

The background of the image is a dark, textured brick wall. In the foreground, there is a red-painted metal fence. The fence has vertical posts and horizontal rails. The paint is worn and peeling, especially on the vertical posts. The fence is slightly angled, with one side more prominent than the other.

## RECOGNITIVE DISOBEDIENCE

*Moving beyond the liberal paradigm by means of a politicization of Axel Honneth's theory of recognition*

**Ervin Kondakciu**



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## **Recognitive Disobedience**

Moving beyond the liberal paradigm by means of a politicization of  
Axel Honneth's theory of recognition

### **PhD thesis**

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University of Groningen and the University of Hamburg

on the authority of the  
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Fortunately, against the leitmotif of our epoch — encapsulated in the claim, often attributed to Margaret Thatcher, that “there is no such thing as society, only individual men and women” — the wisdom of our fundamentally social nature continues to resonate. This idea is best captured by Aristotle in the first book of *Politics* when he claims that “a man [sic] who is incapable of entering into partnership, or who is so self-sufficing that he has no need to do so [...] he must be either a lower animal<sup>1</sup> or a god” (Aristotle, 2005, p.13). Famously, the same idea is found in John Donne’s meditations: “No man is an island / Entire of itself; / Every man is a piece of the continent, / A part of the main” (Donne, 2012, p. 249). In Karl Marx’s *Grundrisse* we read that the “human being is in the most literal sense a ζῶον πολιτικόν<sup>2</sup>, not merely a gregarious animal, but an animal which can individuate itself only in the midst of society” (Marx, 1993, p. 84). The Greek rapper Immune sings in his song titled *Anthem*, “I wouldn’t have achieved anything if my friends hadn’t been by my side”. Even the most ascetic endeavors - such as writing a dissertation - would be impossible without the support and labor of a multitude of people. Thus, I would like to use this space to express my profound gratitude and recognize my indebtedness – recognition, however, as will be argued in this dissertation, is by nature always incomplete.

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<sup>1</sup> Aristotle uses the (Ancient) Greek word “Θῆριον” which in a more literal translation would mean beast.

<sup>2</sup> Original spelling of “ζῶον πολιτικόν” in the *Grundrisse*.

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Part of the motivation for writing this dissertation lies in the aim of developing a theory that helps us understand how people can make their own history by (re)claiming agency while remaining conscious of the Marxian lesson that “[m]en [sic] make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past” (Marx, 1937). When the outcome of the confrontation between individual decisions and the (yet) uncontrolled forces of history, economy, and politics leads one to live across various, spatially distant social environments, one receives both the blessing and the curse of being disembedded and reembedded, unnested and renested,

deterritorialized and reterritorialized. I am writing these lines from the northern Dutch city of Groningen. Before Groningen, there was Hamburg; before Hamburg, Athens; and before Athens, Këmishtaj. In each of these places, I have been fortunate to encounter people who, in different ways, shaped me and supported me — sometimes knowingly, sometimes without even realizing it. As I argue in this dissertation, recognition is a vital human need, and I have had the privilege of experiencing it across borders. Still, I am aware that no list of acknowledgements can ever do full justice to the depth of those encounters, nor can it fully recognize the contributions of those I do mention. Recognition remains necessarily incomplete — and yet we try. Perhaps that is the most we can do, push forward in the unending end of recognition.

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History is the subject of a structure whose site is not homogenous, empty time, but time filled by the presence of the now [*Jetztzeit*].  
Benjamin, Walter (1986, p. 261)<sup>3</sup>

## Introduction

Between 2008 and 2011, two events – which involved disobedient forms of action – broke the continuous unfolding of homogeneous time in Greece – to borrow Benjamin's distinction. These events disrupted the normal state of things by questioning the rules, norms, principles, and values around which the political game was organized. During the 1990s and the first half of the first decade of the 20<sup>th</sup> century, Greek society resembled more and more what thinkers have termed “post-democracy” (Crouch, 2004), the “end of history” (Fukuyama, 1989; Hochuli, Hoare and Cunliffe, 2021), “disintermediation” (Borriello and Jäger, 2023), and the “void” (Mair, 2013). Such concepts describe, first, the hollowing out of the core institutions (parties, the church, unions, etc.) that mediated the socialization of the citizenry and provided a link between citizens and power. Second, they capture the disconnect between citizens and political elites and the diminishing capacity to steer policies through democratic and representative institutions. Third, they depict the gradual disengagement of people from politics in light of the growing shift of power towards economic, political, and media elites. In such a context, politics unfolded (and was expected to unfold) through impotent periodic elections, technocratic management, and broad consensus. In other words, the people, movements, grassroots contestation, and disobedience were not meant to define the day. And yet, after the mid 2000s the world seemed increasingly in movement, disorderly, and turbulent.

On December 6, 2008, Alexandros Grigoropoulos, a 15-year-old unarmed Greek teenager was shot dead by a police officer in a central neighborhood of Athens while celebrating the birthday of a friend. The next morning, massive protests and demonstrations erupted. The following four weeks general social unrest, rioting, property damage and other “politically motivated illegalities” (Scheuerman, 2018) took place throughout the country. Schools and universities were occupied by protesters and operated as spaces of politicization of social grievances. Conservative commentators called these events “the worst Greece has seen since the restoration of democracy in 1974” (Christofer, 2008), while more progressive thinkers used the language of insurrection to refer to them (Papadatos-Anagnostopoulos, 2018). Something that representatives of both sides agreed on

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<sup>3</sup> Thesis XIV, *Theses on the Philosophy of History*.

was that during those weeks there was “civil disobedience and public unruliness, direct action outside institutional channels of expression, unmediated by parties and formal rules, at the edges of and beyond legality, directed against the state and the civic order it represents” (Kalyvas, A., 2010, p. 354).

Less than three years later, Greece was once again shaken by a mass disruptive social movement. The Aganaktismenoi (The Indignant Citizens; my translation), a movement inspired by the anti-austerity protests in Spain, occupied the Syntagma Square in front of the Greek parliament in Athens in May 2011. Even though these events do not appear at first sight directly related to the events of 2008 described above, they were both fueled by similar social grievances, such as economic anxieties, opposition to authoritarian elements of institutions like the state and the family, and alienation from the mainstream political institutions.

These events unfolded in the aftermath of the global financial crisis of 2007/2008 that led to the so-called European debt crisis. In 2007, a crisis in the sub-prime mortgage market in the USA monopolized the front pages of newspapers internationally. It was only the beginning of what became to be known as the Global Financial Crisis of 2007/2008, a crisis comparable only to the Great Depression that began in 1929. On September 15, 2008, the American investment bank Lehman Brothers collapsed, indicating the fragility of the international banking system, and signaling the start of a wide-ranging international economic crisis. Not surprisingly, in the context of late internationalized capitalism, the crisis affected the European economies the next year.

At the beginning of the crisis, governments tried to manage it by using a form of the old recipe of expansionary economic policies termed Keynesianism (Blyth, 2013, p. 16). However, this did not last long, because, first, some European states were lacking the means to reflate their economies via public spending; second, the bailing out and recapitalization of the fragile banking system was already absorbing a great amount of monetary resources; third, as is indicated by the communiqué of the G20 summit in Toronto in 2010, the new economic orthodoxy was austerity. As Blyth puts it, “[t]he G20 [...] called for an end to reflationary spending under the guise of something called ‘growth friendly fiscal consolidation,’ which is a fancy way of saying ‘austerity’” (Blyth, 2013, p. ix). The guiding idea was that cutting public spending will lead to a reduction of the public debt, which will, in turn, bring back growth to the national economies suffering recession, because the latter will regain the ‘confidence’ of the markets (Blyth, 2013, p. 3).

This idea informed the philosophy of the policy measures a number of European countries, such as Greece, Spain, Portugal, Italy, Cyprus and Ireland, more or less willingly, implemented in their attempt to bring their economies back in track. In the case of Greece, the economic crisis counts as the hardest recession in peace time after the great Depression. Within this context, a number of protest movements, citizens' initiatives, political campaigns and disobedient acts emerged. On May 2011 protesters gathered in the Syntagma Square in Athens to protest the austerity measures planned to be ratified by the Greek parliament in order to receive a bail-out program by the International Monetary Fund (IMF), the European Central Bank (ECB) and the European Commission (EC). This wave of protests was not partisan, was organized mainly through social media and included a number of politically disobedient acts.

The repertoire of the politically disobedient actors in this context included, first, squatting of restaurants and factories by unpaid workers. In Thessaloniki, the second biggest city of Greece, employees of the American franchise restaurant Applebee's decided to occupy and take over the facilities and run the restaurant themselves after they remained unpaid for months. As a protester noted, "this protest is all we can do. It comes naturally" (Chrisafis, 2011). Second, protesters blocked ports and airports and opened Acropolis to visitors in order to thematize the injustices of salary cuts and tax increases. Third, other groups frequently occupied the cashiers' rooms in hospitals to protest a five Euro fee imposed on any patient in need for a doctor's consultation. Fourth, the so-called "We Won't Pay" collective engaged in acts of "total disobedience" to protest a number of social arrangements unfairly effecting citizens' lives (Chrisafis, 2011). In the context of this "civil disobedient movement, [...] ordinary citizens refused to pay for anything from road tolls and bus tickets to extra doctors' charges" (Chrisafis, 2011). Fifth, and perhaps most importantly, the occupations of public squares by indignant citizens in various Greek cities aimed at appropriating public spaces and politicizing the management of the so-called Greek debt crisis through the means of executive discretion and emergency politics (White, 2015).

To elaborate, emergency politics includes the frequent use of a political vocabulary revolving around terms and abstractions such as "emergency", 'exceptional', 'save', 'rescue', 'security'" (White, 2015, p. 303), which indicates an effort to legitimize practices that encroach long-standing principles, norms, and values. Jonathan White defines 'emergency politics' as "a distinctive mode [of rule] in which actions contravening established procedures and norms are defended – often exclusively – as a response to exceptional circumstances that pose some form of existential threat" (White, 2015, p. 303). The notion of 'emergency politics' is not restricted to the erosion of formal laws and rules,

but extends to the undermining of established procedures and norms, intertwined with a vocabulary that bears the colors of emergency, exceptionalism, and necessity. The citizens' occupations of public spaces aimed at the problematization of precisely these developments. They organized horizontal democratic relationships and continuously disobeyed the officials' calls for an evacuation up to the point at which they were forcibly removed (Chrisafis, 2011). Disobedient politics came about in this context as an antidote to democratic regression. This is an important observation because oftentimes disobedient politics are regarded as a tool in the hands of social minorities while in the context of these protests it is difficult to establish that this was indeed the case.

Paul Mason described the proceedings in these direct democratic forums as follows:

Athens, 14 June 2011, 9 p.m. [...] [T]housands of Greek youth occupied the square. [...] In the centre of the square [...] there is a campsite. [...] These are the indignados [...] and what's new about this protest is that most of those involved were never politically active before. In Brussels, as the Syntagma meeting begins, Europe's finance ministers have assembled to thrash out their differences over the near-inevitable Greek debt default. But nobody in Syntagma cares. They are busy drawing lots for places on the podium – a practice copied from the agora of classical Greek democracy, designed to avoid, or dissolve, fixed power relationships. [...] Later, it will be reported that the police fired one thousand rounds of tear gas during the Syntagma protests. (Mason, 2013, pp. 87-101)

Greece, during these years, it could be argued, became the stage on which a number of the most pressing contradictions of late neoliberal capitalist societies were unfolding. Apart from these events – which I experienced first-hand, which played a significant role in shaping my theoretical interests and which motivated to a certain extent the decision to write this dissertation – similar events of politically motivated illegalities erupted during the previous decade around the globe. To mention a few examples that illustrate the increase of disobedient politics across the globe, think of the Occupy Movement and the Anti-Austerity movement of the 2010s beyond Greece; Fridays for Future and Extinction Rebellion; the Arab Spring; the Black Lives Matter and the Women's March; the Gezi Park and the Hong Kong protests; the Standing Rock Sioux Protests and the Catalonian Independence Referendum; and the more recent student-led encampments in support of Palestinian liberation.

Such events led *The New Yorker* to announce 'The Return of Civil Disobedience' (Cobb, 2016). In this climate characterized by the zeitgeist of politically motivated illegalities, politicians, journalists, commentators, and intellectuals often made use of the vocabulary of disobedience in order to pursue very diverse ends. Some rejected the legitimacy of such movements altogether by claiming

that, within liberal democracies, there is no space for disobedience and, therefore, the events in question were nothing more than generalized lawlessness and chaos (Klayvas, S., 2008). Others made more direct use of the vocabulary of the liberal model of disobedience – which will be discussed in detail below – in order to divide the protesters into the ‘good’ ones and the ‘bad’ ones (Papadatos-Anagnostopoulos, 2018; Sotiris, 2020). As will be shown below, the liberal model of disobedience raises an important definitional demand from potential disobedient agents, namely that for any form of action to qualify as disobedience it must be non-violent. The easiness with which this model could be appropriated by the preachers of the legitimacy of a status quo that is characterized by class oppression, patriarchy, racism, and environmental degradation warrants – at the least – suspicion over its worthiness.

It is within this intellectual, political, and historical moment that this dissertation sets to explore a number of questions about disobedient politics.

Chapter I begins by presenting philosophical skepticism about disobedient politics. Skeptics argue that disobedience is an essentially premodern form of politics that is incompatible with modern political culture. To do justice to such critics of disobedience, I reconstruct the basic tenets of premodern Christian thought on disobedience. Christian thought emphasized obedience to divine principles over human authority and relied, thus, on a second-order obedience structure. Consequently, I discuss the discontinuist understanding of the transition to modernity in order to explicate the defining features for political authority and legitimacy in our era. If modernity dismantled traditional and religious systems of legitimacy, replacing them with structures grounded in secular, reflexive, and open-ended principles, as the discontinuist approach argues, then the second-order structure of premodern disobedience is incompatible with the modern political ethos. The question that emerges, then, is what are the normative and practical implications for rethinking disobedience as a distinctively *modern* political concept? In other words, what criteria should any theory of disobedient politics satisfy in order to deserve to be called appropriately modern and political? Chapter I articulates four such criteria and sets the stage for the inquiry in the following chapters.

Chapter II identifies John Rawls’s model of civil disobedience as the most well-established model in the literature and, therefore, treats it as the most prominent candidate for an appropriately modern and political theory of disobedient politics. After introducing Rawls’s model within the context of the nonideal part of his general theory of justice, I focus on the fact that he positions his model within what he terms nearly just societies. Such societies, according to Rawls, are characterized by

just institutions and practices and yet injustices may nevertheless emerge. The concept remains notoriously insufficiently discussed in his work which gives rise to the need for interpretative work. After identifying four constitutive features of nearly just societies, I argue that Rawls leaves space for two plausible interpretations. With the help of contemporary theories of domination, I distinguish between societies within which only episodic forms of injustice may emerge and societies that are characterized by structural forms of injustice. Within the context of the former disobedient politics is unwarranted and superfluous when placed within the context of Rawls's general theory of justice. When nearly just societies are characterized by structural injustices, on the contrary, disobedience seems a valuable means in fighting against them. Hence, I argue that this should convince us that this is a more plausible interpretation of nearly just societies. What remains to be seen is whether Rawls's theory runs into any other contradictions upon close examination.

Chapter III scrutinizes Rawls's model of disobedience when it is applied within a social environment characterized by structural forms of injustice. It starts by extracting a sufficiently general definition of disobedient politics from its phenomenology. After defining disobedient politics as a form of collective political action with very high (potential) costs, I argue that it constitutes a typical case of a collective action problem, that is, a paradoxical situation in which mutually beneficial outcomes cannot be reached because of a discrepancy between what is rational from the perspective of an individual and what is rational from the perspective of a collective. In the next step of the argument, I explicate Rawls's understanding of political theory and conclude that he views the field as a normative endeavor with a practical intent. Thus, the requirement that emerges is that the concepts and models embedded in his theory must be practicable. In more concrete terms, given, first, that disobedient politics is a collective action problem, and, second, that Rawlsian political theory is invested with a practical intent, it follows that Rawls's model must provide plausible solutions to the kind of collective action problem that disobedience consists in. Hence, the next step of the argument delves into Rawls's political ontological background assumptions to examine the kinds of solutions to collective action problems that his theory enables and forecloses. With the help of the insights of the liberal-communitarian debate, I explicate that Rawls understands persons as rational and reasonable which is a variant of the idea of an unencumbered self. Rawls's political ontology enables two forms of collective action: prudential disobedience, based on rational self-interest, and moral disobedience, motivated by adherence to justice. However, prudential disobedience is insufficient for addressing the high costs and risks of transformative action in structurally unjust societies, leaving only moral disobedience as a viable option. This reliance on moral reasoning reduces disobedience to a symbolic or ethical act, stripping it of its agonistic and transformative

potential. As a result, Rawls's framework depoliticizes disobedience by relegating politics to consensus-building and moral deliberation, rather than recognizing it as a domain of conflict. Thus, the chapter concludes that Rawls's model fails to fulfill the requirement articulated in Chapter I. Rawls's political ontological assumptions that recognize only cooperative – as opposed to constitutive – relations, on the one hand, fail to enable a form of collective action that is not reducible to rational or ethical action but is rather distinctly political, and, on the other hand, they fail to appreciate the conflictual nature of modern politics.

Chapter IV explores Axel Honneth's theory of recognition as an alternative social-theoretical foundation for understanding disobedient politics, aiming to address the limitations of the liberal paradigm. The recognition-theoretic paradigm is chosen because it provides an alternative and novel understanding of social conflict. The chapter begins by contrasting traditional interest-based models of social conflict with Honneth's recognition-theoretic approach, which centers on the constitutive role of intersubjective recognition in shaping personal and collective identities. I reconstruct Honneth's theory, focusing on the three spheres of recognition—love (self-confidence), legal rights (self-respect), and social esteem (self-esteem)—and I examine how their violation generates social struggles motivated by normative claims and emotional responses to disrespect. Honneth's model is situated within a broader historical and philosophical tradition, drawing from Hegel, Mead, and Frankfurt School thinkers to present social conflict as a normative process rooted in demands for expanded recognition. By emphasizing the intersubjective basis of personhood, Honneth's theory allows for collective action that is transformative rather than merely cooperative or moralistic. Honneth's theory, I argue, involves also a normative compass for navigating the messy world of social conflicts. This normative compass revolves around the concept of a formal conception of ethical life, which identifies an inherent potential for moral progress in recognition struggles, defined by increasing inclusion and individualization. Finally, the chapter argues that Honneth's theory provides the ontological and normative foundations for an appropriately modern and political model of disobedience, capable of addressing structural injustices and fostering transformative collective action. Thus, this chapter sets the stage for developing a new paradigm—recognitive disobedience—that leverages Honneth's insights while addressing potential gaps in his theory.

Chapter V aims at juxtaposing the literatures of disobedience and recognition in a fruitful manner in order to articulate a new theory of disobedient politics. This new theory which I term the theory of recognitive disobedience manages to address the criticisms that in previous chapters was shown

to undermine the grounds upon which the Rawlsian model is based. On the one hand, our understanding of disobedient politics can profit from the intersubjective ontology of recognition, and, on the other hand, the underthematized political moment in the understanding of social conflict that characterizes the recognition-paradigm can be pushed to the fore by bringing it into a discussion with disobedient politics.

The chapter puts forth a novel model of disobedient politics by presenting a new concept: *recognitive disobedience*. *Recognitive disobedience* is defined in juxtaposition to Rawls's model of civil disobedience as a form of collective political action exceeding legally institutionalized channels, addressing systemic disrespect that harms self-confidence, self-respect, and self-esteem. *Recognitive disobedience* combines confrontation with reconstructive political logics, aiming to reform or reinterpret societal recognition principles for greater inclusion and individualization. Thus, our model expands the normative terrain available to potential agents of disobedient politics by loosening the normative grip that characterizes Rawls's model of civil disobedience. From a normative point of view our model focuses on the distinction between progressive and regressive moments on the basis of whether disobedient political projects expand or undermine inclusion and autonomy by removing barriers to self-realization by, in turn, undoing the social infrastructure of disrespect.

Finally, the chapter thematizes the role of *recognitive disobedience* within modern societies. *Recognitive disobedience* plays a transformative role within modern societies, moving beyond Rawls's model, who conceives of disobedience as a stabilizing tool to maintain otherwise just institutions. Instead, *recognitive disobedience* engages with the conflictual and dynamic nature of modern societies, addressing both regressive tendencies—such as the erosion of previously achieved standards of inclusion and individualization—and progressive potentials, by politicizing social norms and uncovering unrealized possibilities embedded in recognition principles. Unlike Rawls's framework, which relies on pre-political principles and consensus, *recognitive disobedience* acknowledges that progress is an ongoing, conflict-driven process of reinterpreting and implementing socially valid norms through action.

## Part One – Reframing disobedience: Historical transformations of political authority and their implications for an appropriately modern and political theory of disobedient politics

### Chapter I – The dawn of modernity and the crisis of premodern disobedience

#### Introduction

The beginning of the 21<sup>st</sup> century, as was argued in the Introduction, has witnessed a significant rejuvenation of the interest in disobedience in the political arena. Not only history seems to be way more stubborn than the preachers of its end (Fukuyama, 1989) had expected during the 1990s, but the ones pushing forward for historical change seem to proceed today not through the institutionally provided for channels of political expression but “by consciously refusing to carry out the constituted laws and even the law-constituting authority of those who hold formal political power” (Sitze, 2013, p. vii). The proliferation of what Scheuerman calls ‘politically motivated illegalities’ (2018) enabled a parallel flourishing of theoretical engagement with the concept of disobedient politics by academics, public intellectuals, and philosophers.

The philosophical debate has addressed various aspects of disobedient politics and it has resulted in, first, important historical and genealogical insights (Laudani, 2013; Scheuerman, 2018); second, incisive conceptual clarifications (Niesen, 2019b, 2019a; Çıdam *et al.*, 2020); third, critical engagements in the direction of expansive models (Douzinas, 2013; Celikates, 2016a, 2016b), and, fourth, novel (re)interpretations of the idea from liberal legal and decolonial perspectives (Brownlee, 2012; Pineda, 2021). However, theorists are oftentimes either too preoccupied with redeeming hegemonic models like Rawls’s account (Sabl, 2001; Scheuerman, 2018, chap. 7) or at other times proceed by assuming a need for innovation.

What has been missing from those debates is, first, a comprehensive inquiry into the possibility that disobedient politics may be incompatible with the defining characteristics of the modern political world. Second, the debate has dedicated insufficient attention to the social ontological level, that is, inquiries into the presupposed basic categories that operate in the background of models of disobedient politics. Both these tasks will be addressed in this dissertation. This chapter will explore the first of the two questions, that is, it will explore the validity of a general normative and practical philosophical skepticism towards disobedient politics under the conditions of modernity.

The chapter has two guiding goals. First, it follows the historical trajectory of thinking on legitimate political authority and opposition thereto, in order to demystify disobedient politics by demonstrating that it is not an exceptional form of politics, as is usually argued. On the contrary, disobedience of political authority has occupied human thought for centuries. Second, the chapter extracts criteria for an appropriately modern and political understanding of disobedient politics in a systematic way by engaging with the literature on the emergence of the modern world and its constitutive features. To anticipate, for a theory to be modern and political it must, on the one hand, reflect the constitutive features of the modern world, and, on the other hand, enable an understanding of disobedient action that does not reduce disobedience to other forms of human action, such as ethical and instrumental action.

The first task of this chapter will be to establish some clarity by introducing the specificities of the problem of disobedient politics under modern conditions. To do so, I will begin in section i) by briefly presenting the arguments of critics that view disobedient politics as incompatible with modern socio-political reality – that is, I will present philosophical skepticism about disobedient politics within a modern framework. In section ii), I will introduce the pre-modern understanding of disobedience against political authority as ‘second-order obedience’ in order to understand where the critics’ claims depart from. In section iii), in order to illustrate that the transition from traditional to modern societies has eroded the justificatory logic behind the pre-modern understanding of disobedience by giving rise to new structural preconditions of legitimacy of political authority, I will present a ‘discontinuity understanding of modernity’. This understanding of the world-historical developments brought about by the transition to a modern constellation of social life will be used, in section iv), in order to articulate systematic criteria for an appropriately modern and political understanding of disobedient politics.

### i) The critics of disobedient politics

Many works on disobedient politics start with Classical Greek Antiquity to cast exemplary figures, such as Antigone and Socrates, as archetypes of disobedient agents (Daube, 1972; Bedau, 1991, chap. 1). By contrast other thinkers have argued that such a de-contextualizing nominal understanding overlooks the fundamental structural differences between the modern and the ancient world (Laudani, 2013, pp. 9–15). Such critiques, I argue, take two forms. On the one hand,

there are political obligation absolutists, that is, thinkers who defend political obligation in such a way that there is no space for justified disobedience to political authority. On the other hand, there are thinkers who make the more interesting claim that disobedience is incompatible with the defining characteristics of modernity. In the following, I will briefly present the structure of the first kind of arguments before elaborating on the second kind of critiques of disobedience. My line of argument will focus on the second kind because I aim at developing a historically and socially situated account of disobedient politics.

The critiques of disobedience that take the form of political obligation absolutism are at least as old as Sophocles and Plato. Political obligation refers to the normative force that binds citizens of a polity to obey the laws, orders, and statutes resulting from the operation of a political system. Political obligation differs from other forms of normative force that bind people to act in certain ways. For instance, we might be said to have a moral obligation not to murder. The validity of the moral obligation not to murder other human beings is not premised on the fact that the existing political institutions command us not to murder. The moral obligation not to murder – if it obtains – is justified on the basis of a broader moral system and it can exist irrespectively of the existing political system. Political obligation has the form of binding one to act in certain ways by virtue of the fact that the command or prohibition in question resulted from the operation of a legitimate political system.

This is precisely the way in which Kreon and Socrates argue in *Antigone* and *Crito*. When Antigone disobeys his decree and buries her brother, Kreon first asks her whether she was aware of the prohibition to bury Polyneikes. When he receives her affirmative answer, he cries “And yet you dared to overstep the law?” (Sophocles, 2003, p. 73). Kreon’s complaints, however, remain rather undeveloped.

In the dialogue *Crito*, Plato discusses the nature of political obligation and whether disobedience is ever justified in more detail. Is obedience what a citizen is expected to do under all circumstances? Are there limits to the obligation to obey the law? On what grounds can we talk of such an obligation in the first place? These are the questions that the dialogue scrutinizes.

The dialogue takes place in the spring of 399 BCE while Socrates is imprisoned after the Athenian People’s Court had found him guilty of impiety. In *Crito*, Socrates is visited in his cell by his homonymous friend, who is worried and distressed about Socrates’ forthcoming execution. His worries have taken a more urgent character because, as he says, the sacred ship from Delos was

seen at Cape Sounion<sup>4</sup>, which entailed that it would soon be back to Piraeus. The Athenians, dependent on trade and nautical power as they were, worshiped a number of ships as sacred and no execution was allowed to take place in the absence of these ships.

The reason for Crito's visit is made known from the beginning of the dialogue. Crito has prepared an escape plan and visits Socrates to convince him to escape. Socrates suggests that they examine philosophically what one should do. It has often been argued that in *Crito* one finds the first exposition of the position that "citizens owe complete or near complete obedience to their state" (Weiss, 1998, p.6). Furthermore, given that *Crito* is regarded as one of the works "that mark the start of political theory, it is generally assumed that political theory itself begins with the affirmation of the primacy of the state over the individual" (Weiss, 1998, p.6). However, in the text there are two lines of argumentation. One to be found in Socrates's actual words, and the other is represented by the personified *Laws*. The former is less absolute and more philosophically interesting than the second.

Socrates's immediate response to Crito's suggestion is that they should examine the dilemma philosophically because as Crito, his old friend, already knows, for Socrates throughout his life, there is only one thing he obeys, namely what appears to be the best reason upon reflection. In Plato's words:

Thus we must consider if what you're urging should be pursued or not. Not now for the first time, but always I have been the sort of person who follows none other of my thoughts than the line of argument that from my deliberation appears to be the best. The very lines of argument I was previously taking I cannot now throw overboard just because this fate has overtaken me, but they strike me as being pretty much the same and I respect and honor the same ones as I did before.  
(Plato, 2007, pp. 227–229)

That being said, Socrates breaks down Crito's suggestion into two actions: first, bribing of certain people, and, second, gratitude towards those same people. To explain, if Socrates is to escape then this would involve Crito and other friends of Socrates bribing and offering gratitude to people such as guards, so that he can escape contrary to the will of the Athenian people who decided that he should be executed.

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<sup>4</sup> The southernmost point of the Attic peninsula, from where the Athenians could surveille nautical traffic to and from the port of Piraeus.

Hence, Socrates asks whether it would be just or unjust to escape and disobey the will of the Athenian people. Socrates starts by arguing that “we mustn’t act unjustly in any way” [...] and that “we mustn’t retaliate if we are treated unjustly” (Plato, 2007, p. 241). Thus, he claims, that one should “do whatever one agrees with another” (Plato, 2007, p. 243), that is, one should keep agreements provided they are just, since retaliation or acting unjustly is never a justified form of action.

Weiss has formalized Socrates’ argument against escape as follows:

- (1) If Socrates attempts to escape with Crito's help, Socrates will fail to do what he agreed with the Athenians to do — that is, abide by his penalty— even though what he agreed to do is just.
- (2) If Socrates does not do what he agreed upon with the Athenians, Socrates will be involved in the injustices of deceit— that is, in stealth and paying money and gratitude to those who would lead Socrates out of prison.
- (3a) Since it is unjust to fail to fulfill one's just agreement and engage instead in deceit, Socrates and Crito, by involving themselves and their friends in the attempt to escape, would be doing bad things to, in the sense of damaging the souls of, those to whom bad things ought least to be done: oneself and one's friends.
- (3b) Since escape will involve Socrates and Crito and their friends in injustice, Socrates and Crito, by attempting Socrates' escape, will fail to abide by the just principles upon which they have agreed with each other, principles that would forbid such action. (Weiss, 1998, p. 80)

Hence, we see that Socrates’s argument is a contractarian argument that leaves very little space for disobedience. Ultimately, Socrates’s reasoning leaves space for only one form of justified disobedience. Since the principle that guides Socrates’s argument is that one should respect what one has agreed to do, provided that what has been agreed is just, it follows that proving that allowing Socrates’s execution to go through is unjust, and even proving that the decision of the Athenian Court was unjust, would not have been sufficient grounds to disobey. On the contrary, Crito would have had to show that what Socrates had agreed to, namely to respect Athens’s laws and the court’s decision, was itself unjust. The only way, then, for disobedience to be justified within this framework is for the contract to be void – and the conditions under which a contract can legitimately be deemed void are themselves subject of a complicated discussion.

The actual position of complete obedience to the state is defended by the personified Laws in the dialogue. To begin with, the Laws do not consider whether a citizen could engage in disobedience

to protest unjust laws (Weiss, 1998, p. 96). On the contrary, in order to avoid such complicating circumstances, they assume Socrates' innocence when they portray his potential escape as "requitting wrong with wrong and evil with evil" (Plato, 2007, p. 189). That being said, the Laws' position of complete obedience is supported by two arguments. First, according to the Laws, disobedience by private citizens leads to a destruction of the laws and the state:

By this action you're undertaking are you planning to do anything other than actually destroy us, the Laws, and the whole state in as far as it's in your power to do so? Or do you think that that state can continue to exist and not be overturned in which legal judgments have no force but are rendered invalid and destroyed by private individuals? (Plato, 2007, p. 245).

As was said above, the Laws proceed from the assumption that Socrates is in actuality an innocent man who has been wronged by the state. Furthermore, they also assume that disobedience by private citizens destroys the laws and the state. Hence, what they need to establish is that Socrates has an obligation to not destroy the state. In order to do so, they put forth three further arguments. The first supportive argument is an argument about the relationship between state and citizen. The Laws portray this relationship as similar – if not identical – to the relationship between parent and child and master and slave (Plato, 2007, p. 247). These relationships are not based on equality but on submission. Plato, however, does differentiate the relationship between parent and child and slave and master, on the one hand, and city and citizen, on the other hand, in one respect. The citizen reserves the right of attempting to persuade the state with regard to "where justice lies" (Plato, 2007, p. 251). The game of persuasion, that is, the political game, the game of public reasoning, has an endpoint. For Plato, it seems to be the case that the court's verdict has brought a definitive end to the dispute between Socrates and his adversaries over where justice lies. Therefore, Socrates must now submit himself to the finality of the political game. The second supportive argument is a contractarian argument. According to the Laws, Socrates has made an agreement with the state to obey its laws. He has done so tacitly, that is, even if there is no agreement in words, Socrates, by not leaving the city of Athens even if he could have done so, "has already agreed with [them] by his action to do whatever [they] bid him to do" (Plato, 2007, p. 252).

The third argument that the Laws put forth to support the position of complete obedience to the state is a utilitarian argument. The Laws ask Socrates to "consider now what good [he'd] be doing [himself] and [his] friends by breaking these agreements and offending" (Plato, 2007, p. 257). By doing so, argue the Laws, Socrates would, first, endanger his friends' well-being and property because of potential repercussions; second, he would endanger the well-being of his children; third,

he would be badly judged by the laws of Hades in the underworld; and, fourth, he would have to either move to a lawful city where he would be unwelcome or he would have to move to an unlawful city where he would be unable to practice philosophy.

Moving forward in time, Hobbes is another important thinker who puts forth an argument against disobedience that is similar in character to the one just presented. What I called above a contractarian argument became a tradition in political philosophy since at least the 16th century with the works of Hugo Grotius, Thomas Hobbes, John Locke, Jean-Jacques Rousseau, Immanuel Kant, and others. More recently, as will be argued in Chapter II, John Rawls breathed new air in this tradition with his *A Theory of Justice*.

Hobbes's social contract theory begins with a description of the state of nature, that is, a pre-political state of affairs in which there is no political authority to enforce rules. What would characterize human life in the absence of such institutions, asks Hobbes. Life under such circumstances would be “solitary, poor, nasty, brutish, and short” (Hobbes, 1998, p. 84). Hobbes is led to this conclusion because, as we will see in more detail in Chapter IV, he proceeds from a series of assumptions about human behavior. Because, for him, humans in general are driven by the motive of self-preservation and because resources are scarce in a state of nature, the situation progressively deteriorates into an open war of all against all. The prospect of such a degeneration into a war of each against each and the prospect of such a solitary, poor, nasty, brutish, and short life, compels people “to form a society whose collective power is sufficient to protect each from the dangers of all out war” (Deigh, 2016, p. 299). In order to create such a power and achieve peace, people give up what Hobbes terms their natural right, that is, their right to all things. Such a sovereign power, in turn, can only come about and be preserved if at least a sufficient number of people transfers this right to all things to one person or an assembly. In Hobbes's words, such a sovereign power is created “by covenant of every man with every man, in such manner, as if every man should say to every man, *I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner*<sup>5</sup>” (1998, p. 114). By virtue of this mutual transference of their right, an obligation emerges for the covenants, namely, the obligation to obey the sovereign (Deigh, 2016, p. 198). What is important to note here, for our purposes, is that the relation between sovereign and subjects is nonreciprocal, in the sense that only the subjects have an obligation to obey the

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<sup>5</sup> Italics in the original.

sovereign but the sovereign has no obligations against the subjects. The nonreciprocity of the relationship stems from the fact that “the sovereign makes no promise to any of the subjects. All the promises are made by the subjects, either to one another or to the sovereign directly” (Deigh, 2016, p. 299). Hence, we are led to a conclusion that is similar to the position defended above by the Laws in Plato’s Crito. The apparent conclusion is that disobedience of the sovereign’s orders is unjust under all circumstances since absolute obedience is what is owed to the sovereign.

This conclusion is, nevertheless, not entirely true. According to Hobbes there is one inalienable right, that is, the right to defend oneself against assault, lethal attacks, and torture (Hobbes, 1998, pp. 88–89). He claims that all rights transferences are conducted and all contracts are signed with the expectation of some good or advantage emerging for the signatories. Hence, any promise not to protect oneself against assaults and torture is invalid because no good could be said to emerge for the victims of such attacks. To conclude, then, even though Hobbes appears at first glance to reject disobedience altogether, he does, in the end, open up the space for justified disobedience if and only if extreme circumstances emerge<sup>6</sup>. In the case of Socrates, one could say that Hobbes would in principle defend Socrates’s right to defend himself. The means, however, through which one’s life is defended need to be themselves further scrutinized.

In more recent times, a number of contemporary authors have also made a case against civil disobedience. Such critiques sometimes come from within the conservative tradition and at other times from more radical traditions. In my exposition I would like to distinguish between theoretical or principled critiques of disobedience, and historically situated ones. I will briefly mention the first kind of critique and then move to the second kind. To explain, I will focus on the second kind of critiques mentioned above, that is, critiques that are distinctively modern because they take as their point of departure an understanding of modernity as a distinct epoch defined with reference to a novel constellation of characteristics.

Herbert J. Storing has argued that the practice of disobedience is necessarily “contradictory, shallow, and a feeble guide to action” because it is “an unsuccessful attempt to combine, on the level of principle, revolution and conventional political action” (1991, p. 86). Storing’s thesis is that disobedience is reducible to one or the other. When it turns into conventional political action then it is not worthy of its name. When, however, what starts as civil disobedience degenerates into mere disobedience, then he claims that it undermines public order, the rule of law, and democracy.

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<sup>6</sup> See also, (Hampton, J. 1987, Ch. I).

Similarly, Joseph Raz argues that disobedient politics might be justified within a liberal state but it is never a right. According to him, a liberal state is “simply one that respects the right to political participation” (Raz, 1991, p. 167). Hence, Raz argues that in illiberal states, that is, in states where the right to political participation does not obtain, not only civil disobedience but also other forms of political action are justified. In liberal states, in contrast, given that a number of rights of political participation, such as voting, public debate, and lawful protest obtain, civil disobedience can be morally justified but legally unauthorized only under very exceptional circumstances (Raz, 1991, p. 168). Furthermore, thinkers such as Roger Scruton (1984) and Richard Posner (2002), even though they have not dedicated extended treatises to the topic of civil disobedience, have argued that civil disobedience undermines the stability of a legal order and the rule of law and weakens democratic institutions.

Let me now move to what I term historically situated or modern critiques of disobedient politics. A number of scholars have argued that the vocabularies of disobedience, resistance, and other similar concepts that have gained popularity in the last few decades, originate in pre-modern thought and are therefore charged with constitutive elements of this era. Consequently, some of these theorists have raised concerns about the high opportunity costs that the use of such a language inflicts in the face of other terminological alternatives, while others have questioned the compatibility of such categories with the modern political lifeworld altogether (Maus, 1992; Walzer, 2017). Such critiques have triggered attempts by progressive theorists unwilling to surrender the political usefulness embedded in disobedient politics and resistance to reframe the idea of disobedient politics. Such attempts take the form of injecting, as it were, accounts of disobedient politics with high doses of undisputedly modern democratic concepts, such as the rule of law, democratic contestation, and constituent power (Rawls, 1999; Celikates, 2016a, 2016b; Niesen, 2019b). In Chapter V, I will engage with such contemporary attempts at revamping the vocabulary of disobedience. First, though, I want to reconstruct this second line of critique of disobedience that I term historically situated or modern. My aim is to explicate the requirements for an appropriately modern account of disobedient politics. Or to put it differently, I want to systematize the requirements that this line of critique raises for any account of disobedient politics today.

According to Michael Walzer, resistance and disobedience are “very old form[s] of political action—much older than democracy itself” (Walzer, 2017). They stem from medieval European societies and their exercise was premised on two distinctive traits of these societies. First, “the existence of a widely recognized body of laws and rights—whether divine, natural, or conventional” (Walzer, 2017)

that were binding for all members of a territorially, administratively and culturally defined community. Second, “the existence of groups – guilds, churches, cities, and provinces” (Walzer, 2017) invested with the duty to safeguard the body of laws and rights in question, the authority to correctly interpret such canons, and the means to successfully solve collective-action problems. Put briefly, resistance and disobedience were bequeathed to moderns by a social world in which political authority had to rely on social sources external to itself, such as tradition and religion, for its legitimization. The questions that emerge are, on the one hand, whether the modern world is still shaped by such characteristics, and, on the other hand, if this is *not* the case, how we should modify our theories of resistance and disobedience for them to reflect, and be compatible with, the new constellation of modernity.

Walzer thinks that the social conditions that put resistance and disobedience at the center of the premodern social world are not met in our times. Hence, he regards such forms of political action as “only half a politics” (Walzer, 2017). Resistance and disobedience were appropriate means when political rulers transgressed traditional rules that were conceived as unchanging and eternal. In the modern world, such forms of political action remain relevant and appropriate, according to Walzer, when active citizens try to contest regressive phenomena, such as violations of constitutional principles. This conceptual and justificatory structure makes resistance and disobedience backward looking and therefore “not aggressive or transformative but rather defensive and limited” (Walzer, 2017). Thus, Walzer warns contemporary activists that resisting and disobeying can only take them as far as the reestablishment of a *status quo ante* goes.

In a similar vein, Ingeborg Maus has starkly criticized the tendency of contemporary activists to adopt the language of resistance, dissent, and disobedience. She maintains that such a move amounts to subscribing to a “pre-democratic mind-set”, which, in turn, entails that the activists’ actions become “defensive, servile and insufficiently transformative” (Niesen, 2019b, p. 31). When modernity is understood as a break with tradition, political authority is faced with the task of legitimating itself immanently. As is most exemplarily reflected in the writings of the French Abbé Emmanuel Sieyès, in modernity all power stems from the people (Sieyès, 2014). As was argued above, in pre-modern times divine or conventional law was binding for both rulers and ruled because the sources of its legitimacy were placed beyond the control of any of the two. In modernity, divine or natural law is – typically – replaced by constitutional law. The legitimacy of the latter, though, is a function of the willingness of the ones subjected to it to recognize its worthiness. Thus, constitutional law does not bind rulers and the ruled in the same manner. The fact that the

latter remain the sole judge of a constitution's legitimacy entails that their will cannot be "peremptorily bound" (Niesen, 2019b, p. 33). In such a framework, Maus argued, contemporary protesters, by adopting the language of resistance and disobedience are unnecessarily restricting themselves to the "triggering of 'resistance' if and when government breaches the people's trust[sic]" (Niesen, 2019b, p. 33). In this way, she argues, such protesters regress to representing "medieval legal relations"<sup>7</sup> (Maus, 1992, p. 37) in their actions. Furthermore, such an insistence on the 'existing' has a de facto naturalizing effect. The denial of freely designing the future, and the insistence on the past, invests the existing with the character of an eternal order that is outside of our control. The opportunity costs indeed seem too high. Why restrict yourself by the past when you are free to create the future as you please?

These critiques seem dire and cannot be overlooked. Everyone willing to engage seriously with forms of collective action, such as disobedient politics, must address the points expressed above. Put briefly, what the historically situated or modern critique of disobedient politics claims is that such a politics has, at best, lost its social relevance and, at worst, constitutes a regressive step in terms of democratic progress.

In the following, I will first trace the origins of the concept of disobedience in the European framework by reconstructing the main arguments in Christian thought on the topic. Second, I will pay close attention to socio-philosophical theories of the transition to the modern epoch. Third, I will systematize the emerging criteria for an appropriately modern political understanding of disobedient politics.

## ii) Disobedience as second-order obedience: Christianity and earthly powers

This section analyzes three milestones in Christian thought on disobedience. As was argued above, the historically situated critique of disobedience maintains that the concept emerged in decisively premodern social environments and therefore both reflects and presupposes such conditions. Hence, it is argued, the vocabularies of disobedience and resistance are either suboptimal forms of political action in the modern world or they lead to democratic regression. In order to better understand the critics' claims, I will here start with Saint Paul's influential *Epistle to the Romans* that

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<sup>7</sup> My translation.

functioned as a point of reference for all Christian thought on (dis)obedience. In a second step I will introduce Walter Ullman's distinction between ascending and descending forms of political legitimacy in order to make clearer the distinctive ways in which one has to think about disobedience in premodern and modern times. Finally, I will present the three different attitudes of the Christian thought towards disobedience – absolute obedience, passive disobedience, and active disobedience – before moving into an analysis of what transition to the modern world entails from a socio-philosophical perspective.

#### *Saint Paul's Epistle to the Romans and political obedience*

Christian thought on the topic of political obedience begins – not surprisingly – with Saint Paul. In his *Epistle to the Romans* St. Paul writes:

Let every soul be in subjection to the higher powers: for there is no power but of God; and *the powers that be are ordained of God*. Therefore he that resisteth the power, withstandeth the ordinance of God: and they that withstand shall receive to themselves judgment. [*Romans*, 13:1 to 13:3, my emphasis]<sup>8</sup>

At first sight, the quote seems to suggest that there is no room for disobedience within the context of Christian thought. Surely if 'the powers that be are ordained of God' and God is the sole source of power, a good Christian would do well to obey at all instances "for conscience's sake and for fear of hell fire" (Ryan, 2012, p. 198). The question that emerges quite straightforwardly is what a Christian is to do when the content of the orders of the powers that be, that is, political rulers, is unchristian. In other words, what if the orders of the powers that be weigh heavily on the conscience of a Christian? What if these orders are deemed to be unchristian? Is a Christian ever justified in disobeying the powers that be?

The Christian tradition revolved around the sacred texts to be found in the Bible. Hence, a Christian had at their disposal a rather concrete point of reference when confronted with the aforementioned conundrum: how one should relate to political authority under certain conditions. In other words,

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<sup>8</sup> Available online at: <http://www.earlychristianwritings.com/text/romans-asv.html>, Accessed 28.01.2021.

what if there is a conflict between what the political powers that be order and what the Christian faith requires? How should a Christian act?

Three options have been proposed and defended by various Christian thinkers: first, obey the ruler's orders, even if they are unchristian; second, display passive disobedience; and, third, engage in active disobedience.

Reconstructing these three approaches to the topic of (dis)obedience within the Christian tradition will allow us to better grasp the premodern modality of legitimization of political authority. This exposition will then be used in order to clarify the important and significant differences between the premodern and the modern forms of legitimizing political authority – and thereby also the potential avenues for justified disobedience. Christian ideas about (dis)obedience played a crucial role in the conceptions of disobedient politics in contemporary times as will be shown in our discussion of paradigmatic figures of disobedient politics in subsequent chapters. The main distinction between the modality of legitimization of political authority between the premodern and the modern era relates to the distinction between ascending and descending conceptions of political authority. Hence, before I reconstruct Christian conceptions of disobedience, I will introduce the distinction as it is found in the work of the preeminent historian of medieval political and legal thought Walter Ullmann in order to clarify the modalities of legitimate political authority during the European Middle Ages.

#### [Walter Ullmann: Ascending and descending conceptions of political authority](#)

All pre-modern Christian thinkers start from a basic premise, which is to be found in the previous excerpt from St. Paul's *Romans*, namely, that all "[p]olitical authority comes from God" (Ryan, 2012, p. 219). This is not to say that political rulers in the European Middle Ages are to be conceived as socially disembedded. On the contrary, it reflects the important socially integrative functions fulfilled by the Christian dogma. According to Walter Ullmann:

The dominant theme in the European Middle Ages was that supplied by Christian cosmology: it was the christocentric standpoint which impressed itself upon all classes of society, from the lowliest villain to the most powerful king or emperor. And it is this standpoint which explains the immersion of medieval governments and their laws in the Christian theme. (Ullmann, 2010, p. 1)

As a consequence of the broad and deep social diffusion of the Christian worldview, questions of political authority, that is, questions of jurisgenerative competencies were treated within the interpretive horizon afforded by the metaphysical resources of the Christian religion. Within this context, the above-mentioned thesis that all political authority emanates from God was the dominant understanding until the emergence of the modern world (Ullmann, 2010, p. 4).

To elaborate, Ullmann distinguishes between *ascending* and *descending* conceptions of political authority. The ascending conception ascribes the law-generating competency “to the community or the *populus* [...] so that one can speak of law or governmental power as rising or ascending” (Ullmann, 2010, p. 2, emphasis in the original). It is the people – however it may be defined – that authorizes its rulers to make binding decisions on its behalf. The political rulers are, thereby, engaged in acts of representation, which entails that, first, they remain accountable for their decisions to the people, and, second, that the content of their decisions should in principle resemble the preferences of the represented (Anderson, 2020). The ideas associated with the ascending conception of political authority emerged in the Ancient Greek and Roman world and were succeeded by a descending understanding,<sup>9</sup> roughly put, when this world gave way to the Christocentric world. The descending conception anchors political authority in an extra-social locus. It is not the people, but a “supreme organ, in whom all power is located and who hands it ‘downwards’” (Ullmann, 2010, p. 2). Put briefly, the feature that distinguishes the ascending and the descending conception is that the former understands “political authority as something with which the ruler is *invested* by individuals, or groups, or “the people” in their entirety, while [...] [the latter] as *inherent* in the ruler, or as something with which he [sic] is *endowed* by a superior” (Ryan, 2012, p. 195, emphasis added). Furthermore, within the context of the descending conception there is no room for representation. Since the political ruler’s authority does not stem from the people, the ruler is neither accountable to the people nor obliged to make decisions that resemble the people’s preferences. What is of significant importance for the descending understanding is the concept of office. The office, say of kingship, is itself divine by virtue of having been installed by God himself. This last point enables the fruitful distinction between the office and its occupant. Indeed, as St. Paul claimed, “there is no power but of God and the powers that be are ordained by him.” Did

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<sup>9</sup> To be sure, the succession which is here discussed is not that of a complete displacement of one object by another. It is rather the case that succession refers to the question of which tendency has the upper hand over the other during a certain period of time: “In fact, it seems that in the history of Europe there has been, if not open conflict, at least competitive rivalry between these two conceptions. In a broad sense, however, the one has taken the place of the other in chronological succession” (Ullmann, 2010, p. 2).

he, though, mean by ‘powers that be’ the concrete occupants of powerful positions within a structure of power or did he mean the structure of power itself? As we will see below, Christian thinkers entertained both interpretations and were, thereby, led to very different results when discussing the possibility of disobedience of political authority. After having defined the Christocentric world as characterized by a descending conception of political authority, we can understand better the ideas of Christian thinkers on disobedience. Moreover, the distinction between ascending and descending conceptions of political authority will further inform our inquiry into the transition to modernity and the consequences for political concepts

### Three interpretations of St. Paul’s thesis: Absolute obedience, passive disobedience, and active disobedience

All Christian discussions about the nature of political obligation and the possibility of disobedience are rooted in the distinction between occupant and office. This distinction, as was already mentioned, enabled Christian thinkers to explore three interpretive options that could be translated into three different political conclusions: first, absolute obedience, second, passive disobedience, and third, active disobedience. The first option of absolute obedience is derived from a literal reading of St. Paul’s assertion that “the powers that be are ordained of God”. If the political ruler is directly ordained of God, it follows that all orders are to be obeyed. Perhaps, as St. Augustine had argued, such rulers are part of God’s plan to punish us for our sins, and therefore, “we may be intended not to resist but to suffer it patiently”<sup>10</sup> (Ryan, 2012, p. 222). This understanding sits well with the doctrine of ‘the fallen nature of humanity’. If the original sin corrupted Adam’s nature, and humanity in its entirety is his posterity this corrupted nature must have been transmitted on us as well (Laudani, 2013, p. 25). Politics itself is necessary precisely because humanity’s fallen nature is in need of discipline (Ryan, 2012, p. 199).

The second option explored by Christian thinkers was passive disobedience. To begin with, it is important to note one distinguishing feature between ancient classical thought and Christian thought. For Aristotle the city-state (*polis*) is a partnership of individuals, families and smaller

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<sup>10</sup> To be sure, St. Augustine did entertain the idea of purely passive disobedience in the form of non-cooperation in unchristian deeds. When political rulers demanded from their Christian subjects to perform actions that were explicitly forbidden by the Christian dogma, the latter were under no obligation to obey (Ryan, 2012, p. 251).

communities with the aim of self-sufficiency (*autarkēs*) and a good life (*eudaimonia*).<sup>11</sup> Hence, the ancient tradition sees full human flourishing and self-realization as attainable objectives when facilitated by the proper institutional setting of a city-state. This last point entails that politics is of utmost importance, since it is only through political action that human beings can establish the conditions that could enable the realization of their potential. Christianity, on the contrary, imagines the human condition after the fall from the Garden of Eden as transitory, imperfect and sinful. If our life on earth is “merely a preface to our life elsewhere” (Ryan, 2012, p. 190), politics is of secondary importance. The *raison d'être* of politics is not anymore facilitating the good life right here and now but assisting us in living as good Christians in the hope of eternal salvation elsewhere.

Against this background, “the conventional view down to the sixteenth century was that if a ruler required his subjects to repudiate Christ, they did not have to comply” (Ryan, 2012, p. 199). To elaborate, the distinction between office and occupant had opened up the space for justified disobedience. Furthermore, the idea that the primary function of a political ruler was the facilitation of his subject’s struggles to lead good Christian lives suggested that the grounds upon which disobedience could be justified were to be found in the religious canon. This gave rise to the question of authorization. Who was to judge what unchristian orders were? In the case of Antigone, individual conscience seemed to be the guiding principle. In the Christian context disobedience had to be “sanctioned and authorized by an ecclesiastic instance” (Laudani, 2013, p. 29). Only the clergy could release the community from the duty to obey. This point is important because, first, it entailed that even though the individual subjects were responsible for performing disobedience by non-compliance, they had no right to trigger such (in)action, and, second, it invested these societies with the tension-ridden relationship between religious and secular power blocks. Recall that as Michael Walzer argued, disobedience was premised on the existence of groups, such as churches, invested with the duty to safeguard a body of eternal laws, the authority to interpret such unchanging canons of rules, and the capacity to successfully solve collective action-problems. It is precisely this situation that we discover to be characteristic of the Christocentric world. The church is precisely this entity capable of enabling disobedient politics. Furthermore, notice that there is no individual right to disobedience. Such an individual right would have amounted to a negation of the descending conception of authority and an endorsement of its opposite, the ascending understanding. Finally,

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<sup>11</sup> The point echoes throughout the *Politics*. See for instance, *Politics* 1252b27–30, 1275b20-21, 1280b32-35. For a translation see Aristotle, 2005.

this form of disobedience earns the epithet *passive* because it does not give rise to a “positive right to overthrow one’s lawful rulers” (Ryan, 2012, p. 199).

An active right was discussed, for example, by John of Salisbury who explored the third option mentioned above.<sup>12</sup> Though he also starts from the assumption that all political authority stems from God alone (Ryan, 2012, p. 219), under the influence of the ancient doctrine of tyrannicide he distinguished between kings and tyrants. For John of Salisbury, the occupation of the office of kingship by an individual does not automatically entail that the individual in question was a king. Being a king was further premised on a performative condition, namely, the practicing of justice by the person occupying the office of kingship. Put briefly, for John of Salisbury any ruler who did not rule for the sake of common good but instead used his position within the God-created institutional setting to serve his own interests was not a king but a tyrant. This conclusion was supported by the position that such rulers were violating, through their conduct, the very *raison d’être* with which God had invested the institution of kingship in the first place. Hence, such tyrannical rulers had demonstrated through their conduct that they had no godly authority on their side. They had performatively disproved, as it were, the idea that their authority descended from God by contradicting or negating the very function bestowed to the institution of kingship by God. Therefore, “if they [were] resisted and killed by their people, they [had] no legitimate complaint and their people [had] done no wrong” (Ryan, 2012, p. 221). The fact that these ideas sound surprisingly modern indicates that, as Ullmann argues, republican ideas about the ascending nature of political authority “lived a somewhat subterranean existence throughout the medieval period” (Ullmann, 2010, p. 3). However, as we saw in the previous pages, descending and ascending conceptions of political authority do not sit well together. John of Salisbury’s scheme lies on thin ground because, first, it implies that the people have the right to determine what the common good consists in, and, second, it does not sit well with the doctrine of humanity’s fallen nature. The latter, as was argued, entailed that even tyrants may have been instituted by God as a form of punishment for our sinful nature.

To summarize, there are three options that Christian thinkers explored when confronted with the issue of political (dis)obedience: absolute obedience, passive disobedience, and active disobedience. Christian disobedience both in its passive and in its active form is characterized by a second-order obedience architecture. To explain, the architecture of Christian disobedience reflects

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<sup>12</sup> To be sure, the exposition of the three avenues is not chronological.

a conditional on the validity of laws. A law is valid only if it does not contradict the divine, eternal, and revealed law of God. Hence, Christian thought argues that the real disobedient is the one who issues unchristian laws and orders because he is the one to disobey the highest authority, that of God. A Christian who disobeys such orders does so, in reality, in order to obey this higher authority. Hence, the second-order obedience architecture of Christian disobedience. In more practical terms, given that as we argued earlier, disobedience of a king must be “sanctioned and authorized by an ecclesiastical instance,” the Christian prioritizes his loyalty to the Pope or other ecclesiastical authority over the king. Consequently, this form of disobedience as second-order obedience, first, does not question the hierarchical social structures, such as that of the kingship, and, second, it does not question the modality of legitimization of authority and obedience on which kingship rests. Recall that for St. Paul, all “the powers are ordained of God.” However, as we saw above, the office itself and the occupant of an office, in this case kingship and the King, are two separate things. Christian disobedience, by having the architecture of a second-order obedience, reaffirms the status quo. Its architecture entails that it is ultimately a restorative force that seeks to re-establish the order of things before the alleged digression provoked by the political ruler’s unchristian orders.

To connect the above conclusions to the previous section on the critics of disobedience, recall that for Walzer disobedience was premised on, first, the existence of a recognized body of laws and rights (divine, natural, or conventional) that applied to all members of a defined community, and, second, the presence of groups like guilds, churches, and cities tasked with protecting and interpreting these laws, and solving collective action problems. Hence, disobedience is for Walzer only half a politics that is backward looking and “not aggressive or transformative.” What is more, Walzer claims that the preconditions for disobedient politics do not obtain in the modern world. At most, he says, through disobedience protesters can defend a constitutional status quo ante.

Ingeborg Maus argues in a similar way (see, Maus, 1992, p. 37; Niesen, 2019b, p. 33). She criticizes contemporary activists for using the language of resistance and disobedience, arguing that this reflects a pre-democratic mindset that makes their actions defensive and not transformative. In modernity, where political authority is legitimized by the people's will (as opposed to divine or traditional law), activists are able to focus on creating new futures. By adopting the vocabulary of disobedience, they revert to medieval legal frameworks, restricting themselves to defending the past rather than using their freedom to shape the future. Maus believes this approach unnecessarily limits the potential for real change.

It is apparent that the critics' charge discussed in section ii) holds water with reference to the origins of disobedient politics. In order to better understand the critique's substance and implications, we need to highlight the constitutive features of the modern world that, according to these critics, make disobedience in the form of second-order obedience an incompatible with the modern social constellation. Furthermore, a reconstruction of the constitutive features of the modern world will inform our inquiry into an appropriately modern model of disobedient politics. For now, it is important to note, first, that conceptions of disobedient politics as second-order obedience rely on descending modes of legitimization of political authority, and, second, that modernity is characterized by an ascending mode of legitimization of political authority. Hence, at first sight the critics' suspicion against vocabularies of disobedience and resistance seem to hold water. In the following section, we will further scrutinize the constitutive features of the modern world in order to better understand both the critics' claim and the potential ways out of it for models of disobedient politics.

### iii) A crisis of political concepts: The emergence of the modern world and its implications for political authority and obedience

Let me recapitulate the main points of the discussion so far. We started with the main claims of critiques of disobedience and we distinguished between obligation absolutists and contemporary critics of disobedience that identify its origins in the pre-modern Christian world and articulate a historically situated criticism. More precisely, we saw that these critics' main claims were that, first, disobedience is only "half a politics" because it is structurally backward-looking, second, that it comes with too big opportunity costs, and, third, that it is incompatible with the contemporary democratic context. In a second step, we analyzed the intellectual context within which the Christian understanding of disobedience emerged and was developed. We found out that the structure of political authority and its reliance on widely diffused Christian ideas was a precondition for the possibility of justified disobedience as second-order-obedience. Insofar as we succeeded in corroborating this point, we illustrated the validity of the critics' claims regarding the origins of disobedience. To put it more schematically, the existence of an extra-political and extra-social common justificatory ground of political authority was indeed what allowed for the possibility of justified disobedience in the pre-modern world. In this section, I will argue that such an extra-political and extra-social common justificatory ground is absent from modern societies. In subsequent chapters we will inquire whether the disobedience as second-order-obedience is the

only plausible architecture of disobedient politics. In other words, we will inquire into whether disobedience is always and everywhere a restorative and backward-looking concept.

In order to support the thesis that in modern societies political authority is not legitimized through the same modality, we need to delve into the transition to modernity and clarify the particular nature of the structural preconditions of legitimate political authority in the modern world. To do so, we need to analyze the distinctive processes and institutional transformations that are associated with the modern era.

### What is modernity?

To begin with a word of caution, how we are to understand the transition to modernity is itself a debated topic. Are we to understand the transition as the move from one particular culture, with its own “set of practices that define specific understandings of personhood, social relations, states of mind/soul, goods and bads, virtues and vices, and the like” (Taylor, 1995b, p. 24) to a different culture with different background understandings? Alternatively, are we to understand this transition as something that eventually happens to all cultures as traditional beliefs are attacked and invalidated? It is important to clarify from the beginning that in the context of this dissertation, our scope is restricted to societies that are uncontroversially modern. Furthermore, as will be argued in Chapter V, context-dependence is considered a virtue for any model of disobedient politics. The present inquiry, then, restricts its scope to societies that have already undergone a process of modernization. It does not claim any universal applicability or validity. Far from this, it reckons contextual restraints as both inescapable and virtuous for theory and politics alike.

That being said, a first geographical and temporal specification seems apt. Anthony Giddens understands modernity as a concept that “refers to modes of social life or organisation which emerged in Europe from about the seventeenth century onwards and which subsequently became more or less worldwide in their influence” (Giddens, 1990, p. 1). Such modes of social life, institutional organization, and normative gradations result from “deeply structured processes of change taking place over long periods of time” (Held, 1996, p. 73), which can neither be pinned down to singular factors nor be classified within a broader scheme of evolutionary developments (Hall, 1996, pp. 1, 7). The combined effect of these processes has given rise to a number of distinctive social characteristics that, on the one hand, are unique to modern societies, and, on the

other hand, have significant implications for a theory of disobedient politics. Modernity, therefore, is associated with a period in time but the content of the concept is more than temporal. It denotes “the social, political, cultural, institutional, and psychological conditions that arise from certain historical processes” (Finlayson, 2005, p. 63).<sup>13</sup> For that reason Giddens uses the image of a ‘juggernaut’<sup>14</sup>, that is, “a runaway engine of enormous power which [...] crushes those who resist it” to characterize modernity (Giddens, 1990, p. 139). To borrow a passage from Engels and Marx that captures the violent process that modernity is:

All fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned [...]. (Marx and Engels, 2015, p. 6)

Let us, then, turn to the content of the historical processes that resulted in the *unique* constellation of social characteristics we call modernity. First and foremost, modernity is characterized by the gradual and deep-seated decline of the cultural systems of religion and tradition. As was already argued, Christianity and tradition were the “taken-for-granted frames of reference” (Anderson, 2016, p. 12) in pre-modern Europe, whose self-evident validity supplied pre-modern social practices in general and political relations in particular with legitimacy. Their disintegration was, therefore, an enabling condition for the emergence of the *novel* constellation of characteristics we call modernity. The disintegration of religion and tradition is a complex process that took place over a long period of time and cannot be fully accounted for in the context of this dissertation. A number of factors that have been proposed as possessing significant explanatory value are indicative of the outcome of the transition to modernity. Therefore, it seems apt to reconstruct these factors.

