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The Grounds of Critique **On the Concept of Human Dignity in Social Orders of** **Justification**

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The Grounds of Critique

On the Concept of Human Dignity in Social Orders of Justification

von Rainer Forst

1. Ernst Bloch pointed out in a particularly emphatic way that the concept of human dignity featured centrally in historical struggles against different forms of unjustified rule, i.e. domination – to which one must add that it continues to do so to the present day. The “upright gait,” putting an end to humiliation and insult: this is the most powerful demand, in both political and rhetorical terms, that a “human rights-based” claim expresses. It marks the emergence of a radical, context-transcending reference point immanent to social conflicts which raises fundamental questions concerning the customary opposition between immanent and transcendent criticism. For within the idiom of demanding respect for human dignity, a right is invoked “here and now,” in a particular, context-specific form, which at its core is owed to every human being as a person. Thus Bloch is in one respect correct when he asserts that human rights are not a natural “birthright” but must be achieved through struggle;¹ but in another respect this struggle can develop its social power only if it has a firm and in a certain sense “absolute” normative anchor. Properly understood, it becomes apparent that these social conflicts always affect “two worlds”: the social reality, on the one hand, which is criticized in part or radically in the light of an ideal normative dimension, on the other. For those who engage in this criticism there is no doubt that the normative dimension is no less real than the reality to which they refuse to resign themselves. Those who critically transcend reality always also live elsewhere.²

From the perspective of social philosophy, there is an asymmetrical relation between the rich possibilities of demonstrating various forms of “degradation”³ and the philosophical problem of justifying that in which the essential claim to dignity is anchored. Human beings are supposed to be “inviolable” in their dignity. But what does this mean and where does this special status come from? Contrary to the view

¹ Ernst Bloch, *Naturrecht und menschliche Würde*, Frankfurt am Main 1977, p. 215.

² On the issue of utopia that plays a role here, see Rainer Forst, “Utopie und Ironie. Zur Normativität der politischen Philosophie des ‘Nirgendwo’,” in G. Abel (Hg.), *Kreativität*. 20. Deutscher Kongress für Philosophie, Hamburg 2006.

³ See Avishai Margalit, *The Decent Society*, Cambridge, Mass. 1996; Axel Honneth, *The Struggle for Recognition*, Cambridge 1996; idem, *Unsichtbarkeit*, Frankfurt am Main 2003.

that any answer to this question must rely on a transcendent, religious justification,⁴ in the following brief remarks I will make a plea for a historically reconstructed,⁵ yet context-transcending normative understanding of the person as the basis of fundamental moral claims and as the “ground of critique” of social norms. This involves a notion of the person as a justifying being, as a being who uses and “needs” justifications in order to lead a life “fit for human beings” among her fellows. Recognizing this dignity means seeing persons as beings who are endowed with a *right to justification* of all actions or norms that affect them in morally relevant ways – and acknowledging that every moral person has a duty to provide such justification. In a reflexive turn this right is to be seen as the most basic right because it is the presupposition for being able to orient oneself autonomously in social space as a “space of reasons.” This social existence means offering and demanding justifications, and hence being able to live in two or three worlds at the same time: the world of actual normative justifications and the world of normative justifications that must be regarded as correct or more correct (without assuming that normative justifications exist there in some Platonic sense), where the world of criticism and controversy forms the connecting link between these two worlds. To understand societies as *orders of justification* in this sense is not to imply that they do not contain complex and plural contexts and narratives of justification, but it does mean that basic claims exist which point beyond these contexts and call for a new order. To conceive of ourselves as normatively independent within the space of reasons makes us into “critical” beings who never comply with just one given order of justification.⁶

2. Let me begin with some remarks on the phenomenology of dignity. In contrast to the dignity of a craftsman, who regards it as “beneath his dignity” to perform or be required to perform substandard work, “human dignity” signifies a *status* that applies

⁴ For example, Jeremy Waldron, *God, Locke, and Equality*, Cambridge 2002; Tine Stein, *Himmlische Quellen und irdisches Recht*, Frankfurt am Main 2007.

