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Institutions of Freedom. Axel Honneth's Reading of Hegel's Philosophy of Right

Abstract

In order to achieve a new understanding of modern society in the 21st Century Axel Honneth's practical philosophy draws back on Hegel's famous *Elements of the Philosophy of Right* (1820). The core and systematic structure of the Hegelian concept of freedom is being analysed focussing on the notion of abstract right. By identifying legal, social and political rights as yet incomplete but necessary elements of freedom Honneth gains the theoretical means to establish a current philosophy of freedom and justice. Thus, he is also correcting the conservative picture of his famous predecessor in rethinking modern society once again on the basis of the idea of freedom.

Introduction

Celebrating this year's 250th birthday of Georg Wilhelm Friedrich Hegel (1770–1831) lots of minor and major conferences were planned throughout the philosophical community for 2020 which had to be postponed due to the Corona-Virus. One of them is the Conference of the International Hegel Society devoted to “Hegel and Freedom” and hopefully taking place in Poland's capitol of Warsaw in June 2021. Taking into account the current political struggle between the polish government – dominated by the right-wing PiS Party – and the political institutions of the European Union in Brussels this choice implies some challenges. Especially the focus on Hegel's famous *Elements of the Philosophy of Right* (1820)¹ is rather delicate concerning the political frictions between Warsaw and Brussels with regard to the distinction of powers and the value of independent institutions of law and justice. One of the keynote speakers in Warsaw will be the German Philosopher Axel Honneth (born 1949) who – in the footsteps of Jürgen Habermas – worked at the famous “Institute for Social science” in Frankfurt am Main and lately teaches in the United States.

Honneth's own account of the practical philosophy in general and its Hegelian heritage in particular is focused on the notion of freedom and its importance for the idea and realization of a just society. Instead of skipping over Hegel like other exponents of the critical theory, Honneth's own theory of justice is closely linked to the work of that great figure in Classical German Philosophy. Yet, he goes his own way in interpreting Hegel from a rather left-wing perspective, and developing his own theory of institutions necessary for a modern society build upon the idea of individual freedom.

¹ For a historic introduction into Hegel's *Philosophy of Right* see Jaeschke 2016, 250–256 whereas Siep 1997 provides a systematic commentary on this classical text in its entirety.

Following the picture of Hegelian thought in Post-WW II Germany (I) and some general remarks on Honneth's own approach to Hegel (II), we will take a closer look at the connection of freedom and institutions (III) as well as the role of the free will (IV), before dealing with the notion of right (V) and its classical description as an abstract condition of freedom within Hegel's practical philosophy (VI), thus achieving a picture of the importance of this institution for modern society. Before concluding we will also assess the difference between Honneth's interpretation and Hegel's original programme (VII).

Hegel Scholarship Between Neo-Marxism and Post-WW II Conservatives

Looking at the different types of Hegel scholarship in Germany after World War II there are two main influential options of Social Philosophy. First of all, there is a vital Neo-Marxist heritage in Western-German Practical Philosophy and Sociology. Influenced by French Hegelians like Alexandre Kojève (1902–1968) or the Hungarian Georg Lukács (1885–1971) whose interpretation of the *Phenomenology of Spirit* (see Kojève 1947) as well as the *Young Hegel* (see Lukács 1948) had made a great impact on a younger generation of post-war philosophers critically engaged with German Idealism in general and Hegel's *Philosophy of Right* in particular. The catastrophe of European Fascism which had resulted in genocide, terror and over 50 Mio. dead in Europe and around the globe seemed to fuel the idea of a socialist society following the footsteps of left-wing intellectuals from the 1920s and 1930s. Although distancing themselves from Lukács the protagonists of the *Frankfurter Schule* and its Critical Theory also chose Hegel as one of their main sources in classical German philosophy when it came to build a new social theory for post-war Germany.

Besides the socialist or even Neo-Marxist reading of Hegel in the aftermath of WW II another type of Hegelian scholarship emerged in the post-war context of the young Federal Republic of Germany. This second way of engaging the concepts represented in Hegel's practical philosophy is closely linked with Joachim Ritter (1903–1974) and his school at the University of Munster in the 1950s and early 60s. Though dealing with similar texts and problems as the Critical Theory in Frankfurt, this other Hegelian school devoted itself to a much more conservative reading of its philosophical hero by neglecting the Marxist option. Joachim Ritter himself had been a student and assistant of Ernst Cassirer (1874–1945) whom he also accompanied at the famous encounter with Martin Heidegger in Davos in 1929.² But Ritter not only took part in the major philosophical disputes of his time, moreover he got himself entangled in the political frictions in Germany. Despite a communist past in the 1920s he became a full member of the Nazi-Party (NSDAP) in 1937 before joining the German Army in 1940 until the end of the war. Regarded a minor case or *Mitläufer* by the Allied administration Joachim Ritter could take up teaching again in 1946 at the University of Munster. There he worked as Full Professor until 1968 –