First, the explorations of the non-Western world did not only stretch the geographical boundaries of the European continent but also brought Europe into contact with other civilizations. Consequently, the uniqueness and sacredness of the Christian cosmology was put under pressure by the unavoidable recognition of the existence of other “possible forms of human life” (Anderson, 2016, p. 16). Second, the Christian community was organized around a sacred language, the access to which was reserved only for the initiated. The advent of ‘print capitalism’ made it increasingly difficult to sustain this unity and eventually the old linguistically and religiously integrated European

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<sup>13</sup> Conceived thus, modernity is associated but distinct from the artistic movement termed modernism in that one may choose whether to ‘go’ or not to modernism but “modernity comes to you” (Finlayson, 2005, p. 63).

<sup>14</sup> The concept of a juggernaut stems from the Sanskrit tradition and it denotes a process or power that is unstoppable or cannot be halted because of its overwhelming force that crushes whatever lies in its path.

intelligentsia gave way to communities that were “gradually fragmented, pluralized, and territorialized” (Anderson, 2016, p. 19). Third, and relatedly, the emergence of the movement of the Enlightenment challenged the monopoly of the clergy over knowledge about “nature, man [sic], and society” (Hamilton, 1996, p. 24). The ideas of empiricist reason, scientific methodology, individualism, and emancipation associated with the movement of the Enlightenment entailed that a number of Enlightenment figures dedicated time and energy to disprove “outmoded, scripturally-based concepts of the universe, the earth and human society” (Hamilton, 1996, p. 30). At the same time, the Enlightenment thinkers constituted the first sufficiently big and powerful social group to seriously challenge the authority of the clergy (Hamilton, 1996, p. 24). Among other things, the technical successes enjoyed by the natural sciences, the social origins of the Enlightenment thinkers, and the institutionalization of the movement in various big European cities played a role in turning the scale increasingly in favor of the anti-traditionalist and secularist worldview the Enlightenment represented. Fourth, at the societal level the increasing dominance of instrumental rationality in the fields of economic production and bureaucratic administration made it increasingly difficult for self-evidential explanations such as religious and traditional worldviews to reproduce themselves.<sup>15</sup>

The reader may have noticed the use of two adjectives two paragraphs above to characterize modernity: unique and novel. The modern world is unique and novel in the following concrete and definite sense: it is “distinct in form from all types of traditional order” (Giddens, 1990, p. 3). I follow Anthony Giddens’s ‘discontinuity’ interpretation of modernity. To be sure, a discontinuity interpretation of modernity does not assert that there are no continuities between the traditional and the modern. Drawing a contrast between the two in “too gross a fashion” would be overly misleading, since in reality “many combinations of the modern and the traditional are to be found in concrete social settings” (Giddens, 1990, pp. 5, 36). To give only one example, the eighteenth century that marks the descent of religion as an organizing principle of social life, saw the emergence of nationalism. According to Benedict Anderson, nationalism is not to be understood as a “self-consciously held political ideology[]” but rather as an organizing system that took on many of the functions served earlier by religion and tradition that functions in a similar way to the latter, that is, as a “taken-for-granted frame of reference” (2016, pp. 11–12). Moreover, on many occasions, nationalism and particular interpretations of the Christian dogma worked hand in hand in the

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<sup>15</sup> This point is going to be explored further below. A word of caution is necessary though. Instrumental rationality as a mode of thought is not free of taken for granted metaphysics and obscurantism. See, (Adorno and Horkheimer, 2016, Chap. The Concept of Enlightenment).

European context. Hence, a discontinuist interpretation is to be understood as an approach that maintains that in order to understand the modern world, we have to grasp the “unprecedented”, “dramatic”, and “comprehensive” (Giddens, 1990, pp. 4–5) changes that occurred after the dissolution of the social world underpinned by religious and traditional ideas.

How are we then to understand the discontinuities characterizing the relation between modern social institutions and the traditional world? Given that an exhaustive enumeration would be impossible, I would like to mention three features of the modern world that illustrate the importance of a discontinuist approach and set the stage for our discussion of disobedience under conditions of modernity. First, the age of modernity inaugurates a period in history in which the '*pace of change*' is incomparably higher. Even if some pre-modern social systems may deserve the epithets “high-paced” and “dynamic”, when compared to modernity, they are nothing but turtles trying to outrun Achilles. To mention only two examples, one need only visit a technology museum to see how frequent and fast technological change under conditions of modernity takes place, or take a minute to reflect on the historical forms of social institutions such as the family. Second, not only the pace of change under modern conditions but also the '*scope of change*' constitutes a discontinuity that separates the era from the traditional world. Modernity weaves an inescapable net of economic, cultural, social, and ecological interconnections between different parts of the globe that make each part vulnerable to events occurring at any of the other parts. To give a contemporary example, one need only think of the global consequences of the financial crisis of 2008 or the COVID-19 pandemic. Third, and most importantly for our purposes, modern institutions are characterized by an '*intrinsic nature*' (Giddens, 1990, pp. 6-7). Modern institutions are intrinsic in two senses. First, they are intrinsic in the simple sense that they are intrinsic to the modern world, that is, they either did not exist before the latter's emergence, such as the nation-state and the market economy, or did only nominally exist before modernity, such as the city and the military. The latter two, though present in pre-modern societies, have significantly changed in their logic of organization in the course of modernity. Second, modern institutions are intrinsic not only in a simple but also in a specific sense. Having lost the self-evidently valid extra-social and extra-political justificatory religious grounds, modern institutions must generate their legitimacy out of themselves, that is, intrinsically.

To understand this last point, we need to elaborate on the socio-philosophical understanding of the concept of *reflexivity*. As was already argued, modernity is at the same time hostile to the self-evidential validity of tradition and religion. Yet, facets of the traditional world are far from absent

from the modern. This observation may give rise to doubts about the coherence of the discontinuist methodology guiding this inquiry. Such concerns may be put to rest by pursuing an inquiry into the character of reflexivity in pre-modern and modern societies. On an elementary level, all human action is mediated by reflexivity. As Marx puts it, “what distinguishes the worst architect from the best of bees is that the architect builds the cell in his mind before he constructs it in wax” (1990, p. 284). This constant “reflexive monitoring of action”, though a distinctive human trait, is not “specifically connected with modernity, although it is the necessary basis of it” (Giddens, 1990, pp. 36–37). In what, then, does the different character of reflexivity in pre-modern and modern societies consist?

Pre-modern societies are organized around tradition and religion, “the past is honoured and symbols are valued because they contain and perpetuate the experience of generations” (Giddens, 1990, p. 37). This basic characteristic of traditional societies may give the impression that reflexivity is either absent or not significant in this context. The fact that time is experienced through localized social practices that affirm continuity between past, present, and future may seem to leave little to no space for reflexivity. However, tradition should not be viewed as wholly static, since it has to be “reinvented by each new generation as it takes over its cultural inheritance from those preceding it” (Giddens, 1990, p. 37). Reflexivity is, thus, predominantly employed in “the reinterpretation and clarification of tradition” (Giddens, 1990, p. 37). In this context, then, reflexivity is heavily limited by the interpretive horizon afforded by the past and does not face the future as an open-ended terrain.

The transition to modernity invests reflexivity with a distinctive new character. Since, as was argued above, arguments referring to the way things have been done for generations cannot play the role of justifying social practices and institutions, reflection upon the status of the latter does not anymore have tradition as its point of reference. Modernity is an “essentially post-traditional order” (Giddens, 2009, p. 20). This does not entail that traditional practices and institutions cannot be justified under modern conditions but rather that their justification cannot refer back to their traditional character. As Giddens puts it, “[t]o sanction a practice because it is traditional will not do; tradition can be justified, but only in the light of knowledge which is not itself authenticated by tradition” (Giddens, 1990, p. 38). Thus, modernity does not mark the total eclipse of practices and institutions associated with the pre-modern period. It does, however, fundamentally alter such practices and institutions in as far as the latter must now rely for their justification and character on the open-ended reflexivity of the modern period. The distinctively modern character of reflexivity, then, lies in its open-endedness, its role as an integral part of social practices, and its scope. First,

the decline of tradition and religion liberated reflection upon the status of social practices and institutions from its backward-looking duties. Second, the constant examination of social practices “in the light of incoming information about those very practices [...], constitutively alter[ed] their character” (Giddens, 1990, p. 38). Third, the scope of reflexivity becomes broadened so as to be applicable to virtually all aspects of human life, “which of course includes reflection upon the nature of reflection itself” (Giddens, 1990, p. 39). These three characteristics invest modernity with the familiar *dynamism*. They bring about a conflict-ridden social context characterized by wide-ranging and constant change.

To summarize, modernity, according to the discontinuist understanding adopted in the context of this dissertation, is characterized by a widespread and institutionalized intrinsic reflexivity. Reflexivity denotes the fact that in modern societies the drive for constantly scrutinizing, assessing, and evaluating social practices and institutions in the face of newly acquired knowledge takes center stage. This aspect of modern social practices and institutions is not “incidental [...] but constitutive” of them under conditions of modernity (Giddens, 2009, p. 14). Furthermore, reflexivity in modern societies is institutionalized. To give one example, the very existence of “[s]ociology, and the social sciences more widely conceived” testifies to the centrality of reflexivity in modern societies (Giddens, 2009, p. 2).

The centrality of reflexivity and the dynamism of modern societies has two implications for the discussion of the history of disobedience. First, modernity is characterized by “widespread scepticism about providential reason” (Giddens, 2009, p. 27). Hence, the accounts of Christian disobedience, discussed above, should be viewed as ineffective or outdated within a social constellation characterized by the reflexivity of its institutions and practices. In other words, Christian disobedience cannot claim for itself the epithet “appropriately modern”. Second, the historically situated critique of disobedience discussed in section ii) seems to hold water when we understand modernity from a discontinuist perspective. Indeed, given that modernity is characterized by dynamism and reflexivity, it introduces a new experiential situation in which the direction of historical socio-political change is not completely bound by the (re)interpretation of the past. A significant degree of open-endedness is introduced in modern politics. Hence, an architecture of second-order obedience that was characteristic of pre-modern accounts of disobedience, seems, at first sight, incompatible with modern socio-political reality. In the following, we will discuss the institutional constellation of modernity and the character of modern politics and

the distinctively modern forms of grounding political authority in order to articulate formal criteria for an appropriately modern and political account of disobedient politics.

### The institutional constellation of modernity

Modernity, at least in its western variant, is characterized by seven institutional clusters (see, Giddens, 1990; Held, 1996; Weber, 2004; Hall, 1996). First, the material production and reproduction of life is characterized by the system of *capitalism*. Capitalism is an order that structures society through the “relation between private ownership of capital and propertyless wage labour” (Giddens, 1990, p. 55). Its functioning is premised upon a variety of institutions, such as a competitive market for products and resources, which functions as an allocating device by determining prices for goods, services, and resources. Put briefly and schematically, capitalism structures societies into capital investors who seek profits and wage-earners who sell their labor power. What is important for our purposes is that capitalism, through institutionalizing a particular social division of labor, generates economic inequalities among different social groups, and thereby gives rise to motivational patterns that fuel social conflicts over distribution and redistribution. Second, *industrialism* is a further organizational principle of modern societies. Without delving into the details of its historical development, industrialism is generally characterized by “the use of inanimate sources of material power in the production of goods, coupled to the central role of machinery in the production process” (Giddens, 1990, p. 56). Alongside the degree of human domination over nature and the immense capacity for the production of goods that industrialism enables, it gives rise to a spectrum of ecological threats and environmental degradation that is unprecedented both in nature and in magnitude.

The remaining five institutional dimensions of modernity are closely tied to the predominance of the form of the nation-state as a territorial, administrative, and cultural organizing principle. The modern nation-state emerged as a power-consolidating structure at a period in which the integrative capacity of religious authority was diminishing and the inherently unstable system of estates was shivering because of the competition between “estates seeking greater power and [...] monarchs hoping to subvert the assemblies in order to centralize power in their own hands” (Held, 1996, p. 66). As was already pointed out, such processes of change take place over long periods of time and the outcome is determined not monocausally but by the dynamic interaction between a

number of factors, which are themselves historical and multifaceted. Thus, instead of attempting a historical explanation of the development of the modern nation-state, it should suffice for our purposes to provide a phenomenology of its form. Modern nation-states are:

*[p]olitical apparatuses, distinct from both ruler and ruled, with supreme jurisdiction over a demarcated territorial area, backed by a claim to a monopoly of coercive power, and enjoying a minimum level of support or loyalty from their citizens.* (Held, 1996, p. 71; Emphasis in the original.)

All five characteristics that I would like to emphasize are present in Held's synthetic definition. First, although previous forms of state organization "have made claims to territories, it is only with the modern states system that exact borders have been fixed" (Held, 1996, p. 71). Territoriality is a defining feature of modernity because by organizing the world through territorially determined sovereign statal entities, it regulates the movement of populations in space through border regimes. Second, the impersonal structure of power in modernity, that is, the fact that the modern nation-state is distinct from both ruler and ruled, captures an important and uniquely modern development. Weber distinguishes between two forms of states. Under the first category, he classifies states in which the administrative officials "own their own means of administration, whether these consist of money, buildings, the materials of war, vehicle pools, horses, or whatever" (Weber, 2004, p. 36). Under the second category, he places states in which "the administrative staff [is] "separated" from the tools of administration in just the same way as the white-collar worker and the proletarian are "separated" from the material means of production in a capitalist enterprise" (Weber, 2004). The modern nation-state is a structure of impersonal power in precisely the sense that the individuals occupying certain positions within the administrative apparatus are dispossessed or expropriated from the necessary means for the exercise of their duties. In the final analysis, the administrative apparatus becomes dependent on the collection of taxes and the issuing of debt for its operation. This, in turn, entails that the state's autonomy is conditioned by its reliance on processes of capital accumulation (Giddens, 1990, p. 57), since taxation is a function of economic activity. The decisive importance of the separation between bureaucrats and the means of administration becomes evident when we consider the three remaining institutional characteristics of modernity and their relation to this feature.

Third, the expropriation of various groups from the means of administration led to the emergence of a state monopoly over the means of violence. In contrast to pre-modern societies, modern nation-states are faced with no competitors over the control of the means of coercive power. Military and policing institutions are the sole organizations capable of coercing populations within

the territory of particular nation-states (Giddens, 1990, p. 58; Held, 1996, p. 71). This feature gives rise to competitions between nation-states and to concerns about the individual rights of members of social groups. Fourth, and relatedly, the increase in the breadth of the administrative power of the modern nation-state was enabled by the immense advancements in its capacities for surveillance and control of information (Giddens, 1990, p. 58). Such capacities are operationalized both through the collection and storing of big streams of information about populations and through the disciplining effects of direct supervision, such as, in schools and prisons.

Finally, the modern nation-state is faced with a weighty requirement of legitimacy. Since the decline of religion and tradition as social integrative systems entailed that the belief in divinely or traditionally sanctioned rights to rule was gradually eroded the operation of the modern nation-state could only proceed through securing a degree of acceptance from the ones subject to its power. As Held puts it, “[t]he loyalty of citizens became something that had to be *won* by modern states: invariably this involved a claim by the state to be legitimate because it reflected and/or represented the needs and interests of its citizens” (Held, 1996, p. 71, emphasis in the original). In the next section we will inquire into the conditions under which such legitimacy could be generated.

### The character of modern politics

After having examined the transition to modernity, it seems apt to examine the question of the character of politics within this framework. Recall that within the context of a Christian polity, politics are devalued. Given the transitory, imperfect, and sinful nature of the human condition after the fall from the Garden of Eden, Christian thought does not think it possible to realize the ‘good life’ on earth. The latter is postponed to the afterlife, for which life on earth is merely a preparatory phase. Hence, all politics could do is assist Christians in their otherwise incomplete transitory lives. The centrality of change, the intrinsic nature of institutions, and the constant reflexive examination of their status in the context of modernity brings politics again to the fore by necessity. As Habermas puts it:

Modernity can and will no longer borrow the criteria by which it takes its orientation from the models supplied by another epoch; *it has to create its normativity out of itself.* (Habermas, 2007, p. 7, emphasis on the original)

Politics emerges as central, not because of a belief in the certainty of the good life on earth, as was the case for Aristotle, but rather because the centrality of reflexivity precludes the possibility of permanent closure of such issues. In this context, politics becomes the only available means for moderns to navigate within a social terrain characterized by constant change. However, it would be wrong to imagine politics in the modern world as a free-floating debate about all things social. Modernity is characterized by a concrete institutional organization of society, as was shown above, that gives modernity its dynamic and contradictions-laden nature and structures political conflict. That being said, before we articulate formal criteria for an appropriately modern theory of disobedience, we need to delve into the problem of grounding political authority in modern times.

According to Raffaele Laudani, the sixteenth century French jurist Étienne de La Boétie introduces the problem of obedience in its particularly modern fashion (Laudani, 2013, p. 33). Indeed, La Boétie poses the following question in his *Discourse on Voluntary Servitude*, which has two important implications:

At this time I would only wish to understand how it happens that so many men, so many towns, so many cities, so many nations at times tolerate a single tyrant who has no other power than what they grant him, who has no other ability to harm them than inasmuch as they are willing to tolerate it, who could do ill to them only insofar as they would rather suffer it than oppose him. (La Boétie, 2012, p. 2)

First, La Boétie's question implies that the phenomenon of voluntary obedience needs explanation. As a humanist, he starts from the basic assumption that "we are born not only in possession of our freedom but with the desire to defend it" (La Boétie, 2012, p. 9). Given that this pulling mechanism of natural love for liberty is embedded in the human psyche, La Boétie wondered how it was possible that so many people voluntarily submitted to the powers that be. He was convinced that the phenomenon in question could not be explained solely with reference to force and fear. His answer was that:

The nature of man is to be free and to wish to be so; but his nature also is such that he follows naturally the bent given him by his nurture. (La Boétie, 2012, p. 17)

Even though the metaphysical presuppositions of his argument from the perspective of 'nature of man' appear today untenable, his second claim about the connection between socialization and freedom proved such a fruitful idea that, as we will see below, it outlived him by centuries.

Second, and relatedly, La Boétie's thought discloses the emerging new "structural fragility" (Laudani, 2013, pp. 33–34) of sovereign power. Insofar as obedience to the sovereign is a function of the willingness of the ones subjected to his authority to tolerate him [sic], La Boétie foreshadows the dependence of political power to its subjects' consent.<sup>16</sup> We see, then, that the reified, nature-like and self-evident category of obedience undergoes a process of demystification in La Boétie's thought that reflects the destabilization of the foundations of medieval political authority. Briefly put, the transition from the feudal to the modern world initiated a process of gradual dissolution of the metaphysical, religious foundations (Honneth, 1995b, p. 124) of monarchical authority. This, in turn, entailed that in the absence of a transcendental basis (Laudani, 2013, p. 34) political authority was obliged to justify obedience in a secular and immanent manner (Sitze, 2013, pp. x–xi). The novelty in La Boétie's approach is precisely the move to conceive of obedience as a problem in a post-religiously founded political context.

To anticipate, then, I maintain that any understanding of disobedient politics that aspires to be appropriately political in the modern sense needs to emphasize two critical dimensions of political action in the modern world. First, political action must be understood as distinct from other forms of collective action, such as instrumental or rational actions or ethical and moral actions. Political action is irreducible and operates in its own sphere, engaging with the unique challenge of shaping the collective conditions of social life. In other words, there is a variety of ways in which collective action might occur in modern societies. I maintain that for such forms of collective action – one of which is disobedient action – to deserve the epithet political they must be distinct from other forms of collective action, such as instrumental and moral collective action. This argument will become clearer after the discussion on collective action problems in Chapter III.

Second, as emerges from the above, politics is the sphere of conflict *par excellence*, where disagreement and contestation are not anomalies but inherent to its practice. In modernity, the disenchantment of the world has removed extra-political, permanent grounds for resolving such conflicts, making politics the central and ongoing domain for negotiating power and values. Appropriately political disobedience, therefore, must embrace these two principles, recognizing both the irreducibility of the political and the unresolvable nature of conflict in modern social life.

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<sup>16</sup> It is important to note here that by conceiving of the non-support of a sovereign as a sufficient condition for the sovereign's demise, La Boétie is a theoretician of direct action, passive resistance and non-cooperation *avant le lettre*.

iv) Articulating formal criteria for an appropriately modern and political theory of disobedient politics

This chapter aims at articulating criteria for an appropriately modern and political theory of disobedient politics. The requirement for articulating such criteria emerged from the efficacy of what was termed above a historically situated critique of disobedience. Given that these critics argued that disobedience figuratively speaking was contaminated by its history, we reconstructed the history of the concept in pre-modern times. The critics argued that disobedience reflects a world that is alien to us. On the one hand, it is only half a politics because at most it can bring about a *status quo ante*, and, on the other hand, it represents a pre-democratic and servile mindset. In our discussion of Christian disobedience as second-order obedience, we concluded that when disobedience is characterized by this architecture, the critics' claim seems to hold water. Hence, in the next step we elaborated on the epochal developments that are associated with the emergence of the modern world. The claim that this section will put forth is that in order to dodge the critics' bullet, we need a model of disobedient politics that fulfills each of the following criteria.

Each of the characteristics of the modern world that we thematized has consequences for any attempt at formulating a theory of disobedience from our historical standpoint. I thus now want to present these consequences in the form of criteria for an appropriately modern and political theory of disobedient politics. First, modern societies, as we saw, are unprecedently high-paced societies. They are characterized definitionally by the speed with which they change. Institutions, though, be they legislative, economic, executive, judicial or more broadly social are slow changing entities characterized by inertia (Markovits, 2005; Smith, 2011). Hence, theories of disobedient politics must be embedded within the general framework of political theories that recognize the fact that in high-pace societies, institutional change will inevitably – sometimes – start outside the institutionally provided avenues for action. In this sense, on the one hand, we need a model of disobedient politics that is *not limited to the restoration of an allegedly just or legitimate status-quo ante*, and, on the other hand, the model in question must be embedded within a theoretical framework that does *not understand disobedience as a form of exceptional politics* that is to be employed only under exceptional circumstances.

Second, not only the pace but also the scope of change within modern societies is unprecedented. To repeat, modernity weaves an inescapable net of economic, cultural, social, and ecological interconnections between different parts of the globe that make each part vulnerable to events

occurring at any of the other parts. Thus, a model of disobedient politics must recognize that the roots of social maladies may be located *outside the framework of the nation-states* within which agents are forced to act. To illustrate by means of examples, think of the global financial crisis of 2008 or the climate crisis. Agents mobilizing the means of disobedient politics to protest various aspects of these phenomena, do not necessarily address through disobedience the social majorities within their societies but supranational systems that generate negative externalities with severe consequences for their lives.

Third, the aforementioned loss of extra-social and taken-for-granted foundations of political authority stemming from religion and tradition, which Max Weber captures through the concept of the disenchantment of the world, bring about the need for legitimization of social institutions and practices to unfold immanently. This feature of the modern world was discussed above by reference to the idea of the intrinsic nature of modern institutions, that is, to the idea that modern institutions must generate their legitimacy out of themselves. For our purposes, this development gives rise to the need for a *reconstructive normative methodology*.

To elaborate, any model of disobedient politics designed for modern societies cannot rely on the normative architecture that characterized the Christian model of disobedience and the representation of disobedient politics embedded in the critics' charge. The normative architecture of 'disobedience as second-order obedience' cannot work in the context of modern societies because the latter are characterized by the lack of extra-social permanent normative grounds and an open-ended reflexivity that constantly scrutinizes the value and legitimacy of institutions and social practices. As Giddens puts it, "[t]o sanction a practice because it is traditional will not do; tradition can be justified, but only in the light of knowledge which is not itself authenticated by tradition" (Giddens, 1990, p. 38). Hence, given that, on the one hand, there is a need for extra-institutional forms of political action in the face of the high-pace of modern societies and the inertia that characterizes institutional logics, and, on the other hand, modern societies are definitionally characterized by the lack of permanent legitimating grounds, searching for normative foundations that trump and transcend the democratic logic of modern societies is an impasse. The way out for addressing mismatches between societal developments and institutional constellations is grounding extra-institutional forms of action, such as disobedient politics, through either a constructive or a reconstructive method. Constructivism will be discussed in Part Two in its Rawlsian variant. Normative reconstruction refers to the practice of critically examining the norms of particular social entities, such as institutions and practices with the aim of clarifying, refining, and redefining the

relevant norms and their instantiation in concrete institutions and practices and it will be examined in Part Three.

Fourth, instances of disobedient politics must be situated within the social dynamics generated by the intersecting forces produced by the concrete institutional constellation of modern societies. A sociologically informed model of disobedient politics is necessary for appreciating the nature of the phenomenon and drawing the relevant political and normative conclusions. Agents within modern societies meet and interact within a concrete institutional framework that shapes dynamics and action. Disregarding this reality risks viewing instances of disobedient politics as isolated conflicts between, for instance, individual (ethical) consciences. If we do not situate disobedient politics within the dynamics shaped by the institutions that determine modern societies, we run the risk of moralizing. To anticipate, the logic of modern politics is characterized by agonistic relations. Agonistic relations are not random forms of competitive engagement between social groups. On the contrary, they are distinct forms of conflict because their sources are located within the inner dynamics of social structures. As we saw above, a number of the characteristic features of modernity, as developed above, make conflict within modern societies invariant. The centrality of social change and the loss of extra-social permanent foundations entails an impossibility of permanent closure of questions about the organization of social life. The penetration of 'instrumental rationality' (*Zweckrationalität*) into virtually all spheres of human life necessarily leads to "a loss of the sacred sense of wholeness and reconciliation between self and world provided by myth, magic, tradition, religion or immanent nature" (Scaff, 2000, p. 105). Thus, according to Max Weber, modern politics emerges as a necessary mediation between conflicting parties. Hence, we need a model of disobedient politics that is embedded within a general social theoretical framework that recognizes that the nature of the institutional structures of modern societies makes *conflict an invariant and ineradicable element of social life*.

Therefore, disobedient politics should not be viewed as a form of exceptional politics only relevant under extraordinary conditions. In other words, our model of disobedient politics must avoid concealing the political logic of this form of collective action. As will become clearer in Part Three, articulating a model of disobedient politics that is appropriately and distinctively political requires, on the one hand, that we proceed from theoretical assumptions that do not reduce the political neither to the economic nor to the ethical or moral, and, on the other hand, as will be argued in the following paragraph, that the model is embedded within a theoretical framework that recognizes the irreducibility of conflict within modern societies.

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## Conclusion

The preceding analysis has laid out a number of criteria that will inform our inquiry in the following chapters. The present chapter started by documenting the popularity of the vocabulary of disobedient politics during these first two decades of the 21<sup>st</sup> century. In the next step, we reconstructed the critique of disobedience in order to thematize that this form of politics is not unproblematic from a modern standpoint. Theorists such as Michael Walzer and Ingeborg Maus have argued that disobedience is at best only “half a politics” because of its backward-looking conceptual architecture that invests it with a restorative function and at worst such vocabularies reproduce a pre-democratic mindset. These theorists based their arguments on the idea that acts of disobedience are necessarily limited to bringing about a *status quo ante* and, thereby, simultaneously necessarily assume the *status quo ante* to have been legitimate or just, on the one hand, and consolidate a naturalizing view about history, on the other. This is so, because by disobeying to resist a law, policy or statute one is allegedly communicating that the political ruler by issuing the decree in question is transgressing justice. Therefore, before the issuance of the decree in question it must have been the case that justice prevailed. The image that emerges is that of an impossibility to move forward because if disobedience is only ever justified when the past is assumed as just and legitimate, all that disobedience can do is protest transgressions from the past in question. In other words, disobedience is not transformative but restorative. However, modernity, argue these theorists, is characterized by the idea that all authority stems from the people and therefore the will of the people cannot be peremptorily bound.

As was shown, this complaint captures the architectonics of political legitimacy in pre-modern societies and the essence of Christian conceptions of disobedience. Indeed, when the legitimacy of political authority is characterized by a descending logic – to use Ullman’s classical distinction – the right to rule or govern is founded on extra-social grounds. In the case of the pre-modern Western world, this extra-social foundation was provided by Christian cosmology. What is more, such societies are characterized the existence of two centers of power. Thus, in such a context disobedience could be mobilized because, first, it could be justified with reference to an extra-political foundation, and, second, the collective action problem could be solved because of the bicentric nature of such societies. The critics’ claims, then, appear to have been correct. Disobedience, when thus conceived, does indeed reflect a pre-democratic mindset.

In the remainder of the chapter, we discussed the constitutive features of the modern world in order to thematize the developments with regard to the question of political authority in the transition from the pre-modern to the modern. In our analysis we focused on the unique and novel characteristics of the modern world from both the perspective of culture and that of institutions or social structures. Our goal was, on the one hand, to elaborate the sources of the skeptics of disobedient politics, and, on the other hand, to gain a solid understanding of the nature of political authority in modern societies in order to guide our goal of articulating a theory of disobedient politics that is appropriately modern. From this analysis, I maintain, we can draw criteria that any attempt at articulating a model of disobedient politics from within the modern standpoint must satisfy in order to dodge the critics' claims.

The discontinuist understanding of modernity starts from the gradual dissolution of the taken-for-granted systems of religion and tradition. The dissolution of the self-evidently valid, life-orienting systems of religion and tradition opened up the space for the unique and novel constellation of characteristics that constitute the modern world and, thereby, led to a crisis of political concepts, such as disobedience. Hence, Chapter I concludes with four criteria for a model of disobedient politics that will dodge the critics' bullet by representing an appropriately modern and political model. To repeat, first, the high-pace of modern societies coupled with the fact of institutional inertia, necessitates a theory of disobedient politics that supports extra-institutional actions and rejects the notion that disobedience is solely restorative or exceptional. Second, the global interconnectedness of modern societies, where the interaction between the local and the global gives rise to new social problems, such as the climate crisis and global economic inequality, entails that social maladies exceed the boundaries of nation-states. Hence, what is required is a model that recognizes people's capacity to act beyond the nation-state and beyond their formal citizenship, addressing transnational issues and challenges that surpass national boundaries. Third, the disenchantment of the world gives rise to a situation in which political institutions must justify themselves out of themselves, that is, immanently. Hence, theories of disobedient politics must operate within this framework by adopting a reconstructive normative approach, critically examining existing norms and institutions rather than relying on outdated normative systems like second-order obedience. Fourth, modern social conflicts are structurally mediated and deeply embedded within institutional dynamics. Disobedient politics must be seen as part of these structural conflicts. This understanding ensures that disobedient politics is framed within a distinctively political logic, recognizing the centrality and inevitability of conflict in modern societies.

In the following Part Two, I will discuss the most prominent candidate for such an account, that is, John Rawls's theory of civil disobedience.

## Part Two – The liberal paradigm: On Rawls's model of disobedient politics and its shortcomings

### Chapter II – Rawls's model of civil disobedience and the nature of structural injustices

#### Introduction

As was shown in the Introduction and Chapter I, the previous two decades witnessed a rapid increase in the number of social agents making use of the practice and vocabulary of disobedient politics. To reiterate, these events led *The New Yorker* to announce 'The Return of Civil Disobedience' (Cobb, 2016). What unites all these instances of political protest is their law-defying character. According to Adam Sitze the *zeitgeist* of political protest of our times consists in the conscious refusal "to carry out the constituted laws and even the law-constituting authority of those who hold formal political power" (2013, p. vii). William Scheuerman observes that "we are witnessing a proliferation of politically motivated illegalities", which is caused by the citizens' broad dissatisfaction with the way contemporary representative democracies function (2018, p. 4).

The popularity of disobedience in the political domain prompted many academics and theorists to examine conceptually, methodologically, and normatively the available accounts of disobedient politics. Thus, what once may have been considered settled, was now put under scrutiny and nothing was safe. The liberal paradigm, in particular, that for many decades was celebrated and enjoyed a hegemonic status among academic circles, attracted critical scrutiny. It had been developed in the 1960s and 1970s (Bedau, 1991; Scheuerman, 2018, chaps 2, 3) both as an attempt to secularize religious accounts, such as that of Mahatma Gandhi and Martin Luther King Jr. and as an attempt to make space, within the context of general liberal theories of justice and democracy, for unorthodox means of political action. The drive to accommodate disobedient forms of political action stemmed, most paradigmatically, from the experience of movements, such as the civil rights movement, the environmental movement, the feminist movement, and the pacifist movement. Liberal theorists sympathetic to the aims of these movements felt the need to accommodate the tactics employed by them. In a nutshell, the paradox that upset liberal theorists was how to square their belief that Western representative democracies were legitimate and altogether well-oiled systems of government and their sympathies for the illegal tactics of the above-mentioned

movements. Moreover, the liberal thinkers were driven by their sympathies to religious accounts of disobedience. These sympathies entailed that, as will be shown below, the outward appearances of religious and liberal disobedience were almost indistinguishable (Scheuerman, 2018, p. 32).

Among the liberal thinkers in question, the model of John Rawls emerged as a gravitational center in the long disobedience debates. Thus, many contemporary critics fire their shots at his account. In the past two decades, his model of civil disobedience was criticized as restrictive, impractical, or dated. Robin Celikates argues that “the standard liberal model, while providing a useful starting point, ultimately leads to an overly constrained, domesticated and sanitized understanding of this complex political practice” (2016a, p. 983). William Scheuerman points out that the processes of “internationalization or *postnationalization*” and “de-statization or *privatization* of political authority” (2018, pp. 109–110; italics in the original) associated with the transition to a post-Westphalian institutional framework pose serious challenges to the nation-state-centric Rawlsian model.

In this chapter, I will follow a different approach. Instead of evaluating Rawls’s model on the basis of standards external to his own theory, I will pursue a form of internal critique. More precisely, I will interrogate the implications of his claims and in particular examine whether his claim that his model of civil disobedience is designed for the special case of a nearly just society leads to any internal contradictions or impasses. First, I will present his model of disobedient politics. Second, I will inquire into the deeper nature of the forms of injustice within the societies within which Rawls’s places his model, that is, within so-called “nearly just societies”. Third, I will argue that the injustices within nearly just societies, that is, the injustices that allegedly disobedient politics is expected to address can be either episodic or structural. Fourth, I will show that when we interpret nearly just societies as characterized exclusively by forms of episodic injustice, that is, the “few bad apples” interpretation, disobedient politics is unwarranted and superfluous – when viewed from the perspective of Rawls’s standards. Fifth, I will show that if we embrace a (very) charitable reading of Rawls’s model and we interpret nearly just societies as societies within which structural forms of injustice may be present, that is, the “sunless branches” interpretation, his model of disobedient politics seems *prima facie* plausible. Finally, in the concluding remarks, I will systematize the necessary requirements so that the *prima facie* plausibility of Rawls’s model is verified. This *prima facie* plausibility, however, is itself not an unproblematic interpretation of his theory. In the subsequent chapter (Chapter III), I will discuss what is wrong with Rawls’s model of civil disobedience even when it is viewed in the light of this very charitable reading. To anticipate, Rawls’s

model is premised on political ontological assumptions that restrict forms of collective action into instances of economic or ethical action.

i) Rawls's model of disobedient politics: Civil disobedience

John Rawls lived through the greatest part of the 20<sup>th</sup> century and his thought was unavoidably influenced by the historical events of his times – be they of global or domestic significance. According to one commentator, Rawls was characterized by what can be termed an “active social conscience” (Lyons, 2014, p. 106). On top of that, according to his students. he was “a world-historical thinker” (Freeman, 2010, p. xvi). And yet Rawls resisted the role of the public intellectual. He “regularly declined requests for interviews” because he believed that philosophers are most of the time misunderstood by the public (Freeman, 2010, p. 5). He seemed to have hoped that his theory would indirectly influence politics by seeming “reasonable and useful, even if not fully convincing, to a wide range of thoughtful political opinions” (Rawls, 1999, p. xi). Thus, Rawls dedicated his work to the articulation of an alternative to the – during his times – dominant utilitarian tradition. He wanted this alternative to provide a better answer to the question of what justice demands in a democratic constitutional context. What is more, he also aspired to show that his conception of justice was within reach, that is, that it was compatible with the facts of basic human psychology and in line with basic human capacities. In other words, Rawls's oeuvre is marked by a practical interest. This idea sheds light on the importance of disobedience in the context of his general theory.

Rawls's first reflected on civil disobedience in 1966,<sup>17</sup> that is, “during the height of the civil rights movement, when protests against US intervention in Vietnam were intensifying, [and] dissidence was often loud and was sometimes unlawful” (Lyons, 2014, p. 106). This first publication of Rawls on the topic of disobedience was entitled ‘The Justification of Civil Disobedience’ and was first included in a volume edited by Hugo Adam Bedau (1969). Later in a very similar version of that text appeared in Rawls's magnum opus *A Theory of Justice*, first published in 1971. To sum up, before introducing the model in detail, one can find indications in Rawls for supporting both the position

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<sup>17</sup> The book in which Rawls reflections were first published is (Bedau, 1969). However, Rawls writes in his *A Theory of Justice* that he wrote the text in 1966 (1999, p. xvii).

that he meant for his work to have immediate application, and for supporting the claim that he expected it to influence politics only indirectly and in the long run (see also: Lyons, 2004, p. 106).

### The definition of civil disobedience

Rawls's exposition of his model of civil disobedience is organized in three parts: definition, justification, and explication of its role within a constitutional democracy.

He defines civil disobedience as follows:<sup>18</sup>

a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government. By acting in this way one addresses the sense of justice of the majority of the community and declares that in one's considered opinion the principles of social cooperation among free and equal men [sic] are not being respected. (Rawls, 1999, p. 320)

Even though Rawls's definition seems at first sight "relatively unproblematic and commonsensical, in the debate about civil disobedience virtually all [its] elements have proven controversial" (Celikates, 2016b, p. 38). In this part of the dissertation, however, I will not go into the details of this general debate, but try to shed light on shortcomings of a more general nature that relate to the ontological and sociological background assumptions pertaining to the social context within which his model is situated.

### The justification of civil disobedience

The second part of Rawls's model addresses questions of justification. Of utmost importance for our purposes is the fact that Rawls's model of disobedient politics is conceived for the special case of a nearly just society (1999, p. 319). Many critics tend to overlook the fact that his model is deliberately designed for this particular case (Kaufman, 2021, p. 93), and that he concedes that "the conditions enumerated should be taken as presumptions; no doubt there will be situations when they do not

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<sup>18</sup> It is important to note here that Rawls, as he himself writes, follows H.A. Bedau's definition as found in: (Bedau, 1961). Thus, we can argue that we have a *prima facie* indication that at least in definitional terms, Rawls's model reflects a consensus within the liberal tradition.

hold, and other arguments could be given for civil disobedience" (Rawls, 1999, p. 326). The concept of a nearly just society will be discussed in detail below because it is the key to uncovering important internal contradictions in Rawls's theory. Briefly put, nearly just societies are societies that are, for the most part, just, that is, the social practices and institutions – "the basic structure of society" (Rawls, 1999, pp. 6-8) – are of such a shape that they respect the 'principles of justice'. However, injustices may emerge within nearly just societies. This last specification is what distinguishes nearly from perfectly just societies. Rawls situates his model of disobedient politics within nearly just societies, on the one hand, because within unjust societies not only civil disobedience but also more radical means of political action are justified, and, on the other hand, because perfectly just societies are in no need of extra-institutional politics. In other words, disobedient politics is a tool in struggles against injustice; hence, it is useless within perfectly just societies. Moreover, the value of disobedient politics stems also from the fact that it is both an accessible and a justified means of political action when more radical means, such as revolution, are neither accessible nor justified.

Rawls posits three conditions for justified civil disobedience. The first condition concerns the "kinds of wrongs that are appropriate objects of civil disobedience" (Rawls, 1999, p. 326). Rawls contends that given that disobedience is a political act at the core of which lies a community's sense of justice, "it seems reasonable [...] to limit it to instances of substantial and clear injustice, and preferably to those which obstruct the path to removing other injustices" (1999, p. 326). To be sure, the limitation of legitimate targets of disobedient politics does not follow as naturally as Rawls presents it and, as will be argued below, more work would have to be done to substantiate this limitation. Perhaps the reasons for limiting the range of the kinds of injustices civil disobedience should address lie in Rawls's conviction that disobedient acts always come with the risk of generating social, economic, and political instability (1999, p. 322). In any case, he proceeds to specify that civil disobedience should be reserved for addressing "serious infringements of [...] the principle of equal liberty, and to blatant violations of [...] the principle of fair equality of opportunity"<sup>19</sup> (Rawls, 1999, p. 326). By contrast, violations of the difference principle do not constitute appropriate objects of civil disobedience because, as Rawls maintains, such violations cannot be ascertained with the same degree of epistemic confidence primarily because they regard social and economic institutions and

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<sup>19</sup> Rawls's two principles of justice are as follows:

"Principle I: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Principle II: Social and economic inequalities are to be arranged so that they are both:

(a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and  
(b) attached to offices and positions open to all under conditions of fair equality of opportunity." (Rawls, 1999, p. 266)

policies, which constitute contested matters and over which broad disagreements reign (1999, p. 327).

The second condition for justified civil disobedience that Rawls posits regards its status as a means of last resort for opposing injustice. According to Rawls, it is generally required of potential disobedient activists to first exhaust the institutionally provided channels of countering injustice before taking recourse to disobedience. However, he designates this condition as a presumption because he does acknowledge that in cases of outright violations of basic rights, the weight of the injustices in question may trump “the duty to use first only legal means of political opposition” (Rawls, 1999, p. 328). Note here a first trace of contradictions. Above it was noted in passing that Rawls develops his model for the context of nearly just societies and that the latter are defined with reference to the fact that they are societies organized with reference to the principles of justice within which nevertheless injustices may occur. Here, Rawls speaks of outright *violations* of basic rights. If outright violations of basic rights are a possibility within nearly just societies, then one may wonder how different they are from unjust societies. This question will be further examined below.

The third, and final, condition for justified civil disobedience that Rawls considers concerns a requirement of restraint sanctioned by the natural duty of justice, that is, the duty “to support and to further just institutions” (1999, p. 293). In a nutshell, Rawls maintains that, when multiple minorities are exposed to equally weighty injustices, then it follows that they all have an equal right to respond to these injustices with civil disobedience. The principle of proportionality implies that all social groups that fulfill the two first conditions are granted an equally justified claim to civil disobedience. Thus, he fears that if all the social groups in question were to exercise their justified claim to disobedience simultaneously, then “serious disorder would follow which might well undermine the efficacy of the just constitution” (Rawls, 1999, p. 328). The third condition, then, demands from potential disobedient activists to organize their actions in such a way so that they fulfill their natural duty of justice not to put the foundations of existing just institutions under serious threat. From the perspective of political practice, this duty could be fulfilled if the social minorities exposed to injustices were to build broader social alliances and thereby coordinate their actions so as to not exceed the limits of pressure that the existing social and political institutions may absorb (Rawls, 1999, p. 329). The same trace of a contradiction that was mentioned above can be identified in this specification as well. Are nearly just societies sufficiently different from unjust societies if outright violations of basic rights of multiple social groups are possible within them? These two questions will occupy our attention below.

## The role of civil disobedience

The third and final part of Rawls's model concerns the role of civil disobedience within the context of a constitutional democratic society. Rawls places civil disobedience alongside significant stabilizing social mechanisms, such as “free and regular elections” and the operation of “an independent judiciary” (1999, p. 336). He conceives of civil disobedience as “a final device to maintain the stability of a just constitution” (Rawls, 1999, p. 337). Importantly for our purposes, Rawls envisions disobedient politics as a device to correct for deviations from justice. This idea indicates that nearly just societies are characterized by episodic rather than structural injustices. The latter are of an enduring nature in the sense that they do not appear contingently, but they stem from long-standing socially significant systems. Hence, as will be argued below, at first sight Rawls's theory of disobedient politics is designed for addressing episodic instead of structural forms of injustice. This implication lies at the heart of the critical analysis developed in this chapter and thus it must be argued for systematically.

That being said, Rawls's scheme echoes centuries-old ideas of representing citizens as the final constitutional guardians. One is reminded of Locke's theory of resistance and the “right to appeal to heaven” (Locke, 1988, chap. XIV; for an analysis: Ashcraft, 2010, chap. 8). Locke departs from the possibility of a conflict between, on the one hand, the state in its legislative or executive instantiation, and, on the other hand, a people that is united by a common interest in individual rights. In Rawls's understanding, though, the conflict is depicted as that between a social majority and the embodiment of its will in the state apparatus and a social minority united by the common experience of injustice and its allegiance to the justificatory constitutional norms. One is reminded, as well, of the codification of the idea of the citizens as the final guardians of the *spirit* of the constitution in a number of liberal constitutions. Some such codifications go actually further than Rawls by including far more radical means in their prescriptions. To quote only one, the fourth and final provision of the concluding Article 120 of the Greek Constitution reads:

Observance of the constitution is entrusted to the patriotism of the Greeks who shall have the right and the duty to resist by all possible means against anyone who attempts the violent abolition of the Constitution. (The Greek Constitution, 1975, rev. 2008)

ii) [What are nearly just societies?](#)

Now that we have introduced Rawls's model, we can scrutinize it by examining whether or not it serves its self-proclaimed ends. The individual elements of his definition, his justificatory arguments, and the role he expects civil disobedience to play within a constitutional democracy have all been put under scrutiny and oftentimes found wanting. In the context of this dissertation the focus will lie on an usually overlooked aspect of his theory, namely, that his model is placed within the context of nearly just societies.

According to one established commentator, Rawls's "account of a nearly just society is notoriously sketchy" (Sabl, 2001, p. 311). Rawls's intention and the concrete content of the concept has troubled commentators for a long time. Some have argued that the concept is used with existing liberal democratic societies in mind, and others that it ought to be understood as a purely hypothetical notion (Lyons, 2014, p. 106). In the following I will, therefore, first, put forth two interpretations of nearly just societies that appear to be the most plausible ones. Afterwards, I will examine his model of disobedient politics as a model intended to be operationalizable within the context of each of the two kinds of societies and evaluate its coherence. Thus, the strategy I follow can be said to consist in a variant of internal critique. The strategy aims at testing the internal plausibility or coherence of Rawls's model, instead of evaluating the model by examining whether it lives up to external standards or by evaluating it on the basis of how well it fares when compared with alternative models.

### Perfectly and nearly just societies

Before I engage directly with the concept of a nearly just society, some central ideas and concepts of Rawls's theory must be introduced. As is well known, one of the organizing ideas of Rawls's theory of justice is the distinction between ideal and nonideal theory. Ideal theory abstracts from the concrete social-historical realities and inquires into "the principles of justice that would regulate a well-ordered society" or, put otherwise, it inquires into "what a perfectly just society would look like" (Rawls, 1999, p. 8). Rawls explains the value of ideal theory with reference to its relation to non-ideal theory. He maintains that ideal theory is the only available means to achieve "a deeper understanding [...] [of] the nature and aims of a perfectly just society" (Rawls, 1999, p. 8), and

thereby inform our praxis under non-ideal conditions with reference to it (Nickel, 2014). His ideal theoretical explorations lead him to define a perfectly just society as one that is well-ordered in the following four respects:

(1) its political, economic, and social institutions meet the requirements of a particular conception of justice; (2) this is publicly known by its inhabitants; (3) in this society people generally accept its regulative conception of justice and observe the laws of justice; and (4) they generally believe their society to be just and want to act accordingly. (Freeman, 2010, p. 243)

We see then that, as Rawls maintains, a perfectly just society is characterized by 'strict compliance', that is, "[e]veryone is presumed to act justly and to do his [sic] part in upholding just institutions" (1999, p. 8). Civil disobedience, by contrast, is part of what Rawls calls "partial compliance theory" or nonideal theory, that is, the theory that "studies the principles that govern how we are to deal with injustice" (1999, p. 8). Rawls's idea of a 'nearly just society' corresponds to the idea of partial compliance. It denotes a society that is "well-ordered for the most part but in which some serious violations of justice nevertheless do occur" (Rawls, 1999, p. 319).

It is then crucial for our purposes to establish clarity with regard to the defining characteristics of a nearly just society. Unfortunately – or luckily – Rawls does not dedicate much space to the discussion of such a society (Nickel, 2014). As he claims, "[f]or the most part I have tried to develop an ideal conception, only occasionally commenting on the various cases of nonideal theory" (Rawls, 1999, p. 343).

What are then the defining features of the Rawlsian nearly just society? Rawls asserts that:

As always, I assume that the society in question is one that is nearly just; and this implies that it has some form of democratic government, although serious injustices may nevertheless exist. In such a society I assume that the principles of justice are for the most part publicly recognized as the fundamental terms of willing cooperation among free and equal persons. (Rawls, 1999, p. 335)

Surprisingly, the interpretative controversy is about the term "nearly" instead of the term "just". In ordinary language it is undoubtedly the case that if disagreement reigns over one of the two terms, we would expect it to be about "just". It is rare to find two individuals, no matter how like-minded they are, who agree completely about what justice is. It is, on the other hand, rather rare to find two individuals who disagree to a significant extent over what "nearly" means. In the Rawlsian framework, nevertheless, the interpretative complexity is reversed. Irrespective of how convincing

his definition of a just society is, he at least does offer us one. As was presented just above, a perfectly just society is one that is well-ordered in four respects.

We are left, thus, with the task of clarifying the specification of “near justice”. To begin with, the grave importance of this specification stems from the fact that it enables Rawls to couple the presence of injustices with political obligation.<sup>20</sup> Civil disobedience, according to Rawls, is a problem “only within a more or less just democratic state for those citizens who recognize and accept the legitimacy of the constitution” (Rawls, 1999, p. 319). In other words, the condition of near justice allows Rawls’s theory to appear, on the one hand, realistic by describing the general social context as only nearly instead of perfectly just. On the other hand, the fact that the social context is nevertheless characterized as sufficiently just entails that political obligation obtains. To clarify, political obligation, that is, the idea that citizens are faced with a normative force that binds them to obey legal statutes, obtains only when the political system in question is regarded as minimally or reasonably or fundamentally just. In the context of unacceptable political systems, such as a military dictatorship, say of Augusto Pinochet in Chile, there may be moral obligations to follow certain laws, such as the prohibition of murder or rape, but there is no such thing as a political obligation to obey any laws, policies, or orders from the regime in question merely because they were issued by the respective regime (see also, Wolff, 1998).

How, then, are we to understand the specification of near justice? Quite naturally the attention of most commentators falls on the claim that certain injustices do exist within nearly just societies. The question is, hence, what kind of injustices fall within the realm of possibility in such a context? Rawls’s assertions hint at two opposite possibilities. On the one hand, he claims that the duty to obey unjust laws – or put differently, political obligation – only obtains if “in the long run the burden of injustice [is] more or less evenly distributed over different groups in society, and the hardship of unjust policies [do] not weigh too heavily in any particular case” (Rawls, 1999, p. 312). This statement entails that not only injustices within societies in which political obligation obtains are of an episodic nature but also that they are normally distributed among social groups. On the other hand, Rawls speaks of “substantial and clear injustices” in the context of nearly just societies, which

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<sup>20</sup> To be sure, Rawls distinguishes between duties and obligations. In the Rawlsian conceptual universe duties are not premised on the performance of voluntary actions, that is, they bind everyone. Obligations, on the other hand, exercise a binding force only on the basis of voluntary actions. Thus, the traditional concept of political obligation, which describes the fact that citizens are generally subject to the normative force of the principle of legal obedience, transliterates into political duty within the Rawlsian vocabulary. However, I opt for political obligation as the more standard term to capture the kind of relation between citizens and the state that I am trying to describe here. See also: (Rawls, 1999, pp. 301–307; Klosko, 2014; Rivera-Castro, 2014).

he defines as “serious infringements of [...] the principle of equal liberty, and [...] blatant violations of [...] the principle of fair equality of opportunity” (1999, p. 326). He further specifies that such injustices, far from being contingent, result from the deliberate actions of an “immovable or apathetic” majority and persist “over an extended period of time in the face of normal political opposition” (Rawls, 1999, pp. 328–329). As examples of the injustices he has in mind, Rawls mentions the violation of political rights and the prohibition of religious practices of minorities. What remains to be seen is whether such injustices should be viewed as rooted in social relations of an episodic or a structural nature.

Given the disagreement among commentators and Rawls experts, in the context of the dissertation at hand, we will discuss both possibilities, and Rawls's model of disobedient politics is going to be examined from the perspective of both possible interpretations. Before doing so, however, I will articulate a formal definition of nearly just societies that will help us understand the differences between the two interpretations.

One can formalize Rawls's definition of nearly just societies as follows: Nearly just societies are characterized by the following four constitutive features:

- a) There is some form of effective democratic government.
- b) The Principles of Justice are the fundamental terms of willing cooperation among free and equal persons.
- c) The Principles of Justice are publicly recognized (for the most part), that is, there is a shared sense of justice shaped with reference to the Principles of Justice.
- d) Serious injustices, that is, violations of the Principles of Justice, are possible.

Hence, what distinguishes nearly just from perfectly just societies is the fact that, in the context of the former, there is a possibility for injustices to emerge. Note that Rawls's formulation is of a phenomenological nature, that is, it points to a difference with reference to the potential observable phenomena within the two contexts. To anticipate, I maintain that in order for phenomenological distinctions to be of theoretical added value, the phenomenological differences in question must stem from differences of a systematic nature. Thus, below I will examine the potential sources of injustices within nearly just societies and argue that only when the sources in question are of a structural and invariant nature, the distinction between perfectly just and nearly just societies holds water.

*The four constitutive features of nearly just societies*

Before we inquire into the potential sources of injustice within nearly just societies, though, we need to scrutinize each of the four constitutive features of those societies.

1. First, feature a) entails the existence of a particular relation between the government and the governed. The governors and/or the governing institutions are (to some considerable extent) responsive and accountable to the governed. To elaborate, Rawls maintains that in order to instantiate the aforementioned principles, “some form of majority rule is justified as the best available way of insuring just and effective legislation” (1999, p. 313). He envisions a political system in which political parties compete in free elections by proposing different political programs in order to win the votes of the majority of the electorate. Competitive elections are the mechanism through which representatives are elected into bodies invested with legislative decision-making competencies. What is more, in nearly just societies, the range of political decision-making is constrained by constitutional provisions that limit the legislators’ freedom to instantiate laws, policies, and the like (Rawls, 1999, p. 313). Such constitutional constraints, such as a bill of rights, are protected by an independent judiciary invested with the competence of reviewing the constitutionality of the decisions of the other two separate branches of power, that is, the legislative and the executive (Rawls, 1999, p. 197). Finally, nearly just societies must be characterized by inclusive and broad deliberative mechanisms. For any society that deserves to be called nearly just, the political game cannot be reduced to mechanisms of aggregation but should instead provide a substantive chances for continuous participation.
2. Second, feature b) implies that the principles of justice are the guiding and regulating norms of social cooperation. To put some flesh on the bones of property b), let me introduce Rawls’s concept of the ‘basic structure of society’. Rawls understands the basic structure of every society to be “the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation” (1999, p. 6). Thus, feature b) implies that the institutional infrastructure – that is, the legal, economic, and political institutions, against the background of which individuals relate to one another – is marked and regulated by the principles of justice. Furthermore, Rawls specifies that these are terms of willing cooperation. This specification implies that forms of

cooperation that occur against the background of a basic structure characterized by the principles of justice should be assumed to be consensual and free.

3. Third, feature c) is open to different interpretations. It merely states that the public recognizes, for the most part, the principles of justice. I maintain that recognition here should be understood in the sense of acknowledgment of the worthiness of the principles of justice. The form of recognition at play in this case cannot consist in the mere indifferent acknowledgment of the fact that the principles of justice are indeed operative within a certain social context. It cannot be reduced to the act of becoming aware of their application. On the contrary, something normatively substantive is involved. This interpretation is backed by the content of feature b), namely, that the principles of justice are indeed the terms under which inhabitants of nearly just societies are willing to cooperate. Moreover, Rawls speaks of public recognition, which entails that the act of recognition of the principles of justice refers to society at large. Hence, we can speak of the existence of a shared sense of justice in the context of nearly just societies (Rawls, 1999, p. 335). What could such a shared sense of justice consist in? We can specify the kind of the shared sense of justice characteristic of nearly just societies by departing from two central ideas in Rawls's scheme: the fact of pluralism and the priority of liberty. According to Rawls, contemporary societies are characterized by the 'fact of pluralism', which denotes the existence of "a diversity of philosophical and religious belief, and of political and social doctrines" (1999, p. 110). Thus, belonging and consensus cannot be grounded on homogeneity resulting from the supreme position enjoyed by one particular comprehensive doctrine. In other words, the shared sense of justice cannot consist in the public recognition of one particular comprehensive conception of the good. Were nearly just societies to promote particular conceptions of the good, they would be violating individual autonomy, understood as "the ability of each person to determine for himself or herself a view of the good life" (Taylor, 1995a, p. 57). This brings us to Rawls's thesis of the priority of liberty. Rawls conceives of persons as possessing the potential for individually reaching an understanding of what constitutes a worthwhile or good human life. Given this capacity, he argues that there is a bundle of individual rights that enjoys priority over other rights and freedoms because of its central role in enabling and promoting the capacity for an autonomous conception of the good (Rawls, 1999, secs 39, 46, 82). Rawls's ideas here reflect a general trend in modern political philosophy, which sought to "promote the value of individual self-definition of ends, or 'plans of life', as Rawls calls them" by restricting "the concept of justice to formal and instrumental principles"

(Young, 1990, p. 36). In other words, a nearly just society cannot specify a shared sense of belonging and justice with reference to any ‘substantive’ understanding of the ends of life. For instance, it cannot promote any particular, and necessarily culture-specific, understanding of virtue as the gravitational center of its self-understanding and shared sense of justice because by doing so it would violate the equal worth of the diverse ends of life, and, therefore, fail to treat everyone with equal respect. Consequently, any society that claims to be nearly just in Rawls’s sense will have to rely on its collective self-understanding or shared sense of justice on formal or procedural criteria. To elaborate, in such societies, belonging and consensus stem from the citizens’ identification with the institutional achievements of their society as they are embedded in the highest instance in the constitution.

One good candidate to concretize the matter further is the notion of *constitutional patriotism*. The notion of constitutional patriotism was first coined in postwar West Germany as an alternative to a collective identity conceived along national lines. In the aftermath of WWII, the population of Germany was, on the one hand, forced to confront the crimes of National Socialism, and, on the other hand, divided into two separate countries. Thus, some commentators argued that the idea addresses specifically German problems and is therefore of limited applicability. However, its popularity in recent years has proved that “the potential uses of constitutional patriotism [...] transcend [...] its original context” (Müller and Scheppel, 2007, p. 68). Constitutional patriotism best captures Rawls’s intentions because it constitutes an alternative to both liberal nationalism and humanitarian cosmopolitanism (Müller and Scheppel, 2007, p. 67). It captures precisely the idea that a shared sense of belonging, self-understanding, and justice can be shaped with reference to the principles, values, and procedures sanctioned by a liberal constitution.

4. Finally, according to feature d), serious injustices in the form of violations of the principles of justice may obtain within a nearly just society. To begin with, Rawls’s understanding of justice must be clarified. Rawls begins by distinguishing between ‘the concept’ and various ‘conceptions’ of justice and argues that we can understand the concept of justice by finding out what the various different conceptions “have in common” (1999, p. 5). The various conceptions of justice, one of which is Rawls’s conception of ‘justice as fairness’, share, according to him, that they all claim to have found the proper way of distributing, allocating or dividing “the benefits and burdens of social cooperation” (1999, p. 5). This formulation

may give the flawed impression that Rawls reduces justice to problems of allocation of material goods. On the contrary, Rawls embraces a broad understanding of the goods of social cooperation, to include not only wealth, income, and property but also rights, duties, power, chances for self-respect, and other similar categories (Young, 1990, p. 16). Recall that justice is ultimately intended to characterize a society's basic structure, that is, its major legal, economic, and political institutions. Justice, thus, consists in "assigning rights and duties and in defining the appropriate division of social advantages" (Rawls, 1999, p. 9). Serious injustices, then, in the context of a nearly just society, consist in unwarranted distributions of rights, duties, power, advantages and the like.<sup>21</sup>

To recapitulate and expound the tasks that lie ahead, so far, I have introduced Rawls's model of disobedient politics and some of the most important concepts and distinctions of his general theory. Then, I explicated his conception of nearly just societies as characterized by four constitutive features. In the remainder of this chapter, we will, first, formally introduce the distinction between episodic and structural forms of injustices by making use of the contemporary literature on domination. The distinction is important for describing the interpretive conceptual implications of Rawls's definition of a nearly just society. Second, we will examine Rawls's model of disobedient politics when viewed within the context of the two kinds of nearly just societies that his theory allows for.

### iii) On the kinds of injustices within nearly just societies and their sources

This section discusses the interpretive range that Rawls's 'sketchy' definition of a nearly just society leaves open. What is of crucial importance for clearly distinguishing nearly just societies from other forms of societies at a conceptual level are the kinds of injustices that fall within the realm of possibility within the context of a nearly just society. In order to address this issue, we need to discuss the potential sources of injustices within those societies. The claim that I will defend is that the characteristics of the sources that bring about injustices are transmitted to the injustices themselves. To be precise, the claim is that episodic sources of injustice produce episodic forms of injustice, while structural sources of injustice produce structural forms of injustice. Which potential

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<sup>21</sup> For a critique of the distributive paradigm of justice, see, (Young, 1990, chap. 1).

sources of injustices does Rawls's theory allow for, then? This is a question that Rawls himself does not address. In the following, then, we will highlight the ambiguities that Rawls's reflections run into, before employing insights from the contemporary literature on theories of domination to build a conceptually consistent distinction between nearly just societies and other forms of societies.

Rawls starts by presenting two different constellations of injustice:

current arrangements may depart in varying degrees from publicly accepted standards that are more or less just; or these arrangements may conform to a society's conception of justice, or to the view of the dominant class, but this conception itself may be unreasonable, and in many cases clearly unjust. (Rawls, 1999, p. 309)

On the one hand, a first complication stems from the fact that in the second constellation of injustice, Rawls speaks of unjust public standards. How are we to square the fact of unjust public standards with the proclaimed condition of near justice? Nearly just societies, after all, were defined as characterized by the fact that first, the principles of justice, that is just public standards, are the terms of willing cooperation among free and equal persons (constitutive feature b), and, second, those same principles of justice form a publicly recognized shared sense of justice (constitutive feature c).

On the other hand, another complication stems from the first constellation of injustice that Rawls mentions. Given that he defines nearly just societies as societies characterized by effective democratic government (constitutive feature a), then, how are we to explain the existence of public arrangements, such as social practices and institutions, that depart from publicly accepted standards which are just? How did they come about if there is effective democratic government?

What complicates the matter even further is the fact that Rawls contends that the existence of widely recognized just public standards is a precondition for exercising civil disobedience. In Rawls's words:

When laws and policies deviate from publicly recognized standards, an appeal to the society's sense of justice is presumably possible to some extent. I argue below that this condition is presupposed in undertaking civil disobedience. (Rawls, 1999, p. 310)

Given all these open questions in Rawls's reflections, we need to employ insights from an external literature to build a conceptually consistent distinction between nearly just societies and other forms of societies. Furthermore, and very importantly, we need to determine what kinds of

injustices fall within the realm of possibility within nearly just societies in order to pursue our method of internal critique of Rawls's model.

