

DEMOCRACY
REALITY AND RESPONSIBILITY

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STRATEGIEN ZUR ENTFALTUNG DER WERTE

Wie Kann man in einer pluralistischen Gesellschaft unterden Bedingungen einer Demokratie für Werte eintreten, sie fördern und verteidigen?

PAUL KIRCHHOF

SUMMARY

Democracy – from the point of view of its upholding of the equality of every person in relation to human dignity, freedom and opportunities for participation – confirms and furthers a set of material values. From the point of view of its upholding of majority rule, however, democracy also seems to subject values to the will of the majority. A continuously successful regeneration of the democratic community through the principles of freedom and parliamentary decision-making requires inner ties, a strong cohesion between people rooted in culture and values. Pluralism accordingly includes individual freedom and diversity but also implies solidarity within the community. Against this background, liberal democracy is an appropriate form of government only for highly developed cultures, for societies based on values.

The increasing alienation of citizens from the values of proportion and moderation, the globalisation of economies, and the widespread transgression of emotional and cognitive boundaries all call the basic principle of our culture, the supremacy of rationality, into question. The legal community is undoubtedly striving for the preservation of human dignity, freedom and equality; but these values are often understood in a rather individualistic and chiefly economic way. For this reason, the Church, the state and the economic corporations have to work together – in their separate, but interrelated areas – in order to renew and strengthen the underlying set of material values. The Church should include the state within its sphere of activity and should recognise the economic market principle as a necessary and indispensable foundation of liberty and culture; a foundation, however, that has to be maintained in such a way as to serve the upholding of dignity, the development of personality, and the facilitation of cultural exchange. The state cannot deal with questions of faith and meaning by itself – it should depend on the capacity of the Church to nourish the cultural awareness of citizens in religious matters. An economic system which simplifies complexity to provide a platform for personal business and revenue

supports the economic foundations of dignity and freedom. But the influence of this system on the distribution of goods (which generally is something held to justify competition) has to be curtailed and supplemented by other systems of allocation, particularly in cases of distributive decision-making that require democratic legitimation or in cases where demand cannot be financed individually.

A liberal democracy, which depends on the ability of the citizens to live in freedom and democracy, strives to convince every single member of the community of the underlying values of this democracy. For this reason, the institution of the family, which is responsible for basic education in relation to the ability to live in freedom, has to be strengthened both legally and economically. The needs of the people must not only be defined by commercial advertisements; they also have to be determined with reference to normative and cultural standards. Education, qualification and professional practice can serve as a counterweight to the predominant influence of the media and as a means by which to fill the normative void created by the media. Voluntary non-profit work can also spread and renew a sensitivity to values. In the final analysis, every use of personal freedom rests on the acknowledgement of a number of aims. From this point of view, economic gain, political power, and recognition within society only cover certain segments of human life. With the question of the meaning of life, this acknowledgement ultimately leads to, and centers around, religious belief.

I. *Demokratie als wertbegründete, wertewahrende und werteerneuernde Organisation staatlicher Macht*

Demokratie baut auf Werte, verwirklicht Werte und sucht diese ständig zu überprüfen und zu erneuern. Die demokratische Forderung, dass alle Hoheitsgewalt vom Volke ausgehe, wurzelt in dem Gedanken, dass jeder Mensch, allein weil er existiert, Personalität und Würde hat, er deshalb zu einer vernünftigen, auch das Gemeinwohl fördernden Entscheidung fähig ist. Der einer demokratischen Rechtsgemeinschaft zugehörige Mensch – der Bürger – ist nicht Untertan sondern mitbestimmendes Rechtssubjekt. Dieser elementare Rechtsgedanke von der gleichen Würde und Freiheitsfähigkeit jedes Menschen – dem radikalsten Gleichheitssatz, den die Rechtsgeschichte kennt – hat seine Wurzeln in der christlichen imago-dei-Lehre.

Demokratie verwirklicht Werte dadurch, dass sie universale Menschenrechte vorbehaltlos garantiert, auf dieser Grundlage sodann die

Ausübung aller Hoheitsgewalt – insbesondere der Staatsgewalt – einem Rechtfertigungs- und Legitimationszwang gegenüber dem Volk unterwirft, die Ausübung von Hoheitsmacht also stets auf den Willen des Volkes und damit idealtypisch auf den einzelnen Menschen ausgerichtet. Dabei ist für die modernen parlamentarischen Demokratien entscheidend, dass der Hoheitsträger nicht mit seiner Autorität den Willen des Staatsvolkes definiert – viele Diktaturen sind angetreten mit dem Ziel, den “wahren Volkswille” verwirklichen zu wollen –; vielmehr gewährt die parlamentarische Demokratie den Repräsentanten des Volkes in Parlament und Regierung stets nur Macht auf Zeit durch Wahl, hält also den Mächtigen im Bewußtsein, dass ihr Verbleiben in Amt und Kompetenz von der Wiederwahl durch das Staatsvolk abhängt. Die konkreten Entscheidungen, was dem Gemeinwohl dient und was ihm widerspricht, liegen aber beim Parlament und bei der Regierung. Dieses repräsentative Prinzip stellt sicher, dass die Entscheidungen sachverständig und wohl vorbereitet getroffen werden, für Vernünftigkeit und öffentliche, verfahrensrechtlich abgestützte Verantwortlichkeit zugänglich sind, dass behutsame Differenzierungen und Rücksichtnahmen verlässlich möglich werden, dass insbesondere auch die Rechte Einzelner gegen den Mehrheitswillen gewahrt bleiben.

Demokratie ist auch darauf angelegt, Werte kontinuierlich zu vertiefen und zu erneuern. Die Erneuerungsinstrumente sind der parlamentarische Gesetzgeber, der das geltende Recht neu bedenkt, auf seine Gegenwarts- und Zukunftstauglichkeit prüft und dementsprechend verändert, sowie das Freiheitsprinzip, das jeden Rechtsbeteiligten veranlaßt, sein eigenes Glück selbst zu suchen, damit auch den Weg des Ungewohnten, des Unerwarteten, des Experimentierfreudigen zu gehen. Demokratie erfaßt den einzelnen Menschen im Status des Bürgers als Mitglied einer Gemeinschaft von Zugehörigen, die dank gemeinsamer Geschichte, Kultur, wirtschaftlicher und rechtlicher Anliegen einen gemeinsamen Willen zum Setzen und Durchsetzen von Recht, zur Einrichtung repräsentativer Organe, zur Gewährung von gegenseitigem Schutz und Existenzsicherung entfalten (Staatsvolk). Diese Solidarität der Bürger untereinander wird durch das demokratische Freiheitsprinzip

geöffnet gegenüber dem Nichtbürger – insbesondere dem Nichtstaatsangehörigen –, der in der freiheitlichen Demokratie nicht bloßer Gast ist, sondern menschenrechtsberechtigter Rechtsgenosse, der seine Menschenrechte mit Hilfe der dritten, der rechtsprechenden Gewalt auch gegenüber demokratischen Mehrheiten durchsetzen kann. Demokratische Solidarität ist also eine einladende, nicht eine ausgrenzende Solidarität. Sie soll auch die Völkergemeinschaft in einer Solidarität der Menschen und der Völker (Staaten) bestimmen.

II. *Fundierung und Gefährdung der Werte im demokratischen System*

Demokratie will also in seinem Grundprinzip der Gleichheit jedes Menschen in Würde, Freiheit und Mitgestaltungsrecht Werte festigen und entfalten, scheint aber in dem formalen Prinzip der Mehrheitsentscheidung das Gemeinwesen für die Beliebigkeit zu öffnen, damit die Werte zur Disposition der Mehrheit zu stellen.

Dieses Problem ist den modernen Verfassungsstaaten bewußt. Sie suchen deshalb eine elementare Werteordnung in ihren Verfassungen zu verstetigen. Die Verfassungen sind das Gedächtnis der Demokratie, das erprobte Werte, bewährte Institutionen und gefestigte politische Erfahrungen in unantastbaren und unveräußerlichen Menschenrechten und Staatsfundamentalnormen festzuschreiben sucht. Dabei bleibt die freiheitliche, auf ständige parlamentarische Erneuerung des Rechts angelegte Demokratie allerdings entwicklungs offen; die Verfassung gibt erprobte Werte weiter, kann sie letztlich aber nicht abschließend gewährleisten. Werte bleiben nur so lange wirksam, als die freiheitsberechtigten Bürger und die verantwortlichen Staatsorgane sich diese Werte zu eigen machen.

1. Freiheitsrechte als Angebote

Eine freiheitliche Demokratie ist vor allem deshalb auf eine innere Bindung an Werte angewiesen, weil die Freiheitsrechte den Berechtigten Angebote machen, die sie ausschlagen oder auch annehmen dürfen. Die individuelle Entscheidung, ob und wie der Freiheitsberechtig-

te die ihm angebotene Freiheit annimmt, darf die Rechtsordnung um der Freiheitlichkeit willen nicht vorgeben, obwohl der demokratische Rechtsstaat erwartet, dass die Mehrheit der Freiheitsberechtigten von ihrer Freiheit auch tatsächlich Gebrauch macht. Würde sich die Mehrheit der Menschen gegen die Ehe und gegen das Kind entscheiden, verhielte sie sich rechtmäßig, obwohl sie damit dem Staat eine freiheits- und demokratiefähige Jugend vorenthält, ihm also seine Zukunft nimmt. Eigentums- und Berufsfreiheit bieten dem Menschen an, seine wirtschaftliche Existenz aus eigener Kraft zu sichern. Sollte sich die überwiegende Mehrheit der Menschen für eine Lebensform als Diogenes in der Tonne entscheiden, würde wiederum keiner das Recht verletzen, der Finanz- und Steuerstaat sowie das Wirtschaftssystem aber ihre tatsächliche Grundlage verlieren. Der Kulturstaat setzt auf Menschen, die sich um das wissenschaftliche Auffinden der Wahrheit bemühen, das künstlerische Empfinden des Ästhetischen zum Ausdruck bringen, die religiöse Frage nach dem Unerforschlichen immer wieder stellen. Nähmen die Menschen diese Freiheiten nicht an, machten sie wiederum von ihren Freiheitsrechten rechtmäßigen Gebrauch; der Kulturstaat bliebe aber gesichts- und sprachlos. Und würden die Wahlberechtigten ihr Wahlrecht nicht nutzen, wäre die Demokratie an ihrer Freiheitlichkeit gescheitert.

Die freiheitliche Demokratie ist deshalb nur als Staatsform für Hochkulturen, für wertegeprägte Gesellschaften geeignet. Voraussetzung einer freiheitlichen Verfassung ist die Bereitschaft und Fähigkeit zu Verantwortlichkeit und Rechenschaft, zu Zuwendung und Begegnung, zum Erkennen und Respektieren von Gemeinwohlanliegen, zu Verzicht und Dankbarkeit. Der bloße Wettstreit der Eigeninteressen führte in den Kampf aller gegen alle, nähme der Marktwirtschaft das Soziale, entzöge die politischen Freiheiten dem Einfluß von Recht und Kultur, bahnte den Mächtigen und Rücksichtslosen den Weg zur Verdrängung der Ohnmächtigen und Schwachen.

Die Freiheitsrechte bewähren sich insbesondere dann, wenn sie zur Begründung langfristiger Bindungen in Anspruch genommen werden. Der Freiheitsberechtigte bereitet sich durch ein langjähriges Studium

auf einen Lebensberuf vor, gründet eine lebenslänglich bindende Ehe und familiäre Elternverantwortlichkeit, entwickelt eine beharrlich vertretene wissenschaftliche Erkenntnis, verbreitet stetig eine bestimmte Meinung, pflegt auf Dauer einen bestimmten Kunststil, sucht Eigentum als verlässliche Grundlage individueller Freiheit zu erwerben und schließlich zu vererben, gründet generationenübergreifend Firmen und Institutionen, pflegt seine Mitgliedschaft in einer Kirche, wahrt in der Zugehörigkeit zu einem Staatsvolk den Status eines Bürgers, sichert seine lebensbegleitende Vorsorge im Rahmen eines Mehrgenerationenvertrages. Diese Bindungen auf Dauer sind Geltungsbedingung für Werte.

Individuelle Freiheit braucht also eine gemeinschaftliche Orientierung an Werten, d. h. an Maßstäben gemeinschaftsbewußter, sozialverträglicher Freiheitswahrnehmung. Pluralismus bedeutet deshalb Offenheit für das Individuelle und Verschiedene, zugleich aber den Zusammenhalt der Gesellschaft in den elementaren Werten von Würde, Freiheit, Gleichheit. Wert und Würde haben nicht nur semantisch die gleiche Wurzel. Der in der Menschenwürde angelegte Freiheitsgedanke findet in diesem Elementarwert der Würde sein Maß und sein Ziel. Die Idee der individuellen Freiheit baut auf die gleiche Würde, Freiheitsfähigkeit und existentielle Statusgleichheit jedes Menschen, enthält also in diesem Ausgangsgedanken der Freiheit für die Begegnung mit dem gleich freiheitsberechtigten Anderen den Auftrag zur Vernünftigkeit, zur Mäßigung, zum schonenden Ausgleich. Die Kardinaltugenden (Klugheit, Gerechtigkeit, Tapferkeit, Maß) sind klassische Vorläufer dieses Freiheitsverständnisses.

2. Die Entwurzelung des Bürgers

Diese Wertegebundenheit stützt sich auf die Verwurzelung des Menschen in einer festgefühten Ordnung, wie sie insbesondere in den vertrauten Gemeinschaften von Familie, Staat, Volkswirtschaft und Kirche erlebt wird. Die gemeinsame Sprache ermöglicht das Begreifen der Dinge, das Erfassen der Welt und des Menschen, die Begegnung und Verständigung – in Babylon erschien, so lange das eine Volk eine

Sprache sprach, nichts mehr unerreichbar zu sein, bis die Sprachverwirrung den Turmbau zerstörte, das eine Volk über die ganze Erde zerstreute und der Stadt den Namen Wirrsal gab. Diese Sprachgemeinschaft wird sodann zur Kulturgemeinschaft, vermittelt durch die Familie, die Schule, die Kirche, die Berufsausbildung, die Mitgliedschaft in Vereinigungen. Alle diese Institutionen bereiten auf die Wahrnehmung der Freiheit kraft innerer Gebundenheit vor: Die Familie übt das Kind in den Tugenden der Rücksichtnahme, des Verzichts, der Selbstlosigkeit, der Dankbarkeit. Die Schule erfüllt einen mehr gemeinschaftsgebundenen Erziehungsauftrag, sie führt historisch, philosophisch und religiös zur Wertordnung der Verfassung. Die Berufsausbildung übt neben den praktischen Fertigkeiten die Fähigkeiten der Kollegialität, der Arbeitsteilung, des Dienstes am gemeinsamen Arbeitsauftrag ein. Die Vereine pflegen Mannschaftsgeist und Selbstdisziplin, den Umgang mit Natur und wertorientierten Kulturgütern.

Diese Wertekultur des Maßes und der Mäßigung scheint gegenwärtig durch die Propagierung von Maßlosigkeit und Übermaß abgelöst zu werden. Im Wirtschaftsleben herrscht ein unbegrenztes Streben nach Gewinn, der auch dann als Erfolg gewürdigt wird, wenn er der erbrachten Leistung nicht entspricht und in dem konkreten Produkt die Bedingungen des Gemeinschaftslebens nicht verbessert. Die unbekümmerte Freude an ständig wachsenden Aktienkursen wird von der Abwehr entsprechender Zuwächse steuerlicher Finanzierung von Gemeinschaftsaufgaben begleitet. Dax und Dow Jones werden als Ausdruck des Wachstumstumsstolzes allabendlich publiziert; eine Liste der besten Steuerzahler fehlt. Auch die im traditionellen Wirtschaftssystem angelegten Mäßigungsinstrumente der Knappheit der Güter und der nur begrenzten Bereitschaft zur Zahlung eines Preises sind teilweise bereits außer Kraft gesetzt: Bestimmte Produkte, wie Filme, Bücher, Nachrichten und Patente sind bei der Herstellung des ersten Originals teuer, verursachen aber in der Reproduktion und im Vertrieb weiterer gleichartiger Güter kaum noch Kosten; an die Stelle der Knappheit der Güter tritt die begrenzte Aufnahmefähigkeit der Kunden, die deshalb durch Werbung in eine übermäßige Aufnahmebereitschaft gedrängt werden.

Die handgeschriebene Bibel war oft das Lebenswerk des Schreibers, die Gutenbergbibel noch ein seltenes Gut, der im Computer abrufbare Bibeltext ist eine beliebig verfügbare Informationsgrundlage. Daneben erlauben steigende Einkommen in den Industrieländern ein Konsumverhalten, das sich nicht mehr an dem Notwendigen, sondern an dem Wünschenswerten orientiert. Dieses wiederum wird weitgehend durch kommerzielle Werbung bestimmt.

Einen wesentlichen Einfluß auf das Wertebewußtsein nehmen daneben die Medien, die unterrichten, Urteils- und Kritikfähigkeit schärfen, aber auch aufregen, unterhalten, skandalisieren und entlarven wollen. Die demokratische Erfahrung des griechischen Scherbengerichts (Ostrakismos), dass ein Staatsvolk regelmäßig ein prominentes Mitglied seiner Gesellschaft in die Verbannung schicken will, bestätigt sich im modernen Pranger der Medien: Fehlentwicklungen werden mit inquisitorischer Aufgeregtheit dramatisiert, Privatsphäre und notwendige Tabus planmäßig aufgebrochen, die Ansprache von Verstand und Vernunft weitgehend durch Appelle an Emotion und Sexualität ersetzt. Die stetige, oft viele Stunden täglich beanspruchende Orientierung an Medien und Unterhaltungsindustrie führt in die Orientierungslosigkeit. Die Grenze zwischen sachlicher Kritik an Personen und Strukturen und der Unterstützung von Autorität und Werten wird fließend. Selbst Rechtsverletzungen der Medien zur Befriedigung des täglichen Bedarfs an Aufgeregtheit und Empörung veranlassen einen wirtschaftlichen Erfolg der Auflagensteigerung; die rechtliche Sanktion der Rechtsverletzung, das Dementi und die Richtigstellung, mehren die Auflage erneut. Damit wird die Grundlage von Moralität und Ethos, die Ausrichtung des Handelns auf Vernünftigkeit und Zuwendung zum Mitmenschen untergraben.

3. Die Entgrenzung der Lebensbedingungen

Diese Entwurzelung geht einher mit dem Verlust von institutionellen Grenzen, die Vertrautheit, Zugehörigkeit, Geborgenheit vermittelt haben. Der Staat als Garant von Rechtstatuussicherheit und Frieden kann

die weltweit tätigen Wirtschaftsunternehmen nicht mehr begleiten, den inneren Zusammenhalt des Staatsvolkes bei den in Europa nicht selten abrupten Migrationsbewegungen nur schwer bewahren, den weltumspannenden Kommunikationstechniken nicht an den Staatsgrenzen Maß und Ziel vorgeben, das Verständnis von Staat und Recht in der Vielzahl der politischen Weltorganisationen nur noch schwer vermitteln, die sich überschneidenden Rechts- und Kulturkreise kaum noch aufeinander abstimmen.

