

Werner Schiffauer: The civil society and the Outsider

Drawing the boundaries in four political cultures

The civil society - far removed from the Utopia of being a bulwark against xenophobia - seems itself to be breeding an aversion to that which is different. In any case, the European countries are today reacting more sensitively and with greater force than other states to the flow of migration connected with the collapse of the existing world order. I shall try here to give a few reasons for this.

The civil society and the Outsider

The civil society, as it has developed in northern Europe, is based on the idea of the individual in free exchange. In simple terms, one could say we are concerned with a form of society that has the market, the forum and the stage as its central institutions. The market stands for the free and rational exchange of goods; the forum for all the institutions of public politics, in which the *volonté générale* is formed in a free exchange of beliefs, and agreement is achieved on a *bien commun*; finally the stage is intended (*pars pro toto*) to stand for the sites of public culture, where a system of symbolic exchange develops - with which (often at a less explicit level) classifications develop and values emerge (1). These institutions can also be found individually in other societies - however, the civil society is characterized by the narrow relationship in which it places all three institutions.

The culture of the civil society has one anthropological peculiarity: a specific form of socialization is required so that free exchange can function. A break is needed with the otherwise universally applicable idea that primary relationships (of family, friendship and allegiance) should also be given primary importance, which in a manner of speaking implies a concentric construction of the social world: one feels oneself most indebted - taken quite literally - to one's nearest; the larger and more inclusive the

social unit becomes, the smaller will be the degree of owed loyalty. However, in Europe the ideal has become established that the collective is more important than the individual, that the general public interest outweighs the particular. In the event of a conflict, the collective (formally the rule, materially the *bien commun*) has priority over the individual.

The demands that this ideal of socialization places on the individual can be demonstrated by the problem of distributing social positions. From this ideal it follows that one should proceed without consideration of the person when distributing social positions, that the position should be awarded to the best but not the nearest. Those who continue to attach primary importance to relationships make themselves guilty of nepotism, favouritism and a 'jobs for the boys' mentality. Hence a specific imposition is introduced: on the positive side it implies that circumstances may dictate that one has to turn against one's nearest when awarding positions; on the negative side that one has to see complete strangers being given preference when posts are awarded. In short, it involves an extremely effective type of socialization - but also a very precarious one.

One problem of this form of socialization is the drawing of boundaries. Boundaries to the outside in effect specify the area for which this imposition of the modern is to apply. In terms of politics they mark the area to which one is subordinated - they specify the group whose majority decisions one should accept, even if they involve individual disadvantages. In terms of commerce they mark that group of persons for whom the rule 'the best man wins' applies. It is therefore no coincidence that the history of European culture in particular is a history of drawing boundaries (and therefore naturally also of excluding). Every opening, every shift, every transformation of the borders signifies a reduction in control and, hence, in opportunities. We are currently experiencing this in Germany. It also describes what is perhaps the crucial dilemma of this culture of public life: from its own internal logic, from its own concept, it is designed for universalization; in practice any expansion means an increase in imposition and raises problems of legitimation, in that increasingly

anonymous authorities make decisions on the individual, who has to compete with an ever greater number of applicants. In actual fact the development of this culture of the general public could be written as a history of the restructuring of boundaries: the integration of new groups not uncommonly led to the exclusion of other groups (or even the same group on a different level: it is no coincidence that the legal integration of Jews was countered with new forms of discrimination).

From its design, the civil society is the form of society that (by virtue of its emphasis on the collective) principally admits the outsider to the social game; however, on the basis of the imposition that this carries it is also a form of society that repeatedly excludes the outsider. The outsider undergoes integration and discrimination. The precise form taken by this relationship between integration and exclusion depends on the specific characteristics of the civil society in each case, and upon what special solution has been taken to the relationship between the individual and the collective in each political culture.

France

In French culture the individual is reconciled with the collective via the idea of the universality of common sense. There are clear - in principle universally valid - rules to which everyone is subject. One is bound to these rules. The institution that in my view most clearly expresses this concept is the omnipresent concours of competitions and selection examinations. It is an absolutely rational, universal and egalitarian procedure for the distribution of social positions.