²See Odo Marquard, in: Ritter 2003, 442.

the year of the students' revolts in Western Europe. He gathered a group of young scholars from multiple disciplines ranging from philosophy (Odo Marquard, Robert Spaemann), sociology (Hermann Lübbe) to law (Ernst-Wilhelm Böckenförde) and even protestant theology (Trutz Rendtorff). He also invited other scholars to their sessions including Carl Schmitt, who had not been allowed to take up public teaching again after 1945. This way Joachim Ritter and his thought became very important for a variety of institutions in Western Germany including the High Court as well as many Universities, establishing what is today known as the "Ritter-Schule" (see Schweda 2015) in Germany. His initiation of the *Historisches Wörterbuch der Philosophie* (1971) – a main source for scholarship in the history of philosophy from antiquities into the 20th Century – underlines the historical approach even to modern philosophical problems.

Concerning Ritter's most influential reading of Hegel's philosophy especially his studies on *Hegel and the French Revolution* (see Ritter 2003, 183–233) and *Hegel and the Reformation* (see Ritter 2003, 310–317) come to mind. Both texts engage with the problems of modernity in a post-war and post-totalitarian society. The key concept is the idea of the necessary experience of division [Entzweiung] in modern post-traditional societies (see Odo Marquard, in: Ritter 2003, 442–456). The religious emancipation during the reformation set free the notion of freedom concerning the individual faith of human subjects rejecting the heteronomous power of the roman-catholic church over the single consciousness. Thereby, Luther's protest against the papal authorities in Rome and the Holy Roman Empire of German Nation, his attempt in reforming the church in order to restore the original idea of Christian faith appeared to Hegel as the necessary act of realizing freedom – at least in the field of religion. Whereas Aristotle's concept of freedom only encompassed the free male member of the polis of Athens, the reformation aimed at every single man's and woman's religious consciousness being immediate to God. In other words, Reformation became a cornerstone of modernity on its way to true autonomy.

Yet, the Lutheran notion of (Christian) freedom implied an obvious deficit. Its autonomy is essentially restricted to the religious sphere of faith. So, both Aristotle and Luther represent only preliminary form of the idea of freedom. And Hegel did not find full realization of this concept before the main political change which took place in his own time: French Revolution. Although the act of handing over the Augustana Confession to the Emperor Charles V. in 1530 is seen as an act of freedom, the political side still needed to be realized by overcoming the feudal system with its kings and queens. That is why – according to Ritter – French Revolution and the Napoleonic era represented the political perfection of the idea of freedom for every individual subject. Of course, this interpretation could lean on Hegel's life-long admiration for the ideals of the French Revolution and his account of seeing Napoleon after the battle of Jena in 1806, famously describing him as the "world-soul on horseback".

The idea of freedom, which still excluded the slave in ancient Greece and only reached out for the religious consciousness in Luther's Reformation became completely realized at the end of the 18th Century by – at least – promising liberty, equality, fraternity. And by adopting this Hegelian philosophy of history Joachim Ritter set the course for a conservative re-lecture, which distinguished itself clearly from the Neo-Marxist readings in the aftermath of both World Wars. The division of modern subjectivity from its world and the loss of traditional social patterns as family, faith and state should be restored by drawing on an absolute foundation. Thus, especially Hegel's practical philosophy functions as a means in avoiding socio-political radicalism again. Remembering Ritter's own political history this programme seems rather ironic. Yet, it proved to be most influential in Germany's democratic development after 1945 and until today. The more interesting is the appearance of Axel Honneth's original programme defining a third option in reading a social philosophy of freedom.

General Remarks on Honneth's Hegel-Interpretation

In 1999 Axel Honneth was invited for the "Spinoza-Lectures" in Amsterdam to present his interpretation of Hegel's classical *Elements of the Philosophy of Right* (1820). In those lectures, which were later published both in English (see Honneth 2000) and German (see Honneth 2001), Honneth states the predominant position of Kantian thought in current practical philosophy and sociology following the examples of John Rawls or Jürgen Habermas (see Honneth 2000, 15).

