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**Justice Is Always a Relational Matter. On Forst's *Normativity and Power***

Oana Crusmac

Rainer Forst is one of the key figures of the emerging fourth generation of the Frankfurt School of critical theory. His new book, *Normativity and Power. Analyzing Social Orders of Justification*, represents a continuation of his long-term project of developing a critical theory of justice. Like most of his books, it was originally published in German in 2015 by Suhrkamp Verlag, and only later translated into English and made available to a wider public. The book represents a collection of ten essays, most of which directly address the main topic of the book: power. In several instances *Normativity and Power* seems to continue arguments and views launched in Forst's previous works. This continuation enriches his line of thought and helps the reader to have a better grasp of Forstian theorizing.

Forst's work provides one of the rare and compelling attempts of combining topics and methods specific to two rival schools of thought: analytical political philosophy and critical theory. Despite the fact that Forst's work is mainly influenced by earlier Frankfurters (as he completed his PhD under the supervision of Habermas in the early 90s), he manages to appeal to a wider scholarly readership by employing in his theory the methods, concepts, and topics belonging to the analytical tradition. Put in the terms employed by analytical political philosophy, Forst's work is one of the most stimulating theories of justice, where justice is understood as relational, and not distributive. In his own words, Forst's ongoing project consists in developing a critical theory of justice.

Readers who are familiar with Forst's analysis of the 'two pictures of justice' (the distributive vs. the relational picture) will be happy to find that this topic is a recurrent one throughout the new book. Apart from offering us a more detailed account of the antithesis between the two pictures, Forst manages to engage the concept of 'power' within these two pictures of justice.

Answering to an earlier challenge posed by Simon Caney (2014) as to what counts as power in Forst's view, he clarifies why power has a central role within the second (relational) picture of justice. For Forst (2017), power is noumenal (intellectual) by nature and neutral from a normative account. Power, as such, occurs solely in the space of reasons, in the space of justifications and, thus, is intellectual and discursive by its nature. Power is "the art of binding

others through reasons” (50). Power is defined in neutral normative terms as “the capacity of A to motivate B to think or do something that B would otherwise not have thought or done” (40). Forst reminds us that power is a contested concept and stands by his normatively neutral definition, because power can be “either constraining or liberating” (40). Domination, on the other hand, is the negatively charged form of power as it refers to “unjustifiable asymmetrical social relations” (49). Domination and oppression are at the core of a conception of injustice, in Forst’s view. This becomes clearer when he emphasizes that theorizing about justice “must take injustice as its starting point” (33), where injustice means arbitrary rule enforced *through domination* (123).

Forst’s view consists of a dismissal of the first (distributive) picture of justice while advocating for the relational one. Unlike in his previous writings, here Forst seems to be clearer on his stance and thus no longer allows interpretations such as Caney’s (2014) which considered that Forst was not completely dismissing the distributive account of justice in his previous writings, but rather was considering the distributive approach as insufficient.

In *Normativity and Power* Forst states clearly that the first position presents a false and apolitical picture of justice (8) which could be implemented even in the lack of democracy, such as by distribution machinery or by a benevolent dictator. Thus, from the very first pages of the book it is suggested that the distributive picture of justice is itself unjust. Apart from rejecting the distributive picture of justice for its intrinsic apolitical and technocratic (12) characteristics, Forst also rejects it for being both “anti-Kantian” (130) as well as of no use for practical matters since it functions as a blueprint issued by an anti-democratic philosopher-king, and being of use for real-world problems only as a form of applied ethics. Contrary to this path, Forst supports a theory of justice that is “practice-oriented” but not “practice-dependent” (33) in order to avoid status-quo biases. Moreover, the essays constantly remind us that for Forst, “justice is a strictly relational and structural matter” (34).

A major takeaway from this book consists of the way in which Forst manages to finally offer the reader a positive account of his view on distribution. Previously, like most relational theorists of justice, he was focused on presenting his theory in opposition to and as a denial of the so-called mainstream distributive paradigm. By rejecting the allocation-based view of justice, whose focus and way of theorizing is presented under the metaphor of the Goddess Justitia as

a mother who has a cake for her children and has to consider how to divide this cake, Forst introduces his own interpretation of how questions should be asked when we think about distributive justice. As such, he considers that the metaphor of the Goddess Justitia and her cake should be replaced with the following questions: “how the cake came about”, “who is entitled to play the mother” (124). Continuing the argument following these two questions, we finally encounter Forst’s view on what a just distribution would look like. Since goods are “part of a context of cooperation” (125) and since cooperation is always relational, it follows that even material goods derive from relations. Thus we encounter here a clear rejection of Caney’s (2014) proposal of treating distributive and relational justice as two distinct but mandatory parts of a full conception of justice. As such, the book introduces Forst’s view of distributive justice as a result of a just form of cooperation.