### Contemporary theories of domination: Structural and episodic forms of injustice

Neo-republican theories of domination offer an alternative to the liberal conception of freedom. Neo-republicans argue that the focus should be put on the capacity to (arbitrarily) interfere instead of interference itself. The following is a standard neo-republican definition of freedom:

F: A is free to  $\varphi$  or not to  $\varphi$  to the extent that no B has the uncontrolled ability to interfere voluntarily in A's choices. (Lovett and Pettit, 2018, p. 364)

Hence, domination can be said to exist whenever "some B does have the uncontrolled ability to interfere voluntarily in a range of A's options" (Lovett and Pettit, 2018, p. 365). Note that this conception of domination remains 'formally agnostic' with regard to the broader surrounding social conditions that enable the dominating relation in question (Lovett and Pettit, 2018, pp. 364–365). Such conditions may be structural and systemic, or they may be arbitrary and episodic.

Contrary to neo-republican theorists, critical theorists influenced by the tradition of Western Marxism, such as Iris Marion Young, define domination as "the institutional constraint on self-determination" (Young, 1990, p. 37). To explicate, domination in this context captures a situation in which the institutional constellation is such that some social groups are excluded from participation in the processes that determine the conditions of collective life. Put more simply, whenever a social group  $G$  lives under laws, policies, and systems the shape of which can be (or more likely is) determined by other groups, we can say that  $G$  is being dominated. Note that according to this conception, only instances of structurally and systemically enabled forms of domination qualify as theoretically and normatively relevant phenomena.

For the purposes of this dissertation, there is no need to engage in the long debates in the literature on domination with regard to whether the concept should be reserved for cases in which the capacity to interfere stems from structural social characteristics or not (for a discussion, see, Lovett and Pettit, 2018; Gädeke, 2020; Vrousalis 2021). The content of the two conceptions, though, illuminates the issue at hand. Thus, I want to first distinguish between two intuitions: dominating arbitrary circumstances and dominating structural circumstances. Afterwards I will try to capture

these intuitions through two concepts that can find general applicability: episodic dyadic domination and structural triadic domination.

First, the intuition of dominating arbitrary circumstances captures an interactional situation in which the power imbalance between the interacting parties stems from episodic, opportunistic circumstances as opposed to structural and systemic ones (Gädeke, 2020).<sup>22</sup> By virtue of the potent power imbalance the party that has the upper hand in this interactional situation enjoys the capacity to interfere with the choices of the ones that find themselves on the other end. The crucial point here is that the circumstances of the interaction are arbitrarily generated. To illustrate by means of an example, imagine a public tennis court. It happens to be the case that four more or less equally well socially-positioned white men plan to visit the tennis court at nine o'clock on the same Saturday. However, one of the four men's alarm clock breaks down, and, therefore, he and his tennis enthusiast friend only arrive at the court at 09:30 – since the man with the broken alarm-clock was the one to pick up his friend. Imagine as well that the tennis court operates on an informal first-come-first-serve system, and that there is another informal rule stating that games should not last longer than two hours. Now for whatever reason the two tennis enthusiasts that started playing at 9 o'clock happen to carry with them a lock with which they could easily block the entrance of the court and, thus, prevent the second pair of tennis enthusiasts from taking over. Furthermore, the tardy pair have no bolt cutter in their possession and it happens to be the case that the stores are closed.<sup>23</sup> In that case, we can say that the tardy tennis enthusiasts are being dominated, since the first pair of tennis enthusiasts enjoys a capacity to interfere with the range of options of the tardy pair by virtue of being early, possessing a lock etc.

Second, to comprehend the different nature of the phenomena captured by the idea of structural domination, imagine a racist society in which white people enjoy (among other privileges) priority over people of color when it comes to access to public resources, such as a public tennis court. Imagine now that two pairs of tennis enthusiasts, one consisting of white people, the other of

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<sup>22</sup> For the sake of clarity, Gädeke in her internal critique of the neo-republican tradition, uses a different vocabulary to capture the aforementioned important distinction. What plays an important role in my own reasoning here is the content of her argument.

<sup>23</sup> To anticipate, it is intuitive to think that any society that deserves to be called nearly just should offer to the two tardy tennis enthusiasts access to mediating third-parties, such as, law enforcement institutions. However, for the sake of clarifying the distinction between the two forms of domination, the reader should tolerate the addition of conditions that make the example more plausible. One such condition could be that the personnel of the enforcement institutions happened to be on strike on the day during which the events narrated occurred and while on strike they only intervened whenever serious crimes, such as, crimes against life, were reported.

people of color, plan to visit the public tennis court at 9 o'clock on the same Saturday. The second pair of tennis enthusiasts arrive at the tennis court first and they proceed to enter the empty court. Soon after, the pair consisting of white people arrives and could ask them<sup>24</sup> to surrender the court. In this case we again have a case of dominating arbitrary capacity to interfere with other people's options. However, the circumstances or sources that enable such a capacity are not arbitrary. In this case, the dominating circumstances are normatively arbitrary in the sense that they are not justified or legitimate, but not arbitrary in the sense that their occurrence was not episodic, contingent, and opportunistic. Hence, they are morally arbitrary but socially systemic and structural. The capacity of white people to interfere with the plans, choices, and ultimately lives of people of color stems from a wide range of rules, norms, practices, and institutions that constitute the capacity in question. Thus, in this case we speak of structural domination or structurally enabled domination.

To express – through the tools of contemporary philosophy – the distinction introduced by means of the two imaginary examples in a form that can have general application, consider the following three concepts<sup>25</sup>:

- i. *Power*: "every *Chance*, within a social relationship, of enforcing one's own will even against resistance, whatever the basis for this *Chance* might be"<sup>26</sup>. (Weber, 2019, p. 134)
- ii. *Episodic dyadic domination*: A enjoys a *potent* and *arbitrarily generated* capacity to exercise *uncontrolled power* over B.

Illustrative example: A and B are shipwrecked on a remote island naked and empty-handed. A finds a boot knife upon arrival. A finds a cave and builds a protective gate to keep themselves<sup>27</sup> and the boot knife at a safe distance from B when need be.<sup>28</sup> By virtue of the

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<sup>24</sup> Whether they actually do so remains irrelevant for our purposes.

<sup>25</sup> The formulations are informed (but not identical with) (Gädeke, 2020, pp. 205–214; Vrousalis, 2021, pp. 41–46).

<sup>26</sup> Italics in the translation. Weber's classic definition of power is preferred because of its evaluative neutrality. Furthermore, contrary to (Forst, 2015) who argues that Weber's conception is too close to the idea of domination and therefore fails to serve its purposes, I believe that Weber's specification 'within a social relationship' shields his definition from such critiques. Forst's intention is to articulate a definition of power that will accommodate the fundamental difference between the exercise of physical force to control an other's body and power that always involves the possibility of resistance and, therefore, implies some minimum degree of autonomy. However, I believe that Forst's critique is flawed because he fails to pay due attention to the specification 'within a social relationship'. The relation between a puppet and a puppeteer cannot be taken to fall under the category of social relationships. Moreover, Forst also fails to note that Weber does not speak of certainties but, on the contrary, employs the probabilistic language of chances.

<sup>27</sup> A and B are persons whose gender status is not of decisive importance for the purposes of this example.

<sup>28</sup> So that we can dodge the Hobbesian charge that "the weakest has strength enough to kill the strongest, [...] by secret machination" (Hobbes, 1998, p. 82). In other words, even the boot knife monopolist must sleep.

asymmetry of access to violent means, A enjoys a potent capacity to exercise uncontrolled power over B.<sup>29</sup> B could have just as easily found the boot knife.

iii. *Structural triadic domination:* A enjoys a *robust* and *structurally generated* capacity to exercise *uncontrolled* power over B. Call A and B the domination dyad. Invariant and external to the domination dyad structures, such as, agents, social practices, norms, institutions, and other material and symbolic artifacts generate, maintain, and/or reproduce the domination dyad. Such structures determine the background conditions of interaction between A and B and exercise significant influence on their character structures, behavioral dispositions, and patterns of action. (For an analysis of such processes of subjectivation see, Honneth, 1995b, 2007b)

Illustrative example: A and B from ii. are rescued by the crew of a ship that happened to pass by and return eventually to Abendland. Abendland is a society characterized by racism, sexism, and capitalism. Racist, sexist, and capitalist structures regulate the norms of interaction between members of different social groups, determine the differential access of members of different social groups to all-purpose material and symbolic means, and invest members of different social groups with different character features. Hence, such structures systematically privilege certain social groups and disempower others and, thereby, generate, maintain and/or reproduce relations of domination. It happens to be the case that A is a white man and a capitalist, while B is a black woman and a wage-earner. Within the context of Abendland A might or might not exercise his robust and uncontrolled power over B. And yet, the relation between A and B is a relation of domination because A enjoys by virtue of racist, sexist, and capitalist structures an abundance of robust and uncontrolled chances to enforce his will even against B's resistance.<sup>30</sup>

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<sup>29</sup> For the sake of clarity and to dodge the charge of providing a Robinsonian example, let us clarify that A and B as persons or subjects and their relation to both each other and the world of objects is mediated by the concrete characteristics of the social environment in which they happened to be individuated. As Marx argues in his critique of classical political economy, “[t]he human being is in the most literal sense a ζῶον πολιτικόν [sic], not merely a gregarious animal, but an animal which can individuate itself only in the midst of society.” (Marx, 1993, p. 84). Thus, the motivations, actions, beliefs, and the like that will influence the interaction between our two agents cannot be said to be entirely internal to the dyad. In other words, the agents carry with them their social environments in the form of knowledge, ideas, motivations, preferences, norms, practices, and the like.

<sup>30</sup> The two illustrative examples of interpersonal dyadic and structural triadic domination were probably unconsciously inspired by Lina Wertmüller's provocative masterpiece "Swept Away... by an Unusual Destiny in the Blue Sea of August" (1974). I first penned the examples and only while revising the text recalled having watched the movie many years ago. The plot revolves around the subversion of the power dynamic between Raffaella, a wealthy right wing socialite and Gennarino, a poor communist on-board servant who for some time find themselves shipwrecked on an uninhabited island of the Mediterranean Sea. More recently a similar plot structure is employed in Ruben Östlund's "Triangle of Sadness" (2022) when the crew and the passengers of a luxury cruise ship find themselves shipwrecked on an island.

To connect these insights to the overarching goal of this chapter, namely, the examination of the consistency of Rawls's model of disobedient politics by means of an internal critique, I will examine – in the next subseciton – how they relate to the preceding arguments. Up to this point, I have argued, first, that Rawls's concept of a nearly just society is open to interpretation, second, that the interpretation of the concept has significant implications for his model of disobedient politics, and, third, that there are two plausible interpretations of nearly just societies. Furthermore, I claimed that the distinguishing feature of the concept is that it describes a situation in which there is political obligation but also presence of injustices. This invests Rawls's model of disobedient politics with a degree of realism.

What is important for the purposes of the dissertation at hand is that the injustices present in the context of nearly just societies may differ in nature. As I have suggested by making use of the contemporary tools of domination theories, such injustices may be of an episodic or a structural nature. Building on this insight, in the remainder of this chapter I will examine Rawls's model of disobedient politics when viewed, first, within the context of societies characterized only by episodic forms of injustice, and, second, within the context of societies characterized by structural forms of injustice.

#### iv) Near justice as justice coupled with episodic injustice: The few bad apples interpretation

To begin with, the first step of my argument is that injustices in the form of violations of fundamental rights, which, according to Rawls, are a precondition for the permissibility of disobedience, can only occur as a consequence of phenomena of domination. In other words, and to use the vocabulary of Rawls's distributive framework, unjust distributions of rights, duties, and the advantages from social cooperation within a nearly just context can only result from usurpations of political power. Domination, *lato sensu*, exists when a fraction of society appropriates decision-making competences and thereby excludes other fractions from such procedures.<sup>31</sup> Under such a condition, we can say that the excluded social groups are dominated because they have no control over the

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<sup>31</sup> To be sure, it could also be the case that some social groups are actively facilitating their own domination. This, however, can only come about if we allow for the possibility of rationality-crippling ideological phenomena. And Rawls's construction of nearly just societies does not allow for such a possibility.

general conditions of their lives, that is, they have no control over laws and policies that determine the distribution of goods<sup>32</sup> and regulate social interaction.

In this first step, then, we have established how serious violations of the principles of justice can come about. Furthermore, I have also argued earlier that the nature of the sources of injustice invests the latter with certain qualities. To concretize the point, episodic sources of injustice give rise to episodic forms of injustice, while structural sources give rise to structural injustices. This is a rather straightforward point, given that the injustices in question are a result of the identified sources. Then, whenever the sources are episodic, that is, arbitrary and contingent, the injustices will also be episodic. On the other hand, whenever the sources are structural, that is, connected to persisting and invariant material and symbolic constitutive features of the society in question, then the occurring injustices will also be structural.

That being said, I now want to examine the plausibility of Rawls's model of disobedient politics by inquiring into the conclusions that can be drawn when the concept of near justice is interpreted as marking a context in which the principles of justice are 'almost'<sup>33</sup> always observed for everyone in the society in question.<sup>34</sup> In other words, near justice denotes a situation in which rights, duties, and advantages from social cooperation are distributed fairly at almost all times. Exceptions consist in instances during which some members of the society in question act opportunistically and make use of the episodic and contingent means available to them to profit from an unjust distribution.

What, then, can be revealed about the plausibility of Rawls's model when the injustices within nearly just societies are exclusively of an episodic nature? Recall that episodic dyadic domination captures a situation in which one party enjoys a potent, but arbitrarily generated capacity to exercise uncontrolled power over another party. We can indeed imagine a situation in which such phenomena obtain and the dominating party uses its uncontrolled power to bring about unjust distributions of rights, duties, advantages, and the like, while at the same time the constitutive features of nearly just societies [a), b), and c)] are for the most part intact.

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<sup>32</sup> Goods are to be understood here broadly.

<sup>33</sup> Which is another way of saying nearly.

<sup>34</sup> As will be argued later, this is an important specification, namely, that 'nearly' implies 'almost always' but for all the population.

One of the questions that emerge is whether disobedience in its Rawlsian variant is necessary and warranted under such conditions, that is, whether disobedience is permitted and whether it is of any added value for countering episodic injustices.

I maintain that disobedience in the context of struggles against episodic injustices is, first of all, superfluous. Within the context of a society characterized only by injustices of an episodic nature, other corrective mechanisms should be available to those persons whose rights are being violated. If the injustices in question are episodic, they must lack any structural, invariant, and systematic basis. Hence, the general institutional infrastructure should not be characterized by features that regularly and steadily promote unequal access for the members of the society in question.

To give an example, apart from the institution of judicial review that one can legitimately expect to find in the context of such nearly just societies, one can think of institutions that combine deliberative and appellate functions. Philip Pettit has argued for the importance of institutions investing citizens with the "capacity to challenge a government initiative on three more or less distinct counts: for its legality under public law; for its substantive merit; and for its general propriety"<sup>35</sup> (2000, p. 132). When such institutions are present, disobedience as a stabilizing, corrective mechanism appears to be superfluous because it should be viewed as a statistical impossibility that the other abounding stabilizing and corrective institutions all fail at once.

Moreover, disobedience is unwarranted in such a situation, because, in its Rawlsian variant, it is conceived of as political instrument only of a last resort. Recall that for Rawls the natural duty of justice, that is, the duty to support and to further just institutions, entails that the potential practitioners of civil disobedience should restrain themselves in order to not put the otherwise just institutional infrastructure under too much strain. Thus, since disobedience is conceived of as political instrument of a last resort that lacks any independent positive potential, it is doomed to remain unwarranted in the context of nearly just societies whenever the injustices in question stem from phenomena of interpersonal dyadic domination.

To conclude, Rawls could not have meant for nearly just societies, that is, the social context within which his model of civil disobedience unfolds, to be understood as societies characterized by only episodic forms of injustice. Given that his model of disobedient politics belongs to the nonideal part of his theory, he must have had the intention to devise a model with practical intent. What is more,

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<sup>35</sup> For an analysis of how such institutions relate to the topic of disobedient politics, see, (Smith, 2010).

he first articulated his model in a historical moment of mass disobedient mobilizations and, therefore, his thoughts should be viewed – *inter alia* – as an attempt to intervene in the socio-political reality, even if indirectly. Thus, his understanding of the social context within which he places his model cannot have been as removed so far from socio-political reality as this interpretation implies. It could not have been the case that Rawls, while writing two years after the Civil Rights Act (1964) and one year after the Voting Rights Act 1965), thought that his contemporary societies were characterized merely by episodic sources, and thereby forms, of injustice.

What is more, such an understanding of nearly just societies when viewed within the general frame of his theory leads to internal contradictions. As was shown above, disobedient politics of the Rawlsian kind are both superfluous and unwarranted within a society characterized merely by episodic forms of injustice. In conclusion, then, unless we are prepared to view Rawls as Plato represents Socrates's interlocutors, namely, as a confused mind, then we are obliged to look for a different interpretation of nearly just societies.

Before entertaining a different interpretation, though, it is important to note that when we follow the 'few bad apples' interpretation of the concept of a nearly just society, the Rawlsian model of disobedient politics bears striking resemblances to the premodern understanding of disobedience that was discussed in the previous chapter. Indeed, when disobedient politics are viewed within a social context in which only episodic forms of injustice fall within the realm of possibility, then disobedience of the existing political authorities is undertaken in the name of obedience to a higher authority, that is, the authority of justice. However, as was discussed in Chapter I, modernity is hostile to such higher authorities. Hence, the line of critique discussed in Chapter I and termed historically situated critique of disobedience seem to be applicable to this understanding of disobedient politics as well. This last point entails that we have not yet reached our destination, that is, the identification of a theory of disobedient politics that dodges the historically situated critique and is appropriately modern and political.

v) Near justice as justice coupled with structural injustice: The sunless branches interpretation

After having discussed in detail the first plausible interpretation of Rawls's concept of nearly just societies, we can discuss now the second interpretation: the sunless branches interpretation. To

reiterate, I defined structural triadic domination as any social relationship in which an agent A enjoys a robust and structurally generated capacity to exercise uncontrolled power over an agent B. I further specified that structures that are both invariant and external to the domination dyad (A,B), such as agents, social practices, norms, institutions, and other material and symbolic artifacts generate, maintain, and/or reproduce the dominating relation. There are at least three important elements in this definition.

First, the capacity in question is *robust* in the sense that it is not only potent and effective here and now but also under all or most situations and conditions. Recall that episodic dyadic domination was defined as a situation in which some A enjoys a potent and arbitrarily generated capacity to exercise uncontrolled power over B. One distinguishing feature between episodic dyadic and structural triadic domination is then the fact that the potency and effectiveness of the former depends on mediating circumstances that are specific to the dyad but contingent, whereas the mediating circumstances in the latter are robust in the sense that their potency and effectiveness is a function of invariant social features external to the dyad. To explain by means of an example, think of the institution of marriage in a sexist society. Allegedly superior male physical power is often cited as the circumstance that enables the domination of women by men. Even though such a physical power asymmetry – if and when it obtains – functions as a power resource, the dominating relation “is constituted by the legal institution of marriage [itself], which confines female economic activities, makes [...] wom[en] economically dependent on [men] and grants [men] the power to enforce sexual contact at will” (Gädeke, 2020, p. 205).

In societies marked by the absence of such dominating social structures, a physical power imbalance – where present – may be used to dominate but its potency and effectiveness are not robust; they are merely episodic and their use is opportunistic. Thus, the robust capacity to dominate in societies characterized by phenomena of structural triadic domination is independent of the will of A and B. To use the same example of marriage in a sexist society, whether some concrete husband (A) is going to make use of his capacity to dominate his wife (B) or not is irrelevant for the characterization of the society in question. What matters is that he has at his disposal the capacity to dominate his wife and that this capacity is robust, that is, potent and effective in all or most situations and conditions because it is structurally generated.

Second, the capacity to dominate is *structural* and *triadic* in the sense that it stems from social features that are invariant and external to the domination dyad (A, B). Such features vary in degrees of formal institutionalization or degrees of solidity (Gädeke, 2020, pp. 205-206). They can have the

character of a formal legal decree accompanied by an institutional infrastructure invested with the competence and means of exercising coercive power in cases of violations, or the character of informal norms and patterns of behavior. To use the same example again, the husband's capacity to dominate his wife in the context of marriage in a sexist society may have legal recognition as in the institution of *couverture* that reduced the legal personality of a woman to her husband's. But it might also not need to rely on such formalized markers but be supported by less formal structures, which are nonetheless invariant and external to the domination dyad. For instance, women's subjugation may be facilitated by socialization processes in the family, at school or through popular media that disseminate through interpellation<sup>36</sup> certain norms in the self-conception or self-identity of women. What should be noted is that the character of the domination-enabling social features is invariant and external to the domination dyad in the sense that they do not vary with people's beliefs or intentions. The invariant nature of the social features in question hints at the fact that they serve deeply entrenched social functions or interests. In the familiar example of marriage in a sexist society, we can clearly say that the domination-enabling social features serve the collective interests of men. Irrespective of whether all men in the society in question willingly exercise uncontrolled power over their wives, they collectively profit from the sexist structures, practices, and norms. For instance, men collectively profit from the sexist division of labor within the household – which, in turn, is itself a facilitating condition for sexism.<sup>37</sup>

Third, the *uncontrolled* character of the dominating power in question also comes in degrees. Power was defined along Weberian lines as “every chance, within a social relationship, of enforcing one's own will even against resistance” (Weber, 2019, p.134). The enforcement of one's own will within a social relationship can be subject to a number of controls that are more or less formalized in nature. For instance, degrees of control of power depend on the ease or difficulty of access to processes and institutions invested with the competence and authority to hold the dominating party accountable. Control varies also in accord with the quality and magnitude of the available means for achieving social change.

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<sup>36</sup> For concrete understandings of processes of interpellation or subjectivation see, (Althusser, 1971; Honneth, 2007b).

<sup>37</sup> To be sure, such interests are short-sighted. As contemporary feminists have shown, sexist norms oppress men as well – even though differently and to different degrees from how they oppress women. In a sense, then, men also have an interest in overthrowing patriarchy. This is an interest, though, that many fail to see.

With these specifications in mind, we can move to the second possible interpretation of nearly just societies. How are we to understand the qualification 'nearly just' in the context of societies characterized by phenomena of structural triadic domination?

Recall that the first interpretation of nearly just societies discussed above understood such societies as characterized exclusively by episodic forms of injustice. Such injustices were the exception to the rule, or the few bad apples of an otherwise rich harvest. 'Nearly just' was conceived to be used in the everyday sense of 'almost always.' When 'nearly' is understood to have this meaning, injustices are understood to be, first, exceptional, and, second, as distributed more or less equally among the various groups and individuals – as Rawls claims in a rather unrealistic and contradictory moment.<sup>38</sup> Such an interpretation is, as was shown above, on the one hand, implausible, and, on the other hand, it is rather unlikely that it captures what Rawls must have had in mind.

Near justice, then, must be interpreted differently. Injustices, on this second interpretation, should not be viewed as temporal phenomena caused by the opportunistic actions of particular individuals within a context of interaction that only episodically allows for opportunistic uses of dominating power resources. On the contrary, the potential for domination should be understood to be constantly present in such societies because the structures against the backdrop of which people interact systematically empower some and disempower others by investing the first with resources to exercise dominating power over the second.

Recall that the function and added value of the concept of a nearly just society is that it allows for an otherwise paradoxical constellation. Near justice is Rawls's way of squaring political obligation with the presence of serious injustices. Andrew Sabl suggests that we should understand the condition of near justice "in a specialized sense" (2001, p. 311). Using Robert Dahl's concept of 'dual regimes', Sabl suggests that near justice should be understood as describing a situation in which "a certain non-trivial subset of citizens" or put otherwise "a ruling group" treat each other fairly, practice mutual cooperation, and is characterized by a sense of justice (2001, p. 311). At the same time, however, the ruling group acts tyrannically and dominates non-members, that is, the outsiders. In Sabl's words:

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<sup>38</sup> As Rawls claims in a rather unrealistic and inconsistent moment. See, "Nevertheless, when they adopt the majority principle the parties agree to put up with unjust laws only on certain conditions. Roughly speaking, in the long run the burden of injustice should be more or less evenly distributed over different groups in society, and the hardship of unjust policies should not weigh too heavily in any particular case." (Rawls, 1999, p. 312)

a *piecewise just*<sup>39</sup> society is one in which justice is prevalent – indeed, it may in the limit case be practiced perfectly or almost perfectly – in relations within a powerful “in” group, but is practiced to a very small degree, if at all, in dealings with an excluded or oppressed group. (Sabl, 2001, pp. 311–312; italics in the original)

In one sentence then, if societies characterized only by episodic forms of injustice resemble the image of a tree, the branches of which are full of appetizing apples, but every now and then a bad one can be found; societies characterized by structural forms of injustice should be imagined as trees with some branches that are time and again in the sunless shade.

How could this idea be concretized and put into practice in the socio-historical context within which Rawls articulated his model? As was argued above Rawls’s model is a manifestation of the general trend of liberal theorists trying to make space in their theories for the otherwise unorthodox tactics of certain movements in the 1950s and the 1960s. Thus, if we were to view the American society of those decades as nearly<sup>40</sup> just in the sense that Sabl suggests, we would have to view white Americans as a ruling group that practices justice among its members but excludes, oppresses, and dominates African-Americans, among other social groups. To be sure, one could justifiably complain that drawing such a picture of the US-American society during those decades obscures the fact that there was also much discrimination, exploitation, oppression, and domination involved within the group of white Americans.<sup>41</sup> And yet, even if the historical validity of the idea rests on precarious foundations, it deserves further theoretical examination since it appears to be the most promising candidate for a plausible and theoretically and politically relevant interpretation of the concept of a nearly just society.

There are at least two reasons that make this alternative interpretation worth examining. First, it consists in a more realistic depiction of how injustices function in the real world. This is advantageous because, given the practical intent of Rawls’s model of disobedience, a certain degree of realism in the description of the social context within which the model is placed is required. Second, as was argued above, for Rawls’s model the existence of a sense of justice is not only crucial but also necessary for the exercise of disobedience. Thus, if we interpret nearly just societies as suggested by Andrew Sabl, we can make sense of two important facets of Rawls’s model: first, the

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<sup>39</sup>‘Piecewise just’ society is Sabl’s own term for a nearly just society.

<sup>40</sup> Or ‘piecewise’. I am not adopting Sabl’s terminology in order to avoid confusion.

<sup>41</sup> In terms of, for instance, gender, class, neurodiversity, sexuality etc.

simultaneous obtainment of political obligation and the presence of serious structural injustices,<sup>42</sup> and, second, the requirement of a sense of justice for disobedience to even make sense.

To sum up, nearly just societies should be understood as societies characterized by, first, the presence of social groups within which fair terms of social cooperation reign, and, second, the presence of social structures that give rise to dominating relations between some ruling group(s) and some oppressed group(s). Put briefly, such societies are characterized by fair terms of cooperation horizontally and unjust terms of cooperation vertically.

When understood as presupposing this second interpretation of nearly just societies, Rawls's model seems at least *prima facie* plausible. Indeed, such societies seem to be characterized by – in some sense – just institutions even though serious injustices obtain. Indeed, such societies can be said to be characterized by a sense of justice that makes civil disobedience a possibility – in the sense that the members of the ruling group can be forced to prove that they live up to their self-proclaimed standards of justice. No ruling group can expect to rule for long when proved overly hypocritical. Every ruling party must justify its right to rule under conditions of modernity as we saw in the previous chapter<sup>43</sup>.

The question that emerges is whether the *prima facie* plausibility of Rawls's model – assuming the meaning of nearly just societies presented in this subsection – holds any water upon scrutiny. This question will be scrutinized in the following chapter. For now, we have established that nearly just societies are to be understood as societies within which structural forms of injustice obtain, and that when thus understood, Rawls's model of disobedient politics seems to have some *prima facie* plausibility.

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<sup>42</sup> In order for this normative implication to obtain further argumentative work needs to be done. For instance, Sabl argues that political obligation obtains because, given that the members of the ruling group have manifested that they are capable of co-existing under fair terms of cooperation, the potential disobedient activists have an obligation not to harm the potential for future fair cooperation between the members of the ruling and the oppressed groups. See, (Sabl, 2001).

<sup>43</sup> See the discussion of the work of Étienne de La Boétie.

## Conclusion

This chapter examined certain aspects of John Rawls's model of disobedient politics. Rawls's model was chosen as the best candidate for an appropriately modern model of disobedient politics because it enjoys a hegemonic status among contemporary accounts. In our analysis, instead of scrutinizing every single element of Rawls's model, we focused on the defining features of the general social framework within which Rawls situates his model. My approach is a variant of internal critique because it proceeds from the idea that Rawls's model should live up to its own goals and aspirations. More precisely, the model should serve the aims that it is invested with by Rawls himself. In this chapter, I examined whether Rawls's model of disobedient politics is operationalizable within the general social context in which he situates it when viewed from the perspective of his general theory of justice.

To do so, I scrutinized his concept of a nearly just society. Nearly just societies are societies within which for the most part justice prevails, but injustices may nevertheless occur. The question that emerges is what is the nature of the injustices within such societies? To tackle the question, I employed insights from contemporary literature on domination. I suggested distinguishing between two interpretations of the kinds of injustices that fall within the range of possibility within nearly just societies. On the one hand, nearly just societies could be understood as societies within which only episodic forms of injustices could occur. Episodic injustices are phenomena of injustice that lack a structural basis. Within the context of such societies, the basic structure of which is just, that is, it is characterized by democratic institutions and the observance of fundamental individual rights for all its members, disobedient politics are, on the one hand, superfluous, and, on the other hand, unwarranted when viewed from the perspective of Rawls theory of justice. To explain, as was argued above, nearly just societies that lack any instances of structural injustice, should be expected to include a number of institutions that should suffice for addressing episodic forms of injustice and therefore disobedience is superfluous. What is more, given Rawls's claim that for disobedience to be justified it should only be used as a last resort means that disobedience in the face of other alternatives is also unwarranted.

Given the above conclusion, Rawls could not have intended nearly just societies, within which his model of civil disobedience is situated, to be understood as characterized solely by episodic forms of injustice. Rawls's model, belonging to the nonideal part of his theory, implies a practical intent, especially considering its formulation during a period of significant social mobilization. Moreover,

understanding nearly just societies solely in terms of episodic injustice leads to internal contradictions within Rawls's theory. Disobedient politics, as conceptualized by Rawls, becomes both unnecessary and unjustified in societies solely marked by episodic injustices. Thus, unless one is willing to dismiss Rawls as lacking coherence, an alternative interpretation of nearly just societies is needed.

In the final step of the argument, I interpreted nearly just societies as societies characterized by structural forms of injustice. Structural injustices characterize social relationships where some individuals (group A) possess robust and structurally generated uncontrolled power over others (group B). This power stems from external and invariant social features, such as institutions, norms, and practices, rather than merely episodic or contingent circumstances. In order to make sense of the fact that Rawls terms such societies nearly just, I defined them with reference to Sabl's concept of piecewise justice. In nearly just societies we find social groups that practice justice internally while at the same time these social groups are structurally positioned against other groups in such a way so as to enjoy uncontrolled power over them, that is, so as to dominate them. When situated within such societies, Rawls's model of disobedient politics appears at least *prima facie* plausible and of added value. What remains to be seen is whether this *prima facie* plausibility holds water upon examination. As was argued above, Rawls's model of disobedient politics is invested with a practical intent, that is, it must be operationalizable or practicable. To move forward, given that disobedient politics is a form of collective action, we need to examine what kind of solutions for collective action Rawls's theoretical background assumptions enable. What kind of reasons are available to Rawlsian agents for acting in such a way? What is more, as was argued in Chapter I, we are looking for an appropriately modern and political model of disobedient politics. Does Rawls's model satisfy the criteria developed in Chapter I? Up to this point, we have shown that his model should not be situated within the context of societies characterized solely by episodic phenomena of injustice but must instead be viewed within the context of societies characterized by structural phenomena of injustice. This is going to be the main goal of the following chapter.



## **Chapter III – The political ontology of Rawls's model of disobedient politics: between economics and ethics**

### **Introduction**

Chapter II reached an ambiguous conclusion. On the one hand, it was shown that when the social context within which Rawls situates his model of disobedient politics is understood as one in which structural injustices obtain, then his model seems *prima facie* plausible. When nearly just societies are understood as societies characterized solely by episodic forms of injustice, Rawls's model is both superfluous and unwarranted. In contrast, when structural forms of injustice are taken to be present within nearly just societies, then his model appears – at least *prima facie* – to be politically essential and normatively defensible. What remains to be seen is whether Rawls's model runs into other kinds of problems. For instance, are there any internal contradictions? What are the implications of his model with regard to the understanding of politics and, thereby, with regard to the kinds of social change that one can bring about through disobedience? How does Rawls's model fair when viewed from the perspective of the criteria for an appropriately modern and political theory of disobedience developed in Chapter I?

First things first – what distinguishes structural from episodic forms of injustice is their pervasiveness. Structural injustices – by definition – involve a broad range of social entities, practices, institutions, norms, and other material and symbolic artifacts. Hence, when the institutional infrastructure of a society is characterized by forms of structural injustice, it is very likely that the institutionally provided-for channels of action are not only insufficient for addressing the injustices in question but also enable or even facilitate them. In such a context, extra-institutional forms of action, such as disobedient politics are oftentimes a necessary step in the long process of achieving social change.

In this chapter, we will examine the resources that Rawls's theory provides for actually enacting disobedience within societies characterized by structural forms of injustice. Only if his theory is informative as a response to structural injustice can it be said to hold any purchase. In other words, we will examine what resources his theory envisions for people living in societies like ours for practicing disobedience, and what forms of social change the concrete form of disobedience politics that his theory enables can afford.

The chapter is divided into four sections. Section i) unfolds in two steps. First, it articulates a phenomenological definition of disobedient politics by identifying its substantive characteristics within societies characterized by structural injustices. Second, after defining disobedient politics as a typical case of collective action, it examines the nature of collective action problems. Collective action problems consist in the fact that, under certain circumstances, even rational and prudential action from the perspective of a group may need to be initiated by non-instrumentally motivated individual agents.

Section ii) discusses what ‘political theory’ means for Rawls. Rawlsian political theory is a normative theory with practical intent. Hence, it is argued that the concepts and models embedded within his theory must be practice-relevant or operationalizable. Just like in Chapter II, the method guiding our inquiry is that of internal critique, that is, we examine whether Rawls’s model of disobedient politics lives up to its own expectations. In other words, a political theory is valuable if it allows us to understand forms of political action that are necessary to address the injustices it identifies. From section i) we know that disobedience is a risky form of collective action. Hence, a theory must offer insights with regard to potential solutions for such a form of collective action. Furthermore, in this section we introduce the field of political ontology. Political ontology studies the background assumptions upon which every political theory is premised and the implications of such background assumptions for the theories in question. The latent or taken-for-granted sets of concepts, ideas, representations, hypotheses and the like, determine possible states of the world and forms of possible action. The section concludes that in order to examine the resources that Rawls’s theory provides with regard to solving the particular problem of collective action that disobedience consists in, we need to delve into his background assumptions with regard to personhood.

Section iii) reconstructs Rawls’s assumptions on the nature of personhood by identifying and engaging with his scattered remarks on the issue. It concludes that Rawls understands persons at the most basic level as rational and reasonable and, therefore, we can identify two potential solutions to the collective action problem of disobedience in his theory. I follow Michael Sandel in understanding Rawls’s conception of the persons as “unencumbered selves” (Sandel, 1984). As unencumbered selves, humans are only capable of cooperative – as opposed to constitutive – relations. This, in turn, has significant implications for the possibilities for collective action.

Finally, section iv) poses the question of whether there is anything wrong with Rawlsian disobedience. I examine whether his model satisfies the criteria for an appropriately modern and political model of disobedient politics. The chapter concludes by arguing that Rawls’s understanding

of politics revolves around consensus-building and deliberation within a framework of predefined principles of justice, treating politics as a domain for resolving disagreements through reasoned agreement rather than contestation. Hence, I maintain, Rawls's understanding of politics is post-political because it reduces politics to administrative management, assuming that fundamental questions about the primary organization of society are already settled. This framework weakens his theory of disobedience by limiting it to symbolic moral acts, neglecting its potential as a collective and transformative response to systemic injustice.

### i) The phenomenology of disobedience and collective action problems

This section has two aims. First, it aims at showing that from the phenomenology of disobedience within societal environments characterized by structural forms of injustice, we can extract a generic definition that implies that disobedient politics are a typical case of collective action problems. Second, the section discusses the concrete nature of collective action problems and their importance for political action.

#### *The phenomenology of disobedience*

To begin with, three aspects that can be drawn from the phenomenology of disobedience are substantially important for the purposes of this chapter: first, that disobedience is a form of collective political action; second, that it goes beyond the limits set by the law; and, third, that it, thereby, involves high potential costs for the participants – both the individual participants in disobedient action and the members of the social groups in the name of which the action is taking place.<sup>44</sup> Such costs range from less to more severe ones. Historically, social movements that have exercised disobedience have been faced with fines, social repercussions, bodily harm,

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<sup>44</sup> It is more often than not the case that the modern state apparatus punishes entire communities to disincentivize future disobedient actions by setting an example; by telling potential disobedient actors that 'this is what is coming for you were you to disobey my orders.' For a recent incident see the actions of the Greek police in December 2022. In the face of mass protests against police brutality against Roma people, sparked after a Greek police officer shot a 16-year-old Roma boy, the Greek police proceeded to intensive raids in Roma neighborhoods which aimed at communicating the message that Roma people should keep quiet if they do not want to be further criminalized. See, (Associated Press in Thessaloniki, 2022).

imprisonment, and other forms of punishment.<sup>45</sup> If a political theory wants to claim that it can incorporate a model of disobedience, then its political ontological background assumptions must allow us to explain how such a form of political action can come about.

To set the stage for the remainder of this section: I suggest viewing disobedience as a form of collective political action with very high (potential) costs. The terms ‘collective action’, ‘group action’, ‘shared action’, and ‘joint action’ are oftentimes “used in different senses by different authors, and sometimes two authors use different words to refer to very similar concepts” (Hammond, 2016, p. 2709). By ‘collective action’, I refer to intentional actions “performed by an entity which is a group of several individuals,” which, in turn, I call a collective agent (Hammond, 2016, p. 2709). Furthermore, the specification ‘political action’ is used in a broad sense. Political action is any form of action that has as its target the general norms, rules, and practices of social life, that is, of life within a political society. That being said, disobedience understood in this sense appears to fall under the category of collective action problems.

What does it mean that collective action is a problem? If it is a problem, then what kind of solutions are appropriate to address it? More precisely, what kind of solutions are enabled and foreclosed by Rawls’s theory? To anticipate, I aim to show that Rawls’s ontological assumptions about the nature of persons and their potential relation to social groups only enables a certain range of understandings of the formation of disobedient collective agents and the enactment of forms of disobedient collective action which appears to be very dissimilar to the typical real-world cases of disobedience. To elaborate, I contend that Rawls’s ontological repertoire allows for moralistic solutions to the collective action problem, while what is characteristic of typical modern disobedient movements is their political nature, that is, his model is too restrictive and incapable of identifying a number of real-world instances of disobedience as such. In the following, I will first discuss the nature of collective action problems and, then, inquire into the political ontological background assumptions of Rawls’s model in order to explicate the forms of collective action that his theory allows for.

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<sup>45</sup> As an indication, one can think of the following: in one of the highest scoring democracies in the world, the United Kingdom, peaceful environmentalist activists associated with Extinction Rebellion practicing disobedience were massively arrested and charged. In April 2019, more than 1.000 disobedient activists were arrested in the span of 8 days (Perraudin, 2019). According to the Metropolitan Police, from the beginning of the year of 2019 until November of that year 935 arrests were made (Metropolitan Police, no date). In another very high scoring western democracy, namely, France during the so-called yellow vest protests, not only thousands found themselves arrested, but also tens of people lost an eye, one was left in a coma, and others severely injured. See, (BBC, 2019).

*Coordination problems and collective action*

Before I substantiate my claim, nevertheless, it is worth elucidating the structure of the argument by means of an example. In a nutshell, I will argue, following among others Michael Rosen, that there could be such a thing as a “discrepancy [...] between what is rational for the individual and what is rational for a group of individuals” (1996, p. 505). To illustrate this point, Rosen uses the example of a man who holds a group of hostages at gunpoint (Rosen, 1996, pp.505-509; for a discussion, Finlayson, 2015). The hostages know that they could disarm the gunman if they were to act together. However, this would incur some costs since some of them may be wounded, even fatally. The hostages also know that if they were to act individually, they would be almost definitely shot and, therefore, severely wounded or dead.

In order to determine what the individuals would do in such a situation, Rosen suggests that we make use of a prudential utility principle, that is, the principle that dictates that individuals will have “a reason to act if the expected gain is greater than the expected loss” (1996, p. 506). What complicates things even when one starts from this very simple principle, is the fact that, in cases of collective action where coordination is necessary, the concrete outcomes and size of gains and losses depends on what others will do. In the kind of collective action problem with which we are faced, the expectation of gain is proportional to the number of others who participate, and the risk of loss is inversely proportional to the number of participants. That being said, it would be prudentially rational for the hostages in our example to act, that is, attack the gunman provided that they have reasons to be confident that others will do their part in bringing about the disarmament of the gunman. If, however, the rest of the hostages cannot be expected to act, then it is prudentially rational for any individual hostage not to act as well. In a sentence, each individual hostage has “a good reason for acting [...] if and only if others too have a good reason for acting” (Rosen, 1996, p. 506).

Rosen argues that we should assume that every individual is in the same situation as every other individual, that is, all individuals should be assumed to reason in this same way. In this case, then, since every individual knows, first, that they have good reasons to act if every other individual has good reasons to act, and, second, that the other individuals are also aware of this very fact, it is reasonable to conclude that the hostages are going to undertake action to disarm the gunman.

Things are, nevertheless, more complicated than that. In my reasoning, I did not specify that the maxim ‘the more individuals participate, the higher the expected gains’ does not entail that the

participation of all the hostages in the attempt to disarm the gunman is a necessary success condition for the gunman's disarmament. When we take this specification into account, or as Rosen puts it, when we slightly modify the model "in the direction of reality [it] produces a quite different conclusion" (1996, p. 506). The 'modification in the direction of reality' consists in asserting that the likelihood of success of the attempt to disarm the gunman rises sharply as the number of the participants rises, until at some point – but well before unanimous participation – success becomes essentially certain. In that case, the preference order of the hostages becomes as follows:

(1) [...] the gunman remains in charge.

(2) [...] a sufficient number of hostages, of which the individual is one, attack the gunman so that they overpower him at relatively small risk to themselves.

(3) [...] a group of hostages *other than the individual* overpower the gunman (thus the individual gets the benefit without assuming the risk). (Rosen, 1996, p. 507)

The 'move in the direction of reality' gives rise to the possibility of 'free riders', that is, to the possibility of benefiting from the gains of collective action without having to be faced with its (potential) costs. As a result, collective action becomes a problem because otherwise mutually beneficial action fails to take place. To explain why this is the case, recall that all the individuals find themselves in the same situation and that they know that they are not dissimilar to one another in terms of reasoning. Hence, not only each individual prefers (2) to (1), (3) to (2) and (3) to (1), but they also know that this is the case for every other individual. Knowing that not only you but all the other potential participants prefer (3) to (2) gives every individual "a reason to doubt whether other individuals have a sufficient reason to participate in collective action – and hence they may not have such a sufficient reason themselves" (Rosen, 1996, p. 507).

This is precisely what the coordination problem in collective action situations consists in, namely, the fact that oftentimes mutually beneficial action may fail to take place even though every individual involved may be acting rationally in the pursuit of their individual interests. Furthermore, our example illustrates why protest movements such as disobedient movements are characterized by a 'snowball' structure. Recall that the willingness of each individual to participate in collective action rises sharply as their expectation that others will also participate increases. Participation is, nevertheless, clearly the best indicator of others' willingness to participate. Hence, "once public actions against a regime reach a certain point they tend to expand rapidly. If it proves to be possible to *demonstrate* dissent successfully, then the willingness of non-participants to participate will rise

exponentially" (Rosen, 1996, p. 508; italics in the original). Thus, the crucial question becomes how to get the snowball moving. Or as Rosen puts it, "here is the paradox: even instrumental political action may need to be initiated by non-instrumentally motivated agents if it is to be successful" (1996, p. 509).

To conclude this section and set the stage for the next one, this section has highlighted two points. First, the phenomenology of disobedience yields the generic definition that it consists in a form of collective political action with very high (potential) costs. As such, disobedience, then, is a typical collective action problem. The second point of the chapter is that collective action problems consist in situations in which a paradox reigns, namely, a discrepancy between what is rational from the perspective of an individual and what is rational from the perspective of a group. In such situations one needs to find solutions for collective action to be undertaken. In the case of disobedience within societal environments characterized by structural injustices the argument runs as follows: given the structural injustices experienced by particular social groups, it is crucial that the groups in question engage in forms of collective action such as disobedient politics in order to address the systemic injustices they are exposed to. However, within societal environments characterized by structural injustices, it is very costly to engage in such action for every individual. Given that disobedience typically leads to punishment and repercussions for its practitioners, reference to rationality and prudence alone cannot solve the problem of collective action within societies characterized by structural injustices. Hence, any theory of disobedient politics is faced with the problem of solving collective action problems.

In the following section, we will inquire into the kinds of solutions that Rawls's theory enables and the kinds of solutions it forecloses. As will be argued below, we are not interested in the concrete solution that enabled disobedience in one or the other instance of disobedience. On the contrary, we are interested in specifying kinds of solutions or the range of possible solutions that a theory foresees. For that reason, we will inquire into Rawls's political ontological background assumptions in the next section. Furthermore, in the concluding sections of the chapter, we will illustrate what kind of problems the specific nature of the kinds of solutions that Rawls's political ontological background assumptions enable lead to. To anticipate, we will argue that Rawls's ontological political background assumptions enable a particular form of disobedience that we will term moral disobedience, and this form fails to pass the test articulated in Chapter II with regard to the requirements for an appropriately modern and political theory of disobedience.

ii) Rawlsian political theory and political ontology

This section proceeds in two steps. First, the section scrutinizes Rawls's conception of political theory in order to highlight that this is a version of a normative theory with practical intent. As such, Rawls's political theory sets for itself the objective of being a theory that is practice-relevant, that is, a theory that operates through concepts, background assumptions, and ideas that enable the necessary forms of action for countering the kinds of injustices it identifies. Second, the section introduces the importance of political ontology for understanding any forms of political theory. Every political theory presupposes political ontological background assumptions. Such assumptions, in turn, have important implications for the plausible interpretations of forms of action that a theory enables or forecloses. The section concludes by highlighting that in order to understand the concrete kinds of disobedient collective action that Rawls's theory enables one needs to inquire into Rawls's ontological background assumptions with regard to the nature of personhood. Section iii) delves precisely into this topic.

*Rawlsian political theory*

The main aim of Rawls's theoretical project was to “work out a conception of justice that provides a reasonably systematic alternative to utilitarianism” (1999, p. xi). Rawls breathes new air into the contractarian tradition by means of his innovative method which revolves around the idea of the original position. The principles of justice that his method yields are meant to regulate “the basic structure of society,” that is, “the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation” (Rawls, 1999, p. 6).

More generally, Rawls ascribes four roles to political theory. First, political theory has the potential to serve the practical aim of offering “grounds for reasoned agreement when sharp political divisions threaten to lead to violent conflict” (Wenar, 2021). Second, political theory can mitigate phenomena of alienation associated with modern society by providing orienting ideas – such as that of equal citizenship – about the proper relationships both between individuals and institutions and between individuals. Third, political theory should formulate and advance “workable political arrangements that can gain support from real people” (Wenar, 2021). To use a Rawlsian concept,

political theory is the ‘science’ of ‘realistic utopias’ par excellence. Rawls used the concept of realistic utopias to capture the idea that his conception of justice was, on the one hand, realistic because it reflected basic facts about human behavior, and, on the other hand, utopian because it envisaged an improved state of affairs. Fourth, Rawls expects political theory to serve a reconciling function within a world that is oftentimes perceived as essentially characterized by “domination and cruelty, prejudice, folly and corruption” (Wenar, 2021). The principles of justice are expected to provide a social “basis of argumentation” (Freeman, 2010, p. 26) and thereby illustrate the reasonable elements to be found in social institutions and practices. To be sure, reconciliation does not amount, for Rawls, to mere resignation to the status quo. On the contrary, he argues that:

reconciliation means that we have come to see our social world as a form of life in political and social institutions that realizes our essence – that is, the basis of our dignity as persons who are free. It will “thereby appear justified to free thinking”. [Rawls, 2000, p. 331]; quoted in: (Freeman, 2010, p. 27)]

To answer the question posed above, then, political theory in its Rawlsian variant is a normative theory with practical intent. The ideas and arguments to be found in the general framework of the theory in question are expected to guide or at least inform praxis intended to either preserve certain social practices and institutions or to reform them in specific directions. Furthermore, the action-guiding principles of Rawls's theory are of a social nature, that is, they are not meant to regulate interpersonal relations *stricto sensu* but the relations between the most fundamental social institutions, on the one hand, and individuals and/or social groups, on the other.

To summarize, we have shown that Rawls's political theory is a variant of a normative theory with practical intent. Hence, it follows that Rawls's model of disobedience must be practicable, in the sense that the general assumptions, ideas, and arguments that built his theory must offer ways of solving the collective action problem that disobedience consists in. Given the embedded practical intent in his theory, the desideratum that it is practicable emerges. This insight will inform the later more critical sections of this chapter. Furthermore, we have also shown in passing that political ontological assumptions have important implications for political theories.

#### *Political ontology*

In order to explain the rationale of undertaking an inquiry from the viewpoint of political ontology into Rawls's nonideal theory, the themes, questions, and insights of that particular field need to be

discussed. According to Philip Pettit, “[e]very political theory [...] presupposes a political ontology” (2005, p. 157). Nevertheless, political theorists have seldom engaged explicitly with the ontological questions and assumptions operative in the context of their theories. Often, they have instead proceeded as if such assumptions and questions could be easily bracketed. Only recently has the literature started to reflect upon the “tacit [ontological] assumptions on which [its] analytical enterprises were always premised” (Hay, 2011, p. 461). The magnitude of the ontological debates has led some theorists to speak of an ‘ontological turn’ (Rosenthal, 2019, p. 239). These recent ontological debates have aimed, first, at uncovering the implicit ontological allegiances of political theories; second, at inquiring into the coherence of the claims of such political theories in light of the uncovered ontological assumptions; and, third, at formulating alternatives to the established ontological orders. In the context of this chapter, only the first two imperatives are going to be addressed.

In the remainder of this section, I will define political ontology and address two interrelated questions: in which sense does every political theory presuppose a political ontology, and why are political ontological assumptions important for political theoretical inquiries?

In the traditional Quinean understanding, ontology consists in an inquiry into the “basic entities whose existence is presupposed by a given proposition, theory, or research tradition” (White, 1997, pp. 502–503). By articulating positions about the status of social phenomena, Quine argued, one is at the same time embracing a ‘logical commitment’ to the existence of the entities that the phenomena in question are assumed to consist in. It is in this sense that every political theory presupposes an ontology.

And yet, most political theories contain an ontology only implicitly. Thus, interpretative work is asked for if we are to inquire into the ontology of most political theories. Such interpretative work will have to start by uncovering the background assumptions that determine the primary categories of operation or units of analysis of the political theory in question. The notion of a background denotes here the latent or taken-for-granted set of concepts, ideas, representations, hypotheses and the like “within and through which theorists interpret and, perhaps, seek to change, the world” (Jessop, 2006, pp. 195–196). Such ontological background assumptions are of crucial importance to any form of normative political theory with practical intent because they carry the potential of prioritizing or downplaying, enabling or foreclosing “certain avenues of critique by conceptualizing certain social phenomena such that it is ruled out *a priori* that they might also be different, or to rule out certain kinds of explanations” (Stahl, forthcoming).

An initial answer, then, to the two guiding questions of this section is that every political theory presupposes an ontology because insofar as every political theory makes claims about human affairs it necessarily commits itself to claims about the nature of socio-political reality. Moreover, such commitments have important implications for the content of any political theory because background assumptions about the nature of the thematised social phenomena, that is, assumptions about their constitution and/or generation, influence both the diagnostic and the prescriptive conclusions of political theories.

To illustrate by means of an example, that ontological assumptions about the nature of political reality, on the one hand, determine the choices we make with regard to our units of analysis, and, on the other hand, affect the content of our theories and their categories of operation, consider the following three questions. First, are we to conduct our analysis on the basis of "identities, individuals, social collectivities, states, regimes, systems, or some combination of the above" (Hay, 2011, p. 462)? Second, even if we were to reach an agreement with regard to the first question, what is the substantive content of the entities or categories of choice? Third, what are the sources or origins of the categories in question? How are they formed or produced? For instance, are we to understand individuals as instrumentally rational utility maximizing entities, or are we to understand them as other-regarding and altruistic entities attached to culturally constituted communities? Moreover, are we to understand individuality as historically and socially determined, or as a naturally fixed point of reference?

A widely accepted definition of *social ontology* takes it to be "the study of the nature and properties of the social world" (Epstein, 2021). Given that our interest lies in a regional ontology (Hay, 2011, p. 462) we can adapt the former as follows: *political ontology is the study of the nature and properties of the political world*. To explicate, being interested in a regional ontology (Hay, 2011, p. 463) entails that we are not primarily interested in questions about the nature of being *as such*, but in questions about the nature of the set of objects or entities a concrete theory claims to be characteristic of a specific realm. To specify further, in the context of this section I am interested in the "presuppositions about the constitution of agents and the [political] world" (Rosenthal, 2019, p. 238) embedded in Rawls's model of disobedient politics. My interest stems from the following two premises: first, the fact that Rawls's political theory has a practical intent, which, in turn, entails that its concepts, models, and prescriptions should be practicable. Second, the political ontological assumptions embedded within a political theory determine ranges of possibilities in the sense that

they enable or foreclose certain understandings of collective action and, thereby, delineate between possible and the impossible states of the world.

Section i) and section ii) shed light on four insights. First, from the phenomenology of disobedience we concluded that it is a form of collective political action with very high (potential) costs. Second, because of its collective nature and the expected high costs it incurs on individuals when exercised within societal environments characterized by structural injustices, disobedience is a typical case of a collective action problem. Collective action problems consist in paradoxical situations. Whenever individuals of a group have a shared interest in engaging in collective action but either face difficulties or fail to do so we can speak of a collective action problem. In the case of disobedience within societal environments characterized by structural injustice, individuals of systemically discriminated groups have a shared interest in coordinating their actions to put an end to the injustices they suffer. And yet, oftentimes they fail to do so because they fail to coordinate.

Third, we saw that Rawlsian political theory is a variant of normative theories with practical intent. As such, we argued, Rawls's model of disobedience must be practicable, that is, it must enable this form of collective action by offering solutions to the collective action problem that it poses. Recall that in Chapter II we reached the conclusion that Rawls's model is superfluous and unwarranted when it comes to episodic forms of injustice. The model is *prima facie* valuable and plausible when it is used against structural forms of injustice. Hence, given that disobedience is a typical case of collective action problem within societies characterized by structural forms of injustice, it follows that his theory must offer solutions to collective action if his model of disobedience is to be informative at all. Thus, fourth, we introduced the field of political ontology as the study of the foundational nature, properties, and assumptions underpinning political reality within a certain political theory. The field investigates the ontological assumptions —or the basic beliefs about existence and reality— that are often implicit in political theories and shape their analytical frameworks, choice of entities, and scope of analysis.

Hence, in the next section we will inquire into Rawls basic ontological background assumptions about personhood. Given that collective action problems consist in a discrepancy between what is rational from the individual's perspective and what is rational from the group's perspective, we concluded earlier that coordination problems in collective action situations consists in the fact that oftentimes mutually beneficial action may fail to take place even though every individual involved may be acting rationally in the pursuit of their individual interests. Hence, we argued that many disobedient movements are characterized by a 'snowball' structure. Recall that the willingness of

each individual to participate in collective action rises sharply as their expectation that others will also participate increases. Participation is, nevertheless, clearly the best indicator of others' willingness to participate. Hence, "once public actions against a regime reach a certain point they tend to expand rapidly. If it proves to be possible to *demonstrate* dissent successfully, then the willingness of non-participants to participate will rise exponentially" (Rosen, 1996, p. 508; italics in the original). Thus, the crucial question becomes how to get the snowball moving. Or as Rosen puts it, "here is the paradox: even instrumental political action may need to be initiated by non-instrumentally motivated agents if it is to be successful" (1996, p. 509).

The question then is what kind of solutions to collective action problems Rawls's ontological background assumptions allow for. Put otherwise, what kind of phenomena does Rawls see as capable of getting the ball moving? Given that, as we said, the paradox lies in situations in which it is not strictly rational from the perspective of an individual to engage in action even though it is rational from the perspective of a group, we need to inquire into the fundamental nature of persons within Rawls's theory. How does he understand persons? What pools of motivations do Rawlsian persons have access to? What could potentially allow them to solve the collective action problem and coordinate in order to make use of disobedient politics in fighting structural injustices within their societies?

### iii) Rawls's political ontology: on personhood

How does Rawls conceptualize the essential characteristics of personhood? How are we to understand personhood within nearly just societies characterized by both fair terms of cooperation and phenomena of structural injustice? Rawls refers to his conception of the person in various places in his numerous works. The conception, it could be said, serves primarily four important functions<sup>46</sup> in the context of his theory of justice. First, it orients Rawls's explication of the content of the basic liberties (1999, p. 53, 2005, p. 293). Second, it corroborates Rawls's thesis that there is a bundle of basic liberties which enjoys priority over other rights and freedoms, the so-called priority of liberty thesis<sup>47</sup> (1999, sec. 82, 2005, pp. 294–299). Third, the conception of personhood functions

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<sup>46</sup> For a brief and yet instructive analysis, see, (Freeman, 2010, pp. 51–54).

<sup>47</sup> Or, in more common terminology, the priority of the right over the good.

as the justificatory basis for the egalitarian elements of Rawls's theory (1999, sec. 77). Fourth, Rawls's so called 'congruence argument' – that is, the thesis that it is rational for members of a well-ordered-society to let their life-plans be oriented and regulated by the principles of justice, which is crucial for determining whether such a society would be characterized by stability or not – is based on his conception of the person (1999, sec. 86).

What, then, does Rawls's conception of the person consist of? Even though, as was mentioned, Rawls refers to his particular understanding of the person numerous times, his conception remained underthematized in the context of *A Theory of Justice*. It was only after H.L.A. Hart's critical remark that Rawls's account of the basic liberties and their priority suffered from two gaps<sup>48</sup> that Rawls explicated in greater detail and depth his conception of personhood (Rawls, 2005, pp. 289–291; Freeman, 2010, p. 53). To be sure, the reader may wonder at this point whether using a conception of personhood that Rawls explicated in his later works is a permissible strategy for criticizing his earlier work in the first place. After all, every author deserves the right to change their mind. However, Rawls seems to not have changed his. With regard to his conception of personhood, Rawls contends in *Political Liberalism* that the move of anchoring the content of the basic liberties in the conception of the person with two moral powers is characteristic of his theory of justice as fairness (Rawls, 1999). Thus, the move to analyze the conception of personhood operative in the context of the work in which he articulates his model of civil disobedience, that is, *A Theory of Justice*, with reference to a later work, that is, *Political Liberalism*, is not as problematic as it might appear at first sight.<sup>49</sup> Continuity rather than its opposite seems to characterize Rawls's ideas on the topic in question.

According to H.L.A. Hart, the two gaps in Rawls's initial formulation of his theory of justice consisted in the indeterminate character of, first, his claims about the specification of the content of the basic liberties, and, second, their priority (Rawls, 2005, p. 290). Indeed, in section 77 ('The Basis of Equality') of *A Theory of Justice*, where the most detailed definition of personhood is to be found, Rawls does not offer a detailed explication of the idea (Rawls, 1999, p. 442). Thus, in *Political Liberalism*, he rearticulates his thoughts in a more comprehensive manner. He claims that, "the basic liberties and the grounds for their priority can be founded in the conception of citizens as free and equal persons" and that "[t]hese revisions bring out that the basic liberties rest on a conception

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<sup>48</sup> Discussed in detail below.

<sup>49</sup> See also (Freeman, 2010, p. 54), where a similar strategy is employed.

of the person that would be recognized as liberal and not, as Hart thought, on considerations of rational interest alone" (Rawls, 2005, p. 290).

Rawls starts with a claim about the inherent connection between a particular kind of social cooperation and the conception of the person operative in his theory of justice. This idea is what distinguishes Rawls's conception from – what he terms – metaphysical conceptions of personhood, such as the utilitarian conception of persons as "container-person[s]", that is, "as places where intrinsically valuable experiences occur" (Rawls, 2005, p. 298). Contrary to this, Rawls puts forth a 'practical Kantian' conception, which captures the "aspects of our nature that can be singled out as particularly significant" for the purposes of his theory (Rawls, 2005, pp. 299–300). His conception is practical because, as was already mentioned, it proceeds from an inquiry into the nature of the practices through which we relate to one another (Freeman, 2010, p. 55).

Rawls begins by defining the kind of social cooperation that he has in mind as non-reducible to a form of rationally, that is, efficiently and self-interestedly, organized coordinated social activity. On the contrary, social cooperation, for Rawls, "is always for mutual benefit" (Rawls, 2005, p. 300). This understanding of social cooperation, according to Rawls, has two implications. First, it implies that all parties involved in social cooperative practices and institutions must both benefit from their participation and be capable of comprehending and recognizing the reasonably fair terms under which it takes place. Second, the participants engaged must each pursue their own particular rational advantage through their participation (Rawls, 2005, p. 300). Hence, Rawls argues that in the light of the above two points, we are obliged to attribute to the persons involved two moral powers, which Rawls terms "the reasonable", that is, the capacity to respect fair terms of cooperation, and, "the rational", that is, the capacity to individually reach a conception of the good (Rawls, 2005, pp. 300, 302). Rawls further explicates the two capacities as follows:

the capacity for a sense of justice is the capacity to understand, to apply, and normally to be moved by an effective desire to act from (and not merely in accordance with) the principles of justice as the fair terms of social cooperation. The capacity for a conception of the good is the capacity to form, to revise, and rationally pursue such a conception, that is, a conception of what we regard for us as a worthwhile human life. (Rawls, 2005, p. 302)

This conception is used by Rawls to reply to Hart's critical remarks. He contends that with reference to these two moral powers one can discover the "essential social conditions for the adequate development and full exercise of the two powers of moral personality over a complete life" (Rawls,

2005, p. 293). The essential conditions in question are then to determine the content of the basic liberties and also account for their priority over other rights and freedoms.

Note that what is of utmost importance in Rawls's conception of the person is not this or that value, end, attachment, or more generally attribute of a person, but the capacity to *choose* such properties. It is, then, with reference to these two capacities that we should inquire into the potential solutions to coordination problems.

In other words, insofar as disobedience is a form of collective political action with high (potential) costs, what kind of reasons for engaging in such a form of action do Rawls's ontological assumptions enable and what kind of reasons do they foreclose from the range of plausible interpretations of such actions? To address this question, we first need to gain a better understanding of the implications of Rawls's political ontological assumptions with regard to personhood. In order to do so, I will reconstruct the insights from the so-called liberal-communitarian debate with regard to the understanding of personhood.