⁵ I provide a reconstruction of the paths along which the concept of the person and his or her dignity developed, in the context of historical and normative conflicts, in conjunction with the issue of toleration in my study *Toleration in Conflict*, trans. Ciaran Cronin, Cambridge forthcoming, Part I. Demonstrating the historical context within which such concepts evolved is as important for understanding their conflictual character as the recognition that this does not amount to reducing them to historically relative concepts.

⁶ For the idea of an order of justification (as employed in the Frankfurt research project on the “Formation of Normative Orders”: www.normativeorders.net) see Rainer Forst and Klaus Günther, „Die Herausbildung normativer Ordnungen. Zur Idee eines interdisziplinären Forschungsprogramms,” in: Rainer Forst and Klaus Günther (eds.), *Die Herausbildung normativer Ordnungen*, Frankfurt/Main 2011. For an analysis of “contexts of justification” see Rainer Forst, *Contexts of Justice*, Berkeley and Los Angeles 2002.

to human beings as human beings, regardless of their specific identity. What, to put it in negative terms, constitutes the most serious violation of this dignity? Here people's intuitions diverge and they propose such things as living in poverty, suffering social exclusion, or, even worse, being violated in one's bodily integrity. And then it seems natural to assume that human dignity requires having the means that help to avoid poverty, exclusion, and mistreatment. The tendency is to think in terms of basic needs and to infer a substantive social condition that is supposed to make an "existence fit for a human being" possible. However, in concentrating in this way on the passive as opposed to the active component of human dignity something is overlooked. Living in poverty does not violate the dignity of a human being in all cases, such as in the wake of a natural catastrophe that plunges a community into an emergency situation. What violates people's dignity in the first instance is that they *have to* live in poverty, that is that they are *compelled* to do so, in particular that they are compelled by other human beings who have caused this condition, or at least could remedy it but fail to do so, either because they simply ignore the claims of those affected or respond to them in an inadequate fashion. The violation of dignity consists in being ignored, not counting, being "invisible" for the purpose of legitimizing social relations. In issues concerning human dignity, therefore, one should not think in terms of the end, of (objective or subjective) *conditions* or *states of affairs*, but of social *relations*, of processes, interactions, and structures between persons, and of the status of individuals within them. This also explains why certain forms of poverty *relief*, such as mere charity on the part of those who otherwise ignore or even harm the poor, or bureaucratic measures that treat the "needy" in a condescending manner, are no less degrading than poverty itself.⁷

Thus the central phenomenon of the violation of dignity is not the lack of the necessary means to live a "life fit for a human being" but the conscious violation of the moral status of being a person who is owed justifications for existing relations or specific actions; it is the phenomenon of "invisibility" for the purposes of legitimation,⁸ of being subject to rule without adequate justification, and thus of being dominated. This can assume more or less drastic forms, ranging from social exclusion to physical torment. Structurally speaking, however, they remain the same at the core, namely that a person's *right* to justification or, to be more precise, to *reciprocal* justification on

⁷ On this see Margalit, *The Decent Society*, *ibid.*, chs. 13 and 14.

⁸ This was given literary expression in Ralph Ellison, *Invisible Man*, New York 1994.

a basis of equality, is negated. Being recognized in one's dignity as a human being means, in general terms, not being ignored in questions that concern one in essential ways.

3. This meaning of the concept is also shown by its history. The human being, to whom dignity is attributed, whether on the basis of inner fortitude, as in the Stoics,⁹ or with reference to the status of a free citizen of the city, as in republicanism, has always been the individual who is not subject to unauthorized rule, i.e. domination. In other words, it is the human being who determines him or herself, whether personally or politically – in Cicero, paradigmatically both.¹⁰ “Freedom from arbitrariness,” both in one's actions and in how one is treated, is the original connotation of dignity. It means being able to act and being recognized as an entity endowed with equal rights and duties to justification.

