessment all involve judgment and judgments, the point and content of which cannot be reduced or restricted to the explicit contents (intension) of the propositions which may state the content(s) of the judgments, inferences, explicatae or linguistic frameworks involved.

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Carnap's explication of conceptual explication also acknowledges that conceptual analysis, classically conceived as identifying the necessary and sufficient conditions for the proper use of any philosophically puzzling concept (term, principle, statement) is insufficient for substantive issues within philosophy of science. That is correct, though this observation holds for *all* non-formal domains. It is striking and significant that, like Carnap, Kant too distinguished methodologically between conceptual analysis and conceptual explication, in these terms, and made it central to his Critical method that we cannot presume to provide necessary and sufficient conditions specifying adequately the exact content (intension) of our key concepts and principles (*KdrVA* 727–30/B755–8). Kant thereby dismissed Cartesian transparency about conceptual content, together with infallibilist presumptions about cognitive justification, indeed, about rational justification in all non-formal domains (morals and empirical knowledge).

A related reason why judgment is ineliminable was highlighted by Lewis Carol and by Quine. Carol (1895) pointed out that the inference principles *used* in syllogistic reasoning or proof cannot all be stated as explicit premises *in* that reasoning or proof, without launching an infinite vicious regress: any premiss – including any premiss stating a rule of inference – can only be linked to other premisses by *using* a rule of inference which is not itself one of those statements. Similarly, Quine (1936) noted that specifying any formally defined logistic system – its basic symbols, terms and rules – requires *using* principles of deduction and also semantic rules in order to designate any set of marks *as* signs, to assign to those signs any semantic *function*, and

to specify the formation and inference rules which *are* the specified logistic system. Using semantic rules and using rules of inference requires judgment: intentional, self-directed, self-assessing *reasoning* about whatever considerations pertain to the issue or inference or proof in question.

5 Kant's Critical Reflections on Rational Justification.

There is a pervasive if often implicit presumption that using rules is in principle no different than using algorithms to calculate by rote some desired conclusion as a corollary to whatever calculation one makes. This is false and deeply misleading. Even algorithms require judgment to develop them, to assess their adequacy *and* to assess their appropriate use. Rules or principles *guide* judgment; they do not dictate univocal, precise outcomes of judgment. The presumption that using rules or principles differs not at all from using algorithms, all of which is no more than the most mechanical use of syllogistic deduction has two sources, both highly influential within philosophy, though neither is philosophical.

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One source was Étienne Tempier's condemnation in March 1277 of 220 neo-Aristotelian theses, mostly in natural philosophy, as heretical. Tempier's condemnation was issued upon authority of the Roman Pope as Bishop of Paris (Piché 1999, Boulter 2011). Both explicitly and implicitly Tempier's condemnation stated and implied that demonstrative knowledge requires proof that the opposite of the conclusion is impossible; all else is conjecture or opinion. This is where and how Aristotle's emphatically flexible, broadly Euclidian model of scientific knowledge was converted into deductivist infallibilism. Descartes' grappling with the possibility of a malignant omnipotent deceiver and his official view of scientific explanations as no more than 'possible' explanations of natural phenomena, all wait in the wings of Tempier's condemnation.

Much closer to our own day was the intensive effort during the Cold War to develop 'expert' systems of rules to try to safeguard against human error, which might lead to inadvertent or unwarranted though utterly disastrous nuclear strike. Systems of 'expert' rules can be very useful, though like algorithms, developing and assessing the use of expert systems of rules requires judgment. If as Russell once quipped 'there are only two forms of reasoning: deductive and bad', then there is only bad reasoning, because deduction alone cannot assess the appropriate use of the first premises of any deductive reasoning. Cold War fixation upon systems of deductive rules as solely constitutive of reasoning led reason very nearly to lose its mind (Erickson *et al* 2013; *cf.* Porter 1995). Scrutinizing knowledge gained by deduction reveals how such knowledge involves much more than just deductive validity (Powers 1978).

Central to Kant's critique of our human powers of judgment are four fundamental though insufficiently familiar points:

(1) Reasoning using rules or principles always requires judgment, to guide the proper application of the rule or principle to the case(s) at hand (*KdrV* B169–75). Specifying rules of application cannot avoid this, because using rules of application also requires judgment. Wittgenstein's alleged 'scepticism' about rule-following is not at all sceptical about rule-following; he was, after all, an architect. Wittgenstein was sceptical only about *formalist* views of rule-following, which treat the use of rules as mere algorithms – the view embedded in the formalism central to the 'expert' systems of rules sought in the Cold War. If philosophers would pay more and better attention to engineering and to actual natural sciences, rather than to pure mathematics or logical axiomatics, they would much better appreciate the use of rules in making or measuring approximations – however exacting those approximations may be. Such examples all confirm Kant's and Carnap's pronounced emphasis upon conceptual explication rather than conceptual analysis.

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(2) Rational judgment is inherently normative, insofar as it contrasts to merely responding to circumstances by forming or revising beliefs, because judgment involves considering whether, how or to what extent the considerations one now draws together in forming and considering a specific judgment (conclusion) are integrated as they *ought* to be integrated to form a cogent, justifiable judgment (*KdrV* A261–3/B317–9, B219).

(3) Rational judgment is in these same regards inherently self-critical: judging some circumstance(s) or consideration(s) involves and requires assessing whether or how well one assesses (and judges) those circumstances or considerations as they *ought best* be assessed (*KdrV* A261–3/B317–9, B219).

(4) Rational judgment is inherently social and communicable (*KdrV* A820–2/B848–50, A751–2/B779–80; *KdU* §40), insofar as judging some circumstances or considerations rationally involves acknowledging the distinction in principle between merely convincing oneself that one has judged properly, and actually judging properly by properly assessing the matter(s) at hand. Recognising one's own fallibility, one's own potentially incomplete information or analysis and one's own theoretical or practical predilections requires that we each check our own judgments, first, by determining as well as we can whether the grounds and considerations integrated in any judgment we pass are such that they can be communicated to all others, who can assess our grounds and judgment, so as also to find them adequate; and second, by actually communicating our judgments and considerations to others and seeking and considering their assessment of our judgments and considerations (*GS* 8:145–6; below §§6.2, 7.1).

6 Hegel's Critical Reflections on the Possibility of Constructive Self-Criticism.

6.1 Hegel recognised that the Pyrrhonian Dilemma of the Criterion is exposed as a mere sceptical trope by the exercise of critical self-assessment, by which we can re-assess each consideration in any stretch of justificatory reasoning, we can re-assess each *use* of each consideration within that reasoning, *and* we can re-assess each link between any pair (or plurality) of considerations. Fundamental to the possibility of constructive self-assessment, Hegel recognised, is that our awareness of any particular (object, event, structure, person, configuration, state of affairs, phenomenon) is not limited to the intensional (classificatory) content of whatever concepts, principles or propositions we bring to bear in judging that particular. Philosophers occasionally mention how important is self-criticism; Hegel is the only philosopher to analyse – indeed incisively – how it is possible, and how our capacity for self-assessment solves the Pyrrhonian Dilemma of the Criterion (Westphal 2017, §§60-64, 83-91).

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6.2 Hegel further argued that our individual capacity for critical self-assessment is both facilitated and augmented socially, by our collective capacities for constructive mutual criticism. Hegel's analysis of this point builds upon Kant's point about freedom of thought in 'What is it to Orient Oneself in Thinking?' There Kant contends that

... freedom in thinking signifies the subjection of reason to no laws except *those which it gives itself*; and its opposite is the maxim of a LAWLESS USE of reason (in order, as genius supposes, to see further than one can under the limitation of laws). (GS 8:145)⁷

This lawless use of reason naturally leads, Kant contends, to this situation:

... if reason will not subject itself to the laws it gives itself, it must bow beneath the yoke of laws given by another; for without any law, nothing – not even nonsense – can play its game for long. Thus the unavoidable consequence of *declared* lawlessness in thinking (of a liberation from the limitations of reason) is that the freedom to think will ultimately be forfeited, and because ... arrogance is to blame, it will properly speaking be foolishly *trifled away*. (GS 8:145)

Lawful, that is: *regular*, rule-governed use of reason is required simply to make sense; to make statements, claims, or judgments; to refer intelligibly and intelligently to any subject matter under discussion; to make any justified or justifiable claims or judgments; and to assess their accuracy and justification. These points likewise hold for innovations, their identifiability

⁷ Kant's *Sperrdruck* is rendered by small capitals.

(recognisability), their rational assessment and, in favourable cases, their justification.

Lawlessness in reasoning generates instead:

... an *unbelief of reason*, a precarious state of the human mind, which first takes from moral laws all their force as incentives to the heart, and over time all their authority, and occasions the way of thinking one calls LIBERTINISM, *i.e.* the principle of recognising no duty at all. (GS 8:146)

These are exactly Hegel's points in 'The Animal Kingdom of the Spirit' in the 1807 *Phenomenology* (GW 9:216–28/§§397–417), where Hegel critically examines the interactions between a group of self-obsessed Romantic geniuses, each of whom proclaims that he alone understands and expresses whatever is of utmost importance to all. The direct consequence of this attitude is that anyone else's expressions are handled as nothing but raw materials for one's own – with the further result that no one understands or expresses anything at all intelligible. Hegel's 'Animal Kingdom of the Spirit' is decidedly a literary counterpart to Hobbes' lawless state of nature (*cf.* Shklar.1976, 96–141), a counterpart suggested by Kant's own discussion of this point, with express reference by name to Hobbes (*KdrV* A751–2/B779–80).

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6.3 The positive successor to 'the Animal Kingdom of the Spirit' is achieved at the very end of 'Evil and its Forgiveness', the closing sub-section of 'Spirit' (GW 9:340–62/§§632–671). There Hegel draws the ultimate conclusions of his analysis of mutual recognition and its constitutive role in individual rational self-consciousness.

The central significance of Hegel's account of mutual recognition (*Anerkennung*) for rational justification is this: For anyone accurately and rationally to judge that *s/he is* a rational judge requires (1) recognising one's own rational fallibility, (2) judging that others are likewise genuine, competent, yet fallible rational judges, (3) that we are equally capable of and responsible for assessing rationally our own and each other's judgments and (4) that we require each other's assessment of our own judgments in order to scrutinise and thereby maximally to refine and to justify rationally our own judgments. Unless we recognise our critical interdependence as fallible rational judges, we cannot judge fully rationally, because unless we acknowledge and affirm our judgmental interdependence, we will seriously misunderstand, misuse and over-estimate our own individual rational, though fallible and finite powers of judgment. Hence recognising our own fallibility and our mutual interdependence as rational judges is a key constitutive factor in our *being* fully rational, autonomous judges. Only by recognising our judgmental interdependence can we each link our human fallibility and limited knowledge constructively to our equally human corrigibility, our ability to learn

– especially from constructive criticism. Therefore, fully rational justification requires us to seek out and actively engage with the critical assessments of others (Westphal 2017, §§60-64, 83-91; see below, §7.6).⁸

According to Kant's and to Hegel's pragmatic fallibilism about rational justification, a judgment is justified insofar and so long as: (1) It is more adequate to its tasks than any alternative statement; (2) it is adequate to its designated range of use or phenomena; and (3) it remains adequate to its designated range of use or phenomena as its use is renewed upon new, relevant occasions, which may include changed circumstances, context or information. In this way, Hegel further argues, the social and historical dimensions of rational justification in all non-formal domains requires *and justifies* realism about the objects of empirical knowledge and also strict objectivity about fundamental moral norms.

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6.4 The contrast I have mentioned between formal and non-formal domains is very specific: the one purely formal domain is a precise re-statement of Aristotle's square of logical oppositions, within which form alone suffices for the logical validity of these oppositions, which specify 'all', 'none', 'some', 'some not' and 'not' (*cf.* Wolff 2009). All further domains – including mathematics and all other formalised domains – require semantic and existence postulates which are not themselves purely formal. Deduction suffices for justification within purely formal domains because deduction *constitutes* justification within purely formal domains. However, because non-formal domains involve non-formal semantic and existence postulates, deduction alone does *not* constitute justification within non-formal domains. 'Fallibilism' regarding justification is the view that justification sufficient for knowledge does not entail the truth of what is known. Fallibilism about justification is entirely compatible with our knowing necessary truths, say, in mathematics – or also in transcendental philosophy about, *e.g.*, necessary features of rational human judgment. The 'fallibility' of the justification of any claim does not require that the claim might be false; it allows that any claim or its justification may be revisited and perhaps revised – though revisions may make it more precise, or its justification may be further corroborated or strengthened! That there is no finality to rational justification in non-formal domains, does *not* entail that we err, nor that we lack sufficient accuracy or justification.

8 Conversely, constructive mutual criticism is undermined by piecemeal, unsystematic philosophy, by philosophical factionalism ('cultural circles' or 'philosophical stances' in van Fraassen's [2002] sense), by substituting philosophical lines of policy for philosophical theses (Carnap 1950b [1956, 208], *cf.* Wick 1951), by neglecting Carnap's (1950b, 1–18) distinction between conceptual analysis and conceptual explication or by neglecting the distinction between formal and non-formal domains; see Westphal (2015c; 2017, §§100-110).

Kant's four cardinal points about the normativity of rational judgment (above, §5) are non-formal truths; nevertheless, they are truths about our capacity to form, justify and assess rational judgments. Such judgments and our exercising such judgment are required for us to make sense, to make any claims and to justify our claims – whether regarding facts, norms or acts. If those four cardinal points may be revisited or revised, any revisions will take the form of improving precision (and I have stated only the minimum necessary; Kant's precise statement is his entire critique of judgment throughout his Critical corpus) or corroborating their justification (or both). This is because any revisions must use these same normatively structured functions of rational judgment (see below, §7.4).⁹

7 Freedom and the Right to Autonomous Judgment.

If these issues about judgment, rational justification and fallibilism may seem far removed from issues of human rights, they are not – quite the contrary. Consider first how Kant linked them, for here too Hegel built upon and further built up Kant's Critical account of our capacities to judge.

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7.1 Kant concludes 'What is it to Orient Oneself in Thinking?' emphatically:

Friends of the human race and of what is most sacred to it! Accept what appears to you most worthy of belief after careful and sincere examination, whether of facts or rational grounds; only do not dispute that prerogative of reason which makes it the highest good on earth, the prerogative of being the ultimate touchstone of truth.* Otherwise you shall become unworthy of this freedom, and you will surely forfeit it too; and besides that you will bring the same misfortune down upon the heads of other, innocent parties who would otherwise have been well disposed and would have used their freedom lawfully and hence in a way which is conducive to what is best for the world! (GS 8:146–7; tr. Wood)

⁹ Kant's four points about rational judgment are synthetic claims which can be known *a priori*. Rejection of 'the' synthetic *a priori* because (supposedly) it involves or allows intuition of metaphysical truths is non-sense rooted in empiricist presumptions about 'rationalism'. Kant undermined rationalist metaphysics by appeal to a basic cognitive-semantic point he learned from Tetens, who held that to 'realise' a concept is to demonstrate – ostend, point out, provide – instances to which that concept properly applies. This requires, Kant argued – cogently – localising relevant particular instances within space and time. In this way, Kant secured the key aim of verification empiricism, *without* invoking verification empiricism! Kant's cognitive-semantic point holds regardless of the concepts or propositions (intension) at issue (Westphal 2004, 2013b). Hegel argued independently and cogently for this same basic cognitive-semantic point in the first chapter of the 1807 *Phenomenology of Spirit* (Westphal 2000, 2002–03, 2010). Hegel further realised that this cognitive-semantic point suffices to reconstruct the entirety of Kant's critique of judgment, *without* appeal to transcendental idealism – nor to any comparable view (Westphal 2017).

Now why, exactly, should reason be the ultimate touchstone of truth? Kant answers in his footnote to his conclusion:

**Thinking for oneself* means seeking the supreme touchstone of truth in oneself (*i.e.* in one's own reason); and the maxim of always thinking for oneself is ENLIGHTENMENT... . To make use of one's own reason means no more than to ask oneself, whenever one is supposed to assume something, whether one could find it feasible to make the ground or the rule on which one assumes it into a universal principle for the use of reason. This test is one that everyone can apply to himself; and with this examination he will see superstition and enthusiasm disappear, even if he falls far short of having the information to refute them on objective grounds. (GS 8:146–7n; tr. Wood)

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The 'enthusiasm' Kant here censures is the view that reason's legislation is invalid, whereas 'superstition' is 'is the complete subjection of reason to facts', whether real or alleged (GS 8:145). A 'universal principle for the use of reason' is a principle any and everyone can use to judge some subject matter. This reflects Kant's observation in the Canon of Pure Reason, that 'all knowledge (if it pertains to an object of pure reason) can be communicated' (*KdrV* A829/B857). This communicability of knowledge does not merely consist in announcing one's opinions to others; it consists in publicising one's analysis, justificatory grounds and concluding judgment to others so that they too can consider one's analysis, grounds and judgment, so that they too can find it cogent and sufficiently justified (*KdrV* A822–3/B850–1). This possibility of communicating one's knowledge is a necessary condition constitutive of knowledge of any and every public object, event, structure, phenomenon, principle or practice. The Critical question Kant poses for any- and everyone's use of reason in this footnote is an important step forward from Kant's Transcendental Doctrine of Method to the universalisability tests first presented in the *Groundwork of the Metaphysics of Morals*.

7.2 The key to Kant's universalisability tests is that universal communicability (of this kind) is a necessary condition for rational justification in all non-formal domains. Consequently, any claim or principle – together with its purportedly sufficient justifying reasons – which cannot be universally communicated cannot, accordingly, be rationally justified. This holds independently of the character, content or apparently compelling character of the claims, principles or reasons at issue. Kant's insight into the moral assessment or justification of actions is this: No omission of strict moral duties, and no commission of morally prohibited actions, can be justified to all others by communicating the principles and purported justifying reasons for so acting (or omitting to act), such that they too can upon consideration assess one's proposed action and its purported justifying grounds, and can decide and act on those same considerations on the same occasion and in

the same way as one thinks or acts. Maxims and acts of exploitation, illicit coercion or strong-armed robbery are ruled out because they over-power at least one person's powers to decide how to act upon sufficient justifying grounds; maxims and acts of deception, fraud, lying or other forms of illicit stealth are ruled out because they evade at least one person's powers to decide how to act upon sufficient justifying grounds. No such act can be justified by sufficient reasons addressable to all others, such that they too can consider, think, decide and act on those same grounds and in that same way, on that same occasion and on all such occasions.¹⁰

Because universal communicability of principles and their (purported) justifying grounds is a *conditio sine qua non* for the rational justification of those principles, together with any thought or action based upon or guided by them, Kant's Natural Law Constructivism (Westphal 2016a) circumvents or at least circumscribes debates about 'values', especially when used as premises in moral assessments or justificatory moral reasoning. Of course there are important issues to be settled jointly – whether locally, domestically or internationally – about values, aspirations, policies, legislation and their often competing recommendations, but those debates can only occur, can only be effective and can only be resolved for cogent reasons, *within* the scope of the strict duties of justice identified by Kant's universalisation tests, independently of such contingent and diverse material premises. Consequently, moral or political debates about 'values', aims and aspirations can only pertain to elective, in principle justifiable policies, procedures, laws, customs or conventions. Debate about 'values', aims and aspirations as material premises in moral reasoning does not pertain to the most fundamental principles of justice, which are the most fundamental principles of morals, identified and justified by Kant's Natural Law Constructivism.

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7.3 Freedom of thought, communication and action are all constitutively linked to freedom of rational judgment. Because we are free to do or forbear, we can act as we should not. Hence moral prescriptions are for us imperatives: permissions, prohibitions or obligations. Because we cannot create anything *ex nihilo*, we cannot act at all without using space, time and materials around us. Because we are so interdependent, using materials effectively – hence without hindrance by others – requires social coördination by acting according to publicly established and acknowledged principles and practices, so that we may each know how not to interfere with others' use of their possessions. We are each within the moral domain because there is so very much we can and ought – or ought not – do to respect, assist, minister to or restrain others' needs or actions. Because rational judgment is normatively

10 Kant's universalisability tests eliminates *logoi* which cannot possibly be *orthoi*; see Westphal (2016f).

structured (*per* §5), it can be neither fully explicated nor explained in strictly causal terms (Westphal 2016e, h). Freedom of action involves judging and deciding how to act. This requires exercising instrumental reasoning about which ends, strategies and means are feasible within the limits of one's currently available resources, skills and abilities. Freedom of action also requires judging and deciding how it is permissible to act, or which act is (or which acts are) impermissible to omit. Judging what is and is not (im)permissible requires using Kant's universalisation tests. Only by using these tests can we solve basic problems of social coordination legitimately, by solving them on the basis of reasons and analysis which are universally communicable (in the sense specified above, §5), and hence abide by Rousseau's independence requirement, which is Kant's sole innate right to freedom. No norm can be justified merely by empirical evidence, nor by mere logical or conceptual analysis. Normative justification lies in our rational capacities to judge and to act responsibly by achieving our ends only in ways which can be justified to all others, in part by honouring the host of acquired rights and obligations we very finite, mutually interdependent, embodied semi-rational agents inevitably require and acquire by living in a polity and its economy here on Earth. Amongst the facts to which reason in one's own person should not be subordinated – to do so would be, as Kant says, superstitious – are facts about one's own desires, preferences or inclinations, or also facts about one's belonging to one or another tradition or community. Only by reasoning cogently and publically in view of Kant's Critical analysis of our rational powers of judgment, together with his (merely implicit, never explicated) 'practical anthropology' – an inventory of basic constitutive features of our finite embodied agency: what we *homo sapiens semi-sapiens* ARE capable of doing and suffering, *not* what(ever) we may happen to believe or to feel or to admit we can do or suffer – can we identify and justify the most basic principles and practices of morals. These basics suffice to secure peace and sufficient concord for us legitimately to pursue, assess or plan our common wealth, domestically and internationally. Only because we are free rational beings are we within the moral domain; only because we can rationally understand, examine, address and (provisionally) resolve these issues about how best to act within the limits of justice and moral responsibility are we morally imputable agents – regardless of whether we recognise and fulfill our obligations. Rather than restricting justification to whatever grounds can motivate agents – an internalist and empiricist strategy – Kant's Natural Law Constructivism first identifies and justifies what our duties and obligations *are*; the issue of bringing human motivation into accord with obligation Kant assigns to education – in all its forms – and to philosophy of education, all guided by the rights and obligations identified and justified by Natural Law Constructivism. All of these point are equally fundamental to Hegel's further developments and justification of Natural Law Constructivism.

