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# Editorial

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After our last volume mainly focused on the EU's capacities and limitations in the fields of labor regulation and social policy in times of crisis, the contributions to this issue are mainly centered around the problem of how national territories are being politically organized under supranational order. Besides the topic of migration, which has been at the center of public debate not only since the new political salience of asylum policies since 2015/16, we can find similar accounts in heterarchic structures of EU-governance, as well as the academic discourses directed at generating reflexive knowledge about the social world in general.

In his article ‚Between Charity and Justice‘, Wolfgang Streeck formulates some ‚Remarks on the Social Construction of Immigration Policy in Rich Democracies‘. Taking the constructivist premises of ‚Wissenssoziologie‘, Streeck critically reconstructs implications and dilemmata of class politics in immigration societies. According to him, the social construction of moral obligations follows not only a particular political agenda set along the lines of new political cleavages, but also implies many (possibly) unintended consequences. As the arguments addressed by Streeck leave room for further debate (political, as well as academic), we will include a number of critical replies by other experts on the topic in the first volume of CPE in 2019.

In order to develop an analytical scheme applicable to analyze the social order of national European immigration societies, Nikola Tietze analyzes the ‚Wechselwirkung‘ between the topoi of ‚religion‘, ‚language‘ and ‚territory‘ in the social construction of domination and critique. By drawing on an empirical analysis of the Council of Europe, the national public spheres in Germany and France, as well as individual actors in both countries, she is making reference to the dynamics of European integration as a multi-level-process.

An alternative perspective on diverse constellations is subsequently developed by Jeremias Herberg, who discusses the Europeanization of risk governance through public administrations as a problem of political heterarchy. Especially in times of crisis, the crafting and transformation of common political positions constitutes a challenging task. Therefore, Herberg concludes, if common problems cannot be solved by formal legislation, public administrators have to become creative learners.

In the following section, two essays reflect upon the role of sociological theory in research on European integration and globalization. In his text, which was originally held as a keynote speech at the Opening of the International Center for European Studies at Europa-Universität Flensburg, Hans-Jörg Trenz discusses how a new (or renewed) narrative for Europe can be constructed from below and not imposed from above.

The following essay by Martin Seeliger reconstructs three popular sociological accounts on the interrelation between capitalism, inequality and democracy from the current debate within German macrosociology with particular regards to their implicit concept of space.

Finally, an interview between Marius Mülhausen and Stephan Lessenich sheds light on the question of how patterns of consumption on the Global North are affecting ways of life in the Global South.

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# Between Charity and Justice: Remarks on the Social Construction of Immigration Policy in Rich Democracies<sup>1</sup>

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As a sociologist working on political economy, one of the most difficult questions I encounter is how social norms, the location of actors in the class structure and the collective construction of reality, present and future, hang together. How are facts construed to fit, justify and make appear possible moral or economic practices, or economic practices defended as moral ones, and how do socially constructed factual accounts of the world reflect, preserve and produce political identities and cleavages and the prevailing interpretations of structurally based social interests? This is the classical theme of *Ideologiekritik* and, later, *Wissenssoziologie*. Both interrogate the collective “ideas”, the legitimacy-enhancing “narratives” and the conceptual “frames” of the common sense of the time as to the hidden impact on them of material interests growing out of the social locations of actors and the specific cognitive and moral perspectives they impose on them.

It cannot possibly be my intention here to try to present a complete analysis of this extremely complicated subject. Rather, I will limit myself to exploring a few selected facets of the interconnections between interests, politics and moral values, drawing for illustration on one of the most intriguing moral-political-economic issues in the rich democracies of today, which is immigration. Four permutations of the theme I will consider in particular: how an emerging social cleavage may drive a reinterpretation of an extant normative regime, accompanied by and requiring a selective re-interpretation of social reality; how normative and political change, as they differently affect social groups, may require a re-construction of reality that excludes from perception of some of their consequences; how a practice that is considered morally unacceptable is facilitated by eliminating it from observation and thereby public debate; and how collective responsibility for the unintended consequences of supposedly moral behavior can be avoided by a modeling of reality that denies the causal connection between the two.

My own perspective, as will become clear, is not a normative one – I am not a moral philosopher or a political theorist. As a sociologist-cum-political economist, however, I feel responsible for a maximally encompassing, and in this sense maximally “realistic”, representation of the social world, in particular where it becomes a subject of democratic debate and public policy. Especially in an area like migration where problems and policies

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<sup>1</sup> Extended version of a keynote address at the Neuchatel Graduate Conference in Migration and Mobility Studies, University of Neuchatel, June 22, 2017. I am grateful to Fokko Misterek for invaluable help with research and documentation.

are intensely contested, the specific contribution of sociological analysis in the tradition of *Ideologiekritik* and *Wissenssoziologie* may be to point out facts and causal relationships that are prone to being overlooked or denied, not by accident but systematically, in accordance with structurally conditioned interests. This includes value conflicts, dilemmas, paradoxes, unanticipated consequences, counterproductive effects, positive feedback loops and the like, which complicate moral priorities and political strategies and therefore tend to be ignored by morally committed publics and politically overburdened decision-makers.

There is no denying that bringing to light facts uncomfortable for social interests and the values on which they draw for their legitimation may have normative consequences. For example, committing for allegedly moral reasons scarce resources to a goal that cannot be achieved is not just futile but may be morally wrong as it forgoes more effective alternatives. Also, pursuit of a moral goal may have immoral side-effects that devalue the goal. Factual information to this effect can and should be taken into account in public discourse, and a hegemonic ideology preventing this can be politically challenged on this ground. Moreover, analyses pointing out material self-interests inspiring, underlying or corresponding to policies or political demands that claim legitimacy in the name of altruistic, other-regarding interests may discredit the moral rhetoric deployed in their support, thereby contributing to good policy and a better society.

An intervention like the present one by a non-specialist in a field of social and moral action as highly complex and emotionally charged as migration, must by necessity be both selective and risky.<sup>2</sup> Recognizing this I will confine myself to three selected issues, disregarding whatever restrictions on public speech may be demanded by concerned citizens in order not to play into the hands of “the Right”. First I will address the nature of immigration regimes and the way they are politically designed, contested and transformed in today’s rich democratic societies. Second, I will remark on some consequences of immigration for the structure and politics of receiving societies. And thirdly, I will comment on the strategic capacity most migrants share with human actors generally, and on why it tends to be defined away in the name of moral values.<sup>3</sup>

### **Immigration Regimes as Contested Institutions**

Regimes regulating the right of non-citizens to demand admission into a foreign country in order to escape from dismal political and economic circumstances at home, have grown over time to be extremely complex, often internally inconsistent, difficult to enforce, and prone to give rise to extended litigation. Sources of immigration law include

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<sup>2</sup> On the latter, see the experience of the Mayor of Tübingen, Boris Palmer, a member of the Green Party who became an outspoken critic of the *Willkommen* euphoria ignited by Chancellor Merkel. Boris Palmer, “Die Nazis, die Flüchtlinge und ich”, (FAZ, November 24, 2016).

<sup>3</sup> Among the issues that I do not address are the effects of migration on sending countries and on international and geostrategic politics. As to the former, much is being made of the positive economic effects of the remittances from legal and illegal emigrants (De Haas, 2009). Brain drain, or entrepreneurial energy drain, is less frequently discussed (but see for example Kapur and McHale, 2005), and so is the relief provided by emigration to dictatorial, oligarchic and parasitic regimes, which benefit from exporting dissatisfaction and potential opponents and from the inflow of economic resources relieving them of the need to invest in economic development. On geostrategy I will briefly comment, below.

national legislation, conventions on human rights, resolutions of international organizations like the UN, regulations passed by supranational authorities like the European Union, and court rulings in a variety of jurisdictions; all of these may differ, or be interpreted differently, in different countries.<sup>4</sup> Three basic categories of legal entrants are distinguished (Abraham, 2016):<sup>5</sup> seekers of *asylum* claiming individual persecution, who may be granted either temporary or permanent residence; *refugees* from collective predicaments like war and civil war, who may also be awarded temporary or permanent protection; and economic *migrants*, who may be admitted on the basis of national immigration law in response to labor market conditions and employer needs. In practice, distinctions between the three categories blur, as do those between temporary and permanent immigrants. Governments and employers may use asylum seekers and refugees to fill gaps in labor markets, especially if they cannot get their parliament to pass immigration legislation. Would-be entrants will select the category under which they apply for admission according to what they believe offers them their best prospect of success, and adjust their stories accordingly. Temporary residents may marry and have children, which may in some countries at some point entitle them to permanency. Rejected applicants and residents that are only temporarily admitted can seek relief in court, and as their case is under adjudication they may found a family and their right to stay may “solidify” (*Verfestigung*, in German legalese). Moreover, deporting illegal immigrants, rejected applicants and temporary residents whose time has ended is politically and legally difficult, especially if they have families and are supported by, often organized, immigration advocates with legal expertise.<sup>6</sup>

Rejection and deportation tend to be unpopular with the more articulate “left” wing of democratic publics. Legal rules on immigration and their implementation are morally highly charged. Clearly this is because their objects are real-life people, including women and children, begging to be allowed to stay where they can hope to be safe and prosper. Pictures in newspapers and on TV showing desperate people being refused shelter in a rich country make authorities appear inhumane even if they simply apply the law of the land.<sup>7</sup> In liberal public discourse, immigration policies are placed on a left-right spectrum.

