

Editorial

Karin Harrasser / Elisabeth Timm

In many disciplines – and as part of narratives of modernity the relation of formal behavioural codes (as defined by legal norms or by written behaviour guides) and informal dos and don'ts – rules of conduct were long connected to a set of hierarchical dichotomies that valorized one over the other. Law and universal and rational institutions such as the state were opposed to ethics, the particular, the personal, the “cultural”. But as a result of decolonization, a shift within the economy towards the exploitation of “cultural” capital and knowledge, and also because of the poststructuralist critique of the Eurocentric bias of such a perspective, a new sensibility for this very opposition but also for the multifarious dynamics of the formal and the informal became the focus of investigations in anthropology and in cultural studies, but also in economics, political science and legal studies. The field of behaviour guides and law can therefore now be described as a dynamic one that allows for new perspectives both on current constellations (which can be characterized as post-national and post-bourgeois), on historical narratives of statehood and on the emergence of “sovereign subjects”. This issue of Behemoth points to research perspectives that lie beyond, beneath and behind the common divisions of analysis and to research that approaches the topic from empirical evidence.

Jack Goody – as a social anthropologist one of the most outspoken critics of Norbert Elias' thesis of the co-evolution of modern statehood and the internalisation of courtly behaviour as a “taming” of drives – argues from a perspective that transcends the historical, social and economic bias of the Western notion of “law”. He suggests the term “jural behaviour” to grasp a specific behaviour that can be found in European (literate) societies but also in oral societies. In his comparative overview of historical and anthropological cases, he argues that literacy enables the extension of local forms of



behaviour geographically as well as social mobility in some cases. Moreover, literacy allows for formalization, and this can result in “universalization”: the claim of general prevalence for a specific, local code of behaviour.

Our own text provides the reader with an overview both of the hotspots of the discussion of formality and informality, universality and the particular (the universality of human rights, NGOs as political agents between and beyond traditional political bodies, the shifting grounds of state sovereignty and of international law, and neo-liberal forms of selfhood) and gives an insight in research perspectives on the topic in different disciplines (international law, international relations, political science, anthropology and social sciences, cultural studies, philosophy). We wanted to use this to open the discussion to an interdisciplinary exchange on these likewise central and contested concepts and practices, which has not so far taken place systematically.

Anton Blok, on the basis of his anthropological research, also argues against a clear opposition of formal and informal structures. With a focus on oral cultures in a Sicilian village, he explores informal behaviour codes in their interaction with law. His thesis is that state formation in Italy was not a procedure of rationalizing human relations but left people in peripheral areas to forge strategies of self-help and to negotiate support from patrons. But, as a result, these very networks of clientelism and their attendant behaviour codes further weakened the state's control over its southern periphery. This in turn reinforced the impact of informal codes and practices on the implementation of formal law. By interpreting Sicilian proverbs he shows that the periphery and the local is a locus of innovation and not only a deviation from the normalcy of legal systems.

From the perspective of media studies Tobias Nanz takes the “code” by its name. Analysing narratives of the “red phone” US-Soviet hotline, he shows both the increasing impact of technological systems and codes (to encrypt messages) on diplomatic contacts and the impact of media images on the representations of heads of state. In analysing the telex system that was installed between Washington and Moscow during the Cold War he shows that the increased speed of machine communication with its technical codes, which was itself triggered by a “technological” threat, led to a more direct form of politics than a diplomacy based on protocols and codes of etiquette permitted. At the same time, the legendary and imaginary “red phone” helped the US president to present himself as a capable leader with a cool mind and the potency to rule. This reinforced the idea of politics as being an informal deal between two powerful heads of states as opposed to the traditional, more artificial and institutional forms of negotiation and political action that were established as part of the Westphalian order.

Sven Reichardt steps into the discussion with a focus on leftist political milieus in Germany in the 1970s. From the perspective of contemporary history he shows that in the post-68 atmosphere it was not the metaphor of coldness and the affirmation of the modern era but the ideal of warmth that was the basis of the self-definitions and the practices of communication of otherwise differing “alternative” groups. His perspective on “warmth” as a metaphor for a certain set of practices enables him to develop a fresh view of the cultural history of post-war West Germany, its political “counter-cultures” and their effect of a cultural “modernization” of the German society.

The editors would like to thank the members of the journal’s editorial board for their openness and interest in transcending disciplinary boundaries, and to thank the anonymous reviewers for their work too. Finally, this publication would not have been possible without the support of the International Research Centre for Cultural Studies in Vienna. Helmut Lethen and Lutz Musner welcomed our idea and hosted the international conference on “Behaviour Guides and Law: The Particular and the Universal of the (In)Formal”, which took place on 3 and 4 December 2009.

In addition to the contributions on behaviour guides and law this issue of Behemoth includes an article by Burkhard Liebsch. The author discusses Chantal Mouffe’s concept of the political that departs fundamentally from what she terms ‘cosmopolitan illusion’, i.e. the illusion that liberal-democratic forms of life could overcome antagonistic conflicts once and for all. Mouffe’s opposed idea of a ‘conflictual consensus’ is critically examined with regards to the claim that it promises to sublate contradictory claims in agonistic forms of conflict. A critical evaluation of this thesis refers to the question whether such a consensus unconditionally requires the renunciation of any inalienable claim.

Behaviour and Literacy

Jack Goody

Abstract:

This article argues from a perspective that tries to transcend the historical, social, economical specificity of the notion of 'law'. As a more general term the term "jural behaviour" is suggested, especially for oral societies. On this basis, the author asks for the relation of literacy and law or jural behaviour respectively. As the comparative overview of historical and anthropological cases proves, literacy leads to extension of forms of behaviour geographically, it enables social mobility, it causes formalisation, and it leads to universalisation.

Keywords: behaviour; literacy; social anthropology

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Let me begin by asserting that there is no society without jural behaviour. I use the term jural here as the equivalent of legal and the law in oral societies, where there is no court of law in our sense. The whole discussion about law is confusing unless we realise that lawful behaviour, action according to social norms, is just as prevalent before the emergence of writing and hence of law in a formal sense. Writing was important but formal behaviour, manners for example, existed long before. And no society is anarchic, without standards of behaviour, without jural norms.

If ‘lawful behaviour’, ‘rules of right doing’, exists both in purely oral and in literate societies, what does literacy do? Firstly, literacy expands the range of applicability for any specific rule because it replaces oral communication (which is essentially face-to-face) with communication at a distance through the written word. That means the range of application of norms is much more restricted without literacy which opens up the role of written behaviour guides to a much more extensive community. And that may invite hegemony and dominance as well as ‘community’. Take China for example. When the Chinese state spread its tentacles to reach north Vietnam, an area which spoke quite a different language, at the same time it spread its Chinese writing to the conquered territories. Being non-phonetic that script could transcribe any language, so the characters were taught in schools (just as they are in Japan and Korea today). That meant that the Vietnamese could read Chinese guides to behaviour, such as how you should treat your father by showing ‘filial piety’.

Consequently in China you had similar behaviour (and the same was true of funerals and marriages) spreading from the Manchus north of the country to the Thai south, irrespective of what had formerly been different norms in the constituent oral communities – a huge area, which is now a single market and one that has a common written language. So that the Chinese notion of a ‘belief’ in their ancestors, as well as the worship of the dead, was a norm of domestic behaviour, that continued to be widespread because of its formulation in Confucian texts. These written texts were instruments of colonial domination, much as English or French have been in Africa and elsewhere. They demand conformation with the dominant culture. But not only there.

Until very recently in a southern rural French newsagents I used to find a guide book to writing letters. Gone was the regional or dialectical variation (indeed you could be punished at school for not writing the langue d’oeil of northern France). Every letter was to begin with a certain phrase, depending on the rank of the person addressed, and had to finish in a certain way. *Reçevez l'expression sincère de mes sentiments dévoué.* That went for everyone, whatever the specific relationship as well as ironing out local differences.

A further example is the quantity of the books purporting to act as guides to the Language of Flowers that appeared in Europe at the beginning of the nineteenth century. This was supposed by some of its adepts to have its origin in the secret language of the east; by others to hark back to the significance of flowers in country life, or in poetry, ‘my love is like a red red rose’. In fact, though it might have been connected with both, it was an invented language in which each flower was given a specific meaning in a single list, so that you could use it to convey to your loved one a secret message, such as ‘meet me in the park at twilight’. Again local differences disappeared. That listing made matters very different from the use in ordinary life where the red rose could stand not only for love, but for blood or even for the county of Lancashire, as in the Wars of the Roses that in England preceded the Tudor period. In other words, the significance depended not on a decontextualised list as in the guide book but very much on the context, whether it was love or battle, and very much on the region; a flower had different meanings in different parts. Whereas a text in writing ignored these differences, claimed to be universal and offer a single interpretation that covered all circumstances. Lists did this with other forms of behaviour. In this case, the so-called Language of Flowers was clearly linked to the purchase of cut-flowers from flower-sellers in the towns and to their reconstitution in bouquets where each component carried a single meaning. They made sense in a specific urban context, not as guides to specific rural usage, and they were inventions of a market-oriented society. Not that all such guides were like that but they had some element in common such as the instruction of the ignorant, or the socially mobile in a society where written education rather than oral society was dominant. Except that in this instance, you had an example of the ‘invented tradition’ discussed by the historian, Eric Hobsbawm, and others, not something that was a transcription of a custom in oral culture but as something ‘created’ in an urban economy. Law was rather similar.

What it is important to realise is something that our nineteenth (and indeed twentieth) century predecessors never did, that this shift to ‘civility’ – in the limited sense of the ‘culture of cities’, was not a purely European phenomenon. Karl Marx and many historians thought it was and Norbert Elias has even written of Europe as having developed ‘civilization’ at the Renaissance, based on the empirical examination of ‘etiquette books’ and similar manuals listing proper behaviour. But this was not the first of its kind, though their distribution was now greater because of the printing press. As I have pointed out, you get the same thing happening in China with Confucian texts on ‘proper behaviour’, for example to the father or to the whole category of relations in funeral ceremonies. The prescription of behaviour in a similar fashion is common to other literate societies, but it is also common in oral ones,

too. When I lived among the LoDagaa of northern Ghana, everybody knew what kind of behaviour was appropriate not only to a father but to everybody else in the community. For example, if you had an uncle, a mother's brother who died, you had to bring a basket of grain to make beer. But it was more localized, less universal. It differed by settlement.

What differences did the advent of writing make to this kind of activity? I have argued that it made reciprocity much more precise. There would be some occasions in oral society where a man could not bring a basket. Now with writing his gift was being recorded, much as we sometimes do with Xmas cards. If you did not receive one in a certain year, you may not return one the next. Whereas in an oral society, you know that you should have brought your uncle a basket because that is what you do to uncles. Whether you did or did not may well have been forgotten whereas with writing one has a permanent reminder. This meant that the reciprocity of the gift took a different, more rigid form.

That seems to me the same in general with written guides to behaviour. These are not communicated face-to-face as in an oral society but exist as physical objects which are to be consulted in any circumstance and outside the context of action. They become more abstract, more generalised, more universal. For example, instead of saying 'Thou shalt not kill the French', one tends to find general exhortations to behaviour such as 'Thou shalt not kill'. That is not how human societies behave; they kill in some circumstance but not in others, they kill people with red hair but not those with black, depending on the circumstances. But in writing one tends to find general statements of the problem, so that gives rise to opposition groups of dissenters who take the word literally and refuse to take part in war at all. Because the written word, as in the Commandments, applies to the world at large, whereas in oral societies moral norms apply only to a limited, face-to-face, context, not to the wide expanse of a more universalistic, written religion that spreads over a wide area. The written guide thus becomes more generalized than the unwritten, less applicable to particular activities, more geared to the general and more universalistic, all men are brothers, but at the same time these injunctions are less applicable, more theoretical, less practised.

The conference in Vienna on "Behaviour Guides and Law" seemed to be concerned with the disparity between the formal law and the less formal (but still written) guides to action. To me the central difference has to do with the formalization of behavioural restrictions in a written code that is enforced by courts and constables and those unwritten codes that specify proper behaviour. The difference also lies in the sanctions that are applied to the censored behaviour, not only the sanctions but the context. In earlier times legal sanctions were not seen as applicable a) to many domestic disputes or b) to inter-

national conflicts. In the former (until recently) the domestic family was meant to act internally; in the second, there was (until recently) no overarching tribunal (because no state) to intervene. Now there are some international bodies, including courts (though hardly adequate). Both these situations have partially changed. There is also a whole area of interpersonal relations in which transgression of the code is not seen as sufficiently important for legal sanctions to operate, instead informal sanctions come into play.

The growth of 'law' in this case has not impeded the growth of guidebooks to proper conduct. These proliferated, firstly with the coming of printing, much as with recipe books or books revealing the language of flowers. But that was not the most important factor. They certainly increased with the Italian Renaissance but to think that either they or the relevant behaviour began at that time, as Norbert Elias does in his well-known study, is to misunderstand the nature of human communication, specifically the effect of literacy worldwide. No doubt their importance increased in Europe at that time, when there was more movement between social groups so that the normal processes for the inculcation of 'refined' behaviour by domestic learning could not work; you learnt from books rather than in the family (by education rather than by socialisation). But behavioural guides not only generalize in space but also in time, i.e. when morals, customs, change, they remain the same, behind hand, relevant to an earlier age, as with the Jewish Levitical taboos and the Muslim (and Jewish) prohibition on pork. These are not necessarily written but if they are, they are more resistant to change and modification. It is the case that behaviour guides of this kind are especially valuable when the circumstances of peoples' lives are changing, as was the case with the growth of the bourgeoisie. With increasing pressure on social mobility you did not know what clothes to wear (dress according to rank as in sumptuary legislation had become less relevant), what food to serve, how to address those above us, all this required behaviour guides, not when the social structure is static, but when there was some movement. Also 'fashion' came to play a larger part in society as a whole; indeed, some circles marked themselves off by regular changes of fashion, as occurred in a formal way with the establishment of the court of Louis XIV and the silk factories of Lyon. To be 'in' you had not simply to be well-dressed in a traditional manner but to be so in a contemporary one that took account of increasingly regular changes (every six months).

However Europe was by no means the first to engage in fashion. Change always existed, even in so-called traditional societies and civilisations. But it was at a different rhythm, and was therefore less noticeable. It increased with the advent of writing and even more with that of the printing press, and

now the computer; which has in a way replaced the guide book. One can consult the web to find the proper behaviour, the ads to see the proper dress.

Written guides to behaviour usually concern the less serious forms of action, recipe books, lists of the language of flowers, how to address a person, face-to-face or by letter, which often involved listing (to which I shall return below). Commandments as in the ten Christian ones (but elsewhere too) involve more serious restrictions or injunctions, ‘love thy father and thy mother’, forming a kind of behaviour guide and are sometimes incorporated in a legal code ‘Thou shalt not steal’. What I have called ‘less serious’ are not always seen by the actors as such. Giving a Catholic wife chrysanthemums as a present breaks an important taboo, which does not exist in Protestant countries. These forms of behaviour are often stratified by class (eating peas with a fork, for example) or ethnicity (eating with only a fork, as in the States), whereas Commandments are religiously backed and therefore more serious (as with stealing or adultery).

Both may be ‘listed’. Listing, I have argued, is a feature of written societies. Lists occur very frequently on the earliest clay tablets of Mesopotamia, where lists of trees, for example, were used to teach reading (and writing) in the schools that were established at that time. These lists took on a normative aspect. Behaviour guides were likewise a form of listing of proper actions, but the precepts are taken away from oral instruction and treated in a more abstract fashion. In other words with writing you are taking behaviour out of the context of particular social action and treating it in a more general way. It is the same with listing trees. I argue that in oral cultures there was virtually no occasion when you made a list of trees; you observed each one separately, if at all, in an actual context (so the general category was implicit). It was the same with guides or Commandments. You only produced a list of these in a decontextualized context, one involving writing.

Writing enables one to communicate with a wider, less personalized audience. A much larger number of people adopt the same written code, which eliminates or limits local diversity. Printing makes that even more widespread since it produces at one time a large number of similar copies (in manuscript cultures it is very different). All this means less local diversity and more uniformity.

Also the rules become more definite (fewer exceptions) when written down, more authoritative, more precise, for many people can look back to the same written text, less easy to avoid, especially when set within a religious context, as with the Commandments, which are not simply moral law but God’s law.

To sum up, guides to behaviour are not in principle new. In oral cultures, people learnt how to behave in the context of family or village life. There was little deliberate teaching, yet this did occur. In the Bagre society of the LoDagaa, whose myth I have recorded over 40 years, neophytes, those about to be made members (initiates), are deliberately told what belonging involves, like what food to eat and when, what objects to be used. There are sections in the Bagre which are specifically concerned with learning behaviour that only initiates know about. So what do behavioural guides, what does literacy do?

1. It spreads forms of behaviour over a wide area and a long time, especially if it is related to a religious doctrine e.g. the eating taboos in Exodus. *Extension*.
2. It not only generalizes in this sense, but it provides a mechanism for decontextualized learning, for reading about what you have to do by education as distinct from learning by socialization, by face-to-face. In this way it instructs people – in ‘lower’ groups (e.g. class) how to act if they want to be members of higher ones. *Social mobility*.
3. It appears to harden and to rigidify the behaviour of an oral kind that is, once written it is less easy to avoid. *Formalization*.
4. And this is perhaps an aspect of 1), it irons out the contextual differences to provide one norm for all. *Universalization*.

I have taken the whole question to be one of cultural evolution between societies with writing (and ‘law-codes, courts and constables’ as Bronisław Malinowski put it) and in purely oral societies. And while the informality of societies with writing is not the same as the practice of oral societies, there is some relationship.

Behaviour Guides and Law.

Research Perspectives on the (In)Formal and its Currently Shifting Foundations

Karin Harrasser / Elisabeth Timm

Abstract:

The juridification of social life in the modern bourgeois world was long understood as a triumph of rationality over particular interests, as the “civilisation” of physical violence. For some time now, this grand narrative of the modern world has been criticized as a specific historical case, as Eurocentric and bourgeois. Additionally, the concept and practice of modern, national sovereign statehood is being challenged in many ways. Individuals are also experiencing an unbounding of their “sovereignty”. The article sums up different disciplines’ research into the fields of behaviour guides and law. In doing so, it sketches out research perspectives intended to transcend the either-or dichotomy of the previous debates (ethics / particular / informal / personal / emotional-cultural vs. law / universal / formal / institutional) and envisions new analytical assessments of these two poles.

Keywords: guides; law; deconstruction; informality; formality

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In their own idealizing self-interpretations, modern (bourgeois) societies have defined themselves as rationally founded, legally codified systems according to universally valid (legal) norms and endowed with the state's sovereignty. All humanities disciplines have long followed this self-concept inasmuch as, from a modernization perspective, irrational, informal, particular and personal practices as well as social and cultural orders have been classified as "primitive" (e.g. the evolutionists in anthropology), as "decayed" (thus for example in older – Oswald Spengler – or more recent – Norbert Bolz – culturally pessimistic scenarios, as "atavistic" (this is Hans Mommsen's interpretation of the Nazi regime), as "underdeveloped" (the doctrine of development policy) or as "relapse" (e.g. Herfried Münkler's description of the irregular wars of the late 20th and early 21st century).

For some time now, this grand narrative of the modern world has been criticized as a product of a Eurocentric, bourgeois culture. Especially its claims for universality (of its foundation and practices of law, of its rationalities of government) have been shown to be historically specific, local and interest-related. On a more practical level, international, global and local conflicts can no longer be settled with the help of traditional juridical instruments such as international law; additionally, new actors (NGOs, security services, social movements) whose sphere of action is intermediary and transcends the state are gaining importance on the political scene. An indicator of these dynamics are legal and political practices that are based on ethics rather than on codified law (e.g. truth commissions, reconciliation commissions) but also the deregulation of war itself. Similar dynamics can be observed in Western, post-Fordist societies: social conflicts are increasingly expressed in discourses on style, behaviour and ethics, and to a lesser extent as conflicts about formal participation (e.g. quotas, enforceable industrial law). Such guidelines claim generality but are in fact related to specific social and cultural milieus, and they are in turn represented and reproduced by a growing number of guide books, style coachings and consulting soaps.

The field of behaviour guides and law can therefore currently be described as post-national and post-bourgeois: while the sovereignty of the nation state – in terms of the autonomy of self-governance and the regulation of warfare by international law – is being challenged in many ways, individuals are experiencing an unbounding of their identity and autonomy under the label of "self-governance". This article therefore will not take up the modern dichotomy of previous debates as an either-or question again (ethics/particular/informal/personal/emotional/cultural vs. law/universal/formal/institutional). Rather, we want to grasp emerging orders and relations that are challenging the dichotomy. We will outline a synopsis of the current research on correct, suitable, decent, good behaviour for the individual at the

micro level and will confront this with the current debates on the nature of state action and of international law as well as the role of intermediary actors that challenge understandings of the state on the macro level.

The post-modern and poststructuralist critique and deconstruction of the modern devotion to rationally founded, formalized universalism opened a perspective for the discovery and analysis of the part the irrational, the particular, the personal and the informal plays with respect to stabilizing and transformative processes within society. Since the 1960s, this has led to a refinement of research towards a more analytical perspective on the modern bias described above, which is related to judgments such as just/fair/common good/rational vs. unjust/unfair/personal interest/irrational. Among other developments, the analysis of modernity as an “ideological” construction has been expressed in an increased interest in symbols, narratives and rituals in politics and law that goes beyond the notion that these forms are the “symbolic aspect” or the “soft” complements of “hard” facts such as contracts or treaties. Furthermore, the deconstruction of modernity has yielded research on the political and societal dynamics of behaviour, style, etiquette and manners that goes beyond the notion that these norms, practices and discourses are “personal” or “private”, or no better than individual, accidental variants of taste. Such an outcome stems from studies of current phenomena as well as of historical cases. Both fields of critical research – those on politics, law and the state, and those on behaviour, etiquette and manners – are inspired by similar doubts about the traditional self-interpretations of Western societies, and they both share central methodological approaches such as deconstruction and discourse analysis. But only rarely are the interconnection and interfaces of the two ways of organizing and codifying social practices tackled, whether in their modern appearance or regarding the latest changes.

As a classical example that pointed to the intersection, the interface, the no-name-space between the formal and the informal, we will reassess an article by the anthropologist Eric Wolf, first published in 1966 under the title “Kinship, Friendship and Patron-Client Relations in Complex Societies”. The seemingly descriptive title already includes and alludes to the whole modern dichotomy that is at stake: on the one hand there are informal social relations such as “kinship”, “friendship” and “patron-client-relations”, on the other hand there are “complex societies” (in the anthropology of that time the synonym for Western, industrialized societies and the opposite of indigenous – seemingly simple – cultures). The title suggests, that the reason for the power of kinship, friendship and clientelistic relations needs to be explained (not in private life, but as an organizing principle and in its political

forms). This points to the myth that in the process of modernization such practices have been “overcome” by more formalized structures. Of course, qualifying definitions like “complex” (vs. “indigenous”, “simple” societies) is already an outcome of this construction. Wolf (1966, 1), however, begins his article with the observation that there is a gap between this say-so of modern society and its actual practices: “The anthropologist’s study of complex societies receives its major justification from the fact that such societies are not as well organized and tightly knit as their spokesmen would on occasion like to make people believe.” Anthropologists like Wolf began to challenge modern thinking for much the same reason and at the same time as deconstructivist and post-structuralist scholars were attacking Eurocentric modes of knowing with their relation to practices and institutions of power (Jacques Derrida’s *Grammatologie* appeared in 1967, Michel Foucault’s *Les mots et les choses* in 1966). Wolf wrote his observations in rather simple but nevertheless keen words. He drew from a re-reading and synopsis of many empirical studies. We cite one of his longer paragraphs to show how he made intensive but dispersed empirical cases fruitful for new analytical perspectives by developing a synopsis of them: “Even the study of major institutions, such as of the American and German armies during World War II, or of factories in Britain and the United States, or of bureaucratic organizations has yielded statements about the functional importance of informal groups. Sometimes such informal groupings cling to the formal structure like barnacles to a rusty ship. At other times, informal social relations are responsible for the metabolic processes required to keep the formal institution operating, as in the case of armies locked in combat. In still other cases we discover that the formal table of organization is elegant indeed, but fails to work, unless informal mechanisms are found for its direct contravention, as in the network of *blat* relationships among Soviet industrial managers.” **[1]** (Wolf 1966, 2.) In doing so, he opened a space for an analysis that could go beyond a repetition of modern dichotomies: “I shall argue that we must not confuse the theory of state sovereignty with the facts of political life. . . . We thus note that the formal framework of economic and political power exists alongside or intermingled with various other kinds of informal structures that are interstitial, supplementary, or parallel to it.” (Wolf 1966, 1f.) The examples he then elaborated are kinship, friendship and patron-client-relations and stem from his own fieldwork in Latin America and in the European Mediterranean. For him, the three forms are “interstitial, supplementary, or parallel informal structures”, and even more: they are “three sets” of practices. Wolf’s finding and thesis, that if the formalized organization of a society changes then the informal sets also change, are relevant for our perspective as it links social practices with power relations: “Tracing the origin and circulation of the

[1] We would like to point to Wolf’s use of metaphors (not only) from biology (“barnacles”, “metabolic processes”). This is part of a whole tradition of representing and making of the social via the biological (and vice versa). The pertinent classic image here is obviously Hobbes’ Leviathan, assembled as one human body made of many. But Wolf’s image leaves its modern articulations (a closed, functioning organic body) behind, since the barnacles are not a closed circuit but live on mere, dead material and are witnesses of human production (“rusty ship”), i.e. they cross another fundamental modern division, and this is the one between the material/natural and the cultural/social world, as Bruno Latour (1993) argued it in his deconstruction of modernity from the point of view of the history of science.

models of etiquette structuring the (informal) sets would also reveal much of the social dynamic, of the changing distribution of forces in the social body.” Wolf pointed to the different directions that the transformations of informal styles can take (from the centre and periphery and vice versa, from elites to lower classes and vice versa). As Norbert Elias has shown, courtly forms in France, for example, trickled down into society as a whole; urban etiquette in Greece and Italy spread to the countryside via kinship networks since the 19th century. And upward mobility of styles is also possible, given a change in social power relations. But although Wolf was so acute not to *denounce* but to *investigate* e.g. the gap between “the theory of state [...] [and] the facts of political life”, he in other respects retained the limits of modern thinking. Against his empirical evidence, Wolf stated that there is only one and a specific logic and temporal order between the formal and the informal: “The informal structures of which I have spoken are supplementary to the system: they operate and exist by virtue of its existence, which is logically, if not temporally, prior to them.” It is obvious that this statement is rather an unspoken premise than a finding of his analyses. Here Wolf “remained modern” by taking formalized institution as the hub of his interpretation: at the beginning of the modern age there was the institution/the formal/the law. We do not wish to reject Wolf’s considerations as an outdated piece but to take his creation of a space for thinking and investigation as a programmatic stimulus for the topic of this article, namely (1) a synopsis of different disciplines’ efforts to deconstruct the modern dichotomy of formal/informal with its related attributions in its traditional form as well as in its latest changes, (2) to sum up the available cases and theoretical approaches to why this dichotomy and related modern forms underwent changes, and (3) to name analytical perspectives and research questions that think beyond this dichotomy.

Approaches to deconstructing formality and law in different disciplines

First we will give a necessarily selective insight into the research of different disciplines and fields of practice relevant to the topic treated here. This overview is structured according to fields of investigation.

The nation state, its sovereignty and the emergence of new orders

The classical story of sovereignty as an ordering and pacifying principle that led first to lawful nation states and then to the establishment of international law to guarantee their rights tells the story of sovereignty as the outcome of the need of the European emperors to end the bloody Thirty Years War and the religious civil wars that triggered it. In its first chapter it is a story of the taming and formalization of physical and ideological violence by absolute sovereigns. The second chapter is about the transformation from sovereignty as guaranteed by a discrete and indivisible head of state to sovereignty as a means of self-determination by the demos. Thomas Hobbes' *Leviathan* from 1651 is therefore usually considered the contact point of civic order and absolutism. With Michel Foucault's approach to a history of governmental techniques, a different perspective on the success story of sovereignty was written. For him the affirmation of sovereignty as the precondition of "order" held three self-mystifications of modernity: the need to subordinate the individual, the need to monopolize power and the legitimacy of the law. (Foucault 2003, 44.) He described the shift to democracy from absolute power incorporated in the emperor not as a rationalisation of power or a taming of violence but as a decentring and invisibilization of both, which led to a dispersal of sovereign functions throughout society (bureaucracy, the legal institutions, health care, schooling etc. (ibid., lectures 3 & 4). This reinterpretation lies at the core of a new interest in sovereignty in critical theory, with Giorgio Agamben's *Homo Sacer* (1998) as the main point of departure. Agamben goes back to Carl Schmitt's theojuridical definition of sovereignty as the power to declare a *state of exception*, to suspend law. By this he revitalizes Bodin's understanding of sovereignty as a principle that does not tame or contain violence but includes it. However plausible one might find his short-cut between sovereignty and biopolitics, the important cue was his insistence on the constituent function of violence for legal constructions.

Another strand of analysing sovereignty in the tradition of Foucault is the deconstruction of the modern subject as autonomous and "sovereign": as a result of his many attempts to write a genealogy of the self, the voluntaristic, self-transparent subject of liberal politics and economics – in the modern self-interpretation – appeared to be a product of diverse techniques of power. Instead of being the producer of political order and prosperous private business, the subject appeared to be their effect: a sovereign subject is made by the institutions and "interpellations" (Althusser) of the state and the market. Although his later work modified the initial approach (see below) and his heirs

such as Judith Butler (2005) became increasingly sensitive to the concrete enactments of identity, his early works created a major shift within the theory and history of subjectivity.

For current research in the topic it has to be stated that discourse analysis is no longer a home game for philosophy, social sciences and cultural studies. International law and political science have taken up its inspirations in changing their analytical perspectives. [2] One of the first deconstructions of the positivist approach to the concept of sovereignty in international relations was Bartelson's (1995) "Genealogy of Sovereignty". Beaulac (2004) also presented a critical historical analysis of the discourse on sovereignty in international law since the Westphalian era. He showed that the influential concept of sovereignty as the core feature of independent and territorially based states not only has no evidence in the Westphalian treaties but was inscribed in it, as it emerged from the core of a modern order of thinking. Furthermore, he proves the central and constitutive position of the idea of sovereignty in the emergence of international law as a discipline. Similarly, Lindahl used a non-positivist concept of sovereignty (2003, 88) in his analysis of EU practices of political representation: "Sovereignty is the concept by means of which modern political and legal philosophy *elaborates* [our emphasis] the problems of the *contingent* [emphasis in original] unity of a political community". In political science this is based on the assumption that "there is a core of irreducible groundlessness at the heart of every political community" (Lindahl 2003, 113).

The rather complicated and in philosophical terms never uncontested relationship between sovereignty as the power to rule (self-institution), as self governance by the demos (self-limitation), and sovereignty as a condition for agency in international law is currently being questioned on the basis of empirical evidence of "decentralization and devaluation of political authority" or a "dispersion of authority" worldwide (Bartelson 2006). It is said that "new constellations of authority and community which transcend the divide between the domestic and the international spheres [...] will soon be replaced by new forms of political life that know nothing of this distinction" (Bartelson 2006, 464). For some scholars this demands new perspectives that make it possible to describe "new constellations [which] do not conform to the indivisibility and discreteness that characterize sovereignty" (*ibid.*). For others – including Bartelson – the main task of political and legal theory in future is the development of a normative and binding meta-vocabulary to redefine sovereignty in its discrete and indivisible character without affirming imperialistic claims.

[2] But even before the recourse to this tool, reconstructions of the use of "sovereignty" (Quaritsch 1986) no longer conceived it as a neutral materiality but as a historical phenomenon.

The latest investigations of sovereignty have drawn on two approaches: a more empirical one and a more theoretical one, the latter inspired either/or/and from the linguistic turn within legal studies, from governmentality studies or from regulation theory.

Beyond the ongoing debates on the nature of sovereignty, the political, legislative, juridical, military and executive practice has forced political science to deal with the boundaries and the unbounding of the concept of sovereignty (see the case studies and conceptual reconstructions especially focusing on the EU in Walker 2003). Non-state, para-state and inter-state forms of politics are appearing in every realm of national and international politics: wars not between sovereign states but between a state and guerrillas, terrorist groups, or their citizens; the transnationalization and “autonomization” of migration against all efforts to control it (Karakayali/Riga 2010; Karakayali/Hess/Tsianos 2009); the superficiality of forms of conflict settlement and of juridical proceedings stemming from the Westphalian order with regard to the “new wars” (Kaldor 1999; van Creveld 1991; Münkler 2004; Klare et al. 1988, Klare 2001); whole continents that are said to be the proof of a failing attempt to establish a modern, just and democratic state. African, Asian and Latin American states are labelled as “failed” because they have been unable to monopolize violence and to provide their citizens with a modern bureaucracy (see Münkler 2004; Förster 2007, 49; Grovogui 2001, 2002; Zelik 2009 for a critical assessment of such labellings). [3] Several catchwords to grasp this development are in use: “failed states”, “weak states”, “nervous state” (Comaroff/Comaroff 2006, 275), “phantom state” (Comaroff/Comaroff 2006, 274, using a notion by Jacques Derrida). In relation to the modern idea of sovereignty, other forms of organizing society all too easily appear to be pathological, a failure etc., which leads to misunderstandings of the dynamics of violence within and stemming from post-colonial and post-Fordist conditions (and in consequence even to political decisions and military interventions).

In contrast, we would like to grasp such phenomena as the emergence of new forms of power, a-national (or: supranational, as it is called in governance concepts, cf. Ilgen 2003) on the one hand and sub-national (cities, regions and the like, cf. Ilgen 2003) on the other hand. Other arguments for a critical view of the “state” as the outcome of the ideal of a law-based sovereignty are historical case studies. In general, historical research on the very reality of the model of the sovereign state has shown “that the sovereignty discourse of mainstream international relations theory is misleading because it necessarily obscures the many hierarchical political formations that have existed throughout the period that opened in 1648”. (Hobson/Sharman 2005, 70-81, here: 92) Additionally, analyses of the forms of

[3] It is not without irony that Africa, whose cultures served as the very cases of “societies without state” or “acephalous societies” in the classic phase of anthropological thinking (especially that of some proponents in the British tradition of social anthropology) and in a sometimes idealized way from a leftist or anarchist perspective (Kramer/Rees 2005, 214), is now again the blueprint for most considerations of a (seemingly) absent state (cf. Grovogui 2001 and 2002 for a critique of this use) – however not as a utopian ideal of a society-without-domination but as the chimera of a society-without-order and a state-without-sovereignty. We interpret this reversal into the opposite as an articulation of still modern, exoticising confinements of thinking (which, in fact, is not to dismiss the vast amount of research and findings that has been done on the deep changing forms of order in African societies).

colonial government in the “classical” epoch of sovereignty in Europe have shown that “European states never aimed at governing the colonial territories with the same uniformity and intensity as was applied to their own populations.” (Hansen/Stepputat 2005, 5) Achille Mbembe interprets this – along with Hannah Arendt – as the model for a synthesis between massacre and bureaucracy, which was also the structural core of the Nazi state. Furthermore, he concludes that the colony made possible a form for sovereignty in a Schmittian sense (*ab lebigus solutus*), which existed alongside a “tamed” understanding of sovereignty as lawful. The colonial practices, with their extreme violence, suspended every judicial order but did not disturb the European self-conception as political bodies rooted in legal sovereignty, since colonial subjects and territories were imagined as being outside any social or political order. Because the subjects were not considered sovereign subjects, the colonies were treated constantly as “states of exception” (Mbembe 2003, 21-25). And the same was true for the territory: as space was not considered to belong to a sovereign territory it was seen as the raw material for occupation (ibid. 26f.).

A systematic comparison of the outcome of critical approaches to the history of state and sovereignty in Europe with contemporary analysis of “failed states” is still to be done.

Research inspired by regulation theory discusses the question of sovereignty from a Gramscian interpretation of political economy. In this perspective, a legal positivist definition of sovereignty (e.g. in the tradition of Hans Kelsen or Georg Jellinek) is “ideology” and/or useless to describe the very dynamics related to the concept. This approach analyses sovereignty as a historically contingent outcome of social conflicts and their solution. It thus has much in common with Foucault’s analysis of techniques of power and their transformation. Sovereignty is nothing that can be described independently, as a pre-existing materiality, but can only be understood as an expression of power relations in a specific historical situation. This is an expedient to the question of whether the sovereign nation state has diminished in the post-Fordist era (e.g. in the realm of welfare) or whether it has increased (e.g. concerning security). Such either/or-perspectives put forward an idea of the sovereign state as a necessary *foundation* for politics, whereas regulation theory investigates it as a *tool in use* or historically contingent shape of power-relations: in this way Brand, with reference to the state theory of Nicos Poulantzas, developed the thesis of a present “internationalization of the state”, which leads to a “fragmented hegemony” (Brand 2007). This internationalization has been the strategy of bourgeois, capitalist elites to cope with the crisis of the Fordist order since the 1970s (ibid., 5). It is characterized by “the quicker circulation of capital, the ‘new international division of labour’, the reorganization of

the formerly Taylorist labour process and a modified access to labour force, up to a partial recommodification included in a stronger differentiation between ‘core’ and ‘marginal staff’” (Brand 2007, 16). It is especially the neo-Gramscian, non-economistic regulation theory of the capitalist mode of production that opens a space for rethinking contemporary strategies of sovereignty: the modification of sovereign forms cannot be described as the replacement of politics by economic processes, as some superficial critiques suggest. Brand (2007, 5) stresses that “political-institutional developments” have dynamics of their own. This is especially important since not only – as in a more vulgar Marxist interpretation – exploitation of the workforce, but “hegemony [is] the form of bourgeois domination” (*ibid.*). This approach has consequences for the conceptualization of the state: in such a perspective “the state [is] neither [...] a neutral actor nor [...] an instrument of the ruling classes and forces”, but rather “a social relation” (Brand 2007, 10). In fact, this approach leads to a reversion in the conceptualization of sovereignty and power: in the positivistic conception that became so important for international law and international relations, sovereignty is the precondition of power and of the pursuit of interests. In regulation theory, sovereignty can be described as an outcome of struggles for power, since it is the effect of social conflicts and of power relations that arise from the pursuit of interests by different actors.

