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Abstract: *Our paper seeks to understand the current success of “civil society” semantics by first studying the historical conditions of its demise in the late 19th and 20th century. By studying the successive reordering of the social to the political and economic spheres in the fields of employment and housing policy, the paper seeks to engage a critical appraisal of the current uses of “civil society” placing the accent on the potentialities of this procedural reordering of the individual to the collective, but identifying limits, and in particular the risk of ignoring the reality of an uneven distribution of power and resources.*

Key words: Civil society, employment policy, housing policy, political modernity, procedural democracy, representative democracy

In order to understand the rebirth of “civil society” as a concept to describe the nature of social and political relations over the past two decades, our contribution will start with what may at first glance appear to be a counterintuitive tack by examining the historical process which lead to the disuse of civil society semantics from the end of the 19th century to the 1970’s. During this period, the concept of civil society was eclipsed by the concept of “society” and “social organization”: “liberal modernity” gave way to “organized modernity” (Wagner 1994). Between 1890 and 1970, the history of “organized modernity” is the story of an organizational framework of society whose boundaries increasingly corresponded to the borders of the Nation State. This history is that of the restructuring of individual identities, as well as political and economic practices around the central ordering principals of class and nation. Finally, this history is also characterized by a vast movement towards increased standardization and codification, largely through the extension of bureaucratic logics, seeking to reduce uncertainty during a period of intense political and economic transformation (Polanyi 1944). This detour through history will seek to fulfill two objectives. Studying a historical context which resulted in the transformation not only of descriptive languages but also in the reshaping of collective identities and the articulation between the social, the political and the economic could provide some tools to get a better grip on the current

reemergence of civil society semantics and its knock-on effects on the social and political order. Secondly, studying the context from which the civil society discourse emerged in the 1970's and 1980's will help us to understand how the principals of "organized modernity", its collective identities, organizations, conventions and institutional arrangements, began to erode and what role the critical and normative dimensions of civil society semantics played in this process.

The historicisation of a concept doesn't simply involve a philological study of a word or its cognitive implications, uses and migrations. While this is a necessary first step to deconstruct categories which are only too evident, we would like to expand the horizon of investigation beyond the historical changes of the definition of civil society, towards the study of contexts where the articulation between the private, public and economic spheres were also problematic, but which did not result in the use of semantics, strategies and procedures based on the category of the "civil". It is from this standpoint that we can raise the question of the possibility of using civil society as a tool for historical investigation in a context where contemporary actors did not think in these categories, before returning to the contemporary uses of the term, to question the relationship between the "civil", the "civic" and the "social".

In short, our objective is to develop a form of reflexivity which is not limited to a history of the concept, but which also extends to the categories and forms of action and interaction which have been – or can be – associated with it. By linking together the linguistic registers of interpretation and the "indigenous" uses of language and action, one can hope to combine conceptual reflexivity with empirical reflexivity, an operation which is indissociably linked to any attempt at achieving critical distance through historical contextualization. For this reason we will anchor our reflection on specific spheres of action: work and housing as two important elements of social organization in the *Kaiserreich* (1871-1918) and the GDR (1949-1989), each context having, in a particular way, produced a specific form of articulation of the individual with the collective, the political with the economic, without recourse to the themes of civil society.

The *Kaiserreich* was marked by a particular vitality of associations and organizations corresponding to what we would today define as a civil society. At the same time these organizations did not use the semantics of civil society and inscribed their activities in the framework of the Nation-State, more specifically around a social topography structured by the "social question". The GDR seems at face value to be a strange place to discuss civil society, as it was one of the regimes which proved to be most successful in controlling the space between the individual and the State. However, it may be interesting on two counts. First, it

pushed the structuring of the social through vertical integration to its most extreme authoritarian and bureaucratic conclusion. Second, it belonged to the geopolitical space of communist central Europe where the renewed civil society discourse first emerged in the 1970's; but in the GDR, discourse critical of the social and political order did not adopt the grammar of civil society, but rather took the path of what one could term a "civic society".

It seems difficult to question the category "civil society", with its underlying postulate of an autonomous space, without asking: autonomous with regard to what? For this reason we will examine in the first two sections the challenges of constituting the collective out of the infinite diversity of the individual. In other words, the challenges of creating principals of equivalence essential to the construction of collective identities and interests which are prerequisites of collective action, deliberation, and the production of legitimate binding decisions in a polity¹. The first section will address this question from a theoretical standpoint by positioning the "civil" idealtpe with regard to two other categories of the collective: the "civic" and the "social". The second section will adopt a more empirical line of reasoning through the examination of the construction and the consolidation of an "organized society" in the *Kaiserreich* and the GDR. The third section will seek to understand the dialectic of autonomy and dependence with regard to the State. In much of the civil society literature, the relationship between the State and society is presented as a zero-sum game, with its many variants, ie., an increase in State power results in a proportional decline in the autonomy of civil society and vice versa, even if there is a general consensus on the necessity of some form of institution external to civil society to guarantee the basic rules of the interaction (Keane 1998). Despite this, the State is nonetheless generally represented as a unified actor, while it is in fact composed of partially autonomous sub-systems constantly interacting with social organizations. The boundaries between State and society, between the public and the private, are therefore variable (depending on the sector examined), ever moving and often porous. Finally, in a last part, we will try to integrate what can be learned through our excursion into German history into a reflection on the current uses of civil society. This will allow us to raise some questions around the two basic elements of the term: "civil" and "society", and the evolutions of signification and relationship between these two terms over time. Are "social" and "civil" synonyms, complementary or antagonistic? Has there been a shift from the "social" as a way of thinking about society to the "civil"? Does "civil" encompass the "social"

¹ As opposed to atomized individuals theorized by the totalitarian model or atomized or radical individualism in market economies.

by merely adding a new dimension, or is the “civil” eclipsing the “social” in much the same way as the “social” caused the “civil” to wither away in the second half of the 19th century?

I. The semantics of the individual and the collective

If the “social” emerged in the 19th century to refer to the connectedness between human beings, the concept “society” conveys a central tension between the “oneness” of a group of human beings, therefore implying some sort of boundedness, and the constituent parts, or smaller subunits (associations, groups, institutions) of which it is constituted (Wagner 2001: 128-145). The search for unifying principals in the rapidly transforming European countries of the 19th century lead to the opening of an “interpretative market” to make sense of a series of radical and interconnected transformations: the emergence of representative democracy and the extension of suffrage rights to the masses, the increasing division of labor, the rise of salaried employment and the radical transformations of the economy, demography and patterns of urbanization; the revolutions in commerce, transportation and communication, etc. A variety of competing conceptions based on a reading of the tripartition of the individual, the political and what was increasingly thought of as a partially autonomous intermediate space, or society, dominated political thought in the latter half of the 19th century (Heilbron 1995, Colliot-Thélène & Kervégan 2002).

Civil society semantics functioned as a bridging principal between the individual, the political and the economic, but it is not the only means by which these three units were historically linked. One can deductively define three competing ideal-types or regimes of linkage between the individual and the collective which were constructed by the end of the 19th century and could be mobilized by contemporary observers and players : civil society, civic society and, if one pardons the pleonasm, “social society”². The objective of this section will be to specify these three competing and partially overlapping paradigms which structured social enquiry and underpinned the social and political orders of modern Nation-States over the past two centuries.