In contrast to their highly abstract conceptions of modern society, that tend to keep a certain distance to the Hegelian way of interpreting ethical life, Honneth is eager to re-establish Hegel as a modern thinker of social life in general and (social) justice in particular. Concerning the classical notion of Justice as derived from the Kantian point of view – especially in Habermas' works – Honneth exposes his attempt as an answer to the wide-spread philosophical "awareness of the necessity of a social contextualization of formal principles of justice" (Honneth 2000, 16). Other than Kant and his scholars the Hegelian *Philosophy of Right* is being thrown into the discussion again in order to benefit from its method "to encompass the abstract principles of modern law and morality within an institutional framework" (Honneth 2000, 16).

For that purpose, Hegel's critical-speculative analysis of modern society has to be revived by overcoming its tragic "role of a classic text which, though much read, has ceased to speak to us." (Honneth 2000, 17).

In order to achieve this goal Honneth first of all has to deal with two major, yet common prejudices concerning the *Elements of the Philosophy of Right*. The first one being the notion that by neglecting or de-potentializing the autonomy of the individual human being, which had been put into primordial position by Kant, "the work's consequences, whether intentionally or not, are undemocratic" (Honneth 2000, 17). The new emphasis on the idea of institutions themselves being interpreted

as phenomena of objective spirit leads to the suspicion of preaching a decrease of individual freedom rather than revealing its necessity and meaning in modern society.

The second prejudice Honneth is dealing with concerns the overall character of Hegel's work as a whole. Its method being based on the speculative notion of spirit seems to be too far-fetched for a modern consciousness of social life which does no longer pretend to be capable of explaining its own reality by drawing on such complex ideas as articulated in the *Science of Logic* or the related paragraphs on the objective spirit in Hegel's *Encyclopedia*. The method of a dialectical philosophy, which not only analyses the structures and phenomena of human culture but attempts to read its objects to the background of a true spirit explaining itself and becoming self-conscious within the sphere of human action and thought, is being doubted as a whole. The dominance of Kantian as well as analytical traditions seem to restrict the interest in Hegel to singular descriptions rather than unfolded concepts.

Instead of utilizing the book as a means to find isolated concepts or ideas with regard to certain problems of our modern times, Honneth affirms the notion of "re-actualizing" (Honneth 2000, 18) the *Philosophy of Right* as a whole yet taking into account the political-methodological double criticism as blamed upon Hegel (see Honneth 2000, 17–18). By exposing his own moderate critique, he intends to reveal the potential for critically analysing and normatively reconstructing modern society utilizing the Hegelian theory of ethical life.

By skipping over the Hegelian concepts of state and objective spirit or the self-consciousness of an absolute spirit, which would be prefigured within the social sphere, the attempt of re-actualizing an institutional informed theory of freedom and justice is made. Without putting any emphasis on the logical construction behind the *Elements* or the political philosophy – related to 19th century Prussia – implied "the fundamental aim of the text and its construction as a whole" (Honneth 2000, 19) shall be exposed by "proving that this work has to be understood as a sketch of a normative theory of those spheres of reciprocal recognition, the preservation of which is constitutive of the moral identity of modern societies." (Honneth 2000, 19).³

Yet even Honneth does not mean to neglect the key-concepts of Hegel's social philosophy in general. In the contrary he is eager to regain a positive sense of its essential content by sticking to the conceptual core of this classic theory of right. This core is being identified in the notions of ethical life and the "intuitions Hegel associated with his concept of objective spirit" (Honneth 2000, 19). Though not buying all metaphysical implications of the latter one, Honneth still believes this rather institutional understanding of spirit – or let's say the mental activity of human consciousness and its cultural outcome – to be necessary and helpful in order to realize values and ethical life. Therefore, he states that "all social reality possesses a rational structure, which one can offend against by the practical application of false

³ Concerning his reading of the Hegelian concept of *Recognition* see Honneth 1994, 11–105; Honneth 2018, 168–181. A socialist critique on Honneth's conception can be found in his debate with Nancy Fraser (see Fraser/Honneth 2003, 13–128 and especially 225–270).

or inadequate concepts only on pain of prompt repercussions throughout social life itself” (Honneth 2000, 19). In addition to that, the Hegelian notion of ethical life is maintained, because it expresses – in opposition to the Kantian ‘morality’ – the knowledge of objective forms, which are necessary in order to establish and keep up individual freedom. It’s the conviction that “in social reality, in that of modernity at least, spheres of action are already present in which inclinations and moral norms, interests and values have been fused in the form of institutionalized interactions” (Honneth 2000, 19). Neglecting both ideas or notions – ethical life and the concept of mental activity being potentially and actually realized or objectivated – would melt the core of Hegel’s *Elements of the Philosophy of Right*, it would simply vanish.⁴

Institutions and Freedom

Already those preliminary statements by Honneth tend to clarify the systematic importance of the connection between Freedom and Institution for his interpretation concerning the Hegelian Theory of Justice. But despite this different approach in comparison to the other German philosophical classics – mainly of course Kant and Fichte – the idea of individual freedom or autonomy is still exposed as the main goal. Moreover, the *Elements* also ask for the actual or objective conditions for establishing a true realization of the abstract idea of autonomy and other Kantian concepts of morality. The modus operandi of freedom is which Hegel is indeed looking for according to this interpretation. In this context four of such conditions of individual freedom are described (see Honneth 2000, 21) – emphasizing their “intersubjective” (Honneth 2000, 21) or social (i.e. their institutional) character.

