

harm principle,” which relates to economic policy. On humanitarian intervention, he argues, our “responsibility to protect” people in need beyond our borders comes from our right to exclude them from the benefits of living within our own society. According to Vernon, “citizens of successful societies can justify their own enjoyment of benefits only if they are willing to go to the aid of the victims of failed or abusive states” (p. 138). A similar logic commands his argument about why people should support the creation of international legal structures to hold individuals responsible for committing atrocities (p. 143).

While Vernon’s discussion of humanitarian intervention and international criminal law entails positive arguments for action and support, his discussion of global economic policy entails a negative “duty not to impede” (p. 167). If in part we base the legitimacy of our own economic flourishing on the opportunity of others to do the same, then at the very least we should not impede others in pursuing self-benefiting economic policies. Global justice demands a type of economic Hippocratic Oath: First, do no harm.

Much of the discussion in the chapter on the “global harm principle” revolves around how to define “harm” in this context. For example, one might ask: Where in the economic sphere does healthy competition cross the line to harmful action? The discussion is detailed and relies on an analysis of a variety of alternative approaches, but it results in a somewhat equivocal conclusion. We learn toward the end of the chapter that “[t]he object has only been to explore where we end up if, impressed by the harm principle’s minimalist appeal, we attempt to globalize it” (p. 189). This is rather unsatisfying; one is left wishing for a stronger statement of commitment from the author, which brings me to my principal critique of the work as a whole. Ultimately, the argument is in many places quite minimalistic and seemingly safe. For example, on humanitarian intervention, Vernon concludes that “[t]he point of this discussion has only been to show that the appropriate allocation for interventionary assistance must be on the list of priorities that citizens dispute” (p. 139).

Vernon ambitiously sets out to reconcile the moral foundations of particular political membership with a cosmopolitan commitment to global justice, and within the frame of social contract theory he makes a compelling case. But the book is largely silent or frustratingly minimalist in relation to some of the toughest questions facing the world—and cosmopolitan theory—today. Part of this relates to the traditional social contract starting point. It still assumes a single, discrete, nation-bounded citizenry, rather than a multinational citizenry with multiple loyalties, or a transnational environment characterized by global processes, where inside and outside are no longer as clear as they once were. This is the world as defined by globalization. Vernon alternatively paints a picture of a “world of parallel social projects” with clear, static boundaries (p. 114).

Does this frame help us answer the tough questions faced by transnational societies? For example, on global justice, Vernon writes, “given the organization of the world into distinct political memberships, people suffer market effects as members of one society or another” (p. 176). This is true, in part, but “cosmopolitan regard” becomes most important for those people without effective political membership: the stateless, the internally displaced, the illegal immigrant fleeing desperate poverty, and so on. Does the exclusive focus on bounded state societies help us address their plight?

To be fair, the book does not claim to have all the answers, as no book should. *Cosmopolitan Regard* is a treatise on political obligation that endeavors to show how it should be understood to extend beyond the borders of the nation-state. And within the frame of ethical theory it does an effective job of making its case. It is a rich, well-structured book, and I have only scratched the surface here. Vernon’s method is to consider each possible approach in turn. He provides detailed analyses and critiques of a broad range of theorists, and he judiciously considers the possible responses to each of his arguments. This will no doubt make the book useful to teachers and students of cosmopolitan ethics for many years to come.

POLITICAL THEORY

Democracy Against the State: Marx and the Machiavellian Moment. By Miguel Abensour. Translated by Max Blechman and Martin Breagh. Malden, MA: Polity, 2011. 200p. \$64.95 cloth, \$22.95 paper.
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— Kevin B. Anderson, *University of California, Santa Barbara*

In recent years, interest in Karl Marx has centered on his critique of capital, of economic exploitation, and of market mechanisms. Few recent discussions of Marx have taken up his vision of a postcapitalist order, and of the political

processes by which societies might move in that direction. Concomitant with the decline of working-class movements and the political parties connected to them, as well as the collapse of statist communism in the former Soviet bloc, theoretical interest in the Marxian concept of socialism has experienced a precipitous decline. That intellectual space has been filled at one level by liberal discourses of democracy and civil society, and further to the left, by anarchism, sometimes tied theoretically to strains of poststructuralism.

The respected French political philosopher Miguel Abensour’s 1997 book, now translated along with his newer prefaces from 2004 and 2008, operates within this space,

offering a post-1989 interpretation of Marx that speaks to our century's suspicion of authoritarian politics and its appreciation for grassroots democracy. Concentrating on the political sphere, it presents Marx as a theorist of "insurgent democracy" who is more relevant than ever in a period when the most important forms of totalitarian communism have been overcome and their presumed successor, liberal democracy, has come under renewed criticism as well.