“**Civic society**” is a system in which the individual is linked to the collective by belonging to a polity; the distribution of status groups being indexed on rights to political participation, itself determined, until universal suffrage, on gender and on property as a definition of

² These ideal-types are derived from a reading of Luc Boltanski and Laurent Thévenot’s *De la justification. Les économies de la grandeur*, Paris, Gallimard, 1991.

stakeholdership and as a guarantee of social, and therefore political independence and responsibility based on the rational individual. “Civic society” is therefore closely linked to the ideal of citizenship, with “numbers” as its legitimizing principal (Desrosières 1993), with the postulate of an egalitarian norm “one man, one vote” (as each citizen is a bearer of a parcel of sovereignty), but which did not however preclude profound differences in individual rights (“active” or “inactive” citizens, *Dreiklassen Wahlrecht*, etc...) creating a strong hierarchy of capacity within an imaginary holist political society. The “civic society” is therefore territorially bounded (unlike “civil society”) to correspond with a given polity, and places the emphasis on the individual, who must be ideally extracted from his social context to become a rational and independent actor. This form of organization creates the legitimizing framework for representative institutions, is largely procedural in orientation and does not necessitate intermediate forms of social organization to function, even if political parties, governing coalitions and other such organizations can be seen as functional byproducts of “civic society”.

“**Civil society**”, was, as show in the previous chapters of this book, indexed during the phase of its emergence on the autonomy of the private sphere and the superposition of the private sphere with the economic sphere, and more recently has become autonomous of its economic roots (Kocka 2004). It designates an intermediate space in which individuals are linked together without recourse to material or economic interests and without direct reference to political identities or objectives, leading Jürgen Habermas, for example, to exclude labor unions, employee associations, as well as political parties or clubs from his understanding of this intermediate space (Habermas 1997: 394). The emphasis is placed on self-organization and autonomy, procedural inclusiveness (which we will come back to), and the legitimizing principal is the respect of pluralism rather than the indexation of legitimacy on numbers or, in other words, numerical representativity.

“**Social society**” seeks to specify the generic term of “society” which was dominant for over a century. It can be used as a heuristic tool to get a grip on the specificity of “civil society”, by trying to reconstruct the system of social ordering which civil society is today supplanting. In many ways, this term is synonymous to the concept of “organized modernity” coined by Peter Wagner, although we would like to argue that it doesn’t necessarily imply a State lead organization of society. However, for the sake of simplicity, we will hereafter use Wagner’s term of organized modernity. Contrary to civic society, organized society places the cursor

more towards the collective in the space between the individual and the political, but contrary to the idealtype of “civil society” developed over the past two decades, organized society is strongly linked to economic structures, the division of labor, and to the question of property. Rather than being based on the idea of autonomy vis-à-vis economic or State structures, the concept designates a vertical linkage superimposing political and economic identities thereby creating powerful mechanisms to constitute classes of equivalence between individuals based not on their civic statute but rather on their position in the productive process, constitutive of common interests and values. The development of this grammar corresponds to the emergence of the “social question”, in other words out of discrepancy between the normative underpinnings of the civic and the civil semantics and practices in the mid 19th and the perception of a new and menacing reality³. Organized society was characterized by the invention of collective property, or the ~~social~~ welfare State, which transformed the propertyless into stakeholders (Castel 1995), and integrated them, through highly structured social organizations, into the political sphere, implying a high degree of territorial boundedness similar to civic society. From this paradigm, it also “borrows” the legitimizing force of “numbers”, although here numbers are not based on abstract aggregated collectives derived from the rational deliberation of individualized actors, but on the capacity of bureaucratically structured organizations to create local monopolies based on group identities, and to be recognized as the legitimate voice articulating their member’s private interests on the public scene.

How can we use these three distinct forms which compete and overlap to understand the ordering of social relationships? Of course the first pitfall to avoid is thinking of these ways of ordering the social in a linear-evolutionist, or, for that matter in a cyclical manner, with the return of civil society semantics after a 150 year hiatus. This raises a series of epistemological problems, such as the possibility of describing a social entity before it exists or when its existence is in doubt (retrodiction), or for that matter, the relationship between a reality in which actors use one set of categories and where historians and social scientists use another set of concepts to modelize reality⁴. This having been said, there is nonetheless a heuristic advantage to see how the three semantic alternatives described above combine, if they are mutually reinforcing or mutually exclusive. The appeal to history can also shed some light on

³ The current debate on civil society is posed in similar terms : For example Lars Jorgensen envisions civil society as a “meeting place for debate and common endeavor,” implying “the right of each individual to participate in the workings of society, and the recognition that periodical elections and referendums are not sufficient” (Jorgensen 1996: 36).

⁴ While avoiding the confusion between the model of reality and the reality of the model... (Bourdieu 1980: 67).

the configurations and contexts in which social actors and observers share the same categories, producing a mutually reinforcing spillover, or “looping effect”, to borrow Ian Hacking’s expression (Hacking 1999), or the contexts in which observers and actors promote opposing or overlapping readings of the normative, analytical or practical ordering of the space between the private and the public, between the individual and the political or economic spheres.

II. The shaping of social relations in the wilhemian era and the GDR: the emergence, consolidation and hypertrophy of an organized society

Having set forth the competing discourses which crystallized during the 19th century as idealtypes, we will now anchor our demonstration in empirical observations to demonstrate how social theories spilled over into practice, and how pragmatic solutions to perceived political and economic problems led to the emergence and the consolidation of organized society. It was during the *Kaiserreich* that social classes became the organizing principle of social relations, a principle which would be pushed to its bureaucratic extreme in the GDR.

The *Kaiserreich* can be characterized by the simultaneous process of national unification and industrial capitalistic economic development. The era was marked by the challenges of inventing new ways to structure space and public action in the context of rapidly evolving territorial and economic realities. One of the central questions was the problem of rebuilding links between the individual and the collective at a time when established relationships, and in particular the social topography, based on trade corporations, was crumbling through the sheer speed of economic and demographic transformations: the problem of integrating the working class and the risks of revolutionary upheaval; the problem of access to the political sphere blocked by a system which, although democratic in theory, was above all authoritarian.

The associative movement and social forms of self-organization were extremely intense (Nipperdey, 1986), but as these institutions were incapable of gaining significant access to political instances, and in particular the new central State, the question of associations was essentially conceived as a problem of its articulation with State structures. If the concept of civil society was not used as such during the *Kaiserreich*, a lively debate nevertheless opposed those who hoped for State intervention to solve the social question, and those who preferred the self-organization of society at different levels of intervention. The terms of the

debate therefore opposed *Staatshilfe* espoused by the conservatives and *Selbsthilfe* promoted by liberals and certain segments of the workers movement.

This debate was itself framed by another overriding issue: the definition of the boundaries between the State, the economy and society, categories that were unstable and emerging at that juncture. The issues surrounding the drawing of borders between these spheres were themselves structured around the question of the degree of autonomy of politics as either an overarching structure “external” to society, or as a sphere of action organically linked to society, “armed” with levers capable of resolving problems constructed as social questions. In this respect, the challenges of integrating the urban industrial working class (Schmoller, 1865 & 1918) and parlaying the perceived risks these “dangerous classes” posed to the political and social order were decisive in promoting the emergence of class as the structuring collective actor in society. New social institutions were put into place in which *Homo Faber* was central to the process of identification of the individual to the collective, whether it was based on an identity claim or the assignment of an identity by an outside authority. These institutions functioned within- and were complementary to- nation building, as organized solidarity was most often built along the same lines as politically defined territories. The *Kaiserreich* therefore can be characterized as a double process in which the social world was instituted as a collective space regulated by public action, and as a context where the political sphere was constructed as a possible space to mediate social conflicts. It is precisely this double characteristic which is today contested by the semantics of civil society through a rewriting of social history in which the “social” is implicitly posited as a construction competing with the “civil”.