First of all, the Hegelian theory of (social) justice has to consider the a priori social character of human subjectivity and its freedom. In other words, any individual as such already exists necessarily within the context of other human beings. Every individual will is a priori being put into an a posteriori social setting. This is not a contradiction at all rather the complex or dialectical description of a condition of subjective autonomy. Freedom does not exist elsewhere than on social ground.⁵ “[I]n view of the fact that subjects are already bound to each other by intersubjective relations from the outset, the elder Hegel could not (any more than he could have earlier) let his justification of the general principles of justice begin from the atomistic conception that the individual’s freedom consisted essentially in the undisturbed, and by others uninfluenced exercise of individual arbitrary will” (Honneth 2000, 21).

Second, the Hegelian theory of social justice has to take into account the meaning of individual freedom on the part of the other individual everyone is a priori being connected to. The idea of freedom cannot be thought in an abstract way, which

⁴ See Honneth 2000, 20: “[W]hoever tries to do without a rational reconstruction of the concepts of objective spirit and ethical life, I’d like to claim, has sacrificed the substantive content of the text in favour of an at best superficial explanation of it.”

⁵ The term *ground* as the German *Grund* both resemble the idea of *field* as well as (necessary) *condition*.

would neglect the autonomy of the other. Human subjectivity is necessarily constructed as the free operation of the human individual ascribing this notion not only to itself but also to the other individual. The Hegelian notion of subjective freedom implies the concept that individual autonomy is built on the recognition of human freedom as represented in the social other. By skipping over the freedom of another individual the idea of autonomy itself would be destroyed. Freedom would be substituted by primitive use of power instead. Therefore, the social character of freedom is calling for a consciousness of mutual autonomy as its own foundation. Therefore, the aim is “to outline the general principles of justice in such a way as to justify the idea of social conditions wherein subjects would be able to regard one another’s freedom to be a precondition of their own individual self-realization” (Honneth 2000, 21).

Third, the Hegelian theory of social justice has to show the importance actual practice of those necessary moral ideas in the framework of ethical institutions rather than by the means of heteronomous laws and rules. In opposition to the conception of abstract morality, which tends to establish lawful alienation in spite of true autonomy, the concrete action as the combination of both elements – moral idea and its actual realization – is exposed as morality’s ethical perfection. “[T]hese normative principles of a communicative freedom could not be anchored in modern society in the form of external codes of conduct or merely compulsory laws, but needed to be incorporated, by means of exercise in practice, into habitual patterns of behaviour and of mores, in order to lose any remainder of heteronomy” (Honneth 2000, 21).

Fourth, in accordance to the foundation of modern society and external freedom on the idea and practice of ownership – already in Kant’s theory of right – the Hegelian theory of social justice has to consider the meaning and importance of economical action for individual autonomy. “[C]onsiderable space would have to be provided for that social sphere of action in which subjects could each other pursue their private interests reciprocally in accordance with the conditions of the capitalist market.” (Honneth 2000, 21).

Freedom and Existence of the free will

Those conditions for a modern theory of Justice converge in Honneth’s reading with the subjective foundation of Hegel’s *Philosophy of Right*. Instead of building his theory of freedom upon the sand of abstract principles alone and their exclusive formation within the subjective consciousness, Hegel construes the meaning of autonomy in a broader sense. In order to establish any social significance freedom has to be taken not only in its subjective conditions but rather including its own realization. He “wants to develop the principle of a just social order in such a way as to present the ‘existence of the free will’” (Honneth 2000, 27). All social circumstances shall be taken into account, so the moral consciousness finds its own equivalent in the framework of society’s institutions (see Honneth 2000, 27). “[T]he entirety of external, social, and institutional preconditions compelling the ‘free will’ to

actualize itself” (Honneth 2000, 27) describes the overall means to establish true autonomy and freedom. In other words: No freedom without its institutional construction.

