

Recognition and Power

*Axel Honneth and the Tradition
of Critical Social Theory*

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“... That All Members Should be Loved
in the Same Way...”

Lior Barshack

In *The Struggle for Recognition*, Axel Honneth offered an account of the birth, development, and possible demise of the self in the different circles of social interaction. The book’s contribution to social theory consists both in advancing concrete views on issues such as the nature of esteem, rights, and respect, and in resetting general agendas and reorienting modes of approach. Thus, Honneth’s model brought psychoanalysis back to the center of critical theory after a period of divorce between the two. His account of political conflict as a struggle for recognition calls for novel readings of left- and right-wing ideologies and notions of justice. In this chapter, I will follow these and other directions indicated by Honneth, while departing from assumptions concerning the nature of recognition that differ from Honneth’s own assumptions.

According to Honneth, different forms of mutual recognition such as love and legal respect correspond to different spheres of interaction (family, civil society, state) and are constitutive of different aspects of personhood. Honneth’s scheme of overlapping tripartite distinctions derives from Hegel’s theory of recognition, but Honneth’s appropriation of psychoanalytic theory calls these distinctions into question.

The title of this chapter is from Sigmund Freud, “Group Psychology and the Analysis of the Ego,” in section IX of *The Standard Edition of the Complete Psychological Works of Sigmund Freud* (hereafter: *SE*), Vol. 18 (London: Hogarth, 1955), 65–143, at 121. I am grateful to the editors for helpful comments on an early draft of this chapter.

From the perspective of fairly standard psychoanalytic theory, love and legal respect appear as general features, rather than distinct types, of mutual recognition. While each is more easily discernible in one sphere – love in the private sphere and law in the public sphere – they can be regarded as complementary aspects of a single process, which precedes the division of recognition into specialized forms in different spheres.

In the long tradition of theological reflection on law and love, both human interaction and the relation between man and God were at stake. Law and love competed over the regulation of horizontal, social relations and of the vertical man-God relation. In this chapter, I will outline a view of recognition according to which (1) horizontal relations among individuals in any social sphere assume vertical relations of recognition with a superimposed authority, and (2) love coincides with legal respect along both horizontal and vertical axes of recognition. Mutual recognition combines love and legal respect among individuals, and between these individuals and an authority they commonly accept. As a third party to relations of recognition, authority functions as a shared object of love and legal respect through which recognition is transmitted from one individual to another. Such a view of authority has been explicitly expounded by Freud in his group psychology.

My argument for the coincidence of law and love and the triangular structure of relations of recognition will not proceed in a particularly philosophical manner. It will draw eclectically on different perspectives in legal and social thought, starting with a rough construal of the psychoanalytic – in particular, Kleinian – view of the coincidence of law and love and of the role of law-giving authority as a third party in relations of recognition. In the psychoanalytic reflection on law, the triangular structure of legal relations and law’s structuring role in love relations were often taken for granted. Honneth’s own notion of love is consistent with views of the love relation as legally mediated. His account revolves around the idea of love as “refracted” symbiosis – a metaphor I shall borrow and employ in the chapter. The refraction of symbiosis in love was generally considered in psychoanalytic theory as the work of law, the latter being viewed as the anchor of individual autonomy. To the extent that respect for autonomy is an ingredient of love, so is legal mediation.

I. LAW AND SEPARATION

Psychoanalytic thought offers only some among many conceptualizations of the contribution of law to the attainment and protection of autonomy. Modern legal and social theory inherited from Rousseau and Hegel a view of the rule of law as the condition and consummation of individual autonomy. In a Hegelian vein, Honneth's theory of recognition affirms the contribution of the law to the enhancement of autonomy in the sphere of civil society. It can hardly be contested that as a system of individual rights and duties the law entrenches individual autonomy vis-à-vis communal pressures by setting high standards of individual responsibility and delineating realms of individual sovereignty and negative liberty. However, the struggle between the law and destructive aspirations for communal oneness is waged also in smaller circles of interaction, such as intimate relations. Already the earliest processes of individuation may involve the parallel inner and outer institution of the law.

Within the psychoanalytic tradition, Freud himself did not accord the law a crucial role in early processes of separation. In Freud's model, law and interdiction make their appearance following the wake of the Oedipus complex, as the keys to its resolution. They play no prominent role in pre-oedipal processes of individuation. Later psychoanalytic thinkers conceived of law and its internal institution – the superego – as conditions for individuation. They repeatedly distinguished between primary relations of violent fusion, on the one hand, and law-bound love relations among autonomous individuals, on the other hand, as two fundamental patterns of human interaction.¹ Love and separation were seen as dependent upon the inner institution of the superego, and on its social institution in the form of political and religious authority. According to this line of thought, the recognition of boundaries and renunciation of primary omnipotence in the process of individuation present themselves as superimposed norms that must be obeyed

¹ According to Fromm, for example, in "contrast to [sado-masochistic] symbiotic union, mature love is union under the condition of preserving one's integrity, one's individuality." Erich Fromm, *The Art of Loving* (New York: Harper, 1962), 20. For Fromm's accounts of totalitarianism as a social condition of sado-masochistic fusion, see, for example, Erich Fromm, *Escape from Freedom* (New York: Farrar and Rinehart, 1941), 141; *Man for Himself* (New York: Holt, Rinehart and Winston, 1947), 151.

by mother and child, and in a social context by all group members. Separation has to be prescribed by an omnipotent authority that is external and superior to the horizontal bond. Primary omnipotence can be given up by being relegated to a superior authority, which is powerful enough to command renunciation and offer protection to the individual in return. As in Hobbes's version of the passage from the state of nature to political society, primary/natural omnipotence is renounced by being condensed and stored in the figure of the sovereign.