Rationality, equality and universality correspond with a centralist and (on the European scale) remarkably homogeneous culture: „In France, the absolute monarchy and then later Jacobinism have cleared the ‘one indivisible’ republic of its regional, linguistic and religious peculiarities." (Kepel 1991:63) In the public sphere they had and have lost nothing. The principle of the collective, the nation, was designed specifically as a contrast to all the cultural particularisms. Dumont writes „[in French culture] I am a person by nature and French by chance". In a manner of speaking, the

nation is the framework for the emancipation of the individual.

Here liberty is associated very strongly - if not even identified - with equality. It is very typical that in France the integration of outsiders has been attempted by means of anti-discrimination laws - the most stringent in Europe. We are concerned with a „policy of equal treatment and punishment of discrimination" remarks Costa-Lascoux (1991: 285) - with a policy aimed at giving equal rights to individuals and that does not acknowledge group rights (as for example in setting quotas).

However, this does mark a problem area: liberty naturally also means an opportunity for the genesis of differences, which not uncommonly tend to burst the fine and clear distinction of the public from the private. My impression is that the - multilayered and discriminating French discussion does in fact revolve around solving the problem of the difference. Only facets of this can be indicated here. In the first place, the discourse on equality appears to reside with the left. Robert Grillo (1985: 51 ff.) analyses two forms of the discourse on outsiders. The first discourse is inclusive and egalitarian and centres around the term *immigré* - he evokes the association of the 'international working class'. Less surprisingly this discourse is to be found particularly strongly in the ranks of the communist trade union CGT. The other discourse is exclusive and focuses on the term *étranger*; this is accompanied by the associations of 'nationality', 'culture', 'language', 'race' and according to comments by CGT members this is a 'bourgeois', a divisive term. On the other hand, the left cannot consider ethnicity entirely in abstraction; this is generally classified as a 'secondary contradiction' in the conceptual field. There is a special problem in this field in that any stronger weighting of culture, such as the right to be different, the *droit à la différence* of the '68 generation, is very rapidly transformed to its opposite and is now being used by the right for a new discourse of exclusion. The once progressive demand is now in a manner of speaking being reversed through the strengthening of the French nation's right to its own peculiarities - and intolerance is being derived instead of tolerance.

Against the background of a debate structured in this way, it becomes clear why the

'veil affair' in Creil created so many waves. The religious leaders in Creil demanded 'positive discrimination' for young Muslim girls attending state schools: they were to have the right to wear the veil and not take part in sport or music lessons. Apparently the right or freedom to be different was being demanded here - and namely in the very sensitive area of secularism. The striking feature is that with this demand the French public was being confronted with the 'heterogeneous' - with a demand that plainly did not fit into the existing categories and the current position of the fronts, a demand that was 'at odds' with the classifications. In French society the demand for positive discrimination must be a disquieting paradox.

Great Britain

In Great Britain a solution has developed to the relationship of the individual to society which in many respects gives the impression of being precisely the inverse of the French answer. Liberty and equality in Great Britain are weighted in a fundamentally different way.

Like the French nation, the British has developed from an already existing state structure. If, however, the French understanding of the State has developed in several far-reaching restructuring processes (during absolutism, the French Revolution and during the constitutional uprisings of 1830 and 1848), the British relationship seems instead to have grown organically. On the one hand this affects the State as a whole: the attitude of the Union to each of its individual constituent parts has grown up from a special condition - Great Britain is not a uniform legal territory. However, the relationship of local authorities and central government has also grown organically: from a strong position of the feudal lords and municipal corporations, local administrations have grown up with considerable autonomy and have maintained widespread control.

The French relationship of the individual to the state thus appears designed and rational, whereas the British appears badly arranged and to have grown over time. It consists of a series of certain rights and local peculiarities. If in France „equality and

rationalism ... are both expressed and secured in strictly rational, artificially designed constitutions", the English constitution is „irrational", „immense" and consists of established rights, as Ernst Troeltsch (1925: 91) comments.

