

LABOR AS ASSUMPTION OF REALITY: MILESTONES TOWARD A THEORY OF LEGITIMATION

UDC 321.01

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Abstract. *The article presents a critical examination of Hobbes' theory of social contract and of Hegel's theory of recognition qua theories of legitimation of power. The analysis unfolds along four steps: from an examination of the premises of those theories, premises which consist of providing the foundations of the political power those theories aim to legitimize (section I), labor intended as an assumption of one's own abilities as they are revealed in a trial which sets a division of labor and emerges as the principle of economic and social organization (section II), whose principle, in order to be politically legitimized, will have to be explained (section III) and represented (section IV).*

Key words: *labor, recognition, legitimation, assumption (of reality; of one's natural abilities; of one's gifts), division of labor.*

1. INTRODUCTION

“It is one of the most remarkable features about the study of legitimacy (...), David Beetham writes, that it is suspended between two separate bodies of literature that have absolutely no connection with one another” (Beetham 2013, 7), political philosophy on the one hand and political science or sociology, on the other. “If you are studying legitimacy as a subject in political philosophy, you will probably start with Thomas Hobbes, if not earlier, and proceed through the great tradition which includes Locke, Rousseau, Hegel and others. If you are studying it as a subject in political science or political sociology you will most likely begin with Max Weber, and may not discuss other thinkers at all, but proceed to a series of empirical case studies of power relations and theoretical explanations for obedience and disobedience” (ibid, 7–8).

Received December 6, 2015 / Accepted February 5, 2016

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From this perspective, the present discussion of legitimacy clearly belongs to political philosophy as it consists of a critical examination of Hobbes's theory of social contract in the *Leviathan* (Hobbes /1651/) and of Hegel's theory of recognition in the *Phenomenology of Spirit* (Hegel /1807/) (and to a lesser extent, also in the *Encyclopedia* (Hegel /1830/) *qua* theories aiming at legitimating political orders. Concerning Hobbes' theory, the legitimation occurs by grounding political power in the normative principle of consent by both those who govern and those who are governed (Pufendorf 1682; Hume 1748; Riley 1982; Lessnoff 1990; Evrigenis 2014). One very specific element in Hobbes' hypothesis that leads to agreement is the equality of all men in the state of nature (Twist 1977; Westen 1990; Mitchell 1993; Hoekstra 2013). In Hegel's theory of recognition, the very specific element that legitimizes the first pattern of domination in the figure of the master and slave and then the whole process that leads to the self-awareness of the spirit of a people is one's greater attachment to freedom which is assessed in a fight that puts life at risk (O'Neill 1996; Williams 1996; Redding 2008).

Those theories are theories of legitimation to the extent that they aim at providing those orders with a narrative that presents them as morally grounded. They start with the assumption of a fictitious original situation or state of nature whose features and characteristics unfold along a process of causes and consequences that finds its achievement in the creation and institutionalization of a political order. To the extent that they are theories, it is the soundness and cogency of their systems of hypothesis that grant legitimacy to the orders they theorize. Undermine the theory by showing its flaws and you will undermine the legitimacy of the actual order they aim at legitimizing. That is our purpose in the present article; we present a critical examination of Hobbes' theory of social contract and of Hegel's theory of recognition *qua* theories of legitimation of power. Our analysis unfolds along four sections: from an examination of the premises of those theories, premises which consist in providing the foundations of the political power those theories aim to legitimize (section I), labor intended as an assumption of one's own abilities as they are revealed in a trial which sets a division of labor and emerges as the principle of economic and social organization (section II), whose principle, in order to be politically legitimized, will have to be explained (section III) and represented (section IV).

2. FROM SOCIAL CONTRACT TO FIGHT FOR RECOGNITION: FROM ONE THEORY OF LEGITIMIZATION TO THE OTHER

At the basis of Hobbes' theory of social contract and of Hegel's theory of recognition is a state of nature intended like a system of hypothesis organizing the passage from a state devoid of political order to a political state conceived like an overcoming of the state of nature (Goldschmidt 1964; Johnston 1989; Bobbio 1993; Mercier-Josa 1995). Such overcoming occurs when the theory can assess the emergence of a belief in the superiority of a common principle that commands the newly emerged economic and social relationship. In turn, the common principle in question refers to an agreement about the criteria of acceptability that is situated at a higher level, that is, at a level that has exhausted the series of "because" to which the actors have always recourse for justifying themselves, "at least in the particular situation of questioning and interlocution in which these questions are asked" (Boltanski & Thévenot 2006, 67; Ricoeur 1991, 189). The

mentioned exhaustion of the series of “because” is marked by the term of the logical conduct of an argument that cannot be exceeded; a logical conduct whose structure is given by the system of hypothesis of which the argument consists (see also Habermas 1973; 1989; Heath 2010). It is the emergence of the initial agreement in Hobbes’ and Hegel’s respective theory that we intend to scrutinize here.

2.1. The Social Contract in Hobbes, or the problem of the postulate of equality

Grounded on the idea that society is founded on a contract between autonomous, free and equal individuals, the social contract - once rid of all reference to historical truth (Cassirer 1946) – is a means of justifying the relation of political commandment by grounding it on everybody’s original consent (Hume 1748). By having recourse to everybody’s consent for the edification of political institutions and for the subordination of each individual to those institutions as long as they perform their duties, theories of social contract ground and justify in one and a single operation the new order. Hence, as if the political relationship was based on a contract between governed and governors, or, as in the case of Hobbes’ *Leviathan*, only between the governed, those theories tend to “justify rights and duties, institutions and practices, by showing the rationality of their hypothetical conventional basis” (Gauthier 1997, 135).

Nonetheless, it seems that the postulate of equality of all on which those contract theories rest – and very notably, Hobbes’ theory - invalidates their construction. Indeed, the hypothesis of a contract at the origin of a political order rests on the fundamental postulate of autonomous, free and equal natural individuals. However, when one assesses this premise with the methodological warning first stated by Rousseau (Rousseau 1762) and then by Hegel (Hegel 1802–03) of not placing in the state of nature what is supposed to exist only in the political state (a mistake methodologically unavoidable, according to Hegel), one comes to critically see the postulate of equality between all the protagonists of the state of nature as precisely an undue anticipation of what these theories would like to value in the political society so as to justify its order.