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<sup>4</sup> A frequent source of contention seems to be how to reconcile conflicting norms from different sources, in particular national and international. For example, some countries will insist on national law taking precedence over international law, while others will give primacy to international treaties and conventions. The latter has the domestic political consequence of removing immigration from domestic political contention, in effect de-politicizing it.

<sup>5</sup> The following is a very crude summary of what I believe are the common elements of the various national and international immigration regimes.

<sup>6</sup> These may include NGOs, churches, operators of refugee accommodations, law firms etc. According to the German Federal Government (March 7, 2017), there were by the end of December, 2016, about 556,000 immigrants living in Germany that had been refused asylum. 404,000 of them had been in Germany for more than six years. 46 percent of rejected applicants have been granted an unlimited right to remain in the country, 35 percent are allowed to stay for a limited time (<http://dipbt.bundestag.de/doc/btd/18/113/1811388.pdf>). The rest, about 110,000 people, are “tolerated” or are legally obliged to leave, which very few do.

<sup>7</sup> Pictures seem to have been important in Merkel’s decision to open the German border in September 2015, as well as in her decision to close it after the Cologne events on New Year’s Eve. See Alexander (2017), who reports that Merkel for a long time avoided being photographed with immigrants, in order not to be associated with their misery. This ended after a PR disaster involving a crying Palestinian refugee girl asking the Chancellor to be allowed to stay in

While restrictive regimes, associated with “xenophobia” and “racism”, are located on the right, open borders, linked to “openness”, generosity, and cosmopolitan brother- or sisterhood, are considered left.<sup>8</sup> Note that traditionally in political economy, the Left favored regulation as a defense against the uncertainties of free markets, whereas deregulation was sought by the Right, especially since “globalization”. By fighting for deregulation of national borders to allow for open and open-ended immigration, the Left abandons a central element of its historical pro-regulation agenda, which importantly involved restricting the supply of labor in order to limit competition in labor markets.<sup>9</sup>

This does not mean that the pro-immigration Left had no right to fight any more. Taking the place of the *neoliberal-deregulatory Right*, associated with business, the new enemy of the *deregulation Left* is what it identifies as a *xenophobic Right*.<sup>10</sup> Its social base tends to be among workers and the lower middle class, i.e., what used to be part of the social base of the Left when it was still a *pro-regulation Left*. Given the deep moral loading of the new left-right divide, it entails a duty for the reconfigured Left, overrepresented as it is in educational institutions and the media, to continue the old class struggle as a new culture war – as a general education effort undertaken as a replay of the Left’s lost struggle against fascism in the first half of the twentieth century.<sup>11</sup> The goal now is to open

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Germany, and after pictures of the dead body of a five year-old boy on the shores of a Mediterranean island, followed by television reports showing columns of migrants marching into Hungary on the “Balkan route” and being held back in Budapest central station by the Hungarian government. What was intended to be an emergency measure to end the visible misery of people displaying signs to TV cameras demanding entry into Germany only increased the flow. From then on events were driven by the images of *Willkommenskultur* as citizens lined up at Munich railway station and elsewhere to welcome tens of thousands of immigrants every weekend – which made it politically risky to close the border after a week, as had apparently been intended. Later, what made Merkel turn to Erdogan to stop the migrants from crossing the sea into Greece were the images of the Paris massacre in November and, more important, of the New Year’s Eve party in Cologne.

<sup>8</sup> From the 2017 election platform of the German Left Party (Die Linke): “Die Linke stands for open borders for everyone in a Europe of solidarity that does not shut itself off.” The election platform of the Greens reads: “While Trump is planning to build a wall, Europe is hiding between fences and barbed wire. This closing-off (*Abschottung*) is inhuman...”

<sup>9</sup> Rhetorically, open borders are sometimes claimed to be demanded by international (working class) solidarity. Historically, however, solidarity among workers meant jointly fighting employers to prevent them from pitting workers against one another as competitors for employment. For the open borders-Left, by comparison, solidarity requires workers in rich countries allowing workers from poor countries to compete with them for their jobs. What makes this so divisive is that those who push the new solidarity typically have jobs that are out of reach for mass migrants.

<sup>10</sup> The concept of xenophobia seems to be rather recent, having apparently originated in early twentieth century England to be later exported into other languages. Its meaning and that what it refers to is not obvious. Going by the Greek roots of the word it should mean “fear of strangers” – which does not as such seem morally reprehensible and may even be reasonable as a precaution. Note, however, that no composite of ξενος, stranger, and φοβος, fear, existed in classical Greek, perhaps because fear of strangers was considered so “normal” that no special word for it was needed. Indeed there are Greek composites involving ξενος and φονος, murder; thus the name Ξενοφον, or Xenophon, which means Killer of Strangers. In any case, in contemporary usage xenophobia denotes a generalized deep antipathy to strangers (“hate”), leaving open what that antipathy is based on. Initial research yields the impression that the word was used by British colonial officers for the reaction of indigenous peoples, in particular the Boors during the Boor wars, to the British; this would be in line with the literal meaning of the fake-Greek concept.

<sup>11</sup> In terms of a materialist critique of ideology, the latest wave of immigration may be described as a long-awaited opportunity for the middle-class Left to take leave from their historical ally, the old working class, and close ranks, in a lasting political realignment, with the libertarian liberals. This spares them from having to pretend sympathies with a declining class and a cultural milieu found increasingly embarrassing among “educated” “knowledge workers”. In terms of class interests, borderless liberalized labor markets suit them twice, as both sellers and buyers of labor

domestic labor markets for everybody from everywhere, with the Left, now as a *liberal-libertarian Left*, fighting side-by-side with the *neoliberal Right*. Not that the new battle between the classes was confined to the classroom or the TV studios. If the xenophobic Right turns out to be unwilling to listen, repression is also available, in the form of exclusion from political discourse and civil intercourse, to prevent public displays of “populist” discontent with liberal anti-borderism and “cosmopolitan” pro-immigrationism.<sup>12</sup>

The new embrace by the Left of labor market deregulation for moral-humanitarian reasons brings it in conflict with the Left’s traditional reliance on a *democratic state* as a political instrument of social justice. Essentially it entails a liberal-anarchistic turn to an anti-statism dressed up as anti-nationalism and anti-bureaucratism in the name of humanitarian values. Now state borders appear as “xenophobic” demarcation lines arbitrarily separating humans from fellow-humans, and citizens from non-citizens. Christian ideas of supposedly universal charity and boundless beneficence<sup>13</sup> are called upon to discredit legal distinctions between citizens and non-citizens as well as between categories of immigrants with different legal entitlements. State action is assessed in terms of Christian notions of charity instead of worldly notions of justice, although it is justice and not charity for which a secular order is, and can only be, responsible. While justice weighs conflicting rights and interests against one another, not least in the light of the scarcity of means and the need to use them efficiently, charity is defined as unconditional, spontaneous and unlimited, coming from the heart rather than from the law.

That immigration regimes tend to be frozen in their present condition of inconsistency and half-hearted enforcement<sup>14</sup> may be explained by their one-dimensional framing on a continuum between *xenophobic closedness* and *humanitarian openness*. Any attempt to reform them thus appears to require a choice between the two, one that centrist political leaders in a democracy prefer to avoid at almost all cost. To the liberal-deregulatory Left in particular, intent on maximizing “openness” as a matter of human charity and

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power: while they can move wherever they please, they can employ unskilled service labor from wherever it comes cheapest.

<sup>12</sup> In the special case of Germany, this became a matter of national honor when the country’s – as it turned out: temporary – open border policy in 2015 was accompanied by international applause for Germany having finally shed its Nazi national character. The Bundestag celebrated itself for this on January 27, 2016, when on Holocaust Memorial Day the invited speaker, Auschwitz survivor Ruth Klüger, stated that “this country, which eighty years ago was responsible for the worst crimes of the century, has today won the applause of the world, thanks to its open borders.” This was when Merkel was already negotiating the “deal” with Erdogan. Another German peculiarity is how the churches and the city government of Cologne, indeed everybody from the local press to the Carnival associations and the local football club, mobilized against the convention of a new right-wing-“populist” party, AfD, being held in the city. Citizens were invited “to take a position for tolerance” by publicly expressing their disapproval of the AfD being allowed to meet in their city. (Nobody has as yet suggested that the AfD might be unconstitutional.) The churches had their faithful line up under the slogan, unfortunately untranslatable, “Unser Kreuz hat keine Haken” (meaning: our cross is not a swastika), quite remarkable in light of their record under the Third Reich.

