

Hedberg, Petra (2003): "Freedom, Reason and History: The Hegelian heritage in Gadamer and Habermas.", *Parabel*, Vol. VI, 1/2003, pp. 19-43.

Freedom, Reason and History: The Hegelian heritage in Gadamer and Habermas.

This essay aims at an elaboration of the theme of freedom by taking into account Gadamer's and Habermas's appropriation of Hegel. I will approach this theme by dividing it into three main topics: 1) The question of historical reconstruction of the idea(s) of freedom, 2) The question of justification of the idea of freedom, 3) The question of application (of the idea of freedom).

The question of historical reconstruction will deal with the Gadamerian appropriation of Hegel's idea of freedom in his concept of tradition. This will be confronted with Habermas's twofold critique against Gadamer. Habermas claims that "tradition" could not be understood in a critical, that means, freedom-oriented way. He also claims that even a critical tradition would be one of many traditions, which leads to relativism. The question of justification will deal with Habermas's and Gadamer's approach to Hegel's conception of freedom through recognition. The Habermasian approach to the Hegelian theme is a non-contextualised one, thereby aiming at a non-relative foundation for critical thinking. The third topic relates to the Gadamerian and also Habermasian question of how to apply a certain (non-contextual) freedom-based concept of recognition to different contexts. These last two topics relates to a Habermasian question of how to critically examine the freedom-potentials of a given context by using "freedom through recognition" as an ideal type, or standard.

1. Introductory remarks:

The anthology *Gadamer's Century*¹ was published only few months prior to his death, and the essays were written in honour of his 100:th birthday two years earlier. The title itself seems to carry a double meaning: not only had Gadamer been the reflected spectator to a century more rapidly developing than any previous century, but his birthday coincided with a year which had been connected to *fin-de-ciecle* feelings for more than a decade. Indeed: the

word development might be wrong, if connected to Gadamer's attitude towards history. Gadamer's attitude was ambiguous: on the one hand he was strongly critical to the industrial and technical developments of the century, not only because of its negative impact upon the nature, but also because this development seemed to objectify and technify the relations between men. By revitalising the Aristotelian priority of *phronesis*, "action guided by practical wisdom", over *techne*, the means-end form of rationality, he addressed the problems of ancient philosophy to the contemporary world². On the other hand, even Gadamer's philosophy contains an optimism which he shared with the Enlightenment: a certain belief in progress in terms of more knowledge. This optimism is grounded upon the idea that an universal hermeneutics can give us a better way of understanding the world, and that this "non-methodology of a methodology" offer us a better knowledge, in the sense that it offers a more complete one.

Robert Pippin's essay gives a key to the connection between Gadamer and Hegel. By quoting Gadamer's own words, he says: *Hegel states a definite truth, inasmuch as the essential nature of the historical spirit consists not in the restoration of the past but in thoughtful mediation with contemporary life.*³ However, the definite truth in Hegel's thinking is, as any reader of Hegel might know, to be understood as absolute knowledge, *Absolutes Wissen*. Any form of "absolute knowledge" is far from Gadamer's own philosophy. The Hegelian belief in history as a joint, progressive, cumulative process of achieving knowledge can only be applied to Gadamer in a weak sense. His hermeneutics does not promise any fulfilment of the better understanding, by assuming that a complete form of knowledge should be an achieved goal. A certain affinity with Hegel exists: as Hegel did, Gadamer believed in reason, and reason's ability to comprehend the world. And like Hegel, he had a holistic view of knowledge. But the anticipation of the complete and "completed" understanding⁴ is more to be understood as an ideal, a regulative idea in the Kantian sense of the word, and not realisable within history as in Hegel's thinking.

Freedom, reason and history are interrelated, key concepts in Hegel's thinking. His belief in historical development was also a belief in human liberation: both in terms of scientific progress as a means to gain better control over nature, as well as a social and political liberation which would give freedom to a progressively larger amount of people. Science symbolised man's liberation from nature, while democracy symbolised man's acquired freedom in the economical and political sense of the word. Reason and history are interrelated in Gadamer's concept of tradition, since hermeneutics presupposes that an

understanding of tradition can be based on universalist, reasonable claims of a complete understanding, even if the completed understanding serves as an unattainable goal and regulative idea. The concept of freedom will be linked to Gadamer's understanding of tradition, since the modern part of the tradition carries the ideal of freedom as a core concept. Gadamer's treatment of the idea of freedom in the modern part of the tradition carries a Hegelian impact that makes his hermeneutics less vulnerable to the Habermas's critique. In short: the main target of Habermas's critique was the conservatism of the hermeneutical concept of tradition. However, the concept of freedom carries a critical potential, also within hermeneutics.

As the title of this essay implies, my main aim is to focus on Hegel's impact on Gadamer's and Habermas's philosophies. My main claim is that Gadamer's inheritance from Hegel often seems to be ignored, and that this inheritance, exemplified by his use of the key concepts of freedom and reason, make his position less vulnerable to the Habermasian critique than assumed. My second claim is that the common core of Gadamer and Habermas consist of their shared insistence on reason and freedom, but that Habermasian thinking offers a more clear-cut critical standpoint owed to the "Anerkennungsthematik", the theme of recognition, which Habermas as well appropriates from Hegel. My third claim is that a insistence on the importance of the inheritance from Hegel might give Habermas a stronger normative as well as critical founding, since the key concept of freedom is considered to have a strong normative foundation within Hegel's philosophy.

Interesting enough: the Hegelian inheritance in hermeneutics as well as formal pragmatics might show to what extent freedom could be normatively justified on three different levels: 1) The level of a historical-genealogical reconstruction: how the concept of freedom has emerged as a guiding concept within the (modern) tradition. 2) The level of justification, giving a conceptual justification of what freedom is. 3) The level of application: how to apply a justified concept of freedom to concrete cases.

The point of departure will be the first point listed above. I will start with Habermas's critique of Gadamer's concept of tradition, since a more Hegelian reading of the Gadamer's concept of tradition will show that it contains a more critical, that means freedom-oriented, potential than assumed by Habermas.

2. The Habermasian critique of Gadamer's concept of tradition:

The criticism directed against Gadamer has been focusing on the alleged conservatism as well as relativism of hermeneutics. In order to simplify the matter, I will divide the issue into two parts. I will speak of the two Habermasian critiques of Gadamer's concept of tradition. Turning to the question of conservatism at first: the first critique emerged as a response to *Wahrheit und Methode*.⁵ The main point of this critique was that Gadamer's hermeneutics had a conservative strain, since hermeneutics could not be separated from the authoritative understanding of tradition.⁶ The concepts of "tradition", "authority" and "prejudices" were keywords in Habermas's critique of Gadamer. Gadamer's claim was that the investigating subject of knowledge as well as the object under investigation had to be understood as a part of a tradition. A judgement made about a work of art or an event of history could never be made on a completely free, cognitive basis: any reader of the tradition had to be part of a tradition himself /herself. Understanding was made on behalf of the prejudices of a tradition; the already given, authorised ideas of the tradition. A prejudice-free understanding was considered to be an impossibility, since any ideas owed its content to the tradition. Reading the word "conservative" in its strongest sense: even a rebellion owes its ideas to the tradition, and could be understood as a mere modification of tradition.