#### Theories of personhood or the self: Insights from the liberal-communitarian debate

In this section, we will employ the insights from the so-called liberal-communitarian debate in order to draw the implications of Rawls's political ontological assumptions with regard to personhood. The debate centers on the differing conceptions of personhood between liberal and communitarian thinkers and, therefore, offers a good starting point for scrutinizing the implications of Rawls's conception. The present section serves three purposes. First, it clarifies Rawls's conception of personhood by juxtaposing it to a competing tradition. Second, the insights gained from the introduction of the communitarians' critique of liberalism will be used as points of reference to formulate the shortcomings of Rawls's model of disobedient politics. Third, it foreshadows the direction the present inquiry should take in order to articulate a model of disobedience that best serves the practical intent with which this model is invested.

The liberal-communitarian debate emanates from an ontological dispute. The dispute revolves around differing and antithetical conceptions of the self, characteristic of the two traditions. Put bluntly, a certain tradition in liberalism conceives of the self as an impenetrable, almost isolated, and ready-formed entity – or at least so its critics claimed. On the other hand, communitarians insisted that conceptions of the self, self-identities, and the like are determined by constitutive

relations with others in a dialogical manner because the self is porous and dynamic to begin with (for a brief depiction of the contrast, see, McBride, 2013, pp. 10-14). In one sentence, the communitarians suggest a shift in our “understanding of human beings from one that pictures them as fundamentally atomic, abstracted from their social relations, to one that pictures them as fundamentally social” (Brännmark, 2019, p. 145).

This debate emerged as a reaction to the success with which Rawls's *A Theory of Justice* met. A number of thinkers in the following two decades employed ideas from Aristotle and Hegel to dispute “Rawls' assumption that the principal task of government is to secure and distribute fairly the liberties and economic resources individuals need to lead freely chosen lives” (Bell, 2022). As will be shown below, at the heart of the matter was the liberal contention that the right enjoys priority over the good – a principle which, as was shown above, is central in Rawls's theory of justice as well. The communitarian critique questions the strategy of the liberals to anchor this principle in a conception of the person that is “ahistorical, asocial and disembodied” (Mouffe, 2009, p. 28). In the remainder of this section, I will discuss in detail this point in order to explicate the implications of Rawls's political ontological assumptions with regard to personhood for the possibilities of collective action, that is, for the range of forms of disobedience that his theory enables.

In what follows, I will first present the liberal position with regard to personhood in more general terms. In addition, I will make explicit the general conclusions to be drawn from Rawls's liberal conception of personhood with regard to individual-group relations and the forms of actions that are thereby enabled or foreclosed. Recall that Rawls's motivation for articulating a conception of personhood stemmed from the need to respond to the H.L.A. Hart's critical remarks. Hart had pointed out that the content of the Rawlsian bundle of basic liberties was indeterminate and that the claim that this bundle enjoys a priority over other rights and goods was insufficiently argued for. In response to Hart, Rawls moved to the terrain of ontology even though he had previously claimed that political thought ought to avoid ontological claims (Rosenthal, 2019, p. 238).

As was shown above, Rawls argued that the priority of liberty and the concrete content of basic liberties were both supported by his Kantian conception of the person as an agent invested with two moral capacities, that is, the capacity to be reasonable and the capacity to be rational. Thus, one could view Rawls's conception as an expansion of the utilitarian conception. Rawls's persons are not mere rational utility-maximizers, but they are also moral persons (Mouffe, 2005b, p. 26), that is, they are capable of acting because of, and not merely accidentally in accordance with, moral reasons. As I will show below, this expansion of the utilitarian conception of personhood allows

Rawls's theory to accommodate a form of disobedience which I term moral disobedience. The expansion, nevertheless, is insufficient for accommodating a political form of disobedience under the conditions of modernity.

Rawls's move is in line with other liberal theorists who try to accomplish the same thing, that is, to justify the idea that the right is prior to the good. It is a distinctive feature of this particular variant of liberalism, to which Rawls belongs, that it contends that no particular substantive conception of the good life or the most fundamental ends in life could function as a point of reference to anchor a definition of the just society. These liberals distinguish themselves with reference to the fact that they argue that any liberal conception of the just society must be independent of any particular, contingent, and socially biased ends. Thus, these thinkers find recourse to the idea of procedural commitments (Dworkin, 1978), that is, commitments to the idea that every single individual should be considered, regarded, and treated with equal respect by the institutional infrastructure. Every person should be treated as an entity capable of determining for themselves the particular ends of the good life (for a discussion, see, Taylor 1995a) they happen to choose.<sup>50</sup>

Michael Sandel specifies that the liberal thesis about the priority of the right over the good can be summed up in two senses:

The priority of the right means first, that individual rights cannot be sacrificed for the sake of the general good [...], and second, that the principles of justice that specify these rights cannot be premised on any particular vision of the good life. (Sandel, 1984, p. 82)

Sandel argues that liberalism, just like every other political theory, presupposes a political ontology, that is, it is not reducible to a “set of regulative principles” but necessarily also involves “a view about the way the world is, and the way we move within it” (1984, p. 83). What is more, the concrete principle of the priority of the right over the good is premised on “a vision of the person that both inspires and undoes it,” namely, the idea of an “unencumbered self” (Sandel, 1984, p. 83).

To make the point with reference to Rawls, one can view his theory of justice as an attempt to articulate a defense of the liberal idea of the priority of the right over the good. The originality of Rawls's approach stems from the fact that he places his defense of the ‘priority of liberty’ principle

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<sup>50</sup> It should be noted that the liberal ideals in question were first articulated in a historical moment in which the desideratum was to liberate the subjectivity of the person from the detrimental and pernicious power of absolutist institutions, such as the state, the church, and tradition. I am, nevertheless, less interested in the historical trajectory of liberal ideals and more interested in the ontological commitments they give rise to with regard to personhood.

on new metaphysical grounds. The priority of the right over the good is at least as old as Kant's transcendental ethics. However, Kantian metaphysics were viewed with suspicion in the Anglo-American context. Hence, as Sandel puts it rather impudently, Rawls set out to "preserve Kant's moral and political teaching by replacing Germanic obscurities with a domesticated metaphysic more congenial to the Anglo-American temper" (Sandel, 1984, p. 85).

Recall that in the ideal part of his theory, Rawls abstracts from the concrete socio-historical realities and inquires into "the principles of justice that would regulate a well-ordered society" or, put otherwise, he inquires into "what a perfectly just society would look like" (Rawls, 1999, p. 8). In order to do so, Rawls uses the idea of the *original position* (Rawls, 1999, chap. III). The crux of the construct of the original position is that it is designed in such a way so as to justify the priority of the right over the good, on the one hand, without recourse to obscure metaphysics, and, on the other hand, without starting from any contingent and historically shaped conception of the good. In order to achieve this ambitious goal, Rawls invites us to imagine an interactive situation in which deliberation about the appropriate principles of justice takes place between participants that stand behind a *veil of ignorance* (Rawls, 1999, pp. 118–123). The veil of ignorance shields the principles of justice from biases by ensuring that the interlocutors in the original position lack any knowledge about their particular social position, identities, values, and the like. In other words, the veil of ignorance transforms the interlocutors from concrete individuals to abstract deliberative agents by detaching them from their particularity. Hence, the principles of justice that this method yields presuppose neither any esoteric metaphysics, nor any particular ends. What the method presupposes, according to Sandel, is a certain conception of the person,<sup>51</sup> that is, a conception of the person as an unencumbered self, "a self understood as prior to and independent of purposes and ends" (1984, p. 86).

In the remainder of this section, I will further explicate the idea of an unencumbered self by reconstructing Sandel's argument. My goal is to highlight the possibilities for political action that are enabled and the ones that are foreclosed by such an understanding of personhood. To be sure, my thesis is not that ontological assumptions determine practical and normative issues to the smallest detail. I rather maintain that ontological assumptions "structure the field of possibilities" for such

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<sup>51</sup> Which, to be sure, is a metaphysical position.

issues (Taylor, 1989, p. 161). That field, however, is typically sufficiently open so that a range of combinations between ontological and normative or practical positions remains plausible.

What, then, does the conception of the person as an unencumbered self consist in? The distinctive feature of the conception of the person as an unencumbered self is that it distinguishes between who a person is and that person's attachments. A person's attachments, be they to other persons, to groups, values or ends, and the person in question itself are taken to be two different things. For the right to be prior to the good, what should matter most of all to a person is not the particular ends they are attached to but the capacity to choose such ends. Note that this is precisely the language through which Rawls defines personhood, that is, through reference to the capacity to recognize and be moved by justice and the capacity to choose, define, revise, and pursue for oneself what a good life is. The understanding of personhood as 'prior to and independent of purposes and ends' has crucial implications for the ways in which a person can relate to external entities, such as other persons, ends, social groups, and the like. In Sandel's words:

Understood as unencumbered selves, we are of course free to join in voluntary association with others, and so are capable of community in the cooperative sense. What is denied to the unencumbered self is the possibility of membership in any community bound by moral ties antecedent to choice; he [sic] cannot belong to any community where the self *itself* could be at stake. Such a community-call it constitutive as against merely cooperative-would engage the identity as well as the interests of the participants, and so implicate its members in a citizenship more thoroughgoing than the unencumbered self can know. (Sandel, 1984, pp. 86–87, italics in the original)

Sandel uses this analysis to show that there is a contradiction in Rawls's theory of justice, namely, that justifying the difference principle is incompatible with the assumption of the person as an unencumbered self. Recall that the difference principle demands that members of a society should be willing to sacrifice some of their assets or their potential gains from their participation in the productive system in the interest of their less well-off co-citizens. To give an example, if it so happens that I am an extraordinarily genetically privileged person in a way that makes me – when properly trained – an unrivaled basketball player, then I should be willing to receive rewards for my efforts so that their magnitude is either equal to the rewards received by my co-citizens or bigger when compared to their rewards if and only if this inequality serves best the interests of the least well-off. To express the same idea in a less technical language, I should be willing to accept either an egalitarian scheme of distribution or an equalizing scheme of redistribution. That is so because

my talents are morally arbitrary given that they result from mere fortune. Thus, I should be prepared to “regard these talents as common assets, and regard one another as common beneficiaries of the rewards they bring” (Sandel, 1984, pp. 88–89). In Rawls's own words:

Those who have been favored by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out. The naturally advantaged are not to gain merely because they are more gifted, but only to cover the costs of training and education and for using their endowments in ways that help the less fortunate as well. (Rawls, 1999, p. 87)

According to Sandel, either the difference principle is justified and therefore a more encompassing relation between the person and society obtains, or the person and its social relations/attachments are two different and distinguishable things and the difference principle is unjustified. For the difference principle to hold any water, a conception of the person with “moral encumbrances and antecedent obligations” (Sandel, 1984, p. 90) is necessary.

A similar point about the inseparability between constitutive attachments and one's sense of identity or the self is made by Charles Taylor:

The answer to the question 'What is my identity?' cannot be given by any list of properties of other ranges, about my physical description, provenance, background, capacities, and so on. [...] If my being of a certain lineage is to me of central importance, if I am proud of it, and see it as conferring on me membership in a certain class of people whom I see as marked off by certain qualities which I value in myself as an agent and which come to me from this background, then it will be part of my identity. This will be strengthened if I believe that men's [sic] moral qualities are to a great extent nourished by their background, so that to turn against one's background is to reject oneself in an important way. (Taylor, 1985, p. 34)

To focus again on Rawls, recall how the argument with reference to the difference principle goes: I cannot be said to deserve the entirety of the fruits that stem from my natural endowments because “they are only accidental, not essential facts about me” (Sandel, 1984, p. 89). This last point flows from the idea that as an unencumbered self, the attributes I have and the person I am are two distinct things and hence since the attributes in question are not identical with the person I am, I cannot be said to deserve exclusive ownership of the fruits that result from the attributes I accidentally have. The next step of the argument supporting the difference principle, which is in essence a principle of sharing, is to claim that since the products that stem from my naturally given special talents do not belong to me, then they constitute common social assets and hence they

should be mobilized in the benefit of the society in its entirety. According to Sandel, this is the point where “the argument comes undone” (Sandel, 1984, p. 89).

It does not follow from the fact that certain assets in the form of attributes are only accidentally mine and distinguishable from the person I am that they are therefore “*common* assets and that society has a prior claim in the fruits of their exercise” (Sandel, 1984, p. 89, italics in the original). Just because as an unencumbered self I am distinct from the attributes I have, and therefore I have no legitimate claim to exclusive ownership of their fruits, it does not follow that the society I happen to reside in has such a claim. The arbitrariness of the fact that the attributes in question reside in me is not more arbitrary than the fact that I reside within the society within which I reside. Thereby, the fact that the attributes in question happen to be within the society in which I reside is at least equally arbitrary. It follows, then, that from a moral point of view, the fact that I happen to reside in a certain society, does not imply that that society has a legitimate claim over the fruits that result from the employment of my attributes.

In other words, Sandel has shown that for the difference principle to be justified a more encompassing conception of personhood than the unencumbered self allows for is required. The conception of the person as an unencumbered self allows for cooperative relationships and a conception of society as kept together because of, and for, cooperation. It is, however, unclear, under this conception of the person and society, what the moral basis for egalitarian (re)distribution is. For as long as there is no constitutive relationship between person and society, there seems to be no moral basis for deploying an individual’s attributes for the sake of the greater good. What is more, such a deployment would violate the liberal principle of never treating anyone merely as a means to other ends. Thus, Sandel argues that the difference principle cannot be justified unless the otherness between members of an institutional unity such as a modern society is not mediated by constitutive relations that bind one’s identity to morally significant social attachments. It is precisely these kinds of attachments that the liberal self cannot accommodate because it departs from the position of the priority of the right over the good. Hence, we cannot simultaneously “be persons for whom justice is primary, and also be persons for whom the difference principle is a principle of justice” (Sandel, 1984, p. 90). This conclusion raises the question of which of the two should then give way. Communitarians argue that the priority of right over the good is the one that should go because the idea of constitutive attachments is precisely what makes us persons. If we want our theories to be capable of accounting for how we become the particular persons that we

are, then our theories should accommodate the constitutive quality of the person and society or social group or guiding ends relations. As Sandel puts it:

To imagine a person incapable of constitutive attachments such as these is not to conceive an ideally free and rational agent, but to imagine a person wholly without character, without moral depth. For to have character is to know that I move in a history I neither summon nor command, which carries consequences nonetheless for my choices and conduct. (Sandel, 1984, p. 90)

To summarize, Sandel and other so-called communitarians have shown that for the difference principle to be justified, liberals should revise their conception of the person. In a similar vein, I will argue below that for disobedient politics to be possible, a model of disobedience is needed that will proceed from a different conception of personhood, which allows for constitutive social relations. To portend my argument, I will argue below that societies characterized by structural injustices set up a framework of socialization that enables, if not facilitates, certain kinds of constitutive attachments/relations. The problem with liberal accounts of disobedience is that they proceed from the image of the unencumbered self. They, thereby, fail to see the indispensability of 'independence and dependence', that is, they fail to recognize the distinctively human paradox of being capable of independence and freedom only through and in relations of dependence on others (see also, Llaguno, 2023). Hence, the political ontological background assumptions of these theories fail to account for the necessary motivational resources that enable a distinctively political form of disobedient action, on the one hand, and obscure the political landscape by prioritizing morality and failing to account for a distinct political logic, on the other hand.

Even though I am not working from an empirical perspective, but am primarily interested in the ontological presuppositions or conditions of the possibility of disobedience, the aforementioned position, namely, the importance of constitutive attachments for action in a world ridden by structural forms of injustice, can be very vividly illustrated through the following, ostensibly extreme, case. Frantz Fanon in his classic *The Wretched of the Earth* narrates the story of a young Algerian man who attacked French soldiers in front of the headquarters of the French occupation forces while shouting "I am an Algerian" (Fanon, 2002, p. 275). The incident took place in 1955 when the Algerian anticolonial struggle had taken the form of a war of independence. The family and relatives of the young man in question were active supporters and quite likely involved in the liberation movement. The young man, on the contrary, had chosen a form of life that constituted a kind of withdrawal from the public to the private sphere. At some point he started experiencing his parents' behavior towards him as characterized by disappointment and bitterness, if not animosity

and hostility. It is important to note that this is how the young man experienced his parents' attitude to be and not how they themselves or a third party interpreted it. The young man became convinced that his parents, other relatives, and other Algerians considered him to be a traitor and acted towards him accordingly. Under the immense pressure that the discovery of this perceived breach of his constitutive attachments to his important others must have exercised on him, the young man, in his desperate attempt to reinstate his relationship to his important others, attacked the French soldiers to performatively prove that he was not a traitor, he was not a French cooperator, and he was no less Algerian than the others.<sup>52</sup> What this case highlights is the idea that a loss of constitutive attachments is not a mere painful experience. What is at stake, on the contrary, is the self *itself*. This, in turn, highlights that any theory of disobedient or resistant political action must make space for such constitutive attachments as premises of self-identity.

To conclude, then, note that conceptions of personhood or the self have important implications for the forms of political action that a theory can accommodate, in the sense that the theory in question enables or forecloses a certain range of interpretation of certain phenomena – as I will argue in detail below.

#### iv) What (if anything) is wrong with Rawls's political ontology?

This chapter started with a definition of disobedience as a form of collective action with high (potential) costs. Hence, we argued, disobedience should be seen as a typical case that gives rise to a collective action problem. Furthermore, in order to support the decision to pursue an internal critique of Rawls's theory of disobedience, we explicated that his political theory is a variant of normative theories with practical intent. Hence, the models, concepts, and arguments he devises must be practicable in the sense that they should open up possibilities for putting them into practice in the real world. In a further step, we illustrated the importance of political ontological background assumptions for determining the concrete forms of action that a theory enables and forecloses in the sense that such ontological assumptions open up certain ranges of plausible interpretations and exclude others. Thus, we inquired into Rawls's conception of personhood because in cases of

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<sup>52</sup> Though this sounds as an extreme case, cases like this were numerous in Algeria during 1955 (Fanon, 2002, p. 275).

collective action problems it is crucial to understand how persons as acting agents are defined, in order to understand what solutions to coordination problems a theory conceives of as possible.

Now we can address the initial question of whether Rawls's political ontological background assumptions do actually allow for disobedience by synthesizing the insights presented above. What kind of reasons, then, for solving the collective action problems do Rawls's political ontological assumptions allow for? Our inquiry should naturally proceed from Rawls's conception of the person as reasonable and rational. In the service of analytical clarity, I will begin with the capacity to be rational.

### The rational person and prudential disobedience

The capacity to be rational, that is, the capacity to conceive of and pursue one's particular ends in life, enables the constitution of collective agents and the pursuit of collective action whenever such forms of action are rational and prudential from both the perspective of the individual and the perspective of the collective, that is, whenever there is no discrepancy between what is prudent for the individual and what is prudent for a group. In these cases, the associated costs of collective action should be relatively low. For such forms of collective action to be carried out, there should be no discrepancy between what is prudent from the perspective of the individual and what is prudent from the perspective of the group. In other words, when a course of action is rational both from the perspective of each one of the individuals involved and from the perspective of all of them as a collective agent, then we can speak of rational collective action at both levels. To illustrate by means of an example, think of a context in which the employees of some institution are allowed to use a number of their total monthly working hours for union activity. In such a situation, the individual employees have an incentive to engage in union activities if we assume the legitimacy of the expectation that such collective action is going to improve either directly or indirectly their chances of fulfilling through their work whatever life ends they may have. Furthermore, the opportunity costs for each individual are minimal given that they can engage in union activity during their working hours – and they are not allowed to use this time for other non-work related purposes. Even if such situations are rare, if not absent, from the existing social world, they are not particularly far-fetched. Such forms of rationally enabled collective action are, nevertheless, of little value when discussing the topic of disobedient politics. As was argued above, the phenomenology of

disobedience reveals that it is a form of collective action with high costs within the context of societies characterized by structural forms of injustice.

Recall that nearly just societies - on the 'sunless branches' interpretation which was shown to be consistent with Rawls's project - are characterized by structures that systematically empower some and disempower others by investing the first with resources that enable the exercise of dominating power over the second. Thus, whenever the ones subjected to the dominating power that is enabled by unjust social structures consider the option of disobedience, they will anticipate that, at least for some time, their actions will meet repercussions. The threat of repercussions will have to be viewed as credible since the dominating group(s) have sufficient resources to inflict penalties and disutility for disobedient actions at their disposal. Furthermore, the individuals that first decide to pursue a disobedient politics will have to make peace with the fact that at least for some time their actions will fail to bring about the desired outcome.

Recall that, in situations of collective action problems, the likelihood of success rises sharply as the initially low number of the participants rises until at some point before unanimous participation success becomes essentially certain. Thus, taking initial steps towards disobedience under such circumstances cannot be accounted for with reference to the capacity to be rational. On the contrary, rational considerations, at least in the beginning, should function as obstacles to the pursuit of disobedient collective political action. When participation, nevertheless, becomes very widespread and massive, we should expect many more people to 'ride the wave' because the likelihood of success becomes almost certain at some point before unanimous participation. This seems in line with the observed historical reality. Time and again, when the pioneers of disobedient social movements have scored a good number of victories and success seems to lie ahead, many more otherwise moderate people join the ranks of the marching few. To conclude, then, the capacity to be rational does not seem to solve the collective action problem that appears to make disobedient action impossible.

### The reasonable person and moral disobedience

What about the capacity to be reasonable? Can it be said that it allows us to understand the constitution of collective agents with the ability to carry out collective disobedient political action? Recall that the capacity to be reasonable is the capacity to act not merely in accordance with, but

from justice, that is, to be moved by the principles of justice. Thus, it can be said that Rawls's ontological schema allows for the constitution of collective agents for the pursuit of justice or more broadly, weighty moral norms. In such cases individuals come together to pursue some greater good in which they all believe. For instance, participation in charitable organizations can be understood as exemplary of such a form of action. In such cases the individuals in question cannot be said to be acting in the best interest of their narrow individual ends and goals. Thus, it cannot be said that they are being rational in a narrow sense.<sup>53</sup>

Can such form of action be said to provide a solution to the kind of collective action problem that disobedience consists in? Unlike strictly rational action, collective action motivated by moral norms about which individual agents feel strongly has the potential of enabling a certain form of disobedience. When guided by allegiance to higher values such as principles of justice, individuals may be motivated to endure high costs and, thereby, solve the coordination problem characteristic of disobedient collective action.

Therefore, we have identified a plausible solution to the collective action problem of disobedience that Rawls's ontological assumptions allow for. Whenever individuals feel strong enough about the validity and importance of certain moral principles, so that they are willing to carry high (potential) costs, they can form collective agents and perform disobedience in the name of the moral norms in question. To illustrate by means of an example, think of disobedient activists acting in the context of the global anti-war movement. In this case, the activists are willing to endure the high costs associated with their actions by virtue of their strong allegiance to moral principles. I contend, nevertheless, that this form of disobedience should be termed *moral disobedience* and that it is not representative of the exemplary cases of disobedience. What is more, even in this case one should not too hastily discard the possibility that the motivations of the individuals engaged in such action stem from the constitutive relationship they have established with the movement itself. In that case, then, the actions in question would not be moral disobedience proper. Irrespective of these considerations, my point is that it under certain circumstances the problem of disobedient collective action can be said to be solvable with reference to the human capacity for reasonableness. It is within the realm of possibility that individuals are sufficiently strongly moved by their concern for moral principles that they are willing to undertake the potential costs associated with disobedient

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<sup>53</sup> Unless we allow for the principles of justice or moral norms to figure out as their ends or goals. In this case, however, the very distinction between rational individual interest and moral norms collapses, that is, the very distinction between the reasonable and the rational collapses.

action. Therefore, we can conclude that Rawls's ontological assumptions enable one particular form of disobedient action, which I suggest calling moral disobedience.

What then is wrong with Rawls's political ontology since I have already conceded that it can accommodate a form of disobedient politics? To portend the argument developed in the following section, the kind of problems that a model of moral disobedience runs into are similar to the kind of problems every theory that moralizes the political instead of treating it as a distinct terrain of human social life runs into. Apart from the fact that moral disobedience is a restrictive, unrealistic, unrepresentative, and ivory-towery conception of disobedient politics, it runs into deeper problems by obscuring the political landscape altogether by reducing it into a polarity that moves between economics and morality. For politics to exist as a distinct social sphere, political theories must avoid restricting collective action to a polarity between prudence and justice. The dualism between economics and morality limits collective political action to two scenarios: either rationality and prudence, where individuals act as utility-maximizers and only engage when costs are minimal, or moral commitment, where individuals bear high costs driven by values rather than self-interest.

Hence, in the concluding section of this chapter, I want to scrutinize the concrete conception of politics that emerges from the insights gained above and operates in the background of Rawls's theory. The aim of the following section is to show what is wrong with moral monism about collective action. In the following chapters I will try to formulate a model of disobedient politics that does not reduce political action to moral action but, on the contrary, incorporates forms of collective action that are distinctively political and thereby address the requirements developed in Chapter I for an appropriately modern and political theory of disobedience.

v) The vice of moralization: On Rawls's post-political model of disobedient politics

In this section I want to continue to scrutinize the implications of Rawls's political ontological assumptions for his model of disobedient politics. The previous section concluded that Rawls's conception of personhood enables two kinds of solutions to collective action problems. Only one of those two solutions, though, is relevant when it comes to solving the concrete nature of the collective action problem that disobedience consists in. More precisely, we concluded that Rawls's conception of personhood enables a form of disobedience that could be termed moral disobedience since it is in the terrain of morality that the solution to collective action is to be found. This final

section of the chapter will inquire into two questions: First, what implications for Rawls's model of disobedience stem from the insight that his model relies on moral solutions? Second, given these implications, does his model fulfill the requirements formulated in Chapter I for an appropriately modern and political theory of disobedience?

To move forward, I believe that the best way to understand the implications for Rawls model is by explicating the insights with regard to the concept of politics within his theory. It is more often than not the case that the use of general and commonplace concepts such as 'politics' is assumed to be unproblematic – and, therefore, unworthy of scrutinization. We all seem to know what we are talking about until the moment someone asks the admittedly irritating and bothersome question: but what do you mean exactly by this or that concept? For better or worse, polysemy is not a challenge only for everyday interlocutors but also for political theorists. What is more, in the case of concepts such as politics, that is, concepts that function as environments within which other concepts and ideas are embedded, we are not faced merely with the challenge of simple polysemy. Such concepts, to use Gallie's classic term, can be said to be *essentially contested concepts*, that is, the question of their proper use "inevitably involves endless disputes" (Gallie, 1955, p. 169). And yet oftentimes the contestation remains implicit. The understandings of such concepts operate in the background until someone points out that theorists mean not only very different things but also conflicting things with such concepts.

Recently, a number of thinkers have pointed out the various meanings and uses of the concept of politics<sup>54</sup> in the context of theories situated within different philosophical traditions. What is more, such thinkers have demonstrated that the understanding of politics in the context of each theory has significant implications for the forms of action and the possible directions of change enabled and/or foreclosed by each theory.

Hence, in the following I want to scrutinize Rawls's understanding of politics in order to shed light on the possible uses of disobedient politics enabled by his conception of politics. Given that disobedient action is placed within the realm of politics, the range of possible political action determines also the range of possibilities for disobedient action. To make use of a familiar example from Chapter I, I have characterized the Christian understanding of disobedience as second-order obedience. What enabled this form of disobedience was the fact that within this social formation,

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<sup>54</sup> Slavoj Žižek, for instance, identifies four such uses: arch-politics, para-politics, meta-politics, and ultra-politics (1998, pp. 65–66).

politics was subordinated to the Christian dogma. Recall that the pre-modern world was characterized by a descending modality of legitimacy, that is, political power was legitimate as long as it facilitated the lives of good Christians or at least for as long as it did not violate the Christian dogma – as it was interpreted at each point in time by the ones enjoying hegemonic authority within the Christian community.

To cut a long story short, I want to defend the claim that Rawls can be seen as a theorist of post-politics *avant la lettre*. My main point in this section is that his nearly just societies bear significant affinities to the conception of late 20<sup>th</sup>-century western societies put forward by proponents of the idea of a ‘second modernity’ (see, Mouffe, 2005, chap 3; Beck and Grande, 2010). This observation, in turn, is important for the purposes of this dissertation because it has significant implications for the form or modality of politics within nearly just societies, which, again in turn, has significant implications for Rawls’s model of disobedience. The affinities are quite clear in the fact that the concept of nearly just societies, just like second modernity conceptions of society, carry the promise of an individual existence liberated from any collective bonds; the promise of a partisan-free democracy; the promise of an efficient allocation of resources through rational technocratic management; and the elimination of irrational affective ties from politics. The implications for Rawls’s model of disobedience revolve around the idea of depoliticization.

To corroborate my claim, I put forth two positions. First, I contend that in contrast to the views of theorists of modernity, who conceive of the transition from the premodern to the modern with reference to the loss or dissolution of foundations and the impossibility of establishing permanent new ones, Rawls conceives of nearly just societies as societies gravitating around a final ground, that is, the principles of justice. As a consequence, he relegates politics to a domain of only secondary importance. In other words, he relegates politics within nearly just societies to what contemporary thinkers term “post-politics”, that is, a condition in which allegedly all significant questions about how to organize society have already been settled, and, consequently, politics have become a space of consensus-building and technical optimization rather than a sphere for conflict, contestation, and transformative social change.

Second, I maintain that Rawls’s political ontological assumptions obscure the fact that constitutive affective ties to others are a condition of possibility for the self. Thus, his theory is incapable of accommodating a form of action that can be termed distinctively political because it is precisely with reference to such ties that indispensable collective identifications are built and thereby forms of action that are distinguishable from rational and reasonable action are enabled. In other words, any

theory that wants to create space for distinctively political action under modern conditions has to proceed from ontological assumptions that do not reduce the range of potential human action in a polarity that moves between economics and ethics.

Naturally, both positions are in need of vindication. They both point towards a depoliticized conception of disobedience. In the context of Rawls's theory, disobedience, just like politics, is depoliticized because it is situated within a social environment within which politics has lost its distinctively modern character as an independent form of social activity; because it is anchored in pre-political – as it were – principles of justice; and, because Rawls's ontology fails to make space for distinctively political relations, that is, relations that are constitutively agonistic. By depoliticization effects I mean the closure of the space for putting 'the way things are' into question, which is precisely what makes disobedience a valuable tool in the hands of political agents.

I will start with the first claim, that is, the thesis that the principles of justice function as a final ground within the context of nearly just societies, and, thereby, politics is reduced to post-politics. As was argued in Chapter I, Marx and Engels's dictum that in the modern era 'all that is solid melts into air', on the one hand, describes the dissolution of the taken-for-granted systems of reference of religion and tradition that played the role of orienting foundations in the premodern world, and, on the other hand, captures the impossibility of establishing a new final ground to stabilize and orient social life. Hence, the modern era is characterized, as was shown again in Chapter I, on the one hand, by unprecedented dynamism with regard to the pace and scope of change, and, on the other hand, by a new structural fragility of political authority, that must now constantly legitimize itself through an immanent modality – given the loss of the extra-political foundations. Politics emerges in modern times as for the first time liberated from morality because it presents itself as the best means to navigate across a conflict-ridden social terrain, within which the possibility of change is ever looming. Conflict is inevitable precisely because of the constitutive of the modern era impossibility of finding a new final ground. Thus, as Weber argues, the necessity of politics as a mediation between conflicting parties stems from the inescapability of the 'rule of people over people' in an era when no 'definite resolution' could emerge so that a unity of interests and beliefs could be re-established (Weber, 2004, pp. 33-34; Lassman, 2000, pp. 84-85). To wish for such a definite harmonizing resolution under conditions of modernity is, for him, nothing more than utopian or wishful thinking. To sum up, the movement I am describing is that from a premodern social constellation, within which politics is of secondary importance because morality enjoys

supremacy, to a modern social constellation, within which politics acquires a distinctive and independent form of existence.

How does, then, Rawls understand politics within nearly just societies? Apart from the direct comments he makes with regard to politics, one needs to pay close attention to the constitutive features of nearly just societies to explicate the form of politics within them. As was argued above, nearly just societies are characterized by four constitutive features:

- a) The existence of some form of effective democratic government.
- b) The Principles of Justice are the fundamental terms of willing cooperation among free and equal persons.
- c) The Principles of Justice are publicly recognized (for the most part), that is, there is a shared sense of justice curved with reference to the Principles of Justice.
- d) Serious injustices, that is, violations of the Principles of Justice are possible.

All four constitutive features are instructive in comprehending politics within the Rawlsian nearly just society. First, constitutive feature a) implies that there are practices and institutions through which the body politic is invested with the capacity to both elect and hold accountable the ones occupying decision-making offices. As was mentioned above, Rawls contends that “some form of majority rule” is the best means to insure the application of such principles (Rawls, 1999, p. 313). Echoing long standing and typical liberal views, Rawls imagines a political system characterized by the competition of political parties in free and periodic elections (Rawls, 1999, pp. 318, 336). Furthermore, he envisions that there is space for the highly celebrated American system of so-called ‘checks and balances’ in the context of nearly just societies. More precisely, he suggests that the legislative and executive branches of power are constrained by a supreme legal text such as a constitution or a bill of rights. The resulting constraints, in turn, enforced by an independent judiciary invested with the competence of reviewing laws, statutes and decrees on the basis of their constitutionality (Rawls, 1999, pp. 313, 197). Finally, apart from the importance of aggregative processes, Rawls speaks of the importance of deliberative processes as well, that is, of mechanisms that enable citizens to make use of their public freedom and thereby steer the political debate and sharpen their political opinions (Rawls, 1999, pp. 195–200).

Second, constitutive features b) and c) entail that the principles of justice are both embedded in the fundamental practices and institutions of nearly just societies and that they inform the shared sense

of justice. On the one hand, the basic structure of society, that is, the major legal, economic, political, and more broadly social institutions that “distribute fundamental rights and duties and determine the division of advantages from social cooperation” (Rawls, 1999, p. 6) operate in accordance with the principles of justice. And, on the other hand, the principles of justice are found at the core of the collective political consciousness of the members of nearly just societies (Rawls, 1999, p. 335).

Constitutive features a), b), and c) invest politics within nearly just societies with three essential features. First, note the fact that within nearly just societies there is no space for normative progress through conflict<sup>55</sup> because they already possess a final normative ground. Nearly just societies are characterized by the fact that there is a shared normative foundation that functions as a compass for both the design of institutions and practices and the behavior of individuals. What is more, the principles of justice are there to stay. All the big questions about the organization of society, that is, about the way in which the fundamental institutions and practices – or, in Rawls's terminology, the basic structure of society – produce, allocate, and deliver goods, services, and social esteem have been settled. Thus, politics, in this context, is degraded to secondary importance. On the one hand, politics according to Rawls's is limited or restricted by the (supposedly) procedurally neutral principles of justice which function as foundations for political authority and legitimization of social practices and institutions. As he claims, the policies that the legislative procedure can yield must be “within the allowed bounds” set by the principles of justice (Rawls, 1999, pp. 294, 318). On the other hand, politics cannot offer much when it comes to discovering emancipatory forms of organization of social life because such forms have already been discovered, that is, the open-endedness of modern societies that was thematized in Chapter I is lost.

Second, as is clear from the above, the main modality through which politics is to unfold in nearly just societies is that of representation. Rawls identifies periodical elections, majority rule, and an independent judiciary as the key figures through which politics occur. Rawls mentions, in particular, the important function of the competition between political parties for office in maintaining the principles of justice (Rawls 1999, 318). Indeed, “[d]emocracy depends on choice” (Streeck and Schäfer, 2013, p. 1). For any political system to be democratic in a minimally meaningful sense, citizens must be able to choose among different political programs and must be able to enforce the implementation of these programs. If electoral outcomes cannot translate into a change in policies,

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<sup>55</sup> A point that will be discussed in detail later with reference to Axel Honneth's theory of recognition.

then democracy becomes a dead letter. What kind of change, though, can the citizens of nearly just societies bring about by electing political parties for office? In which sense can the political programs of the different political parties differ? Given that all the big questions about the organization of society are settled within nearly just societies, the content of the political competition between political parties will necessarily have to revolve around questions of implementation – as Rawls indicates in various places (Rawls, 1999, pp. 294–295, 318). The competition between the political parties in question will necessarily revolve around questions of economic efficiency, technocratic optimization, managerial excellence, and the like.

Third, within nearly just societies politics unfolds in the form of consensus politics. To explicate, given, first, that there is a shared normative foundation from which citizens can draw resources to settle disagreements, and, second, that political disagreements concern questions of implementation and management – as opposed to divisive and potentially unresolvable questions of the principles through which society should be organized – political debates should be expected to end in consensual solutions through dialogical exchange of arguments.

Finally, while a), b), and c) propel nearly just societies towards the calm waters of a fair sea, constitutive feature d) puts it in the dark currents that lead to a cold wavy ocean. Nearly just societies are not identical to their perfect cousins because they fail to ostracize the possibility of violations of the principles of justice. In other words, phenomena of injustice fall within the range of possibility within nearly just societies. As was argued above, such injustices should be understood as structural – as opposed to merely episodic – if disobedience is to be of any added value. If the possible phenomena of injustice within nearly just societies are understood as merely episodic, disobedience necessarily becomes superfluous and unwarranted because the institutional channels of political action within nearly just societies should suffice for addressing injustices of a merely episodic nature. It is at this point that Rawls's scheme comes undone. It is precisely because he does not pay due attention to the structural nature of injustices within nearly just societies that his theory fails to articulate an appropriately political understanding of disobedience.

It is precisely the presence of structural injustices within nearly just societies that gives rise to objectively disobedience-worthy<sup>56</sup> moments. As Rawls argues, there must be social groups suffering from grave injustices and social majorities that have repeatedly refused to engage in dialogue about

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<sup>56</sup> To paraphrase the Marxist idea of an objective revolutionary situation.

the issues at hand for disobedience to be worth considering. It follows that, within nearly just societies, irrespective of whether conflict manifests itself actively in the form of disobedience or not, there is an immanent and structurally generated potential for conflict. Constitutive feature d), thus, implies that nearly just societies are actually divided societies, divided in such a fundamental way that conflict as a form of political activity that is distinct from and goes beyond mere deliberation is inevitable. Hence, politics should be viewed as a means for mediating such phenomena through the exercise of power and a degree of decisionism. In other words, politics cannot be reduced to mere dialogue and when it is equated to dialogue, this can serve to conceal the objective conflict and reproduce behind the backs of the victims, as it were, whatever injustices are present in the social context in question.

Ultimately, all aforementioned deficits in Rawls's theory stem from his restrictive political ontology, which brings us to my second claim, that is, the thesis that Rawls's political ontological assumptions obscure the fact that constitutive affective ties to others are a condition of possibility for the self, and, thereby, foreclose the possibility of a form of action that is distinct from ethical and rational action and deserves to be termed properly political. To begin with, as we saw above, Rawls conceives of personhood with reference to two capacities: the rational and the reasonable (Rawls, 2005, p. 302). As was argued above, then, Rawls's conception of the person is an expansion of the utilitarian conception, given that for him persons are not mere rational utility maximizers but also moral persons, that is, they are capable of acting because of, and not merely accidentally in accordance with, moral reasons. Following Sandel, I further explicated Rawls's conception of the person through the idea of the unencumbered self. The idea of an unencumbered self denotes a state of being that is free from antecedent constitutive attachments to entities above, beyond, and outside the individual self.

Given Rawls's conception of persons as having the capacity to be rational and the capacity to be reasonable, we can expect individuals or groups to act within the realm of politics either as prudential or as ethical agents (Rawls, 1999, pp. 294–295). Hence, individuals when acting within the realm of politics do not act in a way that is distinct from when they act in the spheres of the economy or that of ethics. They are bound to act either as instrumentally rational welfare maximizers or as ethical advocates. In this way, Rawlsian persons are moving in a spectrum between the poles of economics and ethics with no real space for distinctively political action. As was shown above, Rawls ontological assumptions can accommodate the existence of groups through the model

of associations (Young, 2010, pp. 42–48). According to the associationist model, social groups are formed whenever individuals decide to come together and act in concert.

In Rawls's case, as I have argued, collective action can come about either when it is rational from both the perspective of the individual and that of the group to act in concert, or when the weightiness of moral grounds is such that motivates individuals to undertake the costs of collective action. Again, then, both in the form of individual and in the form of collective action, the political agents within nearly just societies are bound to move between economics and ethics (Schmitt, 2007, p. 57), and, thereby, fail to perform any form of action that can be said to be political in some particular and distinct sense. Once again, politics is depoliticized because it is conceived as reducible to other forms of social activity.

To move forward, I want to suggest that the kind of depoliticization that both politics and disobedience undergo in the hands of Rawls bears significant resemblances to the form of depoliticization captured by the concept of post-politics.<sup>57</sup>

To begin with, post-politics is defined with reference to the distinct form of politics in modern times. The use of the Latin prefix 'post' has become quite frequent and fashionable in our times – with some preferring its Greek equivalent 'meta'. 'Post' is used to denote that the term that follows it has become inoperative, irrelevant, or insignificant. For instance, the term 'post-racial' denotes that allegedly present-day societies have moved beyond social practices and institutions the logic of which involved interpreting and structuring the world on the basis of alleged racial differences. Applying the same logic, 'post-politics' denotes a situation in which the logic of politics – whatever that might be – and the associated social practices, institutions and habits or behavioral patterns have been transcended. Hence, the question that emerges is what does 'politics' mean here? What do theorists that use the term post-politics refer to with the second part of the compound term?

To cut a long story short, the reference point of the term 'post-politics' is politics in its modern instantiation. More precisely, theorists of post-politics take cue from the concrete form through

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<sup>57</sup> A number of terms has been suggested to describe the form, modality, or simply shape of politics at the dusk of the 20<sup>th</sup> century and the dawn of the 21<sup>st</sup> century. Most prominent among them are the terms 'end of history' (Fukuyama, 1989), 'post-democracy' (Crouch, 2004), 'para-politics' (Žižek, 1998), and 'post-politics' (Mouffe, 2005b, 2005a; Hochuli, Hoare and Cunliffe, 2021). All four terms are adjacent terms distinguished from one another because of the fact that they focus or put more weight on different aspects of the same historical development they all try to grasp. I will use here post-politics because, on the one hand, it is the one that most directly addresses the aspects that lie at the heart of my interest in this section, and, on the other hand, I believe that it is the concept that semantically operates at the most general level.

which politics unfolded in the ‘short twentieth century’ (Hobsbawm, 2011). According to Francis Fukuyama politics during the short twentieth century involved a “struggle for recognition, the willingness to risk one’s life for a purely abstract goal, the worldwide ideological struggle that called forth daring, courage, imagination, and idealism” (Fukuyama, 1989, p. 18). Indeed, during the first half of the twentieth century it seemed possible to change everything through politics. In the span of a few decades empires collapsed, nations were built, wars that involved almost the entire world took place, revolutions that promised to change substantively the mode and relations of production were at least initially triumphant (Hobsbawm, 2011, pt. 1). These turbulent times, during which almost everything seemed possible through political action, ended with the defeat of National Socialism and Fascism and the establishment of an international order characterized by the struggle between democratic capitalism and existent socialism “over the best means for organizing human society” (Hochuli, Hoare and Cunliffe, 2021, p. 20).

Politics, then, even after the end of the Second World War, embodied the potential for radical social change. On the one hand, the competition from the outside, that is, the existence of a block of countries that constituted a counterexample for how to organize social life, and, on the other hand, the existence of contestatory political forces organized either through the form of political parties or through the form of unions domestically entailed that political change was not written off (on this point, see, for instance: (Mouffe, 2005a, pp. 48–51; Streeck, 2014, chap. 1; Hochuli, Hoare and Cunliffe, 2021, pp. 34, 50).

‘Post-politics’ denotes precisely the end of this constellation in which socio-political change was not postponed *ad kalendas Graecas*. It denotes an era in which all the important questions about the best way to organize society had been allegedly settled (Hochuli, Hoare and Cunliffe, 2021, p. 45) and political boredom (Fukuyama, 1989, p. 18) was the word of the day. A number of historical developments contributed to the emergence of the post-political constellation. First, the end of the Cold War terminated the competition over the best means to organize society from the outside and gave rise to the idea that ideological competition was a thing of the past (Fukuyama, 1989, p. 4). Second, the decline in citizens’ participation, and the concomitant evacuation of political institutions because of the withdrawal of citizens from public life and the turn of politicians and parties toward the state (Mair, 2013, p. 16) consolidated the feeling that politics had become impotent. Third, the increase of the importance of the ‘global firm’ (Crouch, 2004, chap. 2) and the decline of the working class in the west (Crouch, 2004, chap. 3) led to the emergence of new forms of representation, such

as non-governmental- organizations (NGOs) and lobbying, which de facto functioned more in the direction of conservation than that of change.

All these interconnected developments gave rise to the post-political form of politics, characterized by several features. First and foremost, it foreclosed the possibility of profound and fundamental social change and conflict. Second, it fostered the perception that History had ended, meaning that ideological competition over the best way to organize society was resolved, culminating in the final stage of liberal representative democracy. Third, politics became centered on consensus, premised on the supposed existence of a shared normative foundation. Fourth, political matters increasingly relied on technocratic expertise rather than interests and ideals. Fifth, closely related to this, was the perceived erosion of the social preconditions for collective solidarity, shared identities, and affective ties in politics. Sixth, political struggles shifted from the traditional division between right and left to a moral dichotomy of right and wrong. Finally, politics became equated with dialogue, which in turn obscured power and conflict as intrinsic elements of the political sphere.

The similarities between Rawls's understanding of politics within nearly just societies and the concept of post-politics are striking. However, both understandings miss one crucial point, namely, that the societies they attempt to grasp theoretically remain decisively modern, in the sense that they have not moved beyond deep structurally generated divisions, nor have they generated any final answers to the question of normative social foundations. In the case of Rawls, whose work lies at the core of the interest of this dissertation, things get complicated when one takes seriously constitutive feature d) of nearly just societies. The existence of structurally generated forms of injustice creates a social background conducive to irreducible political conflict, to the formation of collective identities, to the opening of space for affective ties to play a role in politics, to the struggle of irresolvable competing alternatives for the organization of social life.

I maintain that political questions cannot be reduced neither to questions of technical optimization (Mouffe, 2005a, p.10) -to be done by experts, nor to questions of morality (Sangiovanni, 2008; Williams, 2008; Rossi and Sleat, 2014). At least this does not hold in the context of societies that remain decisively modern, that is, societies that are characterized by deep structural divisions – in the form of structural injustices, and lack any final ground, or, put otherwise, which are post-foundational, as was argued in Chapter I. Any model of disobedience that wants to claim for itself the epithets 'political' and 'modern' must proceed from background assumptions that accommodate both points. Hence, Rawls's theory by being premised on morality does not live up to these two requirements.

My aim in this section has been to highlight that Rawls's political ontological assumptions, rooted in the idea of the unencumbered self and methodological individualism, lead to his post-political understanding of politics. By conceiving persons as rational and reasonable agents whose individuality is independent of constitutive attachments and affective ties, Rawls frames political action as a cooperative process grounded either in the pursuit of individual rational interest or in shared principles of justice rather than as a contestatory, conflict-ridden domain. This atomistic view reduces collective action to a matter of rational agreement and moral deliberation, leaving no room for the agonistic struggles and structural conflicts that characterize modern politics, as discussed in Chapter I. Consequently, Rawls's nearly just societies are depicted as environments where politics have lost their distinctive modern character as an autonomous sphere for navigating irreducible divisions and conflicts. Instead, politics is relegated to a post-political realm of consensus-building, technical optimization, and the optimal implementation of pre-determined principles of justice. By overlooking the role of situated selves and constitutive attachments in fostering collective identities and enabling transformative political action, Rawls's framework forecloses the open-endedness and contestability that are essential to modern political life, reinforcing a depoliticized vision of society.

If disobedience is to be of any added value within contemporary societies, it must be properly political, that is, it must be articulated through concepts and embedded within a theoretical framework that, on the one hand, does not conceal the fundamentally conflictual social terrain of modern societies, and, on the other hand, does not obscure the indispensability of constitutive attachments for selfhood. The analysis of this chapter has allowed us to formulate an explicit definition of an appropriately political understanding of disobedience. The concept of the political is defined in the context of this dissertation through two key components. First, it is characterized by the concrete nature of political action as a form of collective action that is distinct from both rational and ethical action. The difference between the former and the latter lies in the former's association with constitutive relations – as opposed to merely cooperative ones. Second, it is defined in opposition to post-politics, which forecloses transformative potential. Appropriately political action, therefore, entails maintaining open-endedness and questioning the fundamental organizational principles of social life.

## Conclusion

This chapter concludes the discussion of the most prominent account of disobedient politics, that is, John Rawls's model of civil disobedience. Chapter II explicated the model and discussed the two plausible interpretations of the social context, within which the model is situated. It concluded that the context should be understood as one in which one can find both just – according to Rawls – and unjust structures of social cooperation. In other words, nearly just societies should be understood as piecewise just societies.

In Chapter III the discussion proceeded to discussing Rawls's model from the perspective of political ontology. I first showed that given the fact that Rawls's political theory is a normative theory with practical intent, political ontological assumptions are of particular significance because they determine the range of possible states of the socio-political world by enabling certain forms of action and foreclosing others. Second, from the phenomenology of disobedient politics, it became clear that this form of politics consists in instances of collective action with very high (potential) costs for participants. Hence, disobedient politics is a typical case of a collective action problem, that is, a situation in which even mutually beneficial action from the perspective of a group may need to be initiated by non-instrumentally motivated individual agents. Third, given the above insight, I posed the question: what solutions to the collective action problem that disobedient politics consist in do Rawls's political ontological assumptions enable? To address this question, I explicated Rawls's political ontological assumptions with regard to personhood or the self. Rawls conceives of persons as rational and reasonable. Rawls's conception gives rise to an image of persons as unencumbered selves. As unencumbered selves, I argue, human agents are capable of cooperative relations on the basis of prudential and/or moral grounds. Constitutive relations, on the contrary, which are premised on a more thoroughgoing form of sociality and implicate the person's self-identity itself, are foreclosed by Rawls's political ontological assumptions.

Fourth, I inquired, then, into the potential forms of disobedient action that Rawls's political ontology enables. I contend that his ontology enables solutions to collective forms of action on the basis of morally motivated individual action. His political ontology, then, enables a particular form of disobedience that I term moral disobedience. The problem with such an understanding of disobedient politics is that by prioritizing morality over politics it leads to depoliticization, that is, it ends up being insufficiently transformative.

In this final section of the chapter, I want to juxtapose the preceding analysis to the criteria for an appropriately modern theory of disobedient politics developed in Chapter I and develop some insights that will guide our inquiry in the chapters that follow.

To begin with, the so-called critics' charge was that disobedient politics is inherently anti-democratic because it relies on backward-looking architectonics, while what characterizes the modern democratic ethos is the idea of open-endedness, that is, the idea that since all legitimacy stems from the will of the people and since that will cannot be peremptorily bound, any political logic that justifies itself with reference to a just or ideal status quo ante, is anti-democratic. Rawls's model is designed so as to restore justice, as was shown above. Indeed, for Rawls nearly just societies are characterized by their propensity to fall from justice. In this regard, Rawls's model is insufficiently transformative and lacks the potential of pushing forward because it is limited on the possibility of restoring an – allegedly – just status quo ante. This conclusion goes against the first criterion developed in Chapter I, that is, the requirement that any model of disobedient politics that aspires to be appropriately modern, must be transformative, given the high-pace of change that definitionally characterizes modern societies.

Second, given the scope of change that characterizes interconnected modern societies, the second criterion for an appropriately modern model of disobedient politics required that our model is not designed to address solely domestic agents, but, on the contrary, allows this form of politics to be employed in struggles against – newly emergent – phenomena resulting from interconnected global systems. Rawls's model, as Scheuerman has also argued (2016), is premised on the so-called Westphalian framework, and is therefore reduced to addressing 'domestic social majorities.'

Third, the intrinsic nature of modern institutions captures the fact that in modern societies no permanent extra-social foundations for grounding social institutions and practices can be found. The dissolution of the taken-for-granted systems of tradition and religion gave rise to the very modern requirement of immanent justification of social entities.

Rawls's model proceeds with reference to his principles of justice and their constructivist justification. The constructivism behind Rawls's model does not refer to normative principles themselves but, as was argued, to the procedure of justification. The proceduralism of Rawls, nevertheless, refers to the ideal part of his theory. Once extracted, the principles of justice function as foundations when we move to the nonideal part of his theory. His model of disobedient politics, though, is part of the nonideal part of the theory. Hence, constructivism does not apply to this plane

of the theory. This observation makes his model susceptible to the critics' charge because it does indeed bound the range of legitimate uses of disobedient politics to the bringing about of a *status quo ante*.

Fourth, any model of disobedient politics that claims to be appropriately modern must be embedded within a social theoretical context that is sociologically informed in order to reflect the political logic of the modern era. The structural constellation of modern societies gives rise to conflictual agonistic relations between social groups. Furthermore, the loss of permanent foundations makes a permanent resolution of conflict impossible. Hence, on the one hand, the model of disobedient politics we are looking for must not understand disobedience as a form of exceptional politics relevant only under extraordinary circumstances. On the other hand, the model must not reduce this form of politics to a merely symbolic form of action. On the contrary, disobedient politics is also always a strive for power within a constitutively conflictual social world. Rawls's model imagines disobedience as a conflict between individual moral consciences. As an instance of ethical disagreement. This is the reason he constructs disobedient forms of politics as of an exclusively symbolic nature.

That being said, we can now orient our inquiry on the basis of the above conclusions. If the shortcomings discussed above are to be addressed, we need to identify a social theory that proceeds from ontological assumptions that understand the person as embedded into its social environment in a more thorough manner. We need to identify a social theory that acknowledges the invariant nature of conflict within modern societies and recognizes the distinct political logic of social struggles. I contend that we can find such a theory in Axel Honneth's theory of recognition, which offers an alternative model of social conflict.

## Part Three – Recognitive disobedience: Articulating a new model of disobedient politics

### Chapter IV – Axel Honneth's theory of recognition: An alternative model of social conflict

#### Introduction: Two models of social conflict

In Part Three, the overall goal is to articulate a novel model of disobedient politics that lives up to the requirements that the previous three chapters have identified. In order to articulate such a new model, we need to first identify a broader social theory within which to embed it. Just like Rawls's model is embedded within his broader theory of justice and premodern models of disobedience as second-order obedience are embedded within a Christocentric understanding of society, our model needs such an embedment if it is to be of political relevance. The broader social theory within the framework of which our model is going to unfold is Axel Honneth's theory of recognition. The recognition paradigm is chosen because it proceeds from a thoroughgoing understanding of individual group relations. Recognition theory sets itself the goal of being an alternative theory of social conflict and progress and thereby presents itself as the best candidate for fulfilling the requirement of understanding forms of social action that are reducible neither to ethical nor to strictly rational action.

The publication of Axel Honneth's *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (henceforth SfR) in 1992<sup>58</sup> introduced a “new research paradigm” (Zurn, 2015, p. 1) that combined insights from various disciplines, such as philosophy, psychology, sociology, history, and political theory. Furthermore, SfR established Honneth as the “undisputed gravitational center of the third generation of the Frankfurt School tradition” (Anderson, 2011, p. 46). By articulating a novel form of a critical theory with emancipatory intent, Honneth became a successor of the first generation, which included figures such as Max Horkheimer, Theodor W. Adorno, and Herbert Marcuse, and the second generation, which revolved around the work of Jürgen Habermas. Given the prominence of the idea that theory and thought are constantly in a dynamic relationship with

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<sup>58</sup> 1992 was the year of the original German-language publication: *Kampf um Anerkennung: Zur moralischen Grammatik sozialer Konflikte*. The English translation appeared in 1995.

social reality in the context of the Frankfurt School, it comes as no surprise that all three generations are starkly influenced by the social struggles, the possibilities for emancipation, and the historical circumstances of *their times*. Honneth's variety of critical theory must be viewed, therefore, as an attempt to update and rejuvenate the paradigm of the Frankfurt School in the light of historically significant socio-political developments at the setting of the twentieth and the dawn of the twenty first century. To anticipate, as will be argued below, I view Honneth's variant of critical theory and disobedient politics as an optimal pairing because, on the one hand, Honneth's recognition theory was developed against the background of the dashed hopes for a proletarian revolution, and, therefore, forms of politics like disobedience that combine transgression with gradualist logics are a valuable complement for a theory with emancipatory intent like recognition theory. On the other hand, the preceding chapters have demonstrated that disobedient politics are left in a crisis. As we saw, the liberal paradigm fails to fulfill the requirements for an appropriately modern and political theory of disobedience, as articulated in Chapter I. Recognition theory, because of its forward-looking perspective and its norms-laden understanding of conflict, is our best candidate for an alternative to the liberal paradigm.

This chapter undertakes a detailed exploration of Axel Honneth's innovative contribution to the theory of social conflict. Honneth's core achievement lies in constructing an alternative model of social conflict that shifts focus from interest-based conflicts, as traditionally conceptualized in social theory, to conflicts rooted in moral experiences and the normative structures of recognition. This shift provides a theoretical framework that is particularly well-suited to addressing the limitations of existing paradigms of disobedient politics, such as the liberal model examined earlier. The chapter positions Honneth's recognition-theoretic approach as a compelling foundation for developing a modern, political, and sociologically robust account of disobedient politics. To this end, the chapter introduces, examines, and evaluates the key components of Honneth's alternative model, with an eye to its applicability in the construction of a new paradigm of disobedient politics.

In the first section, I provide a concise overview of the standard model of social conflict, which heavily informs the liberal tradition, including the social theoretical framework employed by John Rawls. This foundational step is crucial for illustrating the limitations of interest-based paradigms in accounting for the complexity and moral dimensions of social struggles.

In the second section, the focus shifts to the historical and philosophical underpinnings of Honneth's alternative model of social conflict. Here, I trace the intellectual lineage of Honneth's ideas, situating his work within a tradition of thought extending from Hegel's early writings through the pragmatist

social psychology of Mead to the writings of the Frankfurt School. This historical reconstruction not only highlights the continuity of Honneth's approach with earlier intersubjective theories but also emphasizes the innovative ways in which Honneth integrates these insights into a framework that is both empirical and normatively laden.

The third section constitutes the analytical core of the chapter and is organized into three subparts that analyze the key components of Honneth's model. First, I delve into the philosophical foundations of the recognition paradigm, examining how relationships of recognition—spanning the dimensions of love, legal rights, and social esteem—enable distinct forms of practical self-relations: self-confidence, self-respect, and self-esteem. Each of these dimensions is explored in depth, with particular attention paid to how they underpin individual and collective identity formation. Second, I investigate how violations of recognition—manifested through experiences of social disrespect—become the motivational raw material for social struggles. This section explicates how Honneth's theory identifies a normative dimension in these struggles, rooted in the moral expectations embedded within relationships of recognition. Third, I discuss the normative implications of these struggles, focusing on Honneth's concept of a 'formal conception of ethical life', which serves as a framework for evaluating processes of moral and social development.

The fourth section of the chapter synthesizes these analyses to demonstrate how Honneth's model can be employed as the foundation for an appropriately modern and political theory of disobedient politics. By addressing the ontological and normative deficits of the liberal paradigm, Honneth's recognition-theoretic approach provides the tools necessary to construct a model of disobedient politics that fully acknowledges the constitutive sociality of persons, the normative dimension of social conflict, and the emancipatory potential inherent in struggles for recognition. This reconstruction sets the stage for the next step in the dissertation: the articulation of a novel model of disobedient politics, which I term *recognitive disobedience*, informed by the insights of recognition theory while addressing its potential limitations.

The fifth section of the chapter brings together the insights on collective action problems discussed in Chapter III and the Honneth's alternative model of social conflict, that is, his theory of recognition. This juxtaposition aims at establishing clarity with regard to the distinct solutions to collective action problems that Honneth's theory enables. It is argued that Honneth's theory of recognition offers an alternative solution to collective action problems to the solutions enabled by Rawls's theory. More precisely, Honneth's ontological assumptions about the intersubjective presuppositions of identity enable forms of collective action that result from the acknowledgment of shared grievances that

cannot be reduced neither to the pursuit of rational interest nor to the identification with moral principles.

i) The standard model: Struggles for self-preservation

Honneth starts SfR with a short, three-and-a-half-pages long chapter entitled 'The Struggle for Self-preservation: On the Foundation of Modern Social Philosophy'. As the title suggests, this is the model of social conflict to which his own model constitutes an alternative. Honneth finds traces of the standard model in Machiavelli and argues that the idea matured in the works of Thomas Hobbes. To be sure, this model constituted a genuine revolution in thought (Habermas, 2011, p. 41) when it was first articulated. The emergence of the model of the 'struggle for self-preservation' is associated with deeper socio-historical developments that diminished the "enormous power to convince" (Honneth, 1995b, p. 7) of the classical doctrine of politics. The classical doctrine of politics, which had its roots in Aristotelian thought and remained prominent in "the medieval Christian doctrine of natural law" (Honneth, 1995b, p. 7), understood human nature as predominantly social. The famous Aristotelian conception of the human being as a *zoon politikon* and the conviction that society or "the state is by nature prior [...] to the individual" (Aristotle, 2005, bk. I, Part II) entailed that human self-realization could only be achieved within a political community. To explain, these theories contended that there are distinctive and characteristically human capacities that can only be developed within societies (Taylor, 1985, p. 191). Put negatively, these theories maintained that in the absence of social interaction or in the absence of social interaction under particular socio-political conditions, human beings would not be the kind of beings we know them to be. Against this background and as it was conceived by both Aristotle and Christian thinkers such as Augustine of Hippo, political philosophy had a twofold goal: first, to identify the "ethical order of virtuous conduct" that constitutes a good or just life, and, second, to define the shape of the institutions and laws that would appropriately facilitate the development of our social nature (Honneth, 1995b, p. 7). Recall that as was argued in Chapter I, theories that adopt these starting points end up reducing politics to a secondary role. Such theories did offer a convincing account of disobedience but only for societies characterized by descending modalities of legitimization of political authority, such as the understanding of disobedience as second-order obedience. Honneth formulates a theory of social conflict that explicitly and intentionally constitutes an alternative to such models because he

aims at articulating a theory that is decisively modern, that is, a theory that is informed by the significant social developments described above.

The two constitutive tasks of identifying the ethical order and the correct nature of social institutions that would enable human flourishing, as well as the teleological method of classical political philosophy, came increasingly under pressure with the emergence of a commercialized society. The economic and the political spheres had gained such a relative autonomy from “the protective framework of traditional morals” (Honneth, 1995b, p. 8) that they could no longer be scrutinized through the framework embedded in the theoretical tools of classical political philosophy. The increasing speed of the transformation of social institutions at the dawn of modern society and the associated fragmentation of social spheres of interaction made it increasingly difficult for theories that claimed to have grasped the eternal and unchanging nature of humanity to convince. What is more, this reading of modernity as a process of ‘structural differentiation’ is a premise upon which Honneth’s theory of recognition rests (Deranty, 2009, p. 280). To anticipate, the guiding idea is that the process of modernity disembedded the individual from traditional, meaning-generating contexts and gave rise to three analytically distinct spheres of recognition, which, in turn, enable three differentiated forms of practical relations-to-self.