But to Honneth that framework does not gain its legitimacy from any abstract place outside the social individual itself. That would establish only new forms and conditions of heteronomy. To the contrary, the dimension of social participation functions as a necessary condition for freedom and justice. Since there is no autonomy within empty institutions which do not reflect the free will of the subjective consciousness, subjective morality and institutional realization of values have to converge in communicative structures in order to secure freedom. Naturally this implies the possibility and necessity of a social critique concerning any institution – be it a moral, religious, executive or economical one. “[I]t begins to become clear that he [i.e. Hegel] wants to understand as the epitome of a just social order precisely those social and institutional conditions which permit all subjects to enter into the sort of communicative relations that can be experienced as an expression of individual freedom; for only to the extent to which subjects are capable of participating in this sort of social relation will they be truly able to actualize their freedom in the world.” (Honneth 2000, 27).

Right and Freedom

Concerning our main objective – to clarify Honneth’s special interpretation with regard to the Hegelian notion of Right and its connection to the general idea of freedom – we have to consider an important observation. Regarding the Hegelian notion of Right Honneth obviously distinguishes a broader sense from a more particular understanding. On the one hand, the abstract right is – first of all – the premier element in Hegel’s *Philosophy of Right* preceding Morality and Ethical Life, the latter one defining the totality of a free society – in a sense materializing the concept of freedom in all its cultural aspects. Thus, right defines the first necessary condition of freedom, yet appearing in its abstract and premature form.

On the other hand, right itself is being realized as a part of the two other elements of freedom – morality and ethical life. True autonomy – so we might say – implies on every stage of its development necessarily an element of right. The necessity of this rightful element derives from its connection to the idea of freedom as a whole. The free and self-determined individual seems – according to Honneth’s re-construction – to be dependent on certain conditions or circumstances in order to actually live its human potential as a free personality. “Each stage in the development of the Idea of freedom has its distinctive right, because it is the existence of freedom in one of its own determinations. [...] Morality, ethics, and the interest of the state – each of these is a distinct variety of right, because each of them gives determinate shape and existence to *freedom*.” (Hegel 1991, §30 cited by Honneth 2000, 28). Giving his own interpretation of this sentences, Honneth hints to the striking difference to the notion of right in the philosophies of Kant and Fichte (see Honneth 2000, 28–29).

Both had been re-constructing the phenomenon of human right or law in its civilian context by differentiating it from morality or ethics in the strict meaning of the word. Especially to Kant the distinction of morality and legality marks the core of his philosophy of right as laid down in the first part of his *Metaphysics of Morals* (1797) (see Kant 1977, 324). Fichte's *Foundations of Natural Right* (1796) in addition construes the notion of reasonable right as the realization of consciousness or I under empiric circumstances. Thus, giving the abstract construction of the social sphere (see Medicus 1905, 95–115, especially 95–104).

In a certain sense though, Hegel took up once again the structure of Fichte's approach towards legality and social life by understanding human's actual intersubjectivity as the way, in which the abstract construction of intelligent consciousness interacts with its own kind. The rules of social being – in other words – do nothing else but reflect those of conscious subjectivity or knowledge in general. The absolute knowledge or I, which Fichte used to construct or re-construct in every single of his numerous versions of the *Doctrine of Knowledge* (see e.g. Fichte 1997) finally finds its own realization within the social sphere and its manifold actions. As far as Hegel reflects this operation of actualizing the abstract idea of freedom under the conditions of empirical being in his own conception of Justice, the notion of right is defined as the totality of “all those social preconditions that can be shown to be necessary for the realization of the ‘free will’ of every individual subject.” (Honneth 2000, 29). Yet, the concept of abstract legality appears much too empty and not at all sufficient to secure all conditions for the individual to participate in society and realize its own intentions in a truly self-determined manner. In contrast – especially to Kant's constructions of a distinct sphere of laws as the other of morality – Hegel seems to understand the kingdom of freedom based on the foundations of certain intersubjective institutions. “[A]mong the conditions for this self-realization of the individual an essential place is taken by the communicative relations that allow the individual subjects to enjoy the experience of ‘being with oneself in another.’” (Honneth 2000, 29).

In fact, this particular understanding of the traditional concept of right as an “ethical presentation of the social conditions for individual self-realization” (Honneth 2000, 29) is founded upon a specific modern reading of the term ‘right’ itself. According to Honneth the differentiation between both conceptions – the broader sense and its more restrictive counterpart – is made possible by arguing in favour of a special form of rightfulness or case of justification given on every level of the social sphere. “[W]hen any social form of existence can be shown to be a necessary condition for the realization of the ‘free will’, one should be able to speak of it as ‘a right’, because it can lay claim to having a right in itself.” (Honneth 2000, 29). In other words, Hegel does pick up the idea of individual autonomy and self-determination breaking its subjective restriction in order to gain a fruitful understanding of the structures of the social sphere. The concept of individual rights is exposed as the necessary element – or condition – of every essential realization of

social life. Intersubjectivity cannot be understood as a sphere of free individual human beings without transposing the idea of the legitimate ownership of a self-determination into society as a whole. The ideal concept of the social sphere – itself necessarily also being a real one⁶ – in this sense comes to light as the social reality of autonomy. And society is being exposed as nothing but the living body of autonomous individuals in their intersubjective relationships of freedom.