Koskenniemi (1990) interprets the making of international law since the 19th century as an outcome of a process of formalization of previously informal practices of politics and diplomacy. Furthermore, this implied the replacement of local politics by an international rule of law that had to be conceptualized as “neutral and objective”. Koskenniemi states that this strong reference to a rule of law and the process of formalization is itself an outcome of the “liberal impulse to escape politics”. This is the point of convergence with regulation theory: law is not a given, positive, neutral agent, but a means of settling – or rather, as Koskenniemi puts it – hiding societal conflicts and/or their political articulation. He concludes “that our inherited ideal of a world order based on the rule of law thinly hides the fact that *social conflict must still be solved by political means* [our emphasis] and that even though there may exist a common legal rhetoric among international lawyers, that rhetoric must, *for reasons internal to the ideal itself* [emphasis in the original], rely on essentially contested – political – principles to justify outcomes to international disputes.”

To sum up: different analytical strands obviously lead to the diagnosis that sovereignty is not the origin of power but one of its techniques and one of its discursive manifestations, which change over time and are entangled with symbolic orders as well as with economic and social conflict.

For the present situation, regulation theory has yielded the diagnosis that current “international state apparatuses” (defined as “parts of embracing network of international regulation, i.e. the institutional handling of societal contradictions which are more or less successfully and over a certain period of time stabilized”) are – like the nation state until the early 1970s – the “ideelle Gesamtkapitalist” in a globalized capitalist economy, but with a significant exception: “the international apparatuses are not equipped with the monopoly of violence” (Brand 2007, 13). This leads to new – informal and formal – techniques of international relations that go “beyond traditional diplomatic-intergovernmental policies”. Arguing from a neo-Gramscian position, this perspective has much in common with the deconstructivist revision of sovereignty in political studies. Ilgen (2003) argued that the notion of sovereignty as stable, discrete and fixed not only does not reflect the empirical reality of international affairs, but that it was never a simple reality but a conflictive process challenged from some outside (NGOs, the international economy etc.) and also from within.

Obviously such an approach goes beyond the superficial diagnosis of a “retreat of the state” (Brand 2007, 19). State governance in Europe obviously underwent a change that in some areas resulted in a withdrawal of the state – namely the areas where it acted as a welfare state – but “in some policy fields, such as security or migration policy, activities of the state are even increasing” (*ibid.*). One could ironically add the “private” sector of financial business to this list.

All these changes are clearly linked to techniques of state-based power: namely the privatization of the very core of modern sovereignty, the monopoly of violence, is one of the main areas of “the outsourcing of the state . . . not least in the realm of policing and warfare”, and the postcolonies, which are described as examples of “failed states”, are “ahead” concerning this new, state-related form of private-public sovereignty. “Government, as it disperses itself, becomes less and less an ensemble of bureaucratic institutions, more and more a licensing-and-franchising authority” (Comaroff/Comaroff 2006, 16). Especially in some African and Latin American regions, this shift of sovereignty, which is often supported by agents both public and private, both locally and by global players, includes the fulfilment of previous state obligations by NGOs and churches (Förster 2007, 58). In the postcolonies “the dispersal of state authority into patchworks of partial, horizontal sovereignties is far more advanced, although the devolution of governance is beginning to become more palpable in the north as well” (Comaroff/Comaroff 2006, 41). For a related, “neo-sovereign” use of the law, also especially in the postcolonies, Comaroff/Comaroff (2006, 30) coined the term “lawfare”, i.e. “the resort to legal instruments, to the violence inherent in the law, to commit acts of

political coercion, even erasure". This is not simply unfolding as a top-down-process, but also a tactics of subaltern groups, for whom anthropological research has observed a "juridification of protest", a "legalization from below" (Eckert 2006). Günther/Randeria (2001, 94-96) defined such practices as part of "the emergence of a universal code of legality": "Somehow the communications in the (transnational) networks always relate to 'law', namely more in the sense of a formal legality than in the sense of a materially or even democratically originated 'commonality'." (*ibid.*, 94, our translation.) This "universal code of legality" is "indefinite, diffuse, and vague", and it is exactly this characteristic that makes up for the blurring of boundaries of this "code of legality" to "pluralistic and spontaneous emerging social norms as they evolve in societal communications and conflicts" (*ibid.*, 95, our translation). Concepts such as "lawfare" or "code of legality" address law not as a precedent point of reference for the legitimate political action but as a versatile tool, an effect and an articulation of social conflicts. Another approach is the one of "selective statehood", which is put forward by legal-anthropology scholars (Eckert 2003, 36). Their empirical research (here: Mumbai) shows a more than tricky relation between state institutions, legal and illegal markets and political players such as the nationalistic Shiv Sena, which is a "militant organization, a local NGO, a social movement, a criminal gang and an official party at the same time" (*ibid.*, 41, our translation),

Recent anthropological research (e.g. the above-quoted works by Comaroff/Comaroff, Günther/Randeria or Eckert) shows the need to analyse the changing articulations of "sovereignty" and "law" not only as a top-down-process with regard to the implementation of neoliberal policies but also with regard the everyday practices of ordinary people who are confronted with this new politics, who foster it, use it and resist it. To omit this would mean applying a narrow concept of power that understands popular forms only as an effect of successful ideologies. This is also the interface where processes of changing sovereignty, e.g. of the state, meet changing forms of subjectivity in the individual. In their research on postcolonial Africa, Comaroff/Comaroff (2006, 17) observed "The readiness of ordinary people to exploit the interstices between official and backstage realities", e.g. "cops who turn checkpoints into private tollbooths". These practices are extraordinarily visible in the postcolonies, but not absent in the North and the West. They state that they "are more skilled than their postcolonial counterparts at hiding their questionable practices in a skein of lawfulness" (Comaroff/Comaroff 2006, 38; as a classic see Wolf 1966). Diagnoses such as "while Europe is still asleep with the state, worldwide failing states, para-state organizations and dispersed sovereignties dominate" (Koschorke et al. 2007, 384, our translation) are therefore only partial truths, since they do

not consider the hegemonic functionality of the very contradiction between self-description and political and legal realities.

Anthropology has also been one of the disciplines that has tried to overcome the confinement of modern interpretations of the informal sphere as an atavistic phenomenon and of moral judgments concerning e.g. processes of privatization: "In a normative perspective this might be identified as a loss, but this process also can be described as the emergence of other, new forms of political action" (Förster 2007, 59).

Human rights and international law

Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity, where the rule of law finally replaces warfare; humanity installs each of its violences in a system of rules and thus proceeds from domination to domination. (Foucault 1984, 85)

Recent debates have also deconstructed the universality of human rights and of international law because of their European origin. Concepts such as "ethical global citizenship", the emphatic invocation of the "civil society" (see Demirovic 1997 for a critique of such uses), or the demand for a "culture of human rights" by the UN are more an expression of this dilemma than an expedient. At the same time in law practice under postcolonial conditions and taking into account a post-positivist theory of law, ethical guidelines and truth and reconciliation commissions are booming. This indicates a quest for new forms of agreement and law beyond or on the threshold of established modes of legal codification.

The very relation between human rights and international law is a notoriously difficult one. The idea of human rights has many origins and rationales, whereas the bodies established to issue and enforce them (the UN and the European Court of Human Rights) are the result of the very experience of excessive state violence in the 20th century. The shape of the standing they have gained in the world order since the Second World War has been criticized and attacked from different angles: for defenders of a strong and normative idea of human rights that covers not only basic securities and rights but the right to self-government and democracy (e.g. Habermas 1999) their current rather moral than political form, with its supportive humanitarian complex, is insufficient to achieve this goal. For others, the basic problem is that the subject of human rights is impossible to determine, as every culture and epoch has a different idea of who or what human means. Especially relevant for our discussion is the fact that human rights were in the first place established as a civic right of sovereign subjects as part of

the revolutionary constitutions in France and the United States, which resulted in the actual *exclusion* of many people (women, slaves, and children) from “their” rights. This tension is at the core of Hannah Arendt’s considerations on human rights in the aftermath of WWII. In her view, either people had citizen’s rights, which included human rights, or they were considered to be subjects of human rights, which in turn meant that they were considered “only human” and therefore non-citizens (Arendt 1949). In her view, human rights and their codification by supranational organisations did not guarantee the “right to have rights” (*ibid.*, 34) but carried with them the danger of affirming the exclusion of subjects from the sphere of law and politics. Going along with but also beyond this analysis by focusing on politics as practices of dissension, Jacques Rancière has offered an answer to the question of who the subject of human rights is. Contrary to Giorgio Agamben’s and Hannah Arendt’s tendency to equate politics with power, he interprets human rights as the “rights of those who have not the rights they have and have the rights that they have not” (Rancière 2004, 302). By focusing on the process of subjectivation in political practice he identifies the discourse of human rights as a tool for political struggle. His example is the dissident movement in Eastern Europe in the late 1980s: in his interpretation they used human rights to build a case for their scene of dissent (*ibid.* 304). **[4]** In the field of the history of human rights and (international) law, the paradigm of law as being such a modernizing force has been challenged in many ways and has been found to replicate the historically specific commitment of liberal democracies to human rights. Some of the latest of such positions are Hunt’s (2007) biological and historical rooting of human rights in a (neuro-based) new emotional culture of “empathy” in the 18th century (which arose by “reading accounts of torture or epistolary novels”) and her teleological and positivist affirmation of “the promise of those rights” (33 and 175) for the future, or Headley’s (2008) assessment of the “Europeanization of the world”, with “human rights and democracy” as elements of a principally and purely humanistic mission that has to be fulfilled in the future. Against such constructions of moral continuities, empirical research and genealogical studies tackle the emergence and the universal evidence of human rights.

The universality of human rights has been an object of critique since their invention. One of the earliest texts on the issue is Edmund Burke’s polemical statement against human rights as the levelling of cultural diversity in his *Reflections on the Revolution in France* (1790). Nowadays, the critique of universality usually does not denounce the general necessity of human rights for the sake of cultural diversity but the mere possibility of working out a mandatory catalogue of rights that is valid for everybody in every culture. This discursive constellation allows two deductions: 1) the recourse to the

[4] Buchanan (2002) in his empirically well-founded analysis also ends with such a thesis on the specific dynamics of the Cold War, which made it possible for Amnesty International to position itself as a neutral global player of human rights.

universality of human rights is an irrevocable part of the contemporary “language game” of politics worldwide; 2) the very *use* of it differs widely and can therefore be interpreted as a surface or battleground for political positions.

This is why we can find numerous political and scholarly defenders of the conception of universality of human rights and of international law. We can find claims to “completing the Enlightenment project” as well as we find advocacy of an improvement and refinement of political and juridical institutions that are said to serve humankind in general. [5] Obviously, such demands to elaborate, develop, refine and implement human rights cannot be dismissed as a positivistic and naïve use of heirlooms of humanism and the Enlightenment. But the historical dynamics of the gap between the ideals of the human rights and the reality of atrocities – in recent decades even and especially in the name of “humanity” – would be dismissed if it were to be conceptualized as a problem of mere implementation of law. This is why we are more interested in research and law practice that work in a tradition of human rights that goes beyond a positive and positivistic view of “human rights”. [6]

International law [7] in general, and especially its claim to be the neutral and universal guarantor of human rights, has recently been deconstructed within its own discipline [8] (Koskenniemi 2001): “International law is a European tradition. Nevertheless, like many other European traditions, it imagines itself to be universal.” (Koskenniemi 2005) [9]

A striking sign of this process of deconstruction of any stated “universality” is the blurring of the disciplines of international law and international relations, which “have tended to converge” (Bartelson 2006, 464). This indicates that the latest and current changes in the modern dichotomy of formal/universal/etc. vs. informal/particular/etc. described above not only call for empirical research and new analytical approaches but also shake traditional orders of knowledge, which had at its centre the separation of a codified international law from the practice of international relations.

Historical analyses of international law as an outcome of legal and political discourse have demonstrated how these orders of knowledge emerged around the “myth of Westphalia” (Beaulac 2004). Analyses of latest empirical cases of invocations of “sovereignty” and “human rights” in conflicts such as new civil wars like that in Kosovo have shown a new constellation: genocidal attacks were legitimized by one of the conflicting parties under its right defend its sovereignty as a nation state, whereas a non-universal formal body such as the Nato justified its military action as “humanitarian”, and therefore (seemingly) not related to particular interests (Bröckling 2000).

[5] E.g. Falk 1998, 42ff., here: 190, Dupuy 2005; Kennedy with his proposals to make the UN’s work “more effective, more representative, and more reliable” (Kennedy 2007, 178, our translation); Korhonen 2001; Linklater 1996 with his model of a “Post-Westphalian” renewal of citizenship and sovereignty; Paulus 2001; see Bartelson 2006, 465, and Hobson/Sharman 2005, 63f. for an overview of such positions.

[6] There are certainly different manifestations of these positions but we cannot go into them in detail here. See Paulus (2001, 734-747) with his identification of “despair”, “politicization of international law”, “move to history”, “turn to subjectivity”, “democratic experimentalism” and “return to positivism” as the hitherto known variants of consequences from the deconstruction of international law.

[7] In German academia, “UN studies” as a research topic of its own is in the making (Fröhlich 2008; Götz 2007); research on the history of human rights right now begins with intensive, empirical and detailed studies (see the overview of Eckel 2009).

[8] Günther/Randeria (2001, 28-33) convincingly argue for a new research field of “law in society” on the basis of the pertinent and pace-making efforts in social and cultural anthropology (*ibid.*, 28). But astonishingly they dismiss the deconstructivist and empirically based critique of the modern concepts of law and of sovereignty in their own disciplines (see the pertinent paragraphs in this article) – whether it is international law, international relations, political studies or history of law – when they consider “most faculties of law” “to still conceptualize law as a self-contained ‘dogmatics’ with insufficient consideration of “social relations and historical

NGOs: non-governmental and (all too) well organized?

The existence and success of increasing numbers of NGOs is one of the main evidences of the fact that grand narratives like that of the modern nation state, with its lawful sovereignty as the main actor on the political stage, have collapsed in only a few decades. It is only since World War II that NGOs have been summed up under this name by the United Nations: in 1948, they received a formal consultative status in the Ecosoc (Economic and Social Council) of the UN. It is often forgotten that NGO status was and is not only valid for associations with communal or humanitarian aims but for all non-state actors, i.e. also trade unions, industrial lobbyists. In debates on the current status of the concept of modern sovereignty in general, it is stated that NGOs as “non-state actors” in the second half of the 20th century are the markers of a fundamental “power shift” in the world. Because of their qualitative and quantitative expansion, they have moved “from a peripheral to a central role in shaping multilateral agreements” (Tuchman Mathews 1997).

Research on NGOs has intensified just in the last two decades. From the viewpoint of classical political economy, they are focused on as part of the “third sector”, since they cannot be subsumed to the first (state) or the second (market) sector, which theories of the modern state have defined to describe reality. Still, some assessments of NGOs give the impression of them being a grassroots variant of the often-written success story of human rights – which have to be fostered to guarantee the very universal claims that modern states or international bodies are no longer capable of fulfilling.

[10] This apologetic account has already become policy, namely in so-called governance **[11]** concepts. Critical assessment of these concepts have pointed out that they tend to argue that everybody but the state or an international company is held to be more democratic, less national, more universal. It has also been pointed out that emancipative efforts are very quickly “recuperated” (Guy Debord) by “governance projects” and they are often used to invoke people’s self-responsibility, which is a well-known strategy to hide the exploitative dynamics of this seemingly state-critical form.

A politically unquestioned appraisal of NGOs has been criticized by various disciplines. In political sciences and in contemporary history, the emergence of NGOs has been interpreted as the effect of a crisis of and a critique of modern forms of politics similar to that discussed above. **[12]** The latest research has questioned the common metonymic use of “NGO” for “just”, “fair”, “universal”, “humanitarian”. The notion of NGOs as autonomous actors without an interest or acting in the name of human interests, as the necessary good corrective of bad institutionalized politics spoiled by various (military, economic, power etc.) interests has been confronted with empirical evidence that NGOs are

contexts” and “correlations with different cultures” (ibid., our translation).

[9] See also Paulus 2001, 727-730 for an overview of this in his words “postmodern critique” of international law; see Rasulov (2006) for a discussion of this in his words “post-structuralist challenge” of international law.

[10] An example of this position is Furtak 1997; see Magazine 2003, 243f., for an overview of this position.

[11] Brand (2007, 19) defines governance as “the greater participation of societal actors in political decision making processes.” Note that he understands this as an analytical description and not, as in the spontaneous version, as an indicator for a somehow more democratic form of power.

[12] Brand 2000; see Buchanan 2002, here: 592 and 595 for a critical case study on Amnesty International as an outcome of a “disillusion with party politics” and of “declining party allegiance”.

not only “networked” (internally and with other NGOs, as a symbol against the notion of a hierarchical form of organization), but also “entangled” – with traditional politics as established in modernity and with interests that are not common but particular and exploitative (Altvater et al. 2000). What follows from this is not a claim for more “purity” for NGOs but a demand to conceptualize politics as necessarily “impure” entanglement of interests in which NGOs play an important role. [13]

Such dynamics and processes have been investigated in anthropological research too: the reference to “our culture” is increasingly combined with appeals to “human rights”, and this challenges anthropological research and postcolonial theory, which for some decades has been deconstructing “culture” as a “metaphysical concept or reified traits inventory” (Markowitz 2004, 329). Numerous case studies in anthropology, sociology and political science have shown that NGOs are not “the civilizing missions of the twenty-first century” as “they are commonly regarded” (Comaroff/Comaroff 2006, 25). In his comprehensive comparative case study on Kenya and Rwanda, Neubert (1996) has shown how development policies produce NGOs and how they in turn are bound not to universal humanitarian ideals but to their very financing. The consequence of these findings is not to call for the implementation of this ideal of pure and impartial advocacy but to tackle the “dilemma of humanitarian help” (Jung 2003) as one of the “positivities” of the discourse in question here.

We therefore suggest that research should not only focus on the broad empirical evidence of such entanglements but also ask why the above-mentioned metonym “NGO=humanitarian” is so stable and plausible? We think that it might rather be interpreted as a displacement of attributions with an already long history that are so well-known as part of the self description of the modern nation state. As a result of the crisis and change of national sovereignty, attributions such as just, universal and humanitarian have been displaced from the formal to the seemingly informal articulation of politics, namely the NGOs. This is intertwined with new forms of political action. To confine the analytical perspective to an empirical critique of universalistic ideologies would mean dismissing this discursive dimension of the matter. Actually, the vision of NGOs as being pure and indifferent advocates of humanity is one of the hard facts of very stable universalistic visions of modernity. This function has been analysed for example as a sort of symbolic capital that successfully replaces processes of political legitimization that modern democracies would usually be obliged to follow. [14] Holert and Terkessidis (2002, 162) state that this phenomenon even links the NGOs to military intervention – with their symbolic capital as civilian, peaceful and universal they in fact become “the moral avant-garde and rearguard of military actions” (our translation). This is related to a fundamental change in

[13] For a conceptualization of interestedness as a constituent of “cosmopolitics” see Stengers 2008, 153-185.

[14] See Brand 2000 for a critique of the problem of legitimization in NGOs.

the discursive field of “security” and “terror”, which is ordered in a new way so that “*the war*’ on terror, on drugs, on gangs, on illegal aliens, on corporate corruption, and so on” can be waged without any democratic legitimization but nevertheless with seemingly natural plausibility in the name of “humanity” (Comaroff/Comaroff 2006, 275, emphasis in the original)

Thus the case of the NGOs does not just challenge modern orders of sovereignty because they succeeded in making themselves a formal part of the new international order after 1945 (beginning with their formalization through the UN) – in the strict sense this would (only) be a variant of the classical problem *imperium in imperio*. It is not their relation to traditional national and international institutions, it is the fact that their inner form – gaining power without techniques like warfare, gaining legitimacy without modern, legal techniques like elections but nevertheless giving the appearance of collectivism and representation – confuses traditional, modern categories of analysis such as formal/informal, universal/particular and the related attributions.

Available perspectives that go beyond such ordering draw either on Michael Hardt’s and Antonio Negri’s reading of NGOs in *Empire* (see the example of the deconstruction of “human rights” and of “sovereignty” above). Or they are inspired by Antonio Gramsci’s concept of the “società civile” or John Locke’s concept of “civil society” (Demirovic 1997; Cohen/Arato 1999). Against the “emphatic notion of civil society” (Demirovic 1997) – which very much resembles the above-mentioned metonymic uses of “human rights” or “NGO” (see Falk 1998, 33 and 37) the reference to either Gramsci or Locke is targeted against the modern idyll of universalistic commonality. Brand (2007, 10) therefore states that “international civil society is not an intermediate sector but an international relation of societal forces”.

While the empirical reconstruction of the emergence and the theoretical deconstruction of underlying concepts concerning the nation state and the related concept of sovereignty have experienced intensive research, similar efforts concerning NGOs, their history and their discursive reality have just begun. Most literature stems from self-descriptions of these groups (e.g. Buchanan 2002, 576 note 3, on Amnesty International). Available case studies are very fruitful, since they yield unexpected relations and surprising dynamics in the NGO field: Buchanan (2002) reconstructed the making of Amnesty International from a small group of (mainly female) volunteers in the early 1960s until its “institutional maturity” (Buchanan 2002, 576 and 589). [15] He traced the work of the founding father and of his early volunteering allies to experiences in humanitarian work against the Nazi state, especially for persecuted Jewish children (Buchanan 2002, 578 and 589f.). In Buchanan’s (2002, 597) view, Amnesty International, founded in the early 1960s, was such a successful actor

[15] It is probably not accidental that these informal-formal institutions in their own ideology do not root themselves only in one founding event, text or person. But, like an inversion of the clear roots that the modern nation state and modern sovereignty have always given themselves, it is part of the NGOs’ own description to see themselves as a not groundable “movement” (*ibid.* – in contrast to Buchanan we will not dismiss this self-description as a pre-historical, mythical proposition that has to be enlightened, but as a not accidental part of the NGO’s self-description).

because the strategy and discursive field it created successfully filled a discursive gap that had emerged by the Universal Declaration of Human Rights in 1948: Amnesty International stepped into the gap of “no common language of human rights” (i.e. the declaration or the UN respectively opened but did not fill or perform the discourse of human rights) and was thus able to transcend the world order of the Cold War. Later it reached beyond the development the idea that humanity had undergone since the changes that occurred with the end of the Fordist era.

Anthropological research also shows that the political space that NGOs create cannot be described as totally immune to neoliberal appropriation. In his case study on a locally based NGO in Mexico City, Magazine (2003, 243) saw commonalities between neoliberal ideologies and the NGO concept, especially in the “distrust of government and other potentially paternalistic institutions”. But then – very much in the tradition of social anthropology – he criticises the fact that the “local responses to global projects” are often overlooked: in this specific case, the rejection of market principles by this NGO and its attempt to establish a space for action in the interstitial domain “between individuals and the ravages of global capitalism”. This challenges an analytical perspective that produces a short circuit of neoliberal ideologies and the NGOs’ place on the level of ideologies – a perspective that does not take into account the empirical level of practices and their own dynamics. It is empirical anthropological research on the micro level especially that yields arguments against “an analysis that examines ideologies, narratives, or discourses without taking into account the practices that constantly place them in dialectical relationships” (Magazine 2003, 255f.).

Finally, only recently a synoptic view of NGO politics in the 20th century has been developed. One of the first outcomes is Eckel’s (2009) thesis that the 1970s were the decade of a deep change in the NGO politics, i.e. a change from a traditional form of social commitment and political protest to a specific new appropriation of the idea of “human rights” and the related attributes (neutrality, universality, objectivity of aims). This thesis is in keeping with the fact that “during the 20th century the utopian motif increasingly moved from societal visions to the paradigm of human rights”, as Kämper/Othmer/Sachse (2009, our translation) stated in their feminist perspective on utopian thinking. It is striking that the NGOs thus appear to have become the historical heirs, administrators and continuators of the idea of “human rights” precisely in the years when the Fordist world order with its founding ideas of sovereign nation states being allied in bodies such as the UN for the sake of “human rights” was coming to an end. (To point to just one relevant factor, after the abandoning of the gold standard for the US dollar in 1971 and after the US government destabilized the Bretton Woods

system by financing the Vietnam war by simply printing money). Further research is needed to understand this fundamental shift from an effort that stemmed from the experience of a history of state violence, to construct and secure “human rights” by formalized institutions on the lines of modern sovereignty on a global scale (i.e. the UN), to policies that at first glance are informal, seemingly direct emanations of individuals, without any mediation of a formalized body of power or of representation.

Behaviour guides: securing the distinction of societal elites and making flexible subjects

The writing of the history of behaviour guides has undergone a change with striking analogies to the change the discourse of human rights and of modern concepts of sovereignty have undergone. The results of research have changed from a linear reassurance of eternal universality to a reading of behaviour guides as operators in a field of power relations.

The main reference point for research on behaviour guides is Norbert Elias' theory of the process of civilization. Based on analyses of manner books of western European non-religious noble elites, Elias (1969, 1982) described and interpreted European history as *The Civilizing Process* with a specific direction of formalisation from the middle ages to the 19th century. He coined the term “psychogenesis” for the transformation of external restraint into self-restraint and the internalization of social norms (which form the super-ego in the psychoanalytic sense) as the taming of drives (aggression, sexuality). Concerning the micro-practices of the everyday, Elias resumes a process of formalization of behaviour. “Sociogenesis” on the other hand is the process of the emergence of modern society by increasing interconnections, which is related to the modern state with its monopoly of violence, i.e. political, legislative, juridical and executive sovereignty. In keeping with psychoanalytic approaches Elias states that both processes (psychogenesis and sociogenesis) are inseparably connected: the emergence of a state monopoly of power is the precondition for the development of self-restraint in the individual.

Publication of the work – originally dating from 1939 – and thus its reception, was delayed owing to Elias' emigration. As a result, his contemporaries did not recognise or use its fruitful perspective. In fact, writing history not as a series of treaties of war and peace or as the legal implementation of political and philosophical ideas was on the agenda of “cultural historians” such as Walter Benjamin, Ernst Cassirer and Aby Warburg. In comparison to them, Norbert Elias was especially innovative in his empirical methodology of using manner books as sources of evidence for the making of the modern

individual and the making of modern society. As Algazi (2008, 446) stated in his re-reading of Elias' work, "Elias was not interpreting single texts and their particular meanings; he was in fact analysing a discourse". Only later, after the first publication of both volumes in German in 1969, did an intensive reception of Elias' analytical synthesis of the formalization of societal and individual dynamics begin. In general, this reception has two strands:

One is the school of "figurational sociology", which is present particularly in the Netherlands (e.g. Abram de Swaan, Cas Wouters), in Britain and Ireland (e.g. Eric Dunning, Johan Goudsblom, Stephen Mennell) [16] and in Germany (e.g. Artur Bogner, Stefanie Ernst, Gabriele Klein, Hermann Korte, Annette Treibel). In Germany Elias never received full appreciation in institutionalized academia but inspired in particular those sociologists who were looking for an alternative to the then dominant either Marxist or structural-functional/Parsonian versions of sociology. The proponents of figurational sociology more or less follow Elias' interpretation of the formalization of behaviour and an internalisation of external restraints throughout modernity. Specifications such as the thesis of an *informalization*, especially in the last half of the 20th century (Wouters 2007), describe changes that cannot be covered by Elias' statement that there was an increase in thresholds of shame (e.g. the breaking down of taboos concerning the naked body in some factions of the new social movements since the 1960s) but develop an analysis that interprets even this data as proof of Elias' main positions – e.g. showing the nude body in public without sexual activity is seen to be rather an evidence of even stronger self-restraint than the loosening of sexual drives. With regard to the analytical approaches that Elias developed, his concepts of "figuration" and "interdependency" were considered convincing, because they can be used as tools of analysis and for an interpretation that goes beyond the spontaneous dichotomy between the individual and society (Chartier 1989).

The other strand of reception of Elias' *Theory of Civilization* is its critical assessment. In general, the proponents of this position contest the assumption of a linear process of a taming of the human drives and – of interest here – his assumption of a necessary connection between the emergence of self-restraint in the individual and the establishment of a monopoly of violence by the modern sovereign nation state. This critique also tackled the tendency to a rather moral (instead of analytical) conceptualization of violence in Elias' work. At the core of this argument is a critical assessment of Elias' use of his sources: are manner books "description [or] [...] prescription" (Reimann 1989, 42)? Reimann solved this problem by focusing on manner books as media. Thus she does not hypostatize these books as eternal and closed corporae, but takes into account the "communication process" of

[16] This goes back to personal contacts during Elias' years of emigration.

authors, texts and readers. This leads to the finding that for the epoch she studied – the beginning of the 20th century – “readers are helping to set the agenda” (Reimann 1989, 48). Although Reimann interprets this as a consequence of what – in the view of Parsonian structural-functional sociology – is a general societal necessity to combine differentiation and solidarity in a society, this finding is useful for the questions treated here. It can be read as an indicator of a change in the techniques of power – from “sovereign forms” (as outlined above) to dispersed or “hegemonic” forms. More generally, such an approach leads to discourse analysis as an analytical tool for behaviour guides (e.g. Foster-Dixon 1993) and thus to the very question of the making of the individual through (the use of) behaviour guides. Vowinckel (1989) showed that contrary Elias’ perspective of a historically linear increase in cognitive (and internalized) control of behaviour, cognitive control of social behaviour was refined by the (predominantly noble) elites until the 17th century and was then simplified by the bourgeoisie in the second half of the 18th century – so a continuous tendency of an internalization of external restraint into self-control did not take place. Duindam, a historian of the early modern court, agreed with Elias’ description of the specific type of behaviour at the European courts, but he was also able to demonstrate that the modernization theory he derived from it as a false interpretation of the historical, social and political dynamics connected with courtly behaviour. Ardit (1994, 1998, 1999) developed a methodological synthesis of Foucault and Elias and thus rejected a linear process of formalization. His observation of a change of the point of reference for legitimate behaviour is pertinent with regard to the question of the individual imagined in modernity as an autonomous, rational (sovereign) self, which is of interest here. Because in his empirical case – 18th century England – there was not a loosening of external and internal restraint for the individual throughout modernity, as suggested by the figural sociologists, but “a transformation in the techniques of domination” (Arditi 1994, 188). Violence and power are not tamed, but change their appearance, their symbolic order and their institutional structure. Foucault’s archaeological or genealogical method proved to be fertile for an understanding of the discontinuity of this process. A critical point in this transformation was the replacement of a centralized order of social space of nobility (namely the court) by its multi-centred order in the 18th century (*ibid.*, 189). With regard to gender relations, Ardit (1996), in another study on US etiquette literature of the 19th century, interpreted the observed “feminization of etiquette” in this era as a paradoxical combination of the empowerment of women on the one hand and, on the other, of a re-articulation of their subordinate status, which remains subaltern in a hegemonic system of power. In a comprehensive study of French and English courtesy manuals and etiquette books from

the 13th to the 18th century, Ardit (1998) comes to a conclusion on behaviour guides that is very similar to the regulation-theory approach concerning the state: rules or norms of behaviour are not the precondition of power of a given elite but the tool with which a specific dominant group creates and operates societal forces. Thus he reads the formalized product of such dynamics, i.e. the etiquette books, as an effect of power-related practices and not as (ideological) prescriptions. Not the taming but a change in the forms of violence is also the outcome of a historical study of the early modern era. Dinges (1998, 188) states that Elias' concept of violence is a negative and therefore a moral and not an analytical one. Thus Elias focuses on the changing uses of violence but dismisses its usefulness. Violence is not "the 'other', 'the strange', as the proponents of the theory of civilization like to see it"; rather, violence "emerges at the spaces of work and entertainment, in the families" (Dinges 1998, 177, our translation). Neither in the "pre-modern" nor in the "modern" era can the use of violence be divided into a formalized, rational, institutionalized version of the state on the one hand and an irrational, informal, arbitrary version performed by ordinary people (*ibid.*, 181, our translation). Furthermore, the institutions of violence that have became hegemonic with "modern" states do lead to a containment of violence in some sense (or at least: physical violence is rendered less visible), but the counterpart of the inner pacification of states since the early modern era has been an intensification of military action and colonizing violence as a "trail of blood that does not make it possible to conceive of the state as an agent of a civilizing mission" (*ibid.*, 184f., our translation; the same argument in Goody 2002 and in Goody 2006, 154-179). Fundamental objections to Elias' conclusions also came from anthropology: Elias ignored the existence of states and kingdoms in Africa for example. In detail he dismissed the available research on self-restraint in the individual in so-called acephalous societies in Africa and in general his work suffers from a "neglect of other 'civilized' cultures", a mistake, for which "there is no excuse" as Goody (2002, here: 410) writes in his critique.

Despite these critiques, Elias' approach of combining an analysis of societal and individual dynamics is relevant to the topic treated here. This is especially true of his differentiation of the dynamics of manners: Elias observed that the refinement of manners emerges and is functional not only because of an increasing interdependency within ever larger groups but also because it is a tool of power, which Pierre Bourdieu much later defined as distinction. Although his abridged interpretation of the monopoly of violence of the modern nation state as a precondition of individual self-control convinced neither historians nor anthropologists, Elias' naming of two dynamics of behaviour guides is useful to understand current changes of this informal genre of forms. It can be said that the power

dynamics of behaviour guides, which reveal “distinction” as a mode of social struggle, have declined and the power dynamics, which are related to self-government as the dominant mode of subjectivation, have become more relevant. This is reflected in approaches that abandon the dichotomy of formalization/informalization and instead develop a Foucauldian reading of Elias’ effort to conceptualize psychogenesis and sociogenesis as inseparable processes (Foucault Studies 2010).

Governmentality and its subjectivations

Michel Foucault’s analysis of the modes of subjectivity and guidance of behaviour is manifold. It starts with his early research into the scientific and institutional ways to objectify what the “human” and what “the rational” is, continues in his analysis of discipline and constraint as modes of individualisation and ends with his concern with modes of self-governance at the nexus of liberal politics and subjectivation. This latest phase is obviously the most pertinent for what we are dealing with here. In his last works, subjectivation (becoming a subject by conceiving oneself as a subject) is described as a mode of self-government that is silently intermingled with instances of external guidance. “It is a form of power which makes individuals subjects. There are two meanings of the word ‘subject’: subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge.” (Foucault 1982, 781). This is a result of the specific historical combination of techniques of power that emerged from the 15th and 16th century onwards and led to an integration of pastoral power and the modern state (*ibid.*, 782f.). In other words, modes of self-awareness and sovereign self-guidance co-evolve with the idea and practice of liberal democracy and market economy (cf. Foucault 2010). These modes of guidance via self-guidance have co-existed with excluding and disciplinary modes of subjectivation for at least two centuries (Foucault reads Immanuel Kant’s *Was ist Aufklärung?* of 1784 as a core document of the paradoxes of this constellation). However, it also seems obvious that self-guidance and subjectivation are becoming increasingly important for both affirming and contesting domination. As an indicator he poses that that social struggles since the 1960s have increasingly become “identity politics”. They are directed against the very techniques that make us men or women, citizens or non-citizens, etc.: “[T]he main objective of these struggles is to attack not so much ‘such or such’ and institution of power, or group, or elite, or class, but rather a technique, a form of power.” (Foucault 1982, 781).

At first glance, the thesis mentioned above in using Elias’ work – the decline in the importance of dynamics of self-guidance related to “distinction” and the increased relevance of the dynamics of

self-guidance, which are related to subjectivation – might be misunderstood as a variant of the thesis of “individualization” and “pluralization”. German sociological research in the 1980s and early 1990s stated that this was the reason for a new independency of cultural forms and social stratification (Ulrich Beck, Gerhard Schulze). This is not our intention, as numerous qualitative and quantitative studies (Böhnisch 1999; Hartmann 2000; Hartmann 2006, Timm 2001) have proved that cultural capital, observed in detail, was an important basis of the social reproduction and closure of elites, especially in Germany after World War II. In relation to Pierre Bourdieu’s theoretical tools and empirical findings, it can even be said that the relevance of cultural capital as a tool for the reproduction of elites has increased since the reforms of the educational sector in the 1960s (see Vester 2004 for a detailed analysis of such rearrangements of elite reproduction in the German case). This applies particularly to the non-formalized versions of it, such as incorporated cultural capital and objectified cultural capital (for the distinctive use of which incorporated cultural capital is indispensable; see Bourdieu 1986 for the definitions). Studies of the change in the character of work in Western societies towards “knowledge work” or “affective work” have led to the thesis that “specifically cultural distinctions are likely to hold growing importance” (Vallas 2001, 30). Additionally, an intensified use of cultural capital has been observed as a strategy for coping with crises in companies (*ibid.*, 31). Furthermore, it has been shown, that the informalization of behaviour, which figuralional sociologists view as an expression of decreasing of differences in power, in fact develops into an informal barrier against social mobility. Bremer (2004) showed that the ideal of the “autonomously learning subject”, which became hegemonic in the German educational system, is in fact a massive and effective discrimination against children from subaltern social milieus, who have not been brought up in their families with the promise of success through self-control. This is one of the numerous evidences of the fact that the loosening of formal behaviour codes and the diminishing of external control is not simply emancipative but in fact a technique of power (see Moldaschl 2007 for a case study on the realm of work, which includes a critique of the dismissal of this power dynamics by the modernization- and/or individualization-theory approach). The implementation of self-guidance has become *the* dominant ideology in the education system; [17] the demand for “lifelong learning” indicates a “new educational order” (Field 2000; Alheit/Dausien 2002); research into the deep changes in this making of the subject after modern ideals of authority is only in its initial stages. [18] Another approach, developed in the US sociological debate on Bourdieu’s findings and concepts, suggests that traditional bourgeois, elite

[17] This is accompanied by the change from childhood studies to the so-called *new childhood studies*, where children now are conceptualized as “competent actors” (Qvortrup 1994) – without diminishing the necessity to develop emancipative perspectives and concepts in the pedagogy and psychology of children, this approach is telling in the context of the “entrepreneurial self” (Bröckling). It has been criticized for disregarding class issues and the whole societal context (Bühler-Niederberger/Sünker 2003).

