
Review

Critical theory in critical times: Transforming the global political and economic order

Penelope Deutscher and Cristina Lafont (eds.)
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Penelope Deutscher's and Cristina Lafont's edited collection of essays, *Critical Theory in Critical Times*, seems poised to deal with today's problematic relation between critical theory and the various crises spawned by the global capitalist order. The table of contents certainly reads like an academic 'who's who' of those that are sometimes directly, sometimes loosely, associated with the term critical theory. In the end, however, what the book succeeds in doing is put on display the profound exhaustion of academic critical theory. This has been, to be sure, a problem for some time. Nancy Fraser intelligently point to this problem in her contribution to the volume: 'we are living through a capitalist crisis of great severity without a critical theory that could adequately clarify it' (p. 142). It must be said that the essays contained here, with the definite exception of Fraser's, present us with ample evidence of this thesis. Indeed, I would go so far to say that the book is an expression of a non-critical critical theory. The central weakness of the collection is that it suffers from the illusion that there can be a meaningful critical theory of society without a confrontation with the structural imperatives of administered capitalism and its power to shape mind, self and culture.

The first essay of the book concerns the 'future of democracy.' Jürgen Habermas' contribution argues for a new trans-national form of democracy that is based not on a hierarchical federal structure with EU institutions hovering above national institutions, but rather what he calls a 'heterarchical' structure that creates a 'supranational polity' where 'the higher political level should not be able to overwhelm the lower one' (p. 12). This heterarchical relationship is one where each national community is open to the other and where decisions are made via mutual and reciprocal interests. To buttress and cultivate this supranational polity, Habermas argues for a 'European public sphere' that can enable 'Europe-wide political communication' (p. 11). In this way, Habermas envisions a new form of



institutional structure that is constituted democratically while deriving its legitimacy also through democratic means.

Seyla Benhabib's chapter explores what she calls 'cosmopolitan norms of justice.' She argues that human rights 'straddle the line between morality and legality they enable us to judge the legitimacy of law' (p. 27). She then goes on to argue that 'the right to self-government is the condition for the possibility of the realization of a democratic schedule of rights' (p. 29). How all of this justification and reciprocal exchange of reasons is possible in the first place in societies racked by alienation, populism, and de-rationalization of citizen competence is never explored, however, and we are left more with a philosophical ideal-typical argument than with radical critique. Who is the agent that Benhabib believes is or will seek to implement these abstract claims? We are never told.

Cristina Lafont develops a form of human rights that takes into consideration the nation state's ability to protect the rights of their citizens in a global context. She argues that the nation state is the primary actor in protecting human rights and that coercive intervention against these states in order to protect their citizens 'is a very poor means of effectively protecting the human rights of the affected populations' (p. 67).

Rainer Forst deals with what he terms a 'critical theory of human rights.' Here issues become more problematic. As he frames his thesis, 'The moral basis for human rights... is the respect for the human person an autonomous agent who possesses a right to justification – a right to be recognized as a subject who can demand acceptable reasons for any action that claims to be morally justified and for any social or political structure or law that claims to be binding upon him or her' (p. 78). He believes this qualifies as a critical theory 'because it starts from the participant's perspective in social struggles and reconstructs the basic emancipatory claim of human rights' (p. 75). Whatever one might think of Forst's basically liberal understanding of human rights, this does not really qualify as a desideratum for a critical theory of society. Essentially for Forst, critical theory is liberalism. He makes no gesture to the pathologies of reason under the social conditions of capitalist modernity; no reference to the ways that social movements are drying up due to the weakening psychological basis for dissent; no allusion to how social forces and structures are deforming subjectivity, and disabling and corrupting the rational capacities for justification and moral critique. Instead, we are asked to consider an essentially liberal framework for human rights as the expression of critical theory.

