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The silence of political liberalism

Published 4 October 2016

Original in **German**

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First published in **Mittelweg 36 2/2016 (German version); Eurozine (English version)**

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Deprived of its normative core and disappointed in its hopes for universal justice, contemporary liberalism is mute in the face of current conflicts and crises. Regina Kreide seeks reasons for liberal theory's loss of relevance in today's violent, chaotic and radically unequal world.

Europe is convulsed by terrorist attacks and surrounded by theatres of war. Refugees are dying at the external borders of the continent or being herded together in camps in Turkey, Lebanon, Yemen, or – and this applies only to the very few – in countries in Europe. The financial crisis seems harmless in comparison: annoying but transient, like a cold.

The beautiful, peaceful world in which we have arranged our lives so comfortably is showing its repressed, violent side. Yet established political theory is silent – perplexed, incredulous, and helpless – in the face of these problems. Is this because the circumstances are beyond explanation? Or is there a problem with political theory itself? What has happened to the discipline that claims to be able to tell us about the legitimacy of political systems? To paraphrase Kant, is it dreaming the sweet dream of perpetual peace? In the following, I develop three theses in order to explain this silence. Before doing so, however, I will offer a brief sketch of recent key developments in political theory.

The end of history?

The history of political theory over the last three decades has been shaped



in decisive ways by variants of liberal theory. It is no exaggeration to say that liberal theory, which draws in one way or another on classical predecessors, still sets the tone. Here, central importance is accorded to the foundation of civil liberties, whose function is to protect life, security and property. For example, the seventeenth-century liberalism of John Locke is shaped by the idea that human beings by nature find themselves in a condition of perfect freedom in which they do not depend on the will of others. [1] Almost two centuries later, John Stuart Mill added the condition that, if freedom is restricted, then the burden of proof lies with those restricting, rather than those whose rights are being curtailed. [2] Contemporary liberal thinkers such as Joel Feinberg, Stanley Benn and John Rawls also affirm – notwithstanding all other disagreements – a ‘basic liberal principle’: the freedom of all or, more precisely, the negative freedom of all, to exist without interference by other individuals or the state. This is the key normative premise of all liberal theories. The protection of life, property and freedom of opinion (Mill) are central; [3] deviations from these fundamental principles, for example state coercion (taxes, conscription), must be justified. A main question for liberalism is thus whether and how it is possible to legitimize coercive and freedom-curtailing rule.

After the end of the Cold War, when many things pointed to a single world-order for all under the triumphant banner of liberal constitutionalism, democracy and a politically domesticated capitalism, liberalism seemed to have reached its goal. The concept of society of Soviet-style socialism had imploded without alternatives and from its ruins one could dimly see democratic societies taking shape that were already breathing the freedom of borderless capitalist exchange and cheap production.

Political theory was not unaffected by these historical developments. In 1999, Otfried Höffe wrote a widely acclaimed book on the transnationalization of democracy, while in the same John Rawls year extended his *Theory of Justice* (1971) from the national to the global level. [4] Seldom had liberal theory and politics been so closely aligned. Even if some ‘peoples’ needed a bit more time and would have to be met halfway by the ‘West’ when it came to ideas about democracy and justice, it was assumed that all societies would in the long run develop in line with a liberal concept of freedom, rule of law and justice. Kant’s dream of ‘eternal peace’, in which an interplay between national democracies and international law backed up by force would give rise to a process of democratic constitutionalization under the auspices of the United Nations, seemed on



the brink of realization. Francis Fukuyama spoke of the 'end of history' while not long ago Samuel Moyn argued for a repoliticization of human rights as 'last utopia'. [5]