The stress placed by Christian theology on the idea that all human beings can claim special regard in virtue of being created “in God's image” first acquired its importance for human rights in a *political* context, namely in the conflicts in which people claimed their “divinely endowed” rights against tyrannical forms of domination.¹¹ Thus the notion that Christianity is historically (as well as normatively) the foundation of the conception of dignity that informs human rights is in need of correction. It first had to undergo extensive reinterpretation (drawing in large part on ancient thought) before the “human being” could emerge as an earthly being in her own right and as a person who can claim unconditional respect. For, traditionally, the chief concern of Christian pastoral care was exclusively with the soul, and not with the dignity of the human being as a free being. Neither Augustine nor Thomas was in any doubt that earthly death represents by far the lesser evil by comparison with the death of the soul. A new understanding of individuality had to emerge so that the

⁹ Compare Seneca on the “truly noble man” and the treatment of slaves in *Seneca's Letters to Lucilius*, Oxford 1932, letters nos. 44 and 47.

¹⁰ Cicero, *On Duties*, ed. M. T. Griffin and E. T. Atkins, Cambridge 1991, I, 106 (pp. 41-2); idem, *The Republic*, in idem, *The Republic and the Laws*, ed. J. Powell, Oxford 1998, II, 29. Philip Pettit takes up this idea underlying republicanism as an emancipatory indictment of domination: “The grievance I have in mind is that of having to live at the mercy of another, having to live in a manner that leaves you vulnerable to some ill that the other is in a position arbitrarily to impose; and this, in particular, when each of you is in a position to see that you are dominated by the other, in a position to see that you each see this, and so on.” Philip Pettit, *Republicanism. A Theory of Freedom and Government*, Oxford 1997, pp. 4f. However, the guiding conception of freedom at work here cannot be adequately understood apart from that of dignity as a subject of justification, since it concerns freedom from *arbitrary* rule or domination.

¹¹ On the following see Forst, *Toleration in Conflict*, *ibid.*, in particular chs. 3-6.

profane human being could appear as morally autonomous and respect-worthy “in itself.” “Self-determination without theo-teleological determination,” as a central normative idea, is an achievement that cannot be attributed to Christianity, even though Protestantism (and the idea of individual responsibility before God) played a certain (in turn ambivalent) role in this process. It is also important to keep in mind that the conflicts in which the natural law-based claim to freedom and dignity triumphed were to a large extent those which combated traditionally legitimized forms of political-religious rule and domination. In general, it was the “heretics” who discovered freedom.

From a systematic point of view, a religious justification of respect for human beings suffers from the defect that, on the one hand, it can be addressed in the full sense only to those who recognize the other as created in God’s image, and hence only to the devout, so that atheists, in particular, would not be able to comprehend why human rights have genuine validity.¹² In addition to the limitation thus placed on the community of active respect, such a justification also potentially restricts the community of those to be respected, for it seems to be an open question whether and why, for instance, the persistent repudiation and undermining of the foundation of morality and law by atheists should be tolerated. Therefore, a religiously founded attribution of human rights, even if it works with universalistic concepts, cannot redeem the universalistic claim that these rights make to be strictly binding across religious boundaries.

As already suggested, the general concept of human dignity is, by contrast, inextricably bound up with that of self-determination¹³ in a creative and simultaneously moral sense that already involves a political component. At stake is one’s status of not being subject to external forces which have not been legitimized to rule over a person – in other words, being respected in one’s autonomy as an independent being.¹⁴ Kant captured this idea in terms of the “worthiness of every

¹² For a clear statement of this position see Robert Spaemann, “Über den Begriff der Menschenwürde,” in E.-W. Böckenförde and R. Spaemann (eds.), *Menschenrechte und Menschenwürde*, Stuttgart 1987, pp. 295-313, here p. 313. Spaemann defends the view that “atheism definitively robs the idea of human dignity of its justification.”

¹³ Thus Pico della Mirandola, *On the Dignity of Man* (1486), ed. and trans. C. G. Wallis & P. J. W. Miller, Indianapolis, 1998, p. 4, represents God as addressing human beings: “In conformity with thy free judgement, in whose hands I have placed thee, thou art confined by no bounds; and thou wilt fix limits of nature for thyself.”