Every element of freedom has its own right. “Hegel’s proposed conceptual clarification is indebted to an extension of the modern concept of ‘right’ – that is, of the normative conception that subjects have a justified claim sanctioned by the state – from the individual sphere to that of social relations or institutions in general” (Honneth 2000, 29).

Honneth’s Interpretation of Abstract Right

One of those necessary elements of modern freedom is the cultural institution of law or right itself. Therefore, Honneth devotes a significant amount of his reflexions – both in the Spinoza-Lectures as well as in his opus magnum *Das Recht der Freiheit/Freedom’s Right* (2011/2014) – to the Hegelian notion of abstract right as it is called in the *Elements of the Philosophy of Right* (1820). In the context of the Spinoza-Lectures the abstract right is being exposed as one of two necessary but yet imperfect concepts of freedom. The conviction that certain stages of cultural development – in this case abstract right and morality – are the foundations upon which the building of ethical life and freedom is erected distinguishes between perfect and imperfect conceptions of true autonomy in modernity. Whilst ethical life is understood as the totality of social operations in the light of free personalities, the institution of right as well as pure subjective morality in the Kantian sense might lead to their own abuse. This abuse results from the potential absolute reading of those elements or conditions as self-sufficient forms of social life (see Honneth 2000, 33–35). Instead, abstract right and morality have to be understood in their necessary but non-sufficient function in favour of individual freedom. Honneth argues that both spheres or forms of social life inherit rather “limited roles” of “incomplete models of freedom” which they “have to play in modern society, as they are each constitutive preconditions for individual participation in that communicative sphere.” (Honneth 2000, 33.). Especially the institution of laws and subjective rights, which are guaranteed by norms and rules, functions as the essential social framework in order to establish and secure individual autonomy by providing the condition for external freedom. “[I]n the division on ‘abstract right’, he [i.e., Hegel] wants to establish the proper location in society of the modern conception of freedom according to which the individual subject exercises his freedom in the form of subjective rights” (Honneth 2000, 34).

In *Freedom’s Right* Honneth extends this abstract description of the social function of subjective rights by depicting for example the meaning of possession or property

⁶ See Anselm’s ontological argument.

for a theory of justice and freedom (see Honneth 2014, 74–76). Following Kant’s and Hegel’s footsteps with regard to the extraordinary importance of the potential to possess for the autonomous individual, also Honneth emphasizes this cultural practice by appointing it one of the “first generation of rights” (Honneth 2014, 74). Besides the right of individual possession, they include that of making contracts, free practice of religion, free speech and opinion. All those rights being in themselves “negative rights that protect a space of individual action” and “even today form the core of the liberal legal system” (Honneth 2014, 76). The outstanding sample for that kind of free territory for the individual – secured from any restriction by state or officials – is property. According to Honneth’s interpretation the Hegelian notion of property hints once more to the element of objectivation. The possessed object functions as means to an end, which is nothing but the self-objectivation and -affirmation of your own free will. “On his [i.e., Hegel’s] view the rational justification for private property lay in giving all subjects the chance to assure themselves of the individuality of their will in external objects they legitimately own.” (Honneth 2014, 74). In order to externalize its own autonomy every individual needs that sphere of objectivation, which has to be assured and maintained by some legal boundaries. By providing such possibility of self-affirmation to the individual human being, modern society secures the overall possibility of external freedom.

“In the system of positive rights, which represents the first institution of modern freedom, subjects recognize each other as free beings inasmuch as they ascribe to each other the ability to detach themselves from all determinations of their own will and thus refrain from violating that of others” (Honneth 2014, 74). This ability to take an abstract view upon the other individual directly reflects the faculty to step away from the subjective motivations of their own, instead focussing on the formal structure of individuals as carriers of autonomy. “Therefore, subjects exist for each other only as abstract personalities that can ‘abstract from everything’ [Hegel 1991, §35 Addition] and are capable of respecting their fellow legal subjects’ individual sphere of freedom.” (Honneth 2014, 74).