In the meantime, however, the theoretical tools of liberalism appear hopelessly inadequate. Liberal values no longer count as desirable without qualification – far from it. Global economic and political systems, including the WTO, the World Bank and the IMF, and planned trade agreements such as TTIP, drag citizens into a freedom-*restricting* regimentation that they can influence only indirectly through democratically elected state representatives, if at all. Neoliberal economic policy has exorcised the ideal of equality from politicians and citizens alike. A version of liberalism that is not underpinned by meaningful values leaves room not only for various forms of sexism and racism, but also for religiously embroidered extremism, to which it can respond only by insisting that 'We have always known better what is good for you'. The just normative international orders that had been hoped for have long been replaced by an extremely violent political disorder which responds only very hesitantly to war, expulsion, and refugee movements. But why does liberal theory – the present author included – find it so difficult to respond to these developments, which after all are no longer all that new?

Toothless concepts

In my view, the first reason is that liberalism does not offer appropriate conceptual tools for analysing the new armed conflicts and wars of values. Take John Rawls, for example, whose influence on political theory and philosophy over the past thirty years is virtually unrivalled by any other philosopher. What does he have to offer when it comes to dealing with non-democratic states in conflict situations? Like Kant, Rawls considered international law to be the best guarantor of global peace and justice. In *The Law of Peoples*, he proposed a hypothetical 'initial situation' for the international level (having done the same for the national level in *A Theory of Justice*), where democratic and other so-called 'well-ordered' societies would agree on the basic principles of an ideal global order. These would include international laws (especially human rights) and basic principles of justice. [6] In reality, however, as Rawls was also aware, not all people are citizens of well-ordered states, nor do all representatives of states respect international law. In the 'nonideal' part of his theory, he therefore proposes strategies for how 'burdened societies', as he calls states that do not satisfy



his ideal of justice, can be brought into a 'society of well-ordered peoples'. [7]

Rawls's treatment of what he called 'outlaw states' is especially instructive. Outlaws violate human rights domestically and refuse to integrate their foreign policy into international legal structures. [8] Examples would be North Korea or Somalia, but also the state-like entity of the self-appointed 'Islamic State'. Outlaw states are characterized by the fact that they have their own territory and government but lack the key qualities of an internationally recognized state - a convincing constitution, acceptance of basic human rights, the principles of rule of law, minimum democratic requirements and a cooperative foreign policy. [9] Interestingly enough, military intervention was Rawls's instrument of choice when dealing with outlaw regimes. He argued that democratic societies are responsible for employing all necessary means against these failed states, [10] and that war is the only means by which well-ordered societies can impose their rational (not reasonable) interests against the outlaw states. [11] Since democratic societies possess a 'higher level of legitimacy', they are even entitled to wage a 'just war' against the 'outlaws'.

Against this background, it is possible to justify an event such as the 2002-2003 Iraq War as the only way to come closer to a 'just' world order. The fact that the so-called Islamic State (IS) emerged as the result of misguided American policy is the sad irony of a well-intentioned approach such as this. The illegal intervention in Iraq was followed, for example, by the introduction of proportional representation, by means of which the occupiers divided up the population into Shiites, Sunnis and Kurds. The effect was not to improve political representation so much as to deepen and to codify ethnic divisions.

Yet the terrorism neither of al-Qaeda nor IS can be combated with a few brief military strikes. On the contrary, responding to a conflict that could last for decades with equally long-term strategies calls for stamina. Air raids abroad and states of emergency at home only promote the goals of the terrorists, namely hatred of the 'West' and civil society in a state of shock. Terrorism needs to be shown the 'cold shoulder', in Machiavellian fashion. [12] The best way to do this is if Europe stands united and employs unpredictable, well-calculated strategies while continuing to operate in the mode of social normality.



But how could Rawls have granted liberal societies, which are able to cooperate peacefully only among themselves, such a limited range of options? According to the British philosopher Raymond Geuss, Rawlsian liberalism, like most analytical philosophy, primarily involves conceptual analysis. [13] Though this can indeed bring new insights, a kind of residual Platonism means that concepts are tacitly assumed to have an inherently timeless essence – as if, for example, the understanding of justice as fairness were prescribed to institutions ‘by nature’. [14] This is the only way to explain how Rawls, irrespective of political and social context and solely on the basis of analytical distinction, could reach the almost inescapable conclusion that certain forms of society could become just only through military intervention.