[18] See e.g. Timm 2010 with an example of the implementation of the ideal of the autonomous, self-controlling subject even for small children and toddlers in the educational system.

forms and techniques of distinction have changed, as a “system of status honour” has been replaced by a strategy of “cosmopolitan omnivorousness” (Peterson 1992; Peterson 1997; Peterson/Kern 1996) (i.e. the combination of highbrow and lowbrow forms) with which elites have adapted to changes in societal power relations in order to maintain their domination. [19]

With regard to the uses of behaviour guides we are confronted with a manifold challenge to the modern idea of their shape. The rise of the genre of guidebooks, of the market for coaching and counselling, or the popular formats of how-to-do with children, with divorce, with medical treatment, with all realms of the everyday in reality TV-show formats also points towards the self-guidance-mode – and this is not only relevant for specific milieus. In the Euro-American context, an intensified interest in behaviour guides can be observed since the mid-1980s. This is true for the development of the book market above all. The number of manner books published has increased; qualitatively, style guides have become differentiated into numerous subgenres, which offer recommendations on good self-conduct as well as for smart appearance in public (cf. Timm 2001, 14-19). The public as well as the commodified education market have also developed in this direction; and furthermore we find counselling soaps on TV, which simultaneously represent, reflect and perform the production and practice of good style. Debates on “*Neue Bürgerlichkeit*”, with its focus on style and behaviour, are also part of this development. Obviously, not all of this works as simple coercion or open violence (although such forms are also practised), “but more than this, they are educated to accept this with their common intellect” (Brand 2007, 17): “The macro- and micro-economic criteria of competitiveness are enlarged onto the individuals”, who become “entrepreneurs of themselves” (Bröckling 2007). This is related to an often neglected battleground of sovereignty. Since Thomas Hobbes, sovereignty (of the state and of the self) has been discussed as a means of limiting individual “interests”, the war of everybody against everybody. The state, the “invisible hand” of the market (Adam Smith) and the self-aware subject are interrelated concepts that answer to the observed violence of economically structured modes of behaviour based on ideas of competition and self-help.

In current research the behaviour ideals of the new social movements are often seen as a neoliberal prey of formerly emancipative and utopian efforts to free the individual from its allegedly social constraints. But this emancipation led to the “entrepreneurial self”, which is an articulation of an organization of power that Foucault has analysed in his lectures on governmentality (Foucault 2009, 2010; Bröckling 2007; Bröckling 2005; Frank 1997; McGuigan 2007 and 2009, for a feminist perspective McRobbie 2010). This also has a biopolitical dimension, which shows up in a great variety

[19] See Houtman/Achterberg 2004 for a synopsis of available case studies from different countries, and Prieur/Rosenlund/Skjott-Larsen 2008 for a contradictory finding with the critique that this interpretation is more an affirmation of societal elite’s self-description as open, tolerant, cosmopolitan than a real relativization of cultural orders.

of empirical evidence. European health-care policies throughout the 20th century promoted “the preventive self” (Beck/Lengwiler 2008) as the ideal form of corporeality; “physical resources” are said to be “important resources” of strategies of distinctions, as a case study in the US has proved (Kern 1997); popular psychology, such as the concept of “emotional intelligence” and its outcome, the “reflexive emotional self”, is an interface of power, selfhood, and social control (Hughes 2010). This fits in very well with the “entrepreneurial” appearance of the subject. The subjectivation of work in the end leads to a commodification of subjectivity for the sake of a “global economy of signs and selves”, as Fabros (2009, 359) stated as an outcome of her ethnographic study of call-centre agents in the Philippines.

The critique of the inclusion and taming of emancipative ideas and practices in(to) capitalist sosciation is not new. The classic term for such processes was already coined in critical theory by Herbert Marcuse: “repressive desublimation” or “repressive tolerance” (Marcuse 1969). In such a perspective, styles that are linked with the new social movements and/or with youth cultures since the 1960s have been appropriated by capitalist exploitation.

Ethnographic research in education-market seminars in Germany, where people can learn manners such as greeting, eating, politeness and gendered norms of behaviour, found that an interest in styles always includes a mixed dynamic – one of opening and spreading of style, an adaptation to elite practices, which is linked to social mobility, and one of distinction, closure and boundary work against subaltern milieus (Timm 2001). Most analyses concentrate either on the conventionalizing effects of such consultancy (e.g. Wellington/Bryson 2001 concerning the affirmation of a traditional gender order) or on their empowering use by clients (e.g. Grove-White 2001 in the tradition of the interpretation of consumption as a creative practice). To confine analysis of this genre to a critique of subjectivation-dynamics would be to revert to criticism of ideology; to confine it to its creative use would blunder as mere affirmation. The “lived experience of subjects” in such processes, of image consultancy for example (Grove-White 2001, 208), should be subject to individual analysis. Only then, if it is not denounced as “false consciousness” in the tradition of a too Adornian reading of Foucault, can the reason why techniques of power such as self-guidance have become historically dominant and why they are attractive at all be investigated. This is not only because they have been implemented by powerful producers of neoliberal ideological think tanks and their related institutions (see the analyses and case studies in Krasmann 2007) but also because they can be appropriated, for example for social mobility (Grove-White 2001, 198). In our view such use is not fully covered by the interpretation that

the subjects are only falling into the trap of neoliberal forms of subjectivation (e.g. this is the interpretation of Boltanski/Chiapello 2005 or Bröckling 2007). Such an interpretation tends to use the “totalitarian” reality of the “invocations of the entrepreneurial self” (Bröckling 2007, 283, translation by the authors) as a totalizing tool of analysis. This has also been criticized as the effect of a false dichotomy of “social critique versus artist’s critique” (Schönberger 2009, our translation). In critical migration studies such totalizations have been countered by the result and concept of the “autonomy of migration”. This approach states that conceptualizing migrants only as passive victims of neoliberal biopolitics would rather duplicate (violent and cruel) efforts to control and subordinate them than produce facts about the practices of migration and their societal and political dynamics in reality (Karakayali/Riga 2009; Karakayali/Hess/Tsianos 2009; Bojadžijev/Karakayali 2010).

Relevant for the topic tackled here is the observation that a perspective that directly links strategies of self-fashioning and self-guidance with “neoliberalism” continues modern (leftist) assumptions about power as a closed, discrete block on the one side and the subject vis-à-vis or outside this power. We think that this dismissal of the practices of the individual is very similar to the problem of the other grand narrative of modern autonomy of behaviour, namely the Eliasian interpretation of informalization, which has been promoted by the new social movements since the 1960s in the school of configurational sociology as the fundamental challenge to a linear interpretation of modernity as a process of formalization or informalization-keeping-it-formal-in-the-end (see above). The above-mentioned Adornian reading of Foucault and related critique of biopolitics and neoliberal forms of power, which argue from a top-down perspective, in fact have very much in common with modernization-theory approaches like that of configurational sociology.

Comaroff and Comaroff (2006, 275, 277, 279) developed an anthropological perspective that goes beyond moral and critical complaints of modernization theory or criticism of ideology and also beyond Foucauldian analyses of power. They see the current “obsession with crime and lawlessness” in popular culture, or “popular fantasies of law and order”, which they traced in the mass media of South Africa, as an example of this: “The fetishism of the law runs far deeper than purely a concern with crime. It has to do with the very constitution of the postcolonial polity.” (Comaroff/Comaroff 2006, 31) Analysis such as that by Holert/Terkessidis (2002) posits a new “military-entertainment complex” as a means and representation of a neoliberal power that has made war part of mass culture. In line with the Kulturindustrie-approach of the Frankfurt School, this sees popular culture only as an effect of power. Comaroff and Comaroff (2006, 277), however, are interested more

analytically in “the connection between modernist state power and popular fantasies of law and order”. This leads to new research questions that do not reduce popular forms and contestations of sovereignty to an effect of neoliberal ideological tricks: “The question, then, is plainly this: To the extent that discourses of crime and enforcement, as *popular* national fantasy, are endemic to the imaginary of modern state power, how might current changes in the nature and sovereignty of states – especially postcolonial states – be tied to the criminal obsessions sweeping so many parts of the world? Why do outlaws, as mythic figures, evoke fascination in proportion to their penchant for ever more graphic, excessive, unpredictable violence?” (*ibid.*, 279, emphasis in the original.) “We have argued, that, in postcolonial South Africa, dramatic enactments of crime and punishment – both those disseminated by the state and those consumed by various publics – are not merely fabrications after the event; nor are they reflections, inflections, or refractions of a simple sociological reality. To the contrary, they are a vital part of the effort to *produce* social order and to arrive at persuasive ways of representing it, thereby to construct a minimally coherent world-in-place; even more, to do so under neoliberal conditions in which technologies of governance – including technologies of detection and enforcement – are, at the very least, changing rapidly and are, in some places, under dire threat.” (*ibid.*, 292.) In contrast to using a critique of violence as an analytical tool, this approach tries to maintain an awareness of the function and dynamics of violence that possibly go beyond killing and expropriation. Importantly, this is not identical with a political indifference vis-à-vis violence: “It is a predicament in which both those who would wield power and their putative subjects find it necessary to resort to drama and fantasy to conjure up visible means of governance.” (*ibid.*, 292.) These authors stress the necessity to go beyond a Foucauldian confinement of analysis: “This story, of course, should be read *not* as post-Foucauldian but as a historical narrative that proves the Foucauldian point; or, rather, that reinforces a Foucauldian telos by playing it in reverse to show how, when modern power runs out, primitive spectacle returns once more. We would argue otherwise: that the distinction between politics-as-theatre and biopolitics underlying this telos is too simple; that it is itself the product of a modernist ideology that would separate symbolic from instrumental coercion, melodrama from a politics of rationalization. [...] [T]he history of modern policing suggests that theatre has *never* been absent from the counterpoint of ritual and routine, visibility and invisibility. It has always been integral to the staging of power and of law and order in authoritative, communicable form” (*ibid.*, 292f., emphasis in the original). **[20]**

[20] But see the contradictory position of Mbembe (2006, 299), who states that the current “modes of imagining politics in contemporary Africa” are characterized by a “centrality of war”: “In fact [...] the giving of death has become a prime means of creating the world”, “war, in other words, has become one of the main sources of emergency, with the consequence that death has been assigned a central place both in the process of constituting reality and in the general psychic economy”.

If we are looking for globalized popular cultures of self-fashioning, several phenomena are pertinent: mafia-style gangsters in pop culture, sports celebrities in global media networks, but also the cool “warlord of the south”, which features so prominently in media coverage and in political science on irregular warfare, and “failed states”. “Here he is: without boundaries, without discipline, corrupted by money and popular culture – Rap and Ray Ban-sunglasses – a monstrous irregular machine to kill and to rape.” (Diefenbach 2003, 186, our translation.) This male role model is not only popular in the first world but links to local cultures: e.g. to rhetorics of self-help (Zelik 2009) and to narco (youth) cultures around the world. (Bourgois 1995; Williams 1990; Wacquant 2004.) “Cool conduct” [21] is obviously a very general and vague code of behaviour, which can be filled with ever new meanings in different local cultures. This is why it is as attractive for social, political and cultural theory, for the media industries as much as for emergent cultures of “getting on somehow” around the world. [22]

Why did these changes of the modern order of the (in)formal occur?

As outlined above, many disciplines share a central diagnosis: at the macro level the modern, national sovereignty of the state is being challenged in many ways – in political practice and as the very object of research. At the micro level, individuals are experiencing an unbounding of their selfhood – they are addressed as entrepreneurs of themselves, to be flexible and to “be prepared”, to change and to learn until the end of their life, to consult experts for all details of the everyday. The historical localization of this diagnosis has been intensively discussed. Studies in the tradition of Foucault suggest that the modern ideas of sovereignty and of the autonomous bourgeois subject were never uncontested facts in previous centuries either but can be described as discursive facts. However, a fundamental change has been identified and located in the second half of the 20th century. Current approaches in general provide two explanations and answers why the changes of modern orders of the (in)formal occurred:

First, in the tradition of liberal political thought, the changes are perceived as a crisis resulting from a disturbance of a principally functioning and politically desirable international order of sovereign states and from a disturbance of principally functioning and desirable but currently adaptable forms of representation in liberal democracies. Depending on the political position of the authors this disturbance stems from too little or too much of a leading role of a superpower (e.g. the British Empire,

[21] See Majors/Mancini Billson (1992) and Pountain/Robins (2000) for the thesis of a historical wandering of “cool” from practices of dignity among slaves into the popular culture of the US today.

[22] See Mentges (2010) for a synoptical reconstruction of “coolness” in popular culture and in the analytical perspectives on it.

the United States). Bartelson (2006, 474) for example states that the modern order of sovereign states tied by a modern framework of international law and international relations on the one hand has been challenged “by ideas of universal human rights and corollary pleas for cosmopolitan democracy” and, as their complement, “emergent claims to imperial sovereignty made by the United States and its allies”. In general, such explanations in theory and in practice maintain a legal positivist notion of sovereignty – a worldwide stability has to be re-established (whether with or without one state as the superpower) and/or new forms to represent and to legitimize world-wide, supranational forms of sovereignty and sub-national or a-national forms of civil society have to be developed.

We would like to stress that concerning empirical observations this explanation is not so much different from the one drawing on Gramscian regulation theory and/or on a genealogical perspective. Even when preserving a strong idea of sovereignty, the necessity for (and thus the possibility of) “alternatives to the world of states” are envisioned. But the line of demarcation between this liberal position (in politics and in analysis) and the second one – the deconstructivist/regulation theory argument for a fundamental change in the modern order of the (in)formal – is to abandon sovereignty as an analytical tool and to withdraw from it politically as a promising project. Foucauldian and Gramscian orientations have much in common regarding their deconstruction of sovereignty and subject/ivation in past and present. Foucault only rarely defined historical periods or discrete historical moments of change. But throughout his œuvre, sometimes more and sometimes less systematically, he encircles historical periods and situates changes chronologically. In his first lecture on governmentality (2009), for example, he suggests that the coincidence of demographic growth and industrialization in the 19th century led to a shift in the techniques of power – disciplinary techniques of power proved to be insufficient, and this led to an intensification of techniques of biopower. Although sharing many analytical perspectives with Foucault, the regulation-theory approach as developed by Michel Aglietta, Robert Boyer, Joachim Hirsch, Bob Jessop and Alain Lipietz is in contrast much more decisive in identifying historical events that led to a fundamental change and caused subsequent developments. Pertinent for the topic treated here is the periodization of a Fordist and a post-Fordist era of the capitalist mode of production. The term Fordism goes back to Gramsci’s work and relates to the Fordist mode of regulation as the impressive change of the capitalist regime of accumulation to a specific combination of mass production with mass consumption at the beginning of the 20th century. After several severe crises, this mode of regulation gained a historical stability called “the trentes glorieuses” (Jean Fourastié), describing the decades of strong economic growth between the end of WWII and the early 1970s. Most contributions mention the end of the of

Bretton Woods monetary system, which fixed the exchange rates of all currencies to the US dollar, which itself was pegged to the gold standard, under the sovereignty of International Monetary Fund and the World Bank. When the US financed the Vietnam War by printing money and thus abandoning the gold standard, the whole system began to shift – economically, socially and politically. [23] The new regime of accumulation no longer needed the Fordist factory worker with his nine-to-five-work and with its mass consumption in a discrete and defined leisure time. Rather it required the subjectivized knowledge of the “24/7-economy” (Presser 2006, 35, points to the “move toward a 24-hour, 7-days-a-week economy”) with a flexible subject that organizes not least the temporal order of its unbound work individually, as an entrepreneur of him-/herself. Whereas the Fordist economy was built – ideologically and in practice – on clear boundaries (e.g. between work and leisure, between currencies, between national economies), the post-Fordist order, with its dissolution of these lines, disturbs the separation of a formalized from an informal sphere, which also shook the dichotomy of centre and periphery. But far from producing a new global economy of equal (and also equally informal) players, this led to different but nevertheless highly unequal distributions of resources and agencies. As Comaroff/Comaroff (2006, 17) observed on the empirical basis of their anthropological research in Africa, the globalized market economy contains its own dynamics of unbounding formalizations, since the condition of neoliberal “market fundamentalism” is a trigger “to blur the lines separating licit from illicit business”. “Heightened pressure to make profit, to undercut competition and reduce costs, has spawned ever more complex articulations of ‘formal’ and ‘informal’ production”. This again is also triggered by state action when, for example, funds for public infrastructure are cut or when “chains of subcontracting” literally build on the illegal exploitation of undocumented migrants (*ibid.*).

But a top-down-interpretation is not sufficient to discuss the question of why these post-Fordist forms and dynamics of the state and the individual came into being. In autonomist Marxism (e.g. Italian *operaismo*), but also in the perspective of cultural studies and anthropology, it has been stressed that the peoples’ (i.e. workers’, women’s, farmers’ etc.) struggles against unfree labour in general and against other forms of domination have to be taken in account when analysing historical shifts in power relations. And it was exactly these struggles, namely the new social movements that ushered in the changes concerning the new shape of selfhood described above. This is why, in any discussion of the question of why and how the changes of the modern order of the (in)formal came into being, we have to take account of the changes initiated by the new social movements since the 1960s. Furthermore, this implies an extended notion of politics: empirically and analytically it is not just struggles that call themselves

[23] From postcolonial studies (e.g. Achille Mbembe) it has been demonstrated that the seeming stability of Western sovereignty in the Fordist phase had as its laboratory and as its necessary foil the “other” order (or non-order respectively) in the colonies. The conflictive basis of this unquestioned self-evidence became visible when Western and modern ideals of state after decolonization were to be applied to the post-colonies without such a counterpart.

political that should be conceived as relevant factors in the historical process. This has to be assessed as a specific dynamic of historical change that can not be reduced to a trick of hegemony of a post-Fordist mode of regulation. A deductive interpretation of these forms as an “artist’s critique” (Boltanski/Chiapello 2005) has also been strongly contested from a feminist and a postcolonial perspective, since this would, for example, subsume the changes in gender orders since the 1960s into a superficiality of taste and style.

Research perspectives

We propose treating the described changes of the in/formal analytically together. “Citizenship” and “state” as modes of sovereign action cannot claim uncontested validity any more and this is leading to an unbounding of the formal/informal as well as of the universal/particular. Citizenship and sovereign statehood implied a political and cultural judgement that the formal and the universal are equal, just and free and that the informal and the particular should be considered unequal, unfair and personal and therefore not free.

The present state of the pertinent debate shows hardly any link between the analysis of guides as ideals and practices of the everyday (for example on the empirical level the analysis of etiquette manuals) and the research with philosophies of ethics, with the theory of sovereignty in the context of global, postcolonial politics. Not least an increasing number of conferences and publications indicate the necessity of new perspectives on these phenomena, especially the need for new categories and a new language and their operationalization for empirical research beyond the seemingly self-evident vocabulary.

New perspectives should not be restricted to hermeneutic or deconstructivist approaches to guides and law or to the analysis of their content. Rather, in particular the production of the in/formal (constitution in certain media, legal and political codification) as well as their reception and use (with or without known forms of legitimization or not, aestheticization) is to be grasped empirically and analysed theoretically. A specific focus is to be on ideals of behaviour that are not, not yet or no longer codified: whether it is because they are, as it were, in the Grobianic tradition (of warmth, closeness, authenticity and laissez-faire), because they are unarticulated forms of integration and distinction that are kept exclusive in both senses of the term, or because they are emerging new techniques of agreement and of conciliation beyond the modern bourgeois idea of law. We suggest the following perspectives:

Research questions:

What is the social direction of changes between the formal and the informal? Research should empirically grasp processes of when, how and why codes of behaviour move top-down (and from centre to periphery) socially and under which conditions they are picked up by an elite and therefore move bottom-up (and from periphery to centre). What is the current relation between these two dynamics within processes of a market driven globalization?

How does this relate to organizational and institutional practices? There are numerous examples of interests and issues that in the beginning have been pursued by non-formalized associations and groups, and by groups that refused to become similar to existing formal bodies of sovereignty, which they thought to be the very cause for the enforcement of human rights for example, but which in the end underwent a process of formalization and received legitimization precisely from those authorities they felt to be inadequate in the beginning. [24]

What are the class and gender issues of the blurring of the modern dichotomy between the formal and the informal? At first glance, changes of statehood such as the “deconstruction of the welfare state [...] has a greater negative impact on women” (Brand 2007, 16 and 19). Without denying the perpetuation and in some realms even aggravation of modern gender orders in the post-Fordist era, we assume that parallel and paradoxical processes, which could tentatively be described as feminization and subalternization, deserve intensive research. Even before the emergence of the capitalist mode of production, forms such as part-time wage labour, precarious labour, labour without social insurance, flexible and subjectivized work, unpaid care work with a strong emphasis on so-called soft skills and without clear boundaries between work and non-work, which have become hegemonic, were the historical experience of women and of the poor (whether in capitalist or in agrarian production). The demand for such subjects marks a clear difference to the typical subject of the Fordist historical bloc, namely the male breadwinner with a full-time nine-to-five-job that fully covers the living costs of a family.

[24] E.g. Buchanan (2002, 596f.) documented this process for the making of Amnesty International, which in its second international conference in 1962 already included the “drawing up [of] an International Code of Conduct for political prisoners”, and which gained consultative status at the Council of Europe in 1965, only a few years after its first campaigns.

Methodological approaches and operationalization:

Combining discourse analysis with research on practices: Although Michel Foucault’s analysis of self-government as the dominant form of subjectivation has identified a political nexus of “government of self and others” (the title of one of his last lectures, 2010), the place for

emancipative practices (in his terms: “not to be governed this way”) is hard to identify. Obviously this question cannot be abandoned in times of great inequality of access to resources and opportunities. We would like to suggest that primarily this has methodological consequences: discourse analysis should theoretically not become a fallback to the critique of ideologies and empirically not be confined to the study of texts in the literal sense of the word. Instead of this, a praxeologic focus on the interplay of alignment and emancipation is configured and used. Obviously such consequences are not new. Concepts like “militant investigations” (e.g. the contributions in Shukaitis/Graeber/Biddle 2007) tried to tackle (and in the meantime to change) the very interface of subject and society.

Space for tentative language: Since traditional entities of description and of analyses are blurred, new words and categories have to be found. In literary studies the language and narratives of the modern nation state have been analysed intensively (e.g. Koschorke et al. 2007). One of the latest developments has been to observe a diminishing of the Hobbesian, corporative vocabulary in the descriptions of old (e.g. the state) and new (e.g. NGOs) forms of sovereignty and an increase in metaphors that are linked with the notion of “networks” (but without the assumption that this tendency can be grasped as a clear historical line) (Koschorke et al. 2007, 383-387). On the other hand, the comprehensive overview by Günther/Randeria (2001, 14) on law, culture and society in the process of globalization, with its focus on transnational forms of law, for example even questions the usefulness of the notion of “law” to grasp the fundamental changes between the formal and the informal as such. “Legal pluralism” in their view should be used as a conceptual approach to overcome the traditional dichotomy between formal/informal and all its modern normative connotations (*ibid.*, 84-87).

Political implications:

How can research relate to the emancipative political demand for a society in which people can live and let live without falling into the trap of universalist vs. relativist modes of justification? A challenge for research arises from the finding that moral judgments such as “exploitation”/“violence” on the one hand and “justice”/“humanistic” and on the other can no longer be sorted into the boxes of “informal/particular/etc.” vs. “formal/universal/etc.”. Although some authors here are contradictory – Koskenniemi, for example, despite his decisive deconstruction of international law states that “anti-formalistic approaches” to law in the end serve to legitimize the domination of the US; as Müllerson (2002) clarified – the simple commitment to one or the other position is obviously fruitless (Markowitz

2004; Pahuja 2004). New and productive ways of making use of discourse analysis and deconstruction have to be developed that are nevertheless able to articulate situated political claims that take into account the highly uneven relatedness of people around the world. This is the state of the debate in all related disciplines, and apart from this task there are no certainties.

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Behaviour Codes in Sicily.

Bypassing the Law

Anton Blok

Abstract:

Focused on oral culture in western Sicily, this paper explores informal behaviour codes in their interaction with formal law. State-formation in Italy left people in peripheral areas to forge strategies of self-help and negotiate support from patrons (called “friends”). Ironically, the very networks of clientelism and their attendant behaviour codes further weakened the state’s control over its southern periphery and hindered its economic integration into the national and international economy – which in turn reinforced the impact of informal codes and practices on the working of formal law. The Sicilian case provides an example of the periphery as a locus of innovation.

Keywords: oral culture; friendship; patronage; self-help; periphery

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Introduction [1]

In the process of Italian state-formation, Sicily exhibits widening gaps between popular behaviour codes and the law. The architects of Italian unification realized the problems of integration when one of them famously warned, “*L’Italia è fatta. Restano a fare gli Italiani.*” [2]

With the unification of Italy in 1861, the new state imposed taxation and conscription, which alienated the working population and entrenched rural banditry in the south. Moreover, successive governments chose to administer the new periphery through indirect rule – a well-known colonial practice whereby local elites retained power. In Sicily’s western interior they were mostly absentee landowners with retinues of violent middlemen who controlled a large, poor and illiterate peasantry. With the extension of the suffrage and other democratic institutions, most notably political parties, patron-client networks, based on an informal exchange of “favours” involving basic goods and services, became the main social infrastructure. More than just a parallel structure alongside the state, “friendship”, the local term for patron-client relations, became a set of key practices pervading all state institutions, providing an entire vocabulary of standard expressions, aphorisms and proverbs that endorsed (instrumental) friendship ties and self-help. Political clientelism alienated Sicilians further from the state, which in turn weakened central control over the periphery. These developments put a premium on *abilità*, or self-help. Early German anthropologists and sociologists neatly captured the conditions of *Selbsthilfe*, saying it looms large whenever the individual threatens “*durch den Staat erstickt oder im Stich gelassen zu werden*” (Steinmetz 1931, 522). [3] This paper explores attendant Sicilian behaviour codes by focusing on the oral culture that developed around friendship, patronage and self-help.

The following collage of fragments shows how proverbs, aphorisms and standard expressions interact with power and the existential basis of everyday social action in a small agro-town (population ca. 2,500), situated in Sicily’s western interior about fifteen miles south-west of Corleone, where I did fieldwork for over two years in the 1960s and afterwards kept up with things by brief visits and occasional correspondence (Blok 1974; 2000). In this hilly and mountainous area of cereal-pasture holdings in Palermo’s southern hinterland, two main features stand out: the peasant population lives concentrated in agro-towns, often strategically located on hill-tops and ranging between about 3,000 and 60,000 in population, leaving a desolate and insecure countryside of *latifondi*, or large landed estates, whose owners mostly reside in Palermo as *rentiers*. Ironically, the depopulation of the countryside (as a consequence of agglomeration of peasants in agro-towns) and semi-nomadic sheep-

[1] For comments and editorial advice I am most grateful to Rod Aya.

[2] “We have made Italy. Now we must make Italians.” The one-liner appears in the memoirs of Marquis d’Azeglio (1798-1866), one of the state-makers alongside Cavour. Both were from Turin, Piedmont.

[3] The play on words is lost in translation: “to be suppressed or abandoned by the State.”

farming facilitated one of Sicily's major "industries": *abigeato*, or large-scale livestock theft, and clandestine transport of animals to city markets; hence the area's denomination as a "brigand corridor" (Fentress 2000, 132; Schneider & Schneider 2003:24-25, 30-32). Agricultural techniques and sheep-farming practices go back to Greek and Roman antiquity; a poor network of roads connects the area to the port of Palermo for its export of grain, meat and cheese (Mack Smith 1968, 445ff., 1969, 36ff.; Blok 1974, 17-84; Ryder 1983, 721-22); and Parra (1997). [4]

Saying as doing something

Often metaphorical, the sayings recorded here are part of a popular vocabulary of behaviour codes or precepts underlying corresponding practices also common in other parts of Sicily, most notably in and around Palermo and its hinterland. Because most of the sayings are utterances that prescribe conduct and influence it in special ways (commending, condoning, warning, inspiring, apologizing, encouraging, endorsing, praising and persuading), the maxims are not merely descriptive statements that refer to some state of affairs or state some fact. They are "speech acts", also called "performatives": by *saying* something they are also *doing* something. As Austin puts it, "the uttering of the sentence is, or is a part of, the doing of an action, which again would not *normally* be described as, or as 'just', saying something" (1992, 2-5, 148-64). Obvious examples include standard utterances spoken at weddings and baptisms and verbal formulae at initiation rituals, where formulaic oath taking is the central feature of these ceremonies (La Fontaine 1985, 58ff.). The same goes for insulting (offending), a speech act that hurts, harms and both literally and figuratively puts a person down: injures someone's reputation or honour. As is well known, "adding insult to injury" may trigger a violent response. Also remember that metaphors are pervasive in everyday life, not only in language but also in thought and action (Lakoff & Johnson 1980). Finally, we should remember that the distinction between code and practice is analytical: it would be difficult to understand one without the other.

Fatto la legge, nasce l'inganno. "When the law is made, deceit is born." A striking example is the evasion of the post-war agrarian reform law. Issued in 1946, the law required the expropriation of properties larger than 200 hectares held in extensively cultivated cereal-pasture fields and the subsequent allocation of small lots and new, adjacent homes to landless peasant families. It was not before the autumn of 1952 that the reform took shape in the town's large territory of just over 13,000 hectares. Three estates, mostly of poor quality, were expropriated and assigned in lots to the new settlers in four distant hamlets. The long delays enabled estate owners to bypass the law: they sold

[4] Compare Lampedusa's description of the panoramic view of the area from the public garden of Santa Margherita di Belice around 1905 he recalls in *Places of My Infancy* (1962, 251): "Opposite stretched a vast range of low mountains, all yellow from reaping, with blackish patches of burnt stubble. [...] On its flanks could just be made out villages whose grayish-yellow stone was scarcely distinguishable from the background: Poggioreale, Contessa, Salaparuta, Gibellina, Santa Ninfa, all weathering in poverty and dog-days, and in an ignorance against which they never reacted with the very faintest of flickers."

large parts of their estates to their former leaseholders and divided other parts among future heirs. In the early 1960s, most houses in the hamlets had been abandoned and their inhabitants had migrated to industrial areas in northern Italy, Switzerland and Germany (Blok 1966; 1974, 190-210). The poor results of the land reform in this part of the island were by no means exceptional, as appears from critical surveys of the reform in Sicily as a whole (Rochefort 1961, 109-17; Diem 1963).

The expression “*Fatto la legge, nasce l’inganno*” is more than just a statement of fact. Depending on context, it also describes a process (law-making) and obliquely condones, even endorses the practice of ignoring and bypassing formal legislation. Yet the expression also occurs as a statement of fact with overtones of regret and acquiescence. This happened, for example, in July 1966 when I accompanied two surveyors for the land registry, who invited me along while they were working on measuring and checking property borders of former *latifondi*. (I provided transport between the village and outlying fields.) They found no traces of the new borders that were supposed to be present according to the divisions reported in the *catasto*, or land registry – clearly a case of make-believe division to evade expropriation as prescribed in the agrarian reform law. As one of the land surveyors acknowledged in a comment: “*L’inganno viene dopo la legge*” (Deceit follows the law). [5]

Governo ladro. “The government steals.” The state imposes taxes and conscription, gives nothing in return, fails to build and maintain roads. Following Italian unification, the introduction of obligatory formal education was also seen as an imposition, because attending school withdrew children from the family’s labour force. As a consequence, illiteracy rates remained high far into the twentieth century while the lack of roads, especially in the inland areas, remained a perennial problem. Prospective conscripts fled to the mountains and formed armed bands, making banditry endemic in large parts of southern Italy for decades after unification. At the time, the army fought pitched battles with assorted robber bands at the cost of human life on both sides and the loss of natural resources as forests were cut down or set on fire to combat outlawry (Mack Smith 1968, 445-79).

Distrust discouraged cooperation with authorities and promoted reliance on informal relationships, including kinship, friendship and patronage, with their attendant behaviour codes that emphasized respect, loyalty, reciprocity and solidarity. In turn, self-help and patronage helped undermine government intervention: one became a condition of the other. In this case, too, the expression “*Governo ladro*” is more than a statement or a negative qualification. It also discourages trust in state authorities and invites non-cooperation. One of the most cited commonplaces about Sicily’s history used to explain and justify the prevalent distrust towards public authority – and vindicate the practice

[5] One of the estates measured 141 hectares and, according to the land registry, should have been divided among future heirs (to avoid expropriation) into four shares of respectively 54, 13, 29, and 45 hectares.

of self-help – is the statement that the island had a long history of foreign domination, going back more than 2,500 years: since antiquity, Sicily has been governed, dominated, and exploited by foreign powers, including Greek, Phoenician, Roman, Arab, French, Swabian, Spanish and British. A more recent variation specifies the issue: “Every regime that governed southern Italy from the Norman establishment of a centralized monarchy in the twelfth century to the unified government which took over there in 1861 was foreign and governed with a logic of colonial exploitation” (Tarrow 1996, 394). But the use of the native concept “*governo ladro*” obscures the reciprocal relation of condition and effect: state intervention remains abortive as a result of the very practices of patronage, friendship, and self-help. Sicilians remain caught in a vicious circle of clientelistic politics and economic stagnation. As two observers put it: “What clients ask from their patrons is not economic development but personal material advantages. [...] Clientelism entails not just the exchange of material favors for votes, but also the exchange of those products of the public administration (permits, licences, authorizations), which do not cost patrons money, but have a significant economic impact on the clients. [...] Highways may be built not because of their potential effect on economic growth, but because their construction creates numerous occasions for clientelistic exchanges” (Chubb 1982, 3-5; Piattoni 1998, 233-34).

The following proverbs build on the same set of informal behaviour codes and practices and underscore the form of patronage that celebrates dyadic coalitions and precludes cooperation between clients. The saying **Senza amici non si va in paradiso** (“Without friends, one does not go to paradise”) refers to the belief in saints and their help but also states a fact and recommends a corresponding practice: networking. Secular patrons (“friends”) and patron saints serve as models of and for one another showing up in behaviour codes that emphasize submission, veneration, loyalty, esteem, admiration, political support and protection (Boissevain 1966; Wolf 2001b, 1966, 86-87; Christian 1972, 177-78; Piattoni 1998). Comparative research indicates that patronage was perhaps the most pervasive institution of pre-industrial society (Westfall 1985, 29-30). Yet patron-client relations take different forms under different circumstances, also in southern Italy itself, where “vicious clientelism” in Sicily contrasts with “virtuous clientelism” in mainland Abruzzo (Piattoni 1998, 234-39). In the former case it builds on competing, agonistic clients (dyadic relationship); in the latter case it builds on the cooperation between clients and has a strong civic element (polyadic relationship) (cf. Wolf 1966, 84-86).

Una mano lava l'altra e tutte due lavano la faccia (“One hand washes the other and both wash the face”) draws on the imagery of the human body. This informal behaviour code defines and

governs everyday thought and practice. As a strategy for both self-help and clientelism, the saying proclaims and recommends reciprocity, an exchange relation between present and future friends; descriptive, explanatory, and prescriptive – a speech act that also implies and recommends reservation and secrecy. Other maxims convey the same message, e.g., **Tutto si svolge tramite amicizia**. (“Everything is done through friendship”). Like previous aphorisms about the ubiquity of instrumental and lopsided friendship and its selective adaptation, the expression is both descriptive and prescriptive (as a strategy), **Tramite un uomo si fa un altro uomo** (“By means of a man one makes another man”), and **Ci vuole amicizia; senza amicizia non si conclude niente** (“One needs friends; without friends one cannot accomplish anything”).

Next we have a highly metaphoric popular saying expressing disdain for state institutions and endorsing self-help. It recalls Bakhtin’s work on the rich comic imagery of the bodily element in grotesque realism of popular culture that prevailed in late medieval and early modern Europe. **Cu avi denari e amicizia si tene in culo la giustizia. (Chi ha denaro ed amicizia va nel culo della giustizia)** (“Anyone who has money and friends screws justice in the arse.”) An early observer remarked that this proverb, “repeated every day by thousands of mouths and reinforced by facts, has been elevated to dogma” (Coci 1905, 132). [6] If a person is accused of a serious crime or involved in a lawsuit his patron will protect him against exactions from authorities – an essential task of patrons. Patrons provide a lawyer or have the case delayed or withdrawn; witnesses can be bribed to retract accusations, recant early statements or not to testify in court. When the defendant is released for lack of evidence (*prosciolto per mancanza di prove*), the result and the protection from above will enhance his prestige and justify, even reinforce, popular behaviour codes that endorse bypassing the law (cf. Schneider/Schneider 2003, 33).

An example from the area where I worked exhibits the widely accepted practice of protection against exactions from the law in Sicily shortly after unification – almost espousing it openly. When Marco Minghetti was prime minister of Italy (1873-1876) [7] he visited the small town of Camporeale, also situated in the western reaches of the “bandit corridor.” The local priest introduced himself to him as follows:

Priest: “I commend to you a poor young man who needs your protection.”

Minghetti: “And why? What does he want?”

Priest: “Nothing, he only met with an accident, he has killed a man.” [8]

[6] In his encyclopedic and widely praised work on Sicilian customs and popular traditions, including five volumes on Sicilian proverbs, Giuseppe Pitrè (1841-1914), a prudish Victorian gentleman, omits any reference to the rich and comic imagery of the grotesque human body in Sicilian popular culture, thus falsifying the ethnographic record.

[7] Born in Bologna in 1818; economist, intellectual, cosmopolitan, statesman: with Cavour one of the architects of Italian unification.

[8] Cited in Alongi (1891, 50). French original; my translation.

This exchange between the highest authority of the state and a local authority steeped in local culture, using the word *poveretto* [9] for a man who from the point of view of formal law was a criminal, involves a switching of codes still current today in the expressions and sayings people use after learning about an ugly murder: “*Siddu l’ammazzaru, qualchi cosa brutu l’avia fattu.*” “If he is killed [in this way], he must have done something bad.” Also: “*Mischinu chiddu chi l’ammazzau.*” “Poor guy who killed him.” According to Sicilian cultural logic, those who kill always have a reason or motive to kill – “otherwise they would not kill”, which comes down to the principle of an eye for an eye, a tooth for a tooth. This form of (negative) reciprocity goes back to Roman law, which “operated on the *lex talionis*, the principle of equivalent vengeance (*par vindicta*)” (Barton 1993, 180). [10] After having settled his own affairs through self-help, the killer needs protection against state authorities (who are believed not to understand local customs, conditions, and circumstances). It would be missing the native point of view and ignoring the wider context of weak central control over the means of violence to suggest that we are dealing with a case of “taking the law into one’s own hands” and “blaming the victim”.