For the authority of law to be constructed through the imaginary projection of 'natural' omnipotence, the latter – the state of absolute, lawless union – need not exist in time, in the same way that for Hobbes the passage from the state of nature to the commonwealth is notional rather than historical.² The temporal authority of law derives from the image of an atemporal lawless omnipotence that never fully corresponds to reality. The consolidation of law and separation takes place in time, but it does not depart from an actual state of absolute oneness. Nor is it a unidirectional process of development, but a phase in a repetitive cycle of entrenchment and relaxation of separation.

Law's externality to the mother-child dyad, and to the community, allows it to empower its individual subjects and anchor their finitude without engulfing them in a total union with Power. Furthermore, law's externality establishes a form of equality that is essential to the attainment of separation. The law is not imposed by the mother on the child – or by some members of society on others – but superimposed upon both, forming a tripolar relation. Despite their manifest inequality, mother and child are equal before the law. The law postulates the equal moral worth of the mother's and child's autonomy. Equality before the law conditions the passage from violent fusion to separation, because it tames the extreme experiences that, according to authors such as Fromm and Klein, repeatedly launch and threaten to perpetuate relations of violent fusion: experiences of boundless omnipotence, on the one hand, and of helplessness, dependence and inferiority, on the other. As Freud pointed out in his discussion of large

² Freud's concept of primary unity of self and world has been repeatedly challenged, but the process of development from an early stage of bare individuation to fuller separation is recognized by different schools, which describe it in different theoretical terms. Honneth, for example, adopts the terminology proposed by Winnicott of a passage from absolute to relative dependence.

groups in *Group Psychology*, the equality before the law that conditions interpersonal separation comprises the fiction of being equally loved by that third party.

Before moving on to Freud's views on love, a few words on his and Klein's understanding of the superego, familiar as it may be to many readers. The idea that individuation proceeds through the transformation of imaginary merger and omnipotence into the life-asserting violence of the law forms part of Klein's theory of the superego, which develops the views on the origin of the superego presented by Freud in "The Ego and the Id." According to Freud, the superego originates in the renunciation of a sexual relation to an external object and the subsequent internalization of that object. While for Freud the institution of the law follows, rather than conditions, individuation, the law was still considered in Freudian theory as enhancing individual autonomy: the superego constitutes a critical agency that reduces dependence on external authority, consolidates ego boundaries, and curbs aspirations for merger. Furthermore, according to Freud, the superego consolidates autonomy by subordinating to its own ends symbiotic and destructive forces, which need to be redirected once the external object has been renounced. Aggression is appropriated by the law, and released through the moral sadism that the superego exhibits towards the ego. An analogous economy of violence is often observed in the social sphere, where the legal system is thought to give destructive social forces a potentially constructive outlet. Freud's account of the formation of the superego as a response to the Oedipus complex seems applicable to pre-oedipal processes. Individuation, according to such a view, is accomplished through the transformation of primary boundlessness into the figure of a law-giving authority. Melanie Klein's theory can be construed as affirming such a view of individuation.

According to Klein, separation proceeds through the internalization and consolidation of loving and nourishing objects. The incorporation of predominantly benevolent objects, which depends on the availability of parental love, allows the self to establish and consolidate boundaries. By virtue of these internalized fortifications the self can give up recourse to merger with protective, life-giving external objects. It can also, according to Klein, shield itself against the imaginary invasion of dangerous objects from the outer world, and gradually come to recognize itself and the other as separate, demarcated

wholes. Following the installation of an inner protective authority, the self can make the renunciations necessary for individuation. The incorporated, empowering objects that sustain interpersonal separation form the core of the *superego*, issuing commands to live and care for the livelihood and welfare of others. Following Freud, Klein held that the superego integrates and tames destructive aspirations by releasing them through the life-affirming violence of law and morality.

The continuity of the inner, political, and religious instances of the law reflects the law's essential thirdness. In order to anchor the respective autonomy of mother and child and the equal worth of their autonomy, the commands of the superego have to be perceived by both parties as originating outside of their relationship, and as equally binding upon both. Without equality before the law, domination and infringement of boundaries will be perpetuated.³ The fiction of the externality of the law did not receive due emphasis within the Kleinian tradition. While Klein recognized the role of the father as symbol of the authority vested in the superego, it was Freud who fully perceived the continuity of the superego with totemic political and religious authority – that is, the axiom of the external and superior origin of the superego's commands.

Klein showed that the self can recognize its own separateness and integrity only if it recognizes the other's. Without such recognition, the other will continue to be experienced as an extension of the self, haunted by the alternating fantasies of all-embracing omnipotence and helpless penetrability. Furthermore, from a Kleinian perspective, autonomy depends not only on recognizing the other's autonomy, but also on the other's recognition of one's own. To attain separation – between mother and child or members of a larger group – participants in any sphere have to refrain from using each other as mere extensions

³ Axel Honneth (*The Struggle for Recognition: The Moral Grammar of Social Conflicts*, trans. J. Anderson [Cambridge: Polity Press, 1995], 99) refers to Winnicott's claim that in order to overcome the phase of absolute dependence, the mother needs to turn to third parties. See Donald Winnicott, "The theory of the parent-infant relationship," in Winnicott, *The Maturation Processes and the Facilitating Environment* (London: Karnac, 1990 [1960]), 52. Honneth himself states that "For the 'mother' . . . emancipatory shift begins at the moment in which she can once again expand her social field of attention, as her primary, bodily identification with the infant begins to disperse." (*Struggle*, 100). Jessica Benjamin has shown in her book *The Bonds of Love* that failures to establish equality perpetuate symbiotic relations of domination; (New York: Pantheon, 1988).

or reflections.⁴ They have to assure each other that they will relegate primary, 'natural' freedoms to a third party, survive separation,⁵ and be able to care for each other under conditions of separation. Individuation is either a collective achievement or a collective failure. It is the outcome of a complex cooperation.