Moreover, a concept of justice derived from a hypothetical justification inevitably suppresses historically formed power relations, existing social and political institutions, and current conceptions of value. [15] A form of conceptualization that is not embedded in an analysis of contexts remains too abstract. Finally, the principles of justice obtained from the ‘initial situation’ are applied retrospectively to the non-ideal world, which unsurprisingly resists being shoe-horned into a pre-given normative framework. Political theory thus becomes applied ethics and loses sight of the actual character of the ‘political’. In other words, it ceases to be open to the fact that democratic societies are the work of many, that they respond to problems with experiments, and that if changes are to be enduring they must enjoy widespread support.

Not only does Rawls’s proposal for what a basic structure for international relations should look like have barely anything new to offer, it also falls short of existing institutional arrangements. [16] The Rawlsian principles that are supposed to find worldwide respect include most of the human rights that we know today – with the exception of political rights and most social rights. Inevitably, so prescriptive an idea of a possible international political order is of little use in forming a new vocabulary able to grasp contemporary problems theoretically. Rawls envisages no political or conceptual alternatives. One of the biggest problems with his approach is that the ideology of liberal society not only receives theoretical justification, but is also reproduced in public discourse. The lack of a theoretical comprehension of social change makes criticism and alternatives appear hopelessly misguided. [17]

Society and practice

Herein lies a second methodological reason for the current weakness of liberalism. In the vast majority of cases it makes no connection between the analysis of social conditions and the justification of political systems.

Liberalism – though not just liberalism – lacks a social reference. But why should a connection between political and social theory even be beneficial for both sides? I wish to show that Critical Theory can provide some answers to this question.

First, the focus on *political* theory involves an unnecessary limitation that fails to do justice to social reality. As a result, political theory closes itself off to the full spectrum of social and cultural preconditions for society. This also concerns questions of who is included or excluded in political processes and for what reasons, and what mechanisms lead to social exclusion. However, to put it in terms of the classical is-ought problem, how can one move from empirical conditions to the evaluation of society?

As early Critical Theory argued, practical reason is not just about the ought, but first becomes effective in reality. It is the task of reconstructive science to work out the performative and normative ideals that can help us to lay bare the distortions of false consciousness. In Habermas's theory, rational reconstruction lays bare the preconditions of communicative process of understanding, while social criticism exposes the deficits of real communication in concrete situations. [18] Hauke Brunkhorst, on the other hand, appeals to the Hegelian interpretation of Kant's 'historical sign' by making use of the idea of 'existing concepts'. This states that a concept (e.g. 'equality' or 'freedom') exists not only in theory but also in the daily life of social actors, which is why it remains in collective memory. [19] Praxis itself thus provides information about which concepts are best suited to scrutinizing social relations.

This leads directly to a second point: without the link to practice, political theory and philosophy is not even conceivable epistemologically. Overcoming the excessively narrow premises of transcendental philosophy was largely the merit of Karl Marx and later Max Horkheimer. While for Hegel, theoretical reflection culminated in the absolute knowledge of philosophy, Marx turned his attention to real 'material' processes. As Horkheimer later emphasized, theory must describe itself as part of the social context that it seeks to comprehend. [20] Theory thereby reflects on

its own conditions from the outset; it understands itself as *part of the practice* it describes. Consequently, problems such as exploitation, alienation and exclusion cannot be solved in theory, but only in practice. [21] In other words: theory becomes the science of practice.