Auch die Gesellschaft verliert ihren klaren Rahmen. Die Herrschaft des Ökonomischen macht aus dem Menschenrechtsberechtigten vor allem einen Konsumenten, der Mitgestaltungsmöglichkeiten im Wirtschaftsleben dank seiner Kaufkraft, nicht dank seiner Menschenwürde, Rechtssubjektivität und Freiheit gewinnt. Die in Philosophie und Ethos angelegten Ideen von Gemeinwohl werden durch den von kommerzieller Werbung definierten und entfachten Bedarf überspielt. Die soziale Zugehörigkeit des Bedürftigen findet in der globalen Welt kaum noch eine verlässliche Grundlage. Die Solidarität des Staatsvolkes in wechselseitiger Verantwortung und die Zugehörigkeit jedes Menschenrechtsberechtigten zum demokratischen Rechtsstaat im Status eines wehrhaften Rechtsbeteiligten verlieren sich in der globalen Welt des Ökonomischen, in der Anonymität von gesamtwirtschaftlicher Nachfrage, von Kaufkraft- und Arbeitsstatistiken. So werden die wirtschaftlich Schwachen an den Rand des Geschehens gedrängt; diese "Randgruppe" ist die Mehrheit der Menschen auf der Welt.

4. Enthemmung

Während die europäische Kulturtradition stets die Kunst des Maßes, der Selbstbeschränkung, auch der Enthaltbarkeit lehrt und die bewußte Auseinandersetzung mit den Begierden, dem Verlangen nach Maßlosem und Rausch fordert, scheint gegenwärtig der bewußte Schritt in das Übermaß, in die Enthemmung und den Rausch immer mehr Befürworter zu finden. Die Aufhebung von emotionalen und kognitiven Begrenzungen erweitert auf unvorhersehbare Weise die Begegnung

des Menschen mit sich selbst und der Welt. Kokain scheint als "Sorgenbrecher" ein probates Mittel gegen das Leiden der Zivilisation (Sigmund Freud). Die Droge soll von alltäglichen Sorgen, Enttäuschungen und Verantwortlichkeiten entlasten, die enthemmte Sexualität steigert die Befriedigung eigener Lust und verliert den mitbetroffenen Menschen als Partner aus dem Blick, Kauf- und Gewinnrausch machen das Geld vom Instrument zum Unterdrücker der Freiheit.

Diese Enthemmung des Individuellen, die Flucht vor dem Vernünftigen, die Zurückweisung aktueller Verantwortlichkeit gegenüber dem Mitmenschen stellt das Grundprinzip unserer Kulturordnung in Frage: Der Vorrang und Vorbehalt des Vernünftigen soll das Verhalten der Menschen bestimmen, das Wirkliche nicht durch Zufall sondern durch eine auf den Menschen bezogene Notwendigkeit erklären und so eine Ethik des universalen Friedens, des Willkommens für jeden Menschen, der Ergänzung des Eigeninteresses durch eine Gemeinwohlverpflichtung begründen. Andererseits wehrt diese Entwicklung zurück zur Gefühls- und Erlebniswelt auch eine rein ökonomische Rationalität ab. Sie mag auch ein gewisses Verständnis finden, soweit sie sich gegen die Ersetzung der naturbezogenen Vernunft durch eine technische Vernunft wendet und ein Stück mitmenschlicher Nähe, Begegnungsoffenheit, Heimat, Musikalität, Verinnerlichung zurückgewinnen will. Eine allgemeine Enthemmung oder deren öffentliche Empfehlung bleibt aber eine substantielle Bedrohung der Werteordnung, die aus der Würde des Menschen die Fähigkeit zu Sittlichkeit und Freiheit, die Selbstbestimmung auch im Dienst der Gemeinschaftsverantwortlichkeit, die Bereitschaft zur Ursprungsfrage, die Offenheit für die Vernunft ableitet.

III. *Der entschiedene Wille zur Bewahrung der Werte*

Trotz dieser Entwurzelung, Entgrenzung und Enthemmung besteht in den freiheitlichen Demokratien der Gegenwart eine gefestigte Grundüberzeugung, dass die in der Menschenwürde wurzelnden Werte zu bewahren sind. Die Werte werden eher individualisierend und vorrangig ökonomisch, in diesen beiden Akzentuierungen primär eigennützig

gehandhabt, nicht aber in ihrer Richtigkeit und Geltung grundlegend in Frage gestellt.

Die Würdegarantie für jeden Menschen, wie sie etwa in der Rote-Kreuz-Konvention auch für Zeiten des Krieges anerkannt ist, könnte nach dem gegenwärtigen Willen der demokratischen Staatsvölker nicht durch ein Recht zur Definition des Gegners als Schädling und damit zu seiner Vernichtung abgelöst, die Gleichberechtigung von Mann und Frau nicht durch einer Pflicht zum stetigen Dienen der Frau ins Gegenteil verkehrt, die Religionsfreiheit nicht durch eine Staatsreligion verdrängt, das demokratische Prinzip der Macht auf Zeit nicht durch die lebenslängliche Unterordnung unter einen Staatsführer ersetzt, das Privateigentum und seine Sozialbindung nicht unter dem Stichwort Volkseigentum aufgehoben werden. Insoweit sind die freiheitlichen Demokratien kulturgeprägt und streitbar, allein in dieser ihrer Selbstgewißheit auch offen für die Aufnahme und Anerkennung fremder Kulturen, wenn und soweit sie diese Grundsatzwertung nicht in Frage stellen.

Die Vorstellung eines kraft Existenz würdebegabten, deshalb freiheitsfähigen und im Freiheitsanspruch gleichen Menschen ist deshalb gegenwärtig eine wirksame, gestaltungsmächtige Rechtswertungsquelle, die den materiellen Inhalt der geschriebenen Rechtserkenntnisquellen und die Freiheits- und Demokratiefähigkeit der Menschen wesentlich bestimmen. Dieses Fundament ist zu erneuern und zukunftsgerichtet fortzuentwickeln, nicht durch ein anderes Fundament zu ersetzen.

IV. *Die Einflußsphären des Ökonomischen, des Staatlichen und des Religiösen*

Die wichtigsten Einflußfaktoren für Wertebildung und Wertebewahrung sind die Wirtschaft, der Staat und die Kirche. Jeder dieser Lebensbereiche und Institutionen hat seine eigenen Aufgaben, die sich überschneiden und wechselseitig bedingen. Die Wirtschaft hat die Aufgabe, Güter und Dienstleistungen hervorzubringen und nach den Bedingungen des Marktes – also grundsätzlich nach Nachfrage und Entgeltbereitschaft – zu verteilen. Dabei stehen die Anbieter in

einem Wettbewerb zueinander, der die Bedürfnisse der Freiheitsberechtigten immer wieder erkundet, ihr Wissen und ihre Handlungsmöglichkeiten vermehrt und die Freiheitswahrnehmung zum eigenen Nutzen anregt.

Der Staat hat die Aufgabe, den Status des würdebegabten und freizeitsfähigen Menschen in seinen ökonomischen Grundlagen, in einem inneren und äußeren Frieden, in einer den Menschen zum Menschenrechtsberechtigten und zum demokratischen Staatsbürger machenden Rechtsordnung zu gewährleisten. Der Staat sichert dem Einzelnen insbesondere eine Mindestverfügung über existenznotwendige Geldmittel, sodann – dieses ergänzend – eine sozialstaatliche Zugehörigkeit von jedermann zu den kulturellen, ökonomischen und rechtlichen Standards des jeweiligen Staates, die Rechte des demokratischen Bürgers auf freiheitliche Einflußnahme auf den Staat und insbesondere die Teilhabe an Wahlen, die Sicherheit einer unverlierbaren Heimat für die Staatsangehörigen und eines Bleibe- oder zumindest eines vorübergehenden Zufluchtsrechtes für die Nichtstaatsangehörigen, die repräsentative Entfaltung von Zugehörigkeit und Zusammenhalt in einer stetig erneuerten Gemeinschaft der Rechtswerte. Diese staatlichen Grundlagen von Wertbildung und Wertentwicklung sind geprägt durch die Freiheitsrechte, fordern also nicht innere Bindungen und Bekenntnisse, sondern gewährleisten den äußeren Status des Menschenrechtsberechtigten und des demokratischen Bürgers.

Die innere Bindung, die der Freiheitswahrnehmung ihr Ziel, dem ökonomischen Streben sein Maß gibt, obliegt der Kirche. Weil der Staat die Frage nach dem Sinn des Lebens, nach Ursprung und Ziel von Geschichte und einzelnen Menschen nicht stellen, geschweige denn beantworten darf, weil die Wirtschaft in ihren Initiativen und Wertungen allein der Güterverteilung dient, bauen Staatsverfassung und Wirtschaftsverfassung auf eine Kulturordnung, die wesentlich vom christlichen Gedanken der Gottebenbildlichkeit des Menschen geprägt und durch die aktuellen kirchlichen Lehren geformt und weiterentwickelt werden muß. Der kirchliche Auftrag geht auf die innere Bindung, fragt nach dem für den einzelnen Menschen wie für das Zusammenleben

der Menschen richtigen Freiheitsverständnis, entwickelt aus der Vorstellung über Ursprung und Sinn der Welt Verhaltensanforderungen, die nach dieser Weltsicht vernünftig sind, und gibt damit der freiheitlichen demokratischen Ordnung einen inneren Zusammenhalt.

Wäre Freiheit lediglich das Recht zur Beliebigkeit, würde die freiheitlich demokratische Gesellschaft auseinanderfallen, ihre Existenzbedingung des inneren Zusammenhalts verlieren, ihre Friedensbereitschaft in gemeinsamen, eine Verhaltensordnung begründenden Werten gefährden. Dabei beschränkt sich die Kirche im wesentlichen auf die Mittel des geistigen Einflusses, beansprucht die Autorität der Wahrheit, nicht der Durchsetzung ihrer Lehren mit physischem Zwang, wirkt in Bildern und Vorbildern, nicht dank Verfügungsmacht über Produktions- und Finanzierungsmittel, respektiert also die äußere Freiheit des Menschen und setzt auf innere Einsicht, kulturelle Kontinuität, auf die Eigenart des Menschen, das eigene Verhalten nicht nur nach Individualnützigkeit auszurichten, sondern auch Maß und Anerkennung in der menschlichen Gemeinschaft zu suchen und diese wiederum an einem Verständnis vom Sinn des Lebens zu messen.

1. Das wechselseitige Aufeinanderangewiesensein von Kirche, Staat und Wirtschaft

Die ihre Religion verkündende Kirche, der weltanschaulich neutrale Staat und die für die ökonomischen Grundlagen demokratischer Lebensentfaltung verantwortliche Wirtschaft sind wechselseitig aufeinander angewiesen. Der Staat ist für die äußere Freiheit und den Frieden verantwortlich, die Kirche um das geistige Leben bemüht, die Wirtschaft dient der ökonomischen Existenzsicherung und Entfaltung. Dabei gewährleistet der Staat vor allem die konkrete, in regionaler Geschichte gewachsene, aber für universale Menschenrechte offene freiheitlich-demokratische Ordnung, die weltumspannende Kirche verkündet universale Wahrheiten und lässt sie in den jeweiligen konkreten Ordnungen wirksam werden, die Wirtschaft erwächst in ihrem Ursprung als "Nationalökonomie" aus der konkreten Leistungskraft und Ar-

beitsteilung einer Volkswirtschaft, drängt aber immer mehr auf weltweite Märkte und löst sich damit aus der staatlichen Ordnung, ohne zugleich von einer weltumspannenden Kirchlichkeit angeleitet oder auch nur mitbestimmend begleitet zu werden.

Die Zukunft unserer Werteordnung wird wesentlich davon abhängen, ob es gegenwärtig wieder gelingt, das Verhältnis von Kirche, Staat und Wirtschaft zeitgemäß zu organisieren. Jede dieser Institutionen ist auf die andere bezogen und verwiesen, hat sich in ihrer Eigenständigkeit deutlich zu definieren, ohne aber der täglichen Begegnung und Auseinandersetzung auszuweichen.

2. Die Kirche

Die Kirche erlebt, dass jeder Mensch grundsätzlich auch Staatsbürger ist, Angehöriger eines Staates, der ihn schützt, ihm Frieden sichert, ihm Existenz- und Entfaltungsmöglichkeiten gewährleistet. Eine Kirche, die sich um den Menschen kümmert, muß sich deshalb auch dem Menschen als Staatsbürger und den 192 Staaten der Welt als einer wichtigen Organisationsform der Menschen zuwenden. Es ist für das Denken und Handeln des einzelnen Menschen von grundsätzlicher Bedeutung, ob sein Staat das christliche Ideal der Würde eines jeden Menschen anerkennt oder den politischen Gegner zu vernichten sucht. Es ist für ihn wesentlich, ob sein Staat Religionsfreiheit gewährt oder Religion verfolgt. Es ist für ihn existentiell, ob der Staat seine Bürger in den Krieg führt oder ihnen Frieden bewahrt.

Wenn die Kirche ihre Botschaft von Menschenwürde und Frieden den Menschen überbringen und damit die real geltende Werteordnung für Menschen und Staaten bestimmen will, muss sie diese dort verkünden, wo sie praktische Bedeutung gewinnt: Der Staat kann Garant oder Widersacher von Würde und Frieden sein; die Kirche muß deshalb auch auf den Staat und den Menschen als Staatsbürger eingehen, um in Gemeinschaft mit dem Staat und seiner Rechtsordnung ihre Botschaft zu verwirklichen.

Wollte die Kirche sich immer dann zurückziehen, wenn Konflikte mit ihren Prinzipien drohen, wenn also ihre Grundsätze praktisch bedeutsam

werden müssen, so wäre dieser kirchliche Wirksamkeitsverzicht eine Entscheidung für den Bedeutungsverlust der Kirche: Kirchliche Lehre ist insbesondere gefragt, wenn Frieden zu sichern ist, wenn Kinder zur Freiheitsfähigkeit auszubilden sind, wenn das Leben des Menschen geschützt werden muß, wenn Armut und Krankheit die Menschen gefährden.

Würde die Kirche sich nicht um die Armen, Kranken, Irrenden und Verletzten kümmern, weil sie sich dabei schmutzig machen, einer Ansteckungsgefahr aussetzen oder von einer Kugel getroffen werden könnte, so würde sie sich nach diesen Maßstäben ausschließlich um die Repräsentanten der Kirche kümmern, sich aber von den anderen ihr anvertrauten Menschen abwenden. Aus der zuwendenden Kirche wäre ein selbstgenügsamer geistlicher Erbauungszirkel geworden. Kirchlichkeit fordert deshalb ein Auseinandersetzen auch mit dem Staat. Die Kirche kann nach ihrer Botschaft den Staat nicht aus ihrem Wirkungsfeld ausnehmen. Ängstlichkeit vor dem Staat wäre zu wenig Vertrauen in die Kraft des Kirchlichen.

Gleiches gilt für das Verhältnis von Kirche und Wirtschaft. Gerade bei der gegenwärtigen Dominanz des Ökonomischen kommt der Kirche die Aufgabe zu, die Ökonomie als eine notwendige und unverzichtbare Grundlage von Freiheitlichkeit und Kultur zu definieren, die jedoch dienende Funktionen hat, die zur selbstbestimmten Entfaltung von Würde, Personalität und kultureller Begegnung befähigt. Wie die Kirche selbst ökonomische Grundlagen braucht, die historischen Zeugnisse von Kirchlichkeit in Bauwerken, Bibliotheken und einer Jahrtausende übergreifenden Organisationsstruktur auch Ausdruck von Wirtschaftskraft ist, bleibt dieses Ökonomische immer Fundament, ist niemals das Gebäude selbst. Die Kirche hat immer wieder ins aktuelle Bewusstsein zu rücken, dass der ökonomische Erfolg eine wesentliche Grundlage für eine Entfaltung individueller Würde, für Freigebigkeit und soziale Zuwendung, für Bildung und Kultur, auch für die Freistellung des Menschen von den Bedrängnissen des Alltäglichen und damit für den Blick auf das Grundsätzliche ist. Kirchlichkeit ist nicht ökonomiefeindlich, betont aber immer wieder die Fundamentfunktion des Ökonomischen für die Kultur.

3. Der Staat

Der Staat weiß, dass kein denkender Mensch der Frage nach dem Sinn des Lebens, nach Ursprung und Ziel seiner Existenz ausweichen kann und ausweichen will. Bei allem Bemühen um Beruf, Erwerb und Vermögen, bei aller Beharrlichkeit im Streben nach Macht, bei aller Freude am Lebensgenuß und menschlicher Begegnung weiß der Mensch von der Begrenztheit seiner Zeit, erlebt seine Verantwortlichkeit in der Zeit, verspürt einen Wissensdrang bei der Frage nach dem Danach, erlebt die Schranken seiner Kraft zu erkennen, damit auch die Notwendigkeit, das nicht Erkannte anzuerkennen, das Unerforschliche zu bekennen.

Der Staat nimmt diese Erkenntnis und Erfahrung seiner Bürger auf und trifft Vorsorge, dass diese Kulturfähigkeit des Menschen im Religiösen nicht verkümmert. Der freiheitliche Staat verzichtet darauf, die Sinnfrage selbst zu stellen und zu beantworten, ist in seiner weltanschaulichen Neutralität aber darauf angewiesen, dass andere Institutionen diese Aufgaben übernehmen. Deshalb regelt das Grundgesetz die Religionsfreiheit, auf dieser Basis aber auch ein Staatskirchenrecht, das den Kirchen im freiheitlichen Staat einen rechtlich definierten Aufgabenbereich, eine für den Staat erhebliche Verantwortlichkeit, eine Autonomie um der Identität ihrer Lehre und Verkündung willen zuweist.

Menschenrechtliche Freiheit ist grundsätzlich Freiheit vom Staat, lässt also die Frage nach der "Freiheit wozu?" offen; demokratische Freiheit ist auch Freiheit im Staat, gewährt Beteiligung an der staatlichen Willensbildung; soziale Freiheit ist auch Freiheit durch den Staat, sichert jedem eine Gleichheit in ökonomischen, kulturellen und rechtlichen Lebensgrundlagen. Ob diese Freiheiten nur zu Wettbewerb oder auch zur Zuwendung, nur für Eigennutz oder auch zur Selbstlosigkeit, nur für kurzfristiges Erleben oder auch zur langfristigen Bindung, nur für die Ökonomie oder auch für die Kultur genutzt werden, hängt letztlich von der inneren Ausrichtung des freiheitsberechtigten Menschen ab. Für diese innere Bindung ist – das weiß der Staat – wesentlich die Kirche verantwortlich.

Die Kirchen wirken deshalb mit ihrer Lehre daran mit, dass die Menschen Freiheitsfähigkeit gewinnen, verantwortliches Handeln er-

proben und befestigen, die Tugend des Helfens und der Selbstlosigkeit pflegen. Kirchliche Lehre ist zugleich Grundlage unseres freiheitlichen Verfassungsrechts. Der kirchliche Kernsatz von der Gottebenbildlichkeit jedes Menschen ist die kulturelle Wurzel eines freiheitlichen Rechtsstaates und der demokratischen Mitentscheidung. Der Rechtsstaat muß eine Friedensgemeinschaft für religiöse, areligiöse und antireligiöse Menschen organisieren, braucht aber für die Festigung der Freiheitsidee die kirchliche Lehre. Die Freiheit wird staatlich gewährleistet und kirchlich gerechtfertigt.

Wenn die Staaten sich hingegen über die europäische Menschenrechtskonvention nur unter der Voraussetzung verständigen konnten, „dass keiner fragt warum“, wird die Brüchigkeit einer solchen Rechtsgewährleistung ohne kulturelles Fundament bewusst. Die vermeintliche Sicherheit im Unbegründeten oder gar im Unbegründbaren ist kein Zukunftskonzept. Eine freiheitliche Verfassung setzt eine innere Bindung der Berechtigten voraus. Eine Diktatur mag dank ihrer tatsächlichen Macht ohne Kirchen auskommen; eine Demokratie ist, da freiheitlich, auf Kirchen angewiesen.