Two insights of psychoanalytic thought, outlined in the preceding paragraphs, are central to the argument on the nature of recognition. According to the first, the firmer the inner and outer institution of the law, the safer individual autonomy. As a relation among individuals, love is thus legally mediated. The institutional frameworks of private and public love are defined in jural terms. Familial love, for example, is mediated by the legal structure of the family, which consists of juridical categories of kinship, property, privacy, and parental authority. Lacan's appropriation of Lévi-Strauss's theory of kinship underlies his assertion that the law, in the form of categories of kinship, mediates the most immediate relations. A similar claim was made by British anthropologists. As Fortes summarizes Radcliffe-Brown's and his own position, the jural categories of kinship "form . . . the inherent framework upon which the emotional relationships, the sentiments and activities, the cooperation of siblings, and the incest barrier between parent and child, must everywhere be built . . ."⁶

According to the second point, in the process of individuation the imaginary total object is not only displaced in order to give way to law,

⁴ Benjamin describes the mother's side in the joint task of establishing separation: "The child is different from the mother's own mental fantasy, no longer *her* object . . . The mother has to be able both to set clear boundaries for her child and to recognize the child's will, both to insist on her own independence and to respect that of the child – in short, to balance assertion and recognition. If she cannot do this, omnipotence continues, attributed either to the mother or the self; in neither case can we say that the development of mutual recognition has been furthered." Jessica Benjamin, "Recognition and Destruction: An Outline of Intersubjectivity," in Benjamin, *Like Subjects, Love Objects: Essays on Recognition and Sexual Difference* (New Haven: Yale University Press, 1995), 27–48, at 38.

⁵ The dependence of recognition and separation on confidence in the survival of the other has been stressed by Honneth on the basis of Winnicott's observations (Honneth, *Struggle*, 101).

⁶ Fortes continues: "If a mother's sister is classified with the mother, this is not because of the adventitious conditioning experience of being partly brought up by her. Nor has it anything to do with the ultimate ends of cultural transmission. It follows from the kind of recognition accorded in the social structure at large to the equivalence that is an inherent property of the sibling relationship." (Meyer Fortes, *Kinship and the Social Order* [Chicago: Aldine, 1969], 68–9).

but somehow founds law's authority. This claim can be traced to several profusely commentated remarks Freud made in “The Ego and the Id.” Freud describes the father not only as the source of the superego but also, in the pre-oedipal stage, as the object of *primary identification*, thus postulating a continuity between pre-oedipal and oedipal “identifications.”⁷ A few paragraphs later (p. 36), Freud writes: “What has belonged to the lowest part of the mental life of each of us is changed, through the formation of the ideal, into what is highest in the human mind.” As we shall see, an analogous process takes place on the social level: the group's collective superego, its law-giving authority – for Freud, ancestral totemic authority – is formed through a transformation of communal oneness into a common law.

II. THE TRIPOLAR STRUCTURE OF LOVE

Insofar as love is an approximation to an impossible oneness, the law, as a descendant of the imaginary original object, is the first love object.⁸ In its inner and institutional instances, the law not only mediates love relations but forms an object of love. It binds the subject by exercising the authority of love.⁹ The love of law sets in motion the quest for enduring relations with concrete others. The idea that love objects are largely chosen by virtue of some sort of resemblance to a prototypical loved object is central to psychoanalytic and popular accounts of love.¹⁰

⁷ Freud, “The Ego and the Id,” in *SE*, Volume 19 (London: Hogarth, 1961) 3, at 31.

⁸ On love's root in an “original experience of merging,” see Honneth, *Struggle*, 105.

⁹ According to Legendre, “. . . institutional systems both prey upon and manipulate their subjects by means of seduction.” Pierre Legendre, *Law and the Unconscious: A Legendre Reader*, Peter Goodrich (ed.) (London: Macmillan, 1997), 81; see also 92, 161. For comprehensive and illuminating discussions of law and love, see Peter Goodrich, *Law in the Courts of Love* (London: Routledge, 1996), 29–71; “Epistolary Justice: The Love Letter as Law,” in: *Yale Journal of Law and the Humanities* 9 (1997): 245–295. Frankfurt refers to the “authority of love” in order to explain the power of ethical ideals as opposed to the authority of law, which derives, for Frankfurt, from another source. See Harry G. Frankfurt, *Necessity, Volition and Love* (Cambridge: Cambridge University Press, 1999), 138.

¹⁰ Through concrete others or abstract ideals that stand in the place of a prototypical object, the latter is, according to Freud's oft-quoted formulation, “rebound.” At the opening of “Mourning and Melancholia” (1917), Freud lists a few types of object that can stand in the place of the original object: “Mourning is regularly the reaction to the loss of a loved person, or to the loss of some abstraction which has taken the place of one, such as one's country, liberty, an ideal, and so on.” *SE*, Vol. 14, (London, Hogarth, 1957), 243–258, 243. On the refinding of the object, see Freud,

The law is a prominent candidate for the role of the prototypical object because the superego – in its ‘inner’ and social instances – represents within time the total and timeless primary object. It ties desire to temporal, durable objects by positing itself as the prototypical object. As such, it looms behind objects of love as diverse as concrete individuals, ethical ideals, homelands, and works of art.