<sup>13</sup> As reflected in Angela Merkel’s rhetorical refusal to set an “upper limit” (*Obergrenze*) to immigration, even after her government had effectively sealed the German border with the support of the Hungarian and Austrian governments. While publicly rejected that support was in fact gladly accepted. The “Balkan route” was finally closed on March 10, 2016, with the “deal” between the EU, more precisely: Germany, and Turkey taking effect eleven days later, on March 21.

<sup>14</sup> One example being that illegal entry by migrants into a country is *de facto* no longer being treated as a legal offence.

moral obligation, state law now appears as an instrument, not for the creation and maintenance of a just social order, but of bureaucratic meanness, pettiness, stinginess, and lack of empathy. With the problem and its solutions located on a right-left continuum between particularistic racism and universalistic humanism, orthogonal to the older left-right continuum between social democracy and capitalism, or labor and capital, immigration policy becomes an expressive as opposed to an instrumental affair: an opportunity to communicate a progressive-altruistic social identity<sup>15</sup> – to say something on “us”, who “we” are – rather than a regime for the allocation of scarce resources in line with legal conceptions of social justice.<sup>16</sup>

To summarize, an important reason for the dismal condition of immigration regimes in Western Europe is their high political sensitivity, which stems from immigration having evolved from a matter of public policy and international law into one of, as the sociologist would be inclined to call it, civil religion.<sup>17</sup> Note the surprisingly frequent recent references to Christian charity among the proponents of open borders in the highly secular societies of advanced capitalism,<sup>18</sup> which seem intended to legitimate the conversion of the progressive-humanitarian Left to deregulation. One may also suspect that calls from the Left for unconditional admission of fellow-human beings on the move serve the latent function to cover up and make more bearable the technocratic transformation, under “globalization” and the neoliberal revolution and endorsed not least by the center-left, of the national welfare state into a free-market competition and consolidation state. Seen this way, the social figure of the would-be immigrant, as construed by a liberal public, resurrects the beggar of medieval Catholicism in his function of appeasing the bad

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<sup>15</sup> With national specifications. Being in favor of open borders signals anti-fascism in Germany, and anti- and post-colonialism in a country like Britain, expressing in both cases moral awareness of a historical debt and the willingness to pay for it.

<sup>16</sup> While action-theoretical sociological analysis of instrumental action looks at its objectives and the rational calculations made to achieve it, expressive action is understood as a statement by the actor on herself, its subjective side determining its object-orientation.

<sup>17</sup> To which the established Christian churches of Western Europe appear eager to hitch on, presumably to refill their exhausted supply of spirituality. In Germany, as the latest wave of refugees began to arrive in 2014, a growing number of local parishes, both Protestant and Catholic, rediscovered the medieval institution of “church asylum” (*Kirchenasyl*) to house in their otherwise underused church buildings migrant families that had been refused asylum by state authorities. To avoid conflict with the churches the government in these cases abstained from implementing deportation orders. It was only after protracted negotiations at the national level between church leaders and the government in February, 2015, that a compromise was found and the churches officially ceased condoning the practice (<https://www.welt.de/politik/deutschland/article144168983/Faelle-von-Kirchenasyl-nehmen-um-45-Prozent-zu.html>). Shortly thereafter the Merkel government opened the German border unconditionally to allow almost one million immigrants to enter in one year (2015), keeping the churches more than busy taking care of the new arrivals.

<sup>18</sup> Whose lack of familiarity with the Christian tradition makes it easy to overstate the unconditionality of Christian charity and the self-sacrifice demanded of the faithful. In the parable of the Good Samaritan (Luke, 10:25-37), the hero exhibits remarkable common sense as he doesn’t invite the victim of the robbery into his house but takes him to a hostel, paying for his bill and returning after a few days to see if everything was alright. One can safely assume, moreover, that he would have dropped his charge immediately had he by some accident found out that his injuries were only fake. Similarly, St. Martin, the other model of Christian charity, cut his coat in half rather than give it to the poor man whole, so he could keep warm as well. Both the Samaritan and St. Martin did not feel compelled to change their lives or share in the suffering of the sufferers to do their Christian duty.

conscience, justifying the existence, and soothing the fears of the well-to-do.<sup>19</sup> With the modern, rights-based welfare state, largely a product of the Reformation, dissolving into the world market, Christian mercy returns to replace social rights, substituting for social progress. Very importantly, as the global supply of misery is endless, acts of altruism, however generous, can only be symbolic, exempting them from having to account for their efficiency and effectiveness. A stark indication of the expressive nature of liberal-libertarian immigration policies is that almost nobody (“only right-wingers”) cares about the fact that sustaining refugees as immigrants in European countries is far more expensive, and therefore benefits a much smaller number of individuals, than providing for them near their countries of origin, as envisaged by international law.<sup>20</sup>

### **Receiving Countries: Managing Diversity**

I will now turn to some of the consequences of mass immigration for the social structure and the politics of receiving countries. Again I will focus on a few selected aspects. I start with some of the economic costs of a large-scale intake and resettlement of immigrants, proceed to the mode and the limits of social integration in a culturally diverse society, to finally address the touchy issue of immigration policy as an instrument to influence the composition of a country’s population.

A frequent misunderstanding is that rich societies must find it easier than poor ones to accommodate large numbers of immigrants. Most rich countries still operate elaborate welfare states and are committed to eradicating poverty and providing for a relatively egalitarian income distribution. Although immigrants might be happy to live well below local minimum standards, receiving countries tend to be reluctant to allow them to bring their poverty with them (although employers will sooner or later ask for abolishing or lowering local minimum wages). For this, immigrants need to get social assistance, job

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<sup>19</sup> Of course, in the cities of the Middle Ages, begging was all but unregulated, and access to begging as a way of making a living was far from unconditional. Not everybody was allowed to beg (Isenmann, 2012: 585-604). In Cologne, for example, beggars were organized in local guilds. To be admitted into membership they had to pass an examination, to prove that they knew the prayers they had to say for their benefactors, so these could be certain that their gift would do the trick and save them from hell. As beggars made an indispensable contribution to the salvation of the faithful, alms-giving was never intended to end begging by ending poverty. This changed only with the Reformation, which perceived the misery of the poor as a political problem to be resolved by a state devoted to (worldly) social justice. That very state is today regarded with suspicion by those eager to erase its borders.

<sup>20</sup> In December 2015, the United Nations estimated that its assistance plan for the roughly 4.8 million Syrian refugees in Lebanon, Jordan, Turkey, Iraq and Egypt – its “Regional Refugee Resilience Plan (3RP)” – would require 5.78 billion U.S. dollars in 2016. In February 2016, 70 states agreed to contribute together 4.54 billion dollars. After ten months, only a little more than half that sum had actually been paid (ZEIT Online, October 13, 2016). In Germany, the Federal Government alone expected to spend 8.8 billion euros on immigrants in 2016 (Frankfurter Allgemeine Zeitung, February 25, 2016). A year later, Federal Government expenditures for 2016 and 2017 as reported by the Finance Minister had risen to 28.7 billion euros (Tagesspiegel, January 27, 2017). As a crude estimate, while the UN expects to spend 1.2 billion dollars per million refugees per year, Germany spends on the same number 14 billion euros, i.e. roughly 14 times as much. (The same relationship is found comparing German and UN sources on yearly per capita spending on refugees in Germany and the Middle East, which is reported to amount to 12,000 euros in Germany and to 1,000 dollars in the Middle East, again a relationship of 14:1. Not included in the German figures are the long-term costs of training, social assistance, unemployment benefit and the like. Optimistic estimates published by the Federal Employment Agency (Bundesagentur für Arbeit) for the peak inflow in 2015 and 2016 suggest that after five years, about 50 percent of the new arrivals will be employed, 60 percent after six years, and 70 percent after seven years.

training, housing, language courses, schooling for their children etc. All of this presupposes bureaucratic registration and identification for individual determination of needs and entitlements. It also requires disciplined compliance with legal procedures on the part of the immigrants themselves. This alone limits the number of immigrants that even the richest country can take in during a given period of time, unless it was willing to accept, for an uncertain duration, a steep increase in poverty, inequality and welfare dependence, an intensification of market pressures at the lower end of the income scale, and a decline in public safety.<sup>21</sup>

Costs do matter even and precisely in rich countries, and they easily turn into a political issue. Under optimistic assumptions, the fiscal costs of “integration” may be recovered at a later time once immigrants have jobs and pay taxes. The question is over how long this takes. Upfront the “investment” must in any case be significant,<sup>22</sup> and certainly higher than the fiscal costs *per capita* of unemployed citizens. This can give rise to popular resentment, especially if integration takes longer than promised and balanced budget policies cause competition for scarce resources between immigrants and the local population, for example in housing.<sup>23</sup> That providing for refugees in their regions of origin costs much less than providing for them in rich countries might point to a way out. However, this misses the problem that it would have to be accompanied by deportation of those trying to get in nonetheless. Moreover, even economists given to cost-benefit analysis warn against completely ending resettlement as this might allow voters to forget about far-away misery, making it politically more difficult for governments to support victims of war and starvation abroad. They therefore recommend admitting a limited number of families, for a heart-breaking and mind-softening illustration of distress and for a direct experience of gratefulness.<sup>24</sup>

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<sup>21</sup> During the open borders episode of 2015-2016, the German bureaucracy, from the border police to the Federal Migration and Refugee Office (Bundesamt für Migration und Flüchtlinge, BAMF) suffered an almost complete breakdown. By May 2016, 7,100 case officers at the BAMF were facing a backlog of 460,000 applications, up from 221,000 the year before, with an additional 300,000 immigrants already in the country having not yet been able to file their application. (“Große Mehrheit der Flüchtlinge hat offenbar keine Papiere”, (Frankfurter Allgemeine Zeitung, June 8, 2016). By the end of February, 2017, the backlog was still at 330,000 (<http://www.bamf.de/SharedDocs/Meldungen/DE/2017/20170308-asylgeschaeftsstatistik-februar.html>). This was in spite of the fact that the number of case officers at the BAMF had been increased from 1,120 in May 2015 to 6,320 (!) in August of the following year (BAMF personnel department; personal communication), a formidable bureaucratic feat and an equally formidable fiscal burden.