Third, the relationship between theory and praxis influences how actions, institutions or social conditions are judged. Most liberal theories entail moral 'faith in progress' independent of empirical conditions. They assume that societies are on a social-evolutionary path leading to 'eternal peace' (Kant), the 'greatest possible freedom' (Rawls), or to global justice. From this perspective, public beheadings, the use of rape as a weapon of war, torture, enslavement, and other forms of brutality necessarily appear as deplorable yet temporary setbacks; as mere interruptions on the way to a better world that call for no further empirical analysis. Historiography thus becomes the celebration of one's own achievements. [22]

Of course, one need not reject the notion of moral progress entirely in order to reach a differentiated assessment of social change. [23] Axel Honneth invokes John Dewey to critique the notion of Marx and the early socialists that human history unfolds as regular progress. History has an experimental character, according to Honneth; every stage in the historical process offers new opportunities for improvement, which first have to be developed. The normative principle guiding both Honneth and Dewey is the elimination of social barriers that prevent unconstrained communication between members of society and that thereby hinder intelligent solutions to problems. [24]

Hauke Brunkhorst proposes that history be understood as social evolution which, pace Marx, is driven forward not only by relations of production, but also and to an equal extent by law. Social evolution can strike out in all possible directions, according to Brunkhorst, but social institutions, including the law, serve as a normative barrier to regression. In this way, social institutions can contribute to preventing regressive tendencies – not always successfully, as is well known, although they nevertheless act as a barrier. [25]

Here, in contrast to liberal theory, regression can be explained. In Honneth's reading, regression happens when people are denied an equal social stake, making it impossible to overcome barriers to communication. In Brunkhorst, regressions are anyway part of social-evolutionary adjustments that become

apparent as soon as normative barriers, for example legal institutions such as constitutions, are disregarded or dismantled. According to Brunkhorst, a sociological indicator of the suppression of difference and the self-constitution of society is the 'avenging violence' that breaks out in protests, resistance, revolution, or even in wars, when unimpeded communication is no longer possible. [26] To paraphrase Theodor Adorno, progress on this reading is resistance to the persistent danger of regress behind hard-won freedoms.

Fourth, a critical theory of society brings the subjective perspective back into play. Jürgen Habermas criticized Marx for not distinguishing clearly enough between empirical and critical-reflexive forms of knowledge. Habermas, in contrast, emphasizes the *self*-reflexive character of social criticism. In the act of self-reflection, he argues, the subject sees herself as an individual trapped in the constraints of systematically organized labour, exposed to the demands of a highly technologized, hypermobile world, and abandoned to political powerlessness - and recognizes her disastrous predicament [27]. This self-knowledge marks the beginning of the real theoretical work. Seeking to know about everyday constraints and the conditions of self-preservation, one arrives at a famous insight: radical critique of knowledge is possible only as social theory.

Finally, Critical Theory makes use of the generalizing power of negation. [28] In doing so it falls back on a sense of injustice that manifests itself among the exploited classes, oppressed peoples and excluded sectors of society. [29] The reflexive dynamic of negation has mostly been ignored in the history of theory, though with regular exceptions. [30] For example, Kant's justification of the law attaches great importance to legal violations that can be felt by anyone anywhere in the world. Negative feelings, as Adorno and Habermas are aware, have a cognitive content grounded in their *intersubjectivity*. A person gripped by anger because they are being exploited has a good reason that they can share with others. Slaves' moral feeling of humiliation is not mere resentment, but a concrete expression of experiences of injustice. Social theory explores this power of negation in order to trace potential for liberation and emancipation.

The 'impotence of the ought' (Hegel), the necessary reference to practice, the reliance on normative institutions of resistance, the cognitive power of the subject and the generalizing potential of negation are just some of the methodological and theoretical advantages of a connection between



empiricism and normativity, which in this form is not inherent in liberal theory. An interplay between social analysis and normative theory may allow us to see that Islamism is a part of modernity and not a regress to pre-modernity. Islamism can be understood as a response to the emptiness of highly individualized, technologically developed, neoliberal societies, to the loss of solidarity and trust, and to consumerism as the only remaining promise – whose insatiable demands can never be fulfilled.