The prototypical object is not equated in psychoanalytic literature with the internalized image of one of the parents, or of any other single person. Rather, it is generally seen as a compound prototype integrating different objects – and, to use Klein’s term, ‘part objects’ – layered upon each other in a series of successive incorporations of pre-oedipal, oedipal and later love objects.¹¹ In his work on love relations, Kernberg has pointed out that individuals in a couple internalize elements of each other’s ideal object, forming a shared ideal object. In other words, the couple as a single entity forms its own superego, its own ultimate love object and ultimate source of law. According to Kernberg,

... the couple as an entity also activates both partners’ conscious and unconscious superego functions, resulting in the couple’s acquiring, over time, a superego system of its own in addition to its constituent ones. ... both partners’ ego ideals ... combine to create a joint structure of values. A pre-consciously adhered-to set of values is gradually mapped out, elaborated, and modified through the years, and provides a boundary function for the couple vis-à-vis the rest of the world. In short, the couple establishes its own superego. (pp. 97–98)¹²

“Three Essays on the Theory of Sexuality,” in *SE*, Vol. 7 (London: Hogarth, 1953), 222. The pursuit of an original object through more or less concrete objects of love found expression in central positions in the philosophy of love, such as Plato’s and Rousseau’s, according to which individuals are loved by virtue of approximating to abstract ideals. See, for example, Gregory Vlastos, “The Individual as Object of Love in Plato,” in Vlastos, *Platonic Studies* (Princeton: Princeton University Press, 1981), 3, at 28–31. In political thought, the same idea appears in discussions of patriarchal and political authority, in the view of the prince as *Imago dei*, an image of God, a concrete object of love through which devotion to a superior object is expressed.

¹¹ The closing scene of Fellini’s *Otto e mezzo* offers a visualization of the object’s compound structure: the protagonist conjures up the various good objects assembled throughout his lifetime in the form of a hallucinated procession of past friends and relatives.

¹² Otto F. Kernberg, *Love Relations: Normality and Pathology* (New Haven: Yale University Press, 1995). On the couple’s shared superego, see also Kernberg, *Love Relations*, 39, 42, 61.

Shared by the two members of the couple, the prototypical object can be regarded as a third party to the love relation. While multi-layered and complex, the shared object formed by couples acquires unity through the overarching category of ancestral authority – the mythical prototype on which all lesser objects of love and obedience, including parental and political authority, are arguably modelled. The couple is thus premised on the fiction of the shared descent of the two parties. Rules of endogamy guarantee that family members share their ultimate ancestral object.¹³ Falling in love involves the identification or fabrication of indices of a shared object – a shared ancestry or myth. Common national or ethnic origin, shared political ideals, or love of art, for example, can denote a shared original object and establish a relation of love of lesser or greater intensity. The political bond unites individuals who share their original object – their genealogy and mythology, their law, their God – and find the original object reflected in each other. In the next section, the original object shared by parties to love relations, private or national, will be identified with the juridical concept of the corporate body.

Before turning to the corporation, it is worth recalling that the tripolar, juridical structure of love was clearly spelled out by Freud in his *Group Psychology and the Analysis of the Ego*. It is remarkable that Freud’s finest remarks on love occur in his discussion of the group. Freud argues in *Group Psychology* that groups are held together by a libidinal bond mediated by common love for the leader, a horizontal bond of love that stems from a vertical one.¹⁴ Freud’s identification in *Group Psychology* of society’s object with the leader is hardly consistent with earlier and later texts. Freud usually considers ancestral authority rather than the living leader as the shared love object of society and source of its law. In *Totem and Taboo*, Freud postulates a mythical absent ancestor who is at once the object of collective love and veneration and source of law. In *Moses and Monotheism*, Moses is depicted as the social superego for whose sake instinctual renunciation is made by successive generations. The leader can exercise superego functions only as the

¹³ On endogamy, see Louis Dumont, *Affinity as a Value* (Chicago: University of Chicago Press, 1983), 39, 47–48.

¹⁴ See the diagram in Freud, “Group Psychology,” in: *SE*, Vol. 18, 65–143, at 116. Horizontal love among group members, writes Freud, was “originally made possible by their having the same relation to the object.” Freud, “Group Psychology,” 143.

representative of an absent legislator. Also the role of the ultimate 'ego ideal' – the ultimate love object – cannot be played by the leader, because the visible presence of such an object would precipitate social violence and merger.¹⁵

The leader is neither the ultimate law-giving authority nor the ultimate object of collective love but a representative of the group's ancestral authority: the ego-ideal and superego functions of political leaders respectively stage the mirroring and morally exacting aspects of ancestral authority. The picture that emerges from a juxtaposition of Freud's scattered references to ancestral authority and political leadership is that of a social order premised on the fictions of equal distribution of love and equal subjection of all members to a superimposed ancestral law. The burdens of separation, recognition, and social cooperation – burdens of finitude, scarcity, loneliness, and competition – can be undertaken by the individual only on the assumption of equality before the law and equal distribution of love. Groups, big and small, are held together by an idea of equality that combines equal concern with legal equality.

III. THE ORIGINAL OBJECT AS A CORPORATE BODY

Ancestral authority, as a third party in relations of recognition, can be identified with the corporate body of groups such as states and families. Vertical relations of recognition link corporate bodies, such as the state and the family, with their individual organs, situated in horizontal relations of recognition. The concept of the corporation played a central role in accounts of social structure given by anthropologists and historians of law from Maine to Fortes through Maitland and Kantorowicz. These theorists considered immortality as the most distinctive feature of corporations. The family and the crown served as the two paradigmatic, and closely related, instances of immortal corporations. The family preserves its identity across generations; it is not restricted to the life span of particular generations. Similarly, the crown, or in Kantorowicz's terms, the public body of the king, is indifferent to the death of individual kings and retains its identity across generations. The second characteristic of corporate bodies, according

¹⁵ On Hitler as the ultimate love object of his subjects, see Helmut Ulshofer (ed.), *Liebesbriefe an Adolf Hitler – Briefe in den Tod* (Frankfurt am Main: VAS, 1994).

to Maine, Maitland, and Kantorowicz, is sovereignty. Kantorowicz's analysis of medieval kingship implies that sovereignty resides not in the private body of the king but in his corporate, public body. The king is obliged to defend and augment the inalienable possessions of the realm – they are not his own – an obligation that receives its clearest expression in the coronation oath. Maine made this point in his discussion of the Roman family: the *pater familias* embodies the abstract legal personality of the family and is in charge of its affairs. He can only act in the name of its immortal interests, not out of his own passing interests and desires.