For, indeed, if all men are equal and equally distrustful of each other in the state of nature as Hobbes features it in his chapter on the natural condition of men, why would any single individual be willing to release his natural right to govern himself to anybody else than himself? This question hints at the issue of personal vocation, an issue that is not exhausted with the notion of rational interest which is most often used to explain the theory of the *Leviathan* – and even less in its rational choice and game theory version (Gauthier 1969; McLean 1981; Hampton 1986; Pizzorno 1991; Kraus 1993; Krom 2013), even if it is true that even Hobbes’ own concept of person limits it to a generic capacity of action by which the one who can act is a person (Hobbes 1651, 111–115). The theories on the modes of coordination of individual interests in the Hobbesian state of nature seem to be fairly incomplete by not taking into account the individuals’ personal characteristics. Furthermore, precisely because it considers everybody equal, the theory still needs to answer the questions of why and how the eventual holders of the power became the actual holders instead of other persons. Those “why” and “how” questions can find their answers only in the examination of the qualities of the persons in question.

As a matter of fact, in the Hobbesian natural state, it is one's incapacity to durably shelter from one's fellows' natural right to harm whom one deems necessary for the sake of one's self-preservation that makes up men's equality, and it is this equality that makes it necessary that everybody lay down those natural rights to a single common ruler. But it is one thing to agree on the need to have one common power in order for everyone to safely attend to the care and promotion of their own business and another thing to decide the concrete person(s) who will be invested with this power. In the exegesis of Hobbes' *Leviathan* (see notably Gauthier 1969; McLean 1981; Hampton 1986; Kraus 1993) it is as if this second question did not exist, that is, as if the only stake was an agreement on the principle of a superior political power independently of its holder (Clair 1980). Notice that this question of the actual attribution of the rulers' roles is less an empirical question than a theoretical one for it is knowing on which practical foundation rests, rather than that of equality the theoretical institution of political structures.

True, Hobbes' famous authorization formula "I Authorize and give up my Right of Governing my selfe, to this Man, or to this Assembly of men" (Hobbes 1651, 120) is followed by an attempt at designing the man or the assembly of men in question:

"The attaining to this Sovereigne Power, is by two wayes. One, by Naturall force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by Warre subdueth his enemies to his will, giving them their lives on that condition. The other, is when men agree amongst themselves to submit to some Man, or Assembly of men, voluntarily, on confidence to be protected by him against all others. This later may be called a Politicall Common-wealth, or Common-wealth by *Institution*; and the former, a Common-wealth by *Acquisition*" (Hobbes 1651, 121).

In both instances the personalization of the Commonwealth is obvious but it remains incomplete in the case of the Commonwealth by institution. Whereas in the Commonwealth by acquisition those who are stronger enough to impose their order are obvious to all, the Commonwealth by institution raises the following question: for each individual (or almost each, since some of them will chose themselves) to chose somebody else than oneself for fulfilling the political function, it is at least necessary that each but one of them (or some ones) believes that s/he is not done for politics and that another (or others) is (or are) better indicated than her/himself for that job. Here is the inevitable question of social vocations. One is deemed to think that it is according to *natural predispositions* (we are in the *state of nature*) that some will choose to seek political responsibilities and others not. Thus, there must necessarily be, since this phase of the formation of the agreement on the social and political order, a consideration for individual characteristics that empties the postulate of equality of the relevance Hobbes intends to give to it, that is, that *no inequality or natural difference is relevant for the determination of political order*. In Hobbes' words, this intention reads like this:

"I know that Aristotle in the first booke of his Politiques, for a foundation of his doctrine, maketh men by Nature, some more worthy to Command, meaning the wiser sort (such as he thought himselfe to be for his Philosophy;) others to Serve, (meaning those that had strong bodies, but were not Philosophers as he;) as if Master and Servant were not introduced by consent of men, but by difference of Wit: which is not only against reason; but also against experience. For there are very few so foolish, that had not rather governe themselves, than be governed by

others: Nor when the wise, in their own conceit, contend by force with them who distrust their owne wisdom, do they alwaies, or often, or almost at any time, get the Victory. If Nature therefore have made men equall; that equalitie is to be acknowledged: or if Nature have made men unequal; yet because men that think themselves equall, will not enter into conditions of Peace, but upon Equall termes, such equalitie must be admitted" (II, XV) (Hobbes 1651, 107; the stresses are ours).

One more reason to renounce Hobbes' postulate of equality is that it is conventional, that is, *political* indeed (Westen 1990). By conventionally deciding in favor of men's equality for the sake of having them consenting to be ruled, theories of social contract assign to it equality dimensions that it does not have in a state of nature, thus introducing in it an element that is already of a political order for justifying the said political order from where they lead their theoretical (ideological at last) exercise.

Before leaving Hobbes' version of the original contract, it should be clear that our purpose is not to praise the idea of natural inequality for the sake of inequality. The point is that a serious attachment to the value of equality must find grounds as rigorous as possible, which include a lucid consideration for facts of natural differences to begin with, and for facts of social differences in an ulterior phase of the analysis. Let us also be aware that if the distinction between, on the one hand, the roles or positions that support inequalities for functional reasons and, on the other, the persons who independently of these roles do not support inequalities for ethical reasons is self-evident and justified in an actual modern society, it is not so in a fictitious natural state whose stake it is precisely to observe the emergence and construction of the idea of equality and to explain, to justify and to defend it. We are therefore not looking for a theory of legitimation that is necessarily and by principle compatible with an hypothesis of equality of all, but for a theory of legitimation that, on the contrary, takes into account actual differences that may be relevant and indispensable for operating the initial distribution of individuals between governors and the governed; such a theory should also enable us to see where the necessity of stating a principle of equality stems from and what content this principle could have. From this finding, let us proceed to the Hegelian theory that starts with individuals who are different in ways relevant enough as to immediately determine a social order of some sort and a proto-political order.

2.2. The Hegelian Fight for Recognition, or the Problem of a Singular Postulate of Freedom

Some preliminaries are necessary before we enter Hegel's scenario of the fight for recognition in the *Phenomenology of Spirit* (1807) and then in the part of the *Encyclopedia* dedicated to the *Philosophy of Spirit* (1830). Earlier, in an article on natural law (Hegel 1802-03), Hegel had disqualified the state of nature as a useless artifact for understanding the origins of states, for the reason that it has the perverse and surreptitious effect of including that which distinctively belongs to the political state and whose origin one intended to explain. However, Hegel himself will later come to consider more positively the state of nature as a means for scientific enquiry – notably in the *Phenomenology of Spirit* and in the *Philosophy of Spirit* in the *Encyclopedia*

(Goldschmidt 1964; Mercier-Josa 1995). In the article on natural law, Hegel found it absurd to think that each arbitrary will is able to found a state, for it is rather the state that has to be thought as the only prior and total reality, not the individuals (Hegel 1802–3). Still, Hegel’s position regarding the social contract was richer than that. It was a synthesis of the ancient philosophy of state as an ethical community, in which the individual exists only through and by the community, and the modern conception of the individual who benefits from a greater subjective freedom within the ethical totality (Hegel 1802-3, esp. 139-63; Haddock 1994). It is in that way that in the *Encyclopedia* (and in the *Philosophy of Right* 1820) Hegel will explicitly prefer the idea of contract between individuals than of a universal recognition between them within the state and by the state. But the system of hypotheses of Hegel’s theory of recognition can be found as far back as in 1807 in the *Phenomenology of Spirit*, whose aim was to show the path of a natural consciousness until the self-consciousness of a people (Stewart 2008).