Against the background of such individual rights established by modern society in order to secure the possibilities of external and internal freedom to their subjective actors the true individuality of will is being strengthened. Establishing the abstract sphere of right, such as property or free speech marks a cornerstone in the development and realization of individual autonomy within modern society. But those social institutions do not yet realize the idea of freedom in its totality. They only provide the necessary conditions the individual needs in order to participate freely in the social processes of communication; thus, gaining and actually living its autonomy.

Eventually Honneth is eager to add two further generations of abstract rights, which apply to the changed circumstances of the individual in the context of modern societies. The first one being a class of social rights, which have to be established and secured for the purpose of providing the material possibility of freedom in general.

In other words, social rights have to be considered as the basis on which the abstract personality is able to become an autonomous individual by being able to participate and thereby living its freedom. “From this perspective it makes sense to interpret the introduction of social rights as an attempt to guarantee the material conditions under which all individuals can exercise their freedoms more effectively.” (Honneth 2014, 78). Having certain individual rights of freedom not only theoretically but practically as well marks an essential dimension of Honneth’s theory of justice. “[T]he idea of ‘having’ or ‘possessing’ certain rights implies that subjects also possess the material resources to make use of them.” (Honneth 2014, 78).

The second class of added abstract rights takes into account the necessity of participation in modern (democratic) society. Therefore, the political dimension of freedom has to be considered in a category of abstract rights of their own. Those political rights are different concerning the direction of their aim. Whilst first generation and social rights function as walls against any assault upon the individual, the third group of rights has to somehow overcome the established fences of security in order to accomplish political participation. The individual has to be provided with the means to express and realize its own will politically by becoming an active part in social debates and political action. “After all, political rights necessarily involve an activity that can only be carried out in cooperation, or at least in exchange, with all other fellow legal subjects.” (Honneth 2014, 79). Thus, Honneth establishes the idea of three abstract groups of right: liberal rights, social rights and political rights, which of course all function as necessary conditions of freedom in modern society.

Productive Misunderstanding

Having clarified the core of Honneth’s contemporary interpretation of Hegel’s *Elements of the Philosophy of Right* we are able to assess a critical point. In order to achieve a complete picture of this form of contemporary Hegelian thought in practical philosophy it is also necessary to consider the possible differences between the two authors. Therefore, we shall remind ourselves of the basic structure and development of the Hegelian philosophy of spirit. Thus, the means to a critical assessment will be gained and help us to fill in the last missing part of the picture.

Hegel’s entire work is focused on the idea of spirit as the non-sensual totality, which realizes itself within human kind and its cultural achievements. This way, all phenomena of the finite world and its structure come to the table as possible or real objects of philosophical theory. Insofar an appearance enters the horizon of human understanding of the world or the self, it is possible to be deciphered as an objectified form of the infinite spirit. The latter one is nothing else than the true or absolute subjectivity which recognizes itself as the realization of the eternal at the place of human’s finite subjectivity. Hegel unfolds this ambitious idea in a string of drafts and published works cumulating in his philosophical system as laid down in the *Phenomenology of Spirit*, the *Science of Logic*, the *Elements of the Philosophy of Right* and of course the *Encyclopaedia* (³1830). Instead of delivering the unfolded system as a whole,

the *Encyclopaedia* more or less gives us the structure of Hegel's philosophy of spirit he developed during his time in Nuremberg, Heidelberg and Berlin (see Jaeschke 2016, 186–233, 238–250). Already in his *Nuremberg Writings* (1808–1817) we can find the characteristic structure of subjective, objective and absolute spirit (see Hegel 1970a, 42–85).

On the first level, the finite consciousness and its psychological functions are exposed. The subjective activity which generates the objective world and its manifold phenomena comes to light, thus also distinguishing between perceiving subject and its perceptions. Self-consciousness recognizes itself on the phenomenological basis of its objective counterpart (see Hegel 1970b, *Encyclopaedia* § 424).

On the second level, this subjective spirit that has generated its objective world of sensual phenomena is undertaking to regain this manifold sphere employing its own free will. For example, by signifying an object as property the subjectivity of the owner is giving it a special meaning (see Hegel 1991, *Elements* § 58). “This house shall belong to me, that is why my name is written on the front-door-bell.” The whole sphere of ethical institutions starting from law and family to state comes to light as the realization of subjective will within the world of sensual objectivity.

On the third level, the subjective spirit returns to itself after having established its representational world as well as institutions in order to secure and actualize its own free will, thus exercising its modern autonomy. Employing self-produced concepts of art, religion and absolute science or philosophy the finite self-consciousness realizes its own productions as representations of the unconditional. Looking at a piece of art, participating in the religious cult of the community or thinking the philosophical notion of the concept the true spirit expresses and recognizes itself within the human consciousness as absolute spirit (see *Encyclopaedia* §§ 553–577). The unconditional looks at itself on this ultimate level of Hegel's systematic philosophy of freedom.