In this inegalitarian culture a concept of liberty developed, which is essentially associated with a person's inviolability and freedom of movement. The individuals' spheres - private spheres and group rights alike - are carefully protected, and in fact both legally and through a sophisticated culture of social conventions. This (incidentally) is the foundation on which an unusual pluralism of lifestyles can develop.

How can a *volonté générale* become established in this culture? The guarantor for the public culture seems here to be not so much the state (here scepticism tends to prevail) as the reliance upon social discourse. Team sports serve as an example. It was not just by chance that they originated in Great Britain - with all their implications of rules, fair play, but also toughness in the conflict. Transferred to the political sphere, this means a culture of public debate, in which fewer punches are pulled than in Germany. In this context dealings with the outsider revolve around the question of group rights. This applies to both the discourse of exclusion and that of inclusion. The first point to note is that British racism is associated with the working class (the French, on the other hand, with the bourgeoisie). This becomes understandable from the specifically British context of forming niches and subcultures. The formula is as follows: the closer the relationships of interdependence (in terms of work, home, leisure) the more clearly defined will be the worker culture, and the more xenophobic. The classic example is London's East End: a very strong self-awareness has developed here (genuine or native East Ender), which is linked to an explicit territorial claim. East Enders become so by demonstrating that the East End belongs to them (Cohen 1988: 34). Hence British racism appears to relate more strongly to the particular group than does the French or German variety.

„As long as immigrants 'keep themselves to themselves', stick to their own occupational and housing areas, they are 'no problem'. They have their territories and

public proprieties and we have ours. But as soon as immigrants are seen to be beginning to break out of these confines, for example, by asserting their claim to social justice, there is a shift towards a much more aggressive racism" (ibid.35)

It is not merely the exclusion discourse but also that of inclusion which makes group rights stronger than elsewhere in Europe. Agreements have been achieved in the process of collective integration - frequently at a local level - „often in a typically British process of compromise and ad hoc deals with discrete sections of a local authority" (Nielsen 1992:17). I find the effect that this policy of acknowledging group rights and positive discrimination had upon one French observer very remarkable:

„The exclusion of certain layers of the population, some of whom live in ghettos in Britain, leads to anomalies in a democratic system based on common law. Should we welcome the fact that, as in Birmingham for example, there are ‘muslim’ or ‘pakistani’ schools, and that girls are excluded from certain science subjects and have separate swimming lessons so that they may swim ‘fully clothed’ in ‘pure’ water? Is this to be welcomed in the name of the fight against discrimination?" (Costa-Lascoux 1991: 285)

In other words, this observer is of the opinion that any policy of positive discrimination results in a reinforcement of inequality.

In the British system immigrant organizations, which represent interests and act as negotiating partners, enjoy a strong position. This also indicates - internally - a structural competition between the fractions. It is against this background that the logic of the „Rushdie affair" - as far as it concerned Great Britain - becomes understandable.

I share Kepel's thesis that it involves an attempt by the imams to establish themselves as community leaders. According to Kepel, it was „a test for the ability of the imams to wrest political concessions from the state. They demanded that the book be banned, and in exchange for this promised to end the unrest in the ghettos. They had set themselves an intermediate target that was intended to strengthen their role as mediators, and were prepared for suitable returns (the strengthening of the religious community system) to restore the social peace" (Kepel 1991: 65).

I have the impression that the „Rushdie affair" confronted the British public with the phenomenon of heterogeneity in a comparable way to the „veil affair" in France. In fact because the demand for a strengthening of the group rights was also linked with the demand for intolerance - and it thus struck a similarly neuralgic point in the British public as did the „veil affair" in the French. In all probability this would have become even clearer if Khomeini's Fatwa had not further simplified the dispute by excessive radicalization.

The United States

An unusual solution to the relationship of the individual to the collective was found in the American culture.