Honneth, as was already mentioned, discusses the emergence of the by now standard model of social conflict by briefly presenting the guiding principles involved in Machiavelli’s ‘mirror-for-princes’ work and in Hobbes’s social contract theory. The break with the classical conceptual framework is evident in Machiavelli’s philosophical anthropology. Machiavelli conceived of human beings as principally egocentric and oriented towards the pursuit of their personal benefit. This shift came to full fruition with the publication of Thomas Hobbes’s *Leviathan* around a century later (Honneth, 1995b, p. 9). Honneth starts from the (in)famous Chapter XIII of ‘Part I: Of Man’ of *Leviathan*, titled ‘Of the Natural Condition of Mankind as Concerning their Felicity, and Misery’. According to Honneth, Hobbes constructs a fictitious –and not historical<sup>59</sup> – ‘state of nature’ that represents the “general state among humans that would, in theory, hold if every political institution regulating social life were now hypothetically removed” (Honneth, 1995b, p. 9). Life in the state of

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<sup>59</sup> To be sure, this is far from settled in the Hobbes’s studies literature (Newey, 2014, p. 85). Given that Honneth is not interested in disproving the worthiness of the Hobbesian model, there is no need for him to discuss the question of whether Hobbes’s ‘state of nature’ argument is better understood as an historical or as a hypothetical one. The fact that he opts for the latter and theoretically more consistent understanding indicates Honneth’s position that his model of social conflict is not introduced as a substitution for the model based on ‘struggle for self-preservation,’ but rather as a necessary complement to this model if the goal is to understand social change and moral progress.

nature, according to Hobbes, would consist in “continual fear, and danger of violent death”, and it would be “solitary, poor, nasty, brutish, and short” (Hobbes, 1998, p. 84). The grim picture painted by Hobbes is meant to capture the condition of an ever-present and insolvable conflict that Hobbes terms the ‘war of all against all’. Hobbes uses the construct of the state of nature to ground a social contract with the purpose of justifying an absolute political sovereign. What is important for our purposes, nevertheless, is not the consistency of Hobbes’s conclusions and his subsequent justification of the absolute sovereign. What we are primarily concerned with here is the fundamental theoretical assumptions upon which his conclusions are based. In other words, the focus is on his model of explanation of social conflict, or how his arguments could be used to understand social conflict in the context of modern societies.

Irrespective of whether Hobbes’s state of nature is overly pessimistic or not, “he constructs it from a number of individually plausible empirical and normative assumptions” (Lloyd and Sreedhar, 2012). According to Honneth, these assumptions constituted the foundations of modern social theory. Hobbes’s first important assumption is that when it comes to their abilities, such as “in the faculties of the body, and mind” (Hobbes, 1998, p. 82), humans are *by nature* sufficiently equal so that anyone is capable of harming anyone and, thereby, no one is in a position to permanently dominate others.<sup>60</sup> Second, this equality of ability generates an ‘equality of hope’, in the sense that all are justified in believing that they should attain their ends. Third, humans are desiring beings; they generally desire the avoidance of death, the acquisition of objects necessary for the preservation of their lives, and the fulfillment of their socially driven aspirations (Hobbes, 1998, p. 84). Fourth, humans have the ability to project themselves in the future, and therefore, the ability to order their conduct in such a way as to facilitate or safeguard their future welfare. Fifth, morality is ultimately subjectivist. It merely reflects personal preferences within the context of given conditions. Sixth, rationality is a calculating device, which identifies the best means to a given end. For Hobbes, all these assumptions, together with the scarcity of tangible and intangible goods, give rise to a generalized social conflict, to a ‘war of all against all,’ at least in the absence of a superior sovereign authority invested with the capacity to guarantee peace and enforce contracts.

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<sup>60</sup> The very ‘nature’ of domination is of a different kind. As Habermas notes, the successful solution of the ‘natural evils’, that is, hunger and the threat of death by other human beings, which constituted the point of departure for modern political thought, gives rise to an ‘artificial evil’, that is, domination. In Habermas’s words: “the domination of man by man”, which “becomes a third point of departure for social philosophical investigation: here the intention is to help secure dignity and peace for the oppressed and humiliated” (Habermas, 2011, p. 52).

To sum up, Hobbes presents a model of social conflict that ultimately maintains that the phenomenon is a consequence of human characteristics of an anthropological nature. The scarcity of goods combined with the human capacity for rational calculation, our desiring nature and our ability to concern ourselves with the future give rise to an ever-present competition over the necessary resources for fulfilling our desires. There are two important points to be made here, before we move to the examination of Honneth's alternative model of social conflict. First, as Honneth maintains, the guiding logic of the model of social conflict based on self-interest became the dominant understanding of the phenomenon in twentieth century social theory. Even if it is difficult to recognize life in modern societies of the last centuries in Hobbes's imagery – at least for the most part and for the most members of those societies – the thread of the argument can be and has been used in order to interpret social conflict in existing societies. All we need to do is add to the equation state institutions invested with “coercive powers and economic institutions that distribute the burdens and benefits of social cooperation” (Zurn, 2015, p. 56). Such institutions, on the one hand, diminish to a considerable extent the presence of privately induced physical violence on everyday life – at least for the most part – and, on the other hand, determine the distribution of “power and money, that is, all-purpose means to fulfilling whatever particular desires one has” (Zurn, 2015, p. 56). Thus, members of society with similar interests will tend to organize into groups in order to influence the distribution order of power and money to their advantage. Therefore, conflict is to be understood as stemming from the pursuit of interests by social groups competing over scarce resources. We can see this logic at play in a variety of social theoretical traditions, such as Marxism, Benthamite Utilitarianism, classical economics, rational choice models of economic and political behavior, etc. (Hargreaves-Heap 2008). This understanding of social conflict as rooted in the pursuit of personal interest was also discussed in the previous chapter. As we saw, such an understanding may work for certain forms of social conflict, but it is an insufficient starting point for understanding the dynamics of disobedient politics.

Second, even though the actors in Hobbes's state of nature lead a fundamentally different form of life from the one familiar to people like you and me, they appear to be strikingly similar to us. Hobbes's self-propelled desiring automatons lead a solitary life but they do nevertheless seem to possess a range of social skills and “a kind of self-awareness of self-feeling” (Taylor, 1985, p. 192). This observation immediately gives rise to the issue at the heart of the debates between proponents of atomism and proponents of the social nature of humans, that is, the issue of whether self-awareness or self-consciousness or some other distinctive and characteristic human trait can develop or emerge outside societies. What is important for our purposes is that a response to this

issue has crucial implications with regard to, first, our interpretation of social conflict, and second, the importance of social conflict for the normative development of societies.

Honneth treats both problems as inherently intertwined. His alternative model of social conflict starts from a theory of subjectivation and individuation, that is, from a theory of the development of personhood as premised on the existence of relations of recognition and yields an account of social struggles as normatively laden reactions to violations of moral expectations, which are, in turn, embedded in societal recognition orders.

Undoubtedly, these claims need unpacking and grounding. For now, it is important to stress the connection between the topics of the present chapter and the discussion of the preceding ones. The previous chapter concluded that when a theory starts from an understanding of personhood at the ontological level as an unencumbered entity, then it is only capable of understanding the relations between persons and groups as secondary. Hence, it was argued, such theories enable only certain (limited) forms of collective action. More precisely, they fail to accommodate understandings of collective agents and collective action that could allow for an appropriately modern and political understanding of disobedient politics. In this chapter, we will introduce Honneth's theory of recognition with an emphasis on what kinds of relations between groups and individuals it enables and what kinds or forms of collective agents and collective action are thereby enabled. To anticipate, my claim is that recognition theory allows for a broadening of our horizon on collective action because it starts from an understanding of persons as encumbered entities. In the following chapter we will make use of these insights to develop a novel understanding of disobedient politics, that is, cognitive disobedience.

## ii) Honneth's alternative model: Struggles for recognition

### Introduction

I will introduce Honneth's alternative model in five steps. First, I will reconstruct the historical trajectory of the insights and ideas that serve as the building blocks and philosophical ancestors of Honneth's theory of recognition. Second, I will reconstruct the positive side of his argument, that is, the contention that there is a fundamental interconnectedness between recognition relations and individuation or identity formation or the generation of one's sense of the self/personhood. Third,

I will move to the negative side of phenomena of recognition, that is, the idea that, at the heart of social protest, one finds moral experiences of social disrespect. Fourth, I will move from the individual to the collective level to complete the presentation of Honneth's alternative model of social conflict as fueled by social struggles for recognition. Five, I will extract the normative insights to be reconstructed from within the infrastructure of experiences of misrecognition or denial of recognition. To anticipate, in the following chapter I will introduce the concept of cognitive disobedience by making use of the insights to be found in Honneth's alternative model.

As is discernible in Honneth's book's title, the concept of recognition lies at the heart of his alternative "social theory with normative content" (Honneth, 1995b, p. 1). The concept of recognition, or at least the elements with which its content is invested in contemporary thought, date as far back as western philosophy itself. In Aristotle's *Nicomachean Ethics*, Books VIII and IX are dedicated to the topic of friendship. Aristotle formulates a theory of friendship constitutive of which is the ability of friends to recognize each other for what they are, to recognize each other's subjectivity with respect to their needs and desires. In this context subjects such as love, self-love and confidence, which, as we will see, play an important role in Honneth's understanding of recognition, are already present (Aristotle, 2007, bk. VIII–IX). Similar topics reappear in Renaissance humanism, the tradition of Enlightenment, and play a constitutive role in Rousseau's understanding of human sociality. Most contemporary accounts, however, take their cue from the tradition of German idealism and especially Fichte's and Hegel's theories of the intersubjective constitution of subjectivity (Zurn, 2015, p. 25). The latter's early work represents the most important source of inspiration and point of departure for Honneth's own account of recognition.

According to Honneth, in Hegel's critique of the atomistic assumptions of the tradition of natural law, one can find the appropriate resources for the articulation of an alternative model of social conflict (Honneth, 1995b, p. 40). The core of Hegel's critique lies in the claim that natural law theories *reverse* the relationship between the individual and society. By assuming the individual to be the "primary and supreme thing" (cited in Honneth, 1995b, p. 12), natural law theories view society as the subsequent product (Zurn, 2015, p. 26) of an agreement between self-interested individuals instead of viewing "the individual as a product of society" (McBride, 2013, p. 11). Thus, they presuppose the existence of self-interested subjects isolated from one another as a "natural basis for human socialization" and societal moral development (Honneth, 1995b, p. 12). Hegel, influenced by German Romanticism, Ancient Greek philosophy, and British political economy (Honneth, 1995b), set out to formulate an alternative intersubjectivist model of social theory by

replacing the “atomistic basic concepts with categories [...] geared to the social nexus between subjects” (Honneth, 1995b, p. 14).

To go back to Hegel’s original idea, his initial response was heavily relying on Aristotelian philosophy. First, Hegel adopted the Aristotelian thesis about the natural priority of society over the individual: “The nation [Volk] comes by nature before the individual. If the individual in isolation is not anything self-sufficient, he [sic] must be related to the whole nation in one unity, just as other parts are to their whole”<sup>61</sup> (cited in Honneth, 1995b, p. 14). Thus, contrary to theories of natural law, Hegel sees human beings as always embedded in a social context; he views social relationships as inescapable facts of the human condition. Therefore, there is no need for him to come up with an explanation of an exodus from natural life of epic proportions, of the transition from isolated life to social organization. What Hegel needs to account for is not the break with *the state of nature*, but “the reorganization and expansion of embryonic forms of community into more encompassing relations of social interaction” (Honneth, 1995b, p. 15). The second step in Hegel’s suggestion is, then, the accommodation of an “Aristotelian ontology, from which he borrows the idea that this transition must have the form of a teleological process in which an original substance gradually reaches its full development” (Honneth, 1995b, p. 15). The basic characteristic of this teleological process is its conflictual, agonistic character through which “the ‘moral’ potential inherent in natural ethical life [...] is gradually generalized” (Honneth, 1995b, p. 15).

There are, however, two problems with this scheme. First, there is the question of the content of the undeveloped potentials. What must this content be like, if it is to be already present in the structures of embryonic social relations and at the same time allows for both a deepening of social ties and a growth in terms of individual freedom? Second, there is the question of the concrete form of the conflictual process through which the potentials actualize themselves. It is in Hegel’s attempts to provide a solution to these two problems that Honneth finds the traces of an alternative model of social theory.

Hegel begins by reinterpreting Fichte’s theory of recognition. According to Hegel, the structure of any relationship of recognition entails that it is only by encountering an other and having certain of its traits recognized, that a subject becomes aware of its distinctive identity. Thus, on the one hand the relationship of mutual recognition reconciles the two parties encountering each other by

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<sup>61</sup> The quote is from Hegel’s essay *Natural Law*. Note that in Aristotle’s original thesis in *Politics*, he speaks of the polis instead of the nation (1253a, 25-29).

generating a moment of mutuality, and, on the other hand, by confirming their particular, distinctive identities it generates a moment of conflict by confirming difference. This implicit dynamic that Hegel detects in relationships of recognition allows him to move away from Aristotle's "teleological concept of nature to a concept of the social, in which an internal tension is contained constitutively" (Honneth, 1995b, pp. 16). Thus, this is the second part of Hegel's solution: he reinterprets Hobbes's model of "an original struggle of all against all" motivated by the interest in self-preservation by introducing the idea of a struggle motivated by insufficient recognition or misrecognition of one's particular identity (Honneth, 1995b, pp. 16–17).

In the framework of this early work of Hegel and above all in his *System of Ethical Life* (1802/1803), which constitutes an alternative to Hobbes's *Leviathan*, Honneth discovers for the first time elements of a social theory operating through three distinguishable forms of recognition, with respect to 'how' and 'what' the practical confirmation refers to. In Honneth's words:

in the affective relationship of recognition found in the family, human individuals are recognized as concrete creatures of need; in the cognitive-formal relationship of recognition found in law, they are recognized as abstract legal persons; and finally, in the emotionally enlightened relationship of recognition found in the State, they are recognized as concrete universals, that is, as subjects who are socialized in their particularity. (Honneth, 1995b, p. 25)

This fragmentary interpretive scheme of social relations is further developed in Hegel's 'Jenaer Realphilosophie' (1805/1806) (for an English translation, see, Hegel and Rauch, 1983). To be sure, Honneth's exposition constitutes an interpretive endeavor, since Hegel himself never attempted to build a conception of ethical life entirely based on the theory of recognition (Honneth, 1995b, p. 62). His scheme was, however, to a certain extent based on the concept of recognition operating in different moments of the unfolding of socio-historical developments.

In particular four ideas expressed in Hegel's 'Realphilosophie' are significant for Honneth's own model: First, Hegel conceives of love as a relationship of mutual recognition, in the context of which participants gain both cognitively and in terms of capabilities. On the one hand, participants have the opportunity to experience themselves as needy and desiring subjects, and, on the other hand, they have the opportunity of having their particular individuality confirmed (Honneth, 1995b, pp. 36–37). Thus, the experience of being loved appears to be a necessary condition for participation in public communal life. Intersubjective recognition and acknowledgement of one's particular needs and desires enable the development of "basic self-confidence that renders one capable of participating, with equal rights, in political will-formation" (Honneth, 1995b, p. 38). However, Hegel,

influenced by early German Romanticism, restricts the scope of love relationships to relationships of an erotic nature, which, as we will see, Honneth considers untenable in the light of the insights gained by contemporary psychoanalytic theories.

Second, in his more direct critique of Hobbes's explication of humanity's exit from the 'state of nature', Hegel articulates an "alternative description of the state of nature", which does not depart from the image of isolated, self-interested individuals (Honneth, 1995b, p. 43). For Hegel, relationships of mutual recognition are always already embedded into the state of nature as indispensable social facts that "guarantee a minimal normative consensus", which enables the movement towards the establishment of a social contract that gives rise to explicit rights and duties under conditions of hostility and competition (Honneth, 1995b, p. 42).

Third, competition and hostility are interpreted not with reference to the category of self-assertion or self-preservation, but as ultimately constituting manifestations of struggles for recognition. The motivational resources are located in experiences of disrespect; in experiences of having one's feelings, needs, and desires ignored by social counterparts (Honneth, 1995b, p. 44).

Fourth, and perhaps most importantly, Honneth discerns in Hegel's conception of love as mutual recognition the idea of a requirement of reciprocity embedded in relationships of recognition. According to Hegel, the superiority of interpersonal relationships over instrumental ones lies in the fact that only in the context of the former the interlocutors have "the opportunity to experience themselves, in encountering their partner to communication, to be the kind of persons that they, from their perspective, recognize the other as being" (Honneth, 1995b, pp. 37). , According to Honneth, the conclusion of Hegel's argument goes beyond the familiar thesis expressed by theories of socialization that the constitution of any personal identity is premised on experiences of intersubjective recognition. His argument entails that any interlocutor who does not recognize her partner in interaction as being a certain type of being with certain capabilities "is also unable to experience itself completely or without restriction as that type of person" (Honneth, 1995b, pp. 37). Thus, Honneth maintains that relationships of recognition are characterized by a 'built in' obligation to reciprocity "that requires but does not force subjects to recognize one another in a certain way" (Honneth, 1995b, pp. 37–38). The gist of the argument is that, since it is a necessary condition for any person to be a bearer of the capacities and traits that she recognizes in others, if I want to be recognized as a person with certain characteristics, it follows that it is necessary for me to recognize my partner in interaction as already possessing the characteristics in question.

The fruitfulness and ingenuity of Hegel's scheme notwithstanding, Honneth argues that, apart from the fact that the model remained overly fragmentary, a bigger problem presents itself for anyone who would like to make use of it from the perspective of contemporary society. The biggest problem lies in the fact that the model is premised on optimistic metaphysical presuppositions about the nature of reason. These presuppositions are, according to Honneth, untenable "under conditions of postmetaphysical thinking" (Honneth, 1995b, p. 70). Thus, a social theory with normative content that departs from Hegel's original idea of a struggle for recognition is faced with three important tasks if it wishes to be even minimally plausible in the contemporary context.

First, given the decisive importance of Hegel's methodological point of departure, namely, the contention that individuation is premised on relationships of mutual recognition, one cannot proceed by merely assuming the validity of this point on speculative grounds. The proposition that an understanding of practical personhood associated with the ideas of autonomy and individuality can only emerge through participation in relationships of mutual recognition, within which both parties are recognized as possessing the capacity for precisely independent and autonomous action, needs to be reconstructed "in the light of empirical social psychology" (Honneth, 1995b, p. 68). Hegel did not, and could have not, corroborate his claim from the perspective of empirical insights because, first, such insights were not available to him, and, second, the certainty about reason's transcendental capacity made such insights superfluous.

Second, apart from assuming the intersubjectivist presuppositions of individuation, Hegel maintains furthermore that there are "various forms of reciprocal recognition, which are to be distinguished according to the level of autonomy they make possible for an agent" (Honneth, 1995b, p. 69). Honneth discerns in Hegel's early work, as was already mentioned above, a typology of three recognitional relationships, which are characterized by a developmental logic, and which, in turn, correspond to distinct institutional spheres of interaction. Given that Hegel's method of exposition proceeds from the purely conceptual level with the aim of grasping the empirical realm, without ever informing the former by the latter, the plausibility of this typology is premised on their reconstruction from the perspective of "an empirically supported phenomenology" (Honneth, 1995b, p. 69) that meets standards of falsifiability.

Third, important as they may be, the first two updated theses operate at the level of individual identity formation and, therefore, do not offer by and of themselves much guidance with regard to questions of social change. According to Honneth, Hegel's scheme becomes relevant for understanding processes of social change only after we consider his somewhat cryptic contention

that since processes of identity-formation are “mediated by the stages of a moral struggle,” (Honneth, 1995b, p. 69) subjects seem always compelled to initiate an intersubjective conflict, the content of which is determined by the allocation of recognition characteristic of the society in question. Honneth maintains that there are two implications from this thesis: “first, that successful ego-development presupposes a certain sequence of forms of reciprocal recognition and, second, that subjects are informed of the absence of this recognition by experiencing disrespect in such a way that they see themselves obliged to engage in a ‘struggle for recognition’” (Honneth, 1995b, p. 69).

In his attempt to appropriate Hegel’s model by means of an inquiry into the presuppositions of its plausibility under conditions of a post-metaphysical theoretical context, Honneth connects the first two descriptive tasks with the third interpretive task and formulates three “separate tests,” through which the model’s plausibility is to be evaluated. Honneth sets out to explore, first, whether empirical data can corroborate Hegel’s assumption about the directedness of stages of recognition; second, whether there is a negative corresponding side of relationships of recognition, which can be understood through the concept of experiences of social disrespect; and, third, whether the claim that such experiences of disrespect constitute the motivational raw material for social struggles can be corroborated from the viewpoint of history and sociology (Honneth, 1995b, p. 70).

We see here already that, if Honneth succeeds in his three tasks, he can claim with a certain degree of confidence to have formulated a social theory that is distinct from the standard model. Most importantly for our purposes, the model he aims at building takes as its point of departure the identification of an alternative source for motivating social struggles – a source that is empirically verifiable and directed. All three tasks that Honneth sets upon himself are very promising for anyone who sets out to formulate an alternative model of disobedient politics.

Honneth finds significant support for his undertaking to reconstruct Hegel’s original idea from an empirically verifiable perspective in George Herbert Mead’s work in social psychology (Honneth, 1995b, p. 76). The striking similarities between Hegel’s and Mead’s theoretical schemes serve as a form of “empirical confirmation of the claims that Hegel originally advanced in a tentative and speculative manner” (Zurn, 2015, p. 28). What is particularly important is that Mead moves beyond the metaphysical presuppositions of Hegel’s theory of recognition and reaches, nevertheless, similar conclusions with regard to the development of the self, self-consciousness, and practical identities (Aboulafia and Taylor, 2024). His point of departure consists in empirical observations of interacting partners within social linguistic environments. His explication of the development of the self through

complex social interaction mediated by the human capacities for reflection and perspective taking, offers to Honneth a first empirical corroboration of Hegel's claim that "practical identity-formation presupposes intersubjective recognition" (Honneth, 1995b, p. 92).

In the remainder of *SfR*, Honneth employs these resources found in Hegel and Mead in order to, first, formulate an empirically verifiable theory of individuation or identity formation departing from the idea that such a process is premised on relationships of recognition that can be analytically distinguished on the basis of the degree of autonomy they enable. Such relationships have been historically shaped to take the forms of love and care, legal rights, and solidarity. Second, Honneth maintains that social conflict is to be understood as stemming from experiences of violations of the moral expectations embedded in historically particular relationships of recognition that have a systematic and epidemic character. More precisely, Honneth's contention is that the negative side of each of the three forms of recognition, that is, the violation of the body<sup>62</sup>, the denial of rights and the denigration of ways of life, under favorable circumstances gives rise to social struggles for recognition in the direction of further inclusion and individualization. Third, Honneth uses the theoretical insights gained in the descriptive and explanatory parts of his book to further corroborate the normative claim that there are historically determined formal structural preconditions of the 'good life'. In the following, all three contributions are examined in turn.

### Recognition and practical relations-to-self: Love, rights, and esteem

The core idea that Honneth finds in the works of the young Hegel and the pragmatist social psychology of Mead and uses as a "building block for [his] social theory" (Honneth, 1995b, p. 93) is that social reproduction is ultimately driven by the normative imperatives inherent in relations of mutual recognition. Since the formation of any practical relation-to-self presupposes that "one has learned to view oneself, from the normative perspective of one's partner in interaction" (Honneth, 1995b, p. 92), the driving force behind social reproduction and social change is to be found in the

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<sup>62</sup> I have chosen to use the term "violation of the body" as it is employed in the works of Axel Honneth and extensively in the secondary literature discussing his theory. However, I am aware that the semantics of this term might suggest a narrow focus on physical harm, potentially excluding the psychological dimension of violence and abuse. This is not my intention. I fully recognize that forms of psychological violence or abuse can profoundly impact an individual's basic self-confidence, which, as Honneth argues, is nurtured through love and care. The use of this term is thus not meant to downplay the significance of psychological harm, which can equally constitute a violation of one's integrity and self-esteem.

normative resources social agents find embedded in the intersubjectivist premises of individuation. To juxtapose this model to the standard model of social conflict, for atomists, like Hobbes, morality is a by-product of the incentive that instrumentally rational isolated individuals have, namely, to end the mutually calamitous condition of the war of all against all. On the contrary, the intersubjectivist model views morality as “organically grow[ing] out of the very infrastructure of social relations” (Zurn, 2015, p. 27) since one can only develop the capacity for social action based on normative evaluations of social institutions, practices, and traditions after having had the chance to develop concrete forms of individuated self-understandings. Furthermore, Honneth finds in Hegel and Mead a tripartite typology of the aforementioned forms of self-understanding that correspond to three forms of relations of mutual recognition. However, for the purposes of a social theory articulated in a post-metaphysical context, the tripartite distinction found in Hegel and Mead cannot be used before having been formulated in such a way so that it “can be checked empirically against the data from individual sciences” (Honneth, 1995b, p. 93). The test that Honneth formulates is that for each type it must be empirically validated that it constitutes “an independent type with regard to first, the medium of recognition, second, the form of the relation-to-self made possible, and third the potential for moral development” (Honneth, 1995b, p. 95). In this section we will discuss the content of Honneth’s ‘phenomenologically oriented typology’ of three forms of relations of recognition, and the corresponding relations-to-self they enable. In the next section, the focus will shift to the negative side of the three types and their importance for explaining social conflict.

### Love and self-confidence

To begin with a comment on the semantics, love is a particularly convoluted concept. On the one hand, love has a long history of cultural representations, stretching from at least Haemon’s love for Antigone in Sophocles’ homonymous tragedy, which embodies both a socially subversive potential – represented by Haemon’s defiance of paternal authority – and an element of unconditional attachment of one’s existence to another existence – represented by Haemon’s suicide upon learning that the object of his love is dead – to contemporary representations in the culture industry of love as a pacifier of and panacea for class and cultural conflicts. On the other hand, in the vernacular love refers predominantly to subjective experiences of an erotic nature. Thus, Honneth

clarifies from the very beginning that his use of the concept of love is rather technical and as neutral as possible. According to this reading:

Love relationships are to be understood [...] as referring to *primary relationships* insofar as they – on the model of friendships, parent-child relationships, as well as erotic relationships between lovers – are constituted by *strong emotional attachments* among a *small number of people*. (Honneth, 1995b, p. 95; italics mine)

At first sight, this passage seems to contradict what was argued in the preceding sections, namely, that Honneth's theory is not only informed by historical insights but premised on his understanding of the transition to modernity as a particular moment that gave rise to three analytically distinct spheres of intersubjective recognition, love appears to be a trans-historical category. Indeed, it would be unsettling to claim that 'there is no love before modernity'. What is more, there are accessible literary sources that prove the opposite. Think, for instance, of the depiction of the dialectic of love relationships found in traditional Jewish poetry, such as the *Song of Songs*. It is important, therefore, to clarify what historicity entails within Honneth's scheme. What guides his thoughts is the emergence, in modern societies, of institutional patterns of child-rearing practices and the transition from traditional to the 'bourgeois' form of marriage (Deranty, 2009, pp. 287–288). Thus, what lies at the heart of Honneth's observations is the process of institutionalization of practices focused on the recognition of individuals as needy and desiring beings.

Once again, Honneth's point of departure is Hegel. More precisely, the latter's understanding of love as "being oneself in another (Honneth, 1995b, p. 96)."⁶³ This formulation has, apart from a number of important implications, a significant eclectic affinity to contemporary understandings of love put forth by psychoanalytic object-relations theory. Recall that one of Honneth's main objectives is to 'transliterate' Hegel's theory of recognition into an empirically testable hypothesis. Hegel's formulation brings to mind the image of two subjects simultaneously merging into one and maintaining their autonomy. In other words, love relationships are conceived as "depending on a precarious balance between independence and attachment" (Honneth, 1995b, p. 96). In a similar vein, contemporary object-relations theory "makes the success of affectual bonds dependent on

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<sup>63</sup> It is important to note here that even though Hegel's understanding was heavily influenced by the early Romanticist tradition, he does not use the term love exclusively in the context of sexual or erotic relationships between subjects. The concept is also used in the context of relationships between family members which indicates, according to Honneth, that the proper interpretation of love within Hegel's work is as an early form of reciprocal recognition within which the engaged subjects have the concrete nature of their needs and desires confirmed and thereby develop their subjectivity (Honneth, 1995b, p. 95).

the capacity, acquired in early childhood, to strike a balance between symbiosis and self-assertion" (Honneth, 1995b, p. 98).

Honneth's argument is heavily indebted to the works of Donald E. Winnicott and Jessica Benjamin. Winnicott's theory affirms the plausibility of understanding love relationships as a particular form of recognition and Benjamin's studies of the pathological disorders of masochism and sadism introduces the perspective of a struggle for recognition within the context of love relationships.

Winnicott departs from numerous empirical observations of "parent-child pairs" (Zurn, 2015, p. 28) and develops a theory of the necessary conditions for "the socialization of young children" (Honneth, 1995b, p. 98). Put briefly, Honneth finds in Winnicott's contention that the emotional support of important others is a necessary condition for the healthy development of personality and the ability to perform one's personality by expressing one's particular needs and desires without fear of abandonment as an empirical confirmation of Hegel's understanding of love as 'being oneself in another'. For Winnicott, human life begins with a phase of 'undifferentiated intersubjectivity' or symbiosis. On the one hand, the infant fantasizes that all care it receives from its primary caretaker<sup>64</sup> stems from its own omnipotence, and, on the other hand, the primary caretaker comes to perceive the infant's needs, desires and reactions not as external to them but as indistinguishable from their self. The question that emerges quite straightforwardly and that "occupied Winnicott during his life [is] how are we to conceive of the interactional process by which 'mother' [sic] and child are able to detach themselves from a state of undifferentiated oneness in such a way that, in the end, they learn to accept and love each other as independent persons?" (Honneth, 1995b, p. 98).

Note that this stage of 'symbiotic togetherness' is characterized by 'absolute dependency'. On the one hand, the infant's 'helpless neediness' make the satisfaction of its needs absolutely dependent on the care of the primary caretaker. On the other hand, the identification of the primary caretaker with the infant entails that the latter's needs, desires, and reactions are experienced as a projection of their own "inner urge[s]" (Honneth, 1995b, p. 99). This phase of 'symbiotic unity' can "only [...] end [...] once each of them has been able to acquire a bit of new-found independence" (Honneth, 1995b, p. 100). This newly found independence results from the social pressures exercised upon the

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<sup>64</sup> Honneth, following Winnicott, uses the term 'mother' to refer to the significant other taking care of the child's needs. However, since on the one hand, the term 'mother' has strong connotations to the fetus-carrying person, and, on the other hand, the life-sustaining care that mediates the infant-caretaker relationship could be provided by the father or any other non-biologically related person (Zurn, 2015, p. 29), I have decided to opt for the more neutral and technical term 'primary caretaker.'

primary caretaker to resume participation in social spheres of interaction unrelated to the child, which entail that the child is left alone for longer periods of time and, therefore, denied immediate gratification of its needs. On the side of the child, the processes of biological maturation result in a rapid intellectual development that invests it gradually with the capacity to overcome the initial stage of fantasized omnipotence and cognitively differentiate "between self and environment" (Honneth, 1995b, p. 100). This process of partial detachment is far from conflict-free. On the contrary, it gives rise to a number of tensions between the interacting partners that Jessica Benjamin has proposed to comprehend through the Hegelian concept of a 'struggle for recognition' (Benjamin, J., 2006).

Benjamin suggests viewing the tensions of the process of gradual detachment as a form of struggle for the recognition of each interaction partner's independence. During this process, the child exhibits violent destructive demeanors toward its primary caretaker. The child's destructive behavior, or put differently, its struggle, is a necessary step for the child to recognize the objective independence of its primary caretaker. On the other side of the relationship, if the primary caretaker is to "survive these destructive attacks" they must recognize, first of all, that such attacks go against their newly found independence, that is, "against [their] own interests and thus as something that can be ascribed to the child alone" (Honneth, 1995b, p. 102). In this way, both the child and the primary caretaker are forced to recognize each other as subjects among other subjects, that is, as independent entities, and, thereby, become aware "of their dependence on each other's love without having to merge symbiotically" (Honneth, 1995b, p. 102).

Another coping mechanism during the process of detachment for the child is the function served by what Winnicott terms 'transitional objects'. During this phase, children have the tendency of developing "highly affectively charged relationships to objects in their physical environment [...] [which] are treated as an exclusive possession, sometimes tenderly loved, sometimes passionately abused" (Honneth, 1995b, p. 102). Such objects, according to Winnicott, function as surrogates of the primary caretaker, who, after having resumed participation in other social spheres of interaction, is gradually less present in the child's life. Nevertheless, the function that such transitional objects serve is premised on the child's capacity to employ its creativity and imagination, which, in turn, are premised on its 'capacity to be alone'. This is crucial for Honneth's theory of recognition because it offers some guidance with regard to the kind of the relation-to-self that is made possible by love and care. The gist of the argument is that the capacity to be alone is premised on the experience of being loved and lastingly taken care of. It is only through such experiences that

the child can develop its trust or confidence that its needs are going to be taken care of even though the primary caretaker is not anymore perceived as subjected to its fantasies of omnipotence.

Such self-confidence lies at the heart of the process of individuation, that is, the continuous exploration of one's subjectivity. We see then how strong emotional attachments between children and their primary caretakers enable the development of personality by generating the necessary self-confidence. Self-confidence enables both the exploration of subjectivity and its performance by enabling the communicative capacity for expressing needs and desires without being exposed to the constant threats generated by 'fears of abandonment'. Furthermore, self-confidence is not something which, once acquired, lasts forever. Its maintenance requires repeated confirmation by a range of important others through 'primary relationships', such as "friendships, parent-child relationships, as well as erotic relationships between lovers" (Honneth, 1995b, p. 95). It is only through the capacity, acquired in early childhood, of 'boundary-establishment' and 'boundary-dissolution' (Honneth, 1995b, p. 105) that subjects "by taking up the perspective of others on [themselves] can [...] begin to develop a sense of" who they are, of their "beliefs, desires, needs, inclinations, values and ideals" (Zurn, 2015, p. 27).

Moreover, such interactions unfold within certain contexts, characterized by concrete sets of principles, values, and practices. We see then that, contrary to the atomistic model discussed in the previous section, the alternative model of social conflict premised on the Hegelian idea of recognition does not view the individual as prior and primary. Socialization is seen as a condition of the possibility for the individual whose political and moral action is to be understood in relation to the intersubjectively constituted and normatively laden infrastructure of interaction. Finally, given the necessity of relationships based on love and care for the "type of relation-to-self in which subjects mutually acquire basic confidence," this form of recognition that operates through emotional support and confirms one's ability to experience and express her needs and emotions "is both conceptually and genetically prior to every other form of reciprocal recognition" (Honneth, 1995b, p. 107).

### Rights and self-respect

In a similar manner to the previous section, the present one engages with three guiding questions. First, how are rights conceived, second, what is Honneth's understanding of self-respect, and third,

how are these two central concepts connected? To begin with, legal rights differ from the form of recognition relationships based on strong emotional ties of love and care, "in just about every essential respect" (Honneth, 1995b, p. 108). Love, as we saw, is premised on and operates through "a double process, in which the other is released and, at the same time, emotionally tied to the loving subject". The function of generation and maintenance of self-confidence, served by love relationships – be they parent-child relationships, romantic relationships or friendships – is, on the one hand, premised on the recognition of the other's independence, and, on the other hand, presupposes a cultivation of a confidence in the continuity of the other's caring concern. Such a confidence is only sustainable through becoming the object of an other's "liking and attraction, which are out of an individual's control" (Honneth, 1995b, p. 107). Thus, even though self-confidence proved to be a necessary condition for both the development of personality and its performance through communicative practices, and must thereby be considered "indispensable for autonomous participation in public life" (Honneth, 1995b, p. 107), love cannot be extended beyond a small group of people, since love is not a matter of individual choice.

Rights, on the contrary, are both depersonalized, in the sense that they are not accorded on the basis of particularistic attitudes towards concrete others, and extendable, since they can – in principle – include the entire humankind (Honneth, 1995b, p. 115). Their differences notwithstanding, though, according to Honneth, the logics of both can only be understood through "the same mechanism of reciprocal recognition" (Honneth, 1995b, p. 108). Honneth is driven to this conclusion, once again, through extensive and innovative interpretive appropriation of the works of Hegel and Mead. The core idea that highlights the mediation of self-respect by the mechanism of reciprocal recognition is that:

we can only come to understand ourselves as the bearers of rights when we know, in turn, what various normative obligations we must keep vis-à-vis others (Honneth, 1995b, p. 108)

It is precisely this form of reciprocal recognition that Honneth discerns in the legal medium. Admittedly, though, the legal form has taken various shapes in various periods and areas of the world. According to Honneth, it is only after the emergence of modern legal relations that we can conceive of the legal medium of rights as an enabling condition for the type of practical relation-to-self he terms 'self-respect'. Briefly put, law within the context of traditional societies is not a primary organizing category, insofar as it does not go beyond the form of a codification of class, gender, race, and age related allocation of rights, duties, privileges, and honor. Insofar as traditional societies could rely for their reproduction and legitimization on metaphysical, religious grounds, the

legal medium is not necessary to pacify social antagonisms by presenting itself as the reign of inclusivity, receptiveness, and neutrality.

To elaborate, recall the discussion in Chapter I about the transition from traditional to modern societies and the consequences it brought about with regard to the concept of obedience. In a similar vein, the emergence of a commercialized society that put traditional social roles associated with the relatively stable feudal class system under pressure led to the gradual disintegration of the metaphysical and religious underpinnings of the legal system. When the post-conventional principles of morality “that had already been developed in philosophy and political theory made their way into established law,” the latter was necessarily “submitted [...] to the constraints of justification associated with the idea of rational agreement on disputed norms” (Honneth, 1995b, p. 109). The transition to modernity entailed that the legitimacy of legal norms could no longer rely on the self-evident authority of tradition and began to depend on the agreement – extracted through processes of justification – of the persons subjected to them. In other words, the shift to modernity entailed that the question of the legitimacy of the legal order could only be answered with an eye to the question of the structural requirements for its justification under conditions of ‘universal equality’.

How are we then to understand legal rights within the context of modernity described just above? To begin with, Honneth admits that the same wealth of empirical research that is accessible when explicating the form of recognition associated with love is not available when reciprocal recognition through the legal medium is examined. Therefore, he opts for an “empirically supported conceptual analysis” (Honneth, 1995b, p. 110). Instead of the numerous observation-based insights of object-relations theory, in his analysis of mutual recognition found in the medium of legal rights Honneth relies on observations about the historical trajectory of the concept of respect. At the heart of this analysis lies the assertion that “with the transition to modernity, individual rights have become detached from concrete role expectations because they must, from that point on, be ascribed in principle to every human individual as a free being” (Honneth, 1995b, p. 110).

Crucial for his analysis is the claim that in premodern societies, the traditionally validated force of class related ‘honor’ or ‘respect’ guided the distribution of rights and duties. This entailed that one’s status group would determine what kind of rights and duties they would be accorded. What is more, membership in a particular status group was also tied to one’s social worth. Thus, legal recognition was, in the final analysis, regulated by the social esteem one enjoyed as a member of a particular status group, which in turn, was associated with a range of social role expectations. During the

transition to modernity – roughly speaking, around the 18<sup>th</sup> century great bourgeois revolutions (Anderson, 2016, p. xiv) – honor or respect was gradually split into two systems with different logics, that is, legal recognition and social esteem (Honneth, 1995b, p. 111; see also, Taylor, 1995a, especially Section I). In the context of this subsection, we will focus on the former, while the latter will be scrutinized in the following section on solidarity and communities of value.

The two central figures in Honneth's empirically supported conceptual analysis of respect are the 19<sup>th</sup>-century German jurist Rudolph von Ihering and the contemporary American moral philosopher Stephen L. Darwall. Von Ihering introduces a Kant-inspired distinction between 'legal recognition' and 'social regard' on the basis of the question: "what it is about another human being that is respected" (Honneth, 1995b, p. 111). Importantly enough, Honneth finds in von Ihering a first expression of the idea that the recognition of a human being as a person, that is, as capable of autonomous action, is not premised on esteeming their achievements or character. This idea connects von Ihering's work to contemporary attempts within the context of analytical philosophy to "demarcate more clearly the various forms of interpersonal respect" (Honneth, 1995b, p. 112).

For Darwall, the criterion to distinguish between the various forms of respect is whether "evaluative gradations" are presupposed or ruled out (Honneth, 1995b, p. 112). In both cases, respect is ascribed on the basis of certain traits recognized as possessed by the person who is respected. In the case of legal recognition, that is, when evaluative gradations are ruled out, respect is ascribed on the basis of a general feature, quality, or trait by virtue of which human beings are recognized as persons in the first place. In the case of social esteem, that is, when evaluative gradations are presupposed, respect as esteem is ascribed on the basis of particular traits and achievements that constitute the esteemed subject distinguishable from others. Thus, the important question in the case of legal recognition is how are we to determine "the capacity, with regard to which subjects mutually respect each other in recognising each other as legal persons" (Honneth, 1995b, p. 113). In contrast, in the case of social esteem, the important question is the demarcation of the 'evaluative frame of reference' that determines the degree of worthiness of certain traits, skills, qualities, and achievements.

How are we then to determine the capacity possessed universally by human beings *qua* humans that lies at the core of the reciprocal recognition through the legal medium? According to Honneth's empirically supported conceptual analysis, the transition to modernity gave rise to an important structural precondition for the legitimacy of the law, which can only be fulfilled if we are willing to recognize that "legal subjects have at least the capacity to make reasonable, autonomous decisions

regarding moral questions" (Honneth, 1995b, p. 114). To explain, since the validity and legitimacy of any legal order within the context of post-conventional social formations is premised on the willingness of its members to respect its provisions and recognize its worthiness as free and equal beings, it follows that "every community based on modern law is founded on the assumption of the moral accountability of all its members" (Honneth, 1995b, p. 114).

Thus, what is particular about modern legal rights and decisive for Honneth's argument is that they are premised on the recognition of every legal subject's capacity to freely and autonomously make decisions for themselves. What is more, since the validity and legitimacy of every legal order is premised on the recognition of this capacity, it follows that modern legal orders have the double task of both protecting and enabling "the exercise of this universal capacity" (Honneth, 1995b, p. 114). This, in turn, entails that the content and reach of legal rights cannot be set permanently. On the contrary, it varies depending on the changing understandings of what are the necessary conditions for autonomous action. To illustrate this point, Honneth relies on the – by now standard – understanding of the historical trajectory of citizenship rights as reconstructed by T.H. Marshall. The main claim in this analysis is that the gradual expansion of both the content and the addressees of rights in the course of the previous two centuries stemmed from the actions of social struggles – from below – over the conditions of "full-fledged membership in a political community" (Honneth, 1995b, p. 116). What was at stake were the conditions under which one could fully exercise his or her status as a citizen, that is, what level of legal guarantees, institutional structures and educational and economic resources are necessary for equal participation in the – *lato sensu* – public sphere.

To sum up what has been argued heretofore, modern legal rights are premised on the reciprocal recognition of every member of the legal community as morally accountable. Legal rights are valid claims that individuals have against one another or society or the state – be they civil, political, or social – by virtue of their being members of a legal order, the legitimacy of which is premised on their recognition as free and equal. This rather cyclical formulation is meant to show that within modern societies the validity of a claim depends on past and present political struggles, which, in turn, determine the range of rights enjoyed by the members of the legal community in question. To be sure, what is important for Honneth's contention that self-respect is premised on the existence of modern legal relations is the fact that in modern societies, there is a relatively well-defined system of rules – codified in legal texts – that determines the validity of individuals' claims, that is, their rights.

We can move now to Honneth's understanding of self-respect and its relation to legal rights. Honneth uses two arguments to illustrate both the meaning of self-respect and its dependence on modern legal rights, granted equally among co-citizens. The first argument is of a conceptual nature and introduced through Joel Feinberg's famous thought experiment of 'Nowheresville'. The second argument is empirical and negativistic and overly fragmentary. Let us consider each in turn.

Joel Feinberg, in his 'The Nature and Value of Rights', sets out to explore "what precisely a world is missing when it does not contain rights and why that absence is morally important" (Feinberg, 1970, p. 249). In order to accomplish his aim, Feinberg imagines a hypothetical land, 'Nowheresville', in which the institution of rights, as we know it, is not to be found. Nowheresville is characterized by:

spontaneous benevolence in somewhat larger degree than in our actual world, and also the acknowledged existence of duties of obedience, duties of charity, and duties imposed by exacting private consciences, and also, let us suppose, a degree of conscientiousness in respect to those duties somewhat in excess of what is to be found in our actual world. [...] [There are also] the practices connected with the notions of *personal desert* and what I call a *sovereign monopoly of rights*.  
(Feinberg, 1970, p. 245; italics in the original)

According to Feinberg, the components with which he invests Nowheresville entail that life in this society is at least as *good* as life in our own societies (Feinberg, 1970, p. 249). On the one hand, the somewhat greater dedication of the Nowheresvillians to moral principles, and, on the other hand, the central presence of retributive principles and authoritative command guarantee a degree of well-being not inferior to the well-being characteristic of societies with individual legal rights. The important question, then, is what is different about this world when compared to ours? To anticipate, what Nowheresvillians lack is the possibility to develop the positive relation-to-self termed self-respect. Before we can understand how and why this is so, though, we need to explicate what Feinberg understands as the principle of personal desert and the principle of the sovereign monopoly of rights.

The principle of personal desert is associated to practices of appropriate rewards for certain actions. To give an example, think of an old man with mobility and vision impairment at a busy city-center intersection of Nowheresville. A rather compassionate young teenager who happens to pass by decides to assist the old man cross the intersection. Once they have made it on the other side of the street, the old man expresses his gratitude by handing the teenager a ticket for the upcoming local festival of punk music. It comes as no surprise that, first, the teenager deviated from their route to help the old man, and, second that their act was rewarded rather generously since, as we already

know, Nowheresvillians are benevolent, charitable, and respect principles of personal desert. What is important for our purposes, is that both the teenager's compassionate act and the old man's subsequent reward for their deed, though they may have been "fitting and proper [were] entirely supererogatory" (Feinberg, 1970, p. 245). What Feinberg wants to show is that, although principles of personal desert may assist and perhaps enhance the well-being of a society, they cannot substitute the function of legal rights. To illustrate the distinguishing feature between rights and actions based either on moral principles such as compassion or on requital principles of personal desert, all we have to do is to think what would happen if the teenager had not assisted the old man and/or if the old man had not rewarded the teenager. Since neither the old man had a right to be assisted nor the teenager had a right to be rewarded, we may conclude that even though they both deserved 'what they got', their getting it was absolutely dependent on contingent dispositions. Thus, given the supererogatory nature of both actions, had these individuals not gotten what they presumably hoped for, they could not have claimed that they were wronged in any way, since supererogatory goods depend by definition on the disposition of the ones providing them.

Legal rights function in a pretty different way. Whenever one person x has a right to y, they may claim their right to y irrespective of the disposition of concrete others whom they happen to encounter. To go back to our familiar example, think of a different society, say *Koinonia*, in which legal rights have been introduced. What is more, in *Koinonia* the social struggles around the interpretation of the necessary conditions for actualizing one's capacity for autonomy have led to the introduction of the social right to 'assisted mobility'. The right to 'assisted mobility' requires that every citizen with mobility impairments be provided assistance from a social worker whenever they wish to move in space. By comparing the two examples, we can conclude that values of compassion and requital principles of personal desert may be socially valuable, but do not offer the chance to experience oneself as equal among others in the capacity for morally responsible action.

At this point the reader may wonder, and rightly so, whether Feinberg's introduction of a sovereign monopoly of rights drastically changes the situation. To begin with, what exactly does Feinberg mean with the qualification 'sovereign right-monopoly'? To explain by means of an example how by virtue of this specification Nowheresville differs from our own situation, Feinberg revisits the classic contractarian argument in Hobbes's *Leviathan*. As was discussed in the section 'The standard model: struggles for self-preservation', Hobbes constructs a grim image of the 'state of nature' with the purpose of justifying the political authority of the sovereign. Briefly put, the dreadful condition under which subjects live in the state of nature stems from the absence of a sovereign authority

invested with the competence and capacity to implement contracts, rules, agreements and punishment for their violation. Thus, according to Hobbes, the capacity of human beings for reasoning and their inherent inclination to desire the avoidance of death and pain and seek the prolongation of life, guides their decision to *sign* a social contract, through which they surrender their natural right to use whatever necessary means to protect their life to the superior authority of the sovereign. What is important here for Feinberg's purposes, is that the action of surrendering their natural rights entails that their rights belong now to the sovereign, who thereby becomes a rights-monopolist. Hence, after the exodus from the state of nature, whenever subjects engage in interaction that leads to the institution of contracts, the obligations that occur are not owed to one another but they are owed directly to the sovereign alone (Feinberg, 1970, p. 247). Thus, a 'sovereign rights-monopoly' is a situation in which one party has accumulated all rights and the obligations and duties that the persons subjected to the authority of that party have against one another are owed to the first party alone.

We can now return to our initial question, namely, what is lacking in a morally superior society that functions on the basis of a sovereign monopoly of rights when compared to societies like ours, that is, societies characterized by reciprocally recognized legal rights. To formulate the same question in more informative terms for our purposes: are Nowheresvillians lacking anything significant in terms of their individuality when compared to members of societies characterized by reciprocally recognized legal rights? The key to answering the question lies in the meaning and function of legal rights in the context of modern societies. As was already argued, having rights in the modern world means having concrete points of reference to know one's valid claims, that is, one's rights. What is more, there is an inherent structural requirement of universal inclusion in modern legal orders because their legitimacy depends on agreement over their worthiness among the subjected individuals. Thus, according to Honneth, legal rights function as a concrete external verifier of the universal respect accorded to every member of the society in question, and, thereby, as a confirmation of our capacity to be morally responsible (Honneth, 1995b, p. 119-120; Honneth, 2002, pp. 510-511).

The establishment of modern legal rights with universal reach, by providing individuals with a concrete communicative and institutional infrastructure to raise socially valid claims, confirms their capacity for making autonomous decisions with regard to moral issues. Hence, legal rights enable the emergence of a particular relation-to-self that Honneth terms 'self-respect', that is, it enables an individual to "view oneself as a person who shares with all other members of [his or her]

community the qualities that make participation in discursive will-formation possible" (Honneth, 1995b, pp. 119–120). We can now see how rights, self-respect, and the inherently structural requirements of the legitimacy of modern legal rights are connected. Modern legal relations necessarily function as confirmatory symbols of the human capacity for autonomous action because their legitimacy is premised on precisely the recognition of every subjected individual as a morally responsible person. Furthermore, the holders of modern legal rights are thus enabled to develop self-respect by internalizing the way in which others view them in modern legal relations. It is important to note that the idea of the process of internalizing the other's gaze within relationships of recognition is a mechanism that runs through Honneth's theory of subjectivation.

However convincing or unconvincing these arguments may be, Honneth admits that they do not go beyond the status of conceptual claims, "for which empirical support is, as yet, completely lacking" (Honneth, 1995b, p. 120). Thus, Honneth introduces his second argument for the relation between legal rights and self-respect, by referring to the narratives produced by social movements against legal discrimination. The difficulty of empirical corroboration of his conceptual conclusions stems from the fact that one can only establish the connection between the experience of legal recognition and self-respect by comparing social groups who lack any such recognition to social groups who enjoy it. This negativistic methodology is promising but difficult to apply because of the lack of empirical data, especially at the time of the writing of the book. Nevertheless, one does find in the relevant bibliography indications – if not corroborations – of the fact that experiences of legal discrimination often lead to "a crippling feeling of social shame" (Honneth, 1995b, p. 120) that gives rise to internal obstacles to participation in the public sphere. Importantly enough for our purposes, one finds in the same literature also the idea that individuals can be liberated from such obstacles "only through active protest and resistance" (Honneth, 1995b, p. 121).

Finally, before moving to the discussion of the third sphere of recognition, that is, solidarity and self-esteem, two more points are worth noting. First, even though not mentioned in Honneth's work – at least not explicitly – it is important to note that the establishment of legal rights as concrete institutionally validated symbols of universally allocated social respect diminishes the presence of social arbitrariness, which necessarily hinders the development of self-respect. What I have in mind are experiences of arbitrary treatment by individuals or institutions. To be sure, arbitrary treatment of individuals or social groups does not cease to exist in modern societies. Its presence, however, decreased with the introduction of institutions that made possible holding power and authority accountable. The political organization of oppressed social groups, the presence of periodic

elections, the relative independence of the judiciary power, and the emergence of media outlets that accommodated investigative journalism and public intellectuals entailed that systematic forms of social arbitrariness could not go on unnoticed for ever.

Second, it is important to stress, once again, that self-respect is a historically determined and institutionally sanctioned possibility. Honneth's scheme is historical – and not, as is often claimed, strictly anthropological – because it both departs and is premised on a particular, yet broadly accepted, understanding of the transition to modernity (Deranty, 2009, pp. 281–286). More precisely, his theory is rooted in a reading of the idea of the 'disenchantment of the world' and its implications for the legal medium. The analysis of three instead of, say, five spheres of recognition is as well determined by the theoretically identified possibilities for emancipatory relations-to-self the socio-historical trajectory has enabled.

### Social esteem and self-esteem

Just like in the previous two subsections, we will inquire into three questions. First, what is social esteem and why is it singled out as one of the three necessary components of self-realization? Second, how is the development of self-esteem mediated by a struggle (see also, Deranty, 2009, p. 300)? Third, why is solidarity among members of a 'community of value' necessary for the development of self-esteem?

Once again, Honneth departs from Hegel and Mead, who both – each through his own terminology – thematize a third form of mutual recognition beside love and legal rights. The two authors seem to be, according to Honneth, "largely in agreement" (Honneth, 1995b, p. 121) with regard to the 'specific function' of this third form of mutual recognition:

in order to be able to acquire an undistorted relation-to-self, human subjects always need – over and above the experience of affectionate care and legal recognition – a form of social esteem that allows them to relate positively to their concrete traits and abilities. (Honneth, 1995b, p. 121)

Social esteem is the 'stuff' out of which self-esteem is made. How, then, does social esteem operate and how is it different from love and legal rights? While love, as we saw, facilitates an individual's confidence in the legitimacy of their needs and desires by operating through unconditional emotional support and care, and rights confirm our capacity for autonomous action by being

structurally premised on the communication of respect for this capacity, social esteem “is directed [...] at the particular qualities [and achievements]<sup>65</sup> that characterise people in their personal difference” (Honneth, 1995b, p. 122). Hence, while love is unconditional and particularistic and rights are binary and universal, esteem is scalar and context-dependent<sup>66</sup> (Honneth, 1995b, p. 122; Zurn, 2015, pp. 40–41). These two properties of esteem have a series of important implications.

To explain, recall the distinction introduced by von Ihering and further elaborated by Darwall. While in the case of legal recognition evaluative gradations are ruled out because the point of reference is a universally shared capacity, namely, the capacity for autonomous action, in the case of social esteem evaluative gradations are presupposed because the point of reference of the recognition relationship consists in traits, abilities and achievements that constitute individuals distinguishable from one another. The ‘transition to modernity’ is again the key to understanding Honneth’s conception of esteem. In pre-modern societies the perceived worth of a person “is measured in terms of social honour” (Honneth, 1995b, p. 123), which, in turn, is tied to the person’s membership to a particular estate.<sup>67</sup> The collective contributions of one’s estate to the fulfillment of social goals validated by conventional morality and religious belief systems determines the degree of value enjoyed by the person in question. Belonging to one estate requires, apart from lineage ties to that estate, the alignment of one’s conduct and style of life with the social expectations associated with the estate in question (Honneth, 1995b, p. 123).

As was already argued, the transition to modernity shook the foundations of the relatively stable system of honor, around which both legal recognition and allocation of social esteem were organized. To quote a long passage from *SfR* that captures acutely the qualitative transformations brought about by the revolutionary transition to modernity:

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<sup>65</sup> It is important to note here a shift in Honneth’s preferred formulation, which indicates a shift in his views with regard to the proper objects of esteem. While in his early work, Honneth focused mainly on ‘traits’, ‘qualities’, and ‘abilities’, in his later work – presumably under the pressure of more Marxist-oriented critiques – his attention has shifted to ‘achievements’. See Zurn, 2015, p. 216.

<sup>66</sup> To be sure, neither practices of love and care nor forms of legal rights are immune to historical developments. The emphasis on the context-dependence nature of esteem intends to stress the fact that while the form of recognition that operates through love and care addresses basic human needs that cut through socio-historical contexts and legal rights function as a symbol of recognition of a universally possessed human capacity, esteem’s point of reference is an open and porous social terrain of values, the shape of which is open to continuous transformations.

<sup>67</sup> To be sure, membership to particular social status groups was tied, in turn, to particular expectations with regard to personality traits, which were manifested through the exhibition of particular ‘manners’. Therefore, membership to particular social status groups should not be perceived as a purely static category.

Stripped of the transcendental basis for its self-evidence, this value-system could no longer be viewed as an objective system of reference in which class-specific expectations as to one's conduct could provide unambiguous information about the relative measure of social honour. Along with the metaphysical foundation for validity, the value-cosmos lost both its objective character and its ability to fix, once and for all, a scale of social prestige in a way that could govern conduct. For this reason, the struggle against the nobility's notions of honour that the bourgeoisie took up at the threshold of modernity represents not only the collective attempt to establish new value-principles but also the initiation of a confrontation over the status, in general, of such value-principles. For the first time, it came to be open to dispute whether a person's social standing is to be measured in terms of the predetermined worth of traits that are attributed, as types, to entire groups. It is only from this point on that the subject entered the contested field of social esteem as an entity individuated in terms of a particular life-history. (Honneth, 1995b, pp. 124–125)

This rather long quote reflects three constitutive components of Honneth's theory and their relation to one another. What is more, it provides some guidance in answering the first two of the three questions this section attempts to explore. First, Honneth's reference to the bourgeoisie's struggle against the old aristocratic classes of Europe reflects his theoretical positions with regard to the microphysics of political change. As we will see more extensively in the following section, political agency is a function of injuries of recognition expectations, and it is, therefore, guided by principles reflecting the content and kind of injury at question. The emerging bourgeois classes experienced the prevailing system of honor as an obstacle to the recognition of their contributions to social goals and attempted its reconfiguration into a system responsive to the properties characteristic of the actions of this particular class.

Second, the direction of the above-mentioned struggle inaugurated a new social constellation geared towards the individual instead of its group membership. What is more, these developments lacked the extra-societal metaphysical point of reference that could ground value-allocating principles 'once and for all'. The diminishing of the power of 'natural-order' arguments to convince entailed that, under the new esteem allocation system, the principles according to which value is allocated to particular traits, characteristics, and achievements would themselves remain open for debate. This qualitative difference lies at the heart of the dynamic and conflict-ridden terrain that our social world consists in. Even though social mobility is rather the exception to the rule (See, Giddens and Sutton, 2011, pp. 463–470) and social inequalities are rather reproduced than produced (see, Piketty, 2018), the fact that at least in principle an "individual's life-history is no

longer rigidly determined by his or her social origin" (Deranty, 2009, p. 301) gives rise to an ever-present social antagonism over the interpretation of esteem-allocating principles.

Third, esteem is singled out as a recognition relationship fundamental for human well-being not out of anthropological considerations, that is, considerations about human nature, but out of historical considerations. Modern individuals demand the recognition of their contributions to social goals not because of innate drives but because the historical developments of the social world have shaped an infrastructure of intersubjective recognition such that moral expectations for recognition in this dimension are systematically observed and endemic.

We are now in a position to define self-esteem within the context of the above-mentioned historical shifts and clarify the central role of solidarity for Honneth's purposes. Honneth explicates the third fundamental form of a practical-relation-to-self by means of an historical analogy. Within the context of pre-modern societies organized around the category of honor, as we saw, social esteem was allocated on the basis of status-group membership. Given, then, that social esteem within traditional societies constituted a recognition of the worthiness of group-related contributions to the achievement of social goals, it follows that "the corresponding experience of social distinction can generally refer only to the collective identity of one's own group" (Honneth, 1995b, pp. 127-128). Therefore, the practical relation-to-self that such an experience of recognition made possible was "a feeling of group-pride or collective honour" (Honneth, 1995b, pp. 128), that is, a confidence that the worth of one's status group's contributions and achievements is going to be recognized. Modern societies, on the other hand, as we saw, are characterized by a deep structural transformation of their effective esteem-allocating principles. More precisely, such principles undergo a process of individualization, which shifts the central point of reference of social esteem from status groups to individuals. This individualization of social esteem, as it were, initiates a parallel process of individualization of the corresponding practical-relation-to-self enabled by the experience of esteem-recognition. Thus, by means of an historical analogy, Honneth argues that by taking into account that group-based social esteem enabled the emergence of a feeling of confidence in the recognition of the worthiness of one's status group's contributions, we can conclude that when social esteem is allocated on an individual basis it enables "a felt confidence that one's [own] achievements or abilities will be recognized as 'valuable' by other members of society" (Honneth, 1995b, pp. 127-128). This is the form of the practical-relation-to-self that the concept of self-esteem captures. Self-esteem becomes, thus, the "parallel category to the concepts of 'basic self-confidence'", that is, a trust in performing one's individuality by expressing particular

needs and desires without fear of abandonment, and 'self-respect', that is, a sense of oneself as a person who possesses the universal capacity for autonomous agency (Honneth, 1995b, p. 129).

### iii) Social disrespect: The negative side of patterns of recognition

So far, I have only been discussing the first part of Honneth's argument, that is, his meticulous efforts to appropriate Hegel's idea of a struggle for recognition for contemporary purposes by transliterating it – through the works of Mead and Winnicott – into individually empirically testable theoretical hypotheses. As was argued above, Honneth articulates three separate tests to assess the Hegelian scheme of the interconnectedness between recognition and the generation of personhood. The preceding section discussed the first of the three separate tests, that is, the empirical verifiability of the tripartite structure of relations of recognitions. The second test examines whether there is a negative corresponding side of relationships of recognition that can be understood through the concept of social disrespect and will be discussed in the present section. The third test about whether such experiences of disrespect can be said to constitute the motivational raw material for social struggles will be discussed in the following section.

To begin with, the concept of social disrespect plays a crucial role in Honneth's oeuvre. He refers to social disrespect to explicate the specific difference of his variant of Critical Theory. The original program of the Frankfurt School critical theory is distinct from other forms of normative social critique because it does not construct itself the normative foundations upon which the critique rests. On the contrary, critical theory, as it was originally defined in Max Horkheimer's seminal essay 'Traditional and Critical Theory' (see, Horkheimer, 2002, pp. 188–243), distinguishes itself with reference to its claim that it "brings a degree of intramundane transcendence to light" already in its social diagnosis (Honneth, 2007a, p. 64). To explain, Rawls's political theory was treated above as a form of normative theory with practical intent. As we saw, the normative standards of Rawlsian political theory are constructed from the theory itself. This does not entail that such a form of political theory is disconnected from concrete sociohistorical reality. What it entails is that the justification of the normative standards becomes a painstaking occupation of the political theorist. Contemporary critical theorists,<sup>68</sup> by contrast, invest a significant part of their theories in

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<sup>68</sup> The specification 'contemporary' is important here because older generations of critical theorists viewed the pre-theoretical interest – usually of the proletariat – as self-evident. Indeed, in times of intense social mobilization it was

manifesting that their “own critical viewpoint is anchored extratheoretically as an empirical interest or moral experience” (Honneth, 2007a, pp. 63–64). Karl Marx identified such a pre-theoretical resource in the experience of class domination of the proletariat; Theodor W. Adorno in the aesthetic experience of modern art; and Jürgen Habermas in the pragmatic presuppositions of domination-free linguistic communication. Honneth found each of these answers problematic for the purposes of social movements and our historical predicament. He identifies, therefore, such a moment of intramundane transcendence in people’s moral experiences of social disrespect whenever their intuitive “expectations of respect for [their] own dignity, honor or integrity” are violated” (Honneth, 2007a, p. 71).