Two different systems of behaviour codes interact: formal state law, which defines murder as a serious crime, on the one hand, and, on the other hand, local, popular, or “customary” law, which operates on the principle of “an eye for an eye and a tooth for a tooth”. This form of self-help is adamant. [11] Failing retribution invites further afflictions and violations of persons and property.

As one informant added: when a murder became known, the women cried “*Mischinu*” (poor guy, unfortunate person), referring to the victim, while the men answered “*Mischinu è colui che lo ha ucciso*” (unfortunate is the one who has killed him). The gender difference in the perception of a killing corresponds to the division of labour and rigid segregation between the sexes that long prevailed in Mediterranean areas: men kill and identify with the killer; women take care of the dead – they wail, mourn, pray, bury the dead and visit graves.

The dark side of friendship

Patrons are called “friends,” but not all friends are patrons. It helps to understand patron/client ties as lopsided friendship – that is, as an asymmetric relationship. The following expressions reflect the ambiguities of friendship and its dangers. They refer to friends in symmetric relations and reveal the dark side of friendship. Behaviour code: be on your guard, in particular with your friends. The sayings confirm the stereotype of Sicilians as secretive people.

[9] *Poveretto*: “poor” or “unfortunate” person.

[10] “The Romans, unlike ourselves, were deeply accustomed to thinking in terms of homeopathic systems. ‘Like things are cured by like’ (*similia similibus curantur*). This was true not only in sorcery and medicine, but also in religion and law” (Barton 1993, 180).

[11] Compare Pigliaru’s study of Sardinian banditry, subtitled “*La vendetta barbaricina come ordinamento giuridico*” (1975).

Amicizia con tutti, confidenza a nessuno. “Friendship with everybody, trust nobody.” At first, when I was warned in this fashion, the expression confused me because, coming from another society and ignoring the rich evidence in both Shakespeare and the Bible, I naively considered trust to be the quintessence of friendship. But I soon learned that Sicily was different, also in its most celebrated social institution. For one thing, friends know much about you and do not arouse immediate suspicion. For the same reason they may be the ones to (be asked to) turn against you. Ironically and tellingly, this also happens among “friends-of-friends,” or mafiosi. Intra-mafia killings – especially during the two so-called mafia wars in the early 1960s and the period between the late 1970s and early 1990s – surpass homicides involving outsiders, and most of them were executed under the veil of friendship and hospitality, including betrayals within betrayals (Stille 1995; Lodato 2004). The following proverb has the same purport.

Dagli amici mi guarda Iddio (“God protect me from my friends”), implying I can take care of my enemies myself. The Scottish writer and naturalist Gavin Maxwell wrote a book based on his research in western Sicily in the early 1950s entitled *God Protect Me from My Friends*. This biography deals with the short life of the (political) bandit Salvatore Giuliano, who operated in western Sicily between 1944 and 1950 with his band on the side of the separatist movement. After this movement folded, Giuliano briefly supported the Christian Democratic Party and carried out attacks against left-wing union leaders and their local offices. After the Christian Democrats won the elections in the spring of 1948, Giuliano had outlived his usefulness for politicians and was betrayed by his closest ally, his cousin Gaspare Pisciotta. His liquidation is an example of protection that ran out. The order came from high-ranking politicians using their mafia contacts in the area to get rid of Giuliano, who, increasingly acting on his own, had become a nuisance. Later Pisciotta was poisoned and died in prison shortly before he was to testify in court and reveal the names of his principals (Maxwell 1957; Dickie 2004, 260-66). [12]

Tommaso Buscetta, a major figure in the mafia of Palermo in the 1950s and 1960s, who later moved to South America, referred to the ambiguities of friendship in an interview when detained as a *pentito* (collaborator) in the late 1980s and early 1990s: “*L'uomo che ti sta accanto ti può portare a una festa come alla tua tomba. L'amico più caro può essere il tuo assassino*” (“The man who stands beside you may take you as easily to a party as to your grave. The dearest friend may become your murderer”) (Arlacchi 1994, 155).

[12] See also the film *Salvatore Giuliano* (1962) Francesco Rosi, made on location mostly with local people, including some former members of Giuliano’s band.

Per conoscere una persona come amico, ci vuole tanti chili di sale. “To know for sure that a person is your friend, one should [eat] many kilos of salt [with him].” The saying indicates sharing many meals. **La mano è venuta di dentro o di fuori?** “Did the hand come from inside or from outside?” Metaphor: was the animal rustling an inside job? Recall Conan Doyle’s *Silver Blaze*, about the theft of a racehorse and the dog that did not bark, indicating, as Sherlock Holmes soon detected, that the offender must have been one of the employees. In Sicily it is widely believed that cattle and sheep rustlers are usually insiders, or “people who are familiar with the setting and know how to deal with animals” – a standard comment I heard only a few years ago during an occasional visit when a flock of sheep had been stolen from an outlying farm. **Sono dentro chi tagliano il bosco.** “They are inside who chop down the forest.” This expression has the same meaning as the previous one.

Omertà and other informal prescriptions

Cu è surdu, orbu e tace, campa cent'anni 'mpaci (Pitrè 1978, III, 215-34). “Anyone who is deaf, blind and does not talk will live a hundred years in peace.” This widely used proverb neatly captures the behaviour code of *omertà* and refers to a propensity, a *habitus* of reserve, secrecy and reticence – as Buscetta puts it, “una cultura di tipo ‘omertoso’ ”(Arlacchi 1994, 84). Because the saying recommends a behaviour code that promises a clear selective advantage, it has all the trappings of a speech act, going beyond a mere statement of fact.

Ai visto i buoi? Ne ieri ne oi. “Have you seen the oxen? No, neither yesterday, nor today.” The maxim illustrates *omertà*: do not talk; do not mention what you may have seen by chance. Do not answer questions. When people insist, just say “*Un sacciu*” (“I do not know”).

To deal with the ambiguities and dilemmas of friendship, people follow a set of behaviour codes that emphasizes *abilità*, the ability of self-help and social skills, which is part of the *omertà* complex. *Fare i fatti suoi*, minding one’s own business is a greatly and widely respected life-style close to the notion of manliness. It links up with the concept of *omertà* (from *omu*, *uomo*, man) – to be a man, or *uomo in gamba*, a firm, reliable person, who is also *furbo*, smart, astute, vigilant and inventive, recalling the *mètis* of the ancient Greeks, of whom Odysseus is perhaps the best-known example (Detienne and Vernant 1974, 30-31, 218ff.).

All these elements of self-help, social skills and networking, are adaptive in an insecure world of weak central control and little social cohesion beyond the family (*meo sangue*, my blood), where patronage is not a system at all but a set of inherently unstable dyadic relations: voluntary on both

sides and subject to disintegration. In its Sicilian variety, where clients cannot act in concert, patrons preserve their power “even in the face of systematic breaches of the patron-client contract” (Piattoni 1998, 233).

The common practice of exchanging favours (*un scambio di favori*), which comes down to what anthropologists call “generalized” reciprocity, can easily derail, especially in symmetrical relations between friends. A perceived sense of growing disparity in the relationship may suffice to trigger a lethal conflict. More important than disagreement about the exchange of goods or services is the lack of respect or deference shown in an unfair deal. The extreme cases are most interesting. They delineate key informal behaviour codes. Precisely because the mafia professes an ideology of equality (reflected in its denominations *Cosa Nostra*, brotherhood, and friends-of-friends) and lacks institutionalized leadership and hierarchy (Paoli 2003, 62-64), lethal conflict lurks behind every move and deal (cf. Blok 1997; Gould 2002).

Proclaiming intimate friendship may imply a lethal threat. This is what Salvatore Riina, the elusive and long undisputed leader of the *Corleonesi* and *capo di tutti capi* until he was arrested in January 1993, allegedly said in the company of close friends about his chauffeur, Balduccio Di Maggio, who was also present on the occasion: “*Balduccio ce l’ho nel cuore*” (I have Balduccio in my heart). [13] This is a standard expression. What did Riina mean by this phrase? Di Maggio was his driver and knew a great deal about Riina’s daily routines, his dense network of accomplices, as well as the place where he was hiding from the law – information that could be also used against his boss. Hence Riina’s warning in an opaque declaration of intimate friendship, hinting at terrible sanctions if loyalty gave way to betrayal. Paraphrasing Freud on the quintessence of jokes, Riina actually said what he had to say by not saying it. Oblique phrases are common in Sicilian discourse. They are part of informal behaviour codes that emphasize secrecy: what is said can be interpreted in several ways. Hence one finds a language eloquent in metaphor, synecdoche and other tropes, supported and interspersed by an equally rich vocabulary of subtle gesture and mimicry.

Later, in a Piedmont prison for a minor offence, Di Maggio would indeed betray Riina after he heard about the state’s reward for the capture of his former boss. Transported to Palermo, he turned *pentito* and provided information about the whereabouts of Riina. A few days later, in the early morning of 15 January 1993, Di Maggio pointed Riina out from a police car that was following the flow of morning traffic in the city along the road the ex-driver knew so well. Yet this betrayal may have been a cover for another betrayal involving a deal between Riina’s colleague, rival and future successor, Bernardo

[13] The popular expression “*capo di tutti capi*” contradicts the segmented structure of Sicilian Mafia. Riina forged powerful coalitions and action-sets, but never had full control over all local mafia leaders. His power domain crumbled when his closest allies turned against him.

Provenzano [14], and the police to get rid of Riina, who had indulged in ultra anti-state violence for well over a decade and had become an embarrassment to both the state and *Cosa Nostra*. Riina's demise and Provenzano's succession would open the way to *normalizzazione* and the *pax mafiosa* (Jamieson 2000, 232-34; Lodato and Travaglio 2005, 341-58). These informal interactions between representatives of the state and *Cosa Nostra*, also known as *intreccio* – a dense interweaving with the state, show the extent to which informal behaviour codes supplemented formal law – and, in this case, even supplanted it. [15] Remember that all organizations operate on normative rules and have pragmatic rules for what must be kept under cover – and what everyone is likely to know or surmise anyway (Bailey 1969, 121ff.).

In the summer of 1966, a shepherd told me about the theft of his flock of sheep some years before. He had to report the theft to local *carabinieri* (police) and went with them in a car to look for the sheep in the vast hinterland of Palermo. After they stopped at several flocks that appeared not to be his, they came to another group of sheep and he was asked again if the animals belonged to him. The shepherd recognized them immediately but denied they were his. Asked why he did not tell the *carabinieri* the truth, he said it was all a formality. Eventually he got some of his sheep back through "friends", who kept a number "for the trouble" (cf. Paoli 2003, 160-61). The shepherd was "respected" for not violating the code of *omertà*: never provide information to authorities and by implication never provide information to anyone or ask questions – behaviour codes that are adaptive strategies in an insecure world where people believe and insist that those who are "blind, deaf, and silent, live a hundred years." As mentioned above, understanding the industry of animal rustling (*abigeato*) requires recognition of social, geographical and ecological constraints. In a desolate countryside of cereal-pasture holdings stretching out over a hilly and mountainous area, semi-nomadic shepherds need friends to help them find pastures and protection the state cannot provide. These conditions force them to adopt behaviour codes that stress self-help, networking and a reputation for violence. This also helps explain why so many mafiosi in Sicily's western interior have a pastoral background (Schneider and Schneider 1976, 65-66, 178-79).

Bisogno pensare al vivo

During a recent visit to the little town in Sicily I heard about an incident that illustrates how informal behaviour codes still interact with formal law and hold the upper hand.

[14] Before he was arrested in April 2006, Provenzano had been equally elusive and for more than four decades a *latitante* (fugitive from the law).

[15] On *intreccio*, see the perceptive remarks of Schneider & Schneider (2003, 32).

On a Sunday in August only a few years ago, a religious celebration – the confirmation of three children – took place in the local church that morning, followed later in the afternoon by a dinner in a nearby restaurant in the countryside, to which many guests had been invited, including family and in-laws. According to custom, the guests received a small ritual present (a silver spoon and almonds). As the party drew to an end, one of the guests, the brother-in-law of the host, turned to the latter and asked him why not all guests had received this present, only heads of families – a grave offence. It questioned the host's hospitality as well as the norms of reciprocity between kinsmen and provoked a fight in which the brother-in-law's sons badly hurt the host, who had to be taken to hospital by his sons. On the way in their car, they noticed he was dead. They rushed back to the restaurant and beat up their uncle, who also died. Later there was an investigation. Yet of more than one hundred guests "nobody had seen anything." On a single afternoon, a woman lost both husband and brother. Further investigations resulted in an official statement that read "death from natural causes", respectively from a heart attack and a stroke. Indeed, both victims were elderly and one of them was *sofferente*, infirm.

It appears that kinsmen, mediators and authorities acted according to an informal behaviour code summarized in the popular saying, "*Bisogno pensare al vivo!*" Moreover, criminal prosecution for manslaughter would have harmed both parties, who were in-laws. The verb "*pensare*" has various meanings: to think, reflect, mind, but also to consider, to take care of, to provide for – as in the common saying "*Ci penso io*" (I take care of it). Considering context and situation, "*bisogno pensare al vivo*" may then be rendered, "One must provide for the living." As in the similar case of the local priest who recommended protection for an "unfortunate" youngster who had killed a man (see above), identification shifts from victim to offender.

I had first heard the expression "*Bisogna pensare al vivo*" as a comment on another case of manslaughter, which took place toward the end of my fieldwork in 1967. Following a dispute between a shopkeeper and a customer, an obese, elderly, retired policeman, the latter was pushed from the steps leading to the shop and died soon afterwards. The elderly women bewailed the fate of the victim. Aware of my interest in local customs, one of my friends, a lawyer, turned to me while we were standing at the post office listening to what people had to say about the victim and, referring to the shopkeeper in jail awaiting trial, remarked, "*Bisogna pensare al vivo.*" He had good reason to say so, because the victim's family was believed to insist on severe retribution – not least because of the victim's former employment as a *carabiniere* and his connections. The shopkeeper had a working-class background and a reputation for being touchy. He had worked for many years as a migrant labourer in Switzerland

and invested his earnings in the shop. He was another “unfortunate” and had few if any people to speak up for him. Hence the speech-act of recommendation from the lawyer.

Conclusion

This brief excursus on (informal) behaviour codes and their interaction with formal law in western Sicily leaves us with the question of what Sicilian experience can tell us about the working of similar codes in other societies. The Sicilian case shows that we cannot understand these codes without considering their relationship with everyday practices and that both should be understood in the context of wider political and cultural settings. State-formation in Italy left people in its peripheral areas to fend for themselves, that is, to forge strategies of self-help and negotiate support from patrons, called “friends”, able to mediate between centre and periphery. Informal exchange relations between patrons and clients extended from the local level to the centres of power at regional and national levels. Ironically, the very networks of clientelism and their attendant behaviour codes further weakened the state’s formal control in its peripheries, which in turn reinforced reliance on informal behaviour codes and practices. Yet for all its dark sides, the Sicilian case also provides us with an intriguing example of “the periphery as a locus of innovation” (Lattimore 1980). The present discussion questions the long prevailing but recently criticized view of “the periphery as a non-center, representing it as an area of shadow which serves to bring out the radiance of the metropolis” (Burke 2005, 87). In their interaction with powerful centres, over the past 150 years ruthless Sicilian middlemen succeeded in extending their control over what Wolf in an early paper calls “the critical junctures or synapses of relationships that connect the local system to the larger whole” (Wolf 2001a, 138). Interacting with state representatives and drawing on feudal custom, Sicilian middlemen forged informal codes and practices, some of which this paper tries to indicate. They had an impact on Italian society and politics at large, most ominously in collusion and contiguity with the mafia.

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Communication in Crisis.

The “Red Phone” and the “Hotline”

Tobias Nanz

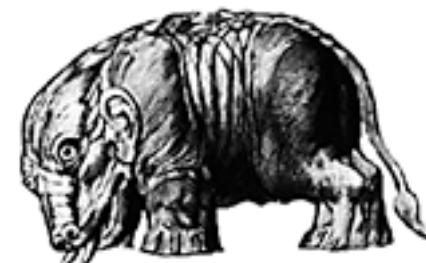
Abstract:

In situations of crisis politicians are expected to keep calm and to de-escalate the state of affairs. In this paper I will discuss two devices for crisis communication with regard to form and behaviour: First, the legendary “Red Phone” as a direct communication link between Washington and Moscow, which allows the president to present himself as a capable leader with a cool mind, who can pick up the “Red Phone” and convince a political opponent in a crisis. Second, the “Hotline” as a highly formalised telex connection between both capitals, which enables the political leaders of the US and the USSR to communicate quickly and reliably but without capitalising on the abilities of the president as a cool-headed negotiator. The aim of this analysis is to discuss how both devices were presented to the public and used by the politicians and how this may impact on national and international politics.

Keywords: media history; diplomacy; hotline; red phone; communication in crisis

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In 1984 Walter Mondale, the former democratic vice-president under Jimmy Carter, ran against the incumbent President Ronald Reagan in the US presidential election. [1] A year earlier President Reagan had launched the Strategic Defense Initiative, also known as the Star Wars programme, a satellite-based laser defence system intended to offer protection from Soviet intercontinental ballistic missiles. On 26 October 1984, five days after the second public presidential debate, US cinemas started screening James Cameron's movie *Terminator*, starring a future politician: Arnold Schwarzenegger played a cybernetic organism and soldier fighting against resisting humans. Machines had taken command over the superpowers' arsenals, had destroyed human culture and now ruled the world. This fictional hot war of the machines reminded viewers of the danger of a nuclear war between the US and the USSR.

In 1984 politics and fiction interacted. On the one hand, Reagan's Star Wars programme increased the fear of a nuclear war, on the other hand, several novels and movies described scenarios of a nuclear crisis or scenarios of technical problems threatening to trigger an accidental war. Based on these scenarios, my paper focuses on two modes of diplomacy used by human and technical agents (Latour 2005, 63-86) and it investigates differences in form and behaviour. In the first part of my paper, I will discuss the "Red Phone", a well-known but mythical direct communication link between the White House or Pentagon in Washington and the Kremlin in Moscow. Based on two Democratic Party election campaign commercials from 1984, I want to analyse the functioning of this communication device in a potential political crisis in times of a nuclear threat. Both commercials, even though fictional, are part of a discourse that takes place in a society living in a state of high alert, on the one hand, and, on the other, discusses the president's competence in a crisis. In the second part I will examine the "Hotline", a highly formalised communication link between both superpowers, which was installed after the Cuban missile crisis in October 1962 to prevent a nuclear war being triggered by a political or military misunderstanding. "Media determine our situation" (Kittler 1999, xxxix), whether politicians use a telephone or a telex system to solve a crisis. The aim of this analysis is to discuss how both devices were presented to the public and used by politicians and how this may impact on national and international politics.

The "Red Phone"

Making a telephone call is an everyday practice that replaces a type of proximity between the dialogue partners. In this paper the "Red Phone" can be considered as a device that facilitates an

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informal channel of communication. It should help to solve a crisis immediately by avoiding the rituals of formalised politics with its ceremonial communication that in former times was often criticised as “tiresome”, “artificial” and a “hindrance” (Roosen 1980, 453).

The first commercial in the Mondale campaign shows a peculiar version of a standard US phone without a dial. A single lamp blinks continuously, indicating it is on stand-by mode. A voice from off reminds us of the significance of this phone and the characteristics of the person who is to answer the call [Fig. 1]:

“The most awesome, powerful responsibility in the world lies in the hand that picks up this phone. The idea of an unsure, unsteady, untested hand is something to really think about. This is the issue of our times. On March 20, vote as if the future of the world is at stake.

Mondale: this president will know what he is doing, and that’s the difference between Gary Hart [his Democratic rival in the primaries] and Walter Mondale.”

Usually, the caller has a lot of options when dialling a number. One can call a family member, a friend or some random person in Australia. A dial or keypad with numbers from one to nine offers a lot of options that the “Red Phone” shown in the Mondale spot does not provide. The president of the United States has no choice: the “Red Phone” in the War Room can only be used for crisis communication with the Soviet leader. The missing dial and the blinking lamp imply that both countries are continuously on alert and that there is only one way to solve a crisis. The president cannot avoid this task. Thus, according to the commercial, the person who answers the call should not have “an unsure, unsteady, untested hand.”

The emphasis on the hand as an indicator of personality has a long history. Since the 17th century a person’s handwriting has been believed to reveal her or his character, desires and deepest secrets. In the late 18th century handwriting was considered a mirror of the soul and subsequently became the scientific object of psychology and psychiatry. The analysis of handwriting was, for example, undertaken to obtain information on illnesses and dysfunctions of the brain. Researchers measured reaction times, examined hand movements and gathered a lot of data, hoping to determine whether a subject suffered from delusion or mental disorder or to discover their unique characteristics (Schäfer 2005, 241-242). The philosopher Martin Heidegger emphasised the functioning of the hand: it sets the human being apart from other animals as it enables a person to indicate or demonstrate something;



[Fig. 1] The ‘Red Phone’

furthermore, a human being writes and therefore thinks with his or her hand. Based on this consideration Heidegger fears typewriting, which replaced handwriting in business affairs at the end of the 19th century: in contrast to handwriting, the idiosyncratic characteristics of the author remain hidden when using the typewriter (Heidegger 1982, 118-119.).

However, according to this political commercial, the hand as the guarantee of a person's qualification changes the setting. In the 20th century, men of power distinguish themselves by sitting at their desks to pick up the phone – not to write (Flusser 2002, 125). They have to express their strength of purpose by answering a call and discussing with an opponent. The supreme commander of the armed forces must not suffer from mental disorder but has to prove himself as a leader with strength of purpose. Walter Mondale is shown to possess the necessary skills to answer the "Red Phone".

The second commercial shows part of the situation room. This time, the "Red Phone" has four rhythmically blinking keys but still does not seem to have the same calling options that we know from a usual phone. A voice from off warns about the absence of the president potentially causing a nuclear war between the superpowers [Fig. 2]:

"Ronald Reagan is determined to put killer weapons in space. The Soviets will have to match us and the arms race will range out of control. Orbiting. Aiming. Waiting. With a response-time to fire so short, there will be no time to wake a president. Computers will take control.

On November 6 you can take control. No weapons in space by either side. Draw the line at the heavens. With Mondale."

An automated chain of command operating without human beings may be a consequence of Reagan's Star Wars programme. The leaders have no time for consideration and inquiries once nuclear weapons are in space. Machines could be at war while reason is asleep. "There will be no time to wake a president," the voice from off tells us. Who is calling? The Soviet chairman? Is there a misunderstanding? Or are computers communicating among themselves? In any case, computers seem to search for target areas shortly after the end of the phone negotiation. Human diplomacy comes to its end. Peace and war – 0 or 1 – will be negotiated by computer protocols.

This is a departure from diplomatic ceremonial, from the procedures, traditions, rights and hopes that governed the behaviour of diplomats when they were performing official functions with one



[Fig. 2:] The 'Red Phone' in the Situation Room

another. The set of rules provided by behaviour guides and laws as well as the redundant ceremonies are traded in for a non-redundant computer protocol.

And this is the horror-scenario of 1984. But there is still a spark of hope that the human agents, that is, the political leaders, will be able to solve problems over the phone. This medium offers a lot of advantages for a businesslike conversation. According to Franziska Baumgarten, who published a *Psychologie des Telephonierens* in 1931, it is easier to call an unpleasant person than to meet her or him face-to-face.

“Das Telephon verbindet nicht nur als technisches Mittel die Menschen, sondern als Möglichkeit, das uns Störende an ihnen im gegebenen Moment zu verdecken und die sachlichen Beziehungen mit für uns nützlichen, aber sonst uns unsympathischen Menschen aufrechtzuerhalten.” [2] (Baumgarten 1989, 189)

Using a phone means being freed from the necessity of simulating and dissimulating, both very important techniques for baroque-era courtiers and diplomats. At least, visual affectation is no longer necessary. While one may be saucer-eyed because of bad news, simultaneously the absence of mutual visibility means one can pretend to be calm and talk politely.

Nevertheless, Baumgarten continues, “there is a flip-side to the coin.” This “blind conversation” provokes an abandoning of affective connectedness due to the absence of gestures and gazes, the absence of all kinds of non-verbal communication (Baumgarten 1989, 188f.). So the telephone may encourage rudeness and lies. In addition, the caller exerts a dominating influence over the respondent – and this should be the biggest problem for political leaders: according to his schedule, the caller asks the receiver to answer the phone and exercises control at the other end of the line. Baumgarten therefore concludes that powerful people need a secretary who can ward off unwanted callers (Baumgarten 1989, 195).

Robert McNamara, the former Secretary of Defense, gives an example of such a control situation in his autobiography. He reports on the first official activation of the “Hotline” between Moscow and Washington during the six-day-war in June 1967.

“On June 5, as usual, I arrived at the Pentagon at 7:00 a.m. Within an hour, my phone rang and a voice said, ‘This is General Smith in the War Room.’ [...]”

[2] Translation: “The telephone is not only a device that connects people but also a possibility to hide a person’s annoying characteristics during a call, so that one can stay in a businesslike contact with an unfriendly but useful person.”

The general said, ‘Premier Kosygin is on the ‘hotline’ and asks to speak to the president. What should I tell him?’

‘Why are you calling me?’ I said.

‘Because the ‘hot line’ ends in the Pentagon,’ he replied. [...]

I told the general, ‘Patch the circuit over to the White House Situation Room, and I’ll call the president.’

I knew President Johnson would be asleep, but I put through the call. As I expected, a sergeant posted outside the president’s bedroom answered the phone. [...]

‘The president is asleep and doesn’t like to be awakened,’ he remarked.

‘I know that, but wake him up.’ [...]

‘What in the hell are you calling me for at this hour of the morning?’ [the president] growled sleepily.

‘Mr. President, the ‘hot line’ is up and Kosygin wants to speak to you. What should we say?’

‘My God, what *should* we say?’ he replied.

‘I suggest I tell him you will be in the Situation Room in fifteen minutes.’ [...]” (McNamara 1995, 278-279)

The president, unkindly woken, has a 15-minute time slot to devise a plan with his staff to defuse the war between Israel and its Arab neighbours in order to prevent a conflict or war between the USSR and US. He has to get up, dress and collect himself. At the peak of the crisis Kosygin even threatened war.

What had happened? Is Franziska Baumgarten right at assuming that using the telephone supports rudeness and raises conflicts? Furthermore, what language did the Soviet chairman use? Russian, French or English? Was there a misunderstanding? Did the interpreter make a mistake? Does McNamara misremember the situation?

No, he does not. He knows that the “Hotline” has never been a telephone, red or otherwise, and it has never sat on the president’s desk. In his autobiography, we find some references to the “Teletype circuits” (McNamara 1995, 279) in the Pentagon. But for the dramaturgy of his autobiography it seems to be more thrilling to suggest that there was a telephone link between both parties, as described in novels such as *Fail Safe* (Eugene Burdick and Harvey Wheeler, 1962) or movies like the one based on this novel (Sidney Lumet, 1964) and *Dr. Strangelove* (Stanley Kubrick, 1964). Formulations like “Kosygin wants to speak to you” or “What should we say?” suggest an oral communication and therefore fits the prototypical crisis plot that consists of threat, time, and surprise: “a situation is said

to be a crisis if [...] it (1) threatens one or more goals of a state [...] (2) allows only a short time for decision [...] and (3) occurs as a surprise to the policy makers" (Hermann 1972, 187). The phone is a device that demands an immediate answer, so there is no time to devise an elaborate response. As a result of its aptness to emphasise the time pressure inherent in a crisis, the fictional object of the "Red Phone" became a discursive fact in politics and society. It was suitable for a political leader to help him distinguish himself as a strong, self-conscious and cool-headed politician.

The "Hotline"

The "Direct Communications Link", also known as "Hotline", is a by-product of the Cuban missile crisis. A direct wire was set up with telexes in Moscow and in Washington and, in case of disruption, supplemented by a radio-telegraph circuit. Both states, the US and USSR, reached a "Hotline" agreement. As stated in the introduction to the "Memorandum of Understanding",

"The need for ensuring quick and reliable communication directly between the heads of government of nuclear-weapons states first emerged in the context of efforts to reduce the danger that accident, miscalculation, or surprise attack might trigger a nuclear war." (Memorandum 1963)

The wire was installed "for use in time of emergency" and – as stated by the Soviet foreign minister, Gromyko, in 1969 – was a consequence of the fact

"that weapons control and guidance systems are becoming [...] more and more independent of the people who create them. Human hearing and vision are not capable of reacting accurately at today's velocities and the human brain is sometimes unable to evaluate the readings of a multitude of instruments quickly enough. The decision made by a human being ultimately depends on the conclusions provided to him by computer devices." (Smith 1980, 280)

Based on this independence of the weapons control systems from individual control, the "Hotline" was intended to overcome public fear that a nuclear war might be caused either by a misunderstanding or by a automated chain of command. In a time of crisis the political leaders should have the ability to communicate directly with each other. Messages from Moscow were transmitted in Russian using the Cyrillic alphabet, and messages from Washington were transmitted in English, using the Latin

alphabet, and were subsequently translated at either end. To this end, the US and the USSR exchanged equipment to permit the correct printing in both languages (Memorandum 1963). Thus each government could use its own language, so that the sovereignty of both countries was guaranteed. This procedure adheres to the legal tradition of modern diplomacy, that every diplomat negotiates in his or her own language (Moser 1750, 8). Both governments exchanged automatic ambassadors, formerly known as human *Ambassadeurs Extraordinaires*, which even managed to infiltrate the opponent's situation room. The terminals became the leaders' private ambassadors. For instance, in disarmament negotiations Jimmy Carter used the "Hotline" to bypass the Department of State and to identify himself as the president (Berridge 2005, 98).

The staff assigned to the United States terminal included an officer in charge of operations, five translator-team chiefs and ten communication specialists. Two operators were on duty 24 hours a day, seven days a week. The cable and radio circuits were tested hourly by transmitting test messages. A team with little interest in poetics used the standard test message: "THE QUICK BROWN FOX [JUMPS OVER THE LAZY DOG 1234567890]" (Anonymous, s.a., 4), a pangram, that is, a sentence using every letter of the alphabet at least once. A more ambitious team might have transmitted brief literary and textual extracts, for instance selections from Shakespeare. Russian teams preferred to transmit brief reports of the sunset in Moscow. It was of course crucial that all test messages were free of political content.

But all the artistic efforts cannot hide the fact that the messages were extracted from a noisy channel. The hourly test messages ensured the operational reliability of the terminals as well as the adequate signal-to-noise ratio. This procedure was to guarantee that the messages were free of mistakable semantics that could be composed by the "Hotline" staff. Furthermore, as long as the terminals sent and printed the standard test message, authorship and authenticity were not questioned: it was completely clear that the operators checked the telex system according to the agreement between both countries.

But authorship and authenticity as well as the concept of an author as creative writer were queried when Claude Shannon, the founder of information theory, did his experiments on approaching the English language by mathematical methods. In his theory of communication, first published in 1948, he was interested in telex and telegraphy, because these devices are "two simple examples of a discrete channel for transmitting information. Generally, a discrete channel will mean a system whereby a sequence of choices from a finite set of elementary symbols" – for instance the 26 letters of the Latin

alphabet plus the space – “can be transmitted from one point to another.” (Shannon 1963, 36) In his theory, Shannon considered the information source, figured out how it can be described mathematically, and applied his information theory to natural language processing. Thus he computed different series of approximations to English and transformed a jumbled mess of letters into words or parts of a sentence.

For instance, a zero-order approximation is obtained by choosing all letters with the same probability and independently: “XFOML RXKHRJFFJUJ ZLPWCFWKCYJ FFJEYVKCQSGHYD QPAAMKBZAACIBZLHJQD” (Shannon 1963, 43). Shannon discusses some further approximations with which the “resemblance to ordinary English text increases quite noticeably at each of the [...] steps.” (Shannon 1963, 42) So in the first-order approximation each letter has the same probability of appearance that it has in the natural language; or, like the second-order word approximation, according to which each word is chosen with probabilities that depend on the preceding word:

“THE HEAD AND IN FRONTAL ATTACK ON AN ENGLISH WRITER THAT THE CHARACTER OF THIS POINT IS THEREFORE ANOTHER METHOD FOR THE LETTERS THAT THE TIME OF WHO EVER TOLD THE PROBLEM FOR AN UNEXPECTED” (Shannon 1963, 44).

In the last sequence, “four or more words can easily be placed in sentences without unusual or strained constructions.” (Shannon 1963, 44) Furthermore, the “FRONTAL ATTACK ON AN ENGLISH WRITER” illustrates that a computer is able to write just as well as a human author. In other words, the concept of an author as a creative writer is questioned when mathematics and computers are able to extract information from a noisy background (Kittler 1988, 346-347, 355) – although they might not produce meaningful texts. But Shannon’s series of approximations to English are not only a frontal attack on an English writer, but also on a president who uses the telex for crisis communication. Since the development of these approximations, the problem of authenticity and authentication arose. Did the president really answer the message? Was it a soldier? Or did machines communicate among themselves? Certainly, as long as technical devices cannot compute semantics and as long as telex terminals are not connected to weapons, the political body of the president will not be threatened while exercising his office.

In closing, I want to highlight central aspects of my argumentation regarding communication in a crisis situation. First, why is the “Red Phone” perceived as the self-evident choice of communication medium for diplomatic exchange in popular culture and why do politicians use this fiction for their self-representation? The fiction is so important because it protects the political body of the president and presents the leader of a country as a person with whom people can identify. In this fiction the president distinguishes himself as a strong leader by behaving like a person with a cool mind, who is able to pick up the “Red Phone” and to convince the political opponent in a crisis. In other words, the president can present himself as the perfect negotiator to lead people in a crisis. In contrast, the “Hotline” is not suitable for an identification reading of “the president” as a person who acts and takes decisions. The “Hotline” is a set-up consisting of terminals, telexes, cables, operators and translators. These technical and human agents operate on formal codes, which are completely different from the fictional but well-known operations of the “Red Phone”. The formal codes of the “Hotline” in normal mode, that is, not in a crisis, were determined by contract between the two superpowers. As long as the “Hotline” transmits test messages, the US and the USSR are living together in peace. But the politicians did not work out a mode of behaviour for a crisis. For instance, the operators of the US terminal did not know how to address Chairman Alexei Kosygin in the first US “Hotline” transmission during the Six-Day War in June 1967. The decision to call the recipient “Comrade Kosygin” (The National Military Command Center 1967) was a rather poor choice, as the US Ambassador Llewellyn Thompson later noted: the Russians wondered if President Lyndon B. Johnson wanted to make fun of Chairman Kosygin. (Davis 1968, 1)

Second, I argued that the “Red Phone” represents an everyday practice suggesting that the control over negotiations is still in the hands of political leaders. Against the background of the Cuban missile crisis the “Red Phone” was deemed a suitable medium of negotiation, promising an informal way of solving a crisis. The politicians got rid of the apparently useless and time-wasting protocol that worried courtiers at the end of the 18th century. Now the political leaders could easily talk to each other by picking up the phone and did not have to discuss where to meet, how to furnish the conference room and so on. Time will not be wasted on formalities. In contrast to the “Red Phone”, the telex is a highly formalised medium: standardised test messages are transmitted at default points in time. But in times when scientists have developed methods for computing language, problems of authentication may arise. The “Hotline” operates according to a technical protocol that produces distance between both parties. Is the president really in the situation room? Kosygin asked (Davis 1968). Is the president

really the author of the message that was transmitted by the “Hotline”? No handwriting can prove this, as the messages were encoded and sent fragmented in Morse code from Washington to Moscow.

Thus, while the “Red Phone” stands for an everyday practice and closeness between the negotiators, the “Hotline” maintains a distance, confuses the users concerning formal regulations (how to address the respondent) and is based on a technical system that only the well-trained staff can handle. Communication in a crisis is not based on an informal call that could solve a problem by telling the respondent “how do you think I feel about it?” (Muffley) as shown satirically in *Dr. Strangelove*, with President Muffleys call to Premier Kissoff. When the real President Johnson describes the “Hotline” as a device that allows the user to send “Here is how we feel about it” (Johnson 1967, 6) during a press conference on the occasion of the Six-Day War in June 1967, he is popularising the operation of the “Hotline”. But his statement referring to the everyday practice of calling is clearly a simplification for the public. Actually, there was not a single cable that included any discussion of feelings; all cables were formulated unemotionally and followed a specific strategy. Showing emotions does not seem to be the appropriate behaviour in a crisis.

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Is “Warmth” a Mode of Social Behaviour?

Considerations on a Cultural History of the Left-Alternative Milieu from the Late 1960s to the Mid 1980s

Sven Reichardt

Abstract:

The article deals with the comprehensive counter-cultural milieu from the late 1960s until the early 1980s. Life style and *habitus* within this undogmatic and widely peaceful radical leftist milieu were practised according to a conduct of warmth. This alternative conduct of warmth corresponded with developments in the increasing individualized consumer society of the Federal Republic of Germany. The counter-cultural social behaviour was neither a departure into the land of freedom nor into a reign of normlessness. It was a form of self-guidance and governmentality with its own contradictions and coercions.

Keywords: counterculture; German left; 1970s; cultural history

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Some fifteen years ago, in his book *Verhaltenslehrer der Kälte*, Helmut Lethen concluded on the basis of the *Neue-Sachlichkeit* literature that among leftist authors such as Bertolt Brecht and Helmuth Plessner, but also among rightist ones such as Ernst Jünger and Carl Schmitt, the metaphor of coldness expressed an affirmation of the modern era. They used the image of coldness to describe the rationalization, alienation and secularization processes of the modern age. Their unconditional praise of modernity expressed itself in a praise of coldness, in which they connected the cult of coldness with objective heroism and keen thinking, and included a rejection of the 19th century cult of conscience (Lethen 1994).

To what extent can this approach be useful for a treatment of the cultural history of post-war West Germany? To what extent is the metaphor of “warmth” useful for an analysis of a certain mode of social behaviour in the left-alternative milieu and counterculture of the 1970s – between the leftists from the 1960s and the postmodern neon kids of the late 1980s?

Concepts of Warmth and Coldness

Physically, warmth (or heat) describes the kinetic energy of the atoms and molecules of a body. Knowledge of energy and heat was moved forward considerably by 19th century thermodynamics. Warmth here means not only motion and exchange but a conception and practice of interchange and sociability, connected to self-realization and self-reflexive introspection (Neswald 2006).

