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The Right to Justification: Elements of a Constructivist Theory of Justice
Rainer Forst, translated by Jeffrey Flynn
New York: Columbia University Press, 2012. x + 351 pp.

Race, Empire, and the Idea of Human Development
Thomas McCarthy
Cambridge: Cambridge University Press, 2009. viii + 254 pp.

Radical Cosmopolitics: The Ethics and Politics of Democratic Universalism
James D. Ingram
New York: Columbia University Press, 2013. ix + 338 pp.

The moralizing tone of contemporary politics is hard to ignore. From the smoldering ruins of a War on Terror, to the Tea Party's fight to win back a "real" America from the clutches of welfare cheaters and immigrants, to Occupy Wall Street's vilification of the greedy rule of the 1 percent, the attractions and dangers of moralizing are evident. Moralism reduces complex issues to simple categories of right and wrong or good and evil. This is what makes it attractive. But moralism can also be an expression of resentment, a punitive urge to vilify others born of experiences of frustration and powerlessness. This is what makes it dangerous.

The above examples testify to the deep strain of moralism in American political culture, but moralizing is not a uniquely American problem. The temptation to moralize is a permanent temptation for any political theory.[1] Political theory's project of constructing a normative vision of the good or the just society can oversimplify complex political questions with the result that its prescriptions unwittingly reinforce the injustices it seeks to remedy. One source of contemporary political theory's moralizing tendencies is often traced back to the influence of Immanuel Kant.[2] Kantian morality is notoriously demanding. The categorical imperative commands a duty to act such that you treat others as ends in themselves rather than means to one's own purposes. Obeying the moral law requires putting aside personal motives of self-interest and pity as well as pragmatic considerations concerning the practical consequences incurred through obeying morality's demands. It is a pure obligation to law as law. Critics since Arthur Schopenhauer have charged that Kant's bracketing of

considerations of emotion and prudence from moral deliberation can lead to surprisingly immoral conclusions.[3] But despite more than two centuries of criticism, the paradigmatic illustration of the immoral consequences of Kantian morality remains one provided by Kant himself. In a short essay from 1797 titled "On a Supposed Right to Lie from Philanthropy," Kant considers the following scene from a moral point of view: Suppose a killer knocks at your door one night inquiring about the whereabouts of your friend hiding indoors. Is it morally permissible to lie to the killer to save your friend from his clutches? Kant's answer is "no." Telling a lie to another moral agent is an assault on their dignity, even if that other is a murderer who will surely kill your friend cowering in your home. Lying uses the murderer as a means to your own purposes; telling the truth treats him as an end in himself. From a strictly moral point of view it is therefore obligatory to tell the truth regardless of the consequences that follow. The death of your friend at the killer's hands is "merely an accident," Kant explains, with no bearing on the morality of your disclosure of his whereabouts.[4]

The same unconditional fidelity to moral principle informs Kant's political thinking. In politics, no less than in morality, Kant insists that realist considerations of interest and practicality ought to play a subservient role to the universal demands of right: "all politics must bend its knee before right."[5] Kant's moral idealism makes no room for the kind of prudential realism that Machiavelli championed when he announced,"I love my native city more than my soul."[6] In its place, Kant's moralism champions the inverted and otherworldly slogan: "Fiat iustitia, pereat mundus" (Let there be justice, though the world perish).[7] It is therefore not a misstatement to describe morality as something akin to an idol the Kantian mind.[8] It worships moral purity and transcendence, even at the expense of life itself. Can such a moral idolatry be an adequate guide for political theory and praxis?

To much of contemporary political theory the answer to this question is resoundingly affirmative. What makes Kant's moral-political perspective a moralizing one is also what makes it so attractive for theorizing universal moral obligations in an age of human rights. Human rights are owed to all persons *as* persons, irrespective of sex, race, creed, or nationality. Respecting the autonomy of persons means recognizing their rights as moral agents. Prudential or pragmatic arguments made by states against human rights enforcement have no moral bearing on their legitimacy. "Humans have human rights simply because they're human," explains Michael Ignatieff.[9] Indeed, respect for autonomy provides a moral point of view from which the theorist can judge state policy across international borders without succumbing to the trappings of the political discourse of state sovereignty. Respect for human rights constitutes a higher law.

But can Kantians have it both ways? Can political theory both legislate the terms these of political morality without collapsing into a reactive mode of political moralism? Each of these three books under review can be read as responding to these questions. Forst, McCarthy, and Ingram each profess a conviction that any adequate political theory of global justice or human rights must be founded on a political morality with universal reach. At the same time, all three authors are keenly aware of the moralizing dangers that reside in such an approach. Taking Kant's moral and political philosophy as alternately a point of departure, a resource to reconstruct, or a

foil against which to voice a competing conception of universalism, these books explore the resources internal to normative political thinking that can blunt its moralizing edge. In the words of each of these authors, what is necessary is a *critical* theory of political morality.

What exactly it means to practice a critical theory is the second question that binds these books together. Each stakes a position in an ongoing conversation concerning what it means to continue the Frankfurt School tradition of critical social theory after Jürgen Habermas. Substituting the young Karl Marx's "ruthless criticism of all in existence" for the critique of Kant's tribunal of reason, Habermas's discourse theory is often criticized for succumbing to a moralizing drift that displaces questions of power and possibility.[10] In laying out the faults of both Kant and contemporary Kantian political thought, each of these books proffers a diagnosis of a moralizing impasse in contemporary critical theory and moves toward a distinctively *critical* critical theory to redress it.

At the intersection of these questions of moralism and the fate of the critical theory tradition stands a third theme that connects these books: time. Whether purposefully or not, each of these books demonstrates the centrality of time to the drive toward moralism. Echoing Nietzsche, Michael Oakeshott once observed the elective affinity between the drive toward moral perfectionism in politics and "a deep distrust of time, an impatient hunger for eternity and an irritable nervousness in the face of everything topical and transitory."[11] Moral and political universalisms are at once creatures of local contexts and particular historical conjunctions, and they are also longings for something eternal, final, and fixed. Saving morality from moralism means taking stock of how the experience of time, and philosophy's distrust of it, drive political theory toward moralism, as well as grasping how alternative practices of belonging to time might cut against this moralist urge.

The Dialectic of Morality

The discourse of distributive justice is a primary example of moralism in political theory. As articulated by John Rawls, the project of a theory of justice is to justify a basic structure of society that fairly distributes basic goods in an unequal world.[12] Modeling the hypothetical deliberations of actors behind a veil of ignorance that brackets considerations of social position and subjectivity, the theorist derives normative principles that ought to govern how the basic institutions of a society distribute goods. Once a fair scheme of social cooperation is determined whereby inequalities are justified only insofar as they are to the benefit of the worst off in society, the theorist lifts the veil and seeks to apply "ideal" principles to reform "nonideal" political institutions. This is a top-down approach to justice that authorizes the state to redistribute basic goods from the wealthy to the needy. Scholars like Thomas Pogge have extended this domestic approach to questions of global poverty to demonstrate that the moral demands of justice are no less demanding beyond the boundaries of the nation-state.[13] In a well-ordered global society, justice ought to extend the reach of redistribution from the world's wealthiest nations down to its neediest populations.

According to Rainer Forst, such theories of distributive justice become entangled

in the dialectic of morality. The dialectic of morality occurs when moral criticisms of poverty and injustice obscure the structural and systemic sources of the problems they seek to address. Injustices that should be framed as political wrongs to be redressed are instead framed as cases of misfortune and appeals for help. Morality turns over into immorality by bracketing the wider political context of injustices at stake. In the essays collected in this volume Forst singles out Rawls and his cosmopolitan progeny in particular for succumbing to the dialectic. The distributive justice paradigm naturalizes inequality as a given fact of society to be redressed in the form of charity or aid. Society's worst off, as Rawls describes the needy poor, are imagined as a natural group in any society and are therefore treated as passive objects of state welfare. Forst describes this perspective as a moralizing one for how it obscures the operations of power in creating this situation of inequality in the first place. Approaching poverty as a consequence of state policy and market decisions, by contrast, transforms it from a naturally occurring phenomenon unresponsive to human agency, like the weather, into a political problem subject to democratic transformation. Key to such a transformation is shifting focus on the needy poor from passive objects of state action to potential agents of political power. The "first question of justice," Forst writes, "is the question of power" (195). The victim of injustice is not merely someone excluded from the production and distribution of goods but someone robbed of the political power to make his or her needs heard.

