

CRITICAL THEORY, RELATIONS OF DOMINATION, AND A CERTAIN IDEA OF SOCIAL JUSTICE

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Abstract: Nowadays, many authors claim to belong to the critical theory tradition although their research focuses on a heterogeneity of topics and not all of them refer to the Frankfurt School. Within this debate, this paper shows how relations of domination could be considered the main object of investigation of critical theory. This could help us not only to delineate its methodology, but also, and mainly, to provide a compelling answer to some objections critical theory seems to face. Last but not least, it could additionally show that this object is strictly related to a certain idea of social justice. In this way, critical theory could remain consistent with its immanent or reconstructive methodology, and, in the same way, it could be better grounded in its emancipatory intention, thus avoiding falling into relativism. Obviously, we are aware that the critical theory tradition is concerned with a huge number of issues. It focuses on highly differentiated social phenomena, addressing its criticism to capitalism, ideologies, unjust socio-economic distribution, a certain idea of individual freedom, ways of conceiving identity, and many others. This paper, however, argues that it is possible to view how critical theory tackles all these topics from the same essential perspective: it criticizes eminently the relations of domination that these social phenomena reproduce. Moreover, by considering relations of domination as critical theory's main object of investigation, we can draw a particular grammar of justice which is imminently *relational* or *intersubjective*.

Keywords: Critical Theory; Relations of Domination; Immanent Critique; Social Justice; Power.

1. Critical theory and relations of domination

Nowadays, many authors claim to belong to the critical theory tradition although their research focuses on a heterogeneity of topics and not all of them refer to the Frankfurt School. For this reason, numerous works² have recently flourished containing as their central issue the methodology adopted by authors who consider themselves critical theorists in order to stress the fundamental features of investigation they share, and, in doing so, define the specific methodology that should characterize critical theory. From an initial insight, we can assert that critical theory's main area of interest is social criticism, but this appears to be too

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² STRYDOM, *Contemporary Critical Theory and Methodology*; GIACCHETTI LUDOVISI, (edited by), *Critical Theory and the Challenge of Praxis*. CORTELLA, "Paradigmi di teoria critica"; HRUBEC, "Participatory and Critical Social Philosophy. Critical vs. Authoritarian Theory".

general and vague, mostly because not all social criticism adopts the perspective of critical theory.

This paper, then, attempts to show that relations of domination could instead be considered critical theory's main object of investigation. This could help us not only to delineate the methodology of critical theory but also, and mainly, to provide a compelling answer to some objections it seems to face. Last but not least, it could additionally show that this object is strictly related to a certain idea of social justice.

One of the most important advantages of this approach might be to overcome a classic controversy in political and social philosophy concerning two different, and apparently irreconcilable, perspectives faced by social and political theorists. In the first perspective "the task is to discover or invent an 'ideal theory' employing the method of rational construction, and then to ask how the resulting abstract moral principles can be 'implemented' in practice."³ In the second perspective, instead, "one should start from the reality of concrete political contexts, reject normative cloud cuckoo conceptions and confine oneself to what is possible and acceptable here and now in view of deep-seated interest conflicts."⁴ This paper sustains that critical theory is able to avoid this fruitless opposition; we can, though, obtain this result only if we are able to reject the two main objections presented against critical theorists' methodology, that is, immanent or reconstructive critique. The first objection concerns a presupposed lack of autonomy where the normative status of critical theory necessarily depends on the normative standards it aims to criticize but that it is not able to generate autonomously.⁵ The second objection regards the intention of critical theory to offer not only a simple critique of the state of things, but, above all, a critique which is able to stimulate changes and transformations. This objection holds that even if critical theory effectively offers a transformative critique, it is not able to guarantee, or even point out or suggest, that these transformations and changes would be emancipatory and that they would really represent an improvement.⁶

This paper suggests that it is possible to reject these two important objections by considering relations of domination as the main object of critical theory. Obviously, we are aware that the critical theory tradition is concerned with a huge number of issues. It focuses on highly differentiated social phenomena, addressing its criticism to capitalism, ideologies, unjust socio-economic distribution, a certain idea of individual freedom, ways of conceiving identity, and many others; and in all these cases it proceeds to highlight internal and necessary contradictions. This paper, however, argues that it is possible to notice how critical theory

³ FORST, *The right to justification*, p. 1.