According to the *Dictionary of Symbols* by Jean Chevalier and Alain Gheerbrant, *chaleur* has since Plutarch been physically associated with sun and light. C. G. Jung then made the connection between warmth and love of intuition, libido and organic life, with major consequences. In Far Eastern Buddhism, warmth is associated with breathing, fertilization and mental activity. In yoga, warmth (*tapas*) means the inner fire and the intellectual flame. Finally, the concept of human warmth refers to the ideal of Christian charity (Chevalier/Gheerbrant 1982, 202 p.).

Describing societies as “warm” or “cold” and then using these assessments as political weaponry has a tradition in the history of political thought in Germany going back to the rhetoric of the *Vormärz*, the era prior to the 1848 revolution. Thus the *Ancien Régime* was described by Ferdinand Freiligrath as an “ice palace” and by Hölderlin as an “ice-cold zone”, because of its restorationist stiffness (Lethen 1987, 297). The triumphal march of capitalism in the 19th century strengthened those voices that saw either a social idyll destroyed or the dynamics of progress realized. Thus Adam Müller complained, from a conservative viewpoint, of “the freezing of the soul”, while Karl Marx was

praising the “ice-cold waters of egoistical calculation” as a necessary step towards social progress (Gebhardt 1999, 167 p.).

The concept of “warmth” became normatively charged, certainly, with the publication of Ferdinand Tönnies’ book *Gemeinschaft und Gesellschaft* in 1887. Consequently, the warmth of social conditions – both positive and negative – was understood as a feeling connected to the community.

After World War II, as early as 1947 the American columnist Walter Lippmann coined the phrase “Cold War” in a series for the *New York Herald Tribune*, while the ordo-liberals, arguing for their model of a welfare-state, an interventionist variant of Rhenish capitalism and a social market economy, evoked the image of German *Gemütlichkeit*, as opposed to the American dynamics of a free market economy. Their message was: warmth is worth it.

In the left-alternative milieu moreover, the reference to interpersonal warmth and closeness, to “warming cohesion” in opposition to the “frosty distance” of “industrialized society”, was all but ubiquitous. In 1972 for example, Thomas Knauf wrote in his alternative Berlin counter-cultural monthly publication *Hundert Blumen*: “Life means warmth, and we’re fighting because they’re trying to wrap us up in coldness, and because many have already been wrapped in this cocoon of coldness” (*Hundert Blumen* 1972, 8).

Some elements of left-alternative milieu

The extent to which the concept of warmth influenced the behaviour of people in the left-alternative milieu can be seen in a wide variety of the milieu’s practice, from the leftist pub through the flat-sharing community, “project” work, alternative psycho-workshops and men’s groups all the way to the newspapers and periodicals with an alternative readership. These spaces of the practice of “governmentality” and the spectrum of left-alternative communalization cannot be comprehensively described here, any more than the socio-historical foundation of the alternative milieu can. Its localization as a political conflict group with various factions – the feminist movement, the ecology movement, the anti-nuclear movement, the peace movement, etc. – will also remain beyond the scope of this sketch (for the praxeology-approach see: Reckwitz 2003; Reichardt 2007; for the concept governmentality: Foucault 2004a and 2004b; Lemke 1997; Bröckling et al. 2001; for a comprehensive study of the left-alternative milieu: Reichardt 2010).

The self-descriptions of the left-alternative milieu of the 1970s have nevertheless influenced their forms of intercourse, just as, conversely, their behaviour has had an effect on these descriptions. So it

was, as Klaus Laermann wrote in 1974 in the journal *Kursbuch*, that in the leftist pub one would escape the constraints of the discursive structure of communication – which demanded the better argument – into the arms of a grouping that remained undefined but was characterised by a “kind of confidentiality”, “a diffuse consciousness of tenderness” and the ubiquitous “use of the ‘thou’ form”. Pub conversations in this subculture were, he stated, characterized “by mutual respect, confidentiality and warmth” (Laermann 1974).

The Berlin counterculture was underpinned by the foundation of city magazines such as *Tip* and *Zitty* (in 1972 and in 1977, respectively), just as the alternative milieu in Frankfurt was by the *Pflasterstrand* (founded in 1976) or that in Munich by the *Blatt* (founded in 1973); all classified-ad papers for alternative cabaret and left off-culture, in which meditation, Asian wisdom, rock music or American freak philosophy were discussed. A left-alternative press emerged not only in these three urban centres of alternative culture but also in many university towns; there were some 390 different titles, the total monthly circulation of which in 1980 came to 1.6 million copies. The number of alternative publications increased by leaps and bounds between the mid-70s and the mid-80s; thanks to the boom in city magazines and newspapers, circulation in 1986 was probably two and a half times what it had been in 1979 (Rösch-Sondermann 1988, 54; Holtz-Bacha 1999, 340).

Events listings and classified-ad sections spread the aura of a “warmth-flux of holistic visions” for depth, realness and meaning (Mohr 1992, 40, 42). In the personal ads for flats, a trend towards cosy and unconventional *Gemütlichkeit* emerged. Ads such as the following from the Munich *Blatt* in 1973 were no rarity: “Seeking friendly girls to start flat-sharing community. Wanted: interest in social policy, humanist psychology (consciousness-raising, Encounter, psychology, psychology of being) and the need to experience joy in a group, or to regain it. Maybe you could bring along some human warmth and an effort for honesty and openness” (Sonner 2005, 10). This imagination, this episodic communalization manifested a self-image of warmth, which in turn established behavioural regularities, patterns of action and social relationships in these social communities organized by personal networks, through which it was possible to mutually recognize each other. By means of a process of selection – whether through visits to the pub, through choice of clothing or through reading specific newspapers and periodicals, a condensed form of communication and social proximity arose and confirmed itself, which provided the members of the milieu with behavioural security and condensed their relationships of interaction within their *Lebenswelt*.

Of course, this applied in special measure to the common life in flat-sharing communities. In the flat, Wolfgang Spindler wrote in *Kursbuch* in 1978, life is romantic: it smells sweetly of joss sticks, tea pastries are served. Cheap bookshelves, a couple of record albums on the floor, an old untidy desk, a couple of deep-lying seats, a few mattresses with unobtrusive bedspreads and cheap furs. A little table with grandma's doiley, and a few ashtrays and vases round out the picture: "One is conscious of one's flight from civilization, and of the romantic vein" (Spindler 1978, 6f.). In the flat-sharing community, communications and intimacy merged, it was a field of action and sanctuary in one.

The flat-sharing community, primarily a student phenomenon, was less widespread in practice than in its imagination. In 1969, fully a quarter of all 16 to 34-year-olds wanted to live in flat-sharing communities, while less than five per cent actually did so at that time. The estimates are that there were some 2,000 flat-sharing communities in 1971 and approx. 40,000 with roughly 200,000 occupants in 1980. Despite all the pragmat-ization and depoliticization in the course of the history of flat-sharing communities, the motive of experiencing social integration and personal enrichment going beyond a circle of friends in everyday life was at least just as strong as the financially favourable generosity of the flats in the old buildings (Reichardt 2010, 183f.). The flat-sharing community was moreover "a refuge from the narrowness of the parental home and the dreary perspective of *spießiges* togetherness, as well as a social base for the conquest of new living environments and also the source of a 'second, political socialization'" (Mohr 1992, 51). The "destruction of privacy" or "smash the bourgeois family" were slogans with which, it was imagined, one might counteract authoritarian character formation and late-capitalist isolation. The fixation on parental authority – and the corresponding training, bourgeois correct behaviour and obsessive cleanliness – were the opposite of left-alternative forms of living in which private disputes between lovers were "fully discussed" and "worked through" in group meetings. However, although flat-sharing communities were conceived as the counter-model to the coercive community of the nuclear family, the group pressure within them and the compulsion to adapt were apparently so great that contemporary sociological studies observed a high rate of fluctuation (for further reading see Reichardt 2010, 177-248).

Despite this conflict-prone life practice, the do-it-yourself aesthetics of the flat-sharing communities, with their handicrafting of transitional solutions, of re-use and self-sufficiency, the cosy environments of high-platform beds as nests of warmth and *Gemütlichkeit*, the many plants and the casual rules of orderliness exuded warmth, as did the kitchen-table discussion culture (Tränkle 1986,

201-208). Within this warmth, the members of the flat-sharing community committed themselves to a practice of a good lifestyle and developed techniques of self-transformation in which the subjects understood themselves and realized themselves through their own actions.

The meaning of the joy of communication and small-scaleness

The Berlin sociologist Claus Offe noted in 1998 that what the rebels of '68 had demanded "was happening anyway; they were only pushing at things that were going to topple anyway" (Offe 1998, 552). This applied, too, to the condensed social forms of the 1970s, the motto of which was "small is beautiful" – and not only in the left-alternative milieu: everywhere, communalization was small, networked and freely selectable. The impulse towards the warmth-flux of niche existence was thus not invented by the left subculture, but it was dramatized, radicalized and politicized by it. Although the left alternative wished to move away from the career-oriented values, the narrow-minded life plans and the consumption orientation of their parents' generation, the fact is that they to a large extent merely helped to implement what was in any case establishing itself societally.

Family life became more multifarious, contacts to neighbours more numerous, friends and acquaintances were more important, and membership in associations increased. Although or precisely because families became smaller, living together in extended families was becoming more exceptional, and ever more single-person households arose, conversations with people outside the family developed and intensified – not only in the left-alternative milieu. In surveys conducted by public-opinion polls, ever more people identified "their most trusted friends" as people outside their families. In 1953, 28 per cent stated that their preferred conversation partner was not a family member, but "somebody with whom I have common interests". In 1979, 41 per cent of those asked already gave that answer, and this response was now the peak. In 1953, only 31 per cent of people polled paid visits to friends and acquaintances outside their families; by the end of the 70s, this had risen to 64 per cent, or more than doubled. During the 1970s, people generally tended to be more enterprising than during the 50s and 60s. In 1976, the general level of trust in one's fellow human beings was higher than ever before in the history of West Germany (Noelle-Neumann et al. 1983, 80; Noelle-Neumann 1976, 18).

These attitudes and practices corresponded to the esteem that was accorded to sociability. In a survey conducted in August 1975 for example, a question was asked as to the qualities that were particularly valued in others. The absolute leader, with 71 per cent, and thus with a lead of 14 percentage

points over the next-best quality, was sociability (Noelle-Neumann 1976, 20). This increased score for sociability went hand-in-hand with the medialization of society and the breakthrough phase of mass television. The content conveyed in the media on the one hand provided topics of conversation and spurred everyday communication; on the other, this content itself preached a condensation of communication in discussion rounds and talk shows (cf. Verheyen 2010).

Not only the increase of sociability but also the small-scale-ness in which the left alternatives organized their lives indicated a general trend. Again, opinion polls show that small-scale social relationships in the home and leisure areas increased during the 1970s and were subjectively regarded as ever more important. Small-scale networks grew considerably in the form of neighbourhood contacts and organizational memberships. Regular conversational contacts with neighbours increased from 51 per cent in 1953 to 74 per cent in 1979 (Klages 1983, 65-69; Lindquist 1975). Evidently, integration in small-scale networks provided the possibility to connect self-reference and self-realization with social relationships.

The warmth of “concrete experience” and the coldness of theory

“Inwardness”, as Hermann Glaser wrote, “was a refuge for the new-old romantic longing for a pristine world. [...] The new code words were: Nature, closeness, security, feelings, happiness, play, parties, imagination, artistic, simple” (Glaser 2000, 37of.). This emotionality contrasts strikingly to the “cold persona” of the 1920s described by Helmut Lethen. In the literature and art of *Neue Sachlichkeit* (“new objectivity”), people were seen as “motion machines” and “characters as masks” (Lethen 1994, 29). People were controlled not from the inside, but from the outside, supervised not by introspection, but by the eyes of others. Instead of repentance and confession, what was important was ritual and penance. The felt sanction of the 1920s was social fear, that of the 1970s the pang of conscience, so that the good conscience of the latter was juxtaposed to the correct behaviour of the former (cf. Neckel 1991).

Erfahrungshunger [Hunger for Experience], Michael Rutschky’s classic essay about the 1970s, describes that decade as a time of a warm fog, in which pressure to achieve, effort, austerity, self-restraint and delayed reward were seen as relics from the arsenal of bourgeois respectability, now replaced by relaxation, zest for life, spontaneity, casualness, and pleasure. The “utopia of general concepts” and the planning euphoria of the 1960s were abandoned. Abstract conceptuality, marked by “a special kind of coldness”, had designed a “rigid society”. The goal was to abandon the societal institutions that exuded

“a climate of coldness”, separated with great effort from the “emotional inner world”. The search was on for a “life context in which [one] might explain oneself personally, in which [one] might tell and interpret one’s own biography, and would want to do so [...]. The hostile outside world subjects those who step outside of the inner world to its patterns of action, its irreversible stipulations and limitations.” The “search movement” and the “longing” of the individual yearned to escape from the “unreality of life during the seventies”. The retreat into inwardness made the outside world appear unreal, laconic, far away, schematized in a fog (Rutschky 1980, 38, 57, 69, 112, 114).

In 1979, Jürgen Habermas characterized this relationship of cold objectivity and cool abstraction and the warmth of the living environment as a non-stop train running through the social sciences and liberal arts, the arts and religion during the 1970s: “Doubts about the avant-garde movements of the modern age, rejection of functionalism and new objectivity, devaluation of the great theories, a turning away from the universalism of the enlightenment; and instead the turn towards traditional forms and towards subjectivism in tales and novels, towards historicism in urban development and architecture, towards everyday life in sociology, towards late-expressionism in film, towards new religions and pietism in the churches, towards the narrative style in history, and towards existential topics in philosophy. A cult of immediacy, a deflation of high forms, an anarchism of the soul, a celebration of the concrete down the line, relativism even in scientific theory, and the replacement of Oedipus with Narcissus as the symbolic figure of cultural criticism” (Habermas 1979, 30f.).

Precisely this clash between the coldness of abstract theory on the one hand and the warmth of politics of immediate experience on the other also took place during the 1970s in the left-alternative milieu, in the form of ever sharper conflicts between the old 1960s theorists from the student movement and later the “K-groups” – the mostly Maoist revolutionary groupings – on the one hand, and the “undogmatic” or “hedonistic” leftists on the other. In an exemplary settling of accounts, the 1960s veteran Wolfgang Kraushaar in 1978 described the Frankfurt alternative movement as an “escape movement” which had insulated itself in a counter-cultural realm. The “exclusive character” of this “subculturally disguised small-town mafia” not only standardized their behaviour, language and clothing; in addition, “the compulsion to immediacy” had even led to the loss of the political momentum. “The rebellion of the senses” was, he said, also becoming an end in itself, the emphatically repeated magic formula “experience” was, removed from its overall capitalist context, becoming a kind of “autistic” – a “sect of the ideology of immediacy” (Kraushaar 1978, 8-67). Only some years before, Sennett (1974) identified such processes on a more general level as the “tyranny of intimacy” which destroys the public space.

Although Marxist and anarchistic thought was also present in the new social movements and the alternative subculture, along with culture-critical considerations, life-philosophical and existentialist approaches, all in all, compared with the “K-groups” of the seventies, the ideas were oriented towards immediate *Betroffenheit* (concern) and emotional “hunger for experience” (see Steffen 2002; Kühn 2005). A trend towards concreteness was apparent even in the language of the alternative movement, which explicitly broke with abstract language colouring. One now “dug” (*schnallte*; lit.: to “buckle”) things instead of “understanding” them; one was “limped out” (*abgeschlafft*) rather than “exhausted”; instead of “leaving things be” you had to “wipe them away” (*abschminken*; lit.: to “remove make-up”). In this alternative language, corporeality, feelings and concretization all joined in an alliance in which complex grammar were the exception. With their wealth of exaggerated expressions (many superlatives, frequent use of words like “far out”, “really”, “weird” etc.), their tendency toward emphasizing feelings “I’m feeling mellow” (“ich bin gut drauf”), “I really can’t deal with this”, “good feeling”, “that turns me on” (the latter two using the English words), the adaptation of the written to the spoken language when writing such neologisms as “connections” or “chauvi” (short for “[male] chauvinist”) in German phonetics (“*Konnäktschens*”; “*Schowi*”), as well as inaccuracy and fuzziness of expression (“somehow”, “sort of”), their language showed a tendency towards the priority of feeling and concretization over conceptually precise theoretical terms (Stubenrauch 1978; Czubayko 1997). Similarly, the “scene” favoured music and body feeling over the written word and textuality.

The Frankfurt Spontis – short for “spontaneists” – were in a sense the hinge between the Maoist “K-Groups” and the left-alternative subculture of the late 1970s, in that they preferred a verbal culture of theory and textuality. They worked at the Opel car factory in Rüsselsheim in order to penetrate and revolutionize the “proletarian life context”, following the example of the militant factory and street battles in Italy. An almost closed-off biotope of flat-sharing communities, alternative projects and initiatives developed. The Spontis were the incarnation of the semi-politicized homo ludens, which, as Gerd Koenen wrote, united to form “excitement communities”. As the ex-Maoist sums it up: “The movement was everything, the goal would emerge one way or another: A different life with ‘new emotional relationships’” (Kraushaar 2004; compare also Koenen 2001, 327).

On the other hand, the Sponti movement heaped scorn on the “wooden dogmatism” of the “egg-headed, anti-pleasure, theory fetishists” in the Maoist and communist theory groups and cadre parties. They wanted “to deal with real, concrete, practical stuff, and not this abstract bullshit” (Becker 1984, 108, 112). In political issues, your own feelings were your point of departure; at least one wanted to

“express them”, as a certificate of the genuineness of one’s own demands. “The political”, the cult cartoonist Chlodwig Poth wrote in 1983, is what emerges from your own concern [Betroffenheit]” (Poth 1983, 17). In spite of extensive personal overlappings between the old 1960s leftists and left alternatives, there was a more or less permanent process of raising the issue of one’s personal past, and the transition from the one grouping to the other was “ritually worked through” in countless group conversations.

“Hot” terrorism

RAF or “Bewegung 2. Juni”, both social-revolutionary groups established out of the collapsed student movement during the seventies, understood their “propaganda of the deed” as a provocation strategy in order to exceed and destroy the state and its repressive infrastructure. With the alternative lefties they shared the interest in concrete actions and the disdain in theoretical analysis. But their obstruction was absolute, brutal and without compromise – it was a hostile to the state and society. They shared the anti-authoritarian anarchism of the left-alternatives, but for them it was more a prospective utopia and not a present living experience. Due to this attitude their practice was hot, direct and resolute.

Terrorism oscillates between the coldness of the decision-making, of choosing between killing for the sake of eliminating enemies, and the killing to provoke a response from the state (hot terrorism).

Even the determined terrorists were dependent on society and especially on the established media structure. The communicative interplay between terrorism and media followed the same rules of attention on both sides. Both followed the logic of the spectacular, both awarded unambiguousness and emotionality, both were newsworthy, focused on the closeness to the audience/reader. Both shared the focus on elites and prominence. The anarchists of the late 19th century had already exploited the mass media for their strategy of provocation. They were as skilful in handling dynamite as in handling the emerging yellow press. This proximity is demonstrated by the previous journalistic experience of important RAF terrorists such as Ulrike Meinhof or Holger Meins as well as by the anecdote, that even the RAF logo is said to have been tested for its effects by the professional commercial artist Holm von Czettritz (Elter 2006, 1060-1074; Elter 2008). The RAF terrorists followed the impact of their actions in the media attentively and made videotapes of their victims in the course of the Schleyer kidnapping, which they transmitted to TV channels for broadcasting. But interplay also worked the other way around: the press took advantage of exclusive stories, interviews and pictures they were able to pro-

duce with and about the terrorists. It is no coincidence that the sensation-seeking yellow press consolidated and expanded along with the terrorism and increased its print run enormously during the 1970s. Also the investigative, time-critical and left-liberal journalism – which attended the student movement with critical sympathy – had established itself in the 1970s press and TV (Hodenberg 2006, 361-439). The political overestimation and the media exaggeration of this terrorism are likewise due to this development.

The years before 1977, the media mainly reported the hot “terror-war” in the tenor of combat journalism. In fact, the commemoration of war played a decisive role among the leading protagonists in politics, terrorist organization and the media (Musloff 2006, 302-319). This shows how long the shadow cast by World War II was, which, as well as the anti-communist tenor of the early Federal Republic, added to an overestimation and exaggeration of the terrorist hazard. The Manichean discourse pattern in politics and media also appeared in the “sympathizer” discourse, which confirmed the exclusion of the non-governmental left from the political mainstream (cf. Balz 2008).

Concluding remarks

Left-alternative “concretization” always meant uncovering the concern and the emotional relevance of an issue for one’s own life. Holism, as a combination of body, mind and feelings, loomed large here, as a substantial moral concept. There was a turning away from meta-theories and a gaining of playful liberties in such forums as the Frankfurt *Pflasterstrand*, founded in 1976, which laid claim to responsibility for a certain spectrum, “ranging from the revolutionary cells to the macrobioticists” (*Pflasterstrand* 1976, no. 0: 2). This was true in a similar manner for many alternative newspapers, which wanted to virtually merge with their readerships. They claimed not to want to prescribe any programme or objective, but rather strove to depict the multi-coloured variety, and hence gave plenty of space to reader reactions and articles by freelancers. It was their claim to authenticity, too, that provided the basis for their power of governmentality (on the alternative press, cf. Reichardt 2010, 480-540; Dorsch 1981).

The decisive rejection of the euphoria of ultra-modern good planning and rationality of the state’s reform policies of the 1960s, and the rejection of theoretical work and faith in abstraction in parts of the student movement and the K-Groups was an important characteristic of left-alternative “warmth”. But left-alternatives, K-Groups and terrorists also had things in common: mainly their massive criticism of the state. The common protest against the “Berufsverbot” (occupational ban) from January 1972 was a

good example of their attitude and self-description as victims and haunted innocents. Indeed, between 1973 and 1975 alone, 430,000 people were put under the scrutiny of governmental institutions – 236 of them were dismissed from jobs as civil servants (Reichardt 2010, 115-118). Applicants for civil-service jobs were checked for involvement in “anti-constitutional activities”. In the course of this the applicant was asked, for example, if and to what extent they had contacts with the GDR, the KPD (German Communist Party) or communist groups and whether they were ideologically close to radical organizations. Under this decree, suspects could be kept under surveillance by the “Verfassungsschutz” (Federal Office for the Protection of the Constitution), sometimes for years. However, after a decision of the “Bundesverfassungsgericht” (Federal Constitutional Court) in May 1975, the decree was gradually and by the 1980s the first federal states had repealed it. Despite these rapid improvements, the view of the state became manifest: for them the state was equated with repression, military, police, surveillance and suppression.

The heroic self-characterization as a victim of the West German police regime in all of the three radical, left-wing groups can be understood as an instrument to distinguish oneself from the West-German culture of shame, in the first place to get into a position to broach the guilt of West German society. The protagonists distanced themselves from the reputedly authoritarian society and from their parent generation’s culture of shame. The left-alternatives transformed their suffering under their parents, from their resentments, their historical amnesia and their emotionally entrenched manners, into an attitude of emotional inwardness, while the terrorists reacted with burning hate and the K-groups with cool dissociating analysis. The parents, seen as unduly rigid and authoritarian, became the new “fascists” for all three groups. The symbolic assumption of the victimhood was a turn against their parents’ denial of guilt, but at the same time an updating of Nazi history.

To conclude: During the 1970s, sociability and inwardness merged; freedom from coercion and involvement with the self became their bywords. In politics and in everyday life, a “fundamental liberalization” of West Germany came about – in a process that was certainly conflict-ridden. Despite the overall acceleration of political-cultural change during the 1970s, the similarities between the left-alternative subculture on the one hand and the mass culture on the other can certainly not be characterized as being driven by the same dynamics. The alternatives did not per se adopt a position against the narrow-minded bourgeoisie of their own time. Their long-term societal success – at least in comparison to the limited influence of the K-groups and the terrorist organizations – is explainable if it is seen as an expression of a mass culture of warmth-flux. Their counter-culture was not as radically oppositional as its “drop-out” philosophies may have suggested.

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Sich (nicht) geschlagen geben.

Unabdingbare Ansprüche, Kompromisse und das Interesse an einer agonistischen Lebensform: zu Chantal Mouffes Begriff des Politischen

(Not) To Admit Defeat.

Inalienable Claims, Compromises and the Interest in an Agonistic Form of Life: Chantal Mouffe's Concept of the Political

Burkhard Liebsch

Abstract:

This article discusses Chantal Mouffe's concept of the political that allegedly departs fundamentally from what she terms „cosmopolitan illusion“, i. e. the illusion that liberal-democratic forms of life could overcome antagonistic conflicts once and for all. Mouffe's diametrically opposed idea of a „conflictual consensus“ is critically examined particularly for the claim that it promises to sublate contradictory claims in agonistic forms of conflict. A critical evaluation of this thesis refers to the question whether such a consensus unconditionally requires the renunciation of any inalienable claim.

Keywords: unabdingbare Ansprüche; Kompromiss; Antagonismus; Mouffe
inalienable claims; compromise; antagonism; Mouffe

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Unabdingbare Ansprüche

Wenige Jahre bevor man sich in Europa mit der historisch beispiellosen Erfahrung des sog. Tugendterrors auseinander setzen musste, der mit unnachsichtiger und tödlicher Konsequenz das vermeintlich Richtige gegen angeblich Uneinsichtige durchsetzte, behauptete Edmund Burke, einer der schärfsten Kritiker der Französischen Revolution: „All government, indeed any human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and, we choose rather to be happy citizens, than subtle disputants.“ [1] Als Patentrezept zur Erhaltung kollektiven Glücks wäre demnach allseitige Nachgiebigkeit zu empfehlen. Kompromisslose Unnachgiebigkeit dagegen scheint alle Vorteile guten Zusammenlebens aufs Spiel zu setzen und letztlich ruinieren zu müssen.

Burke hat denn auch den Gedanken für abwegig gehalten, etwa im Namen einer für unanfechtbar gehaltenen und scheinbar keinen Kompromiss gestattenden Wahrheit das Glück der Menschen zu riskieren, dem alle Politik verpflichtet sei. Damit hat er womöglich nur die Entlarvung ungerechter Herrschaft durch eine effektive Kritik verhindern wollen, die zu seinem Entsetzen unter Berufung auf die „heilige“ Gleichheit und Würde aller Menschen alsbald zu Mord und Totschlag greifen sollte. Von diesen bekannten historischen Umständen abgesehen (Saage 2005, Kap. IV), stellt sich allerdings bis heute das Problem, ob speziell das politische Leben nicht von allen „unbedingten“ und insofern unanfechtbaren bzw. absoluten Ansprüchen entlastet werden muss, die scheinbar keinerlei Kompromiss gestatten. Tatsächlich herrscht die Meinung vor, dass Ansprüche, die für absolut, unumstößlich oder für unverzichtbar gehalten werden, schlimmste Formen der Gewalt, erbitterte Feindschaft und vernichtende Endlösungen heraufbeschwören – zumal dann, wenn mit ihnen vermeintlich die Existenz der Gattung Mensch bzw. deren Zukunft selbst auf dem Spiel zu stehen scheint (vgl. Safranksi 1990, 88, 150 f.).

Die Zeit einer darauf hinauslaufenden sog. Geschichtsphilosophie, die in diesem Sinne ein gutes Gewissen verschaffen könnte, scheint vorbei sein. Ebenso die Zeit einer Metaphysik, die einst versprach, im Rekurs auf letzte ontologische Wahrheiten absolut verlässliche Fundamente eines „gemeinschaftlichen Zuhause“ (vgl. Frank 1979) bereitzustellen, in das sich die Menschen bruchlos integriert sehen sollten. Demnach würde uns heute abverlangt, Formen politischer Koexistenz im Zeichen eines konsequenten Verzichts auf Metaphysik – d. h. hier: auf letzte ontologische Wahrheiten als derartige Fundamente des Politischen – einzurichten. Statt mit einer gemeinschaftlichen

[1] Zit. n. Macperson (1980, 27).

Wiedereinhausung (*oikeiosis*) in die Welt zu liebäugeln, empfiehlt man uns, es in ihr als vorübergehende Gäste auszuhalten, die einander zumal politisch keine Wahrheit oder unbedingte Ansprüche zumuten sollten. Tatsächlich stehe uns überhaupt keine Wahrheit als exklusiver Besitz zur Verfügung, der als ein gemeinschaftlicher *oikos* in Beschlag zu nehmen und so gewissermaßen zu bewohnen wäre.

An dieser Stelle gehen jedoch sowohl die Meinungen als auch Philosophien unterschiedlichster Provenienz noch immer weit auseinander. Während manche davon ausgehen, längst müsse jeglicher Wahrheitsanspruch als desavouiert gelten und nichts sei derart gefährlich wie ein Anspruch auf Gemeinschaft begründende Wahrheit, halten andere nach wie vor die Suche nach einer letztlich auch im politischen Leben zu bewährenden Wahrheit für unverzichtbar – sei es auch nur die Wahrheit des Verzichts auf Wahrheit. Wieder andere zeigen sich davon überzeugt, hier handle es sich weniger darum, die Berufung auf letzte Wahrheiten zu verfechten oder zurückzuweisen, als vielmehr darum, eine gewaltsame Instrumentalisierung von Für-wahr-Gehaltenem *gegen Andere* oder eine rücksichtslose Anwendung von Für-wahr-Gehaltenem *auf Andere* zu unterbinden. So gesehen wäre allen, die auf die praktische Inanspruchnahme von Wahrheit nicht glauben verzichten zu können, anzuraten, von konsequenter bzw. rücksichtslosen Versuchen abzusehen, eine bloß gedachte Wahrheit mit dem eigenen Leben und mit dem Leben Anderer zur Deckung bringen zu wollen. Kann sich Wahrheit, wenn überhaupt, nicht in der Tat nur zwischen den Menschen bewahrheiten? Bleibt sie dem zwischenmenschlichen *inter-esse* nicht stets aufs Neue überantwortet, ohne je zu einem auf Dauer unanfechtbaren „Fundament“ werden zu können? Kann beanspruchte Wahrheit je etwas anderes sein als eine Einladung zu gemeinsamer Bewahrheitung, die jederzeit auch scheitern kann? Ist eine politische Lebensform in diesem Fall sofort am Ende? Oder kann eine solche Lebensform vielmehr nur dann überhaupt dauerhaft stabil sein, wenn sie entweder jeglicher Wahrheit abschwört oder sowohl mit radikalem Streit um Wahrheit als auch mit dem Scheitern verschiedenster Versuche, zu einer allgemein verbindlichen Wahrheit zu gelangen, zurecht zu kommen verspricht?

In diesem Sinne wird nicht selten für eine „wahrheitspolitisch abgemagerte Politik“ plädiert, die es jedem frei stellen soll, nach seiner eigenen Wahrheit zu suchen und Andere nach ihrer Wahrheit leben zu lassen. Als Königsausweg aus gewaltträchtigen Wahrheitsansprüchen empfiehlt man zum einen nachdrücklich deren Privatisierung und zum anderen das „Geschäft der Friedensstiftung“ überall dort, wo gleichwohl „kombattante Wahrheiten“ aufeinander treffen, zwischen denen sich *unaufhebbarer Widerstreit* abzeichnet. Dieses „Geschäft“ könne seinerseits „keine übergreifende Wahrheit ins Feld

führen [...], außer derjenigen, die sich auf die Gewährleistung menschenwürdiger Lebensbedingungen bezieht“. [2] *Abgesehen davon* wird auf diese Weise über jeglichen Versuch, angeblich bloß einander widersprechende (und nicht etwa unaufhebbar einander widerstreitende) „Wahrheiten“ miteinander zu versöhnen, das Interesse an einem *Leben im Widerstreit* gestellt. Wie die Diskussion um die einschlägigen Thesen Lyotards, an die auch Chantal Mouffe anknüpft, hinreichend gezeigt hat, gestattet Widerstreit keine Versöhnung nach dem klassischen Vorbild der Aufhebung von Widersprüchen. Gleichwohl zwingt er nicht unbedingt zum unversöhnlichen Kampf gegeneinander, zum nicht endenden Streit oder gar zu einem „sozialdarwinistischen“ Machtkampf um Hegemonie, der Unterlegenen nur noch die Aussicht auf eine Kapitulation (und ggf. auf spätere Revanche) bieten würde. [3] Verzicht auf die gewaltträchtige Durchsetzung vermeintlicher Wahrheit bzw. auf die gegen Andere gerichtete Behauptung eigener Ansprüche *als wahr* gibt vielmehr auch *Spielräume des Nachgebens und des Sichgeschlagengebens* frei – vorausgesetzt, dieser Verzicht erfolgt nicht einseitig, sondern so, dass ein allgemeines Interesse an der Aufrechterhaltung eines von vielfachem Widerstreit gezeichneten Zusammenlebens über ein Leben nach irgend einer Wahrheit gestellt wird, die Anderen mehr oder weniger gewaltsam aufzuzwingen wäre.

In genau diesem Sinne spricht Chantal Mouffe vom Erfordernis eines „konfliktualen Konsenses“, der unter weitgehendem, wenn nicht sogar unter radikalem Verzicht auf Wahrheit die politische Stabilität eines von vielfachem Widerstreit gezeichneten Zusammenlebens gewährleisten soll. Dieser Konsens ist freilich niemals einfach vorauszusetzen; vielmehr muss er sich stets von neuem als Antwort auf ein drohendes Zerwürfnis bewähren, das grundsätzlich jederzeit aus dem Kampf um unaufhebbar einander widerstreitende Ansprüche resultieren kann. Die Frage, der ich im Folgenden nachgehen möchte, lautet, ob ein solcher Konsens unbedingten Vorrang hat (oder haben sollte) vor ihrerseits unbedingten Ansprüchen, die im politischen Streit aufeinander treffen und verlangen können, sich im Kampf für sie niemals geschlagen zu geben. Um einer Antwort auf diese Frage näher zu kommen, gehe ich zunächst dem Sinn dieser Redewendung *sich geschlagen geben* nach, erörtere dann, wie sie im Kontext der politischen Theorie Chantal Mouffes zu verstehen ist, und konfrontiere diese dann mit der u. a. von Avishai Margalit favorisierten These, dass es ein unbedingter Anspruch wie der auf ein würdiges Leben ausschließen muss, sich je geschlagen zu geben, wenn er verletzt wird. Wie in Folge dessen unbedingte Ansprüche im politischen Konflikt mit dem seinerseits scheinbar unbedingten Anspruch im Widerstreit geraten, eine politisch stabile Lebensform aufrecht zu erhalten, die allein ein Leben in und mit Widerstreit erträglich zu machen verspricht, kommt abschließend zur Sprache.

[2] Hier (Safranski 1990, 207) bleibt freilich das Entscheidende unbestimmt: worin diese Wahrheit genau liegt und wie sie im Einzelnen zu formulieren wäre. Besagt sie etwa (wie es Safranski lediglich suggeriert, aber nicht deutlich ausspricht), menschenwürdige Lebensbedingungen sollten unbedingt gewährleistet werden, so geraten wir in die Schwierigkeit, dass aus der Unbedingtheit dieses Verlangens keine sofortige Umsetzung abzuleiten ist. Tragischerweise erfordert selbst eine solche, *prima facie* minimale und unverzichtbare Forderung das Bedenken von Realisierungsmöglichkeiten und -bedingungen, die uns zu Kompromissen nötigen können, zu Kompromissen wohlgemerkt, die im Lichte der Unbedingtheit jenes Verlangens bereits als Verrat an ihm erscheinen können und in den Verdacht des Verrats vermutlich unweigerlich geraten.

[3] Zum Gegensatz zwischen dem klassischen Versöhnungsdenken einerseits und dem (nicht erst von Lyotard favorisierten) Begriff des Widerstreits vgl. Dallmayr (1991, 321-346); Mouffe (1999a, S. 27 ff.). Tatsächlich ist der hier suggerierte Zusammenhang von Widerstreit einerseits und unversöhnlicher Austragung von Antagonismen andererseits alles andere als zwingend (vgl. Liebsch/Straub (Hg.) 2003).

Sich geschlagen geben, nachgeben: zum Paradigma des Kompromisses

Wer sich geschlagen gibt (und nicht nur den Anschein erweckt), gibt zu, einen Kampf verloren oder keine Aussicht mehr zu haben, ihn sinnvoll fortsetzen zu können. Sich Anderen geschlagen zu geben, sistiert einen agonalen oder antagonistischen Konflikt und anerkennt die eigene Unterlegenheit, sei es vorschnell, sei es erst nach einem hinhaltenden Kampf, der schließlich keinen anderen Ausweg mehr zu lassen scheint. Doch selbst eine offenkundige Niederlage muss nicht als eine endgültige anerkannt werden. Wer sich vorerst geschlagen gibt, kann den Kampf später wieder aufnehmen und sich weigern, jemals endgültig zu kapitulieren. [4] So sehr das dem klassischen Helden wie auch dem *Loser* unserer Zeit Bewunderung eintragen mag, sofern es nur bedeutet, (sich) niemals aufzugeben, so gefährlich erscheint der unbedingte Wille, sich niemals geschlagen zu geben, für jedes soziale Zusammenleben. Wer sich *partout* nicht geschlagen geben will, kann am Ende überhaupt keine Niederlage anerkennen und beschwört in jedem agonalen Konflikt ein destruktives Zerwürfnis herauf, das bestenfalls noch durch einseitiges Nachgeben Anderer oder durch die Intervention einer dritten Instanz abzuwenden ist – zumal dann, wenn das zunächst agonale Verhältnis die Form eines eskalierenden Antagonismus annimmt, der zu einem Schisma der Beteiligten zu führen droht.

Dagegen wird oft die Kompromissbereitschaft als eine politische Tugend aufgeboten, die sich *im* agonalen Konflikt bewähren und ihn daran hindern soll, durch antagonistische und eskalative Steigerung in eine Schismogenese zu münden, die das soziale Verhältnis der Beteiligten zu zerstören droht. Kompromissbereitschaft kann diese Funktion freilich nur als eine *gegenseitige* erfüllen. So sehr sie oft aus rein taktischen Erwägungen heraus kaschiert oder sogar ausdrücklich negiert wird, im entscheidenden Moment, wenn man vor der Alternative steht, ob der agonale Konflikt nur noch abzubrechen oder antagonistisch und eskalativ fortzusetzen ist, muss man gegenseitig ggf. zum Kompromiss bereit sein. Andernfalls mündet der Konflikt nicht in eine Übereinkunft, in der man *einander* (eventuell auch ohne echten Konsens) entgegenkommt, sondern in eine einseitige Kapitulation bzw. Oktroyierung, durch die sich eine mächtigere Position vorläufig durchsetzt (und schon dadurch eine Revanche der Unterlegenen heraufbeschwört).

