

lessness of a baby does not depend on circumstances, but is a condition, the essential mode in which the human being comes into the world and, for a certain period, inhabits it. Infancy is the span of time in which vulnerability and helplessness are completely conjoined: “Though she remains vulnerable as long as she lives, from the first to the last day of her singular existence, an adult falls back into defencelessness only in certain circumstances. She is always vulnerable but only sometimes helpless, as contingency dictates and with a variable degree of intensity” (30-1). In the infant, the relation takes the form of unilateral exposure: “The vulnerable being is here the absolutely exposed and helpless one who is awaiting care and has no means to defend itself against wounding. Its relation to the other is a total consignment of its corporeal singularity in a context that does not allow for reciprocity” (21). It is precisely the thematisation of infancy that allows the vulnerable being to be read in terms of a drastic alternative between violence and care: the other, embodied here by the mother, cannot limit the care to a mere refraining from wounding, but, by necessity, “the vulnerability of the infant always summons her active involvement” (24). The infant thus proclaims relationship as a human condition not just fundamental, but structurally necessary.

The gloomy landscape of the twentieth and twenty-first century has transformed the contingency of helplessness into necessity: the circumstances that produce helplessness have dilated into the indeterminacy of a space and a time corresponding to “the everyday dimension of the everywhere” (75). More than circumstances, we can speak of an ongoing condition which makes vulnerability coincide with helplessness: “Exposed unilaterally to the *vulnus*, the defenceless are the targets of a violent death that surpasses the event, atrocious in itself, of death, because it has degraded each of them beforehand from singular being to random being” (76). Therefore, the viewpoint of the defenceless, Cavarero argues, must be adopted *exclusively*: not merely as the only perspective from which contemporary violence can be really named, represented and understood, but also that from which subjectivity, relationality, ethics and politics must be rethought.

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Müller, Jan-Werner. 2007. *Constitutional Patriotism*. Princeton University Press. Pp. 186.
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The concept of constitutional patriotism is not Jürgen Habermas’s, even if it has come to be associated with his version of the post-national state. The term itself, as Jan-Werner Müller points out in this important work, was not coined by Habermas, but by Dolf Sternberger, a student of Hannah Arendt, to describe the ideal relationship between the German state and its citizens in the 1970s.

The idea, as Müller traces its history, begins with Karl Jaspers’s *The Question of German Guilt*. While Jaspers rejected the idea that the German people were collectively guilty, he believed nonetheless that they were in some way collectively responsible for the Holocaust. This was not necessarily a negative outcome: if the German people shouldered that responsibility – a responsibility for the worst criminal act in history – “a negative past could become a source of social cohesion” (16). While constitutional patriotism shares similar characteristics to other methods of achieving social cohesion, such as a shared national narrative (characteristics such as a concern with memory and militancy), it differs from them by emphasizing a different social imaginary (in this

case, a repudiated past – a history that could have been otherwise, but serves as a source of instruction for the current generation).

However, while the idea of constitutional patriotism may have emerged in a specifically German context – as a way of addressing Germany’s exceptional 20th century history – Müller believes that it is applicable beyond these narrow historical particulars.

What makes Müller’s work so important is that it is the first book I know of to try to develop a theory of constitutional patriotism that, while clearly informed by Habermas’s writings, attempts to develop an independent justification for the idea. He is ideally suited to the task: of contemporary political theorists, Müller has perhaps devoted the most effort to this project; chapters of the book have been adapted from articles published in the journals *Constellations* and *Contemporary Political Theory*, amongst others. Müller’s goal in the book is to show that constitutional patriotism offers a middle ground between cosmopolitanism on the one hand, and liberal nationalism on the other – concern for all human beings everywhere, versus concern for one’s co-nationals only. Müller tries to show that constitutional patriotism captures the best of the need to motivate political agency by reference to particular experiences and concerns, without giving up a set of universalist norms. In this review I treat Müller’s efforts to develop such a theory; I leave to others a discussion of his application of that theory, in the final chapter, to the European Union.

First, Müller sets down the rules of engagement: constitutional patriotism is not a theory of the self, nor a theory of justice, but a way of maintaining the liberal state. Müller concedes much to his opponents when he announces that first, “constitutional patriotism is...not by itself some kind of civic panacea in cases of collective political breakdown,” and that second, it “cannot by itself generate large degrees of social solidarity” (48).