Like British culture, the American is also committed to the idea of the individual's liberty. At the same time this idea - probably because of its character as a country of immigration - is noticeably radicalized. Whereas liberty in Great Britain tends to be formulated defensively - namely as the inviolability of the person, in the American ideology this is radically increased because of the stress on the agonal principle: for Europeans the individual's responsibility for his or her own life in American society is emphasized to an alien (but also fascinating) extent.

One principal scepticism against the state corresponds with this: the common good should establish itself in a process of free exchange of the social forces. Regulation and limitation through protection (such as that formulated in Germany with the concept of the social state) are not regarded as guarantors but as restrictions on liberty, as a paternalistic position. A substantialist formulation of „common weal", perhaps by experts as in the German position, would be regarded as almost dangerous. „Above all it raises concerns that Rousseau distinguishes the *volonté générale* from the apparently empirical will of the whole community. In this way the *volonté générale* can be especially useful to power-hungry intellectuals in justifying their dictatorship, which they practise with reference to the Etrue interests of the peopleD - interests which naturally can only be recognized by the dictators

themselves." (Petersen 1990: 10) The quotation refers to neoliberal thinkers but it does reflect a basic trend, as observed for example in evangelist revival movements. This context leads to a completely unique variant of integrating the outsider. In Europe the boundaries are drawn to the outside, whereas in the USA the external exclusion appears to be less important. There is a basic feeling that outsiders should have the right to immigrate - but that there is no collective responsibility for them. Or to put it another way, while the external boundaries have been set at lower level than in Europe, the internal boundaries (initially at least) have been drawn higher. To me this basic feeling seems to have been nurtured on the nation of mankind ideology, the dream of setting up a new nation formed from the old nationalities and at the same time elevating them - and this in the dialectic sense of „overcoming" and „maintaining". Werner Sollors (1986) has reduced this dual character to the formula of descent and consent. The emphasis on descent corresponds to a fundamental affirmation of social heterogeneity: contrary to the European view, cultural variety is not regarded as a source of weakness but fundamentally as a source of strength and rejuvenation. This background can be used to formulate a notion - namely that the „last ones in" are in fact the „genuine" Americans (whereas those who have already been living there for several generations have already forfeited this notion through privilege and lethargy): not that this notion could in the remotest sense command a majority - the point worth noting is that it has been possible to think it, whereas in Europe it is inconceivable. This emphasis on consent is connected to the great vision of the melting pot, which, as Sollors has shown, in a manner of speaking secularizes the (protestant) element of rebirth in just the same way as it does the (alchemistic) element of revival.

As a rule the tense relationship between heterogeneity and unity has been resolved over time. Collective integration of national groups has been possible because it has been linked with the promise of individual assimilation in the second generation, but especially in the third. The first generation of settlers would live in the ghetto, the second generation would achieve a general ascent, the third would be completely

assimilated into American society (with the socio-economic position of the first generation having been taken over by a new group of immigrants). Provided the promise of a rise existed for the following generation, the ghetto did not represent any problems of legitimation (instead it was possible to interpret it as an „intermediate stage", as a source of strength). This idea was in fact only plausible within the confines of the Calvinist view of humanity. Only here could one proceed from the premise that the starting chances might be bad - but that the hard-worker, the winner, would nevertheless succeed.

Critics remind us that this vision has never been realistic; this became particularly clear in the case of the Afro-American and the Hispano-American immigrants during the fifties. Nevertheless, this ideology proved to be remarkably resistant provided one could hold on to the belief that these groups formed the last wave of immigration at that particular time. However, it broke down when the East Asian immigrants, an ethnic group that had immigrated more recently, managed to achieve a rapid economic climb - or at least appeared to have succeeded in this. (2) This group thus usurped the place that legitimately should have gone to the Afro-American and Hispano-American population. This, in my opinion, appears to be the crucial cause for the growing importance of the ethnic discourse.

