

Behaviour Guides and Law.

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

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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 thejuridical 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 (Karakayalı/Riga 2010; Karakayalı/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 as 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 (Altwater 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-functionalist/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. Arditì (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 figurational sociologists, but “a transformation in the techniques of domination” (Arditì 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, Arditì (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 become 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 figurational 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 sociation 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 (Karakayalı/Riga 2009; Karakayalı/Hess/Tsianos 2009; Bojadžijev/Karakayalı 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 figurational 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 figurational 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]

[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.

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 were 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,

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 hegemonial, 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.

Bibliography

- Agamben, G. (1998) *Homo Sacer. Sovereign Power and Bare Life*. Stanford: Stanford University Press.
- Algazi, G. (2008) Norbert Elias' motion pictures: history, cinema and gestures in the process of civilization. In: *Studies in History and Philosophy of Science* 29: 444-458.
- Alheit, P./Dausien, B. (2002) The 'double face' of lifelong learning: Two analytical perspectives on a 'silent revolution'. In: *Studies in the Education of Adults* 34(1,1) (April): 3-22.
- Altwater, E. et al. (eds.) (2000) *Vernetzt und verstrickt. Nicht-Regierungsorganisationen als gesellschaftliche Produktivkraft*. 2nd ed. Münster: Westfälisches Dampfboot.
- Arditi, J. (1994) Hegemony and etiquette: an exploration on the transformation of practice and power in eighteenth-century England. In: *British Journal of Sociology* 45(2) (June): 177-193.
- Arditi, J. (1996) The Feminization of Etiquette Literature. Foucault, Mechanisms of Social Change, and the Paradoxes of Empowerment. In: *Sociological Perspectives* 39(3): 417-434.
- Arditi, J. (1998) *A Genealogy of Manners. Transformations of Social Relations in France and England from the Fourteenth to the Eighteenth Century*. Chicago/London: University of Chicago Press.
- Arditi, J. (1999) Etiquette Books, Discourse and the Deployment of an Order of Things. In: *Theory, Culture & Society* 16(4): 25-48.
- Arendt, H. (1949) „The Rights of Men“. What are they? In: *Modern Review* 3(1): 24-37.
- Bartelson, J. (1995) *A genealogy of sovereignty*. Cambridge University Press.
- Bartelson, J. (2006) The Concept of Sovereignty Revisited. In: *The European Journal of International Law* 17(2): 463-474.
- Beaulac, S. (2004) *The Power of Language in the Making of International Law. The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia*. Leiden: Nijhoff.

- Beck, S./Lengwiler, M. (2008) Historizität, Materialität und Hybridität von Wissenspraktiken: Die Entwicklung europäischer Präventionsregimes im 20. Jahrhundert. In: *Geschichte und Gesellschaft* 34: 489-523.
- Böhnisch, T. (1999) *Gattinnen. Die Frauen der Elite*. Münster: Westfälisches Dampfboot.
- Boltanski, L./Chiapello, È. (2005) *The New Spirit of Capitalism*. London, New York: Verso.
- Bourdieu, P. (1986) The (three) Forms of Capital. In: Richardson, J. G. (ed.) *Handbook of Theory and Research in the Sociology of Education*. New York, London: Greenwood Press.
- Bourgois, P. (1995) *In Search for Respect. Selling Crack in El Barrio*. New York: Cambridge University Press.
- Bojadžijev, M./Karakayalı, S. (2010) Recuperating the Sideshows of Capitalism. In: *e-flux* 17 (2010), <http://www.e-flux.com/journal/view/154> (22/07/2010).
- Brand, U. (2000) *Nichtregierungsorganisationen, Staat und ökologische Krise*. Münster: Westfälisches Dampfboot.
- Brand, U. (2007) *The Internationalization of the State as the Reconstitution of Hegemony*. Working Paper No. 1/2007 des Instituts für Politikwissenschaft der Universität Wien, http://politikwissenschaft.univie.ac.at/fileadmin/user_upload/inst_politikwiss/IPW_Working_Papers/IPW-Working-Papers-01-2007-Brand.pdf (24/2/2009).
- Bremer, H. (2004) Der Mythos vom autonom lernenden Subjekt. Zur sozialen Verortung aktueller Konzepte des Selbstlernens und zur Bildungsexpansion unterschiedlicher sozialer Milieus. In: Engler, S./Krais, B. (eds.) *Das kulturelle Kapital und die Macht der Klassenstrukturen. Sozialstrukturelle Verschiebungen und Wandlungsprozesse des Habitus*. Weinheim, München: Juventa.
- Bröckling, U. (2000) Am Ende der großen Kriegserzählungen. Zur Genealogie der „humanitären Intervention“. In: *Mittelweg 36. Zeitschrift des Hamburger Instituts für Sozialforschung* 9(2): 81-89.
- Bröckling, U. (2005) Gendering the Enterprising Self. Subjectification Programs and Gender Differences in Guides to Success. In: *Distinktion. Scandinavian Journal for Social Theory* 11 (October): 7-25
- Bröckling, U. (2007): *Das unternehmerische Selbst. Soziologie einer Subjektivierungsform*. Frankfurt/M.: Suhrkamp.