2.2.1. From an awkward idea of recognition and postulate of freedom...

According to the classical figure of the struggle for recognition (Hegel 1807, Chap. IV; Kojève 1969, 3–30; Hyppolite 1974, 156–215; Bernstein 1984; Jarczyk & Labarrière 1987; O’Neill 1996; Williams 1996; Neuhaus 2009; Westphal 2009a), two self-conscious individuals fight for being mutually recognized as such, that is, as independent and free beings, notably free from all servile attachment to nature, which they can prove only by showing that they are able to overcome their fear of death, only by risking their life. In Hegel’s words:

“Thus the relation of the two self-conscious individuals is such that they prove themselves and each other through a life-and-death struggle. They must engage in this struggle, for they must raise their certainty of being *for themselves* to truth, both in the case of the other and in their own case. And it is only through staking one’s life that freedom is won; only thus is it proved that for self-consciousness, its essential being is not [just] being, not the *immediate* form in which it appears, not its submergence in the expanse of life, but rather that there is nothing present in it which could not be regarded as a vanishing moment, that it is only pure *being-for-self*” (Hegel 1807, § 187, 113–14).

Such motivation of the fight between those individuals is at odds with the one, only instinctive, that emerges from the characterization Hegel gives of the individuals before the fight:

“Self-consciousness is, to begin with, simple being-for-self, self-equal through the exclusion from itself of everything else. For it, its essence and absolute object is ‘I’; and in this immediacy, or in this [mere] being, of its being-for-self, it is an *individual*. What is ‘other’ for it is an unessential, negatively characterized object. But the ‘other’ also is a self-consciousness; one individual is confronted by another individual. Appearing thus immediately on the scene, they are for one another like ordinary objects, *independent* shapes, individuals submerged in the being [or immediacy] of *Life* –for the object in its immediacy is here determined as Life. They are, *for each other*, shapes of consciousness which have not yet accomplished the movement of absolute abstraction, of rooting-out all immediate being, and of

being merely the purely negative being of self-identical consciousness" (Hegel 1807, § 186, 113).

If they truly are immersed in the immediacy of nature and perceive each other as objects, one wonders where the ideas that their "essential being is not [just that] being, not the *immediate* form in which it appears, not its submergence in the expanse of life," and that "freedom is won" only "through staking one's life," would come from? How could one's self-consciousness which "is, to begin with, simple being-for-self, self-equal through the exclusion from itself of everything else" and for which "What is 'other' (...) is an unessential, negatively characterized object" come to present itself "as the pure abstraction of self-consciousness (by) showing itself as the pure negation of its objective mode, or in showing that it is not attached to any specific existence, not to the individuality common to existence as such, that it is not attached to life" (Hegel 1807, § 187, 113)? How could individuals who are "submerged in the (...) immediacy of life," in their state of nature at the same time want to show themselves as beings capable of rising above nature? At best, those paradoxical statements could be considered two concurring motivations for fighting. However, such immediate intelligence of what they want to be recognized for looks like the idea of equality in the social contract theories, that is, that of providing the order that is to be launched with a ground and a justification which seems foreign to the natural universe the system of hypothesis has started with. In the same way as Hobbes had us wondering how the individuals in a state of nature could have come to conventionally agree that they are equal, Hegel has us wondering here how the individuals have come to such an elaborated idea of themselves and of freedom for exiting from the state of nature. Has Hegel committed the exact kind of methodological flaw which he warned against in his *Scientific Ways of Treating Natural Law?* (Loewenberg 1934; 1935).

Unless it is only for the philosopher that the meaning of the fight is to root oneself out of the immediate being, while for the individuals themselves it is to suppress the other. We would thus reach the distinction between what is *for us* and what is *for* (the self-consciousnesses) *themselves* or the so-called double reading of the *Phenomenology* (Gauvin 1970; Lauer 1976; Labarrière 1979). In this case, it is definitely not the natural path of self-consciousness toward the realization of the Spirit that the *Phenomenology* is providing but the guidance of the natural self-consciousness by the philosophical self-consciousness toward absolute knowledge. Therefore, it is the philosopher Hegel who justifies the master's domination with the fact that he has proven a stronger desire to be free. Now, not only is this the philosopher's sublimation of the natural consciousness' instinctive motivation, but it is a flawed justification for that natural self-consciousness. For, if the fight was intended to prove one's desire to be free, that is, the determination not to be subjected, yes, the winner has asserted a stronger desire than the loser, but by sparing the loser's life he has also proven fear of death – by having feared to give death – and therefore fear of complete independence. All in all, it is not a surprise then, that the figure of domination and servitude ends in a deadlock.

2.2.2. To the false justification of the social order and the deadlock of the recognition process

As a matter of fact, as Hegel's narrative goes on, of the two self-consciousnesses which have struggled, one will be the master for having revealed itself a self-consciousness independent from the thing; it will dominate the slave who has lost the struggle for having feared death and therefore for remaining dependent on the thing. Hegel's words are: "since he [the lord] is the power over this thing and this again is the power over the other [the bondsman], it follows that he holds the other in subjection" (Hegel 1807, § 190, 115). "The former is lord, the other is bondsman" (Hegel 1807, § 189, 115). Further, however, the final finding of the figure of domination and servitude will be that the work in bondage that the bondsman has achieved enables him emancipation from the state of nature at least equal if not superior to the emancipation due to mastership. The bondsman's labor (domestication and transformation of nature for somebody else) (Hegel 1807, 116 ff) frees him better and more durably than the mastership has emancipated the master, for the latter remained trapped in the chains of pleasure. "The truth of the independent consciousness is accordingly the servile consciousness of the bondsman" (Hegel 1807, § 193, 117). It is this crucial point of the development of the dialectic of domination and servitude that poses a problem with regard to the justification of the lord and bondsman's respective positions which were set up after the fight, and with regard to the evolution of the process of recognition.

Consider: after the development of the figure of domination and servitude has reached the point where servile labor reveals itself as a value at least equal to bravery, Hegel does not show us what happens to the two justifications that now seem to be rivals. On the one hand, the domination by the lord is justified for having achieved freedom from the matter by subjecting the bondsman, and on the other, the potential domination of the bondsman is justified for having at last achieved freedom by mastering the matter and for having done that in servitude. Hegel does not show within the frame of the figure the consequences of the emergence of servile labor as a superior or at least equal means for achieving freedom, on the relationship between master and bondsman.