I would like to supplement the classical account of the corporate body with several general suggestions, largely inspired by psychoanalytic views on the group.

The separate corporate personality of the family and the state is associated with the mythical person of its founding ancestors. The examples of the family and the state suggest that the corporation is identified with the person of the founding ancestor of a descent group, such as the mythical, heroic founder of a Roman family, the founder of a royal dynasty, or the founding fathers of modern nation states. This is plainly indicated by the names and symbols of descent groups, which often refer, directly or indirectly, to founding ancestors and circumstances.

The corporate-ancestral personality of the group is an absent, transcendent object of worship. Through its corporate personality, its mythical ancestors and their multiple totemic representations, the group articulates itself for itself. According to Hegel and Durkheim, notwithstanding the differences between their approaches to religion, society's self-representation is its object of worship. If the corporation is associated with ancestral authority and law, and constitutes the self-representation of the group, it cannot fail to be sacred. Like the Gods, corporations are transcendent: they are absent, invisible, external, and superior to the group, and act through representatives. The religious dimension of political systems and of families is inherent in their corporate structure. Civil and domestic religions worship the corporate bodies of the state and the family respectively.

The corporate body originates in the projection of sacredness outside of the group. Corporations come into being through the projection of sacredness from within the social onto a transcendent realm. Corporate-formation secularizes the social: once sacredness is projected outside the group, a temporal realm of pragmatic interaction can assert

itself. When sacredness is immanent to the group, ancestral, corporate authority, and law are not recognized. Ultimate authority is then vested in the sacred private body of a divine king who is neither sanctioned nor constrained by a superimposed ancestral law. The passage from divine kingship to an authority that is grounded in law can be understood in terms of projection: the private body of the king is deconsecrated and its sacredness projected onto the transcendent domain of the ancestral-corporate body. From this moment onwards, sovereignty vests in the corporate – as opposed to the private – body of the king, in the dynasty or the realm as a whole. Kingship becomes hereditary: the king is seen as an ordinary mortal whose authority derives not from personal charisma but from a corporate constitutional order perceived as the expression of ancestral law.

It is the sacred communal body that is projected outside the group and transformed into its corporate body. By the notion of the *communal body*, I refer to the body of the group as a simple, inarticulate, immanent unity that results from the dissolution of interpersonal boundaries. The communal body is the sacred merger that occurs during rites of passage, carnivals, natural disasters, fascist regimes, wars, revolutions, referenda, elections, and other instances of *communitas*. In his essay on Canetti's *Crowds and Power*, Honneth described the group's enactment of its communal body: in the crowd, "the invisible barriers between strangers, which were erected around the individual's body in the maturational process, disappear suddenly."¹⁶ Group psychologists such as Anzieu and Bion identified an unconscious image of the group as a single collective body.¹⁷ This image constantly threatens to dissolve the individualistic body-image, which remains in tact only as long as the imaginary collective body is safely projected onto the corporate realm.¹⁸ Communal oneness gives way to individual

¹⁶ Axel Honneth, "The Perpetuation of the State of Nature: On the Cognitive Content of Elias Canetti's *Crowds and Power*," in *Thesis Eleven* 45 (1996): 69–85, at 74.

¹⁷ On the imaginary identification of the group with a single, all-embracing body, see, for example, Wilfred Ruprecht Bion, *Experiences in Groups* (London: Tavistock, 1961), 162; Didier Anzieu, *The Group and the Unconscious* (London: Routledge, 1985), 120–124; Otto Kernberg, "Regression in Groups" in Kernberg, *Internal World and External Reality* (N.J.: Aronson, 1980), 211–234.

¹⁸ There are various psychoanalytic theories of the "body-ego" and "body image." Notwithstanding differences between the different theories, it is widely assumed that the conscious and unconscious body image is a source of the self's fictional unity and

autonomy by being somehow condensed into the figure of ancestral, corporate authority. The projection of sacred communal fusion outside the group and its transformation into a transcendent corporate body attest to a social acceptance of absence and division. They allow for an enhanced degree of interpersonal separation and for the emergence of secular spheres of interaction.

Like the individual superego, ancestral law-giving authority – the social superego – comes into being through the transformation of primary imaginary oneness into an omnipotent external authority. The process through which mother and child establish their respective autonomy by submitting to a superimposed law and authority is analogous to the social construction of large-scale corporate entities. It is primarily through the legal institution of division that the communal body is projected. Juridification of social relations heightens their alienated, temporal character. In order to keep the communal body away from the group, and thereby deconsecrate the group, numerous divisions and subdivisions – between groups, classes, spheres of interaction, constitutional powers, individuals – are enforced by the law. The law commands and entrenches separation by laying down and enforcing individual rights and duties, confronting the expansionist attempts of the sacred communal body that abound on the level of the social.

*The corporate body and the communal body correspond to social structure and *communitas*, respectively.* In earlier work, I proposed to read into Turner’s classical distinction between structure and *communitas* a few distinctions which Turner did not consider.¹⁹ The first is the psychoanalytic distinction between relations of interpersonal separation and mutual recognition, on the one hand, and relations of violent fusion, on the other hand. Another distinction is the theological distinction between absence and presence. The combination of these two

separateness and an object of narcissistic love, and that it underlies higher capacities such as critical thought and autonomous judgment. The Lacanian concept of the *moi* designates the imaginary unity acquired by the self in the mirror stage through importation of the perceived unity of the body. “The Mirror Stage as Formative of the Function of the I” in Jacques Lacan, *Ecrits: A Selection*, trans. by Alan Sheridan (London: Tavistock, 1977).