7.4 When lecturing upon §433 of his *Philosophical Encyclopaedia*, concerning the defective form of mutual recognition of master and bondsman, Hegel observed:

... in this relation [of master and bondsman,] the *posited* identity of self-consciousness of those mutually related subjects [has] only been established in a *one-sided* way.

As concerns the historical aspect of this relation now under discussion, it may be remarked here, that ancient peoples, the Greeks and Romans, had not yet achieved the concept of *absolute* freedom, as they didn't know that the *human being as such*, as this *universal I*, as *rational* self-consciousness, is entitled to freedom. Amongst them, the human being was instead only held to be free, if he was *born* free. Hence amongst them freedom still had the characteristic of *naturality*. Hence in their free states there was slavery and amongst the Romans there were bloody wars in which slaves sought to free themselves, and to win recognition of their eternal human rights. (Enz. §433Z; tr. KRW)

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Important here is Hegel's characterisation of the very *concept* of 'absolute freedom', as the right to freedom of any human being as such. This is indeed the crucial constitutive universalisation of freedom as a right of *human beings*, and so of *each* and *every* human being as such (universal rights), in contrast to juridically granted communal or political rights to freedom (rights of membership).¹¹ To be sure, Hegel reiterates this key point, that 'justice (*Recht*) and all of its determinations are grounded solely upon *free personality*, a *self-determination*', in his published Remark to Enz. §502.¹²

This absolute concept of freedom and of the individual right to freedom Hegel discusses in his *Philosophical Outlines of Justice* when contrasting property,

11 Hegel's discussion here of the 'absolute concept of freedom' is quite the opposite to the 'absolute freedom' which all too easily leads to political terror (*PhdG*, *GW* 9:316–28/§§582–595); that 'absolute freedom' is the negative freedom of individuals *from* their economic, civil, political and juridical principles, institutions and practices.

12 Because scepticism about Hegel's views is so entrenched, here is his Remark in full: 'The expression *natural law* (*Naturrecht*), which has typically denoted philosophical doctrine of justice, contains the ambiguity, whether justice (*Recht*) is something *immediately* on hand *naturally*, or whether it is meant as specified by the very nature, *i.e.* by the *concept* [of justice]. Previously the former sense was typical, so that at once a *state of nature* is feigned, in which natural justice is supposed to be valid, whereas the social condition and the state is rather a limitation of freedom and requires sacrificing natural rights. In fact, however, justice and all of its determinations are grounded solely upon *free personality*, a *self-determination*, which is rather the opposite of a *natural determination*. Hence natural justice is the existence of strength and force making itself valid, and a state of nature is a condition of violence and injustice, about which nothing can be more truly said, than that *it shall be vacated*. In contrast, society is instead the condition in which alone justice has its actuality; what is to be limited and sacrificed is indeed the arbitrariness and violence of the state of nature' (Enz. §502R; tr. KRW).

which in principle is always alienable, to inalienable, entirely personal goods. Here is the relevant passage, translated from Hoymeyer's transcript of Hegel's lectures of 1818–19:

§35 [Alienation of property and its limits] My property I can alienate, insofar as by its nature the thing is something external. Accordingly, those goods are *inalienable* – just as the right to them cannot expire – which constitute my own-most person and the universal [character] of my self-consciousness, – as my personality as such, freedom of the will, ethical life, religion.

If inalienable goods nevertheless are alienated, their restoration can thus be demanded immediately, for they are without term: *Droits de l'homme*.

One must not remain with this abstraction of these human rights. Yet this principle as such is absolute [*sic*]: that, even if a nation has alienated these rights, they can immediately reclaim them.

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My ethical law is *my* being; it is not something alien to me. In *religion* I intuit my being, I seek to produce within myself the consciousness of my identity with my being. How can it occur, that these be alienated, that another becomes master of our ethical life *etc.*? The reason is that such relations consist in my making myself objective within them, that I posit a differentiation between myself as particular and as universal; if I remain merely particular, then the universal is for me a power, something foreign, an external power. [This is] the path of superstition, servitude. Hence I must know the universal in stable identity and relation to me, to remain truthfully extant. The slave, so soon as he says he is free, is from that moment free and owes no compensation to his master, indeed he can still demand provisions from him. Thus one can liberate oneself also from any coercion by ethical life or by religious faith. (Nachschrift Homeyer, Berlin 1818–19; Ilting 1985, 230; tr. KRW)

Hegel stresses exactly this contrast – between that which in principle may be alienated and our inalienable, most personal rights and freedom to live ethically and piously in *understanding* ourselves and our moral obligations and aspiration – in all of his lectures, in his own lecture notes, *and* in the published text of *Rph* §66 and his Remark to that section.¹³

In exactly this same connection, Hegel stressed at the outset – against the historical school of jurisprudence (Hugo, von Savigny) – that for all their juridical accomplishments, the Romans lacked a proper definition of the human being as constitutively free (*Rph* §2R); only thus could they admit slavery (*Rph* §3R), though consequently neither the Romans, nor their fervent

13 Cf. *Rph* §§65, 66+R (*GW* 14.1:29; 14.3:78,15); *Vorlesungen zur Rechtsphilosophie*: 1817–18, §29; 1818–19, §35; Ilting 1:263–4; 1819–20, 29.470–494; 1822–23, re: *Rph* §66, Ilting 2:273, 3:249, 255; 1824–25, re: *Rph* §57+R, Ilting 4:241–2; re: *Rph* §66R, Ilting 2:277; re: *Rph* §68R, Ilting 4:239.

conservative advocates, the historical jurists, could grasp the proper basis of justice and rights, which is the free human will, our rational capacity to judge and decide how to act (*Rph* §4).

7.5 Equally important to the absolute right to freedom of each and every human being, is Hegel's observation that 'One must not remain with this abstraction of these human rights'. Instead, Hegel's *Outlines* detail why each and every human being in an industrialised commercial nation deserves citizenship in a sufficiently just, well-functioning (small 'r') republic. To be legitimate, a republic must establish, secure, facilitate and promote fundamental civic rights and freedoms of person, belief, property, profession and trade (*Rph* §§35, 36, 38, 41–49, 57, 62R, 66, 206, 207, 209R, 252, 270R), including the rights to earn one's livelihood, to effective political representation and to being regarded as an equal citizen in good standing (*Rph* §§241, 244, cf. §§238Z, 244Z). Acquiring and exercising such rights further requires honouring each newborn's right to proper and sufficient nurture and education, both informal and formal (*Rph* §§174, 209+R). Education must centrally include education for that most important public office – the office of citizen.

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Hegel's *Philosophical Outlines of Justice* details how to instantiate and institutionalise human rights by integrating them with correlative human responsibilities and opportunities within republican commercial societies, where the absolute right to freedom is and remains the fundamental benchmark for the legitimacy of our political, civil and legal institutions and practices, all of which are to protect, promote and respect the development and exercise of mature judgment in all of our deliberations and activities, whether familial, social, civil or political. The absolute *concept* of individual freedom must continually be reconsidered as we come to reconfigure our freedom by reconfiguring our free activities through our on-going cultural, economic, civic and political developments. Hegel's institutional designs for legislation and for political representation aim to monitor the actual workings and consequences of our activities, individually and collectively, with regard to the sociological law of unintended consequences, so that social practices required for legitimate free individual action be preserved or whenever need be protected legally, to counter-act unintended consequences of social practices which jeopardize individual freedom of action, and to revise legal and civil institutions so as to avoid or to minimize so far as possible such illegitimate, unjustifiable unintended consequences of social practices – including, centrally, economic, financial, legislative and political practices (Westphal 2016c, d).

The plurality of culturally, historically or legally specific conceptions of human rights is not, of itself, a problem, nor should it be surprising: We should expect the identification and formulation of human rights and obligations

to keep pace with new developments in the ways and means of degrading, evading, exploiting or violating the freedoms, responsibilities and vulnerabilities of individuals' finite embodied semi-rational agency (*cf.* Beyleveld & Pattinson 2000, 2010). My point here is, with Hegel and Kant, to identify the fundamental *principle* which justifies human rights as such, because it protects and promotes the very same rational freedom and capacities to identify and to justify basic moral principles as such, which hold for all of us finite, embodied semi-rational human agents. In this regard, we can agree with jurists who rescind natural law theory because an invariant yet specific, action-guiding *law* for all human cultures for all times is not to be found, without succumbing to historicism – nor to positivism – because the fundamental principles and processes of rational justification (in non-formal domains), together with their constitutive roles in free and responsible rational action, are constant: they are constitutive of the 'absolute concept of freedom' Hegel identifies, which serves as a guide to understanding and assessing how and how well current social practices – including the economy as well as government, communications and social and civil institutions – serve to support, protect and foster free responsible action by each and everyone, or to identify regards in which current social practices and institutions require and afford improvements in achieving and sustaining freedom and justice for all.

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This is the insight Hegel learnt from Montesquieu (*Rph* §3+R): None of us can by ourselves devise an adequate scheme for securing human freedom and justice; instead we must examine actual human activities as they have developed and are practised today, and as we engage in them as we anticipate and plan for tomorrow. This is one reason why history is so central to Hegel's philosophy, including the history of Roman law and its Modern Occidental offspring. Moral philosophy, too, must be conducted as we have only too recently learned that history and philosophy of science must be conducted, wherein actual science – or actual human activities – must be accounted for properly and in detail by credible philosophical principles and theories. Empirical information never suffices to identify or to justify normative principles or practices, though detailed empirical information about how we free, semi-rational agents have figured out how to achieve our ends effectively is indispensable to normative theory, and to improving the legitimacy and effectiveness of our normatively structured practices, which always involves their on-going assessment, if we but pay attention to our manifold opportunities for constructive self-critical assessment and for mutual critical assessment. Self-styled radicals – whether right- or left-wing – who dismiss the adequacy or relevance of contemporaneous legal, political and economic structures are not nearly radical enough, for they fail to recognise how our freedom of action and our rational capacities and abilities to assess the adequacy and

legitimacy of social practices and institutions are deeply rooted in our shared practices.¹⁴ These fundamental features of human agency and moral normativity can and should be made much more central to education for citizenship.

7.6 Education for citizenship involves not only considerable content regarding public institutions, principles, opportunities and procedures, it also involves these key skills and abilities, constitutive of mature judgment: (1) to discern and define the basic parameters of a problem; (2) to distinguish relevant from irrelevant and more relevant from less relevant considerations bearing on a problem; (3) to recognize and to formulate important questions and sub-questions which must be answered in order to resolve a problem; (4) to determine proper lines of inquiry to answer those questions; (5) to identify historical or social factors which lead people – including *ourselves!* – to formulate questions or answers in particular ways; (6) to think critically about the formulation or reformulation of the issues; (7) to consider carefully the evidence or arguments for and against proposed solutions; (8) to accommodate as well as possible the competing considerations bearing on the issue; (9) through these reflections and inquiries, to resolve a problem, so far and so well as is now possible; and ultimately (10) to organize and to present these considerations clearly and comprehensively to all interested – that is, to all affected – parties (Westphal 2012, 2016e). (Note that accommodating competing considerations requires assessing which of these considerations are legitimate, insofar as they are consistent with the independence requirement.)

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Because rational justification in all non-formal, substantive domains is fallible, to judge rationally is to judge matters thus:

To the best of my present abilities, understanding and information, this conclusion is justified for the following reasons and in the following regards – what do you think?

This point of humility about the fallibility of one's own rational competence follows from and supplements the four basic points regarding rational judgment and justification indicated earlier (§5).

Because rational judgment is fallible, and because it involves one's own, as it were, 'perspectival' assessment of the relevant evidence, principles and the interrelations among these, rational judgment is also fundamentally social. Constructive mutual criticism facilitates constructive self-criticism and renders it a social phenomenon by facilitating (or enabling) the identification of discrepancies between our conceptions of our knowledge and the objects of our knowledge and our experience of the objects we know and

14 In this I agree with Dewey, F.L. Will (1988) and James Wallace (2008), each of whom followed Hegel's lead in this important regard.

our experience of our own cognitive constitution and activities, and analogously for action, regarding either intended and actual consequences or purported and actual justifying reasons. 'Reason' and 'rationality' are exhibited, not primarily by deductive competence, but by responsiveness to evidence, analysis, reasons and their *assessment*, in ways which can and do improve our views, whether by corroboration, elaboration, revision or rejection. Deductive logic is, as Kant (*KdrV* A10–12, 53, 60–3, 797–8/B24–6, 77, 85–8, 824–5) recognised, a canon for judgment, but outside pure axiomatics, deductive logic is no organon for knowledge, neither in morals nor in empirical knowledge. Acquiring, assessing and improving our knowledge and understanding requires recognising our own fallibility, *and* our capacity for self-critical assessment, *and* our constitutive interdependence, first to *become* rationally competent, imputable agents, and second to re-assess our own most considered judgments (*cf.* Westphal 2016f). Rationality requires modesty and humility about our own most considered judgments. This is consistent with our advocating our views vigorously, but rules out our advocating or applying them dogmatically, and especially not to the disadvantage of others' legitimate interests.

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7.7 To devote this much attention to details about judgment and rational justification in order to justify and to highlight the importance of modesty or humility may seem absurdly anti-climatic. To the contrary, precisely this constitutive role for humility and modesty in rational judgment and justification is decisive for the ecumenical universalism we most dearly need in matters moral, and it is decisive for distinguishing credible views worth considering, and worthy interlocutors who represent those views sincerely, from the welter of forms of domineering egoism, extremism, power-mongering, sociopathic dogmatism, narrow-mindedness or sheer idiocy – the kinds of dogmatism which insist that one's own size does fit and must be fitted to all others, regardless of what they may justifiably say or think about it.

This humility, modesty and inquiring reconsideration of core issues and our most considered judgments on those issues is a fundamental, ecumenical, very widely and centrally shared tenet of credible moral views globally and historically; it is central to Taoism, Confucianism, Buddhism, Shinto, Ancient Greek moral philosophies, all three Abrahamic religions – Judaism, Christianity and Islam (*cf.* Runzo *et al.* 2003) – and to secular humanism; *e.g.*, the Ethical Culture Society. These three virtues are the moral and jurisprudential counterparts to the Hippocratic oath: Above all, do no harm! These three virtues are (partly) constitutive of moral integrity, which is required both to acquire and exercise rights and to hold and execute obligations (Westphal 2016f). These basic points are (partly) constitutive of our being trustworthy, and so to our being responsible members of the moral community.

One reason why this humility and modesty are so important lies in an important observation by Kant, which Hegel recognised and augmented: They both adopt, endorse and justify an important Stoic aspect of individual rational freedom – the freedom to neglect one’s own desires or inclinations because they are judged to be unworthy, illegitimate or immoral. The root of ‘radical evil’ in human nature is our chronic tendency to grant priority to whatever one desires over what morality requires, rather than granting priority to what morality requires over whatever one desires. Yes: merely instrumental accounts of rationality are radically evil, as are self-aggrandizing neo-liberal claims to profits over civil and human rights of all citizens. As noted above, Kant and Hegel identify superstition with subordinating one’s own reason to facts – of whatever kind. These facts may include, *e.g.*, one’s *de facto* inclinations, preferences or expected utilities, or instead one’s communal tradition. Like all forms of superstition, *i.e.*, all forms of subordinating reason to facts, these views too are heteronomous. That one happens to want something, or that one proposes to act in accord with one’s traditions, does not, of itself, touch the moral questions of whether what one wants or proposes may be prohibited, permissible or obligatory.¹⁵

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8 Distinguishing Criticism from Cavil, Prophecy from Pretext.

Doubtless some will respond to these considerations about rational judgment and justification as I did to Pettit’s appeal to psychology, but such rejoinders are mistaken, profoundly so. Kant’s four cardinal points about the normative structure of judgment (above, §5) are altogether neutral about normal human psychology as any substantive basis for understanding mental health and its social conditions. More likely are rejoinders which press those four points into the place held by a major premiss in a simple deductive syllogism, and then reject that premiss *modus tolens tolendo*. Such rejoinders are, in principle and in practice, unalloyed examples of ancient scepticism: they insist dogmatically that dogmatism is the only possible form of rational justification. This is false in theory and pernicious in practice, regardless of how widely shared such practices and attitudes may be. These features of rational judgment and the explication of mature judgment (above, §7.6) help to identify genuine cases of critical assessment, and to distinguish these from mere

15 The most sophisticated form of merely instrumental justification of moral principles is Gauthier’s contractarianism; I respond to it *en detail* – and on Kant’s behalf – in Westphal (2016a), §§29–34. Kant’s ‘Incorporation Thesis’ (Allison’s designation), that no desire, inclination, ground or principle is a motive to act unless and until it is incorporated by the agent into her or his judgment about how to act – simply applies Kant’s theory of judgment to action; Hegel adopts the same view (*Rph* §§5–7ff). Issues about causal determinism and freedom of the will are fundamentally ill-conceived, and require no idealist solution: In principle the key premiss of the debate is unjustifiable; see Westphal (2016g).

rejoinder, protest or rejection. Of course someone might *say* that the present analysis is just one more Occidental view seeking to impose itself upon others – but talk is cheap: *justifying* any such assessment requires detailed analysis and evidence, quite the opposite of mere cavil.

To the rejoinder that I stake my account of freedom, rights and duties on a specific and controversial kind of epistemology, I grant that I do so, and I respectfully submit that I have examined the relevant epistemological issues and views in sufficient critical detail over the past three decades. I further submit that the present considerations about rational judgment, justification and their social dimensions provide much stronger justification for the republican rights to non-domination and to justification than those provided by Pettit, Honneth or Forst.¹⁶ If someone proposes another way to identify and to justify basic moral norms, let him or her first show that the alternative approach does not succumb to the Pyrrhonian Dilemma of the Criterion (above, §3).¹⁷

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To insist that only uncontroversial claims can serve as premises in justificatory arguments is, in Kant's phrase, the euthanasia – if not suicide – of reason: Controversy only merits respect when it is supported by cogent reasons and reasoning. This requires a kind and scope of education, training and consideration that has been – and continues to be – eroded and undermined by over-specialisation in the field, coupled with excesses of conventionalism unleashed by Quine and his followers (Westphal 2015). Excellent scholarship on Kant's Critical philosophy has been available in English for over a century (Watson 1891, Caird 1899), but 'mainstream' Anglophone philosophers continue to think in the pre-Critical ruts carved by Descartes, Hobbes, D'Holbach and Hume (*cf.* Westphal 2016g).

Turning to more practical issues, there can be no serious justificatory question that peace and petition have moral priority – as matters of justice, right and freedom – over petulance and perfidity. Identifying and distinguishing

16 Forst (2007, 2011) rightly stresses reciprocity and interdependence, but relies too much upon acceptance and consensus – or rather, does not examine the issues involved in distinguishing between *de facto* acceptance or consensus, and what principles, institutions, practices or policies merit acceptance, and so merit consensus as well. His view is internalist about justification, and suffers from the problems infecting coherentism and reflective equilibrium discussed above (§3). A more robust account of reciprocity is provided by Becker (1986).

17 Here I have not solved the Pyrrhonian Dilemma; I have only indicated some main points, and cited other research in which I examine, reconstruct, assess and defend Hegel's solution to it (Westphal 2017). In my (2016a) I examine two paradigmatic alternatives: Gauthier's sophisticated contractarianism, and Hume's sentiment-based ethics, and argue in detail that neither these, nor the host of related contemporary forms of moral constructivism, succeed in identifying or justifying basic moral norms.

actual instances of petulance or perfidity is not always easy, but one central indicator is the hallmark of rationality indicated above (§7.6): responsiveness to relevant evidence and cogent analysis. I am under no illusions about the many ways and the vast extents to which political processes and discourses not only neglect, but trample, evade or subvert the conditions required to form and to act upon mature judgments, often aiming to impose self-interested, factional or immature judgments upon the processes of legislation. Rather than concede that such practices belie the irrelevance of these considerations about mature judgment, let me turn those tables by using the conditions for mature judgment to underscore just how far we have allowed many of our political and legal institutions to stray from legitimacy. In many jurisdictions – foremost amongst them perhaps is my own ‘homeland’ and its insecurities, imaginary or real (the USA) – we have developed systems of political representation which only respond to group needs or interests within the short to medium term, where the brevity of the term is set by election cycles (*cf.* Truman 1951, Olson 1965), so that none remain who speaks on behalf of the commonwealth and its long-term interests in justice, infrastructure and basic social services, sustainability (*cf.* Jones 1975, Curren & Metzger 2017) and sound fiscal policy and practice (Buchanan & Wagner 1977).