<sup>22</sup> Estimates of so-called “integration expenses” vary widely. In Germany, the Council of Economic Advisers (*Sachverständigenrat*) calculates € 2,000 per capita during the first year, and € 1,000 during the second ([https://www.sachverstaendigenrat-wirtschaft.de/fileadmin/dateiablage/gutachten/jg201617/ges\\_jg16\\_17.pdf](https://www.sachverstaendigenrat-wirtschaft.de/fileadmin/dateiablage/gutachten/jg201617/ges_jg16_17.pdf)). Exact numbers would seem to depend on the level of training provided on average.

<sup>23</sup> To alleviate housing shortages (and prevent “ghettoization”), authorities may restrict the mobility of asylum seekers, obliging them to live where the infrastructure is better suited to “integrating” them. But as the number of refugees increases, this may not be enforceable and it may collide with human rights.

<sup>24</sup> A rather expensive reward for compassion, considering the opportunity costs. Note that declining financial support for the UN World Food Programme (WFP) forced a complete stop of food subsidies for Syrian refugees by the end of 2014. Subsequently, in spring and summer of 2015, the WFP cut its budget for Syrian refugees to avoid another cessation of the program. When in September 2015 immigration into Germany increased dramatically, partly in response to deteriorating conditions in regional refugee camps, the Federal Government (just as the European Union) reacted by more than doubling (and the EU more than tripling) its contribution for 2016. See Frankfurter Allgemeine Zeitung, November 8, 2015, and <http://www.wfp.org/funding/year>.

The latter points to the significance, already touched upon, of mass resettlement in particular for rich Western societies' emotional-sentimental life and, connected to it, their mode of social integration. Welcoming *les misérable* offers an opportunity, in an age of economism and technocracy, to demonstrate unconditional compassion: a soft heart under the hard shell necessary for survival in neoliberal markets. It also opens new lines of conflict that cut across the class conflict of old and new divisions tend to take its place: between altruists and egoists, good and bad, the anti-regulation Left and the pro-regulation Right. Such conflicts can assume an international dimension; remember public disapproval in Germany of the French and the British for the "jungle" near Calais, followed by German self-approval for its *Willkommenskultur* in 2015-2016. At the same time, mass immigration tends to give rise to segregation, by ethnicity and class. As immigrant children crowd inner-city public schools, "white" parents, especially of the educated middle class and regardless of how welcoming they may otherwise be, will find ways to send their children to schools where they learn the national language properly. Similar developments are under way in housing markets, with "white flight" from areas where immigrants cluster. The result may be another line of conflict, between "nativist" defenders of what they consider their old rights to material support and cultural comfort, and the advocates, in politics and the liberal public, of new and sometimes, at least for the time being, superior rights for the victims of war and persecution.

Segregation is not just caused by white backlash, though. Not all immigrants, although quite a few, prefer to live near other immigrants from their home country, region, or village, for family reasons or for mutual support in dealing with their receiving country. "Integration" may gradually end segregation, but this can take time, up to two or three generations, depending on the group in question. For a long intermediate period at least, the "diversity" celebrated by local internationalists is not individual but collective diversity, with integration not of individuals but of groups, or "communities",<sup>25</sup> giving rise to cultural fragmentation. Ethnic enclaves and the ethnic economies that tend to come with them often import family structures and forms of social and political organization that are at odds with liberal values and may put liberals' commitment to "diversity" to a test, unless empirical observations can be suppressed. Enclaves often police themselves, in line with the cultural norms and through the social authority structures their members have brought with them. Official police forces strike tacit agreements with informal community leaders, on the Chinatown pattern, leaving it to them to maintain order in exchange for case-by-case cooperation when red lines are crossed. Liberals tend to deny the existence or play down the importance of such arrangements, which they consider as embarrassing exceptions to the rule of law and their ideal of *individual* integration. Citizens, on their part, sometimes perceive ethnic enclaves as lawless "no-go areas". While the liberal mainstream believes that more and better policies of "integration" will eventually make enclaves disappear, even in countries like Sweden this has not happened yet. Ethnic enclaves may be beneficial, both for receiving countries as well as immigrants. Yet, they may also protect criminal clans and Mafiosi families, posing new kinds of problems

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<sup>25</sup> The American term is used in German as well, since *Gemeinschaft* is considered contaminated by Nazi speak. With a slightly pejorative nuance, Germans speak of *Parallelgesellschaften* (parallel societies).

for law enforcement; for example, finding informants, interpreters, and officers hailing from the ethnic group in question. They also may function like “echo chambers” leading to political radicalization, in response to experiences of discrimination in the wider society. This seems to apply in particular to second or third generation immigrants, at least from some countries and cultural backgrounds, which in extreme cases may feel attracted by terrorist groups using enclaves for retreat and regrouping.<sup>26</sup> Formation of ethnic enclaves demands of the local population acceptance of “diversity”, not just in the form of exotic foods and street parties but also in relation to ways of life that some of them cannot get themselves to like or approve. Societies with high levels of immigration therefore tend to be culturally “balkanized”. Immigration societies must learn to live with less social cohesion than traditional societies; they must house more than one collective home, or *Heimat*.<sup>27</sup> This implies that, like the newcomers, the home-grown population must make arrangements to preserve, if they so desire, an inherited cultural milieu that now needs cultivation to survive. Indigenous conservation efforts to this end may shade into anti-immigrant hostility, especially if condemned by liberal public opinion placing the local *Leitkultur* under moral pressures to allow the newcomers to move into and transform public spaces they consider theirs. So, at the height of Germany’s “refugees welcome” episode, one of the leaders of the Green Party, who likes to present herself publicly as a Protestant theologian, triumphantly expressed her delight that as a result of the arrival of hundreds of thousands of Muslims, Germany would become “more religious”.<sup>28</sup> And a professor of sociology predicted a “cultural challenge” caused by a “masculinization of the public space, especially by young men”.<sup>29</sup>

Summarizing so far, mass immigration in rich societies tends to cause a realignment of political forces, resurrecting a national “Right” that becomes the principal enemy of a liberal “Left”, a line of conflict that is orthogonal to the class conflict. Public controversy is about the economic effects and moral legitimacy of national borders, and borders generally. Internally, *Parallelgesellschaften* are likely to form that represent and require a

<sup>26</sup> By mid-2017, the German Minister of the Interior spoke of 680 potential terrorists under observation, all militant Islamists. A fraction of them is being observed around the clock, each allegedly requiring around thirty officers full-time (<http://www.faz.net/aktuell/politik/anschlag-in-berlin/ueberwachung-von-gefaehrden-ist-ingeschraenkt-14588140.html>).

<sup>27</sup> Immigration recreates patterns of social cohabitation like in the imperial port cities of antiquity and the modern world, from Rome to Constantinople to Venice, Genova, Lisbon, Amsterdam, London and New York, which were collections of co-existing ethnic districts. Integration was predominantly collective, or confederal, rather than individual.

<sup>28</sup> Karin Göring-Eckardt on November 8, 2015, at the Synod of the German Protestant Church, and a few days later at the Green Party convention in Halle: *Deutschland* will be “more religious” as well as “more colorful”, “more diverse”, and “younger”. See <http://www.idea.de/gesellschaft/detail/fluechtlinge-machen-deutschland-religioeservielfaeltiger-und-juenger-92675.html>.

<sup>29</sup> See <https://www.welt.de/debatte/kommentare/article147191323/Die-Energie-der-vielen-jungen-Maenner-kanalisieren.html>. Masculinity became an issue on New Year’s Eve in Cologne 2015/16. Commentators, some from the “*Willkommen*” community, noted that while there had been roughly 1,000 complaints by women to the police for rape and theft, not a single case was reported of a German man being roughed up by partying immigrants for defending his wife or girlfriend. The present author and his wife happened to be on the square between the cathedral and the railway station roughly an hour before the immigrants, then already crowding the “public space” in unusually large numbers, began celebrating. Not being used to fist-fighting any more, one wonders what one would and could have done had one been caught in the fray.

new sort of public order and public policing. Social segmentation carries with it a risk of sectarian conflict, collective obsessions with crime and discrimination, and political radicalization in ethnic “echo chambers”. As borders attenuate and selectivity of entrance declines, internal surveillance is likely to increase; declining external control is compensated by increasing internal control. Moreover, growing economic competition in specific sectors of the economy is likely to come with growing inequality, resulting in new problems of social justice and social policy.