Mit Recht hebt denn auch Avishai Margalit (2005) die folgenden Merkmale eines echten Kompromisses hervor: der Kompromiss muss erstens aus einer Sackgasse herauszuführen versprechen, in die der agonale Konflikt die Beteiligten geführt hat, insofern sie sich weder einigen noch gegeneinander behaupten können, so dass ihre Beziehung selbst als nicht mehr fortsetzbar

[4] Sei es dazu genötigt durch „Dinge“, die niemals hätten geschehen dürfen (wie man sie von Immanuel Kant bis Hannah Arendt bedacht hat), sei es durch „Hintergedanken“, die einen dem Anschein nach beendeten Konflikt von Anfang an unterminieren oder wertlos machen. Vgl. dazu den bemerkenswerten Begriff eines „wahren Friedens“ „ohne Hintergedanken“ bei Valéry (1995).

erscheint; es muss sich zweitens um eine gegenseitige (*mutual*) Konzession handeln, so dass jeder dem Anderen genügend entgegenkommt; [5] das setzt drittens voraus, dass man das Anliegen des jeweils Anderen als solches wahrnimmt und in gewissen Grenzen als berechtigt anerkennt und ihm nicht eine endgültige Niederlage bereiten will. Im echten Kompromiss gibt nicht nur jeder Beteiligte nach, indem er auf subjektiv mehr oder weniger Wichtiges vorläufig oder endgültig Verzicht leistet; vielmehr wird dasselbe *gegenseitig als Entgegenkommen des Anderen gewürdigt*; und zwar im *Namen einer Einigung, deren Sinn über das im agonalen Konflikt Verhandelte gestellt wird*. In diesem Fall wird man sich über das Verhandelte nicht einig, wohl aber darin, dass es über die Uneinigkeit nicht zum ggf. irreparablen Zerwürfnis zwischen den Beteiligten kommen soll.

Faktisch wird allerdings vielfach der Sinn der Einigung durch eklatante Machtasymmetrien in Frage gestellt, die zu ganz unterschiedlichen Kosten des Entgegenkommens führen. Davon absehend lobt man gleichwohl den Kompromiss meist als eine der wichtigsten sozialen und politischen Techniken, durch die es überhaupt erst möglich werde, auf Dauer miteinander zu handeln, sich zu koordinieren, Vereinbarungen zu treffen, Streit zu schlichten und womöglich Frieden und Versöhnung zu stiften. In diesen vielfältigen Hinsichten sei der Kompromiss schlicht unumgänglich „zum Aufbau und Erhalt einer gemeinsamen Welt und zum Kultivieren der *convivialité*“ – als ein „Bollwerk gegen die Gewalt“.

[6] (Womit *en passant* unterstellt wird, auf dem Weg zum Kompromiss oder in ihm selbst begegne uns gar keine Gewalt.)

In diesem Verständnis wird die Kompromissbereitschaft als für eine verlässliche politische Kultur unverzichtbar beschrieben, die uns ans Herz zu legen scheint, auf *überhaupt nichts „kompromisslos“* zu bestehen, schon gar nicht auf etwas für *wahr* oder *sakrosankt* Gehaltenem. Für *wahr* oder *heilig* Gehaltenes, aber auch *kategorisch* Geltendes [7] gilt als schlechterdings *unverhandelbar* – und gerade deshalb nicht selten als eminente Gefahr für jedes Zusammenleben, in dem mit irreduzibel heterogenen Überzeugungen und heterodoxen Formen des Glaubens zu rechnen ist.

Zwar soll in einer politischen Kultur des Streits bzw. des agonalen Konflikts grundsätzlich alles zur Diskussion gestellt oder angefochten werden dürfen – aber nur bis zu einem Punkt, wo die agonale Auseinandersetzung selbst die Beziehung der miteinander Streitenden noch nicht gänzlich zu ruinieren droht und wenigstens noch eine „gegenstrebige Fügung“ (Heraklit), eine „ungesellige Geselligkeit“ (I. Kant), ein „Miteinander im Modus des Gegeneinander“ (M. Heidegger) oder eine „zwieträchtige Harmonie“ (N. Loraux) möglich erscheinen lässt, ohne das sog. „soziale Band“ zerreißen zu lassen. In diesem Sinne gilt die Erhaltung einer vielfältig strittigen Sozialität im Vergleich zu allem, was man für

[5] Keineswegs kommt man in der Regel einander „auf halbem Wege“ entgegen, wie es sprichwörtlich (aber irreführend) heißt. Viele Kompromisse werden von dem Verdacht unterhöhlt, eine Partei habe sich von einer anderen größere Zugeständnisse abnötigen lassen (und womöglich solche, die die Grenze des Erträglichen schon überschreiten – wie häufig diejenigen befinden, die an der Kompromissfindung selbst nicht beteiligt waren und doch ihr Ergebnis mit tragen sollen). Dieser Verdacht wird nicht zuletzt dadurch genährt, dass sich die Maßstäbe, die auf beiden Seiten im Spiel sind, auf heterogene Güter oder Werte beziehen, die sich wie Land und Frieden nicht arithmetisch miteinander verrechnen lassen.

[6] So heißt es im Exposé eines aktuellen Projekts der Arnoldsheimer Evangelischen Akademie über „Paradoxien des Kompromisses. Der Streit um die Unvermeidbarkeit zweitbester Lösungen“. Vgl. Assmann/Assmann (1990, 56 ff.).

[7] Vgl. Höffe (1989, 77).

absolut wahr oder heilig hält, als vorrangig. [8] Eine offene Gesellschaft, die ihre Offenheit in diesem Sinne bewahren wolle, müsse ihr „Allerheiligstes leer halten“. [9] Demnach dürfte sie es, paradoxerweise, allenfalls durch die ihrerseits leere Idee der Offenheit füllen. *Überhaupt keine* für absolut, schlechterdings nicht relativierbar bzw. für unanfechtbar gehaltene Überzeugung soll demnach um den Preis durchgesetzt werden dürfen, dass dies die Zerstörung der betreffenden Lebensform heraufbeschwört. So wird an ein *unbedingtes bzw. absolutes Interesse an deren Erhaltung* (um welchen Preis auch immer) appelliert und verlangt, ihm alles andere unterzuordnen. Wovon auch immer man absolut überzeugt ist, soll nicht um den Preis destruktiver Gewalt zur Geltung gebracht werden. Welchen menschlichen Sinn sollte auch die Durchsetzung einer vermeintlich absoluten Wahrheit haben, wenn sie die Zerstörung des sozialen Verhältnisses mit denen bedeuten müsste, gegen die sie durchgesetzt werden müsste?

So scheint sich auf den ersten Blick eine klare Alternative abzuzeichnen: entweder man hält an Wahrheitsansprüchen fest, die ggf. gewaltsam und um den Preis der Beschädigung oder Zerstörung der politischen Verhältnisse gegen Andere durchzusetzen wären, oder aber man verzichtet auf derartige Wahrheitsansprüche und lässt sich rückhaltlos auf Versuche der Einigung oder gegenseitiger Anpassung und des Kompromisses ein, die das politische Zusammenleben am Ende sogar unter Absehung von jeglichem Wahrheitsanspruch zu stabilisieren versprechen – vorausgesetzt, niemand sieht sich dazu genötigt, unwürdige Lebensbedingungen hinzunehmen.

Tatsächlich führt jene schroffe Alternative zwischen gewaltträgtem Insistieren auf Wahrheit vs. Pazifizierung des politischen Lebens um den Preis jeglicher Wahrheit in die Irre. So wenig Wahrheit notwendigerweise gewaltsam gegen Andere, denen sie sich nicht erschließt, durchgesetzt werden muss, so wenig kommt der Wille, dieses Leben zu befrieden, *prima facie* ohne die Berücksichtigung unbedingter Ansprüche aus; jedenfalls dann nicht, wenn es sich um ein würdiges Leben handeln soll. In der Tat sollte man niemandem nahe legen, sich „um des lieben Friedens willen“ auch mit unwürdigen oder demütigenden Lebensbedingungen abzufinden. Im Kampf um solche Bedingungen (sei es für sich, sei es für Andere) sollte sich niemand je geschlagen geben. Dabei kommt es aber *nicht* darauf an, ob man den Anspruch auf ein würdiges Leben „in letzter Instanz“ auf eine einsehbare *Wahrheit* gründen kann. Es genügt, dass dieser Anspruch insofern als *unabdingbar* gilt, als es buchstäblich undenkbar erscheint, [10] auf ihn zu verzichten. In diesem Sinne ist von überhaupt niemandem anzunehmen, er (oder sie) könnte (oder sollte) sich jemals mit Bedingungen eines unwürdigen oder dauernd gedemütigten Lebens abfinden. [11]

[8] M. E. kann indessen keine Rede mehr davon sein, der *Staat* (allein) sei der eigentliche Garant eines sozialen Lebens, das *in* und *trotz* seiner Konflikthaftigkeit nicht zerbreche, weil er Rechtssicherheit garantiere. Längst sind zahlreiche Konfliktlinien deutlich geworden, die eine allein staatlich zu gewährleistende politische Integration überfordern müssen und die deshalb eine Sozialphilosophie des Lebens *in* und *mit* Dissens auf den Plan rufen, der rechtlich unaufhebbar bleibt, zumal dann, wenn nachzuweisen ist, dass das Recht selbst in konfliktträgter Art und Weise eth(n)isch imprägniert ist, wie auch Habermas annimmt. Vgl. in diesem Sinne Hampshire (1983, ch. 7); Fulda (1990, 115, 125 f.); Preuß (1994, S. 116 ff.); Habermas (2007, 172 ff.); Rancière (1992); Liebsch (2005, 135-155; 2010a, 99-129).

[9] Vgl. Saage (2005, 252); Mouffe (1989, 33 zu Lefort).

[10] Natürlich ist dies *theoretisch* denkbar. Nicht aber *in praktischer Hinsicht*, wenn man bedenkt, dass Entwürdigung und Demütigung zwei extreme Formen der Verletzung menschlichen Lebens darstellen, das von sich aus nach allem, was wir wissen, darauf angelegt ist, *nicht verletzt zu werden*, so dass es sich mit der Gewalt vermeidbarer Verletzungen niemals indifferent abfinden kann; vgl. Liebsch (2010b, 141-156).

[11] Davon geht, wie mir scheint, auch Richard Rorty aus, der den Anspruch, solche unabdingbare Ansprüche als *wahre* auszeichnen zu wollen, aufgegeben hat. Rorty zufolge tragen „alle Menschen [...] ein Sortiment von Wörtern mit sich herum“, mit deren Hilfe sie zum Ausdruck bringen, *als* wer sie sich verstehen, wovon sie *überzeugt* sind und wer sie in diesem Sinne *sind*. Vielleicht verfügen wir sogar nur über „ein mittelpunktsloses Netz von Überzeugungen“, die nicht etwa fertig und abrufbereit vorliegen, sondern neu entstehen, wenn sie zum Ausdruck gebracht werden (1992, 127, 151). Zwar werden Überzeugungen nicht selten bekenntnishaft als „zentrale“

Fragen wir nun aber weiter, was denn unter solchen Bedingungen genau zu verstehen ist, so ist sofort die politische Brisanz dieser *prima facie* minimalen Ansprüche an ein Zusammenleben zu erkennen, das so weit wie möglich auf gewaltträchtige Wahrheitsansprüche verzichtet hat. Auch ein solches Zusammenleben muss *unabdingbaren* Ansprüchen Rechnung tragen, deren Auslegung dazu zwingen kann, einen Kampf um deren Gewährleistung aufzunehmen, in dem man sich auf keinen Fall geschlagen geben wird, wenn es um ein würdiges und nicht demütigendes Leben geht. Die Gewährleistung solcher Ansprüche kann und muss man Anderen zumuten (ganz abgesehen davon, ob sie einen selbst oder Fremde betreffen). [12]

Doch daraus folgt in keiner Weise, ihre Unabdingbarkeit berechtige ohne weiteres zur gewaltsamen Durchsetzung aus ihnen resultierender Forderungen. Im Übrigen sind auch unabdingbare Ansprüche wie die auf ein menschenwürdiges und nicht demütigendes Leben zu ihrer Realisierung auf Gestaltungsspielräume politischen Verhaltens angewiesen, die sich rasch verengen oder ganz schwinden, wenn diesen Ansprüchen mit Gewalt Nachdruck verliehen wird. *So tritt neben die Reklamierung ihrer Unabdingbarkeit die Sorge um die Erhaltung dieser Spielräume.* Dass diese es erfordern können, einen lang anhaltenden Kampf um die Gewährleistung menschenwürdiger und nicht demütigender Lebensbedingungen zu führen, bedeutet nicht zwangsläufig, dass man jene Ansprüche selbst verraten oder dass man sich *in the long run* geschlagen geben und auf sie verzichten müsste. [13]

A(nta)gonistische Konflikte: Zu Chantal Mouffes Begriff des Politischen

Der Begriff des konfliktualen Konsenses bei Chantal Mouffe entspringt genau jener Sorge. Zugleich soll er ausdrücklich tiefgreifenden Konflikten zwischen scheinbar unversöhnlichen, endlose Antagonismen heraufbeschwörenden Ansprüchen Rechnung tragen. Davon ausgehend entwickelt Mouffe einen Begriff des Politischen, der gewissermaßen an der Nahtstelle zwischen unbedingten Ansprüchen einerseits und dem seinerseits unbedingten Interesse an der Aufrechterhaltung einer politisch-agonistischen Lebensform situiert ist, die zwar nicht versprechen kann, unvereinbare Ansprüche zu versöhnen, die aber dennoch über sie zu stellen ist, weil allein sie in Aussicht stellt, ein politisches Leben *mit* nicht zu versöhnenden Ansprüchen möglich zu machen.

Gegen die verbreitete Apologie einer politischen Kultur des Konflikts als eines im entscheidenden Moment umwillen der Erhaltung einer sozialen Form des Zusammenlebens stets begrenzten Streits ist

Momente des eigenen Selbstverständnisses vorgetragen, die offenbar nicht zur Disposition stehen. Tatsächlich ist es aber, wie Rorty zeigt, schwierig, anzugeben, inwiefern diese Überzeugungen etwa einen „unverzichtbaren Kern“ eines in sich zentrierten Selbst ausmachen sollen. Darüber hinaus lassen sich gerade unsere „tieferen“ Überzeugungen vielfach gar nicht ohne weiteres namhaft machen. Ungeachtet einer gewissen Rhetorik, die andere auch ungefragt wissen lässt, wovon man „zutiefst überzeugt“ ist, wissen wir von den meisten – und womöglich gerade von den „tiefsten“ – unserer Überzeugungen nur wenig. Das liegt unter anderem daran, dass sie vielfach praktisch in unserer Erfahrung *operativ* wirksam sind, ohne als solche thematisch zu werden. In dieser Hinsicht ähneln Überzeugungen festen Erwartungen. Erst wenn wir enttäuscht werden, wird die „selbstverständliche“ Erwartung nachträglich deutlich, die zuvor nie durchkreuzt worden war. Die Enttäuschung zeigt: man war „überzeugt“, dass es sich *anders* verhält... Die artikulierte Überzeugung wird als retrospektive Kontrastfolie zur gegenwärtigen Andersheit thematisch, die als Kontingenz in die Erfahrung eingebrochen ist. Die Überzeugung, von deren *vorheriger* operativer Wirksamkeit wir *nachträglich* ausgehen, macht die Enttäuschung verständlich. Erst die Enttäuschung bringt aber die Überzeugung als solche ans Licht, wohingegen uns die nicht enttäuschte und insofern nicht erschütterte Überzeugung aufgrund ihres praktischen Funktionsmodus als solche gar nicht zu Gesicht kommt. So gesehen werden uns gerade tiefe, d. h. operative Überzeugungen nur als *erschütterte* bewusst.

[12] Und die Forderung, unbedingte bzw. unverzichtbare Ansprüche (vor allem solche, die mit der eigenen Selbstachtung vereinbar sind) zu gewährleisten, erstreckt sich faktisch, in der politischen Wirklichkeit, auch auf eine Vielzahl von Ansprüchen, deren allgemeine Verbindlichkeit nur schwer (oder gar nicht) einsichtig zu machen ist. So sehr Margalit im Recht sein mag mit seinem Bemühen, die Rede von unabdingbaren Ansprüchen auf die Forderung

immer wieder der Einwand erhoben worden, reale antagonistische Konflikte zu übertünchen und substantielle Differenzen zu verwässern, ja zu verraten, ohne deren angemessene Würdigung viele an den Rand der Lebbarkeit (*livelability*) ihres Lebens zu geraten drohen. [14] Chantal Mouffe bspw. legt dieser Apologie geradezu unpolitische Illusionen zur Last, die das Politische zum Verschwinden bringen, das in Wahrheit vom vitalen, agonalen oder antagonistischen Gegensatz zu Anderen lebe. Dagegen sei die Wirklichkeit unversöhnlichen Konflikts anzuerkennen, dem die Möglichkeit gegeben werden müsse, agonistisch legal ausgetragen zu werden, und der als solcher im Kampf um „Hegemonie“ geradezu die Kraft demokratischer Lebensformen ausmache. [15] Unzweifelhaft [16] scheint Mouffe, dass es an mannigfältigen Quellen von Antagonismen nicht fehlt und dass es deshalb darauf ankomme, für eine öffentliche Sphäre ihrer legalen und legitimen Austragung in *agonaler* Form Sorge zu tragen, um sie auf diese Weise zu entschärfen. [17] Wo das nicht gelinge, drohten sich Antagonismen gefährlich zu steigern und schismogene Formen anzunehmen, die das Zusammenleben früher oder später ruinieren. [18] Das muss ihrer Meinung nach um so mehr gelten, wie sich Antagonismen zwischen kollektiven Identitäten abzeichnen, die sich nur in polemogener Abgrenzung voneinander und am Ende auf Kosten realer Lebensmöglichkeiten Anderer gegeneinander durchsetzen wollen – was wie im ehemaligen Jugoslawien bis zum versuchten Genozid gehen kann.

Keineswegs empfiehlt Mouffe, in einer Kultur des Agonalen eine demokratische Lebensform selbst aufs Spiel zu setzen. Vielmehr setzt sie darauf, ungeachtet unaufhebbbarer Konflikte könne man sich im Ansinnen der agonalen „Hegung“ von antagonistischer Unversöhnlichkeit allgemein einig und in diesem Sinne *im Voraus verständigt* sein oder *wenigstens nachträglich* Verständigung in diesem Sinne immer wieder herzustellen versuchen. [19] So hält Mouffe an einem konfliktualen Konsens fest, der ein soziales Band verbürgen soll, das die dem Konflikt ausgesetzten Lebensformen nicht zerstören dürfen. Auch diese, auf den ersten Blick überaus polemische Abrechnung mit einer verwässerten „Kultur des Konflikts“ mündet so gesehen in altvertraute Perspektiven der Begrenzung agonalen und antagonistischen Konflikts – etwa durch gegenseitiges Entgegenkommen oder durch einseitige Anerkennung des Unterlegenseins unter die hegemoniale Position Anderer. [20]

Mouffe plädiert einerseits für die unbedingte Bereitschaft, sich für jede, auch radikale Infragestellungen durch *prima facie* unversöhnliche Konflikte aufgeschlossen zu erweisen; andererseits scheint sie aber doch am regulativen Sinn ihrer Befriedung festhalten zu wollen, die verlangt, dass man bereit ist, sich geschlagen zu geben (vgl. Mouffe 2007, 33 in Anlehnung an Elias Canetti), auch wenn man nicht Recht bekommen oder hegemonial triumphieren kann. Mouffe glaubt,

nach Gerechtigkeit und Nicht-Demütigung zu beschränken (siehe sein Buch *The Decent Society*), so realitätsfern wäre es, zu glauben, die politische Wirklichkeit werde sich je konsequent nach derartigen Vorgaben richten. Auch der Philosoph steht in der Gesellschaft und ist dem in ihr aufbrandenden Streit um unverzichtbare Ansprüche (und deren z. T. maßlose Überdehnung) rückhaltlos ausgesetzt. Er kann nur dafür werben, a) bestimmte, minimale Ansprüche (wie die beiden genannten) auszuzeichnen, um b) ein ansonsten weitgehend liberales, freies Zusammenleben denkbar erscheinen zu lassen, das nicht ständig durch den Konflikt unvereinbarer Überzeugungen, Werte und Normen überfordert wird. Mit anderen Worten: jede theoretische Deutung auch minimaler, aber unverzichtbarer Ansprüche, die politisch (rechtlich usw.) zu gewährleisten sind, ist ihrerseits in den politischen Streit verstrickt und kann keine souveräne Position über ihm einnehmen (um etwa allgemein verbindliche Lösungswege vorzuschlagen).

[13] Doch der *Verdacht* des Verrats ist unweigerlich im Spiel. Siehe oben, Anm. 2.

[14] Um einen zentralen Begriff Judith Butlers aufzugreifen (Butler 2006, XV); zur irritierenden Suche nach Antagonismen, die teilweise überaus konstruiert wirken, da sie „fundamentale Konflikte“ beschwört, zu denen sowohl die Arenen als auch die Adressaten fehlen, vgl. Hart/Negri (2000, 21, 34, 61, 90, 95, 208, 237); Saage (2005, 278, zu Agnoli).

[15] Mouffe lehnt sich mehrfach an Wittgensteins Begriff der Lebensform an, der allerdings auf spezifische Sprachspiele gemünzt ist und in kultureller wie auch politischer Hinsicht zweifellos unterkomplex bleibt; vgl. Mouffe (1999b, 749); Garver (1999, 37-52); Liebsch (2001).

[16] Mouffe erwägt nicht, warum denn das so (in Anlehnung an Carl Schmitt) bestimmte Politische (Mouffe

dass die nicht zu beschönigende Härte sozialer und politischer Konflikte mit dem allseits verfolgten Ziel zusammenhängt, für sich selbst eine hegemoniale Vormacht zu gewinnen. Die generalisierte Erwartung, zumal im politischen Konflikt sei von vornherein mit nichts anderem zu rechnen, muss offenbar den Machtkampf verschärfen. Selbst diejenigen, die nicht auf Hegemonie aus sind, müssen demnach gewärtigen, dass andere dieses Ziel verfolgen, und sich darauf einstellen. [21] Auf der Basis jenes konfliktualen Konsenses soll man Mouffe zufolge allerdings erwarten können, dass sich diejenigen, die einer hegemonialen Position unterlegen sind, auch wirklich geschlagen geben und den Kampf nicht mit allen Mitteln fortsetzen. Geschieht dies doch, so machen sich die dafür Verantwortlichen ihrerseits zu Feinden der agonistischen Lebensform und müssen damit rechnen, nicht mehr als legale Gegner behandelt zu werden. So hat die Apologie des Agonalen bei Mouffe unverkennbar eine Kehrseite radikaler Verfeindung, die die Frage aufwirft, welchen Umgang sie mit Feinden empfiehlt, die sich nicht länger als Gegner einstufen lassen. Dieser Frage kommt für ihre politische Theorie deshalb besonderes Gewicht zu, weil sie ihren theoretischen Gegnern immer wieder vorwirft, nur noch eine pazifizierte Welt denken zu wollen, in der weder für politische (unaufhebbare) Gegnerschaft noch für echte Feindschaft Platz sei. Von Habermas über Beck bis Giddens denke man nur noch eine einheitliche kosmopolitische Welt, in die sich moralisch alle „einbezogen“ wissen dürften. Für echte Feindschaft sei in einem solchen Denken gar kein Platz mehr. [22] Dagegen setzt Mouffe die Konzeption einer von vielfachen kollektiven Differenzen durchzogenen plurizentralen Welt, die politische Lebensformen ständig mit zwei Herausforderungen konfrontiert: mit der Aufgabe der *Reduktion schismogener Antagonismen zu agonalen Konflikten zwischen legalen Gegnern* einerseits und mit der Aufgabe andererseits, dem *Rückfall von agonalen Konflikten in Antagonismen vorzubeugen*, die das Potential radikaler Verfeindung in sich tragen.

Ein solcher Rückfall droht beispielsweise für den Fall, dass die von anderen erlangte hegemoniale Position in fortgesetzten Machtmissbrauch mündet. Besteht seitens der Unterlegenen keine Aussicht mehr, dagegen effektiv Klage zu führen, so verschärft sich u. U. der zunächst in agonaler Form gehegte Konflikt wieder zum Antagonismus, dessen eskalative Dynamik das Verhältnis der Beteiligten früher oder später zu ruinieren droht. So gesehen gelingt die Überwindung, Aufhebung oder *Sublimierung* (Mouffe 2007, 31) des im Antagonistischen angelegten Potenzials radikaler Verfeindung niemals völlig. Die ständige Bemühung um *Entfeindung* (durch agonale Bändigung des Antagonistischen [23]) kann im Prinzip jederzeit scheitern. Jener konfliktuale Konsens lässt sich nur als (implizites) Versprechen verstehen, es nicht dazu kommen lassen zu wollen. Aber kein Versprechen kann jemals einer Garantie

2007, 11) nicht Vergangenheit sein sollte – z. B. wenn es womöglich an „festen Überzeugungen“ fehlt, die Antagonismen hervorrufen könnten (Mouffe 2007, 56), oder weil man keine „unversöhnliche“ Überzeugung über die regulative Idee des Auskommens miteinander zu stellen bereit ist. Vgl. Mouffe (2002, 615 f.). Bei Mouffe hat es stellenweise den Anschein, sie beschwört radikale (aber inhaltlich vage bleibende) Antagonismen geradezu herauf, von deren Vorliegen sie in einem saturierten demokratischen Leben gar nicht mehr überzeugt ist (Mouffe 2007, 34 f.). Wie Mouffe, so sehen sich auch Hardt und Negri dazu genötigt, nach Quellen agonalen und antagonistischen Konflikts zu forschen, die kaum mehr als solche erkennbar sind, wo man scheinbar alles für verhandelbar und kompromissfähig hält, so dass sich für nichts mehr ein lang anhaltender Kampf zu lohnen scheint, in dem man nicht bereit wäre, sich ohne weiteres oder langfristig geschlagen zu geben.

[17] Dieser Gedanke wird in zahlreichen Aufsätzen wiederholt vorgetragen, in denen allerdings auch ein bemerkenswertes Schwanken in der theoretischen Zuordnung von Antagonismen und agonalen Konflikten festzustellen ist. Mal heißt es, Konflikte könnten sich entweder in antagonistischer oder agonaler Form ausbilden, mal heißt es, agonale Konflikttaustragung beruhe stets auf einer Bändigung bzw. Domestizierung ursprünglich antagonistischer Verhältnisse. Vgl. das Interview mit H. Evans, P. Tambakaki und P. Burke unter dem Titel „Democracy – Radical and Plural“ (2001-2, 12).

[18] So, unter Rückgriff auf den Begriff der Schismogenese bei Gregory Bateson (1983, 99-113), verstehe ich jedenfalls Mouffe, die sich ihrerseits nicht an das Vokabular dieses Ethnologen anlehnt und deshalb die eigentliche soziale und politische Brisanz von Antagonismen nicht recht deutlich machen kann. Nur aus dem Kontext ihrer Überlegungen geht hervor, dass sie sich um eine *feindselige* Zuspitzung von Antagonismen sorgt. Aber dieser Begriff hat mehrere,

gleichkommen. So wie sich – nach den einschlägigen Analysen, die Nicole Loraux der politischen Theorie der Antike gewidmet hat [24] – jeder Konflikt zum Bürgerkrieg (*stasis*) steigern und in einen die politische Lebensform ruinierenden *polemos* umschlagen kann, so kann jedes agonale Verhältnis trotz eines gegenteiligen Versprechens in einen destruktiven Antagonismus umschlagen. Dem soll allerdings die allgemeine Bereitschaft vorbeugen, sich ggf. einem hegemonialen Machtanspruch geschlagen zu geben, gegen den man sich nicht durchsetzen kann. [25]

Sich geschlagen zu geben, kann sehr Verschiedenes bedeuten: bloß dem Anschein nach nachzugeben, sich überstimmen zu lassen (und eine in Folge dessen getroffene Entscheidung mitzutragen) oder den Weg eines Kompromisses zu eröffnen, den man niemals beschreiten könnte, wenn man nicht gegenseitig bereit wäre, auf die einseitige Durchsetzung eigener Positionen zu verzichten. Bei Apologeten agonalen Konflikts ist der Kompromiss, ungeachtet dieser Unterschiede, allerdings fast ebenso verrufen wie der Konsens (vgl. aber Mouffe 2007, 43). Sei es, weil er wie gesagt Machtasymmetrien kaschiert, sei es weil er im generalisierten Verdacht steht, Unverzichtbares preiszugeben, über das sich allzu Kompromissbereite und Nachgiebige vielleicht nicht einmal im Klaren sind.

In diesem Zusammenhang spricht Avishai Margalit vom Modell einer *ökonomisierten Politik*, die scheinbar grundsätzlich alles im sozialen Austausch gegen anderes einzutauschen, zur Disposition zu stellen und zum Gegenstand von Verhandlungen zu machen empfiehlt, wenn man sich davon nur einen gewissen Vorteil verspricht. „Economic life is based on the idea of substitution: one good can be substituted for another, and this is what enables exchange in the market. Exchange leaves room for negotiation; and where there is room for negotiation, there is room for compromise. Compromise has an internal relation to what is exchangeable and divisible.“ [26] So gesehen können unbedingte Ansprüche von einem solchen Modell ökonomisierter Politik so wenig erfasst werden wie das Interesse an der Aufrechterhaltung einer politischen Lebensform, die allein garantieren kann, dass man sich überhaupt in soziale Austauschbeziehungen begeben und sich in ihnen halten kann.

Sakrales und unbedingt zu Achtendes: Avishai Margalit

Von der Sphäre des Austausch- und Verhandelbaren, in der Kompromisse grundsätzlich möglich sind, scheint Margalit allerdings nur *das Heilige* ausgenommen: „The holy is that which is not for negotiation, let alone compromise. Crudely put, one cannot compromise over the holy without compromising the holy“ (Margalit 2005, 195). Allerdings sind in der Welt nirgends eindeutige,

von Mouffe nicht differenzierte Bedeutungen, die keineswegs eine solche Steigerung des antagonistischen Verhältnisses nahe legen. Im Allgemeinen bedeutet Antagonist (griechisch ἀνταγωνιστής [*lantagōnistēs*], „der Gegenhandler“) zunächst nur Widersacher, Gegner, Opponent, Rivale, Widersacher, Gegenspieler (wie auch im Schauspiel, im Film oder in der Literatur der Gegenspieler des Helden). In der Pharmakologie spricht man von einer antagonistischen Substanz, die einen bestimmten Transmitter unter Blockierung eines entsprechenden Rezeptors in seiner Wirkung hemmt, ohne selbst chemisch verändert zu werden. In der Anatomie und Physiologie meint der Begriff einen Muskel, der bei einer Bewegung gedehnt wird; in der Ökologie eine lebensbedrohliche Störgröße oder einen Feind (Parasit, Krankheitserreger oder Räuber); in der Zahnmedizin schließlich einen Zahn, der einem anderen (Agonisten) gegenüberliegt. Mouffe erwägt diese verschiedenen Deutungen des Antagonistischen nicht. Statt dessen erweckt sie den irreführenden Eindruck, in Differenzierungen kollektiver Identitäten allein schon liege ein *schismogenes* Potenzial der *Verfeindung*. So, im Rekurs auf Nietzsche, ist immer wieder auch Heraklit gedeutet worden; vgl. Safranski (2002, 350 f.; vgl. ebd. 168, 190). Hier „kommt [man] aus der Geschichte der Verfeindungen nicht heraus“.

[19] Demgegenüber würden „wir“, zwischen denen diese Einigkeit besteht, diejenigen, die unsere „grundlegenden Institutionen in Frage stellen, nicht als legitime Gegner behandeln“ (Mouffe 2007, 158).

[20] Diese Einschätzung bestätigt sich bei der Lektüre von Mouffes Aufsatz über „Wittgenstein, Political Theory and Democracy“ (<http://them.polylog.org/2/amc-en.htm>), in dem sie sich bedenklich einem kommunitaristischen Tugenddiskurs nähert (den sie allerdings auf der Linie Quentin Skimmers mit einem republikanischen Freiheitsbegriff verknüpft sehen möchte); vgl. desgleichen Mouffe (1992b, 225–239; 1988, 203 ff.).

objektive Grenzen zwischen Austauschbarem und Kompromissfähigem einerseits und dem Heiligen andererseits erkennbar. Wo die einen Entgegenkommen für möglich halten (etwa in der Frage des Zugangs zu sakralen Stätten), handelt es sich für die anderen bereits um Sakrilege, absolute Verletzungen des Heiligen, die ebenso absolute Sanktionen nach sich zu ziehen drohen. Wie weit auch immer die jeweilige Sphäre des Heiligen reicht, klar ist für Margalit, dass in ihrem Bezirk keinerlei Kompromiss möglich ist. Wie auch immer praktisches Leben im Zeichen des Heiligen zu Kompromissen mit einer profanen Welt gezwungen ist, „the logic of the holy as an ideal type is the negation of the idea of compromise“ (ebd.).

Gegen Margalit wäre einzuwenden, dass nicht nur spezifisch religiös oder gar konfessionell Heiliges, sondern auch *Maßgaben absoluter Verpflichtung auf unbedingt zu Achtendes dem Kompromiss entzogen sind*. In diesem Sinne kennen auch säkulare Lebensformen absolute bzw. verabsolutierte Maßgaben, die freilich nicht im religiösen Sinne als Momente des Heiligen zu verstehen sind. Als ein prominentes Beispiel wäre die im Art. 1 des Deutschen Grundgesetzes für „unantastbar“ erklärte Würde des Menschen zu nennen, die in den Augen mancher Interpreten das säkular Sakralisierte *par excellence* auf den Begriff bringt, das in keiner Weise, niemals und unter keinen Umständen zur Disposition gestellt, auf Anderes relativiert, durch Anderes substituiert oder gegen Anderes ausgetauscht werden und niemals zum Gegenstand irgend eines Kompromisses gemacht werden soll. Zwar lässt sich der Begriff der Würde schwerlich mit traditionellen Bestimmungen des Heiligen wie der des *mysterium tremendum* (R. Otto) oder mit dem Gedanken unbedingter Verehrung verknüpfen. Doch verbindet die Würde mit dem Heiligen, dass sie sich nicht als Gegenstand von Kompromissen vorstellen lässt.

Zwar gilt nach wie vor als strittig, worauf sich der Begriff der Würde eigentlich stützt, ob er letzter und allgemein überzeugender Begründung überhaupt fähig ist. Doch selbst diejenigen, die das verneinen und dafür eintreten, den Begriff nicht als theoretisches Konzept einer Natur des Menschen etwa, sondern als Ausdruck einer praktischen *Würdigung* zu verstehen, die wir jedem Anderen als Anderem schulden, stehen offenbar dafür ein, die Würde als unbedingt zu Achtendes zu verstehen und in dieser Hinsicht jeden Gedanken an mögliche Kompromisse zurückzuweisen. [27] In diesem Sinne wird die Würde des Anderen als solche praktisch bezeugt (aber nicht bewiesen) – und dennoch zu einer gleichsam unverrückbaren Wahrheit (wenn nicht zum Säkular-Sakralen *par excellence*) erhoben.

Auf den ersten Blick widerspricht das eklatant den von den Sophisten bis hin zu Hannah Arendt wiederholten Warnungen davor, irgend eine Wahrheit in menschlichen Lebensformen zur Geltung

[21] Ich sehe hier von einer weiteren Diskussion des Hegemonie-Begriffs ab, der dazu verleitet, in höchst fragwürdiger Art und Weise jede politische Taktik und Strategie zum Kampf um hegemoniale Überlegenheit verurteilt zu verstehen. Ein Aussetzen, Suspendieren, Sistieren oder andersartiges Unterbrechen hegemonialer Kämpfe kommt so kaum in den Blick – allenfalls die Frage, ob ein Missbrauch erkämpfter Macht sie nicht eminent gefährdet. So gesehen würde zum „kompromisslosen“ Kampf um Hegemonie doch wenigstens die Sorge gehören, dass die in ihm Unterlegenen nicht schiere Unterdrückung erfahren.

[22] Die Berechtigung dieser Kritik kann hier nicht i. E. beurteilt werden. Tatsächlich spricht etwa Beck von einer „feindlosen Demokratie“ (in dem gleichnamigen Buch, Stuttgart 1995) bzw. von einem Staat, der sich „auf der Suche nach dem verlorenen Feind“ befindet. Doch wäre erst zu zeigen (was Mouffe nicht tut), ob nicht der Gedanke der „Einbeziehung des Anderen“ (Habermas) gerade dem Feind als solchem gelten kann.

[23] Mouffe (2000, 149). Mouffes Terminologie schwankt allerdings in diesem Punkt. In agonalen Konflikten stehen sich Gegner (*adversaries*) oder „legitime Feinde“ gegenüber, die gewisse ethisch-politische Prinzipien oder eine „specific language of civil intercourse“ im Sinne einer *res publica* verbinden sollte. Im Begriff des Feindes unterschlägt Mouffe jedoch weitgehend das Moment des Schadens, den Feinde einander anzutun streben; (vgl. Mouffe 1998, 16; 1992a, 31).

[24] Loraux (1993; 1994, 31-64).

[25] Zu wenig bedenkt Mouffe hier, wie jenes soziale Band genau zum Tragen kommt. Wenn es *nur kraft jenes Konsenses oder Versprechens* besteht, droht es in der Tat durch Prozesse antagonistischer Verfeindung restlos ruiniert zu werden. Wenn indessen Aussicht auf agonale

bringen zu wollen, die grundsätzlich nicht durch absolute, scheinbar durch nichts zu relativierende Ansprüche überfordert werden sollten. Muss nicht jegliche Berufung auf einen absoluten bzw. im oben präzisierten Sinn unabdingbaren Wahrheitsanspruch die Unvereinbarkeit des Zusammenlebens mit Anderen heraufbeschwören, die von ihm nicht überzeugt sind (und die sich auch durch Formen praktischer Bezeugung eines solchen Anspruchs womöglich niemals überzeugen lassen werden)?