⁴ FORST, *The right to justification*, p. 1.

⁵ JAEGGI, "Repensando a ideologia".

⁶ STAHL, "What is Immanent Critique?". For a complete explanation, see: STAHL, *ImmanenteKritik. Elementeeiner Theoriesozialer Praktiken*.

tackles all these topics from the same essential perspective: it criticizes eminently the relations of domination that these social phenomena reproduce.

This way of considering relations of domination as the main object of investigation of critical theory draws a particular grammar of justice which is imminently *relational* or *intersubjective*. This means that a critical theory of justice focuses primarily on unjustifiable social relations, whether political or economic. In other words: “all those relations, in more or less institutionalized form, that fall short of the standard of reciprocal and general justifiability and are marked by forms of exclusion or domination.”⁷ This gives rise to some important consequences concerning questions of distributive justice and *power*.

2. The immanent/reconstructive critique and the active role of the actors

Even if it is true that the immanent critique or reconstructive critique is its own methodology of critical theory, this methodology can assume different specifications that focus more on some aspects than others. For instance, in the first generation of the Frankfurt School the points of view of the actors was generally underestimated and they embraced instead the concept of alienation; contrarily, the last generation of critical theorists pays particular attention to actors’s points of view but in some cases has appeared to lose its emancipatory intention – a central element in the critical theory tradition – for example in terms of eradicating social suffering.⁸ However, what is clear enough in recent developments in critical theory is its efforts to avoid paternalism in any form. This means not only avoiding the adoption of ‘external’ normative principles, but also taking into serious consideration the points of view of the victims of injustice or domination. Therefore, critical theory must proceed following a methodology based on an immanent/reconstructive critique and on the active role of the actors.

According to Stahl, “traditionally, an immanent critique is a form of social critique which derives the standards it employs from the object criticized, that is, the society in question, rather than approaching the society with independently justified standards.”⁹ But this can only be a starting point in precisely defining an immanent critique in the sense understood by critical theory. What appears immediately evident is that we can realize different forms of social critique depending on the way we assume the relevant standard. Cooke,¹⁰ for instance, identifies four broad positions which can be characterized as critical

⁷ FORST, *Justification and Critique*, p. 120.

⁸ See the interesting reconstruction and actualization of the concept of social suffering by RENAULT, “A Critical Theory of Social Suffering”.

⁹ STAHL, “What is Immanent Critique?”, p. 2.

¹⁰ COOKE, *Re-presenting the Good Society*.

social theory: conventionalist, radically contextualist, context-transcending, and authoritarian. We can define the first and the last respectively as internal and external social critique; both of them, however, present some important shortcomings. Precisely, an external critique (authoritarian) seems problematic in terms of justificatory power because it claims too much regarding the force of objective moral truths, while a strong internal critique (conventionalist) seems problematic in terms of transformative potential because a mere demand for consistency and accord concerning the self-understanding of the members and their concrete behaviors seems only to permit a very weak form of critique. For this reason, Ferrara¹¹ sustains that only the two remaining versions of social critique are compatible with an immanent critique, that is, the radically contextualist and the context-transcending. The former

appeals to normative ideas implicit but not fully realized within a given sociocultural context. The changes in question are deemed changes for the better because they bring us closer to how things would be, if only we were able to realize our own deepest hopes and aspirations.¹²

While the latter

appeals to normative ideas that are at once immanent to the sociocultural context in question and transcend it. As in the case of the second position, the ideas appealed to are context immanent in the sense that they are implicit within a particular sociocultural context, although, [...] in contrast to the second position, they are not merely expressions of our deepest hopes and aspirations (although they are that too); they represent hopes and aspirations that everyone, everywhere should have if they are to be able to fulfill their potentials as human beings.¹³

Ferrara locates some exemplary authors of the critical theory orientation, such as Walzer and Rorty, within the radical contextualist version of social critique, and others, such as Habermas and Honneth, within the context-transcending one. Now, we can observe that both versions of social critique adopt a position that is consistent with the origins of immanent critique, which we can track down in the Hegelian, Marxist, and Frankfurt School traditions. In fact, according to them, an immanent critique is supposed to be a strategy that not only proceeds from the actual social practice of a society, but also that attempts to go

¹¹ FERRARA, “Rethinking Critical Theory Once Again: Immanent Critique and Immanent Normativity”.