In response to what he calls *false* theories of justice that moralize the status quo, Forst proposes a paradigm shift toward a *critical* theory of justice. A critical theory of justice is a normative theory rooted in an empirical analysis of concrete cases of injustice and the ideological discourses that legitimate them. Discourses of normative evaluation, Forst rightly warns, easily go wrong when they begin with faulty descriptions of reality. Avoiding the trap of the dialectic of morality means bringing a theory of justice down from the abstracting heights of Rawls's original position and into contact with real social movements and social-scientific inquiry. A theory of justice, whether global or national, must be at once critical and realistic. Realistic, not in the sense of merely practical; rather, "it means in touch with reality" (241).

While this sort of argument might serve as the transition away from the normative discourse of redistribution and toward a materialist analysis of the modes of production or a rich genealogy of the discourse of aid and its effects, Forst, like Habermas, conceives of this critical turn in Kantian terms.[14] If the first question of justice is power, then a central concern for a theory of justice is to empower the needy and vulnerable to voice their grievances. In part, this means transforming political and economic institutions to redistribute power on equal terms. What distinguishes a critical theory of justice, however, is its claim that any such institutional transformation must be responsive to challenges raised by the vulnerable themselves to the forms of power they are subject to. A just institutional order is one that can be morally justified to any persons subject to it. Empowering citizens, then, means recognizing their basic moral right to justification.

Through a discourse-theoretical reconstruction of the categorical imperative, Forst presents this right to justification as the basic right of all human beings. "Every moral person has a basic right to justification, a right to count equally in reflections regarding

whether reasons for actions are justifiable. That is what, in my view, the Kantian idea of the dignity of a person as an 'end in itself,' as a justificatory being, implies" (130). Like the communicative presuppositions of Habermasian discourse ethics, Forst presents this basic right to justification as the implicit normative presupposition of the concrete demands made by social movements and activists. The right to justification lies within the "normative deep grammar" of their claims (211). On the basis of this one moral principle Forst constructs an impressive theoretical edifice with implications for theories of justice, toleration, human rights, and global governance.

Grounding questions of justice on the right to justification represents a "political turn" away from the dialectic of morality and toward a critical theory of society's relations of justification (196). The justification that Rawls models behind the veil of ignorance depoliticizes his theory by removing deliberation from the political sphere. Taking persons as reasonable and rational beings, Rawls's constructivism asks: What principles of justice could persons hypothetically agree to that would respect the dignity and equality of all? Forst's political iteration of the theory of justice shifts the burden of deliberation onto flesh and blood citizens, who exercise their right to justi-fication politically to unmask the false and ideological justifications they are given. Like the categorical imperative's rejection of moral maxims that fail to be universal-izable, the right to justification implies that relations of power and domination are unreasonable where they cannot be generally (universally) and reciprocally (equally) accepted by all affected by them. This test is not hypothetical but practical. The affected themselves demand justifications and may veto any proposal that fails to persuade them. Where Rawls's constructivism prioritizes the pursuit of hypothetical *consent*, Forst's critical constructivism foregrounds the role of democratic *dissent* as actors exercise their basic right. It takes the question of justice out of the hands of the theorist and places it instead within democratic contests over justice and injustice by citizens themselves.

Forst's political turn away from moralization is not a realist turn away from morality, however. Justice is a branch of morality insofar as it concerns the relationship of persons as autonomous beings. Forst's deepest and most innovative reflections on the subtle relationship between politics and morality are presented in his account of human rights. Human rights are at once moral rights but their universal validity is not a pre-political trump on popular sovereignty. Following Habermas, Forst presents the relationship between human rights and popular sovereignty as one of co-originality. Citizens implicitly must grant one another a set of basic rights whenever they pursue democratic self-government together, no less than the granting of equal human rights presumes an equal relationship of political power.[15] For Habermas, however, the co-original relationship between human rights and popular sovereignty sets concrete limits on the validity of rights enforcement beyond the state's legal authority. Human rights can only be legitimately enforced as far as the institutional boundaries of democratic legitimation can reach. Outside of a democratic demos that could authorize such law, human rights enforcement can only be might without right. A discourse of human rights without a complementary project of building global democratic institutions can only amount to "an unmediated moralization of politics,"

Habermas warns.[16] Borrowing a trope from Kant, we might say that human rights without democratic laws are empty; democratic laws without human rights are blind.

In response to Habermas's anxieties about unmediated moralization of politics, the right to justification lays the foundations for a distinctively democratic mode of mediating human rights. Human rights are precisely those rights that persons *cannot deny* granting one another on the basis of generalizable and reciprocal reasons. This simple, negative formulation of moral discourse sets hard moral boundaries to the sorts of arguments that can fly in politics. When states and institutions give reasons for their policies that cannot pass this threshold, it is up to citizens themselves to exercise their veto and refuse such justifications. A moral discourse of equality and mutual respect is therefore always already built into any political discourse about interests and power. Citizens hold states accountable to moral standards, but not by tallying up a list of pre-political rights that no sovereign can trespass. Rather, they say "no" to concrete violations of basic human dignity that cannot pass this critical standard. Human rights, then, are at once both immanent and transcendent to politics. They are immanent in the sense that human rights covenants and legislation are the historical markers of the hard-won victories of political associations and social movements that have fought back against the arbitrary exercise of power. And they are transcendent in the sense that these historical particulars embody the universal idea of a basic right to justification and the need to continue struggling toward the fuller realization of mutual respect and the protection of human dignity. It is the work of the right to justification to challenge existing institutional regimes in the name of this transcendent ideal, dialectically narrowing the gap between the real and the ideal. Or as Forst puts it, "The language of human rights is the language of human emancipation" (212).

Behind this democratically mediated moralization of politics lies a particular, but undertheorized, conception of time. The dialectic of morality captures Rawls because of how he fails to place injustice within historical time. The world's worst off were made worse off by a global institutional order that systematically worked in the favor of the few at the expense of the many. Redressing these wrongs means transforming these historical dynamics themselves with a new and better institutional order. A critical theory of justice, then, must be a historical one that both realistically grasps the violence of the past and points toward a future horizon of justice. The right to justification is not merely a "rationalist contrivance" but rather "a historically operative idea" (3). It sets in motion a progressive dialectic of delegitimating unreasonable justifications, expanding the catalogue of human rights, and guiding political institutions ever closer to the ultimate goal of *maximal* justice, what Forst calls "a fully justified basic structure" (196). This is a distinctly linear image of time, where the injustices of the past recede as society's basic institutions approaches the moral horizon of the future.

What goes missing in Forst's image of time, however, is a sense that the future could be meaningfully different from the past. The pre-political foundation Forst denies human rights as unmediated moralization becomes recuperated as the moral grounds of a post-political future. Losing the possibility of divergent futures means losing the power Forst wants to protect right now in the present. "The agency of the

present generation," Bonnie Honig remarks of Habermas's own seduction by the promise of progressive time, "is now in the service of a set of forces quite beyond itself, which it may only fulfill or betray, speed up or slow down."[17] Against the horizon of this future, the Kantian deep grammar Forst hears in social movements becomes a normatively significant signal, but the actual language in which they frame their demands is disregarded as mere noise. Indeed, for all the book's talk of social movements and the duty to be "realistic" it contains a paucity of empirical examples or case studies. One consequence of this abstraction away from historical reality, even while chiding political theorists for doing just this, is that Forst's argument does not face the challenge of "real" democratic social movements that fail to share his vision of a Kantian future.[18] Lost is the power of agents in the present, precisely that power Forst would place at the center of a critical theory of justice, to claim futures divergent from, or even antithetical to, the horizon of a Kantian human rights regime.