Honneth identifies a first, incomplete formulation of the idea that the negative experience of social disrespect is at the heart of our understanding of human integrity, and of the idea that social disrespect is the fuel of the motor of social change in the theory of Ernst Bloch (Honneth, 1995a, pp. 247–248). Bloch had argued that what unified the various approaches of natural law theories was that unlike social utopias that aim at bringing about happiness, natural law theories aim at the eradication of socially produced human degradation. In a further step, Bloch advances a kind of moral sociology by claiming that it is precisely in experiences of disrespect or of unjustified disregard that the motivations underlying social change in the direction of the establishment of institutional protections from such experiences are to be found (Honneth, 1995a, pp. 256–257).

Honneth clarifies and updates Bloch’s scheme of the connection between social disrespect and human dignity, first, by developing a systematic tripartite typology of social disrespect that corresponds to the three patterns of recognition, and, second, by corroborating Bloch’s moral sociological thesis that experiences of personal disrespect “represent a moral driving force in the process of societal development” (Honneth, 1995a, p. 248).

Disrespect consists in the denial of recognition in the form of violation of legitimate cognitive expectations. Such experiences manifest themselves “in the self-descriptions of those who see themselves as having been wrongly treated by others” (Honneth, 1995b, p. 131) through the language of insult and humiliation. Such phenomena do not represent simply forms of injustice in the sense of violations of principles of justice held to be valid but forms of injury because they

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unnecessary to go into great lengths to exhibit the existence of such a pre-theoretical interest. If social groups were engaging in political action to bring about significant social change in the direction of their emancipation, then it must have been the case that they were motivated by such a pre-theoretical interest.

damage one's intersubjectively acquired self-understanding. This, in turn, implies that the category of disrespect is meaningful if we acknowledge the "specific vulnerability of humans resulting from the internal interdependence of individualization and recognition" (Honneth, 1995b, p. 131). In other words, because one's self-image depends on the continuous approval of others, forms of disrespect as denial of recognition of the concrete positive aspects associated with one's self-understanding pose threats to one's identity. Hence, insofar as disrespect consists in the denial of recognition, it is possible to build a systematic typology of disrespect with reference to the preceding theory of the three structurally sanctioned patterns of recognition within modern societies.

Each of the corresponding three forms of disrespect must, then, injure the particular practical relation-to-self enabled by each of the three identified patterns of recognition. Consequently, Honneth argues that the negative emotional reactions to the three forms of disrespect discernible in the history and sociology of social movements "provide the motivational impetus for social resistance and conflict" (Honneth, 1995b, p. 132).

Recall that the first type of practical relation-to-self in Honneth's scheme consisted in a form of basic confidence in oneself and the world. Basic self-confidence denotes one's capacity to perform one's particularity in terms of concrete needs and desires without constant fear of abandonment. In other words, self-confidence marks the fact that expressing our needy and desiring nature presupposed a basic trust in the world. Such a capacity, as was argued above, can only be cultivated through a complex process of independence through attachment. It is only through lasting strong affective emotional ties that one can learn to assert one's individuality. The first type of disrespect, then, constitutes an injury to precisely the type of relation-to-self that Honneth terms basic confidence. Given that this type of disrespect damages a person's capacity to freely perform their individuality, Honneth identifies as most exemplary cases such as torture and rape, that is, situations under which people lose control over the free disposition of their bodies (Honneth, 1995b, pp. 132–133). Such experiences of 'violation of the body'<sup>69</sup>, according to empirical studies, constitute a form of

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<sup>69</sup> Recall that Honneth distinguishes the three structurally generated patterns of recognition with reference to three criteria: first, the medium of recognition, second, the form of the relation-to-self made possible, and, third, the potential for moral development inherent in the pattern in question. Initially Honneth regarded this type of disrespect as historically invariant, that is, he thought that the kind of breakdown caused to the individual's trust in the social world and the thereby caused collapse of self-confidence did not vary across time and context. Hence, he saw no potential for moral development in such experiences (Honneth, 1995b, p. 133). However, in more recent texts, Honneth admits that there is space for progress in the "development of recognition practices in the sphere of personal relationships" (Zurn, 2015, p. 79).

‘psychological death’ with lasting consequences for the person even at a physical level (Honneth, 1995b, p. 135).

The second type of social disrespect relates to the second sphere of recognition relations in Honneth’s scheme, that is, legal rights. What is particular about post-conventional modern law is that it is subject to the constraints of justification to all subjected parties – at least in principle. As was argued in Chapter I, modernity brings about a new structural fragility of political authority after the gradual dissolution of extra-social foundations related to the self-evident systems of belief of religion and tradition. Given, then, that the legitimacy of modern law depends on the rational agreement of the ones subjected to it, this entails that the members of modern societies are recognized to be autonomous and rational moral agents. This is precisely why Honneth makes a connection between modern legal rights and self-respect. Insofar as modern legal rights are depersonalized symbols of social respect for someone’s capacity for autonomy, then modern legal rights give “rise to the form of consciousness in which one is able to respect oneself because one deserves the respect of everyone else” (Honneth, 1995b, pp. 118–119). In other words, legal recognition, by signaling that someone is respected as a person capable of participating in the decision-making processes of the political community, enables people to view themselves and positively relate to themselves precisely as beings who deserve the conditions under which they can perform their capacity for agency.

The second type of disrespect damages a person’s moral self-respect. The denial of legal recognition, either in the form of a denial of equal rights or in the form of social ostracism, that is, exclusion from all rights-guaranteeing systems, signifies that the person in question “is not being accorded the same degree of moral responsibility as other members of society” (Honneth, 1995b, p. 133). In other words, the person in question is not recognized as an equal partner in socio-political interaction. Such experiences signify a loss of self-respect because they damage the victim’s capacity to relate to themselves as an equal interaction partner and, thereby, act as one. In the most extreme cases victims of such experiences of disrespect experience and speak of a kind of ‘social death’ (Honneth, 1995b, p. 135).

Finally, the third type of disrespect corresponds to the third structurally sanctioned pattern of intersubjective recognition within modern societies. Social esteem emerged together with legal recognition as a result of the progressive split of the premodern system of honor into – in principle – universal legal recognition and individualized esteem recognition. Social esteem is accorded on the basis of the societal value horizon that determines the degree to which individuals’ traits,

abilities, and achievements or, more broadly, individuals' particular form of self-realization, appear to contribute to the realization of social goals (Honneth, 1995b, pp. 122–123). Furthermore, such broad goals that are characteristic of a society's general value horizon can operate as principles of distribution of esteem only once an interpretive practice of specifying both their more concrete implications and the worth of the contributions made by the various forms of self-realization has taken place (Honneth, 1995b, p. 126). Thus, modern societies are characterized by a permanent ongoing cultural conflict, "in which different groups attempt, by means of symbolic force and with reference to general goals, to raise the value of the abilities associated with their way of life" (Honneth, 1995b, p. 127).

This is what opens up the space for the third type of disrespect, which Honneth terms 'denigration of ways of life'. When the power-laden process of interpretation of the societal value horizon and the worth of the contributions of various individual and group forms of life to the realization of that value horizon deems "certain forms of life and manners of belief as inferior or deficient, then it robs the subjects in question of every opportunity to attribute social value to their own abilities" and achievements (Honneth, 1995b, p. 134). The denial of or deficient accord of social esteem damages the individuals' sense of self-esteem, that is, it injures their capacity to view that part of their identity that distinguishes them from others with reference to their abilities and achievements as valuable for society. The denigration of modes of self-realization is experienced and described as a "scar" or "injury" (Honneth, 1995b, p. 135) because it damages people's confidence and trust that performing their difference is not going to be recognized as socially valuable.

The next step in Honneth's exposition of the interrelation between disrespect and moral social conflict is to introduce more directly empirical studies about the impact of misrecognition on individuals that have suffered from each of the three analytically distinguished forms of disrespect. A typical conclusion of such empirical studies is that the victims of social disrespect describe the consequences of such experiences "in terms of metaphors that refer to states of deterioration of the human body" (Honneth, 1995b, p. 135) The consistently observed "metaphorical allusions to physical suffering and death" (Honneth, 1995b, p. 135) imply that disrespect has an effect on someone's psychological integrity that is similar to the effects that infection and disease have to someone's bodily integrity. In other words, experiences of disrespect pose threats to the human identity in the same way that corporeal malfunctions pose a threat to physical life.

This observation has two important implications for Honneth's critical theory with normative intent – an epistemological, and a normative methodological. On the one hand, the observation implies

that, just like for cases of corporeal malfunctions, it is possible to develop a symptomatology of epistemic value. Just like it is possible to develop a symptomatology that enables us to know what is happening to our physical existence, it should be possible to make use of the negative emotional reactions associated with experiences of social disrespect to develop an analysis of “a stratum of symptoms that, to a certain extent, make the subjects aware of the state they are in” (Honneth, 1995b, p. 135) with regard to their well-being in terms of psychological integrity.

On the other hand, the observation about the similarities between experiences of disrespect and malfunctions of the body opens up the space for reaching conclusions about the conditions that “foster the ‘psychological health’ or integrity of human beings” (Honneth, 1995b, p. 135). Honneth pursues this negativistic method in order to construct his ‘formal conception of ethical life’ in the last chapter of *SfR* in which he develops an understanding of the necessary social conditions that facilitate relations of recognition which “protect subjects most extensively from suffering disrespect” (Honneth, 1995b, p. 135). This normative part of his theory will be discussed below when we try to establish an understanding of whether the recognition paradigm of social conflict can offer any guidance in order to distinguish between progressive and regressive instances of disobedient politics.

For now, what is of relevance for the purposes of the inquiry at hand is Honneth’s claim that the motivational impetus of individuals pursuing struggles-for-recognition is to be found in their negative emotional reactions resulting from experiences of disrespect. This claim entails that Honneth rejects pure subjectivism about emotions. On the contrary, he ascribes an epistemic quality or cognitive value to human emotions. This step is what provides the “psychological link that [...] lead[s] from mere suffering to action by cognitively informing the person in question of his or her social situation” (Honneth, 1995b, p. 135). Negative emotional reactions, such as shame, rage, hurt, and indignation apart from strong (potentially) motivating emotions, embody an epistemic potential, that is, they embody the potential of informing the one experiencing them that they are “being illegitimately denied social recognition” (Honneth, 1995b, p. 136).

The key to understanding this claim is that Honneth sees emotions as inherently tied to actions. Negative emotional reactions stem from refutations of one’s expectations from intercourse either with nature or with others. Depending on whether we succeed or fail to realize our intentions through action, positive or negative feelings emerge. Such disruptions of our expectations may come about either due to “unanticipated obstructions”, which could lead to technical disruptions, or due to violations of “normative behavioral expectations”, which could lead to moral conflict

(Honneth, 1995b, p. 137). Naturally, the kind of disruptions we are interested here are the latter. The gist of the idea is, first, that morally relevant negative emotional reactions are inherently tied to having one's actions fail due to violations of the embedded normative expectations, and, second, that given that the roots of such negative emotional reactions is to be found in the normative expectations associated with certain actions, it follows that the negative emotional reactions could – under favorable conditions – make us aware of the normative expectations that “had informed the planned and (now) hindered action” (Honneth, 1995b, p. 137).

Honneth's approach has the weakness that moral progress becomes contingent and uncertain instead of teleological. When moral development is anchored in social relations of recognition and the realization of the moral potential embedded in relations of recognition is dependent on the actions of social movements motivated by the affective and cognitive side of negative emotional reactions, moral progress is merely a historical possibility. In other words, insofar as the injustice of phenomena of disrespect “does not *have* to reveal itself but merely *can*” (Honneth, 1995b, p. 138), it follows that humanity could as well remain eternally trapped in morally suboptimal social constellations. This, as will become apparent below, is why politics is restored within Honneth's theory and also the place where the source of the added value of disobedient politics is to be located. In Honneth's words:

whether the cognitive potential inherent in feeling hurt or ashamed becomes a moral-political conviction depends above all on how the affected subject's cultural-political environment is constructed: only if the means of articulation of a social movement are available can the experience of disrespect become a source of motivation for acts of political resistance. (Honneth, 1995b, pp. 138–139)

What has become apparent from the above considerations is how struggles or conflicts emerge from the perspective of the individual. Disobedient politics, however, is a form of collective action. Hence, the following section will establish how we are to move from the individual to the collective level of political action.

#### From individual to social struggles for recognition: The epidemic-structural character of recognitive injuries

Thus far, I have presented three steps of Honneth's argument. First, I introduced his reconstruction of Hegel's idealist typology of relations of recognition, via Mead, into a materialist theory of

recognition that is empirically testable from the perspective of contemporary social sciences. Second, I discussed the causal relation between three forms of recognition, that is, love and care, legal recognition, and esteem recognition and the three forms of positive self-identity: self-confidence, self-respect, and self-esteem. Third, I showed how particular forms of disrespect damage or even destroy the positive forms of practical relations-to-self in question. These three steps indicate a path that social theory could take in order move beyond the self-interest-based paradigm and thereby account for phenomena of social conflict that cannot be explained with reference to self-interest, narrowly conceived.

However, what has been discussed so far operates at the level of the individual. Our interest, though, lies at the social level given that disobedient politics is a form of collective political action. How does Honneth's alternative model of social conflict move from the individual to the collective level? This is where the final two steps of his theory come to the fore. Honneth claims that his alternative model is capable of fulfilling two further tasks: an explanatory and an interpretive task. Recall that what is distinct about critical social theory, according to Honneth, is the idea of intramundane transcendence, that is, the idea that critical social theory is both motivationally and normatively anchored in the existing social world. As Honneth puts it, the model of social conflict he articulates fulfills both the task of providing "an explanatory framework for the emergence of social struggles [...] [and] an interpretive framework for a process of moral formation" (Honneth, 1995b, p. 168). These two steps, the explanatory and the interpretive, are the final two steps of his argument that need to be explained before we can formulate and evaluate a model of cognitive disobedience. This section discusses the explanatory task by explicating the move from individual to social struggles for recognition and the next section discusses Honneth's insights with regard to the capacity of the theory of recognition to situate historical instances of social struggles with reference to their role in furthering or hindering moral progress.

To begin with, moving from individual to social struggles entails that we move beyond the contingent and particular intentions of dispersed individuals towards phenomena motivated by such general aims and actions that we may speak of collective movements. In Honneth's words, a social struggle is "a practical process in which individual experiences of disrespect are read as typical for an entire group, and in such a way that they can motivate collective demands for expanded relations of recognition" (Honneth, 1995b, p. 162). The feelings of rage, indignation, shame, and frustration caused by experiences of disrespect can function as appropriate motivational foundations for collective struggles only if the causes or roots of the disrespectful behaviors,

practices, and institutional constellations are and can be shown to be typical for entire groups (Honneth, 1995b, p. 163).

In other words, episodic sources of disrespect are incapable of giving rise to social struggles for recognition. To be more precise, the sources of disrespect must be “experienced epidemically” (Zurn, 2015, p. 66), that is, they must be experienced as instances of denied recognition that are brought about systematically by deeply rooted social structures, for collective political struggles to become a possibility. Zurn has further explicated and classified the necessary ‘social dimensions’ for social struggles for recognition into three conditions. First, “the group-typical or group-directed nature of disrespect”; second, “the social causes of violated expectations in distorted recognition relations”; and, third, “a moral interpretation of the situation condemning the violation as a distortion of appropriate social relations” must be brought to the fore (Zurn, 2015, p. 66). This is precisely why political action is indispensable and important within the recognition-theoretic paradigm. Consequently, as will be argued below, disobedient politics is an especially valuable means for socially marginalized groups because of the importance of bringing – through the exercise of power – innovative intersubjective frameworks of interpretation of social practices and institutions to the center of the public sphere .

Finally, it is important to mention, before moving to the discussion of the so-called interpretive task, that the recognition-theoretic paradigm distinguishes three kinds of social struggles for recognition, each characterized by a different logic. Even though the real world of social movements is messy and defies strict classificatory schemes, it is both possible and useful to distinguish such movements with reference to the nature of the cognitive claims they make. To be sure, most social movements involve a multitude of cognitive claims, while interest-based claims are also often involved. And yet, making distinctions is valuable because of the different logics<sup>70</sup> involved in different cognitive claims.

All social movements make cognitive claims on the basis of identifying necessary social conditions for the undamaged development of the three forms of practical relations-to-self: self-confidence, self-respect, and self-esteem, which, in turn, are deemed necessary conditions for self-realization under conditions of freedom. To elaborate, given the indispensability of the three practical and

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<sup>70</sup> The three distinct logics are reconstructed from the work of Christopher Zurn. See esp. Zurn, 2015, pp. 59–74. Contrary to Zurn, I refrain from speaking of three different moral logics because, as I will argue below, I maintain that the moral weight of the three distinct cognitive claims stems from one and the same normative principle, that is, the moral claim to self-realization under conditions of freedom.

positive types of self-identity for self-integrity, social movements can be classified with reference to the three typical recognitive claims they make.

First, consider recognitive claims about the necessary social conditions for the undistorted growth of self-confidence. The logic at play in that case is that, insofar as phenomena of physical and emotional disrespect targeting concrete social groups can be shown to be either caused or enabled by concrete social structures, then the members of the social groups in question deserve protection from the social structures that thwart the growth of self-confidence. To elaborate with reference to historical examples, think of structurally enforced social systems, such as, patriarchy, racism, and ableism and the way they enable – if not cause – systematic violations and degradations of the physical and psychological integrity of members of the targeted social groups. Social movements fighting against such social structures typically make two claims: first, that the fact that it is concrete social groups that are systematically on the receiving end of rape, torture, violence, and bullying is proof that such phenomena have structural roots. Second, being exposed to such experiences damages the capacity of the members of the social groups in question to perform their concrete and particular subjectivity by expressing their needs and desires. Hence, the social structures that establish, support, and maintain the social systems targeted should be countered.

The second type of recognitive claims that social movements make refers to the necessary social conditions for the undistorted growth of self-respect. Recall that self-respect is the positive relation-to-self that enables one to participate as an equal member in social processes of political steering. Self-respect, as was shown above, denotes the confidence that one will be heard and will be taken seriously as an equal partner in interaction. Furthermore, self-respect is cultivated by the experience of being recognized as a legitimate bearer of legal rights. Social disrespect in the form of denial of rights on the basis of morally arbitrary parameters was shown to be detrimental for the cultivation and maintenance of self-respect. Thus, social movements fighting against legal discrimination, legal exclusion, or insufficient legally recognized rights make the following claims: first, the appeal to morally arbitrary characteristics of certain social groups that functions as a basis for the legal disrespect they encounter discloses the structural nature of legal social disrespect. Second, being denied the legal rights that are necessary for the exercise of moral agency damages one's capacity for self-respect. Hence, the social structures that establish, support, and maintain the systematic differential allocation of legal rights should be dismantled. Historically, such social movements have fought for the inclusion of previously excluded social groups and/or the expansion of the bundle of rights that are considered necessary for the exercise of moral agency.

The third type of cognitive claims raised by social movements refers to the necessary social conditions for the development of self-esteem. At first sight, the dynamics of esteem recognition give rise to complexities that need not trouble us when we discuss love- and respect-based forms of recognition. The complexity of esteem recognition stems, on the one hand, from the fact that, as was argued in Chapter II, modern societies are characterized by value pluralism, that is, they are characterized by the circulation of a number of doctrines with regard to what constitutes a worthwhile life form that are each considered to be legitimate. On the other hand, unlike affectionate and legal recognition, esteem recognition necessarily involves zero-sum-game situations because it is unavoidably coupled with the distribution of scarce resources, such as money (Honneth, 1995b, p. 127).

As in the two previous types of cognitive claims, we can take our cue from the specific shape of the practical relation-to-self at stake and the negative side of disrespect that damages the potential for the development of such a form of positive self-identity. Self-esteem refers to the capacity of a person to relate positively to the particular traits, abilities, and achievements characteristic of their form of life. This positive self-identity is premised upon and mediated by the experience of having received esteem recognition by others that share the same horizon of value with the person in question. Hence, a subject is vulnerable both to the in-group members of the particular community of value they belong to, and vulnerable to the broader society that may or may not recognize the worthiness of the community of value in question. The general social context may involve practices of symbolic devaluation and material deprivation of certain communities of value, or it may be characterized by tendencies of cultural imperialism that elevate particular horizons of experience and value into universal ones. When social movements raise claims about the necessary social conditions for the development of self-esteem, therefore, they do not demand that “everyone adopt their own scheme of estimable traits and achievements,” but rather that their concrete way of life be accepted “as one among many acceptable and potentially worthy ways of life” (Zurn, 2015, p. 71). In contrast to the cases of self-confidence and self-respect, therefore, self-esteem does not require universal embracement of the worthiness and weightiness of particular human traits but merely the acceptance of the legitimacy of the worthiness of such traits and achievements for others. Recognitive claims for the establishment of the necessary social conditions for the development of self-esteem, then, involve the following claims: first, that the systematic deprivation of certain social groups from symbolic and material resources damages the members of the social groups in question by denying them the opportunity of experiencing their way of life as valuable. Second, that such forms of social disrespect have a systematic character that persist through time.

Hence, the demand raised is that the institutional and cultural structures that establish, support, and maintain the discriminatory allocation of social esteem must be undone.

Finally, contrary to Zurn and others who maintain that there are three different moral logics at play with regard to the three recognitive claims distinguished above, I contend that the moral basis for all three claims is the same, that is self-determination. What is different is the practical logic and, therefore, the shape of the demands for practical social transformation, that is, the concretization of the claims raised by agents acquires different forms on the basis of whether we are talking about self-confidence, self-respect or self-esteem. What grants each of the three recognitive claims their moral force is the claim that recognition in all its forms is a vital human need that stems from the basic human vulnerability resulting from our intersubjective nature.

#### iv) The formal conception of ethical life

Recall that Honneth's model includes a last step, namely, the interpretive task. If the idea of a 'struggle for recognition' is to function as the foundation of a critical social theory, that is, an emancipatory theory anchored in social reality, then for the model to be complete apart from the explanatory added value when it comes to analyzing processes of societal development, it must be possible to also build a "theoretical justification for the normative point of view" (Honneth, 1995b, p. 171) from within which these processes can be evaluated on the basis of whether they further or hinder moral progress. Only then could Honneth claim to have offered an intramundanely transcendental anchor for critical theory.

In order to do so, he shows that by starting from the idea of a 'struggle for recognition', it is indeed possible to "appeal to a provisional end-state from the perspective of which [one can] [...] classify and evaluate particular events" (Honneth, 1995b, p. 171). This section will discuss Honneth's distinct method for infusing his social theory with a normative component.

This step will be used below to distinguish between progressive and regressive forms of recognitive disobedience. As was argued in Chapters II and III, any theory of disobedient politics must, on the one hand, operate through political ontological categories that enable, instead of foreclose, the form of collective action that this form of collective political action consists in, and, on the other hand, offer resources to evaluate concrete instances of disobedient politics from a normative point

of view. What is more, as we saw, for any theory of disobedient politics to be considered a serious candidate for modern purposes, it must avoid reproducing the architecture of disobedience as second-order obedience. Such understandings of disobedience presuppose a societal environment characterized by ascending modalities of legitimization of political authority. Modernity, though, is allergic to permanent political foundations.

Honneth's theory of recognition is distinct in two senses. On the one hand, it is distinct from both moral and political philosophy. While moral philosophy investigates questions of right and wrong or obligation and duty from the perspective of the individual and political philosophy explores the boundaries and conditions of legitimate state actions and functions, social philosophy, as Honneth terms his brand of theory, inquires into the historically determined social preconditions for human integrity. In Honneth's words, his social philosophy investigates the necessary social conditions for a form of life that is "free from pain, that is, a form not marred by experiences of disrespect" (Honneth, 1995b, p. 130). On the other hand, Honneth's theory is also distinct from – but also informed by – the two prevailing contemporary philosophical traditions. The theory of recognition is distinct from both liberal Kantian proceduralism (for instance, Rawls's constructivist theory of justice) and communitarianism. As Honneth claims, "the recognition-theoretic approach stands in the middle between a moral theory going back to Kant, on the one hand, and communitarian ethics, on the other" (Honneth, 1995b, pp. 172–173).

By positioning the theory of recognition between liberal proceduralism and communitarian approaches, Honneth aims at dodging both the critique of the former as a mere empty ought, that is, ungrounded in concrete social reality, and the critique of the latter as a culturally biased approach (Honneth, 1995b, p. 172). The solution to this conundrum, according to Honneth, can only be found at the level of methodology. In other words, given that the deficiencies of both liberal proceduralism and communitarianism stem from their respective methods for justifying their normative orientations, in order to articulate a theory that is immune to the criticisms raised against both theories it must be shown that the methodological status (Honneth, 1995b, p. 171) of the normative insights gained from a theory that begins with an analysis of the idea of 'a struggle for recognition' is not susceptible to the same criticisms. To elaborate, it must be shown that the recognition-theoretic approach, on the one hand, is "formal or abstract enough" so as to avoid the suspicion of being culturally biased by prioritizing some conceptions of the good life over others, and, on the other hand, has "sufficient substantive content" by being anchored in existing social reality so as to command more motivating potential than mere ought (Honneth, 1995b, p. 173).

Honneth's response is to show that his approach is negative, structural, and reconstructive or historical-contextual. What invests his method with the three aforementioned qualities is that he lets his approach be informed by the following guiding idea:

the fact that the possibility of a positive relation-to-self emerges only with the experience of recognition can be interpreted as pointing to necessary conditions for individual self-realization.  
(Honneth, 1995b, pp. 173–174)

Honneth's method is negative because it proceeds from the assertion that what we can know are necessary conditions – as opposed to sufficient ones – for self-realization. Furthermore, epistemic access to those necessary conditions is granted through the historically situated claims of social movements fighting against harmful phenomena of social disrespect. Overall, the history of social movements has revealed that “realizing [...] one's self-chosen life-goals” without coercion presupposes not only the “absence of external force or influence” but also “the lack of inner barriers as well as psychological inhibitions and fears” (Honneth, 1995b, p. 174, 2007b). As was shown through the negative approach in the previous section on social disrespect, for this second form of freedom understood “as a form of trust directed inward, which gives individuals basic confidence in both the articulation of their needs and the exercise of their abilities” (Honneth, 1995b, p. 174) to even become a possibility one must presuppose a degree of basic self-confidence facilitated through affective-recognition, self-respect acquired through legal recognition, and self-esteem learned through esteem-recognition.

The reference to the three patterns of intersubjective recognition brings us to the second quality of Honneth's approach, that is, its structural character. The fact that Honneth refers to three concrete patterns of intersubjective recognition orients his theory towards experiences of a systematic occurrence which, in turn, implies that the theory prioritizes phenomena associated with social structures over episodic happenings (Honneth, 1995b, p. 174, 2012).

Finally, the recognition-theoretic approach is reconstructive or historical-contextual because it is with reference to actually existing and, therefore, historically situated forms of recognition relations that the potential for moral progress is identified (Honneth, 1995b, p. 175, 2001). The concept of a ‘formal conception of ethical life’ refers to the potential for moral progress embedded in patterns of intersubjective recognition within modern societies. These potentials which are reconstructed from within existing social relations are then used as provisional end-states from within which particular events can be classified and evaluated. To anticipate, it is precisely because in comparison

to liberal proceduralists like Rawls, Honneth expands the understanding of personhood to include an irreducible intersubjective element that the recognition-theoretic approach enables a form of disobedient collective action that captures more accurately the real-world instances of disobedient politics.

The formal conception of ethical life, as was argued, refers to the necessary social conditions for a good life. And it does so not from the perspective of the existing cognitive order but from the perspective of a provisional end-state towards which the developmental potential embedded in historically situated relations of recognition point to. Hence, the recognition-theoretic approach is neither a conservative plea for the reproduction of existing structures nor an indefinite, loose, and ahistorical moral cry. To elaborate, Honneth argues that both the built-in impetus for reciprocity in relations of recognition and the history of social movements in post-traditional societies illustrate that the embedded potential for normative development is in the direction of inclusion or previously excluded social groups and differentiation of forms of subjectivity that count for the general societal horizon of values as legitimate instances of self-realization.

The potential for normative progress in the direction of inclusion and individualization applies to all three central patterns of intersubjective recognition within modern societies. In the interest of clarity, I will make use of concrete examples to explain and support this claim. First, in the dimension of self-confidence, the relevant question is who counts as a legitimate receiver of what kind of affectionate love and, therefore, who deserves protection from forms of social disrespect that injure this form of a practical relation-to-self. Love and affection have not – and still are not – equally and uniformly allocated in the context of intimate relations, such as, romantic relations, parent-child relations, and friendships. Think, for instance, about the developments in child rearing practices in the course of the past century. These go from authoritarian practices of child-rearing that included as legitimate the disciplining of children through corporeal punishment, to present day communicative support for their needs and desires. Another example is the gendered patterns of allocation of affectionate love. The range of needs and desires for which boys receive affectionate support, to express and pursue them, is generally much broader than that applicable to girls. A third example is the systematic exclusion of queer children and adults from opportunities for intimacy and friendship that is slowly and gradually changing. What all these examples exhibit is that practices associated with love and affection could undergo moral development along the lines of inclusion and individualization.

Second, in the dimension of self-respect the relevant question is, on the one hand, who counts as a person with the capacity for autonomous moral agency and, therefore, who deserves legal recognition, and, on the other hand, what is the content of legal rights necessary for the exercise of autonomy. In this dimension, normative progress is somewhat easier to document given the history of the 19<sup>th</sup>- and 20<sup>th</sup>-century expansion of both legal subjects and legal rights. As was discussed above, Honneth refers to the work of T. H. Marshall on the history of civil, political, and social rights. To refer again to historical examples, think of the inclusion of previously excluded propertyless men or women, on the one hand, and the expansion of the decommodifying function of social rights in the course of the 20<sup>th</sup> century up at least until the emergence of neoliberal capitalism, on the other. With regard to the former, we witness an increase in the number of the social subjects that count as entities bearing the capacity for moral agency. With regard to the latter example, there is an enrichment of our understanding of the necessary social conditions for exercising one's capacity for autonomy. Furthermore, and to anticipate the discussion below, the recognition-theoretic approach is not deterministic. On the contrary, it recognizes the possibility for regression and backsliding in the course of history.

Third, in the dimension of self-esteem, the relevant question is, on the one hand, the way of life of which social groups counts as valuable contributions to society at large and, on the other hand, which ways of life count as legitimate forms of self-realization and, therefore, deserve protection from forms of denigration. Historically, esteem underwent a process of both individualization and inclusion at the dawn of modernity. Recall that in premodern societies esteem was attached to group status and was not allocated – neither in principle nor in practice – on the basis of individual achievements and traits. Moreover, religious, traditional societies ordered social groups' contributions to society's well-being through a strictly hierarchical system. In modernity, esteem is detached – at least in principle – from group status and wider sections of society enjoy the opportunity to be esteemed, rather than only the few hereditarily chosen ones.

More importantly for our purposes, in recent times social movements have sought to transform the patterns of esteem recognition in the direction of inclusion and pluralization. Think, for instance, of the labor movement that constantly aims at reorganizing esteem allocation by transforming what the general societal horizon of values counts as valuable contributions society's well-being. Or think of the struggles of queer communities and their allies to change the general societal horizon of values so that more forms of self-realization count as viable and respectable. Again, in the dimension of esteem recognition we can observe a developmental potential for inclusion and pluralization.

### v) Collective action problems and the theory of recognition

After having discussed in detail Honneth's alternative model of social conflict, that is, his theory of recognition, we can now explicate insights with reference to the possibilities for collective action that it enables and forecloses. In Chapter III, we explored the nature of collective action problems, emphasizing how the ontological assumptions underpinning a theory shape the range of solutions it can enable or foreclose, in the sense of plausible interpretations of forms of action that a theory offers.

Theories that view persons as unencumbered selves reduce the scope of collective action to cooperative relations based on shared interests or moral imperatives. In such frameworks, people act together either because it is instrumentally beneficial for them to do so or because moral obligations compel their cooperation. However, these approaches fail to appreciate the deeper, constitutive dimensions of collective action, namely, how shared identities, affective ties, and mutual recognition shape the capacity for individuals to come together in solidarity and transform their social reality. A model of disobedient politics that transcends the limits of the liberal model discussed above must proceed from a relational ontology – as opposed to an atomistic one.

Honneth's theory of recognition provides an alternative ontological foundation for understanding collective action that focuses on the relational presuppositions of personhood. Honneth's theory posits that individuals are not isolated agents but are deeply interwoven with others through intersubjective relations of recognition because it proceeds from acknowledging the intersubjective presuppositions of identity. Recognition occurs in three central spheres — love, legal recognition, and social esteem — and recognition relations in these spheres are not merely cooperative but constitutive of individuals' identities and self-understandings. In this view, collective action emerges not from a calculation of individual benefits or adherence to abstract moral principles but from the mutual acknowledgment of shared grievances and aspirations that stem from intersubjective experiences of disrespect. Recognition creates the emotional and normative bonds that enable individuals to perceive themselves as part of a collective struggle, motivated not only by personal interests or ethical principles but by a sense of solidarity and shared purpose.

This intersubjective foundation allows for forms of collective action that are qualitatively different from those enabled by theories rooted in rationality or morality. When individuals act based on the mutual acknowledgment of shared grievances, they are not simply cooperating to achieve a

common goal; they are engaging in a process of collective self-constitution. For example, a group protesting systemic inequality is not merely addressing an instrumental problem or fulfilling a moral duty – pushing forward the demands of the difference principle for instance. Instead, the act of protesting itself reaffirms their collective identity, highlights their shared experiences of injustice, and fosters a sense of agency to challenge and reshape the norms that perpetuate inequality. This form of collective action is transformative because it seeks to change not just specific policies or practices but the underlying social and normative structures that define how individuals relate to one another.

Honneth's theory, therefore, enables solutions to collective action problems like disobedience that extend beyond cooperation. Disobedience, in this framework, becomes a form of action rooted in the recognition of shared struggles and the aspiration to redefine the social order of recognition. Honneth's theory centers on the constitutive power of collective action to build solidarity and challenge structural injustices. This shift is crucial because it moves the focus from abstract principles to the lived realities of those engaged in the struggle, acknowledging that disobedience often arises from deeply felt grievances that are inextricably linked to their identities and social positions.

Moreover, the mutual acknowledgment of shared grievances and aspirations fosters a resilience and depth in collective action that purely cooperative approaches cannot achieve. In cooperative models, solidarity is often fragile, contingent on continued alignment of interests or adherence to shared moral principles. By contrast, Honneth's emphasis on recognition, his relational ontology, and the intersubjective presuppositions of identity ground solidarity in the relational dynamics of mutual respect and shared purpose, creating a foundation that can withstand the challenges and conflicts inherent in collective struggles. Recall that disobedience is a form of collective action with very high (potential) costs for participants. This approach, then, that highlights the importance of affective ties and emotional engagement in motivating collective action, offers an alternative solution to the kind of collective action problem that disobedience consists in, that is, a solution that is not reducible to economics or ethics.

## Conclusion

This chapter offers a detailed reconstruction of Axel Honneth's alternative model of social conflict. Recall that Part Two ("The liberal paradigm: On Rawls's model of disobedient politics") concluded with the claim that in order for a model of disobedient politics to be appropriately modern and political, it must be embedded within a general social theoretical framework that proceeds from ontological assumptions that acknowledge the constitutive sociality of persons and recognizes the invariant nature of social conflict within modern societies. It is precisely due to Honneth's contention that his theory of recognition does precisely these two things that we decided to attempt to build a model of disobedient politics from within the recognition-theoretic paradigm. Recognition theory starts from the 'intersubjective structure of personal identity', that is, the idea that social relations are a precondition for the constitution of personhood because it is only through relations with others that individuals can learn to view themselves as persons. More precisely, in our reconstruction we saw that the recognition-theoretic paradigm maintains that there are three fundamental and historically situated patterns of recognition in modern societies that constitute necessary conditions for any minimally plausible conception of the 'good life'. The recognition-theoretic paradigm starts from the process of dissolution of the taken-for-granted systems of religion and tradition (discussed in detail in Chapter I) and discusses the emergence of three patterns of recognition and the forms of practical relations to self that they enable and constitute. Love, legal rights, and social esteem are all necessary for the development of self-confidence, self-respect, and self-esteem, which, in turn, are necessary practical relations to self for moral and political agency. Most importantly for our purposes, the systematic denial of recognition along any of the three patterns of recognition to certain social groups injures a person's capacity for such practical relations to self and leads to negative emotional reactions. Such reactions, claims Honneth's social theory, fuel social conflict. Hence, social conflict is not to be understood solely with reference to struggles of interest but must be understood, instead, as involving a normative component. Honneth formalizes the normativity that he extracts from the idea of a struggle for recognition through the concept of a formal conception of ethical life. The formal conception of ethical life thematizes an inherent potential in social relations of recognition for progress along the lines of inclusion and individualization.

To move forward, the recognition-theoretic paradigm reconstructed in detail in this chapter will be employed in the articulation of a new model of disobedient politics, which I term *recognitive*

disobedience. While articulating the model of recognitive disobedience, the recognition-theoretic paradigm will be both put into use and discussed from a critical point of view. The aim is to inquire into the possibility of articulating an account of disobedient politics that will not be susceptible to the same criticisms that the liberal model was shown to be susceptible to, that is, to articulate a model of disobedient politics that will be appropriately modern and political.

## Chapter V – Recognitive disobedience: Social struggles in the 21<sup>st</sup> century

### Introduction: Why are disobedience and recognition theory good for each other?

In Chapter IV, I referred to the reasons why recognition-theory is the best candidate for articulating a novel model of disobedient politics that fulfills the desiderata developed in Chapter I and for addressing the shortcomings of the liberal model identified in Chapter II and III. In this introduction, I want to make explicit the reasons that make bringing together the two bodies of literature – that have so far remained disconnected – valuable for both our understanding of disobedient politics and for uncovering the underthematized political potential of the theory of recognition. On the one hand, the literature on disobedience can learn from the recognition-theoretic insights with regard to social conflict, and, on the other hand, the literature on disobedient politics can push the recognition-theoretic paradigm from its emphasis on the *ethics* of recognition towards a *politics* of recognition.

The preceding chapters highlighted the shortcomings of the liberal model of disobedient politics. Furthermore, it became clear that the multiplication of social agents pursuing protest through disobedient action brought to the fore the need for a theoretical reworking of our models of disobedience not only as a requirement for theoretical improvement but also as a requirement created by the needs of on-the-ground political agents with flesh and bones. The critique of the liberal model has created a politically consequential theoretical vacuum. If our allegedly best model of disobedient politics, that is, John Rawls's model, was proven to be overly restrictive and not appropriately political for the aims of contemporary disobedient agents, there is an urgent need for articulating a new model. This, of course, is only half an answer. The other half of the answer must explain why the recognition-theoretic paradigm is the best candidate from which to articulate a new model of disobedient politics.

As was argued above, the phenomenology of disobedience implies that disobedience is a form of collective political action with very high (potential) costs. The high costs of disobedient collective action stem from the fact that it is a form of performing social conflict that remains in excess of institutionalized channels of political claim making; it is a form of performing social conflict by breaking some rules of the political game. As such, disobedient politics is a form of collective action that must solve the collective action problem. Rawls's conception of personhood suggested two

solutions to the problems of collective action. In other words, Rawls's theory allowed for two distinct forms of social conflict. Social conflict, following Rawls's political ontological assumptions, can be either about interests or about moral principles. Recognition theory adds a third alternative by theorizing a form of social conflict that is fueled by experiences of social disrespect rather than mere interests or identification with a positively articulated conception of justice. This claim is going to be at the center of attention below. The interim conclusion is, therefore, that our understanding of disobedience can be enhanced from an encounter with the recognition-theoretic paradigm. Apart from the potential for enriching our understanding of disobedience by viewing it in the light of the insights of the theory of recognition, the recognition-paradigm can itself profit a lot from a grafting with the disobedience literature.

More precisely, I maintain that there are two ways in which Axel Honneth's theory of recognition can profit from coming into contact with the insights of the disobedience literature. First, scholars of recognition have pointed out Honneth's reluctance to develop a *politics* of recognition; opting, on the contrary, for a sociology of recognition, which offers insights in the attempt to interpret forms of social conflict, and for an *ethics* of recognition, which offers insights when it comes to evaluating instances of social conflict (Deranty and Renault, 2007, pp. 92, 99, 105). A model of cognitive disobedience is one aspect of the broader politics of recognition. By developing such a model, it will be possible to show that there is an inherent potential within the theory of recognition for discerning a distinctively political standpoint of collective agents as opposed to a moral or a rational standpoint. This distinctively political standpoint, as will be argued below, emanates from the feelings of disrespect associated with systematic experiences of misrecognition or denial of recognition that members of social groups are exposed to. Such feelings function as the motivational foundations of political action. Thus, by developing a model of cognitive disobedience, we are at the same time uncovering the political character of the theory of recognition.

Second, and related to the first point, I maintain that the political potential of the theory of recognition is inherently tied to an agonistic element. This inherent dynamic in cognitive perspectives on politics is more clearly visible when social systems enter a period of crisis, that is, a period during which the reproduction of institutions and practices and the political game as usual is under question. This valuable dynamic gets overshadowed within the recognition-paradigm by Honneth's exclusive emphasis on an ethics of recognition, which risks orienting the theory of recognition exclusively towards consensual forms of politics – and, thereby, misreading instances of social conflict that do not abide by the logic of consensus as non-political. To corroborate my claim,

I will reconstruct Honneth's thesis of the so-called brutalization of social conflicts in the beginning of the 21<sup>st</sup> century.

According to Honneth, social conflicts in the beginning of the 21<sup>st</sup> century are becoming more 'brutal' due to disintegrating tendencies of the most significant institutions responsible for the containment of social conflict during the second half of the 20<sup>th</sup> century (Honneth, 2012). More importantly, the brutalization of social conflict results from the observed tendency of an increasing number of people being excluded from the institutionalized spheres of recognition, which, in turn, leads to more and more social agents resorting to unorthodox means of social struggle, that at first sight do not seem to reflect, or be motivated by, the cognitive norms embedded in existing institutions.

Honneth finds an unlikely ally to corroborate the above claim in the work of the American systems-sociologist Talcott Parsons. Even though Parsons dedicated most of his work to interpreting social reproduction and stability, Honneth identifies a recognition-theoretic substratum in Parsons's attempts to account for the drivers of social change. Social change is a product of social conflict, which, in turn, at least in its 'hot' manifestations results, according to Parsons, from widespread 'moral indignation' (Honneth, 2012, p. 7). Such moral indignation emerges whenever a sufficient number of people believe that their expectations of having their concrete capacities and achievements recognized and respected are violated. More importantly for our purposes, the normative core of such expectations, according to Parsons, is embedded in the legitimating narratives of the important socially integrative institutional complexes that always and everywhere mediate social interactions within functioning societies. In such cases, social conflict unfolds through a discursive mode (Honneth, 2012, p. 15). Conflicting parties, after all, share a normative core and 'speak the same language'. Consequently, when social conflict appears to be non-discursive, violent, 'brutal,' or even 'anomie,' then it would seem to be the case that the conflicting parties do not draw from the same normative resources.

Recognition theory, as was argued in Chapter IV, identifies three patterns of recognition relations to be the main points of reference for social struggles in modern societies – alongside social conflict motivated by the pursuit of rational interests alone. What Honneth finds in Parsons is support for this claim because Parsons speaks of "institutional complexes" that, on the one hand, constrain, and, on the other hand, normatively feed social conflict. To explain, the central socially integrative institutional complexes that mediate interaction in modern societies, that is, "the economy, parliamentary democracy, law, and the family," are all characterized by norms that provide "a

systematic link between individual fulfilment of duties and the acquisition of social recognition" (Honneth, 2012, p. 8).

In the ideal situation, this means that, for instance, in the case of the institutional complex of the economy, which is regulated by the principle of achievement, meticulous fulfillment of one's duties as a laborer should be socially recognized through the appropriate medium – in our monetized economies, through monetary remuneration. When this legitimate expectation is violated for a group of individuals, social conflict may emerge as a result of the moral indignation experienced when one's expectations are disappointed. However, according to Honneth's reading of Parsons, such a form of social conflict can be contained and remain discursive in nature for as long as the conflicting parties generally accept the validity of the cognitive norms embedded in the relevant institutional complexes. Or otherwise, social conflict may be contained for as long as the recognition that the social groups in question receive from their participation in other institutional complexes, such as the family, is sufficiently compensating for the lack of recognition in the sphere of the economy.

Conversely, when groups in a society experience the very principles on the basis of which the institutional complexes mediating social interaction are legitimated as unjust, social conflict cannot be contained – at least not discursively, or not without the employment of a significant degree of violence. In other words, crises of the socially integrative institutional complexes lead to tendencies of brutalization of latent social conflict.

Accordingly, Honneth observes that the brutalization, that is, the increase in the divisiveness, intensity, polarization, and the limited capacity for resolution of social conflicts in the 21<sup>st</sup> century can be accounted for with reference to the decreasing ability of the central socially integrative institutional complexes to fulfill people's expectations for recognition. With regard to the value of institution of the modern law for the development of the practical relation-to-self termed self-respect, we can observe a serious decrease in its capacity. First, the successful political struggles of cultural minorities for the legal protection of 'difference' have altered the symbolic meaning of rights away from the idea of reciprocal respect towards the direction of understanding them as instruments for securing personal advantages (Honneth, 2012, p. 12). Furthermore, the successful advance of neoliberalism since at least the 1990s has gradually eroded the content of political and social rights for citizens of western societies. Second, the increasing number of people in liminal legal spaces within western societies, such as migrants and marginalized groups, has reconstructed the meaning of the legal medium as an instrument of exclusion and protection of privilege. Another

development that Honneth does not discuss, but that deserves to be added in the list of significant factors when trying to account for the brutalization of social conflicts at the beginning of the 21<sup>st</sup> century with reference to the crisis of socially integrative institutional complexes, is the transformation of liberal representative democracies. The lives of citizens in contemporary western states are characterized by the double movement of privatization and internationalization of political competencies. On the one hand, an increasing number of social fields over which modern states enjoyed regulative authority is surrendered to the powers of the market or to non-governmental civil society agents. On the other hand, the increasing significance of supranational institutions and the deterritorialization of contemporary political challenges has limited the capacity of modern states to act as unique sovereigns over their citizens, leading some thinkers to speak of a post-Westphalian world (see, Fraser, 2007; Scheuerman, 2016). These developments have thinned out the value of citizenship. In turn, a decrease in the content and value of citizenship implies a reduced capacity for the enjoyment of self-respect through one's relationship to the state. Similar developments can be pointed out with regard to the economy and the institution of the family (see, Honneth, 2012, p. 12).

The general trend, according to Honneth, is a decrease in the capacity of central institutional complexes to fulfill their recognitional promise in the beginning of the 21<sup>st</sup> century. The thereby generated experiences of moral indignation are precisely what fuels social conflicts. The later may range from "micro confrontations in everyday life in which a person insists vis-à-vis another on the unredeemed claims within their reciprocally binding social relationship right through to militant uprisings by entire collectives who feel they have been deprived of rights that should on the basis of implicitly applicable norms be rightfully theirs" (Honneth, 2012, p. 12). Importantly for our purposes, due to the crisis of important integrative institutional complexes in the beginning of the 21<sup>st</sup> century, such social conflicts have acquired an outward appearance that at first sight might leave us with the impression of conflicts over self-assertion. In other words, the relative radicalization of the shapes of social conflict, the relative decrease of its containment, and the relative decrease of the discursive or consensual elements in its unfolding may lead us to believe that we are dealing with cases of social struggles over self-preservation, that is, social struggles to be interpreted with reference to self-interest. On the contrary, I want to suggest that many such instances of 'brutalized' social conflict in the 21<sup>st</sup> century are struggles motivated by experiences of moral indignation and that they aim at reinterpreting the institutionally embedded recognitional promises.

This is the reason why a theory of disobedient politics from within the recognition-theoretic paradigm is a valuable step for the tradition of the theory of recognition itself. Given the expectation of recognition theorists that the social conflicts in the beginning of the 21<sup>st</sup> century are going to become increasingly brutal, a model of disobedient politics and the associated political vocabulary are needed in order to distinguish between cases of disobedient contestation that consist in mere acts of self-assertion and cases that consist in genuine attempts at addressing pathological instantiations of recognitional principles embedded in existing social relationships. In order to do so, we need to develop criteria for distinguishing between instances of social conflict which, though in excess of the institutionalized channels of performing social conflict, remain political in their core. One way to achieve this goal is to articulate a model of cognitive disobedience.

To conclude this introduction, Chapter V develops the concept of “cognitive disobedience,” presenting it as a novel model of disobedient politics grounded in Axel Honneth’s recognition-theoretic paradigm. The chapter unfolds through several interconnected steps, each contributing to the articulation of this model and its implications for social and political theory.

Section one revisits the theoretical foundations of Honneth’s recognition theory. It highlights the tripartite model of recognition—love, legal rights, and social esteem—and the corresponding practical relations to self—self-confidence, self-respect, and self-esteem. This section establishes the theoretical framework upon which cognitive disobedience is built, emphasizing its suitability for addressing the shortcomings of existing paradigms.

Section two introduces the concept of cognitive disobedience, defining it as a mode of collective action that responds to systematic denials of recognition. This section critiques the liberal paradigm of disobedience for its failure to account for the constitutive sociality of persons and outlines how cognitive disobedience offers a more robust, normatively grounded alternative.

Section three elaborates on the normative core of cognitive disobedience by engaging with Honneth’s formal conception of ethical life. It argues that cognitive disobedience advances inclusivity and individualization within the structures of recognition, aligning collective struggles with the potential for moral and social progress.

Section four shifts focus to the practical dynamics of cognitive disobedience. It explores the mechanisms through which individuals transition from experiences of disrespect to collective action, emphasizing the role of negative emotional reactions as both motivational and epistemic.

This section also considers the conditions necessary for recognitive disobedience to function effectively as a form of social resistance.

Finally, section five evaluates the broader implications of recognitive disobedience. It examines its transformative potential and addresses its limitations, positioning it within the broader landscape of disobedient politics. The chapter concludes by synthesizing its findings and setting the stage for further exploration of recognitive disobedience in future research.

### i) Defining recognitive disobedience

We can now move to the articulation of a model of disobedient politics from within the recognition-theoretic paradigm. I will follow the structure of Rawls's model of civil disobedience that distinguishes between its definition, its justification, and its role or function. The tripartite distinction is useful for clarificatory purposes. On the one hand, it classifies the model with reference to the nature of the questions that it attempts to address and, thereby, orients the reader. On the other hand, following Rawls's structure allows for comparisons between the two models, that is, Rawls's model of civil disobedience and my model of recognitive disobedience. To be sure, the distinction is artificial and introduced for analytical purposes. Definitional questions, questions with regard to the normative status, and questions about the role or political added value of recognitive disobedience are unavoidably connected – as will be seen below.

To begin with, as we saw in Chapter II, Rawls defines civil disobedience “as a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government” by appealing to “the sense of justice of the majority” (Rawls, 1999, p. 320). Through civil disobedience citizens declare that in their “considered opinion the principles of social cooperation among free and equal men [sic] are not being respected” (Rawls, 1999, p. 320). Furthermore, even though civil disobedience by definition necessarily involves illegalities, Rawls ties it to the idea of fidelity to the law in order to distinguish it from more radical forms of resistance. He places civil disobedience between legal protest – through raising test cases in front of courts with appellate jurisdiction – and violent militant action (Rawls, 1999, p. 322). The idea of the fidelity to law is precisely what justifies situating civil disobedience between these two poles that Rawls understands as opposites. Civil disobedience is, according to Rawls, a problem “only within a more or less just democratic state for those citizens who recognize and accept the

legitimacy of the constitution" (Rawls, 1999, p. 319). He frames the issue through the language of a conflict of duties for an individual's moral conscience, that is, the duty of compliance with legal statutes instituted by a legitimate legislative majority, on the one hand, and the duty to fight injustice, on the other hand. What is a citizen who accepts the legitimacy of the institutional and procedural articulation of the political system to do, when the laws that are taken to be the outcome of procedures considered legitimate violate deeply held moral convictions? In other words, how are we to square the fact that Rawls, on the one hand, maintains that citizens, by virtue of the generally just nature of existing institutions, are faced with a political obligation of obedience, and, on the other hand, that he claims that there is space for justified disobedience within such a society?

The resolution that Rawls offers consists in the idea that one can break some law while at the same time performatively expressing the greatest fidelity to the broader legal infrastructure by offering advance notice to the authorities, by being willing to accept legal punishment, and by acting only in the public domain and in the name of shared principles of justice. What is important to notice is that Rawls's insistence on the exclusively symbolic character of civil disobedience excludes any elements that are by their nature more contestatory or confrontational from the potential repertoire of action of disobedient activists. Moreover, not only does Rawls exclude more radical means from the potential repertoire of action of disobedient movements, but he also excludes radical ends by conceiving of it as merely a corrective means for stabilizing an otherwise just basic social structure.

As noted earlier, in spite of Rawls's definition appearing as "unproblematic and commonsensical, in the debate about civil disobedience virtually all [its] elements have proven controversial" (Celikates, 2016b, p. 38). This point informed our analysis in Chapters II and III, where instead of problematizing the individual elements of Rawls's definition, we thematized the general framework within which his model is situated and the implications of the ontological background assumptions characterizing this framework for collective action and politics.

In what follows, I will articulate a definition of a form of disobedient politics that I will call *recognitive disobedience*, before offering some insights with regard to its normative status and its role within modern late capitalist societies. As was argued above, I maintain that there is a latent politics of recognition embedded in Honneth's theory of recognition. A model of recognitive disobedience is only one part of the broader politics of recognition that must be retrieved from within Honneth's ethics of recognition in order for the recognition-theoretic paradigm to not end up reproducing the moralization of politics that we discussed in the context of Rawls's theory of justice in Chapter III.

Recognitive disobedience is novel and distinct from civil disobedience – as well as distinct from other models of disobedient politics. To be more precise in delineating between my model of recognitive disobedience and Rawls's model of civil disobedience, the claim I am making is that the two models are distinct because while the Rawlsian model reduced collective action into a polarity between economics and ethics, our recognitive model makes space for a third form of collective action that is distinct from instrumental and ethical action. This third form enabled by the theory of recognition is distinctively political and, as we will see below, though it involves interests and norms, it is not reducible to any of the two. It is made possible from the intersubjective presuppositions of subjectivity.

I suggest calling “recognitive disobedience” *those forms of collective political action that exceed the limits of the legally institutionalized channels of political participation and are undertaken with the aim of propelling progress by means of bringing about political change in the societal recognition order and/or its realization*. Recognitive disobedience is anchored in the recognitive promises of existing social institutions and practices and it uncovers novel interpretations of them in the direction of better fulfillment of their potential for inclusion and individualization by means of reconstruction – that is, it uncovers the progressive potential within existing relations of recognition. It is a form of protest that addresses social structures that lead to epidemics of social disrespect, that is, social structures that generate social suffering and deteriorations of individual integrity. Such phenomena of social disrespect can be classified in three categories: violations of the body that harm one's self-confidence; denial of rights that injure one's self-respect; and denigration of forms of life that hurt one's self-esteem.

Recognitive disobedience, as will be discussed in the following subsection, is at one and the same time transformative, can be understood in its nature through employing a reconstructive political logic, manifests a negativistic orientation, and reflects prefigurations of forms of life. Recognitive disobedience is not premised on pre-political and fixed standards of justice, but on the capacity of manifesting progress in the development of relations of recognition, that is, on the possibility of showing that the history of social struggles has unveiled necessary conditions for the good life – or at least a form of life free from pain or deformations. It is situated between combative confrontation and reflexive cooperation.

*On the public character of cognitive disobedience*

To stress the differences and similarities between civil and cognitive disobedience, I will juxtapose the essential elements of the two models. First, the public character of civil disobedience is understood as stemming from its exclusively symbolic character and the fact that it has the form of an appeal to the conscience of the political majority that be. Thus, for Rawls, civil disobedience requires that the authorities receive advance notice and that it remains a purely discursive means as opposed to means of contestation or confrontation (Celikates, 2016b, 2016a). What I term cognitive disobedience is public in a very different sense. Its public character revolves around its collective nature. To begin with, the requirement of advance notice in many instances undermines the role of disobedient politics, if not making it impracticable. To mention one example, the blockades of critical infrastructure that is frequently used in the context of disobedient politics is only possible if the relevant authorities remain unaware of the plans of disobedient actors until their exercise. Furthermore, cognitive disobedience involves an irreducible communicative element but is not reducible to it - this point will be further developed when cognitive disobedience is situated between reflexive cooperation and combative confrontation.<sup>71</sup> I maintain that there are acts of disobedient politics that would not count as forms of civil disobedience but would count as forms of cognitive disobedience because of the distinct meaning of the defining elements of the two – as I will show below with reference to the political trajectory of the climate change activist Greta Thunberg.

If, then, an analysis of cognitive disobedience cannot rely on the same arguments that Rawls puts forth to explicate the public character of civil disobedience, what invests the phenomenon denoted by this concept with its public character? Cognitive disobedience is public for two different reasons. First, cognitive disobedience is public because of its constitutively collective character. While civil disobedience is presented as a problem for the individual moral conscience, cognitive disobedience is a form of action that is undertaken from the perspective of a group. It is, thus, its collective character rather than its exclusively symbolic character that renders it a public form of protest. Second, even though cognitive disobedience is exercised with reference to the general societal value-horizon, it is not reducible to a mere appeal to the moral conscience of the political majorities in power. It does involve a discursive or communicative element and address of the

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<sup>71</sup> A similar point is made by radical democrats. E.g. (Celikates, 2016a).

political opponent, but it is best understood as a means for performing social conflict. As such it is necessarily characterized by a public and political logic as opposed to both mere interest-oriented instrumental action and morally sanctioned forms of action. To be sure, the point is not that recognitive disobedience does not involve interests and morality but, rather, that it is not reducible to these two moments.

To give an example, think of Martin Luther King Jr's account. King argued:

We decided to set our direct action program around the Easter season, realizing that with the exception of Christmas, this was the largest shopping period of the year. Knowing that a strong economic withdrawal program would be the by-product of direct action, we felt that this was the best time to bring pressure on the merchants for the needed changes. (King, 1991, p. 70)

King's contentions manifest clearly that disobedient politics involves an irreducible moment of real confrontation. Such a moment is justified precisely because it serves the other irreducible moment of disobedient politics, that is, its communicative or discursive side. The latter stems from the fact that recognitive disobedience is definitionally tied to propelling progress. What needs to be stressed is that the concept is not reduced to such communicative or discursive moments. As King claims later in his Letter from Birmingham City Jail, disobedient politics involves a disruption of normality with the aim of generating a crisis, that is, a moment in which things cannot go on as usual. In his words, the crisis that disobedient politics creates aims at "establish[ing] such creative tension that a community that has constantly refused to negotiate is forced to confront the issue" (King, 1991, p. 71). Recognitive disobedience, then, has a public character not because of its purely symbolic nature or because it consists in an appeal to the conscience of the majorities that be, but because of its collective nature and its irreducible confrontational moments.<sup>72</sup>

To further specify the differences between civil and recognitive disobedience with regard to their public character, I will make use of a contemporary example of disobedient politics that would not qualify as an instance of Rawlsian disobedience but it does qualify as an instance of recognitive disobedience. In April 2019, Extinction Rebellion organized a disruptive and confrontational form of environmental disobedience in London. For "five days [...] thousand [sic] of people, from pensioners to young parents with toddlers, scientists to city workers, teenagers to teachers, have occupied four

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<sup>72</sup> This point is related to a broader point I will make later in this chapter between social conflict and mere collision.

landmarks in the capital, defying repeated police attempts to remove them and causing widespread disruption" which led to more than 600 arrests according to police sources (Taylor and Gayle, 2019).

If we were to follow Rawls's understanding of the public character of disobedient politics then the incidents described above would fail to qualify as appropriately public in nature. First, Rawls emphasizes that civil disobedience must provide advance notice to authorities to be considered legitimate. Extinction Rebellion does not adhere to this principle, as their actions rely on the element of surprise to disrupt normal activities effectively. Second, civil disobedience, in Rawls's framework, is exclusively symbolic and discursive, involving an appeal to the moral conscience of the majority. Extinction Rebellion's actions go beyond symbolism by actively disrupting daily life, such as blocking roads or occupying landmarks, making them confrontational rather than purely symbolic. Such forms of action could still be symbolic if they were appropriately designed as such. These activists could, for instance, have decided to occupy – say – half of the bridge in order to make a symbolic point. Instead of proceeding in such a symbolic way, however, the activists opted for a confrontational form of action, aiming for a real disruption of social life. Third, civil disobedience is framed as an individual moral appeal, whereas Extinction Rebellion's protests are collective efforts that do not hinge on the individual's moral conscience alone but rather on a group's shared values and goals.

The disobedient politics put forth by Extinction Rebellion qualifies, however, as public when viewed from the perspective of a theory of recognitive disobedience. First, Extinction Rebellion's actions are fundamentally collective, involving thousands of participants from diverse backgrounds acting together to disrupt and draw attention to the climate crisis. This focus on the public sphere aligns with the public character of recognitive disobedience, which prioritizes group dynamics over individual appeals. Second, recognitive disobedience involves real confrontation and the disruption of normality to generate a crisis. Extinction Rebellion's actions, such as occupying major landmarks and halting traffic, are designed to disrupt societal routines, creating tension and forcing the public and authorities to confront the climate emergency. Third, recognitive disobedience is not reducible to symbolic acts or moral appeals but is a means of performing social conflict. Extinction Rebellion's tactics—such as physical blockades and large-scale occupations—actively challenge societal norms and provoke public dialogue, embodying the confrontational and political logic of recognitive disobedience.

*On the political character of recognitive disobedience*

The second characteristic of civil disobedience that Rawls discusses is its conscientious yet political character. By doing so he aims at, on the one hand, distinguishing civil disobedience from conscientious objection by emphasizing its political character, and, on the other hand, safeguarding the concept from potential misuses by investing it with a conscientious character. The political character of civil disobedience consists in its aim of bringing about political change, which denotes, for Rawls, change in the laws and policies of the government. By contrast, conscientious objection does not aim at changing a law or policy but demands that the state exempts particular individuals from certain laws and policies because the laws and policies in question violate the moral conscience of the individuals in question. All that is fine, but what about the requirement that disobedient politics be only exercised out of conscientious reasons? Conscientiousness seems to be a strategy to protect the concept against -narrowly conceived- self-interested uses of disobedient politics. It is unclear, however, why non-conscientious and non-narrowly self-interested political reasons cannot count as legitimate reasons for disobedience. As Celikates argues, “we may wonder whether one could not disobey for all sorts of at least *prima facie* legitimate reasons, for example reasons of self-respect or political responsibility, that are not conscientious, at least in a narrow sense” (Celikates, 2016b, p. 38). In other words, a concept of disobedient politics becomes too restrictive when it is tailored to only capture actions motivated by moral conscience, i.e., by reasons that one experiences as stemming from a voice inside oneself.