I believe that the danger this presents for the collective principle does not (as is occasionally claimed) lie in cultural decay. On the contrary, the introduction of ethnic studies in universities appears to fit in precisely with the great American vision. The danger is far more that the consensus discourse will be overrun by the ethnic discourse. The danger of an ethnic frame of reference is that it makes rational agreement on the *bien commun* very difficult, if not impossible. For instance, this came out in an almost oppressive manner from Joan Didion's major coverage of the public reactions after a jogger had been brutally raped by a group of six youths consisting of Blacks and Hispanics (Didion 1991). It was shown that relative clarity about the events - there were confessions - did not exclude the ethnic evaluation: on the part of the Blacks, apart from the suspicion of a plot and false accusations, there

was the feeling that in the reverse case (six Whites raping a black woman) the surge of indignation would in no way have been as great. On the part of the Whites there was the feeling that it was time to defend the „town". On both sides generalizations were drawn from the actual incident, and it was elevated to the level of a conflict between Black and White.

Germany

The relationship of the individual to the collective is determined in a essentially different way in German political culture than in the French and English. To my mind the key seems to lie in a different notion of liberty: in France liberty is associated with equality and in Great Britain with inviolability, whereas in Germany liberty is mentioned noticeably often in the same breath as „responsibility" and only those who are capable of responsibility should enter into the free exchange in which the *volonté générale* emerges.

Differing ideas of the public at large correspond to the concept of liberty. I have the impression that in France, just as in England, there exists a feeling of trust that the common good will prevail if only the social preliminaries are correct: in France, if equality is established and the individuals keep to the rules; in Great Britain, if the rules of liberty remain inviolate and the rules of combat are observed. In both cases 1. affirmation of the rules is demanded, which then permits 2. the ordered social competition, which finally 3. results in the formation of the common good. This trust is missing in Germany's political culture. The commitment to the rules of the game only appears unsatisfactory, as „merely external": before and in addition to the affirmation of the rule, identification with the general well-being is demanded (a „sacrifice to the whole", says Troeltsch [1925: 91]). One cannot and may not be free until the collective has been internalized.

One might say that the relationship of the individual to the collective in German political culture is conceived dialectically. Crucial to this in my view seems to be Schiller's term of the individual-collective. This can be reduced to the following

formula: the reference of collective and individual is not possible unless the collective is achieved within the individual to just the same extent as the reverse is true of the individual in the collective. Let us first consider the collective side. Which discourse in German culture is to determine the common weal? The answer is - in the group of the best-informed, the experts. I find the German expert report, the „counsel of the wise", a curious structure. Before every round of pay talks, the economic research institutes deliver their expert reports, they thus lay down the „sensible" - prior to and independently of each round of pay negotiations. Any excessively great deviation then apparently confronts the parties to the negotiations with problems of legitimation. All of this suggests a certain scepticism towards solving social problems autonomously: a fear that the unfettered interest, the force of particular groups, will be accepted at the cost of the common weal, if at first no clear framework is set. In short, it is the expert commission that „removed from the pressure of the street" and in an essentially independent discourse defines the common weal. With its civil service structure, Germany is treating itself to the rather expensive luxury of a caste of experts who, removed from the social power game, are committed to the common good. The institutional form in which the individual is realised within the collective is the experts' republic.

Lets us now turn to the side of the individual: how is the individual induced to think, feel and act in a socially responsible way? In other words, how is the collective realized within the individual? The reply, as already formulated by Schiller, is - through education. Education conveys the collective and the individual within each person. Not too long ago, word had it that a person begins with the Abitur. This expresses the attitude that is actually only they who have been shaped within who are „people" in the full sense, i.e. that they as fellow players in society are eligible to take on rights and duties. This may well have much to do with the fact that educational record plays a decisive role in the distribution of positions within Germany.