Comparing this complex yet clear distinctions of the Hegelian system to the social theory of institutions and justice given by Axel Honneth a significant change comes to mind. Whereas Hegel's own way of construction of the mentalistic structure of world, social sphere and absolute spirit – i.e. art, religion and philosophy – always starts from the subjective position of human mind, Honneth's critical account of the social sphere takes a slightly different route. Instead of starting the philosophical assessment of law, politics or state with its mentalistic roots within the human subject itself, his movement focuses on the given social institutions as such. The critique of modern society's mechanisms and the value of their inherent concepts of freedom and justice begins within the objective sphere of those institutions themselves. Rather than building his conception of autonomy once again on the strong foundation of the idea of the free individual as such, Honneth shows himself as the child of critical theory and the remnants of a materialistic approach towards society. He claims to be able to extract the ideas of freedom and justice from the existing institutions themselves in order to criticize their function. This way his interpretation of Hegel's practical philosophy with its objective twist appears to be

some kind of productive misunderstanding. The methodological substitution of subjectivity as the necessary basis of all philosophy of freedom as such with the concept of substantialized values in the given social institutions neglects Hegel's genuine idea of philosophy. His social philosophy is being read through the lenses of 19th and 20th Century's experience.

But although Honneth's reversed or inverted construction of the social sphere – from institutions to their criticism for the benefit of autonomous subjectivity – may not be the authentic understanding of the Hegelian intentions, they do reveal an undeniable potential for current problems. By inverting the order of subjectivity and institution in his interpretation the full critical potential of the Hegelian notion of freedom is exposed once more to the light of philosophical thought. Honneth skips over the holistic idea of orthodox-Hegelian dialectics but only to regain control on the critical power hidden in the idea of true autonomy and justice. Therefore, his innovative reading – despite the document misunderstanding – may well be the opportunity to revive the impact of Hegel's social philosophy today.

In 1966 Dieter Henrich published his famous article on *Fichte's ursprüngliche Einsicht* [Fichte's original insight] (see Henrich 1966) wherein he gave a very innovative reconstruction of Fichte's string of attempts to clarify his concept of the *Science of Knowledge*. Henrich proclaimed the problematic idea of self-consciousness as Fichte's original programme which he tried to fulfil and solve without definitive success in his numerous editions of his philosophical main work. And although contemporary Fichte-research quickly could convincingly reject the theory of self-consciousness being Fichte's problem instead of knowledge, Henrich – almost on his own – started a true revival of research in German Idealism around the globe. Axel Honneth's re-assessment of the social philosophy of Hegel seems to be built on a similar misunderstanding. And very likely it already started a similar productive revival.

Conclusion

For the purpose of a normative theory concerning the basics of modern society Axel Honneth gives his own reading of Hegel's classical *Philosophy of Right*. Instead of disclaiming Hegel's ethics once again as an apology of Prussian restoration Honneth is reconstructing the Hegelian concepts of abstract right (including legal, social and political rights), morality and ethical life as necessary elements of a modern theory of freedom (see Honneth 2014 part I & II).

Though he does not unfold a strictly philological interpretation, Honneth describes Hegel's *Philosophy of Right* as a theory of freedom, which allows us to explain the fundamental elements of our modern conceptions of liberal democracy, law and the social sphere in general. This 'reactualization' of Hegel takes into account the problem of social asymmetry and economic inequality which threatens the balance of social participation of human individuals. "Going from Marx back to Hegel in order to refine the project of Marx" (see J. Habermas on the back cover of

Honneth 2011) enables Honneth to explain the value of social institutions without being trapped in political or philosophical conservatism.

Therefore, 'abstract right', being one of those social institutions, is on one hand exposed as a necessary condition for human freedom. This freedom – in the Hegelian sense of a concrete conception – contains all aspects of social, political and economic participation as well as recognition, which enables the individual to establish true self-determination. On the other hand, Honneth also hints to the dangers of the strictly abstract character of right, which being overemphasized might become an obstacle to individual freedom. In order to avoid an absolute reading of legality the addition of social and political rights is made. Reconstructing the concrete social concept of 'ethical life' Honneth presents Hegel's social thought as a modern way to combine the idea of subjective autonomy with its own institutional conditions.

In this manner Honneth's 'reactualization' captures the heart of Hegel's social theory of freedom without repeating the cliché of the 'Prussian philosopher'. Instead, he gives the most vivid reconstruction which enables him to find solutions for current political and social thought's problems in modern societies.

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