Among the questions that remain unanswered at the end of Hegel's analysis there are: how is the legitimation of the original hierarchical relationship affected by the revelation that labor also leads to freedom? If the master remains master, how is the continuation of his domination justified? Is it in virtue of his initial victory? Or, does he adopt the new principle that would better justify whatever domination? Does he put himself at work, like the bondsman, and if so, which type of work does he achieve? In this case, what will be the new type of relationship between them? Is hierarchy definitely banned from their relationship or will a new hierarchical order be instituted? Of what nature will it be and how will it be justified? Does the master, on the contrary, remain in his position of domination – the one from which he keeps giving orders to the bondsman and being served by him? Will in this case recognition occur between him, the individual emancipated by the struggle, and the bondsman, the individual emancipated by the servile labor? In this case, how does the equivalence between the fight and the servile labor as the means of achieving freedom operate and what is the concrete mode of evolution of the relationship between concrete social positions to which different capacities have corresponded to up to now? Does the equivalence automatically enfranchise the

bondsman, or must the bondsman, despite the discovery of the virtues of the servile work fight a second time in order to free himself from the fear of dying, and will recognition occur if he wins? (Hegel 1830, 175, remark to § 435); Kojève 1969, 231; see also 29; 248; etc). In total, how and from which new positions does the final recognition between the lord and the bondsman operate? At the core of those questions is a big *quid* of the process of recognition between the self-consciousness that the fight has inaugurated. How does this process end? When is recognition achieved? (Pippin 2000; Thompson 2006). The exegesis of Hegel's concept of recognition suggests three main ways of operating recognition between the two positions. Two are attempted in the *Phenomenology of Spirit* (Labarrière 1979; Hardimon 1994; see also for a variant of this solution Westphal 2009b), and the other in the *Encyclopedia* (Williams 1996). Let us consider them successively.

The most common way of interpreting the conclusion of the dialectic of domination and servitude is that the master remains unhappy for not being recognized by somebody equal to him, and then the relationship is reversed because it is the master who eventually finds himself in a relationship of dependence over the slave, dependence on enjoying the consumption of objects that only the slave knows how to make (Redding 2008; Neuhouser 2009). However, this interpretation provides no answer to the questions we have raised: Does the master enfranchise the slave? etc ...

A more elaborated interpretation argues that recognition is brought to its achievement in section C. "Spirit that is certain of itself" of Chapter VI of the *Phenomenology of Spirit* entitled "Spirit," that is, two chapters after the fight and the dialectic of domination and servitude. More precisely it comes under the guise of the reconciliation between the beautiful soul and the acting soul through the confession of evil and its forgiveness. In this reading, it is not recognition as such that is said to be achieved but reconciliation between two instances of the consciousness that are not exactly the servile and the independent consciousnesses of the original figure, but are comparable to them, namely the consciousness that acts and the consciousness that judges. The consciousness that judges acknowledges the necessity of action and the acting consciousness admits that there are selfish motives in its action. In this reading, the servile consciousness and the independent consciousness are once again represented to each other as consciousness that acts and consciousness that judges, so that their mutual yes for reconciliation is the yes of recognition (Labarrière 1979, 25–26). There are two sets of problems with this reading. The first is that even if we wanted to admit the homology of structure between the master and the slave relationship in the figure of domination and servitude, and the judging consciousness and the selfish consciousness relationship in the Spirit, we still have no answers to the questions we have raised at the end of the figure of domination and servitude. Thus: what are the consequences of the fact that the judging consciousness acknowledges the necessity of action and that the acting consciousness admits that there are selfish motives in its action? Does this turn the consciousness that judges into an acting consciousness and the acting consciousness into a judging one? Does the reconciliation bring the beautiful soul to work and if so, to what work? Does the acknowledgement of selfish motives on the behalf of the acting consciousness cancel the fact that it is the only one who acts and that it acts for the benefit of the judging consciousness?

Besides leaving those questions without an answer, that interpretation raises a further methodological problem which is the leap from the level of analysis to another of which it

consists. After the figure of domination and servitude whose methodological procedure was a close observation of the relationship between the two consciousnesses at a strictly inter-individual level in a strictly circumscribed context – looking like a state of nature- (“IV. A. Independence and dependence of self-consciousness: Lordship and Bondage”), Hegel undertakes an historical account of how the systems of values of stoicism and Christianity have contributed to the devaluation of slave systems (“IV. B. Freedom of self-consciousness: Stoicism, Scepticism, and the Unhappy Consciousness”). Using Hegel’s history of philosophy and macro-level history to solve a problem that was laid down at a micro level of analysis without establishing a bridge between those two levels consists in abandoning the problem at one level and providing a solution at another level (Haym in Poeggeler 1966; Pippin 1993), whose solution is no solution to the original problem and whose solution lacks a question (Pippin 2000).

We reach here the second claim of that interpretation which is that it is in the Spirit, as the unity of the two self-consciousnesses, that recognition is achieved. This surely is an attempt to show how the passage from the micro-level to the macro-level has happened. In order to see how successful that attempt is, we need to go back to a stage of Hegel’s analysis that preceded the fight for recognition and the figure of domination and servitude, from which he introduced the figure. In the paragraph before the encounter between the self-consciousnesses, Hegel wrote: “What lies ahead for consciousness [before it becomes certain of itself by being acknowledged] is the experience of what Spirit is -this absolute substance which is the unity of the different independent self-consciousnesses which, in their opposition, enjoy perfect freedom and independence: ‘I’ that is ‘We’ and ‘We’ that is ‘I’” (Hegel 1807, §177, 110). Therefore, the ensuing fight between the two natural self-consciousnesses appears like the beginning of a process that will lead to the achievement of the self-awareness of the Spirit as a We, as a people. Indeed, nothing says that such achievement will depend upon the respective roles of the self-consciousnesses in the Spirit. The ending point of the process will be the self-awareness of the Spirit independently of what the self-consciousness are or do. It is as if because the two self-consciousnesses have an immediate knowledge of their unit in the Spirit, how they complement each other was of no relevance. How each element of the We people relate to each other is not an issue for the Spirit. The important point for recognition to be achieved is the Spirit’s self-awareness, not recognition between the two consciousnesses. It seems, then, that it is because the stake of the recognition between two types of consciousnesses is the self-awareness of the Spirit, not the substance of those consciousnesses, that Hegel can omit to explain further the relationship between the two self-consciousnesses, call it recognition or reconciliation that the Spirit can obtain as well with the recognition of the slave self-consciousness *qua* slave and the master self-consciousness *qua* master. Hegel’s spirit needs no change in the distribution of roles that was set up by the fight. It only needs for them to be reconciled because the experience of slavery may have clouded their relationship. We clearly see how Hegel’s concept of recognition evades issues of power. However, it is also clear that the Spirit is about what the philosopher has decided it to be, from his powerful position of a philosopher in the guise of a natural consciousness at the beginning of the process.