Injustices of capitalism

This leads us to a third blind spot of liberalism: it is largely indifferent to the fact that a large portion of humanity is confronted with the grave consequences of capitalist conditions, including not only poverty and growing inequality, but also the feeling of being left behind despite one's efforts. This is what is feeding right-wing movements such as Pegida in Germany. In his late work, John Rawls by no means turns a blind eye to the role of capitalism in a just society – a thoroughly problematic role, in his assessment, which is why he also proposes alternatives to capitalism. [31] He distinguishes between two types of post-capitalist society: 'property-owning democracy' and 'welfare-state capitalism'. The former is based on the notion of the property is widely distributed within society and that the political influence of the rich and economic elites is subject to heavy democratic restrictions; the latter merely seeks to cushion inequalities through compensatory measures (progressive taxation, unemployment benefits, a basic income). Rawls regards some of the assumptions of welfare-state capitalism as being at variance with his idea of justice: capital remains concentrated in a few hands, which undermines 'the fair way of political participation'. Even a sufficient tax transfer, which would in fact correct the inequalities created by the market, cannot be justified in the parameters of welfare-state capitalism.

Although Rawls expresses support for a democratically controlled form of socialism, it remains open as to how that coheres with his notion of justice, and what institutional form it could assume. [32] For example, how can his first principle of justice – the greatest possible liberty – be reconciled with market socialism, under which the freedom of ownership of capital would have to be curtailed? And why does his principle of difference permit the unequal distribution of means of production, so long as this still benefits the least advantaged, whereas socialism sees precisely this as a way to appease the oppressed working class?



These inconsistencies may be attributable to a gulf between philosophical aim (justice for market socialism) and philosophical method (orientation towards justification). Placing the focus on justification prevents one from seeing which interaction-inhibiting dependencies and obstacles to action exist in capitalist societies – obstacles that give rise to negative experiences of injustice, but also provide information about what is unjust or just. Yet it is still possible to see what social problems would have to be debated in order to make appropriate proposals for change, and what opportunities exist for removing the social obstacles towards a more just social order. Two examples – emotional exploitation and cultural economism – illustrate how social analysis can be used to analyse hindrances to action.

Emotional exploitation. Relations of exploitation, though they never fully disappeared, are currently undergoing a revival through underpaid ‘mini-jobs’, temporary contracts and unpaid internships. However, exploitation is now also making advances into social realms previously not subjected to the market. Home care for the elderly and children exhibits a global monetization of interaction targeting the emotional competence of female workers. Here, the boundary runs between the exploiters and the exploited – not just between different social groups within a country, but between a global elite and global workers. An example is the ‘global service industry’. [33] Household work in affluent industrialized countries – 6.5 million Filipino women alone work as housekeepers and nannies in private households in the United States, Europe, Hong Kong, and Saudi Arabia – is often the only way for immigrant women to earn enough money to ensure the survival of their families at home, and so that one or perhaps several children can receive an education. [34] Contemporary exploitation in the context of global service capitalism is thus not purely monetary. Emotional resources that constitute the ‘added value’ of the work available are also exploited. [35]

A similar restriction of intimate relationships by capitalist constraints becomes apparent in the global demands placed on flexible, permanently available, highly mobile workers. It has long since been part of the global job requirement profile that workers be ready to move in pursuit of employment and desired salary, and respond in flexible ways to employment demands. [36] The virtually limitless expectation of mobility places enormous strains on families, friendships, romantic relationships and planning for the future. ‘Flexible man’ (Richard Sennett) pays a high price by risking exhaustion in the face of permanent self-optimization, and the loss of resilient and



emotionally stable relationships for the sake of an unrealizable promise of freedom. [37] Under such working conditions, time and contextual knowledge become a scarce resource, though one which represents a decisive factor for functioning social integration. Global working conditions with high geographical flexibility, both in upper and middle management and in the domestic service sector, prevent people from engaging with local factors and becoming politically active. They simply lack the time, not to mention the knowledge and connections, to get involved. [38] This is another reason for the tension between capitalism and democracy.