¹² COOKE, Re-presenting the Good Society, p.14.

¹³ COOKE, Re-presenting the Good Society, p. 15.

beyond a mere reproduction of the normative commitments of its members on the level of theory; in other words, it intends to stimulate a transformation. Therefore, we can agree that Stahl's specific interpretation of immanent critique fits well with these intentions and coheres with both radically contextualist and context-transcending versions of social critique. Thus, according to him, immanent critique:

is a form of social critique that evaluates both the empirical behavior constituting social practices and the explicit self-understanding of their members according to standards that are, in some sense, internal to those practices themselves. By doing so, immanent critique aims at a transformation of such practices that encompasses both actions and self-understandings.¹⁴

This definition of immanent critique is very close to the concept of “reconstruction”.¹⁵ Indeed, a reconstructive critique “claims to present rules, structures, evaluative criteria, and social processes in which symbolic objects emerge and gain social meaning; and, at the same time, they are rules, structures, and processes that show potentials for emancipation.”¹⁶

Jaeggi¹⁷, also, in her attempt to redefine and actualize the critique of ideology understood as a critique of domination, offers a similar interpretation of immanent critique, which stresses, above all, its internal standards and its potential in terms of the transformation of norms and social practices. She identifies five main features that distinguish immanent critique. First, immanent critique starts from norms that are inherent to a given social situation. These norms are grounded rationally, and they are constitutive to some determinate social practices and to their institutional setting. Second, immanent critique takes into account the relationship between norms and reality, which it criticizes as inverted or equivocal in itself, rather than as dissolved or weakened. In other words, the norms in question are effective but, as effective, they become contradictory. This means that the relationship between norms and reality is both false and necessary at the same time. Third, immanent critique focuses on the internal contradictions of reality and on the norms that constitute it. This kind of contradiction is not casual; rather, it is necessary and compulsory. In other words, there are inevitable reasons why norms and their respective practices and institutions cannot be realized without contradictions. Fourth, immanent critique is, then,

¹⁴ STAHL, “What is Immanent Critique?”, p. 7.

¹⁵ The term is understood in the sense that Nobre and Repa suggest in *Habermas e a reconstrução*.

¹⁶ NOBRE, - REPA, *Habermas e a reconstrução*, p. 8, (my translation).

¹⁷ JAECCI, “Repensando a ideologia”.

transformative. Its aim is not simply the reconstruction of the existent order, nor the restoration of a functional coincidence between norms and reality, but is to be guided by the need to construct a contradictory situation for something new. Last, immanent critique is simultaneously criticism of a practice based on norms or standards (whereby this practice does not match) and the critique of these standards themselves.¹⁸ She provides a classic example of this way of proceeding, namely, in the case of an immanent critique of bourgeois-capitalist society. In this case, the contradictions between freedom and equality in natural law understanding and capitalistic social reality should lead not only to a transformation of economic and social organization, but also to a transformation of the concepts of freedom and equality themselves, for example, toward a positive conception of freedom and a more materialistic conception of equality.