Rich countries with low fertility and insufficient population replacement require mass immigration for compelling economic and social reasons.<sup>30</sup> Here in particular, immigration policy touches on strong emotions and fundamental human values. For lack of a better concept, and to make the issues at stake as transparent as possible, I consider immigration policy in its function as population policy, borrowing from Michel Foucault, as an instrument of modern “biopolitics” (Foucault, 2003: 242-243). Population biopolitics is beset with moral puzzles. This is why societies and governments are eager as long as it is possible to treat the composition of their population as a product of nature rather than choice, although low-fertility countries depending on immigration for their economic reproduction *cannot choose not to choose*. Who is and is not allowed into a country is prone to be contested among interest groups and social movements of all sorts, domestic and foreign. Contending parties are prone to suspect the government of cultural, ethnic or “racial” eugenics, social or biological or both, after domestic eugenics were discredited by the 1960s at the latest. One way to avoid highly divisive debates on the different “worth” of different categories of people, and with it on the nature of human dignity, is to declare immigration to be uncontrollable politically, analogous to physical reproduction, something that governments must let happen since, like a tsunami, it is beyond their power to prevent.<sup>31</sup>

More or less submerged under a blanket of moral and political taboos, biopolitical concerns and interests in population engineering are in fact powerfully present in any immigration policy. Sometimes the subtext becomes a text. In Germany in 2010, a former social-democratic politician, Thilo Sarrazin, suggested in a best-selling book (Sarrazin, 2010) that immigrants from the Middle East, especially Muslims, due to their higher fertility were lowering the average intelligence in the resident population (ibid.: 98-100), under-

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<sup>30</sup> An example is Germany – a country with low fertility (Streeck, 2014) that is the economic growth pole of the Eurozone. Shortly before Merkel opened the German borders in September 2015, the consulting firm, Prognos, had published received a paper according to which Germany needed net immigration of half a million people per year for fifteen years until 2040 just to keep its labor supply constant (Prognos AG, 2016: 12-13). A year earlier, the same firm had delivered a government-commissioned, 425 pages long “comprehensive evaluation of family policies and benefits in Germany” (Prognos AG, 2014). According to it, the German state was spending about 200 billion euros a year on family-related programs. The report did not discuss whether this had increased fertility, or was about to.

<sup>31</sup> Biopolitically, a *laissez-faire* immigration (non-) policy involves a bet that among the immigrants streaming in, somehow the desired workers can be found, or produced through “integration”, while the rest – as it were, the bycatch – can be maintained at reasonable cost, the overall balance being positive. It may also amount to a tacit Darwinian “survival of the fittest” mode of selection, especially if immigrants can reach their country of choice only via something like the “Balkan route”. Making it to the border can then be seen as a test of entrepreneurship and physical and psychological endurance. To avoid sensitive political choices, borders may be declared physically or, alternatively, legally uncontrollable, the latter due to international obligations and human rights generally. The Merkel government during its “welcome” period used both “narratives” in parallel.

mining the competitiveness of the German economy. The same effect Sarrazin attributed to widespread “inbreeding” in family clans, in particular from Turkey (ibid.: 316-19), which he held responsible for “the failure of parts of the Turkish population in the German school system” (ibid.) To make Germany great again, Sarrazin suggested a more aggressive family policy, including paying a cash premium of 50,000 euros to German-born women<sup>32</sup> with an academic degree giving birth to their first child before their thirtieth birthday (ibid.: 389-90). On the other side of the battle, Merkel’s finance minister, Wolfgang Schäuble, came to the Chancellor’s help in the summer of 2016 by warning against Europe falling back economically due to national “inbreeding” (*Inzucht*), pointing in particular to “the third Generation of the Turks, especially the women” whom he considered “an enormous potential for innovation” (FAZ, June 6, 2016).<sup>33</sup> Following the open borders episode of 2015, the suspected use of immigration policy as population policy caused a fierce debate among German legal scholars on whether the government was under the constitution entitled intentionally to restructure the very population that had voted it into office (Deppenheuer and Grabenwarter, 2016). That debate soon got stuck in suspicions of an elitist conspiracy against the integrity of the German *Volk* on the one hand and accusations of nativism and racism on the other, laying bare some of the deep fears and strong emotions associated with the biopolitics of immigration.

That immigration is sometimes used to replenish and upgrade a country’s people supply is not particularly difficult to see. American opponents to the immigration restrictions imposed by the Trump administration, including the courts that invalidated Trump’s first executive orders, considered these illegal mostly because they violated a vital interest of the United States in attracting foreign “talent” into its economy and society.<sup>34</sup> Immigrants were described by immigration advocates as “the Americans we need”<sup>35</sup>: hard-working, thrifty, family-oriented, and entrepreneurial. In particular the Silicon Valley technology firms let it be known that without an extension of their human capital supply through immigration they would not be able to defend their global leadership and the

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<sup>32</sup> The text refers more carefully to women from “groups among which higher fertility is particularly desirable for improving the socio-economic quality of the structure of births” (Sarrazin: 390).

<sup>33</sup> The economic concerns informing biopolitical immigration policies are typically hidden under a humanitarian cover and become apparent only in situations of stress. In June 2016, the German government complained that Turkey, under the agreement between Merkel and Erdogan, was sending only unskilled and otherwise difficult-to-integrate Syrian refugees to Europe. Refugees with a university education were kept in Turkey (FAZ, June 21, 2016). The Turkish government responded by saying that they were sending those applicants that were most in need of resettlement.

<sup>34</sup> As a typical example, see the letter by forty-eight university presidents and chancellors sent to President Trump on February 2, 2017, responding to Trump’s attempt to restrict immigration from seven Muslim countries. “America’s educational, scientific, economic, and artistic leadership depends upon our continued ability to attract the extraordinary people who for many generations have come to this country in search of freedom and a better life”. In: *The New York Review of Books*, March 9, 2017.

<sup>35</sup> The title of an article by Sue Halpern and Bill McKibben in *The New York Review of Books*, January 30, 2017. A few quotes, to convey the flavor: “They tend, for instance, to be ferociously hard workers... Just to have a job was wonderful... ‘When I was a little girl’, the woman added, ‘I apparently asked the American woman next door, Why do you stay at home? You could be making money...’ They’re doing America a favor by coming here – revitalizing our economy, sure, bringing new talent and energy and enterprise to every part of our society, but also helping shore up our culture at its weakest spots... Even Dick Cheney, the architect of the Iraq war, spoke forcefully against the ban...” etc. etc.

local prosperity resulting from it.<sup>36</sup> That the possibility to “poach” skills worldwide might help explain the dismal condition of the American education system – apart from the leading universities which, however, just as Google and Facebook as a matter of course recruit their personnel globally – is not mentioned in this context. The situation is similar in the UK where the Blair government used Britain’s EU membership to replace allegedly insufficiently skilled, bad-tempered and unenthusiastic British with eager, competent and happy Polish workers (Bower, 2016).<sup>37</sup> Extolling in public speech the virtues of immigrants as workers is politically acceptable among liberals of both kinds, old and new, as it stands for economic reason and non-racist xenophilia, whereas unfavorably comparing home-grown national workers to immigrants is politically inexpedient since it may prompt a “populist”-cum-“racist” backlash. What is also forbidden are public rankings of the relative value of immigrants from different countries, although such rankings are likely to play a part in the backrooms of immigration policy, including the setting of quotas and the design of admissions tests.<sup>38</sup>

### **Migrants as Strategic Actors**

Immigration regimes assign rights to migrants by motives to migrate. Opening an immigration regime (moving it “to the left”) may be achieved by downplaying the significance of the differences between the motives of individuals asking for entry. Seeking protection from the hardships of war would then be considered equivalent to fleeing from religious, political, or ethnic persecution, as would be striving for economic improvement: they would all carry the same entitlement to indefinite residence. Refusing entry to would-be immigrants of whatever kind would then conjure up the memory of German Jews during Nazi rule trying to escape from their murderers into Switzerland or the UK, only to hear that “the boat is full”.

No longer distinguishing between the motives of migrants means accepting at face value what they say about themselves and their journey, discarding as irrelevant the question of their veracity. Doubting any such story is consequently frowned upon as a moral defi-

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<sup>36</sup> See “Why Silicon Valley Wouldn’t Work Without Immigrants”, New York Times, February 8, 2017, [https://www.nytimes.com/2017/02/08/technology/personaltech/why-silicon-valley-wouldnt-work-without-immigrants.html?\\_r=0](https://www.nytimes.com/2017/02/08/technology/personaltech/why-silicon-valley-wouldnt-work-without-immigrants.html?_r=0).