Cultural economization. Another form of economization becomes apparent when we examine how culturally ingrained behavioural patterns that affect the distribution of public goods are being replaced by market imperatives. Economization has now also spread to social resources that were previously considered unmarketable, such as the human genome, or were regarded as common goods, such as soil or water. Drinking water provides a good illustration of the (partial) privatization that took place under the auspices of neoliberalism during the 1980s and especially the 1990s. On the urging of international financial organizations, loans and grants to many countries of the global South were made conditional upon economic liberalization and the downsizing of what were considered to be bloated state apparatuses. This also affected the hitherto predominantly publicly administered water supply, which was often plagued by mismanagement, corruption, and chronically empty coffers. [39] Corporations such as Suez Environment, Véolia, and RWE saw major profit opportunities – and acted accordingly. Whereas in the early 1990s there was hardly any private involvement in water supply and sewage disposal services in developing countries (or in industrial countries), ten years later private companies were active in this sector in half of all countries worldwide. [40]

The new forms of water supply led to the transformation and destruction of existing, well-established practices, a development which was especially apparent in Bolivia. [41] Where there had previously been a communal right to water, and where villages and small town communities had their own functioning rules for distributing water, aimed at the satisfaction of the public interest, profit maximization and considerations of market compatibility soon became predominant. A few of years later, the ‘market-based’ water reform suffered its first setbacks – accelerated by failed private equity investments, where bribes flowed freely, the state and the companies involved lacked transparency, investments and the scale of the supply



remained below what had been promised, and where in some cases prices became prohibitive. The European-wide tendering obligation initially foreseen by the EU was also put on hold. [42] Nevertheless, these are only interim successes. The reinterpretation of water as a commodity rather than a common good in the course of cultural economization has already led to the destruction of public and well-functioning cultural practices. [43]

This list of forms of global economic ‘colonization’ makes no claim to be complete. Rather, it needs to be expanded systematically; individual aspects need to be supported by detailed empirical evidence. Nevertheless, it has been possible to outline ‘systemic’ encroachments that arise as a result of neoliberal globalization and that can be exposed by a combination of critical social analysis and reflective practice. Emotional exploitation and cultural commodification are indicators of a far-reaching reshaping of personal patterns of behaviour and cultural reserves of knowledge by purposive-rational, efficiency-oriented action and its institutionalization. The disruption of communication between subjects, both in public and private life, spotlights social pathologies in a globalized world: not only are relations of exploitation profoundly unjust, they also prevent democratic participation. Time is becoming the decisive resource. Emotional exploitation also monopolizes additional temporal and social resources, while the profit-oriented marketing of vital resources replaces their public distribution in long-standing cultural practices.

In addition to grievances, injustices and exclusions, the focus on neoliberal restructuring and its impact on the conditions of social life brings something else to light: the political failings of the past decades. As Walter Benjamin recognized before the Second World War, the rise of fascism testifies to a failed revolution – and to the failure of the Left, as Slavoj Žižek added in 2015. [44] The revolutionary potential of the discontented and ‘those who have been left behind’ has not yet been mobilized by the Left, but only by the extreme Right and by fundamentalists. Political theory must become aware that when it looks down into the valley of social reality from an all too lofty a philosophical height, it fails to see many things. And it must reflect on what theory is farsighted enough to comprehend both normative and empirical aspects alike. Institutions, according to Hegel, have a temporal core, and thus perform meaningful tasks at a particular point in time. Then they become inverted into their opposite. This may also apply to liberal theory. If its temporal core has expired, it represents an obstacle to an appropriate theorization of social conditions.