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There are splendid exceptions to such trends in the Nordic and Scandinavian countries, and to a significant extent also Germany. The decline of self-styled liberal democracies into tyrannical majorities – or vocal minorities – can only be blocked by robust, inclusive, small ‘r’ republicanism. Some institutional provisions to counter such descent into competing political special interests are, *e.g.*, the Italian law which requires all citizens to vote in national elections, and facilitates their voting by making election day a holiday; the ballot option of voting for ‘none of the above’ (NOTA), used in Bangladesh, Columbia, India, Greece, Spain, Ukraine, and in Russia – introduced by Gorbachev, though abolished in 2006 – though only in one state of the USA: Nevada. Perhaps most impressive was the provision of ancient Athenian democracy to protect democracy against demagoguery by public voting for ostracism, by which arrogant power-mongers could be sent abroad for a decade – in sharp contrast to current politics, when such arrogant types are most likely to be elected to high office. To that ancient Greek practice we owe the very term ‘ostracism’: votes were recorded by etching a candidate’s name on pot sherds called ‘ostraka’ (singular: ‘ostrakon’).

9 Conclusions.

To the best of my present abilities, understanding and information, these conclusions about justice, rational justification and human rights are justified for the reasons and in the regards summarised herein; pray tell, what *do*

you think – and why? How and how well does your assessment withstand this kind of critical scrutiny? Our lives, our laws, our systems of justice and the Socratic health of our souls hang in the balance. We can afford no further negligence in these decisive matters!¹⁸

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Kenet. R. Vestfal

Hegelovo opravdanje ljudskog prava na ne-dominaciju

Apstrakt

'Hegel' i 'ljudska prava' retko su povezivani i oznaka 'ljudska prava' retko se javlja u njegovim delima. Zaista, Hegel je kritikovan zbog izostavljanja ujedno građanskih i političkih prava. Moja pretpostavka jeste da su čitaoci tražili moderni Dekalog i da su zanemarili kako Hegel pravda svoje stavove, i stoga samo koje stavove opravdava. Filip Petit (1997) je preusmerio pažnju na republikansku slobodu. Hegel i ja se slažemo sa Petitom da je republikanska sloboda krajnje važna vrednost, ali apelovati na njenu vrednost, ili opravdavati je apelom na reflektivni ekvilibrijum, nedovoljni su i u teoriji i u praksi. Rekonstruišući Kantovu kritičku metodologiju i objašnjavajući društveni karakter racionalog opravdanja u ne-formalnim domenima, Hegel pokazuje da je republikansko pravo na ne-dominaciju konstitutivno za podjedanko republikansko pravo na opravdanje (Frost 2007) – gde su oba nužni uslovi za dovoljno racionalno opravdanje u svim ne-formalnim domenima, uključujući zahteve za prava ili imputacije dužnosti ili obaveza. To je neposredna moralna, politička i pravna implikacija Hegelove analize uzajamnog priznanja, i njegova temeljna, konstitutivna uloga u racionalnom opravdanju. Specifične posledice fundamentalnog republikanskog prava na ne-dominaciju moraju biti određene sagledavajući koji oblici nedozvoljene dominacije su mogući ili verovatni unutar bilo kog specifičnog društva, u pogledu njegovih društvenih, političkih i ekonomskih struktura i funkcionisanja.

Ključne reči: Hegel, ljudska prava, ne-dominacija, Petit, republikanizam, opravdavanje, priznanje

Željko Radinković

Daseinsanalyse und die Seinsfrage beim frühen Heidegger. Destruktion des Husserlschen Bewusstseinsbegriffs als des absoluten Seins im Sinne der absoluten Gegebenheit

Zusammenfassung Der Text beschäftigt sich mit einer bestimmten Phase des Heideggerschen Denkweges, die unmittelbar dem Entstehen von Sein und Zeit (1927) vorausgegangen war. Im Mittelpunkt der Überlegungen befindet sich Heideggersche Rezeption, Kritik und Transformation einiger der zentralen Begriffe der Husserlschen Phänomenologie (Intentionalität, Apriori, kategoriale Anschauung). Es soll gezeigt werden, wie diese radikale Umformung der Husserlschen Phänomenologie über die formale Koinzidenz bezüglich des phänomenologischen Prinzips „zu den Sachen selbst“ hinausgeht und auf die wesentliche Verbindung der Seinsfrage und seiner phänomenologischen Entformalisierung hinweist.

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Schlüsselwörter: Sein, Phänomenologie, Ontologie, Bewusstsein, Zeit, Intentionalität

In der Vorlesung *Ontologie (Hermeneutik der Faktizität)* stößt man auf die erste von Heidegger ausdrücklich vorgebrachte Ablehnung der Anschauung als der Art und Weise, wie das Dasein in seiner ursprünglichen Bedeutung zu erfassen ist. (Radinković 2012a) Der Vorgang der Selbstausslegung des Daseins – hier noch unter dem Schwerpunkt Faktizität betrachtet – führt, so Heidegger, nicht über Anschauung, die hier klar als einer der Modi des erkennend-objektivierenden Verhaltens bestimmt wird. Die Hermeneutik soll vielmehr von dem Individuellen als dem Faktischen ausgehen, und zwar so, dass die „Faktizität [...] die Bezeichnung für den Seinscharakter ‚unseres‘, ‚eigenen‘ Daseins [ist]. Genauer bedeutet der Ausdruck: *jeweilig* dieses Dasein (Phänomen der ‚Jeweiligkeit‘; vgl. Verweilen, Nichtweglaufen, Da-bei-, Dasein), sofern es *seinsmäßig* in seinem Seinscharakter ‚da‘ ist. *Seinsmäßig* dasein besagt: nicht und nie primär als *Gegenstand* der Anschauung und anschaulicher Bestimmung, der bloßen Kenntnisnahme und Kenntnishaftigkeit von ihm, sondern Dasein ist ihm selbst *da* im Wie seines eigenen Seins.“ (Heidegger 1988: 7) Als faktisch existierendes geht das Dasein sorgend mit sich und der Welt um. Das Dasein begegnet primär im Wie des Besorgtseins. Das aber, was das Dasein eigentlich besorgt, ist laut Heidegger seine eigene Zeitlichkeit. Denn, „Besorgtes ist da als noch nicht, als erst zu-, als schon, als nahezu, als bis jetzt, als fürs erste, als schließlich.“ (Heidegger 1988: 101) Es sind diese

sog. kairologische Momente des Daseins, die auf einen Zusammenhang seiner sorgenden Seinsweise mit den Grundmomenten der Zeit hinweisen. In der Vorlesung *Prolegomena zur Geschichte des Zeitbegriffs* von 1925 gelingt es Heidegger diese sich andeutende Verbindung im Lichte der Seinsfrage in den Blick zu nehmen. Die Grundfrage der Phänomenologie, heißt es da, ist die Frage nach dem Sein, die phänomenologische Forschung die Interpretation des Seienden auf sein Sein hin. (Heidegger 1979: 423) Seine bisher gewonnenen Einsichten in die Faktizität des Daseins und die Grundstrukturen seines sorgenden Umgangs mit sich und der Welt haben eine Perspektive auf die Seinsfrage eröffnet. Diese stellt sich demnach nicht als eine abstrakte – etwa als systematische Erörterung des Begriffs ‚Zeit‘ –, zu diesen Bestimmungen hinzukommende, sondern soll in der vollen Konkretion des existierenden Daseins gestellt. Die Frage ist, inwiefern lässt sich in dem, wie das Dasein sein historisch-faktisches Existieren erfährt, in der Bekümmern um sein Sein, auch ein Verständnis des Seins selbst nachweisen. Die Methodologie der Seinsfrage ist demnach eng an die Art und Weise der Selbsterfahrung des Daseins gekoppelt. „Je eigentlicher und reiner dieses Seiende des Fragens, Erfahrens und Begreifens in seinem Sein ausgearbeitet ist, um so radikaler wird die Antwort auf die Seinsfrage zu geben sein. Dieses Seiende wird um so reiner auszuarbeiten sein, je ursprünglicher es selbst erfahren, je angemessener es begrifflich bestimmt wird, je eigentlicher das Seinsverhältnis zu ihm selbst gewonnen und begriffen ist.“ (Heidegger 1979: 199) Das ‚Seiende des Fragens‘ sind wir selbst, weil wir in einem seinsmäßigen Verhältnis zum Sein stehen. Wir sind so, dass wir uns um unser Sein kümmern müssen und können. Wir (das Dasein) sind auslegungsbedürftig und –fähig.

1. Heideggersche Rezeption der zentralen Themen der Bewusstseinsphilosophie Husserls (Intentionalität, kategoriale Anschauung, Apriori)

Noch bevor Heidegger die Daseinsanalyse in Angriff nimmt widmet er sich ausführlich den „fundamentalen Entdeckungen der Phänomenologie“: der Intentionalität, der kategorialen Anschauung und dem „ursprünglichen Sinn des Apriori“. (Heidegger 1979: 34) Die Darstellungen der Husserlschen Positionen haben dabei eher eine vorbereitende Funktion, denn eine deutliche Abgrenzung zu Husserl wird dabei nicht geboten.¹ Erst der Aufweis des Versäumnisses der Seinsfrage der Bewusstseinsphänomenologie, bietet die

1 H-G. Gadamer zufolge gibt diese Vorlesung „eine glänzende Rekonstruktion der Husserlschen Phänomenologie – vermeidet freilich völlig ihre transzendentalphilosophische Begründungstendenz.“, Gadamer 1987: 14. Daniel O. Dahlstrom nennt die Vorlesung *Prolegomena zur Geschichte des Zeitbegriffs* die „zweifelhafte das deutlichste und ausführlichste Dokument von Heideggers beträchtlicher Kenntnis und positiven Schätzung der Phänomenologie Husserls.“, Dahlstrom 1994: 54.

Gelegenheit, auch die dazugehörige Strukturen Intentionalität, kategoriale Anschauung und das Aprioriproblem vom Standpunkt der neugewonnenen Fragestellung kritisch zu beleuchten.

Husserl fasst, so Heidegger, die Intentionalität als allgemeine Vernunftstruktur, die einen Zusammenhang zwischen Vermeinung und dem Vermeinten, also Intentio und Intenum, oder Noesis und Noema, aufstellt.² Dabei vermutet Heidegger eine in dieser Bestimmung der Intentionalität schon enthaltene Interpretation, die auf ihren Ursprung in der Sphäre des Theoretischen hinweist. Sofern das ‚Sich-richten-auf‘, von Husserl auch Noesis genannt, nur auf diese Weise bestimmt ist, kann die Feststellung der Zugehörigkeit von Noesis und Noema „lediglich erste Anzeige und Aufweisung eines thematischen Feldes für Betrachtungen“ darstellen. (Heidegger 1979: 61) Es gilt, so Heidegger, nach dem Sinn dieser Struktur der Zusammengehörigkeit zu fragen. Die Intentionalität als solche ist weder metaphysisch dogmatisch noch indiziert sie ein Rückfall in den Psychologismus. Deshalb „gilt als die erste methodische Regel für die erste Erfassung der Intentionalität, sich gerade nicht um Deutungen zu bemühen, sondern lediglich nur das festzuhalten, was sich selbst zeigt [...]“. Nicht also durch die Spekulation oder „unkritisches Festhalten an bestimmten Wirklichkeiten wie Psychisches, Bewusstsein, Erlebniszusammenhang, Vernunft“, sondern in der Konkrektion soll gesehen werden, „wovon sie die Struktur und wie sie das ist“. (Heidegger 1979: 63)

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Dabei interessiert sich Heidegger hauptsächlich um die „Entelechie der Intentionalität“³, den Telos des Zusammenhangs, in dem die einzelnen Erlebnisse (z.B. Leermeinen, Vergegenwärtigung, Bilderfassung, schlichtes Wahrnehmen) stehen. Innerhalb deren Mannigfaltigkeit besteht ein Strukturzusammenhang,

2 Das ist der Grund dafür, warum Heidegger die Entdeckung der Intentionalität Husserl und nicht etwa Brentano zuschreibt. Brentano sah zwar in der Intentionalität die Hauptcharakteristik der Erlebnisse, doch erst Husserl hat die wahre Natur der Zusammengehörigkeit von Intentio und Intenum erfasst. In den *Logischen Untersuchungen* unterschied Husserl „den Gegenstand, so wie er intendiert ist, und schlechthin den Gegenstand, welcher intendiert ist“. (Husserl 1984a: 400; Husserl 1967: 270-273) Oder in Heideggers Version: „*das Seiende selbst* [...] und *das Seiende in der Weise seines Interdiertseins*.“ (Heidegger 1979: 53) Tugendhat schreibt dazu: „Die Phänomenologie der intentionalen Erlebnisse ist überhaupt nur möglich bei gleichzeitiger Thematisierung der ‚intentionalen Gegenständlichkeit‘ dieser Erlebnisse, d.h. der Gegenständlichkeit so wie sie von dem jeweiligen Akt gemeint ist.“, Tugendhat 1967: 27. Dahlstrom zufolge sieht Heidegger dabei gänzlich von Husserlschen Unterscheidungen zwischen Aktqualität und -materie: „Dass Husserl in den *Logischen Untersuchungen* die Weise des Interdiertseins als eine ‚Qualität‘, den Gegenstand *so wie* er intendiert ist, als Materie (oder ‚Sinn der gegenständlicher Auffassung‘) und die dabei erlebten Empfindungen als den ‚repräsentierenden Inhalt‘ versteht und dass er dieses Verständnis in den *Ideen I* eingehend revidiert, wird von Heidegger in seinen Vorlesungen *nicht* erwähnt.“, Dahlstrom 1994: 58.

3 Vgl. dazu Dahlstrom 1994: 59f.

und zwar so, dass „in der anschaulichen Vergegenwärtigung [...] sich z.B. ein Leermeinen erfüllen“ kann. (Heidegger 1979: 59) Dieser Erfüllungsvorgang vollzieht sich in drei Stufen: der Leermeinung, der Vergegenwärtigung (in der sich die Bedeutungsintention des bloß Gemeinten bis zu einem gewissen Grad erfüllt) und der vollständigen Erfüllung der ‚leibhaftigen‘ Gegebenheit der Wahrnehmung.⁴ In dem Akt der Identifizierung identifiziert sich das Leergemeinte mit dem Angeschauten. Die Anschauung gibt aber nur das Angeschaute als das Identische mit dem Gemeinten, und nicht etwa die Identität selbst. In dem Akt der Identifizierung wird die „Identität nicht als Selbigkeit erfasst“. (Heidegger 1979: 66)

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Trotz solcher wichtigen Einsichten in die Struktur der Intentionalität, so Heidegger, versäumt Husserl nach dem Sein des Intentionalen zu fragen, insofern die von ihm methodisch eingesetzte phänomenologische Reduktion nur den Wasgehalt herauszuheben vermag. Die Reduktion sieht von der Vereinzelung der Erlebnisse ab und richtet ihren Blick auf die Grundstrukturen des Intentionalen. Die Bestimmung der *essentia* wird unter Absehung von *existentia* vollzogen. „Wenn es aber Seiendes gebe,“ so Heidegger, „dessen Was es gerade ist, zu sein und nichts als zu sein, dann wäre diese ideative Betrachtung einem solchen Seienden gegenüber das fundamentalste Missverständnis.“ (Heidegger 1979: 152) Um die Seinsweise des Intentionalen zu ermitteln, muss erst das Seiende zu dessen Seinsweise die Intentionalität mitgehört, erfahren bzw. zur Gegebenheit gebracht werden. Die Konkretion der Struktur des Intentionalen erweist sich somit als in die Daseinsanalytik zugehörig. Intentional in dem Sinne ist Dasein als ‚Schon-sein-bei‘: „Im Sich-richten-auf und Erfassen geht das Dasein nicht erst aus sich, aus einer Innensphäre heraus, in die es eingekapselt ist, sondern es ist seinem Sinne nach immer schon ‚draußen‘ in der Welt“. (Heidegger 1979: 221) In *Sein und Zeit* wird das ‚Sein-bei‘ der Welt, das grundsätzlich die Strukturen der Intentionalität aufweist, als Existenzial bezeichnet. Dass Heidegger von dem Terminus ‚Intentionalität‘ abrückt, ist aber kein Zufall. Anscheinend schätzte Heidegger die Gefahr als zu groß, mit der ‚Intentionalität‘ das Erkennen und das Erfassen zu assoziieren und die primär existenziale Struktur des ‚Seins-bei‘ der Welt, des ‚In-der-Welt-seins‘ zu verkennen.

4 „Ich kann, statt nur so darüber, aus der schlichten, sich durchhaltenden Vergegenwärtigung von etwas heraus sprechen, oder gar – wenn z. B. Streit über Zahl der Bogen und Pfeiler der Brücke entsteht – kann sich das Vergegenwärtigte in einer neuen Weise durch die leibhafte Gegebenheit selbst füllen.“ Dabei hat jede Intention eine eigene Weise der Erfüllungsmöglichkeiten, wie etwa „Wahrnehmung überhaupt nur durch Wahrnehmung; Erinnerung nie durch Erwartung, sondern durch erinnernde Vergegenwärtigung bzw. durch Wahrnehmung. Es bestehen ganz bestimmte gesetzliche Zusammenhänge zwischen den Möglichkeiten des Erfüllens eines vordem gegebenen Leermeinens.“ (Heidegger 1979: 59) Zur Frage der anschaulichen Erfüllung der sog. Leeren, signitiven intentionalen Akte bei Husserl vgl. Radinković 2012b.

Auf den ersten Blick scheint es im Sinne von Husserl⁵ gemeint zu sein, wenn Heidegger die Anschauung als ein „*schlichtes Erfassen von leibhaftig Gegebenem, wie es sich zeigt*“ bestimmt. Die Anschauung ist demnach keine außerordentliche „exzeptionelle Art, sich in sonst verschlossene Gebiete und Tiefen der Welt zu versetzen“ – eine Formulierung, die so oder ähnlich auch öfters bei Husserl zu finden ist. Durchaus im Husserlschen Sinne ist auch die Forderung Heideggers zu deuten, Anschauung solle nicht mit dem Anliegen des modernen Intuitionismus (a la Bergson) verwechselt werden. Eine erste, scheinbar geringe Abweichung klingt aber dort an, wenn er sich auf die kategoriale Anschauung bezieht: „Die Entdeckung der kategorialen Anschauung ist der Nachweis, erstens daß es ein schlichtes Erfassen des Kategorialen gibt, solcher Bestände im Seienden, die man traditionellerweise als Kategorien bezeichnet und in roher Form sehr bald gesehen hat.“ (Heidegger 1979: 64) Denn, so Heidegger, der Begriff ‚Anschauung‘ präjudiziert nicht, „ob die sinnliche Wahrnehmung die einzige und ursprünglichste Art des Anschauens ist, oder ob es weitere Möglichkeiten der Anschauung gibt hinsichtlich anderer Sachfelder und Bestände.“ (Heidegger 1979: 64) Dies mag wohl für die Bestimmung der Husserlschen Anschauung überhaupt zutreffen. Dass aber die idealen Gegenstände schlicht, in ihrer leiblichen Gegebenheit anschaubar sind, ist mit seiner Bestimmung der kategorialen Anschauung nicht vereinbar. Es lässt sich nachweisen, dass der Ausdruck ‚schlichtes Erfassen‘ von Husserl nur bezüglich der sinnlichen Wahrnehmung benutzt wird, d.h. nur darin vollzieht sich die anschauliche Erfüllung mittels der leiblichen Präsenz. Andernfalls würde Husserl hinsichtlich der kategorialen Anschauung nicht von den ‚Graden der Komplikation‘ und der Fundiertheit der kategorialen Anschauung in dem schlichten wahrnehmenden Erfassen des Gegenstandes sprechen.⁶ Es ist aber unwahrscheinlich, dass Heidegger die ‚Schlichtheit‘ der Anschauung mit der kategorialen Anschauung in Verbindung bringt, bloß

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5 Vgl. dazu Husserl 1984b: 119f; 138, 142-156.

6 „Im Sinn der engeren ‚sinnlichen‘ Wahrnehmung ist ein Gegenstand direkt erfasst oder selbst gegenwärtig, der sich im Wahrnehmungsakte in *schlichter* Weise konstituiert. Damit ist aber folgendes gemeint: der Gegenstand ist auch in dem Sinne unmittelbar gegebener Gegenstand, dass er, als dieser mit diesem bestimmten gegenständlichen Inhalt wahrgenommene, sich nicht in beziehenden Akten konstituiert, die in anderen, anderweitige Gegenstände zur Wahrnehmung bringende Akten *fundiert* sind.“ (Husserl 1984b: 146) Und: „Die Wahrnehmungseinheit kommt als schlichte Einheit, als unmittelbare Verschmelzung der Partialintentionen und ohne Hinzutritt neuer Aktintentionen zustande.“ (Husserl 1984b: 148) Dahlstrom deutet dennoch die Bedeutung von ‚schlicht‘ im Sinne von Heidegger. Es gebe, so Dahlstrom keinen Unterschied zwischen der schlichten sich abschattenden Kontinuität der Wahrnehmung und der Verknüpfung einer Abschattung *als* Teil des Ganzen der Wahrgenommenen. Vgl. dazu Dahlstrom 1994: 76f. Was er nicht beachtet, ist, dass die Erfassung eines wahrgenommenen Aspektes als Teil des Ganzen des Wahrgenommenen dieses Kontinuum der Abschattungen durchbricht und eine zusätzliche, synthetisierende Aktstufe nach sich zieht.

wegen der ungenauen Kenntnis der *Logischen Untersuchungen*. Denn in einem der folgenden Abschnitte definiert Heidegger die ‚Schlichtheit‘ vollkommen im Sinne von Husserl: „Dieses Moment, dass die Wahrnehmungsphasen in einer Aktstufe vollzogen sind, und dass jede Phase der Wahrnehmungsfolge eine volle Wahrnehmung ist, dies ist der Charakter, den wir mit der Schlichtheit oder Einstufigkeit der Wahrnehmung bezeichnen. *Schlichtheit besagt Fehlen von gestuften, erst nachträglich Einheit stiftenden Akten.*“ (Heidegger 1979: 82) Warum er eingangs diese Bestimmung nicht beachtet hat ist schwer verständlich. Möglicherweise handelt es sich bei dieser Inkonsequenz um eine der bekanntermaßen von Heidegger öfters in Anspruch genommenen Auslegungsfreiheiten, die auf etwas hindeuten sollen, was sich außerhalb des Horizontes der Ausgangsproblematik befindet. Möglicherweise hier im Vorausblick auf die Daseinsanalytik.⁷ Denn, eine konkret, faktisch, ‚leibhaft‘ gegebene ‚Kategorie‘ könnte nur ein Existenzial sein. Vermutlich deshalb befindet sich in derselben Formulierung über die Möglichkeit der schlichten Erfassung des Kategorialen auch der Zusatz über die Kategorien, die demzufolge bisher nur „in roher Form“ gesehen worden sind.