¹⁹ Lior Barshack, “Constituent Power as Body: Outline of a Constitutional Theology,” *University of Toronto Law Journal* 57/1 (2007).

critique of psychoanalytic group psychology which is at the same time instructive and overstated. Honneth writes:

In his psychology of the crowd, Freud locates pathological mechanisms of compensatory identification in the subject at that point where, in Canetti's belief, just simple mechanisms of drive discharge prevail: individuals are, as we have seen, attracted to the crowd not because they are unconsciously searching for an enhancement of their ego ideals but because they are seeking a physical density in whose equalizing shelter they can act out elemental emotional impulses. Paradoxically, by means of this calculated reduction of the psychical, which robs the self of any inwardly directed depth, Canetti acquires the perspective on a multitude of crowd phenomena which could not even be noticed in the psychoanalytic tradition. Thus, in contradistinction to Freud's hypothesis, it becomes evident that in most cases it is not the compulsive identification with a figure in authority but the voluntary and riskless pleasure in the game of bodily fusion that enables a crowd to emerge in our daily life; and it becomes just as clear to what degree, even today, all collective forms of dealing with sorrow or joy make use of the simple mechanism that Canetti located in the mutual relinquishing of individual bodily boundaries. (Ibid., p. 77)

According to Honneth's critique of Freud, the phenomenon of the crowd cannot be fully understood in terms of identification with a leader and other group members. While Honneth's depiction of the crowd is convincing, the main purpose of Freud's group psychology is not the analysis of the crowd. Freud's model is devised to account for paradigmatic cases of social structure: his main examples are the army and the Church. Freud does not offer an elaborate theoretical account of *communitas*, though he recognizes its possibility in his discussion of collective panic. A state of collective panic, Freud suggests, can be precipitated by a sudden awareness of an oncoming disaster or an abrupt dissolution of the identificatory mechanisms that underpin social structure, for example, following the death of a leader. In other words, Freud does recognize the suspension of identificatory mechanisms – of love and law – in the state of panic. It is clear, however, that his analysis of the crowd remains far from complete. His group psychology needs to be supplemented by a fuller account of the resort to violent fusion with the breakdown of libidinal and normative ties.

Organs of corporate bodies are related to each other and to their corporate bodies in a bond of love, or 'refracted symbiosis.' Once projected, the communal body leaves behind separate individuals situated in relations of

love and legal respect with each other and with their corporate body. In social as well as intimate contexts love is forged with the refraction of symbiosis through the projection of a collective body. The absent, prototypical object of love identified by psychoanalysis can be identified with the absent corporate-ancestral body. In familiar contexts it is the corporate body of the family, and in social contexts – the corporate body of the state, which function as ultimate objects for the members of the respective corporate groups. The universal belief in the benevolence of ancestral authority attests to the love of the corporate body. Ample anthropological evidence suggests that in stable social structures ancestral personifications of the corporate order are represented as predominantly benevolent, if also morally exacting.²¹ Through the authority of benevolent ancestral figures the lawless violence of *communitas* is transformed into the life-affirming harshness of the law and is thereby humanized and domesticated.

Corporate sovereignty: The corporate object of ultimate love as a sovereign law-giver. In the passage from *communitas* to social structure, from an immanent communal body to a transcendent corporate body, the law comes into being. The law is always seen as prescribed by the corporate-ancestral authority of the group, and hence cannot be found in the course of *communitas* as the corporate body dissolves into a communal body. Law-giving is the predominant function of the corporate ancestral authority of a kin group: the more an authority is transcendent, the more its function is reduced to that of law-giving.

IV. PRIVATE AND PUBLIC RECOGNITION

The concept of the corporate body weaves together the two claims made at the outset about the nature of recognition: the coincidence of love and legal respect and their tripolar structure. Love and legal respect shape horizontal relations among organs of corporate bodies, such as the state and the family, as relations of refracted oneness. In relations of recognition, individuals identify each other as equal members of the same corporate body, the source and object of the love

²¹ On ancestral benevolence, see Fortes, *Kinship and the Social Order*, 153, 159, 189, and his “Pietas in Ancestral Worship,” in Fortes, *Time and Social Structure* (London: Athlone, 1970), 165–6.

and legal respect that govern their relationship.²² Claims for recognition – for respect and care – invoke contested normative ideals of corporate membership. The third form of recognition that Honneth has analyzed and that has not been treated in the present discussion – ethical esteem – is embedded in corporate group membership, as are concern and respect for rights. Membership indicates adherence to the ethical standards of the group and bestows esteem upon individual members on the basis of their presumed contribution to the spiritual and material prosperity of the corporate group. The idea of corporate *dignity* of which members of families and states partake by virtue of their membership is a basic feature of corporate structures. Its place in medieval corporate theory has been reconstructed in Kantorowicz’s study of medieval public law.²³ The three forms of recognition that Honneth describes – love and concern, legal respect, and esteem – illuminate the normative content of corporate membership.

Mutual recognition can be characterized as a relationship among kin because it is premised on the fictions of a shared body and ancestral authority. Recognition is operative through categories of kinship such as citizenship and other notions of membership.²⁴ Far from being the universalist contrast to particularist solidarity, the rule of law is characteristically taken to prevail among kin primarily – that is, within corporate groups.²⁵ The account of the state as an institution of kinship does not privilege fascist or communitarian conceptions of the political over liberal or republican ones. The object of proper political love is the corporate body, not the communal body. Communitarianism

²² The fact that reconciliation between strangers and former enemies begins so often with a solemn evocation of a common real or fictional ancestor is highly suggestive. When common ancestors cannot be easily fabricated, the authorities heralded by the different sides arguably constitute a single amalgamated corporate-ancestral authority. This is one way through which relations of recognition are universalized. To avoid strife and fusion, the circle of corporate membership has to be constantly expanded, though the degree of love and respect reduces with the increase in corporate inclusiveness.

²³ Ernst Kantorowicz, *The King’s Two Bodies*, (Princeton: Princeton University Press, 1957), 384–450.

²⁴ On citizenship as a category of kinship, see Lior Barshack, “The Holy Family and the Law,” *International Journal of Law, Policy and the Family* 18/2 (2004), 222.