In der Tat schließen Lebensformen, die sich auf die Achtung der Würde jedes Anderen verpflichtet haben, kategorisch Kompromisse hinsichtlich dieses (im Deutschen Grundgesetz durch die Deklaration der Unantastbarkeit der Würde des Menschen verabsolutierten) Maßstabs aus. Sie entziehen die Frage, ob man die Würde nicht vielleicht unter gewissen Umständen „relativieren“ dürfe, jeglicher Verhandlung – wie es schon Kant nahe legte, als er die Würde als einen *absoluten Wert* einstuft und sie damit jeglicher Ökonomisierung im Sinne relativer Werte (bzw. Preise) entzog. Die an Kant anschließende und bis heute anhaltende Debatte um die Menschenwürde hat allerdings gezeigt, dass der Begriff weitgehend offen lässt, worauf er sich „letztlich“ gründet und was es genau bedeutet, die Würde zu achten bzw. sie zu verletzen. Deshalb besteht grundsätzlich jederzeit die Möglichkeit, dass tief greifender Streit um die Frage ausbricht, ob Lebensformen, die sich auf die Achtung der Menschenwürde verpflichtet haben, sie tatsächlich achten (oder ob sie sie in der Praxis des sozialen und politischen Lebens womöglich systematisch missachten). Somit liegt im moralischen Anspruch auf Achtung der menschlichen Würde ein antagonistisches Potenzial, da sich nicht vorstellen lässt, er könne Gegenstand von Kompromissen werden – zumal keineswegs klar aus ihm hervorgeht, wie er politisch zu deuten ist.

Damit wird eine extreme Instabilität dieser Lebensformen heraufbeschworen. Denn der absolute bzw. verabsolutierte Wert, auf dem sie in diesem Falle beruhen sollen, und der als solcher nicht wiederum Gegenstand politischer Auseinandersetzungen sein sollte, kann die Funktion eines grundlegenden und nicht kompromissfähigen Maßstabs nur um den Preis einer weitgehenden Vagheit seiner konkreten sozialen und politischen Bedeutung erfüllen. Diese zu interpretieren und praktisch zu implementieren bleibt vor allem den Lebensformen selbst überlassen, die sich nach diesem Maßstab richten sollen. Insofern kann es ihnen nicht gelingen, sich ohne weiteres durch dessen grundrechtliche Fixierung und Positivierung zu stabilisieren. Vielmehr bleibt selbst die für unantastbar erklärte Würde unvermeidlich strittiger Gegenstand von Auseinandersetzung in den politischen Lebensformen, deren unanfechtbaren moralisch-rechtlichen Grund sie darstellen sollte. Angesichts der (ebenfalls unvermeidlichen) Vagheit des Begriffs aber ist radikaler Streit um die Frage gleichsam

Bändigung eines antagonistisch-verfeindeten Verhältnisses bestehen soll, muss dann nicht in letzterem wenigstens die Möglichkeit der Wiederanknüpfung durch ein- oder gegenseitige Ansprechbarkeit gegeben sein? Es ist ein Desiderat, dieser Frage weiter nachzugehen. Während Philosophen wie Derrida und Levinas ganz und gar von dieser Ansprechbarkeit her selbst radikale Feindschaft zu denken vorschlagen, die nur aufzuheben sein wird, wenn man dem Anderen *wenigstens das Verlangen danach ansinnen* (und damit Gehör finden) kann, beschränken andere das soziale Band auf positive Zugehörigkeiten bzw. Bindungen so, als ob nicht das *inter-esse* (Arendt) im *dissens* (Rancière) im Prinzip jederzeit auch wieder zerreißen könnte. Ob in einem solchen Fall noch ein „Kredit“ Aussicht auf Erfolg hätte, der neues Vertrauen selbst in einen Feind stiften könnte, wäre mit Ricœur zu erwägen (2004, 769 ff.).

[26] Margalit (2005, 195). Zit. nach der Web-Seite der *Tanner Lectures on Human Values*; vgl. Arendt (1994, 43 ff.).

[27] Vgl. Liebsch (2007, 227-257).

vorprogrammiert, ob die fraglichen Lebensformen diesem Grund tatsächlich gerecht werden oder ob sie ihn geradezu verraten.

In dieser Frage dürfte kein Kompromiss möglich sein, der die Würde selbst (und nicht bloß eine kontextuelle Interpretation der Anwendung dieses Begriffs) zur Disposition stellt. Tatsächlich scheint dies ja auch niemand tun zu wollen. [28] Dennoch wird die Würde (wie viele Grundrechte auch) oft genug missachtet. [29] Und wie dies geschieht, weckt eben doch radikale Zweifel daran, ob man diesen Begriff überhaupt ernst nimmt. In dieser Frage wiederum dürfte man zu überhaupt keinem Kompromiss bereit sein, wenn die Würde nicht doch, allen Lippenbekenntnissen zu ihr zum Trotz, als „antastbar“ erscheinen soll.

Was nun die so hoch gelobte Kompromissbereitschaft angeht, so befinden wir uns hier offenbar in einer aporetischen Lage:

1. Vielfach wird Kompromissbereitschaft als für die verlässliche Sicherstellung einer gemeinsamen sozialen und politischen Welt absolut unabdingbar bezeichnet. Und man traut wenn nicht allein, so doch vor allem ihr zu, die gewaltsame Eskalation politischer Konflikte verhüten zu können.

2. Jedoch sollte auch die Kompromissbereitschaft ihrerseits minimalen Maßgaben (wie der Achtung der menschlichen Würde) genügen. Vor allem Margalit hat sich deshalb darum bemüht, echte bzw. akzeptable Kompromisse von „unwürdigen“ (*indecent*) Kompromissen zu unterscheiden. Letztere, meint er, dürften niemandem abverlangt werden; und zu unwürdigen Kompromissen sollte auch niemand bereit sein.

3. Politische Lebensformen, die mit der Würde vereinbar sein sollten, deren Achtung wir jedem Anderem schulden, verlangen demnach einerseits eine weitgehende Kompromissbereitschaft, schließen sie jedoch auch aus, wenn sie mit dieser Achtung konfigurieren. Zugleich bleibt in ihnen aufgrund der unvermeidlichen Vagheit des Begriffs der Würde notorisch unklar bzw. strittig, wo ein Fall vorliegt, in dem die jedem Anderen geschuldete Achtung der Würde verletzt wird.

4. In Folge dessen *scheitert unumgänglich* die Strategie, das agonal-antagonistische Konfliktpotenzial in politischen Lebensformen *entweder* dadurch zu entschärfen, dass man jegliche Berufung auf vermeintlich absolute Wahrheiten (bzw. auf Sakrales) unterbindet, *oder* sie nur noch auf einen „minimalen“, für unverzichtbar gehaltenen Anspruch (wie den der Achtung der Würde) zu verpflichten, um sich ansonsten mit nicht-idealen, sog. „zweitbesten“ Lösungen zu begnügen, die kein letztes Fundament haben und die nur auf dem gemeinsamen Willen beruhen, es ungeachtet radikalen Streits nicht zum Zusammenbruch der jeweiligen Lebensform kommen zu lassen.

[28] Auch F. J. Wetz nicht, der einem seiner Bücher den Titel gegeben hat *Die Würde der Menschen ist antastbar* (Stuttgart 1998).

[29] Nach mündlicher Auskunft von Christian Tomuschat (anlässlich der vom Leipziger Institut für Politikwissenschaft sowie von der Leipziger Sektion von Amnesty International veranstalteten Vortragsreihe „Die Menschenrechte und die Frage nach ihrer universellen Gültigkeit“) gehen pro Jahr etwa 57000 Klagen beim Europäischen Gerichtshof für Menschenrechte in Straßburg ein. Nur etwa 2000 von ihnen werden inhaltlich behandelt. Doch ist kaum anzunehmen, beim weit überwiegenden Anteil der nicht zugelassenen Klagen handle es sich lediglich um Beschwerden von Querulanten.

5. Wenn dieser Wille nicht die Nötigung zu unwürdigen Kompromissen beinhalten soll, so hat er eine Grenze an der verlangten Achtung der Würde aller Anderen. Sieht man diese jedoch verletzt, muss man im Grunde jeden Kompromiss verweigern und kategorisch verlangen, diese Verletzung als eine Form unannehmbarer Gewalt abzustellen. So gerät die Bereitschaft, auch um den Preis schmerzhafter Kompromisse zusammen zu leben, unumgänglich in Konflikt mit dem absoluten bzw. unverzichtbaren (minimalen) Maßstab, dem alle Kompromisse genügen müssen, sollen sie nicht unwürdig ausfallen.

6. In diesem Konfliktfall stellt sich jedoch nicht nur die Frage, *ob* dieser Maßstab mit der geforderten Kompromissbereitschaft *so* konfligiert, dass er mit dieser unvereinbar zu sein scheint. Vielmehr stellt sich auch die Frage, *wie* der daraus sich ergebende Widerstreit *auszutragen* ist. Selbst die eindeutige Feststellung, dass eine Verletzung der Menschenwürde vorliegt, berechtigt nicht zu einem kompromisslos-gewaltsamen Vorgehen gegen diejenigen, die man ggf. für sie verantwortlich machen muss. Auch ein verabsolutierter Wert, der wie die Würde einer rückhaltlos ökonomisierten Politik entzogen gedacht wird, in der man beliebige relative Werte für einen gewissen Preis gegen andere einzutauschen bereit ist, rechtfertigt es nicht, die Überlebensfrage politischer Lebensformen indifferent und gewaltsam zu übergehen, *ob man trotz und in radikal strittigen Auseinandersetzungen noch die Form eines (zweideutig) geteilten Lebens zu bewahren vermag*.

Eine kompromisslos-gewaltsame Umsetzung der Forderung nach Achtung eines absoluten Wertes müsste unweigerlich mit dieser Überlebensfrage in Konflikt geraten. Sie würde vielleicht dieser an sich berechtigten Forderung gegenüber Anderen äußersten Nachdruck verleihen; jedoch so, dass unter Berufung auf die Wahrheit dieser Forderung das Leben mit ihnen wiederum unmöglich zu werden droht. So würde sich diese Wahrheit schließlich gegen die Menschen richten, deren Leben sie eigentlich am Richtigen, am Gerechten oder am Guten ausrichten sollte.

Das ist es, was Hannah Arendt dazu bewog, politische, besonders demokratische Lebensformen gegen absolute Wahrheitsansprüche jeglicher Art abgrenzen zu wollen. Jedoch konnte auch sie moralische Überzeugungen, die sie kaum zur Disposition gestellt sehen wollte, allen voran die Überzeugung, es müsse jedem dass Recht zustehen, Rechte zu haben und wenigstens einer politischen Lebensform bzw. einem Staat zuzugehören (der auch einer sonst nirgends juridisch positivierten Menschenwürde Nachdruck verleihen müsste). Was Arendt fürchtete, war im Grunde denn auch weniger die Berufung auf die fragliche, streng genommen gar *nicht beweisbare „Wahrheit“* eines solchen Rechts (oder der Würde des Menschen), sondern vielmehr die *unnachsichtige Kompromisslosigkeit der Umsetzung eines solchen Rechts* in praktisches Handeln gegen Andere, die

es nicht zu kennen, nicht zu achten oder massiv zu verletzen scheinen. Doch liegt, Carl Schmitt und Chantal Mouffe zum Trotz, weder in der säkularen Berufung auf die Menschenwürde noch im religiösen Insistieren auf der Sakralität der Person die geringste Rechtfertigung für (ihrerseits womöglich „menschenverachtende“) Gewalt gegen Andere. [30] Die Achtung der verletzten Würde Anderer einzuklagen, berechtigt nicht dazu, sich zur Würde derer gleichgültig zu verhalten, denen diese Verletzung zur Last zu legen ist. So bleibt die Berufung auf einen absoluten Wert wie die für unantastbar erklärte Würde des Anderen im praktischen Feld der Frage, wie ihr gerecht zu werden ist, unumgänglich zurückverwiesen auf das zwielichtige Milieu „zweitbester“ Lösungswege, wo nicht zuletzt auf dem Spiel steht, ob man sich im kompromisslosen Kampf für ideale Ziele nicht eben die Gewalt selbst zuzieht, die man unter Berufung auf eine für absolut gehaltene Wahrheit oder auf das Heilige als schlechterdings nicht hinzunehmende Verletzung gebrandmarkt hat.

Das Verlangen nach einem lebbaren Leben und die Vitalität des Politischen

Offenbar ist es ebenso unannehmbar (und politisch unrealistisch), umwillen der kompromissaften Erhaltung oder der Pazifizierung politischer Lebensformen nicht nur Verzicht auf jegliche letzte Wahrheit, sondern auch auf unbedingte bzw. als unverzichtbar erscheinende Ansprüche zu verlangen, wie weiterhin daran festzuhalten, solche Lebensformen einer unanfechtbaren Wahrheit zu unterwerfen, die keinerlei Kompromisse gestatten würde. Was Edmund Burke dagegen als die politische Tugend *par excellence* empfahl, nämlich die Bereitschaft zum Kompromiss, kann ohne weiteres auch als polemogene Aufforderung zum Verrat an jedem unbedingten Anspruch aufgefasst werden. Jeder Versuch kompromissloser Durchsetzung eines solchen Anspruchs geht andererseits schon mit destruktiver Gewalt schwanger, die die Frage aufwirft, ob eine solche Durchsetzung überhaupt dem politischen Zusammenleben zu dienen verspricht.

Vermutlich sind die Zeiten wenigstens vorläufig vorbei, in denen sich gewisse Technokraten einer vermeintlich machbaren fortschrittlichen Geschichte damit begnügen konnten, diese Frage als unerheblich abzutun, wenn sie nur konsequent bzw. kompromisslos dazu bereit waren, Andere zu opfern, die sich ihrer Wahrheit nicht anschließen mochten. Heute lässt sich überhaupt keine Geschichtsphilosophie mehr verteidigen, die uns Opfer im Namen irgendeines Fortschritts hinzunehmen empfiehlt. Doch um die entgegengesetzte, unbedingt „anti-sakrifielle“ Forderung (vgl. Ricoeur 1995, 85 f.), sich weder mit der Opferung Anderer noch mit der Entwürdigung Anderer

[30] Vgl. Schmitt (1996, 55); Liebsch (1999, Kap. 2). Mouffe scheint sich dem berüchtigten Diktum Schmitts „Wer Menschheit sagt, will betrügen“ stellenweise ohne weiteres anschließen zu wollen. Vor allem dort, wo sie die Politik der ehemaligen Bush-Administration wie eine direkte politische Umsetzung eines kantianischen Universalismus interpretiert, der so gesehen mit dem Ausschluss von (terroristischen) „Unmensch“ bzw. Entrichteten scheint einhergehen zu müssen, wenn die Menschheit politisch exklusiv gedeutet wird (Mouffe 2007, 98 ff.; 2005, 245-251). In Guantánamo hätte demnach, „dank“ G. W. Bush, dieser Universalismus sein wahres politisches Gesicht gezeigt. Es würde sich in diesem Fall also keineswegs um eine missbräuchliche Berufung auf das Erbe dieser Philosophie handeln. Aber gibt die Moral der *unbedingten* Achtung tatsächlich ideologische Mittel an die Hand, sie radikalen Feinden zu *versagen*? Ist die Moralisierung des Politischen *als solche* dafür ursächlich – oder vielmehr eine *bestimmte* Moralisierung (bzw. Theologisierung), die dem „bösen“ Feind glaubt alles absprechen zu dürfen, was ihn vor einer gewaltlosen Entrechtung und Entmenschung bewahren könnte? Nur an einer Stelle, so weit ich sehe, erwägt Mouffe einen anderen Gebrauch, den man von der Menschheit machen könnte: im Sinne einer *ethischen Unterbrechung* eines *demos*, der sich exklusiv nach außen abschottet und sich gegen jedes Recht auf Zugehörigkeit oder Mitgliedschaft Fremder zu immunisieren versucht; vgl. das Interview mit R. Deutsche, R. W. Joseph und T. Keenan unter dem Titel „Every Form of Art has a Political Dimension“ (2001, 99-126, bes. 107).

indifferent abzufinden, steht es kaum besser. Politisch ist sie nirgends kompromisslos umzusetzen.

Daraus aber ist *nicht* der Schluss zu ziehen, in dieser Lage müsse man sich unbedingt und unter allen Umständen zum Kompromiss bzw. dazu bereit finden, sich einer erdrückenden hegemonialen Übermacht geschlagen zu geben, gegen die man sich im agonalen Konflikt nicht zu behaupten vermag. So würde die Forderung, sich im gegenseitigen Kompromiss oder durch einseitige Kapitulation geschlagen zu geben, ihrerseits verabsolutiert; und in der Apologie dieser – umwillen der Erhaltung einer menschlichen Form des Zusammenlebens unbedingt erhobenen – Forderung scheint die gleiche radikale Gefährdung politischen Zusammenlebens wieder zum Vorschein kommen, die man mit der Zurückweisung absoluter Wahrheitsansprüche gerade erst durch unbedingte Mäßigung überwunden zu haben glaubte.

Mouffe schenkt der Frage, warum man überhaupt ein unbedingtes Interesse an der Aufrechterhaltung einer agonistischen Lebensform haben sollte, selbst wenn sie den Preis eines im Grunde unannehbaren Kompromisses oder die Hinnahme einer unterdrückenden Hegemonie anderer bedeutet, zu wenig Aufmerksamkeit. Mit Recht wendet sie sich zwar gegen die beliebte Rede von einer demokratischen Kultur des Konflikts oder versöhnlicher „Einbeziehung des Anderen“, die das in unaufhebbaren Konflikten liegende antagonistische Verfeindungspotenzial verarmlost. Doch ihre Aufforderung zum Kampf, die einer „linken“ Politik wieder Leben einhauchen soll, [31] verrät nichts darüber, ob jenes Interesse vor allem auf Seiten der jeweils Unterlegenen nicht unvermeidlich auch an Grenzen stößt – an Grenzen, die nicht bloß im Rekurs auf sogenannte letzte Wahrheiten, sondern auch unter Berufung auf „unverzichtbare“, „unabdingbare“ oder „unbedingte“ Ansprüche oder Überzeugungen zum Vorschein kommen.

Mouffe selbst zeigt sich von der Konzeption einer liberalen Demokratie überzeugt, die einerseits so weit wie möglich unaufhebbaren Konflikten in einem Zusammenleben im Widerstreit gerecht werden, andererseits aber nicht so weit gehen sollte, sich ihren radikalen Feinden wehrlos auszuliefern. Mit dieser von ihr nicht zur Disposition gestellten Überzeugung bringt sie ihrerseits implizit zwei ihr als unverzichtbar erscheinende Ansprüche an zeitgemäße demokratische Lebensformen zum Vorschein, ohne zu erwägen, ob nicht in einer solchen Lebensform auch andere „unabdingbare“ Ansprüche *an sie* herangetragen werden – wie z. B. der Anspruch, niemandem ein unwürdiges Leben zuzumuten, das subjektiv als *nicht lebbar* erfahren wird. [32] Wenn solche Ansprüche als verletzt gelten müssen, rufen sie unvermeidlich einen radikalen Konflikt mit dem Interesse an der Aufrechterhaltung einer agonistischen Lebensform mit ihren hegemonialen Machtspielen hervor. Diese setzen wie gezeigt

[31] Ich habe die von Mouffe eröffneten Perspektiven dieser Politik hier ebenso wie die Frage, ob die Polemiken gegen ihre Gegner deren Schriften überhaupt treffen, weitgehend außen vor gelassen. Allzu nostalgisch, meine ich, hängt ihre Aufforderung zum Kampf ohnehin einem „golden age of simplicity“ (Hardin 2002, 226) nach, das sich mit gegenwärtigen Diagnosen vielfacher Konfliktlinien und entsprechend variabler politischer Subjekte, die gegeneinander antreten, kaum mehr vereinbaren lässt

[32] Womit ich noch einmal auf Judith Butler Bezug nehme, in diesem Fall besonders auf ihr Buch *Kritik der ethischen Gewalt*.

ständig voraus, dass Andere sich ggf. geschlagen geben werden, müssen aber damit rechnen, dass sich *niemand* wird geschlagen geben können, dem die Verletzung unabdingbarer Ansprüche zugemutet wird.

Nirgends sind aber in der Welt des Politischen objektive Grenzlinien gezogen, die uns darauf aufmerksam machen würden, wo jeweils eine solche Verletzung zu erwarten ist. Eine nur an der Praktischen Philosophie sich orientierende politische Theorie, die in dieser Hinsicht lediglich vom Begriff der Würde ausgeht, verengt allzu sehr das Blickfeld. Von der Anerkennung über den Anspruch, nicht gedemütigt zu werden, bis hin zur Rücksicht und zum bloßen Wahrgenommenwerden (um wenigstens als existent zu „zählen“ [Rancière]), kommt viel mehr in Betracht, was subjektiv, sei es für Einzelne, sei es für politische Kollektive, als „unabdingbar“ gelten kann. So haben wir es tatsächlich mit einer unberechenbaren Vielfalt von Quellen radikaler Konflikte mit einer kompromisshaften, alles ökonomisierenden oder agonistisch rückhaltlos alles dem politischen Kampf überantwortenden Lebensform zu tun. Beide Spielarten einer „wahrheitspolitisch“ ernüchterten, nach-metaphysischen politischen Theorie ignorieren die Virulenz des subjektiv Unabdingbaren, das auch dann im Spiel bleibt, wenn es sich nicht mehr auf unbedingte, angeblich Gemeinschaft stiftende Wahrheiten berufen kann.

Nicht die unwichtigste Implikation dieser Kritik an einer Theorie, die sich dank ihrer zahlreichen Schmitt-Reminiszenzen auf den ersten Blick als überaus aufgeschlossen für Phänomene der Gegnerschaft und der Feindschaft darstellt, liegt in Folgendem: Als unabdingbar ist auch der Anspruch vorgetragen worden, radikale Feinde, die mit liberalen Demokraten à la Mouffe gewiss kein konfliktualer Konsens mehr verbindet, [33] nicht dem Schutz des Rechts und der Achtung ihres Lebens zu entziehen. Dieser Anspruch ist nicht zuletzt *in den Demokratien des sog. Westens gegen sie* vorgetragen worden – im Namen unbekannter Anderer und als eine abdingbare Herausforderung, sich selbst zum Leben Fremder, die nicht zu „uns“ zählen, nicht indifferent zu verhalten. [34] Wo wie bei Mouffe Antagonismen oder agonale Konflikte zwischen in sich weitgehend homogenen kollektiven Identitäten („wir“ vs. „sie“) das letzte Wort haben, weil nur sie für die *Vitalität des Politischen* einzustehen versprechen, muss sich die subversive Spur unabdingbarer Ansprüche, die liberale politische Lebensformen *in sich außer sich* sein lässt, im Gewirr nicht endender Kämpfe um Hegemonie verlieren. Jeder wäre als Mitglied eines politischen Kollektivs „bei sich“, um den Preis eindeutiger Gegner- oder Feindschaft im Verhältnis zu Anderen. Aber warum sollten wir an einer so verstandenen Vitalität des Politischen unbedingt, auch um diesen Preis, Interesse haben? Warum nicht

[33] Mouffe suggeriert mehrfach, dass es zu unversöhnlicher Feindschaft im Verhältnis zu denen kommen müsse, die jenen Konsens nicht teilen. Man fragt sich deshalb, ob sie wesentlich über die bereits von Karl Popper skizzierten Optionen einer „offenen Gesellschaft“ im Verhältnis zu ihren Feinden hinaus gelangt. Popper hatte leider offen gelassen, wie sich solche Gesellschaften zu ihren Feinden verhalten können, ohne sich als Demokratien geradezu selbst aufzugeben. Die aktuelle Brisanz dieser Frage braucht nach der u. a. von R. Rorty und S. Sontag angestoßenen Diskussion um den sog. *Patriot-Act* und nach Derridas Analysen sog. Autoimmunreaktionen westlicher Demokratien kaum eigens betont zu werden. Vgl. Liebsch (2010c).

[34] Genau darauf ist die Diskussion der Gastlichkeit bei Derrida, vor allem in *Schurken* (2003), gemünzt, eine Diskussion, die bei Mouffe so weit ich sehe keine Spuren hinterlassen hat.

vielmehr gerade daran, *nicht* durch vermeintlich eindeutige, Identität stiftende Grenzlinien dazu verurteilt zu sein, nur uns selbst zu behaupten und in diesem Sinne vom Machtkampf nicht lassen zu können (vgl. Mouffe 1989, 44)?

Den größten Gewinn hat man von Mouffes Apologie des Politischen möglicherweise, wenn man sie zum Anlass nimmt, diese Fragen neu aufzuwerfen. Dann könnte sich herausstellen, dass wir nicht unbedingt am Politischen interessiert sind, wenn es gewissermaßen nur um sich selbst kreist; und dass es gerade in dem Maße „lebt“, wie es sich von unabdingbaren Ansprüchen heraus- und überfordern lässt, die es niemals in sich aufzuheben versprechen kann. Es wäre genau so weltfremd, dergleichen zu erwarten, wie einer politischen Theorie zuzutrauen, solche Ansprüche unschädlich zu machen. Sie sind unvermeidlich im Spiel, und keine politische Theorie kann dagegen etwas ausrichten. Was sie aber kann und versuchen sollte, ist, die *Spielräume des Verhaltens* auszuloten, die uns bleiben zwischen unabdingbaren Ansprüchen, ohne deren Beachtung oder Gewährleistung vielen ihr Leben und das Leben Anderer als nicht lebbar erscheint, einerseits und dem Interesse an der Aufrechterhaltung politischer Lebensformen andererseits. Mouffe, so scheint es, löst diesen bereits zu Beginn [35] markierten Widerstreit einseitig zugunsten dieses Interesses auf. Wenig spricht aber dafür, dass das unabdingbare Begehr nach einem subjektiv lebbaren Leben, das sich in vielfältigen unverzichtbar erscheinenden Ansprüchen artikuliert, je mit der Vitalität des Politischen wird decken können. Ob diese Inkongruenz bloß ein Manko, eine zu überwindende Misslichkeit oder gerade wesentlich und unvermeidlich ist für das Spannungsverhältnis zwischen Leben und Politik, unabdingbaren Ansprüchen und vielfachen Zwängen zu einem geteilten Zusammenleben, zwischen unverhandelbaren Überzeugungen und uferloser Ökonomisierung, die alles dem sozialen Austausch überantwortet, sollte uns in Zukunft mehr zu denken geben. Denn der Verdacht hat sich erhärtet, dass das Politische seine Vitalität nicht allein aus sich selbst, sondern gerade aus seinem unaufhebbaren Missverhältnis zu unabdingten Ansprüchen bezieht, die es heraus- und überfordern und die ihrerseits nur durch eine politische Bändigung, die ihnen durch Beschränkung Rechnung trägt, davor zu bewahren sind, das Leben, um dessen Lebbarkeit es ihnen geht, durch ihre nicht zu ökonomisierende und kompromisslose Behauptung zu ersticken.

[35] Siehe Abschnitt 1.

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Rezensionen *Reviews*

Joachim Baur (Hg.) Museumsanalyse. Methoden und Konturen eines neuen Forschungsfeldes. Bielefeld: transcript 2010.

Der von Joachim Baur herausgegebene Sammelband „Museumsanalyse. Methoden und Konturen eines neuen Forschungsfeldes“ reagiert auf den seit zwei Jahrzehnten anhaltenden „Museumsboom“ (7). Tatsächlich lassen sich nicht nur immer neue Museen zu den unterschiedlichsten Themen finden: Gern zitiert wird das „Spargelmuseum“ oder das „Schokoladenmuseum“, aber auch präparierte menschliche Körper („Körperwelten“), Freizeitaktivitäten (z.B. das Museum des Deutschen Fußball-Bundes) oder grenzüberschreitende Bewegungen („Migrationsmuseen“) werden museal aufbereitet präsentiert. Neben der sich ausdifferenzierenden Musealisierung des Alltäglichen lässt sich eine zweite Tendenz feststellen – die Musealisierung der Gegenwart. Dies zeigt sich unter anderem in den Transformationen schon existierender Museen, wie z.B. des Frankfurter Historischen Museums: In der überarbeiteten und ergänzten Dauerausstellung wird es einen Part „Frankfurt jetzt“ geben – Hinweise also, dass das Museum aus seinen vier Wänden ausbricht oder eben die Gegenwart in das Museum Einzug hält. Es scheint somit durchaus an der Zeit, sich zu fragen, welche methodischen Ansätze für die Analyse von Museen ergiebig sind. Der rezensierte Sammelband versteht sich hier, wie im Titel deutlich wird, als Grundlegung für ein „neues Forschungsfeld“. Der Herausgeber Joachim Baur betont in der Einleitung die beiden wesentlichen Ziele: Zum einen ein „kritisches Verstehen“ der Institution jenseits einer „philosophisch-totalisierender Herangehensweise“ (8) zu ermöglichen und andererseits einen „analytischen Werkzeugkasten“ zur Verfügung zu stellen (9).

Im ersten der drei den Sammelband untergliedernden Abschnitte nähert Baur sich definitorisch dem „Museum“. Hierbei skizziert er einerseits die begriffliche und institutionelle Genealogie des Museums und stellt kurзорisch ein Kaleidoskop möglicher Analyseansätze vor. Die Kulturanthropologin und Museumsforscherin Sharon Macdonald konzentriert sich anschließend auf die veränderte Sicht auf das Museum im Zuge der New Museology, auf die ich, da es sich um einen zentralen Wendepunkt in der Museumsforschung handelt, der im Sammelband immer wieder aufgegriffen wird, weiter unten zurückkommen werde.

Im zweiten Teil „Methoden“ werden historisch-quellenkritische (Thomas Thiemeyer), ethnographische (Eric Gable), zeichen- (Jana Scholze) und erzähltheoretische (Heike Buschmann) Begrifflichkeiten und praktische Forschungsdesigns sowie neue Tendenzen in der BesucherInnenforschung (Volker Kirchberg) vorgestellt und diskutiert.

Der dritte Abschnitt widmet sich den „Perspektiven“. Hier werden „unterschiedliche Fragehorizonte und thematische Zusammenhänge“ präsentiert, innerhalb derer sich Museumsanalysen verorten können (11): das Museum als umkämpfter Raum in der Erinnerungskultur (Katrin Pieper), als Element der Stadtentwicklung (Volker Kirchberg) und im Kontext der Wissenschaftsgeschichte. Der Sammelbeitrag mit kurzen Statements aus Frankreich (Hanna Murauskaya), Spanien (Maria Bolaños), Italien (Giovanni Pinna) und Russland (Hanna Murauskaya) soll einen Überblick über die wichtigsten Publikationen und Forschungstrends in den jeweiligen Ländern geben und auf die „Notwendigkeit einer weiteren Internationalisierung der museumswissenschaftlichen Debatte“ verweisen (12). Da ich gerade in der Multiperspektivität die Stärke des Bandes sehe, werde ich auf alle Ansätze eingehen und die mir wesentlich erscheinenden Aspekte in Relation zueinander setzen.

Die Aufsätze lassen sich grob betrachtet in drei Gruppen der methodischen Herangehensweise unterteilen, die von einer Analyse der Mikroebene über die Mesoebene bis hin zur Makroperspektive reichen: Im Hinblick auf die Mikroebene spielen vor allem der Ausstellungsraum mit seinen Texten, Objekten und RezipientInnen eine zentrale Rolle. Auf der Mesoebene werden die sozialen Interaktionen im Museum ethnographisch betrachtet und der Fokus liegt auf den Bedeutung generierenden Praktiken. Bezüglich der Makroebene wird das Museum im Spannungsfeld gesellschaftlicher Transformationsprozesse untersucht. Diese Dreiteilung deckt sich teilweise mit der im Sammelband vorgegeben Anordnung der Beiträge, teilweise liegt sie jedoch quer dazu.

Dieser von mir aufgemachten Struktur folgend werde ich zunächst Thiemeyer, Buschmann und Scholz diskutieren, die sich auf die Textebene der Ausstellung konzentrieren. Thiemeyer stellt die Methode der hermeneutischen Quellenkritik vor und interpretiert die Ausstellung als Quelle. Diese Quelle ist schon deswegen etwas unhandlich, da sie sich nicht nur aus Texten, sondern auch aus Objekten zusammensetzt. Diesem Umstand wird der Autor gerecht, indem er die zentralen Begriffe „Tradition“, „Denkmal“ und „Überrest“ in Anlehnung an den Historiker Gustav Droysen definiert und die Wandelbarkeit von Objektbedeutungen diskutiert. Quellen, die mit der Absicht der Überlieferung angefertigt werden, gehören demnach der Kategorie „Tradition“ an, unbewusste Zeugnisse dem „Überrest“ und

„Denkmale“ gelten als „Erinnerungszeichen“ (76ff). Diese Zuschreibungen sind jedoch nicht statisch: Im Zuge ihrer Musealisierung erhalten zum Beispiel Alltagsobjekte einen anderen medialen Raum, wechseln vom privaten und kommunikativen in das öffentlich-kollektive Gedächtnis. Als Quellen und Exponate sind sie nicht länger biographisch gestützt, sondern ethnographisch definiert“ (76). In seiner darauf folgenden Präsentation einer Checkliste der Ausstellungsanalyse fließt diese zentrale Bedeutung der Objekte nicht mehr mit ein. Das Forschungsdesign stellt vor allem eine auf die Programmatiken sowie die Ausstellungstexte und -objekte ausgerichtete Analyse dar. Wie Thiemeyer selbst kritisch bemerkt, liegen die Vorteile der hermeneutischen Methode vor allem darin, die nicht gesagten und tabuisierten Aspekte der Geschichtsschreibung aufzudecken, aber nicht unbedingt der materiellen Dimension von Ausstellungen gerecht zu werden (89). Während Thiemeyer diachron und somit eher die Geschichten hinter den Objekten, Texten und der Ausstellungskonzeption analysiert, konzentriert sich Scholze auf die Analyse der Zeichenprozesse im Museum und die Semiotik: „Sie erlaubt eine Differenzierung der komplexen Beziehungen zwischen den konkreten Objekten, dem räumlichen Arrangement, beschreibenden Texten und nicht zuletzt dem Besucher“ (129). In Anschluss an die ideologiekritischen Arbeiten von Roland Barthes und von Umberto Eco fragt die Semiotik nach der Diskrepanz zwischen konkretem Objekt und seinem Zeichencharakter (133) sowie nach der Polysemie von Präsentationen. Scholze untersucht Ausstellungen als Kommunikationsphänomene (137). Die Ausstellungskonzeption sei hiernach ein „Versuch der Begrenzung und Ordnung von Bedeutungen mittels Codierungen“ (137). Bezugnehmend auf Eco gehe es um die Analyse der „Bedingungen und Verstehbarkeit einer Botschaft“ (146). Das Verhältnis von Text und Objekt wird durch ein Beispiel Mieke Bals verdeutlicht: Durch den im Text erzeugten Realismus würden Aussparungen und Leerstellen unsichtbar gemacht bzw. unterdrückt (135). Ähnlich wie Thiemeyer und Scholze konzentriert sich auch Buschmann auf die Textebene der Ausstellung, jedoch stellt sie das Zusammenspiel von Erzählung und Leseprozess in den Mittelpunkt. Die Erzählung, die in Anlehnung an die neue Kulturgeographie durch die räumliche Gestaltung der Ausstellungsarchitektur dreidimensional interpretiert wird, gibt demnach eine Struktur vor, deren fehlende Verknüpfungen durch den Betrachter hergestellt werden. Für die Narrationsanalyse spielt die Erzähler- und Figurenanordnung genauso wie die Geschichte, der Plot des Textes, die Zeitstruktur und ihre Beziehungen untereinander eine wesentliche Rolle (152f).

Während bei diesen drei Aufsätzen MacherInnen, Programmatiken und Ausstellungstexte im Mittelpunkt stehen, schaut sich Kirchberg die Entwicklungen in der Evaluationsforschung an und geht der Frage nach, wie erforscht wird, was bei den LeserInnen und RezipientInnen nach der „Lektüre“ in

Erinnerung bleibt und als Lernleistung gilt. Dies scheint Heiner Treinen zufolge nicht viel zu sein: „Museen als Lernorte sind eine irrite Annahme“ und zeichnen sich vor allem durch „aktives Dösen“ aus (175). In Auseinandersetzung mit diesem sogenannten „Treinen-Schock“ wurden in der Evaluationsforschung zunehmend die unterschiedlichen Lernvoraussetzungen und Wahrnehmungsmuster in die Bewertung der Vermittlungsleistung von Ausstellungen miteinbezogen (176). Es war der Beginn einer weniger quantitativ-deskriptiven und stärker analytisch-qualitativ ausgeprägten Besucherforschung (180). Hieran anknüpfend kann Gables und Macdonalds Anspielung an die im Hinblick auf ihre Intentionen gescheiterte Ausstellung „Into the heart of Africa“ gelesen werden. Gable kommentiert, dass vor allem die fehlende BesucherInnenorientierung dazu führte, dass die Ausstellung trotz ihres kritischen und antikolonialen Anspruchs von großen Teilen der „schwarzen Community“ als beleidigend empfunden wurde (54). Macdonald ergänzt, dass durch die Ironisierung von kolonialen Objekten zwar postkoloniale Verhältnisse und rassistische Stereotype in Frage gestellt werden sollten, jedoch sei diese Ironisierung in Form „postmoderne(r) Repräsentationsstrategien“ (55) bei den BesucherInnen nicht als solche angekommen.