Forst also briefly touches on the topic of ideal theory and non-ideal theory, where non-ideal theory is mainly seen as deriving from ideal theory. He stresses that such a view is mistaken because an ideal theory of justice which is detached from real injustice and from relations of power “inverts the theory of justice into a technocratic program” (12). However, the reader should not interpret Forst’s view as dependent on concrete contexts as his argument throughout the book continues his initial project: that of starting to think about justice neither from abstract principles, nor from concrete contexts (21). The method he employs and proposes as a method of thinking about justice is discourse-theoretical constructivism (29). The discursive element of this method underlines the voice of every single person as a free and equal justificatory authority, while constructivism is found in building norms in accordance with the principle of reasonable justification. Rejecting the apolitical, ideal, and distributive theorizing, Forst reminds us that, despite being the dominant method for approaching political philosophy and thinking about justice, Plato’s method of the philosopher-king (which is specific to both ideal theory and the first picture of justice) is just one possible way, not the only one (143).

The chapter titled *Justice after Marx* presents one of the richest texts in the book. Here Forst continues his argument on the opposition of the two pictures of justice, in a clearer fashion than compared to his previous writings on this topic. First, he rejects the first picture which consists of “recipient-oriented views of justice centred on goods and their distribution” (121). He identifies four main issues that lead to the rejection of the recipient-oriented paradigm: (1)

the recipient-oriented perspective of justice obscures the essential aspect of justice, namely how goods come into the world; (2) it neglects the topic of power, of who determines the structures of production and distribution; (3) it wrongly considers that goods just ‘exist’ and not that they are established discursively; (4) and it completely ignores the question of injustice. A second achievement of this chapter is that it makes a clear distinction between duties of assistance and duties of justice. Forst also explains why it is dangerous to confuse these two concepts: ignoring this difference allows replacing a duty of justice with a generous act of assistance. By ignoring injustice, the first picture of justice creates a confusion of the two distinct concepts. Another key argument presented in this chapter is that there is a difference between ‘lacking’ and ‘counting’. When a person lacks some goods, he or she is not necessarily a victim of injustice (e.g. in the case of natural catastrophes). Rather, we encounter victims of injustice when individuals do not “count when it comes to producing and allocating goods” (123). Not counting means being dominated, ignored, and constrained to comply with a rule or norm one finds arbitrary. The question of power again comes to the forefront in the form of the question ‘who decides?’

While in the first part of the book Forst is mainly addressing his discontent with the first, ideal, Plato-inspired picture of justice, the last chapters address the disagreements between his critical theory of justice and political realism.

First, Forst distinguishes between three interdependent but distinct concepts: legitimacy, democracy, and justice. For him, they are grouped in this order based on their intrinsic level of normativity. In opposition to political realist Bernard Williams, Forst sees legitimacy as a normatively dependent concept, because its “normative content stems from different concepts (God’s will, stable order, freedom, democracy, equality, or justice)” (133). Democracy, understood as a self-critical practice, is also normatively “dependent on the concept of justice” (135). This leads to an understanding of justice as the central concept, which is the “basic normative concept with regard to political orders” (135). Forst stresses that justice cannot be a secondary concept, shaped on legitimacy or democracy: we cannot fulfil social justice under an undemocratic or illegitimate regime because “justice cannot be produced by unjust means” (136).

Chapter nine, *Realism in International Political Theory*, focuses on the emerging trend of doing political philosophy in a realist manner. Forst argues that the abundance of realist theorists

is fuelled by their rejection of ideal theories of justice, such as those of John Rawls and Ronald Dworkin. But for Forst there are more possibilities of thinking about justice: neither in an ideal theory framework, nor in a realist manner. As such, he opposes both views, because his theory aims at a sort of transcendental justice (full justice in his own terms), but which is drafted starting from real stances of injustice and carried in a discursive manner, based on the basic right to justification (a right to be met under basic, fundamental justice). Here the basic right to justification represents Forst's interpretation of the Kantian idea of basic respects (158).

The end of the book highlights Forst's view that "justice is a matter of *who determines who receives what* and not only or primarily of who should receive what" (155). 'Who' has the power to determine or decide is the first question of justice. The problem with the distributive, recipient-oriented theories of justice is that they avoid precisely this question by conceding this power to the philosopher. Theories of the distributive paradigm (which represent the first picture of justice) place the non-discursive philosopher on a higher level than the people who have to follow, and do not question or combat the ideals prescribed by the philosopher. I believe Forst echoes Popper's (1945) critique against Plato's philosopher-king as a "painter of constitutions" (137). In contrast with the first picture, Forst advocates what he calls "Kantian republicanism" (157): his critical theory of justice does not have a supreme authority to draft the constitution or laws. Rather, Forst's theory supports Kant's conception of the citizen: citizens themselves must be both the authors and the addressees of the law (100).

Forst's new book is a worthwhile read for those seeking a systematic understanding of the growing opposition between relational approaches and Anglophone, distributive, theories on social justice. The most important contribution the book makes is the clarification that the relational picture of justice is not indifferent, nor complementary, to distributive justice. Rather, distribution derives from relations.

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### **Biography**

**Oana Crusmac** holds a PhD in political theory from the National University of Political Studies and Public Administration (NUPSPA), Bucharest. Her thesis explored the recent debates on distributive justice theories, analysed from a feminist and relational perspective. She was a visiting doctoral student at Goethe University Frankfurt, European University Institute, and University of Bologna. Her research interests include feminist political theory, relational egalitarianism, distributive justice, and non-ideal theory.