¹⁴ On the political component see, in particular, Samuel von Pufendorf, *Of the Duty of Man and Citizen According to Natural Law*, ed. J. Tully, Cambridge 1991, p. 61: “Man is an animal which is not only intensely interested in its own preservation but also possesses a native and delicate sense of its own value. To detract from that causes no less alarm than harm to body or goods. In the very name of man a certain dignity is felt to lie, so that the ultimate and most effective rebuttal of insolence and insults from others is ‘Look, I am not a dog, but a

rational subject to be a law-giving member in the kingdom of ends.”¹⁵ To be such a law-giving member means not being disregarded when it comes to legitimizing social rule, and knowing that one should not disregard others in this respect either, that one is subject to the law oneself. This conception of dignity, and correspondingly respect for others as “ends in themselves”, means that humans must be regarded as beings who have an unconditional right to justification, a basic right on which all other basic rights are founded. To *possess* human dignity means being an equal member in the realm of subjects and authorities of justification, an attribute, I should add, that does not depend on the active exercise of the capacity of justification, which would exclude infants or disabled persons; correspondingly, to *act* with dignity means being able to justify oneself to others; to be *treated* in accordance with this dignity means being respected as such an equal member; to *renounce* one’s dignity means no longer regarding oneself as such a member but as inferior; to *treat* others in ways which violate their dignity means regarding them as lacking any justification authority.

4. Some clarifications of the concept of justification may be appropriate at this point.¹⁶ When it comes to justifying morally relevant actions in a social context, the decisive criteria are *reciprocity* and *generality*, since such actions must be justified by appeal to norms which can claim to hold in a reciprocal and general fashion. If one proceeds recursively from the claim to validity of such norms and asks what conditions must be fulfilled in order to redeem it, the criteria of validity of reciprocity and generality become transformed into criteria of discursive justification. It follows that, in justifying or challenging a moral norm (or a mode of action), no one can make specific claims that he denies to others (reciprocity of contents); moreover no one can simply assume that others share his own perspective, evaluations, convictions, interests, or needs (reciprocity of reasons), such that one would claim, for instance, to speak in the “real” interest of others or in the name of an absolutely indubitable truth beyond the reach of justification. And finally it follows that no affected person may be prevented from raising objections, and that the reasons that are supposed to legitimize a norm must be such that they can be shared by all persons (generality).

man as well as yourself’.” From this Pufendorf derives principles of equal respect and reciprocal justifiability of claims to justice: “Hence this too is among the common duties of natural law, that no one require for himself more than he allows others, unless he has acquired some special right to do so, but allow others to enjoy their own right equally with him” (p. 62).

¹⁵ Immanuel Kant, *Groundwork of the Metaphysics of Morals*, ed. Mary Gregor, Cambridge 1997, p. 46.

¹⁶ For a more detailed discussion see Rainer Forst, *The Right to Justification*, New York 2011, especially Part I.

In contexts in which what is at stake is safeguarding and recognizing the basic status of justifying beings in the political world, therefore, all fundamental claims on others must be justified in accordance with these same criteria. This results in the possibility of a “moral construction” of certain human rights, namely those which could not be denied to others without violating reciprocity and generality.¹⁷ Such constructions single out a core set of rights, in particular concerning the protection of personality, political participation, and material security; but *prior* to these is the right not to be disregarded whenever it is a question of defining and securing such rights. Once again it becomes apparent that the moral core of human dignity has political relevance. The underlying basic right to justification leads not only to substantive basic rights, but first of all to guarantees of participation in the processes in which such basic rights are formulated and justified. In this sense the right to justification excludes paternalistic stipulations and denials of rights.

Thus, on a second level, in addition to the moral constructivism which is abstract in nature, a more contextualized, discursive “political constructivism” must be conceived which determines the basic rights and claims that should hold in a concrete legal community, always under the proviso that all those who are at risk of suffering disadvantage or discrimination have a reciprocal right of veto. In this way the abstract list of human rights can be embodied in concrete legal and political form as basic rights without sacrificing their essential content, for the right of veto – which, politically speaking, must of course be institutionalized – ensures that this essential content remains intact. The political and moral stimulus for this conception of dignity is provided by a critique of social power, and this was always also the original inspiration for talk of “human dignity” and “human rights.”