Dass mit dieser Äußerung, wie dies Heidegger anschließend behauptet, „nur erst die Wortbedeutung geklärt“ und die kategoriale Anschauung in ihrem Was und Wie erst ausgewiesen werden soll, kann man deshalb nur bedingt zustimmen. Ohne diese Stelle interpretatorisch allzu sehr zu strapazieren, sei doch bemerkt, dass Heideggers Verbindung des Kategorialen mit der Schlichtheit der Anschauung sowie distanzierte Rede von den ‚Kategorien‘ schon in die Sphäre der Begriffsklärung gehören und die ersten hier vorhandenen Hinweise auf die Umformungen der Phänomenologie durch Heidegger sind.

Möglicherweise soll sich gerade in diesem Sinne auch die Sicherung der „positive[n] Tragweite“ der Entdeckung der kategorialen Anschauung gestalten. Es besteht die berechtigte Vermutung, so Heidegger, dass die „Entdeckung [der kategorialen Anschauung] in ihren eigentlichen Möglichkeiten vielleicht noch gar nicht ausgeschöpft ist“. (Heidegger 1979: 93) Die erste Aufgabe besteht darin, die im Hinblick auf die Vorhandenheit solcher Möglichkeiten vorherrschenden Vorurteile abzubauen und damit den Horizont der neuen Fragestellungen erst freizulegen.

7 Laut Dahlstrom passt es sowohl in die Heideggers Ansicht von der Phänomenologie als einer Forschung als auch in die Vorgehensweise seiner Vorlesungen, die Entdeckungen der Phänomenologie Husserls nur als Ausgangsposition eigener Untersuchungen zu nehmen „in der jene Entdeckungen grundlegend weiter-, aber auch umgedacht werden müssen.“ Dahlstrom 1994: 55.

So etwa entgeht man dem Vorurteil der Spontaneität des den sinnlichen Stoff formenden Verstandes⁸, wenn die kategorialen Anschauungen als Akte verstanden werden, in denen die kategoriale ‚Formen‘ „an ihnen selbst sichtbar werden“. (Heidegger 1979: 96) Denn sie sind weder von dem Subjekt gemacht noch modifizieren sie die realen Gegenstände, das reale Seiende selbst, „sondern sie präsentieren ihn gerade eigentlicher in seinem ‚An-sich-sein‘“. (Heidegger 1979: 96) In diesem Sinne deutet Heidegger das Husserlsche ‚Konstruieren‘ nicht als eine „Betätigung des Verstandes an der Außenwelt“ oder an einem „zuvor gegebenen Empfindungsgemege“, sondern als „Sehenlassen des Seienden in seiner Gegenständlichkeit“. (Heidegger 1979: 97)

Die kategoriale Anschauung als das ‚Ort‘, wo das Sehenlassen der idealen Gegenstände stattfinden kann, eröffnet die Möglichkeit der „Hebung der Strukturen dieser idealen Gegenstände“⁹ d.h. die Möglichkeit einer „ausweisenden und echten Kategorienforschung“. (Heidegger 1979: 97f)

Laut Heidegger findet mit dieser Auffassung der kategorialen Anschauung und dem damit zusammenhängenden Verständnis der Ideation auch der alte Universalienstreit sein Ende. Denn das Sein der Allgemeinbegriffe wird hier nicht mit deren Realität verwechselt. Die sonst berechnete Leugnung der Realität der Universalien soll nicht zugleich die Leugnung der Gegenständlichkeit, d.h. des Seins des Idealen, nach sich ziehen. Die Entdeckung der kategorialen Anschauung ermöglicht deshalb die schärfere Fassung des Apriori und eine Erweiterung der „Idee der Objektivität, so zwar, daß diese Objektivität selbst nun in der Durchforschung der entsprechenden Anschauung in ihrem Gehalte aufweisbar ist“. (Heidegger 1979: 98) Deshalb kann es, so Heideggers Fazit, „keine Ontologie *neben* einer Phänomenologie“ geben, „sondern *wissenschaftliche Ontologie ist nichts anderes als Phänomenologie*“. (Heidegger 1979: 98)

Trotz dieser entscheidenden Bewegung in der Aprioriproblematik und der Gewissheit, dass die neuartige Erfassung des Apriori durch die Phänomenologie in ihrem Ansatz richtig sei, greift laut Heidegger die phänomenologische Fragestellung immer noch zu kurz. Einerseits ist die Erforschung

8 Die Spitze dieser Bemerkung ist vor allem gegen den Neukantianer Rickert gerichtet, der an einer „alte[n] Mythologie eines Intellekts, der den Weltstoff mit seinen Formen zusammenbastelt und verleimt“ festhält. (Heidegger 1979: 96)

9 Die Heideggers Bestimmung der Kategorien aus den Akten der kategorialen Anschauung folgt damit der Umformung des Begriffes ‚Apriori‘ durch Husserl und entfernt sich klar von dem Kants Bestimmung der Funktion der Verstandesbegriffe. Dieses Apriori ist keine subjektive Struktur, wodurch der Gegenstand konstruiert wird. Die Gegenständlichkeit eines Gegenstandes verdankt sich nicht der Spontaneität des Verstandes, das einen sinnlich empfängenen Stoff formt. Vielmehr lassen die Kategorien den intendierten Gegenstand in einem intentionalen Akt in seiner Gegenständlichkeit ans Licht kommen.

des Kategorialen noch unzureichend. Andererseits bewegt sie sich im Felde der traditionellen Fragestellungen. Vor allem aber, so Heidegger, ist sie unzureichend, weil die Ausarbeitung des Sinnes von Apriori „gerade das Verständnis dessen voraussetzt, was wir suchen: *Zeit*“ (Heidegger 1979: 99) Der Name Apriori, formal als das Frühere bestimmt, deutet schon auf eine zeitliche Bestimmung, eine Zeitfolge, „obzwar diese sehr verblasst, unbestimmt und leer bleibt“ (Heidegger 1979: 99) Die apriorische Erkenntnis findet *vor* der Erfahrung statt, ist nicht zufriedenstellend, weil die Bedeutung dieses ‚vor‘ unklar bleibt. Anstelle einer Klärung dieser Bedeutung weitete man den Begriff des Apriori auf das subjektive Verhalten als solches aus, wobei das Apriori als das „alles subjektive Verhalten als solches – mag es Erkennen oder irgendein anderes Verhalten sein – *vor* der Überschreitung der Grenze seiner Immanenz“ (Heidegger 1979: 100)

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Die durch die Husserlsche Phänomenologie erfolgte Entkoppelung des Apriori von der Subjektivität schärfte den Blick für das Apriori als ein „*Titel des Seins*“ (Heidegger 1979: 101) Apriori ist demzufolge weder auf eine Immanenz, etwa die des Subjektes und seiner Verhaltungen, noch auf eine Transzendenz zurückzuführen. Es ist vielmehr in seiner Reichweite universell, gegenüber der Subjektivität spezifisch indifferent. Als ein in Sach- und Seinsgebieten gründendes, so führt Heidegger fort, ist das Apriori auch „in einer schlichten Anschauung an ihm selbst ausweisbar“ (Heidegger 1979: 102)

Das ‚vor‘ oder das ‚Früher‘ des Apriori ist weder auf eine „Ordnungsfolge des Erkennens“ noch auf eine „Folgeordnung des Seienden“ zu beziehen, sondern ein „*Charakter der Aufbaufolge im Sein des Seienden, in der Seinsstruktur des Seins*“ ausdrückt, und nicht etwa die Struktur des Seienden – ob immanenten oder transzendenten. (Heidegger 1979: 102)

2. Die Bestimmung des ‚Sachfeldes‘ und der ‚Sachhinsicht‘ der Phänomenologie

Mit den Darstellung der drei Entdeckungen der Husserlschen Philosophie im Hintergrund wagt sich Heidegger schließlich an die Interpretation der phänomenologischen Maxime ‚Zu den Sachen selbst‘. Aufgrund einer sich in der Tradition der Philosophie immer mehr verfestigenden Bodenlosigkeit und Leere der Begriffe, so Heidegger, muss diese Maxime wiederholt, „zum Kampfruf“ gemacht werden, um sie zum allgemeinen Prinzip jeder Wissenschaft erheben zu können. Unklar ist aber, „*welche Sachen es sind*, auf die Philosophie zurückgehen muß“, um den Anspruch der Wissenschaftlichkeit aufrechtzuerhalten.

Dem phänomenologischen Ansatz zufolge wird die Bestimmung des Sachfeldes der Phänomenologie nicht aus einer vorhergehenden Idee der

Philosophie deduziert, sondern aus der „Konkretion“, d.h. hier aus der Konkretion der drei Entdeckungen gewonnen. Es muss nun geprüft werden, „wie weit sie dem formalen Sinn des Forschungsprinzips Inhalt geben, *welches Sachfeld, welche Sachhinsicht, welche Behandlungsart gemeint ist*“. (Heidegger 1979: 105)

Demnach sei das „Grundfeld“ der Sachen der phänomenologischen Forschung die „Intentionalität in ihrem Apriori“, d.h. sowohl in dem apriorischen Strukturen des Intentionum als auch in dem Apriori der Intentionio. Das durch die Intentionalität bestimmte ‚Sachfeld‘ umfasst alle Verhaltungen, ist also nicht bloß auf die logische beschränkt. Die ‚Sachhinsicht‘ ist ihrerseits durch das Apriori bestimmt. Deswegen kann Heidegger sagen, dass die „Freilegung des Bodens“ durch die Phänomenologie im Hinblick auf das ‚Sachfeld‘ unbeschränkt und im Hinblick auf die ‚Sachhinsicht‘ universell ist. D.h. *alle* intentionalen Verhaltungen können das Thema der phänomenologischen Forschung sein. Sie alle werden aber *nur* hinsichtlich ihrer Aprioristruktur thematisiert.

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Die phänomenologische Behandlungsart dieses Sachfeldes nennt Heidegger Deskription und definiert sie als ein analytisches, „*heraushebendes Gliedern des an ihm selbst Angeschauten*“. (Heidegger 1979: 107) Bezüglich des Kategorialen sollen demnach keine Hypothesen aufgestellt, keine „experimentierende Substruktion“ gemacht, sondern schlicht (!) und originär erfasst. Deshalb wird sich auch jede Deskription erst aus der konkreten, zu beschreibenden Sachregion bestimmen lassen können. Folglich werden auch die einzelnen Beschreibungen untereinander große Unterschiede zeigen. (Heidegger 1979: 109)

Die aus der Klärung der Maxime ‚Zu den Sachen selbst‘ gewonnene Definition der Phänomenologie als „analytische Deskription der Intentionalität in ihrem Apriori“ muss in ihrer Konsequenz auch richtig begriffen werden. Phänomenologie untersucht das Apriori, das Feld des Kategorialen, wie es sich in den intentionalen Verhaltungen an sich selbst zeigt. Als deskriptive ist sie also keine propädeutische Disziplin oder eine „Vorwissenschaft“ für die anderen philosophischen Disziplinen wie Logik, Ästhetik usw. (Heidegger 1979: 108-9)

Die Grundaufgabe der Phänomenologie ist deshalb letztendlich die Beantwortung der Frage nach dem Sinn von Sein. Es handelt sich um die Frage, die eine „Ontologie nie stellen kann, aber ständig schon in irgendeiner, ob begründeten oder unbegründeten Antwort voraussetzt und davon Gebrauch macht“. (Heidegger 1979: 124) Der Sinn soll aber nicht als eine Prämisse oder Hypothese vorausgesetzt werden, sondern ist erst aus den Phänomenen aus den ‚Sachen selbst‘ bzw. dem thematischen Feld der Phänomenologie zu

gewinnen. Die erste Aufgabe bestehe darin das thematische Feld der Phänomenologie genau zu umgrenzen. Welche sind die Sachen, die die Phänomenologie primär zu beschäftigen haben?

3. Husserls Versäumnis der Seinsfrage. Das reine Bewusstsein als das thematische Feld der Phänomenologie

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Die Phänomenologie wurde schon als die analytische Deskription der Intentionalität in ihrem Apriori gekennzeichnet. Laut Heidegger vollzieht sich bei Husserl die deskriptive Herausarbeitung des Apriori der Intentionalität in der Form von Ideation d.h. dem fundierten Akt der kategorialen Anschauung. Sie richtet sich vornehmlich auf die Erlebnisse. Als Verhaltungen, als unterschiedliche Weisen des Bewusstseins sind sie vorerst in der sog. natürlichen Einstellung vorfindlich. Gemäß der Husserlschen Bestimmung der Epoche und dem daraus folgenden Gebot des Sichenthaltens, der Einklammerung der Theses der natürlichen Welt, richtet sich der phänomenologische Blick nicht direkt auf den Gegenstand des Aktes, sondern auf das Wie seines Seins. In der Husserlschen Interpretation heißt das Wie des Seins aber ausschließlich das Wie des Vermeintseins. Gerade aus diesem Grund, meint Heidegger, kann Husserl als das thematische Feld der Phänomenologie lediglich die Sphäre der sog. reinen Erlebnisse bzw. des reinen Bewusstseins mit seinen reinen Korrelaten bestimmen. (Heidegger 1979: 131)

Bekanntermaßen ist für Husserl die Seinsart der Erlebnisse samt ihrer intentionalen Struktur - im Unterschied zu der sich in den Abschattungen zeigenden Sphäre der transzendenten Weltrealität - eine Sphäre der „absoluten Position“. Die kritische Frage, die Heidegger hinsichtlich dieser Bestimmung stellt, lautet: „Ist in dieser Herausarbeitung des thematischen Feldes der Phänomenologie, welches die Intentionalität ist, ist darin die Frage nach dem *Sein dieser Region*, nach dem *Sein des Bewußtseins* gestellt, bzw. was heißt hier überhaupt Sein, wenn gesagt wird, die Sphäre des Bewusstseins sei eine Sphäre und Region *absoluten* Seins?“ (Heidegger 1979: 140) Die Frage nach dem Sinn des Seins ist mit der Ansetzung des reinen Bewusstseins als dem ‚Sachfeld‘ und seiner Aprioristrukturen als der ‚Sachhinsicht‘ der phänomenologischen Forschung keineswegs phänomenologisch ausgewiesen. Es werden lediglich die Voraussetzungen – wie die Charakterisierung und die Trennung der zwei Seinssphären - gemacht, die auf einem vorgängigen, unausgewiesenen Verständnis des Seins basieren. Es gilt, so Heidegger, diese konkrete Ausarbeitung des thematischen Feldes der Phänomenologie durch Husserl kritisch zu betrachten und zunächst zu klären, ob die Region Bewusstsein bzw. das sog. reine Bewusstsein, das laut Husserl als das thematische Feld der Phänomenologie fungieren soll, zureichend bestimmt ist.

Heidegger unterscheidet folgende vier Bestimmungen des Bewusstseins durch Husserl: Bewusstsein ist ein immanentes und absolut gegebenes Sein. Außerdem, so die dritte und vierte Charakteristik, ist es ein „Sein im Sinne der absoluten Gegebenheit“ und es ist das „reine Sein als Wesensein der Erlebnisse“. (Heidegger 1979: 141f) Die Immanenz des Bewusstseins meint das „reelle ineinander Beschlossensein“, das „reelle Ineinander“ des Reflektierenden und dem Reflektierten in der inneren Wahrnehmung. Unbestimmt bleibt jedoch das Sein dieses Ineinanders d.h. „über die Reellität, über das Seiende im Ganzen dieser Region wird gerade nichts gesagt“. (Heidegger 1979: 142) In der Bestimmung der Immanenz des Bewusstseins wird das Verhältnis zweier Seiender, des Aktes der Reflexion und des hier als Gegenstand dieser Reflexion fungierenden Erlebnisses, ausgesagt. Die Seinsbestimmung ist hier keine originäre, das Sein als solches bleibt unbestimmt. (Heidegger 1979: 142)

Die Bestimmung des Bewusstseins als das absolute Sein im Sinne der absoluten Gegebenheit drückt den wesentlichen Unterschied zwischen dem Erlebnis und dem Transzendenten aus. Das Erlebnis als Gegenstand einer Reflexion d.h. als durch anderes Erlebnis erfasstes Erlebnis schattet sich nicht wie die Transzendenzen ab. Das Erlebnis ist originär, unmittelbar und unvermittelt da, es ist absolut gegeben. Heidegger zufolge handelt es sich hier nicht wie bei der ersten Charakteristik um die gemeinsame Zugehörigkeit des Erfassten und des Erfassenden zu einer bestimmten Seinsregion, sondern um die „Beziehung eines Gegenstandes als Gegenstand für ein anderes“, um eine „bestimmte Art des Gegenstandseins eines Region Erlebnis für ein anderes“. (Heidegger 1979: 143) Nicht das Erlebnis als Erlebnis sondern das Erlebnis als möglicher Gegenstand der Reflexion kommt hier zum Vorschein.

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Die dritte Bestimmung des Bewusstseins bezieht sich gleichfalls auf das Bewusstsein als das absolute Sein, absolut jedoch in der Abgrenzung von dem realen Sein. Es ist laut Husserl denkbar, dass das Sein des Bewusstseins für seine Existenz das reale Sein nicht braucht. Andererseits ist das Bewusstsein als absolutes Sein das konstituierende Sein, ist also notwendig dafür, dass sich so etwas wie Realität überhaupt „bekunden“ kann. Heidegger zufolge wird das Bewusstsein aber auch auf diese Weise nicht ursprünglich erfasst, sondern vorrangig im Hinblick auf seine konstitutive Funktion gesehen, d.h. im Hinblick auf seine Position innerhalb der „Ordnung der Konstitution“, wo ihm ein „formales Frühersein vor jedem Objektiven“ zugesprochen wird. (Heidegger 1979: 144f)

Die vierte Bestimmung des Bewusstseins erfasst das Bewusstsein als das reine Sein. „Das Bewusstsein wird als reines bezeichnet, sofern in ihm gerade von jeglicher Realität und Realisierung abgesehen wird. Rein ist dieses Sein, weil es als *ideales*, d.h. *nicht reales* Sein bestimmt ist.“ (Heidegger 1979: 146)

Diese Charakterisierung entfernt sich laut Heidegger weiter als die ersten drei von der Intentionalität des Bewusstseins, und zwar so das es sich hier „nicht um die Seinsbestimmung des Seienden [handelt], das die Struktur Intentionalität hat, sondern um die Seinsbestimmung der Struktur selbst als in sich abgelöster“. (Heidegger 1979: 146)

Keine von diesen vier Bestimmungen des Bewusstseins ist laut Heidegger phänomenologisch gewonnen. Keine von ihnen ist „aus dem Seienden selbst geschöpft“ und als solche verbauen sie eher die Möglichkeit einer phänomenologischen Ausweisung des Bewusstseins an ihm selbst. Indem dadurch das Bewusstsein als „*erfasst, gegeben, konstituierend und ideierend*“ charakterisiert wird, wird seine Intentionalität verfehlt und das Bewusstsein zugleich als Wesen gefasst. „Aus solchen Hinblicken, die dem Bewusstsein zunächst fremd sind, sind diese Seinsbestimmungen gewonnen“. (Heidegger 1979: 146) Das Versäumnis der Seinsfrage bei Husserl etwa, so Heidegger, leitet sich gar nicht aus den verfehlten Seinsbestimmungen ab. Denn nicht die Frage nach den Seinscharakteren des Bewusstseins war für Husserl leitend, sondern diejenige nach dem Bewusstsein als dem möglichen Gegenstand einer absoluten Wissenschaft. „Das Primäre, was ihn leitet, ist die *Idee einer absoluten Wissenschaft*. Diese Idee: *Bewusstsein soll Region einer absoluten Wissenschaft sein*, ist nicht einfach erfunden, sondern die Idee, die die *neuzeitliche* Philosophie seit *Descartes* beschäftigt. Die Herausarbeitung des reinen Bewusstseins als thematisches Feld der Phänomenologie ist *nicht phänomenologisch im Rückgang auf die Sachen selbst* gewonnen, sondern im Rückgang auf eine traditionelle Idee der Philosophie.“ (Heidegger 1979: 147)

Geleitet von dem Interesse an einer absoluten Wissenschaft von der Region ‚Bewusstsein‘ ähnelt Husserls Vorhaben demjenigen des Mathematikers, der bemüht ist, „das mathematische Feld, den gesamten Bereich dessen, was Gegenstand mathematischer Betrachtung und Frage ist“, zu umgrenzen. Mathematiker definiert dabei lediglich den Gegenstand der Mathematik und fragt nicht nach der Seinsart der mathematischen Gegenstände. Husserl bestimmt auch den wissenschaftlichen Gegenstand ‚Bewusstsein‘ ohne nach dem Sein des Bewusstseins zu fragen. Dass Husserl diese Frage womöglich doch gestellt hatte, und zwar innerhalb des Problemfeldes der phänomenologischen Reduktion zieht Heidegger kurz in die Erwägung, um es dann aber schnell zu verwerfen. Denn, durch die Reduktion wird das reale Erlebnis als reales ausgeschaltet. Gewonnen wird dadurch das reine Erlebnis, abgesehen wird von jeder realen Setzung d.h. „von der Realität des Bewusstseins, gegeben in der natürlichen Einstellung am faktischen Menschen“. (Heidegger 1979: 150) Von dem faktisch existierenden Menschen wird ausgegangen, um davon gleich abzusehen und die „Realität des Bewusstseins als solche zu verabschieden. Sonach ist die Reduktion ihrem methodischen Sinne nach als

Absehen-von grundsätzlich ungeeignet, positiv das Sein des Bewusstseins zu bestimmen. Im Sinne der Reduktion wird gerade der Boden aus der Hand gegeben, auf dem einzig nach dem Sein des Intentionalen gefragt werden könnte, (freilich in der Absicht, um von der nun gewonnenen Region her erst gerade den Sinn dieser Realität zu bestimmen)“. (Heidegger 1979: 150) Das Ergebnis der transzendentalen Reduktion ist das absolut gegebene Bewusstsein im Sinne des *„nulla re indiget ad existendum“*. Die eidetische Reduktion, die Ideation, bringt das reine, das ideale Bewusstsein zum Vorschein, in dem von jeder Vereinzelung der Erlebnisse abgesehen wird. Die Akte sind nicht „meine oder diejenigen eines anderen Menschen“, im Blick der Reduktion steht nur „das Was, die Struktur der Akte, [...] nicht aber die Weise zu sein. Nicht das Aktsein als solches wird dabei Thema“. (Heidegger 1979: 151) Jegliche Bestimmung des Wasgehaltes, der *essentia*, und somit auch die Bestimmung des Wesens des Bewusstseins ist möglich trotz der Absehung von der *existentia*, d.h. jeglicher Vereinzelung. Die Frage nach der *existentia* der Akte, „nach dem Sein der Akte im Sinne ihrer Existenz“ ist in den transzendentalen und eidetischen Reduktionen „nicht nur nicht gestellt, sondern sie geht durch sie gerade verloren.“ Das Was klärt niemals den „Sinn und die Weise des Daß“. (Heidegger 1979: 151f.)