Gable möchte ich im Folgenden noch ein weiteres Mal herausgreifen, um eine Form der Museumsanalyse zu diskutieren, bei der nicht die Repräsentation und die Ausstellung im Vordergrund stehen, sondern der Prozess der Bedeutungsherstellung und das Museum als sozialer Raum. Gable bewegt sich damit auf der Mesoebene der Analyse, beachtet also nicht mehr den Ausstellungstext, seine Entstehungsgeschichte oder seine Decodierung, sondern die Menschen in den Räumen des Museums. Im Gegensatz zu den vorhergehenden Ansätzen und ihrer linearen Analyserichtung ist Gable darauf bedacht, die sozialen Interaktionen zu rekonstruieren und „unbewußte kulturelle Strukturen“ zu entschlüsseln (109). Hierbei untersucht er nicht explizit Ausstellungen, sondern das Museum als Institution. Gable steht für einen analytischen Blick auf das Museum, welcher sich dem „social life“ der Institution verschrieben hat und ist neben Macdonald der einzige Vertreter dieser Perspektive im Rahmen des Sammelbands. Gable deutet das Museum als sozialen Raum bzw. mit einigen Abstrichen als ethnographisch beobachtbares „Dorf“ (109). Der Prozess der Wissensproduktion sowie die Interaktionen von den beteiligten AkteurInnen sind bei Gable zentral (108).

Gable tangiert mit seinem Beitrag aber auch das dritte von mir aufgemachte Feld: die Makroperspektive gesellschaftlicher und politischer Konflikte um Wahrheits- und Repräsentationsfragen. Diese methodischen Ansätze verorten und diskutieren Museen in ihren wissenschaftlichen, kulturpolitischen und sozioökonomischen Kontexten. Was die meisten dieser Aufsätze durchzieht, ist sowohl die

Feststellung einer Transformation der Wissenschaften, die sich mit dem Museum beschäftigen, als auch einer Transformation der dem Museum zugeschriebenen Funktionen und Aufgaben. Insbesondere in den Aufsätzen von Macdonald, Gable und Pieper wird deutlich, wie diese Phänomene mit politischen Transformationen, Kritik an Repräsentationspraktiken und -diskursen sowie den Protestbewegungen der 1960er/70er Jahre (53, 100, 189) verbunden sind. Das Entstehen der Neuen Museologie, wie auch des „study up“ (99) in der Ethnologie, welches sich der „ethnographischen Untersuchung von Institutionen innerhalb des Staates“ zuwendet, „die an der Produktion und Verbreitung des Wissens“ beteiligt sind (Gable, 102), sind Teil und Produkt dieser gesellschaftlichen Auseinandersetzungen. Gable, Macdonald und auch te Heesen beschäftigen sich mit diesen Transformationen des wissenschaftlichen Selbstverständnisses in ihren jeweiligen Disziplinen und deren Bedeutung für die Museumsforschung und die Ausstellungsarbeit. Auffallend sind hierbei zwei Neuerungen: In den Vordergrund trat in den letzten beiden Jahrzehnten die Bedeutung von Objekten, die Analyse der Wissensproduktion in Ausstellungen und der Anspruch der „Demokratisierung“ des Museums (Kirchberg, 254). In dieser Perspektive rückt also die Analyse des Verhältnisses von Wissensproduktion und Machtverhältnissen in den Mittelpunkt. Macdonald argumentiert, dass sich diese Sicht auf das Museum nicht zuletzt durch eine an Foucault angelehnte Repräsentationskritik entwickelt hat, die die Wertfreiheit von Wissen in Frage stellt und in Hinblick auf die Fragen der Reproduktion von Ungleichheit untersucht (52). Sie zeichnet die Wandlungsgeschichte der Museumswissenschaft von einer auf praktische Fragen der Verwaltung und Konservierung ausgerichteten Wissenschaft (50) zur selbstreflexiven „New Museology“ nach. Te Heesen wie auch Macdonald verweisen hier u.a. auf Bruno Latour und seine Sicht auf Objekte als eigenständige Akteure. Neue sich hieraus generierende Forschungsansätze rekurrieren dabei auf die Verfolgung von Objekten und ihre Kommodifizierung und gehen hierbei mit Objektbiographien über textbasierte Ansätze hinaus (58). Auch te Heesen deutet darauf hin, dass mit der zunehmenden Relevanz von Universitätssammlungen und der Wiederentdeckung der Kunst- und Wunderkammern sowohl neue Fragen nach dem Verhältnis von Artefakt, Wissenschaft und Museum, als auch den Praktiken des Sammelns und Strukturierens von Objekten aufgekommen sind (217).

Wissen und Macht spielen auch im Aufsatz von Pieper und dem zweiten Beitrag von Kirchberg eine Rolle. Besonders aufschlussreich ist deren kritische Auseinandersetzung mit kollektiven Gedächtnistheorien und Erinnerungskulturen. Assmanns viel zitiertes Konzept des kulturellen Gedächtnisses affirmiere demnach „die Vorstellung eines statischen, homogenen, in sich geschlossenen und einheitlichen Gruppengedächtnisses“ (195). Pieper setzt dem eine anwendungsorientierte Lesart in Form des

Konzepts der Erinnerungskultur entgegen. Erinnerung wird hier mit Bezug auf Gordon Fyfe als „conflicted space“ gedeutet, in dem Identitäten und legitimierende Narrationen ausgehandelt werden (201). Die Autorin interpretiert Museen als „Indikatoren“ und „Generatoren“, welche ihre Konjunktur sowohl den seit 1989 erfolgten politischen Transformationen als auch den Forderungen nach Anerkennung durch „minoritäre, migrantische und postkoloniale Erinnerungsgemeinschaften“ verdanken würden (190). Diese gesellschaftlichen Transformationen gingen immer auch mit einer Forderung nach der Veränderung von Erinnerungskulturen einher. Für die Analyse dieser Dissonanzen und Transformationen schlägt Pieper ein diskursanalytisches Vorgehen vor, das Rückschlüsse auf „dominante Diskursinhalte“ und „Erinnerungsakteure“ erlaube (207).

Auch bei Kirchberg wird das Museum im Sinne eines Generators und Indikators gesellschaftlicher Transformationsprozesse gesehen, diesmal aus der Blickrichtung der Stadtentwicklung. Museen seien demnach „als pseudokommerzielle Unternehmen“ dazu aufgefordert worden, Bedürfnisse wirtschaftlich profitabler Zielgruppen zu bedienen. Bildungspolitische Aufgaben träten damit in den Hintergrund und die Erlebnisorientierung in den Vordergrund. Es käme zu einer Segregation aus Marketinggründen, da immer nur bestimmte Zielgruppen adressiert werden (249). Kirchberg zufolge wird das Museum zum Instrument für die kulturelle und wirtschaftliche Revitalisierung von Stadtquartieren. Methodisch greift der Autor auf ein dreigeteiltes Raumkonzept zurück, wobei er das Museum als materialisiertes Produkt sowie als Teil der Imagebildung im Stadtraum und in der politischen Arena der städtischen Gesellschaft analysiert (232). Er kontrastiert hierbei die verschiedenen Funktionen, die latent oder manifest dem Museum zugeschrieben werden und die Interessenkonflikte, die sich an diesen unterschiedlichen Zuschreibungen entladen (232). Abschließend geht Kirchberg auf die New Museology und die Demokratisierung des Museums ein, deren Ziel es sei, „Wissen über potenzielle und bisher aufgetretene lokale Konflikte zu erwerben und dieses Wissen bei der Realisierung von Ausstellungen umzusetzen“ (255).

„Wie man ins Museum hineinfragt, so schallt es heraus“ (42), bemerkt der Herausgeber in Bezug auf die Analyse von Museen. Gleches gilt für die Einschätzung dieses Sammelbandes: Wer eine Programmatik für die Analyse von Museen erwartet, wird beim Lesen nicht auf seine Kosten kommen. Wer sich jedoch Anregungen holen und einen Einblick in die Bandbreite unterschiedlicher methodischer und theoretischer Sichtweisen auf das Museum gewinnen möchte, wird eine Vielzahl interessanter Ansätze finden. Gerade die interdisziplinäre Zusammenstellung macht das Lesen reizvoll. Der Band erlaubt es, unterschiedliche Methoden miteinander in Verbindung zu setzen und dies

gibt wiederum Denkanstöße für neue Forschungsperspektiven. Viele der Aufsätze insbesondere aus dem „Methoden“-Teil bieten kompakte Einführungen in Konzepte und Begrifflichkeiten der jeweiligen Forschungsfelder. Hierbei wären jedoch eine vollständige Aufführung der zitierten Literatur sowie ausführlichere Bibliographien wünschenswert gewesen. Der Sammelbeitrag zur internationalen Perspektive am Ende des Bandes ist nicht ganz schlüssig eingebunden in das Gesamtkonzept und steht etwas isoliert da, er kann aber zumaldest Eindrücke über die Entwicklung und den Stand der Museumsforschung in den jeweiligen Ländern vermitteln. Weiterführend und wünschenswert wäre auch eine Diskussion des Verhältnisses zwischen „Ausstellung“ und „Institution Museum“ gewesen. Ein Großteil des als Methodenteil ausgeschriebenen Parts des Buchs widmet sich der Ausstellungsanalyse. Dies ist sicherlich ein wesentlicher Teil der Museumsanalyse, aber darin erschöpft sie sich nicht. Gerade in Hinblick auf die Erkenntnisse der New Museology, auf die im Band sehr oft rekurriert wird, wäre eine explizite analytische Auseinandersetzung mit dem Verhältnis von Ausstellung und Museum aus folgenden Gründen fruchtbar gewesen: Die Ausstellung ist zwar der sichtbarste Teil des Museums, aber sie ist nur *ein* Teil von ihm. Gerade die „Neuen Museen“ (vgl. Kirchberg) gehen über das reine Ausstellen und über die Wände des Museums hinaus – sei es mit Veranstaltungen, Workshops oder der Einbindung von AnwohnerInnen/BesucherInnen. Unabhängig davon lässt sich auch in ganz „klassischen“ Museen, die sammeln, bewahren und exponieren, ein reges soziales Leben finden, wie Gable sehr anschaulich zeigt. Weiterhin sind Museen Teil einer politischen und kulturellen Landschaft. Als Institutionen sind sie nicht nur die Gebäude, in denen Ausstellungen beherbergt werden, sondern auch Elemente eines sozialen Raums. Sie haben einen ökonomischen, bildungspolitischen und/oder kulturellen Auftrag. Um das „Was“ und „Wie“ des Gezeigten wird nicht nur intern, sondern auch medial gestritten. Es ist nicht statisch, sondern unterliegt Transformationen und Wandlungen. Das Museum mit seinen BesucherInnen, MitarbeiterInnen, Objekten und Ausstellungen ist in vielfältige ästhetische, soziale und politische Vernetzungen eingebettet. Es ist eingebunden in gesamtgesellschaftliche Machtverhältnisse. Es wäre selbstverständlich eine Illusion zu glauben, diese Komplexität ließe sich in einer einzigen Studie abbilden. Mit erscheint es jedoch sinnvoll, im Rahmen von „Museumsanalysen“ Methoden zu generieren, um jene Leerstelle zu füllen, die entsteht, wenn entweder nur Ausstellungen (Mirkoebene) oder nur die Rolle des Museums im gesamtgesellschaftlichen Kontext (Makroebene) untersucht werden. Die im Buch erwähnten Ansätze zu einer konkreteren Beschäftigung mit den Biographien von Objekten (vgl. u.a. Macdonald) sowie ethnographisch inspirierte Untersuchungen geben hierfür wichtige Denkanstöße. Die Aufsätze

stellen somit eine überaus lesenswerte Grundlegung für ein neues Forschungsfeld dar und verdeutlichen gleichzeitig, dass sich eine Analyse dieser komplexen Zusammenhänge nicht mit einer singulären Programmatik bewältigen lässt.

Patricia Deuser

Jens Maeße: Die vielen Stimmen des Bologna-Prozesses. Zur diskursiven Logik eines bildungspolitischen Programms. Bielefeld: transcript 2010.

Auffallend oft ist es die Europäische Hochschulstrukturreform, die SozialwissenschaftlerInnen über die Fachbereichsgrenzen hinweg fasziniert und Gegenstand zahlreicher Untersuchungen ist. In den letzten Jahren werden vermehrt wissenschaftliche Arbeiten veröffentlicht, die weniger Erfahrungsberichte noch Zustandsbeschreibungen, sondern zumeist kritische Analysen einer Reformwirklichkeit an den Hochschulen sind. Zuletzt spielt dabei immer häufiger die wichtige Frage nach der Verantwortung für das Reformhandeln eine zentrale Rolle. Da das hochschulpolitische Feld durch eine Vielzahl und eine Vielfalt von Akteuren konstituiert wird, die gemeinsam an den Planungs-, Implementierungs- und Umsetzungsprozessen der Reform beteiligt sind, gestaltet sich die Suche nach dem Einen, der dafür Verantwortung trägt, äußerst kompliziert. Das zeigt zum Beispiel die Publikation von Jens Maeße, der diskursanalytisch die Frage untersucht, „wie der technokratische Konsensdiskurs des Bologna-Prozesses politische Handlungsfelder aufspannt, in denen Akteure an den Hochschulen, Ministerien, Verbänden und der hochschulpolitischen Öffentlichkeit sich auf spezifische Art und Weise verorten müssen.“ (12)

Der Autor, ein Soziologe an der Universität Mainz, wählt den sprachwissenschaftlich-analytischen Zugang, um anhand der Protokolle (z.B. der Bologna-Beschlüsse) und anderer Dokumente (z.B. der Hochschulrektorenkonferenz) nachzuvollziehen, wie sich „politische Verantwortlichkeit unsichtbar macht“ (29). Dieses Phänomen ist dem Reform-Prozess eigentlich inhärent. Die zahlreichen Texte, die den Prozess aufklärend begleiten, lesen sich Maeße zufolge „sperrig und technokratisch. Oft können viele unterschiedliche Bedeutungsvarianten nebeneinander bestehen, wobei es schier unmöglich scheint, sich auf eine der multiplen Möglichkeiten von Sinn festzulegen“. (28)

Damit lassen sich zunächst zwei Besonderheiten des Reformprozesses herausarbeiten, die für den Autor und sein Untersuchungsvorhaben eine „analytische Herausforderung“ darstellen (133). Zum Einen betrifft das die Beschaffenheit des Bologna-Prozesses, der einen „Kreativität stiftenden Cha-

rakter“ besitze (132): „(...) (Ü)blicherweise enthält jedes Reformprogramm ein Drehbuch, auf das die Reformakteure in der Umsetzung zugreifen können und sollen. Im Bologna-Prozess fehlte dieses Drehbuch. Vielmehr zirkulieren die Texte des Bologna-Prozesses und können je nach Kontext sehr unterschiedlich interpretiert werden. Die Akteure greifen dann vor Ort nach bestem Wissen und Gewissen auf die Ressourcen zurück, über die sie verfügen, um die Bolognadokumente zu interpretieren.“ (ebd.)

Zum Zweiten nennt der Autor als eine weitere Besonderheit der Reform das hochschulpolitische Feld, „in das sich die Texte des Bologna-Prozesses kommunikativ einschreiben konnten, und das dadurch neu geordnet und hervorgebracht wurde“. (133) Um das zu erklären, bedient er sich nicht nur der Dokumente, sondern nimmt auch die Akteure im Umfeld der Hochschulpolitik in den Blick. Diese seien „Interpretationskünstler, die sich ausgehend von administrativen und politischen Texten in diskursiv aufgespannten Handlungsfeldern verorten und ausgehend von dieser Verortung selbstständig weitere Handlungen durchführen, indem sie wiederum Texte unterschiedlicher Art produzieren.“ (133) Maeße zufolge gelingt es den politischen Verantwortlichen, sich im Rahmen dieses diskursiv zirkulierenden Interpretationsprozesses unsichtbar zu machen: „Der politische Akteur, den wir suchen, hat (...) ein besonderes Geschick entwickelt, sich hinter den Figuren zu verstecken.“ (25)

Dem Autor geht es weniger darum, einen sog. Schuldigen zu benennen, der für die Art der Umsetzung der Reform und ihre Ausgestaltung an den Hochschulen zur Rechenschaft gezogen werden kann. Vielmehr interessiert ihn ein sich auf seine Weise formierender Reformdiskurs, der durch Handlungs- und Sprechweisen der beteiligten Akteure produziert wird und in dessen Verlauf sich Handlungsträger durchaus ausmachen lassen. Sein Forschungsinteresse zielt also „weder auf die Interessen und Absichten der Akteure noch auf die Form der institutionellen Struktur, sondern auf die Regeln und Mechanismen der Formation diskursiver Subjektivität durch eine spezifische hegemoniale Konstellation.“ (52)

Den methodischen Zugang zu den Agenten des Feldes verschafft sich der Autor zunächst mit Hilfe der Frame-Semantik von Minsky, welche die Beschreibung zahlreicher und sich überkreuzender Policy- und Polity-Felder ermöglicht. Sie erfüllen im weiteren Fortgang der Studie zwei zentrale Funktionen: Einerseits stellen sie wichtige Hintergrundinformationen zum Untersuchungsgegenstand zu Verfügung. Andererseits bereiten sie Wissen auf, von dem der Autor sagt, dass es im Rahmen einer Diskursanalyse nicht ermittelt werden könne. Eine solches Vorgehen schafft gute Voraussetzungen für den nächsten Untersuchungsschritt, denn die „Institutionen bzw. Wissenskonfigurationen müssen aus Sicht der Diskursanalyse als heterogene, unabgeschlossene Ensembles konzipiert werden, die jenseits

des partikulären Aktes keine ontologische Existenzform ausweisen.“ (123)

Ein solches Policy-Konstrukt, das Jens Maeße anhand der Frame-Semantik beschreibt, ist zum Beispiel der Internationalisierungsframe (IF), der all die Themen bereithält, die in direkter oder indirekter Weise mit der „Internationalisierung der deutschen Hochschulen“ verbunden sind und oftmals Querverweise zum Bologna-Reformdiskurs aufweisen, so zum Beispiel der Abbau von Barrieren für ausländische Studierende oder die internationale Mobilität deutscher Studierender, WissenschaftlerInnen etc. Die Aufzählung macht deutlich, um was es dem Autor geht: Ungezählte politische Maßnahmen und institutionelle Bedingungen, die „Bologna“ betreffen, werden in tangierenden und sich überlagernden Feldern dargestellt, um so allen im Diskurs operierenden Mechanismen gerecht zu werden.

In der anschließenden Diskursanalyse nimmt sich der Autor den Wortlaut der Bologna-Erklärung vor, die am 19. Juni 1999 die Zielsetzungen einer Strukturreform der Hochschulen von vorerst 29 europäischen Staaten protokollarisch zusammenfasst und stellt fest: „Bei insgesamt 641 Wörtern enthält der Text ca. 65 Nominalisierungen (z.B. ‚Qualifizierung‘, ‚Entwicklung‘, ‚Wettbewerbsfähigkeit‘, d. Verf.) (...) Dies ist eine Quote von über 10 %. Demgegenüber können nur 14 Formen von Subjektivität (z.B. ‚wir‘, ‚uns‘, d. Verf.) gefunden werden. (...) Dies ist lediglich eine Quote von 2 %.“ (170f.) Am Ende der diskursanalytischen Darstellung der Bologna-Beschlüsse kommt Jens Maeße zu dem Schluss: „Erstens konnten weder klare Behauptungen noch handlungsweisende Forderungen herausgearbeitet werden. (...) Zweitens werden diese schwammigen Allgemeinplätze überwiegend nicht von Ministern, sondern von anonymen Äußerungsquellen verantwortet. (...) (D)rittens konnte ein Mechanismus der Aufschiebung des semantischen Kerns herausgearbeitet werden.“ (181) Für die Texte, welche die Reform begleiten und die besonders häufig aus Nominalisierungen bestehen, sei konstituierend, „dass das damit verbundene Wissen sich von selbst versteht und von niemandem verantwortet werden muss.“ (192)

Damit kommt zur Sprache, was der Autor im dritten Teil der Publikation zeigen will: „(N)icht nur die politische Programmatik und das institutionelle System, sondern auch die Art der politischen Kommunikation (konstituieren, d. Verf.) einen Universalismus (...), der als politische Form des Konsenses bezeichnet werden kann“ (155). Für das hochschulpolitische Feld gelte, dass sich spätestens seit 1990 – der Autor setzt dies mit dem Scheitern der „Untertunnelungsstrategie“ in eine zeitliche Kausalität – die Form und Dynamik des (hochschul-)politischen Diskurses veränderte. Jenseits von Parteilichkeit setze sich eine Konsenssprechweise durch, die im Gegensatz zur üblichen Vielstimmigkeit der Akteure durch den Ge-

brauch von Nominalisierungen wie „Qualität“, „Wettbewerb“ etc. gekennzeichnet ist. Eine Variante für eine solche Konsensrhetorik ist die sog. „Blumen-Technokratie“, die ihren – wie der Autor zugibt – „polemischen Charakter“ der „blumigen-affektiven“ und zugleich „technokratischen-apolitischen“ Sprechweise der Dokumente verdanke. (194) Bei den verwendeten Nominalisierungen handelt es sich um Schlagworte, auf die in Argumentationen notorisch Bezug genommen wird, über welche die Akteure nicht mehr verhandeln und die sich als quasi-natürliche Wirklichkeit im Diskurs festsetzen. Das ist auch der Grund, warum sich die Texte so technokratisch lesen. Die Nominalisierungen schwingen als implizites Wissen im Diskurs mit und die Sprecher/Verfasser treten stets als sich selbst evaluierend auf. Als vorläufiges Ergebnis fasst der Soziologe noch einmal zusammen: „Der Bologna-Prozess ist ein facettenreicher Konsensdiskurs, der durch unterschiedliche Techniken und Mechanismen sowohl die konkrete Bedeutung der Reforminhalte als auch die politische Verantwortung für die Reform unsichtbar macht.“ (233)

Mit der Durchführung der Analyse des Bologna-Diskurses und seiner politischen Kommunikation ist die Untersuchung für den Soziologen noch nicht abgeschlossen, sondern er stellt sich die Aufgabe, die bisherigen Erkenntnisse unter Berücksichtigung der Herausarbeitung „hegemonialer Effekte“ (ebd.) erneut zu betrachten. Solche Akte dominierender Wirkung könnten nach Ansicht des Autors von einer Bedingtheit des institutionellen Gefüges ausgehen. Gleich im Anschluss fügt Maeße einschränkend hinzu: „Die politische Logik des Bologna-Prozesses lässt sich (jedoch, d. Verf.) mit nationalstaatlichen Kategorien nicht mehr beschreiben. (...) Durch die diskursive Virulanz einer transnationalen Instanz ist der Ort des Politischen verschoben und im institutionellen Gefüge des bundesdeutschen Kulturföderalismus nicht mehr erkennbar.“ (243) Für den Autor sind es vielmehr die Schlagworte jener Einmütigkeitsrhetorik, die „konstitutives Merkmal des hegemonialen Feldes“ (234) werden, da sie durch die Verknüpfungen mit anverwandten Themen eine „ideologische“ Aufladung erfahren und ihre Wirkung entsprechend ihrer weiteren Verwendung im Diskurs entfalten. Die Dokumente des Reformdiskurses bieten durch die ungezählten Nominalisierungen „ein reiches Repertoire an hegemonialen Artikulationsmöglichkeiten“ (251), die durch ein „Zickzackspiel (...) globaler Eliten und lokaler Autoritäten“ in vielfältiger Interpretationsweise genutzt werden, „wobei sowohl die konkreten Inhalte als auch die politische Verantwortung dafür immer wieder hin und her geschoben werden“ (249).

Trotz der Zerfaserung politischer Verantwortlichkeit sei der Bologna-Diskurs hegemonialtheoretisch relevant, da die Sprecher/Verfasser der Texte in ein „dialogisches Verhältnis“ (239) zu den Anwesenden treten und somit den Eindruck einer „proaktiven Aura“ (250) zur Umsetzung bei ihnen hinterlassen. Und schließlich entfaltet das „präsupponierte“ Wissen (237) durch die Anwendung aufgeladener

Begrifflichkeiten seine Wirkung. Jens Maeße konstatiert also gleich im Anschluss an den Abgesang eine Rückkehr des Politischen unter den beschriebenen anderen Bedingungen: „Das Politische lässt sich niemals vollständig ausblenden, sondern fordert immer wieder sein Recht ein. Es zeigt sich an Punkten, wo der Diskurs mit sich selbst hadert, (...) das Gesagte wieder und wieder kommentiert, (...) oder auf Fragen antwortet, die niemand gestellt hat. Jeder Versuch, die Lücke zu schließen führt nur dazu, dass die Lücke woanders wieder aufreißt.“ (258) Ein Beispiel für die „empirischen Orte“ (258), wo sich diese Praktiken niederschlagen, seien die Hochschulen, die sich Bologna gegenüber misstrauisch, kritisch und widerständig zeigen. „Die Orte der Rückkehr des Politischen sind nicht fixierbar, sondern dissimilieren mit der Expansion des Bologna-Diskurses in andere Praxisfelder.“ (259) Soll heißen: Mit den Veränderungen an den deutschen Hochschulen ist es so schnell nicht vorbei. Mit den kritischen Äußerungen zum Reformprozess jedoch auch nicht.

In den letzten Monaten ist eine Vielzahl wissenschaftlicher Reflektionen zur Europäischen Hochschulstrukturreform erschienen oder im Erscheinen begriffen, die Maeße bei seiner Studie selbstverständlich nicht berücksichtigen konnte. Diese Erkenntnisse hätten ihn jedoch möglicherweise dabei unterstützt, sein Forschungsprogramm noch weiter auszubauen und auch auf Fragen einzugehen, die sich im Anschluss an den politischen Implementierungsprozess an den Hochschulen gerade im Hinblick auf die Herausarbeitung der „hegemomialen Effekte“ stellen. Angesichts des Verlaufs und der Ausgestaltung der „Bologna-Reformbemühungen“ möchte man vor allem den Angehörigen der deutschen Hochschulen die Lektüre des Buches verbindlich ans Herz legen, um ihnen die (Un-)Möglichkeit ihrer „partikularen Akte“ (245) angesichts dominierender technokratischer Verstiegenheiten aufzuzeigen.

Nadin Fromm

Ulrich Bröckling, Robert Feustel (Hg.) Das Politische denken. Zeitgenössische Positionen. Bielefeld: transcript 2010.

Das Politische ist zurück! Nachdem der *Begriff des Politischen* zusammen mit seinem polarisierenden Schöpfer Carl Schmitt in Verruf geraten war, nahezu untergegangen schien, hatten im deutschsprachigen Raum alle Versuche, diesen Begriff auf zeitgenössische Probleme anzuwenden, mit dem Mythos *Carl Schmitt* zu kämpfen. Im letzten Jahrzehnt sind jedoch nunmehr eine Welle von verspäteten Übersetzungen und daran anschließende Sammelbände erschienen, die dem deutschsprachigen Publikum

retrospektiv eine rege Debatte um das Politische präsentieren. Im Mittelpunkt stand dabei eine meist französischsprachige und meist linke Geschichte des Begriffs jenseits von (zumindest expliziten Bezügen auf) Carl Schmitt.

Diese Theorien, die man mittlerweile – vergröbernd – gar als *einen* Diskurs des Politischen bezeichnen kann, lassen sich mit einigen Markierungen abstecken: Sie richten sich gegen einen Begriff von Politik, der sich am Design und der juristischen Ausdifferenzierung der Institutionen westlicher Nationalstaaten und an Konstellationen der Internationalen Beziehungen sowie tagespolitischen Meldungen abarbeitet – kurz: Politik, wie man sie lange als Gegenstand der *Politikwissenschaft* kannte. Im neuen Diskurs des Politischen dagegen wird Politik zumeist als ein Spannungsverhältnis zwischen zwei konfligierenden Momenti verstanden – einem Ordnenden und einem, das auf den Bruch dieser Ordnung drängt: Statik und Dynamik bzw. *la politique* und *le politique* (die Politik und das Politische) bei Lefort und Nancy, *pouvoir* *constituent* und *pouvoir constitué* (verfasste und verfassende Gewalt/Macht/Kraft) bei Balibar, Institution und Instituierung bei Castoriadis, Polizei und Politik bei Rancière, Institution und Ereignis bei Badiou.

Politik als Spannungsverhältnis zu denken ist nicht neu. Doch wird dieser Gedanke in den vorliegenden Theoremen radikalisiert. Wenn der Politik im oben genannten politikwissenschaftlichen Sinn das Politische gegenübergestellt wird, so ist damit kein weiterer abgrenzbarer (disziplinärer) Bereich gemeint, sondern das Gegenteil: das Unbegrenzbare, die noch nicht Gehörten, das noch nicht Institutionalierte und politikwissenschaftlich Systematisierte – das schlichtweg *Andere* der institutionellen Politik, das ihr dennoch zugehört. An den unterschiedlichen Verwendungsweisen des Wortes *Politik* lässt sich ablesen, dass es um Bedeutungskämpfe geht: Mal bezeichnet es einen dynamischen Pol und wird der statischen, verwaltenden Polizei gegenübergestellt, mal bezeichnet es das Statische und wird mit dem Politischen (als einem dynamischen Prinzip) kontrastiert, mal bezeichnet es das Spannungsverhältnis beider Pole. Hierbei zeigt sich das paradoxe Ringen des geistes- und sozialwissenschaftlichen Diskurses um den Begriff: Der etablierten Politik soll der Alleinvertretungsanspruch für unsere politischen Belange aberkannt werden, um andere Belange als politische zu etablieren: Entgrenzung der Politik durch Begrenzung.

Unter dem Titel *Das Politische denken* versammeln Ulrich Bröckling und Robert Feustel Porträts von TheoretikerInnen und/oder deren Werken, die aus sehr unterschiedlichen Theoriekontexten kommen (z.B. Marxismus, Phänomenologie, Dekonstruktion, Literaturtheorie, Totalitarismustheorie) und bieten damit einen fundierten Überblicksband. Die AutorInnen der Port-

raits sind einschlägige Experten auf dem jeweiligen Gebiet und umreißen ihre Gegenstände einführend und präzise zugleich. Die Zusammenstellung der Texte lässt nicht nur einen spezifischen Gegenstand – das Politische – hervortreten, den Einzelbeiträge vermutlich nicht mit dieser Evidenz hätten zeichnen können, sondern verweist auch *en passant* auf die Möglichkeiten und Grenzen dieser theoretischen Entität. Dass der Band die Debatte bis zu frühen Beiträgen (z.B. von Maurice Blanchot) zurückdatiert, zeichnet ihn zudem aus. Denn die gegenwärtige Renaissance des Begriffs ist nicht dem späten Interesse an diesen frühen Beiträgen geschuldet, sondern den Schlaglichtern, die heute die prominentesten Vertreter linker politischer Theorie und Philosophie in diesem Feld setzten: Allen voran verhalf Chantal Mouffes Büchlein *On the Political* diesem kontinentalen Thema durch eine Glättung und Systematisierung zum Brückenschlag in angelsächsische Debatten. Jaques Rancière, dessen Theorem von der *Aufteilung des Sinnlichen* in Kunstdiskursen rezipiert wird, wurde mit seinem Werk *Das Unvernehmen* zum Impulsgeber für die Auseinandersetzung um den Begriff des Politischen und gar als Neubeginn der politischen Philosophie gefeiert. Auch Judith Butler ist gefragt in der Debatte um die Möglichkeiten einer politischen Theorie bzw. einer Theorie des Politischen. [1]

Der Band von Bröckling und Feustel geht aber gerade nicht von diesen Schlaglichtern aus, sondern bringt mit Autoren wie Maurice Blanchot, Claude Lefort und Cornelius Castoriadis auch Stimmen zu Gehör, die hierzulande kaum mehr oder noch nicht beachtet werden. Mit Lefort und Castoriadis, deren Biografien wie die einiger ihrer Zeitgenossen die Sequenz *Mitgliedschaft in der kommunistischen Partei Frankreichs – Kritik am Stalinismus – Bruch mit dem Marxismus* enthalten, kann das Bestehen auf die Eigenständigkeit des Politischen auch als Reaktion auf dessen bloße Ableitung von der Ökonomie im orthodoxen Marxismus verstanden werden. Dieser klare Kontrapunkt macht die Überlegungen von Lefort und Castoriadis darüber, wie eine nicht abgeleitete Entität des Politischen denkbar ist, fasslicher.

So hat Claude Lefort – im hier besprochenen Band von Oliver Marchart vorgestellt – mit der Umdeutung des Konzepts *Klassenkampf* als einen grundlegenden Antagonismus, der die Gesellschaft doppelt durchzieht – einmal als Abfolge sozialer Kämpfe und einmal als irreduzible Distanz der Gesellschaft zu ihrem eigenen Bild und ihrer Macht – wesentliche Elemente von Ernesto Laclaus Fortentwicklung der mit Chantal Mouffe entwickelten Hegemonietheorie vorweggenommen. Diese „ontologische“ Dimension des Politischen müsse nach Lefort auf der „ontischen“ Bühne der mitunter banalen Politik repräsentiert werden. Er insistiert geradezu auf Repräsentationen als conditio sine qua non von Politik: „So wie eine Gesellschaft ohne Macht unvorstellbar ist, so kann es keine Macht ohne Repräsentationen geben.“

[1] Vgl. Butler, J./Laclau, E./ Zizek, S. (2000) *Contingency, hegemony, universality. Contemporary dialogues on the left*. London: Verso (Phronesis). Vgl. Butler, J. (1992) *Feminists theorize the political*. New York: Routledge.

tation geben – ergo: kein sozialer Raum ohne die Inszenierung einer ‚Quasi-Repräsentation seiner selbst‘.“ [2] Der nicht unproblematische Zug, der Repräsentation – und damit ist mitunter auch die parlamentarische gemeint – eine konstitutive Rolle einzuräumen für die Reformulierung von und den Zugriff auf die gesellschaftlichen Belange, findet sich insbesondere bei Laclau und Mouffe aber auch bei Rancière. Repräsentation ist dabei nicht zu verwechseln mit den indirekten Formen der Demokratie, auf die elitistische Demokratietheorien bestehen. Sie ist vielmehr im erstgenannten Sinne ein Charakteristikum der Theorien des Politischen, weil sie, vor jeder Überlegung über wahre Bedürfnisse oder falsches Bewusstsein, grundsätzlich mit der Verzerrung jeder Artikulation rechnet.

Als Opposition gegen die marxistische Suspendierung der Politik, d.h. gegen ihre Degradierung zum falschen, bloß Äußerlichen der Produktionsverhältnisse, lässt sich auch die Unternehmung von Castoriadis verstehen, der von Robert Seyfert porträtiert wird: *Die Gesellschaft als imaginäre Institution* zu denken heißt, etwas dem verrechenbaren und bezeichnenbaren Symbolischen (und damit auch den bestimmbareren Produktionsverhältnissen) Vorgängiges zu konstatieren. Castoriadis’ brachiale Metapher vom *Magma*, aus dem sich unbegrenzt identitätslogische Mengen bestimmen lassen, deutet dabei schon das Urgewaltige an, das viele der Zuschreibungen zum Politischen assoziieren: Das Politische ist undarstellbar, es entzieht sich, ist unvorhersehbar etc. Castoriadis betont das Prozesshafte des gesellschaftlichen Seins, in dem sich die imaginäre Dimension der Gesellschaft – verstanden als kollektive kreative Aktivität – wieder als etwas Symbolisches bzw. zu Institutionen verfestigt. Dieses Wechselspiel zwischen dem Prozess der Instituierung und deren Ergebnis (Institutionen) gelte es in Bewegung zu halten, während die überbordenden Bürokratien es stillzustellen suchen.

Es scheint, dass mit der Analyse des Politischen die Forderung nach dessen Dynamisierung einhergeht. Sie findet sich auch in der Formulierung, mit der Robin Celicates das Unternehmen von Etienne Balibar überschreibt: Demokratisierung der Demokratie. (Balibar repräsentiert in dieser Zusammenstellung am deutlichsten den Zusammenhang jeder Theorie des Politischen mit dem Problem der Alterität, wie es sonst etwa von Spivak präsentiert wird.) Hinter der Forderung nach Dynamisierung, so kann man unterstellen, steckt auch die etwas überstrapazierte und abstrakte Feststellung, dass jede Ordnung kontingent ist und auf Ausschlüssen basiert. Da moralische Überlegungen, die vielleicht eine Bewertung der Ausschlüsse als akzeptabel oder inakzeptabel liefern würden, aus dem Diskurs des Politischen kategorisch ausgeschlossen sind, bleibt der intuitiven Gerechtigkeit nur, das Tempo der Wechsel zu erhöhen, damit Ausschlüsse temporär bleiben.

[2] Lefort, C. (1990) Die Frage der Demokratie. In: Rödel, U. *Autonome Gesellschaft und libertäre Demokratie*. Frankfurt/M.: Suhrkamp, 281-297. Zit. nach Marchart im besprochenen Band, 23.

Dem Gestus des Öffnens und Offenhalts sind natürlich auch Derrida und Deleuze/Guattari verpflichtet, wenn sie von Susanne Lüdemann und Paul Patton danach befragt werden, wie das Politische von ihrer Perspektive aus zu denken wäre. Die Idee des Öffnens/Offenhalts ist für sich genommen mitunter problematisch, insbesondere für Theorien des Politischen, da diese damit nicht mehr trennscharf von anderen Theorien des Sozialen zu unterscheiden sind, die sich der Deessentialisierung als Leitbegriff bedienen. Es ist anzunehmen, dass die Politik oder wahlweise das Politische wesentliche Faktoren im Zusammenspiel zwischen Deessentialisierung und Reessentialisierung darstellen, wobei Letzteres wohl hieße, dem Menschen oder einigen Menschen bestimmte Eigenheiten zu unterstellen und aus diesen Forderungen für die Einrichtung des Gemeinsamen abzuleiten. Wenn das auch für Theoriepolitik gilt, stellt sich die Frage, wie lange es sinnvoll ist, nur Deessentialisierung zu betreiben und damit notwendigerweise die Reessentialisierung Anderen zu überlassen.

Dass in diesem Band die eine Seite des Spiels so stark hervortritt, ist wohl Verschiedenem geschuldet: Zum Ersten dem einführenden Charakter des Bandes. Die AutorInnen arbeiten mit den jeweiligen TheoretikerInnen, die sie vorstellen, jeweils aufs Neue gegen den landläufigen Begriff von Politik. Zum Zweiten offenbart die Einführung der Theorien unter dem Titel *Das Politische denken* auch die systematischen Schwierigkeiten, die das Denken einer Entität (*das Politische*) birgt, die eigentlich nichts anderes ist als das jeweils Andere der Sphäre der Notwendigkeit (Arendt), der bloß subjektiven Freiheit, des Gesetzes der Institution und des Systems. Das Politische als Begriff ist eben auch eine dankbare Projektionsfläche.

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