Vor allem aber gewinnt der Kulturstaat sein Gesicht nur, wenn die Menschen von dem Angebot ihrer Kulturfreiheiten aus innerem Antrieb auch tatsächlich Gebrauch machen. Nur wenn die Menschen immer wieder ihre Wissenschaftsfreiheit, ihre Kunstfreiheit, ihre Religionsfreiheit ausüben, bewahrt der Staat ein geistiges Fundament für sein politisches Wirken, die Ökonomie die Grundlage für das Erwerbsstreben, das nicht um seiner selbst willen, sondern zur Finanzierung anderer Zwecke Anstrengungen veranlasst. Kirchenmut ist Verfassungsmut, Kirchenängstlichkeit kann unmittelbar zur Verfassungssängstlichkeit führen.

Manche Staatsverfassung, insbesondere das Deutsche Grundgesetz, ordnet deshalb Staat und Kirche als zwei autonome, aber aufeinander angewiesene und sich gegenseitig ergänzende Körperschaften einander zu. Der Staat garantiert das rechtliche Freiheitsangebot und die Rahmenbedingungen zur Wahrnehmung dieser Freiheit. Die Kirche bietet Erfahrungen, Sichtweisen und Maßstäbe für die Inanspruchnahme der

kulturellen und sozialen Freiheiten im Dienste der staatlichen Gemeinschaft und des ökonomischen Erwerbstrebens, pflegt die Wurzeln freiheitlicher Demokratie.

Religionsfreiheit ist nicht die Freiheit zu einem privaten Hobby, sondern das Recht, über Transzendenz auch gemeinschaftswirksam nachzudenken, nach kirchlichen Maßstäben auch öffentlich zu handeln, die in einem freiheitlichen System unverzichtbare Bindungsfähigkeit zu bewahren, Religion und Frömmigkeit auch für das Gemeinschaftsleben wirksam werden zu lassen. Der Staat muß die jungen Menschen in den Raum der Kultur hineinführen, in der sie wie selbstverständlich ihre Muttersprache zu lesen und zu entfalten lernen, die der jeweiligen Kultur angehörenden Komponisten und Dichter erleben, die für die konkrete Friedensordnung prägende – in Europa also die christliche - Kultur erfahren. Wer die Kinder aus diesem Raum der religiös fundierten Kultur aussperren wollte, verweigerte ihnen die Auseinandersetzung mit den Werten und Prinzipien, die das Leben einer freiheitlichen Demokratie bestimmen. Er würde sie bewusst kritikunfähig machen, also entmündigen.

In Deutschland ist jüngst ein zukunftsweisender Versuch unternommen worden, Staat und Kirche in einem für beide fundamentalen Anliegen, dem Schutz ungeborenen Lebens, in neuer Form zusammenwirken zu lassen. Der Staat wollte die Autorität seines Rechts einsetzen, um kirchlichen Rat dort wirksam werden zu lassen, wo er für den Lebensschutz am dringendsten benötigt wird. Dieses Modell einer wertvertiefenden und Wertbewusstsein neu schaffenden Zusammenarbeit zwischen Staat und Kirche ist bekanntlich gescheitert. Das Zusammenwirken von staatlichem Recht und kirchlichem Rat bleibt aber ein Zukunftsmodell, das nicht an kirchlicher Angst vor politischer Nützlichkeit der Religion oder staatlicher Sorge vor kirchlicher Bestimmung der Freiheitsfähigen verkümmern sollte. Die Wertebefestigung fordert – jedenfalls für die Elementarwerte wie Würde, Leben und Freiheit – ein Zusammenwirken von Staat und Kirche, nicht Distanz, Vorwurf, Rückzug.

Auch das Zusammenwirken von Staat und Wirtschaft ist auf wechselseitige Ergänzung und Durchdringung angelegt. Dabei kommt dem

Staat die Aufgabe zu, die Wirtschaft in ihren ökonomischen Vorkehrungen zu Würde und Freiheit zu stützen, sie zugleich aber auch kulturstaatlich in dieser Aufgabe zu begrenzen. Der Staat garantiert in seinen ökonomischen Freiheitsrechten, insbesondere der Berufs- und der Eigentümerfreiheit, die rechtliche Grundlage von Markt und Wettbewerb, beansprucht als intervenierender und stabilisierender Staat eine ständige Mitsteuerung des Wirtschaftsgeschehens, ist in seiner Mächtigkeit als Finanzstaat und Dienstherr einer der wesentlichen Marktteilnehmer, bestimmt mit seiner Währungshoheit wesentlich das Geld als geprägte Freiheit.

Allerdings liegt das Wirtschaftsgeschehen insgesamt im wesentlichen in der Hand der Freiheitsberechtigten. Der Geldwert bildet sich im Kern über Preise, Löhne, Zinsen, wirtschaftliche Einschätzungen und Bewertungen. Der Außenwert des Geldes folgt aus der Beziehung des nationalen (oder europäischen) Geldes zu anderen Währungen und deren wirtschaftlichen, gesellschaftlichen und staatlichen Grundlagen. In diesen Abhängigkeiten kann nicht der Staat sondern nur die Wirtschaft den Geldwert und damit den wesentlichen Maßstab für das Ökonomische garantieren. Der Staat gewährleistet die institutionelle Grundlage des Wirtschaftens, die Wirtschaftssubjekte geben ihr den konkreten Inhalt und das tatsächliche Volumen.

Gegenwärtig scheinen sich die tatsächlichen Einflussmöglichkeiten von Staat und Wirtschaft zu verschieben. Die staatliche Mächtigkeit stützt sich zunehmend auf die Finanz- und Verteilungsmacht der öffentlichen Hand; die Mächtigkeit in der Wirtschaft drängt über Staatsgrenzen hinaus und entzieht sich durch ihre Standortpolitik dem bestimmenden Einfluß eines einzelnen Staates. Die Staatsfinanzierung durch steuerliche Teilhabe am Erfolg privaten Wirtschaftens macht aus Staat und Wirtschaft eine Erwerbsgemeinschaft, bei der beiden Beteiligten am ständig prosperierenden Marktgeschehen gelegen ist. Insofern drängt das staatliche Recht – insbesondere das Wirtschafts- und Steuerrecht – in eine Marktkonformität; der Kulturstaat muß alle Anstrengungen aufbieten, um hier die Ausgewogenheit von Wirtschaft und Kultur zu wahren.

4. Die Wirtschaft

Die Wirtschaft organisiert im Aufeinandertreffen von erwerbswilligen Anbietern und konsumwilligen Nachfragern ein Marktsystem, das Güter nachfragegerecht zuteilt und damit die allgemeine Versorgung sichert, den Anbieter von den Bedürfnissen unterrichtet und bei Nachfragen neue Bedürfnisse weckt, Erwerbsanstrengungen anregt und dadurch das Gemeinwohl fördert. Allerdings baut unsere Wettbewerbswirtschaft im Rahmen der geltenden Werteordnung auf eine grob vereinfachende Zielsetzung, die Bedingung ihres wirtschaftlichen Wettbewerbs ist: Das Marktgeschehen ist allein auf Gewinn und Verlust ausgerichtet, stärkt dadurch die Einschätzungs- und Entscheidungskraft der Marktbeteiligten, bündelt Wirkungs- und Folgenabschätzungen in individueller Verantwortlichkeit, stellt den einzelnen Menschen als Wirtschaftssubjekt im Wettbewerb aber auch in Erfolg und Misserfolg, in Chancen und Risiken allein auf sich selbst. Auch die – wiederum vereinfachende – Zurechnung von Gewinn und Verlust allein zu den unmittelbar Beteiligten ist eine rechtliche Grundlage individueller und gesamtwirtschaftlicher Anstrengungen und Erfolge, die jedoch die Mitbeteiligung der Gesellschaft und des Staates an diesen Erwerbsvorgängen – durch die Bereitstellung einer Rechtsordnung, einer arbeitsteilenden und nachfragefähigen Wirtschaftsordnung, einer Währung, eines Bildungs- und Ausbildungssystems, einer Kulturordnung – allenfalls im erneut ökonomischen Band des Steuerrechts wirksam werden lässt.

Die Idee des Marktes muß deshalb auf den Lebensbereich und die Wirkungen begrenzt werden, die in diesen ökonomischen Strukturen gerechtfertigt werden können. Die Produktion und die Verteilung von Gütern und Dienstleistungen vollzieht sich grundsätzlich im wettbewerblichen Marktgeschehen. Der Markt versagt jedoch, wenn Güter zu verteilen sind, die der Mensch dringend benötigt, ohne sie aktuell nachzufragen, z. B. die gesundheitliche Vorsorge, die anspruchsvolle Belehrung, den Impuls zu Selbstlosigkeit und Gemeinsinn; wenn unverzichtbare Güter, etwa Verkehrsleistungen und Infrastrukturmaßnahmen, nicht mit hinreichender Kaufkraft nachgefragt werden; wenn exi-

stanznotwendige Güter an Personen verteilt werden, die sie nicht bezahlen können (Sozialleistungen); wenn Güter angeboten werden, deren Verteilung direkter demokratischer Legitimation und Kontrolle bedürfen, wie insbesondere im Erziehungs- und Bildungswesen, oder wenn bei besonders sensiblen Gütern, wie den Arzneimitteln und den ärztlichen Leistungen, Produktion und Verteilung von intensiven staatlichen Qualitäts- und Kaufkraftvorkehrungen zu begleiten sind. Der ökonomische Markt ist deshalb auf Ergänzung durch Staat und Kirche angewiesen.

Die Marktwirtschaft produziert und verteilt Güter, der Sozialstaat verteilt sie um, die Kirchen bieten kulturelle und caritative Leistungen in Ergänzung dieses Versorgungssystemes an. Die Marktwirtschaft entfaltet die Freiheit und die freiheitlich hergestellten Unterschiede, der Sozialstaat verkürzt die Freiheit des Stärkeren zu Gunsten der Freiheit des Schwächeren, die Kirche widmet sich insbesondere den Armen und Bedürftigen. Die Marktwirtschaft rechtfertigt sich aus dem Willen der Wirtschaftsbeteiligten, die staatliche Wirtschaftsintervention folgt aus der Verpflichtung zur Statusgleichheit jedes dem Sozialstaat zugehörigen Menschen im Elementaren, die Kirche übt ihren Einfluß in der Verantwortlichkeit für den Menschen in seiner gesamten, das Ökonomische weit übergreifenden und auch mäßigenden Personalität aus.

Der Wert der individuellen Würde jedes Menschen ist also im Dreieck zwischen Wirtschaft, Staat und Kirche zu verwirklichen. Der marktwirtschaftliche Wettbewerb entfaltet Produktion und Handel und damit die ökonomischen Grundlagen individueller Würde und Freiheit. Der Staat hat insbesondere – in der klassischen Funktion einer “Marktpolizei” – zu gewährleisten, dass gegenüber den realen Mächtigkeiten gut organisierter, kapitalkräftiger und globalwirtschaftlich handelnder Industrien und Banken tatsächlich ein Wettbewerb stattfindet, dass die vereinfachende Rechtsstruktur des Marktes den Nichtwettbewerbsfähigen nicht aus seinen Existenzgrundlagen und dem Status des Bürgers und Menschenrechtsberechtigten verdrängt. Die Kirche gibt dem Menschen dank seiner inneren Bindung die Unbefangenheit, d. h. die Freiheit in

Geist und Gehabe gegenüber privatem Erwerbsstreben und der ökonomischen Werteordnung von Gewinn und Investition. Allein auf Grund dieser inneren, zum Ökonomischen distanzierenden Bindung ist die von Staat und Wirtschaft organisierte soziale Marktwirtschaft erträglich, findet in der kirchlichen Frage nach der Wahrheit und der moralischen Antwort aus dem logos ein Gegenprinzip, das Wert und Würde des Menschen auch im Lebensbereich des Ökonomischen anerkennt, damit dessen Bedrängnis und Verdrängung im Marktgeschehen verhindert.

Kirche, Staat und Wirtschaft haben somit die Garantie der Menschenwürde in ihrer Entfaltung zu einer Wertordnung immer wieder gegenwartsgerecht zu deuten und zur Wirkung zu bringen. Dabei wird die in der Menschenwürdegarantie verdichtete Kulturerfahrung auf antike Vorstellungen der dignitas, auf die christliche Idee der Ebenbildlichkeit Gottes, auf die dadurch veranlasste humanistisch-aufklärerische Vorstellung der mit Verstand begabten, zur selbstbestimmten Zwecksetzung befähigten Person zurückgreifen können.

V. *Individualwirksame Vorkehrungen*

Eine freiheitlich-demokratische Ordnung, die ihr Gelingen von der ständigen Freiheits- und Demokratiefähigkeit der Beteiligten abhängig macht, muß auch und insbesondere den einzelnen Menschen für die Werte und Lebensformen dieser Demokratie gewinnen. Demokratie ist deshalb zunächst ein Erziehungsauftrag (zu 1), betrifft sodann die Definition und die Befriedigung der Bedürfnisse des Menschen (zu 2), wird damit zum Inhalt der jeweiligen Bildungsstandards (zu 3), benötigt auch deutlich von Staat und Wirtschaft abgehobene Tätigkeitsfelder (zu 4) und wurzelt letztlich in einem Bekennen zu Wert und Würde (zu 5).

1. Die Erziehung

Freiheitliche Demokratien überantworten die Erziehung zur Freiheitsfähigkeit der Familie, die dem jungen Menschen in der persönlichen Zuwendung, in der elterlichen Begleitung seiner Entwicklung, in

der Zusammengehörigkeit einer Lebens- und Verantwortungsgemeinschaft das Erlebnis und die Erfahrung selbstbestimmter Freiheitlichkeit, wachsender Eigenverantwortlichkeit – bei entsprechend schwindender Elternpflicht – vermittelt und zur Selbstverständlichkeit macht. In der Familie haben die verschiedenen – später in Staat, Kirche und Wirtschaft mündenden – Entwicklungslinien persönlicher Freiheit ihren gemeinsamen Ursprung. Die Bereitschaft zu Vernunft und Selbstkontrolle wird in der Familie eingeübt; allein die Familie führt das Kind in entschiedener – nicht durch Neutralitätspflichten gemäßiger – Zielstrebigkeit in das Religiöse ein; die Eltern begleiten das Kind zur Rechts- und Wirtschaftsfähigkeit.

Freiheitliche Demokratien haben deshalb die Zukunft, die ihnen die Familien geben. Dennoch wirkt die heutige Rechts- und Wirtschaftsordnung eher als Hemmnis für die Gründung und Entfaltung von Familien. Während vor hundert Jahren die Erwerbs- und Familientätigkeit in landwirtschaftlichen und gewerblichen Betrieben Hand in Hand ging, stellt die heutige Trennung von Berufsort und Familienort die jungen Menschen, in traditioneller Differenzierung insbesondere die jungen Frauen, vor die schroffe Alternative, sich entweder für die Berufstätigkeit oder für das Kind zu entscheiden. Diese Alternativität nimmt den jungen Menschen ein Stück der verfassungsrechtlich gewährleisteten gleichzeitigen Freiheit zu Familie und zu Beruf.

Zudem wird die Familientätigkeit zu einer wirtschaftlich unerheblichen Leistung herabgestuft. Das bedeutet in einer Gesellschaft, in der Honorar und Honorar eng beieinander liegen, dass die Erziehung der Kinder weniger als die Tätigkeit begriffen wird, die dieser Gesellschaft Zukunft, Wertekontinuität und Jugend geben, sondern eher nur als passable Gestaltung des persönlichen Lebens und als Privatkonsum gedeutet werden. Wenn sodann in einem System der sozialen Sicherheit die Eltern bei Krankheit, Arbeitslosigkeit, Alter oder in sonstigen Notfällen den ihnen zustehenden Unterhaltsanspruch gegen ihre Kinder faktisch nicht wahrnehmen können, weil dieser Anspruch von einem kollektiven System öffentlicher Versicherungen überlagert wird, bleibt die wertevermittelnde Erziehungsleistung im ökonomischen Sy-

stem eine Randerscheinung. Die Familie wird zudem dank des ökonomischen Einflusses auf das Politische zu einer nicht sonderlich beachtlichen Gruppe, die zwar formal die Mehrheit des Staatsvolkes bildet, in ihrem praktischen Gewicht aber bei den Entscheidungen des Staates wenig beachtet wird. Der Generationenvertrag, der die junge Generation zu Recht für die finanzielle, kulturelle und rechtliche Ausstattung der älter gewordenen Generation in Anspruch nimmt, wird sich deshalb in einer entschiedenen Umkehr darauf besinnen müssen, dass dieser Vertrag davon abhängt, ob es auch in Zukunft eine junge Generation gibt und ob diese nach den jeweils erreichten kulturellen Standards zu Freiheit und Demokratie erzogen ist. Die Vergreisung unserer demokratischen Gesellschaften und ihre kulturell-ethische Verkümmern in der nachwachsenden Generation lässt sich nur durch eine Stärkung der Familie vermeiden.

2. Die Bestimmung und Befriedigung der Bedürfnisse

Sodann wird die freiheitliche Demokratie ihre Wertegrundlagen nur bewahren können, wenn sie ihre Anliegen und Bedürfnisse nicht überwiegend durch die kommerzielle Werbung des Wirtschaftslebens bestimmt, sondern dem Konsumbedarf eigene rechtliche und kulturelle Bedürfnisse gegenüberstellt. Je mehr der Bürger zum Konsumenten wird, der Menschenrechtsberechtigte an der globalen Welt nicht mehr dank seiner Rechte, sondern nur noch bei hinreichender Kaufkraft teilhat, je weniger das Gemeinwohl vom staatlichen Recht und von kirchlicher Moral geprägt ist und stattdessen von wirtschaftlichen Unternehmen bestimmt wird, desto mehr verkümmern die Fundamente der demokratischen Zusammengehörigkeit und des Zusammenhalts in ihren Werten.

Der unmittelbare Einfluß des Ökonomischen auf die Wertebildung lässt sich zunächst mäßigen, wenn die Teilhabe am Arbeiten, Erwerben und Leisten möglichst jedermann zugänglich ist und nicht unerfüllte Chance bleibt, die sich dann in Hoffnungen, Träume und Sehnsüchte steigert. Sodann hat der Sozialstaat jedermann in einem Mindeststan-

dard an den ökonomischen Erfolgen der Rechtsgemeinschaft zu beteiligen und den Menschen dabei grundsätzlich als freiheitsfähig und selbstbestimmt, weniger als hilfs- und schutzbedürftig zu verstehen. Die Menschen werden umso weniger in die freiheitliche Demokratie eingebunden, als der Staat ihnen nicht Hilfe zur Selbsthilfe gewährt, sondern er sie in der zuwendenden Umarmung beengt und ihnen letztlich den freiheitlichen Atem nimmt. Schließlich begegnet sich die ökonomische sozialstaatliche Vorsorge mit dem Anliegen der Werteverfestigung, wenn der Sozialstaat die Mehrheit der Leistungsfähigen zur Hilfe verpflichtet, die Minderheit der Bedürftigen mit möglichst wenig rechtlichen Besitzständen in einer sozialen Normalität belässt, die Hilfe nur im Unverzichtbaren rechtlich verfestigt, darüber hinaus aber auch den Weg zu freiwilliger, selbstloser Hilfe und persönlicher, nicht notwendig im Öffentlichen sichtbarer und möglichst auch nicht von öffentlichen Institutionen getragener Zuwendung offen hält.