Up to this point in the volume, the essays all seem to be asking us to accept a version of critical theory without any diagnosis of social pathologies rooted in modern capitalism, with no theory of cognitive or psycho-pathologies stemming from damaged social relations, reification, alienation, or conformism – the concerns that motivated critical theory in the first place. The authors all labor under a neo-Idealist reconstruction of critical theory. Their central effort is no longer to grapple



with the empirical realities of social power, but rather to offer a philosophical-idealist brand of system building. Indeed, the whole idea of human rights as a critical theory should be seen as highly suspect: for what critical force can rights have when the agents themselves lack political or critical agency? Forst, Habermas, Benhabib and Lafont suffer from a deep-seated neo-Idealism that renders their ideas essentially abstract and acritical, if not *affirmative* of the prevailing social order. In an age of increasing inequality, oligarchic political power, and conformist subjectivity in the face of commodification and neoliberalism, this project rings decidedly hollow. Indeed, the very relevance of this project of uniting critical theory with human rights shows itself in these essays to be devoid of salience except, perhaps, within the sealed-off walls of the graduate seminar room.

In an essay on neoliberalism and rights, Wendy Brown tries to get at some issues that were resonant with the critical theory project. She discusses the problem of the ‘economization of subjects’ that seems to mean that we come to view ourselves as commodities for exchange in market terms. She then applies the idea of the neoliberal subject to the theory of the corporation as person and she reads the Citizens United supreme court case as an example of how the neoliberalization of subjectivity allows for expanded corporate power and diminishes our collective understanding of rights and democracy.

Christoph Menke’s contribution provides a critique of Marx’s understanding of bourgeois social law. He sees Marx’s critique of law as encompassing two dimensions of law which Marx did not see. On one hand, there is social law – or the rights of citizens to participate in society – and on the other, private law, or the rights of individuals to property and the use of that property. Menke argues that Marx unfairly critiqued law in terms of private law without appreciating the political potential of social law. He argues that ‘Marx dismissed the socialist conception of social law, and rights, as the “foolishness of those socialists”’ (p. 122). But this critique really has little to offer. For one thing, although it is true that liberalism has been able to expand social rights and participation and Marx did dismiss these developments, he did so because he saw, quite rightly, that such rights would not serve to contest the core aspects of social domination under capitalism or provide a means for social transformation. Marx’s argument should not be so easily dismissed: the expansion of liberal rights has mollified the critique of capital and forestalled the project of social transformation even as it has allowed for a sphere of rights that, although it has expanded social membership, has also diverted many modern struggles away from capital and toward issues of identity. The forms of participation that capital seems to tolerate are those that allow for its continued reproduction. In addition, simply because Marx himself saw these limitations of the state and law during his own time, it does not mean that a Marxian theory of the law and the state is not fruitful, especially for anti-capitalist projects. Indeed, it is problematic that in his discussion, Menke makes no mention



of the Marxist theory of law and the state developed by thinkers such as Otto Kirchheimer and Franz Neumann, among others.

Nancy Fraser's essay stands out in the volume as an attempt to problematize the way our current theories are unable to make real sense of the distinctive crises that plague modern capitalist societies. She rightly claims that 'the current boom in capitalism talk remains largely rhetorical,' (p. 141) and she insists that a more thorough and robust critique of modern capitalism must proceed from a multi-faceted approach, where there exist not only economic forms of exploitation, but also forms of expropriation that occur within forms of social reproduction, where capitalism's "economic" foreground features depend on "noneconomic" background conditions' (p. 151). This Fraser sees as essentially located in the sphere of social reproduction, or 'the forms of provisioning, caregiving, and interaction that produce and maintain social bonds' (p. 147). There are, then, nested forms of power relations that are structurally differentiated in neoliberal capitalist society, and any critical theory of society must keep these dimensions of power and domination in view.