As we have seen, critical theory adopts a methodology that tends to exclude paternalism in any form, but this concern should be addressed not only to avoid any ‘external’ standards from which to investigate a particular society, but also in terms of attitudes regarding actors’s or participants’s points of view. Many critical theorists share the same opinion about the active role that actors or participants play in social critique, in particular since the introduction of Habermas’s paradigm.¹⁹

The way in which a critical theorist faces the role of agents or participants in the social practice that is the object of her investigation has to do with an important dispute about the position the theorist must assume: of an observer or of a participant. In the former case, the observer position allows the critical theorist not to become trapped in the same ideological mechanisms that she intends to reveal and denounce; however, she may run the risk of disregarding the subjective motivations and convictions of the social actors, and at the same time she might distance herself from them, losing the concrete possibility to convince them through her critical investigation. On the other hand, the participant position makes it possible to avoid these kinds of problems; however, the critical theorist might not be able to maintain the necessary distance from the social praxis and its implicit normative criteria to provide a compelling critique.²⁰

Celikates sustains that it is possible to avoid this fruitless contraposition because even if the agents are not professional sociologists or philosophers they “do not only do and think what they are doing and thinking, but they are able to relate to what they and others are doing and thinking either critically or affirmatively.”²¹ This does not mean that they always reflect on and justify what they are doing; however, “they are in principle capable of doing so and

¹⁸ JAEGLI, “Repensando a ideologia”, p. 156-157.

¹⁹ HABERMAS, *The Theory of Communicative Action - Vol. I and Vol. II*.

²⁰ PINZANI, “Teoria crítica e justiça social”.

²¹ CELIKATES, “Critical Social Theory to a Social Theory of Critique: On the Critique of Ideology after the Pragmatic Turn”, p. 30.

actually do so quite regularly in everyday situations of crisis and conflict.”²² In this way, one can sustain that agents are able to do this without believing in the agents’ capacity to be fully autonomous and self-transparent.

In order to understand these everyday practices and fairly common capacities of justification and critique, Celikates suggests adopting some elements of theory from Boltanski and Thévenot’s work.²³ They hold that the competencies and capacities of knowledgeable agents are not conceived as obscure mental faculties but instead as realized in the actual performances of the agents. Boltanski and Thévenot identify six principles of worth operative in the different situations of everyday life: “On the basis of each of these principles, a form of common good can be exhibited that we called a polity or cite.”²⁴ According to them, “this model aims not only to account for the arguments deployed by people in the course of their disputes, but also for the means they employ to seek to leave the dispute behind them and re-establish agreement.”²⁵ They call these means reality tests. It follows that we can therefore distinguish two general cases of critique. First, it can take as its object the way in which a test is conducted locally and show that its conduct did not respect established procedures. In the second case, the critique might become more radical; it can take the test with itself as its target, and therefore the very regime of justification applied to a situation is rejected.

In this section, we have clarified what kind of methodology characterizes critical theory. It is mainly based on the central idea of an immanent critique which is able to evaluate effectively the norms and social practices of a society, take into due consideration the self-understanding of the members of that society, and provide a critique with a high level of transformative potential. Now, as we have already stated in the introduction, it seems that inherently with this type of immanent critique two relevant objections arise.

3. Two main objections to critical theory

As we have said, the first objection concerns a presupposed lack of autonomy, where the normative status of critical theory necessarily depends on the normative standards it aims to criticize but that it is not able to generate autonomously. This has been identified by Habermas²⁶ as a sort of normative deficit (in particular concerning the first generation of critical theory). Meanwhile, the second objection holds that even if critical theory effectively

²² CELIKATES, “Critical Social Theory to a Social Theory of Critique: On the Critique of Ideology after the Pragmatic Turn”, p. 30.

²³ BOLTANSKI, - THEVENOT, *On Justification: Economies of Worth*.

²⁴ BOLTANSKI, - THEVENOT, *On Justification: Economies of Worth*, p. 27.

²⁵ BOLTANSKI, - THEVENOT, *On Justification: Economies of Worth*, p. 27.

²⁶ HABERMAS, *The Philosophical Discourse of Modernity: Twelve Lectures*.

offers a transformative critique, it is not able to guarantee, or even point out or suggest, that the transformations and changes would be emancipatory and that they really would represent an improvement. These two objections appear to be intimately linked to each other. In other words, we have to fill the gap of the potential normative deficit of critical theory in order to reject effectively not only the first objection but also the second one. This is clear when we come to evaluate Jaeggi's²⁷ and Stahl's²⁸ attempts to respond to these objections, which appear to be not very convincing, in particular in terms of the second objection.