Auf dieser Grundlage einer ökonomischen Absicherung ohne Dominanz des Ökonomischen wird sich dann eine Freiheitskultur entfalten können, in der Kunst und Wissenschaft, Religion und Caritas die Maßstäbe bestimmen. Dazu allerdings bedarf es kirchlicher, gesellschaftlicher und staatlicher Organisationen und Institutionen, die diesen rechtlichen und ökonomischen Freiraum ausfüllen, den Kulturauftrag mit begabtem und gut geschultem Personal in hinreichender Zahl wahrnehmen, in kontinuierlichen Aussagen, Bildern und Vorbildern zur Selbstverständlichkeit werden lassen. Gegenwärtig muß insbesondere die Kirche über die Zulassungsbedingungen zum Priesterberuf und die Auswahl ihrer Kandidaten nachdenken, um dieser Wertekultur nicht die hochgebildeten und zuwendungsbereiten Priester in großer Zahl vorzuenthalten und damit der Wertordnung verlässliche Repräsentanten zu entziehen.

3. Bildung und Ausbildung

Die Befähigung zur wertewahrenden Wahrnehmung der Freiheit setzt sich sodann in Ausbildung und Beteiligung am Arbeitsleben fort.

In der Phase der Schulpflicht steht der staatliche Erziehungsauftrag gleichgeordnet neben dem elterlichen Erziehungsauftrag und eröffnet der – vielfach staatlichen – Schule die Möglichkeit, in einer offenen Gesellschaft mit ihren weiten Freiheitsräumen die tragenden Grundwerte des Gemeinschaftslebens zu vermitteln. Zu diesen letztlich auf den Wertegrund hinweisenden Verhaltensregeln gehören Pflichtbewusstsein, Leistungsbereitschaft, mitmenschliche Rücksichtnahme, ein Stück Selbstlosigkeit und Schonung der materiellen und immateriellen Lebensgrundlagen. In diesen konkreten Verhaltensanweisungen ist letztlich eine Sicht des Menschen angelegt, die das soziale Zusammenleben auf die Würde jedes Menschen ausrichtet, die Freiheit insoweit als Freiheitsrecht begrenzt und von der Beliebigkeit abhebt.

Dieser Erziehungsauftrag setzt sich fort durch die thematisch engere Erziehung zur Berufsqualifikation und das Einüben der beruflichen Fertigkeiten am Arbeitsplatz. Dabei werden sich diese Ausbildungsmaßnahmen wie auch die schulische Erziehung zunehmend gegen den vorherrschenden Einfluß der Miterzieher zu wehren haben. Eine ständige Auseinandersetzung mit den Werten und Folgen der in den Medien behandelten Lebensmuster, mit den von ihnen – oft unausgesprochen – empfohlenen Durchbrechungen von verlässlichen Werten und ihren Verhaltensfolgen, und mit der in den übermäßigen Konsum und den entgrenzten Hang zur unbedarften Bedürfnisbestimmung drängenden kommerziellen Werbung wird die Wehrlosigkeit des Fernsehzuschauers und Internetnutzers beenden eine bewußte, wertende Kritik dieser Angebote fördern.

Schließlich braucht eine wertegebundene Demokratie die Entfaltung ihrer Werte in der Kultur von Kunst, Wissenschaft und Religion, die grundsätzlich von jedermann regelmäßig erlebt werden. Das Nachklingen eines großen Orgelspiels, der Anspruch eines wissenschaftlichen Textes, das Erlebnis eines Theaters, die Anstoßwirkung eines Gemäldes, die gute Übung eines Sonntagsgottesdienstes oder die Besonderheit des Besuches einer Kathedrale sind Ausdruck persönlicher Freiheit, die einen notwendigen Ausgleich zur Anstrengung im Erwerbsleben und zur Passivität im Medienkonsum bieten.

4. Gemeinnützige Tätigkeit

Je freier der Mensch ist, desto mehr Verantwortung wächst ihm zu, umso weniger kann sich die freiheitliche Gesellschaft Ethosneutralität, Wertneutralität leisten. Deshalb bedarf es bestimmter Handlungs- und Zuwendungsformen außerhalb von Staat, Kirche und Wirtschaft, die von den Bürgern alleine im Dienste der Gemeinschaft, in Zuwendung zu den anderen Menschen erbracht werden. Die gemeinnützigen Organisationen, die ehrenamtliche Tätigkeit, die uneigennützte Nachbarschaftshilfe bilden die Grundlage, auf der freiheitliche Demokratie gedeiht und anpassungsfähig bleibt. Während die Großorganisationen der Freiheit – Staat, Kirche und Wirtschaft – eher beharrliche Strukturen, Wirkungsmechanismen und Lehren für die Menschen vorgeben, fördert die freiwillige Bürgerarbeit eine größere Werteverbreitung und stetige Werterneuerung.

Empirische Untersuchungen belegen, dass in unserer Gesellschaft die Bereitschaft, sich für Mitmenschen und die Gesamtgemeinschaft einzusetzen, sehr ausgeprägt ist. Allerdings bleibt diese Bereitschaft oft ohne praktische Umsetzung, weil die Flexibilitätsanforderungen der Arbeitswelt viele Menschen von einer langfristigen ehrenamtlichen Bindung abhalten, die vor allem zeitlich erschwerte Vereinbarkeit von Erwerbs- und Familientätigkeit die jungen Menschen überfordert, die rechtliche, insbesondere steuerrechtliche Formalisierung der Gemeinnützigkeit vermeidbare Erstarrungswirkungen hervorruft, die Bereitschaft zur Gemeinnützigkeit oft den jeweiligen Bedarf nicht verlässlich auffindet.

Hier stehen wir vor einem gesellschaftlichen Anfang. Die Bildung eines Netzwerkes von "Börsen für Bürgerarbeit" könnte Bereitschaft und Bedarf miteinander vermitteln, Angebote wie das freiwillige soziale oder ökologische Jahr Jugendliche und auch spätere Altersgruppen für einen zeitweiligen Gemeindienst gewinnen, regionale Einrichtungen, insbesondere der Kirche und der Kommunen könnten den organisatorischen und finanziellen Rahmen für gemeinnützige Tätigkeit bieten, das sich in vielen Ländern neu entfaltende Stiftungswesen könnte stetiger Anreger gemeinnütziger Tätigkeiten werden.

Alle diese Vorkehrungen und Ermunterungen zu einer wertebewussten Mitverantwortlichkeit machen den einzelnen Menschen vom Betroffenen zum Beteiligten, der nicht am staatlichen Leben leidet, die kirchlichen Lehren nicht als unverständlich beiseite legt, den ökonomischen Zwang nicht als Bedrückung hinnimmt, sondern der seine Freiheit als Auftrag zur Umgestaltung von Staat, Kirche, Wirtschaft und Gesellschaft erlebt und betätigt. Dadurch werden Werte zur Geltung gebracht, die ihren Geltungsanspruch nur in ihrer aktuellen Handhabung durch die Beteiligten einlösen können.

5. Erkennen und Bekennen

Viele Staatsverfassungen beginnen mit einem Bekenntnis zur Menschenwürde. Dieses erscheint in einer auf Rationalität und Vernünftigkeit bezogenen Zeitepoche unverzichtbar und erklärt sich aus der Einsicht, dass eine verstetigte Freiheitswahrnehmung auf einem Bekenntnis beruht. Der eine Mensch bekennt sich zu wirtschaftlichem Handeln mit dem Ziel größtmöglicher Gewinnerzielung, der andere widmet sein Leben dem Gewinnen und Ausüben politischer Macht, der dritte kämpft mit allem ihm möglichen Einsatz um sportlichen Erfolg oder künstlerische Anerkennung. Widmet sich der Mensch hingegen der Sinnfrage im Elementaren, sucht er nach dem Unerforschlichen, so wird er einen Prozeß des Fragens, Suchens und Erforschens mit einem religiösen Bekenntnis beenden. Staat, Wirtschaft und Kirche muß es ein Anliegen sein, dass diese Offenheit für ein Bekenntnis im Rahmen eines sich stets erneuernden menschlichen Entwicklungsprozesses nicht durch zu viele Vorfestlegungen eingeengt oder gar zerstört wird. Insofern wirken insbesondere Kirche und Staat im Dienst geistiger Offenheit, damit individueller Freiheit zusammen. Das staatliche Bekenntnis zur Freiheitsfähigkeit des Menschen erwartet diese Entwicklung einer Offenheit für Werte und Bindungen; das kirchliche Bekenntnis zum logos, zum verbum, das am Anfang aller Dinge steht, meint die schöpferische Kraft der Vernunft, setzt also auf einen Prozeß des erkennenden Durchdringens der Welt und der daraus sich ergebenden ethischen

Forderungen. Der logos am Anfang wird in der individuellen Werteerfahrung und der Entwicklung eines höchstpersönlichen Werteerlebnisses zu einem stets unabgeschlossenen Prozeß des Suchens und Erneuerns, der die Werte eher in einem Streben denn in einem Bestand gewährleistet, der aber in Wert und Würde einer stetigen Orientierung findet. Erkennen und Bekennen sind Elemente des Kennens, der Vertrautheit und Nähe mit dem Menschen und seiner Welt, dem Menschen in seiner Würde.

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Part III

THE IDEAL OF DEMOCRACY
AND DEMOCRATIC REALITY –
THE EVER-CHANGING INTERPLAY BETWEEN
DEMOCRATIC STRUCTURES AND CIVIL SOCIETY

THE EVER-CHANGING INTERPLAY BETWEEN DEMOCRACY AND CIVIL SOCIETY

MARY ANN GLENDON

SUMMARY

This essay, in four parts, begins by recalling the relationship between democracy and civil society at the dawn of the democratic era when several important institutions of civil society (church, landed families, guilds) were regarded as threats to democratic experiments. The second section traces the rise within civil society of large market actors whose power in the industrial era came to rival the power of governments. As the third section discusses, some mediating structures of civil society (families, neighborhoods, religious and workplace associations) weakened in the late twentieth century while the power of market actors grew stronger. The fourth section assesses the implications of these shifts for the future of democracy, concluding that weakness in the smaller structures of civil society undermines the moral foundations of democracy and the market alike.

The terms democracy and civil society are, to say the least, capacious. *Democracy* generally connotes a range of *political structures* through which popular consent may be expressed and related freedoms (especially of speech and association) may be protected. But democracy is also a set of *ideas* about equality, freedom and popular sovereignty which have transformed the political and social landscape of the world. *Civil Society*, in its broadest sense, encompasses all the institutions and social systems that lie between individuals and the state. But I suggest that an important distinction needs to be made between the megastructures of civil society (large corporations, foundations, special interest organizations) and smaller communities of memory and mutual aid.

The interplay between democracy and civil society changes from time to time and place to place, for political and social systems alike are always in flux. The assignment to write on that complicated topic is such a daunting one that I have sought the guidance of the best expert: Alexis de Tocqueville. Taking Tocqueville's analysis of the problem as a starting point, this essay endeavors to trace the key shifts in the relation between democracy and civil society from the dawn of the democratic era in the West, when civil society was perceived by many as a threat to fragile democratic experiments, to the present time when the power of the megastructures of civil society has come to rival that of nation states, while smaller elements (families, neighborhoods, religious groups, community and workplace associations) are showing signs of exceptional stress, if not deterioration.

I *Democracy and Civil Society at the Dawn of the Democratic Era*

Modern democracy was born in the struggle to replace hereditary monarchies with representative governments. In France, that struggle involved an all-out attack on the structures of civil society. Under the slogan, "there are no rights except those of individuals and the State," French revolutionaries targeted not only the feudal statuses of the Old Regime, but the Church, the craft guilds, and many aspects of family organization. They saw civil society as a bastion of inequality, a source of oppression to individuals, and a competitor with the State for the loyalty of citizens.¹ An unintended consequence of the revolutionary zeal to abolish the old *corps int erm ediaires* between citizen and state was that "civil society" became a major subject in continental European political thought throughout the nineteenth century. Tocqueville, Hegel, Marx, Durkheim and others wrote at length about what the relations were, or should be, among individuals, the institutions of civil society, and the state.

¹ Marcel Waline, *L'individualisme et le droit* (Paris: Domat Monchrestien, 1945), 323.

Tocqueville, in particular, speculated about what might ensue if the institutions of civil society, once regarded as too powerful, became too weak. He pointed out that, with increasing centralization of political power, the very same groups that had once seemed to stifle individual development and to obstruct national consolidation, might turn out to be essential bulwarks of personal freedom and to provide useful checks on majoritarian rule.

He speculated further that growing individualism, together with excessive preoccupation with material comfort, might weaken democracies from within by rendering their inhabitants susceptible to new forms of tyranny.² “Habits form in freedom,” he warned, “that may one day become fatal to that freedom.”³ As the bonds of family, religion, and craft fraternities loosened, he feared that men would become feverishly intent on making money or dangerously dependent on “a powerful stranger called the government.”⁴ That state of affairs, he surmised, could foster the emergence of despotism:

Far from trying to counteract such tendencies, despotism encourages them, depriving the governed of any sense of solidarity and interdependence, of good-neighborly feelings and desire to further the welfare of the community at large. It immures them, so to speak, each in his private life and, taking advantage of the tendency they already have to keep apart, it estranges them still more.⁵

Tocqueville was convinced that nothing could halt the advance of the democratic principle. He described himself as “constantly preoccupied by a single thought: the thought of the approaching irresistible and universal spread of democracy throughout the world.”⁶ The only question, so far as he was concerned, was whether it would produce free democratic republics or tyrannies in democratic form. His book

² Alexis de Tocqueville, *Democracy in America* (Garden City, N.Y.: Doubleday, 1969), 506.

³ *Id.* at 254.

⁴ *Id.* at 301.

⁵ Alexis de Tocqueville, *The Old Regime and the French Revolution*, (New York: Doubleday Anchor, 1955), XIII.

⁶ Tocqueville, *Democracy in America*, XIII.

on American democracy (an instant best-seller that went through twelve editions by 1848) urged Europeans not to resist the inevitable, but rather to work with all their might to assure that freedom was preserved in the coming regimes. From his observations in the United States, he was persuaded that everything depended on whether the citizens possessed the habits and attitudes needed to sustain liberty within democracy. If democratic nations should fail, he wrote, “in imparting to all citizens those ideas and sentiments which first prepare them for freedom and then allow them to enjoy it, there will be no independence left for anybody, neither the middle classes nor for the nobility, neither for the poor nor for the rich, but only an equal tyranny for all.”⁷ To those who shared that way of thinking, civil society – as the locus of the groups where the requisite habits and attitudes are formed – became a matter of crucial political importance.

Though civil society was of great interest to many nineteenth century continental thinkers, matters were different in the United States. At the time of the American Revolution, land ownership was more evenly distributed than anywhere in Europe, and most Americans lived in self-governing towns and cities. About four-fifths of the (non-slave) population were independent farmers, small businessmen, and artisans.⁸ The revolutionaries had no interest in radically restructuring society; their aim was to achieve independence from England. As soon as they were free of the colonial yoke, the Founders concentrated on producing an ingenious design for a republic with democratic elements, a Constitution with vertical and horizontal separation of powers, and a system of checks and balances. The design was for a *federal* system which left authority over matters that immediately touched the lives of citizens mainly in the hands of state and local governments. Except for the Founders’ concern to control the power of “factions” (special interests),⁹ civil society received relatively little attention in American po-

⁷ Id. at 315.

⁸ Robert Heilbroner, “Reflections – Boom and Crash,” *The New Yorker*, August 28, 1978, 52, 68.

⁹ *The Federalist*, Nos. 10 and 51 (James Madison).

litical thought until the twentieth century – when it became apparent that large corporations were acquiring sovereign-like power, and that many of the mediating structures of civil society were in distress.¹⁰

The chief interest of the American experiment, in Tocqueville's view, was not as a model for any other nation to copy, but rather as affording concrete evidence that the benefits of democracy need not be purchased at the price of liberty. To those of his readers who were fearful that democracy meant mob rule (tyranny by the majority), he said: "American laws and mores are not the only ones that would suit democratic peoples, but the Americans have shown that we need not despair of regulating democracy by means of laws and mores (*les moeurs*)."¹¹

What did Tocqueville mean when he wrote of "regulating" democracy by laws and mores? He described with admiration how the American Constitution and federal system provided checks on pure majoritarianism. But the French visitor, who regarded the weakening of communal governments as seriously undermining the prospects for democracy in France, saw the small self-governing townships of New England as furnishing another kind of check. They served as schools for political self-restraint. By affording many opportunities for participation in government, they permitted citizens to acquire "clear, practical ideas about the nature of their duties and the extent of their rights."¹² "Local institutions are to liberty," he wrote, "what primary schools are to science; they put it within the people's reach; they teach people to appreciate its peaceful enjoyment and accustom them to make use of it. Without local institutions a nation may give itself a free government, but it has not got the spirit of liberty."¹³

¹⁰ The work that sparked interest in the study of civil society in the United States was Robert Nisbet's *The Quest for Community* (New York: Oxford University Press, 1953). Recent works of note include: Robert Bellah et al., *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley: University of California Press, 1985); Amitai Etzioni, *An Immodest Agenda* (New York: McGraw-Hill, 1983); Nathan Glazer, *The Limits of Social Policy* (Cambridge: Harvard University Press, 1988); and Council on Civil Society, *A Call for Civil Society* (New York: Institute for American Values, 1999).

¹¹ Tocqueville, *Democracy in America*, 311.

¹² *Id.* at 70.

¹³ *Id.* at 63.

The French visitor was equally struck by the vigor and variety of the *social* groups that stood between the individual and government. He saw a country where most men, women and children lived on farms or were engaged in running a family business (both forms of livelihood involving intense cooperation among the participants). These families – the first and most important teachers of the republican virtues of self-restraint and respect for others – were surrounded by a myriad of religious, civic and social associations. Those latter groups provided settings where “every man is daily reminded of the need of meeting his fellow men, of hearing what they have to say, of exchanging ideas, and coming to an agreement as to the conduct of their common interests.”¹⁴

Though he had high praise for the U.S. Constitution, he insisted repeatedly that the success of the American version of the democratic experiment was due less to the laws than to their mores – the widely shared habits and beliefs that constituted the true and invisible constitution of the republic.¹⁵ “Laws,” he wrote, “are always unsteady when unsupported by mores; mores are the only tough and durable power in a nation.”¹⁶ (In this respect, he was reminding his post-Enlightenment contemporaries of an older tradition of political philosophy. The Athenian Stranger in Plato’s *Laws*, for example, says of unwritten customs: “[W]e can neither call these things laws, nor yet leave them unmentioned...for they are the bonds of the whole state, and...if they are rightly ordered and made habitual, shield and preserve the...written law; but if they depart from right and fall into disorder, then they are like the props of builders which slip away out of their place and cause a universal ruin – one part drags another down, and the fair superstructure falls because the old foundations are undermined.”)¹⁷ Undergirding both laws and mores, Tocqueville discerned the influence of religion. “Religion,” he wrote, “is considered as the guardian of mores,

¹⁴ Tocqueville, *Old Regime*, xiv.

¹⁵ Tocqueville, *Democracy in America*, 308.

¹⁶ Id. at 274.

¹⁷ Plato, *The Laws*, 793b, c.

and mores are regarded as the guarantee of the laws and pledge for the maintenance of freedom itself.”¹⁸ His message was clear – the health of the structures of civil society would be decisive in determining whether future citizens of emerging democracies would enjoy equality in liberty or endure equality in servitude.

II *Democracy and Civil Society in the Industrial Era*

As Tocqueville predicted, the democratic principle spread. In the latter half of the nineteenth century, it showed its strength in the legislatures of the industrialized republics. Universal (male) suffrage brought a steady increase in legislation aimed at improving conditions in factories and tenements, and in some places establishing rudimentary social security systems. In Europe, this legislation laid an early foundation for modern “social” democracies. In the United States, however, the Supreme Court, in its first vigorous exercise of the power of judicial review, held many of these laws unconstitutional as violations of property rights and freedom of contract. In Russia, revolution set in motion a chain of events that foreclosed the development of democracy there for nearly a century and corroded the substance of civil society.