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Der Rekurs auf die sog. natürliche Einstellung verspricht zunächst, die ursprüngliche Gegebenheitsweise des Intentionalen (wieder)aufgedeckt zu haben. Ist doch die natürliche Einstellung gerade diejenige Haltung und Verfassung, von der die transzendente Reduktion absehen will! Somit wäre eine Parallelität der Bestimmungen denkbar, in der die „Weise zu sein, [...] in der natürlichen Einstellung zu fassen, und ebenso ideativ im Wesen zu bestimmen [wäre]“ (Heidegger 1979: 153) Das Problem, so Heidegger, liegt jedoch in dem, was als Gegebenheit der natürlichen Einstellung verstanden wird. Denn auch in der natürlichen Einstellung ist der Mensch verdinglicht. Das sog. Naturding Mensch, mag es in seiner natürlichen Realität wie auch immer bestimmt werden, ist als Ding erfasst. Damit ist der Zugang zu seiner intentionalen Verfasstheit d.h. zu seinen Verhaltungen und dem Sein seiner Akte versperrt. Das Sein der Akte, das Sein des Intentionalen wird „im Sinne des Vorkommendseins“ bestimmt, nicht also wird „nach dem spezifischen Aktsein der Verhaltungen als solcher gefragt“. (Heidegger 1979: 156)

Der Versäumnis der (Husserlschen) Phänomenologie erweist sich laut Heidegger nicht nur als ein beiläufiges Versäumnis der phänomenologischen Forschung, sondern als ein fundamentales. Denn die „*Seinsfrage* [sei] keine beliebige, nur mögliche Frage, sondern die dringlichste Frage gerade im eigenen Sinne der Phänomenologie“. (Heidegger 1979: 158) Denn, durch die transzendente Reduktion wird Husserl zufolge die „radikalste Seinsunterscheidung“ getroffen, nämlich die zwischen dem „Sein als Bewusstsein und

Sein als sich im Bewusstsein ‚bekundendes‘, ‚transzendentes‘ Sein“ ohne dabei, so Heidegger, nach dem Sein des in diese Unterscheidung eingehenden Seienden zu fragen. Was das Sein, im Hinblick worauf eigentlich unterschieden wird, bleibt unbestimmt, und die Frage nach dem Sinn von Sein nicht nur unbeantwortet, sondern nicht mal als solche gestellt. (Heidegger 1979: 157f)

Der Versäumnis ist zweifach. Versäumt wird einerseits das Sein des Intentionalen, andererseits versäumt man die Frage nach dem Sinn von Sein selbst. Die phänomenologische Forschung - und darunter rechnet Heidegger nicht nur Husserl und Scheler, sondern in gewisser Weise auch die „personalistische Psychologie“ Diltheys – steht ihrerseits viel zu sehr unter dem Einfluss der Tradition, um diesen zentralen Fragen beantworten zu können. Die tradierten Seinsbestimmungen zeigen ihre Wirkung, indem eine bestimmte Seinsauslegung als selbstverständlich vorausgesetzt wird. Diese Versäumnis ist jedoch nicht zufällig. Sie kündigt von der Macht der Tradition. Darin „offenbart sich die Geschichte unseres Daseins selbst“, des Daseins „in seiner Seinsart des Verfallens“. Verfallen ist das Dasein vor allem an eine Tradition, die Husserl in den ‚*Prolegomena*‘ (*Logische Untersuchungen*) in die ontologische, anthropologische und logische aufteilt. Sowohl bei Husserl als auch bei Scheler ist die Tradition „verdeckt wirksam“. Husserl etwa bleibt unter dem Einfluss von Descartes und seiner Vernunftproblematik an eine tradierte Definition des Menschen als *animal rationale* gebunden. Scheler dagegen orientiert sich an einer nichtprofanen, christlichen Person-Idee. (Heidegger 1979: 180)

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Die Möglichkeit der Frage nach dem Sinn von Sein gründet in dem Dasein, das Heidegger als Möglichsein oder als „seine Entdecktheit in Möglichkeiten“ bestimmt. Im Dasein ist eine „Tendenz zur Seinsfrage“ festzustellen. Sie gehört dem Dasein seinsmäßig und Heidegger nennt sie ‚Sorge‘. Nur aufgrund dieser Charakteristik ist laut Heidegger dem Dasein überhaupt möglich diese Frage zu versäumen. (Heidegger 1979: 185) Die Geschichte des Daseins ist die Geschichte dieses Versäumnisses. Das Versäumnis weist aber auf ein Vorverständnis des Seins durch Dasein. Die Phänomenologie muss hier ansetzen und an diesem Seienden den Zugang zu dem Sein suchen. Sie kann aber trotz der Zuwendung zu der Historizität des Daseins dennoch rein methodisch betrieben werden. Die Phänomenologie gibt nur das Wie der Forschung an. Nun, wie ist das möglich, wenn mit dem Ansatz bei dem Dasein schon eine neue Zuwendung zu der Geschichte der Seinsauslegung d.h. doch der Tradition nahe gelegt wird? Um einem dogmatischen Rückfall in die Tradition zu entgehen, formuliert Heidegger das Anliegen der Phänomenologie als ein „Zu-Ende-fragen“. Die Frage nach dem Sein als solchem bedeutet eine radikalisierte Erforschung der tradierten Seinsauslegungen, ohne dabei eine ihrer „vorgegebenen, mit bestimmten Problemhorizonten, Disziplinen und Begriffsschematen belasteten Theorien“ zu übernehmen.

„Zu-Ende-fragen, bzw. in den Anfang Hineinfragen“ heißt, am Leitfaden des radikal ergriffenen phänomenologischen Prinzips „Seiendes als Seiendes selbst in seinem Sein sehen zu lassen“. Die Geschichte der Philosophie als Geschichte der Seinsauslegungen wird weder ‚eingeklammert‘, um voraussetzungslos nach dem Sein fragen zu können, noch soll ihr theoretischer Ballast die Frage nach dem Sein leiten. Das Faktum der geschichtlich gewordenen Seinsauslegungen wird lediglich in einem bestimmten Modus, dem radikalen Wie der Phänomenologie nach dem sich darin meldenden Sein befragt. Die Sache selbst kann nur das Sein selbst sein. Es ist das einzige Thema der Phänomenologie.

Heidegger und Husserl stimmen in der formalen Bestimmung der Philosophie als der Wissenschaft von den Phänomenen überein. Die Motive für die Herausbildung einer neuen phänomenologischen Wissenschaft scheinen auch dieselben zu sein. Es soll eine Wissenschaft gefunden werden, die anders als die traditionelle, an die Anfänge und Ursprünge heranreicht, die Wissenschaft von den Phänomenen eben. Wie aber von Gisbert Hoffmann zutreffend bemerkt distanziert sich Heidegger gerade von dieser Bestimmung ‚Wissenschaft von ...‘ (Hoffmann 2005) Darin liegt das radikale des Heideggerschen Neuansatzes, das Wie des Fragens, den rein methodischen Charakter der Phänomenologie konsequenter befolgt zu haben. Gefragt wird nicht nach der Phänomenalität einer ausgezeichneten Region, etwa des Bewusstseins, sondern nach der Phänomenalität als solcher. Die Phänomenalität jeglicher Gegenständlichkeit ist von Interesse, und zwar nicht so, dass spontan und in extenso nach der Phänomenalität dieses oder jenes Seienden gefragt wird. Gefragt wird nach dem Sein des Seienden, das den Grund jeglicher Phänomenalität ausmacht. Die Phänomenalität eines Gegenstandes in Frage zu stellen, heißt Heidegger zufolge, nach dem Grund seines Erscheinens zu fragen. Bei Husserl wird diese Phänomenalität nicht ursprünglich erfasst, weil Husserl dogmatisch ein Seiendes, das Bewusstsein, als unhintergebares Erscheinungsgrund etabliert. ‚Wissenschaft von ...‘ ist laut Heidegger schon ein entscheidendes Abweichen von dem phänomenologischen Grundprinzip. Das Wie der phänomenologischen Forschung entformalisiert Husserl im Hinblick auf eine bestimmte Region des Seienden. Die Phänomenologie handelt somit entweder von „Denk- und Erkenntniserlebnissen“ d.h. von den „in der reinen Intuition erfassbaren und analysierbaren Erlebnissen in reinen Wesensallgemeinheit“ (LU II), oder etwa von allen „Erlebnissarten, Akten und Aktkorrelaten“ (Ideen). Phänomenologie beschäftigt sich vornehmlich mit *cogitationes* und *cogitata*. Oder die Phänomenologie wird als die Wissenschaft „von Bewusstsein und Bewusstsein als solchem“, d.h. vom reinen, nur möglichen und nicht etwa wirklichen Bewusstsein gehandelt. In den *Cartesischen Meditationen* heißt es, die Phänomenologie ist die Wissenschaft von der transzendentalen Subjektivität.

Obwohl Husserl in seiner Phänomenologie gewisse Entwicklungen gelingen, bleibt er immer an die Region ‚Bewusstsein‘ gebunden. Somit ist der Vorwurf Hoffmans, Heidegger habe keine einheitliche Vorstellung von der Husserlschen Phänomenologie gehabt, doch auf das Fehlen der Einheitlichkeit des phänomenologischen Entwurfes bei Husserl zurückzuführen. So etwa deutet Heidegger die Husserlsche Vorstellung der Phänomenologie als die „deskriptive Wesensanalyse der nicht psychologisch apperzipierten Bewusstseinsphänomene“ (Heidegger 1993: 7) oder etwa als die deskriptiv eidetische Wissenschaft des transzendental reinen Bewusstseins“ (Heidegger 1979: 108). Die Bandbreite dieser Definitionen entspricht etwa auch der unterschiedlichen Husserlschen Auffassungen der Phänomenologie der *Logischen Untersuchungen* und der *Ideen I*. Dass es auch mancherorts Definitionen gibt, die streng genommen nirgendwo bei Husserl einzuordnen sind, hängt womöglich damit zusammen, dass in bestimmten Phasen schon das Interesse an der Entwicklung des eigenen phänomenologischen Ansatzes die richtige Deutung des Husserlschen überlagert und verformt. Hoffmann weist zu Recht auf die Heideggersche Formulierung aus den *Prolegomena*, der zufolge er die Husserlsche Phänomenologie als die „analytische Deskription der Intentionalität in ihrem Apriori“ bezeichnet hat. (Heidegger 1979: 108) Die Tatsache, dass diese Definition nicht den Husserlschen Bestimmungen entspricht, verdeutlicht Hoffmann, indem er darauf hinweist, dass die Intentionalität bei Husserl zwar eine grundlegende jedoch nur eine von den vielen Eigenschaften des Bewusstseins ist. (Hoffmann 2005) Heideggers Interesse an der Seinsfrage bzw. an der Explikation des Versäumnisses der Seinsfrage ist für ihn sachlich eng mit der Frage nach der Seinsverfassung des Intentionalen verbunden. In den *Prolegomena* scheint er eine Parallelität zwischen dem Versäumnis der Seinsfrage und dem Versäumnis der Frage nach dem Sein des Menschen. Die „gescheiterte Versuche bei der Bestimmung der Seinsart der Akte und des Aktvollziehers“ und Versäumnis der Frage nach dem Sein als solchem gründen beide in der Verfallenheit des Daseins selbst. Noch ist aber nicht klar, inwiefern sich die beiden Versäumnisse bedingen. Das Versäumnis der Seinsfrage ist klar als der „fundamentale Versäumnis“ genannt. (Heidegger 1979: 178) Dennoch werden sie in der ganzen Abhandlung fast parallel behandelt. Beide sind keine zufälligen Versäumnisse, sondern zeugen von einer Dynamik der Seinsgeschichte, in der sich das Dasein als verfallen an bestimmte tradierte Seinsauslegungen erweist. Die Heideggersche Kritik an den ontologischen, anthropologischen oder etwa logischen Entwürfen hat immer schon das Versäumnis der Seinsfrage anvisiert, wird aber ausnahmslos über die Versäumnis der Frage nach der Seinsart des Menschen behandelt. Implizit stellt Heidegger hier schon einen klaren sachlichen Zusammenhang.

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Željko Radinković

Daseinsanalyse and the Question of Being in the Early Heidegger.
Destruction of Husserl's Concept of Consciousness as the Absolute
Being in the Sense of the Absolute Givenness

Abstract

The text deals with a certain phase of the Heideggerian way of thinking, which had precedes the emergence of "Being and Time" (1927). Heidegger's reception, criticism, and transformation of some of the central concepts of Husserlian phenomenology (intentionality, a priori, categorial intuition) is the focus of the reflections. This article shows how this radical transformation of Husserlian phenomenology goes beyond the formal coincidence of the phenomenological principle "to the things themselves" and points to the essential connection of the question of being and its phenomenological demetalization.

Keywords: being, phenomenology, ontology, consciousness, time, intentionality

Analiza tubića i pitanje o biću kod ranog Hajdegera.
Destrukcija Huserlovog pojma svesti kao apsolutnog
bića u smislu apsolutne datosti

Rezime

Tekst se bavi određenom fazom Hajdegerovog misaonog puta, koja je prethodila pojavi Bića i vremena (1927). U središtu razmatranja se nalaze Hajdegerova recepcija, kritika i transformacija nekih od središnjih pojmova Huserlove fenomenologije (intencionalnost, apriori, kategorijalni pogled). Potrebno je pokazati kako ova radikalna transformacija Huserlove fenomenologije nadilazi formalnu podudarnost u pogledu na fenomenološko načelo „Ka samim stvarima“ i upućuje na suštinsku povezanost pitanja bića i fenomenološke deformalizacije ovog načela.

Ključne reči: biće, fenomenologija, ontologija, svest, vreme, intencionalnost

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Politics of Memory, Historical Revisionism, and Negationism in Postsocialist Serbia

Abstract This paper explores the phenomenon of revisionism in historiography, while focusing in particular on illegitimate revisionism and negationism. It is indisputably true that historiography must be subject to constant revisions. Like all scientific theories, it needs to be characterized by a sort of “conservative” openness towards new ideas; however, revisions and negations are often put forward without scientific grounding. They reject the well-established historiographical methods, while opening themselves to various kinds of ideologies, biases and manipulations. The paper further offers a synthesized overview of the revisionist practice in dominant parts of the society and historiography in post-communist Serbia. The change in the ideological paradigm that occurred in the 1980s was accompanied by a politically motivated reinterpretation of the past, which primarily focused on World War II in Yugoslavia. In Serbia in the 1990s, Tito’s Partisans were no longer celebrated as national heroes and fighters against fascism; they were replaced by the royalist and nationalist Chetniks led by Draža Mihailović, whose collaboration with the occupying forces was purposefully glossed over. The nationalist interpretation of history and the new revisionist politics in Serbia were supported by the state and the activities of its three branches: legislative, executive and judicial. In spite of the political changes that took place in Serbia in 2000, the dominant nationalist matrix in historical interpretations and revisionist politics remained unchanged.

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Keywords: Politics of memory, illegitimate revisionism, negationism, historiography, post-communist Serbia, legitimation of Chetniks, Second World War.

One of the highly important, yet never fully resolved questions in the philosophy of science is the issue of differentiating between science and pseudoscience, that is, the question of whether there is a clear demarcation line between them and what it actually represents. There is no consensus on this matter (e.g. Popper 1935/2002, 1963; Lakatos 1970; Laudan 1983; Škorić 2010); yet, that does not mean that certain guidelines or rules cannot be

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followed, based on which one can be more or less certain whether the object of scrutiny is indeed science or pseudoscience. The relationship between pseudohistory and history is merely a part of this problem, which is at times easily solvable and sometimes a true challenge. There are some pseudohistories that are easily debunked (e.g. Lefkowitz and MacLean Rodgers 1996; Feder 2014), but proving that some ideas are absurd does not necessarily signify that the work of a historian is done, since certain parts of the public (as well as some historians) may still believe in the disproved ideas, even after being faced with the fact that there is no evidence to support the ideas or theories in question (Allchin 2004). However, this falls under the domain of history's public reputation and the public activities of historians who should (also) work on educating the general public, which is the duty of all scientists; nonetheless, this matter is beyond the scope of this paper.

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On the other hand, there are certain more subtle (or seemingly more subtle and serious) pseudohistories which are not products of blatant fabrication of facts and evidence, but rather, they are illegitimate revisions of the existing theories and facts. Revisions do not have to be bad per se, since they are necessary means for improving the adequacy and exactness of our knowledge about the past; however, there are some revisions which are not (primarily) intellectual by nature, but rather politically or ideologically motivated. The most radical versions of illegitimate revisionism are labeled as negationism, with the best-known example being the negation of the Holocaust (e.g. Lipstadt 1993; Drobnicki, Goldman, Knight, and Thomas 1994; Stone 2004).

Holocaust denial is not a novel phenomenon, but it gained in popularity in the mid-1970s, owing to the intellectual climate in which the Western rationalistic tradition was undermined and the idea that there is no single truth about the past, but only its multiple interpretations, was on the rise. Such climate began to form in the 1960s, when certain authors began to claim that texts do not have fixed meanings and that their meanings are determined by readers' interpretations, not the authors' intentions. In such context, one could hardly speak of the objective truth of a text, let alone an event, and thus, the truth morphed into a variety of truths and equally valid perspectives, which led to a dangerous situation in which it was hard to reject as invalid even the most absurd of the ideas.

In itself, it is not unreasonable to say that the reader's perspective is of certain importance in assigning meaning to a text, although that importance was (and is) certainly exaggerated. Furthermore, those streams of thought brought attention to the fact that the social groups with little or no power were constantly ignored, which was true. However, since deconstructionism, postmodernism and similar schools of thought claim that every experience is relative and that there are no fixed truths, an atmosphere arose in which

it was appropriate to bring into question the meanings of historical events and practically everything was allowed, since there was no historical reality (Jenkins 1995). If history as a science can differentiate between the explanations which are closer or further from the truth, then any attempt of illegitimate revisionism, and consequently, negationism, has a rather difficult task of disproving the established truths or explanations which are the best or in the highest accord with the evidence. Conversely, if the historians themselves condone various “positional histories”, in the sense that the historical truth depends (solely or primarily) on, for example, the socioeconomic statuses of the historians or the time they live in, then it is clear that the revisionists and the negationists may legitimately claim that their history is one of the versions of the truth (Evans 1999).

The basic features of illegitimate revisionist and negationist historiography

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History as a science is plagued by the problem of defining the boundaries between history (what truly happened in the past), revision and denial/negation (Popper 1945/1947). This weakness is frequently exploited by the authors who, for various reasons, wish to revise the official versions of history in numerous ways, since sometimes it is indeed rather difficult to differentiate between history and pseudohistory, or between legitimate revision and untruthful negation. Even if something like that was possible, a new problem would arise in regard to the standard of the evidence and interpretations to be chosen as accurate or the most accurate. The idea that lies at the foundation of the solution to these problems is that not all interpretations of history are equally valid.

However, regardless of all the criteria that some historians or philosophers may set, they would always be compromised by some authors, for several of the most common reasons or motives. (Feder 2014). The first of them most certainly is money, where various frauds, myths, mysteries or fictional histories are used for the purpose of selling artifacts, books, lectures, T-shirts and the like. Apart from the money, there is also fame, where it is believed that by disproving a certain belief from the past, an individual may become both famous and wealthy. As far as illegitimate revisions – that is, denials and negations – are concerned, certainly, the most significant factors are nationalism, racism, sexism, ethnocentrism, xenophobia, religion and romanticized past. Quite often, the goal of negationism may be to prove that a certain nation or “race” was the first in something or the first to do something, or to romanticize the past in order for people to believe in it because it was better, as well as to attempt to establish a relationship between a belief system and an (allegedly) sensible and significant history of faith. Most often, these

reinventions of the past serve the purpose of fulfilling some current personal or political interests, needs, motives and the like, guided by the so-called therapeutic values (Tucker 2008) which offer their followers psychological peace, satisfaction and basis for the uniting of like-minded individuals. These values in historiography usually include: the denial of historical guilt (the Holocaust), the promotion of self-respect (national myths) and the elimination of a sense of alienation and absurdity (conspiracy theories). Finally, there is another mention-worthy factor, the one of mental instability, since people with “strange” ideas may also be mentally unstable individuals (Feder 2014).