Class was of course central to the authoritarian bureaucratic shaping of society implemented in the GDR. While the debate between *Selbsthilfe* and *Staatshilfe* remained central to the Weimar Republic, the GDR stamped out the last remnants of the *Selbsthilfe* logic left after the nazi dictatorship and legitimized a soviet style political order and full bureaucratic control of the economy as the only possible path to solve the inherent contradictions of the social question which had so plagued the *Kaiserreich* and the Weimar Republic.

If one uses Jürgen Kocka’s qualification of the GDR as a “modern dictatorship” (Kocka 1999) as a starting point, one can interpret state socialism on German soil as an attempt which pushes the organization of modernity to its extreme limit. While nazi social engineering attempted to replace the class based ordering of the social with a holist conception of society based on racial criteria, state socialism rested on a classist definition of society which sought

nonetheless to promote a non-antagonistic reading of class relationships through the expropriation of the means of production, cemented by the fiction that the GDR was the sole inheritor of all progressive and anti-fascist forces and traditions in German history (Meuschel 1992). Central economic planning was seen to be a viable alternative, and not only in the countries to the east of the iron curtain, to the crisis of liberal capitalism and to more corporatist solutions such as those which had emerged in Germany after 1918. However, unlike the *Kaiserreich*, the relationship between the individual and the collective or the role of the State was no longer an unfolding story of possibilities. In the GDR, the solid grip of Party and State over social organizations froze the terms of the debate, stymied or even criminalized attempts to reassert the capacity of self organization of society. Inherited institutions such as labor unions, professional organizations, political parties and parliament provided for a formal expression of social pluralism, but were denied any capacity to formulate autonomous demands. In other words, one can speak of a fusion / submission of society to political imperatives, and a complete disappearance of categories of the “civil” from public discourse. But this is of course not the whole story, as we will see.

In both contexts one can speak of the domination of “organized society” built on the perceived need to integrate the totality of the population into the national community through the prism of class identities. This reconfiguration of the social became increasingly institutionalized through representative organizations and institutionalized arenas of representation, and was underpinned on a micro-sociological level by the creation of collective property (welfare entitlements, but also cooperatives...) which guaranteed, in theory, the possibility of autonomous social action by providing the material basis of stakeholderhood in society, means to identify oneself and the Other through social proximity/distance and identification of one’s own interests and values and those of other social groups. Having sketched out the essential traits of both contexts, we will now specify with empirical examples taken from the question of work and housing to show more precisely the ebb and flow between descriptive languages and social practice.

Work, the welfare state and collective bargaining

During the *Kaiserreich*, salaried employment became the central node of social organization, the fulcrum of the articulation of the individual to the collective, of the political to the social and the economic (Zimmermann 2001). A multitude of actors used work, albeit in varying and often contradictory ways, as a central category in order to conceive a new political and social order. Promoted to a category of public action, work provided the means

to edify new collectives and principles of social action. It authorized the reformulation of the question of working class integration, by getting around the limits of its civic integration in an authoritarian polity (*Dreiklassenwahlrecht*, extremely limited prerogatives of the *Reichstag* such as the political irresponsibility of the government, repression of unions and socialist political organizations...). The conjunction of bismarckian welfare reforms and the activity of labor unions contributed, albeit with opposing motives, to the creation of new social identities and categories. The social order engendered by worker insurance was centered on class logics, but it also implied reinforced coordination between State and society on the one hand and employers and salaried workers on the other. This increased coordination revolved around risk management through mechanisms of collective bargaining, codetermination and *Selbstverwaltung*. Risk, as it is constructed by bismarckian legislation, defines collective identities around territorial and professional criteria (Kott 1995). This “reterritorialisation of social ties” (Ewald 1986) defined risk communities with varying contours depending on the nature of the risk (sickness, workplace accidents, old age, unemployment) and the specific combination of professional and territorial logics associating individuals. Insurance schemes and institutionalized negotiations between employer representatives and unions such as collective bargaining which developed during this period ensured that work, through its function as a social regulator, became a mediating instance between the economic and the political and a factor of social peace. These emerging institutions of codetermination and *Selbstverwaltung* were guaranteed by the oversight of the State and the solidity of professional or even corporatist identities from which a social (and in a more limited fashion an economic) democracy emerged, thereby completing the decades long process of gradual substitution of grammars based on civil society by subsuming and completing civic society semantics.

The GDR represents a radical redrawing of social boundaries and the definition of the relationship of the individual to the collective, but remains nonetheless in relative continuity to the social semantics based on class which emerged during the *Kaiserreich*. In the GDR, a class based discourse structured official representations of society and State, but contrary to the *Kaiserreich*, the GDR thematized non-antagonistic relations between the classes, albeit signifying the exclusion/expulsion of the propertied classes and the former political elite from the political community as well as the negation of conflicting bases of social identification such as religious or regional identities. In addition, the State was no longer seen as a mere guarantor of codetermination or *Selbstverwaltung*. On the contrary, the methodical nationalization of industry and central economic planning placed the State in a direct

relationship with social organizations, a relationship which became quickly unbalanced through the ability of Party and State to monopolize material and symbolic resources and its willingness to use physical coercion. Another important difference was the organization of social insurance through the workplace (Hübner 1994), thereby creating a deterritorialization of collective identities and paradoxically weakening class based identities, by reinforcing collective identification with the workplace.

The legitimacy of the social and political order therefore rested on the mobilization of “numbers”, resting solely on the reading of a organized society. Key elements of “civic society”, although also based on the legitimacy of numbers, such as free elections, parliamentary representation and legal guarantees on the rights of the citizen, were discounted as “formal” bourgeois democracy, and maintained only as empty shells. The political colonization of mass organizations negated any expression of plurality. Collective interests as defined by the ruling party were superimposed on individual interests to varying degrees of success (Lindenberger 1999). Social classes remained until 1989. However, the dominant reading of social stratification in official discourse, however, as we will see, these all-inclusive categories (the class of workers and employees in use from the 1970’s onwards, which included the Intelligentsia) was a much too unwieldy instrument for bureaucratic procedures, in work and housing as elsewhere, leading to an indexation of individual identities on other collective identities.

The housing question

Housing emerged in the mid 19th century as one of the key components of the broader “social question” (Huber 1857). The barricades of 1848 had demonstrated the potential dangers created by the steady influx of rural populations into the ever expanding cities to feed the labor needs of industrial sector. The problem of sedentarizing and “domesticating” this floating and “dangerous” urban population was constructed as a first and necessary step to integrating the working classes into the national community. As was the case for the question of work, the mechanisms of civic society did not provide for obvious solutions to this new challenge, as the electoral laws guaranteed that property owners keen to block any attempts of public regulation held an automatic municipal majority, and attempts to solicit the central State were structurally doomed to failure as central decision makers saw housing as a problem to be solved by local authorities according to the principle of subsidiarity⁵.

⁵ It was only the outbreak of World War I which incited the *Reichstag* to vote the first of a series of nationwide laws protecting the dependants of soldiers mobilized for the war effort from eviction.