An essay by Rahel Jaeggi unabashedly reinvents the sociological wheel by arguing that critical theorists should examine 'economic social practices' in understanding what she broadly terms 'forms of life.' She claims that forms of life are made up of social practices. But she seems confused about what social practices actually are beyond the most basic definition of them as 'practices concerning oneself, others, and the material world' (p. 164). She never delves into what a practice is, and also seems to ignore the large amount of work in sociology, social theory, and philosophy that has tackled this problem – with far more richness – than her own account (think Searle or even Sartre for that matter). She also bifurcates norms and practices in a way that is, I think, basically wrong. Social practices are not regulated by norms, as she claims, they are more correctly *constituted* by norms. This is what makes capitalism particularly insidious: it does not so much *regulate* our activities as *constitute new practices* – it creates its own form of social reality.

Amy Allen's essay looks toward a critique of progress and seeks to incorporate postmodernism into critical theory. She asks how can critical theory claim to be critical if it 'relies on an imperialist meta-narrative to ground its approach to normativity?' (p. 185). Allen suggests that Habermas and Honneth rely on a model of human moral development that is based on a concept of progress, or the expansion of moral-rational capacities that we accumulate over time. Instead, she sees Adorno and Foucault as an alternative paradigm in that they 'offer an alternative way of thinking... that understands critique as the wholly immanent and fragmentary practice of opening up lines of fragility and fracture within the social world' (p. 200). But this seems to me to be deeply problematic. We can indeed have a concept of progress that is not based on 'imperialism' or 'colonial' assumptions and which also militates against those projects. It is simply absurd to say that the



ways that one community organizes its social relations cannot be seen as a progressive improvement over another's. Lacking this, we surrender all meaningful forms of political and moral judgment. Attitudes, rights, and cultural ideas about homosexuality in New York City as opposed to Uganda are radically more progressed, and this only means that the ethical life of the former has progressed enough to allow for more inclusion and more equality and respect of persons. The practical implications for Allen's argument seem more nihilistic than worthy of the term critical theory.

Penelope Deutscher's chapter seeks to adapt Foucault to critical theory, and the last chapter by Charles Mills reflects on critical theory's 'failure to engage seriously with race – whether on the individual level of white self-hood... or at the social systemic level of white supremacy' (p. 235). This was surprising to read given that one of the core research areas for Frankfurt School theorists was the dynamics of anti-Semitism and studies in prejudice and authoritarian personality. The idea that these research programs cannot be extended into the more specific concerns Mills has in terms of American race relations is a serious oversight. In fact, what these comments reveal is a failure to defend the claim that ignoring race in the *content* of their research or philosophical insights (which is a valid claim) has any *constitutive* effects on the diagnostic and normative ideas that critical theory put forth. The ideas of Kant, Hegel, and Marx, of Marcuse, Fromm, Adorno and Horkheimer, no less than Habermas and Honneth, are not constituted by racist ideas and display no racist character. They are also decidedly non-racist in their logic, their claims or in the principles they espouse. It is irresponsible and intellectually disingenuous to argue otherwise. In fact their ideas can (and should) be extended and developed to explain and confront racism and racist attitudes, if the work were actually put in to do so.

In the end, the essays here offer very little that can really help us move critical theory forward as a tradition and as a paradigm of social critique. One major problem is the way it has been taken up by philosophers without the interdisciplinary labors of critical social science. This was, after all, the real core of the critical theory project from the beginning. The essays simply talk over the real problems that Frankfurt School thinkers saw as salient in modern, mass societies. In fact, problems of the decline of political agency, the slackening of contestatory movements against capitalism, the reification of subjectivity, and the re-emergence of authoritarian attitudes and political populism are not even touched in this volume, even though this is where the trends of modern society are increasingly heading. It would seem that we need less philosophical engagement with human rights and postmodern ideas and a re-engagement with the ideas and theoretical program of the first-generation of critical theorists. What critical theory needs is a reformulation of its role outside of academic circles and debates. It needs to engage in real, public problems and concerns. Unfortunately, the essays reviewed here



demonstrate that critical theory's academic state-of-the-art is in need of much work to get us there.

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