Meanwhile, the Industrial Revolution was producing three momentous transformations in civil society. It would be hard to say which of these related changes was more consequential for the future – (1) the movement of most remunerative work outside the home, (2) the rise of large market actors whose power rivaled that of government,¹⁹ or (3) the bureaucratization of both political and economic structures.²⁰

Much has been written about political implications of the latter two developments, but over time the transformation of family life that took place when most men became wage earners was to have political

¹⁸ Tocqueville, *Democracy in America*, 47.

¹⁹ A.A. Berle and Gardiner Means, *The Modern Corporation and Private Property* (New York: Macmillan, 1934); Morris Cohen, “Property and Sovereignty”, 13 *Cornell Law Quarterly* 8 (1927).

²⁰ Max Weber, *Economy and Society* (Berkeley: University of California Press, 1978).

consequences too. The separation of home and work ushered in a wholly new way of life. It represented an advance in the sense that, if the man's salary was large enough, his transition to wage work brought relief for his wife and children from the hard life of the family farm or shop. But this new sort of family turned out to be less secure for women and children. Their economic welfare now depended entirely on the husband and father, while he was no longer so dependent on them. (A telling sign of the change was the shift that took place in child custody law: as children became liabilities (in the economic sense) rather than assets, the traditional legal presumption in favor of fathers was replaced by a presumption in favor of maternal custody.) The divorce rate began slowly to climb.

The expansion of business enterprise, even in its early phase, caused Tocqueville to realize that minority tyranny could reappear in the democratic era. He noted that the rising entrepreneurial class, unlike the aristocracies of old, did not seem to feel obliged by custom to come to aid of its servants or relieve their distress:

The industrial aristocracy of our day, when it has impoverished and brutalized the men it uses, abandons them in time of crisis to public charity to feed them....I think that generally speaking the manufacturing aristocracy which we see rising before our eyes is one of the hardest that have appeared on earth. ...[T]he friends of democracy should keep their eyes anxiously fixed in that direction. For if ever again permanent inequality of conditions and aristocracy make their way into the world, it will have been by that door that they entered.²¹

By the early twentieth century, it was apparent – even to friends of capitalism – that large market actors had acquired a great deal of influence over the political process and everyday life.²² In a 1927 essay, an American philosopher, later associated with the political thought of Franklin Roosevelt's New Deal, suggested that the powers of large property owners over persons who are not economically independent ap-

²¹ Tocqueville, *Democracy in America*, 557-58.

²² Berle and Means, 352-57.

proached what historically has constituted political sovereignty. “It may well be,” Morris Cohen wrote, “that compulsion in the economic as well as the political realm is necessary for civilized life. But we must not overlook the actual fact that dominion over things is also dominion over our fellow human beings.”²³

The centralization and bureaucratization of government meant that politics and economic life were increasingly dominated by large, impersonal organizations. The family home came to be regarded by many as a “haven in a heartless world.”²⁴ That haven, however, was coming under siege.

III *Democracy and the Free Market Advance; the Mediating Structures Falter*

In the aftermath of World War II, the democratic principle again extended its reach. New nations emerged with constitutions in democratic form, and, together with mature republics, pledged themselves to the goal of realizing “better standards of life in larger freedom.”²⁵ To the demands that democracy itself places on civic competence and character, many countries added the demands of the welfare state. The countries that embarked on these ambitious ventures seemingly took for granted that civil society would continue to supply the habits and attitudes required by democracy, the economy and the expanding welfare system. Meanwhile, however, the institutions upon which republics had traditionally relied to foster republican virtues and to moderate greed were falling into considerable disarray.

Nowhere is this more apparent than in the case of the family. Even the prescient Tocqueville did not foresee how deeply the ideas of equality and individual liberty – and even the market ethos – would affect rela-

²³ Morris Cohen, 8.

²⁴ Christopher Lasch, *Haven in a Heartless World: the Family Besieged* (New York: Basic Books, 1977).

²⁵ Preamble, Universal Declaration of Human Rights (1948).

tions among family members. He had confidently asserted that “Democracy loosens social ties, but it tightens natural ones.”²⁶ “Orderly and peaceful” homes, he thought, could be depended upon to produce self-reliant citizens who knew how to respect others, to compromise differences, and to restrain their own tendencies toward selfishness.²⁷ Habits acquired in the home would provide the foundation for developing further skills of communal living in other sites such as schools, workplaces, and towns. Women, as the first and main teachers of children, were key to the whole system:

There have never been free societies without mores, and...it is woman who shapes these mores. Therefore everything which has a bearing on the status of women, their habits, and their thoughts is, in my view, of great political importance.²⁸

Who could have foreseen the series of turbulent changes that, beginning in the mid-1960s, shook up the roles of the sexes, transformed family life, and wrought havoc with the mediating institutions of civil society? The sexual revolution and sudden shifts in birth rates, marriage rates, and divorce rates caught professional demographers everywhere by surprise. In 1985, French demographer Louis Roussel summed up the developments of the preceding two decades: “What we have seen between 1965 and the present, among the billion or so people who inhabit the industrialized nations, is... a general upheaval across the whole set of demographic indicators, a phenomenon rare in the history of populations. In barely twenty years, the birth rate and the marriage rate have tumbled, while divorces and illegitimate births have increased rapidly. All these changes have been substantial, with increases or decreases of more than fifty percent. They have also been sudden, since the process of change has only lasted about fifteen years. And they have been general, because all industrialized countries have been

²⁶ Tocqueville, *Democracy in America*, 89.

²⁷ *Id.* at 291.

²⁸ *Id.* at 590.

affected beginning around 1965.”²⁹ Two related developments also had serious implications for society’s seedbeds of character and competence – an unprecedented proportion of mothers of young children began to work outside the home, and an unprecedented proportion of children were spending all or part of their childhood in fatherless homes. The societies affected had, in fact, embarked on a vast social experiment.

At about the same time, there were signs of disturbance in schools, neighborhoods, churches, community and workplace associations – institutions that traditionally depended on families for support, and that in turn served as important resources for families. That was no coincidence. Not only had urbanization and geographic mobility taken their toll, but many of the mediating structures of civil society had relied heavily on the unpaid labor of women.

The movement of most women into the work force deprived many groups of volunteer workers; removed informal law enforcers (as well as “eyes and ears”) from many neighborhoods; and precipitated a care-taking crisis. The traditional pool of unpaid caretakers for the very young, the disabled, and the frail elderly was drying up, with no real replacement in sight – an ominous development for the most vulnerable members of society. The extent of the crisis can be appreciated when one takes account of the fact that the proportion of the population that cannot be self-sufficient (very young children, the ill, and the frail elderly) has hardly changed in the past hundred years.³⁰ The *composition* of the dependent population has shifted (with fewer children and more elderly in the mix than a century ago), but their *proportion* to the whole has remained relatively steady.

In the late 1980s, the rates of demographic change slowed in the countries affected. At present, they seem to have stabilized, but at new high or low levels, leaving a set of problems that no society has ever

²⁹ Louis Roussel, “Démographie: deux décennies de mutations dans les pays industrialisés,” in *Family, State, and Individual Economic Security*, ed. M.-T. Meulders-Klein and J. Eekelaar (Brussels: Story Scientia, 1988), I, 27-28.

³⁰ Mary Ann Glendon, *The New Family and the New Property* (Toronto: Butterworths, 1981), 90.

before had to confront on such a scale. In the United States, for example, divorce and non-marital births have brought about a situation where between a fifth and a quarter of young children currently live in single-parent homes, and over half spend at least part of their childhood in such households. The great majority of these homes are headed by women, and their economic circumstances are precarious: nearly half of all female-headed families with children under six live in poverty. The schools, churches, youth groups, neighborhoods and so on, that once provided assistance to such families in times of distress are in trouble too. They not only served as reinforcements for, but depended on, families, neighborhoods, and each other for personnel and reinforcement.

The developing nations are apparently following a similar trajectory, but at an accelerated pace. Many are simultaneously undergoing democratization, industrialization, urbanization, and the separation of home and business. In the 1990s, the world passed through a largely unremarked watershed: for the first time in human history, a majority of the earth's inhabitants no longer live in small farming and fishing villages.³¹

Whatever else may be said about these new conditions, they have impaired civil society's capacity for fostering the habits and practices that make for democratic citizenship. As an insightful journalist observed, we are experiencing a "fraying of the net of connections between people at many critical intersections....Each fraying connection accelerates the others. A break in one connection, such as attachment to a stable community, puts pressure on other connections: marriage, the relationship between parents and children, religious affiliation, a feeling of connection with the past – even citizenship, that sense of membership in a large community which grows best when it is grounded in membership in a small one."³²

Observers across the political spectrum have expressed concern about the implications of these developments for the quality of the work force, the fate of the social security system, and the incidence of

³¹ As predicted by Richard Critchfield, *Villages* (New York: Doubleday, 1983).

³² William Pfaff, "Talk of the Town," *New Yorker*, August 30, 1976, 22.

crime and delinquency. Less attention has been paid, however, to the *political* implications – the likely effect upon the world’s democratic experiments of the simultaneous weakening of child-raising families and their surrounding and supporting institutions in civil society. Not only have the main institutions that fostered non-market values in society become weaker, but the values of the market seem to be penetrating the very capillaries of civil society.

Surely Tocqueville would have asked: Where will modern republics find men and women with a grasp of the skills of governing and a willingness to use them for the general welfare? Where will your sons and daughters learn to view others with respect and concern, rather than to regard them as objects, means, or obstacles? What will cause most men and women to keep their promises, to limit consumption, to stick with a family member in sickness and health, to spend time with their children, to answer their country’s call for service, to reach out to the unfortunate, to moderate their own demands on loved ones, neighbors, and the polity?

The findings of recent surveys of the political attitudes of young Americans are disquieting. In 1999, over a third of high school seniors failed a national civics test administered by the U.S. Department of Education, and only nine percent were able to give two reasons why it is important to be involved in a democratic society.³³ A previous study found a sense of the importance of civic participation almost entirely lacking: “Consistent with the priority they place on personal happiness, young people reveal notions...that emphasize freedom and license almost to the complete exclusion of service or participation. Although they clearly appreciate the democratic freedoms that in their view, make theirs the ‘best country in the world to live in,’ they fail to perceive a need to reciprocate by exercising the duties and responsibilities of good citizenship.”³⁴ When asked to describe what makes a good citizen, only

³³ Chris Hedges, “35% of High School Seniors Fail National Civics Test,” *New York Times*, November 21, 1999, 16.

³⁴ People for the American Way, *Democracy’s Next Generation* (Washington: People for the American Way, 1989), 27.

12 percent mentioned voting. Fewer than a quarter said that they considered it important to help their community to be a better place. When asked what makes America special, only seven percent mentioned that the United States was a democracy. Such attitudes cannot be dismissed simply as a function of immaturity, for a comparison with earlier public opinion data revealed that the 1990 cohort knew less about civics, cared less, and voted less than young people at any time over the preceding five decades.³⁵

IV *Democracy and Civil Society in the Era of Globalization*

At first glance, democracy appears triumphant at the dawn of the twenty-first century.³⁶ Republics in democratic form have spread across Eastern Europe and Latin America and into many parts of Asia and Africa. A majority of the world's countries, over a hundred nations, now call themselves democratic, though "democratizing" would be a more accurate term in some cases.³⁷ Scholars tell us that democracies are disinclined to go to war with one another, and that no famine has ever occurred in a democracy.³⁸ Democratic principles and ideas are increasing urged upon, and have been adopted by, many institutions of civil society.

The future of the world's democratic experiments appears clouded, however, by several overlapping developments.

1. In the first place, there are a number of reasons to be concerned about *the atrophy of the democratic elements in modern republics*. The *centralization of government* has drained decision-making power away from local governments that once served as "schools for citizenship"

³⁵ Michael Oreskes, "Profiles of Today's Youth: They Couldn't Care Less," *New York Times*, 28 June 1990, A1, D21.

³⁶ Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992).

³⁷ Barbara Crossette, "Globally, Majority Rules," *New York Times*, August 4, 1996, s. 4, p. 1; Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* (November-December 1997).

³⁸ Fukuyama, *The End of History*; Amartya Sen, *Development as Freedom* (New York: Knopf, 1999).

and afforded the average citizen opportunities to participate. *Globalization* has drained power from the nation state. Non-representative *special interest groups* and lobbies often play the decisive role in shaping legislation and administrative action.³⁹ A development in some countries which could spread to supra-national tribunals is the overly *ambitious exercise of judicial power* to invalidate popular legislation, as well as to use hyper-individualistic interpretations of rights to undermine the mediating institutions of civil society. All in all, it is increasingly difficult for most men and women in today's democratic regimes to have a say in framing the conditions under which they live, work and raise their children.

2. As discussed above, democratic experiments are also threatened by *the decline of the mediating structures*. Character and competence do not emerge on command. They are acquired only through habitual practice. Those habits will either be sustained or undermined by the settings in which people live, work, and play. Democracies therefore cannot afford to ignore nurture and education, or the social and political institutions where the qualities and skills that make for good citizenship and statesmanship are developed and transmitted from one generation to the next.

3. Third, the megastructures of civil society have acquired such power as to raise *the spectre of new forms of oligarchy*. In terms of economic resources and ability to shape policy and events, the influence of some market actors, foundations, and special interest organizations exceeds that of many nation states. Indeed, nation states seemingly have little power to affect the large economic forces that shape the lives of their citizens. The status and security of most people are increasingly dependent upon large corporate employers or government. In the United States, for example, only about ten percent of the working population is self-employed, about a third works for large firms,

³⁹ In the United States, for example, political campaigns of both major parties are mainly financed by big business. Leslie Wayne, "Business is Biggest Campaign Spender, Study Says," *New York Times*, October 18, 1996, 1.

and about a fifth for federal, state or local governments.⁴⁰ Age-old routines of family life have been adjusted to conform to the demands and time-tables of the economy. The general standard of living has risen in many places, but at the same time disparities have widened between rich and poor. Troubling questions arise: Has “emancipation” from the oppressive aspects of older ways of life merely afforded men and women the opportunity to develop their talents to fit the needs of the market? Have women been freed from one set of rigidly bounded roles only to become unisex hominids whose family life must regularly be subordinated to the demands of the workplace?

And what will the new oligarchs be like, if the democratic elements in modern republics should one day atrophy? The men and women who hold key positions in governments, political parties, corporations, mass media, foundations and so on are often quite remote from the concerns of the average citizen. Strong ties to persons and places, religious beliefs, attachment to tradition and even family life are apt to be less important to those at the top than to the men and women whose lives they affect. Decision-makers have tended to be rather free in adopting measures that undermine the delicate communities on which others depend for practical and emotional support⁴¹ – as witness the organization of work and schooling, the planning of cities, programs for public assistance, all too frequently designed without considering the impact on families and neighborhoods.

Modern mass media render the problem of “soft tyranny”, identified by Tocqueville, more acute than in his day. Modern tyrannies, he predicted, would prefer the kind of power that acts upon the will, rather than the crude use of force. Unlike ancient despots who frequently resorted to physical oppression, new forms of despotism would “leave the body alone and go straight for the soul” – to the point that “even

⁴⁰ Heilbroner, 68; Glendon, *The New Family*, 156.

⁴¹ Robert E. Rodes, Jr., “Greatness Thrust Upon Them: Class Biases in American Law,” 1983 *American Journal of Jurisprudence* 1, 6. See also Wilson Carey McWilliams, “American Pluralism: The Old Order Passeth,” in *The Americans*, 1976, ed. Irving Kristol and Paul Weaver (Lexington: Heath, 1976) 293, 315.

desires are changed.⁴² Social theorists like Christopher Lasch and Charles Reich argued in the 1970s that “a new man” had already begun to emerge. According to Reich:

The deepest problem has to do with the kind of people that [new forms of dependency on large public and private organizations] create. Each person is increasingly tied to his status role. He is forced more and more to *become* that role, as less and less of his private life remains. His thoughts and feelings center on the role and he becomes incapable of thinking about general values, or of assuming responsibility for society....Thus a nation of people grows up who cannot fight back against the power that presses against them, for each, in his separate status cubicle, is utterly apart from his fellow men.⁴³

4. That is not the kind of talk that people like to hear. Nevertheless, *materialism and extreme individualism* have taken a toll – and perhaps has even set the stage for regimes where individual liberty will be lost, or confined to matters that distract from politics. As Tocqueville wrote, “What can even public opinion do when not even a score of people are held together by any common bond, when there is no man, no family, no body, no class and no free association which can represent public opinion and set it in motion? When each citizen being equally impotent, poor, and dissociated cannot oppose his individual weakness to the organized force of the government?”⁴⁴ In a country which permits its fonts of public virtues to run dry, he warned, there would be “subjects” but no “citizens.”⁴⁵ One wonders: Is the unlimited sexual liberty so relentlessly promoted on all fronts today a kind of consolation prize for the loss of real liberty in the political and economic sphere? A kind of latter-day bread and circuses?

5. Finally, there is the corrosive effect on the polity of a spreading lack of confidence that there are any common truths to which men and

⁴² Tocqueville, *Democracy in America*, 255, 434-35.

⁴³ Charles Reich, *The Greening of America* (New York: Random House, 1970); see also, Christopher Lasch, *The Culture of Narcissism* (New York: W.W. Norton, 1979).

⁴⁴ Tocqueville, *Democracy in America*, 314.

⁴⁵ *Id.* at 93-94.

women of different backgrounds and cultures can appeal. Many serious twentieth century thinkers argue that tyrannies, old and new, whether majoritarian or of minorities, are rooted in nihilism.⁴⁶ Hannah Arendt, for example, wrote: “The ideal subject of totalitarian rule is not the convinced Nazi or the convinced Communist, but people for whom the distinction between fact and fiction (i.e., the reality of experience) and the distinction between true and false (i.e., the standards of thought) no longer exist.”⁴⁷ Pope John Paul II, another first-hand observer of totalitarianism in operation, has put it this way:

[T]otalitarianism arises out of a denial of truth in the objective sense. If there is no transcendent truth, in obedience to which man achieves his full identity, then there is no sure principle for guaranteeing just relations between people. Their self-interest as a class, group or nation would inevitably set them in opposition to one another. If one does not acknowledge transcendent truth, then the force of power takes over, and each person tends to make full use of the means at his disposal in order to impose his own interests or his own opinion, with no regard for the rights of others.⁴⁸

In view of the atrophy of democratic participation, the disarray among the small structures of civil society, the menace of oligarchy, and the spread of materialism, hyper-individualism and popular “nihilism without the abyss” (to use the expression of the late Allan Bloom), what can one say about the prospects for democracy and civil society?

Whither Democracy and Civil Society?

At the dawn of the democratic era, it seemed to Tocqueville that the irresistible advance of democracy was leading to only two possi-

⁴⁶ *Veritatis Splendor*, 99; *Centesimus Annus*, 44. See also, Michael Novak, “Truth and Liberty: The Present Crisis in Our Culture,” *59 Review of Politics* 1 (1997).

⁴⁷ Hannah Arendt, *The Origins of Totalitarianism* (New York: Meridian, 1958), 474.

⁴⁸ *Centesimus Annus*, 44.

ble outcomes – democratic freedom or democratic tyranny.⁴⁹ Today, with the democratic nation state and the mediating structures of civil society weakened, the market seems to be about where democracy was then. The market is both a set of institutions and a powerful idea, fate-laden and irresistible, with the potential to improve the lives of men and women everywhere or to subject them to new forms of tyranny. The great challenge is to shift probabilities in the first direction.