Overwriting the future as the historical realization of neo-Kantian morality enables a critical theory to judge political and social change as progressive or regressive, as reasonable or not. But a theory that closes off the possibility of divergent futures can only purchase such normative clarity by reifying the very society that it is supposed to be a critical theory of. Maximal justice is not a regulative project in a noumenal world of ideas, as Kant portrays the kingdom of ends. Rather, it is a future that is already rooted in the liberal-democratic institutions of the present. The liberal legal order of wealthy Western societies embodies what Forst calls the *fundamental,* or minimal, justice necessary for the right of justification to do its emancipatory work. Presenting liberal legalism as synecdoche for a moral kingdom of ends gives the aura of moral universality to a particular institutional vision of global society. But it also necessarily displaces, excludes, and rejects competing moral-political projects for what that vision might look like. It calls into being certain forms of political subjectivity and political culture, pressing social movements into a liberal rights-discourse different from that in which they would otherwise frame their grievances. There may be good reasons to consider the liberal rights regime as a political order worth fighting for, but identifying liberalism with morality as such can feel more like a conversation stopper than an invitation to democratic empowerment.

Another way of putting this is to say that the more morality mediates politics, the less those politics should be considered democratic. Rather than resolving the problem of legitimating human rights, the right to justification only displaces it. It makes space for a strong theory of morality by way of a moralizing denial of politics. What gets lost in this displacement is Forst's own best insights about what he calls "false" theories of justice. If the progressive moralization of politics necessarily requires discounting, suppressing, and defeating competing demands for justices couched in visions of divergent political future, it means speaking for victims of injustice rather than allowing them to speak for themselves. It means treating persons as means rather than ends. It means capture by the dialectic of morality.

The Vicissitudes of Progress

Critical theory's progress problem is nothing new. The 1980s saw oceans of ink spilled over the politics of modernity's discourse of progress. Against a perceived siege of

Parisian barbarians at the gates celebrating the birth of postmodernity on the ruins of old metanarratives, Habermas lead the Frankfurt School in a heroic defense of the Kantian vision of modernity as an unfinished project of progress. Habermas warned that postmodern denials of modernity's self-understanding as a project of Enlightenment could only collapse into neoconservative apologetics, "merely cloaking their complicity with the venerable tradition of counter-Enlightenment in the garb of post-Enlightenment."[19] To Habermas and his followers, the choice facing the left then was one between progressivism or barbarism. More recent years have seen narratives of progress and moral universalism put back into contention by scholars working in the fields of critical race theory, postcolonial studies, and the history of political thought who have examined the continuity between the Enlightenment's discourse of progress and modern theories of racial and civilizational supremacy. That figures like Kant and Thomas Jefferson could celebrate both the rights of man and the necessity of slavery for people of color suggests that the discourse of modernity may not suffer from simply being unfinished. It might rather be constitutively bound up with European imperial expansion and the subjugation of racialized populations.

Thomas McCarthy's book is situated at the intersection of these two debates. Through a series of insightful and carefully crafted essays dealing with a surprisingly broad set of topics, ranging from the history of German philosophy, to the legacy of Social Darwinism in the American social sciences, the comparative politics of racial memory in the United States and Germany, nineteenth-century British liberalism and the East India Company, and the political history of discipline of development studies, McCarthy faces both new and old criticisms of the Enlightenment discourse of progress head on. Particularly powerful is McCarthy's engagement with the history of racism and racial domination as constitutive elements of the European Enlightenment. He writes, "A central ingredient in the process by which more than three-fourths of the globe came to be under European and/or American rule before the start of World War I was the practice and theory of white supremacy" (23). Putting white supremacy at the center of his study allows McCarthy to leverage a powerful critique of what he, like Forst, considers the moralizing failures of ideal theory. By abstracting from the reality of racial domination and privilege, theories of justice like Rawls's lack the theoretical tools necessary to adequately "apply their color-blind normative models to a color-coded reality." A properly critical theory of justice, McCarthy argues, is one that mediates the relationship between the real and the ideal by folding morality in "as an element—albeit a reflective element—in historical processes of emancipation" (38). That is, a critical theory of justice is one grounded in a reflective and empirically informed developmental philosophy of history. Unlike the merely implicit appropriation of progressive time in Forst's book, McCarthy pushes the question of the continuing viability of such metanarratives into the foreground.

The aim of McCarthy's book is to both deconstruct and reconstruct Enlightenment ideals of progressive development so as to sort out "what is living and what is dead in developmental-historical thinking" (133). This is risky territory and McCarthy knows it: "Like enlightenment ideas more generally, it [developmental thinking] is inherently ambivalent in character, both indispensable and dangerous" (18). Long before the fall of the iron curtain, the genre of philosophy of history had already fallen

into ill repute. The dream of a universal class whose labor might serve as the vehicle of emancipation collapsed under the combined weight of failed predictions, the deindustrialization of Western capitalism, and the splintering of the left under the pressure of identity politics. Moreover, the metaphysical presumptions of the genre mesh poorly with the democratic aspirations of the times. But as McCarthy points out, the philosophy of history has refused to disappear. In the hands of neoliberal image-makers, the likes of Francis Fukuyama, the genre has reared its head again. McCarthy's book should be read as a plea to the left to reclaim the genre for emancipatory purposes from both its neoliberal and neoconservative champions, as well as from voices of "postmodern pessimism" who would sap political theory of its hope for social change (185). Framed between these dangers, the choice for the contemporary global left is again one between progress or barbarism.

As a guide for the project of reconstructing a "critical history with practical intent" McCarthy makes the unconventional suggestion that political theory would do well to look back to Kant rather than Hegel or Marx (13–14). Kant's philosophy of history has seen a renaissance of scholarly interests in recent years after having long been considered a less serious or important part of his oeuvre.[20] For Kant, the philosophy of history is a crucial resource for practical reason. It is a branch of the theory of reflective judgment, which seeks to generalize out from the particulars of experience to broader claims about history's purposes and tendencies. Its aim is not to map out history as a science, with a deterministic logic of its own, but to orient the practical use of freedom here and now. Put simply, the philosophy of history is a conjectural genre meant to show that continual improvement of the human species is indeed possible and so inspire contemporary struggles for justice by giving us hope for a better future. McCarthy finds in Kant's approach to history "a mode of empirically informed, practically oriented, reflective judgment" that better complements the democratic and post-metaphysical demands of action in common than the deterministic and vanguardist conclusions on offer in Marxist theories of history (134).

Partly, McCarthy's project of reconstructing the philosophy of history begins with Kant to recover what is unique to his approach. Partly, this book returns to Kant's developmentalism to understand how its failures are symptomatic of Enlightenment thinking about progress more generally. In parallel with his development of a universalist moral philosophy, Kant was an early and influential theorist of race and white supremacy. In his writings on biology and anthropology, Kant laid the scientific foundations for the biological theories of racial essentialism and hierarchy that would become widespread in the early nineteenth century. That non-Western people should be considered as suffering from moral and political underdevelopment is a necessary aspect of Kant's own view of Europe's privileged role in leading the globe toward a pacific cosmopolitan order. For instance, Kant was a vocal critic of European imperialism as a grievous moral wrong to the autonomy of non-Western peoples. But when viewed again from the perspective of his developmental philosophy of history, the very same imperialism is seen as an unavoidable stage in the historical diffusion of European civilization and its universal moral consciousness.[21] Kant insists that the fact that progress toward a global cosmopolitan society would be impossible without a

long history of violent conquest and imperial subjugation is not cause of regret, however. It is something for which history should be thanked.[22]

Disentangling these two sides of Kant's thinking leads McCarthy to both a backward-looking engagement with historical injustice and a forward-looking theory of multicultural universalism. The first section of the book tracks the linkages between race and nation in the American social sciences to illustrate the protean nature of racial ideology. An emerging language of universal rights over the last two hundred years does not simply render racist arguments obsolete. The discourse of universalism only presses modernity's racial orders to adopt ever-newer discursive and institutional strategies to naturalize racial privilege and subordination, from biological essentialism to neoracist conceptions of culture (think "cultures of poverty"). Key to McCarthy's argument here is that a critical theory of justice must not only point toward an ideal theory but must work through the very real presence of racism's non-ideal past. This requires "a serious upgrading of public memory" and a politics of "historical consciousness-raising" to overcome the forms of white disavowal and racial resentment that block an honest confrontation with white supremacy's living legacy (126). Among the tools McCarthy considers for this task are reparations claims as a vehicle of public memory that might politicize a disavowed history and initiate genuine deliberation about a common future (123). Coming to terms with the history of slavery and segregation is at once a pressing demand for justice, as well as way of working through forms of resentment and hostility that inhibit genuine democratic solidarity across what W. E. B. Du Bois called the twentieth century's color line.