Jaeggi highlights a potential contradiction between the transformative intention involved in critical theory analyses and their intention to exclude a normative prescription about how something should be. In other words, critical theory does not ground norms or ideas (for example, norms such as freedom and equality), neither it adopts external or independent normative standards. It says nothing about the effective necessity for norms or ideas to be realized, nor whether they are good or bad, true or false in themselves. Here, in this apparent contradiction, we can see that the two objections are related. First, this kind of immanent critique seems to lack autonomy, it is not normatively relevant. Jaeggi offers an interesting solution to this first objection, but this that appears incomplete or impartial because it seems still to leave the second objection valid.

According to Jaeggi, the process adopted by immanent critique should be considered “normatively significant”²⁹. This normativity of the second order, as she calls it, can be inferred by the object of the critique itself. For example, in the case addressed by Jaeggi, the critique of ideology, we can observe how ideologies contain normative forces. By the mere fact of being worldviews that affect social reality, they define and limit the space of possibility for action, and therefore are normative prescriptions themselves. The same process could be valid not only for the critique of ideology, but also for all the social, cultural, and political aspects that maintain and reproduce the relations of domination that critical theorists investigate and criticize. This means that the critical analysis itself gains “an autonomous normative character and not just instrumental.”³⁰

Now, even if Jaeggi's considerations may be quite sufficient to reject the first objection, it seems that the second objection still remains consistent. In fact, showing that the immanent critique conceived in such way is not a simple strategy for reconstructing a social reality or for implementing its normative potential coherently, but rather, that it addresses the transformation of social reality and its norms and ideas, does not mean that such transformative potential would move towards an emancipatory new situation or configuration. In the first insight, Jaeggi suggests proceeding by adopting a Hegelian variant

²⁷ JAEGLI, “Repensando a ideologia”.

²⁸ STAHL, “What is Immanent Critique?”.

²⁹ JAEGLI, “Repensando a ideologia”, p. 151.

³⁰ JAEGLI, “Repensando a ideologia”, p. 153.

of immanent critique, namely the idea that “the correct is developed by overcoming the false.”³¹ By adopting the principle of Hegelian dialectic, Jaeggi conceives a critique that is, thus, determined and negative at the same time. Jaeggi is aware that even if she has reformulated the Hegelian dialectic in a pragmatic sense, excluding a teleological conception of history and its consequent deterministic process, the problem remains quite the same. The point is that without Hegel’s *telos* that indirectly determines and pulls his dialectical process in an emancipatory direction, we cannot have any guarantee of the paths it might take; emancipation is only one possibility among many others.

Stahl is also aware of this difficulty. He provides an illuminating example:

we can imagine a community that is committed to gender equality on the level of explicit belief. In terms of actual intersubjective reactions, however, women are not only treated badly in that community, bad behavior towards women is not negatively sanctioned. Such a community would have an immanent norm of discrimination despite having explicit norms of non-discrimination. Certainly, when dealing with such a community, one would not argue that a critic is obligated to convince them to also explicitly endorse discrimination. This is a valid argument.³²

Stahl endorses a kind of solution which has the quality, at least, to define the theory of immanent critique in a pragmatic and modest sense, thus avoiding a naïve attitude or an excessively utopian pretension, and, above all, respecting the active role of social actors. In fact, he asserts that although a theory of immanent critique should not guarantee progress, and in this sense it is not a methodology to derive what society should like, its main contribution is to establish that, beyond the standards of external critique, there is often the potential for improvement contained within our practices and that there are “reasons to be hopeful about the possibility of social progress.”³³

Obviously, this kind of interpretation is acceptable. It seems, though, that emancipatory intention is an essential element of critical theory (not simply a hope), and that it should also be essential to its own reconstructive methodology. However, following the first generation of critical theorists, it has become impossible to think of emancipation through the internal self-destructive tendency of capitalism. Since Habermas, this emancipatory intention has been thought to be inscribed in “the normative structures of modernity that have liberated the potential to produce an emancipated way of life, though this is effectively

³¹ JAEGLI, “Repensando a ideologia”, p. 153.