5. Against this background, *power* must be regarded primarily as a discursive phenomenon, indeed, however apparently paradoxically, as a noumenal phenomenon.¹⁸ It consists, in particular, in the ability to order and influence, to occupy, and, in extreme cases, to dominate the space of reasons for others, that is, to determine the limits of what can be said and thought and, above all, of what is accepted and acceptable, of what is justified. Thus exercising power over others –

¹⁷ See Rainer Forst, “The Justification of Human Rights and the Basic Right to Justification. A Reflexive Approach,” in *Ethics* 120 (July, 2010): 711-740

¹⁸ See Rainer Forst, “Noumenal Power,” Ms.

that is, in very general terms, leading them to have thoughts or to perform actions which they would not otherwise have had or have performed – is not primarily a matter of strength and competition of wills, but of the convictions or beliefs which bring persons or groups into a particular social position and anchor them there. Power in general terms does not have a negative connotation, for every space of reasons is a space of the “power of justifications.” Power must be constantly regenerated in discourse and thus must be continually renewed; if it degenerates into domination, i.e. rule without adequate justification, it remains effective only if these justifications are accepted, whether through ideology or through fear. Thus a critique of power ultimately involves problematizing the existing space of reasons and justifications; it consists in breaking open rigid, encrusted justification narratives and reciprocally untenable clusters of reasons.

Here it must be kept in mind that power relations are not uniform but rest on pluralistic and tension-laden justifications that allow for and, if necessary, provoke contradiction (and “counterpower”). Power is situated within a dynamic field of justifications. The transitions to forms of rule (*Herrschaft*) – to sketch a heuristic typology – occur when (religious, traditional, metaphysical, economic, political, etc.) justifications become consolidated into hierarchical systems of thought and action (irrespective of whether the rule in question is legitimate or illegitimate); domination (*Beherrschung*) arises where the closure of the space of justifications permits scarcely any alternatives (whether on account of discursive hegemony or of effective threats) and the right to justification is restricted; the transition to violence occurs when claims to justification are completely rejected and replaced by other means of regulating action. Insofar as this is experienced as “naked violence,” of course, the power of the agent resting on recognition dwindles and is reduced to pure physical facticity. Power is an expression of a binding of others through reasons; it collapses, together with the authority on which it is founded, when it no longer rests on acceptance. Whether this marks the end of subjection is a different matter.

The concept of ideology can be reformulated against this background. Ideologies are justifications of relations of rule or domination that insulate themselves from critical challenge by distorting the space of reasons and presenting relations of rule or domination as “natural” (unalterable), “God-given,” or in some other way falsely, as sufficiently justified. Thus they absolve those in power from the effort of justification and offer power-ful explanations that prevent criticism from arising. The

analysis of “ideological delusion” does not require any problematic concept of “genuine interests” but instead an understanding of the validity claim to reciprocal justification whose satisfaction is thwarted.

6. The idea of the dignity of the human being as a being equipped with the right to justification makes it possible to address and defuse the objection that the central conception of moral autonomy involved is a purely “western,” non-universalizable one – a specific aspect of the general problem of cultural immanence versus critical transcendence.

First we must bear in mind the difference between ethical and moral autonomy. Respecting human dignity means not denying anybody’s moral right to justification; but it does not imply that only the life that is “autonomously chosen” (whatever this may mean in concrete terms) is the “good” life. In purely conceptual terms, a life free from demeaning paternalism or domination is one thing, the good life something else. Thus the argument presented thus far does not involve any specific conception of ethical forms of life or any assertion concerning the good life. Ideological narratives, for instance, may exert their power by means of specific conceptions and realizations of what counts as the “good life.” Critique of such narratives can take the form of ethical criticism, but they should be criticized essentially on the grounds that they restrict the justification authority of individuals or particular groups.