Recognitive disobedience, on the contrary, is not restricted to conscientious action. It recognizes that political reasons are not reducible to conscientious reasons. Disobedient politics are a means or a tool in the hands of broad social movements. As such, disobedience can be employed not because moral conscience demands so, but because it is a good strategy that serves the broader ends of concrete social agents. To use again an example, think of the actions by activists in the context of the refugee movement in the past decades. When people locked in refugee camps decide to disobey or when they decide to occupy a central square in a big European capital, they do not necessarily do so for conscientious reasons. They could simply be acting in such disobedient ways because they see it as a good strategy to generate visibility and draw attention to their cause. To explain, such actions are not stripped of any normative reasons. They do serve normatively defined goals, in the last instance, but these norms are not conscientious but recognitive norms. The aforementioned agents are anchoring their actions in the normative logic of recognitive claims, as

explicated in the previous chapter. For instance, they could be normatively anchoring their actions in the claim that the institutional treatment they are receiving is injuring their self-respect, by refusing to treat them as subjects capable of autonomous action. Such claims are not stripped off normativity, but they cannot be categorized as conscientious reasons. Hence, one can shield disobedience from potential misuses with reference to its ties to cognitive norms. Rawls strategy to do so with reference to conscientiousness is not the only strategy and certainly not the most satisfying one because it mystifies the political nature of disobedient acts.

#### *On the question of violence*

Third, Rawls claims that civil disobedience is necessarily nonviolent. He does not, however, provide any clarification with regard to the criteria for distinguishing between violent and nonviolent action. He proceeds as if violence is an unambiguous category. In reality, the concept of “violence” resembles what Gallie terms essentially contested concepts (Gallie, 1955). Essentially contested concepts are constitutively open to disagreements and disputes about their meaning. Such disputes cannot be easily resolved because of the open-ended and interpretation-dependent nature of the concepts in question. Furthermore, such concepts carry inherent political value and therefore cannot be reduced to mere linguistic disagreements. The under-thematization of the criteria with regard to violence by Rawls and the general conceptual difficulties with regard to the definition of violence have been discussed by various scholars in the long disobedience debates (see, Celikates, 2016b, 2016a; Delmas, 2018).

The recognition-theoretic paradigm understands social struggles as “practical process[es] in which individual experiences of disrespect are read as typical for an entire group, and in such a way that they can motivate collective demands for expanded relations of recognition” (Honneth, 1995b, p. 162). This understanding has the implication that “there is no theoretical pre-commitment in favor of either non-violent or violent resistance” (Honneth, 1995b, p. 163). As we know, though, Honneth’s theory of recognition also involves a normative part which unfolds in the following form: given the deleterious effects of systematic experiences of social disrespect for the individual integrity, it follows that there is a normative force, which Honneth describes through the idea of the formal conception of the ethical life, that allows for identifying the necessary social conditions for the protection of individuals from suffering disrespect. I maintain, then, that we can make use of the normativity embedded in relations of recognition to delineate the boundaries between

recognitive disobedience and combative confrontation. To elaborate, my claim is that recognitive disobedience should indeed be viewed as incompatible with certain forms of violent action if it is to be distinguishable from combative conflict, revolution, and other forms of radical collective action. It is, then, possible to describe loosely the relation between recognitive disobedience and violence with reference to the criteria that allow for distinguishing recognitive disobedience from other forms of collective action. To anticipate, in the following, first, I will problematize the move to demand definitionally that any form of disobedient politics should be nonviolent, and, second, I will offer some clarifications with regard to the question of whether all or only some forms of violence are compatible with your model of recognitive disobedience.

To begin with, it should be clear that no general requirement for the employment of only nonviolent means can be *a priori* grounded with reference to a model of disobedient politics informed by Axel Honneth's theory of recognition. This conclusion stems from the fact that only some and not all forms of violence constitute recognitive harms in the three forms described above: violation of the body, denial of rights, and denigration of forms of life. In order to describe the relation between recognitive disobedience and violence both pragmatic and theoretical considerations must come into play.

From a pragmatic standpoint, the fact that violence can only be understood as an essentially contested concept and the fact that access to the general societal symbolic means of interpretation is unequally distributed entail that what passes as violent and what passes as nonviolent is itself a power game. For instance, the violent removal of disobedient citizens occupying public spaces by riot police troops is rarely considered as violent. Sitting in public space, on the contrary, comes to pass as violence in many contemporary instances. To use a highly telling example from recent German history, according to various decisions by German courts during the second half of the 20<sup>th</sup> century, "sit-down blockades on the road that force drivers to stop their cars, constitutes an act of violent coercion [...] and is incompatible with peaceful and non-violent protest" (Celikates, 2016b, p. 41). The *Bundesverfassungsgericht* (Federal Constitutional Court) decided a few years later that the psychological coercion exercised on a driver when the driver is faced with the body of a protester on a street is an insufficient condition for concluding that the driver is exposed to violent coercion. The court "determined that there has to be an element of physical coercion in order to speak of violence" (Celikates, 2016b, p. 42). Thus, it further specified that even though no physical violence is exercised on the driver of the first car who are stopped by the presence of the human bodies in front of them, physical violence is exercised on the driver of the second car because for that driver,

the first car that stopped in front of them functions as a physical barrier. The protester, according to the court, turns the first car that stops into a physical barrier for every other car that stops behind that first car and, thereby, sit-down blockades constitute criminal offenses because they involve physical coercion and violence exercised on others. This example shows that focusing on the nonviolent character of disobedient politics opens up a Pandora's box, since violence is an essentially contested concept.

Thus, there are good pragmatic reasons to not require definitionally that disobedient politics should be nonviolent. It is more helpful to recognize that some form of violence is circumstantially unavoidable. Given that disobedient politics is valuable precisely when merely discursive means of political action have proved insufficient for addressing the forms of social disrespect in question, it follows that a moment of real confrontation is sanctioned by the given social circumstances. What is more, such moments of real confrontation will always be described as violent by the party that enjoys a privileged access to the societal means of symbolic interpretation. Hence, the model of recognitive disobedience recognizes that some – but certainly not all - forms of violence are unavoidably part of any disobedient politics. To be sure, this specification leaves open the question of whether recognitive disobedience is sufficiently distinct from revolution or similar forms of action. In order to sufficiently distinguish definitionally recognitive disobedience from revolution, we need to first explicate the relationship between the former and reflexive cooperation. Hence, this question will be addressed explicitly in a later subsection.

The question that emerges here is which forms of violence are compatible with recognitive disobedience and whether the theory of recognition can offer guidance in delineating compatible from incompatible forms of violence. This is where, apart from pragmatic considerations, one needs to take into account theoretical considerations. Could the idea of a formal conception of ethical life offer guidance in describing the boundaries between forms of violence that are compatible with recognitive disobedience and forms of violence that are incompatible with it? Recall that the formal conception of ethical life explicates the historically situated necessary conditions for a life free from pain. To explain, we argued earlier that there is an “internal interdependence of individualization and recognition” (Honneth, 1995b, p. 131). We can only become subjects with particular understandings of ourselves in and through relations of recognition with others. This fact of human subjectivation renders us vulnerable against others since our integrity can be harmed by forms of denial of recognition or misrecognition. Hence, Honneth argues that the history of social suffering has disclosed necessary conditions for the facilitation of human integrity. Such conditions were

classified in the form of protections from circumstances that harm self-confidence, self-respect, and self-esteem. More precisely, the three kinds of practical relations to self are harmed typically by systematic instances of disrespect that take the form of violations of the body, denial of rights, and denigration of ways of life.

The theory of recognition, therefore, gives rise to an ethically sanctioned precaution against forms of violence that injure the three forms of intersubjectively learned practical relations to self that are necessary for human integrity. Furthermore, the same ethical precaution makes not only forms of violence that directly injure self-confidence, self-respect, and self-esteem incompatible with recognitive disobedience, but also forms of violence that aim at instantiating relations of recognition that impede the development of these three forms of practical relations to self.

To be sure, the question of violence is, in any case, not one that can be settled once and for all by theory. Violence is and will remain an essentially contested concept open to interpretations on a case-by-case basis. Contrary to Rawls's model of civil disobedience, our model of recognitive disobedience acknowledges, first, the unavoidable entanglements between some forms of violence and disobedient politics, due to pragmatic reasons, and, second, the contested character of violence. Hence, instead of demanding the impossible, namely, that disobedient politics remain nonviolent, the theory of recognitive disobedience raises a more minimalist claim. It requires that disobedient politics involves a moment of reflection on the appropriateness of violent means from within the concrete social circumstances in which disobedience is exercised. What is more, by employing the insights of the theory of recognition, we discovered an orienting normative compass for delineating compatible and incompatible forms of violence. Our normative compass is designed to offer guidance in concrete cases, while refusing the possibility of settling the question of violence *a priori* from within the theory.

#### *On the idea of disobedience as an appeal to the majority's sense of justice*

The fourth characteristic of civil disobedience in Rawls's definition is that it consists in an appeal to the majority's sense of justice. The appeal, in turn, consists in a declaration that "in one's considered opinion the principles of cooperation among free and equal men [sic] are not being respected" (Rawls, 1999, p. 320). There are important implications of Rawls's formulation. Most importantly for our purposes, disobedient politics refers to the majority's sense of justice, not to thematize its

content but to thematize its implementation through laws and policies. As we saw in Chapter II, the principles of justice are pre-politically discovered and the function of politics is their implementation and safeguarding. In this way, disobedient politics becomes a call to coherence, that is, a call on the political majority to act consistently with its sense of justice. Moreover, this formulation leads to paradoxical representations of how injustices are produced and reproduced.

If there is a discrepancy between the majority's sense of justice and the instantiation of this majority's political will in laws and policies, then there are two possibilities: either the unjust laws and policies reflect the majority's sense of justice, or they don't. If the case is the former, then the majority's sense of justice contains unjust principles. If this were to be the case, then why appeal to the majority's sense of justice in the first place? If the unjust laws and policies, on the other hand, do not reflect the majority's sense of justice, then we should wonder how they came about in the first place. One possibility is that there is something wrong in the existing political procedures through which laws and policies are instantiated. However, Rawls claims that nearly just societies, as we saw in Chapter II, are characterized by democratic procedures, that is, a form of majority rule that translates political majorities into laws and policies is in power. As he claims, disobedience is a problem for the moral conscience of the citizen who assumes political obligation to obtain because the procedures of the society in question are just and yet the outcomes of these otherwise just procedures are unjust. In other words, civil disobedience is a relevant form of political protest when the political procedures, that is, the inputs are just but the resulting laws and policies, that is, the outcomes do not possess moral authority.

We have, then, reached a theoretical impasse. If the majority's sense of justice is just and the political institutions are democratic then how does it come to be the case that the resulting laws and policies are morally wrong? I maintain that the way out of this impasse is for disobedient politics to be conceived in such a way that they can address both the content of a society's general horizon of values, and the institutional and practical instantiation of that general horizon. Recognitive disobedience allows for both instances because it is grounded in the theory of recognition, which, as we saw, is methodologically reconstructive and negativistic.

The claim that the theory of recognition is based on a negative methodology captures the fact that it proceeds from the assertion that we can know necessary – as opposed to sufficient – conditions for self-realization. Such conditions for self-realization are discovered through the political struggles of social movements fighting against constellations of social disrespect. Hence, social struggles in general and disobedient social struggles in particular may target injurious instances of denial of

recognition or misrecognition, the sources of which can be located both at the level of values and at the level of institutionalization of values. In other words, disobedient social movements do not need to necessarily appeal to the majority's sense of justice in order to anchor their actions. They can denounce with their actions both the status of norms or interpretations of norms and the concretizations of such interpretations in institutions and practices. The reasoning behind this idea is the fact that negative emotions associated with experiences of lack of recognition or misrecognition have the potential of disclosing what is wrong with existing social conditions, that is, which constellations of values and institutions and practices preclude the realization of life-goals that have been chosen free from coercion, either by erecting external obstacles for their realization or by instilling "inner barriers as well as psychological inhibitions and fears" (Honneth, 1995b, p. 174).

Given, on the one hand, that a degree of self-confidence, self-respect, and self-esteem are necessary for both the articulation of one's subjectivity and the exercise of one's capacities and abilities, and, on the other hand, that all three forms of practical relations to self are premised on forms of affective recognition, enjoyment of rights, and reception of esteem, it follows that social movements can protest both the recognitive promises embedded in relations of recognition and their potential "clash on a deeper level with the institutionalized material production" (Honneth, 1995b, p. 124).

To explain with reference to an example, I will refer to Honneth's understanding of the labor movement that he uses as a means to both illustrate and empirically corroborate his theory. Honneth clarifies his position on the conceptualization of the labor movement in his debate with Nancy Fraser. Already in *SfR* he refers to the labor movement to empirically corroborate his position that resistance by the lower economic classes during the transition to a capitalist mode of production cannot be comprehended merely with reference to utilitarian sociological frameworks that emphasize the pursuit of interest. On the contrary, as E.P. Thompson has shown, "social rebellion can never be merely a direct expression of experiences of economic hardship and deprivation" (Honneth, 1995b, p. 166). The tolerability of economic deprivation is determined with reference to the moral expectations that general societal norms give rise to.

In his debate with Fraser, Honneth is pushed further to clarify his position with reference to contemporary labor struggles for material improvements in the lives of the working classes. To Fraser's perspectival dualism – that is, her claim that recognition and redistribution shall be put on equal footing for critical theory to best capture and normatively justify the aims of contemporary

social movements – Honneth responds with a position of “normative monism” (Fraser and Honneth, 2003, p. 3). According to Honneth, so-called struggles for (re)distribution can and should be understood as struggles for recognition that unfold either on the basis of the egalitarianism involved in the principle of legal respect or on the basis of the meritocratic elements involved in the principle of social esteem. Recall that, as was discussed above, Honneth understands the transition to modern bourgeois-capitalist societies through the structural differentiation of recognition relations into three distinct spheres: love, rights, and esteem. The revolutionary changes gave rise to a new societal moral order that consisted in, first, the institutionalization of a sphere of recognition of loving care and affection. Both the institutional demarcation of a period of life, that is, childhood as “a phase of the life process requiring special protection”, and the institutionalization of the bourgeois love-marriage that consisted in the recognition of “a special kind of intersubjectivity, whose peculiarity consists in the fact that [the involved parties] love one another as needy beings” (Fraser and Honneth, 2003, p. 139), are novel developments characteristic only of the modern era. Admittedly these developments facilitated immensely the development of self-confidence and thereby are viewed by Honneth as conceptually and genetically prior to the other forms of practical relations to self (Honneth, 1995b, p. 107). Nevertheless, the so-called struggles over (re)distribution of the labor movement cannot be placed under this sphere of recognition. The other two structurally differentiated spheres are more likely places to look for the motivational patterns that fuel such struggles.

The other two spheres of legal recognition resulted from the dissolution of the premodern system of honor that allocated legal rights and esteem on the basis of group positions and status. The dissolution of the honor system allowed for a reorganization of recognition relations on the basis of principles and norms that generated a unique and novel social constellation. On the one hand, the institution of the modern law allocated in principle – though, not in practice – equal legal respect to every individual citizen by distributing equal legal rights and duties. On the other hand, the allocation of social esteem was now set on a new basis, that is, on the basis of meritocratic recognition of individual traits and achievements (Fraser and Honneth, 2003, p. 140). Hence, Honneth maintains that labor struggles over (re)distribution unfolded either with reference to violated moral expectations that stemmed from the egalitarian features associated with legal respect, or with reference to re-evaluations of the concrete shape of the achievement principle with reference to which modern societies allocated esteem (Fraser and Honneth, 2003, pp. 150, 158). Thus, the sociological implications of recognition theory conceive of social struggles as unfolding with reference to both problematizations of the institutionalizations of the general societal value

horizon and the content of that horizon itself. In contrast, to Rawlsian civil disobedience, then, recognitive disobedient struggles need not necessarily draw on the majority's sense of justice. Recognitive disobedient struggles can problematize both the institutionalization of the guiding normative principles of the spheres of recognition and their institutionalization. Such problematizations, nevertheless, are anchored in reconstructions of the normative principles in question and not premised on pre-political positive conceptions of justice – as in the case of Rawls's constructivist model. Hence, we see that contrary to the Rawlsian claim that disobedient politics is premised on an appeal to the majority's sense of justice, there are forms of disobedient politics that unfold through a reconstruction of existing recognitive principles and aim at realizing them in a fuller way. This idea will be further scrutinized below when we discuss the concept of a 'normative surplus of validity'.

To concretize the matter further with reference to another example, think of the disobedient occupy movement of the 2010s – the Occupy Wall Street movement in the US, the Indignados in Spain and the Aganaktismenoi in Greece. Through sit-ins, illegal occupations of public spaces, and – often illegal – demonstrations, these activists thematized the economic inequalities of neoliberal capitalism and the asymmetry of power between workers and companies. The basic normative claim in these cases was that the economic injustices of late neoliberal societies hampered the autonomy of citizens. The protesters claimed that redistributive policies were a necessary condition if they were to exercise their capacity for moral agency through their political rights in an uncoerced manner. Thus, in the context of these disobedient struggles, citizens were asking for the normative principle of equal freedom, as it is embedded in modern legal relations, to be recognized.

Another example of a disobedient social movement that demands the reorganization of the content of the principle of achievement can be found in contemporary feminist struggles over the re-evaluation of concrete forms of labor. Modern feminist social movements have time and again made the claim that the content and shape of the achievement principles effective in western societies evaluate and remunerate labor in sexist terms. Female labor is constantly devalued and, in other instances, not even recognized as labor – as in the case of unpaid reproductive labor. In these cases, then, the protesters are demanding a re-interpretation of the recognitive principle of achievement itself instead of merely asking for a reorganization of its institutionalization.

*On the orientation of disobedience; advance notice to authorities and the willingness to accept punishment*

Finally, there are three more characteristics of the Rawlsian model that I want to juxtapose to our model of recognitive disobedience. Rawlsian civil disobedience aims at bringing about a change in the laws and policies of the government; it is undertaken after advanced notice to the authorities; and the practitioners ought to be willing to accept legal punishment for their actions. To begin with, recognitive disobedience does not aim exclusively at bringing about change in the laws or policies of the government, that is, it is not characterized by the same legal monism characteristic of the Rawlsian approach. On the contrary, it acknowledges that social disrespect can operate in less formal ways through social practices that have not been institutionalized through the legal form. As was argued above, systems of domination, such as racism and sexism, operate today mostly via informal social structures. They have acquired an existence that is located in the cultural and economic substructures of contemporary western societies and have lost most if not all of their legal foundations. Thus, it is a historically vindicated necessity for any model of disobedient politics that claims to be socio-politically relevant to contemporary social agents, to proceed from an acknowledgment of this basic sociological fact.

Rawls's requirements of providing advance notice to the authorities and the willingness to accept legal punishment are justified by the element of conscientiousness that Rawls invests civil disobedience with. As was argued, conscientiousness serves Rawls's intention to safeguard disobedient politics from potential misuses. Our model of recognitive disobedience offers a different protective measure from potential misuses of the concept. The insistence on the political character of recognitive disobedience, that is, the insistence that it is practiced with reference to the general parameters of organizing collective life suffices to distinguish between instances of disobedient politics that serve narrowly conceived self-interests and instances that do not. With these definitional specifications in mind, we can move to the second part of the model of recognitive disobedience, that is, the justification or normative status of the model.

To summarize the above discussion, we defined recognitive disobedience as a form of collective political action aimed at transforming societal structures of recognition that perpetuate disrespect and harm individual integrity. Recognitive disobedience is public and political because it is collective and confrontational, and it disrupts norms in order to force negotiation. Unlike civil disobedience's exclusive symbolic and conscientious character, it recognizes that some confrontation may involve contested or unavoidable violence but evaluates its appropriateness based on context and its

impact on self-confidence, self-respect, and self-esteem. In other words, recognitive disobedience is defined here through its difference with the standard liberal model. The two concepts are different in about every regard. Even though outward appearances may deceive because nominally, they are not so different, the way that the elements of each definition are conceptualized is substantively different. To conclude, then, civil disobedience, as defined by Rawls, is a public, symbolic, and nonviolent act challenging laws or policies within an otherwise just democratic system, appealing to shared principles of justice and maintaining fidelity to the law. Recognitive disobedience, in contrast, moves beyond symbolic acts to transformative, confrontational actions aimed at reshaping societal recognition orders that perpetuate disrespect and harm individual integrity. Unlike civil disobedience, it does not depend on nonviolence, advance notice, or the acceptance of punishment and emphasizes reconstructive political processes that address systemic issues.

I believe that the political trajectory that Greta Thunberg has followed from her early days to recent actions epitomizes and illustrates the differences between civil disobedience and recognitive disobedience. While her early actions in the context of the “School Strike for Climate” can be described through the theoretical lenses of civil disobedience but do not necessarily qualify as recognitive disobedience, the opposite is true about her more recent engagement with the environmental and the Palestinian liberation movements.

Her school strike for climate, which began in 2018, involved sitting peacefully outside the Swedish parliament with a sign reading, “School Strike for Climate” (Thunberg, 2018). These actions were highly symbolic and designed to appeal to the conscience of political leaders and the general public. These non-disruptive acts relied on their moral clarity and alignment with shared societal values to gain traction. Her strategy worked: mainstream media coverage amplified her message, and she gained endorsements from centrist liberal organizations and political leaders, who embraced her as a unifying voice for rational climate action.

Over time, however, Thunberg’s activism shifted toward recognitive disobedience, reflecting her growing disillusionment with symbolic approaches. Among other actions, she has participated in university occupations in Sweden in the context of the Palestinian liberation movement (Giordano, 2024), she has been arrested in The Hague in the context of climate protests (Aikman and Holligan, 2024), and she has participated and been detained in Germany for disrupting coal mining operations (Radford, 2023). These actions were explicitly disruptive, with protesters physically obstructing operations and refusing to leave until their demands were acknowledged. Thunberg’s participation

signaled her acknowledgment that systemic recognition failures required more than symbolic gestures.

Her later actions exemplify recognitive disobedience by targeting broader societal recognition structures rather than appealing solely to moral conscience. These confrontational and collective acts sought to force acknowledgment and transformation of entrenched systems of exploitation. This evolution demonstrates how Thunberg transitioned from Rawlsian civil disobedience, centered on symbolic appeals, to recognitive disobedience, engaging in direct confrontation and systemic critique. Her shift reflects the limitations of purely symbolic activism in addressing entrenched structural inequities and highlights the power of recognitive disobedience to challenge and transform societal norms.

## ii) The normative status of recognitive disobedience

In the next two sections we will clarify two further aspects of recognitive disobedience, that is, its normative status and its function within contemporary societies.

We will begin again with the Rawlsian model in order to make comparisons as easy as possible. Rawls posits three conditions for justified civil disobedience. The first condition determines the kinds of injustices that constitute legitimate targets of disobedient politics; the second condition specifies that disobedience should be a last resort medium of politics; the third condition urges for restraint. I will discuss each in turn.

### 1. Comparing Rawls's three conditions for justified civil disobedience to the model of recognitive disobedience

Rawls's first condition for justified disobedience and the shortcomings of excluding violations of the difference principle as legitimate targets of disobedient politics

The first condition specifies the kinds of injustices that constitute appropriate targets of disobedient action. More specifically, Rawls restricts the potential targets of disobedient politics to "instances of substantial and clear injustice, and preferably to those which obstruct the path to removing other injustices" (Rawls, 1999, p. 326). The kinds of injustices that qualify as substantial and clear, on the

one hand, and as obstructions to removing other injustices, on the other hand, consist in “serious infringements of the first principle of justice, the principle of equal liberty, and to blatant violations of the second part of the second principle, the principle of fair equality of opportunity” (Rawls, 1999, p.326). This specification, according to Rawls, is sanctioned from the fact that civil disobedience is essentially “a political act addressed to the sense of justice of the community” (Rawls, 1999, p. 326). Recall that, as was discussed in Chapter II, Rawls defines nearly just societies with reference to four constitutive features, that is, democracy, the organization of the basic structure of society through the principles of justice, the recognition of the worthiness of the principles of justice by the citizenry, and the ever-present possibility of violations of the principles of justice.

Hence, since the shared sense of justice is defined with reference to the principles of justice, and civil disobedience is essentially an appeal to the shared sense of justice, it comes as no surprise that disobedient action is seen as an appropriate means of doing politics only when serious violations of the principles of justice obtain. However, at the heart of Rawls’s theory of justice, one finds not only the principle of equal liberty and the principle of equality of opportunity but also the so-called difference principle. The difference principle is the principle that regulates socioeconomic inequalities. It requires that the latter are only acceptable if and only if they serve the interests of the least well-off citizens. Below we will see why Rawls makes the move to exclude violations of the difference principle as a justifying circumstance for disobedience and explicate the reasons that lead him to this move. The reasons for this move, I contend, have to do with Rawls’s conception of politics that was discussed in Chapter III.

At first sight, given that Rawls maintains that for any act of disobedient politics to be justified it must address substantial and clear violations of justice and kinds of injustice that function as obstructions to removing other injustices, it is surprising that the violations of the difference principle are left out of the pool of phenomena of injustice to be addressed through disobedient action. It is clearly the case that unjust distributions of socioeconomic resources are a substantial form of injustice. It is equally clear and empirically verifiable that such socioeconomic inequalities function as obstacles to removing other injustices. Individuals or groups suffering from a lack of access to socioeconomic resources are exposed to a range of dominating and exploitative practices and institutions. It is hard to believe that Rawls was unaware of the correlation between socioeconomic injustices and other forms of injustice and the mechanisms prevailing in forms of life characterized by unequal access to socioeconomic resources that enable – or even cause – other forms of injustice (Young, 1990, chap. 2).

Indeed, to justify the exclusion of violations of the difference principle as a legitimate circumstance of injustice that could be addressed through disobedient politics, Rawls does not refer to whether such injustices are substantial or obstruct the removal of other forms of injustice, but to the lack of clarity with regard to whether violations of the difference principle obtain or not. Recall that he restricts disobedience to addressing substantial and clear forms of injustice that obstruct the path to removing other injustices. Hence, there are three conditions at play: the substantiality, the clarity, and the obstructive nature of the injustices in question. Violations of the difference principle, according to Rawls, “are more difficult to ascertain” because there “is usually a wide range of conflicting yet rational opinion [sic] as to whether this principle is satisfied” (Rawls, 1999, p. 327).

To begin with, the exclusion of violations of the difference principle as legitimate objects of disobedient politics seems artificial and empirically unsubstantiated. First of all, the move disregards the historical trajectory of the increasing importance of informal social structures, such as the cultural and the economic sphere, for the most pertinent forms of injustice within contemporary societies. As was thematized above, systems of domination, such as sexism and racism, seem to rely today less on formal institutionalizations of their content and more on informal aspects that structure the way humans relate to one another. A number of these factors that enable the reproduction of asymmetrical social relations on the basis of gender and race are determined with reference to the so-called difference principle that determines socioeconomic inequalities.

Apart from this shortcoming, Rawls’s model is faced with a deeper theoretical issue that stems from his conception of politics as essentially a sphere of consensus and uncoerced deliberation. To begin with, the assertion that there is a broad spectrum of conflicting but nevertheless rational opinions about violations of the difference principle misses the point that what counts as rational opinion is socially determined. To make the point with reference to an example, think of gender unequal pay, that is, the phenomenon that men and women doing the same job do not earn the same remuneration. Whether gender unequal pay is a violation of the difference principle or not is something that indeed leads to conflicting views. However, it is unclear why the opinion that the gender unequal pay does not constitute a clear violation of the difference principle is more rational than, say, the opinion that African Americans should not enjoy equal rights. Indeed, the second opinion sounds outrageous right here and right now, that is, in academic milieus of North European societies in the year 2025 – or so I would like to think. Such an opinion, though, did not sound as irrational as it does today at the date of the publication of Rawls’s work on disobedience, that is, in 1966. Three years after the publication of Martin Luther King Jr.’s *Letter from Birmingham City Jail*

and two years before his assassination, it is plausible to say that opinions such as the above should have been considered by a significant number of people as possessing some rationality. This might have been the case in the same way that, today, we find in the public sphere opinions that rationalize phenomena such as the gender unequal pay or gender pay gap with reference to (alleged) biological and/or behavioral traits of women and, thereby, claim some degree of rationality for themselves. To spell out my thesis, I maintain that Rawls's problematic claim about whether violations of the difference principle could be addressed through disobedience is only a symptom of his implausible requirement of broad social agreement for operationalizing disobedient politics. Below I will argue that this shortcoming stems from his identification of politics with post-politics and show that the recognition-theoretic paradigm offers avenues for appreciating the irreducibility of the conflictual side of politics, and, thereby, allows for articulating a more plausible and realistic model of disobedient politics.

So far, I have been commenting on Rawls's move to exclude violations of the difference principle from the range of reasons for employing disobedient politics as a means of protest. I argued that Rawls corroborates his theoretical move with reference to the assumed presence of broad yet rational disagreements with regard to whether certain social phenomena violate or not the difference principle. Furthermore, it is implied that there is less widespread yet rational disagreement over whether the principle of equal liberty and the principle of fair equality of opportunity are violated.

I want to argue that his identification of politics with consensus politics guides his thoughts on the relationship between disagreement and disobedient politics. To repeat, these problems stem from Rawls's inability to appreciate the conflictual side of the political. As was argued in Chapter III, Rawls's model is placed within a general framework in which politics is understood as post-politics. Political disagreements, under such social circumstances, are expected or assumed to always be resolvable with reference to experts' enlightened opinions or with reference to fixed pre-political principles of justice. In a sense, it is paradoxical that we should find a model of disobedient politics in the Rawlsian scheme at all. Is there really space for disobedient politics in a social world characterized by consensus?

What about recognitive disobedience? Is broad consent about violations of certain principles of justice a precondition for exercising recognitive disobedience? Is it necessary that the protested forms of social injustice are "obvious to all" (Rawls, 1999, p. 327) for recognitive disobedience to be

a possibility? We can now move to the inquiry of the normative dimension of our model of recognitive disobedience.

The recognitive understanding of disobedient politics shows that a wider range of disobedient politics is a tool in the hands of social movements that fight against epidemics of social disrespect. Such circumstances are characterized by constitutive disagreement rather than consent both about the factual and the normative dimensions of the conflict. To expound the model of recognitive disobedience, we must revisit some of the fundamental theses of Axel Honneth's theory of recognition in relation to the explanatory and interpretive insights it offers regarding social conflict. Recall that the explanatory task refers to the identification of a locus of emancipatory critique in existing social experiences. More precisely, Honneth claims that the motivating force behind social struggles is to be found in violations of legitimate moral expectations, that is, in experiences of social disrespect. The interpretive task refers to the aim of the critical theory of recognition to reconstruct a normative criterion from within the history of social struggles for recognition that will, on the one hand, be thin enough so as to avoid the critique of cultural bias, and, on the other hand, thick enough in order to not end up being a form of mere empty ought.

Honneth addresses both tasks by means of a creative appropriation of a phenomenology of social disrespect, that is, the negative side of recognition relations. Social disrespect refers to violations of legitimate recognitive expectations in the form of denial of recognition or misrecognition. On the one hand, experiences of social disrespect are the fuel of the motor of social change – the explanatory task; and, on the other hand, they are at the heart of our understanding of human dignity or human integrity – the interpretive task. Note that both the sociological and the normative dimensions of Honneth's theory of recognition are characterized by methodological negativism, that is, they proceed by means of an understanding of what is injustice or injury instead of constructing a positive theory of justice and proceeding therefrom.

Phenomena of social disrespect, which are regularly described through the language of insult and humiliation, are not mere instances of injustice in the form of violations of the principles of justice held to be valid. Social disrespect represents a form of injury because it damages one's intersubjectively acquired self-understanding. For this to be the case, that is, to make sense of the insights that the phenomenology of social disrespect offers, we need to acknowledge the "specific vulnerability of humans resulting from the internal interdependence of individualization and recognition" (Honneth, 1995b, p. 131). This insight of Honneth's theory amounts to an alternative model of political ontology with important implications for both the normative status of instances

of disobedient politics and the possibility of operationalizing disobedience as a form of collective action. Recall that for Rawls at the most fundamental level human beings are conceived as rational and reasonable. Neither of these two capacities, however, are capable of accounting for the very material consequences – as we saw in the previous chapter – associated with experiences of social disrespect. What is more, given the three forms of practical relations to self, enabled by each of three structurally sanctioned patterns of recognition within modern societies, forms of social disrespect, as we saw, can be categorized in three types in accordance with the intersubjectively acquired practical relation to self that they injure.

Recall, as well, that from the phenomenology of social disrespect we found out that denial of recognition or misrecognition is experienced in a similar way to “forms of physical suffering and death” (Honneth, 1995b, p. 135). The fact that social disrespect is experienced through metaphors that refer to states of deterioration of the human body implies that social disrespect is for someone’s psychological integrity what infections and diseases are to someone’s bodily integrity. The implication here is that for a theory to make sense of the phenomenology of disrespect, it must start from an acknowledgment of the ontological interdependence between individualization and recognition. In other words, as was argued above, because one’s self-image depends on the continuous approval of others, forms of disrespect such as denial of recognition or misrecognition of the concrete positive aspects associated with one’s self-understanding pose threats to one’s identity. To use the terminology introduced in Chapters II and III with reference to the ontological assumptions of Rawls’s model of disobedient politics, the phenomenology of social disrespect obliges us to theoretically recognize the existence of constitutive attachments between humans, as opposed to merely cooperative attachments. Only if we acknowledge the presence of constitutive attachments at an ontological level, that is, attachments that implicate the identity – and thereby the integrity – of the person itself can we account theoretically for the impact of experiences of social disrespect. In other words, human beings must be conceived as ‘social all the way down,’ that is, the ontological interdependence of personhood on relations of recognition that involve others, be they persons or institutions, must be a starting point for any theory that wishes to understand the dynamics of social phenomena such as the ones relevant in the context of disobedient movements. This insight is going to be discussed in more detail below when we inquire into the forms of collective action enabled and/or foreclosed by the theory of recognition.

To sum up the analysis so far, we have seen up to this point that the justification of Rawlsian civil disobedience is premised on broad agreements over whether the principles of justice are violated.

As we saw, though, such agreement is unlikely and when it exists, it should be expected that disobedience is unwarranted and superfluous within the Rawlsian framework, as was argued in Chapter II. The question to be inquired in the next step is whether recognitive disobedience is premised on such broad social agreement as well.

Recognitive disobedience is premised on the politicization of the epidemic nature of forms of social disrespect

Our model of recognitive disobedience starts from the fact of broad *disagreement* or the fact of social conflict. Social conflict is deeper and systematic, as opposed to instances of mere collision. The value of recognitive disobedience is to be found precisely in its function as a political tool in the hands of social groups fighting in conflictual ways epidemics of social disrespect. Recognitive disobedience is premised on negative emotional reactions to phenomena of denial of recognition or misrecognition of an epidemic nature. The motivational raw material behind instances of recognitive disobedience is to be found not in agreement over what justice demands, but in the injuries caused to human integrity from epidemics of social disrespect – the explanatory task. It is important to note the reference to “epidemics” at this point. I will discuss each point in turn.

Recall that social movements are understood as “practical process[es] in which individual experiences of disrespect are read as typical for an entire group, and in such a way that they can motivate collective demands for expanded relations of recognition” (Honneth, 1995b, p. 162). The negative emotional reactions of individuals to experiences of social disrespect can generate the necessary motivational impetus for the emergence of collective struggles for recognition only if the roots of the disrespectful phenomena are and can be shown to be typical for entire social groups (Honneth, 1995b, p. 163).

As was discussed, within the framework of the theory of recognition, moral progress is contingent and uncertain precisely because the injustice of phenomena of social disrespect “does not *have* to reveal itself but merely *can*” (Honneth, 1995b, p. 138; italics in the original). Thus, the contingency of the historical process implies that political action is necessary if progress is to be achieved. In other words, political labor is necessary for the epidemic or structural nature of phenomena of social disrespect to lead into action and political change.

Christopher Zurn has identified three conditions for success of recognitive social struggles. First, social agents must corroborate the factual claim that there is a “group-typical or group-directed nature of disrespect.” Second, the social movements must disclose the systematic and structural “social causes” for the “violated expectations in distorted recognition relations.” Third, the political movement must provide a “moral interpretation of the situation condemning the violation as a distortion of appropriate social relations” (Zurn, 2015, p. 66). The first two conditions consist in the factual task of showing the epidemic nature of the protested forms of social disrespect. As was argued in Chapter II, disobedient politics would be superfluous in addressing merely episodic phenomena of injustice. Similarly, merely episodic instances of denial of recognition or misrecognition lack the potential for giving rise to social – as opposed to individual – struggles for recognition.

The third of Zurn’s conditions, that is, the normative or interpretive task will be discussed after we thematize the two remaining Rawlsian conditions for justified civil disobedience. To anticipate, in the final part of this section we will inquire into the insights that Honneth’s ‘formal conception of ethical life’ can offer with regard to the question of the normative status of instances of disobedient politics. Before we move to this question, in the following two subsections we will again juxtapose our model of recognitive disobedience to the Rawlsian model of civil disobedience. Rawls, as was argued above, posits three criteria for justified disobedience. Hence, in the next two subsections the remaining two, that is, the last resort criterion and the urge for restraint criterion, are discussed.

#### Rawls’s second condition for justified disobedient politics and its problematic implications

The second condition that Rawls poses for justified civil disobedience is that it should be used as an instrument of last resort (Rawls, 1999, p. 327). Given the alleged extraordinary nature of civil disobedience and the costs it regularly inflicts on social others, Rawls demands that the social groups suffering from clear and substantial injustices first make use of the institutionalized means of political claim making. Even though he specifies that this condition is only “a presumption” and that “[s]ome cases may be so extreme that there may be no duty to use first only legal means of political opposition” (Rawls, 1999, p. 328), the insistence on giving this condition such a central role in the justification of civil disobedience very often leads to problems.

An instructive example can be found in Martin Luther King Jr.'s 'Letter from Birmingham City Jail'. King's letter was a response to a letter signed by seven Christian and one Jewish religious leaders titled 'A Call for Unity'. In their call, the eight clergymen asked for the law to be obeyed, suggested that victims of racial injustice should seek justice through the courts, and unabashedly called King an outsider directing and leading the unrest without mentioning his name.

In his response, King uses the legal maxim "justice too long delayed is justice denied" (King, 1991, p. 72), to point out the fact that it is always unclear when the institutional means of protesting injustice have been exhausted and that political moderates have the tendency of advising the victims of injustice to be patient and trust the institutions. Rawls's move to demand from potential practitioners of disobedient politics to only make use of disobedient means as a last resort, invites scrutiny from both opponents and moderate sympathizers. It is always possible to claim that the time has not come or that the circumstances are not ripe and that waiting a little more is in any case better than engaging in costly direct action.

Contrary to Rawls's model of civil disobedience, our model of cognitive disobedience does not impose a last-resort status as a condition of justifiability. To begin with, our model of cognitive disobedience does not view disobedient action as an exotic bird. That model acknowledges social conflict as inescapable and, thereby, normal in modern societies, precisely because modern societies are viewed as inherently conflictual – as was discussed in Chapter I. Furthermore, our model of cognitive disobedience does not definitionally demand deliberate lawbreaking. All it requires is preparedness for having one's actions deemed illegal. To make use of an example of the recent past, the occupy movement of the 2010s unfolded via a series of occupations of central squares and parks and the implementation of direct democratic structures as instances of assembly politics aiming at re-appropriating political agency. The protesters claimed that the internationalization and privatization of political power stripped away the capacity of citizens to be co-authors of their communal affairs. Such actions were not immediately deemed illegal, nor was the intention of the protesters to have their actions be deemed illegal. Hence, our model of cognitive disobedience does not imply any normative requirement for employing political means in excess of the institutionally provided ones as a last resort instrument. On the contrary, it acknowledges the value of disobedient and institutionalized means of political action being employed side by side in the context of social movements. In other words, our model does not impose any hierarchy of political means.

### Rawls's third condition for justified disobedient politics and its shortcomings

These first two conditions are often sufficient for justified civil disobedience but not always. Rawls maintains that there is a third condition that needs to be met. He claims that whenever more "minorities" find themselves in substantially similar circumstances with regard to the first two conditions, that is, whenever more than one minority is more or less suffering equally from clear and substantive injustices and all of them have already tried to address the injustices in question through institutionalized means of political action, then, it follows that they all have an equal claim to justified civil disobedience. In that case, Rawls urges for "restraint." He offers two arguments to support the urge for restraint. He believes, on the one hand, that "[t]here is [...] an upper bound on the ability of the public forum to handle such forms of dissent", and, on the other hand, that "the appeal that civilly disobedient groups wish to make can be distorted and their intention to appeal to the sense of justice of the majority lost sight of" (Rawls, 1999, p. 328). Both arguments are of an empirical nature. As such they can only prove their worthiness or unworthiness by testing whether they can pass the test of validity under real social circumstances. Essentially, Rawls urges to refrain from employing political strategies that unfold through the logic of crisis. The crisis that too much unrest caused by disobedient politics can generate could, on the one hand, put otherwise just institutions under too much strain, and, on the other hand, alienate the broader public from the otherwise just causes of the social movements in question.

Given that we cannot test Rawls empirical hypothesis due to a shortage of social labs, we will have to inquire into his argument from the perspective of history. Naturally, a good place to turn our eyes to are paradigmatic cases of disobedient politics. Do social movements engage in acts of disobedient politics that intentionally aim at generating crises, that is, situations in which the reproduction of things as usual is put at stake? Or do social movements act in discreet enough ways so as to not disrupt the unfolding of things as usual? Have social movements that have aimed at creating crises of reproduction been successful? These are the kind of questions we need to inquire into and draw conclusions for our model of recognitive disobedience.

A seminal historical example with reference to which we can inquire on the above questions is, again, King's 'Letter from Birmingham City Jail'. As one can easily find out, not only does King not reduce disobedient politics to merely symbolic forms of action that are designed so as to avoid the possibility of putting too much strain on existing institutions, but he explicitly aims at creating crises and tensions through disobedient politics. In his words, disobedient politics:

seeks to create such a crisis and establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. [...] [T]here is a type of constructive nonviolent tension that is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must see the need of having nonviolent gadflies to create the kind of tension in society that will help men to rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. So the purpose of the direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation. (King, 1991, p. 71)

Furthermore, King's account is informed by political economy. Not only does he aim at creating crisis and tension through disobedient politics, but he does so in a very modern way. As he writes:

We decided to set our direct action program around the Easter season, realizing that with the exception of Christmas, this was the largest shopping period of the year. Knowing that a strong economic withdrawal program would be the by-product of direct action, we felt that this was the best time to bring pressure on the merchants for the needed changes. (King, 1991, p. 71)

Far from being a mere symbolic form of action, King's disobedient politics aim at disrupting the usual or the normal by throwing sand in the gears of the market economy. King exhibits an understanding of the mechanisms of modern societies that set the logic of operation of the market economy, that is, the profit incentive guiding economic decisions, at the central stage of political decision-making. Recall that, as was discussed in Chapter I, such concerns are absent from the premodern understandings of disobedience. There, confrontation with political authority was direct. Only with the emergence of the modern world does the system of material production and reproduction of life acquire a life of its own and thereby becomes a central issue for the domain of politics. Recognitive disobedience captures King's actions and understanding by highlighting the necessity of disrupting societal systems in ways that go beyond mere symbolism. King's approach deliberately aimed at creating crises and tension to compel systemic change. This aligns with a model of recognitive disobedience, which emphasizes the importance of direct, confrontational actions that challenge the reproduction of existing power structures. King's strategic focus on leveraging economic systems, such as coordinating protests during high-consumption periods like Easter, demonstrates his commitment to actions that disrupt societal norms and institutional operations rather than relying solely on symbolic gestures. By targeting the mechanisms that perpetuate injustice, King exemplified a form of disobedience that not only demanded attention but also forced

societal reckoning, embodying the disruptive and transformative essence of recognitive disobedience.

To conclude on this third Rawlsian condition for the justifiability of disobedient politics, I maintain that Rawls's urge for restraint, far from being effective in the context of the Civil Rights Movement, is, on the contrary, quite alien and in opposition to the logic and aims characterizing disobedient politics in this context. Similarly to King's account, our model of recognitive disobedience acknowledges that for disobedient politics to be, on the one hand, effective, and, on the other hand, distinct from exclusively symbolic or discursive forms of political action – such as the exercise of free speech – there should be a moment of real confrontation that aims at the generations of crisis and tension, and, thereby, disrupts the capacity of social systems to reproduce themselves.

So far, in this chapter, I have defined recognitive disobedience as consisting in forms of collective political action that exceed the limits of the legally institutionalized channels of political participation and are undertaken with the aim of bringing about political change in the societal recognition order and/or its realization. Recognitive disobedience is anchored in the recognitive promises of existing social institutions and practices but uncovers novel interpretations of them in the direction of better fulfillment of the therein embedded potential for inclusion and individualization. It is a form of protest that addresses social structures that lead to epidemics of social disrespect, that is, social structures that generate social suffering and deteriorations of individual integrity. Furthermore, I juxtaposed the justificatory arguments of the Rawlsian model to our model of recognitive disobedience and I showed that the model of recognitive disobedience cannot rely on the same justificatory arguments as civil disobedience. Hence, in the next step of the exposition I will address the vacuum we are left with by offering an account of progress from the perspective of the theory of recognition.

#### b) Progressive and regressive instances of recognitive disobedience

We can now move to a more direct inquiry into the insights to be found in Honneth's theory of recognition with reference to the normative status of instances of disobedient politics. Instead of distinguishing between justified and unjustified instances of disobedient politics, the recognition-theoretic framework enables a distinction between progressive and regressive forms of disobedient action. In other words, recognition theory can assist us in orienting ourselves normatively in the

landscape of modern political developments from within the normative potentials embedded in the existing social practices and institutions without, thereby, having to rely on comprehensive and constructive theories of justice.

With regard to the employment of the distinction between progress and regress, there are two questions that we need to address. First, in order to distinguish between progressive and regressive instances of cognitive disobedience, one has to define progress and regress. Second, we need to show why the normative strategy that distinguishes between progress and regress is superior to Rawls's move of anchoring the normative status of civil disobedience in his constructive theory of justice.

#### [On the history of the concept of progress and its indispensability](#)

To begin with, progress has had a paradoxical historical trajectory “over the last two hundred years” (Honneth, 2018, pp. 161–163). Historical transformations that claimed the concept of progress proved to be infected with too massive doses of domination and exclusion. The movement of the Enlightenment, for instance, which promised to free humanity from intellectual immaturity and domination by constituting us autonomous and self-sovereign beings (Kant, 1996), was found itself guilty for generating new forms of unfreedom and subjugation (Mills, 1997; Adorno and Horkheimer, 2016, chap. 1). The paradox lies in the fact that throughout modernity, it is difficult to identify instances of social change that can be said to have included only progressive – as opposed to regressive – implications. This is what led some theorists to criticize progress as “fatally discredited factually, morally disreputable, and perniciously ideological in effect” (Zurn, 2020, p. 271). And yet, even the ones that have most forcefully and convincingly criticized progress for being a compromised concept that historically facilitated the rationalization and legitimization of the oppression and domination of the vast majority of the earth’s population, such as Amy Allen (Allen, 2016), understand that without the concept of progress, “critical theory’s emancipatory interests would wither” (Zurn, 2020, p. 276).

In other words, progress seems to be for critical theory an ineliminable (Zurn, 2020), irreducible (Honneth, 2007c), or necessary and unavoidable (Honneth, 2018) concept. The inevitability of progress for critical theory stems from the fact that critical theory, as we saw above, is by definition committed to promoting emancipatory action. Emancipation, in turn, requires an understanding of

the direction that social change should take so that we can speak of an “improvement of the existing living-conditions or an increase in human freedom”. Honneth introduces this idea with reference to two examples. First, facilitating the improvement of the condition of a sick person requires an understanding of what recovery requires and what the necessary steps to recovery are; and, second, facilitating the increase in a child’s capacity for freedom requires an understanding of the necessary “abilities and competences” for becoming able to speak one’s own mind and “a know-how of the sequence of the relevant steps” (Honneth, 2018, p. 157). In both examples it is clear that emancipation from limiting dysfunctions or underdevelopments requires an anticipation of what progress consists in.

Undoubtedly understandings of progress from the perspective of an individual like in the two cases above are relatively uncontroversial – given that few would disagree about the worthiness of improving the situation of a sick person and increasing the capacity for freedom of a child – when compared to potential understandings of progress when viewed from the perspective of a collective or society at large. In both individual and collective understandings of progress we can analytically distinguish three questions or problems that anyone who wishes to employ the concept of progress today must necessarily address. First, there is the issue of (dis)agreements about whether the status quo is in need of improvements. Second, even if there is agreement about the maladies of the status quo, there could be disagreements about the direction social change should take so that it deserves the epithet progressive. Third, there is the motivational problem, that is, even if people agree about the presence of social bads in the status quo and they also agree about the direction progressive social change should take, our conception of progress may be insufficient to generate the necessary collective political will to act (Honneth, 2018, p. 158). In the following, I will argue that a recognition-theoretic conception of recognitive disobedience addresses all three above-mentioned questions. I will, in other words, defend progressive recognitive disobedience as an essentially pragmatic concept of political change.

To put the point boldly and provocatively, recognitive disobedience is to the recognitive variant of critical theory what revolution was for the early so-called first generation of Frankfurt school critical theory. As was argued above, for the first generation – just like for Marx – it was “self-evident that a theory of society could engage in critique only insofar as it was able to rediscover an element of its own critical viewpoint within social reality” (Honneth, 2007a, p. 64). During the early days of the first generation such a pre-theoretical interest was to be found in the proletariat’s experience of labor exploitation and class domination under capitalism. Such an anchor of the critical theory’s

viewpoint allowed for the hope in a grand-scale class revolution to flourish (Fraser and Honneth, 2003, p. 239). The disappointment of the expectations of the early period of the Frankfurt school, due to the fact that the proletariat seemed to have missed its rendezvous with history and, on the contrary, fascism and Nazism were triumphant, led those theorists to seek for alternative entry points for their critiques (Honneth, 2007a, p. 65). In the history of critical theory, Axel Honneth enjoys a distinguished position (Anderson, 2011) for having identified and articulated a distinct way (Zurn, 2015, chap. 1) of anchoring critical theory in moral experiences of social disrespect (Honneth, 1995a, chap. 15, 2007a, pp. 69–72). His answer is that the pre-theoretical interest of contemporary social movements, the moment of intramundane transcendence within social reality is to be found in having one's intuitive "expectations of respect for [one's] dignity, honor or integrity violated" (Honneth, 2007a, p. 71). This move already makes the expectation of a grand-scale revolution increasingly unrealistic, which points to the fact that critical theory needs to rely on other forms of political action if it is to live up to its self-proclaimed character of being "the intellectual side of the historical process of emancipation" (Horkheimer, 2002, p. 215).

Furthermore, Honneth sides with thinkers such as Peter Wagner (Wagner, 2016), when he diagnoses that in the first two decades of the 21<sup>st</sup> century, crises result "from the predicament that we cannot imagine the possibility of progress at precisely a time when we desperately need to" (Honneth, 2018, p. 162). Even though there is a well-documented, widespread agreement that in our historical moment "the world suffers from a [sic] numerous mal-developments," for example, increasing poverty and inequality, usurpations of political competences by an increasingly powerful financial sector, environmental degradation and other maladies; "there is no shared vision of the remedies that are capable of overcoming them" (Honneth, 2018, p. 162). In other words, there is no shared understanding of the direction that needs to be taken in order for the situation to improve. There is no shared understanding of progress that could generate the necessary collective political will to act. Progressive cognitive disobedience emerges, in this historical moment, as a pragmatic concept embodying the potential of igniting and cultivating the necessary political conscience needed to overcome our moment of polycrisis (Lähde, 2023; Tooze, 2023).

After this brief introduction on the historical trajectory of the concept of progress, the potential dangers in its uses, the inevitability of progress for emancipatory political action, and the historical reasons that make a reconstruction of the category of progress today politically needed and fruitful, we can move to addressing the question of how are we to understand progress within the recognition-theoretic framework – before inquiring into the advantages that such an approach has

over the Rawlsian strategy of anchoring the normative status of disobedient politics on a comprehensive constructive and proceduralist theory of justice. Even though Axel Honneth refers a significant number of times to the idea of progress in his writings, one can only find two direct treatments of the concept in his oeuvre. The two papers in which Honneth discusses progress directly, consist in rather brief commentaries in the works of other theorists on progress. In one paper, he systematizes Kant's views on progress and argues that progress when viewed as a 'learning process' as opposed to situating it within a natural teleology, is irreducible both within Kant's moral philosophy and for contemporary politico-theoretical purposes (Honneth, 2007c). In a more recent paper, Honneth discusses Peter Wagner's historicoo-philosophical reconstruction of progress in order, on the one hand, to hint at the position that the concept of progress enjoys within his recognition-theoretic paradigm, and, on the other hand, to point at the shortcomings of Wagner's proceduralist understanding of progress (Honneth, 2018). What is discernible from the above observations, is that Honneth has not articulated a comprehensive account of his thoughts on the concept of progress. In the following, I will synthesize the insights to be found in Honneth's commentaries on Kant's and Wagner's understandings of progress and the recognition-theoretic paradigm discussed in detail in the previous chapter in order to address the problem of distinguishing between progressive and regressive instances of recognitive disobedience from within the perspective of the theory of recognition.

To begin with, from Honneth's commentary on Kant's understanding of progress within human history, we can derive four insights. First, as was argued in the previous chapter, social progress within the recognition-theoretic paradigm is contingent and uncertain. This conclusion was reached because, as we saw, Honneth, *pace* pure subjectivism, considers negative emotional reactions, such as shame, rage, and indignation as embodying an epistemic potential. More precisely, the potential of disclosing to the victims of social disrespect the truth about their social situation, that is, the fact that their social situation is such that it both gives rise to certain normative expectations and disappoints them. Thus, social progress far from a set in stone telos of human history, becomes a mere historical possibility. In accord with this theory, Honneth embraces one of the models of progress in Kant's writings because it understands progress not "according to the model of a natural teleology, but rather as the product of a human learning process" (Honneth, 2007c, p. 11).

Second, Kant's reading of history led him to the claim that the medium through which humanity learns to improve the general quality of life is "social conflict" (Honneth, 2007c, p. 11). Third, learning processes that unfold through social conflict are not linear but rather "discontinuous [and]

halted or interrupted through instruments of power" (Honneth, 2007c, p. 15). Fourth, even though progress understood as a learning process "towards the better [...] is repeatedly violently interrupted [it] can never really be fully halted for Kant" (Honneth, 2007c, p. 16). For Kant progress can never be fully halted because this is nature's intention which invested humanity with an 'unsocial sociability' that forces us to pursue the fulfilment of reason under favorable conditions (Kant, 1996). In order to understand Honneth's answer with regard to the impossibility of fully halting the unfolding of a non-teleological and yet directed progressive learning process that unfolds through social conflict, we need to leave aside his commentary on Kant and Wagner and revisit some of his more recent works in which he refers to the concept of a 'surplus of validity'.

To sum up the discussion so far, in our attempt to offer an alternative to the Rawlsian model that relies on a comprehensive constructivist understanding of justice in order to evaluate the normative status of instances of disobedient politics, we set out to articulate a pragmatic and context-sensitive distinction between progressive and regressive instances of disobedient politics. Our distinction is informed by the practical dynamics of recognition within existing social contexts, and it aligns normative critique with real-world experiences of disrespect and social struggles. Furthermore, our account is sensitive to the historical trajectory of conceptions of progress. This history is filled with examples of uses of progress for oppressive and dominating purposes. And yet, critical theory's emancipatory intent makes a conception of progress indispensable. Progress, despite historical critiques, remains indispensable for critical theory's emancipatory goals. It helps define the direction of social change aimed at improving living conditions or increasing freedom. Furthermore, progress within the framework of recognition-theory is contingent, uncertain, non-linear and discontinuous and it unfolds through social conflict. These specifications are important because one of the guiding goals of this dissertation is to articulate a model of disobedient politics that does not reproduce the architectonics of premodern disobedience. Recall that the historically situated critique of disobedience from Chapter I claimed that the concept is inherently anti-democratic and therefore inappropriate for modern purposes because it operates through a second-order obedience modality. If our model of recognitive disobedience is to succeed where the liberal paradigm failed, it has to offer a normative grounding for disobedient politics that does not refer to an idealized status quo ante. In other words, restoring politics or articulating an appropriately modern and political model of disobedient politics requires an understanding of the normative unfolding of the historical process that, on the one hand, has no end, and, on the other hand, is directed and does not collapse into relativism. An understanding of progress as a learning process that is contingent, uncertain, discontinuous and unfolds through social conflict is a promising space to seek for the

resources to build a model of disobedient politics that fulfils the requirements identified in Chapter I. Hence, in the next step of the exposition we need to show that social conflict is never fully and permanently halted within the recognition-theoretic framework. What is more, recognition theory cannot rely on the same metaphysical assumptions about the transcendental nature of reason that Kant's point about humanity's unsocial sociability relies on for making the claim about the impossibility of halting progress. Thus, in the next section I will clarify what Honneth's contention that there is a surplus of validity embedded in recognitive principles consists in. As I will argue, Honneth's contention is open to various interpretations and he himself has not clarified the point yet.

#### The unending end of recognition: the recognitive surplus of validity

Before scrutinizing the recognition-theoretic perspective on the sources of invariant social conflict, I want to clarify the importance of the thesis about the ineliminability of social conflict for our purposes. Recall that one of the critical points against Rawls's model of civil disobedience was that it fails to address the claim that disobedience is inherently a conservative, pre-modern, and non- or even anti-democratic category. According to the critics of disobedience, as was discussed in Chapter I, disobedience is conceptualized as only capable of restoring a *status quo ante* because it relies on final naturalized grounds or foundations. As was argued in Chapters II and III, Rawls's model is susceptible to the same charge because it reduces disobedient politics to a means of stabilizing a just *status quo* and protecting it from potential deviations. Hence, if progress can either be fully and permanently halted or has an end, our recognitive framework will not perform any better than Rawls's model when faced with the same critical point. In order to dodge the charge of conservatism and anti-democratic character, we need to show that within the recognitive framework, conflict is irreducible. Furthermore, we need to show that conflict is invariant both with regard to the institutionalizations of recognitive principles and with regard to the interpretations of recognitive principles themselves. Only if we are able to show that the interpretation of recognitive principles themselves is a never-ending process can we claim to have articulated a model of disobedient politics that is essentially distinct from Rawls's model.

According to some interpreters, in *Redistribution or Recognition?*, Honneth specifies that contrary to the impression that *SfR* might have given, recognition claims "do not express universal

expectations of recognition that all persons share qua human beings" (Christ *et al.*, 2020, p. x). I maintain that the thin anthropological assumptions about the connection between recognition and practical identity that informs the argument of *SfR* do not lead to an endorsement of universal standards. I will begin by explicating the thin anthropological assumptions of Honneth's theory of recognition and then show why his theory needs a conception of progress. To quote a passage from *SfR*:

The connection between the experience of recognition and one's relation-to-self stems from the intersubjective structure of personal identity. The only way in which individuals are constituted as persons is by learning to refer to themselves, from the perspective of an approving or encouraging other, as beings with certain positive traits and abilities. (Honneth, 1995b, p. 173)

This passage is only one among many in *SfR* that depict recognition as a universal human need, that is, as an anthropological category. Recognition or the need for it, however, are not sufficient on its own to account for the regular and unending emergence of social conflict, which, as we saw, is the manner in which progress unfolds. As Honneth writes in his debate with Nancy Fraser, "[f]rom a methodological point of view [...] subjective expectations of recognition cannot simply be derived from an anthropological theory of the person" (Fraser and Honneth, 2003, p. 138). More recently in an interview, he admits that in *SfR* he gave the impression that "there are three stable forms of recognition which are universal" [quoted in: (Zurn, 2015, p. 208)]. If he were presented with the opportunity of rewriting *SfR*, Honneth would:

try to historicize the forms and spheres of recognition... I would keep a certain anthropological idea, which is, let's say, a constitutive formal concept of recognition, namely, that human beings depend on social forms of recognition in order to develop an identity and to gain a certain understanding and a sufficient form of self-relation. I would keep that. We cannot think of human beings as not being dependent on some form of recognition... This is the anthropological intuition. [quoted in: (Zurn, 2015, p. 208)]

If this is the sole and thin anthropological claim to be found in the recognition-theoretic paradigm, we need to search elsewhere for an answer about the impossibility of fully and permanently halting a directed progress that unfolds through social conflict. How does Honneth account for both the directedness of progress and recurring character of social conflict that is the medium through which progress unfolds?

The debate about the sources of social conflict within Honneth's theory of recognition is far from settled. Honneth's position has shifted in two different directions after renouncing the

anthropological thesis present in the *SfR* (Honneth, 2002, p. 502; Celikates, 2021, pp. 264–265). First, in the debate with Joel Whitebook, Honneth employed a psychoanalytic thesis informed by object-relations theory. According to this thesis the sources of invariant social conflict are to be found in the experience of secure symbiosis at the early stages of life – a situation discussed in detail in Chapter IV. More precisely, Honneth argued “that one might be able to trace the fact that relations of recognition are permanently marked by the possibility of conflict, ultimately, back to the need to rebel against all forms of ‘recognized’ independence of the other, in order to recreate the original situation of guaranteed, secure symbiosis” (Honneth, 2002, p. 504). Even if one were to overlook the speculative nature of this thesis, there is still one important problem that makes it an unsuitable starting point for articulating an appropriately political theory of disobedient politics. The sources of recurring social conflict, according to this thesis, are to be found inside the human psyche, that is, inside humanity as such. Such a claim would make Honneth’s theory of recognition susceptible to the critique Honneth himself has addressed against Habermas. To explain, by assuming that the sources of social conflict are located in a formative experience shared by the entirety of the humankind, Honneth would give “rise to the misleading idea that in the case of social dependencies and heteronomies, the struggle is internal to the human species understood as a collective “subject,” rather than taking place among different social groups” (Honneth, 2017, p. 910). Hence, in the following I want to scrutinize the second plausible answer to be found in Honneth’s work with regard to the question of the ineliminability of social conflict.

The second alternative does not locate the sources of recurrent social conflict in psychological mechanisms of an anthropological nature, but on the internal constitution of socially integrative recognitive principles. In both the debate with Nancy Fraser and a number of papers published after the publication of *SfR*, Honneth employs the concept of a ‘surplus of validity’ to account for the ineliminability of social conflict. I consider Honneth’s move to point at the constitution of historically achieved social facts, such as the modern recognitive order, to be in the right direction, even though it remains very unclear what exactly the concept of a surplus of validity of recognitive principles means (Celikates, 2021, p. 265; Repa, 2023). In the following, then, I will reconstruct Honneth’s move, thematize its incomplete character, and, finally, make use of the discontinuist understanding of modernity discussed in Chapter I in order to complement Honneth’s move.

In *Redistribution or recognition?*, Honneth speaks of a “specific surplus of validity whose normative significance is expressed by the constant struggle over its appropriate application and interpretation” (Fraser and Honneth, 2003, p. 186) – note that the manifestation of the alleged

surplus of validity is identified both in struggles over the application of cognitive principles and in struggles over their interpretation. In ‘Grounding Recognition’, he claims that “the very structure of [his] approach” presupposes “that norms of recognition are characterized by a ‘normative surplus’ [Geltungsüberhang]; even when there is no apparent gap between de facto practices and implicit norms, the ideals associated with the distinct forms of recognition always call for greater degrees of morally appropriate behaviour” (Honneth, 2002, p. 517) – note that there is, therefore, a directedness of the normative surplus of cognitive principles. Finally, in ‘Is there an emancipatory interest?’, he speaks of a “hermeneutic openness (“Geltungsüberhang”) of the norms of social integration, which contains a potential for collective social protest” (Honneth, 2017, p. 913) – note that even though he invests the normative validity of cognitive principles with a certain directedness, there is still an element of political contingency in his approach.