- Buchanan, T. (2002) 'The Truth Will Set You Free': The Making of Amnesty International. In: *Journal of Contemporary History* 37(4): 575-597.
- Bühler-Niederberger, D./Sünker, H. (2003) Von der Sozialisationsforschung zur Kindheitssoziologie – Fortschritte und Hypothesen. In: Bernhard, A./Kremer, A./Rieß, F. (eds.) *Kritische Erziehungswissenschaft und Bildungsreform. Programmatik, Brüche, Neuansätze, Bd. 1*. Baltmannsweiler: Schneider-Verlag, Hohengehren.
- Butler, J. (2005) *Giving an Account of Oneself*. New York: Fordham University Press.
- Chartier, R. (1989) Gesellschaftliche Figuration und Habitus. In: Chartier, R. *Die unvollendete Vergangenheit. Geschichte und die Macht der Weltauslegung*. Berlin: Wagenbach.
- Cohen, J. L./Arato, A. (1999) *Civil society and political theory*. 5th ed. Cambridge: MIT Press.
- Comaroff, J./Comaroff, J. L. (eds.) (2006) *Law and disorder in the postcolony*. Chicago: University of Chicago Press.
- Comaroff, J./Comaroff, J. L. (2006) Law and Disorder in the Postcolony. An Introduction. In: Comaroff, J./Comaroff, J. L. (eds.) *Law and disorder in the postcolony*. Chicago: University of Chicago Press.
- Comaroff, J./Comaroff, J. L. (2006) Criminal Obsession, after Foucault. Postcoloniality, Policing, and the Metaphysics of Disorder. In: Comaroff, J./Comaroff, J. L. (eds.) *Law and disorder in the postcolony*. Chicago: University of Chicago Press.
- Creveld, M. van (1991) *The Transformation of War*. New York: Free Press.
- Demirovic, A. (1997) Hegemonie und Zivilgesellschaft. Metakritische Überlegungen zum Begriff der Öffentlichkeit. In: Demirovic, A. *Demokratie und Herrschaft. Aspekte kritischer Gesellschaftstheorie*. Münster: Westfälisches Dampfboot.
- Diefenbach, K. (2003) Just War. Neue Formen des Krieges. Polizeirecht, Lager, Ausnahmezustand. In: Becker, J./Lanz, S. (eds.) *Space//Trouble. Jenseits des guten Regierens: Schattenglobalisierung, Gewaltkonflikte und städtisches Leben*. Berlin: B_books.
- Dinges, M. (1998) Formenwandel der Gewalt in der Neuzeit. Zur Kritik der Zivilisationstheorie von Norbert Elias. In: Sieferle, R. P./Breuninger, H. (eds.) *Kulturen der Gewalt. Ritualisierung und Symbolisierung von Gewalt in der Geschichte*. Frankfurt/M.: Campus.
- Duindam, J. (1995) *Myths of Power. Norbert Elias and the Early Modern European Court*. Amsterdam: Amsterdam University Press.

