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Justification and emancipation: The critical theory of Rainer Forst

Edited by Amy Allen and Eduardo Mendieta

University Park, PA: Pennsylvania State University Press, 2019, viii+200 pp. ISBN: 978-0-271-08478-7 pb £20.99

The Frankfurt School started out nearly a century ago with a post-Marxist programme of immanent social criticism. It has developed since into a thoroughly plurivocal family of theories. While holding on to the notion of immanent social criticism, critical theory today draws on phenomenological and pragmatist lifeworld accounts, poststructuralist analyses of power, republican theories of civic agency, and mainstream Rawlsian political philosophy. The most distinguished proponent of the latter strand is Rainer Forst. His critical theory—essentially a critical theory of justice—is the topic of Amy Allen's and Eduardo Mendieta's meticulously edited collection.

Justification and emancipation features 10 chapters: an editorial introduction, a programmatic statement by Forst, seven critical discussions of his work (one of which in reaction to his programmatic statement in the volume), and his responses to all his seven critics. To be able to follow the critical exchanges of the volume as closely as they deserve, a brief overview of Forst's basic philosophical tenets may be useful. Similar to Rawls, Forst takes a broadly neo-Kantian perspective on the just society. However, instead of using Rawlsian devices such as the veil of ignorance and reflective equilibrium, Forst bases his critical theory of justice on a version of Sellars's space of reason. Where Sellars's original space of reasons insists on the continuity of sense content with conceptual content, Forst's social space of reasons keeps interaction continuous with reason-giving between agents: minimally, inhabitants of the social space of reasons are entitled to be given reasons for what is done to them. This right is central to Forst's critical theory of justice (see his 2014 *The Right to Justification*). Other important elements such as discursive inclusiveness and mutual respect for each other as autonomous normative standpoints can be interpreted as inferential extensions of the right to justification. Significantly, Forst's social space of reasons leaves ample room for conflict. As mutual respect and inclusiveness are to be maintained throughout conflict, the social space of reasons has to be understood as a space of reciprocated tolerance as well (see his 2003 *Toleration in Conflict*). Most papers in *Justification and emancipation* offer critical comments on Forst's social space of reasons and the procedures it entails. Many of them draw on ongoing social struggles to make their criticisms concrete. For ease of exposition and comment, I will group contributions under three topical headlines: *space of reasons*, *universalism*, and *power and alienation*.

Space of reasons: The articles by Mattias Iser, Melissa Yates, and John Christman engage directly with core aspects of Forst's social space of reasons. Iser (Chapter 4) takes issue with Forst's respect-based conception of tolerance. He points out that recognizing others as autonomous agents is compatible with deep misgivings against these same others and their normative outlook. As misgivings of this kind can erode social relations, Iser suggests adding an imperfect duty to Forst's deontology: learn to assign positive value to the normative outlooks you tolerate

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(pp. 70–72). Yates (Chapter 7) raises questions about the diachronic scope of justification entitlements. She agrees with Forst that a critical theory of justice has to oppose domination by insisting on the right to justification. On Yates's view, however, Forst's quasi-transcendental account of this right potentially overlooks unrecognized needs for restitution or novel ways of justification. Her fear is that the critical theory of justice promotes a tunnel vision of discursive justification that makes it oblivious to "the permanence of contexts of injustice as a corollary of democratic rule" (p. 122). While Yates takes Forst into the thick of social struggles, classical controversies between the Frankfurt School and contemporary political philosophy turn on the place of the individual in the overall scheme of things. Christman (Chapter 3) worries that Forst underplays individual autonomy in setting up the social space of reasons. He fears that Forst's insistence on mutuality instead of first-person authority can have alienating effects on individual members of the social space of reasons once they are exposed to the right to justification and what it demands from them (p. 45).