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Therefore, it is indisputably true that historiography must be subjectable to constant revisions, at least potentially, as is the case with scientific theories, which represents a variation of the Popperian criterion of demarcation, that is, the refutability or falsifiability of scientific theories (Popper 1935/2002). Falsifiability is not an entirely satisfactory demarcation criterion; yet, saying that a theory needs to be falsifiable is not the same as saying that it needs to be subjectable to revisions. This very openness is what makes science different from dogmatic systems of thought, such as religion. If historiography was not open to revisions, that would mean that it has reached the final truths about the past, which is impossible; however, at the same time, if all kinds of revisions were accepted, there would be chaos (Cohen 1952). Hence, historiography (and science in general) must be characterized by a sort of conservative openness towards new ideas. All of this does not mean that history is a science which constantly progresses linearly, that is, by creating a certain orthodoxy, which is further revised, only for the revision itself to be revised again, and so on. Historians tend to quarrel among themselves more than they work on the goals of developing a paradigm (Kuhn 1962/1970), a research program (Lakatos 1970) or a research tradition (Laudan 1977). All of the above makes it hard to reach a consensus in historiography, which further makes any linear model of the development of history as a science rather unsatisfactory. Historians are more interested in *why* than *how* revisions happen (Shermer and Grobman 2000/2009). Revisions are not inherent to historical evidence, which is why they can hardly be encompassed by the historiographical logic and why they mostly emerge due to individual and collective motivations which do not rely on archival discoveries, but are based on external dispositions, beliefs and values (Hughes-Warrington 2013).

Tucker (Tucker 2008) distinguishes between three types of legitimate historical revisions. The first type includes revisions which are guided by the evidence – they are the result of the discovery of new evidence and emerge when new evidence supports a new or a so far neglected hypothesis (as opposed to old, well-established hypotheses). Furthermore, science prefers hypotheses which offer broader explanations in contrast to those with narrower scopes, which may be another reason for revising. The second type

involves revisions which are guided by meaning, that is, the ones that revise something that historians believe holds great importance in history. Historians must conduct careful selection and structuring of the evidence, and the perception of the significance of the evidence gets altered by historical changes – the importance of certain events and their outcomes may become clear only long after they happened. The third type includes revisions which are guided by values and they emerge when historians reevaluate the historical events and processes they describe and elucidate. They can also occur as a consequence of the discovery of new evidence or due to a revision in the value system the historian employs in order to evaluate events, actors, affairs and the like.

The problem elaborated at the beginning of this text refers to the fact that it is not possible to trace the line which separates a true scientific revision from dogmatic, illegitimate revisionism or negationism. However, although there is no absolutely reliable way to do that, it is possible to set some guidelines which can help differentiate (more easily) between history and pseudohistory. Such guidelines can also have a wider range of applications, that is, they do not have to be exclusively limited to history as a science (Shermer 1997/2002), but can be used in every encounter with “peculiar” claims. The first question to be addressed is the one regarding the reliability of the source of the claim – negationists often seem like they are quoting or drawing upon reliable sources; however, more detailed research unambiguously shows that they are indeed distorting the facts or taking them out of context and adjusting them to their own agendas. It is also useful to know whether the source in question has previously made other claims which proved to be exaggerated or false, which would certainly bring the source’s credibility into question. It is always important to check whether some other scientist has verified the given claim – negationists usually make claims that are not verifiable or are verified only by other negationists, which is known as the so-called incestuous citation (Shermer and Grobman 2000/2009).

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Further, it is important to explore how the claim fits into all that we already know about the world and the way it works – illegitimate revisions or negations usually ignore the practical reality of the modern political systems (e.g. there are certain theories according to which the Jews had fabricated the whole episode with the Holocaust in order to get war reparations from the Germans and receive help from the Americans; such theories obviously neglect the facts about German payments made to the survivors, not the victims’ families, as well as the American help which ensued for political and economic reasons, not out of a sense of guilt) (Shermer and Grobman 2000/2009). What should also be taken into consideration is the attempt to refute the thesis, that is, the question whether the individual who is proposing the thesis has also attempted to refute it, or has only stated the evidence

which supports it – this is one of the most common errors in thinking, which stems from confirmation bias (Nickerson 1998). In relation to that, one must ask the question whether all the relevant rules and research techniques are being followed, or only the ones which lead the researcher to the desired conclusion – one should bear in mind that even the serious and successful scientists can rather easily abandon these rules in favor of ideology. If no clearly defined evidence is available, it is useful to ask the question whether the majority of evidence converges with the conclusion of the given claim or with some other/different claim. Negationists do not seek proofs which converge in some conclusion, but rather seek evidence which fits into their ideology. Similarly, they do not analyze the evidence as a whole, but focus on the details which may often be inconsistent, in which case they may work in their favor, while failing to realize they might be making various logical fallacies in reasoning (Fischer 1970).

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One should keep in mind that negationists usually do not offer new theories of history, but rather focus on undermining the existing ones. Basically, what they do is criticize the opponent, without ever stating their own attitudes, thus avoiding the possibility of becoming the objects of criticism themselves. That is not the way science, and consequently, history, can function – a revision may include legitimate criticism of an existing paradigm or offer a new paradigm in its place, but negation is rarely anything more than a blatant attack. The problem which particularly characterizes the work of negationists is that, even if they are offering a new version of history, the model they are offering cannot explain the past the way the model they are criticizing can; that is, they consistently offer significantly weaker explanatory models. The evidence, which presents the greatest problem in devising new theories, is most often found in the unclarified details from the past, which is why resorting to ignoring, rationalizing and denying the evidence is quite common (see Boyce and O'Day 1996; Kopeček 2008). Finally, it is useful to know whether personal convictions and biases are what guides the choice of evidence of the one making the claims, or whether it is the other way around. Everyone finds the task of being objective to be rather difficult, and all people have their own personal and ideological convictions, so the real problem is not how to avoid them, but how they influence research and how can they be diminished.

Ideological and political rehabilitation of the Chetnik collaboration

A more pronounced manifestation of revisionist tendencies in Yugoslavian and Serbian society appeared in the late 1980s and it has reached its peak after the year 1990. Changes introduced into textbooks and teaching programs

represented merely a minor manifestation of this phenomenon, since at the same time, a systematic defamation of the Partisan movement and antifascism in general was in full swing, and the traces of the antifascist tradition were being meticulously and rather systematically removed from the public space: towns, streets, squares and institutions were renamed, certain monuments were removed and so on (Radović 2013). Still, the most dire consequences of such rise of historically revisionist orientation were suffered by the science of history itself, due to the undermining its own foundations and critically heuristic methods (Jovanović & Radić 2009).

Therefore, the contemporary ideological and political revisionism in Serbia is the result of syncretism between academic revisionism and the revision of the past on the part of state politics, and it is based upon systematic deletion from collective memory and persistent negation and distortion of historical sources, which are discredited as a part of the “ideological times” or “remains of the communist historiography”. Hence, the politics of historical revisionism in Serbia is indubitably characterized by the “ignoring of the scientific contribution of the postwar Yugoslavian historiography, demonization of socialism, relativization and neglect of the contributions of the Yugoslavian antifascist movement, relativization and normalization of quislingism, and finally, as the most radical manifestation of the rewriting of the past, apologia of quislings and frequent victimization of prominent collaborationists who have lost their lives fighting against the communists or stood trial before the postwar courts of the Socialist Yugoslavia” (Radanović 2011: 260). One can no longer speak of these as isolated incidents or a passing trend, but of something that has grown into a systematic phenomenon, a commonplace in the alleged research and superficial analysis of the historical events in Serbia and Yugoslavia in the past decades, especially during World War II.

The most prominent subject of historical revisionism in Serbia for the past three decades has been the Chetnik movement lead by Dragoljub Draža Mihailović, despite the fact that all relevant sources about the *Yugoslavian Army in the Homeland* and its commander were published by mid-1980s, and no new sources have surfaced since.³ Nonetheless, it is exactly the matters of

3 The majority of the documents related to the activities of the Chetnik movement during World War II were originally published in the *Anthologies of the NLW* [*National Liberation War*], which were successively published by the Institute of Military History during the 1950s. The entire corpus about the Chetniks available thus far, together with the international sources of German, British, American and other provenances, was published by the same publisher in Belgrade, in the period from 1981 to 1985, in the four books of the volume 14, entitled *Zbornik dokumenata i podataka o Narodnooslobodilačkom ratu naroda Jugoslavije* (*Anthology of the Documents and Data about the National Liberation War of the People of Yugoslavia*).

ideology, motives for action and the nature of the Chetnik movement during World War II that continue to be the subject of debates, not only in Serbian historiography, since this movement has been studied for decades in Yugoslavian and world historiography in the context of military history in the Balkans (Pajović & Radević 1969, Radonjić & Jurjeva 1987).

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In the late 1980s, in the time of progressive delegitimation of the ruling communist ideology, a monograph by Veselin Đuretić was published – *The Allies and the Yugoslav War Drama* – and it was the first work to abandon the antifascist consensus in the interpretation of the history of World War II in Yugoslavia, while adopting nationalism as the key point of reference in the interpretation of the war (Đuretić 1985).⁴ The book is not characterized by any epistemological improvements, since it does not offer any new facts or a new research methodology⁵, which is why the author’s revisionism may be reduced to the incorporation of the well-known facts into the new ideological concept of Serbian nationalism, which was becoming increasingly dominant. This approach was the precursor of the one soon adopted by the author’s revisionist continuators. With no noteworthy heuristic, an entirely novel interpretation was offered, including the relativization of the matter of the antifascist struggle, which should be the main criterion in the evaluation of the nature and actors of World War II. The thesis of “preservation of biological substance” of the nation as the main motive for collaboration, which Đuretić proposed in his book, would soon become a popular and highly frequent explanation in historiographical revisionism in Serbia. Unlike the following generations of revisionists, the Đuretić does not explicitly negate the Chetnik collaboration, but only finds various reasons to justify that historical fact, and for the first time in Yugoslavian historiography, an author sees both need and virtue in that act (Nikolić 1999, Nikolić & Dimitrijević 2011, Mihailović 1998, Samardžić 2004–2010, Dimitrijević 2014, Cvetković 2006). He does not explain how the “existential” justification of collaboration fits into the mass killings of the non-Serbian and rural Serbian population committed by the Chetniks, along with the clearly stated intention to physically exterminate the members of the Partisan movement (Radanović 2015).

Such relativization reached the level of absurdity with the claim about different manifestations of Serbian “existential realism” and factual denial of betrayal, accompanied by the fact that the Chetniks and other collaborationists

4 The first edition of the book was published by the Balkanological Institute of the Serbian Academy of Sciences and Arts.

5 Đuretić’s book triggered an avalanche of polemical reactions in Yugoslav historiography. First, a round table about the book was held in October 1985. Then, on the 17th and the 18th of December 1985, a scientific gathering was organized, which was followed by the publishing of a collection of papers entitled. Kačavenda 1987, Bešlin 2013: 90–92.

were being placed into an unambiguously patriotic context. Veselin Đuretić went to great lengths to find as many euphemisms as possible for the Chetnik collaboration with the occupying forces. Some of the formulations adopted by subsequent historiographical revisionism are: “existential dialectics”, “Serbian self-defense dialectics”, “national realism”, “national maneuvering”, “*modus vivendi* with the occupying forces”, “existential motivation for collaborationism”, and the like (Đuretić 1985: 7, 30, 11, 135, 157, 160, 230). Đuretić ascribed key significance to the Chetniks, glorifying them as the pinnacle of Serbian history, and this approach was adopted by the subsequent revisionist practice, although even during the World War II, in which they come and go, Mihailović’s Chetniks did not play a dominant historical role. One of the most widely accepted theses of the emigrant historiography⁶ represents the fundamental idea of Đuretić’s monograph, as well as all of the revisionist works that followed – the outcome of the war in Yugoslavia (1941–1945) was decidedly influenced by the Allies and determined regardless of the activities of the domicile actors. Although one must not underestimate the influence of the Allies, the victory in the war on the Yugoslavian land was won by the uncompromising antifascist struggle of the Partisan movement, which, as the war progressed, gained increasing support from the members of the anti-Hitler coalition (Barker 1978, Marjanović 1979, Petranović 1983, Petranović 1992). Pseudoscientific attempts made by revisionist historiography liberated the Chetniks from the stigma of crime and collaboration, with the intent of their complete moral rehabilitation and reaffirmation, while the defeat and loss of the support from the Allies were explained by an international conspiracy pointed against the Serbian people, and not as the result of their actions, widespread collaboration and crimes against non-Serbian civilians (Bešlin, 2013: 91).

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After the regime change in Serbia on October 5, 2000 and the overthrow of the authoritarian president Slobodan Milošević, the crucial features of his government’s ideology and the dominant nationalistic orientation did not change. On the contrary, the misinterpretation of this overthrow as the final act in the destruction of communism, after which immense strides were made to reaffirm and homogenize the “new” nationalism (Milosavljević, internet), led to the creation of a climate which allowed revisionist ideas to blossom, and the reinterpretations of the role of the Chetnik movement had reached their peak (Milosavljević 2012: 115–119, 169–171). *Modus operandi* of the new narrative, whose purpose was to nationalize antifascism and compromise the National Liberation Struggle of the Partisans, sums up to an

6 Save rare exceptions, the authors of the emigrant history were active participants and notable protagonists of collaboration with fascism. Some of the major works in emigrant historiography are: Krakov 1963, Jareb 1995, Karapandžić 1958, Karapandžić 1959, Topalović 1964, Topalović 1968, Knežević & Knežević 1982, etc.

attempt to install anti-anti-fascism as the fundamental value of a society built on anti-communism, through negation and demonization of the entire historical experience of the Socialist Yugoslavia (Kuljić 2005: 171–184). In the previous decade (1990–2000), Serbian government, which was personified by Slobodan Milošević and characterized by a syncretism between rigid socialistic and extremely nationalistic ideas, created an ideological basis which allowed the revisionist discourse to develop freely (Kuljić 2002), which is why by the year of 2000, a new generation of historians arose, whose goal was to adorn the glorification of the Chetnik commander Draža Mihailović with a scientific nimbus and who introduced their own “original” interpretations and “creative explications” of the past into the first history textbooks after the democratic changes that took place on October 5, 2000.⁷

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According to the years-long research conducted by Dubravka Stojanović, in the newly canonized history presented in the textbooks used to educate Serbian students in this age of transition, Draža Mihailović was described as a man who was educated in France and a connoisseur of French fine literature, while in the same textbooks, Tito was described, in accordance with the black-and-white image of the past, as an unscrupulous agent of the Comintern. The Partisans were labeled as collaborators, while the Chetnik collaboration was not even mentioned in the first editions of the textbooks after the year 2000. In subsequent editions, the Chetnik collaboration with Italian fascists was mentioned, however, in a positive context, as the best solution at the given time, according to the interpretations of the textbook authors (Stojanović 2010: 136–137). Several dozens of history textbooks by various authors and publishers which were authorized by the relevant state institutions do not diverge significantly in their interpretations of World War II in Yugoslavia, which is why the variety can only be described as a failed attempt of pluralization, that is, a particular case of pseudo-plurality. Revisionist history textbooks do not mention the crimes the Chetniks committed against civilians, particularly the Muslims and the Croats, and overlook the mass killings of civilians on the occupied Serbian territory.⁸ The only Chetnik crimes that are mentioned are the ones against the individuals aiding the Partisan movement, and the context makes it clear that such deeds are exculpable. Still, according to the textbook authors, even those murders

7 In Serbia in the 2000s, school textbooks, which are normally methodologically conservative, since they contain indisputable and scientifically verified facts and interpretations, became a subject of experimentation and have been filled with unverified and scientifically highly controversial claims. This is why these textbooks and the approval they received from the relevant institutions gave rise to heated public debates and discussions, started in Serbian weekly magazine “Vreme”. See: Ast 2002: 28–30.

8 Slaughters of the rural population in villages Vranić near Belgrade and Drugovac near Smederevo represent symbols of mass crimes the Chetniks committed against Serbian civilians. Radanović 2015.

were committed by the members of the renegade Chetnik units who did not follow the chain of command. On the other hand, the textbooks speak of the Partisans, the only anti-fascist movement in Yugoslavia, as the ones who “left behind them so-called ‘dog cemeteries’, that is, unmarked mass graves of their opponents and the people feared the Partisans whose ‘kangaroo courts’ cold-bloodedly sentenced people to death. . . The secret and public murders of respectable individuals and common peasants, murders out of revenge, as well as the murders of the members of the CPY [Communist Party of Yugoslavia] who defied them, happened on nearly daily basis” (Stojanović 2010: 137). In these textbooks, the causes of the Chetniks’ defeat in World War II are interpreted solely in relation to the betrayal by the Allies. However, even this lack of the Allies’ support to the Chetniks remains unexplained and thus rather confusing, having in mind that the Chetniks are portrayed as the only true resistance movement standing against the occupying forces (Stojanović 2008: 159).

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In the early 2000s, the literary, publicist and historiographical interpretations left the image of the Chetnik movement in Serbia unrecognizably retouched, and the only, final touch remaining was to establish the trend of institutionalized selective politics of memory through legislative and judicial practice of the new government (Bešlin 2013: 92–97). This establishment and fortification of revisionist politics was realized through three legal acts adopted by the Serbian National Assembly.⁹ In the name of the demagogically proclaimed “brighter future” and for the purpose of the ideological imperative of “national reconciliation”, which cannot be achieved without normalization and exculpation of the defeated collaborationist formation, on December 21, 2004, the highest legislative and representative body in Serbia adopted the *Act on Amendments and Supplements to the Law on the Rights of Fighters, War Invalids and Members of Their Families*, which became publically known as the *Law on the Equalisation of Chetniks and Partisans* (Radanović 2012: 81–110).

In accordance with Article 2 of the Law, the *Ravna Gora Commemorative Medal 1941* was established: “In regard to the rights granted by the Law on the Rights of Fighters, War Invalids and Members of Their Families, the individuals awarded with this medal are equaled with the ones awarded with the Partisan Commemorative Medal 1941” („Zakon o izmenama i dopunama Zakona o pravima boraca...” 2004: 1). Article 15 involves amendments to Article 35 of the Law on the Rights of Fighters: “All the rights granted by this law refer to all participants in the NLS [National Liberation Struggle],”

⁹ We do not mention here the Law on Restitution, since it does not influence the historical science directly, but it should certainly be viewed, in a wider sense, as a part of a greater process of revisionism in Serbia, since it undoubtedly belongs together with the laws on equalization of Chetniks and Partisans and rehabilitation. Stanković 2009: 215–236.

including, as suggested by the legislator, the members of the Chetnik movement, “regardless of whether the court found them guilty of participating in the battles against the Partisan units, the National Liberation Army of Yugoslavia and the Yugoslavian Army” („Zakon o izmenama i dopunama Zakona o pravima boraca...” 2004: 1). Thus, *lege artis*, not only were the rights of the individuals awarded with the *Partisan Commemorative Medal* equaled with the rights of the ones awarded with the newly established *Ravna Gora Commemorative Medal*, but it was also the prelude into the final step in the political rehabilitation of the Chetnik movement.

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The next legal act that decreed the new image of the past was adopted by the Serbian National Assembly on April 17, 2006, and it was the *Law on Rehabilitation*. Article 1 stated that it regulates the “rehabilitation of individuals who were, without an administrative or court ruling, deprived of their life, liberty or other rights in the period from April 6, 1941 to the day of implementation of this law, and who lived on the territory of the Republic of Serbia” (“Zakon o rehabilitaciji” 2006: 9). According to Article 5 of this law, a request for rehabilitation may be submitted by “any individual or legal entity”, regardless of whether the request is submitted directly by the individual who was deprived of rights after the said date (“Zakon o rehabilitaciji” 2006: 10). The legal solutions provided by this act were harshly criticized by the professional public: “This law is in discord with one of the basic principles of criminal-legal rehabilitation, which states that rehabilitation depends on the severity of the criminal act. It is obvious that the purpose of this law is to rehabilitate the ones found guilty of severe criminal acts, including crimes against humanity” (Sekulović 2009: 21–22). From the standpoint of historiography, it is important as another manner of octroying the historical truth and conducting a planned relativization of the past. Following the lead of the Law on Rehabilitation, state-inspired revisionism was taken to a higher level, by decreeing the court truth about specific historical events, personalities and processes. During the court processes of rehabilitation of Draža Mihailović, Prince Pavle Karadorđević, Dragiša Cvetković, Momčilo Janković and others, an entire pseudohistory of Yugoslavian state and society in the twentieth century was written (Sekulović 2016, Milošević 2013, Radanović internet).