- Dupuy, P.-M. (2005) Some Reflections on Contemporary International Law and the Appeal to Universal Values: A Response to Martti Koskeniemi. In: *European Journal of International Law* 16(1): 131-137.
- Eckel, J. (2009) Utopie der Moral, Kalkül der Macht. Menschenrechte in der globalen Politik nach 1945. In: *Archiv für Sozialgeschichte* 49: 437-484.
- Eckert, J. (2003) Sundar Mumbai. Die städtische Gewaltordnung selektiver Staatlichkeit. In: Becker, J./Lanz, S. (eds.) *Space//Trouble. Jenseits des guten Regierens: Schattenglobalisierung, Gewaltkonflikte und städtisches Leben*. Berlin: B_books.
- Eckert, J. (2006) From Subjects to Citizens: Legalisation from Below and the Homogenisation of the Legal Sphere. In: *Journal of Legal Pluralism*: 45-75.
- Elias, N. (1969) *The Civilizing Process, Vol. I. The History of Manners*. Oxford: Blackwell.
- Elias, N. (1982) *The Civilizing Process, Vol. II. State Formation and Civilization*. Oxford: Blackwell.
- Fabros, A. S. L. (2009) Global economy of signs and selves: A view of work regimes in call centers in the Philippines. In: *Sociologie du Travail* 51: 343-360.
- Falk, R. A. (1998) *Law in an emerging global village. A post-Westphalian perspective*. Ardsley, NY: Transnational Publ.
- Field, J. (2000) *Lifelong Learning and the New Educational Order*. Stoke-on-Trent: Trentham Books.
- Förster, T. (2007) Staat und Staatlichkeit in Afrika: Vom Zerfall zum funktionierendem Chaos? In: Bearth, T./Becker, B./Kappel, R./Krüger, G./Pfister, R. (eds.) *Afrika im Wandel*. Zürich: vdf Hochschulverlag.
- Foucault, M. (1982) Why Study Power? The Question of the Subject. In: *Critical Inquiry* 8(4): 777-795.
- Foucault, M. (1984) *The Foucault Reader*. Ed. by Paul Rabinow. New York: Pantheon Books.
- Foucault, M. (2003) "Society Must be Defended". *Lectures at the College De France, 1975-76*. New York: Picador.
- Foucault, M. (2009) *Security, Territory, Population. Lectures at the College de France 1977-1978*. New York: Picador.
- Foucault, M. (2010) *The Birth of Biopolitics. Lectures at the College de France, 1978-1979*. New York: Palgrave Macmillan.
- Foucault, M. (2010) *The Government of Self and Others. Lectures at the College de France, 1982-1983*. New York: Palgrave Macmillan.

- Foster-Dixon, G. (1993) Troping the Body. Etiquette Texts and Performance. In: *Text and Performance Quarterly* 13(1) (January): 76-96.
- Foucault Studies (2010) Special Section on Michel Foucault and Norbert Elias. No. 8 (February): 5-77.
- Frank, T. (1997) *The Conquest of Cool: Business Culture, Counterculture, and the Rise of Hip Consumerism*. Chicago: University of Chicago Press.
- Fröhlich, M. (ed.) (2008) *UN Studies/VN-Studien. Umriss eines Lehr- und Forschungsfeldes*. Baden-Baden: Nomos.
- Furtak, F. (1997): *Nichtstaatliche Akteure in den internationalen Beziehungen. NGOs in der Weltpolitik*. München: Tuduv-Verl.-Ges.
- Götz, N. (2007) Sechzig Jahre und kein bisschen weise. Die Vereinten Nationen in der postnationalen Konstellation. Literaturbericht. In: *Neue Politische Literatur* 52(1): 37-55.
- Goody, J. (2002) Elias and the anthropological tradition. In: *Anthropological Theory* 2: 401-412.
- Goody, J. (2006) The theft of 'civilization': Elias and Absolutist Europe. In: Goody, J. *The Theft of History*. New York: Cambridge University Press.
- Grove-White, A. (2001) No Rules, only Choices? Repositioning the Self within the Fashion System in Relation to Expertise and Meaning: A Case Study of Colour and Image Consultancy. In: *Journal of Material Culture* 6(2) (September): 193-211.
- Grovogui, S.N. (2001) Sovereignty in Africa: Quasi-statehood and Other Myths. In: Dunn, K./Shaw, T. (eds.) *Africa's Challenge To International Relations Theory*. London: Palgrave Macmillan.
- Grovogui, S.N. (2002) Regimes of Sovereignty: International Morality and the African Condition. In: *European Journal of International Relations* 8(3): 315-338.
- Günther, K./Randeria, S. (2001) *Recht, Kultur und Gesellschaft im Prozess der Globalisierung*. Bad Homburg: Reimers.
- Habermas, J. (1999) Zur Legitimation durch Menschenrechte. In: Brunkhorst, H./Niesen, P. (eds.) *Das Recht der Republik*. Frankfurt/M.: Suhrkamp.
- Hansen, T. B./Stepputat, F. (2005) Introduction. In: Hansen, T. B./Stepputat, F. (eds.) *Sovereign Bodies. Citizens, Migrants, and States in the Postcolonial World*. Princeton: Princeton University Press.
- Hartmann, M. (2000) Class-specific habitus and the social reproduction of business elites in Germany and France. In: *The Sociological Review* 84(2): 241-261.
- Hartmann, M. (2006) *The Sociology of Elites*. London: Routledge.