Let me turn to Forst's responses to Iser, Yates, and Christman. Given the existence of parallel societies all across the Western world—minorities isolated from mainstream society because their constitutionally protected moral and cultural values are looked on with suspicion by the majority—Iser's point is not just well-taken but urgent. However, instead of motivating his criticisms with reference to pervasive Islamophobia, for example, Iser employs an idiosyncratic thought experiment. This argumentative strategy makes it too easy for Forst to dismiss Iser's point simply by asserting that a critical theory of justice either rules out reluctant toleration on grounds of mutual respect or need not offer preemptive solutions to social conflicts. In the social space of reasons, Forst states, minorities have to accept in the name of equality and freedom that the majority targets what is holy to them (p. 167). Forst makes this point by referring, among other examples, to the caricatures of Muhammad in the French satire magazine *Charlie Hebdo* which led to the lethal 2015 attack on the editorial offices of the magazine. This passing reference strikes me as inadequate. In the *Charlie Hebdo* case, the murderous actions of fanatics have made it near impossible for Muslims in France and elsewhere in the Western world to express their reasonable complaints about the desecration of their religious symbols without being associated with fanaticism—think not just of the Muhammad caricatures but also of the legal injunctions in many Western countries against the dress code of strictly observant Muslim women. In light of this, the formal and minimal language of equality seems naïve: minorities encounter significant obstacles and prejudices when speaking up against majoritarian violations of minority values, while those with the majority culture behind them can simply appeal to the well-entrenched protection of freedom of opinion and expression to perpetuate their provocations.

I have dwelled on this longer because it highlights the degree of abstraction of this discussion and the distorting effects of its detachment from what one would think are relevant social phenomena. Yates's criticism is explicitly concerned with this detachment. Indeed, Forst admits in his response to Yates that lack of epistemic imagination has not struck him so far as a problem of his critical theory of justice (p. 178). This could be relevant to the problem I just raised with respect to Iser's paper. The problem was that what looks like an expedient general requirement—minorities have to accept a certain amount of majority infractions on aspects of their way of life just as majorities in the social space of reasons have to accept their coexistence with minorities—can easily conceal concrete blind spots. If the critical theory of justice is to stay true to the Frankfurt School spirit of immanent social criticism, it has to be responsive to the possibility that reflective distance and equitability are sources of problematic bias.

This notwithstanding, overall, Forst tends to defend the degree of detachment of his neo-Kantian approach from concrete social issues as an advantage. It is remarkable, therefore, that he marshals a young Hegelian perspective with respect to Christman's individualism about autonomy. Forst argues against Christman that reciprocal requirements like mutual respect do not have the character of an imposition: having one's self-chosen normative ideas decentred in light of the justified demands of others simply belongs to the internal dialectic of autonomy (p. 162). This point could have been developed further. Especially in light of Yates's and Iser's interventions, it makes sense to say that the social space of reasons is asymmetrical in a crucial respect: agents cannot simply hold on to their normative outlook just because it is their own, and they have to be careful not to alienate others by seeing no value in the normative outlook of others. However, Forst does not keep this promising thought in view. Against those of his

critics who point to *Sittlichkeit* or to extra-discursive or nonprocedural aspects of social life, he keeps to the far more minimalistic neo-Kantian line that I have adumbrated above.

Universalism: Forst's critical theory of justice has strong metanormative commitments to universalism. These commitments are prominently defended in his programmatic opening statement to *Justification and emancipation* (Chapter 2). His defense is intricate and sophisticated in that it does not let go of universalism while bringing its problematic history into view. Backed up by references to postcolonial theory from Said to Mbembe, Forst distinguishes true social progress from the imposition on others of Western ideals, values, attitudes, and ways of life in the name of progress and universality. As opposed to false progress, he states, true progress is purely negative, against domination (p. 26). According to Forst, true progress occurs if we manage to dissolve the social obstacle of domination, as it were, by expanding the social space of reasons, its frameworks of reason-giving, and thus the reach of the right to justification (p. 22). Therefore, true progress cannot be a presupposition of our actions; it shows itself *post factum*, on reflection. Metanormative universalism—"the universalism of justificatory equality" (p. 25)—ensures that we assess the situation under domination on the same terms as the situation after having dissolved the obstacle. And it allows us to understand that we could overcome domination due to our commitment to the fundamental normative provisions and procedures of the social space of reasons.