Reading the concept of tradition in a more elastic sense: Gadamer's concept of tradition does not imply a non-changeable culture. The main point of Gadamer is that even a "negation" of tradition, to express it in Hegelian terms, will be a reaction to the normative content of the ideas authorised by that tradition. The reaction might produce an altered understanding of old concepts, exemplified when the given normative content of concepts like "justice" or "freedom" is replaced with a more adequate one. New ideas do not arise in an empty space: any "new" concept of freedom could be seen as a modification of the old one. Anyway, the modification might imply a radical change in the understanding of the concept.

Gadamer owes more of his world-view to Hegel. In fact, his remarks to Hegel in *Hegels Philosophie und ihre Nachwirkungen bis Heute*⁷ bring fourth his indebtedness to Hegel's reading of "freedom, reason and history". Here, Gadamer gives an emphatic support to the Hegelian reading of the world history:

" Das Prinzip der Freiheit ist unantastbar und unwiderrufbar. Es ist für niemanden mehr möglich, die Unfreiheit von Menschen noch zu bejahen. An dem Prinzip, daß alle frei sind, kann also nicht wieder gerüttelt werden. Aber heißt das, daß deswegen die Geschichte zu Ende ist? Sind denn alle Menschen frei? Sind überhaupt die

Menschen wirklich frei? Ist nicht die Geschichte seither eben das, daß das geschichtliche Handeln der Menschen das Prinzip der Freiheit in die Wirklichkeit umzusetzen hat?" (pp.52-53)

The question will be whether Gadamer's concept of tradition is compatible with the Hegelian idea of history, where the realisation of freedom functions as a vital part of the realisation of reason in history. In Hegel's thinking, freedom is not only considered to be a part of historical progress in any random sense. Freedom is understood as an inevitable, necessary vehicle of progress, being necessary in the strongest sense of the word. Freedom is also understood as a "reasonable" value, owing its inevitability to the justification by reason. At the same time, this justification serves as a justification of freedom as a "higher order value", which can not be dispensed in favour of other values.

I will propose a weaker version, which might be more compatible with Gadamer's hermeneutical concept of tradition. Freedom might as well be understood as a part of a tradition that makes freedom into the higher-priority concept. Freedom might be the value that by chance and contingency has turned into the vital value because of the tradition's justification of it. This "conventional" justification, however, turns freedom into one value among other values. Any value might have been chosen in the first place as the higher-priority value. Anyhow, this gives freedom a weaker justification. Only stability over time, or lack of competing values, seems to justify it. This weaker version might be compatible with a certain reading of Gadamer out of his *Wahrheit und Methode*-version of tradition, but not necessary with Gadamer's emphatic consent with Hegel's reading of world-history in the section quoted above.

Reading Gadamer in either the strongest or weakest sense: if the concept of tradition refers to the modern tradition as done above, one could hardly define it as a conservative one, reading "conservative" as "reluctant to changes". Flexibility and openness to change seems to be at the core of modern thinking. The concept of freedom has been central part of this modern thinking, in the moral, social, political sense as well as technologically and economically. The "stability over time" might be a remarkable stability prolonging for centuries. The modernity's justification of freedom as a "higher-order-value" seems to have been an authoritative justification, a prejudice not yet strongly contested by other values.

The discrepancy between the Gadamerian and Habermasian reading of the word of tradition might have arisen out of the sociologically oriented approach of Habermas. The sociological classical works of Weber, Dürkheim and Marx defines cultures in a dichotomical

way: the main concern of sociology is the difference between traditional and modern societies. The concept of “tradition” is in fact understood as opposed to the concept of “modernity”, even if societies might carry both traditional and modern features. Gadamer, on the other hand, seems to use the concept of tradition in an all-encompassing way. The ideas of modernisation might be understood as embedded in the European tradition, and even be understood as a dominant part of the European tradition. In an even wider sense, modernity might be understood as one of many traditions, owing to the fact that modernisation has been the dominant strain of the European traditions for centuries.

The first Habermasian critique might have been too crude, not taking into consideration the many ways the word of “tradition” might be used in Gadamer’s hermeneutics. In addition: the word of “prejudice” might carry a critical potential, if freedom is considered to be one of the dominant prejudices of the modern world. Reading Gadamer’s concept of tradition on the background of his emphatical reading of Hegel: one could claim that the “modern tradition” not only has got freedom as one of its leading ideas, but that this leading idea carries a strong potential for critical thinking. “Tradition” is not necessary synonymous with conservative and uncritical.

3. The second critique: The relativism of hermeneutics.

While Habermas’s first critique focused upon the normative claims of hermeneutics and the alleged conservatism of tradition, the second critique might be more relevant since it focuses on the lack of specific criterions for criticism. In *The Theory of Communicative Action* he brings up the question of hermeneutics and social science, and claims that hermeneutical thinking leads to a relativism, since a plurality of traditions might be at stake. A weak analogy might be drawn to his critique of Wittgenstein in *On the Logic of Social Sciences*⁸. The plurality of language-games makes it impossible to operate with a unified concept of reason. Any language-game might have its own inherent logic, making one language-game intranslatable into another.

Anyway, this comparison is crude and ignores the vast differences between the philosophical perspectives.⁹ Contrasting the to philosophers might still serve the purpose of showing what kind of relativism Gadamer might be “defending”. On the one hand, Gadamer presupposes that language is founded on a universal reason, making any language translatable into another, assuming that the fusion of horizons brings forth a common understanding. In

this way, the “closure” of any tradition is replaced by “elastic” traditions, whereby borders are transcended by a common understanding. This common understanding might even produce a “third” point of view, resulting from the fusion of two different world-views. This universality of reason still lacks a crucial feature from Habermas’s point-of-view. The plurality of traditions makes a variety of “fusions of horizons” possible. So another kind of relativism is given than the (Habermas’s version of the) Wittgensteinian one: since any fusion of horizons might be the right one, and we cannot distinguish the better understanding from the worse one. The universality of reason does not give any criterions for the better understanding, and any criterions given, might still be embedded in tradition.

How does this second critique match with the first one?

I would like to bring the question of freedom, reason and history a step further. The first critique claims that hermeneutics could not possibly lay a foundation for critical thinking, because of its alleged conservative content. The second critique claims that hermeneutics could not present any universal criterions for the “proper” understanding of the world. This means: even if one could identify one critical tradition among the many traditions of the world, it would be impossible to claim that this tradition (modernity) carries a better understanding of the world than the other (plural, “traditional”) ones.

4. The question of history and justification:

The question of why freedom should be regarded as a higher-order value than other values, let us say safety, is a harder question to answer than the question of how freedom could be reasonably justified¹⁰. In fact, even Hegel seems to prefer answering the question of “why ” indirectly, by turning to the “how”. In a certain way, Hegel’s teleological reading of history carries a train of rational justification. The concept of freedom is deficient as long as freedom is not defined and understood as the “freedom of all”. History is described as a process of acquiring knowledge of what freedom is: the concept of freedom of all is still deficient, if only a few citizens are considered qualified to be part of “the all”. History is also described as a gradual realisation of freedom by applying the concept of freedom to larger and larger amounts of people. Knowledge of what freedom is, on the theoretical level of reason, also leads to the actions necessary to realise it on the practical level.¹¹ In a retrospective perspective, this has led to the social, economic and political changes of the modern world,

ensuring that “everyone” should have equal rights. Ultimately, in Hegel’s teleological and holistic thinking, this will lead to a complete world-view that has been incorporating knowledge as well as action, *Absolutes Wissen*.