The second half of the book turns its gaze forward to lay out McCarthy's more ambitious and, I think, less successful argument concerning the need to wrest Kant's philosophy of history from its imperial conclusions as the foundation for a renewed critical theory of global development. McCarthy proposes that a critical theory of development must learn from the failure of Kant's project of conjectural history in three ways. First, a critical theory must reject Kant's monocultural convergence thesis that states that all societies are progressing, or ought to progress, toward a European model of civilization. A critical theory deflates the us/them terms of historical developmentalism to make space for the possibility of "alternative modernities" within a broader view of the universal terms of social and cultural development. Second, a critical theory of development needs to be a decentered one that recognizes the essentially contestable nature of its claims. Universal values and principles are inextricably bound to the historical particular and so have a fundamentally interpretive dimension that requires ongoing interrogation and critique. Relatedly, and finally, a critical theory of global development cannot be totalizing. It must abandon Kant's monological approach for a dialogical one that is open to the force of the better argument from any and all cultural positions. Chastening the philosophy of history "means that we must rethink the dilemma of development from the perspective of the historical and cultural polyphony of communicative rationality" (186). Such a critical theory of history figures modernity's development as an intercultural learning process across alternative modernities and oriented toward the disclosure of a genuinely multicultural universalism.

The invocation of communicative rationality that erupts in the middle of this

discussion of Kant reveals the deeper stakes of this book. In the background of McCarthy's discussion of development lies a long-standing debate with Habermas's critical theory of society.[23] Questions of historical development and progress have been a concern of Habermas's since his early Marxist writings but they come to their fullest expression in his *Hauptwerk*, *The Theory of Communicative Action* (both volumes of which were translated into English by McCarthy (1984–87). Before either Forst's right to justification or McCarthy's developmentalism, Habermas sought a normative foundation for critical theory that could "provide an alternative to the philosophy of history" that the early Frankfurt School had inherited from Hegel and Marx.[24] Through an encyclopedic "history of theory with a systematic intent," *The Theory of Communicative Action* offered an account of modernity as a discursive learning process that encompasses both instrumental-technical and moral growth.[25] Max Weber's theory of modernization as the growth of instrumental rationality grasped this first of these two dimensions but it failed to leave room for the emancipatory growth of moral consciousness that ambivalently accompanies it. To capture both dimensions of modernization, the theory of communicative actions occupies the internal perspective of society's process of moral learning as a normative vantage point for criticizing its pathologies.

Habermas's theory of social learning has been subject to withering critique for its Eurocentrism, its convergence view of modernization, its reliance on gendered theories of developmental psychology and moral learning, and the anti-democratic consequences of its systems-theoretic conception of politics. Most serious and powerful of these criticisms have been raised by McCarthy himself in earlier writings.[26] McCarthy's claim that Kant should be considered "more of a contemporary" than Hegel or Marx must therefore be read as an immanent critique of Habermas's own Weber-inspired theory of social rationalization (140). McCarthy's neo-Kantian philosophy of history is meant to provide a stronger foundation for a critical theory of society than Habermas's original formulation for at least three reasons. First, it makes a weaker epistemic claim as a theory of judgment than Habermas's reconstructed science of social systems, leavening a wider ambit for political agency. Second, taking Kant's philosophy of history seriously better attunes developmental thinking to its implication in a violent history of European colonialism than Habermas's own purely metaphorical talk of the colonization of the lifeworld. Third, it responds to the problem of Eurocentrism by repositioning moral universalism as a multicultural overlapping consensus, always contested and ongoing, rather than a feature of a uniquely rationalized lifeworld.

There is much to admire in McCarthy's book. Racial domination and white supremacy are topics that the Frankfurt School has shied away from in the past and McCarthy opens up important new lines of inquiry and study for scholars in this tradition. Less successful is this book's ambition to combine its project of democratic deconstruction with that of philosophical reconstruction, of politically working through the presence of white supremacy's past with its intellectual project of defending a discourse of modernity as developmental. Like the immoral conclusion of Kant's rigorous morality, the interracial solidarity and venting of resentment that McCarthy so rightly insists is a pressing need for the task of deconstruction is a

political project that risks being undermined by the terms of the book's approach to theoretical reconstruction.

Consider the conclusions McCarthy draws from his reconstruction of Kant's philosophy of history. For Kant, living under Hohenzollern rule in late-feudal Prussia at a time when the French Revolution was just beginning to smash the Old Regime and build a new world upon its ruins, the purpose of a philosophy of history was to inspire hope that tomorrow could be different from today and that the future holds promises of freedom and dignity denied in the aristocratic society he found crumbling around him. For McCarthy, by contrast, the aim of such a history seems to be to temper any such longing for radical social change. A critical theory of development establishes a set of "facts" of modernization—the rule of law, increasing complexity, market capitalism, cultural reflexivity, moral cognitivism, narrowing terms of reasonable disagreement, value pluralism—that together define modernity's constrained horizon of political possibility. The terms of historical divergence from the Western model of constitutional liberal capitalism are "more constricted than many multiculturalists suppose" (160). Within these constraints hope is still possible but not the radical hope of Kant or the eruptive hope of Walter Benjamin. Rather, a critical theory of development grounds only " 'reasonable' hopes for practically 'feasible' futures, hopes that are supported by basic patterns of development and tendencies of contemporary history . . . Practical-political projections of feasible futures, are, it appears, all that is left of our 'reasonable hope' once our confidence in divine providence, in the power of reason to realize itself, and in iron laws of historical motion have been shaken" (154). This conclusion might be less a politics of hope than one of disappointment, McCarthy concludes, but it is all that that is possible given his reconstruction of the developmental "facts" of modernity as they stand.

Reading such conclusions, one is left wondering what McCarthy's argument would look like had he gone beyond Kant to engage the politics of hope forged by African American political theorists and activists across the twentieth century. Racial segregation, political disenfranchisement, and arbitrary violence were all "facts" of modern America for most of the twentieth century. But rather than capitulate to them, African American political figures from W. E. B. Du Bois to Angela Davis found the courage to hope for a very different vision of society that seemed deeply unreasonable and impracticable to many at the time, especially to their white liberal allies. Indeed, it was precisely the liberal insistence to respect the boundaries of reasonableness that Martin Luther King Jr. called out as the greatest obstacle to the black freedom struggle. In his "Letter from a Birmingham Jail," King famously argues for the need for democratic activism to be "untimely" in the face of oppression.[27] He chastises white allies who called out for moderation and acceptance of the narrow bounds of political possibility as suffering under "a tragic misconception of time."[28] Tragic, he explains, because the powerful have never handed over power voluntarily and rights have never been won through patient acceptance of the slow and steady work of progress. Sounding closer to Benjamin's messianism than McCarthy's reasonable hope, King writes of the "cosmic urgency" that impels activists to seize new possibilities for justice in the face of white liberal chiding about the unchanging facts of the status quo. "We must use time creatively, and forever realize that the time is

always ripe to do right."[29] This is a politics of hope, "not hopeless but unhopeful" as Du Bois described it at the beginning of the twentieth century, that refuses to reduce politics to divine providence but also refuses to acknowledge the obstinate facticity of unjust institutions.[30] What would have come of the civil rights movement had King and others had accepted the historical-progressive constraints on hope that McCarthy's critical theory demands? Or of Gandhi's spiritual-political campaigns of mass *satyagraha*? Or of the Bolivarian Revolution's demand for a socialist state in a supposedly "post-socialist" century?[31]

The absence of such considerations from McCarthy's book illustrates another side of moralism's political danger. Political theory moralizes not only when it abstracts from reality, as both Forst and McCarthy argue; it also moralizes when it uses morality as a weapon to express its own frustrated ambitions and political impotence. The collapse of the classical Marxist vision of emancipation and radical social change have left a legacy as frustrated attachments that critical theory struggles to find some way to express. What happens to these attachments, Wendy Brown asks, when their traditional objects—the movement, the revolution, the party, emancipation—seem no longer viable? "It is when the telos of the good vanishes but the yearning for it remains that morality appears to devolve into moralism in politics. It is at this point that one finds moralizers standing against much but for very little, adopting a voice for moral judgment in the absence of a full-fledged moral apparatus and vision."[32] The positive future vision of McCarthy's developmentalism is opaque, but its frustrated attachments are clear. Framing his own vision of progressive liberalism as an island of safety in the midst of a neoconservative/postmodern abyss does little to outline the actual political possibilities before us so much as perform a ritual of anxiety that disciplines the reader to conform to McCarthy's Habermasianism as the only viable alternative to nihilism and despair. Rather than building bridges with allies and forging new forms of solidarity, it is a moralizing rejection of divergence as a way of controlling the political field.