It is clear from the above quotes that the concept of hermeneutic openness or surplus of validity remains unclear, incomplete, and speculative. First, it is unclear, on the one hand, why exactly socially integrative principles of recognition should necessarily be characterized by hermeneutical openness or a surplus of validity, and, on the other hand, why it is the case that this hermeneutical openness enables recurrent re-interpretations that, in turn, lead to social conflict. Second, is this a transhistorical or a historical thesis? Third, what guarantees that the re-interpretations of the socially integrative cognitive principles will lead to experiences of social disrespect of an epidemic nature?

I will address each question in turn. First, is there any support for the thesis that socially integrative principles of recognition are always characterized by hermeneutical openness or a surplus of validity? Are there indications that this alleged surplus of validity will be recurrently used in order to question both the application and the interpretation of socially operative cognitive principles? To begin with, I suggest viewing modern cognitive orders – following among others Celikates – as “internally conflictual and dynamic (not static and stable) (Celikates, 2021, p. 263). As Honneth claims, “the interpretation of socially valid norms is an essentially unfinished process, in which one-sided interpretations and resistance to them take turns with each other” (Honneth, 2017, p. 913). The answer, then, to the question of the ineliminability of social conflict, that, in turn, entails the impossibility of permanently halting progress or at least social change, is to be answered with reference to constitutive features of the modern social world.

Modern socially integrative principles of recognition are necessarily hermeneutically open and, in turn, their hermeneutical openness leads to recurrent re-interpretations that give rise to social

conflicts or struggles for a number of reasons. First, recognition itself should be understood as an activity. When understood as an activity instead of an end-state, we can see that recognition can only be a “partial, provisional, mutual, and human-all-too-human part of continuous processes of democratic activity in which citizens struggle to change their rules of mutual recognition as they change themselves” (Tully, 2000, p. 477). Recognition is a peculiar thing. Even though it does serve ends, that is, human freedom or agency and autonomy (see, Honneth, 2002, p. 510; Pippin, 2016; Stahl, 2021), it never arrives at an end precisely because it can serve its ends if and only if it unfolds in the form of an activity. Recognition both has an end and has no end. To explain, recognition has been viewed for long as merely a means towards achieving an end state. However, the peculiarity of recognition is that it can only serve its end, that is, human freedom, if it unfolds as a never-ending activity. Recognition unfolds through the “multiplicity of democratic processes or practices of challenging and negotiating the rules of mutual recognition under which citizens engage in political, economic, and social cooperation as their identities change” (Tully, 2000, p. 478).

Second, as was discussed in Chapter I, according to the discontinuist understanding of modernity, this epoch is constitutively characterized by the loss of extra-social religious foundations of political authority; the introduction of an open-ended reflexivity as an integral part of social practices and institutions; and the obligation to normatively justify social practices and institutions continuously out of themselves in light of growing incoming information. These characteristics invest the modern world with its familiar dynamism and inaugurate an era characterized by what was termed, in Chapter I, a ‘new structural fragility’, that is, the fragility with which every form of commanding authority is faced due to its dependence on the willingness of the ones subjected to it to recognize it as legitimate.

Finally, modernity is characterized also by a unique ensemble of institutional clusters, which, as we saw, structures populations into social groups with objective conflicting interests and, thereby, facilitate irreducible disagreement and conflict. To illustrate by means of an example, think of capitalism. Capitalism is an order that structures society through the “relation between private ownership of capital and propertyless wage labour” (Giddens, 1990, p. 55). This division not only structures social groups with reference to the opposition between profit makers and wage earners but it also, thereby, shapes possibilities for self-understandings. During the financial and debt crisis of the 2010s that hit hard the Greek society, the chosen policy mix for ‘bringing the Greek economy back on track’ was the policy of internal devaluation and austerity (see, Streeck and Schäfer, 2013; Blyth, 2015; Della Porta, 2015). The same development, that is, the reduction of labor costs and the

cuts in public expenditures, was seen by some as a competitiveness restoring mechanism and by others as an increase in the degree and intensity of their domination. Such viewpoints were motivated by the objective social structures that mediated the relationships between social groups. We can see how these developments lead to social conflict when we take into account Honneth's observation that capitalism cannot be seen as a "norm-free system of economic processes" (Fraser and Honneth, 2003, p. 142). Instead, the sphere of the economy in bourgeois-capitalist societies should be viewed as a sphere of social interaction and struggles that is in principle regulated by the 'achievement principle', that is, the idea that in principle – yet this is clearly not entirely true in practice – each is "to enjoy social esteem according to his or her achievement as a 'productive citizen'" (Fraser and Honneth, 2003, p. 141).

To be sure, the interpretation of the idea of a surplus of validity (or hermeneutical openness) that I formulate is not fully developed in Honneth's work. I maintain, however, that my interpretation is a plausible reading of the idea of a surplus of validity because I reconstruct it from within the recognition-theoretic paradigm by highlighting ideas found in the background of Honneth's writings. Furthermore, my interpretation is complementary because it brings to the fore the political moment which remains underthematized in Honneth's theory.

Given the three constitutive features of the modern world, we can see why cognitive principles need to be characterized by hermeneutic openness that allows for their recurrent re-interpretations if they are to even minimally serve the goal of social integration. To conclude with reference to the first of the three questions posed above, I understand the surplus of validity that is characteristic of modern socially integrative cognitive principles to stem from the fact that all cognitive norms "governing subjectivation and recognition [should be seen] not as static, isolated elements of social life, but as historically variable clusters of norms which are constitutively determined by their relation to the totality of all norms of a social life-form" (Stahl, 2021, pp. 169–170). Modern societies are, then, inherently conflictual because any norm that is capable of serving social integration under conditions of modernity must by its "own nature [be] sufficiently open as to admit recurrent re-interpretation appealing to previously neglected needs or interests" (Honneth, 2017, p. 914).

This brings us to the second of the three questions discussed in this subsection. Is Honneth's thesis, that the ineliminability of social conflict is anchored in the idea of an inherent surplus of validity of socially integrative principles, only valid within certain historical conditions or does it transcend historical specificities? As is apparent in the above, my attempt to complement Honneth's move is informed by two steps: first, I read Honneth's move as an attempt to historicize his theory of

recognition, and, second, I aim at bringing the move to fruition by historicizing it even further, that is, by bringing it into contact with the discontinuous understanding of modernity discussed in Chapter I. As was shown earlier in this subsection, Honneth has tried in a series of publications post *SfR* to move from an anthropological thesis to a historically informed one. However, I believe that his surplus of validity thesis for supporting the idea of the ineliminability of social conflict suffered from indeterminacy. By informing this thesis with insights from the sociological study of modernity, we can corroborate its validity at least for bourgeois-capitalist modern societies. For our purposes of articulating a model of recognitive disobedience the historicization move is not a limitation but an advantage, because one of the orienting ideas of this model is that it shall be appropriately modern, that is, it should be applicable within the context of decidedly modern societies.

Finally, what grants that the re-interpretations of the socially integrative recognitive principles will lead to experiences of social disrespect of an epidemic nature, and, thereby, motivate recurrent social conflicts? To begin with, in Chapter IV we discussed how Honneth's theory of recognition consists in an empirically testable appropriation of Hegel's early writings on the indispensability of recognition for self-realization. Honneth, with the help of Mead's naturalistic philosophy and contemporary psychoanalytic and sociological insights, disclosed the "intersubjective structure of personal identity" by showing that "[t]he only way in which individuals are constituted as persons is by learning to refer to themselves, from the perspective of an approving or encouraging other, as beings with certain positive traits and abilities" (Honneth, 1995b, p. 173). The intersubjective structure of personhood gives rise to the "specific vulnerability of humans resulting from the internal interdependence of individualization and recognition" (Honneth, 1995b, p. 131; See also: Honneth, 2002, p. 504). Thus, the freedom necessary for a successful life or a life free from pain "is dependent on prerequisites that human subjects do not have at their disposal, since they can only acquire this freedom with the help of their interaction partners" (Honneth, 1995b, p. 174). Furthermore, what became clear from our reconstruction of Honneth's theory of recognition is that only forms of "mutual recognition [can] contribute to the development of a positive self-relation" because only forms of social interaction whose guiding "normative preconditions include reciprocal orientation[s] to specific principles of recognition can [make] individuals experience the enduring value of their specific capacities for others" (Fraser and Honneth, 2003, p. 143). Finally, mutual recognition is not only a necessary condition for the development of personhood but also for social reproduction. Put otherwise, because personhood depends on mutual recognition, "all social integration depends on reliable forms of mutual recognition, whose insufficiencies and deficits are

always tied to feelings of misrecognition – which, in turn, can be regarded as the engine of social change” (Fraser and Honneth, 2003, p. 245).

Hence, reinterpretations of socially integrative cognitive principles that clarify the presence of incomplete or distorted considerations of a certain “need, life-situation, [or] contribution” (Fraser and Honneth, 2003, p. 187) will be experienced as instances of misrecognition or social disrespect, which, as we saw in Chapter IV, is the fuel of social conflict. We have, thus, established that social conflict is an invariant element of social life or social integration. Honneth’s theory, nevertheless, allegedly does more than that. Honneth claims to have formulated a theory that shields itself from relativism by conceiving of progress from within the “historically variable [...] patterns of recognition” (Honneth, 1995b, p. 175).

To sum up the preceding analysis, this section aimed at showing the ineliminability of social conflict. Social conflict is intrinsic to modern societies, driven by the inherent surplus of validity in cognitive principles, which allows for ongoing reinterpretations and disputes about their application. This challenges standard models – like Rawls’s – that see disobedience as stabilizing existing norms, instead positing that conflict is necessary and productive for progress. Modern cognitive norms are open-ended, allowing for reinterpretations and contestations. This openness is seen as essential for social integration but also ensures ongoing disputes and struggles, which prevent any fixed resolution or endpoint. Recognition is not an end-state but an ongoing process. It adapts to changing social identities and norms, fostering democratic engagement and conflict as necessary elements of progress. Honneth’s approach acknowledges that recognition operates within specific historical and social conditions, emphasizing the political and structural dimensions of conflict over purely psychological explanations. In conclusion, social conflict is not merely inevitable but is a constitutive feature of modern life, essential for navigating the fragility and dynamism of societal norms. This perspective reframes conflict as a driver of progress rather than a problem to be eradicated. Hence, by showing that the interpretation of cognitive principles is a never-ending process, we have shown that our cognitive model of disobedient politics is not susceptible to the charge of conservatism and anti-democratic character because there is no fixed point in which to anchor the architectonics of disobedience as second-order obedience. What remains to be shown in the next section is whether our model collapses into relativism or whether it does offer substantive normative insights for distinguishing between progressive and regressive instances of disobedient politics.

## Defining progress within the recognition-theoretic paradigm

As was argued above, Honneth maintains that there is a certain directedness of historical transformations to be extracted from the analysis of the patterns of recognition. Otherwise, the theory of recognition, after having argued for the ineliminability of social change, would have to either succumb to relativism or rely on external standards for evaluating instances of continuous social change. On the one hand, accepting relativism would be devastating for any political theory with normative intent. Recall that critical theory aims at facilitating the “overcoming [of] dependencies and heteronomy” (Honneth, 2017, p. 908). Hence, it could not be satisfied with an ‘everything goes’ normative stance. It must, on the contrary, “elude the implication that every evaluative predicate ever to have emerged in history has the same normative validity” (Honneth, 2002, p. 510).

On the other hand, relying on external standards for evaluating social change would make critical theory indistinguishable from its competitors, such as Rawls’s constructivist theory of justice. Rawls’s theory, as we saw, operates “under the fiction of an ideal point of departure” and claims that “a bundle of acceptable fundamental principles are justified” from the perspective of the unbiased construction of the original position (Honneth, 2001, p. 6). Subsequently, social practices and institutions or their potential transformations can be criticized and evaluated with reference to those justified universal principles of justice. Such an approach would make the recognition-theoretic paradigm susceptible to its own criticism of ‘mere moral oughts’ (Honneth, 1995b, p. 172, 2017, p. 908) and would contradict its claim that its distinguishing feature is the fact that it locates its normative standards within existing, that is, intramundane activities of social life.

To make the point with reference to the concept that interests us in the context of this subsection, when discussing Peter Wagner’s conception of progress, Honneth criticized his move to devise a proceduralist conception of progress for being incapable of fulfilling the ‘motivational requirement’. More precisely, Honneth questions whether Wagner’s novel proceduralist understanding of progress is “sufficiently equipped to inspire the hopes and aspirations of ordinary people” while lacking a strong reference to the first-order worries of ordinary people (Honneth, 2018, pp. 167–168). Recall that for Honneth any “viable idea of progress [...] for our times” would need to satisfy three requirements, two “cognitive or propositional” and one “practical-political” (Honneth, 2018, p. 162). Our conception of progress, first, must enable the identification of existent social maladies; second, it must point at the direction that improvements should take; and, third, it must provide

“the motivational strength required for fending off the lurking impression that the prevailing social world” is not amenable to change (Honneth, 2018, p. 162). We need, in other words, a conception of progress that takes its standards from within the existing institutions and practices of contemporary societies and instead of abstracting from them, takes into account “the life histories and experiences of the ordinary people in whose name it claims to speak” (Honneth, 2018, p. 163).

I maintain that the recognition-theoretic paradigm is well-equipped for devising such a conception of progress because it belongs to a tradition dating back to Hegel and going through Marx, Lukács, and Horkheimer, which seeks the seeds of social change within existing social relations. This tradition maintains that “any given recognition regime” – even the ones that are “implicated in domination” – contains within it “the seeds of its own critique, crisis, and its eventual replacement by another, less dominating regime” (Stahl, 2021, p. 179). In a way, I see in the recognition-theoretic paradigm a parallel to Marx’s theory of history<sup>73</sup> – or a way to reinvigorate the Marxian tradition by means of repoliticizing it (See also: Balibar, 2020). Even if Marx himself was careful to avoid depoliticizing and mechanistic understandings of human history, many of his interpreters seemed to prioritize a norm-free conception of the material production and reproduction of life by elevating the sphere of the economy to the position of the engine of human history. I maintain that the invariant activity of social groups to recurrently reinterpret socially integrative principles of recognition and thereby pursue emancipatory political struggles is the functional equivalent, in the recognition-theoretic paradigm, of the Marxian concept of the dialectic between the productive forces and the relations of production. Just like the productive forces in the Marxian scheme give rise to a certain constellation of relations of production only to eventually contradict them, the hermeneutically open socially integrative principles of recognition give rise to certain forms of autonomy by cultivating certain forms of positive self-relations, which, in turn, become the conditions of possibility for questioning the very cognitive principles that enabled their emergence in the first place. However, while the Marxian scheme at places lends itself to a depoliticized self-governed understanding of the historical process, Honneth’s theory of recognition restores politics as an indispensable element of historical emancipatory struggles (See, for instance: Kołakowski, 2008) because it reserves a central role for the question of the normative criterion of progress.

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<sup>73</sup> See also Repa (2023, p. 6), who makes the point that the concept of a surplus value in Honneth’s theory “reminds the meaning of the “productive forces” in Marx’s theory of history, which always enface and surpass the “relations of production” that made them emerge in every single production mode.”

Given that we are looking for a conception of progress in order to evaluate social change envisioned or brought about by instances of disobedient politics within contemporary modern societies and since we have analyzed those societies' moral infrastructure with reference to a "normative reality" (Fraser and Honneth, 2003, p. 185) brought about by the emergence of the three spheres of recognition, progress should be defined by means of an explication of the "inner progressive dynamic" (Honneth, 2002, p. 503) embedded in the three spheres.

Given that human freedom or autonomy is, as we saw, the inner goal of recognition (Pippin, 2016), then it follows that "every new evaluative quality whose confirmation through recognition increases a human subject's capacity for autonomy must be viewed as a progressive step in the historical process of cultural transformation" (Honneth, 2002, pp. 510–511). Recall the two examples with reference to which we introduced the conceptual structure of progress. Speaking of progress in the case of the development of a child or in the case of improving the condition of a sick person required, first, an anticipation of what emancipation from limiting dysfunctions or from forms of underdevelopment would require, and, second, an understanding of the necessary relevant steps. Similarly, speaking of recognitive progress requires, first, an anticipation of what emancipation from limiting and dysfunctional parameters of self-relations would require, and, second, an understanding of what the relevant necessary steps consist in. With regard to the first question, recognitive disobedience should be defined as an anticipation of recognitive relations that either increase the degree of autonomy of a specific group of people or enable the inclusion of formerly excluded social groups in the existing recognitive order. More precisely in Honneth's words:

Progress in the conditions of social recognition takes place [...] along the two dimensions of individualization and social inclusion: either new parts of the personality are opened up to mutual recognition, so that the extent of socially confirmed individuality rises; or more persons are included into existing recognition relations, so that the circle of subjects who recognize one another grows.

(Fraser and Honneth, 2003, p. 186)

With regard to the second question about the relevant necessary steps, I suggest that the recognitive-theoretic paradigm follows a negativistic, pragmatic, agonistic, and contextualist approach. It is these characteristics that lend the image of progress as a learning process – as will be shown below.

First, instead of relying on a concrete static positive ideal theory of recognition that prescribes "how a society would look like that realizes full reciprocal recognition" (Celikates, 2021, p. 272), recognitive theory takes as its starting point the elimination of obstacles (Fraser and Honneth, 2003,

p. 188) in order to move progressively – hence the epithet *negativistic*. Second, recognition theory operates on the basis of a pragmatic – as opposed to a teleological – understanding of progress. Because recognition is to be seen as an activity instead of an ultimate end to be achieved and enjoyed ever after, progress cannot be conceived in this framework as a reduction in the distance between the current location and a final destination. In other words, progress is to be seen as “progress from [instead of] progress to” (Kitcher, 2020, p. 248). Progress, then, is to be evaluated with reference to an increase in our capacity to solve collective problems of social integration and/or with reference to overcoming social conditions that limit individual autonomy by generating epidemics of social disrespect that hinder and obstruct the development of the necessary for agency self-relations. Third, progress, as we saw early in this section, unfolds through social conflict. As such, the move away from suboptimal solutions to collective problems of social integration and the move away from limiting social circumstances for the development of agency enabling self-relations is an agonistic process (See also: Bertram and Celikates, 2015). Recall that our cognitive model of disobedient politics does not presuppose broad social agreement with reference to both the conception of justice and any possible violations. On the contrary, it starts from the fact of permanent struggles (Honneth, 2002, pp. 502–504) over the interpretation and application of socially integrative principles of recognition, which amount to more than mere collision. Fourth, the unfolding of cognitive progress is a context-dependent process (Celikates, 2021, p. 273). Insofar as progress unfolds through social conflict, which, in turn, is fueled by the negative emotions associated with experiences of social disrespect, it follows that the cognitive claims that social movements raise recurrently, and which push the historical process of social transformation in a progressive direction, are dependent on the concrete nature of the experiences of misrecognition affecting the self-relations of particular social groups. In other words, our cognitive conception of progress “loses its ahistorical character in that, hermeneutically speaking, it winds up dependent on what constitutes, in each case, the inescapable present” (Honneth, 1995b, p. 175).

### Progress as a learning process

After having defined progress and before moving to the next section on the role of cognitive disobedience in the interest of progressive social transformations, two clarificatory remarks are in order. First, progress in one of the three spheres of recognition should not be understood as a development in isolation from developments in each of the other spheres of recognition. Progress

in the degree of freedom that the particular shape of the social recognitive order enables may involve a “boundary-shift” or “drawing new borders between the individual spheres of recognition” (Fraser and Honneth, 2003, p. 188). The normative surplus of each of the three principles (love, respect, esteem) organizing the three different forms of recognition relations in modern societies should not be viewed in isolation but as “historically variable [...] [and] constitutively determined by their relation to the totality of all norms of a social life-form” (Stahl, 2021, pp. 169–170). To give an historical example, the often disobedient labor movement that pushed for the establishment of a number of social rights, which consolidated the various welfare state regimes as institutionalized structures of ‘decommodification of (social) life’ (Esping-Andersen, 2009), can be understood as an instance of penetration of the egalitarian principle of legal respect into a domain previously regulated by achievement-based esteem. Insofar as this development that involved a boundary-shift facilitated an improvement in the necessary social conditions for the development of autonomy enabling self-identity, we can legitimately speak of progress.

Second, since the beginning of this section I have been talking about progress as a learning process – without, nevertheless, having specified what the idea of a learning process denotes. Hence, a few clarificatory remarks are in place at this point. I contended that the fact that the recognition-theoretic understanding of progress is negativistic, pragmatic, agonistic, and contextualist lends the image of a learning process to recognitive progress. At another point of the discussion in the context of the present chapter, I claimed that Honneth, in agreement with Kant, maintains that progress should be viewed as a learning process instead of a natural teleology. However, there is a lack of thematization in Honneth’s works with regard to the understanding of the idea of a learning process. Thus, I will employ clarificatory conceptual distinctions from the work of another prominent figure of the so-called “third generation” of Frankfurt school critical theory, that is, Rahel Jaeggi, in order to substantiate and clarify the claim that progress should be imagined as a learning process.

To begin with, learning is a form of change and a form of development and yet it is different from both. Think of the familiar example of a child’s development discussed above. When a child reaches the necessary height for reaching the table or when it manages to decipher and master the meaning of written language there is clearly a change. The child is “different after the change from what she was before” (Jaeggi, 2018, p. 222). The fact that the child in question is now tall enough to reach the table is a case of development. This form of growth enables a series of capabilities that indeed enrich the experiential and agential potential of the child. It does not, though, involve any action attributable to the child itself. On the contrary, learning how to read and write is a typical case of a

learning process. Learning involves the subject in important ways. As Jaeggi puts it “learning means the acquisition of competences, an increase in knowledge that marks a permanent change in the behavior of the learner and ideally the cognitive penetration and appropriation of what has been learned” (Jaeggi, 2018, p. 223). Learning, hence, involves a degree of reflexivity. It involves a degree of conscious knowing of how one knows what one knows. To give an example, the child in question could have guessed that the word written in the paper or screen in front of her denotes the word ‘mom.’ But being literate involves knowing about how the alphabet works and not merely uttering the correct word by chance. To use Jaeggi’s definition:

unlike changes per se, learning processes are progressive developments that become richer and more differentiated—that is, developments toward the better. In contrast to developmental processes conceived as maturation, however, the processes in question are reflexive ones that are not unavoidable and do not occur of their own accord. Rather, they are shaped by actors and as such can be thought of as open and never-ending processes. (Jaeggi, 2018, p. 226)

So far, every specification regarding the meaning of learning processes has been formulated with reference to individuals. Can the same ideas be applied to complex social systems such as cognitive orders? Who is the author and who is the subject of change in the form of learning? In what sense can we employ the concept of learning when it comes to transformations of socially integrative cognitive principles?

To begin with, changes in the shape and content of cognitive orders come about “neither solely as a result of the direct intentional action of individuals nor without [it]” (Jaeggi, 2018, p. 228). As must be clear by now in the light of the reconstruction of the theory of recognition, this variant of social theory elaborates on the Marxian idea that “[m]en [sic] make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past” (Marx, 1937). What is more, the determinations of cognitive orders by past struggles function as both enabling and inhibiting conditions of present time agents. In other words, to use again a Marxian idea, “[b]y [...] acting on the external world and changing it, he at the same time changes his own nature” (Marx, 1990, p. 283). Hence, changes in the cognitive orders are the result of social struggles which rely on re-interpretations of existing cognitive principles and unfold through processes that to certain degrees are the active and intentional result of the actions of collective agents and to another extent nonintentional and passive outcome of uncontrolled outcomes.

Finally, in which sense can we speak of learning processes when it comes to recognitive orders? As far as recognitive orders, on the one hand, serve socially integrative functions, and, on the other hand, enable certain forms of autonomy for self-realization, we can say that they “encounter problems or succumb to crises” (Jaeggi, 2018, p. 228). Hence, when crises arise and social conflicts over the interpretation and application of recognitive principles emerge, recognitive orders exhibit a kind of capacity to learn – given that they are, therefore, susceptible to transformations that will increase or decrease their capacity for problem-solving. Thus, viewing progress of recognitive orders through the idea of a learning process implies viewing interpretations and applications of socially integrative recognitive principles as capable of change in the direction of enabling better or worse solutions to social integration and the quality of self-realization. To use the two principles we extracted from within the history of the development of recognitive principles in modern times, inclusion and differentiation are the two dimensions along which learning takes place with reference to recognitive orders.

To sum up the analysis of recognitive progress, then, recognitive progress refers to the expansion and transformation of social recognition practices in ways that enhance human autonomy and inclusion. The concept operates on two primary dimensions: first, individualization, where new aspects of personal identity or selfhood are acknowledged, enabling individuals to realize their potential; and second, social inclusion, where previously excluded groups are brought into existing frameworks of mutual recognition, thereby broadening the scope of social acceptance and cooperation. Recognitive progress has several distinct characteristics. One of its core features is its negativistic nature, meaning that it focuses on identifying and eliminating obstacles to recognition rather than pursuing a static or idealized vision of societal perfection. Progress is framed as the removal of deficits or dysfunctions in recognition systems rather than as the achievement of a final goal. This makes it inherently pragmatic, as it does not operate on a teleological assumption of moving toward a specific end state but is instead an ongoing process of problem-solving.

Conflict plays a central role in recognitive progress, making it agonistic. Social transformations are propelled by struggles over justice, exclusion, and recognition, which reveal the contradictions and inadequacies within existing social norms. These conflicts are not merely disruptive but are seen as essential to driving societal evolution and change. Importantly, recognitive progress is contextualist, that is, it arises from the specific historical, cultural, and social conditions of the time. Recognitive struggles are deeply tied to the experiences of disrespect and exclusion unique to particular groups and contexts, and they evolve based on the crises and needs of their era. An additional characteristic

of cognitive progress is its learning-oriented nature. Progress is viewed as a learning process for societies, where crises and conflicts enable social systems to adapt, resolve contradictions, and find better solutions for social integration and individual autonomy. In this framework, recognition orders—such as those related to love, respect, and esteem—develop and change based on societal needs, crises, and the outcomes of struggles for justice.

The practical implications of cognitive progress are significant. It offers a framework for understanding and guiding social movements. By identifying areas where recognition is denied or inadequate, it helps focus activism on issues of exclusion and inequality, making it a valuable tool for marginalized groups.

In addressing social conflict, cognitive progress highlights the importance of embracing disputes as a source of growth rather than avoiding them. Conflict is seen as a vital mechanism for challenging exclusionary norms and promoting cohesion through the resolution of underlying tensions. Similarly, the theory underlines the importance of designing inclusive practices that affirm diverse identities, whether in workplaces, educational settings, or public policy, reflecting its emphasis on both individualization and inclusion.

Finally, cognitive progress emphasizes the role of hope and motivation in driving societal change. By linking struggles for justice to tangible improvements in autonomy and inclusion, it inspires collective efforts to challenge entrenched norms and create more equitable and integrated societies. For instance, the labor movement's success in extending workers' rights and integrating principles of equality into the economic domain illustrates how cognitive progress operates in practice, achieving substantial autonomy and inclusion gains.

After defining cognitive disobedience and connecting it to a conception of progress from within the recognition-theoretic paradigm we have made some significant steps towards articulating a complete model of disobedient politics. However, one important question remains open. Is cognitive disobedience sufficiently distinct from other similar forms of transgressive collective political action? Where is cognitive disobedience placed in a continuum between institutional politics as usual and, say, a full blown revolution? The next subsection tackles precisely these questions by placing cognitive disobedience between combative confrontation and reflexive cooperation.

## The dialectic between combative confrontation and reflexive cooperation: a shield against illusionistic ideals of progress

Before inquiring about the role of recognitive disobedience in late modern bourgeois societies and investigating the advantages and disadvantages of such a model when compared to Rawls's model of civil disobedience, there is one final aspect of our model that deserves to be discussed. Recognitive disobedience was placed between combative confrontation and reflexive cooperation. What implications does this idea have for our model and what function does it serve? Situating recognitive disobedience between combative confrontation and reflexive cooperation serves the end of constituting the concept distinguishable from other forms of collective political action. Furthermore, it functions as a shield against illusionistic elements of progress discourses.

To begin with, situating recognitive disobedience between combative confrontation and democratic reflexive cooperation is a pragmatic requirement that stems from the inherent logic of the historical practice of disobedient politics. Furthermore, it complements the move to anchor the normative status of recognitive disobedience in the normativity of progress.

To use again the familiar and canonical example of Martin Luther King Jr. and the Civil Rights Movement, as we saw, King argues that the Civil Rights Movement's disobedient politics aimed at the generation of a crisis or social tension through the disruption of economic activity so that "a community that ha[d] constantly refused to negotiate [would be] forced to confront the issue" (King, 1991, p. 71). Hence, we see that disobedient politics includes a "moment of real confrontation" (Celikates, 2016b, 2016a) that is not reducible to merely symbolic politics. To elaborate, disobedient politics interferes with the individual rights of others – to use Rawls's terminology. The occupations of public spaces; the road closures; the sit-ins; the blockades of buildings (be they of companies or public institutions); or the sabotage of production processes interfere with such basic rights as freedom of movement, the right to property, and the right to work. Hence, disobedient politics involves a moment of combative confrontation that constitutes them in a way that makes them irreducible to mere symbolic action and sufficiently distinct from consensus oriented and institutionalized forms of political action. This observation has the further implication that – pace Rawls – disobedience is not reducible to a mere appeal to the majority's sense of justice.

On the other end, recognitive disobedience is associated with democratic reflexive cooperation. Recall that one of the advantages stemming from the fact that Honneth's social theory starts from the idea of a 'struggle for recognition', is that it enables an "appeal to a provisional end-state from

the perspective of which [one can] [...] classify and evaluate particular events" (Honneth, 1995b, p. 171). This provisional end-state consists in an anticipation of relations of recognition that progressively enable a form of post-traditional democratic ethical life, in which "the universalistic achievements of equality and individualism would be so embedded in patterns of interaction that all subjects would be recognized as both autonomous and individuated, equal and particular persons" (Honneth, 1995b, p. 175).

The concept of democratic reflexive cooperation refers precisely to such a situation in which citizens of a democratic society organize and reorganize continuously the social division of labor in order to most rationally employ "individual forces to cope with a problem" (Honneth, 1998, pp. 766–767). There are two presuppositions for the optimization of rational problem-solving within a society. First, there is the epistemological problem of identifying the most intelligent ways for addressing social problems. The solution to the epistemological presupposition for optimizing the problem-solving capacity of a social whole consists in the establishment of a functioning 'public sphere' which consists in "democratic procedures, which guarantee all members of society something like communication free from domination" (Honneth, 1998, p. 773). The second presupposition is a precondition for the operation of such a democratic public sphere. The mere existence of democratic procedures that enable the participation and contribution of information and reflections by citizens in addressing social problems is not a sufficient condition for the actual involvement and engagement of the citizens in question (Fraser, 1990). Collective political administration requires effective political bonds. For Rawls such political bonds between citizens are to be understood with reference to a shared sense of justice, which, in turn, is curved with reference to the procedurally extracted principles of justice. In the case of our cognitive model, such social bonds are to be understood with reference to the identity-formative esteem-principle operative in the domain of a social division of labor that enables or disables a "consciousness of cooperatively contributing with all others to the realization of common goals" (Honneth, 1998, p. 776).

Hence, cognitive disobedience, by being undertaken in the name of progressively expanding and differentiating relations of recognition, is tied to a commitment to democratic reflexive cooperation. This is what distinguishes it from forms of collective action that follow military logics, which aim at the destruction of the opponent instead of the establishment of future legitimate conditions of cooperation.

We have thus discussed the implications of abiding by the pragmatic requirement of placing cognitive disobedience between combative confrontation and democratic reflexive cooperation.

There is one final function that this move serves within our model. As was discussed above, anchoring the normative status of recognitive disobedience on a conception of progress is not a complications-free alternative. Progress has been historically used in the interest of as abhorrent ends as imperialism, colonialism, racism, and fascism (Foucault, 2006; Adorno and Horkheimer, 2016). Progress is a Janus-faced, “systematically ambiguous” concept, that is, therefore, “simultaneously worthy of endorsement and skeptical dismissal” (Zurn, 2013, p. 343). Christopher Zurn has suggested to categorize progress as an ‘illusionistic ideal’, that is, “an ideal that is indispensable for normative reasons and yet deeply worthy of suspicion for empirical reasons of actual historical practice”. Hence, making use of illusionistic ideals requires embedding them within sociopolitical theories that combine in a “systematic way normative analysis and empirical research” (Zurn, 2020, p. 274).

To elaborate, illusionistic ideals are distinct from both idealistic illusions and simple illusions. Idealistic illusions consist in utopian visions that are “simply unrealizable” (Zurn, 2013, p. 342) given the existing state of the world. For example, expecting to bring about a pacified global society by emphasizing discursively and symbolically “diversity, compassion, empowerment, [and] entitlement” is a mere expression of the “wistful hope that deep divisions [...] can be bridged by goodwill and sanitized speech” (Lasch, 1995, pp. 6–7). Simple illusions, on the other hand, are “conceptions we have about the way the world works that are simply misleading” (Zurn, 2013, p. 342).

Hence, if progress is indispensable for critical theory -as was argued above- and if it necessarily has the shape of an illusionistic ideal, that is, if it is both normatively ineliminable and hazardous, then accommodating it in our sociopolitical models requires caution. I contend that the commitment to the idea of democratic reflexive cooperation that every potential legitimate practitioner of recognitive disobedience undertakes functions as a shield against the historically observed tendencies of progress discourses to serve domination and exploitation. A commitment to democratic reflexive cooperation implies a commitment seeing the validity conditions of conceptions of progress as temporary; a commitment to openness of political dialogue; a commitment to the continuous deconstruction and reconstruction of our political concepts (Zurn, 2020, p. 274). To use an example, progress could serve colonial, racial, and imperialistic purposes only because of the exclusion of the victims of those systems from the community of legitimate political interlocutors.

To summarize, recall that Rawls placed his model of civil disobedience between on the one hand the raising of legal tests for certain policies in front of appellate courts and violent militant action. Contrary to this, our model of recognitive disobedience is placed between combative confrontation and democratic reflexive cooperation. While Rawls's reduced civil disobedience to a purely symbolic form of politics, the model of recognitive disobedience maintains that this form of politics is distinct and yet similar to combative confrontation because it includes a moment of real confrontation, and it does not definitionally require non-violence. This positioning allows recognitive disobedience to distinguish itself from other forms of political action and ensures it is not reducible to mere symbolic politics or traditional institutionalized forms of action. On the other hand, recognitive disobedience is tied to democratic reflexive cooperation, which envisions a society where citizens constantly reorganize social structures to solve collective problems rationally, based on shared, non-dominating communication and collaborative efforts. Hence, recognitive disobedience, by being positioned between combative confrontation and democratic reflexive cooperation, functions as a critical political strategy that challenges oppressive systems while remaining attuned to the evolving nature of societal progress. This model aims to prevent the concept of progress from being misused for exploitative purposes by ensuring that it is always open to inclusive dialogue and reflection.

### iii) The role of recognitive disobedience within modern societies

As was stated at the beginning of this chapter, the presentation of our model of recognitive disobedience follows the tripartite organization of Rawls's model of civil disobedience. In this section, I will discuss the final of the three parts: the role of disobedient politics within modern societies. As was the case in the two preceding sections, I will start with the presentation of Rawls's ideas; I will scrutinize their status; and I will juxtapose the features of our model of recognitive disobedience to the characteristics of Rawls's model of civil disobedience.

Rawls begins his inquiry by specifying that he is interested in explaining disobedience's "role within a constitutional system and to account for its connection with a democratic polity" (Rawls, 1999, p. 335). In order to accomplish his aim, Rawls makes use of the fictional construct of the original position by posing the question of whether the participants would make space for the permissibility of disobedience when considering two particular problems: first, the strength and limits of the duty to comply with the end-products of a just majoritarian system, and, second, the reasonable way to

deal with injustices within nearly just societies (Rawls, 1999, p. 336). Recall that these societies are defined as societies regulated and organized by the principles of justice, within which injustices may nevertheless occur. Civil disobedience is expected to be chosen as the best means to deal with these two problems. This idea implies that disobedience is to play the role of “a final device to maintain the stability of a just constitution” (Rawls, 1999, p. 337). Moreover, Rawls places disobedience alongside other important stabilizing institutions, such as “free and regular elections and an independent judiciary empowered to interpret the constitution” (Rawls, 1999, p. 336). Rawls, furthermore, hints at the idea that given the necessarily illegal nature of disobedience, what is required is a political culture<sup>74</sup> or “a general disposition to engage in justified civil disobedience”, which will assist the maintenance and strengthening of just institutions” (Rawls, 1999, p. 336). We see, then, that the basic function or role of Rawls’s model of disobedient politics is the stabilization or maintenance or strengthening of the otherwise just basic institutional infrastructure.

Viewing disobedient politics as a stabilizing device or a mechanism that maintains and strengthens otherwise just institutions is only possible for a theory that relies on pre-politically identifiable principles of justice. As we saw above, the theory of recognition, first, understands social conflict as an ineliminable feature of modern societies, which implies that there is no permanent end-state or no final recognitive ground for basing the legitimacy of social institutions and practices. Second, recognition theory does not spell out a final positive ideal of recognition to be institutionally established and enjoyed ever after. Recognition is a necessary condition for human integrity and agency that can only be carried out in the form of an activity. As such, it does have an end, that is, human freedom, but it can only serve its end if and only if it continuously unfolds in the forms of an activity. Third, progress conceived from within the recognitive theoretic paradigm consists in the elimination of obstacles to self-realization. Such obstacles come in the form of denial of recognition, that is, the systematic exclusion of certain social groups from relevant forms of recognition granted to other social groups with similar features and needs or the obstacles come in the form of misrecognition, that is, the principles of recognition are insufficiently differentiated in order to grant the relevant form of recognition to social groups characterized by certain features and needs. Hence, as we saw, recognitive progress is negativistic, pragmatic, agonistic, and context-dependent. The fact that progress within the recognitive theoretic paradigm is characterized by these four

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<sup>74</sup> This idea was later developed further by Habermas (1985).

features implies that it cannot be determined pre-politically. It is only through the unfolding of complex processes of social struggles that it manifests itself.

Given these three conclusions of our discussion, recognitive disobedience cannot be reduced to a stabilizing role or the role of a political medium only invested with correcting for regressive developments. It can serve this function within modern societies because the latter involve constitutively regressive as well as progressive tendencies. To illustrate with reference to concrete examples, many instances of disobedient politics in recent years have been motivated by the phenomena associated with what many theorists have called the *great regression* (Geiselberger, 2017). Regressive phenomena should be thought of as developments that point to a fall from the standards of inclusion and individualization that the world had achieved through the conflictual unfolding of the learning process that progress consists in. Since at least a decade, in the field of migration we have witnessed a significant regression with regard to the normative standards and practices we thought to have established in the European context. European Union (EU) countries that share borders with non-EU states have repeatedly, in cooperation with EU institutions, such as the Committee and Frontex and other EU countries, engaged in violent and deadly pushbacks of migrants, financed the building of life-threatening walls and fences, and extrajudicial processing of cases that constitute clear violations of international conventions.<sup>75</sup> In response to such regressive phenomena, activists, such as Carola Rackete (Connolly, 2024) in the context of “Sea-Watch” and Iasonas Apostolopoulos (Fallon, 2022) in the context of “Mediterranea Saving Humans”, have disobeyed EU and state level laws in order to, on the one hand, save the lives of people in danger, and, on the other hand, protest the legitimacy of the European policies on migration.

To be sure, it is unclear whether the activists mentioned above, or other activists engaged in what would appear at first sight as the struggle against regressive phenomena, are aiming at bringing about the status quo ante or aiming at establishing new standards for institutions and practices. For the sake of the argument, though, we can conclude that recognitive disobedience can indeed serve the function of countering regressive phenomena. My point is that it can, nevertheless, not be reduced to this function. Recognitive disobedience, to paraphrase Marx, is also a midwife of

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<sup>75</sup> See for instance the case of Farmakonisi, for which the Greek state was convicted for causing the death of migrants (Stamatakou, 2022) or the countless reports by organizations such as the Human Rights Watch, Amnesty International, Doctors without borders etc.

progress, that is, it is capable of bringing about the realization of the potentials embedded in recognitive principles for further individualization and inclusion.

As was shown in previous sections, within the recognition theoretic paradigm the interpretation and implementation of “socially valid norms is an essentially unfinished process” (Honneth, 2017, p. 913). Furthermore, this unfinished process unfolds through the form of social conflict, which, in turn, can take various forms. Recognitive disobedience is one form through which social conflict unfolds. Recognitive disobedience is a form of confrontation that exceeds the limits of the legally institutionalized means of political action. Hence, through recognitive disobedience social agents do not only address regressive tendencies but they also catapult the realization of unrealized potentials embedded in the socially integrative recognitive norms of bourgeois capitalist societies by politicizing social reality. By politicization, I refer to the opposite force of what was termed depoliticization in Chapter II. Politicization entails an opening up of the space for putting ‘the way things are’ into question. An opening up of the sphere of possibility for social organization by means of transgressing the status quo.

To illustrate by means of further examples, recall that within the context of the recognition theoretic paradigm there is a tripartite distinction between love and care, respect, and esteem. I maintain that recognitive disobedience is not only capable of fighting against regressive tendencies in the established socially valid norms of recognition along the three spheres but also capable of pushing forward progressive change along the three spheres. In recent years, queer and trans activists have made use of disobedient means in order to protest their exclusion from care and support because of marginalized or disregarded needs and desires associated with the concrete forms of their particular individuality (See, for instance: Levin, 2020). The claims that these social agents are making through disobedience amount to a re-interpretation of the recognitive principle of love and care that determines the range of needs and desires that are regarded as legitimate and deserving to be attended to. Another example are the various squatting movements, in recent years, in protest of the housing crisis. These agents are re-interpreting the meaning of the principle of mutual respect by expanding our societal understandings of the necessary conditions for autonomy (See, for instance: (Ramsay, 2015; King and Manoussaki-Adamopoulou, 2019; Crabapple, 2020). To sum up in two points the two functions of recognitive disobedience that constitute it distinct from civil disobedience, on the one hand, recognitive disobedience does not reproduce the second-order obedience architectonics of the Christian and the liberal model because it is oriented towards progress in the future, and, on the other hand, recognitive disobedience is a tool for addressing

structural as opposed to episodic forms of injustice. Recognitive harms that damage one's capacity for self-government, agency, and autonomy are of a structural nature as we saw in Chapter IV.

## Conclusion

The guiding idea of this chapter has been the articulation of a novel model of disobedient politics. Given that the need for articulating such a model was corroborated with reference to the shortcomings of the existing hegemonic liberal model of disobedient politics, we built our model in juxtaposition to Rawls's model of civil disobedience. To conclude our inquiry in this chapter, we need to examine how well our model fares when viewed from the perspective of first, the historically situated critique of disobedient politics discussed in Chapter I, and, second, the shortcomings of Rawls's model of civil disobedience discussed in Chapter II and III. More precisely, throughout this dissertation two desiderata have emerged from the analysis of pre-modern disobedience, the analysis of modernity, and the analysis of the liberal model. Our account must be, first, democratic, second, it must account for structural injustices and address the collective action problem, third, it must avoid depoliticizing disobedient politics. All desiderata or criteria will be discussed in turn.

The first desideratum stems from the so-called historically situated critique of disobedience<sup>76</sup> and our analysis of modernity. As we saw, Michael Walzer and Ingeborg Maus criticized notions of disobedience for their pre-modern origins and their limited applicability in modern democratic societies. Both Walzer and Maus see disobedience as inherently reactive and restorative, lacking the capacity for progressive societal change. They argue that the preconditions for traditional disobedience no longer exist in modern democratic societies, where authority is legitimized through secular and constitutional means. They emphasize the defensive character of disobedience, which is more suited to preserving existing norms than to fostering innovation or transformation. Their critiques collectively suggest a need for new political frameworks that transcend the limitations of traditional disobedience, aligning better with modernity's democratic and transformative demands. In the following step of the argument in Chapter I we saw that indeed the origins of disobedience in Christian thought did rely on a backward, restorative architecture that conceived of disobedience

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<sup>76</sup> See, Chapter I, Section I: The critics of disobedient politics.

as second-order obedience. What is more, in Chapters II and III we saw that the Rawlsian model of civil disobedience also reproduces this architecture and thereby fails to address the charge of the historically situated critique of disobedience. Hence, the first criterion that our model of recognitive disobedience needs to satisfy is that it needs to be supported by a sufficiently democratic normative architecture.

To begin with, the recognitive model rejects extra-social justifications and grounds its normative framework in immanent societal structures, aligning with democratic principles. By focusing on systemic deficits in recognition, it modernizes the concept of disobedience, making it relevant to contemporary pluralistic and secular societies. The recognitive model explicitly rejects restoration, embracing a transformative and forward-looking orientation. It seeks to identify and rectify systemic recognition deficits, aiming to enhance inclusion and individualization rather than merely defending a status quo. By emphasizing the reconstructive nature of progress, the recognitive model empowers activists to reinterpret and expand existing norms. It treats progress as a continuous, learning-oriented process, focusing on proactive solutions to social conflicts and structural injustices.

Furthermore, the negativistic orientation of the recognitive model reframes progress as the removal of obstacles to recognition rather than the pursuit of an idealized vision. By focusing on the elimination of systemic deficits (e.g., marginalization or exclusion), the model emphasizes addressing current failures of recognition rather than nostalgically restoring a past state of justice. This aligns disobedience with transformative goals, directly countering the claim that it is inherently defensive or regressive. The reconstructive nature of the recognitive model embeds its framework within modern societal norms and values, particularly those of inclusion and democracy. It reinterprets and expands existing norms to address recognition deficits while respecting the constitutional and democratic frameworks of modernity. This method ensures that disobedience is not a relic of pre-modern traditions but a dynamic tool that evolves alongside society. The recognitive model's pragmatic approach frames disobedience as a learning-oriented, iterative process that prioritizes practical solutions over abstract ideals. Progress is viewed as a series of adaptive, context-driven improvements to social systems, ensuring relevance and applicability to contemporary challenges. This practice dimension directly addresses Walzer's concern about the efficacy of disobedience in addressing systemic injustices in modern contexts.

The recognitive model of disobedient politics demonstrates its strength and adaptability when confronted with the critiques of Walzer and Maus by addressing their concerns about

disobedience's backward-looking, defensive, and pre-modern nature. By embracing its negativistic, reconstructive, pragmatic, agonistic, and context-dependent characteristics, the model transforms disobedience into a forward-looking, transformative, and inclusive political tool. It counters Walzer's critique of disobedience as "only half a politics" by focusing on the removal of systemic recognition deficits and fostering progressive societal change. Simultaneously, it responds to Maus's concerns about the regressive and servile mindset of traditional resistance by grounding itself in modern democratic principles and context-sensitive adaptability, enabling the creation of new social norms rather than merely defending existing ones. Together, these dimensions illustrate that recognitive disobedience not only withstands these critiques but also reimagines disobedience as a dynamic, constructive force capable of addressing the complexities of contemporary democratic societies.

The second criterion or *desideratum* for an appropriately modern and political model of disobedient politics is that it needs to address the collective action problem under conditions of structural injustice without leading to depoliticization and moralization of a distinctively political concept such as disobedience. In other words, the solutions to the specific collective action problem that disobedient politics present must be of a kind that is not reducible neither to ethical nor to prudential action. As we saw, John Rawls's model of civil disobedience is underpinned by a specific political ontology that shapes how disobedience is conceptualized and justified. At its core, Rawls's ontology is built on the idea that persons are entities with two capacities, that is, the capacity to be rational and the capacity to be reasonable. This assumption has several implications for his model of civil disobedience. Disobedience, in this context, becomes an appeal to the moral sensibilities of the majority rather than a strategic or politically driven challenge to power. This overlooks the antagonistic and conflictual dimensions of real-world politics, especially in the context of structural injustices. These ontological assumptions shape Rawls's model of civil disobedience in ways that ultimately depoliticize and moralize the concept, leading to significant limitations in its applicability.

Rawls's political ontology depoliticizes civil disobedience by framing it as an appeal to shared norms within a cooperative system rather than a confrontation with power. This depoliticization manifests in several ways. The model reduces disobedience to a problem of coordination among rational individuals, assuming that collective action arises from prudential or moral motives. This approach neglects the deeper, constitutive ties of identity, solidarity, and lived experience that often drive collective struggles, especially among marginalized groups affected by structural and systematic forms of injustice. By emphasizing reasonableness and shared principles, Rawls's framework

conceals the fundamentally conflictual nature of politics in societies marked by structural injustice. Disobedience, under Rawls's model, becomes an act of reaffirming the social contract rather than challenging its inequities or exclusions. Rawls positions civil disobedience as a stabilizing mechanism for a just constitutional system. This framing relegates disobedience to an exceptional, last-resort action rather than recognizing it as a legitimate and integral aspect of democratic contestation. Furthermore, the model's focus on moral appeals assumes that injustices can be resolved through ethical deliberation within existing frameworks. This assumption fails to account for structural injustices that require transformative, rather than moralistic, interventions.

The model of recognitive disobedience avoids the depoliticizing and moralizing tendencies evident in Rawls's framework by leveraging the core insights of the theory of recognition. It provides a distinctively political solution to the collective action problem of disobedience.

The theory of recognition emphasizes the intersubjective basis of identity, where individuals derive self-confidence, self-respect, and self-esteem through relationships of love, legal rights, and social esteem (as explored in Axel Honneth's model). Unlike Rawls's focus on individuals as primarily rational and reasonable agents, recognition theory positions social solidarity and shared struggles as central to human flourishing. This relational foundation creates a natural basis for collective action. Marginalized groups can unite around shared experiences of misrecognition or disrespect, forming the emotional and social bonds necessary for coordinated resistance. Thus, the collective action problem is addressed politically, through the creation of group solidarity and shared understanding of injustices, rather than being reduced to rational coordination or moral persuasion.

The recognitive model treats disobedience as inherently political, grounded in systemic deficits of recognition. The solution to collective action problems, in this view, is not an abstract moral appeal but the creation of spaces for contestation and struggles for recognition. These struggles are framed as conflicts over societal values and the distribution of care, respect, and esteem. This is in contrast with Rawls's model, which relies on the assumption of shared normative commitments within a cooperative system. Instead, the recognitive model acknowledges the antagonistic dimensions of political life, where disobedience is a challenge to existing norms, not just an appeal to their better implementation. For example, struggles against systemic racism or gender-based discrimination involve redefining what counts as equal recognition, rather than merely calling on society to uphold existing principles.

The recognitive model resists the depoliticization seen in Rawls's framework by emphasizing the conflictual and transformative nature of politics. While Rawls frames disobedience as a moral appeal to shared principles, recognition theory highlights the social and political structures that produce systemic misrecognition, focusing on transforming these structures. Instead of situating disobedience as an exceptional or last-resort means within a nearly just society, recognitive disobedience situates disobedience within ongoing struggles for recognition. These struggles are inherently political because they aim to reshape the institutional and normative frameworks of society, rather than merely appealing to them.

By grounding collective action in the experience of shared misrecognition, the recognitive model enables a distinctly political response to the collective action problem. It prioritizes solidarity, identity, and the lived experiences of marginalized groups, fostering an inclusive and participatory politics that is resistant to depoliticization. Furthermore, the agonistic dimension of recognition theory frames disobedience as an iterative process of contestation and negotiation, where progress emerges through a dialectical interplay of confrontation and cooperation. This contrasts with Rawls's conciliatory and stabilization-oriented approach, which limits the scope of disobedience to moralized appeals within existing structures.

Practically, recognition-based struggles have already demonstrated their potential to address collective action problems in modern movements. For instance, Black Lives Matter and feminist movements have mobilized around experiences of systemic disrespect, creating solidarity and amplifying political demands through recognition-based frameworks. The emphasis on the removal of systemic obstacles to recognition, as opposed to the pursuit of abstract ideals, ensures the practical relevance of the model to contemporary political contexts.

In conclusion, the recognitive model of disobedience avoids the pitfalls of Rawlsian moralization and depoliticization by emphasizing solidarity, systemic critique, and transformative action. Its solutions to collective action problems are inherently political, rooted in shared struggles and experiences of misrecognition, and oriented toward reshaping societal norms and structures. This makes recognitive disobedience a distinctly political and forward-looking tool for addressing systemic injustices and fostering progressive societal change.

The crisis consists precisely in the fact that the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear.

Gramsci, Antonio (1971, p. 276)

## Conclusion

This dissertation began by presenting the global disobedient protest events of the 2010s as a main source of motivation for undertaking this study. In the context of this wave of protests, disobedient tactics were employed to either push forward for a reinterpretation of basic principles of recognition or to force improved implementations in the direction of more inclusion and broader individualization. For a short period of time, it seemed as if disobedient movements had created an opening that would enable new political articulations to emerge. Over a decade later the world seems still stuck in an interregnum of multiplying morbid symptoms. The crises that fueled the disobedient movements of the previous decade seem to have exacerbated to such an extent that theorists today prefer to speak of a “polycrisis”, that is, a situation in which the intervening crises give rise to effects that are more complex and difficult to address than the sum of the individual parts (Lähde, 2023; Tooze, 2023).

The defeats of left populism – in Greece, Spain, the UK, the US and elsewhere (Borriello and Jäger, 2023, pp. 88-137) – seem to have bequeathed us a sociopolitical environment in which authoritarian right-wing populism and liberal technocracy are thriving (Borriello and Jäger, 2023, p. 38; Hochuli, Hoare and Cunliffe, 2021, pp. 145-153). Authoritarian right-wing populism raises new obstacles to self-realization by relying on a flawed understanding of the democratic principle. Think, for instance, of the recent decision of the 47<sup>th</sup> president of the USA, that is, Donald Trump, to demand through an executive order that “biological truth” is restored in order to “defend women from gender ideology extremism” (The White House, 2025) or the Italian prime minister, Giorgia Meloni’s, attempts to externalize “asylum procedures in violation of human rights” (Broerse, 2024) by signing agreements with her Albanian counterpart, Edi Rama, in order to transfer asylum seekers to a non-EU country. Liberal technocracy, on the other hand, promises freedom and inclusion for as long as one does not find oneself on the wrong side of the racialized and gendered class divide. Think, for instance, of the so-called “feminist foreign policy” of the German Green politician and foreign minister Annalena Baerbock that in appearance promises informing Germany’s foreign policy with the demands of gender equality but in essence ends up silencing left and subaltern feminists

because it fails to recognize that “Germany’s foreign policy interests are capitalist interests, which are based on the exploitation of the oppressed, who are often women and girls” (Berger, 2024).

The above diagnosis, underscores the need for extra-institutional forms of political action in the near future. Recognitive disobedience offers a transformative model of political action that departs from the limitations of Rawls’s liberal model of civil disobedience. Rawls’s model views disobedient politics as primarily a stabilizing device to address episodic injustices that threaten otherwise just institutions by appealing to the moral reasoning of the majority. However, by failing to recognize the structural and systemic nature of many injustices, Rawls’s framework addresses only the symptoms rather than the root causes of social injuries and, thereby, fails to offer a model of disobedient politics that goes to the roots of the problems. It reduces disobedience to a moralized, depoliticized act, stripping it of its transformative potential. In contrast, recognitive disobedience, grounded in Axel Honneth’s theory of recognition, directly engages with the systemic nature of social disrespect and structural injustices that undermine individual and collective flourishing.

The normative foundation of recognitive disobedience lies in the three spheres of recognition: love, rights, and social esteem. These spheres are essential for fostering self-confidence, self-respect, and self-esteem, respectively, which are critical for an individual’s ability to flourish. In the sphere of love, which provides the foundation for self-confidence, systemic disrespect arises when intimate and familial relationships are delegitimized or constrained. For example, authoritarian right-wing populism often targets LGBTQ+ families, framing them as threats to traditional values. Recognitive disobedience challenges these attacks by turning the personal into the political, making visible the systemic nature of the harm and mobilizing collective action to demand equal recognition. Similarly, in the sphere of legal rights, which underpins self-respect, liberal technocracy often fails to address the interplay between systemic inequalities and formal legal equality. Policies that appear inclusive can perpetuate exclusion by ignoring the intersectional and structural nature of oppression. Recognitive disobedience exposes these failures by foregrounding how systemic disrespect erodes the recognition of equal rights and calling for a reinterpretation of societal norms.

The sphere of social esteem, where individuals are valued for their contributions to society, is perhaps the most visibly undermined by both right-wing populism and liberal technocracy. Right-wing populists often weaponize exclusionary narratives to devalue marginalized communities, portraying them as undeserving of social esteem. Liberal technocracy, meanwhile, subtly perpetuates systemic disrespect by privileging technocratic expertise over the lived experiences of marginalized groups, effectively silencing their contributions. Recognitive disobedience politicizes

these dynamics by challenging the systemic denial of social esteem and asserting the value of marginalized identities and perspectives. This approach not only resists exclusionary practices but also demands a redefinition of societal principles to achieve broader inclusion and individualization.

Central to recognitive disobedience is the idea of constitutive relations, which emphasizes that identities and agency are shaped through intersubjective recognition. This relational ontology contrasts sharply with the liberal paradigm's atomistic understanding of individuals as unencumbered selves. By recognizing that systemic disrespect harms not only individuals but also the social fabric, recognitive disobedience highlights the interconnected nature of struggles for recognition. This perspective enables solidarity across diverse movements, uniting efforts to resist the intersecting oppressions perpetuated by authoritarian populism and technocratic governance.

Recognitive disobedience is particularly well positioned to address the structural and systemic nature of injustices because it moves beyond the liberal focus on isolated acts of disobedience as moral appeals. It engages directly with the conditions that produce systemic disrespect, targeting the underlying norms and power structures that perpetuate exclusion and inequality. For instance, while Rawls's framework might sanction disobedience against a specific unjust law, recognitive disobedience addresses the broader societal norms that legitimize such laws. By doing so, it transforms disobedience from a stabilizing tool into a dynamic, conflict-driven process of social change.

In an era of interregnum characterized by a polycrisis, where crises intersect and exacerbate each other, recognitive disobedience offers a vital framework for transformative politics. It challenges both the exclusionary practices of authoritarian right-wing populism and the depolitized governance of liberal technocracy by addressing the systemic disrespect that undermines the spheres of love, rights, and esteem. By recognizing the constitutive nature of relationships and the deeply embedded nature of systemic injustices, recognitive disobedience provides a pathway for reimagining democratic life.



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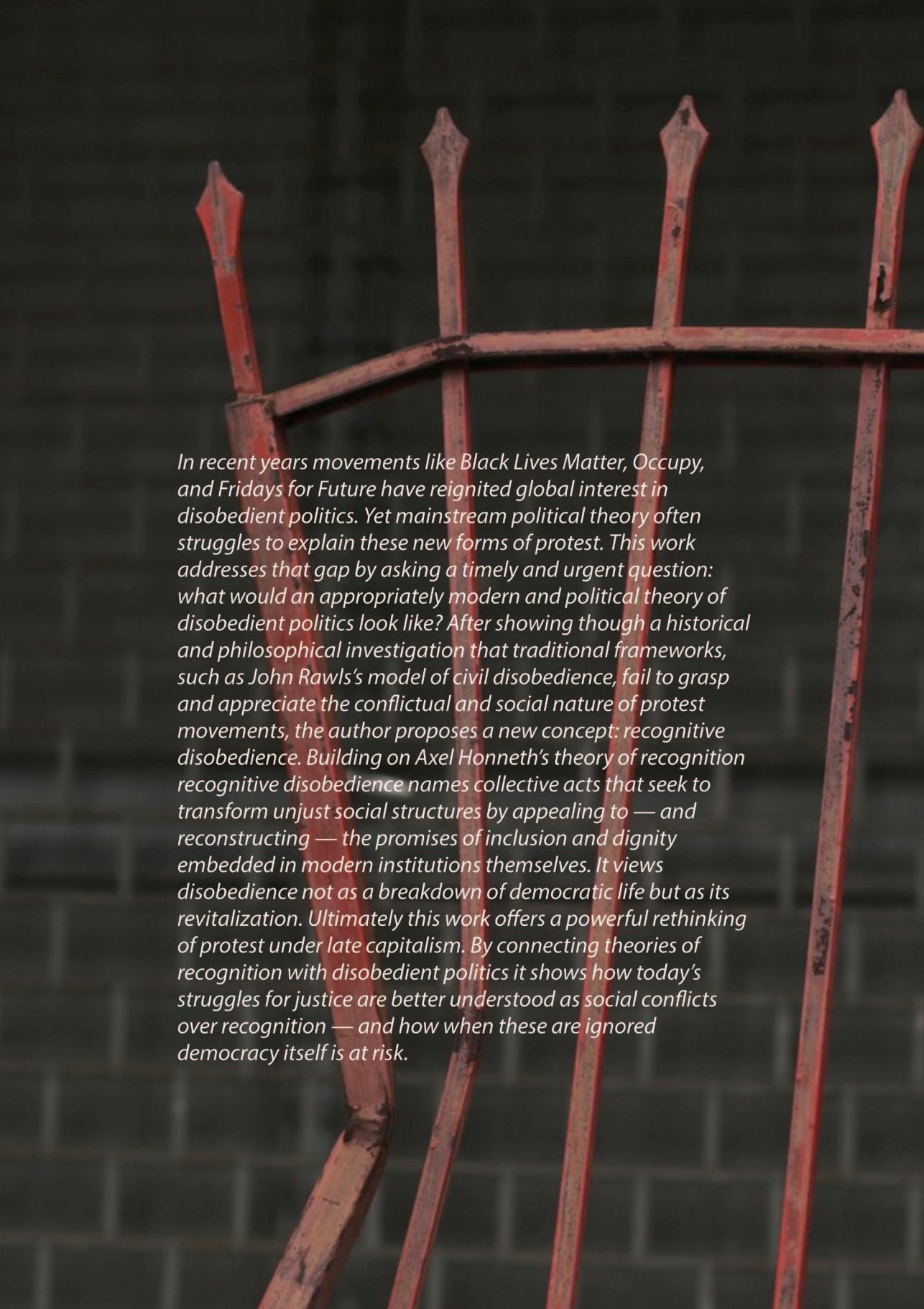
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*In recent years movements like Black Lives Matter, Occupy, and Fridays for Future have reignited global interest in disobedient politics. Yet mainstream political theory often struggles to explain these new forms of protest. This work addresses that gap by asking a timely and urgent question: what would an appropriately modern and political theory of disobedient politics look like? After showing though a historical and philosophical investigation that traditional frameworks, such as John Rawls's model of civil disobedience, fail to grasp and appreciate the conflictual and social nature of protest movements, the author proposes a new concept: cognitive disobedience. Building on Axel Honneth's theory of recognition cognitive disobedience names collective acts that seek to transform unjust social structures by appealing to — and reconstructing — the promises of inclusion and dignity embedded in modern institutions themselves. It views disobedience not as a breakdown of democratic life but as its revitalization. Ultimately this work offers a powerful rethinking of protest under late capitalism. By connecting theories of recognition with disobedient politics it shows how today's struggles for justice are better understood as social conflicts over recognition — and how when these are ignored democracy itself is at risk.*