³² STAHL, “What is Immanent Critique?”, p. 19.

³³ STAHL, “What is Immanent Critique?”, p. 20.

only ever partially realized.”³⁴ In this sense Habermas holds that “one of the fundamental understandings of 'critique' is the confrontation between the emancipatory potential present in deeply ingrained normative structures and its limited realization in social life.”³⁵ Clearly, even if there are strong reasons to keep critical theory within Habermas’ theoretical framework, we have to keep carefully in mind a certain sociological deficit that some interpretations of his account of critical theory could imply.³⁶ Honneth was one of the first authors to highlight this weakness in Habermas’ theory, but nonetheless Honneth does not discard the emancipatory intention in his critical theory approach, rather he mostly bases his conception on what he calls a realistic concept of emancipatory interest.³⁷

In light of this, by considering relations of domination as the main object of investigation of critical theory, it could be possible to better ground its normative status and, therefore, affirm more appropriately and vigorously its emancipatory intention while also remaining coherent within its own methodology based on immanent or reconstructive critique.

It is, then, immediately necessary to provide a brief definition of the concept of domination. Here, domination concerns all kinds of processes that “strive to contain and limit critique, silence it, expel it.”³⁸ According to Boltanski, “an effect of domination can therefore be characterized by its capacity to restrict, in more or less significant proportions, the field of critique”, and further, “in a situation of domination, the loops of reflexivity whereby circulation between confirmation and critique is established are broken.”³⁹ In this way, relations of domination are concerned with specifically a way of justifying the current social praxis, and above all the manner in which the justifications of this social praxis are realized and upheld. Forst takes a similar position. According to him, “we speak of *domination* (*Beherrschung*) when the relations in question are asymmetrical, when they rest on a closure of the space of justification in favor of particular, non-justified legitimations which portray such an order as just or unalterable.”⁴⁰ According to Forst, in this case the space of justifications may be ideologically sealed off or occupied by effective threats. In this regard, “having power means being able to use, influence, determine, occupy, or even close off the space of reasons and justifications of other subjects”⁴¹, and above all it acts in this way intentionally.

³⁴ NOBRE, - REPA, *Habermas e a reconstrução*, p.19, (my translation).

³⁵ NOBRE, - REPA, *Habermas e a reconstrução*, p.19, (my translation).

³⁶ HONNETH, *The Critique of Power: Reflective Stages in a Critical Social Theory*.

³⁷ NOBRE, “Reconstrução em dois níveis, Um aspecto do modelo crítico de Axel Honneth”.

³⁸ BOLTANSKI, *On Critique. A Sociology of Emancipation*, p. 117.

³⁹ BOLTANSKI, *On Critique. A Sociology of Emancipation*, p. 117.

⁴⁰ FORST, *Justification and Critique*, p. 10.

⁴¹ FORST, *Justification and Critique*, p. 9.

Such definition of domination has a significant consequence, namely it implies that we can understand persons “as social and at the same time autonomous beings”, therefore “they appear as active beings, not as passive entities to be acted upon, or as needy or suffering beings.”⁴² The premise that the justifications put forth by agents themselves and the way they engage in critiques in their life-world have to be taken seriously and are crucial in order to unmask domination.⁴³

Obviously, this interpretation is grounded in the idea that the “human being is an animal who can give reasons”⁴⁴, or as Forst suggests, human beings are justificatory beings. In this sense, “they not only have the ability to justify or take responsibility for their beliefs and actions by giving reasons to others, but in certain contexts they see this as a duty and expect that others will do the same.”⁴⁵