<sup>37</sup> There is little doubt that this was a factor in the Brexit referendum. As long as national elites are able to open national labor markets to the world, inviting non-nationals to outcompete their national counterparts, underinvestment in education is economically rational for them and a moral hazard for their societies. In the UK this seems to have changed with the Brexit situation, and it is not by accident that the new conservative Prime Minister kept emphasizing the need to upgrade the British education system, as distinguished from bringing in “talent” from abroad and generally upgrading the British labor supply by way of biopolitics.

<sup>38</sup> The United States operates a particularly complex immigration regime with several categories of immigrants, defined among other things by continents and countries of origin and level of education. No one nationality must receive more than seven percent of the visa allocated in a given year. In addition to family members, refugees, asylum seekers, skilled workers, and people investing more than half a million dollars, 55,000 individuals are admitted by lottery. Participation in the lottery is limited to people with experience in a skilled occupation or a High School diploma. Citizens of countries from which 50,000 or more people have been admitted into the United States during the last five years are barred from participating. See [https://www.americanimmigrationcouncil.org/sites/default/files/research/how\\_the\\_united\\_states\\_immigration\\_system\\_works.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/how_the_united_states_immigration_system_works.pdf).

ciency of the doubtful. In this way, individual migration histories disappear behind a stylized standard account of escape from circumstances always dire enough to entitle migrants to admission, justifying any legal infractions committed in order to get in. Verified simply by the fact that the migrant has taken upon himself the arduous trip to his country of choice, the standard account construes migrants as a socially uprooted individuals, torn from their roots without strategic capacity, just like the half-dead victim of a gang of robbers picked up by the Good Samaritan. That image is protected against empirical evidence and common sense by moral and political prohibitions against critical questioning, even though it should not be surprising that someone having traveled from the disaster areas of Africa and Asia to seek entry in a rich European country should be ready to present any story that they could expect might help themselves getting in.

That many migrants are far from having no alternatives – and equally far from being indifferent as to where they receive protection – is indicated in the case of Germany already by the fact that almost all of those applying for asylum there had passed through other European Union countries which, however, they found less attractive. Moreover, many migrants coming to Europe had since leaving home stayed in third countries where they were safe from war and persecution. As to strategic capacity, about sixty to eighty percent of applicants in Germany claim to have on their way lost their passports and any other documents proving their identity.<sup>39</sup> It was also estimated that thirty percent of those claiming to be Syrians were actually from somewhere else (FAZ, May 26, 2017), although just as on the number of arrivals without documentation, there are no official statistics kept about this. Under German law, having no identification cannot legally be held against asylum seekers, resulting among other things in multiple registration of an unknown number of refugees.<sup>40</sup> For example, the Tunisian refugee who later attacked a Berlin Christmas market had been registered under fourteen different identities.<sup>41</sup> Having no papers also protects applicants from being deported if rejected. Almost all those arriving had mobile phones, however, and were aware that German privacy laws prohibited German authorities up until early 2017 from impounding these to read out their content.<sup>42</sup>

Refugee choices of identities and narratives to fit the standard account sometimes become outright bizarre. According to German authorities, there was a sharp increase in

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<sup>39</sup> During the first three months of 2016. “Große Mehrheit der Flüchtlinge hat offenbar keine Papiere”, Frankfurter Allgemeine Zeitung, June 8, 2016.

<sup>40</sup> Which makes it impossible to know exactly how many immigrants entered Germany in 2015/16. The latest official estimate is 890,000 (<https://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/09/asylsuchende-2015.html>).

<sup>41</sup> The overburdening of the immigration authorities that followed the opening of the German borders in September 2015, together with political deference to *Willkommenskultur* and legal concerns over privacy protection, made it possible for a Bundeswehr officer, Franco A., to register as a Syrian refugee although he does not speak a word of Arabic. A. was alleged to be a right-wing extremist planning to assassinate a leading German politician, with the intention to blame the murder on Islamist terrorists. In his interview at the BAMF he demanded, as is his right under German law, to be interviewed in a language of his choice, which was French (at the time A. was stationed in France with a German-French army battalion). The reason he gave for his choice was that he was descended from a French-speaking Syrian minority.

<sup>42</sup> Which is, for example, why it could never be determined with certainty whether the young Arab participants in the 2015/16 Cologne New Year’s Eve celebration had appeared there individually by coincidence or in a conspiracy.

early 2017 in the number of Afghan asylum seekers accusing themselves of having fought on the side of the Taliban. Apparently this was because smugglers had spread the word that former Taliban fighters might be eligible for asylum in Germany since they were at risk of being tortured by the Afghan police if deported to their home country (Spiegel Online, April 22, 2017). Meanwhile other Afghan migrants are granted asylum in Germany for having worked as interpreters for the U.S. army interrogating Taliban prisoners – in effect providing indispensable assistance to torture. The United States under Obama took only a fraction of them, and only after an extended vetting process – so extended in fact that apparently many were caught by the Taliban before they could move to the U.S.<sup>43</sup> The absurdity of the German state providing humanitarian protection to Afghan accessories to American “harsh interrogation” is compounded by the fact that Germany has a sizeable number of young men and women stationed as soldiers in Afghanistan. The reason given for this is that the Afghan government, whose “stabilization” is allegedly in the German national interest, is unable to maintain a functioning military of their own, due to rampant corruption and desertion. Meanwhile, debates are beginning in Germany about post-traumatic disorders among German Afghanistan veterans, although unconnected to the granting of asylum to young Afghan males fit for military service. The only exception is the far right which, however, is considered not to deserve being heard or answered.<sup>44</sup>

The standard account constructs refugees as isolated monads on the move that have severed all social ties and left all their social capital behind in their country of origin. While this may be true in some cases, in others especially young male refugees seem to have been sent as forerunners of extended families that have invested considerable sums of money in their journey to Europe and are waiting to be repaid in one way or other. For them migration is as much a business venture as a last resort. Repayment may consist in a share of wages or welfare benefits sent home as remittances, or in a future family reunion in a European country once permanent residence has been achieved. Young migrants in Germany are said to decline offers of three-and-a-half year apprenticeships because the pay is too low for them to discharge their obligations back home.<sup>45</sup> A while ago the *Frankfurter Allgemeine*<sup>46</sup> reported on an Afghan family, obviously mid-

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<sup>43</sup> In mid-2016, the group in question comprised an estimated 12,000 individuals. They had been promised resettlement in the United States, together with their families, at the beginning of their service. See “They Will Kill Us’: Afghan Translators Plead for Delayed U.S. Visas”, *The New York Times*, August 9, 2016 ([https://www.nytimes.com/2016/08/10/us/politics/afghan-translators-military-visas.html?\\_r=0](https://www.nytimes.com/2016/08/10/us/politics/afghan-translators-military-visas.html?_r=0)).

<sup>44</sup> A side effect of the standard account is that, by rendering the reasons for migration irrelevant, it eclipses the memory of the military “human rights” adventures of Western powers, in particular the United States, France, and Britain, in countries like Afghanistan, Iraq, Syria, and Libya. One could even suspect that by declaring it a moral duty to absorb refugees “ohne Obergrenze” (without upper limit), a “post-heroic” country like Germany, unable as yet for domestic political reasons to contribute a more than symbolic number of ground troops to foreign “nation-building”, may provide useful support for its allies’ geostrategic projects, allowing them to go ahead by promising to clean up after them if things go wrong. Obama’s untiring celebration of Merkel’s humanitarianism, even after he had left office, may be a hint here.

<sup>45</sup> See “Sieben von zehn Flüchtlingen brechen Ausbildung ab”, *Welt-N24*, October 14, 2015 (<https://www.welt.de/wirtschaft/article147608982/Sieben-von-zehn-Fluechtlingen-brechen-Ausbildung-ab.html>).

<sup>46</sup> “Die Schande der Rückkehr”, *Frankfurter Allgemeine Zeitung*, August 4, 2016.

dle-class, which had selected its younger son – the older one was at the time finishing a degree in sociology (!) – to go on the journey to Germany. For this he gave up his job with the state anti-corruption agency (!). To finance the trip, to the tune of 6,500 US dollars, the brother sold his taxi. When the would-be asylum seeker returned to Afghanistan, having determined after six months in Berlin that his prospects of receiving asylum were nil, he was ostracized by his family. The article continues: “His feelings of guilt are so deep that he has conceived the unbelievable idea to make the trip to Europe again, even though because of the closing of the Balkan route the costs are now much higher. ‘My family could sell their house’, he says seriously. His brother sees it differently: ‘This time I’ll go; I’ll make it’”.<sup>47</sup>

Another aspect of the standard account’s denial of refugee strategic capacity is that migration is imagined to be caused only by the dismal conditions in countries of origin, independent from the attractions of target countries – in the language of labor market theory: only by push and never by pull. Pull making no difference, target countries’ immigration policies, real or imagined by migrants, cannot therefore increase the number of migrants. For example, Merkel’s selfies with happy refugees in Berlin in September 2015 (“Mutter Merkel”) could not have boosted the wave of immigrants in subsequent months. Nor could reports, probably spread by smugglers, on Germany providing each immigrant with a house of his own – something that a large majority of immigrants interviewed in Berlin in early 2016 actually seemed to believe.<sup>48</sup> It was only after the 180 degrees turn in Germany’s immigration policy following New Year’s Eve 2015 that the Federal Government began to make efforts to dispel stories, at first perhaps considered beneficial to the German image or the German labor supply, about Germany as a refugee paradise.