²⁵ Law can function as a symbol of group identity: the unity of a particular corporate group is often symbolized through the particularity of the law that defines and regulates it. On law and kinship, see Fortes, *Kinship and the Social Order*, 101–138.

and fascism, notwithstanding their differences, envisage society as an immanent communal body united through the type of political love that liberal and republican political thinkers such as Arendt were right to criticize.

While the elementary structure of private and public recognition is analogous, Honneth's account shows how a certain differentiation between forms of recognition is a mark of structural progress, and offers illuminating genealogies of the different spheres and forms of recognition.²⁶ According to Freud, the public realm is premised on the relegation of bodily immediacy and intimacy to the private realm.²⁷ Private and public spheres are differentiated through a reciprocal system of projections. While the communal body is banished from the public sphere to be experienced within the family in a relatively immediate manner, the private sphere relegates violence and negativity to the public realm. The latter represents law, limit, and objectivity for the private realm.²⁸ Corporate, juridical aspects are particularly pronounced in the state because of the relatively anonymous and abstract nature of membership in the state, its monopoly over violence, and its function as the anchor of division and guardian of objectivity.

The division of labour between different spheres of interaction is a condition for individuation. Recognition within any of the spheres depends on the subject's simultaneous participation in other spheres. As Hegel saw, freedom is realized through the uncoupling of different spheres. The simultaneous existence of different spheres prevents any single sphere from yielding to inner symbiotic aspirations and melting into a formless communal body. Whenever the corporate structure of either state or family founders, the disintegration of the other corporate sphere is imminent: none of the corporate groups can accomplish the projection of the communal body and the institution of autonomy on its own. The transcendence of the collective body

²⁶ Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (London: Verso, 2003), 139, 140.

²⁷ "Group Psychology," in: *SE*, Vol. 18, 65–143, at 140.

²⁸ In his discussion of the relationship between the couple and the group in *Love Relations*, Kernberg describes the mutual dependence of the two spheres. "A truly isolated couple is endangered by a serious liberation of aggression that may destroy it or severely damage both partners." Kernberg, *Love Relations*, 181, see also 183. The group, for its part, needs the couple "because the couple enacts and maintains the group's hope for sexual union and love..." (p. 182).

of any group depends on the participation of its members in other corporate bodies.

Without the family, the state would have been unable to expel the communal body and entrench subjectivity. The nation-state asserts the bond of kinship among all its organs *vis-à-vis* other nations and thereby provides citizens with an important component of their identity. However, by treating citizens as abstract legal subjects, the state fails to differentiate them from each other. Because of its generality, the legal system cannot provide citizens with differentiated identities. Such identities are drawn from other corporate memberships. The family asserts the exclusive unity of its organs in a way that differentiates them from other citizens, while instituting – together with politically enforced standards of autonomy – their separateness from each other.²⁹ In the absence of independent families, citizens seek to disappear into a single political body, and relations of mutual recognition are replaced by violent oneness. Fascism illustrates the correspondence between disempowerment of the family and dissolution of individual autonomy. Recognizing no superimposed law or limit, fascist regimes aspire to encompass the totality of human existence and eradicate competing spheres and commitments.³⁰ By denying the inherent value and corporate autonomy of the family, fascism precipitates an enactment of the communal body and collapses individual autonomy.

The dangers of a monopoly of a single sphere suggest that no dimension of individuation can be at any stage confined to one particular sphere. Individuation is a fractured, multi-focal process consisting in the simultaneous formation of relations of love and legal respect in different spheres. Contrary to the intersubjective dialogical paradigm underlying most accounts of recognition, individuation demands at

²⁹ Thus, Hegel conceived of the family as a bond of substantial unity on the level of immediate feeling, which nonetheless has an objective legal structure. Honneth acknowledges that legalization of domestic relations enhances individual autonomy within the family, while maintaining his strict distinction between different forms of recognition; see, *Redistribution or Recognition?* 188–189, and Honneth, “Between Justice and Affection: The Family as a Field of Moral Disputes” in Beate Rössler (ed.), *Privacies* (Stanford: Stanford University Press, 2004), 142.

³⁰ Honneth points out the unavoidable tensions between – and not only within – the different spheres of recognition: Axel Honneth, “Recognition and Moral Obligation,” *Social Research* 64/1 (1997), 16–35, at 32–33.

any moment the involvement of multiple partners placed in rival arenas. The following concluding remarks consider the role of law and love in the political arena, in response to the recent debate between Fraser and Honneth on recognition and distributive justice.

V. POLITICAL LOVE

Political ideologies advocate a reform of horizontal relations of recognition and the reinstitution of vertical relations with the group's corporate authority. As struggles for recognition, political struggles orient themselves toward the realization of contested conceptions of corporate membership: conceptions of the scope of the corporate group and of the just relationship of group members to each other and to their corporate body. Rival conceptions of corporate membership are grounded in rival visions of the group's mythical-corporate body. One of the crucial factors that divide different claims for recognition is the position each accords to the corporate body in relation to society. Competing principles of justice reflect different perceptions of the degree of interpersonal and vertical separation. The degree of separation along the horizontal and vertical axes determines the moral content of corporate membership. The more a political stance is individualist and humanist, the more transcendent its image of the corporate body.

Greater distance between the group and its collective body advances the rule of law by subjecting mundane institutions to an increasingly impersonal law. Furthermore, the more abstract is corporate authority, the less ethnicist and exclusive is corporate membership. Finally, greater vertical separation fosters individual autonomy by enhancing horizontal separation. As a result of increasing separation from the collective body, self-realization derives less and less from active or passive participation in collective achievement, and consists instead in the fulfillment of personal choices and capacities. In his exchange with Fraser, Honneth points out that the developmental potential of recognition resides in the dimensions of *individuation* and *inclusiveness*. "Progress in the conditions of social recognition takes place . . . along the two dimensions of individualization and social inclusion . . ." (Fraser and Honneth, p. 186). Individuation and inclusion develop together with the separation of the group from its collective body.