Footnotes

1. John Locke, *Two Treatises of Government*, ed. Peter Laslett, Cambridge: Cambridge University Press, 1989.
2. John Stuart Mill, *On Liberty*; in *Mill, Texts, Commentaries*, ed. Alan Ryan, New York: Norton, 1975, 41-132.
3. Gerald F. Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory*. New York: Oxford University Press, 1996, 162-66; Gaus, 'Liberalism', in: *Stanford Encyclopedia*. 2014: available online at: <http://plato.stanford.edu/entries/liberalism>, last accessed 17 July 2016
4. Otfried Höffe, *Demokratie im Zeitalter der Globalisierung*, Munich 1999; John Rawls, *The Law of Peoples*. With: 'The Idea of Public Reason Revisited', Cambridge, MA: Harvard University Press, 1999.
5. Francis Fukuyama, *The End of History and the Last Man*, New York: Avon Books, 1992; Samuel Moyn, *The Last Utopia: Human Rights in History*, Cambridge, MA: Belknap Press, 2011.
6. Rawls, *The Law of Peoples*, 37. According to Rawls, a 'well-ordered society' is a democratic constitutional state that is rule-conforming towards the outside world and that respects international law.
7. Ibid.105-6.
8. Ibid. 90 and 93-4 n. 6.
9. On this, see the helpful taxonomy in Henry Shue, 'Rawls and the Outlaws', in *Politics, Philosophy & Economics* 1/3 (2002): 307-23, here 308.
10. Ibid. 308.
11. Rawls, *The Law of Peoples*.
12. Herfried Münkler, 'Wie wir kämpfen müssen', in *Die Zeit*, 19 November 2015, 49.
13. Raymond Geuss, 'Realismus, Wunschdenken, Utopie', in *Deutsche*



Zeitschrift für Philosophie 58/3 (2010), 419-29.

14. Ibid. 420.

15. See also Fabian Freyenhagen and Jörg Schaub, 'Hat hier jemand gesagt, der Kaiser sei nackt? Eine Verteidigung der Geuss'schen Kritik an Rawls' idealtheoretischem Ansatz', in *Deutsche Zeitschrift für Philosophie* 58/3 (2010): 457-77.

16. Regina Kreide, 'John Rawls on International Justice', in *Constellations* 9/3 (2002), 598-605.

17. Christoph Menke, 'Weder Rawls noch Adorno? Raymond Geuss' Programm einer "realistischen" Philosophie', in *Deutsche Zeitschrift für Philosophie* 58/3 (2010), 445-55.

18. Jürgen Habermas, *Truth and Justification*, trans. Barbara Fultner, Cambridge, Mass.: MIT Press, 2003; Mattias Iser, 'Rationale Rekonstruktion', in Hauke Brunkhorst, Regina Kreide and Cristina Lafont (eds), *Habermas-Handbuch*, Stuttgart: J. B. Metzler, 2009, 364-66.

19. Hauke Brunkhorst, 'Reply to Critics', in *Social & Legal Studies* 23/4 (2014): 577-605.

20. Max Horkheimer, 'Traditional and Critical Theory', in Horkheimer, *Critical Theory: Selected Essays*, trans. M. J. O'Connell, New York: Continuum, 2002, 188-243.

21. Jürgen Habermas, *Knowledge and Human Interests*, trans. Jeremy J. Shapiro, Boston: Beacon Press, 1971.

22. Robin Celikates, 'Slow Learners: On Moral Progress, Social Struggle, and Whig History', unpublished Ms. 2015.

23. Rahel Jaeggi describes progress as a movement or dynamic which is successful when it is not hampered by blockages and moments of regression -- though it remains open what does and does not count as regression. Rahel Jaeggi, 'Widerstand gegen die immerwährende Gefahr des Rückfalls: Zum Verhältnis von moralischem Fortschritt und sozialem Wandel', unpublished Ms. 2015.