Abensour's book takes as its textual point of departure a little-known study by Marx, the 1843 "Critique of Hegel's 'Philosophy of Right,'" a book-length manuscript that preceded the more famous "Economic and Philosophical Manuscripts" of 1844. Neither was published until the 1920s. Where the 1844 Manuscripts dealt with themes like alienated labor, communism, humanism, private property, and capitalist domination, the 1843 Critique developed a radically democratic critique of bureaucracy and of Hegel's version of constitutional monarchy. Despite its publication in English some four decades ago by Joseph O'Malley, the 1843 Critique has received relatively little discussion in the English-speaking world. It has fared somewhat better in France, where well-known intellectuals like Jean Hyppolite and Michael Löwy have taken it up as a core Marxian text, while Maximilien Rubel gave it a prominent place in his *Oeuvres* of Marx for the prestigious Pléiade series. Cotranslator Max Blechman's effective introductory essay contextualizes these issues, and more.

Abensour does not furnish either an introduction to or an exegesis of the 1843 "Critique of Hegel's 'Philosophy of Right'" itself, plunging directly into a broader debate about democracy, the state, and revolution. Much of his take on Marx and democracy revolves around a single, somewhat enigmatic sentence he cites from the 1843 Critique: "The modern French have conceived it thus: In true democracy [*wahren Demokratie*] the political state disappears" (p. 2). To Abensour, the phrase "democratic state," employed a decade earlier by Tocqueville and ever since, is an oxymoron. The state, he argues, is the enemy of modern or "insurgent" democracy, which since 1789 has struggled on "two fronts": "As in the French Revolution, with the popular societies and *les Enragés*, it rises against the state of the Old Regime and at the same time against the new state *in statu nascendi*, the one which brings to power new 'nobles' hoping to dominate the people in their turn" (p. xxxv). In this way, Abensour identifies himself with libertarian revolutionary traditions, both anti-Jacobin and anti-Leninist. He is also suspicious of modern liberal democracy's constitutional state under the rule of law, initially "conceived in order to tie the hands of [state] power," but resulting in the penetration of the state into the whole of society (p. 97). (The otherwise superb translation is opaque at this point, rendering Abensour's "état de droit"/"Rechtsstaat" as "state of right," rather than "constitutional state" or "rule of law.")

The reference to the "popular societies" of the 1790s is crucial, for here Abensour—who is coeditor of a collection of the writings of the Jacobin leader Saint-Just—also demarcates himself from anarchism and its rejection of politics. Insurgent democracy, as he presents it, involves the development and sustenance of popular institutions—neighborhood associations, class-based groupings, and so on—while at the same time contesting the institutionalized and truncated form of democracy of the modern liberal state. Thus, far from aiming toward a utopia beyond politics, insurgent democracy fights to retain political debate, difference, and pluralism, even in a postrevolutionary society. In this sense, Abensour opposes the utopian notions of a society free of factional conflict that can be found in both liberal and socialist notions of revolution. He is probably closer to Rosa Luxemburg's early criticism from the left of Lenin and Trotsky's postrevolutionary dictatorship: "Freedom is always and exclusively freedom for the one who thinks differently" (*Rosa Luxemburg Reader*, eds. Peter Hudis and Kevin B. Anderson [2004], 305). Of course, the Bolsheviks were to ban factions, as had the Jacobins before them.

Abensour's espousal of a sort of permanent democratic revolution, going against both the old system and the newly constituted state that replaces it, is what brings him into the sphere of Machiavelli. He reads the Italian philosopher as an upholder of civic humanism in the manner of Pocock, while stressing Machiavelli's "originary division expressed best by the opposition of desires: the desire of the great to command and oppress the people, and that of the people to be neither commanded nor oppressed—the desire for liberty" (p. 74).

Abensour regards Marx's 1859 Preface to the *Critique of Political Economy*, which described his 1843 Hegel critique as having shown that "political forms . . . originate in the material conditions of life" as something of a step backward, involving a "decentering of the political" (p. 10), where themes from 1843 were "forgotten or repressed" (p. 11). The 1859 Preface, best known for its statement that "social existence . . . determines consciousness" (p. 10), has long been a favorite of those attempting to portray Marx as an economic reductionist.

The themes of insurgent democracy are recovered in the "Civil War in France," Marx's pamphlet on the Paris Commune of 1871. Abensour argues that this text, which also focuses on the political dimension, evidenced "an anti-statist matrix that persists in the form of a latent dimension in Marx's oeuvre, always susceptible to rise again and produce new fruit" (p. 88).