It is widely conceded in political theory that some sense of belonging to the same historical community is a prerequisite for obtaining social rights in a liberal democracy; these rights cannot simply be the result of the application of some rule. Additionally, the rule of law can extend only over some defined territory. Finally, in a liberal democracy, the laws of the state must generate some normative sway beyond mere coercive force.

The classical solution to the legitimation problem has often been to advocate some sort of nationalism. In some cases, this is out of necessity a form of patriotism. Recent thinkers, such as George Kateb, have argued that patriotism is out of necessity an illiberal form of group meaningfulness. Against this, the proponents of constitutional patriotism (including Müller and Karol Edward Soltan) argue that this is to pigeonhole patriotism: constitutional patriotism, in contradistinction to Kateb’s understanding of patriotism, is both a form of commitment to the universal principles of modern constitutions and human rights, and to one’s own state. Thus, constitutional patriotism is not a loyalty limited to one particular state or nation (the possibility of some form of cosmopolitan constitutional patriotism will always remain open).

The important difference, as Müller tries to show, is that unlike traditional patriotism, which is loyalty to a nation or national history, constitutional patriotism is a loyalty to a way of living in a community. It thus generates social cohesion, he argues, without the problems of national chauvinism.

After discussing the historical background of the problem and motivating the theory of constitutional patriotism in the first chapter, Müller turns his attention to respond to various critics of his project. Having addressed the twin criticisms that con-

stitutional patriotism “is too abstract” or “not enough blood in it for me” (49) in his defence of constitutional patriotism against liberal nationalism, he wants to show in the second chapter that constitutional patriotism is neither a form of statist nationalism or a kind of civic religion, either of which could presumably be ethically dangerous.

Against the charge that it is a form of statist nationalism, Müller begins by arguing that an attachment to the idea of a constitution (not of any particular constitution) is a necessary condition for living in a shared society (in this way, he proceeds with a method of rational reconstruction not unlike Habermas’s attempt to reconstruct the necessary conditions for political discourse). Only in this way, Müller argues, can the idea of the rule of law, and adherence to majority decisions when one is in the minority, seem palatable to members of the modern polity. Constitutions function to “produce a form of contained disagreement or limited diversity” of opinion (55). From debates over the form of the constitution and the state emerge a shared constitutional culture that serves as a glue to hold members of a society together. Unlike an identity, the self-understanding of this culture is framed against ever changing historical experiences, new information etc.

Thus, against this first charge, Müller argues that constitutional patriotism is not a question of identity, but of a shared commitment to work together to establish a stable body politic that respects the need to treat every other member as an equal – in other words, to identify all other members of a society as co-nationals. Rather than making membership in a particular community a condition for civic membership, constitutional patriotism demands that those wishing to be members of a liberal democracy view others as members of their own political communities. Constitutional patriots are not committed to a thing (the state), but to a process of living together.

Against the second charge, Müller wants to show that constitutional patriotism does not lead to civic religion. He begins by distinguishing three ways in which we might talk about civic religions. First, there is the idea that there might be some dominant religion that structures a modern society. Second, we might speak of a civic religion à la Rousseau: treat religion instrumentally as a means of integrating society. Thirdly, we might speak of a soft civic religion wherein the state sponsors certain types of historical commemorations to ensure civic pride: symbols of national pride such as flags, national anthems, pledges of allegiance, ceremonies at statesmen’s tombs, etc. (81). Müller assumes, somewhat uncritically, that it is only the third understanding of civic religion that would concern (presumably cosmopolitan) critics of constitutional patriotism. These critics, on his telling, worry that the veneration of historical events, figures and memories, might encourage some form of uncritical citizenship. In particular, patterns of “veneration might encourage the strategic manipulation of constitutional symbols by political elites” (82).

Clearly, such constitution veneration is incompatible with a general theoretical understanding of constitutional patriotism. This, however, is too easy a way out. Müller argues that this is not the only, nor best, possible response: constitutional patriotism carries with it the normative resources to challenge such a blind veneration of symbols by insisting, rather than on identity, on a political culture that venerates process over substance.