Second, the formal pragmatic grounding of the right to justification briefly mentioned above can be supplemented by an immanent grounding.¹⁹ For, assuming that someone were to defend the integrity of his own (let us assume roughly) “non-Western” culture against such “alien” moral conceptions, what would he say? He would appeal to the integrity of his culture as an integral cultural unity, and such an understanding of integrity and integrality would include the assumption that this integration is not maintained by force but implies internal acceptance. This would presuppose, in turn, that nobody would be systematically prevented from adopting a critical stance on this culture and from demanding a right to justification and participation. Such a claim would therefore appeal to this society’s own self-understanding; it would be a form of immanent critique. Thus it becomes apparent that justified social and political structures can very well assume extremely diverse

¹⁹ For a more detailed account see Forst, *The Right to Justification*, *ibid.*, Ch. 9.

forms and that the project of the political is to discover such forms. However, it also becomes apparent that, notwithstanding this whole wealth of forms, the basic right to justification, and hence a core of basic rights, are indispensable presuppositions for talk of integration, unity, etc., not to mention justice.

7. Up to this point I have discussed the right to justification primarily from the perspective of moral philosophy and in terms of political history. However, a critical theory of social relations calls for a systematic analysis of the practices of justification within a society. Societies should be regarded as orders of justification in several respects. Historically speaking, social institutions rest on certain justification narratives that may in turn be plural in character and provide scope for immanent criticism; sociologically speaking, in any given society there is a plurality of normative spheres in which particular values or expectations concerning justification hold sway – for instance, the spheres of the market, of the family, of education, and of politics – and which can be analyzed as spheres of the good or as contexts of recognition or justification.²⁰ Then criticism becomes possible in the form of identifying and condemning infringements of certain limits between spheres; but these spheres are also internally by no means normatively homogeneous. Opinions diverge within a given society over the functions of the market or the family and the values they should embody.

From the perspective of political theory, to be sure, a reflexive institutional framework is required whose task is to channel such conflicts and facilitate their solution, namely the political system as a system which generates binding decisions, presupposing that democratic practices of justification have been sufficiently institutionalized, in combination with a discursive public sphere. In this system, criticism can find expression not only with regard to certain social spheres; it can also refer to the conditions of political justification as such. It then assumes the guise of a *critique of relations of justification*.²¹ This not only concerns political relations in the narrow sense, however, for social relations and structures in general do not only make participation in justification possible or impossible in a relevant sense; they are

²⁰ On the former see Michael Walzer, *Spheres of Justice*, New York 1983, for the latter see Honneth, *Struggle for Recognition* and Forst, *Contexts of Justice*; for alternative approaches see Luc Boltanski and Laurent Thévenot, *On Justification*, Princeton 2006, and David Miller, *Principles of Social Justice*, Cambridge, Mass. 1999.

²¹ On this see Rainer Forst, “First Things First: Redistribution, Recognition and Justification,” in *European Journal of Political Theory* 6 (2007): 291-304.

also independent contexts of justification in their own right in which disputes over their elaboration are conducted. As I have noted, discursive power²² must be generated in social-political discourses in order to challenge existing justifications and structures of justification; then social space is revealed as a space of reasons and also a space of struggles over “justification hegemony” (to put it in Gramscian terms).

Thus the “critique of relations of justification” has a number of different meanings. First, it has the meaning of the critical analysis of non-justifiable political and social relations, including those in the economic and cultural dimensions – relations of discrimination, of exclusion, of lack of emancipation or of equality of opportunity. These involve relations that cannot be legitimized in reciprocal and general terms. Second, it means criticism of “false” justifications of such relations that insulate them against challenges and represent them as legitimate, ranging from metaphysical worldviews to arguments concerning factual or empirical constraints.²³ Third, reflexively speaking, it means a critique of the absence of structures and institutions of justification themselves that would be necessary in order to facilitate the first two categories of criticism and to render them effective. The issue here is to expose and rectify the unequal distribution of the resources to generate the “power of justification” in both institutional and informal political spaces. The basic claim of political and social justice with reference to this process is to establish a “basic structure of justification.”