Rescuing Critical Theory from Critical Theorists

The dialectical reversal of the critique of liberal moralism into a moralizing defense of liberalism in both of these books is illustrative of methodological challenges internal to very idea of "critical" theory. As defined by Max Horkheimer in his programmatic essay from 1937, "Traditional and Critical Theory," a critical theory of society is a mode of social-scientific inquiry oriented by a historically operative "image of the future" that "springs indeed from a deep understanding of the present."[33] What for Horkheimer was a dialectical projection of utopian possibilities immanent within the contradictions of bourgeois society is translated by Habermas and his followers into the language of moral philosophy as a context-transcending claim to validity raised in communicative action. Whether as utopia or justification, the criticality of critical theory turns on the projection of a universal perspective that transcends the critical theorist's own situated position. Much philosophical sophistication goes into the articulating the possibility of such a perspective that is at once both context-transcending and context-bound, as evident in Forst's own articulation of the right to justification. And yet the unavoidably local nature of any claim to universality invites reflection on

whether the universal can ever really be universal enough. Universalist claims bear the traces of the particular historical and political contexts they are invoked from within, including their blindnesses and biases. Forst's and McCarthy's renderings of the idea of emancipation as synonymous with the permanent horizon of a Western liberal rights regime exemplify the boundedness of the universal. Proclaimed universalism is often only particularism in disguise.

The problem of such "false universalism" is the subject of James Ingram's book, *Radical Cosmopolitics*. "Even the best-intentioned universalisms . . . have a way of turning into their opposite, of proclaiming a highly particular set of values as universal, and on that basis justifying violence against or rule over others," Ingram observes (13–14). As opposed to a reconstructive approach that aims to articulate the normative "deep grammar" of social movements (Forst) or the constraining "facts" of modern society (McCarthy), Ingram's book approaches the rise of cosmopolitan political thought in the last twenty years itself as an object of inquiry to illustrate the persistent failure of political theories of universalism to transcend the particular concerns of their site of enunciation. The triumphant cosmopolitanism of the 1990s that celebrated the crumbling of national borders as the dawning of a new global order of peace and human rights has not weathered well in our new century. The rise of American unilateralism and the Huntington-style discourse of civilization demonstrates how easily cosmopolitan ideals of universal human rights and liberal democracy become grist for the mill of legitimating American empire and the imposition of its policy preferences across the globe. Such co-option of moral and political universalism is not a uniquely contemporary problem, however. "All ethical and political visions that have aspired to universality have ended up betraying it," Ingram argues (7). But at the same time, this book is not a cynical rejection of human rights discourse as little more than neo-imperial ideology. Like Forst and McCarthy, Ingram aims to recover a distinctively critical understanding of universalism in the face of its long history of complicity with empire and injustice: "perversions of the universal are most effectively fought on the ground of the universal" (7). And it is the *fight* for the universal that is key for Ingram. Taking inspiration from the "counterhegemonic" universalisms articulated by feminist, anticolonial, antiracist, and socialist critics of liberal cosmopolitanism and human rights legalism, *Radical Cosmopolitanism* aims to "save cosmopolitanism from cosmopolitans" by reconceptualizing cosmopolitanism, human rights, and universality in radically democratic terms (4, 14). Read in conversation with Forst's and McCarthy's books—both of which Ingram takes up as interlocutors—Ingram's project could be better described as that of saving critical theory from critical theorists.

This is an ambitious book that bridges diverse corners of historical and contemporary political thought to articulate a theory of cosmopolitan universalism from below. The book is divided into two parts. The first part is a critical interrogation of cosmopolitanism as a moral and political project of defining universal moral ideals to be institutionalized in international and supernational law. From Kant to Habermas, this first half of the book charts how cosmopolitan universalism consistently betrays its own moral commitments when it comes into contact with state power as a discourse of legitimation. Cosmopolitanism's theoretical project of defining the moral ends that ought to guide the exercise of political power succumbs to the dialectic of

morality, splitting ends from means and so abstraction away from the contextual and pragmatic considerations that ought to inform political judgment. The highly idealized presumptions of much cosmopolitan political theory—concerning the substance and procedures of constitutional norms that ought to govern some future transnational set of political institutions—makes it an attractive object of philosophical analysis. But, as Ingram rightly warns, such an approach positions the role of the political theorist as a moral courtier whispering advice into the ear of the prince. Advocating moral ends without attention to political means often leads cosmopolitan courtiers to the unsettling conclusion that the justification of their ends legitimizes the violence of the state's political means. Here, Ingram's book offers a careful and persuasive analysis of how Kant's own toleration of European imperialism and the subjugation of non-Western people is, *pace* McCarthy, constitutively bound up with Kantian morality's insistence on distinguishing intentions from consequences.

From the Kantian approach to cosmopolitanism as a theory that can guide practice, Ingram shifts our attention to the very *practice of the theory* of cosmopolitanism. Through a thoughtful engagement with Kant's cosmopolitanism, with its Janus-faced justification of both universal dignity and imperialism, Ingram identifies a set of persistent Kantian presumptions and arguments that continue to shape contemporary cosmopolitan discourse. One central presumption is the persistence of a Kantian moral providentialism in human rights and humanitarian discourse. Ingram illustrates the work that this Kantian supplement continues to do in suturing morality and politics in his careful reading of Habermas's public support of NATO humanitarian intervention in the 1990s (132–36). Aware of the dangers of what he elsewhere describes as an "unmediated moralization of politics" posed by humanitarian military interventions in the absence of international legal sanction, or in this case in active violation of international law, Habermas issued a series of public statements in support of the 1999 NATO mission in Kosovo. NATO faced the "dilemma of having to act as if there were already a fully institutionalized cosmopolitan condition, when its achievements is the ultimate aim" (134). Between the means of an illegal violation of state sovereignty and the ends of bringing about the "ultimate aim" of a cosmopolitan legal order, Habermas portrayed NATO as the agents of a world-historical process, with the projected future of "an institutionalized cosmopolitan condition" as the very moral grounds that justified the military intervention. Like Kant's celebration of the French Revolution on the grounds that it offered a historical sign of humanity's continual progress, in the face of his own claim that revolution is always immoral, Habermas's universalism slides into a form of Western paternalism where, as Ingram puts it, those with the *might* to act on the basis of a theory of moral progress are therefore authorized with the *right* to do so.[34]

The second part of the book proposes Ingram's positive alternative vision of thinking about the relationship between politics and universalism. Cosmopolitics, as Ingram calls his position, shifts its gaze from the transcendent horizon of the cosmopolitan future to explore the ways social actors contest the very terms of the universal in the present. Cosmopolitanism, Ingram writes, "is only ever contextual and conjectural" (4). Rather than an ideal theory than can be subsequently applied to nonideal cases, cosmopolitanism should be understood as a process of articulating political

universalism through democratic disruptions of existing ideals and institutions. In the insurgent democratic praxis of confronting the failures of states and institutions to abide by the terms of their supposedly universalistic commitments, Ingram identifies "a critical politics of universalization, a practice that asserts universal values against what denies them here and now" (8).