The second way of vindicating Hegel’s concept of recognition is to look for its achievement in the *Encyclopedia’s* chapter on the *Philosophy of Spirit* (Williams 1996; see also to some extent Honneth 1995). In the *Encyclopedia* it is the same figure of the fight that

Hegel re-engages and puts explicitly in the service of a narrative of the development of the states: it is “in the fight for recognition and submission to a master [that] one sees the coming up of men’s community life and the beginning of political life” (Hegel 1830, § 433, 173). However, one finds there the same problems that we have met in the *Phenomenology*. One notably does not see that the fight at the beginning of the states in the *Encyclopedia* particularly helps to legitimize them as states, that is, as organizations of power. Consider: Hegel presents states as the embodiment of freedom i.e. of the possibility for the subjects of those states to mutually recognizing themselves like free subjects. The state is the system that organizes the interdependence of its subjects and their freedom consists in abandoning their particularities in this state as in the whole in which they find their *raison d’être*. Freedom, or the state, is thus once again this element that transcends the relationship between the lord and the bondsman and within which recognition finds its achievement. It is in this way, according to that interpretation, that freedom in connection to the concept of recognition as it is introduced by Hegel in the *Phenomenology of Spirit* finds its achievement in the *Encyclopedia* (Williams 1996; Honneth 1995). However, the idea of freedom seems to be vitiating the justification of the state in the *Encyclopedia* in exactly the same manner that it had vitiated the justification of the domination in the *Phenomenology of Spirit*, which by being a postulate contradicts the initial setting of the state of nature. According to Hegel, “violence that, in the phenomenon of the fight, is the foundation, is not for that the foundation of right,” it is “its external commencement, or the commencement of the states as a phenomenon, not their substantial principle, which is freedom (Hegel 1830, 173–74). However, if the use of force is the only means for entering into the domain of right, and if the domination of the hero is then justified because it aimed at establishing the power of law, one does not see how the right and the law in question are not simply the right and law of the hero who declares from the position he has acquired through the initial violent fight what is legitimate right and what is law; and overall Hegel does not show when and how the initial violence has become right and law, if not by resorting to history. In other words, right in Hegel’s *Encyclopedia* proceeds either from nowhere - if one remains attached to the demonstrative method at the start of which there is only violence given for freedom - or from an empirical reality from which one knows that right will succeed to force but whose principle of transformation remains unexplained by the theory engaged (Kervegan 1992).

In total, the idea of recognition and freedom in Hegel’s *Phenomenology of Spirit* and *Encyclopedia* are but artifacts, cultural products loaded with history and philosophy supposed to justify a historical order by being surreptitiously introduced into the system of hypothesis of the state of nature. Further, Hegel’s conception of freedom is completely singular if not idiosyncratic since one could conceive freedom completely differently, and in this title it even does not make the immediate unanimity that the Hobbesian idea of equality is likely to make. Why should freedom start with one’s capacity to risk one’s life and why should it entail loyalty to a state which claims to be its warrant? Indeed, Hegel’s definition of the spirit in the *Phenomenology of Spirit* or of the state in the *Encyclopedia*, within which recognition is supposed to happen between the master and the bondsman are Hegel’s. Not only does he not show how the collective entities (spirit or state) result from an effective process of mutual recognition between the constituencies of those entities, but further, the concept of recognition ultimately is put in the service of the knowledge of the common good as unilaterally defined by the master (the philosopher), a knowledge that the bondsman (the natural consciousness) must acknowledge – thus turning the notion of

recognition into one of re-cognition by the bondsman of the master's cognition, instead of putting the concept at the service of a mutual recognition of which the cognition in question would be the product (Loewenberg 1935; Foucault 1976, 58; Geraets 1986; Westphal 2009b). The bad irony of the morale of the figure of domination and servitude is that while it is servility which makes the value of labor, that is, the humility in which it is accomplished, the labor of justification of Hegel's master displays quite the opposite; it is the imposition to the bondsman of an idiosyncratic view of the world all at the service of the master's domination (Boltanski and Thevenot (1991, 38) use Freud's theory of sublimation to justify the existence of the worthy). The good news is that we can do without that idea of freedom by simply assuming that when the individuals started a fight in the state of nature, they were only animated by the instinct of suppressing each other.

3. LABOR AS THE SUPERIOR COMMON PRINCIPLE

First of all, we remain attached to the idea of the struggle like the initial act of the social experience. By that struggle it is not their freedom to die or not to die that the individuals express but merely their nature. When they met and when, in accordance with their nature, they started a fight for suppressing each other, the two individuals put in action nothing more than what they had actualized up to then in their immediate relationship with things. The fight is simply an actualization by the individuals in the state of nature of their natural way of being. This actualization is less free than it may seem; it even belongs to the order of necessity. They have no choice but to engage in a fight animated with the same mindset that they had up to that point, which was to raise their hand on whatever thing they met. Then, their fight reveals differences that establish a hierarchical order between them whose legitimation is then to be constructed and which will consist in demonstrating that in spite of these differences between them, there is also a measure of equality between them through which they will recognize each other. Everything goes as if the first constraint met at the level of nature was the necessity to express their nature, and the second, political, was that of defining an equality able to regulate and ponder what nature has revealed.

Further, one can discover that there is labor in the state of nature since picking, plucking, taking from a tree, decorticating, hunting, dismembering, cutting up, and all those actions necessary for self-preservation are laboring actions (Jacob 1994). In a properly Hegelian sense, these actions would rather be of the order of pure enjoyment, that is, that of consuming things, destroying them, by opposition to work that is pure refrained desire, retained by the resistance of the thing. But even the Hegelian definition is compatible with the common definition because to decorticate, to hunt and to dismember are as many activities that, even if they end up in enjoyment need some labor on a thing that cannot be destroyed immediately or consumed directly as it is. Thus, even perceived as consuming all that they happen to find, that is, by remaining faithful to the first definition of how they behave in the state of nature, one can conceive that these individuals labor in the state of nature.

Further, because there is labor in the relationship that these individuals had with things in the state of nature, there is also labor in their first fight, for in that fight individuals have mutually treated each other as objects. At this stage, that interpretation is compatible

with Hegel's description of the relationship that the slave has with the thing: "the bondsman, *qua* self-consciousness in general, relates himself negatively to the thing, and takes away its independence; but at the same time the thing is independent *vis-à-vis* the bondsman, whose negating of it, therefore, cannot go the length of being altogether done with it to the point of annihilation; in other words, he only *works* on it" (Hegel 1807, § 190, 116).