In the mid 19th century, liberal and conservative reformers who remained within the realm of civil society semantics based their hopes on charity and education of the working classes to more hygienic and moral lifestyles as the path to better the living conditions of the urban working classes (Huber 1857). Others placed their hopes in private ownership based on the British model of “cottages” (C. Zimmermann 1991), but the only concrete applications during the *Kaiserreich* were paternalistic solutions, such as those of Krupp in Essen, where entrepreneurs built homes for their workers in an effort to reinforce loyalty to the workplace and to the figure of the enlightened entrepreneur. It was only with the development of the public health movement in Germany and its linkage to an increasingly professional municipal administration in big cities, that the first municipal regulations on housing were introduced, giving rise to a process which would eventually blossom in some cities into a highly inventive and wide ranging municipal public housing policy in the Weimar republic. (Reulecke 1997)

The development of a conception of *Staatshilfe* at the municipal level, however limited in scope during the *Kaiserreich*, was reinforced by the creation of institutions based on *Selbsthilfe*. While this process did not give rise to a conception which saw insufficient housing as a risk similar to old age, sickness, etc..., the problem was rather seen to be a consequence of these risks as well as imperfections in the functioning of the housing economy, an increasing number of associations and housing cooperatives pushed for housing reform along the lines of *Selbsthilfe*.

The idea of housing cooperatives was for a long time stigmatized by the revolutionary wing of the SPD and later by the KPD. Friedrich Engels had in effect criticized housing reform based on cooperatives as a trap for the working classes, as cooperatives tied workers to a particular employment basin and could prevent them from exploiting the only real capital they possessed, the force of their labor. (Engels 1872) Housing cooperatives represented a form of collective property, built around the mutualization of contributions and of risks. By pooling resources of workers who individually would not be able to finance property ownership, cooperatives allowed them to collectively raise credit. At the same time, housing cooperatives also created new links with local administrations and industry, as entrepreneurs and town councils financially supported cooperatives for specific professions or civil servants by lending money or providing land to build on. The number of housing cooperatives passed from 1.342 in 1913, to 4.390 by 1930 and associated members of political parties, salaried workers of a business, professional groups, civil servants or members of religious communities.

In the housing sector in the GDR, the State controlled both supply through central planning, and demand, through the administrative rationing of living space and stringent rent controls. This policy was justified by the critical state of housing following the destruction of 20% of the housing stock during the war and the claim that central planning and administrative redistribution of existing living space was the only means to solve the century old “housing question”. Cooperative housing was reintroduced in the GDR in 1954, but as in other areas, the *Selbsthilfe* component of cooperatives was quickly reduced and cooperatives came under the control of the *Kombinat*en to house their workers (Rowell 2004).

In the day to day administration of the housing “market”, the dominant reading of social topography along non-antagonistic class lines was of little use in deciding who gets what, when and how. Administrations devised, and had to reconcile, three principles of distribution, each providing partially contradictory linkages of the individual to the collective: To paraphrase Marx, housing was simultaneously distributed to each according to his means, to each according to his needs, and to each according to his politics. Means refers to a retribution based on the reading of the importance of the worker to economic development. In this framework class had less bearing than professions with particular skills, who were in short supply or who were needed in the sectors of the economy which were given utmost priority. But housing was also distributed to “each according to his needs”, in which needs were either based on insufficient housing conditions, or social, medical or demographic identities: large families, families with members with a handicap or a contagious disease such as Tuberculosis. Thirdly, to each according to his political engagement, which sought to reward political loyalty or allocate resources to those with relations to people in “high places”.

In other words, the administrative procedures which identify the different qualities of the individual by assigning identities and priorities in the distribution of scarce goods were indexed on collective identities which only partially overlapped the class based definitions, and produce other principals of distributive justice. What were the effects of this system on the operations of linking the individual to collectives and the relationship of these collectives to society as a whole?

It is interesting to examine how this variety of distributive principles was reappropriated by individuals when they came into conflict with the housing authorities. With the political control exercised on social institutions, the expression of discontent rarely took the form of collective action, but the individual forms can be studied through the analysis of individual letters of petition, or *Eingaben*, the only institutionalized form of administrative recourse in a system without administrative tribunals. The individual letter writers identified themselves by

attaching their personal identities to collective identities. They reappropriated administrative or political categories of society in a strategic manner, thereby identifying themselves in terms of class, if it was to their advantage, or in terms of political loyalty or as valuable contributors to the national economy if this was advantageous. Many emphasized their connections and political relations by joining letters of recommendation, while others attempted to singularize themselves, by placing themselves outside the bureaucratic categories, their suffering, old age or hard luck in life appealing to the compassion of the decision maker (Rowell 2002).

If one looks at the evolutions in the use of these collective identities over time, explicit references to social class identities, professional identities or political engagement tended to become more infrequent, while there was an increasing use of argumentative resources based on “civic society” norms and categories. In the 1970’s and 1980’s letter writers increasingly motivated their claims by mobilizing legal arguments (whether laws or central Party resolutions) and more frequently asserted decent housing as right, affirming that the State, as holder of the monopoly on the building and distribution of housing, had an obligation to decently house each and every citizen of the GDR.

In general terms, one can view the general erosion of the legitimacy of state socialist regimes during the 1970’s and 1980’s as the result of a growing discordance between the orthodox communist ordering of the social, still based on class and the neutralization of institutionalized social organizations articulating social interests and identities on the one hand, and the identities and representations of social topography produced in every day life and interactions with the administration on the other. If in Poland, Hungary or Czechoslovakia, this gap of signification was filled (at least in part) with the semantics and the beginnings of a self-organizing civil society, in the GDR, collective action based on civil society remained very limited for reasons we don’t need to go into here. However, one can make the hypothesis that there was a return, if partial, diffuse and on an individual level, to the norms of a “civic society” to order the social in the face of the increasing inoperativeness of class categories (not to speak of national identities in the GDR!) to not only make sense of the world, and to attribute one’s place with regard to others, but also, and perhaps most importantly, in the daily operations of State institutions themselves, which sorted and classified individuals with categories other than those which dominated public discourse⁶.

⁶ Helmut Steiner showed that in the mid 1960’s each political party, administration or mass organization had its own way of categorizing its members. As a result, more than 20 different ways of classifying social identity and origin coexisted in a political system perceived to be perfectly centralized (Steiner 1997: 246).

To conclude this section, one can schematically resume the two case studies in the following way: In the *Kaiserreich*, the reconfiguring of social space between the individual and the polity during the period of rapid industrialization and nation building was partly the work of the State, but also partly of a self-organization of society which sought to recreate links between the individual and the collective on the basis of class structures within the structuring framework of the Nation-State. The civic and social principles structured the social and the political, although not without friction and debate. Their centrality ensured that the “civil society” semantics and themes were pushed to the margins. The hereditary rights of the aristocrat and the bourgeois became less “natural” and their centrality in the social and political order progressively yielded to the figure of the citizen, bearer of civic and social rights granted and guaranteed by the State. This long process changed the contours of the public sphere and modified the forms of expression and the regulation of conflicting social and political interests in the public domain. The GDR, on the other hand, inherited the framework of a organized society but pushed its logic to the extreme, while amputating the *Selbsthilfe* dimension and reinforcing the authoritarian bureaucratic features contained in *Staatshilfe*. However, bureaucratic overload set into motion a process by which the institutions of “organized society” lost their ability to provide individuals with a cognitive and procedural framework which structured collective identities on a professional or territorial basis. Contrary to some other state socialist societies, the “vacuum” was not filled by an attempt to reorganize society along the lines of a civil society, but rather took the shape of a limited remotivation of the “civic”, based on individual rights of the citizen (to vote, to travel freely, to be decently housed...). From these developments, it becomes clear that the relationship of social paradigms to the State is essential in getting a better grip on the specific combinations of these forms of social (self)organization. We will examine this aspect more closely before returning to more contemporary issues of the relationship between the civil, the civic and the social in a context where class and the nation, the two founding principals which structured organized modernity, are increasingly challenged.