In summary: Hegel presupposes that the concept of freedom gets an ultimate justification on a theoretical level that incorporates the practical level. The rational justification of freedom is due to the intertwined relationship between reason and historical action, by a certain inherent, logical necessity in history that ultimately will lead to “freedom of all”.

In Gadamer’s non-absolute thinking the question of justification becomes more problematic. Let us step back to the holistic thinking of hermeneutics that was briefly discussed at the first page. If hermeneutics uses the “anticipation of completeness” as guideline for knowledge, then this “completeness” might be comprehended as a synthesis of different traditions, diachronically and synchronically defined. A better understanding of freedom would be a more complete one.

Still the problem of relativism prevails. Any rational justification will be embedded in tradition, even if the given justification arises as a synthesis of the justifications of two or more traditions. The second Habermasian critique has a point: any new concept of freedom could arise as a reaction to the deficiencies of the old one. But how could we possibly justify our concept of freedom, if the rational justification itself is made by arguments authorised by tradition(s)? - Unless we are able to specify the common denominator which makes our arguments critical, regardless of any specific tradition: a standard common to every tradition? The problem of translation between, let us say, different concepts of freedom seems to be solved by the hermeneutical appeal to a universal, all-human reason, but this unitary reason does not guarantee a unitary concept of freedom that could serve as standard for critique.

The problem of justification is connected to the context-boundedness of hermeneutics. Using Habermas’s reconstructive approach to history as an analogy to the hermeneutical approach, one could certainly detect the importance of the idea of freedom by analysing its impact on the modernisation process. But this does not give a justification on the conceptual, rational level, only on the factual level. By analysing Hegel’s dialectic of recognition, we can identify one conception of freedom that claims to be more consistent than other ones. The rational justification is due to its conceptual consistency. This is closer to the approach of Habermas.

5. The justification of freedom: Freedom as recognition.

By turning to Habermas, I will be introducing a non-contextual and a-historical approach to the question of justification. Hegel's master-and-slave dialectic in *Phänomenologie des Geistes* serves as a good model, due to its abstract and a-historical approach to the question of recognition. At first, I will give a brief summary of Hegel's master-and-slave dialectic.

In the fourth chapter of *Phänomenologie des Geistes*, the chapter of "Self-Consciousness", Hegel gives a genealogy of the rise of slavery. The master-slave relationship rises out of a struggle for freedom and recognition, which results in the victory of the master. The master acquires recognition by the slave, since the power of the master forces the slave to work for him, and also forces the slave to recognise the master as his master. This recognition is however a purely one-sided recognition. And the master realises his dependence upon the slave, since he is dependent upon the recognition of the slave as well as the products the slave produces for the master. In fact, what was considered to be freedom for the master, turns in to be unfreedom. The slave, on the other hand, realises his power over the master, since the master is dependent on his recognition. In a double sense, this is a master-slave-relationship. The slave is also a master, since the master is dependent on him. The master is also a slave. This dialectic shows the master as well as the slave that freedom is dependent on the recognition of oneself as free, and that this recognition must be produced by another free individual. Since freedom is dependent on recognition, this freedom must be based on mutual recognition. In other words: freedom is dependent of both individuals recognising each other as free subjects, simultaneously.

The master-and-slave dialectic does not carry any further. The master and slave are left by the purely intellectual insight that freedom is dependent on mutual recognition of each other as free human beings. This insight brings the chapter to its end. That is why this version can be treated as a "decontextualised" version of the theme of mutual recognition. No specific historical or cultural context is given in the first place, generating the conflict between master-and-slave. No changes in social roles are mentioned in connection to the demand for mutual recognition. The logical result of a mutual recognition should be the dissolution of the master-slave relationship in terms of dissolution of an asymmetrical relationship based on command and obedience. This would be implying a certain change in social roles, since the slave could not be expected to work for the master any more. These implications are not mentioned as even a possible result.

Interesting enough, this topic has been treated by both Habermas and Gadamer. Gadamer makes a contextualisation of the dialectic by discussing the possible historical surroundings which might have been in Hegel's mind when he wrote this chapter.¹² He comments the lack of historical references, and claims that, in fact, the master-and-slave-dialectic might be treated as an "ideal type" in Weber's sense of the word, thereby applicable to many different social and historical settings. By doing this, he gets close to the Habermasian approach: on the one hand, one could treat the theme of recognition as an ideal model, abstracted from all social settings, and on the other hand, it might be applied to many different contexts where unfreedom and inequality rules.

Habermas carries the theme a bit further. On the one hand, the theme of recognition could be treated as a question of justification. Non-contextual versions of recognition could serve as a justification of the universal conditions of mutual recognition. Application, on the other hand, will show the potentialities but also the deficiencies of existing social relationships. And especially by showing the deficiencies in existing relationships, the theme of recognition could serve as a normative standard for critique.

The theme of recognition by Hegel offers the minimal version of the conditions of recognition in discourse ethics. Discourse ethics formulates the mutual recognition in terms of symmetry and reciprocity. Equal opportunity to take part in a discourse, as well as the mutual respect for each others opportunity to take part, are the necessary conditions for reaching understanding about normative and empirical questions. A valid consensus is dependent on these conditions, which are defined no less than necessary in a strict sense of the words.

Habermas's (as well as Apel's) version of recognition transforms the original theme of Hegelian dialectic into a communication-theoretical theme of recognition. Mutual recognition, in terms of symmetry and reciprocity, are linked to the possibility of raising normative and factual validity claims. Any valid point of view, let us say, world-view, must be validated in terms of agreement between participants fulfilling the demands of mutual recognition. In addition to the alleged symmetry and reciprocity, the participants must fulfil three minimal validity requirements, linked to the truthfulness and truth and rightness-orientation of each participant. This theme of recognition is transformed from a philosophy of consciousness to a communication-theoretical basis, and this implies that no individual can assume the truth or rightness of a proposition in isolation from other individuals. Any question of a social fact or normative rightness has got to be discursively vindicated if a valid answer to the question is to be given. Consensus, as the ultimate criterion for valid statements

about the world, must be based on the linguistic expressed relationship between individuals, and can not be actualised from a solitary, first-person-perspective.¹³

Discourse theory is appropriating the original Hegelian theme and bringing it a step further. Mutual recognition, understood as the mutual recognition of each other as free individuals, is to be understood as minimal conditions in Hegel's as well as the Habermasian theme of recognition. Anyhow, the Habermasian approach changes the focus of the theme. Mutual recognition is the minimal condition for freedom in the Hegelian version. In the Habermasian version, this is linked to the possibility of raising validity-claims and thereby testing the truth- and rightness of different questions. Thereby, the truth-content and normative content of world-views can be tested.

The theme of freedom is also apparent in discourse ethics. Equal opportunity for each one to take part in a discourse could not be understood otherwise than as a principle of "the freedom of all", or rather, loosely formulated in the language of Habermas: "the freedom of all concerned by a norm to enter into a discourse". How this general idea of freedom is to be understood when related to specific contexts, is a question that could be raised to Hegel as well as Habermas. But that is the question of application, not justification. I will turn to the question of application in the last sections.