This overview of democracy's ever-changing relationship to civil society suggests four tentative conclusions: (1) For the benefits of democratic society and the free market to be realized and their destructive potential minimized, the explosive energies of free politics and free economics must be disciplined and directed by a vibrant moral culture.⁵⁰ (2) The moral culture depends, in turn, on the health of the mediating structures of civil society. (3) Paradoxically, liberal democracy and free markets pose threats, not only to each other, but to the seedbeds of the very qualities and institutions both need in order to remain free and function well. (4) The corrective may lie in another paradox: democratic states and free markets may need to refrain from imposing their own values on all the institutions of civil society. In other words, it may be necessary to preserve certain mediating structures that are not necessarily democratic, egalitarian, or liberal, and whose main loyalty is not to the state and whose highest values are not efficiency and productivity.

Could law and policy help to revitalize, or at least avoid further harm to the fragile institutions upon which political freedom and economic vitality depend? Unfortunately, we do not know very much about how to encourage, or even to avoid damage to the social systems that both undergird and buffer the free market and the democratic polity. In fact, we probably know even less about the dynamics of social environments than we do about natural environments.

⁴⁹ Tocqueville, *Democracy in America*, xiv (1848 Preface).

⁵⁰ See George Weigel, "The Priority of Culture," *The Pilot*, June 7, 1996, 11.

One thing we have learned through trial-and-error is that intervention, even with the most benign motives, can have unintended and harmful consequences. In an address to the French National Assembly, anthropologist Claude Lévi-Strauss called attention to the endangered state of social environments, but cautioned at the same time against regulatory hubris. Two hundred years after the French Revolution attacked civil society, he told the legislators that the problem today is to restore civil society:

Notwithstanding Rousseau, who wanted to abolish any partial society in the state, a certain restoration of partial societies offers a final chance of providing ailing freedoms with a little health and vigor. Unhappily, it is not up to the legislator to bring Western societies back up the slope down which they have been slipping....[But] the legislator can at least be attentive to the reversal of this trend, signs of which are discernible here and there; he can encourage it in its unforeseeable manifestations, however incongruous and even shocking they may sometimes seem. In any case, the legislator should do nothing that might nip such reversal in the bud, or once it asserts itself, prevent it from following its course.⁵¹

Evidence is accumulating that the idea of “regulating” complex social systems (in the sense of controlling their development or ensuring desired outcomes) is an illusion.⁵² Interventions can shift probabilities, but often in unanticipated ways. Prudence thus suggests proceeding modestly, preferring local experiments and small-scale pilots to broad, standardized, top-down programs. Often, the principle of “do no harm” will be the best guide. At a minimum, that would require attention to the ways in which governmental or business policies may be undermin-

⁵¹ Claude Lévi-Strauss, “Reflections on Liberty,” in *The View From Afar* (New York: Basic Books, 1985), 288.

⁵² See, for example, Mitchell Waldrop, *Complexity: The Emerging Science at the Edge of Order and Chaos* (New York: Touchstone, 1992); Michael Novak, “Hayek: Practitioner of Social Justice ‘Properly Understood,’” (Lecture delivered at the University of Chicago, October 28, 1999).

ing fragile social structures, or discouraging persons who devote time and effort to the nurture of future citizens.

Is there reason to hope that the fine texture of civil society can be reinvigorated? One close observer of changes in the political capillaries of democracies finds hope in the fact that many kinds of micro-governments are spontaneously emerging at the neighborhood and community level in Europe and the United States. George Liebmann, whose three densely-packed monographs on civil society deserve to be better known,⁵³ has studied the emergence of such phenomena as *woonerven* (residential street control regimes) in The Netherlands, neighborhood councils in the Nordic countries, local law enforcement in the 25,000 communes of France, and business improvement districts and residential community associations in the United States. He found that many of these groups have evolved from small spontaneous cooperative endeavors into responsive and effective “sub-local” governments. Though some of these associations are controversial, Liebmann contends that they are spreading and are likely to spread further, as a reaction to the centralization and bureaucratization that have dominated political and social life for most of the century. They may be the “schools for citizenship” of the twenty-first century.

At the national level, another encouraging sign is experimentation with the delivery of social services such as education, health care and child care through smaller seeded institutions (religious groups, workplace associations) rather than state-run bureaucracies.⁵⁴

Yet another hint that the “ever-changing interplay” between democracy and civil society may be moving in a more positive direction is increasing interest in the principle of subsidiarity: “a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should

⁵³ George Liebmann, *The Little Platoons: Sub-Local Governments in Modern History* (Westport, Ct: Praeger, 1995); *The Gallows in the Grove: Civil Society in American Law* (Westport, Ct.: Praeger, 1997); *Solving Problems Without Large Governments* (1999).

⁵⁴ Peter L. Berger and Richard John Neuhaus, *To Empower People: From State to Civil Society* (Washington, D.C.: American Enterprise Institute, 1996).

support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.”⁵⁵ The editor of a magazine that follows such developments, predicts that the most important political issues in the twenty-first century will be either global or local:

Problems are migrating up and down all over government, in search of the appropriate place for solution....Citizens are essentially looking for two forms of public authority: intimate ones in their community that can deal with their needs in a humane way, and regional ones big enough to impose some order and stability on economic life. The governments they have are mostly too remote and bureaucratic for the first job and too small and weak for the second one.⁵⁶

Ultimately, what will be decisive for democracy and the free market alike is not the seedbeds of civil society (which can produce weeds as well as flowers), but the seed. The seed is the human person, uniquely individual, yet inescapably social; a creature of unruly passions who nevertheless possesses a certain ability, individually and collectively, to create and abide by systems of moral and juridical norms.

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⁵⁶ Alan Ehrenhalt, “Demanding the Right Size Government,” *New York Times*, October 4, 1999, A33.

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AMBIGUOUS IDEALS AND PROBLEMATIC OUTCOMES: DEMOCRACY, CIVIL SOCIETY, HUMAN RIGHTS, AND SOCIAL JUSTICE

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SUMMARY

This paper argues three main points. First, that there are inherent ambiguities in the ideal of democracy which raise intricate issues of a universal, not area-specific, character. Second, that the concept of civil society is problematic for analytical and practical purposes, and inadequate as a tool for coming to grips with many important questions of state-society, democracy-society relations. Third, that a key to the relations between the democratic ideal and democratic reality is the question of human rights and popular demands for social justice.

The first argument starts from the literal sense and ideal of democracy, as “rule by the people”, and the two basic sets of questions that derive from it: questions about the “people”, and questions about “rule.” Who are the people, where is the boundary to non-people, or to other people? Can there be more than one people in rule by the people? Where do people come from? How are the selves of self-government formed? This last question also implies that the family cannot be taken as a given value from the point of view of democracy. How do we know or determine what should be ruled? And how much can be ruled at all?

To these and related questions historical experience has given different answers, implicitly or otherwise. Democratic theory has not provided any straightforward guidelines. The popular bases of governments can take many forms, some of which are paradoxical. A recent phenomenon of Western societies, post-democratic liberalism, poses special problems for current liberal democracies.

As a normative argument against authoritarian state regimes, civil society has proved itself a useful instrument, and it may also highlight something of the basis of operating modern democracies. However, to grasp the problems of relating democratic ideals and existing democratic realities the concept of civil society is inept and inadequate.

The basic structure of current civil society discourse has three fundamental characteristics. Civil society is a normative concept, a concept of goodness, more specifically a concept for a normative opening of a social space. Secondly, it is a separating concept, separating state and society rather than focusing on the inter-relations of the two. Thirdly, civil society is a political concept, conceiving society from the angle of politics, polity, and political power.

Through its procedural normativity and its non-social, non-economic conception of human social relations, current civil society discourse tends to throw into darkness the different resources and cultures of citizens, and their conflicts of interest.

Instead, it is proposed, from the perspective of the relationships between democratic ideals and democratic realities, to look at the social production of citizens, the public sphere as a field of competition and conflict, and at the actual interactions between states, NGOs, and the media in shaping supra-state normative orders.

Lastly, the twentieth-century record of liberal democracies with regard to human rights and social justice is dismal. Democracies have proved capable of massive killings of unarmed human beings, of racist and sexist discrimination, of reproducing poverty and misery on a massive scale. These are outcomes derived from the liberal democratic capacity for the internal and global marginalisation and demonising of enemies. There is little for the better in sight, and the UNDP, UNICEF, and the World Bank now end their social reports of the world in the twentieth century on an almost apocalyptic note.

In this situation, human rights and popular rule when taken seriously may form the basis of a critical discourse, but hardly of civil society. The possible force of change will be the claims and the movements for social justice of all those currently suffering from the deficits of human rights and democracy.

Missing Questions

It is most fitting that the Pontifical Academy of the Social Sciences should have placed the set of issues and questions connected with the relations between the democratic ideal and democratic reality on its agenda. In the two previous discussions on democracy by the Academy the issue was touched upon mainly in terms of specific areas, of very recent democracies generally, and of the Third World in particular. This paper will argue three main points. First, that there are inherent ambiguities in the ideal of democracy, raising intricate issues of a universal, not area-specific, character. Second, the concept of civil society is prob-

lematic for analytical and practical purposes, and inadequate as a tool for coming to grips with many important questions of state-society, democracy-society, relations. Third, a key to the relations between the democratic ideal and democratic reality is the question of human rights and popular demands for social justice, the latter a notion hitherto virtually totally absent from the Academic deliberations on democracy, although of Academic concern in other contexts.

Unbundling Democracy

Usually democracy is treated as an institution tout court, in normative, descriptive or explanatory ways. Here we have “models of democracy”, studies of electoral and governance systems, and attempts at explaining the rise or fall of democratic institutions. These are all legitimate and important topics, although they sometimes spill over into fads treated as catch-all magic wands. But what I would like to do here is something different, namely, to treat democracy as a complex of variable institutions located in a set of historically changing, geographically unevenly distributed social issues and unevenly possibly alternatives (see further, e.g., Therborn, 1992). The starting-point, then, is neither a history of political thought nor current constitutional interpretation, but rather the open questions inherent in the logic of democracy, in any logic of “rule by the people”.

Let us start, then, from the literal sense of democracy, the literal ideal of democracy, and the two basic sets of questions that derive from it. “Democracy” means “rule of the people”, which leads to two fundamental questions: questions about the “people”, and questions about “rule.” In relation to both of these questions, and their most important sub-questions, we shall try to indicate the historical concentration of issues around them, and the current foci of conflict, debate, and alternatives. The historical backdrop is meant only to illustrate concretely the actual enactment of ambiguities inherent in the ideals of democracy.

Questions about “People”

Who are the people?

In classical and mainstream democratic theory, mainly formulated in Europe, this is a question which is largely neglected and passed by as being trivial or self-evident. The “people” was distinctive from the monarch and from the aristocracy or oligarchy, and for the rest everyone knew that the people were the free, non-dependent, adult, male, permanent inhabitants of the polity. Slaves, serfs, servants, share-croppers, crofters, paupers, children, women, and foreigners were not part of “the people”, whatever else they might have been. Whether hawkers, peddlers, small or marginal free peasants, and small craftsmen of “polluting” or lesser trades belonged to the “people” gave rise to differences of opinion.

It took a long time, two world wars, and more, before any basic consensus about who the people are in a democratic polity was established. Switzerland is often seen as a democratic pioneer, in spite of the fact that female suffrage dates from 1971 and that about one resident in seven is excluded from the people on the grounds of being a foreigner. But it was in the New Worlds of early modern European conquest and settlement that the issue of who the people are came to the forefront most strongly. Are the natives people? In many countries the prevailing answer was ‘no’ – for example in Australia until the 1960s. Slaves are obviously not people, but what about freed slaves? In a large part of the US they were not recognised as being part of the people until the end of the 1960s. Recent immigrants were another suspect category. In Argentina they were excluded en masse in the first decades of this century. Only late and gradually, in the 1960s and 1970s, was it accepted in the West that South Africa was not a liberal democracy but a racially defined oppression of one people by another.

Women, if they were white and of old immigrant stock, had it easier. New Zealand, outback Australia, and the western US were trailblazers in female political citizenship in the world from the late-nineteenth century, something achieved in Latin Europe only after World War II.

The recent waves of mass migration, in particular, have brought the question of who are the people of the country onto the front stage again. Democratic theory has usually avoided the question, What are the proper boundaries separating one people from another? Are they to be taken as given, either by “nature” – as in “natural borders” – or, more honestly, by the whims of past history. However, for a number of reasons, the doors of nations are being opened or unhinged. New national identity politics, from Canada via the Caucasus to Indonesia and Papua New Guinea, are questioning the givenness of borders. New demands for citizenship are arising. And once the demands are raised, there is seldom a good answer to them.

Can There be More than One People in a Democracy?

“*E pluribus unum*”, out of many, one [people], is the official heraldic formula of the USA. It well captures the mainstream of republican and democratic thought. The people is always one. Multi-people polities are a legacy of pre-democratic empires. The Ottoman and the Mogul empires, for instance, harboured officially recognised, religiously defined communities – *millet*. The dynastic empires of Europe, such as the Romanov and the Habsburg empires, acknowledged the existence of a number of ethnic and religious communities, as well as territories, all three with their own laws and legitimate customs. The last Habsburg emperors typically addressed their subjects as “my peoples”.

From its own experience within these multinational empires, the Marxist labour movement developed the first major conceptions of democratic multinationality in the works of Otto Bauer and V.I. Lenin. The Versailles Treaty after World War I instituted the principle of collective minority rights within the framework of national self-determination.

None of these projects was a success. The League of Nations minority guarantees were never fully operative, and in the second half of the 1930s they were overtaken by the idea – pushed by Nazi Germany but by no means by that State alone – of ethnic homogenisation through transfers of populations. Austrian Social Democracy could not prevent

the nationalist division of the empire's labour movement, much less the nationalist break-up of the Austro-Hungarian empire itself. There was more of a success in the early Soviet Union, which was constituted as a multinational state. In the 1920s, before Stalinist Russification, there was also a strong promotion of national cultures and languages within the USSR. But anti-Communist nationalism and separatist national self-determination were nowhere voluntarily accepted after the early recognition of Finland's independence. When the Soviet Union collapsed in 1991 the main fissures were national, and the post-Communist States all broke out along the borders of the national republics of the Union.

However, the issue of multi-popular rule, of multinational democracy has not gone away with a proliferation of nation-states and with extensive ethnic cleansing. On the contrary, almost everywhere, demands for recognised collective identities, for collective autonomy within states, are increasing. They come from indigenous peoples, from diaspora communities, and from regional cultures.

Cultural rights constitute the most long-lived objects of controversy within the category of popular rights. Freedom of religion was virtually banned in Western Europe when the tolerant Muslim rulers were driven out of the Iberian peninsula. The religious wars of the Reformation and the Counter-Reformation led to what would now be called the totalitarian principle that the ruler should decide the religion of the people. The European denial of religious freedom led to the settlement of New England. The breakthrough for religious freedom in Western Europe, discreetly tolerated in the major cities of the Dutch Republic and promoted by an elite public demand during the Enlightenment, came only during the course of the nineteenth century.

Rights of recognition, with respect to group name and identity, language, education, and areas of collective custom or life-style deployment, came later than other claim rights, and are still being fought over in most parts of the world.

The lack of any other solutions than pragmatic power and self-interest driven compromises or oppression highlights again a void in democratic theory, and the complete arbitrariness of boundaries be-

tween people. The different current situations of the Kurds in Turkey and of Albanians in Kosovo, the different international rhetorical, economic, and military line-up against and for them, respectively, illustrates this arbitrariness dramatically.

Whence do People Come?

While in European political theory, and for that matter also in the countries of externally induced modernisation – challenged, threatened, and humiliated, but not conquered by European and North American powers – the people was just there, unproblematically given. In the New Worlds and in the Colonies the politically relevant people tended to have a particular origin. To the New Worlds they came, first of all, and often exclusively, by migration. Slave and indentured immigrants, and, of course, until yesterday, natives, were never part of the people. But the status of ex-slaves and of part-descendants of slaves, of ex-slaves or of natives, was uncertain and controversial. Even if people, they were at the very least undesirable and had to be replaced, or at least overwhelmed, by desirable immigrants, white and, optimally, northern European. Such ideas were common among modernist politicians and intellectuals from the mid-nineteenth century until the depression of the twentieth century in, e.g., Argentina, Brazil, and Cuba.

In the Colonial Zone, where settler-colonists were rare, the colonial rulers envisaged people coming from “civilisation”, i.e., from imperial education. Through this last a few or some of the subject masses might become “*évolués*”, that is to say developed enough to become people. To the anti-colonialist nationalists, on the other hand, the people, the nation, came from colonial rule. In principle, every intra-colonialist divide, however accidental or arbitrary, was taken as defining – although not naming – a national people and its sacred soil, be it Indian, Ivoirien, Surinamese, Eritrean, or East Timorese. The colonial divide between the elite and the masses tended to reproduce itself after independence, usually but not always (as in the colour hierarchy of Haiti, for instance) without the racist forms of the former cleavage.

In recent times, in addition, the question of the origin of the people has been actualised by new waves of migration. Are some resident immigrants more people than others? That is, do some immigrants deserve shorter periods and milder criteria of inclusion, and others forms which are longer and harsher? And if so, why? Neighbourhood (as among the Scandinavian countries), descent (as in Germany), or particular kinds of ex-imperial connection (UK, France, and other ex-colonial powers), are the differentiating criteria which are in use.

However, there is also a more general and timeless question, made more or less salient for shifting reasons. Where does the people get its capacity for self-determination from? Under what conditions can the people best create itself, see itself, its situations, and its interests? In the political sense of democracy, no people is just there and ready. Most immediately, all peoples come from childhood, along varying routes of transition. The discrediting of colonialist, racist, and other elitist conceptions of the origin of the people does not do away with the problem of *the formation of selves for self-government*. This, in turn, should lead us to the fundamental question of the social conditions under which people are produced or grow up into “people”, in the meaning of political theory. We shall have reason to return to this question below.

In the present context, however, it seems, first of all, important to point out the interdependence of democracy and the family. No serious democrat should take “the family” as a given value. Some kinds of family are supports of democracy; others subvert it. *Ceteris paribus*, we all have reasons to expect that authoritarian families breed authoritarian polities. Moreover, collectivist family systems will spawn nepotism and favouritism in public life.

Questions of Rule

The questions of rule in democracies have tended to be even more implicit and hidden than those relating to the people. But *rule* over the people has its fundamental and difficult questions in the same way as rule by the *people*.

Rule of What?

The primary question, then, of popular rule is rule of what? This “what”, in turn, may be specified in terms of two axes, of area and of extent. The area may be defined in terms of territory and/or in terms of function. The extent may be divided horizontally and vertically into range and depth.

The legitimate territory of people X, i.e., the territorial extension of the legitimate rule of people X, is always contingent and rationally arbitrary. The colonial demarcations are only the caricatures of a universal reality.

Territorially, modern rule has developed along two contradictory lines. On the one hand, the borders of sovereignty – always fuzzy in the large pre-modern states – have become clarified and reinforced. The interstitial areas, of autonomous tributaries, nomads, or outlaws, have been enclosed. The pre-modern legal complexity of territorial relations has been straightened out into simple nation-state borders. Therefore, the nation-state, or more specifically the individual state, is much stronger today than it was a hundred or eighty years ago. The line between subjects or, nowadays citizens, and non-subjects/non-citizens, has become unambiguous.

It is true, though, that the recent development of criminal violence has set new limits to the reach of the territorial state. The no-go areas of violence are also outside any rule of the people.

On the other hand, national territorial sovereignty has always been subjected to the hierarchies of inter-state and inter-capital relations. Here there is no secular tendency, other than that of towards an international institutionalisation of dependency, where the IMF and the World Bank replace the colonial consortia who ran the Ottoman and Chinese foreign debts. This is in addition to a tendency towards international normation, which is most consolidated in Europe, with its EU Court of Justice and its Council of Europe Court of Human Rights, but which also includes a number of UN conventions with variably effective forms of international monitoring. And, most recently, there is the example of the inter-American Court of Justice, stepping in when the national

(Guatemalan) authority was incapable of dealing with army-backed terrorism.