In a certain way this conception of a person as holding a basic moral right to justification does not seem to be that different from Honneth’s⁴⁶ conception of a person as a subject who claims *recognition*, or Fraser’s conception⁴⁷, in which a person claims *participatory parity*. This seems to appeal as a very ‘minimal’, or at least inevitable, moral assumption about human beings that critical theory may accept in order to avoid falling into relativism, even without renouncing its intention to ground itself in an immanent perspective. Certainly, there is great difference among these theories, for example, between Forst’s and Honneth’s conceptions that are grounded respectively in a deontological and in a teleological or substantive premise. But what is relevant here is the existence of a moral or ethical assumption in their theories which seems to be based on a minimal and as uncontroversial as possible concept of autonomy/dignity and mutual recognition. However, from a critical theory perspective, is essential in all these theories, concepts like ‘principle of justification’, ‘recognition’, or ‘participatory parity’, are results of historical reconstruction or reflection⁴⁸, and, above all, they are the results of historical social conflicts.⁴⁹ In this regard we can perfectly agree with Honneth when he sustains that critical theory should be conceived as a “form of reflection belonging to a historically effective reason which represents an emancipatory force.”⁵⁰

⁴² FORST, *Justification and Critique*, p. 4.

⁴³ BOLTANSKI, - THEVENOT, *On Justification: Economies of Worth*.

⁴⁴ PINZANI, “Justiça social e carências”, p. 151.

⁴⁵ FORST, *The right to justification*, p. 1.

⁴⁶ HONNETH, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*.

⁴⁷ FRASER, *Scales of Justice. Reimagining Political Space in a Globalizing World*.

⁴⁸ See: FORST, *Tolerance in Conflict, Past and Present*.

⁴⁹ See: NOBRE, “Reconstrução em dois níveis, Um aspecto do modelo crítico de Axel Honneth”.

⁵⁰ HONNETH, “A social pathology of reason: On the intellectual legacy of critical theory”, p. 28.

This paper demonstrates how all those social and cultural praxes, political institutions, ideologies, or more generally those social structures that critical theorists try to question could be understood as relations of domination which, in different forms and to different degrees, attempt to limit, restrict, and elude the possibility of critique, or in extreme cases exclude it directly or, more commonly, indirectly. In other words, critical theory should address its social criticism primarily toward all those mechanisms of social life that prevent some members of society from participating effectively and voluntarily in the elaboration of the discourses of justification that uphold each social structure, and therefore prevent them from advancing critiques. Here we adopt the concept of justification in Forst's understanding, according to which:

it is at once a descriptive and a normative concept: it refers to the justifications of social relations actually offered in a given society and it refers to the relations that could be accepted as justified in the light of appropriate reasons. The sphere of critique intervenes as a third domain between them, as it were.⁵¹

In this case the decisive criteria to evaluate social relations as justifiable are reciprocity and generality. This means that all those more or less institutionalized social relations and structures “must be justified by appeal to norms that can claim to hold in a reciprocal and general fashion.”⁵² Also, in this case, the criteria of reciprocity and generality are at the same time socially or historically reconstructed and they inscribe the principle of practical reason.⁵³ Another important aspect to pay attention to is Jaeggi's⁵⁴ concern about excessive neutrality regarding the different cultural forms that human life can take. Without entering into whether a manner such as Jaeggi's suggests investigating rationally these forms of life is adequate or not, we should take this concern seriously here. In this regard we can assert and agree that cultural forms of life might, and could, be objects of investigation and critique, but it seems that the best way to proceed is to critique cultural forms of life when they subtend and involve a social relation of domination. This means that social relations should be understood not only as political relations but also as economic and cultural relations even when they are not strongly or narrowly institutionalized. In a certain respect, this interpretation would be consistent with what Jaeggi and Celikates hold to be the aim of critical theory, namely, “it

⁵¹ FORST, *Justification and Critique*, p. 7.

⁵² FORST, *Justification and Critique*, p. 101.

⁵³ As Forst (*Justification and Critique*, p. 7) notes, “in order to avoid an instrumental conception of reason and given the impossibility of a substantialist conception of reason, ‘rational’ must be understood, following Jürgen Habermas, in the sense of ‘justified in discourse’.”