I will explore Habermas's appropriation and interpretation of Hegel by adopting an "Apelian" approach to Habermas. I will show the inheritance from Hegel in Habermas's thinking by showing that Habermas makes a wrong interpretation of Hegel's theme of recognition in *Phänomenologie des Geistes*, thereby ignoring his indebtedness to the Hegelian theme of recognition.

6. Master and slave-dialectic in Hegel: Habermas's approach.

A closer examination of Habermas's appropriation¹⁴ of Terry Pinkard's¹⁵ reading of the master-slave dialectic will serve the purpose of exploring the common core of Hegel's and Habermas's concepts of recognition. At first, I will turn to the version of Hegel's master-and-slave given by Pinkard, before turning to Habermas's reception of it. Pinkard adopts a reading of Hegel that is Habermasian as well as Kojève-inspired. Certain inconsistencies as well as interpretational fallacies arise out of this reading, which I will attempt to show below.

Pinkard interprets the struggle of recognition in light of the struggle between different world-views (point-of-views.) What is at stake, he claims, is the struggle between the

subjective point-of-views of the two participants. The aim of the struggle is to accomplish an objective point-of-view, that will represent the “ultimate truth” about the world.

One difficulty arises because of this, as I choose to call it, Kojèvean train of thought. The slave is the representative of the “right” world-view, and the objective point-of-view can only come through as a result of the master’s recognition of the slave and his subjective point of view. The objective point-of-view is understood as the result of an intersubjective appropriation of the slave’s subjective point of view. This resembles the master-slave-dialectic by Kojève, which presupposes that the world-view of the proletarians is the right and true one, and that recognition arises out of the bourgeois’s recognition of the proletarian world-view.

Clearly enough, this points to a new “one-sided” recognition¹⁶, not to a common, discursively redeemed world-view. Any mutual recognition would imply that each participant takes the arguments of the other participant seriously. The objective or rather, the *common* point-of-view might arise as a third point-of-view, being a synthesis of the former two world-views.

The first difficulty arises out of a wrong reading of the conditions in Hegel’s master-slave-dialectic. The second difficulty arises out of the Habermasian, that means, discourse- and communication-theoretical reading of Hegel. The Habermasian inspired approach is in fact revealed when Pinkard interprets the struggle as a struggle between different point-of-views. The difficulty of this approach arises because of a certain linguistical transformation of Hegel’s dialectic, which cannot be applied to the original theme of Hegel:

I would like to claim that the *Phänomenologie*-theme of recognition is still caught in a philosophy of consciousness.¹⁷ What is at stake, is the solitary epistemological activity of each subject, leading to the awareness of the conditions of freedom. There is no argumentative, intersubjective redemption of the knowledge of the conditions of freedom. The awareness is based on reflection on behalf of each of the subjects, not argumentation. If any discursive activity were involved, it would be the virtual discursive activity of each individual, not between the individuals. No communication arises, and no world-views are at stake on any argumentative level. The solitary world-views, represented as the relationship each subject has got towards nature and the other individual, are “isolated” world-views, apart from any possible argumentative challenge from the other side.

The inconsistencies of Pinkard’s reading is due to his Kojèvean reading of recognition as one-sided recognition, thereby reversing the Hegelian theme. The one-sidedness of the

slave's recognition of the master is reversed into the one-sidedness of the master's recognition of the slave. The interpretational fallacy is due to the fact that he reads the chapter in a communication-theoretical way, not taking into consideration that this is an expansion of the original theme of Hegel.

However, Habermas's own transformation of the Hegelian theme of recognition in his discourse ethics does not contradict the original insights of Hegel. Discourse ethics is very aware of the fact that recognition is based on mutuality, as well as "symmetry" between the participants. The transformation of Hegel's "Anerkennung" does not change the principles of recognition. These basic insights are considered to be the minimal requirements of a recognition-theme expanded in the discursive direction. Discourse ethics transforms the struggle for recognition by introducing the "argumentative struggle for recognition". While no specific world-views are at stake in Hegel's dialectics, the Habermasian theme makes recognition into a basic condition for reaching understanding about something in the world. Recognition is linked to the possibility of raising validity claims about normative and factual questions.

7. "Anerkennung" in Hegel and Habermas: Justification and application.

I would like to bring back Gadamer's question of justification and application and address it to the Habermasian version of recognition. In Gadamer's reading of Hegel's master-and-slave-dialectic, the question of justification is left open. Gadamer certainly reads the recognition-theme as a way of justifying a certain ideal of recognition, without explicitly reading it as a question about justification versus application. The Hegelian version is understood as an abstracted ideal, an ideal type, which might in principle be applied to many social contexts where inequality and unfreedom rules. The question of justification is more explicitly formulated by Habermas. By justifying the conditions of reciprocal recognition, one is at the same time stating the necessary and universal conditions for reciprocal recognition, in a Kantian sense.

Some shorts remarks about the connection between theoretical and practical discourse¹⁸ will be necessary before proceeding. The theoretical discourse treats descriptive and explanatory questions. This type of discourse is closely linked to the empirical and nomological natural-, social-, but also historical sciences. A certain correspondence-based criterion for truth is linked to the consensual conception of theoretical discourse, implying

that consensus should be based on agreement about facts inductively derived. The practical discourse, on the other hand, has got consensus as basic criterion of “truth”, since the rightness of normative questions cannot be decided on an observational basis. The question of critique, however, must be handled in both theoretical and practical discourses. Critical perspectives on alleged inequalities and unfreedoms in a society imply questions of the empirical, factual kind, like: what kind of inequalities do exist in a society, in terms of education, income and positions, for example, which are variables measurable in statistical terms.¹⁹ The normative questions will be like: how do we evaluate these alleged inequalities, in terms of an ideal of reciprocity and symmetry? In a hierarchically organised and differentiated society like our own, the question would probably be: how do we approximate this ideal of symmetry and reciprocity? Critical perspectives thereby imply a combination of “is-“ and “ought-“ perspectives.

I will not bring in a thorough examination of different perspectives on the question of justice (for example linked to the conditions of equal opportunities versus distributive justice) in order to exemplify these questions. Rather, I will exclusively focus on the general questions connected to the relationship between justification and application in Habermas’s discourse theory. The question of application is certainly complicated enough in a tentative examination like this essay, because it is linked to a complex relationship between conditions of mutual recognition and validity claims.

8. Recognition and questions of validity.

The validity claims are uncomplicated enough on the analytical level. The three presuppositions made in any discourse are: the truth- and rightness-orientation of each participant, which is further linked to his/her truthfulness. It is considered to be a self-referential inconsistency if the utterance of a participant does not express the truth/normative rightness he or she believes in. How could anyone expect to bring a false topic into a discussion, making the assumption that the other participants might agree on it? This could only be made on basis on manipulative purposes, but would imply that the participant was not truthful. Truthfulness is based on the subjective attitude of the participant, while truth and rightness point to the (alleged) factual or normative content of the utterance.

The distinction between strategic and understanding-oriented communication makes the claims of truth/rightness clearer. Manipulative communication is strategic communication.

This communication is oriented towards the effects of the utterances, and is also labelled success-oriented communicative action. A false pretension might be put forward, because the participant expects to gain something from others. The consequences and not the uttered purposes of an action is the main target in strategic communication.

