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JUSTICE: CONSTRUCTIVE OR RECONSTRUCTIVE?

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Honneth's latest book has the very ambitious aim to provide an alternative way of thinking about justice, compared to the standard theories of justice that have been offered in the Anglo-Saxon world by Rawls, Nozick, Dworkin, Walzer, Nussbaum and so many others. This claim should not be misunderstood. Honneth doesn't want to elaborate an alternative that can simply be added to this list; he objects to all of these theories as a paradigm, and wants to offer a new way of thinking about justice. The main contrast is both substantive and methodological. Substantively, Honneth argues that these theories have all relied one way or another on concepts of negative or positive freedom. Instead, and inspired by Hegel, he proposes a concept of 'social freedom'. Methodologically, Honneth criticizes the dominant method of Kantian constructivism, and proposes a reconstructivist alternative. In this short article, I will focus on the latter, methodological dispute and leave the more substantive matters aside.¹

1. Constructivism versus Reconstructivism

In his book Honneth seems to have two main objections to Kantian constructivist theories. The first one, which echoes an objection Hegel made against Kant, is that these theories are bound to be empty. They only deliver abstract formal principles, which then have to be applied to social reality in a second step. One could immediately retort that these principles generate outcomes (propositions about what justice requires, in concrete situations) through their application. This for Honneth is too late. The substance of justice has to be generated at the stage of theorizing, by bringing social reality into the theory (Honneth 2011: 14, 119).

I will leave it an open question as to whether this charge is fair to the existing literature on theories of justice. On the one hand, it seems to me, there is an enormous industry of highly applied literature, on, inter alia, questions of global justice, environmental justice, health care justice, justice in education, justice at the workplace, intergenerational justice, justice for the disabled etc. etc. The era of the grand theories (the 1970s and 1980s) has been followed up by a shift of interest to these more concrete questions, where the abstract notions of luck egalitarianism, capabilities theories, Rawlsian primary goods etc. have been applied to concrete social problems. On the other hand, it is true that a few highly visible authors have themselves retreated to more proceduralist theories. The Rawls of *Political Liberalism* (1993) and the Habermas of *Between Facts and Norms* (1996) are key examples of this more proceduralist turn in thinking about justice, which refer to citizens' actual discourses or processes of public reasoning to determine the substance of social and political norms (often this is combined with theories of deliberative democracy). Honneth mentions these two examples in a key passage in his book: 'Rawls's theory of justice and Habermas's theory of law and democracy are both good examples of proposals that rely on a historical congruence between independently generated principles of justice and the normative ideals of modern societies. The difference with such theories consists of the fact that we have to forgo, following Hegel, the step of preceding our immanent analysis with a freestanding, constructive grounding of norms of justice; an additional justificatory step of that sort is *superfluous*, if it can be shown, in the course of reconstructing the meaning of currently dominant values, that

they are superior to historically earlier ideals of society or ‘ultimate values’. Of course such an immanent approach ends up taking on board an element of historical-teleological thought; but this kind of historical teleology is *unavoidable*, precisely to the extent that it is also presupposed by those theories of justice that posit a congruence of practical reason and existing society.’ (Honneth 2011: 21-22; italics added by me)²

Here, I would argue, we get a *different* objection to Kantian constructivism. It is not so much empty, but it is superfluous. When applying abstract principles, we get results (‘normative ideals of modern societies’), but then it turns out that we do not need the independent derivation of these results from a Kantian procedure. I take it that Honneth here refers to the independence of a transcendental derivation of norms of idealized discourse (Habermas) or of the notion of ‘free and equal persons’ having to live in a ‘well-ordered society’ (Rawls). Kantian constructivism, on this objection, is parasitic on a different method, that of reconstructing the history of a specific social sphere, to uncover its implicit norms of justice. In his book, Honneth develops this reconstructive method by showing how it works in the personal sphere, the economic sphere and the political sphere. In the remainder of this article, I want to use one of these (the economic sphere) to test the strength of this reconstructive method. I will defend the following claim: the derivation of substantive demands of justice in Honneth’s historical reconstructivism is implicitly parasitic on a constructivist procedure. The objection against Kantian constructivism can be turned against historical reconstructivism itself.

2. The Economic Sphere

In the part of his book which deals with the economic sphere, Honneth essentially argues that the market always needs to be embedded in social norms which render its operations acceptable to all those involved. The market itself threatens to undo these norms (which are felt as restrictions on a process of purely self-interested individualistic bargaining amongst atomistic actors), but social movements have tried, over the course of the history of capitalist development, to counterbalance this tendency. Hon-

neth’s reconstruction shows how over the last two centuries this has resulted in ups and downs, disembedding and re-embedding, restricting and liberating the forces of the market. He sums up the substantive content of an embedded market in four categories: norms about goods that should remain outside the market; restrictions on prices; limits on luxury consumption; and the operating of groups (like trade unions) instead of individuals on the market (Honneth 2011: 382-384). Social movements have time and again emerged to defend these social amendments to a purely individualistic market logic. Although Honneth doesn’t use the label, I think it is fair to say that these norms represent a ‘social democratic’ view of the market (I will use the label as an abbreviation in what follows, but the argument would be the same with another label). Such a view can be contrasted with both Marxist and libertarian views. Whereas the Marxist wants to abolish the market, and the libertarian defends laissez-faire, the social democrat wants to retain the market but regulate it so as to make its results socially acceptable and legitimate.