Amy Allen and Sarah Clark Miller challenge Forst's universalism from two different vantage points. According to Allen (Chapter 9), the model of immanent social criticism shared across the Frankfurt School tradition precludes the deployment of Forst's context-transcendent normative standards (p. 152). On her view, universalist ideas like equality, freedom, or respect have to be contextualized and brought into genuine dialogue with other coexisting normative perspectives. Therefore, she concludes, progress occurs *between* different normative parties and not by overcoming domination in Forst's general and unidirectional sense. Miller (Chapter 8) criticizes Forst's universalism in a complementary spirit. For her, the social space of reasons is susceptible to hidden relations of domination because it is constructed around ideal-theoretic abstractions that obscure its potential for exclusionary effects. Drawing on McNay, Nussbaum, and Stoljar, Miller argues that these idealizations foster potentially harmful adaptive preferences. Disadvantaged parties may acquiesce in equal justification, for example, and refrain from engaging in material struggles against concrete domination (p. 141).

In his response to Allen, Forst turns the charge of context-transcendent value imposition against her. Universalism understood in her contextualist optic, he contends, encourages either paternalism or indifference toward other normative contexts (p. 183). To be sure, on the one hand, it is hard to see how Allen's contextualized universalism can avoid casting other normative perspectives as contexts of inequality, unfreedom, and disrespect and thus either takes them over or keeps them at a distance. On the other hand, however, it is hard to see how Forst's metanormative universalism can engage substantive normative practices in any other way except for nudging them in a single direction, namely toward compliance with the right to justification. This unproductive back-and-forth between universalism and context relativism at the metanormative level is peculiar since both, Allen and Forst, claim to be value pluralists. This makes it somewhat perplexing that metanormative pluralism does not even come up for discussion. After all, metanormative pluralism can explain normative conflict as well as consensus without having to subsume plural values under one common principle or procedure; nor does it have to enforce incommensurability between normative contexts. It simply asserts that the terms in play do not reduce to each other.

I have to leave it at this suggestion here and turn to Forst's reply to Miller. Forst defends his metanormative universalism by pointing out that it has counterfactual rather than ideal character (p. 180). I take this to mean that, instead of approximating the ideal of domination-free interaction, the social space of reasons serves as a sufficiently furnished possible world—a concrete utopia, as it were—which is like our world, just without domination. Although such a move would seem to get Forst out of trouble, it has its metaphysical price. To ensure imaginative as well as factual traction with ongoing social struggles, the possible world of the social space of reasons has to be kept close to the actual world. But which rigid designators would safeguard continuity between actual domination and counterfactual nondomination? Take the actual world of patriarchal domination and imagine a possible world free from it. If we permit even minuscule semantic shifts from world to world in what we mean with patriarchy, our justifications

would not track our object of critique. Behind our backs, counterfactual freedom from patriarchal domination and actual patriarchal domination could just come down to the same thing. But this looks just like a fancy paraphrase of the problem with idealization and adaptive preference that Miller points out.

Power and alienation: Recall that the social space of reasons encompasses conflict and disagreement. In recent work, Forst also discusses power and alienation under the conceptual conditions of this space—he calls power and alienation thus conceived “noumenal” (see in particular his *Normativity and Power* from 2017). This move is intriguing and inspired: noumenal power and noumenal alienation do not just operate on agents but belong to the discursive medium itself; to criticize them on their own terms thus means to subject them to *conceptual* scrutiny. What might be questioned, however, is how comprehensive Forst's engagement with alienation and power eventually is. That there are limits to this engagement is obvious from his explicit proviso that pure violence differs from noumenal power precisely in that it occurs outside of discourse (p. 176); similarly, alienation becomes intractable once it turns into pathology. Yet precisely these phenomena—violence and pathology—are the matter of substantial social struggles, as Catherine Lu and John P. McCormick insist in their respective contributions to *Justification and emancipation*.