But how do we distinguish between the strategic and understanding-oriented communication on the factual level? And further on: how could we possibly know that the conditions for mutual recognition are fulfilled? Habermas's use of the distinction between first- second- and third-person perspectives²⁰ might serve the purpose of clarification. The participant-perspectives of the I and Thou are contrasted with the objectifying observer-perspective of the third-person. As participators in a discourse, we are mainly users of the I- and Thou-perspectives. As observers to a discourse, we are mainly using the Third-person perspective.

Let me present a thought-experiment to make this topic clearer. A fellowship of researchers might be involved in a study of a community. The critical question asked is whether the relations between the different members of that community are symmetrical and reciprocal enough. Complicated enough, this is also a self-referential question. Since symmetry and reciprocity are the conditions of a scientific discourse, these researchers themselves have got to be in a symmetrical and reciprocal relationship to each other if a valid agreement on the issue is going to be accomplished. The agreement between the researchers depends on the fulfilment of the (3) validity claims as well as the approximation of symmetry and reciprocity. The researchers might disagree about how to interpret symmetry and reciprocity, given the differences between the researchers (professor and assistant, for example) and given the differences between the members in the community. An assistant might be tempted to agree with his or her professor, in order not to lose confidence.

On a society-level this question is even more complex: one might approximate the ideal of symmetry and reciprocity by increasing the participation of citizens. Minorities might be given the right to participate in governmental issues concerning themselves. The degree of approximation in different issues might still be a matter of disagreement. These examples show how fragile the validity-claims are, when put into practice. It will be hard to know whether the assistant speaks the truth or not, since this knowledge is knowledge about subjective states of mind, inaccessible to others. This kind of "knowledge" is only accessible from a first-person perspective. From a participational, second-person perspective the lack of truthfulness can only unmask itself through verbal inconsistency or performative self-

contradictions. Still, the strategic actor might conceal the lack of truthfulness through a skilful, intended consistency between different utterances, and between utterances and actions.

Still, the observational, third-person-perspective gives rise to other interpretational problems. The degree of “approximation” is a matter of hermeneutical judgement and evaluation. On the one hand, symmetry and reciprocity are normative conditions on a meta-normative level of justification. At this meta-normative level they can be defined in a unitary way: conceptual consistency and coherence between the different conditions works as primary criterions for justification. On the applied level, they will never be mere observational facts. As observational facts they could be defined in a unitary way even at this level. However, “symmetry and reciprocity” works as factual conditions with a normative content. A possible interpretational pluralism might be due to disagreements of which specific criterions should be connected to the general idea of symmetry and reciprocity. The distinction between justice by equal opportunities and distributive justice might serve as an example. These disagreements might rise even on a reasonable basis, between “alleged symmetrical and reciprocal co-members of a research community”.

The difference between justification and application cannot be bridged. Habermas’s universalisation-principle/discourse-principle will serve as further illustrations of this difference. In fact, the universalisation-principle seems to be based on an equality-of-opportunity concept of freedom. I will quote two formulations of the universalisation-principle:

(U) For a norm to be valid, the consequences and side effects of its general observance for the satisfaction of each person’s particular interests must be acceptable to all.

This formulation from “Morality and Ethical Life: Does Hegel’s Critique of Kant Apply to Discourse Ethics?”²¹ will be supplemented by the formulation from “Discourse Ethics”²²: Habermas here claims that any contested norm cannot be met with consent unless:

*(U) Unless all affected can **freely** accept the consequences and the side effects that the **general** observance of a controversial norm can be expected to have for the satisfaction of the interests of **each individual**.*

The two formulations of the universalisation-principle give a closer (procedural) specification of how the abstract formula of “symmetry and reciprocity” is to be operational within actual discourses. Reading Habermas’s discourse ethics the difference between justification and application must be kept in mind. These formulations are still on a justificatory level, specifying the conditions that have to be fulfilled within any communicative fellowship, if this fellowship is going to deserve the label “discourse”. As universal conditions, these conditions are unproblematic enough, since any forced consensus would be a non-valid consensus. Indeed, “freely” is the first keyword here, indicating the importance of non-coerced agreement. “Acceptable to all” is the second, indicating the importance of mutual respect. In more general terms: symmetry and reciprocity.

The problems of application are still the same. There is no way that a participant of a discourse or an observer to a discourse could ever verify, once-and-for-all, that the conditions are vindicated. Indeed, The principle of “U” does establish rules for argumentation that will function as necessary rules if a norm is to be considered valid. The discourse-practical level (not to be confused with the term “practical discourse”)²³ is the fallible level. It is fallible with regard to the content of the contested norms, which might be interpreted differently as well as applied differently. Compare the two versions of justice in terms of interpretation: equality in terms of “equal rights” or distributional equality? In terms of application: who are considered to be equals, when income, education and socio-economic positions are been taken into consideration?

The discourse-practical level is also fallible with regard to the conditions for discourse, which might not be fulfilled. If symmetry and reciprocity, then, gets the double function of being conditions for a discourse, as well as being the specific norms argued about in a discourse, this fallibilism might seem acute.

Anyway, I believe that “difference” and “approximation” are the keywords here.

9. Justificational necessity and applicational fallibilism:

Let us turn back to the principle of “U”. Roughly (re-)formulated, the justificatory level states that anyone should be given the equal opportunities to take part in a discourse. This should imply that the arguments of each participant should carry the same weight. The conditions themselves cannot be contested. Reading “U” in terms of symmetry and reciprocity: the positions of the professor and the assistant are irrelevant. Their arguments

should carry the same weight, regardless of position. At this level, “freedom and equality” cannot be interpreted in a socio-economic setting. Equality refers to equal opportunities to take part in a discourse, not equal positions. Bringing back the basic insight from the master-servant-dialectic: the justificatory level makes it clear that the professor and the assistant cannot be “overdog” and “underdog” even in a reversed version of the theme. The arguments of the assistant cannot carry more weight than the professor’s. A genuine reciprocal respect for the arguments of each other is expected, if a valid consensus is to come through. This also ensures the symmetry of the relations. This should be clear enough.

At the level of application even the positions might be relevant. A self-referential critique might be sensitive to alleged differences within the discourse, in order to make the symmetry and reciprocity-conditions come through. Self-referentially as well as observationally, the critique depends on a hermeneutics of suspicion that will focus on the obstacles to symmetry and reciprocity in order to make the conditions operable within a discourse. On the one hand, the justificatory level itself in an affirmative way formulates the necessary rules for consensus-oriented communication. The critical application of these rules, on the other hand, will point to the obstacles inherent in real-life-communication (in the scientific community as well as in the larger community of the society) that might distort the possibility for actualising discourses. The long-term aim of this kind of hermeneutics of suspicion will be to enhance the potentials in the society, making the conditions of mutual recognition come approximately through.

Anyway, it might be necessary to distinguish between different aims of a critical “hermeneutics of suspicion”. Self-referentially, the awareness of possible obstacles might enhance the possibilities for mutual recognition. Self-referential awareness is however not equivalent with social change, and is not supposed to be so. Instantiating a relationship of mutual recognition cannot be based on material conditions, since mutual recognition are based on conditions on the argumentative and cognitive level, not the material. This self-referential critique should therefore not be mixed with the long-term critique, which aims at altering the material conditions, which serves as obstacles to discourses.