The development of the rule of law and individual autonomy in advanced corporate structures need not reduce society's concern for the welfare of individual members. With the consolidation of autonomy, concern for the group's collective dignity and prosperity can be gradually, though never completely, shifted to the welfare and self-respect of fellow individuals. Despite differentiation, members of modern corporate structures identify with each other as organs/extensions of the same corporate body. They care about each other's well-being and dignity because they share the same corporate dignity and prosperity, even if these are now manifested primarily through individual differences rather than collective achievement.

Political ideologies can be ordered along a continuum according to the degree of transcendence that they preach. The continuum delineates a path of moral development, not dissimilar to the one postulated by Kohlberg: an increase of the distance between the group and its collective body amounts to moral progress. It is correlative to the development of a critical moral attitude, belief in human rights, a universalizing standpoint, and a sense of social justice.³¹ Two political positions seem to lie outside the scope of this spectrum. Certain anarchistic positions deny the very existence of the collective body, while fascism denies the individual body any significant existence. Under fascism, the individual disappears in the political group as a boundless inarticulate whole, and political love deteriorates from a collective espousal of civic rights into total immersion in the communal body.

Honneth's account of social justice suffers from his denial of the role of love in political relations of recognition. According to Honneth, the forms of recognition that underlie practices of redistribution are mutual esteem and legal respect. Claims for greater resources can be read as demands for esteem of one's personal achievement or respect for one's legal rights. As Honneth writes,

On the one hand, up to a certain, politically negotiated threshold, it is possible to call for the application of social rights that guarantee every member of society a minimum of essential goods regardless of achievement. This approach follows the principle of legal equality insofar as, by argumentatively mobilizing the equality principle, normative grounds can be adduced for making

³¹ On Kohlberg, anarchism, and fascism, see Lior Barshack, *Passions and Convictions in Matters Political* (Lanham: University Press of America, 2000), 97.

minimum economic welfare an imperative of legal recognition. On the other hand, however, in capitalism's everyday social reality there is also the possibility of appealing to one's achievements as something "different," since they do not receive sufficient consideration or social esteem under the prevailing hegemonic value structure.³²

According to Honneth's theory, legal rights, as a distinct form of recognition, are designed to express, protect, and foster the equal moral autonomy of individuals. However, distributive justice is geared toward the enhancement of individual well-being in general, not exclusively toward the promotion of autonomy. Thus it cannot be fully derived from legal respect for autonomy. While a degree of material welfare conditions autonomy, a sweeping reduction of distributive claims to the interest in autonomy is often artificial, even when redistribution would in fact enhance autonomy, alongside other interests. Moreover, redistribution can be mandatory in many cases in which its contribution to the promotion of autonomy is improbable. It is regularly extended to individuals whose capacity for autonomy is deficient, and to individuals who seem to be fairly autonomous and fulfilled already, but reasonably demand a higher standard of living on the mere ground that society is affluent enough to provide it. Honneth points out that the principle of legal recognition can ground claims for redistribution "regardless of achievement," but it cannot ground demands for redistribution regardless of its contribution to the promotion of autonomy, according to Honneth's own classification of the forms of recognition.

Nor can distributive justice be fully grounded in the principle of *esteem* as interpreted by Honneth. Welfare systems are designed to promote the well-being and dignity of individual citizens irrespectively of the social appreciation of their uniqueness and achievement and regardless of a clear absence of achievement. However, redistribution can be grounded in that portion of social esteem that is secured by the mere fact of active membership in a corporate group and that is less sensitive to individual achievement. Group members share a sense of collective self-esteem and dignity, which is often invoked in demands for redistribution. Political theorists such as Brian Barry and David

³² Fraser and Honneth, *Redistribution or Recognition*, 152–3.

Miller observed in recent years the mutual-dependence of redistributive practices and social feelings of solidarity and homogeneity.

An aspect of political recognition that is related to collective self-esteem and solidarity, and that bears on the justification of redistribution, is the principle of equal political love for all group members, which Freud regarded as a condition for social life. Political misrecognition is experienced not only as disrespect but also as desertion. Rooted in the refraction of oneness, the civic bond is a bond of love in which the welfare of all individual members and of the shared body are interdependent. Civic love is forged with the foundation of the body politic – that is, with the passage from *communitas* to structure through the projection of the sovereign communal body (constituent power) into the corporate realm.³³ It comes into being with legal rights and duties and must not be confused with the pre-legal experience of the communal body. Civic love would not have provided a sound ground for redistribution if it could not be instituted in the form of social rights. Political love properly understood is manifested *through* the law, not *beside* the law. It does not deny the antagonisms between the group and the individual and among different social groups. It uses the law to express equal concern for all group members under conditions of rivalry and animosity. A sentimental political discourse that assumes and extols an unqualified and blissful social harmony would be detrimental to individual welfare because it would undermine autonomy and plurality. On the other hand, the restriction of love to the confines of the private sphere produces a different type of tribalism.

If political love exists only under conditions of rivalry, it nevertheless transcends the realm of autonomy and difference, avowing the reality of the collective body – of a common social origin and a shared destiny. Political love turns individual destitution into a predicament of the entire body politic. It keeps reminding us that individual achievement is always in part a collective achievement from which the group as a whole should benefit. Corporate structures are perceived by their members as immortal households whose prosperity belongs

³³ The social contract, and the contractual justification of distributive justice, are secondary to the foundation of political love, because the autonomy of the contracting parties comes into being after, or with, the establishment of recognition.

to all members and thus depends on the well-being of each member, and that are capable of mitigating the arbitrariness of natural and economic allocations. As two corporate bodies premised on the principle of equal love, the state and the family engage, today more than ever before, in a flagrant competition over the power to promote individual welfare.