It should not be forgotten here that the issues are complicated. The clearer the territorial sovereignty, the more room for popular rule. But while the carvings of national sovereignty divide humans arbitrarily, the weight of international organisations and courts add a global or at least regional dimension. On the other hand, again, how democratic are these international bodies, particularly in comparison with national democratic institutions? Furthermore, there are different kinds of international organisations. The IMF or the World Bank are not the same thing as an international court of human rights or as the disputes panel of the World Trade Organisation.

Whereas the territory of rule has been an ethnic or national issue, the *function* of rule has been and has remained a class question. The great concern of democracy was what ordinary people would do to property and privilege if they were conceded political rights. The answer turned out to be, surprisingly little.

However, that has not led to a celebratory complacency among the privileged. Instead, a number of offensives have been launched, and with considerable success, with a view to narrowing the functions of popular rule.

Historically, there has been an evolution of the functions of state rule. In terms of effort spent on personnel and on expenditure, there are three major periods of state trajectories. The first was overwhelmingly concerned with war and reigned in all states until the late-twentieth century. Then the infrastructure of the state territory became the most important function: ports, canals, roads, bridges, railways, telegraph, mail, and the telephone network. After about 1970 citizens' welfare became the dominant function, including in the US – which was then at war in Vietnam – education, health and social services, and social security.

This long-term state tendency has not yet exhausted itself in quantitative terms. But, clearly, there are a number of measures which have been taken recently with a view to reducing the scope of public func-

tions. The most widespread is the exclusion of monetary policy from the realm of popular rule. Some countries, from Estonia to Argentina, have given up monetary policy altogether, lining up completely with the Deutschmark and the US dollar, respectively. Others, as a recent European fad, are taking their central banks out of any democratic influence. New budgetary techniques are removing social targets from the area of free political decision-making. New pensions schemes, pioneered in Chile and then exported – with the very active help of the World Bank – across Latin America and into Eastern Europe, have been set up, turning pensions from a social entitlement to a savings scheme dependent on the development of financial markets. The whole ideological programme of a “lean state” means, under democratic political conditions, making democracy “lean” and thin.

The depth of legitimate popular rule, over a territory, over social functions, has always been controversial. The balance-point between individual or collective minority rights, on the one hand, and the rights of majority rule on the other, is logically and morally as contingent and arbitrary as the border between the sovereignty of people X and people Y.

How Much Can be Ruled by All?

Human rule has always been limited by nature, by the unpredictable vicissitudes of climate and of epidemic and other unforeseeable diseases, and deaths, by distance, and by unreliable communication. The spaces left empty by the two latter were easily and frequently invaded by human forces outside the range of any given rule, by robbers, nomads, or simply locals. The message of modernity was that the future is makeable, and an important basis for it was the extension of knowledge and control, extending the possibilities of human mastery, including the ruling capacity of states.

However, one does not need to call oneself a postmodernist to be aware of the frustrations and the disillusiones of the grand modernist projects. One of the latter-day question-marks of modernity falls upon a basic assumption of democracy. Democracy, or at least the ideal of

democracy, presupposes that something significant can be popularly ruled, that popular self-government has some substantial meaning. Postmodernism raises the question: how much can be ruled at all?

Taken strongly and seriously, this means a questioning of whether territories and/or social functions can be ruled at all. "Rule" then means that there is a positive and envisaged line of connection between intention, measures, and outcome. Chaotic unpredictability or counterfinality would mean a corresponding limitation of possible rule, including possible democratic rule by the people.

However, the futility of politics is an old bugbear of reaction, alongside jeopardy and perversity (Hirschman, 1991) and should be treated with scepticism and caution. The proper limits of possible rule are simply not known. But limits there are, and democrats should take them into account.

One important parameter of the possibilities of democratic rule is the *relative size of enterprises, markets, and states*. Currently, this triangle is changing in the direction of marketisation first of all, the relative growth of markets, but also of a growth of enterprises in relation to the state.

In relation to the enterprise, the extent of marketisation refers to the dependence of the enterprise on competitive markets, something which is indicated by the size of pertinent product and capital markets in relation to the sales and the assets of a given (set of) enterprise(s). In relation to the state, marketisation may be most easily gauged by a state economy's dependence on foreign trade, but also, and more importantly, by the ratio of state resources to the relevant capital market, and by market autonomy from state regulation. The state-enterprise part of the triangle varies with the relative financial and cognitive resources of the state *vis à vis* the set of key enterprises.

Over and above mobility, extending and deepening marketisation means a generation of resources at the disposal of capital owners, of turnover, assets, and profits. The 1980s were a crucial decade in this respect. The turnover of foreign currency trading, for example, went from 1.8 times world output in 1979 to about nine times world pro-

duction in 1989, and to ten times in 1996. The 1997 merger of the Swiss Bank Corporation and the Union Bank of Switzerland created a private body of fund management in control of 920 billion dollars of assets, which is much more than the annual output of the seventh of the G7 economies, Canada, at about 578 billion in 1996, and not much less than UK GDP, around 1140 billion. The assets of the new Swiss bank exceed more than three times the GDP of Switzerland.

Over the long haul, the triangle of enterprises, markets, and states has not developed in any linear fashion. As far as the relationship of enterprises and states is concerned, there appears to have been a long term strengthening of the state, in relative terms, in monetary and managerial resources vis à vis private enterprise. This gained momentum in the nineteenth century and was expressed most directly in the demise of tax farming, private colonial companies, and the secular trend towards socialising infrastructure – transport and communication. The expansion of the welfare state in the 1960s and 1970s further enhanced the role of the state. Since the 1980s, that tendency has been partly reversed by the drive towards privatisation.

Markets grew significantly in the 40-50 years before World War I, in relation both to states and to enterprises. Then there followed what we may call “a short century of the state”, which was also that of big enterprise – of “organised capitalism” and of workplace-centred industrial Communism – from 1914 to 1989-91, and the dissolution of Eastern European Communism, globally undermined at least from about 1970.

That year, world trade, at ten per cent of world output, overtook the trade shares of 1913 and 1929 of around nine per cent. The OPEC oil price hitch pushed the trade ratio up to 15% in 1975, around which it oscillated until the mid-1990s, then rising again in 1996 to 22% of world output.

Markets have grown not only in size – they have also grown in unpredictability. The major reason is the above-mentioned explosive growth of volatile financial markets. Two other factors are the strong growth in recent years of illicit markets in drugs, and the renewed tendency in many countries for the “informal” sector of the domestic market

economy to grow. In Brazil the informal economy comprises about half of the urban economically active population; in Mexico about forty per cent.

The range of democratic rule is restricted not only by markets, but also by customary authority and by a prevalence of violence. Customary authority, of chiefs, landowners, patriarchs, has declined during the course of the twentieth century, but is still a major restraint on the possibility of popular rule throughout Africa (Mamdani, 1996), in many parts of rural South Asia, and in parts of Latin America, in particular over and against indigenous populations. Massive, more or less permanent violence is containing any possibility of popular rule in major parts of Africa, in Colombia, El Salvador, and elsewhere.

However, this section should not be interpreted as a position close to the globalist “end of the nation-state” view. Many states have been remarkably successful in recent times in developing East and Southeast Asia, in combating inflation in the OECD and in Latin America, in pursuing regional inter-state organisations such as the EU, the ASSEAN, the MERCOSUR, and others.

Rule with What?

Popular rule is not magical. It is more dependent on organisational resources than on formulas. The problem is that the rule of the people is dependent upon resources coming from outside the ordinary people, i.e., from the knowledge, the practical capability, and the honesty of the organisational apparatuses of the state.

The basic paradox here is that the effectiveness of popular rule is dependent on extra-popular organisational resources.

A great many modern attempts at popular rule have foundered on the reefs of organisational ruling incapacity. Post-colonial indigenisation of the state apparatus often turned out problematic, in terms of competence, honesty, and efficacy. Experiments in “African socialism”, for instance, foundered on the lack of appropriate organisational resources for socialist rule. On the other hand, the current tendency of

staffing ministries of finance with US and World Bank-trained economists, who might be technically competent and personally non-corrupt, tends to undermine popular rule because of their arcane knowledge and their sensitivity to the tunes of international capitalism. The autonomy of the military and police apparatuses places limits to human rights and popular rule in many parts of the world.

At an organisational level there is a general problematic current tendency with regard to the resources of popular rule. That is to say, the strong post-bureaucratic, managerial conception of state organisation, derived from private corporations including the figures of corporate managers. Whatever their competence and efficiency, these are organisational conceptions formed for and in authoritarian organisations without popular accountability. Third World and former Second World governments are faced with international organisations above them which are without any popular accountability, organisations such as the IMF and the World Bank. Democracy in the sense of elective popular rule is being undermined by these new organisational constellations.

Forms of Popular Base

Many of the tricky issues of popular rule, or of democracy, may be condensed in an ascendant sequence of the possible popular bases of regimes.

The starting-point, which is widely variable, is *popular support* for the rule that is effected – something which does not necessarily require any popular input into the polity. On the whole, this is the situation of stable autocracies, such as the empires of China, Japan, the Ottomans, and the Romanovs. It is also characteristic, as far as one can tell from manifestations of regime loyalty, of many modern dictatorships, even the most cruel ones, like Stalin's Russia or Hitler's Germany.

The paradox is that democracies, on the other hand, are not necessarily characterised by popular support for their governments or government policies. At least two important political watersheds in recent

political history took place through an electoral minority gaining the upper hand. One example was the South African election of 1948, won by the Nationalists, with a minority of the *white* votes (non-whites were not part of the people), which started the explicitly apartheid era. Another was the British election of 1951, which opened a new, long Tory era, where the Conservative Party received less votes than the Labour Party. In both cases, it was the electoral system which was endowed with legitimacy by the political class, not the relative number of votes. More common, of course, is the politician who is elected because of one programme and then implements another when in office. The neo-liberal turn in Argentina under Carlos Menem occurred that way.

Popular legitimacy was part of the politics of the medieval Italian city republics. But it became a central and controversial principle of high politics only with the French Revolution, and it was explicitly denied by the post-Napoleonic Holy Alliance. Only with the advance of nineteenth-century European nationalism did it assert itself. While always part of the American interpretation of history, the principle of national self-determination was universally enshrined in the Wilsonian principles of the post-World War I period.

Popular representation in ruling was an ancient European demand, carried over into the Americas. It was crucial to the conflict of separation between the Thirteen North American colonies and the Crown.

In the course of the long nineteenth century, up till World War I, the principle of popular representation was established almost everywhere, in the ancient empires of Japan, China, the Ottomans, and Russia, as well as in the new empires of Britain and France.

Popular accountability, the accountability of rulers to the people, was a different matter. The monarchical tradition, whereby the monarch was answerable to God only, was still strong right up until the end of the First World War. After a short while it was then relayed by new dictatorships, all claiming some form or other of popular legitimacy. Since the end of the Second World War, “democracy”, with its institutions of popular legitimacy by elections, of popular representation by parliaments, and of popular accountability by replaceable leaders, has

been the only normative standard of government. In practice this has often been violated for one “special” reason or another.

Popular participation in ruling is more explicitly, more directly demanding. It was part of the Paris revolutionary tradition, from 1792-93, was revived in the Paris Commune of 1871, and from there was theorised into the Marxist labour movement. It materialised among the urban popular classes on the crest of revolutionary waves in the workers’ and soldiers’ councils in Russia in 1905 and 1917, and, for a few months, in Germany, in Vienna, and in Budapest in 1918-19. It evaporated into the symbolic air of the “Soviet” Union.

The global 1968 movement of radical youth voiced demands for participatory democracy. Without ever being accepted and institutionalised, more participatory democracies ensued for a while in many countries, with more and larger public demonstrations and meetings, and more active political parties and organisations, etc.

In the issue of the *efficacy of popular self-rule* our questions of people and rule come together. Given functioning democratic popular institutions, what possibilities do they have of governing effectively according to the will of the people?

In the more unstable world economy some cases of spectacularly ineffective popular rule, such as the British Labour government of 1978-79 and, for instance, in the Latin America of the 1980s the governments of Alfonsín in Argentina and Alan García in Peru, gave force to a new and important political-economic current – post-democratic liberalism. It first emerged as a conservative response to the demands for participation, in and after 1968, focusing first on “government overload” and “ungovernability”, but in the wake of the socio-economic failures of many centre and left-of-centre governments during the world economic turbulence of the late 1970s-early 1980s, conservative worries developed into an agenda of offensive.

Post-democratic Liberalism

Elected politicians are still key actors, but elections are no longer significant acts, for the time being, with regard to social and macro-

economic policy. The new configuration of mainstream political players is better denoted as being post-democratic rather than undemocratic or authoritarian. They recognise freedom of opinion, the state of law, and the indispensability of legitimacy by competitive elections. But public opinion and popular participation are irrational dangers, which have to be kept out and at bay as much as possible, by institutional enclosures and resolute shepherding, or by “leadership”.

Post-democratic liberalism is, of course, related to the elitist theory of democracy developed by Schumpeter (1943/1950: ch. XXII) as “competition for leadership”, but it is more concerned with the tasks of keeping the people at a distance than Schumpeter’s laid-back and cynical position of the 1940s, that is to say showing the idealists and the hopefuls that this is what there actually is to democracy.

We can spell out this new configuration of public actors at four levels: politics, governments, parties, and public administrations.

Inside politics there is an important shift from elected to non-elected actors and institutions, in particular with regard to monetary and economic policy-making, to non-accountable “independent” central banks or administrative agencies such as currency boards, and to finance ministers recruited from outside politics.

Inside governments there has been established an over-towering dominance of the Treasury, and within the Treasury there is an ascendancy of post-Keynesian neo-liberal economics. Against this dominance no significant countervailing power is anywhere to be found.

Inside parties a major shift of power has taken place from politicians with popular roots and representativeness in favour of slick technocrats with an overwhelmingly neo-liberal education and media-genic presenters.

In the public service a remarkable bifurcation has taken place. On the one hand, a small stratum of top managers has been created who receive vastly increased remuneration, and on the other a radically shrunk public proletariat has come into being faced with heavier and more stressing workloads, employment insecurity, and often less pay. The creation of the former stratum has been crucial in implementing drastic

reductions of, and deteriorated conditions for, the bulk of public employees, and in managing the privatisation of public services.

Any national post-democratic liberalism is sustained by the moves of financial markets and, if need be, by IMF arm-twisting.

With elections marginalised – and conventional popular protest defused into impotent protest voting for xenophobic parties, in countries such as Austria, Belgium, and France – and shared agreement and collective bargaining increasingly shunned both by governments and capital, there has risen another significant actor, side by side with the post-democratic liberal configuration. This actor is the *protest crowd*, often rallied by some rather specific vested interests attacked by the post-democratic configuration. Throughout the Third World there have been a series of “IMF riots”, beginning in Africa and the Arab world and spreading to Southeast Asia in the 1997-98. In Europe the most spectacular examples of this were the 1994 demonstrations in Italy against the pensions cuts proposed by the then Berlusconi government, and the massive strikes and demonstrations in December 1995 in France, triggered by a government proposal to abolish the right of underground train drivers to retire at the age of fifty. The twentieth century ended with a spectacular, and in the short-run surprisingly successful, protest crowd against the World Trade Organisation meeting held in Seattle in December 1999.

The problem is that protest crowds may be effective expressions of popular will, capable of bringing down unpopular governments and policies, but they are hardly instruments of effective popular rule.

Summing Up

Democracy should be seen as an enormous range of alternatives, not only in the sense of offering an infinite range of possible policies, or only in the sense of a set of variable systems of elections and of decision-making, but also in the sense of raising fundamental questions about the people and its alternatives of rule. Taking them seriously involves realising not only the multiple meanings of people and rule

but also the fact that what is popular is not always democratic and what is held to be democratic is not always popular.

We may tabulate a summary of the questions and issues touched on or implied above.

Figure 1. *Questions and Issues of "People"*

<i>Questions</i>	<i>Classical Issues</i>	<i>Current Foci</i>
Who?	Ethnic Gender Race	Migration Identity Politics
More Than One?	Multi-Ethnicity Multi-Religion	Multiculturalism Indigenous peoples Regional cultures
Whence?	Education Descent	Citizenship Civic culture Social conditions
What rights?	Rights to act Rights to claim	Social entitlements Cultural rights
Why rights?	Emancipation Instruments of power	Scope of human rights

Figure 2. *Questions and Issues of "Rule"*

<i>Questions</i>	<i>Classical Issues</i>	<i>Current Foci</i>
Of what?	Sovereignty Functions	National vs. International Social & monetary functions
How much is possible?	Knowledge Control	Big, chaotic, illicit markets Violence
With what?	State organisation	Privatisation
Rules?	Constitution Class compromise	International rules Market flexibility

Among all these issues, three seem to me more urgent than others. One concerns the best forms of multi-popular democracy, which refers to democratic arrangements for more than one people within state borders, as well as to forms of inter-state democracy which is regional, as in the EU, or global. The second has to face the question of rule of what? More concretely, the issue is how, and how strongly, to stand up against the current programmes for a leaner and meaner democracy, scaling down the proper functions of democratic rule. That is to say, the current programme of post-democratic liberalism. Thirdly, there is the most difficult question of all. How far is rule at all possible, in the face of huge, volatile, unpredictable markets, new forms of enormously profitable illicit trade in drugs, the informalisation of poor people's markets, and the endemic violence to be found in many areas? And, even more difficult, how is effective popular rule possible under these circumstances?

These are hardly times of democratic triumph. But they are, among other things, also times of claims to rights, and times of occasionally powerful popular protest. Whether these claims and protests will be able to prepare the ground for a new wave of democratisation in the world remains to be seen.

Civil Society and its Limitations.

The last years of the Cold War saw the resurgence of the old and pre-democratic concept of civil society, first as an intellectual weapon of the anti-Communist opposition in East-Central Europe, later as a companion concept to democracy, in particular in Anglo-American discussions of democracy but also more generally as a notion designating a prerequisite of a functioning democracy, or simply as a shorthand for the world of NGOs, a recent neologism (see further, Cohen and Arato, 1992; Diamond, 1997; Gellner, 1994; Habermas, 1992; Hall, 1995; Keane, 1988.).

As a normative argument against authoritarian state regimes, civil society has proved itself a useful instrument, and is currently being invoked to this effect, for instance in Egypt and in Iran. It may also

highlight something of the basis of operating modern democracies. However, to grasp the problems of relating democratic ideals and existing democratic realities the concept of civil society is inept and inadequate.

Let us first lay out the basic structure of current civil society discourse. It has three fundamental characteristics. Civil society is a normative concept, a concept of goodness. Secondly, it is a separating concept, separating state and society. Thirdly, civil society is a political concept – including 1980s anti-Communist eastern European “anti-politics” – which conceives society from the angle of politics, polity, and political power.

Civil Society as a Normative Concept

Normative concepts have a long tradition in social theory. In contemporary political theory we may distinguish at least three major functions of normative concepts.

One is normative *closure* – prohibiting, de-legitimizing certain acts. The discourse of human rights has primarily, although not exclusively, this function, de-legitimizing arbitrary violence, torture, and discrimination, for example.

Secondly, there are concepts for normative *opening* – claiming a legitimate social space, for a priori undefined or only generally and vaguely defined activities. Toleration and freedom of thought and speech have been traditional slogans of this sort. Here, too, is where civil society belongs, carrying a heavier, more pretentious political luggage than its predecessors.

Closure and opening may, of course, be seen as two sides of the same coin, and the same normative concept may be used both for opening some doors and for closing others. The point here is only that normative discourses can have different thrusts, and that current civil society discourse has the characteristic one of demanding an open social space.