At this point Habermas owes more to Hegel’s original theme than might be recognised. Hegel does not presuppose that changes in material conditions should serve as necessary conditions for mutual recognition. Quite contrary, he presupposes that the mutual recognition will be realised on a purely cognitive basis, by a rational insight into the conditions of mutual recognition. The change in social roles (master-slave) seems to be a

logical result of this recognition, since any relationship based on command and obedience will be in contradiction to it. The material implications of this change in roles do not however point in any specific direction. Clearly, any relation of command and obedience must be dismissed, but this does not necessarily imply a socio-economic equality in the strictest (Marxist) sense. After all, recognition seems to be the necessary condition of freedom, not the other way around: the Marxist reading presupposes that freedom, in terms of economic equality, serves as the tool to mutual recognition. A weaker reading of this leftist concept of freedom might be more compatible with Habermas: freedom (in the material, socio-economic sense) might serve as the material, but not necessary conditions of the argumentative freedom-as-recognition. In fact, the necessary conditions, taken in the strictest sense of the word, seems to be given on the purely cognitivist basis. The quest for impartiality and weight-of-the-better-argument are often mentioned as unavoidable presuppositions by Habermas²⁴, which definitely turns the focus away from the social constraints to recognition.

Thus, Habermas has also been inheriting a certain, cognitivist orientation from Hegel. Recognition, as a communication-theoretically transformed term, does only point to the cognitive and argumentative traits of the discourse. The right to participate does not depend on social positions, even if the significance of social positions should not be totally ignored in “real discourses”. One might find a certain ambiguity in Habermas here: given that the ideal conditions of a discourse could be redeemed in a purely cognitivist fashion, it would be easy to establish a consensus about the positions “significant” and “insignificant” to the realisation of a discourse. Given an actual redemption of the ideal conditions in the discursive practise of scientists, the scientific discourse could give decisive answers to this question. It would be possible to establish a valid consensus about the obstacles at stake: observationally concerning the community-level as well as self-referentially within the scientific community. However, since material conditions (in terms of economic and positional interests of the participants) might be operative inside the scientific community as well, it would be easy to conceal strategic motives behind an argumentative practise that might seem like an understanding-oriented communication.

On the ideal level, the conditions can be formulated without regard to material, social conditions. “The ideal community of communication” formulates the “necessary and universal” conditions for mutual recognition, without taking the obstacles into consideration. On the real level, it seems counterrational not to take the obstacles into consideration, if the purpose is to get a strongest possible redemption of the conditions of recognition.

10. Valid and *de facto*: Justification and application in Habermas.

Nevertheless, even if the conditions are specified at a “procedural” and “formal” level in Habermas’s thinking, he sometimes shows an ambiguity in his actual treatment of these questions. Following Habermas, it is quite clear that the formulation of formal conditions, like “U”, do not a priori ensure the actualisation of the conditions in actual discourses. Whether “U” is vindicated or not, could only be ensured by the speech-acts of each participant in the actual discourse, in co-operation with the others. In addition, as my arguments should have shown, it is also in principle impossible to claim that the conditions have been vindicated in given discourses. This claim can only be put forward tentatively, from first-, second-, and/or third-person perspectives. Given this inherent insecurity, it might be reasonable to add one external principle to the “procedure of application”: a principle of approximation. The conditions might be justified on an ideal level, but only approximated at the real. The degree of approximation can only be a matter of tentative judgement from outside or inside spectators or participants. The critical (and fallible) question will still be: what degree of approximation have we got here, in this specific community? (*De facto*, “is-level”). The critical (and fallible) question will further be: what degree of approximation could we expect, *given the de facto circumstances*? (Ideal “ought-level”, modified by the “is”).

The ambiguity in Habermas’s treatment of this topic can be shown through one of his own examples. To cite him again:

*The history of human rights in modern constitutional states offers a wealth of examples showing that once principles have been recognized, their application does not fluctuate wildly from one side to another, but tends to have a stable direction.*²⁵

In this example Habermas is obviously arguing from the *de facto* level, that means: from the actual recognition of general norms. Certainly, human rights could be considered valid if one could expect that “all concerned” had been involved in the decision. Anyhow, anyone should realise that the validation from all concerned is a remote ideal. In the strict sense, this kind of consensus (like any other political consensus made by representatives of citizens, not citizen-participants, of a democratic *discourse*²⁶) is a *de facto* consensus, not a valid consensus. I think that the validation of human rights depend less on the process of application (applying human rights on concrete cases in given discursive settings), than the

question of justification. On the justificatory level, this would imply analysing the specific human rights in terms of symmetry and reciprocity. The apparent conflicting rights of freedom of speech and freedom from discrimination are only internally consistent if the conditions of symmetry and reciprocity are understood as their basic requirements²⁷, since both of these principles depends on mutual respect between co-members of the world community. The question of application, however, will be a question of balancing different rights by given community settings (governmental organs, UN organs), where the *de facto*, not ideal, conditions of discourse prevail.

The fallibilism of application might have analogous traits with the relativism of historical reconstruction: the contextual level, whether diachronically or synchronically, will never serve as a supplier of a universally justified concept of recognition. Freedom, as a part of the ideas of a specific tradition, did not get any explicit justification within the hermeneutical thinking of Gadamer. Justification turned out to be the justification by one tradition (modernity), justified by arguments which might be acceptable by that tradition but not by others. The inevitable fallibilism of application seems to be an analogous case, justifying any concept of freedom by a given, not valid, consensus.

Anyway, I would like to argue with Habermas (against Habermas?) that the question of application gives a more stable “normative content” to the specific ideas of freedom when connected to the question of justification. By giving a thorough justification of a concept of freedom-through-recognition through explicating the connection and coherence between the different conditions inherent in it, it is also possible to base the application on a normatively richer standard of recognition. The deficiency of a one-sided-recognition-standard would produce deficiencies on the applied level, like the Kojèvean one, but also the reversed “overdog-underdog”-example of the professor and the assistant. An analysis of the recognitionally based conditions of the human rights, might make it easier to apply them in an (approximately) more unitary way.

11. Final remarks: Gadamer and Habermas.

The inheritance of Hegel in Gadamer and Habermas was the original theme of this essay. The main topic has been the concept of freedom. Hegel’s concept of freedom has been treated with regard to Gadamer and Habermas. The historic idea of freedom has been at stake in Gadamer, showing the inheritance of Hegel in Gadamer’s reading of history and

modernity. Due to the weaknesses of any contextual reading of the concept of freedom, we turned to the question of justification. The inheritance of Hegel's idea of recognition in Habermas was the main topic of this part, although Gadamer as well has been treating Hegel's master-and-slave-dialectic. Gadamer's question of "how to apply the master-slave-dialectic to any context" formed the main question in my treatment of Habermas, relating the hermeneutical question of application to the formal- (as well as transcendental-) pragmatic question of the relation between justification and application.

My treatment of these inter-related themes has also been connected to the revitalisation of an old aim in Habermas's thinking: exploring the "inevitable conditions for critique". The critiques of Gadamer led to the conclusion that any tradition-based concept of freedom might suffer from deficiencies, owing to an insufficient justification within the tradition. This might be the result of following the hermeneutical train of thinking. The hermeneutical approach does not allow any non-contextual, universal standard of freedom, justified on a purely rational basis. On the one hand, hermeneutics has got a point: any concept of freedom must rise within a tradition. None of us can escape being a part of one or many traditions, as long as we are community members. Applying the broad concept of tradition to the critical thinking of Habermas, Apel and their predecessors: we might consider the members of the older and younger Frankfurt School as parts of one critical tradition.