III. Collective identities and configurations of the State

If the previous section centered attention on the issue of collective identities in the context of the “social question”, in this third section we’ll focus our attention on the relationship between collective forms and the configurations of the State. The starting point of our discussion will be the widely held idea that civil society is autonomous of the State, or

somehow outside of its grasp. This claim is of course central to the rebirth of the concept in eastern Europe during the 1970's where civil society proved to be a powerful arm to criticize State socialist systems which had more or less neutralized society as an autonomous sphere of action. If this powerful affirmation of a form of legitimacy outside of the sphere of State control proved to be extremely corrosive to communist authority in Eastern Europe, its use in Western Europe and elsewhere has not been without consequence on the legitimacy of State institutions. This reading of civil society seems however to imply that in a system based on "organized modernity", social relations were entirely orchestrated and subservient to the State. In this light, the *Kaiserreich* and the GDR can be seen as a sort of litmus test in that both States were authoritarian in character and where groups were predominantly articulated in relation to the State which sought to limit, or at the least to rationalize and render more predictable, the pluralistic expression of social interests. However, at the same time, it would be too simplistic to assert that social relations were entirely organized by the State – at least in the *Kaiserreich*. It may be more exact to think of society as a mediating space between the State, the individual and the economy.

Contrary to the idea of a binary opposition between State and society which is implicitly included in the contemporary conception of civil society, our historical retrospective will place the emphasis on the plurality of possible configurations between social groups and State institutions. In doing this, we will cast light on the dynamic nature of this interaction, on give and take and collusion between State and societal actors which cannot be reduced to a "zero sum" game. This pragmatic approach to the State through the prism of specific sectors of public action such as worker insurance, unemployment and housing builds a picture of the State, even authoritarian ones such as the *Kaiserreich* and the GDR, as a complex reality in constant evolution (Zimmermann 2001: 167 sq.).

This differentiated approach to the State and public action seems essential to avoiding methodological pitfalls such as reliance on a priori reasoning or excessive modelization which oversimplifies complex realities. Anchoring theoretical speculation in empirical observation is vital if one is to avoid reified models of the State, sweeping generalizations or a reduction of the State to a mysterious black box where inputs are magically transformed into outputs. This implies that the State is not a given, an intangible and preexisting structure, but rather a complex and contradictory set of institutions traversed by competing efforts to frame social reality (Goffman 1974). Following Max Weber, the State can be defined as a category which represents determined types of human cooperation (Weber 1964, Vol. 2: 1034 sqq.). Consequently, the fluidity of the borders between State and society or even the imbrications

between the two terms comes into view, thereby revealing the supposed hermetic analytical separation of State and society as a fiction (Birnbaum 1982).

The impulsion for the lively associative culture of the *Kaiserreich* did not emanate from the national political and administrative institutions. A number of associations pushing for social reforms, such as the *Verein für Socialpolitik*, the *Gesellschaft für Sozialreform*, the *Verband Deutscher Städtestatistiker*, the *Verband Deutscher Arbeitsnachweis*, the *Städtetag* or union organizations created a dense network advocating policy reform. Vectors of innovation and laboratories of social enquiry and experimentation (Schierra 1992, Nipperdey 1986), these associations did not perceive their action to be part of social self-organization autonomous from the State or in opposition to it, thereby making the use of “civil society” as a label to qualify such organizations quite problematic. On the contrary, the activity of these reformist networks was directed towards the State and sought to place the reformist projects on the central state agenda, with the aim of reinforcing State intervention, seen as essential to meeting the challenges of industrialization and rapid social transformation.

As a result, associations were theorized as being complementary to the State rather than in opposition. Perceived to be spaces of solidarity and self organization of individuals, a tightly woven fabric of associations was, in the liberal conception of Robert von Mohl and Lorenz von Stein a necessary intermediary between the individual and the State, a space of social self-regulation which could help take the wind out of the emerging class conflicts (Pankoke 1972). The associative movement was therefore intellectually constructed as a space to regulate conflicting social interests in society. In this capacity, associations played an essential role in the liberal conception of the German State and the theory of subsidiarity as a space of dialogue and confrontation which structured public debates. If associations did structure the debates on public policy in many areas, for the most part, they were unable to translate their proposals and objectives into policy at the national level. (Zimmermann 2001, chap. 7). The associative movements show to what extent collective actors are not only organized around the semantics of the “social”, but need to be put into relation with the “civic” problematic of the accessibility (or inaccessibility) to State structures.

The general problem of accessibility to the State needs to be further specified and thought of in terms of the differentiated political and administrative scenes in which associative actors and political actors interact on different levels in a game fraught with conflict, compromise and mutual instrumentalization. As we have already shown, at the level of national politics and even at the level of the *Länder*, formal democratic procedures did little to counterbalance authoritarian structures which largely insulated these political scenes from

societal input. It was at the municipal level where the borders were the most porous between public institutions and private interests. However, even at the national level, one can observe intense exchanges between representatives of interest groups and political or administrative personnel which created a “reformist constellation” (Topalov 1999) via the *Verein für Socialpolitik*, for example.

Differential degrees of accessibility to the political spheres therefore depended on the identities of the actors involved, the policy fields in question and the issues at stake. The conditions of access to political institutions produced effects in return on the strategies and organizational structure of social organizations operating in and around these fields. One can describe this relationship as a kind of homology between the differentiated political fields and organized interests⁷. Even those who were strongly attached to *Selbsthilfe* and opposed *Staatshilfe*, did not conceive of their action without reference to public intervention which habilitated action by providing legal guarantees and laws to frame the scope of individual liberties and contractual arrangements. If the logic of *Selbsthilfe* is hostile to bureaucratic reforms imposed from above, State intervention, in the form of neutral arbitration and conciliation was nonetheless considered to be essential to the ability of non-State actors to resolve the social question. As a result, even for the most hardy tenants of liberalism or social self-organization in Germany, the State was seen to be essential to guarantee liberties and procedures for peaceful conflict resolution (liberty of association, right to strike...). During the *Kaiserreich*, the State was viewed as a mediator or even an arbiter in the process of collective organization, even by those who did not enjoy direct access to centers of decision or those who were hostile to direct State intervention.

The GDR shared the authoritarian characteristics of the *Kaiserreich* but the Party-State made any autonomous attempts at accessing the central State all but impossible. The tight grip on “mass” organizations and unions severely limited forms of articulation of social interests and transformed them, at least in theory, into “conveyor belts” of the will of the Politburo of the ruling party. The extreme centralization of the State and the bulimic concentration of decision making at the central level meant that decision makers were totally reliant on information provided them by disciplined State and Party bureaucracies to make decisions. This extremely hierarchical articulation of State-society relationships tended to rigidify the

⁷ It is precisely the inadequation between the structuring of policy fields at the level of the European Union and the inadequate organization of interest groups at the European polity which is one of the key challenges to the European project.

moving borders and sectoral differences between central State actors and social dynamics which had existed during the *Kaiserreich* and the Weimar Republic.