I have two objections to this otherwise fine work; both rendered all the more vexing because Müller seems to have addressed them in other places. In a version of the

second chapter published in *Constellations* as “Three Objections to Constitutional Patriotism” (2007. *Constellations* (14): 195-206). Müller wonders whether or not constitutional patriotism is a form of modernism in some undesirable sort of way. Much of that discussion is left unelaborated on in the chapter. Put simply, Müller asks, following the objections of thinkers like Thomas Meyer, if “constitutional patriotism designates a particularly modern identity” (2007, 203). The obvious contrast would be both to pre-modern national and cultural identities, and with post-modern identities. The first, obviously, are inherently nationalistic in some strong way, and in that respect constitutional patriotism is clearly a modern approach.

However, the post-modern concern argues that other societies exist that take different polities (not necessarily constitutional democracy) as a starting point. Thus, constitutional patriotism is necessarily biased towards liberal democracies — why should not other post-modern identities be seen as early stages of genuine cosmopolitan citizenship? While I agree with Müller’s contention in the article that this is to confuse constitutional patriotism with the embrace of actually existing constitutions (as opposed to its contingent nature), highlighting this objection in the book could only have served to underline what I think is Müller’s important insight.

Second, following the idea developed in my first objection, had Müller stressed the important distinction between patriotism for the constitution (as a general idea) versus patriotism for one specific constitution, he would have been able to develop an important and overlooked parallel between Habermas’s work and his own. In the same way as Habermas views validity as a condition of process and not result in his discourse theory, constitutional patriotism is the acceptance of a political process over any concrete history. It is this distinction that in my mind renders constitutional patriotism preferable to liberal nationalism in its various forms.

Part of the problem with constitutional patriotism has always been to try to show, in a normative account, what comes first: attachment to universalist values, which are then realized in some particular setting, or some particular polity (that is democratic in some essential way) that then be made an object of civic loyalty. In another place, Müller has written: “given the apparent tension between universalism and particularist loyalty, it is no wonder that critics have concluded that constitutional patriotism is simply an ‘inconsistent idea’ or just a kind of aspirational oxymoron, a well-meaning normative muddle, rather than a coherent normative proposal to rethink political solidarity and attachment” (2006. “On the Origins of Constitutional Patriotism”. *Contemporary Political Theory* 3 (5): 278-96; 73). In other words, is there some sort of underlying normative framework which could give rise to a theory of constitutional patriotism or is it just a reconstruction of already underway moral developments in twenty-first-century societies.

While Habermas would see no disjunction here, Müller the aforementioned article is not content to continue in the tradition of critical theory. He wants to show that out of a particular German situation can arise a more robust theory. His constitutional patriotism wants to show that two things are possible: attachment to universal norms and a constitutional culture.

Müller in his book however does not take this route. He is content, as I have argued above, to proceed by way of rational reconstruction. As he does not address his (slightly) earlier paper, the reader has no way of knowing if he has revised his earlier

Rawlsian attempts to construct a freestanding justification of constitutional patriotism or not.

None of this, however, is to take away from what is undoubtedly a fine and important contribution to political theory.

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Dhanda, Meena, ed. 2008. Reservations for Women, India: Issues in Contemporary Indian Feminism, v. 6. New Delhi: Women Unlimited. Pp. 390. ISBN 81-88965-41-3.

Reservations for Women comes as a precious source among the main writings dedicated to the political position of women in India. It is the first collection of essays and writings that addresses the issue of affirmative action as a way of increasing the presence of women in the Indian legislative assemblies. *Reservations for Women* belongs to the "Issues in Contemporary Indian Feminism" series, whose aim is to facilitate access for scholars, teachers and activists to all important writings related to gender.

Although it could be regarded as a natural symptom of the wider global context of female political locations, *Reservations for Women* also emphasizes the particularities of the Indian feminist movement.

Feminism in India is to be understood differently from Western feminism for many reasons. Firstly, the Indian woman is an epitome of the Indian culture; therefore, a feminist stance would in fact be equal to a nationalist stance. Secondly, although mainly patriarchal society (with some exceptions), Indian society has reserved a special place for women within culture through religious figures. Lastly, Indian women have defined themselves in harmony with the collective, not in opposition; indeed, in a collectively-oriented society such as India, feminism cannot be defined by individualism.