Conceptualizing universalism as a process of articulation and contestation draws Ingram away from Kant and the Frankfurt School and toward the insights of a "minor tradition" of political theory more attuned to the political nature of moral claims making (12). Among this tradition of thinking universalism from below, Ingram counts anticolonial thinkers like Mohandas Gandhi and Frantz Fanon, as well as theorists of radical democracy including Hannah Arendt, Jacques Rancière, Sheldon Wolin, and Étienne Balibar. However, it is Judith Butler's discussion of competing universalisms that provides Ingram with the basic terms for conceiving of universalization as a historical process of articulation through the political critique of false universals. Ingram draws this account of universalization from Butler's critique of the feminist legalism in *Excitable Speech.* There, Butler warns that feminist attempts to legislate the terms of hate speech in the name of the universal inevitably serve to legally empower the state to act as the enforcer of a historically particularly articulation of the universal that will necessarily be partial and exclusionary. However, rather than reject universalism, as she seemed to suggest in her earliest writings on gender, Butler offers a different approach to the claims of universality as utterances open to subversive repetition. By exploiting the gap between utterance and meaning, excluded identities performatively claim the right to speak in the universal language of rights or human dignity that codified law itself denies them. Contestation of the terms of universality by women, gays and lesbians, and people of color illustrates how "exposing the parochial and exclusionary character of a given historical articulation of universality is part of the project and extending and rendering substantive the notion of universality itself," she writes.[35] Precisely through the practices by which the unauthorized claim to speak in the universal's name, the universal "begins to become articulated precisely through challenges to its existing formulation."[36]

Both Ingram and McCarthy claim this part of Butler's thinking as support for their own positions, and both also describe Butler's position as consistent with the terms of Habermasian communicative action. Listen to McCarthy explain the significance of Butler's argument:

> Butler here captures the important insight that the possibility of challenging putatively universal representations is inherent in those representations themselves, or more precisely, in *their context-transcending semantic import*, and that historically this possibility has been exploited to greatest effect by groups who, through not entitled as a matter of fact under existing formulations of the universal, nevertheless appeal to that import in formulating more inclusive conceptions of justice. (38, emphasis added)

Readers familiar with Butler will notice some sleight of hand here. In describing challenges to universalism as turning on the "context-transcending semantic import" of universalist claims, McCarthy smuggles a Habermasian theory of language into his

reading of Butler. The normative claims of the universal transcendentally *project* an ideal that transcends any particular historical realization of it. Contesting the universal means actualizing its transcendent ideal. Blending elements of Kantian development-alism and discourse ethics, McCarthy's Butler becomes indistinguishable from Forst and his account of the realization of maximal justice as a regulative ideal.

When we return to Butler's own text we find a very different understanding of what it means to speak of contestation as a process of universalization. What renders the universal contestable is not its context-transcending meaning but rather its semantic indeterminism. Butler approaches meaning in terms of its citationality where no one meaning is the original or authentic one. Precisely because there is space for indeterminism in the gap between utterance and meaning, the language of univer-salism can be appropriated by persons unauthorized to speak in its name. The "promising ambiguity of the norm," not its normative surplus, is the basis of perform-ative critique.[37] Just as with her deconstruction of gender, the task of "expanding" and "rendering substantive" the universal must be understood as one of opening up space for proliferating a plurality of new possibilities rather than approximating one singular "real" meaning contained hidden within. Butler's own position in *Excitable Speech* is not without its ambiguities, but her description of the process of contestation as one of translation and countertranslation underscores the antiteleological conception of universalization. Translation between languages presumes a plurality of perspectives that cannot be singularly reduced to any one without loss. The understanding trans-lation builds across languages is always partial and incomplete. And this incompleteness is not a fault to be overcome in time. "The lack of finality is precisely the integrative dilemma to be valued, for it suspends the need for final judgment in favor of an affirmation of a certain linguistic vulnerability to reappropriation," Butler explains.[38] The work of reappropriation is generative in the sense that it opens up the possibility for new and unanticipated political claims to be framed in seemingly familiar terms. It is the proliferation of claims, rather than their regulative approxi-mation of the ideal, that is key for imagining the possibility of a "postsovereign democratic demand" that does not simply interpolate the subject into the statist terms of liberal legibility.[39]

Ingram is a much more careful reader of Butler than McCarthy, but he too fore-grounds the developmental tones of her position, finding a "logic" of universalization at work that displaces Butler's own emphasis on translation, indeterminacy, and post-sovereignty.[40] Ingram comes close to McCarthy's Habermasification of Butler's argument when he describes her position as different in "emphasis alone" from the neo-Kantian cosmopolitanism of Seyla Benhabib (162). Moreover, he shares McCarthy's Habermasian anxiety concerning postmodernist cryptonormativism, leading him to conclude his discussion of Butler by looking for an appropriate normative foundation to her account in the sociology of Pierre Bourdieu. Such ritual invocations of the dangers of postmodernism, or what Ingram dismisses as "pluralism," signal an intention to remain true to the Habermasian project of critical theory even as he moves beyond formulations of this project articulated by Forst and McCarthy (150). This residual attachment to the project of critical theory is unfor-tunate for a number of reasons. The first is that Ingram's aversion to pluralism steers

him away from a deeper engagement with the political thought of anticolonial thinkers who belong to his minor tradition of cosmopolitics. But more than simply narrow the terms of Ingram's project, such a self-conception obscures what is best and most original in Ingram's own conception of cosmopolitics. As the book moves on to its engagement with democratic theory and the politics of human rights, Ingram's fuller vision of universalism emerges as that of an agonistic practice of rights taking more in line with Butler's vision of universalism as a pluralizing practice of freedom than with the idealist unfolding of a singular logic of emancipation.

Ingram's invitation to shift the frames of cosmopolitanism away from the juridical terms of authorization and enforcement to practical contests over who can speak in the name of the universal bears fruit in the book's strongest chapter on human rights. The politics of human rights represent "*the* central staging ground" for cosmopolitan concerns today (227). Comparing liberal and deliberative theories of human rights with this own account of cosmopolitics from below, this chapter offers a series of reflections on different ways political theorists have parsed Hannah Arendt's enigmatic declaration of the right to have rights. The implementation of such a right to have rights by the liberal state raises familiar problems of democratic legitimation. Like Forst's dialectic of morality, state implementation of human rights enforcement presumes a discrepancy between the powerful and the powerless where these rights are experienced as gifts bestowed on the weak by the benevolence of the strong, rather than a mutual recognition of the equality and autonomy (238). No more successful, on Ingram's view, is the Habermasian account of the right to have rights as the normative "tapping" of a shared constitutional project. Like McCarthy's rendering of Butler, Habermas's theory of co-originality presumes an original universal meaning of rights that is historically articulated through their progressive institutionalization in constitutional law. The case of human rights poses a challenge to such a constitutional view because the global order lacks such a constitutional framework to tap and so invites Habermas and his followers to smuggle in a supplemental vision of progressive time as the carrier of this process of articulation in the absence of the very cosmopolitan institutions their arguments presume. Whether through the agency of the constitution or the course of progressive time, here too the democratic agency of the rights claimants themselves is eclipsed. Against both accounts, Ingram proposes a third possibility: "understanding the politics of human rights as the activity of their potential beneficiaries, seeing rights holder as the authors of their rights—not only ideally, from the standpoint of justification, and not only within the framework of a constitutional state, but actually, as they engage in the practice of claiming rights" (245).

Departing from the terms Ingram's own argument, we could consider his third position as a move away from the *timely* conception of rights claiming as the progressive process of teleological universalization to a distinctively *untimely* one.[41] Drawing on both Arendt's theory of action and Rancière's notion of politics as the claim by the part that has no part, Ingram presents human rights claiming as a performative act that both strategically leverages existing categories of the universal and at the same time reinvents the those categories in new and unpredictable ways. When gays and lesbians claim the mantle of human rights to protect themselves from

homophobic violence, they are not demanding recognition of a prior human dignity that has gone unnoticed. Rather, they enact the very dignity that demands recognition in the performance of claiming the right, and in so doing transform the meaning of the concepts dignity, rights, and the human.[42] For this reason, the normative meaning of human rights cannot be determined in advance. Like language, its meaning lies in use, and the unauthorized usage of rights claims by those excluded and oppressed creates new meanings in their deviant appropriations of the master's script. Ingram presents this process in temporal terms as one of opening up new possible futures when he concludes that the sole "standard" against which human rights claims should be held is "their capacity to inspire political action from below" (258). The right inspires, but it is the indeterminacy of time, not the context-transcending meaning of the norm, that defines the horizon of this open futurity.