- Headley, J.M. (2008) *The Europeanization of the World. On the Origins of Human Rights and Democracy*. Princeton: Princeton University Press.
- Hobson, J. M./Sharman, J. C. (2005) The Enduring Place of Hierarchy in World Politics: Tracing the Social Logics of Hierarchy and Political Change. In: *European Journal of International Relations* 11(1): 63-98.
- Holert, T./Terkessidis, M. (2002) *Entsichert. Krieg und Massenkultur im 21. Jahrhundert*. Köln: Kiepenheuer & Witsch.
- Houtman, D./Achterberg, P. (2004) *The Politics of the Omnivores. Elite Culture, Popular Culture, and Libertarianism*. Paper prepared for the workshop Collapsing Cultural Canons: Elite Culture, Popular Culture, and Politics in Late Modernity, EHESS Marseille, October 2004, <http://publishing.eur.nl/ir/repub/asset/1768/SOC-2004-004.pdf> (16/8/2010).
- Hughes, J. (2010) Emotional intelligence: Elias, Foucault, and the reflexive emotional self. In: *Foucault Studies* 8 (February): 28-52.
- Hunt, L. (2007) *Inventing Human Rights. A History*. New York: Norton.
- Ilgen, T.L. (ed.) (2003) *Reconfigured Sovereignty. Multi-Layered Governance in the Global Age*. Aldershot: Ashgate.
- Jung, A. (2003) Überleben in den Neuen Kriegen. Hilfsorganisationen im Dilemma. In: Becker, J./Lanz, S. (eds.) *Space//Trouble. Jenseits des guten Regierens: Schattenglobalisierung, Gewaltkonflikte und städtisches Leben*. Berlin: B_books.
- Kämper, G./Othmer, R./Sachse, C. (2009) Gebrochene Utopien. Fragmentierungen utopischen Denkens in der Moderne. Einleitung. In: *feministische Studien* 2: 185-195.
- Kaldor, Mary (1999) *New and Old Wars. Organized Violence in a Global Era*. Cambridge: Polity Press.
- Karakayalı, S./Riga, E. (2010) Mapping the European space of circulation. In: De Genova, N./Peutz, N. (eds.) *The Deportation Regime. Sovereignty, Space, and the Freedom of Movement*. Durham: Duke University Press.
- Karakayalı, S./Hess, S./Tsianos, V. (2009) *Transnational migration. Theory and method of an ethnographic analysis of border regimes*. Working Paper. University of Sussex, Sussex Centre for Migration Research.
- Kennedy, P. M. (2007) *Parlament der Menschheit. Die Vereinten Nationen und der Weg zur Weltregierung*. München: Beck.

- Kern, R. M. (1997) Boundaries in use. The deployment of personal resources by the upper middle class. In: *Poetics* 25: 177-193.
- Klare, M. et al. (eds.) (1988) *Low-Intensity Warfare. Conterinsurgency, Proinsurgency and Anti-terrorism in the Eighties*. New York: Pantheon.
- Klare, M. (2001) *Resource Wars. The New Landscape of Global Conflict*. New York: Metropolitan Books.
- Korhonen, O. (2001) International Governance in Post-Conflict Situations. In: *Leiden Journal of International Law* 14(3): 495-529.
- Koschorke, A./Lüdemann, S./Frank, T./Matala de Mazza, E. (2007) Der fiktive Staat. Konstruktionen des politischen Körpers in der Geschichte Europas. Frankfurt/M.: Fischer.
- Koskenniemi, M. (1990) The Politics of International Law. In: *European Journal of International Law* 1(1): 4-32.
- Koskenniemi, M. (2001) *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960*. Cambridge: Cambridge University Press.
- Koskenniemi, M. (2005) International Law in Europe: Between Tradition and Renewal. In: *European Journal of International Law* 16(1): 113-124.
- Kramer, F. W./Rees, T. (2005) Geschichte der Ethnographie. Auswege aus dem Verhältnis von Humanismus und Anthropologie. In: Kramer, F. W. *Schriften zur Ethnologie*. Herausgegeben und mit einem Nachwort von Tobias Rees. Frankfurt/M.: Suhrkamp.
- Krasmann, S. (ed.) (2007) *Michel Foucaults "Geschichte der Gouvernementalität" in den Sozialwissenschaften. Internationale Beiträge*. Bielefeld: transcript.
- Latour, B. (1993) *We have never been modern*. New York: Harvester Wheatsheaf.
- Lindahl, H. (2003) Sovereignty and Representation in the European Union. In: Walker, N. (ed.) *Sovereignty in Transition*. Oxford: Hart.
- Linklater, A. (1996) Citizenship and Sovereignty in the Post-Westphalian State. In: *European Journal of International Relations* 2(1): 77-103.
- Magazine, R. (2003) An Innovative Combination of Neoliberalism and State Corporatism: The Case of a Locally Based NGO in Mexico City. In: *The ANNALS of the American Academy of Political and Social Science* 590, 243-256.
- Majors, R./Mancini Billson, J. (1992) *Cool Pose. The Dilemmas of Black Manhood in America*. New York: Touchstone.