However both within these organizations and above all outside these organizations, informal horizontal interactions developed based on instrumental networks of exchange, allowing for a partial compensation of the rigidities of institutionalized interest articulation (Huinink & Mayer 1995). In other words, the increasingly formal and ritualized forms of integration of social logics into the State apparatus stimulated the development of informal modes of interest articulation, centered largely on individual and informal interactions rather than on the expression of pluralistic collective interests which could be construed by the ruling party as a ~~an intolerable~~ challenge to its authority. For example, faced with the failure of the State to repair or to modernize old housing stock, many inhabitants mobilized family, friends and relations to acquire, sometimes illegally, building materials and skilled workmen to do the job. The same dynamics were at work in the extensive building of “datchas”, some quite elaborate, in what one could call informal forms of *Selbsthilfe*. This process can also be seen in the partial instrumentalization of workers brigades for private purposes (Kott 2001), but also in the working of housing commissions. These commissions were formed by volunteers, and part of the routine tasks of housing allotment fell on their shoulders. In order to prevent a demobilization of these volunteers, the administrations had to allow them limited forms of autonomy in deciding who got what type of housing and when. In other words, what ensued was a widening gap between informal networks based on trust and mutual give and take, based on face to face relations, and the organized, highly centralized network of organizations controlled by the party (Rowell 2005) Why did this not result in the development of a civil society discourse as in other central European countries with the onset of economic stagnation and eroding legitimacy of party leaders in the 1980's?

One can portray the emergence of a civil society discourse in much of Central Europe as the result not only of the erosion of the legitimacy of party dictatorship, but also as a crisis of the languages used to describe society, State and society relationships. After the failure of attempts to reform and to humanize state socialism from within (1956, 1968...), dissatisfaction with the existing order in central Europe brought critical intellectuals to try to transform society from “without”, from another locus of social legitimacy seeking to modify the perception of society and its relationship to the State. In Poland or to a lesser degree in the Czechoslovakia, critical intellectuals were able to disassociate the connection between class and nation which was central to the claims of legitimacy of the dominant communist parties, and to mobilize (and redefine) a society on the basis of a civil society discourse by using the

nation (and or religious identities as in Poland) as a unifying principle. This option was not available in the GDR where other “outsider strategies” such as “exit” (Hirschmann 1970, 1993), in the form of emigration was a possibility (both for the protagonists as for the State, in the case of Wolf Biermann). Organized opposition took the form of “moral causes”, pacifism, ecology, individual rights such as the freedom to travel, to voice dissent, denunciation of electoral fraud and other issues simultaneously based on universal human values and rights centered on the individual. This individualized expression of rights based on citizenship and activating the semantics of “civic society” was also at work in the correspondence of frustrated candidates for housing (see section 2). Critical discourse insisting on “civic” norms rather than “civil” ones were more pronounced in the GDR than in other Central European contexts due to the weakness of religious or national based forms of collective identity and the prevalence of individual and informal modes of access to State structures.

The renewed interest in civil society in Western Europe since the 1980’s via Central Europe has colored the term with a distinct connotation placing it in opposition with the State. While civil society could be used in the context of the *Kaiserreich* to qualify the vivacity and the relative autonomy of the associative movements in the sectors we have discussed, the retroprojection of current conceptions of civil society could be misleading. Social organizations were not pursuing an agenda opposed to the State, but rather were seeking access to the State. In addition, while current conceptions of civil society place the accent on pluralistic deliberation, on fluidity and inclusion which deconstruct established social categories, representative institutions and decision making procedures, the associations in the *Kaiserreich* worked together with State actors (where this was possible) in a common effort of stabilizing the social, reshaping it and making it intelligible, thereby reducing its plurality and uncertainty at a time when social and political change was taking place at breathtaking speed.

This is where a historical comparison between current changes in the relationship between governments and the governed and past models of State-society articulation can be helpful. Current uses of civil society discourse and norms convey, in the context of established democratic welfare States, a critical dimension not unlike that which was successfully turned against State socialism. In its many variants, civil society discourse seeks to reinvent democracy, to further political pluralism and inclusiveness, to fluidify the perceived sclerosis of the welfare State and of corporatist arrangements, to modernize bureaucratic structures, etc. In its critique of organized modernity, civil society discourse stigmatizes the inherited institutions and patterns of engagement between society, the State

and the economy as obsolete and “old fashioned”, a normative charge which is equally shared by neo-tocquevilleian liberals, representatives of the “new left”, heralds of the “third way” (Giddens 1998) and by political representatives (particularly in supranational institutions like the European Union). If the existing institutions, collective identities and procedures have undoubtedly been increasingly contested over the past decades, does civil society provide a credible alternative or even a mechanism to complete and reinvigorate existing democratic institutions without further undermining them?

IV. Power, Procedures and the reordering of the social

One could claim, from a kuhnian perspective, that the development of a new grammar of civil society in the last decades is linked to the diagnosis that the existing languages and social and political institutions and arrangements have lost their ability to accurately describe social phenomena, and that beliefs in the capacity of “old” social institutions to articulate the individual to the collective are waning.

This diagnosis is well known and can be resumed by several key words : crisis of the welfare state, which is not only budgetary, but also philosophical; crisis and decline of “old” forms of social representation and institutions : unions, employer organizations, churches, parliamentary democracy, the family, which are seen to be too unresponsive, too unrepresentative, too corporatist, or too “out of touch” with rapidly changing realities ; crisis of the nation-state and the emergence of multilevel governance ; crisis of the political elite, too cut off from the preoccupations of ordinary citizens, and a decline of traditional forms of participation in the political process.

Independent of their political or even ideological dimensions, the current debates on “globalization” imply a radical rethinking of the roles played by the State, the Nation and established institutions in the structuring of interactions between the individual (and families) and the collective in much the same way that the crisis of “liberal modernity” provoked a pluralization of social enquiry in the middle of the 19th century. The modern Nation-State, constructed between 1850 and 1970 as an instance of perequation between heterogeneous and often contradictory political, social and economic logics, has been confronted with growing difficulties in playing such a role over the past 30 years. These difficulties have given rise to the production of a plethora of signifiers constructed around the notions of plurality, flexibility and mobility which have become the new political and economic imperatives ; a movement seeking to unfetter a series of institutional and cognitive constraints, an opening of

the horizon of possibilities which stands in stark contrast to the period 1850-1970, characterized by the quest for a reduction of plurality centered on the definition of generic principals of equivalence making possible (if imperfectly) the organization of society around the central logic of numbers (Desrosières 1993). And this is precisely where the concept of civil society seems essential: simultaneously an *indicator* of the recent shifts in social organization, and an *operator* of this shift by transforming social practice and collective identities.

One of the defining characteristics of civil society, and for that matter, the core of its claim as a legitimate form of collective organization (and as an analytical tool), rests precisely on the principal of pluralism; in other words the openness and fluidity of social organization and to its indetermination, central to claims of greater individual liberties and autonomy at the heart of the innovative potential of a reinforced civil society. At the same time this development seems to indicate a radical departure from a number-based legitimacy of existing social and political organization (votes, parliamentary representation, corporatist arrangements, sectoral interest groups...), which is synonymous with what is often called the “democratic deficit” in international or supranational organizations, or the “crisis” of the welfare State and representative democracy.