If migrants lack strategic capacity since their circumstances have rendered them incapable of rational choice, target countries’ immigration policies cannot create perverse incentives. It is remarkable how differently immigration is treated in this respect from social assistance, where suspicions of clients cheating abound as they are as a matter of course accorded a capacity and inclination for “opportunism with guile” (Williamson, 1985; 1993). A case in point is the German treatment of unaccompanied juveniles – below age 18 – seeking asylum (*Unbegleitete minderjährige Flüchtlinge*, UmF), of which Germany housed 62,000 by in February 2017.<sup>49</sup> UmFs are placed in foster homes rather

<sup>47</sup> In the passionate German debate on whether Afghan immigrants that are denied asylum can be sent back to their country, an expert on Afghanistan argued that they cannot because, contrary to what the German government claims, they will upon their return not be supported by their families: “Often families had to (sic!) sacrifice all they have to enable a member to get to Europe. They expect to be supported by him, not vice versa” (Frankfurter Rundschau, May 29, 2017).

<sup>48</sup> The research group interviewed 404 refugees in April and May, 2016, in refugee housing centers and while lining up for registration. Between 85 and 93 percent of refugees from Syria and Iraq had heard that Germany would provide them with a house of their own, with social and medical assistance, and with a right to family reunion. Of these, between 70 and 90 percent believed this to be true (Emmer et al. 2016). Generally on refugee myths on European welcoming, see “Facebook Envy Lures Egyptian Teenagers to Europe and the Migrant Life”, The New York Times, June 24, 2016.

<sup>49</sup> Out of 170,000 that had in 2015 and 2016 applied for asylum in Europe (<https://www.unicef.de/blob/141422/acaf7e52cf898706ebbf71702fb471c/a-child-is-a-child--unicef-report-17-05-2017-data.pdf>).

than assigned to refugee housing, and they enjoy special privileges with regard to education and family reunion.<sup>50</sup> Total government expenses for an average UmF amount to about 63,000 euros per annum,<sup>51</sup> which is more than four times what a family of four is paid in social assistance (“Hartz IV”). Suspicions that families in countries of origin may in significant numbers direct their younger sons to try to get into Germany before they are 18, to take advantage of the country’s UmF legislation – “anchor children”, in the jargon of German federal bureaucrats – are hard to prove. What one knows is that young men who arrive in Germany frequently claim to be below age 18 even though they look older. Since they as a rule lack documentation, they have to undergo extensive medical examinations for determining their age, the results of which they can challenge in court. Not all of those older than 18 are detected, and there are cases of criminals who were found to have successfully applied for UmF status although they were already in their mid-twenties.

Probably the most dramatic example of moral hazard caused by not taking into account refugees’ strategic capacity is the public and private “rescue missions” in the Mediterranean. As Paul Collier and others have suggested, the larger the number of ships cruising between the African coastline and Europe to save refugees from drowning and take them to Italy or Greece, the more boats the smugglers will send, and the fuller they will be with refugees hoping to get into Europe, if need be by being rescued. Moreover, as rescue ships operate closer to the African coast, to get closer to the refugee boats, these will get less stable, the number of passengers will rise further, and so will that of those perishing (Betts and Collier, 2017).<sup>52</sup> Suggestions to end the dangerous and often deadly traffic over the Mediterranean by offering refugees safe and legal entryways from Libya to Europe miss the point as the number of people that would in this way be admitted would always remain miniscule compared to the number of those wanting to get in. Only if those rescued from shipwreck would be returned to the starting point of their boat trip, instead of being taken to Europe, would they cease to entrust their and their fami-

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<sup>50</sup> The same is true in Italy. See “Facebook Envy Lures Egyptian Teenagers to Europe and the Migrant Life”, *The New York Times*, June 24, 2016.

<sup>51</sup> See “Milliardenkosten für junge Migranten“, *ZEIT online*, February 22, 2017, <http://www.zeit.de/gesellschaft/zeitgeschehen/2017-02/migration-unbegleitete-minderjaehrige-fluechtlinge-kosten>. The estimate is based on an unpublished report issued by the Federal Ministry for Family Affairs. When the report became public the Ministry explained that the figure was only of a “technical” nature and that it was “in principle not possible to calculate average costs” as costs were too different from child to child”.

<sup>52</sup> In an interview with the *Frankfurter Allgemeine* (“Merkels Flüchtlingspolitik ist verwerflich”, February 2, 2016), Collier argued: “Inviting all refugees to Germany was a colossal mistake on the part of Angela Merkel. Especially since she had obviously made no preparations to cope with the resulting stampede. Apart from this her invitation was also morally reprehensible. She had practically invited people to swim to Europe. This is Russian Roulette: find a smuggler and hope that the boat will not go under. What is to be defended about this?” The moral conundrums posed by the Mediterranean rescue missions were brought to light by occasional complaints of Italian officials about private rescue ships helping refugee boats to get near European or Italian navy vessels, or calling the latter to the former, perhaps having learned about their position from the smugglers with whom some are suspected to maintain regular contact, for the purpose of saving human lives. See “Charities saving refugees in the Mediterranean are ‘colluding’ with smugglers, Italian Prosecutor claims”, *The Independent*, April 24, 2017. In the summer of 2017, Italian and European authorities began to crack down on the private rescue operations, although softly in order not to wake up the national “refugees welcome” lobbies.

lies' lives to the boat operators. The myth of the non-strategic refugee effectively prevents public debate about the unintended consequences of moral action due to strategic reaction on the part of intended beneficiaries.<sup>53</sup>

### In Conclusion

The paper discusses some effects of mass immigration pressure on rich post-industrial democracies, caused by the wars in Afghanistan, Iraq and Syria and the failure of states in Somalia, Eritrea, Libya and elsewhere. One effect is a potentially lasting political realignment alongside a division between a vocal middle-class Left and a silent working-class Left, the two having become increasingly uneasy allies in the last three decades. The new line of conflict is between a "left" and a "right" interpretation of immigration regimes, which is orthogonal to the classical left-right conflict between labor and capital. What is at issue here is the construction of a moral obligation to open national borders essentially to everybody demanding to be let in, championed by the urban, "cosmopolitan" population of the "knowledge economy" eager to fall in step with the anti-nation-statism of liberal globalizers. As a result the old working class is forced into a coalition with the protectionist wing of the capitalist class and the remnants of the anti-liberal, nationalist Right. The impact of this on democratic governability is unclear.

A liberal immigration regime may also affect the receiving country's social structure, the more so the higher the number of immigrants. Open immigration is bound to make political intervention against poverty and inequality more expensive and less effective. While it makes the distribution of incomes and life chances less egalitarian, it reduces the pressure to correct it as immigrants tend to feel happy to be where they are, while the left middle-class enjoys the benefits of an unending supply of cheap service labor. Immigration also changes a country's pattern of social integration, especially as migrants form enclaves in which they preserve elements of their home country's culture and authority structures. Social exchanges across the borders of enclaves may become politicized, for example concerning the role of the police in the maintenance of public order. Generally, both immigrants and locals are likely to feel a need to defend their ways of life against "assimilation" pressures from the other side, which may cause disruptive cultural conflict. While liberals expect integration of immigrants to be on an individual basis, more often than not integration will be between collectivities if at all. Furthermore, in societies with sub-replacement fertility, mass immigration may be seen as an opportunity for "biopolitical" management of the national economy's quantitative and qualitative people supply. This may further exacerbate cultural conflict and political polarization as it raises

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<sup>53</sup> How poisoned this entire issue is, is shown by the following incident. The year-end party of the Berlin Press corps, an event going back to the Bonn era, is traditionally accompanied by the publication of a book lampooning political events in the past year. In 2016, the book contained a section criticizing Merkel's agreement with Erdogan by claiming that it would result in more refugees trying to get to Europe by boat from North Africa and drowning on the way. The section was written as an advertisement offering swimming courses to refugees, organized by a "Federal Bathing Agency". Merkel being long beyond good and bad, several leading politicians pretended not to have understood the satirical nature of the contribution and immediately expressed on Twitter etc. their outrage over the "cynicism" and "*Menschenfeindlichkeit*" (anthropophobia?) of the article. The next day the authors and the Berlin press association apologized profusely, in language resembling Chinese self-criticism (FAZ, November 30, 2016).

fundamental ethical problems with respect to the role of government in social life and the social obligations of national elites in relation to national non-elites.

Finally, justifying an open-borders immigration regime requires the public institutionalization of a standard account of applicants' migration history, one that construes migrants as non-strategic actors driven by unfortunate circumstances and without resources and alternatives. Sustaining that account requires high investment in social and moral pressure, which may cause resentment against opinion-leading sectors of society. In addition to rendering opportunism and strategic behavior on the part of migrants irrelevant for the decision whether or not to admit them, the standard account serves the crucial function under a liberal immigration regime of ruling out *a priori* any pull caused by the regime itself, increasing the number of immigrants by adding to the push caused by migrants' situation at home.