Finally, along with the legislative and judicial branches of government, the executive branch gave its own contribution to the implementation of revisionist politics in Serbia in the 2000s. In April 2009, the Ministry of Justice of Serbia formed a specialized state committee in charge of the search for the remains of Draža Mihailović¹⁰ and several months later, in accordance with the Serbian government’s decision, on July 9, 2009, a committee was

10 The full title of the Committee: *State Committee for Determining the Circumstances of the Execution of General Dragoljub Draža Mihailović*.

formed and then finally constituted on November 12 – the *State Committee for Finding and Marking Secret Graves with Remains of the Individuals Who Were Executed After the Liberation in 1944* (shortened to: *State Committee for Secret Graves of the Individuals Executed After September 12, 1944*) (Radanović 2014: 143–174). The hiring of scientists and public figures known for their explicit right-wing and anti-communist orientation, the statements made by the state secretary at the Ministry of Justice, as the coordinator of the committees, and the statements made by some members of both committees, all pointed to the main intention of the makers of the state politics of historical revisionism, which was to portray the Chetnik movement as “one of the two anti-fascist movements in Serbia” and the commander of this movement as “a victim of the postwar state repression” who was “denied the right to his own grave”, although he was “the first guerrilla fighter in occupied Europe” (Radanović 2014: 143–144). Ideological stance expressed by treating Draža Mihailović as one of the innocent victims and the martyrological pattern formed around him were further highlighted by the ignorance of the European practice after World War II, according to which the individuals found guilty of war crimes are not buried in marked graves, in order to prevent their public memorialization and victimization (Calvocoressi 1948). The leading electronic and print media generated tension in the society, due to the recent discovery of multiple mass graves of “communist terror”, by aggressively disseminating the major ideas of the revisionist narrative about the Partisan villains and the Chetnik victims. Due to the unprofessionalism and ideological blindness, the work of both of the state committees formed for the purpose of implementing the revisionist politics did not yield the expected results.

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Over the nearly three decades after the change in the legitimation paradigm in Serbia and the disintegration of Yugoslavia, which relied on the antifascist value consensus, of which Serbia was a part, anti-fascism morphed into one of the manifestations of the new ideological orientation – nationalism. Since all Yugoslavian nationalisms, including the Serbian nationalism, ended the war in a sort of collaboration with fascism, it was necessary that the compromised ideological predecessors be freed from the stigma of quislingism (Bešlin 2013: 18–23). Furthermore, in a society characterized by normalized ethnic nationalism, it was unreasonable to expect that anti-fascism would remain the dominant orientation in the understanding and interpretation of World War II. Finally, the wars waged by the nationalistic elite in the ruins of Yugoslavia (1991–1995) could not be fought with the ideas of left-wing internationalism of the Partisan antifascists, but with the very negation of politics of national equality through rehabilitation of the defeated conservative right-wing quislingism of the World War II.

Having this context in mind, since the inauguration of Slobodan Milošević in Serbia (1987) and the inauguration of the new ruling nationalistic ideology,

which was followed by the mostly conservative opposition to Milošević taking his place in 2000, regimes have changed, as well as their representatives, but the ideological paradigm persevered, which intensified the politically motivated historical revisionism accompanied by the demonization of Yugoslavia, negation and defamation of Yugoslavian antifascism and the proclamation of the new heroes of World War II – the Chetniks. Therefore, as the Serbian country was characterized by the indisputable personal discontinuity of the ruling structures, the continuity of the nationalistic ideology and illegitimate revisionism prevailed, as its important manifestations. The goal was almost fully accomplished, since in the eyes of a large part of the public, media, textbooks and collective consciousness, the Partisans and the Chetniks switched the places they occupied on the positive and negative ends of the historical interpretation.

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As can be seen from the example of the Chetniks and their rehabilitation in Serbia, we are speaking of a combination of negationism and illegitimate revisionism, where the past is changed primarily in order to serve particular ideological and political interests, which was supported by the state and various political structures which changed over this period. Systematic efforts were (and are) put into denying historical responsibility of the Chetnik movement and its leader for war crimes and collaboration (betrayal of their country), which was, above all, motivated by the nationalistic motives which were dominant in the atmosphere of the wars and postwar society after the disintegration of Yugoslavia. Driven by its own nationalistic and political interests, dedicated to the goal of legitimizing and justifying wars it started over the post-Yugoslavian legacy, the state politics in Serbia encouraged and supported the historically revisionist matrix, while ignoring and manipulating the historical facts and thus undermining the elementary principles and methods of critical historiography as a scientific discipline.

Illegitimate revisionism as a therapeutically-aesthetic historiography

As one may notice, the revisionist historiography is immune to evidence and it usually neglects scientific methodology and obscures the epistemological issues, especially in regard to the distinction between evidence and fiction, which is further supported by the atmosphere of legitimization of multiple truths (Tucker 2008). That also means that illegitimate revisionism (illegitimate from the standpoint of orthodoxy, which earns its status by virtue of evidence, not mere consensus among experts) is dominated by non-epistemic values (McMullin 1982; Škorić 2010), which were already discussed in this paper. In the introduction, we also stated that evidence is not always of deciding importance and great enough influence to easily turn someone away from wrong ideas and unscientific interpretations. *Inter alia*, the reason for

that is the fact that revisionist logic is similar to the logic of conspiracy theories (see e.g. Coady 2006; Uscinski and Parent 2014) – every claim can be spun to suit the liking of an advocate of revisionist or negationist historiography. Often, skepticism is misused in the exact same way, and revisionists refer to themselves as skeptics, while labeling others as naïve and gullible individuals, without realizing that skepticism is *not* an approach which does not recognize the well-substantiated ideas and promotes the ones supported by little or no evidence.

The question of consensus in historiography is in a way subsumed by the question of consensus in science, and so far, no satisfactory answer has been offered (Cole 1992). Still it is possible to offer certain rational arguments which would support the idea that historiography can reach at least a loose consensus on multiple matters. For example, historians, like any other group of scientists, represent a rather heterogeneous category in regard to non-epistemic values, as well as the socioeconomic status and cultural background. If a consensus has been reached in such a group, it is highly likely that it was reached due to common knowledge and facts, while there is a rather low possibility of it being a collective delusion, conspiracy or that, for example, a single truth suits the interests of so many different individuals. Therefore, there is no heterogeneous consensus in the revisionist historiography, but it is dominated by homogenized biases and misconceptions (Tucker 2008) – the reality and horrors of the Holocaust are recognized by explicitly distinct scholars around the world, while most negationists tend to be supporters of Nazism.

Therapeutic historiographies do not wish to accept the truth without a fight; they wish to adjust it in order to suit their own interests, expectations, hopes and the like. Hence, one could ironically conclude that their truth must possess a certain appealing esthetic quality in order for it to be acceptable – if something is in discord with the already existing ideas, conceptions and beliefs, then it cannot be true. In the psychological sense, these qualities could be useful, positive or interesting, while having nothing to do with the truth. Historiography does not exist in order to suit someone's liking; its aim is to discover the historical truths and determine the historical facts, while spreading the ideas about social and cultural diversity to the domain of truth is both absurd and unacceptable (Lefkowitz 1996). Unless diversity is equaled with truth, which must not happen in the sense that everyone has their own truth, that scientific truth must respect multiculturalism, that the truth is gender-sensitive, contextual, and culturally specific, that means that certain boundaries of academic freedom must exist, as well as responsibilities for everyone who neglects them.

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Politika sećanja, istorijski revizionizam
i negacionizam u postsocijalističkoj Srbiji

Apstrakt

Polazeći od distinkcije između nauke i pseudonauke, rad se bavi pojavama revizionizma u naučnoj historiografiji sa posebnim akcentom na pojave nelegitimnog revizionizma i negacionizma. Iako nije sporno da historiografija mora da bude podložna konstantnim revizijama, jer kao i svaka naučna teorija mora da ima neku vrstu konzervativne otvorenosti prema novim idejama, česte su pojave nenaučnih revizija i negacionističkog pristupa. Ove pojave odbacuju utvrđene istoriografske metode uz otvaranje prema različitim vrstama pristrasnosti i manipulacije. U radu se dalje daje sintetizovan pregled revizionističke prakse u dominantnim delovima društva i historiografije u postkomunističkoj Srbiji. Promena ideološke paradigme krajem osamdesetih godina prošlog veka donela je i politički motivisanu reinterpretaciju, pre svega, Drugog svetskog rata na jugoslovenskom prostoru. Umesto dotadašnjih Titovih partizana u Srbiji u poslednjoj deceniji 20. veka rojalistički i nacionalistički četnici Draže Mihailovića bivaju proglašeni za nacionalne heroje i borce protiv fašizma, dok se njihova kolaboracija prećutkuje. Nacionalističko tumačenje istorije i nova revizionistička politika u Srbiji uživala je podršku države kroz delatnost sve tri grane vlasti: zakonodavne, izvršne i sudske. Uprkos političkim promenama u Srbiji 2000. dominantna nacionalistička matrica u istorijskim interpretacijama i politici revizionizma, nije promenjena.

Ključne reči: Politika sećanja, nelegitimni revizionizam, negacionizam, historiografija, postkomunistička Srbija, legitimizacija četnika, Drugi svetski rat.

REVIEW ESSAY
KRITIČKI OSVRT

IV

Slavenko Šljukić

The Constructivist Defence of the Objectivity of Moral Standards and Natural Law that Does not Require the Debate on Moral Realism

Abstract The main goal of Kenneth R. Westphal's *How Hume and Kant Reconstruct Natural Law: Justifying Strict Objectivity without Debating Moral Realism* is to defend the objectivity of moral standards and natural law and thus avoid the discussion about moral realism and its alternatives by interpreting Hume and Kant in a constructivist sense. The reason behind the author's disagreement with both: moral realism and non-realism (its alternative) is our inability to properly understand and answer one of the two parts in Socrates' question to Euthyphro: "Is the pious loved by the gods because it is pious, or is it pious because it is loved?" Moral realists cannot provide an answer to its second part, since it is not possible to prove that moral standards are not artificial; conversely, moral non-realists cannot provide an answer to its first part, since it is not possible to avoid the relativity of moral standards. The author tends to solve this problem by avoiding the confrontation between moral realism and non-realism and thus choosing the constructivist stance that, as he argues, can be found in both Hume's and Kant's theories. The main point of this stance is that moral standards are indeed artificial, yet not arbitrary. He proves this by pointing out that both Hume and Kant treat the moral standards as a social fact (that is, artificial), but also as objective. Westphal points out that Hume explicitly writes about moral standards as a social fact, while showing that, at the same time, his theory of justice, which precedes all of the moral standards, is established independently of his theory of moral sentiments (potentially leading to moral relativism). In this manner, he provides the objectivity of those standards. On the other hand, Kant's theory is interpreted as advanced, yet similar to Hume's in its structure. The crucial similarity is that both Hume and Kant interpret the moral standards as a social fact (that is, as an artificial) and, at the same time, as the objective ones. Kant, unlike Hume, provides this objectivity by using a specific moral criterion – a categorical imperative. Those assumptions will be used as the main premises of a distinctively inspiring interpretation of Hume's and Kant's theories of justice.

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Keywords: constructivism, objectivity, Hume, Kant, moral standards, theory of justice

Kenneth R. Westphal's book *How Hume and Kant Reconstruct Natural Law: Justifying Strict Objectivity without Debating Moral Realism* is a remarkable undertaking of discussing moral grounds and theory of justice that presuppose *objectivity*, while at the same time avoid getting into discussion about moral realism and its alternatives, theory of motivation and 'values'. The author

argumentatively develops this undertaking by interpreting Hume's theory of justice and Kant's normative theory as *constructivistic* theories.

Constructivism, as a form of Westphal's interpretation of Hume's and Kant's theories, is the view that *we* are the ones that construct principles of acting, although they are *not* arbitrary. (p. 5) This allows the author to avoid discussion about moral realism and its alternatives, meaning that insofar as the moral principles are our own construct, there is no need to search for their further foundations. On the other hand, he tends to provide the objectivity of such principles, since it is, at least, very difficult to talk about relative or subjective morals and justice. The reason for his tendencies to avoid the discussion about moral realism and its alternatives is stated in the second chapter of the book.

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In the second chapter Westphal analyzes following Socrates' question to Euthyphro: "Is the pious loved by the gods because it is pious, or is it pious because it is loved?"¹. Moral realists could answer the first part of the question, while moral non-realists could answer the second part. Moral realists, thus, claim that there are some objective moral standards (since piety, in this case, exists as independent), while non-realists claim that all of them are artificial (since piety is dependent, constructed value). Moral realists face a problem of proving that moral principles exist independently, meaning that they are not artificial. On the other hand, non-realists have difficulty avoiding relativism and conventional or arbitrary nature of moral standards. By interpreting Hume and Kant from a constructivistic standpoint, the author tends to avoid such problems and thus claims that moral standards are indeed artificial, however not arbitrary. (p. 17)

Non-arbitrariness (objectivity) is provided by external methods of judging. In order to prove that previous statement is correct, first it will be necessary to show that Hume and Kant can indeed be interpreted in constructivistic sense. In addition to that, author wants to point out that there is a specific connection between Hume and Kant, meaning that Kant deduced further consequences of the theory that Hume had previously conceived. Therefore, it's Hume's position that should be analyzed first of all.

In the third chapter, Westphal notices Hume's establishment of theory of justice that is independent of his theory of moral sentiments. This is a very original insight, since Hume's political philosophy is usually interpreted as an extension of his theory of moral sentiments. This insight is very profound as well, since, as it will be demonstrated, it provides Hume's position with argumentative strength. Textual corroboration of mentioned stance author

1 Plato (2007), *Euthyphro*, San Francisco, California, Creative Commons: p. 3-4; translated by Cathal Woods and Ryan Pack

discovers in the third part of *Treatise on Human Nature*, where Hume claims that norms are neither given from God, nor from nature, but (developed) from human nature and activity. This statement means that norms are artificial, however not arbitrary, since the term 'natural' Hume interprets as 'what is common (inseparable) to any species.' (p. 28–29)

Hume in his theory of justice disagrees with non-social history of humanity (e.g. social contract) and instead discovers that the origin of justice lies within something grounded in reality – property. Here author points out that Hume doesn't make a distinction between property and possession (p. 29). In latter parts of the book, this will turn out to be a problem that Kant overcomes.

Hume constructs his theory of justice by referring to five problems of social coordination: 1) "Under conditions of relative scarcity of external goods and limited benevolence typical of human nature, we require a system of possession in order to stabilize the distribution of goods." (p. 31) "The remedy, then", as Hume claims, "is not derived from nature, but from artifice; or, more properly speaking, nature provides a remedy, in the judgment and understanding". (p. 33) This leads to author's conclusion that judgment and understanding mold and regulate the sentiments, which confirms the thesis that justice is not founded on sentiments. Hume's notion of justice is not grounded in neither contract nor promise, but in conventions (reciprocal acts) of conduct, namely the social practice. This statement could be related to latter Wittgenstein's theory – in order to achieve an agreement, it is not necessary that one proclaims that agreement; rather, we "proclaim" it by our participation in a practice of agreement, just as we would row if we were in a boat – language is not explicitly needed in such situation. 2) "However, simply because we must respect a certain distribution and possession of goods does not itself provide or entail any principle". (p. 35) Hume finds the solution to this problem of social coordination by claiming that one is a proprietor of what one already owns. 3) "Possession and property should always be stable, except when the proprietor consents to bestow them on some other person." (p. 35) 4) Promises and contracts – they allow a distribution of goods in different times and places. (p. 34–35) Those principles themselves are an artificial (non-arbitrary) useful creation. 5) Government – necessary as a protection of the previous four parts.

In order to completely understand Hume's way of establishing theory of justice without referring to sentiments, the author gives two possible interpretations of human sentiments: 1) "Sentiments are a necessary component or basis of moral judgments." and 2) "Sentiments form a sole and sufficient basis of moral judgments." In sentence '1)' it is stated that sentiments are a necessary, however not sufficient requirement of morals, while in '2)' it is stated that sentiments are both necessary a sufficient requirement of morals. This

is followed by author's observation that Hume finds a neutral observer – being someone who understands human sentiments, however is not ruled by them – a necessary part of adequate moral (and aesthetic, as well) judgment. Therefore, he concludes that it would be much more rational for Hume to accept '1)', which allows theory of justice to be founded without referring to sentiments – moral sentiments are basis of moral judgments, yet they do not provide normativity. (p. 52)

In the following chapter Westphal shows that Hume's theory of justice is in its essence externalistic, which (along with above mentioned reasons) gives it a constructivistic sense. In order to explain constructivistic position he refers to Christine Korsgaard, who is probably the most influential constructivist of our time. I won't go into further details of Korsgaard's position, since it is of little relevance for the strength of Westphal's arguments, as well as beyond the scope of this review.

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In the fifth chapter, author analyzes Kant's principles of moral constructivism, which can be found in his account of universalizability. A maxim can be tested for universalizability by applying categorical imperative. Categorical imperative is a normative moral principle, which, in its basic formulation, demands to "*Act only in accordance with that maxim through which you can at the same time will that it become a universal law.*"². If one, for example, tests the maxim of making deliberately false promises by applying this formulation, it becomes clear that it would not pass the test. If making deliberately false promises became a universal law, then each individual would know that all the other individuals make false promises and, thus, the making of false promises itself would become impossible. In order to achieve their goal, the one who makes a false promise must convince the other one that promise is sincere. However, if making false promises became a universal law, then the falsity itself would be revealed and, thus, would fail to help one to achieve their goals. Therefore, categorical imperative is a *normative* principle that excludes (treats as immoral) those maxims that, when universalized, contain any kind of *contradiction in conception*. However, there are some acts that do not pass this test (a contradiction arises when the maxim is universalized), although we trivially know that they are not immoral. Consider the situation in which two people want to pass through the same passage that is so narrow that only one person at a time can walk into it. If allowing the other person to pass through first became a universal law, that maxim would become contradictory when universalized, since no one would want to pass through first. Surely, this is a highly undesirable in any moral theory. Westphal provides a remarkable solution for this problem. He

2 Kant, Immanuel (2008), *Groundwork for the Metaphysic of Morals*, New Heaven and London, Yale University Press: p. 37

suggests a two-step universalizability test. First step is already mentioned – a maxim is compared to its corresponding universalization. The second step is to compare the opposite maxim with its corresponding universalization. Results regarding the nature of this procedure are achieved when those two steps are compared in following manner:

If the maxim and its corresponding universalization pass the test *and* the opposite maxim and its corresponding universalization do not pass the test, then the act that is prescribed by the maxim is an 'ought!' (binding).

If the maxim and its corresponding universalization do not pass the test *and* the opposite maxim and its corresponding universalization do pass the test, then the act prescribed by the maxim is an 'ought not!' (prohibited, impermissible).

If the maxim and its corresponding universalization do pass the test and the opposite maxim and its corresponding universalization do pass the test *or*, if the maxim and its corresponding universalization do not pass the test and the opposite maxim and its corresponding universalization do not pass the test, then the act prescribed by the maxim is a 'may' (permissible). (p. 82–83)

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Let us see now if this helps with the case of allowing another person to pass through first; as it was previously mentioned, this maxim does not pass the first step. However, it does not pass the second step as well, since the opposite maxim would prescribe to prevent the others from passing through first – if everyone prevented the others from passing through first, there wouldn't be "the others" to be prevented, so this maxim turns out contradictory. Therefore, this is a case of 'may' (permissible) acts, since the maxim passed neither first, nor the second step. On the other hand, making false promises, as it was shown, does not pass the first step, while at the same time passes the second one, since it is possible for a universal law of making true promises to exist, thus revealing that this is an 'ought not!' (prohibited, impermissible) case. In this manner, Westphal avoids the parodies that could have been previously constructed within Kant's ethics, while at the same time, in a remarkable sense, conserves a formality that is necessary for convincing justification of a constructivist standpoint, which is, although somewhat arbitrary, still objective. By excluding those maxims that do not pass this constructed, but still formal (objective) test of universalization (e.g. extortion, deception, exploitation), we achieve the solution for fundamental problems of social coordination and, at the same time, build a foundation of a justice theory that does not require a discussion regarding moral realism, its alternatives, theory of moral motivation nor the 'values'.

In the sixth chapter, Westphal provides a further explanation and arguments for the previously mentioned thesis – Kant's formalism is revealed through

his constructivism, namely it is not required to apply the universalizability test on the values. (p. 95) Our behavior is constructed through applying the universalizability test and in order for such construction to be *valid*, it is necessary to follow these maxims: “1. always to think actively, 2. to think consistently, 3. to think (as far as possible) without prejudice and 4. to think from the standpoint of *everyone* else.” (p. 98) Here, he refers to Onora O’Neill who claims that maxims 1–4 are necessary conditions for a normal communication. (It should be mentioned that O’Neill’s great influence is present throughout entire book, which Westphal himself admits to be true.³) In order for communication to be possible, one must think correctly and correct thinking requires a reason that gives itself the laws. (p. 99) If we practiced a lawless use of reason, then someone or something else would prescribe the laws to us, which would negate the reasoning itself, since someone or something else would think instead of us. It is interesting to notice that the consequence of this statement is that reasoning is a necessary requirement for freedom, since if someone or something else reasoned instead of us, then that someone or something else would also be making decisions instead of us. Therefore, the freedom would annihilate itself if it wished to break free from the laws of reason.

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Further elaboration of constructivistic thesis now allows Westphal to argumentatively avoid the discussion regarding values and thus, avoid the problem that arises from Socrates’ question to Euthyphro from the beginning of this review. On one hand, the moral standards are artificial (constructed), since they are a social fact, while on the other, they are, as it was previously shown, objective, since that objectivity comes from the moral criteria in the form of categorical imperative. The first part of this statement is additionally supported by Kant’s fallibilistic thesis. This thesis can be formulated in a following manner: our fallibility makes all our justifications merely a social phenomenon and, further, our current state of knowledge is what counts as relevant. That further means that justification is a pragmatic and historic phenomenon, that is not based on the absolute (fundamental) concept of justification (which is referred to in one part of Socrates’ question) and, thus, it follows that this concept has been changing throughout history. (p. 109–110) This allows us to avoid the circularity that can arise from socratean type of questions. The other part of his question (which questions the state in which the moral standards are understood as relative) is, as it was previously mentioned, resolved by categorical imperative. The author also thinks (and convincingly argues) that some of the relatively related theories (such as the theory of social contract, as well as some of the contemporary theories) fail to provide adequate answers to socratean type of questions (to

3 The book is dedicated to Onora O’Neill.

its first, second or both parts), however further explanation of these arguments would require going well beyond the scope of this review and, thus, leaving less room for the more relevant issues.