May one share this crisis diagnosis or not, the reemergence of the semantics of civil society as an analytical tool to describe the space between the private, the economic and political sphere was not only made possible by the erosion of the capacity of other words to describe current changes but also by the linkage between the analytical and the normative dimensions of the concept based on the systematic opposition of the “new” and the “old”; innovation versus resistance to change; horizontal relations as opposed to vertical relations; creativity as opposed to rigidity; reactivity and speed as opposed to resistance to change; participation vs. delegation; autonomy and self-realization vs. dependency and hierarchy ; self-organization vs. cooptation; and the list can go on⁸. In other words, these different

⁸ The inextricable link between the analytical and the positively connoted normative dimensions of the concept and the fact that most attempts to define civil society do not proceed by designating what civil society is, but rather what it is not (ie. Non- state and non-economic actors) poses the problem of the inclusion or exclusion of groups corresponding to this definition but which are constructed on values which do not correspond to the positively connoted analytical/normative inferences of civil society (religious fundamentalists, tribal organizations, communitarian groups, the mafia or GONGOS...). Attempts to refine the definition by placing the emphasis on self-reflexivity or procedural criteria such as “open” decision making or participation could be a solution to this problem, but entail the problem of ad hoc theorizing, and risk drawing arbitrary boundaries. What seems essential is not the typology or the a priori definition of what is or is not a civil society, but the process by which new social semantics emerge, which leaves room for historical contingency, and allows one to understand how many of the “old” social institutions and organizations have themselves embraced the semantics of civil society, to counter the erosion of their existing bases of legitimacy.

semantic registers have opened an interpretative space for a concept meaning many things to many people: civil society is used by social (and political) actors in competition with one another as well as by those who see their role as making shifts in society and in polity intelligible (Gosewinkel & Reichardt 2004). Without going so far as to lend these uses a performative function, the replacement of “old” semantics by the “new” is not a neutral operation⁹, but has accompanied and perhaps accelerated the reshaping of the way we think about the mediation between private and public.

Two important questions arise : 1. How far does civil society, as an *analytical concept*, allow us to understand and describe current socio-political transformations? What does the concept allow us to see, and what might its use mask from sight ? 2. Does the *normative* dimension of the concept give a framework for these transformations, in other words does it provide a viable alternative to inherited institutional arrangements and institutions? While it is impossible to provide definitive answers to such questions, we’ll at least try, learning from the historical cases presented above, to open a few paths for further investigation which we will discuss in five points.

1) The uses of civil society in Eastern Europe and Western Europe since the 1970’s differ in the degree in which they contest State centered arrangements: in the East by setting up a “counter society” outside of all State directed social organizations and decision making structures; and in the West as a tool to renew, complete and reinvigorate a model of State-society arrangements centered on the welfare State. The “rediscovery” of civil society in the West, via the critical intellectuals in the East, nonetheless resulted in a relatively radical separation of civil society organizations and practices from the State (and from the economy) and uses of the concept which have proved to be extremely corrosive to the arrangements, social institutions and collective identities structured around the compromises which emerged a century ago during the constitution of the welfare State. This raises two questions:

The first is the problem of using civil society to describe situations and contexts in which the actors and commentators do not use the term. In the *Kaiserreich*, one can speak of civil society in the sense of a dynamic and relatively free emergence of self organizing groups and associations. However, if we were to transpose the idea of free deliberation, of openness and fluidity which marks the current conceptions of the functioning and the objectives of civil society organizations and procedures, we would miss the fact that most societal organizations

⁹ As the central European uses of the concept of civil society in the 1970’s and 1980’s show, this signifier does contain a powerful normative and practical potential to subvert other languages of society and to produce real effects on the signified.

in the *Kaiserreich* sought to increase the predictability social interactions by institutionalizing procedures and groups, by tying the individual to the collective and the collective to the State.

The second question is the relationship between the three paradigms of social order which we outlined in the first section. As we saw, the ordering of the social which occurred during the *Kaiserreich* sought to complete and to structure the “civic order” by providing institutional and cognitive links between individuals and collectives. What is the relationship between civil society, civic and organized society today? Does the recourse to the civil compensate for deficits or shortcomings of organized modernity, as some definitions would have it, or does the critical potential undermine both the civic order and the inherited social order? As we have argued, civil society is built upon the norms of self organization, on plurality, indetermination and the fluidity of social organization. In this respect it is simultaneously complementary to the two other organizations of the intermediate space between the individual and the State, but it also opposes the two, in the sense that the legitimizing principle of plurality can be seen as being opposed to “numbers” based legitimacy in its civic variant (votes, referendums, parliament) or its social variant (representative interest groups, neocorporatist arrangements, social insurance...). If this last interpretation is correct, does civil society provide a viable alternative? In other words can procedural legitimacy built on plurality and inclusiveness replace numbers based legitimacy at the heart of representative institutions as a workable form of organization of a multilevel polity?

2) Trying to answer this question brings us to a second broad point. It displaces the center of gravity of the definition of civil society away from its organizational aspects, which, as we have seen, raise a number of problems, towards the procedural aspects of the notion which is espoused, at least formally, by all the players of the civil society game. In this light, civil society is essentially a procedural question, an arrangement with minimally predefined rules of engagement between participants in deliberative decision making, other than the agreement by all the players to abide by a series of guiding principals imposed by an “external”, mediating entity taking the form of the State (in a wide sense, ie. not limited to the nation-State): discussion and communication as the overarching norm of engagement, fluid arenas or forums of discussion (Callon, Lascoumes & Barthes 2001) where there is no preestablished dominant player, where there is a principal of equality between all participants; discussion and deliberation as a rational means to obtaining agreements; agreements which may be contractualized and codified, but which are never definitive, and therefore open to rediscussion and constant adjustment. These norms are not only prevalent in the space of

social self-organization, but also have become increasingly important as a form of interaction between civil society organizations and economic or political actors, and have even become a dominant mode of functioning, at least on paper, in such international organizations as the European Union with its “open method of coordination” (De la Porte & Pochet 2002). If one is to adopt for a moment a cybernetic metaphor, one can say that civil society in its effects on public action signifies a rearrangement or reordering of inputs, by marginalizing institutional gatekeepers, by fluidifying preexisting social and political categories, and by opening up the public sphere to new issues and to marginalized social groups. However, if one turns to the “outputs”, the problem becomes more delicate. One can argue that the diffusion of the procedures characteristic of civil society have simultaneously weakened the social basis and the procedures of civic and social society (increasing voter apathy, decrease of “classical” forms of political participation and engagement, contestation of the representativity of unions, political parties, employer groups, religious communities, etc...), and at the same time failed to produce new categories of public action (legal definitions, populations identified and targeted for public action...) with enough stability and solidity to make decisions “stick” and to become binding for all members of a polity. In the world of organized society (at least in those with democratic procedures), the arenas of decision were structured by the respective “weight” of the participants based on the number of citizens they were credited with representing. In the procedures of civil society, where no participant can be legitimately excluded, where inclusiveness and not numbers structure deliberations it is difficult to see how binding decisions engaging the entire population of a polity can emerge.

This dilemma carries with it two apparently contradictory risks: On the one hand, the fact that many international organizations appear to build their democratic credentials on a “dialogue” with civil society without making a concerted effort to build “numbers” based legitimacy (either through elections or through neo-corporatist arrangements) opens the problem of the instrumentalization of NGO’s, and a reduction of civil society to a series of “selected” NGO’s commonly denounced in the civil society literature, points to the risks of an autonomisation of the political sphere, particularly acute with the increasing delegation of policy decisions to regulatory agencies placed outside the control of representative institutions. On the other hand, one can identify the opposite risk, more perceptible in the context of the nation-state, in which civil society procedures and discourse have undermined beliefs in collective social actors (and their representatives) and thereby eroded functioning categories and instruments of public action without having contributed to the emergence of minimally stabilized alternatives. The risk, in other words, is that the open-endedness, the

fluidity and undetermined nature of civil society procedures undermine any attempts to define and stabilize a definition of the “public good”, or even the interests or the identities of collective groups, thereby failing to act as an effective counterbalance to the powerful individualizing forces of “turbo capitalism” which raises the specter of an increasingly atomized society.