⁵⁴ JAEGLI, *Kritik von Lebensformen*.

aims at the dissolution of social structural blocks of reflexive capability of the actors and of their ability to act.”⁵⁵

4. Conclusion: a critical theory of social justice

As we have said, by considering relations of domination as the main object of investigation of critical theory we can draw a particular grammar of justice which is imminently *relational* or *intersubjective*. This brings about some important consequences concerning questions of distributive justice and *power*⁵⁶ that here we can only describe briefly.

First of all, we can highlight a certain idea of justice that is implicit in this interpretation and that can be defined as *relational* or *intersubjective*. This means that the requirements of justice come into play in situations where relations between the human beings involved are connected by political relations of rule or by social relations of cooperation in the production and distribution of goods. In order to avoid any misunderstanding, the meaning of cooperation must be understood in an extensive sense, that is, not simply as participation in the labor market, but a form of social cooperation insofar as participants share a social and political order. As Forst suggests:

political and social justice is a matter of how a context of political rule and social cooperation is constituted; and the first question in this regard is how individuals are involved in political and social relations generally and in the production of material and immaterial goods in particular, so that a result is just only if it is produced under conditions that can be accepted by all, that is, conditions of non-domination.⁵⁷

According to this grammar of justice, the perspective of distributive justice has to shift its focus from *what you have* in terms of goods to *how you are treated* in relation to the system of production and distribution of goods. We should abandon the simply allocative-redistributive paradigm in which a certain kind of system of production and distribution could be perceived as ‘natural’ and therefore we would need further redistribution. Instead, the first question of social justice should not be about the amount of goods each of us expects, but rather “how these goods come into the world in the first place and of who

⁵⁵ JAEGGI, “Il punto di vista della teoria critica. Riflessioni sulla rivendicazione di oggettività della teoria critica”, p. 13, (my translation).

⁵⁶ Here power is understood in neutral terms. FORST, “Noumenal Power”.

⁵⁷ FORST, *Justification and Critique*, p. 26.

decides on their allocation and how this allocation is made.”⁵⁸ This view might say something important about inequality, above all in those advanced capitalist societies that guarantee a certain basic level of goods to a large majority of the population but at the same time their institutions of production and distribution are set in such a way as to permit huge social and economic inequality insofar as the richest and a very small part of society controls not only the economy but also political life.⁵⁹

At this point in our discussion, the role of *power* emerges in all its own relevance. Some traditional theories of social justice tend to overlook or misunderstand the relevance and influence of *power*,⁶⁰ but a critical theory of social justice should give priority to it. For a critical theory of social justice, a genealogical approach which focuses on justice indeed, searching for its historical and structural background is essential. The point is not how we should divide a cake, but rather how the cake was produced and, above all, who has the role of dividing it. In this case, the question of the distribution of power is fundamental in a theory of social justice. For this reason we should agree with Forst, who argues for a political turn within the theoretical discourse of justice, since no one can do a proper account of distributive justice without first addressing the political issue of power relations in a society: “persons should not primarily be recipients of justice, rather, they should be agents of justice, that is, autonomous agents who codetermine the structures of production and distribution that determine their lives.”⁶¹

To conclude, if it is true that relations of domination are critical theory’s main object of investigation, as this article has suggested, so it implies that a critical theory of social justice *should* inquire primarily into the social relations of domination that concretely exist, independently of whether they are strictly political or economic, and they in turn need to be transformed into justifiable relations. This means that a critical theory of social justice should be transformative and emancipatory in itself. Moreover, it is necessary to stress how this interpretation of a critical theory of social justice is not an abstract, ideal theory, but rather that it is a reflexive and historical one, since the basic impulse of not to be dominated by others either directly or indirectly, or not to be dominated by arbitrary social and political rules insofar as they are non-reciprocally justifiable, was a historical claim of social justice and it is still a central force and motivation for driving social conflict.

⁵⁸ FORST, *Justification and Critique*, p. 34-35.

⁵⁹ WERLE, “Estrutura básica como objeto da justiça: liberdades básicas e as bases sociais do autorrespeito”.

⁶⁰ See: PINZANI, “It’s the power, Stupid! On the Unmentioned Precondition of Social Justice”.

⁶¹ FORST, *Justification and Critique*, p. 121.

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