Overall, that interpretation provides us with a firm principle of legitimation of the first social hierarchy. One can now argue that the individual who won the fight has worked better than the one who lost it, and that it is because he has worked better, that he commands the one who has not worked as well. This same labor that produces a hierarchy also legitimates it. We thus eliminate the deadlock of Hegel's figure of domination and servitude that was due to two competing justifications of domination, and we also give ourselves the means to follow the evolution of the roles that different individuals occupy in their relationship. By having them fighting by assumption of their nature – that is that they fight in the function of what they naturally are and because they are what they are – one has them also accepting the respective role that this fight will settle. Everything happens as if once the fight (assumed like a constraint of nature) has revealed to the individuals their different faculties, the assumption of their nature (which started with the fight itself) will simply continue after the fight. Acceptance by each individual of the different capacities they have received simply translates into the acceptance of the working relationship that has been installed. In this reading of the figure of domination and servitude the principle of legitimation of the first form of the social relationship is none other than the assumption of one's faculties, talents, gifts as the fight has revealed them. However, for this principle of assumption of reality to grant political legitimation to the relationship, it is necessary for it to be explained in such ways that one sees that in spite of having different tasks, the master and slave are doing the same fundamental work which is to assume what nature has granted them with.

The passage from the state of nature towards the social, economic, and political state thus appears through the activation of something that exists in the state of nature and that continues to exist in the social state, and that is labor. Unlike what Hobbes was doing with the concept of equality and Hegel with that of freedom, we have not introduced in the state of nature a concept which elaboration could only come from an already constituted social and political state or from a relationship whose quality requires something more than what exists in the sheer state of nature. We have found labor in the state of nature merely defined as an action of transformation of matter, and it is the same notion of labor that has permitted the exit from the state of nature and the launching of a first social relationship. Therefore, labor appears as a common denominator between the individuals in the state of nature and in the social, economic, and political state. Furthermore, labor also appears as the principle of legitimation our theory is in search of.

From now onwards, what appears is the necessity to identify the modalities of the division of labor and the modalities of the respective labor of the two individuals in the new state, and further, the necessity to refine the definition of labor. From the moment that labor appears as a principle of legitimation of the first hierarchical relationship and as a principle that directs and monitors the relationship, it is necessarily towards an in-depth examination of the concept of labor that we are led for the pursuit of our endeavor to build a theory of legitimation. Incidentally, this examination will bring the process of

recognition to a close. Indeed, such a definition of the concept of labor will elevate it to a level comprehensive enough as to encompass the particular dimensions of the labor that is specific to each person who is a part of the relationship, and to be the locus of an achieved recognition. It is also this definition, and for the moment only this definition, that will have us completing the passage from the state of nature to the civil state (Honneth 1995; 2001; 2007; Frazer 1995; 2000).

Furthermore, the elaboration (or the labor) of this definition also represents an important turning point in the analysis with regard to the relative simplicity that has characterized the relationship between the two protagonists of the initial fight up to now. We will now distinguish between two dimensions in the relationship between the lord and the bondsman: an economic dimension, and a political one. Furthermore, the distinction between these two dimensions will allow us to distinguish an ideological dimension. While the political dimension can be said to be consisting of legitimating the economic dimension, the ideological dimension provides a false legitimation. The ideological dimension obfuscates the political one when one does not see that the initial fight consisted in establishing a *division of labor* between the lord and the bondsman and when one does not see what kind of division of labor that was. Not seeing this impedes us from seeing that the lord too is on duty and impedes us from seeing that such duty is to define labor as the proper justification of the relationship of domination and servitude. Not seeing that leaves the lord (*qua* philosopher in Hegel's double reading of the *Phenomenology of Spirit*) free from all constraint likely to guide his search for legitimacy of his domination on the bondsman and gives way for him to provide whatever concept he decides instead of building a proper common superior principle.

Let us now take full advantage of the Hegelian scenario of the figure of domination and servitude and continue it until effective recognition, that is, until the point of proper legitimation of their relationship. We shall begin with distinguishing the political from the economic dimension of the lord and the bondsman's relationship. We will do so through a theoretical reconsideration of the problem of domination. Then we will import the findings into the concrete figure of the lord and bondsman relationship.

4. THE PROBLEMATIC OF THE THEORY OF LEGITIMATION I : FROM PROTO-POLITICAL TO POLITICAL

“If power is considered like a social relationship that grants an individual or a group of individuals the possibility to constrain other individuals or groups so as to have them doing what they would not have done otherwise, the problem of the acceptance of such relationship is posed; in that sense, any power (...) is lead to assert its legitimacy in order to be durably accepted” (Lagroye 1985, 402). “It is thus about the legitimacy of the political power relationship itself, that which is instituted through the distinction between governors and governed, chiefs and subjects” (Lagroye 1985, 398).

Let us first recall that if the use of force has been indispensable at the beginning of the relationship, it is because it was the way the original individuals had to relate to whatever they happened to meet, and as such it was a natural constraint; however, it has also had the effect of revealing the social vocations and of distributing the positions away from the mere natural constraint. Thus, the confrontation of forces has produced a distribution of

labor positions in the function of capacities revealed in the fight. From then on, it is necessary to consider that the relationship that has started with a fight in the state of nature was pre-political or proto-political; that it became economic with a slave working for a master; and that it will become properly political when it includes the proper justification of the economic order that has been set up by the fight.

4.1. The pre-political dimension of the relationship

The initial fight that has distributed the first roles has not yet instituted the political distinction between governors and the governed; it is not yet a political relationship. The fight is a pre-political encounter for distributing positions whose nature and details one does not know anything yet. Once the positions are distributed, the relationship will relate various capacities and organize their collaboration. To that extent, it will be a relation of exchange or an economic relation.

4.2. The economic dimension of the relationship

However, because force is, on the one hand, the pre-political means for distributing roles, and because, on the other hand, it is specifically attached to the person of the lord who had more of it, it seems to be granting the lord a double role: the initial one of keeping up with the distribution of roles that the fight has instituted, and a new one, that is, to fulfill the economic role that is attached to his specific skill. In that way, the relationship that results from the initial fight seems to be both pre-political and economic. It must now get rid of its pre-political component and become plainly political.

The point is to find the autonomous, superior, and common principle of the economic relationship. Autonomous respect for force which should now be obsolete and autonomous in the sense of being self-sufficient for ensuring the continuity of the relationship; superior means that it transcends the relationship to the point of being able to become its necessary and sufficient justification. This superior principle that will guarantee the continuation of the relationship will necessarily be common to the two parts, and erected by them by a common understanding at the level of superior principle, as soon as they have accepted the new relationship.