In seventh chapter Westphal relies on the findings of previous chapters and now applies them to Kant's concept of justice, which is the central notion of this book. So far, two things have been shown: first, that someone's act is right, if that someone's freedom can coexist with everyone else's freedom according to universal law (categorical imperative) and, second, that if someone wants to achieve some ends, they also want all the available means to those ends (hypothetical imperative). This allows Kant to formulate the rights to usage and acquisition: a) human beings cannot will their ends into existence *ex nihilo* (we must make use of materials around us), b) ends we choose to pursue are complex, temporarily extended and, more or less, integrated (it is impossible that everyone simultaneously possesses everything), c) we live in finite time and space which entails d) that we are sufficiently populous, so that we cannot avoid relative scarcity and influence our actions have on the others. (p. 128-129) Here, author points out the similarities between conditions a)–d) and previously mentioned Hume's account of relative scarcity and limited human generosity, which is another example of resemblance between Hume's and Kant's theory or, more precisely, that Kant's theory is upgraded version of Hume's.

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The question that now arises regards the possibility of social coordination in situations where the conditions 'a)–d)' are met. It has already been mentioned that categorical and hypothetical imperative are foundations of 'a)–d)'; this means that our properties⁴ must be coordinated in such manner that the everyone else's freedom remains uncompromised, which entails that the scope of our freedom is defined by the scope of others'. Further, it entails that all of us have a relatively similar scope, as well as that the others cannot become our property (since it would jeopardize their freedom).⁵ This entails that we all live in a state of relative scarcity, that we all tend to achieve some ends (and, thus, materials), and since we do not have the right to jeopardize the others' actions as long as they do not jeopardize ours, a relatively equal distribution of goods shall be achieved. (p. 130-131)

In the chapter "Kant's Justification of Rights to Usufruct", Westphal notices that Kant, unlike Hume, makes a great difference between 'property' and 'usufruct'. Kant has the idea of establishing *a priori* either the notion of 'property' or the notion of 'usufruct', that will entail the notion of justice. That notion cannot be 'property', since the property entails (1) the right to possess

4 'Property' is not understood as a technical term here.

5 A direct application of Westphal's 'contradiction in conception' can be noticed here.

(object manipulation), (2) the right to use, (3) the right to manage (to lend an object or to forbid others to use it), (4) the right to an income from a thing, (5) the right to capital in the thing, (6) the right to security, (7) transmissibility of things, (8) the prohibition that thing applies the damage to others, (9) liability to execution (to have property taken away for serious debt), (10) the right of residuary (the right to be returned to owner when the debt is paid). On the other hand, the notion of 'usufruct' implies characteristics '(1)', '(2)' and '(8)' which can be established *a priori*. (p. 146-148) The similarity between this notion and Hume's constructivistic analyses of 'the rules of justice' (property, promise and contract). Then, by the usage of universalizability test (contradiction in conception), Kant establishes the concept of 'usufruct' as moral principle (without referring to any social practice). Also, the concept of 'usufruct' entails the concepts of promise, exchange and contract, as well as public justice (which Kant refers to as republican government).

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Author provides three assumptions that require the right to usufruct (or – if these three assumptions weren't valid, there would be no need for the right to usufruct): A. we cannot will our ends into existence *ex nihilo* (we must make use of materials around us), B. ends we choose to pursue are complex, temporarily extended and, more or less, integrated (e.g. home and food are more or less integrated, since our existence depends on both), C. we are sufficiently populous, so we cannot avoid mutual influence (others' ends). By using 'A.-C.' and test for contradiction in conception that is based on the results stated in fifth chapter, Westphal uses really strong and convincing arguments (three intuitive facts and argumentatively already proven interpretation of Kant's test of contradiction in conception) and proves the right to usufruct. We should keep in mind the premise that we can possess the things that are not physically present. Let us suppose the Maxim of Arrogant Willing (MAW); whenever I need the means that others possess as well, I will consider those means under my control and use them for my own ends. There are three circumstances in which, as the author claims, it is possible to universalize (to apply the test of contradiction in conception) MAW: A) there is enough of the replaceable resources (means) that no one is using, B) someone gives up the ends, if the person that owns the means (to those ends) forbids their usage and C) someone allows the usage of the means they own if they are necessary for some ends. 'A)' passes the test, because the person never has to use someone else's means. 'B)' also passes the test, since the person stoically gives up the means, however 'C)' does not pass the test, since it is possible that someone needs all of their means. The problem for MAW is that 'A)' and 'B)', unlike 'C)' contradict the intuitive assumptions 'A.-C.', so, therefore, MAW is not valid. Therefore, the right to usufruct must be honored (above all, its first assumption – the right to possess). (p 160–161)

We can acquire an object if we start using it before someone else possesses it. This is a legitimate way of acquiring, since no one is harmed by the usage and the right to usufruct is honored. Therefore, this entails that we have an obligation to respect others' *acquired* objects as well as that such obligation is not unilateral, since the others are finite and rational as well. Author points out that stated argument says nothing about the liberal private property, nor about any other stronger rights; it is concerned only with the right to usufruct, that is the right to *possess*, not to a *property*. In the end, he concludes his argument by claiming that nothing in the world's order gives an answer to the question of possession, namely that we can possess the things only in relation to others (that is by their permission of such possession – if they permit us to possess it or if it is not already possessed by someone else). (p. 161) This is another representation of Kant's constructivistic thesis – the right to usufruct is a social (constructed) fact, which is established in order to achieve social coordination. This right has nothing to do with the structure of the world itself and instead it is an artificial, however not arbitrary (subjective or relative) invention.

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Although, as it has already been shown, the right to usufruct is necessary, it still remains conditional, although not optional. It is conditional, since it is possible to construct two situations in which it would no longer be valid: first possible world is the one in which owning the objects kills the others and second possible world is the one in the state of enormous scarcity (owning an object would *strongly* endanger the others). Neither of those worlds would allow the right to usufruct, since it would not pass the test of contradiction in conception. On the other hand, in a world, such as the actual one, in which the (not so 'extreme') assumptions 'A.-C.' are valid, it is prohibited to restrict the right to usufruct, since that maxim cannot be universally accepted (it fails the test of contradiction in conception⁶), which is the reason why this right cannot be optional. (p. 170)

In conclusion the author sums up and additionally explains the line of argument that is followed throughout the book. He points out that the aim of his study is to establish the constructivistic standpoint, that had been conceived by Hume in the III book of *Treatise on Human Nature* and later significantly developed within Kant's doctrine of justice that establishes objective moral principles without referring to moral realism or its alternatives. During that endeavor he refers to externalism of justification that conserves cognitivism and moral principles without 'truth makers'. Once again, he points out that constructivism is argumentatively stronger than moral realism, since it

6 According to analysis of the test of contradiction in conception that is represented in the fifth chapter, readers can deduce for themselves why this maxim fails the test.

provides an answer to socratean type of questions. It succeeds in it by moving the discussion away from the moral motivation.

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Kenneth R. Westphal's study is an exceptionally ambitious as well as successful enterprise of founding the constructivistic standpoint in Hume's and Kant's theories of justice. In addition to that, we are shown the way of merging those two theories into one, Kant's being the upgraded version of Hume's theory. This provides the stated claims with an outstanding cohesion and argumentative depth. The author begins with abstract, however intuitive constructions, such as an effort to separate Hume's theory of moral sentiments from his theory of justice. He does the similar procedure with Kant's notion of contradiction in conception and in conclusion uses both of those theories to infer the notion of justice as a part of one "practical" concept. These steps were, considering the author's argumentative ambition, necessary, since it would not be possible to convincingly infer such notion of justice without thorough analysis of Hume's theory of sentiments and Kant's notion of contradiction in conception. Perhaps the most relevant consequence of this study is that Westphal managed to show the relevance of the two authors that have lived more than two centuries before our time and have inspired standpoint that is, by our current standards, still extremely attractive and represented. Even more impressive is that the author managed to prove Hume's and Kant's superiority to many of the contemporary authors dealing with this subject and he does so by showing how further they had gone in their arguments. I would strongly recommend the book *How Hume and Kant Reconstruct Natural Law: Justifying Strict Objectivity without Debating Moral Realism* to anyone interested in ethical, meta-ethical and political problems, as well as to anyone willing to achieve a deeper and argumentatively stronger insight into the constructivistic standpoint.

Славенко Шљукић

Конструктивистичка одбрана објективности моралних стандарда и природног закона без улажења у расправу о моралном реализму

Апстракт

Главни циљ књиге *How Hume and Kant Reconstruct Natural Law: Justifying Strict Objectivity without Debating Moral Realism* Кенета Р. Вестфала је да успостављањем конструктивистичке позиције код Хјума и Канта одбрани објективност моралних стандарда и природног закона и на тај начин избегне расправу о моралном реализму и његовим алтернативама. Аутор сматра да је потребно избећи ову расправу, јер уколико се приклонимо моралном реализму или моралном не-реализму (његовој алтернативи), нећемо моћи да обухватимо један или други део питања које Сократ упућује

Еутифрону а које гласи: „Да ли је побожно биће вољено од стране богова јер је побожно, или је побожно зато што је вољено од стране богова?“. Моралним реализмом се не може обухватити други део, јер се не може показати да морални стандарди нису вештачки, док моралним не-реализмом не може први, јер се не може избећи релативизам моралних стандарда. Овај проблем аутор настоји да реши тако што ће заобићи конфронтацију моралног реализма и не-реализма заузимајући позицију конструктивизма, коју налази и утемељује код Хјума и Канта, а којом се тврди да морални стандарди јесу вештачки, али не арбитрарни. То показује тако што и код Хјума и код Канта проналази да моралне стандарде третирају као социјалну чињеницу (као вештачке), али и као нешто објективно. Вестфал примећује да Хјум експлицитно пише о моралу као социјалној чињеници, али показује да је његова теорија правде, којој подлежу морални принципи, изграђена невезано од његове теорије моралних сентимената (која може одвести у релативизам), те на тај начин обезбеђује објективност ових принципа. Кантову теорију, са друге стране, интерпретира као знатно унапређену, али структурално сличну, Хјумовој. Ова сличност огледа се у томе што се морални стандарди такође интерпретирају као социјална чињеница (као вештачки), и као објективни. Објективност, сада за разлику од Хјума, Кант добија спречицим моралним критеријумом – категоричким императивом. Наведене поставке аутор користи као премисе за веома инспиративну интерпретацију Хјумове и Кантове теорије правде.

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Кључне речи: конструктивизам, објективност, Хјум, Кант, морални стандарди, теорија правде

REVIEWS
PRIKAZI

v

Ivan Vuković, *Platon i Kant: saveti za dobar život*, Izdavačka knjižarnica Zorana Stojanovića, Sremski Karlovci/Novi Sad, 2016.

Marina Budić

What is necessary for a good life? Does the justice or the personal happiness prove to be more important for a good life? Could an unjust person be happy, and a righteous person unhappy? What is justice in the first place, and what does happiness consist of? In his book *Platon i Kant: saveti za dobar život* [Plato and Kant: Advice for a Good Life], Ivan Vuković intends to provide the answer to these questions in a way that Plato and Kant would have given and also to demonstrate how the two philosophers' answers could be turned into advice for a good life offered to the readers in today's world. The result of the comparison between Plato's and Kant's teachings on ethics is presented in this book in the form of recommendations leading to the proper understanding of certain aspects and values of the life itself, as well as to the comprehension of how one is supposed to act in accordance with them.

Vuković introduces the stated questions at the very beginning of his book and names them *the first questions*, suggesting their importance. The author considers them as fundamental for the human life, because without solving what is happiness and how to lead a good life, other questions become redundant and we are unlikely to embark on a quest to find answers concerning other values. The aim of this book is to provide answers to these questions from Plato's and Kant's point of view.

The author deems that the same two pieces of advice for a good life can be found within both philosophers' lines of thought. The first of these – according to Vuković – would be: *In order to obtain more pleasure ultimately, one should take it in lesser quantities at first*. The second piece of advice for good life requires courageousness: *Be persistent in battle for righteous goals*. Vuković chose to highlight these two pieces of advice because they were generally neglected by the earlier interpreters.

The book has a clear structure and its parts are well connected. Conclusions are formulated concisely and well based on a valid and convincing arguments. The author combines dominantly philosophical argumentation with critical, historical and comparative approach, because it would be misleading to study Plato's and Kant's ethics independently from their understanding of law and politics, and to cling on to the disciplinary limitations by constructing ethical theories apart from psychology, sociology, history and politics. The book consists of two main parts. In the first part of the book, containing four chapters, Vuković

investigates Plato's teaching on ethics. The second part of the book, containing five chapters, is dedicated to investigation of the Kant's moral philosophy.

In the final chapter of the book, titled "The good life", Vuković draws conclusions from comparisons between Plato's and Kant's philosophical teachings. The author deals predominantly with comparison of the aspects of Plato's and Kant's assertions that

refer to their comprehension of the soul, pain and pleasure, desire, bravery and morale, justice and happiness. Vuković sums up all the similarities and differences between Plato's and Kant's teaching in an original way. The author's contribution is visible especially in his criticism of the standard and habitual interpretations of Plato's and Kant's positions on the subject in question, as well as in his explanation of certain perplexities found in the works of these two philosophers.

Robert Eaglestone, *The Broken Voice. Reading the Post-Holocaust Literature*, Oxford University Press, Oxford, 2017.

Marko Bogunović

'There is no explanation for Aushwitz', was a line heard from an anonymous character in the novel *Kaddish for an Unborn Child* by Hungarian novelist and Holocaust survivor Imre Kertész. That statement came to a harsh opposition by the narrator of the book, in which he claimed that for everything that is, that exists or existed, there always is an explication. The underlying premise of the book on post-Holocaust literature written by writer, academic and a professor at the Royal Holloway University of London, Robert Eaglestone is to examine how the concepts of meaning are inserted in literature about the Holocaust and genocide, but also to think about the meaning of the Holocaust in the contemporary world. The title of the book stems from the syntagm used by Imre Kertész in his Nobel prize acceptance speech where he said that one does not have to choose the Holocaust as one's subject to detect the broken voice that has dominated modern European art for decades.

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Eaglestone begins with, otherwise extensively cited, Hannah Arendt's argument on meaning and truth. Intending to explain how literature, and generally non-historian disciplines, go further in understanding the issues attached to Holocaust, he employs Arendt's distinction between meaning and truth, where meaning arises from reason and from speech and is implicit in the urge to speak. If truth or evidence are used in order to connect certain fact to certain events from the past, understanding of the past is shaped by meaning to which that evidence is put. Accentuating the process of thinking in tandem with matters of fact, Eaglestone, quoting Arendt, claims that thought-objects such as fiction, testimony and memoir (forms of storytelling) enframe and shape meaning. Further on he writes that that 'the past is too important to be left solely to the historians'. Engagement with memory that derives from storytelling and culture has the great power 'not only to recall the past but to assign meaning to it.' Holocaust has been widely present in many narrative and visual forms since it officially ended, although there is, as David Cesarani pointed, a 'yawning gulf' between popular understanding of Holocaust and the 'current scholarship', meaning that people chiefly acquire their knowledge of Holocaust through literature, ill-informed lessons at schools and pop-culture sources. Not wanting to completely disagree, Eaglestone however offers a moderate resolution in which the memory of Holocaust could be preserved: new or renewed concepts of thinking, analyzing and studying the

Holocaust literature. That is the reason why his short but concise and very insightful book is divided in six chapters which are (excluding Introduction and Conclusion), being interwoven in different ways, offering five concepts of listening to 'the broken voice' of the Holocaust today: the public secret, evil, stasis, disorientation and post-Holocaust kitsch. Although the chapters are precisely titled and well organized in order to serve each hypothesis or problem, the author does not hesitate to make contextual cross-references between what he called five concepts.

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The first chapter is concerned with one of the most debated and discussed and probably most interesting themes related to the Third Reich and its military operations and war crimes: the public secret. Naturally, the first question, when thinking about Holocaust, maybe even in terms of everyday conversation, is 'How much did the Germans know?' How much were the ordinary people informed on atrocities committed by their military forces in Final solution? Did they know about the concentration camps? The nature of the public secret is central to the nature of the consensus by which the Nazi regime ruled in great part. These two natures can bind people together in complicity. In this very first chapter, by examining a novel that is not primarily about the Holocaust, Kazuo Ishiguro's *Never Let Me Go*, the author tries to show how only works of fiction are able to give fuller view of how public secret works to deform societies and make un-communities. It is beyond the power of historian knowledge to give exact evidence of how much the citizens of Nazi Germany knew about the Holocaust. There are records of people in Germany in the sort of 'spreading the word', but apart from being the individual cases, they cannot prove how much people actually knew. Of course, many knew, and knowledge was widespread, which involved the people in passive complicity. Eaglestone is defining the public secret as secret exposed (but not discussed publicly). It is there, in the open, but seldom part of the discourse. Following Michael Tuassig, the public secret can be best explained as that which is generally known but cannot be articulated. After presenting a very well informed discussion on the history and phenomenon of public secret in the Third Reich, Eaglestone transits to studying the famous science fiction novel by Ishiguro, intending to display how the public secret works in fiction: 'by analysing how the public secret circulates in the novel, it is possible to see how secrecy

affectively forms (or, rather, deforms) individuals and the wider social structure'.

The longest chapter of the book is dedicated to the problem of evil where the centrally imposed question is 'Why?'. This is where the author extensively uses Hannah Arendt's notions on banality of evil from her controversial book *Eichmann in Jerusalem*. Exploring and analysing perpetrators fiction and perpetrators testimonies, the author wants to present how and where the fiction or testimony writers swerved and failed to answer the essential question of evil. Giving it a scale of swerves, the author reviewed several different books. Where the writers chiefly erred was trying to demonize evil, to make it monstrous or sensational, while it was 'shallow, fungus-like and routine' all along. The perpetrators of war crimes were actually dull, boring, rootless men with which the language was destroyed by clichés and memory by intentional oblivion. Huge portion of the chapter is dedicated to applying the thesis of routinization of evil on the novel *The Kindly Ones* by Jonathan Littell. According to Eaglestone, that is the book that does not fall into the trap of making the perpetrators monsters (but rather ordinary, dull people) and avoids clichés.

The third chapter is withal the most complex and for that matter, needless to say, quite philosophical. By analysing novels by two major writers Imre Kertész (*Fateless* and *Kaddish for an Unborn Child*) and W. G. Sebald (*The Rings of Saturn* and *Austerlitz*) author develops the term stasis-as-resistance, which includes scale of different reasons for refusing to 'work through the past'. It is the refusal which Eaglestone defines as a turn. In the name of memory, against the flexibility and fluidity of memory itself. Trying to stop the inevitable shifting and movement of memory, writers became engaged in a very complex and demanding endeavor at the level of form, plot and character. In the end of the conclusion part of the chapter, the author draws comparisons with another complex book, *Landscapes of the Metropolis of Death* by Otto Dov Kulka, where stasis is held in place by history (by him being a survivor and a historian).

Chapters four and five are both dealing with how the readings of Holocaust literature can shed light on post-colonial genocidal literature, or rather, as the author puts it, how to place together the Holocaust and the colonial and the postcolonial past. Starting from the premise that both the Holocaust world and the world of colonial and postcolonial

genocides are the worlds of disaster, Eaglestone explores in the Chapter four the complexities of the interaction of two colonial racist ideologies, paternalistic and genocidal, by re-reading Conrad's *Heart of Darkness*. The Chapter title 'Disorientalism' was meant to suggest that by bringing together Holocaust and postcolonial scholarship they can be putting together in a dialogue. In the chapter five which the author named 'Disorientalism today', he reads five different texts from the evasively named subgenre African trauma literature. The chapter served to show that there are illuminating congruencies between discourses about the Holocaust and about genocide, atrocity, and trauma in Africa, and also 'suggesting limitation to this by looking at correlation – or lack thereof – between the literature of the Holocaust, widely defined, and account of the Rwandan genocide and other atrocities in Africa'.

Finally, Chapter six leads the reader to a very disputable issue of Post-Holocaust Kitsch and again to models and mechanisms of representation of Holocaust memory. Giving themselves 'irresponsible freedom', the works of art go to the extremities in their artistic representations. Deriving from Kertész, kitsch is here understood as a form of separation between the worlds of Holocaust and our world in 'the very act of representing the Holocaust'. Kitsch is a 'transformation of the past into something meant to titillate or offer a

saccharine ease'. The author then gives a detailed examination of the Chapman brothers' sculpture *Hell* which is the grave example of Post-holocaust kitsch in visual arts. Intending to shock, it does not 'offer any history, but just devilish punishment', while the other is work of fiction, the best-selling novel (later made into film) *The Boy in the Striped Pyjamas* by John Boyne, also defined as simple, apolitical, childish work which combines both the sentimental and the mythical. These two do not offer any sense of development or engagement, but are rather childish accounts of the complex and demanding world of Holocaust.

Knowing that we live in the age of historical revisionism, falsely and ill-informed media representations of history and memory, which all produce the field for the uprise of the extremist right-wing, it is good to, as author does, propose a question 'What good is literature?' As Sebald thought, it only help us to remember, and teach us to understand that some strange connections cannot be explained by causal logic. Eaglestone concludes with Arendt and the notion of thinking as the constant process of understanding, which means brining past, present and future together in different and shifting ways. In the end, he writes: 'the danger of stories is avoided in the same manner: they are to be thought about, discussed, recast, and retold. This is how we best attend to the broken voice the Holocaust'.

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