Thirdly, normative concepts may designate a *direction* in which polity and society should go, or a *standard*, by which their location may be assessed. Justice is the classical concept of this kind.

Normative concepts have an important role in any discourse on matters human and social. However, there is also always a particular *risk of normativity*, which is the substitution of either hope or preaching for analysis. This risk, in turn, may be seen as a variant of a more general phenomenon – the cost of illumination. A concept is launched for elucidating something, like a spotlight. But a spotlight casts its light on some things by throwing darkness over others.

Civil society illuminates:

The democratic importance

of voluntary associations (cf. Putnam, 1993; Cohen and Rogers, 1995),
of civility,

of civic etiquette, decency (Carter, 1998; Margalit, 1996), and
of procedure and communication (Habermas, 1992).

Civil society throws into darkness:

Different resources among citizens/residents.

Interest conflicts among citizens/residents.

Different cultural impregnations of citizens/residents.

Different meanings and implications of associational membership
(cf. Rosenblum, 1998).

Political issues of substance.

The empirical structure of contemporary publics.

Civil society discourse is veiling the complex and multi-layered character of contemporary societies, including the multiple meanings, experiences, and consequences of associational pluralism, which may be not only supportive of democracy but also subversive of it, or an authoritarian safety-valve, an escape from politics, or many other things.

At the April 1998 session of the Pontifical Academy, Professor Glendon (1999: 368) expressed some telling reservations, interestingly enough, not about the concept of civil society as such but about its inter-

national application. “Lobbies and interest groups are not ‘civil society’.” Secondly, organisations “very distant from public scrutiny and democratic accountability” do not qualify for civil society. Thirdly, “‘capture’ by special interest groups” is not something that a civil society, in Glendon’s reading, brings about.

At this point it might be asked, what current democratic countries are there which are without “lobbies and interest groups”? What sense is there to conjuring away the latter, as Arato and Cohen, and Habermas do through economics, by defining civil society as society with the economy left out? In any case, this conception of civil society renders a priori impossible any investigation into the reality of actually existing democratic societies.

Secondly, civil society is a concept by which to distinguish and separate the state and society. The state stands for compulsion, usually also for hierarchy or verticality; civil society for voluntariness, horizontality. Civil society, as a rule, stands for goodness, while the state is, at best, necessary. The prevalent separation is tripartite: state (compulsion, rights system, polity, e.g. democracy), civil society (associations, discussion), private sphere (families, enterprises, ethnicities).

This definitional separation of the state and society is a positive hindrance to investigations into the social implications and outcomes of democracy and of political rule in general. We may in this respect compare recent civil society discourse with a couple of other major conceptualisations of modern social science, with respect to the key actor they focus on – the kind of action and the forms the outcome of the action takes.

Three state-society discourses

	<i>Model Actor</i>	<i>Mode of Action</i>	<i>Outcome</i>
Modernisation	The state	Pol. mandate	Social change
Corporatism	Implicit symmetry of state & society	Interest intermediation	Socio-economic policy
Civil society	Society	Exercise of Citizenship	Democratic procedures

Finally, current (in contrast to Hegelian) civil society discourse conceives of society primarily from a political angle. Society is viewed and evaluated mainly from its bearing upon the polity. This means neglecting the social texture and the cultural timbre of societies. It is a noteworthy polar contrast to the Swedish tendency of conceiving the state in economic terms, as the “public sector”.

Above all, it is this narcissistic politicisation of society which renders civil society discourse so inept in dealing with the outcomes of the politica

Transcending Civil Society

The idealised, over-politicised, nationally unproblematised conceptions of the social world built into the current concept of civil society may be overcome by going further in three directions.

The Social Production of Citizens

Instead of delimiting civil society by definition away from the economy, from the private sphere of the family, and/or from the “primordial” *ethnos* as a special sphere where public citizenship is exercised, it seems to me more fruitful to raise questions about what kind of citizens a given society in a given period tends to create. This type of question cannot be adequately answered with reference to the number of voluntary associations. Scandinavia and the United States, for instance, both score very high on associational density, and both are stable democracies. However, their polities put out very different policies, and the kind of civic input into the political process is also very different between the two.

Pertinent questions would then be asked about:

The allocation of economic, social, and cultural resources to the citizenry, the amount of such resources available and their distribution among the citizens.

The provision of role-models and role-patterns.

The historical structuration of expectations and fears with regard to life and society.

Structures of opportunity

The above may amount to a large-scale social scientific research programme, but it may also be approached more summarily, as something many concerned and informed citizens know a good deal about. From both angles a vista is opened up, which the normativity of current civil society discourse tends to hide or to obscure.

The Public Sphere as a Reality

Jürgen Habermas (1962) once made a brilliant empirical historical study of the elusive but important social phenomenon, the *Öffentlichkeit*, usually rendered in English as “public sphere”. However, in contemporary theoretical discussion, including Habermas’s own work, normative ideals of the public sphere have crowded out analyses of how the current political public sphere actually operates.

If one wanted to bring the public sphere into theoretically relevant analysis, it might be fruitful to conceptualise it as a “field” in Pierre Bourdieu’s (1992) sense, i.e., as a field of force and battles, rather than as an intellectual café conversation. This would entail looking into the topography of the public landscape. That is, into channels and locks into the public debate; the interrelations of different “sub-fields” or publics, e.g., of organisations and of the media; the roads to the top, to public leadership, and their pitfalls. How is “public(icity) capital” accumulated, and transformed into “political capital”?

Trans-Cultural, Supra-State Normative Orders

If anything in the above critique of current civil society discourse is correct, then not much is to be expected from recent hopes and talk

about a European or a global civil society. Again, such a civil society would certainly be a good thing from a democratic point of view, but the normative focus is, again, likely to cloud the vision of major issues involved.

In order to get a handle on the attempts at, and embryonic developments of, supra-state and transcultural normative orders, global and regional, it seems to me crucial not to lose sight of something civil society discourse tends to define away, i.e., the entanglement and the interactions of state and non-state actors. For the foreseeable future such involvement and such interactions are what will decide global and regional governance, where the latter is not overwhelmingly an inter-state affair, as is the case with the European Union. And the problem with the “democratic deficit” of the EU is not so much the non-integration of national civil societies, as the deliberate insulation of both the Union and the member polities from popular influence, e.g., in the new key areas of monetary policy and military policy (from the Kosovo war onwards).

The rise and the political recognition of resourceful international non-governmental organisations and their inclusion in the UN machinery of conferences, and of resolution and convention drafting, are very important new developments, but they are not an emergent emancipation of an international civil society from the nation-states and their international organisations. Rather, the pattern is one of some NGOs and some states striving to link up in order to influence other states. The new international jurisdiction, with its powerful signals of the War Crimes Tribunal on former Yugoslavia and the Pinochet case, is basically an inter-state affair. Global satellite television is indeed a new public sphere, but its difference – as strongly asymmetric communication – from the *agora* or the *salon* seems to be apparent enough to enable us to hesitate before deeming it a global civil society in the making.

It is the new patterns of inter-state, of nation-state and NGO, and of nation-state and global media, interactions, in the welter of accelerated or changed global processes of finance, trade, migration, and cultural encounters, that need to be unravelled, evaluated, and acted upon.

Democracy, Human Rights, and Social Justice

Democracy is, above all else, a procedure, a principle of sovereignty, a rule of legitimacy, a manner of decision-making. But a procedure with a specific meaning, one ideally expressing the rule of the demos, the people. Looking at the ideal and the reality of democracy, then, has to mean going beyond procedures and manners of civility and enquiring into the human outcomes of democracy. In other words, examining questions of democracy and human rights, of democracy and social justice and injustice.

In this vein, the twentieth-century record of liberal democracies appears appalling. We may try to disentangle it by distinguishing the democratic record with reference to the annihilation of others, the institutionalised humiliation and oppression of others, the human sacrifice of their own populations, and the social sacrifice of their own populations.

With regard to the direct physical annihilation of civilian populations, modern liberal democracies, in particular the British and the American, by far surpass any pre-twentieth century regime in numbers killed. In terms of killings, the terror bombings of German and Japanese cities in the last years of World War II were more than comparable to the Stalinist terror of 1937-38. In the former, about 900,000 were killed (Parkin, 1977: 88, 159), in the latter almost 700,000 were executed (Getty, 1993). It might be added that the terror bombers are still democratic heroes, while the leading Stalinist executioners were themselves executed and the (bulk of) their victims rehabilitated. True, this is not at all on the same scale as the Nazi German Holocaust, but that seems a far-flung qualification. It will, of course, be objected, that there is a crucial difference between an enemy population during an external war and the internal enemies of a given polity. But the whole point of the concept of human rights is that there is no such difference. The killing of an unarmed civilian is a violation of human rights wherever and whenever it takes place.

The willingness of liberal democracies to inflict pain, including death, upon unarmed civilians did not end with World War II. The current

on-going, decade-long, destruction of Iraqi society by the US and the UK blockade, with the loyal support of all Western Europe and many other liberal democracies, is a vivid example. How many civilian deaths it has caused, nobody knows, but UN estimates run into several hundreds of thousands. The Kosovo war started out with some proclaimed humanitarian constraints, which were soon overcome, however. In the end, the war was won precisely by destroying the civilian infrastructure of Serbia, factories, bridges, power stations, and not by any military engagement. On top of this is now being added an economic blockade. Amnesty International (but not the War Crimes Tribunal) has had the courage and consistency to bring up these liberal violations of elementary human rights (in its 6 June 2000 report).

The completely ethnocentric conception of freedom and democracy in liberal democracies was displayed in the immediate aftermath of World War II, supposedly fought and won on behalf of freedom, democracy, and human rights. While the defeated powers were treated with magnanimity, the French and the Dutch violently re-asserted their right to rule other peoples and to extract the wealth of their territories. Britain did not fight for the Indian Crown Jewels, but everywhere else it did, from Malacca to Africa. In the US, white racism was re-affirmed, in spite of the “Dixiecrat” rebellion among the Democrats.

Here, however, liberal democracies have undergone enormous internal change during the last third of the twentieth century. Racism, enshrined in North America from the first New England colonies, was outlawed after more than three-hundred years. On the other hand, the idea of recruiting foreign workers, without political and social rights, the idea of “guest workers” to do labour which the native population does not want to do itself, was subscribed to by West Central European liberal democracies (Austria, West Germany, Switzerland) in the 1960s.

While the Anglo-American democracies – regardless of the party in power – are still prepared to continue their wars to the point of the last Iraqi or the last Serb, in the same way as they were prepared to go on until the last German and the last Japanese were left, the willingness of liberal democracies to sacrifice their own populations has undergone a

dramatic change since the end of the Cold War. During that period this policy was part of a poker method by which to threaten, and be prepared to take on, a full-scale nuclear war. But in the Gulf and Kosovo wars, a major, self-imposed constraint of the liberal democracies was the wish to avoid, or at most to contemplate a handful, of casualties on their own side. The turn away from the conscription of citizens to professional soldiers may be taken as another sign that current liberal democracies are less prepared to human sacrifice than was previously the case. Here, World War I was the apotheosis of a liberal human slaughterhouse, as exemplified by Verdun, the Somme, Gallipoli, and other types of necropolis

There has always been quite a distance between, on the one hand, the liberal *salon* or café, and the ordinary people. In fact, the very “civility”, or polish, of liberal civil society excluded, and was often meant to exclude, ordinary people. And land reform, trade unionism, and social entitlements were rarely the objects of concern of liberal civil society. In power, liberal democracy has allowed much less, and much more intermittent, economic redistribution than nineteenth-century liberals and conservatives feared and than nineteenth-century socialists and radicals hoped for. Historically speaking, wartime mobilisation has been more effective than democracy per se in redistributing income and wealth. The long-run historical tendency during the twentieth century has been one of intra-state equalisation, primarily through the very richest tenth of the population losing out to the “middle classes”. Those at the bottom of the scale have hardly gained anything in relative terms.

However, even this uneven and limited tendency towards equalisation has largely come to a halt over the past two decades. In several cases it has been turned into its opposite. General income inequality has increased again, and in the few cases where there has occurred more educational opportunity across social classes this has stopped. Between nation-states, economic inequality has accelerated its long-term growth.

The personal and cultural rights of individuals have, by and large, broadened during the course of the century, but liberal democracy as

such has hardly constituted a general vanguard. The Communist Soviet Union, for instance, much preceded Latin Western Europe, from Belgium to Italy, at the level of women's rights, and Western Europe generally in terms of national cultural rights. Female dress (at school) is still a matter of public politics in France. The United States, on the other hand, has often been a forerunner in the institution of women's rights, and has been so again during the last third of the twentieth century, in some respects together with the Scandinavian countries. While far from always effective, these rights of non-discrimination and non-harassment constitute an albeit belated major step forward for human rights.

The intrinsic social achievements of liberal democracy seem to limit themselves to one thing mainly, to the prevention of large-scale famine, on the scale of Stalin's Ukraine, British colonial Bengal, or Maoist "Great Leap" China (Sen, 1999). That is important, but pretty modest in view of the ideals of liberalism and classical democracy.

Why have there been these persistent (re)productions of cruelty, discrimination, humiliation, and poverty on the part of liberal democracies? Apart from the historical argument that all liberal democracies stem from authoritarian, non-democratic, patriarchal societies of privilege and exploitation, instead of from a social contract, there seem to be two major reasons. One is that liberal democracy shares with most other political and ethical conceptions a great capacity for demonising the Other, against whom anything is permissible. It is noteworthy that fifty years of human rights discourse, pushed by liberal democracies, have had virtually no impact whatsoever on the war conduct of liberal democracies, be they high or low intensity wars, external or internal, declared or undeclared.

In the last decades of the twentieth century liberal democracies have also found a new weapon for inflicting suffering on large populations with unwanted political regimes – the economic blockade. First tried out, with limited success but much perseverance, against the Cubans, applied with great vigour and with punishing efficacy for ten years against the Iraqis, it is currently being meted out against the Serbs.

This enduring readiness to make large numbers of people suffer because of a leadership which does not behave according to an invoked norm draws upon a moralising streak of secularised liberalism, which is probably of monotheistic, and in this case Christian, origin. The Others are not simply crude and ignorant barbarians. They are also breaking the law of the one true faith.

In contrast to authoritarian dictatorships, which often demonise an internal Other, liberal democracies usually see their enemies as outside their own state borders, although these may include a considerable number of enemy agents or suspects.

Internally, on the other hand – including internally in relation to the whole oecumene of non-enemies, i.e., globally – liberal democracies have a persistent tendency towards *marginalising* others. The marginalisation of some people is an inherent, constant possibility of liberal individualism. The capitalist economics of all presently existing liberal democracies makes this a constant tendency. The experience of the twentieth century demonstrates that only to some extent, during some periods, and under some conditions, is democracy capable of counteracting this tendency. The best conditions have been provided by war-time mobilisation, which has been a great engine of full employment, economic levelling, and civic participation. The World War II experiences in Britain and the United States are the most striking examples. But the post-war boom, with its regional rapprochements, and the mobilised peace decade from the late 1960s to the late 1970s, were also major periods of inclusion in most liberal democracies.

Current tendencies are less positive. The international picture is mixed. There is, on the one hand, a certain progress in human rights discourse, perhaps even in practice, through the UN machinery. The Pinochet case and the War Crimes Tribunal on Yugoslavia are at least signalling the risks of high profile violations of human rights, although the second suffers from being part of a starkly ambiguous North American and Western European set of operations with regard to former Yugoslavia. On the other hand, the economic polarisation of the world is continuing.

Domestically, most liberal democracies are ending the twentieth century by moving towards more inequality, socio-economic exclusion, and internal violence. As hinted at above, there is one major, though partial, exception – the position of women. In Western Europe and North America, but also, although at a different pace and level, in some, but far from all, parts of the Third World, women have recently made substantial gains – in higher education, in politics, and in general social rights. Otherwise, the general tendency is towards more economic inequality, more exclusion from employment, wider social differences in life and health expectancy, and more violent crime. When and where poverty and economic exclusion increase, women and children tend to be hit hardest. This is the impact, in albeit varying degrees, of post-democratic liberalism in the West, of structural adjustment programmes in the Third World, of the financial crash in the one successful non-Western economic region (East Asia, with the exception of China), and of Eastern European post-Communism.

While there are many fewer dictatorships in the world than, say, twenty years ago, it is much more difficult to say whether there are fewer people living in misery, and if there are, this is due overwhelmingly, not to democratisation, but to the economic development of East and Southeast Asia.

Indeed, the most recent twentieth century social reports by international organisations are rather apocalyptic. The UN's *Human Development Report for Central and Eastern Europe and the CIS 1999* found that "a human crisis of monumental proportions is emerging in the former Soviet Union". (Here cited from the World Bank/William Davidson Institute publication *Transition*, August 1999, p. 19). The World Bank *Global Economic Prospects* concluded in December 1999: "the negative social impact of the East Asian Crisis and consequent crises in Russia and Brazil has been enormous. The increase in consumption poverty has been significant. In addition, the crisis has resulted in ... sharp declines in middle-class standards of living." (p. 47). And the UNICEF's *The State of the World's Children 2000* exclaimed in its "executive summary": "Despite the progress made on many of the goals

set at the 1990 World Summit for Children, this has been a decade of undeclared war on women, adolescents and children as poverty, conflict, chronic social instability and preventable diseases such as HIV/AIDS threaten their human rights and sabotage their development.”

In the face of these stark realities, which certainly show no “democracy dividend”, I do not think we are much helped by theories of justice and of civil society, however noble and ingenious, or by any affirmation of basic values, however, humane. What then?

In terms of discourse I can see two paths which are worth pursuing. Both are immanent critiques of mainstream discourse – there is currently no counter-flow in a humanist direction. One starts from the discourse of human rights, generally recognised and generally violated. Taking human rights seriously, the environmental rights of the human species as well as the rights of every individual of humankind to a life-course of freedom and development on par with the possibilities of the species, would have very far-reaching social consequences. In the world of limitations in which we live, it would at least provide us with a clear yardstick by which to measure the prevailing wisdom of the powers that be.

Secondly, the current self-celebrations of liberal democracy seem to be an excellent occasion for taking democracy seriously, i.e., critically. As hinted at above, this would entail hammering at the arbitrary boundaries of the *demos*, raising questions, and even providing provisional answers, about the social production of democratic citizens, about the institutional meanings of “self-government” or “popular rule”.

Practically, the basic way to change an evil world is through the empowerment of the powerless, of the disadvantaged, who are indeed those most competent to define social injustice. The twentieth century saw the rise and the decline of a powerful empowerment of the disadvantaged, the labour movement. There were other important popular movements. Nineteenth-century European and American nationalism spread around the world, in particular to the Colonised. The women’s movement grew into a major force, without being ever very strongly organised. However, the twentieth century was lived mainly through

the prism of the labour movement. It was the only major male support of the women's movement, the only significant metropolitan support of the anti-colonial movement. It was a model for its Christian Democratic emulator and competitor, and a model for its Fascist enemies. The potential threat it posed was at the back of the minds of the major bourgeois social reformers. The labour movement produced both the major revolutions of the century – directly in the Russian case, more indirectly by moulding the revolutionary cadre in the Chinese – and the most important programme of comprehensive social reform in the form of Scandinavian Social Democracy. The enduring strength of the movement ensured the lasting success of this last, while its weakness made possible the dictatorial development of the revolutions.

On the threshold of the twentieth century, the forces of human rights and of consistent democracy – as one would say today, instead of the more self-confident “human emancipation” with which Marx was concerned – are not to be found in or around one major movement. Nevertheless, both the sociologist and the concerned citizen in me would concur that progress in human rights and in the reality of democracy will be decided by the social movements of those directly affected by the deficits of human rights and of democracy, by their demands for what they take as social justice.

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