On the other hand, the concept of freedom might still get a de-contextualised status, due to the internal consistency and universability of the conditions built into the concept of freedom. The Hegelian and Habermasian concepts of recognition serve as strong candidates in that respect. Contrasted with other concepts of freedom: negative and positive versions of freedom might suffer from inherent contradictions due to their individualistic, one-sided basis: The positive freedom of one individual might always be counteracted by the freedom of another individual. The negative freedom (freedom from discrimination, for example) might not be taking into the consideration the positive effects of negative freedom (equal opportunities to education, for example). The intersubjective version of Habermas takes the negative as well as positive freedoms into consideration, while presupposing that the actions (and speech-acts) of individuals are restricted or made possible by other individuals. The core to this intersubjectivity is found in the minimal version of Hegel, with the basic insight that freedom can only exist as result of recognition.

I have as well argued that the primary strength of this model must be seen at the justificatory level. That does not imply that I dismiss the question of application. But a

(approximately) unitary application of a standard can only be done if the standard itself is formulated as unitary and de-contextualised as possible. This requires a clear-cut distinction between justification and application. The potentials of recognition might be built into lower-level normative rules, like for example human rights. Justification of lower-level norms like specific human rights in terms of higher-level “meta-norms” like symmetry and reciprocity should however not be confused with application. Application of norms like the human rights will be due to contextual circumstances (discursive practices) that can only approximately implement the rules. However: the justification of specific human rights will not depend on a given interpretation or a *de facto* acceptance in a given community. It will rather depend on the justification of “lower-level-norms” in terms of universal, rationally justified conditions (and meta-norms) of symmetry and reciprocity.

¹ Robert B. Pippin: “Gadamer’s Hegel” in: Malpas/Arnsward/Kertscher (eds.): *Gadamer’s Century: Essays in Honor of Hans-Georg Gadamer* (The MIT Press, 2002), p. 229.

² “The hermeneutic relevance of Aristotle”, in *Truth and Method*, Sheed & Ward, London 1989, pp. 312-324.

³ See also Gadamer’s comments to Hegel in “Analysis of historically effected consciousness”, *Truth and Method*, especially pp. 341-346.

⁴ In the words of the English translation: “Fore-conception of completeness”: for this topic, see especially Gadamer’s treatment of the hermeneutic circle, *Truth and Method*, pp. 291-300.

⁵ See chapter 8 in *On the Logic of Social Sciences* (The MIT Press, 1988), the English translation of *Zur Logik der Sozialwissenschaften* from 1967.

⁶ See especially p. 169, chapter 8, in *On the Logic...*

⁷ *Vernunft im Zeitalter der Wissenschaft*, Suhrkamp, Frankfurt a.M., 1976/1991.

⁸ See especially p. 147, chapter 8, in *On the Logic...*

⁹ In fact, Wittgenstein and Gadamer might be arguing on two different levels. Borrowing a term from Øfsti in Øfsti, Audun: “Das Sprachspiel-Idiom und die Einheit der Vernunft. Bemerkungen zu Apels Wittgensteinkritik.” in Dorschel/ Kettner/Kuhlmann /Niquet: *Transzendentalpragmatik. Ein Symposium für Karl-Otto Apel*: Gadamer is speaking of a “complete language” (*vollständige Sprache*), while Wittgenstein might be speaking about different language games given within a complete language. Chess and Black Jack might be “intranslatable” in terms of incompatible, but still comparable, since any user of a complete language will be able to distinguish the differences between the games. I am not a reader of Wittgenstein, so this is just a loose hypothesis from my side.

¹⁰ Habermas and Apel have repeatedly turned back to the question of ultimate justification, turning to the Kantian strategy of “how” rather than “why”. The Münchhausen-trilemma of the ultimate justification is referred to by both philosophers: any ultimate foundation seems to be based on an argument ending in either “logical circularity, infinite regress or recourse to absolute certitude”. (Habermas: *Moral Consciousness and Communicative Action*, pp. 7 and 79.) The “how-strategy” leaves the “why” open, since the “how” is mainly concerned to establish consistency between the premises given in a justification, not looking for the axiomatic starting-point of the justification. Only Hegel could, in fact, recourse to absolute certitude about the priority of freedom.

¹¹ I will not bring the issue of Hegelian and Gadamerian idealism into this essay, since it is a complicated issue that would deserve a thorough examination. The earlier position of Habermas dealt with the issue of idealism versus materialism, see for example the first chapter on Hegel in *Knowledge and Human Interests*. The critique against hermeneutics in *On the Logic of Social Sciences* was also directed against the hermeneutic negligence of the explanatory, empirical part of the social sciences. Habermas’s claimed that an understanding, even critical understanding, of tradition would not be able to disguise the processes and power influences that happened behind the backs of the individuals. Hermeneutics could even become an ideological defender of authority, by accepting it as a part of tradition. However, this issue is a complicated one, and one of Gadamer’s responses was that empirical explanation did not depend solely on the “brute data” of, for example statistics, but also on the

questions asked. One might argue that critical questions could not be extracted from data itself, but depends on normative criterions on an ideal level. But this answer is in fact partly given by Habermas himself, in his later universal- and formal-pragmatical position. For Gadamer's responses to Habermas's critique, see H.G. Gadamer (1967): "On the Scope and Function of Hermeneutical Reflection" in David E. Linge (ed): *Philosophical Hermeneutics*. University of California Press, 1977. One of the few remarks Gadamer made about statistics is to be found in "The Universality of the Hermeneutical Problem", in: (David E. Linge (ed.) (1976): 11).

¹² "Hegel's Dialectic of Self-Consciousness" in: *Hegel's Dialectic. Five Hermeneutical Studies*.

¹³ I am aware of the debates about the relationship between normative and factual validity-claims (covered by "regulative and constative speech-acts"), but will not bring this comprehensive topic into this essay. I could agree with Habermas that factual validity-claims depend on another "bridging principle" than normative ones, namely induction. The disagreement between Apel and Habermas is linked to the internal connection between the two bridging-principles within the theoretical discourse. Apel has got a stronger emphasis on the level on consensus, making the validation of facts utterly dependent upon consensus. Habermas, on the one hand, seems to make induction to the primary principle of the theoretical discourse. For Habermas's point-of-view, see "Discourse Ethics" in *Moral Consciousness and Communicative Action*, pp. 63-64. For Apel, see: Apel (1996): "Die Vernunftfunktion der kommunikativen Rationalität. Zum Verhältnis von konsensual-kommunikativer Rationalität, strategischer Rationalität und Systemrationalität" in Apel/Kettner: *Die eine Vernunft und die vielen Rationalitäten*, Suhrkamp, 1996, pp. 23-24. I am probably relying on an Apelian reading of Habermas. After all, "justified truths about facts" do not only depend on inductive acquired knowledge, but also (and maybe primarily) agreement between researchers about the status of the facts given.

¹⁴ Habermas: "Wege der Detranzendentalisierung. Von Kant zu Hegel und zurück" in: *Wahrheit und Rechtfertigung*. Suhrkamp 1999.

¹⁵ Pinkard: *Hegel's Phenomenology. The Sociality of Reason*. Cambridge University Press 1994.