Ingram's untimely parsing of a right to have rights moves us a long way from a Kant's theodicy and its "post-metaphysical" iterations championed by his followers. If we are to speak of this politics of universalization as a historically generative process, rather than a bare repetition of the same, it requires reimagining the connection between past and future. Gone is the idea of a dialectical logic that travels toward a concrete universal along a Hegelian highway of despair. And gone, too, is the idea that the meaning of an expanded and more substantive universalism is synonymous with working out of an unfulfilled normative promise embodied in the founding documents of a constitutional order. The universal that remains is a distinctively empty one. As Linda Zerilli explains this notion in a different context, the empty universal "is not the container of a presence, but the placeholder of an absence."[43] Such absence is the promise for an unknown future that makes Ingram's cosmopolitics a theory of the practice of human rights, rather than a theory that seeks to legislate practice. Or as Butler herself describes this position in contrast to that of Habermas's, a "temporalized map of universality's future" is one without a moral cartography that can be known in advance.[44]

Radical Cosmopolitics is an important book that raises deep challenges to the received terms of both cosmopolitanism and critical theory. Beyond challenging the dominant frames of the cosmopolitan political thought, it puts its account of universalism as a contextual and conjectural claim to some interesting methodological use to shed new light on the relationship between political theory and historical context. Particularly notable is Ingram's surprising and insightful reading of Martha Nussbaum's and Richard Rorty's exchange on cosmopolitanism and nationalism. That said, the ambiguities of Ingram's relationship to the critical theory tradition he aims to overcome hedge in the book's bolder claim to be a radical theory of cosmopolitics. A theory of cosmopolitics claims to save critical theory from the critical theorists by articulating a position of universalist critique safe from being "used for the legitimation of power" (14). However, Ingram demonstrates throughout the book that the task of articulating a "theory" of politics or morality that is uniquely emancipatory is a quixotic endeavor.

The proliferation of the adjective "critical" across all three of these books is a curious final element that holds them together. Whether it be a "critical" theory of justice or a "critical" theory of injustice, a "critical" theory of justification, a "critical"

political theory, a "critical" theory of human rights, a "critical" theory of the status quo, a "critical" theory of institutions, a "critical" theory of toleration, a "critical" history of the present, a "critical" theory of global development for the sake of the wretched of the earth, or a "critical" cosmopolitanism, each books aims to define a distinctively critical critical theory.[45] Reading through these repeated invocations of the critical theorist's own criticality, again and again, one is reminded of Marx and Engels's judgment of what they called the "critical critics" of their day. In *The Holy Family*, Marx and Engels satirize the Young Hegelian project of philosophically over-coming Christianity spiritualism through rational criticism as only the highest stage of theology itself, "transforming 'criticism' itself into a transcendent power."[46] Critically overcoming moralism may prove to be just such a misguided task. Rather than seeking a higher point of philosophical abstraction that resolves the problem of moralizing politics, political theory might be better off becoming more attentive to its own moralizing tendencies to continually hedge against the drift into moralization. Marx and Engels do more to analyze the persistence of moralism as a political danger than any thinker other than Nietzsche when they write that "the more completely Critical Criticism (the criticism of the *Literatur-Zeitung*) distorts reality into an obvious comedy through philosophy, the more instructive it is."[47] Comedy is a mode where misunderstandings gives rise to confusion, and divisions and conflicts are resolved in a happy ending, most typically with a wedding.[48] Political theory leans toward comedy when it approaches politics as the pursuit of remarriage of the real and the ideal in a happy final union. This is an orientation toward time where the future promises to overcome the suffering of the past. But perhaps better than redoubling our efforts at aiming at transcendent ending, happy or not, political theory would do better to flip its narrative frame from one of comedy to tragedy. Tragedy does not close the future, but it alerts us to the remainders and losses we incur with every possible gain. It is a mode that draws us back to the present and forces us to attend to the remainders of the moral decisions and political choices we face. Moralism, whether in its Kantian form or otherwise, presumes an ability to master time, to remake the world in morality's image, and to redeem the remainders and losses. Striving to overcome the problem of moralism through a more rigorous or universalizing practice of "criticism" might only succumb to the same temptations of mastery it seeks to remedy. As an alternative to both, political theory might better guard against its persistent moralist urges by learning to live with them, which means learning to live with the reality of time, its frustrations and failures, as well as its open possibilities.

NOTES

1. Jane Bennett, "The Moraline Drift," in *The Politics of Moralizing*, ed. Jane Bennett and Michael J. Shapiro (New York: Routledge, 2002), 11–26; Wendy Brown, "Moralism as Anti-Politics," in *Politics Out of History* (Princeton, N.J.: Princeton University Press, 2001), 18–44; Duncan Ivison, "The Moralism of Multiculturalism," *Journal of Applied Philosophy* 22, no. 2 (August 2005): 171–84.

2. See, for example, Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca,

N.Y.: Cornell University Press, 1993); William Connolly, *Why I Am Not a Secularist* (Minneapolis: University of Minnesota Press, 1999); Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton, N.J.: Princeton University Press, 2007); Raymond Geuss, *Philosophy and Real Politics* (Cambridge: Cambridge University Press, 2008).

3. Arthur Schopenhauer, *The Two Fundamental Problems of Ethics*, trans. Christopher Janaway (Cambridge: Cambridge University Press, 2009).

4. Immanuel Kant, "On the Supposed Right to Lie from Philanthropy," in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press), Ak 8:428.

5. Immanuel Kant, "Perpetual Peace," in *Practical Philosophy*, Ak 8:380.

6. Niccolò Machiavelli to Francesco Vettori, April 16, 1527, *Machiavelli: The Chief Works and Others*, 3 vols., ed. Alan Gilbert (Durham, N.C.: Duke University Press, 1989), 2:1010.

7. Kant, "Perpetual Peace," in *Political Writings*, new ed., ed. and trans. H.S. Reiss (Cambridge: Cambridge University Press, 1991), 23. On Kant's moralism and its relation to nonideal cases more generally, see Robert Louden, *Kant's Impure Ethics: From Rational Beings to Human Beings* (Oxford: Oxford University Press, 2000); Alex Livingston and Leah Soroko, "From Honor to Dignity and Back Again: Remarks on Lavaque-Manty's 'Dueling for Dignity,'" *Political Theory* 35, no. 4 (August 2007): 494–501.

8. On moralism as idolatry, Michael Oakeshott, "The Tower of Babel," in *Rationalism in Politics and Other Essays*, new ed. (Indianapolis: Liberty Fund, 1991), 476.

9. Michael Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror* (Princeton, N.J.: Princeton University Press, 2004), 34.

10. Karl Marx, "Letters from the *Deutsch-Französische Jahrbucher*," in *Marx Engels Collected Works,* 50 vols. (New York: International Publishers, 1970–2004), 3:142; On discourse theory's displacement of politics, see Chantal Mouffe, *The Democratic Paradox* (London: Verso Books, 2000); James Tully, *Public Philosophy in a New Key*, vol. 1, *Democracy and Civic Freedom* (Cambridge: Cambridge University Press, 2009); Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton, N.J.: Princeton University Press, 2009); Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, N.C.: Duke University Press, 2010).

11. Michael Oakeshott, "Rationalism in Politics," in *Rationalism in Politics*, 7; "Willing liberates, but what is that called, which claps even the liberator in chains? 'It was': thus is called the will's gnashing of teeth and loneliest misery. Impotent against that which has been—it is an angry spectator of everything that was. The will cannot will backwards; that it cannot break time and time's green—that is the will's loneliest misery." Friedrich Nietzsche, *Thus Spoke Zarathustra,* ed. Adrian Del Caro and Robert Pippin (Cambridge: Cambridge University Press, 2006), 111.

12. John Rawls, *A Theory of Justice,* rev. ed. (Cambridge, Mass.: Harvard University Press, 1999).

13. Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms,* 2nd ed. (Cambridge: Polity Press, 2008); John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999).