8. Challenges to provide justifications – specific forms of social criticism – can avail themselves of different normative languages. “Ethical” criticism, for instance, relates to the quality of existing social conditions in a more or less comprehensive way; it operates with evaluative conceptions of the good or successful life which, however much they diverge from and unmask the pathologies of received notions concerning ways of life, must ultimately be connected back to justification among those affected. For in a social universe of justification there is no place outside of this space of

²² In contrast to the communicative conception of power developed by Jürgen Habermas with reference to Hannah Arendt in “Hannah Arendt’s Communications Concept of Power” in *Social Research* 44/1 (1977): 3-24, with which I agree in part, the understanding of discursive power outlined above involves, on the one hand, a more pronounced confrontational component – if you will, the force “to” the better argument. On the other hand, this understanding of power does not have a direct positive or negative connotation; it merely signifies the relations in the social space of justification.

²³ Both the present and the next dimension of the critique of relations of justification prevent “established principles” of public justification from imposing narrow limits on what can be cruised. This is a response to an objection of Axel Honneth, “Redistribution as Recognition,” in Nancy Fraser and Axel Honneth, *Redistribution or Recognition?*, London 2003, p. 130ff.

discursive redemption; in Habermas's words, in a process of discursive clarification there are "only participants."²⁴ This does not compel critique to adopt only thin and formal concepts, though it is compelled to submit itself to criticism as regards its validity. In this way the "moral" form of criticism retains its priority; the central issue is which social structures can be demanded in a reciprocal manner. For instance, actually overcoming "alienation," which is the topic of many ethical forms of criticism, involves the "appropriation" of the social basic structure by those concerned themselves by making it responsive to their demands and subjecting it to their democratic control.²⁵

In order to be effective, every form of criticism will combine "immanent" with "transcending" reasons. When the Levelers demanded a "birthright" to political and religious liberty at the time of the English civil war, for instance, they understood by this their rights as free English citizens and their "natural" rights; when in addition they reinterpreted the social contract establishing a system of rule in bourgeois terms as a terminable employment contract, and when they claimed property in themselves as God's will, they combined traditional, revolutionary, bourgeois, and religious arguments and recast the fabric of existing justifications into a new narrative which they regarded as sufficiently powerful to legitimize the overthrow of a system of government.²⁶ As already mentioned, the alternative between "immanence" and "transcendence" is a false one under such historical conditions; both moments were necessarily involved in the emancipatory demands of the era.

To sum up, structurally speaking, all of these critical languages involve a central reflexive idiom, namely that of the dignity of an autonomous being who can demand and offer justifications; this is the idiom of justice, which does not in the first instance criticize some particular institution or distribution or other but, in a more radical way, the entire structure of an order of justification. To quote Horkheimer: "That is the universal content of the concept of Justice; according to this concept, the social inequality prevailing at any given time requires a rational justification. It ceases to be considered as a good, and becomes something that should be overcome."²⁷

²⁴ Jürgen Habermas, *Theorie und Praxis*, Frankfurt am Main 1971, p. 45.

²⁵ Here, in my opinion, there is no major difference from the core argument of Rahel Jaeggi, "'Kein Einzelner vermag etwas dagegen': Adornos Minima Moralia als Kritik von Lebensformen," in A. Honneth (ed.), *Dialektik der Freiheit*, Frankfurt am Main 2005, pp. 115-41.

²⁶ For a more detailed discussion see Forst, *Tolerance in Conflict*, *ibid.*, § 15.

²⁷ Max Horkheimer, "Materialism and Morality," in *Between Philosophy and Social Science: Selected Early Writings*, Cambridge, Mass. 1995, pp. 15-48, here p. 40.

The connection between justice and justification is an immanent one: those relations are unjust that are not sufficiently justifiable in reciprocal and general terms, and those relations are profoundly unjust that systematically thwart the practice of justification itself. Putting an end to such relations is the strongest motive of justice driving historical struggles; and the word “dignity” features centrally in such struggles. They aim to create a social structure in which individuals are able to recognize themselves as autonomous in the specifically political sense of being co-creators of the institutions that are binding on them.

Translated by Ciaran Cronin²⁸

²⁸ An earlier version of this essay was published as “Der Grund der Kritik. Zum Begriff der Menschenwürde in sozialen Rechtfertigungsordnungen”, in *Was ist Kritik*, ed. Rahel Jaeggi and Tilo Wesche, Frankfurt am Main 2009, pp. 150-164.