- Marcuse, H. (1969) Repressive Tolerance. In: Wolff, R. P./Moore, B. jr./Marcuse, H. *A Critique of Pure Tolerance*. Boston: Beacon Press.
- Markowitz, F. (2004) Talking about culture. Globalization, human rights and anthropology. In: *Anthropological Theory* 4: 329-352.
- Mbembe, A. (2003) Necropolitics. In: *Public Culture* 15(1): 11-40.
- Mbembe, A. (2006) On Politics as a Form of Expenditure. In: Comaroff, J./Comaroff, J.L. (eds.) *Law and Disorder in the Postcolony*. Chicago: University of Chicago Press.
- McGuigan, J. (2007) Cultural Studies und „cool capitalism“. In: Harrasser, K./Riedmann, S./Scott, A. (eds.) *Die Politik der Cultural Studies – Cultural Studies der Politik*, Wien: Turia + Kant.
- McGuigan, J. (2009) *Cool Capitalism*. London: Pluto Press.
- McRobbie, A. (2010) *Top Girls. Feminismus und der Aufstieg des neoliberalen Geschlechterregimes*. Wiesbaden: VS Verlag für Sozialwissenschaften.
- Mentges, G. (2010) Coolness – Zur Karriere eines Begriffs. Versuch einer historischen und analytischen Annäherung. In: Geiger, A./Schröder, G./Söll, A. (eds.) *Coolness. Zur Ästhetik einer kulturellen Strategie und Attitüde*. Bielefeld: transcript.
- Moldaschl, M. (2007) *Zivilisierung, Informalisierung, Individualisierung. Zur kultursoziologischen und modernisierungstheoretischen Deutung der Subjektivierung von Arbeit*. Papers and Preprints oft he Department of Innovation Research and Sustainable Resource Management (BWL IX), Chemnitz University of Technology, No. 5/2007, <http://archiv.tu-chemnitz.de/pub/2007/0179> (22/11/2009).
- Müllerson, R. (2002) Review on: M. Koskenniemi: *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960*. Cambridge 2001. In: *European Journal of International Law* 13(3): 727-735.
- Münkler, H. (2004) *The New Wars*. Cambridge: Polity.
- Neubert, D. (1997) *Entwicklungspolitische Hoffnungen und gesellschaftliche Wirklichkeit. Eine vergleichende Länderfallstudie von afrikanischen Nicht-Regierungsorganisationen in Kenia und Ruanda*. Frankfurt/M./New York: Campus.
- Pahuja, S. (2004) 'This is the World: Have Faith'. Review Essay: Wright, Shelley: *International Human Rights. Decolonisation and Globalisation: Becoming Human*. London, New York 2001. In: *European Journal of International Law* 15(2): 381-393.