¹⁶ Lynch points at this difficulty in Kojève's reading of Hegel in Richard A. Lynch: "Mutual Recognition and the Dialectic of Master and Slave: Reading Hegel against Kojève". *International Philosophical Quarterly* (Bronx, NY), March 2001.

¹⁷ One of the main points of my Magistergrad-thesis "Hegels holisme: Geist-kapittelets funksjon i *Phänomenologie des Geistes*" from 1998.

¹⁸ The term "discourse theory" refers to the theoretical as well as the practical discourse, being a theory about discourses in general.

¹⁹ See for instance the chapter "Von Kant zu Hegel. Zu Robert Brandoms Sprachpragmatik" in: *Wahrheit und Rechtfertigung*. Here, Habermas's main point against Brandom is that norms can not be reduced to social facts solely. Norms can, in fact, be treated as social facts on an observational level, but the justification of norms will rely on the consensual conditions of the practical discourse. An interesting debate between (among others) Habermas, Apel and Wellmer about the relationship between justification, truth and regulative ideas is to be found in the (still unpublished) collection of essays by: Böhler/Kettner/Skirbekk (eds.): *Reflexion und Verantwortung* (Suhrkamp, Frankfurt a.M.).

²⁰ *The Theory of Communicative Action, Vol. I*, pp. 111-112.

²¹ This essay was added to the English translation of *Moralbewußtsein und kommunikatives Handeln* from 1983. However, the essay itself was published in 1986, in Kuhlmann: *Moralität und Sittlichkeit. Das Problem Hegels und die Diskursethik*.

²² *Moral Consciousness and Communicative Action*, the above-mentioned translation of *Moralbewußtsein und kommunikatives Handeln*.

²³ Discourse practices refers to the actual, real level of communication, while "practical discourse" refers to the theoretically formulation of necessary conditions for discourse practises. Apel's terms "ideale Kommunikationsgemeinschaft" versus "reale Kommunikationsgemeinschaft" might after all be less confusing.

²⁴ See for instance *The Theory of Communicative Action, Vol. I*, p. 19, and "Discourse Ethics", pp. 75-76, and *Between fact and Norms, Contributions to a Discourse Theory of Law and Democracy*, Polity Press, Cambridge 1996, p. 107.

²⁵ "Discourse Ethics", in *Moral Consciousness and Communicative Action*, p. 105.

²⁶ About the implications of discourse ethics for normative theories of democracy, see for instance Cortina, Adela: "Diskursethik und partizipatorische Demokratie" in Dorschel/Kettner/Kuhlmann/Niquet (eds.): *Tranzendentalpragmatik. Ein Symposium für Karl-Otto Apel*.

²⁷ I would not have the freedom of speech unless my fellow citizens and governmental employees respect my freedom of speech. I could not enjoy the freedom from discrimination unless my fellow citizens and governmental employees understand that the freedom of speech does not necessary imply the right to express racist or sexist ideas. However, in a liberal democracy freedom of speech might be a value carrying more weight than freedom from discrimination. In order to preserve my own freedom of speech, I might tolerate racist and

sexist remarks, but not actions. This serves as an example of prudent application, but not necessary justification. Certain racist utterances, from members of neo-nazi groups and Ku Klux Klan members, might still be legally prosecutable, of other political or historical reasons.

Litterature:

- Apel, Karl-Otto (1989): "Normative Begründung der "Kritischen Theorie" durch Rekurs auf lebensweltliche Sittlichkeit? Ein tranzendentalpragmatisch orientierter Versuch, mit Habermas gegen Habermas zu denken", in: Honneth/McCarthy/Offe/Wellmer (Hrsg.): *Zwischenbetrachtungen Im Prozeß der Aufklärung*. Suhrkamp, 1989.
- Apel, K.-O. (1994): "Openly strategic uses of language: a transcendental-pragmatic perspective (a second attempt to think with Habermas against Habermas)", in Dews (ed.): *Habermas. A Critical Reader*. Blackwell Publishers, 1999.
- Apel, Karl-Otto/ Kettner, Matthias: *Die eine Vernunft und die vielen Rationalitäten*, Suhrkamp, Frankfurt a.M., 1996.
- Apel, K.-O. (1997): "Regulative Ideas or Truth-happening? An Attempt to answer the Question of the Conditions of the Possibility of Valid Understanding." In: Hahn, Lewis Edwin (ed.): *The Philosophy of Hans-Georg Gadamer*, The Library of Living Philosophers, Volume XXIV, Chicago and La Salle, Illinois, Open Court Publishers, 1997.
- Böhler, Dietrich/ Kettner, Matthias/ Skirbekk, Gunnar (eds.): *Reflexion und Verantwortung*, Suhrkamp, Frankfurt a.M. (Forthcoming, May/June 2003).
- Dews, Peter (ed.): *Habermas. A Critical Reader*, Blackwell Publishers, Oxford/ Massachusetts, 1999.
- Dorschel, Andreas/ Kettner, Matthias/ Kuhlmann, Wolfgang/ Niquet, Marcel (eds.): *Transzendentalpragmatik. Ein Symposium für Karl-Otto Apel*, Suhrkamp, Frankfurt a.M., 1993.
- Gadamer, Hans Georg (1960): *Truth and Method*, Sheed&Ward, London, 1993.
- Gadamer, H.-G.: *Hegel's Dialectic, Five Hermeneutical Studies*, New Haven and London, Yale University Press, 1976.
- Gadamer, H.-G.: *Vernunft im Zeitalter der Wissenschaft*, Suhrkamp, Frankfurt a.M., 1976/1991.
- Habermas, Jürgen (1967): *On the Logic of Social Sciences*, The MIT Press, Cambridge/Massachusetts, 1988.
- Habermas, J. (1981): *The Theory of Communicative Action*, Polity Press, Massachusetts, 1997.
- Habermas, Jürgen (1983): *Moral Consciousness and Communicative Action*, Polity Press, Cambridge/Massachusetts, 1990.
- Habermas, J (1999): *Wahrheit und Rechtfertigung*, Suhrkamp, Frankfurt a.M., 1999.
- Hegel, Georg Wilhelm Friedrich: *Phänomenologie des Geistes*, Felix Meiner Verlag, Hamburg, 1988
- Honneth, Axel/ McCarthy, Thomas/ Offe, Claus/ Wellmer, Albrecht (eds.): *Zwischenbetrachtungen Im Prozeß der Aufklärung*, Suhrkamp, Frankfurt a.M., 1989.

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- Linge, David E.(ed.): *Philosophical Hermeneutics*.
University of California Press, 1977.
- Lynch, Richard A.: "Mutual Recognition and the Dialectic of Master and Slave: Reading Hegel against Kojève", *International Philosophical Quarterly* (Bronx, NY), March 2001.
- Kuhlmann, Wolfgang (Hrsg.): *Moralität und Sittlichkeit. Das Problem Hegels und die Diskursethik*, Suhrkamp, Frankfurt a.M., 1986.
- Malpas, Jeff/ Arnsward, Ulrich/ Kertscher, Jens (eds.): *Gadamer's Century: Essays in Honor of Hans-Georg Gadamer*, The MIT Press, Cambridge/Massachusetts, 2002.
- Pinkard, Terry: *Hegel's Phenomenology, The Sociality of Reason*,
Cambridge University Press, Cambridge, 1994.