24. Axel Honneth, *Die Idee des Sozialismus: Versuch einer Aktualisierung*, Berlin: Suhrkamp, 2015, 96f.
25. Hauke Brunkhorst, *Critical Theory of Legal Revolutions: Evolutionary Perspectives*, London: Bloomsbury Academic, 2014.
26. Brunkhorst, 'Kommunikative Vernunft und rächende Gewalt', in *Sozialwissenschaftliche Literaturreisenschau* 8/9 (1983), 7-13, and Brunkhorst, 'Der "Kantian Mindset" als normative Schranke evolutionärer Anpassung', in Brunkhorst, *Kritik und kritische Theorie*, Baden-Baden: Nomos, 2014, 329-57, here 344.
27. Habermas, *Erkenntnis und Interesse*, 14; idem. *Truth and Justification*.
28. Hauke Brunkhorst, 'Neustart. Kritische Theorie Internationaler Beziehungen', in *Zeitschrift für internationale Politik* 17 (2010), 293-315.
29. Barrington Moore, *Injustice: The Social Bases of Obedience and Revolt*, London: Routledge, 1978; Judith Shklar, *The Faces of Injustice*, New Haven and London: Yale University Press, 1992; and recently: Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowledge*, Oxford: Oxford University Press, 2010.
30. Brunkhorst, 'Neustart', 294.
31. Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly, Cambridge, MA: Belknap Press, 2001.
32. Thus also Martin O'Neill and Thad Williamson, *Property-Owning Democracy: Rawls and Beyond*, Malden, MA: Wiley-Blackwell, 2012.
33. Brigitte Young, 'Financial Crises and Social Reproduction: Asia, Argentina and Brazil', in Isabella Bakker and Stephen Gill (eds), *Power, Production and Social Reproduction: Human In/security in the Global Political Economy*, Houndsmills: Palgrave Macmillan, 2003, 103-24; Barbara Ehrenreich and Arlie Russell Hochschild (eds), *Global Woman: Nannies, Maids and Sex Workers in the New Economy*, London: Holt, 2003; Helma Lutz, *Vom Weltmarkt in den Privathaushalt: Die neuen Dienstmädchen im Zeitalter der Globalisierung*, Opladen: Budrich, 2006.

34. Young, 'Financial Crises', 116.
35. Martin Hartmann and Axel Honneth, 'Paradoxien des Kapitalismus', in *Berliner Debatte Initial* 15 (2004), 4-17.
36. Ibid.
37. Sighard Neckel and Greta Wagner, 'Erschöpfung als 'schöpferische Zerstörung': Burnout und gesellschaftlicher Wandel', in Neckel and Wagner (eds), *Leistung und Erschöpfung: Burnout in der Wettbewerbsgesellschaft*, Berlin: Suhrkamp, 2013, 203-18.
38. Franz Walteretal (ed.), *Die neue Macht der Bürger: Was motiviert die Protestbewegungen?* Reinbek: Rowohlt, 2013.
39. At the same time, the World Bank tried to entice private suppliers to make necessary worldwide investments of between 60 and 79 billion US dollars with the promise of long-term concession agreements and coverage of costs. A key development was that water was declared to be a commodity at the Dublin conference in 1992, thereby simultaneously creating the preconditions for marketing it. The city of Berlin has also had bad experiences with the privatization of drinking water. See Regina Kreide and Michael Krennerich, 'Das Menschenrecht auf Wasser und Sanitärversorgung: Vereinbar mit Privatisierungen im Wassersektor?', in *Zeitschrift für Menschenrechte* 2 (2010), 166-75.
40. Petra Dobner, *Wasserpolitik: Zur politischen Theorie, Praxis und Kritik globaler Governance*, Berlin: Suhrkamp, 2010, 149.
41. Kreide and Krennerich, 'Das Menschenrecht auf Wasser und Sanitärversorgung', 168.
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