3) Civil society discourse and procedures pervade political and bureaucratic structures keen to draw upon the legitimizing force of this new imperative. Ideas and procedures such as “governance”, contractualizing, public/private partnerships, open coordination, new public management, the increasing recourse of political parties to candidates from “civil society”, are expressions of this rising awareness that “top down” decision making and implementation no longer seems adequate in an increasingly plural and fluid social reality. In a nutshell, these procedures seek to reinforce linkages to the governed which have become distended through the crisis of traditional forms of representation of social interests. However, where does this leave the concept and ideals of civil society, which, since their invention in the 18th century in the context of absolutism and its “rebirth” as a tool to contest bureaucratic socialism and the rigidities of the welfare state? The dilution of the boundaries between State and non-State actors and institutions, taking the form of multilevel governance, independent regulatory agencies, private/public partnerships, contractualizing, etc. raises the problem of performance evaluation and more fundamentally the question of responsibility and accountability through the essential operations of assigning blame and credit where it is due. This intrication of public and private, of the social and the political could paradoxically lead to a weakening of the capacity of individuals to organize and mobilize, as one of the key repertoires to the constitution of collective actors and action is founded on the triptych: “naming, blaming, claiming”. Not only does this raise the question of mobilization and participation, but perhaps more fundamentally, these new modes of public action sap many of the foundations of popular democratic sovereignty. Contrary to representative institutions, whether they be parliamentary or corporative in nature, many of the public institutions legitimized through procedural inclusion of organized civil society are not bound by social input as was the case (if imperfectly) by an electoral mandate. As a result, many institutions such as the growing number of independent regulatory agencies seeking to reinforce popular legitimacy through “open” coordination with organized groups from civil society have a more or less free hand,

as they are not responsible to voters and as the input from civil society organizations is consultative¹⁰.

4) This brings us to the fourth point, related to the procedural dimensions of the civil society concept: the question of power relations within civil society organizations which are usually only mentioned when it is question of the instrumentalization of civil society by the State or other political bodies (the infamous GONGO's for example). By placing the emphasis on equal and open access to deliberation, on plurality and inclusion, the question of asymmetric resources and power relationships is largely absent from the debate, perhaps due to the slippage between the normative and the analytic aspects of the concept. The master word of procedural civil society discourse is the figure of consensus building, a notion which is not far from consent of the governed in more classical terminology. In other words, the prevalence of civil society discourse and practice has operated a shift away from overt conflictuality and opposition in decision making and public action (crystallized for example in the oppositions between capital and labor, or political parties polarized around left and right or government and opposition or the majority and the minority) to a more consensual, depoliticised political culture (Jobert 2003). However, a vast body of scientific literature has emerged since the 1950's which has discussed the sociological limits to the pluralist school of political science, criticisms ranging from the unequal ability of groups and individuals to mobilize and get their interests heard, to the ability of dominant groups in society to restrict access to the arenas of decision. In other words, while the civil society concept provides in theory for an increased potential for citizen involvement and say in who gets what, when and how, the sociological reality of the capacity to participate, not to speak of the capacity or the competence necessary to weigh on the outcome of discussions and deliberation remains one of unequal access and power to these forums of discussion; inequality which becomes perhaps even greater in the context of forums on the supranational or international level, where NGO's are increasingly professionalized and armed with expertise. A group's claims are therefore most likely to be heard because of the ability of its representatives to produce an immediately recognizable and "useful" discourse for political and administrative decision makers, and not because of the number of citizens it is purported to represent.

¹⁰ For example, during the recent convention to draft a European constitutional treaty, representatives of organized civil society were given three minutes to give voice to their claims. This exemplifies the norms of inclusion, but also demonstrates the limits of the exercise, as groups of different sizes and importance were given the same amount of time to make their case, and this consultation of civil society occurred during the exploratory phase of the drafting of the constitution before the delegates got down to the « serious » business.

5) This brings us to a final point: the problem of participation seen in a historical perspective. A number of recent contributions to the debate on “social capital” have advanced the argument that the development of the Welfare State actually reinforced the vitality of non-state and non-market associations, thereby putting a dent in the commonly held idea that a lively and dynamic civil society requires a relatively weak and self-limiting State (see the contributions of Skocpol, Perez-Dias, Worms in Putnam, 2002). Of course, as the Eastern European example shows, an overly strong State does not guarantee the unfolding of civil society, although it does seem in some instances to have furthered informal networks and trust, working both within and outside official institutions, but opposed to them. However, as we – and others – have argued, autonomous social organizations emerged historically in close relation (and not just in opposition) to the specific forms and structures of State and nation building and in particular the welfare State (Skocpol 1992, Tarrow 1996), which appeared to have provided a solution to the problems of “bridging” between social capital and trust on an interpersonal level and trust in broader overarching institutions.

One of the principal challenges of the later half of the 19th century consisted in the task of “bridging” between the individual/interpersonal and the collective through the organization of society around class and the nation, and in particular (but not only) the institutions of the welfare State which assigned identities, created classes of equivalence and mechanisms of solidarity and sharing of risk between members of the same national polity. While these measures tended to rigidify identities and social institutions by tying them into highly codified and bureaucratized institutional arrangements, these measures also reduced uncertainty and provided clear categories on which public action could be articulated and debated. However, at the same time, the integrative (if rigid and totalizing) logic of organized society can also be seen as a precondition to the unfolding of the “civic society”, as it solved the problem of the relationship of property ownership to citizenship, by providing the emerging social groups who had no property but their own labour with “collective” or “social property” (Castel & Haroche 2001), thereby transforming the disenfranchised (de jure or de facto) into stakeholders in the polity and bearer of a legitimacy and a “dignity” sufficiently stable to authorize his or her participation in public affairs. With the decline of the “social state” and the fluidification of the social, the question remains open whether the identity resources linking individuals to the collective are consistent enough to ensure the sociological conditions for an effective participation of the majority, or will pluralism supplant “numbers” as the ultimate form of social and political legitimacy, at the risk of being confiscated by a

minority of “super citizens”, with the time and the identity and cognitive resources necessary to realized the normative ideals of civil society.

Conclusion

This last interrogation is a central issue of the emergence of a European civil society which is developing (or being developed) without a solid preexisting substrata of “civic society” based on citizenship rights corresponding to the European polity¹¹. European citizenship rights remain embryonic and the results of elections to the European parliament do not significantly alter political outcomes in EU policy or the composition of the governing elites of the EU. In addition, the institutions associated with organized modernity which were forged on a purely national level are practically nonexistent on the European level and increasingly challenged on the national level. Can civil society develop and realize its normative potential for emancipation without a solid basis of civic society, or the integrative aspects of organized modernity at a supranational level? Can the structuring of social relations on the sole basis of civil society norms, where organized society institutions are relegated to the ever weakened level of the nation-state and where civic society is blurred by the multiplication of territories of sovereignty and citizenship, remain democratic, if one accepts the egalitarian dimension of sovereignty in a democracy as “one man (or woman), one vote”? The answer to this question depends in part on the vision of the future of the European Union: a Europe which is limited in social policy to regulating procedures which leaves responsibility for the conception and maintaining of social equity and justice to the member States or a European Union which takes the risk of constructing a collective normative and ethical framework capable of resynchronizing the civic, the civil and the social in the multiple overlapping polities of contemporary Europe.

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¹¹ On the development of a european civil society, see Kaelble 2003.

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