In the wake of our analysis of the fight as an assumption by the individuals of their nature, of their proper capacities and of their differences, we have already had the intuition of this higher principle of legitimation. If the fight was a first act of assumption of their nature, the acceptance of the roles which have resulted from the fight should be the next act of assumption of their nature. Thus, the acceptance of their natural abilities by each individual since they were in the state of nature naturally leads to the acceptance of the ensuing relation of labor. It is this superior principle of assumption of reality that becomes the principle of legitimation of the relation instituted and that, to that extent, can be called political.

4.3. The political dimension of the relationship

At this point, we enter into the political dimension of the relationship, in which on the one hand the use of force should decidedly be only virtual and happen only in case of a new total indetermination of the economical roles or total failure of the economic relationship, and in which, on the other hand, the political power takes, at this superior level of the social relationship, another role, namely that of representing or embodying the common superior principle.

We now need to explicate this common superior principle that we have brought to the fore in a way as to make evident that it encompasses the respective work of the lord and the bondsman. This explanation will lead us to the true concept of recognition between those individuals, free from the use of force, transcending social differentiation, and able to assert the legitimacy of their relationship.

5. THE PROBLEMATICS OF THE THEORY OF LEGITIMATION II: FROM IDEOLOGY TO POLITICAL THEORY

The first step in that explanation is to follow-up Hegel's dialectic of domination and servitude so as to find what the lord's labor may be in the relationship with the bondsman once he has acknowledged that the servile consciousness is his truth.

5.1. The pre-political dimension

The question is that of knowing what capacities the fight has revealed and according to them what the division of labor is. We are at the point where Hegel left the figure of domination and servitude inconclusive in respect to the political/economic cleavage of the relationship thus ratifying the *status quo* of the master and slave relationship. In the *System of Ethical Life* written earlier than the *Phenomenology of Spirit* (Hegel 1979, (1802/3) Hegel had provided a division of labor of the type warrior/worker-bourgeois. The capacity to win the fight destines the winner to the craft of warrior who warrants security to the worker-bourgeois whom capacity destines to industrious work. However, such a division of labor does not provide us with a definition of work that enables us to break-off with the proto-political use of force and to observe the emergence of the political dimension of the relationship from its social and economic dimension. The warrior/worker division of labor installs a mere exchange of a labor of a political type against a labor of an economic type, where the political is limited to the mere exercise of bellicose force, and the economic is limited to the use of productive strength. Moreover, this division of labor comprises a possible continuation of the brutal domination of the warrior over the worker and its legitimation remains limited to the fact that one (or more) individual(s) had superior force compared to the other(s). In any case, in the *Phenomenology of Spirit* Hegel provides no analysis of this kind.

5.2. The economic dimension

In fact, by winning the fight, the master attests that he has a stronger force and thus a higher capacity of controlling the matter – recall that when they met, they were considering each other like objects. After the fight, the master is still attached to the matter through the mediation of the bondsman to whom he commands what he deems convenient to do with matter. It is his greater capacity to dominate the matter – which he proved by winning the fight- that authorizes him to direct the bondsman's labor. Having won the first trial the master got access to the *concept* of the transformation of the matter. The master decides on the work that the bondsman must achieve, whose achievement confirms the master's conception (or it belies it if the conception was wrong – we thus see that the relationship is already interactive and the possibility appears of disagreements and contestations about the master's legitimacy to dominate just because of an earlier bigger control of the matter, or about the exclusivity of his expertise on the transformation of matter). In any case, after the victory it is the duty of being a master to direct the bondsman's labor over matter. We can also go further and claim that because the master is freed from the direct labor of the raw matter and because he commands the bondsman regarding the way in which he must work, the master's specific area of work is reason. With his victory, the master has got access to the realm of reason.

Now, beyond applying reason to directing the bondsman's work, the master must apply it to explain the common superior principle that commands their relationship and that enables it to last; the master's duty to provide that explanation ensues from the principle of assumption of the natural capabilities as the fight has revealed them. The master's explanation is his way of assuming the ability that his victory has brought up. Now, the emergence of reason on the part of the master certainly introduces the possibility for him to abuse the bondsman by providing a flawed explanation of the principle that commands their relationship that is a flawed explanation of his domination. Thus, for example, we have the Hegelian explanation of the master's domination because he has achieved an idea of freedom which none of the natural self-consciousnesses could think of when they fought. Having said this, the task of defining the common superior principle does not rest exclusively on the master but also on the bondsman, interactively. Indeed, the superior common good being the assumption of their gifts, and the said assumption now consisting of the fact of laboring, the bondsman necessarily participates, as well as the master, in the realization of this common good. Indeed, what the assumption of natural capacities genuinely displays is collaboration between complementary elements. It is only the need to legitimate this relationship by making its principle explicit – a need now exacerbated by the necessity that reason, this newly emerged ability, be assumed too – that really introduces the possibility of domination through the undue and uncontrolled exercise of this very same reason. It is from the risks of such magnification of the role of the master that the necessity emerges that the explanation of the superior common good of legitimacy remains exterior to the master and slave economic relationship, thus opening the space of the political dimension of their relationship.

5.3. The political dimension

As it has to stray away from the economic relationship, the political dimension of the relationship will have to be addressed by other characters than the master and bondsman. The emergence on the scene of this third and then umpteenth actor can be the object of an agreement by both the protagonists of this reconstruction of a theory of political legitimation, for this third character has not to justify to them its initial passivity nor its actual pretention to embody the power, nor its ability to do it, etc., for this character did not exist up to now and nobody needed it. Moreover, while we operate on such social differentiation, we do not distort the analysis. Indeed, it is the analysis of the master's relationship with the bondsman that reveals the necessity of a social differentiation in order to account for the increasing complexity of their relationship. Natural force pitted the individuals against each other, which resulted in the creation of a social relationship. The latter has been initiated by the assumption by the individuals of their nature and their natural gifts, and has continued with the assumption of their respective positions, thus turning the assumption of gifts into the principle that commands the relationship. It is the same logic of assumption of the gifts that has laid the superior consecutive phase where the emergence of reason must be assumed. This is one logical necessity of our system of hypothesis. That reason applied to defining and making explicit the superior and common principle of the economic relationship cannot be left to the master exclusively (nor to the bondsman) stems from the requirements of the autonomy of their economic relationship. Master and bondsman have to keep their economic relationship safe from its political dimension that entails force and risk that it is used unduly. Thus, the introduction of a new protagonist in the relationship does not proceed from a rupture within our original analytical and methodological thread but from its achievement. Moreover, having assumed the natural differences, we would have no problem in justifying the fact that other types of characters are needed for accomplishing such or new tasks. Having said this, those new protagonists are, on the one hand, intellectuals (including religious clerks), and on the other hand political figures.