This points to a problem in Abensour's interpretation of Marx, who wrote that the Commune represented "the political form at last discovered under which to work out the economic emancipation of labor" (Marx, *Selected Writings*, ed. David McLellan [2000], 589). In paraphrasing it, Abensour bends this phrase slightly, substituting "social"

for “economic.” In this way, he elides a major difference between the Marx of 1843, who had yet to develop a real critique of capital, and the Marx of 1871. To the later Marx, even the Commune’s radically insurgent democracy, one that in his eyes had famously smashed the state, constituted a necessary but insufficient step if it could not move on to free the working class from the rule of capital.

Abensour also ties his interpretation of Marx to contemporary debates in democratic theory, especially the discussions of democracy and of anarchy in the work of Claude Lefort and Reiner Schürmann, as well as earlier writings by Hannah Arendt and Emmanuel Levinas.

Overall, this book makes a most significant contribution. It offers a fresh and generally persuasive interpretation of Marx, while also addressing some contemporary issues within democratic theory.

Imposing Values: An Essay on Liberalism and Regulation. By N. Scott Arnold. New York: Oxford University Press, 2009. 504p. \$74.00 cloth, \$35.00 paper.
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— Thomas A. Spragens, Jr., *Duke University*

The topic of this book is what the author calls “the modern liberal regulatory agenda.” It is “about the dispute between modern liberals and classical liberals about the proper scope of government regulation” (p. 116). N. Scott Arnold canvasses what he sees as the core justificatory arguments of the opposing sides. But he devotes his most detailed attention to what he calls “noneconomic” regulation, which he characterizes as “kinds of regulation more commonly justified by moral arguments or even by appeals to considerations of justice” (p. 120). Under that heading, moreover, his specific concern is not with tax and transfer policies but with restrictions on property rights in employment relations, health and safety regulation, and environmental land use regulation.

The major substantive claims made in this long and somewhat winding book are these. First, the central issue beneath the competing arguments that “modern liberals” offer on behalf of their putative “regulatory agenda” in the aforementioned areas and those offered by classical liberals to explain their opposition to it concerns the property rights that should govern the ownership of productive assets and the distribution of income. Classical liberals accord strong and extensive property rights to individuals and give these a status on a par with political and civil liberties. In contrast, Arnold argues, arguments offered by modern liberals on behalf of their favored regulatory restrictions upon private property can be understood only by attributing to them the belief that “the state has some sort of priority of ownership of what is otherwise private property” (p. 329).

Second, Arnold identifies three principal argumentative strategies by which partisans on one side of this debate might try to persuade those on the other side. One of

these is to argue that principles they share support their favored outcome. These are “common ground” arguments. Another is to argue that their favored policies can be based on their opponents’ own distinct principles. These are “convergence” arguments. Another still would be to try to persuade the opposition that their favored norms regarding the proper role of government do not apply well in certain particular cases or circumstances. These are styled as “conversion” or “unprincipled exception” arguments. Arnold argues that the former two strategies seem doomed to failure, given the nature of the disagreements involved and that only the last kind of arguments have any real chance of succeeding. After carefully reviewing what some of these arguments might be in the several areas within the regulatory agenda at stake, he concludes that there are “decent conversion arguments” for almost all of the modern liberal regulatory policies excepting the Endangered Species Act and the Clean Water Act. Among these decent arguments, however, only a relative handful could be expected to receive support from classical liberals.

In the face of the extensive remaining areas of reasonable disagreement, Arnold argues that three procedural requirements must be met by those who seek to impose their conception of the proper scope of government upon others: a democracy requirement, a transparency requirement, and a public justification requirement. The first of these requires that policies be enacted through a legislative process, rather than by courts or bureaucratic agencies. Transparency requires the specification of who benefits from and who bears the costs of regulation. The public justification requirement is logically and functionally akin to John Rawls’s account of the constraints of public reason. It requires that regulatory policies be based upon stated reasons that avoid logical fallacies, deal seriously and fairly with opposing arguments, and not depend upon what Arnold calls “principled sectarian arguments.” Sectarian principles are reasonably contestable moral claims, such as those about distributive justice or natural rights; and Arnold would bar these for the same basic reason that Rawls would exclude comprehensive moral and religious views from public reason—that is, they “cannot be rationally persuasive for those who have different principled views” (p. 358). In the final chapter of *Imposing Values*, Arnold subjects a number of the regulatory statutes covered in the book to his standards of procedural legitimacy and finds that almost all of them failed the test in one way or another.

The author wears his classical liberal sympathies on his sleeve. But he follows his own mandate to take opposing arguments seriously, and his useful case studies and his survey of pertinent conversion arguments provide a good point of departure for constructive conversation and debate. There are many arguments and observations that could be made in that context, but since I have at my disposal only as many words as Arnold had pages, I shall settle for two.