The German understanding of individuality also finds its expression in this pedagogical attitude: as articulated in a certain worry about „doing justice to the

individual case". The institution of the concours would never find acceptance here because it would be regarded as too „mechanical" as a method of distributing resources. This also appears to me to explain why policies of antidiscrimination and positive discrimination (e.g. by introducing quotas) both face such difficulties here. This entire construction bears a character of the educated bourgeoisie. This may well be connected with the German history of building the nation. In Germany's case - contrary to the others described here for comparison - we are concerned with the nationalism of unification: the State framework first had to be created. This means that the membership criterion, of who belongs to the nation had to be formulated culturally - „inwardly". However, the cultural experts are appointed by the intellectual fraction of the bourgeoisie.

This particular form of considering the relationship of the individual to the collective is, on the one hand, efficient (Troeltsch [1925:96] still speaks proudly of a „high degree of organizability" of the Germans - even today one would still concede this, albeit with a bitter after-taste) but, on the other hand, very strenuous. In fact there is a tendency to transfer to the individual that which in other societies occurs in an exchange between individuals. A noticeable yearning for normality - for clarity, predictability - are factors I consider to be related.

One frequently observed peculiarity of German culture is directly linked to this. The culture of inwardness, the identification with the whole, the positive assessment of the State has a noticeable correlate in a relatively weakly pronounced social culture (in comparison with England and France). There are problems in establishing social rituals. Rules, adherence to rules, civilité seem to contradict the value of inwardness (and its associated values of sincerity and honesty). There is a feeling that these rules are „external". The logic of this code - to enable social intercourse while at the same time maintaining (and affirming) inner distance, foreignness - goes against the demand for identification. Much of the helplessness in the contact with the outsider is connected with the weakly characterized civilité. Contact which demands sincerity right from the outset is plainly asking too much. However, a second consequence

assumes a more important role: in a culture where identification with the whole is rated as a condition for social participation, the outsider has a difficult foothold from the very beginning. Can one accept this inner (and hence invisible) affirmation from someone who has grown up in a different culture? After all, perhaps „the outsider" only identifies himself externally with the common good, does he really feel himself committed? The National Socialist anti-Semitic discourse seems to my mind characterized precisely by the fact that it considered even the most assimilated Jew „underneath it all" to be a cosmopolitan, a journeyman without a true homeland, etc. This may be one reason for the fact that behaviour towards outsiders (as Thomas Schmid and Daniel Cohn-Bendit have recently shown [1992]) in this country oscillates between two poles: namely individual assimilation on the one hand and on the other the (psychic) suppression of the fact that Germany is a country of immigration. If the conservative variant of the assimilation discourse confronts the outsider with, as it were, an unyielding demand to adapt and fit in, the liberal version tends to take a pedagogical and protectionist attitude - it stands for soft assimilation. It was noticeable that the discourse on the outsider was for years dominated almost exclusively by educationalists, whereas sociologists, political scientists and ethnologists were very hesitant in taking the floor. It is connected with this tendency that the outsider is defined as a problem almost from the very beginning. A certain degree of protectionism seems to accompany this: for example there is an observable hesitancy amongst social scientists to seize on and discuss delinquent practices - a pattern of behaviour that contrasts particularly starkly with the American openness to such problems.

The other pole is suppression of the fact that foreigners live here and will stay. One of the most remarkable features of the German discourse is that, despite knowledge to the contrary, the fiction is still maintained that the so-called „Gastarbeiter" (the term „guest-worker" becomes more and more ridiculous with each passing year) will one day return to their countries of origin (or that there is still belief in the fiction that Germany is not an immigration land).

This blindness to reality follows the same logic as the concept of assimilation: in both cases the outsider disappears from the nation.

Notes:

- (1) The relationship of everyday culture and classification work in a process of symbolic exchange (and symbolic struggle) has been brilliantly analysed by Bourdieu (1979/1982). The importance of the cultural level for the analysis of the civil society is generally overlooked. However, the cultural level is crucial for developing a consensus of values B always provisional and tentative B in a society, which precedes the process of forming political opinions (because it established the rules of the discourse).
- (2) George Lipsitz has drawn my attention to the fact that this has not been empirically proven. However, this is not important for the argument inasmuch as I am concerned with representations. The important point is that the East Asian immigrants are perceived as comparatively successful, not whether they are in actual fact.

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