My objection to this way of proceeding is that Honneth doesn’t defend these substantive norms by way of argument, nor does he engage with the work of those who have defended libertarian or Marxist views of the legitimacy of the market. However, the latter are not obviously wrong. All the weight of defense rests on the historical reconstruction itself. However, it remains unclear how history can play this guiding role in the absence of an invisible ‘interpreting hand’ from the theorist. It is remarkable that Honneth only mentions those social movements which have come up with the norms that fit the social-democratic view of markets that he wants to defend. But there have been ample examples of Marxist and libertarian social movements which have, from the bottom up, pressed for their views on a just society. One need only mention the recent Tea Party movement in the US, fighting for a purely laissez-faire alternative to the Obama administration, to see the point. In other words, the continuous emergence of social democratic calls for regulation and re-embedding doesn’t prove that their political agenda represents what we should call ‘justice’ in this sphere. For we see equally persistent political activism on the other side.

The normative work, it seems to me, has already been done through Honneth's singling out of an ideal of 'social freedom' as normatively superior to both negative and positive freedom. Briefly, social freedom refers to the mutual recognition of participants in a certain social sphere. In the market, this cannot be achieved through calculations and prices alone, but requires a preceding agreement of all participants on the norms that are to guide their interactions (Honneth 2011: 332, 349, 428). Thus, Honneth's *application* of the ideal of social freedom to the market sphere is what generates his substantive preference for social democratic norms of justice. My concern here is not to establish the truth of the claims that 1) the ideal of social freedom is superior to its competitors, and 2) the application of social freedom in the market sphere is best represented by social democracy. Rather, my point is that Honneth's strategy itself remains empty without arguments for these claims, (it is only because his reconstruction of history focuses on social democratic social movements and the norms they have been fighting for, that we get the misleading impression that history presses these norms upon us). But this means that all the normative weight comes to lie on the defense of social freedom. And here it seems to me that the neo-Hegelian dialectic of the three concepts of freedom in Honneth's theory is just as 'independently generated' (see the quote earlier in this article) as the analogous arguments in favor of other ideals of freedom in Kantian constructivist theories. If my diagnosis is correct, then Honneth relies on exactly the kind of procedure he is claiming to reject. At the very least, the contrast with the post-Rawlsian Kantian paradigm is not as sharp as he presents it.

Conclusion

I offer my claim about Honneth's implicit constructivism as a hypothesis for debate. To fully substantiate my claim, similar analyses would have to be conducted for the other two spheres (personal and political) that Honneth discusses, which is impossible here. In closing I want to address one important objection. One might try to save reconstructivism by moving the point of controversy to the theoretical level, arguing that the ideals of freedom themselves cannot be generated independently from a recon-

struction of our history. This is not the fine-grained history of social movements of a specific sphere, but the grander history of modernity, which is, in the end, a contingent historical happening to which we owe our ideals of freedom (Williams 2001). In that sense, one could object, both Kantians and Honneth derive their ideals from history. Honneth could then claim that his theory is superior in acknowledging this up-front.

In reply, I offer two remarks. The first is that this dependency on history is acknowledged only by some Kantians, like the later Rawls who admits that he derives his model notions from the public political culture of advanced democracies (Rawls 2005). Others have insisted on a transcendental justification of their most abstract normative ideals (Habermas 1990). It would still have to be shown that the latter are mistaken in aiming for such foundations. The jury is still (and will probably remain) out on that debate.

Second, with respect to those constructivists who concede that we are indebted to Modernity for the defense of our most abstract ideals of freedom, their theorizing about the details of application is still of a very different nature compared to Honneth's method. What we get in all the applied fields of justice that I mentioned at the beginning, are *arguments* for specific social arrangements as being the *best* interpretations of what these ideals require in a specific social setting. These arguments do not rely on the historical occurrence of some social movements defending them, but on a package of *theoretical* sources, often from anthropology, psychology, sociology, economics, etc. to show that our health, well-being, agency, etc. would be served by adopting or rejecting certain norms of justice.³ If I am right, this kind of argumentative battle cannot be circumvented. Every claim in this field may always remain open to counterclaims, of course, but that kind of ongoing controversy is in the nature of the subject.

Finally, it seems to me that the standard type of substantive argumentation in Anglo-Saxon debates about justice more resembles Honneth's earlier substantive anthropology (combined with social theory) in the *Struggle for Recognition* (Honneth 1995). It seems that Honneth, in response to

criticisms (Zurn 2000)⁴, has made a move from anthropology to history as a way of fleshing out the content of his theory of justice. But one can only approach history with an anthropology in mind, and despite his own self-understanding, I would claim this is exactly what has happened in *Recht der Freiheit*. But then again, I can only offer my interpretation of Honneth's book and I look forward to hearing diverging views.

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¹ In a much longer paper, I discuss both objections. See Claassen 2013. See also Honneth 2010 for his criticism of procedural theories of justice.

² I thank Joel Anderson for translating this quote into proper English.

³ To mention one example out of many, see the recent influence of *The Spirit Level* (Wilkinson/Pickett 2010) in thinking about the drawbacks of inequalities in wealth.

⁴ Honneth has chosen the second alternative (rational reconstruction of history) that Zurn recommends in his article (see Zurn 2000: 120), while I think that some form of the third approach (ontological anthropology) cannot be avoided.