- Paulus, A. R. (2001) International Law After Postmodernism. Towards Renewal or Decline of International Law? In: *Leiden Journal of International Law* 14: 727-755.
- Peterson, R. A. (1992) Understanding Audience Segmentation: From Elite and Mass to Omnivore and Univore. In: *Poetics* 21: 243-258.
- Peterson, R. A. (1997) The Rise and fall of highbrow snobbery as a status marker. In: *Poetics* 25: 75-92.
- Peterson, R. A./Kern, R. M. (1996) Changing Highbrow Taste. From Snob to Omnivore. In: *American Sociological Review* 61 (October): 900-907.
- Pountain, D./Robins, D. (2000) *Cool Rules. Anatomy of an Attitude*. London: Reaktion.
- Presser H.B. (2006) Employment in a 24/7 Economy: Challenges for the Family. In: Perrons, D. et al. (eds.) *Gender Divisions and Working Time in the New Economy. Changing Patterns of Work, Care and Public Policy in Europe and North America*. Cheltenham: Edward Elgar.
- Prieur, A./Rosenlund, L./Skjott-Larsen, J. (2008) Cultural capital today. A case study from Denmark. In: *Poetics* 36: 45-71.
- Quaritsch, H. (1986) *Souveränität. Entstehung und Entwicklung des Begriffs in Frankreich und Deutschland vom 13. Jahrhundert bis 1806* (Schriften zur Verfassungsgeschichte 38). Berlin: Duncker & Humblot.
- Qvortrup, J. (1994) Childhood Matters: An Introduction. In: Qvortrup, J./Bardy, M./Sgritta, G. B./Winterberger, H. (eds.) *Childhood Matters. Social Theory, Practice and Politics*. Aldershot.
- Rancière, J. (2004) Who is the Subject of the Rights of Men? In: *The South Atlantic Quarterly* 2/3: 297-310.
- Rasulov, A. (2006) International Law and the Poststructuralist Challenge. In: *Leiden Journal of International Law* 19(3): 799-827.
- Reimann, H. (1989) The Informal Code. Changes in Western Etiquette. In: *Thought. A Review of Culture and Idea* 64(252) (March): 41-50.
- Schönberger, K. (2009) *Sozialkritik versus Künstlerkritik. Zur Kritik einer falschen Dichotomisierung im Postfordismus*, <http://blog.zhdk.ch/kschoenberger/2009/03/31/sozialkritik-versus-kuenstlerkritik-%E2%80%93-zur-kritik-einer-falschen-dichotomisierung-im-postfordismus/> (21/07/2010).
- Shukaitis, S./Graeber, D./Biddle, E. (eds.) (2007): *Constituent Imagination. Militant Investigations, Collective Theorization*. Oakland: AK Press.
- Stengers, I. (2008) *Spekulativer Konstruktivismus*. Berlin: Merve.

- Teschke, B. (2002) Theorizing the Westphalian System of States: International Relations from Absolutism to Capitalism. In: *European Journal of International Relations* 8(1): 5-48.
- Timm, E. (2001) *Ausgrenzung mit Stil. Über den heutigen Umgang mit Benimmregeln*. Münster: Westfälisches Dampfboot.
- Timm, E. (2010) „Die Verschriftlichung der Pädagogik“ – eine Kindergarten und Hortleiterin zwischen Qualitätsmanagement und pädagogischer Praxis. In: Schultheis, F./Vogel, B./Gemperle, M. (eds.) *Ein halbes Leben. Biographische Zeugnisse aus einer Arbeitswelt im Umbruch*. Konstanz: uvk.
- Tuchman Mathews, J. (1997) Power Shift. In: *Foreign Affairs* 76(1) (Jan./Feb.): 50-66.
- Vallas, S.P. (2001) Symbolic Boundaries and the New Division of Labor: Engineers, Workers and the Restructuring of Factory Life. In: *Research in Social Stratification and Mobility* 18: 3-37.
- Vester, M. (2004) Die Illusion der Bildungsexpansion. Bildungsöffnungen und soziale Segregation in der Bundesrepublik Deutschland. In: Engler, S./Krais, B. (eds.) *Das kulturelle Kapital und die Macht der Klassenstrukturen. Sozialstrukturelle Verschiebungen und Wandlungsprozesse des Habitus*. Weinheim/München: Juventa.
- Vowinckel, G. (1989) Zivilisationsformen der Affekte und ihres körperlichen Ausdrucks. In: *Zeitschrift für Soziologie* 18(5) (Oktober): 362-377.
- Wacquant, L. (2004) *Body & Soul. Notebooks of an Apprentice Boxer*. Oxford: Oxford University Press.
- Walker, N. (ed.) (2003) *Sovereignty in Transition*. Oxford: Hart.
- Wellington, C.A./Bryson, J.R. (2001) At Face Value? Image Consultancy, Emotional Labour and Professional Work. In: *Sociology* 35(4): 933-946.
- Williams, T. (1990) *Cocaine Kids. The Inside Story of a Teenage Drug Ring*. Paris: Da Capo Press.
- Wolf, E. (1966) Kinship, Friendship and Patron-Client Relations in Complex Societies. In: Banton, M. (ed.) *The Social Anthropology of Complex Societies*. London: Tavistock.
- Wouters, C. (2007) *Informalization. Manners and Emotions since 1890*. London: Sage.
- Zelik, R. (2009) *Die kolumbianischen Paramilitärs. "Regieren ohne Staat?" oder terroristische Formen der Inneren Sicherheit*. Münster: Thien.