14. Like both Habermas and McCarthy, Forst simply dismisses Marxist and materialist approaches to justice out of hand as theoretically obsolete. "To be sure, the time when there was a critical theory of society at hand that was thought to provide a historical-scientific, materialist account of capitalist relations of production and domination that also entitled a normative theory about exploitation as well as (the necessary steps toward) emancipation is gone" (241). Forst here

jumps from a critique of the scientism of classical Marxism to the conclusion that whatever remains true of the Marxist project can only be recuperated today in liberal terms.

15. Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, Mass.: MIT Press, 1996).

16. Jürgen Habermas, "Kant's Idea of Perpetual Peace, with the Benefit of Two Hundred Years' Hindsight," in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, ed. James Bohman and Matthias Lutz-Bachmann (Cambridge, Mass.: MIT Press 1997), 147.

17. Bonnie Honig, "Dead Rights, Live Futures," *Political Theory* 29, no. 6 (December 2001): 792–805.

18. For a careful analysis of the kinds of political and theoretical distortions required to translate the concrete claims of social movements into discourse theory's conceptual framework, see Janet Conway and Jakeet Singh, "Is the World Social Forum a Transnational Public Sphere? Nancy Fraser, Critical Theory and the Containment of Radical Possibility," *Theory, Culture & Society* 26, no. 5 (September 2009): 61–84.

19. Jürgen Habermas, *The Philosophical Discourses of Modernity*, trans. Frederick G. Lawrence (Cambridge, Mass.: MIT Press, 1990), 5.

20. Exemplary in this rediscovery of the anthropological-historical Kant is Louden, *Kant's Impure Ethics.*

21. Kant's views on imperial are both complex and contested. For a reading of Kant that foregrounds his anti-imperialists commitments, see Sankar Muthu, *Enlightenment against Empire* (Princeton, N.J.: Princeton University Press, 2003). For the view that European supremacy is not simply accidentally but constitutively connected to Kant's view of culture and history, see James Tully, "The Kantian Idea of Europe: Critical and Cosmopolitan Perspectives," in *Public Philosophy in a New Key*, vol. 2 (Cambridge: Cambridge University Press, 2009), 15–42.

22. "Nature should thus be thanked for fostering social incompatibility, enviously competitive vanity, and insatiable desires for possession or even power. Without these desires, all man's excellent natural capacities be roused to develop." Kant, "Idea for a Universal History with a Cosmopolitan Intent," in *Political Writings*, 45.

23. This deeper concern partially explains why McCarthy often presents postcolonial criticisms of race and empire as stand-ins stand in for rhetorical positions in critical theory's older debate between Habermas and postmodernism. In the place of substantive engagements with thinkers like Du Bois, Gandhi, Fanon, all cited but not given a voice as interlocutors, the reader is offered critiques of the "performative contradictions" of Michel Foucault and Jacques Derrida, as well as a Habermasian appropriation of Judith Butler's notion of contested universalism. McCarthy notes, in a footnote, that one conclusion of his book might be construed as "an argument for changing the canon" of mainstream political theory (41). Such an acknowledgment only makes McCarthy's own insistence of identifying the discourse of modernity as something that takes place back and forth across the Rhine all the more disappointing.

24. Jürgen Habermas, *The Theory of Communicative Action*, trans. Thomas McCarthy, vol. 2, *Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), 397.

25. Jürgen Habermas, *The Theory of Communicative Action*, trans. Thomas McCarthy, vol. 1, *Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), 140.

26. Thomas McCarthy, *The Critical Theory of Jürgen Habermas* (Cambridge, Mass.: MIT Press, 1981); Thomas McCarthy, *Ideals and Illusion: On Reconstruction and Deconstruction in Contemporary Critical Theory* (Cambridge, Mass.: MIT Press, 1993).

27. Martin Luther King Jr., "Letter from a Birmingham City Jail," in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King Jr.*, ed. James M. Washington (New York: Harper One, 1986), 292.

28. Ibid., 295.

29. Ibid.

30. W. E. B. Du Bois, *Souls of Black Folk,* in *Writings*, ed. Nathan Huggins (New York: Library of America, 1987).

31. By invoking King and Gandhi, I do not mean to suggest that they were immune from the moralistic temptations I explore here in contemporary critical theory. We need only open the pages of Malcolm X and B. R. Ambedkar to find a critique of moralism as antipolitics here too. Moralism, as I am presenting it here, is a permanent problem of normative political theory. While the dynamics of moralism are certainly different in the context of South Asian political thought, where the issue is not the inscription of liberal universalism beyond the bounds of politics by means of moral argument, analogous temptations and strategies of "purifying" politics can be found. Rather than seek some tradition or figure who is exempt from this temptation, political theories may do better, as Jane Bennett rightly argues, to think about the "antimoraline tactics" available to guard against the drift into moralism. Such tactics include: "Seasoning one's claims with self-irony and modesty, cultivating a tolerance of moral ambiguity, periodically practicing normative reticence, building up a resistance to the pleasure of purity, minding your own business, doing what you can do to forget to wreak vengeance, defending negative freedom even if there is no such thing, and playing around are the best you can do. But that's quite a lot." Bennett, "The Moraline Drift," 22. To this list I would add cultivate a sense of the tragic nature of time, as I explain below.

32. Brown, "Moralism as Anti-Politics," 28. Elisabeth Anker identifies the narrative and modal continuities between classical and contemporary forms of left moralism in "Left Melodrama," *Contemporary Political Theory* 11, no. 2 (2012): 130–52.

33. Max Horkheimer, "Traditional and Critical Theories," in *Critical Theory: Selected Essays* (New York: Continuum, 1975), 220.

34. Cf. Immanuel Kant, "The Contest of the Faculties," in *Political Writings*.

35. Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997), 89.

36. Ibid., 90.

37. Ibid., 91.

38. Ibid., 92.

39. Ibid.

40. One reason Butler's arguments seems so amenable to Habermasification is her reliance on Hegel's *Phenomenology* as a reference for conceptualizing this process of universalization. However, Butler's own vision of Hegel is a distinctly ateleological one, deeply at odds with the accounts of social learning in Habermas or developmentalism in McCarthy. In conversation with Žžek and Laclau, Butler writes, "The *Phenomenology*, for instance, operates according to a temporality that is irreducible to teleology. The close of that text is not the realization of State or the manifestation of the Idea in history. It is, significantly, a reflection upon the very possibility of beginning, and a gesture towards a conception of infinity which is without beginning or end and, hence, at a crucial distance from teleology." Butler, "Competing Universalities," in *Contingency, Hegemony, Univer-sality: Contemporary Dialogues on the Left* (London: Verso, 2000), 172; cf. Judith Butler, *The Subject*

of Desire: Hegelian Reflections in Twentieth-Century France (New York: Columbia University Press, 1987).

41. Samuel A. Chambers introduces this distinction between timely and untimely conceptions of rights, particularly as they relate to Butler's own view, in his "Ghostly Rights," *Cultural Critique* 54, no. 1 (Spring 2003): 148–77.

42. Butler's conception of the creativity of rights claims, understood as performative actions, is thoughtfully spelled out in Karen Zivi, "Rights and the Politics of Performativity," in *Judith Butler's Precarious Politics: Critical Encounters*, ed. Terrell Carver and Samuel A. Chambers (London: Routledge, 2008), 92–106; Zivi, *Making Rights Claims: A Practice of Democratic Citizenship* (Oxford: Oxford University Press, 2012).

43. Linda Zerilli, "The Universalism Which Is Not One," *Diacritics* 28, no. 2 (Summer 1998): 3–20; Chambers, "Ghostly Rights," 159–60.

44. Butler, *Excitable Speech*, 91.

45. Forst, *Right to Justification*, 116, 258, 196, 151, 227, 274, 181, 149; McCarthy, *Race, Empire, and the Idea of Human Development*, 2, 184; Ingram, *Radical Cosmopolitics,* 5.

46. Karl Marx and Friedrich Engels, *The Holy Family*, in *Collected Works,* 4:8.

47. Ibid.

48. Northrop Frye, *The Anatomy of Criticism: Four Essays,* updated ed. (Princeton, N.J.: Princeton University Press, 2000).