Another distinguishing element is that one cannot really speak about female oppression by men in India. On the one hand, this is because the Indian religion renders women complementary and equal to man. On the other hand, it was in fact men who initiated several social movements to improve the conditions of women in India (e.g. the abolition of the practice of *sati*). Lastly, one could argue the hierarchies among women are even stricter and more oppressive as a result of caste relations.

In spite of the above-mentioned challenges, Meena Dhanda, head of Philosophy at the University of Wolverhampton (where she has taught since 1992), aims to select the most important writings in the field of Indian political representation of women, without claiming to bring new arguments into light: "Much remains to be done and said; this book brings together what has already been said." (xvii) In a society where the caste system and communalism are major features, multiple patriarchies lead to multiple feminisms. This is why Dhanda insists that, in a heterogeneous theoretical environment, a selection of the major writings would impose a common framework for discussion.

In the introductory essay, Dhanda explains the place of this book in the Indian tradition: "Political thinkers now agree on the need for greater political participation of women. The disagreements now, as then, are about how to bring about the desired change." (xiv) In short, the volume presents different positions on the Women's Reservation Bill and suggestions regarding new methods for female political participation.

The book has four main sections. The first section presents the main divergent

views formulated by leaders of pre-independent India (1930-40's) and after. The focus of the discussion is on the divide of caste. The section begins with the *Declaration of Naidu and Nawaz*, addressed to the British Prime Minister in 1931 – where the two authors express a refusal of preferential treatment within the Parliament. The following contribution is a note of dissent to the *Report of Women in India*, written 40 years after, by Sarkar and Mazumdar (1974). The two authors insist that the reservation of seats for women must extend to legislative bodies too, and not be applicable to local administration only. A later comment by Mazumdar follows. The historical section ends with Mary E John's depiction of the last century; John emphasizes the tension between the reservation based on caste and the reservation based on gender.

The second section focuses on theoretical issues. This collection of theoretical writings addresses the legitimacy of representing women as a group, issues in defining inclusiveness in democracy, and puts into question the necessity and efficiency of top-down measures. The section begins with an excerpt from *The Quota Question* (Gandhi and Shah) and continues with one of the most cited works on the subject of gender quotas – Anne Philips' chapter from *The Politics of Presence*. Rai challenges the legitimacy of any quota policy, but not the idea of representation in itself; furthermore, she recommends the language of empowerment as instrument for female representation. The use of the language of empowerment is later criticized by Menon, since its meanings are too narrow to fit the Indian context. Last but not least, Dhanda suggests that the focus must be shifted from analyzing the consequences of policy of gender quotas to “what does it mean to engender democratic participation” (132).

The third section, called “Women as Policy Makers”, is a case study of women's contributions to the 73rd and 74th Constitutional Amendments, and to female political representation in general. Omvedt fights the preconception that women would be only puppets in men's hands when politically elected, citing the experience of women in *panchayats* (local assemblies) in Maharashtra. Lama-Rewal reviews a survey conducted in 2000, which aims to show the concrete results of the Women's Reservation Bill. She concludes that “more and more women contest – and win – against male opponents.” (xxvi); nevertheless, an increased female participation does not lead to a change in the House's agenda. This final point is rejected by Chattopadhyay and Duflo, whose research concludes that female representation ensures adequate delivery of public goods to disadvantaged categories. The section ends with several examples of good practice provided by Geetha.

The last section presents several alternatives to the Women Representation Bill (WRB). Kishwar's most cited work, “Women and Politics beyond Quotas”, is here reproduced, along with Raman's commentary. Raman believes that ways more subtle than WRB must be found, because the WRB eventually strengthens the interests of the dominant groups. Narayan et al. present the most detailed alternative to the WRB – the Alternative Bill – while identifying its flaws (e.g. the rotation of constituency). By contrast, Omvedt praises the Alternative Bill, but suggests that a system of proportional representation (PR) is more appropriate. Lastly, Nanivadekar argues for the implementation of a dual-member constituency.

Dhanda's conclusion is that while theoretical and political debate must be continued in order to find the best solution, women representation must be implemented, even if through the (less-refined) Women Representation Bill. Apart from this, *Reservations for Women* does not focus on furthering the discussion. But in synthesizing the