5.3.1. The ideological dimension

The need for the intellectual character results from the necessity to fully assume the work of reason that cannot rely on the master (nor on the bondsman) in the political dimension. Further, in order to be legitimating, the definition of this superior principle must be accessible to the bondsman as well as to the master (who, regarding this specific work of reason, are both likely to be dominated since they are submitted to the dynamic and the autonomous logic of their exchange). In other words, master and bondsman must recognize each other in the definition of work or of the superior principle that is elaborated by the new masters in thinking. But, because the intellectuals are allowed this definition thanks to their complete liberation from the matter, and because those intellectuals are invested only with the power of reason without mediation with the matter over which master and bondsman keep the exclusive control, the product of their work runs the risk to remaining relatively inaccessible to the master and the bondsman. They may even remain stuck in the intellectuals' unilateral domination of which they will always wonder whether it is legitimate or not. In Boltanski and Thévenot's words: "cannot the application to humanity of any ordering principle at all be viewed as an

unjustifiable act of ‘domination’ that only serves the ‘personal interests’ of those who would benefit from it” (Boltanski & Thévenot 1991, 38).

But, in turn, this definition and their authors have no real grip on the two main protagonists. Indeed, master and bondsman need the figure of the intellectuals only by default for keeping their relationship safe from a dimension that would imperil it if it were distorted by themselves. And, granted the intrinsic knowledge that the master and the bondsman have of the common superior principle of their relationship, the intellectuals’ work would at best be that of enunciating one principle already at work anyway, and at worst that of enunciating a principle out of touch for them. Finally, intellectuals are fully representative neither of the master nor of the bondsman, while their explanations will have no vocation to impose themselves, for not only do they not have a link with their matter but furthermore – related to this default – they have no strength for deciding the order –if not at the price of a collusion with the political organs (Lenin 1901; Gramsci (1929–35) 1996; Dobry 1986). At the end, intellectuals should have only a secondary part in the effectiveness of the legitimation of the bondsman and the master relationship.

Instead, what positively imposes itself to the bondsman and the master is on the one hand the necessity of the control of their labor in a way such that they themselves do not manipulate or pervert the common superior principle of the relationship, and on the other hand the necessity of its representation. These tasks are proper to the political figure.

5.3.2. The representative dimension or the representation as ultimate mode of legitimation

Before coming more precisely to the notion of representation, let us see what has happened to the pre-political vestige that is force. Even though it pertains to the political figure, the use of force must remain only potential as much as possible in the management of the economic relationship. Otherwise, it would stain the autonomy of the superior common principle of assumption of natural abilities. It can intervene only when there is precisely refusal of assumption of those abilities, that is, in case of preposterous claims. Thus, it is not to say that force does not exist any longer as a means available to the political figure and that it is completely substituted by the work of representation of the work of assumption of reality, but that when force is used it marks a return to the state of nature, that is, to a state in which gifts are still undetermined – a state of things which is in any case always latent in the civil state. Besides that, it is less by the use of force than by the use of the rule of law that the political control of the economic relationship will occur. Notice that the emergence of rights and laws is not a problem in our theory because never has our theory delegitimized the use of force. The movement from force to law was an issue in Hobbes and Hegel’s theory because they did not fully assume the legitimacy of force. Hobbes’s way to that was to prefer a contract between equal individuals; Hegel’s way to that was to euphemize force into an ideal of freedom with no fear of death.

But beyond force and law, political legitimation will happen overall by the recall of the superior common principle by making it always visible by its physical representation, that is, by its embodiment. The political figure embodies, represents, stages, plays the general interest. That figure embodies and represents the work on oneself of assumption of natural abilities or gifts, the very principle at work in the economic and social organization. The political figure, stranger to the economic relation, embodies this

principle and keeps its reflection always visible by performing his task. His political power is constituted and justified only as he embodies this work on oneself as an assumption of his specific vocation. The means of control at the disposition of the master and the bondsman of the efficiency of the common superior principle and of its legitimacy to command the socio-economic relationship is the direct observation of work on oneself as an assumption of one's gifts by a third person who represents the superior common good. One could call this mandate where the political figure is thus invested in his action of regulation and stabilization of the relationship, a *mandate of being* (Pizzorno 1998; Pizzorno 1985).

Visibility or transparency, those key notions in the current practice of democratic regimes, probably find their justification in such political personnel's vocation, and they could be perceived as being all in the service of the observation of this *mandate of being* received by the political figures. One can also have recourse here to an interesting definition of democracy as the last version of the continuing theoretical effort of legitimation of the democratic order, for making sense of this mandate. There, democracy is conceived as an epistemic value to the extent that it allows reaching the knowledge of moral values (Nino 1991; La Torre 1995; Pizzorno 2007; Landemore 2013). Thus, it is from the exercise and the functioning of democracy that a definition of the superior common good would be assured. Notice that such theory of democracy, as a method for keeping alive the definition of labor, has the advantage of being compatible with both the liberal and the neo-Marxist definitions of democracy, including its Schumpeterian definition, as the organization of channels of evaluation/bargaining of the value of the ones and the others' work (Schumpeter 1994). However, beyond such compatibility, the common good to be defined thanks to the democratic method, and taking into account the inseparability of democracy and capitalism, would not be work as merchandise, but work on one's self intended as work of assumption of reality. Such a conception would even encompass the actuality of those who, because of the current structural transformation of capitalism, are deprived of economic labor.

6. CONCLUSION

We have now reached the end of our exercise of the reconstruction of a theory of legitimation of modern socio-economic orders which has mainly consisted in identifying some traps to be avoided first in the methodological stance, and then in the realization of such an exercise. With those warnings in mind, the successive step would be to construct not a theory of the legitimation of an economic and social order, but a theory of a legitimate social and economic order, that is, a theory able to show how political power could really be distinct from economic power and to show to what extent the labor of representation of the common superior principle could be operational, that is, able to efficiently and concretely guide socio-economic relationships.

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RAD KAO PREDSTAVA STVARNOSTI: PREKRETNICE NA PUTU KA TEORIJI LEGITIMACIJE

U ovom radu predstavljena je ključna analiza Hobsove teorije društvenog ugovora i Hegelove teorije spoznaje kao teorija legitimacije moći. Analiza obuhvata četiri dela: analiza premisa pomenutih teorija, premisa koje čine osnovu političke moći za čiju se legitimaciju ove teorije zalažu (prvi deo), rad kao predstava ličnih sposobnosti koje se otkrivaju prilikom podele rada i pojave principa ekonomske i društvene organizacije (drugi deo), čiji princip se mora objasniti (treći deo) kako bi se postigla legitimacija kao i predstaviti (četvrti deo).

Ključne reči: *rad, spoznaja, legitimacija, pretpostavka (stvarnosti, sopstvenih sposobnosti, talenata), podela rada.*