Noumenal alienation comes down to not being recognized as a reason-receiver or to being alienated to such a degree as not to understand oneself as a reason-giver. Drawing on Fanon, Coulthard, Mehta, Lear and others, Lu (Chapter 5) stresses that the oppressed are alienated because current social arrangements block or erase their entire horizon of meaning. For this reason, justification cannot even get started (p. 88). The oppressed have to emancipate themselves existentially from inherently meaningless ways of oppressed life before they can undertake their noumenal emancipation in the space of reasons. McCormick (Chapter 6) argues from a somewhat different angle that Forst's concept of noumenal power is either too inclusive or too exclusive. On the one hand, if noumenal power covers the whole range from seduction to death threats, it seems that agents never encounter situations that classically drive emancipatory critique—situations, that is, in which agents surrender to power by having their justificatory capacities and demands taken away (p. 101). On the other hand, power is often enough used to silence political opponents or to subdue recalcitrant segments of society (p. 104). This Machiavellian side of power falls outside the purview of a critique of noumenal power and thus cannot be appropriately addressed by Forst's critical theory of justice.

In Forst's opinion, McCormick is too pessimistic. The critical theory of justice addresses the Machiavellian side of power by distinguishing between noumenal power, whose legitimacy can be questioned, and pure violence, which is illegitimate by definition (p. 175). If we parse out power in this way, however, we end up with ineffectual gestures. We merely flag pure violence as beyond the pale of critical theory and thus cede crucial areas of critical engagement to ad hoc interventions. When Adorno wrote that the wrong life could not be lived rightly, he did not formulate an exemption for the critical theorist but outlined a challenge—to live the wrong life and to think through its consequences from this lived perspective. Similarly, nondiscursive violence, say police brutality, is not wrong because it flouts mutual respect requirements in the social space of reasons; it violates people; and this cannot leave critical theorists cold.

With respect to Lu, Forst acknowledges the need and urgency of restoring justice for peoples who lost their way of life to colonization generations ago. He sharply disapproves of her existence-first approach, however, associating it with traditionalism (pp. 170–171). But this seems a knee-jerk reaction reminiscent of the days of the Habermas–Gadamer debate. With Fanon in mind, Lu's existential point concerns something rather different, namely the creation of a liveable and intelligible world after settler colonialism, imperialism, or globalization have destroyed meaningful traditions beyond recovery. Victim accounts of torture and genocide underscore the fact that even naming what happens to those subject to violence is extremely difficult. As these accounts often point out, the root of this difficulty is that violence is designed to destroy meaning by destroying subjectivity. Therefore, attention to phenomenal aspects of power—how power crushes experience, meaning, and subjectivity—in addition to its noumenal aspects seems indispensable for a comprehensive critique of domination and oppression. Even the details of everyday violence are far from self-evident—just think how deep-seated and near-ineradicable the prejudices behind blatant police brutality are. Therefore, critical theory should not retreat from this base level of phenomenal

violence and oppression to a noumenal space of reasons; much suggests that its real work has to begin down here in the thick of oppression.

To my mind, Forst's engagement with postcolonial and intersectional literature is a step in the right direction. But there is a tension between this engagement and the priority the social space of reasons has for his critical theory. His neo-Kantian perspective does not help with this tension as it emphasizes entitlements and procedures over the experiential dimension of humiliation and oppression. It is a testament to the editors of this collection, to the contributors, and to Rainer Forst's responsiveness to their criticisms, that all these difficult issues and unresolved problems become tangible. This makes *Justification and emancipation* a brilliant snapshot of contemporary Frankfurt School critical theory.

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