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# The double force of European categories: “Religion”, “language”, and “territory” as tools of domination and critique<sup>1</sup>

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“Religion”, “language”, and “territory” are fundamental semantic topoi in narratives about European integration. At the same time, they lend plausibility to emancipatory imaginations of community. Thus, they are the basis for institutional orders but also open opportunities for voicing critique. The article elucidates this double force by presenting findings from empirical work that examines three levels relevant to the topic: first, the European Union and the Council of Europe, second, German and French public action in the sphere of integration policies, and third, individual actors in Germany and France. The categories of religion, language, and territory are drawn on to translate institutional orders of domination into the praxis of public action and to support practical judgments. Studying how these categories are used is not only useful in describing the interdependencies, processes and interactions that underlie power relations and that can contribute to changing them, they also reveal the Europeanization of normative action.

**Keywords:** Categories of religion, language, and territory, immigration, Europeanization of institutional orders and practical judgments

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“Religion”, “language”, and “territory” are fundamental semantic topoi in narratives about European and national integration (Noiriel, 2005). Moreover, they have been for some time; not only in the context of recent debates about admitting refugees to Germany or the Jihadist terror attacks in France, Belgium, and the United Kingdom. As such, these categories contribute to justifying the institutional orders of nation-states, of the European Union (EU), and of the Council of Europe. On the other hand, they are also the foundation for categorizations employed in developing instruments for integration policies and in structuring areas of state competence and jurisdiction. However, “religion”, “language”, and “territory” are not only topoi and categories of governance regimes. Social emancipation movements also draw on them with the aim of calling into question state orders and their (re)production of inequalities. These groups also shape imaginations of community related to concepts of religion, language, and national territory by drawing on the states’ narratives of integration and the categories of integration policies;

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<sup>1</sup> I thank Paula Bradish for help with the English version of this text. As is the case with any translation, preparation of this English version was also an occasion for reconsidering some of the content.

they do so to demand equal treatment or equal rights or to claim recognition of their particular identity. “Religion”, “language”, and “territory” thus bring a double force to bear: a structural force imposed by regimes and an emancipatory force of contestation. On the one hand, these categories are utilized to dominate individuals, control or even stigmatize their modes of action, and prevent equal treatment or access to rights (Tilly 1998). Yet they also support the capacities of individuals to act and to criticize social conditions and political constraints. Consequently, these topoi and the institutional categories derived from them are not only the foundation for institutional orders of domination (Jenkins, 2000). They are also part of the critique that is raised against these orders and contribute to constructions of identity and the emergence of demands for recognition by society (Brubaker, 2015; Jenkins, 1994; Honneth, 1992).

The double force of institutional categories—their force of securing order and of contesting the latter—is also revealed in research on migration and integration. Religious affiliation or secularity, language competence, and identification with a territorially constituted nation are also addressed, albeit if in varying manners, as categories for studies in the social sciences that evaluate how immigrants and their descendants are included in social relations and that identify the achievements and deficits of integration strategies (Obendorfer, Koenig and Diehl, 2017; Tucci and Grohsamberg, 2008). Public policy analyses draw on the categories “religion”, “language”, and “territory” to highlight institutional discrimination (Gomolla and Radke, 2009). Recent assimilation theories discuss these three topoi as categories of symbolic boundaries (Alba, 2005; Gans, 2007). Work inspired by postcolonial studies shows how emancipation or empowerment can take shape through public affirmation of religious, linguistic, or national differences in relation to majorities in societies (Göle, 2015). Research on transnationalism also builds on the analysis of religious, linguistic, or national alterity to describe and explain diaspora relationships generated across the borders of nation-states and diaspora ties that are at times maintained over several generations (Levitt and de la Dehesa, 2017).

The various approaches and diverse results of migration and integration research bring attention to a contradictory interplay of the structural and the emancipatory force of categories of public action. Furthermore the historically discernible interdependencies between European narratives on integration, public action in the realm of integration policy, and emancipation movements point to processes generated by this contradictory interplay. Examining the latter can help social scientists avoid reproducing the discursive patterns of state narratives on integration and public action on integration policies or the discursive patterns of emancipation movements in their research. Furthermore, scrutinizing this interplay offers opportunities to deconstruct these discursive patterns from a pragmatic perspective and to elucidate the potential of categories for fostering capabilities to act (Dewey, 2002; Çağlar and Glick Schiller, 2011; Zimmermann, 2006, 2017).

The discursive patterns of state narratives, public action and emancipation movements have to be considered as elements of a common context of interaction, in which social scientists take part on the basis of their approaches to and uses of the categories “religion”, “language”, and “territory”. This context of interaction is unavoidably associated with processes of “superordination and subordination” (Simmel, 2013: 160). Through which the capability to act and the capability to dominate refer to one another and through which the possibilities to define public problems and to deal with them are determined (Bourdieu, 1987; Groenemeyer, 2012; Spector and Kitsue, 1987; Zimmermann, 2003). To the backdrop of these analytical interests and based on my own empirical studies, the following article will unravel the use of the topoi of religion, language, and territory on three levels (Tietze, 2012)—first on the European level, second on the level of German and French public action in the sphere of integration policies, and third on the level of individual actors in Germany and France. I will begin by addressing the semantic

topographies created by the use of “religion”, “language”, and “territory” concepts in official European documents— treaties, regulations, conventions, and state reports or in statements made by the European Union (EU) and the Council of Europe (1.). In the next step, the use of these three topoi as categories of public action will be considered by examining German and French public action that addresses issues related to immigration in the spheres of policies on religion, on language, and on residency regulations (2.). Finally, I will demonstrate, on the basis of interviews that I have conducted in the course of case studies, the roles and functions of these three categories within individual constructions of belonging, in relation to Muslim, Kabyle, or Palestinian imaginations of community in Germany and France (3.). The article will conclude with a brief consideration of the asymmetry of the interactions structured by the double—governmental and emancipatory—force of the categories of public action in the sphere of integration policies (4.).

### **1. The topographies of territorial, religious, and linguistic semantics in European narratives on integration**

In the narratives developed by the authors of documents from the EU and the Council of Europe, the topoi of “religion”, “language”, and “territory” serve to describe “the world of patterned, organized and symbolically-templated ‘ways-of-doing-things’” and in doing so contribute to generating and stabilizing institutional orders (Jenkins, 2000: 10). The meanings associated with these topoi form semantic topographies that, in interaction with other topoi (such as “equality”, “liberty”, or “economic growth”) and their semantic topographies, convey and legitimise the European institutions.

#### **1.1. Topographies of the category of “territory”**

In contrast to the EU, the Council of Europe is an international organisation rooted in the principle of respecting member states’ territorial integrity and sovereignty over their territory. At the same time, its statute refers to “the principles of the rule of law and of the enjoyment by all persons [...] of human rights and fundamental freedoms” as the “common heritage” of its members (Council of Europe, 1949, ETS 1, art. 3, 1). Thus, with respect to these meanings, in Council of Europe documents, territory is not only a category of international law with which distinctions regarding national jurisdictions are made. By linking this category to the concept of “heritage”, the category also marks a political culture characterized by universal human rights and fundamental freedoms that are independent of territorial distinctions. The authors of the Councils’ documents—that is, the representatives of the nation-states that are members of this organization—have declared that this political culture is a response to the experience of wars in the twentieth century. In this cultural sense, the Council’s concept of “territory” incorporates ethical and moral meanings. These meanings oblige the member states of the Council of Europe to guarantee in their territories human rights and basic liberties that they define as universal and thus supra-territorial. This understanding, the Council argues, prevents intra-state conflicts and violent border disputes. The Explanatory Report of the European Charter for Regional or Minority Languages, for example, asserts that “far from reinforcing disintegrating tendencies, the enhancement of the possibility to use regional or minority languages in the various spheres of life can only encourage the groups who speak them to put behind them the resentments of the past which prevented them from accepting their place in the country in which they live and in Europe as a whole” (Council of Europe, ETS 148, Explanatory Report).

Like the Council of Europe, the EU is also founded, according to its self-understanding, on a “common heritage” that encompasses “the principles of representative democracy, of the rule of law, of social justice — which is the ultimate goal of economic progress — and

of respect for human rights” (Document on the European Identity, 1973). Moreover, the authors of EU documents, like their Council of Europe counterparts, refer to memories of the experience of large-scale violence in the twentieth century, emphasizing in particular the phenomena of anti-Semitism and antiziganism. In contrast to their colleagues at the Council of Europe, however, they link the common heritage that determines identity to a concept of post-sovereign space (Jureit and Tietze, 2016). In this space, territory becomes a category that distinguishes the member states from one another. As such, it conveys an understanding of the rule of law, of bans on discrimination, and of social justice—all of which are associated with the goal of “build[ing] a society” rather than merely building an international organization (*ibid.*). In this context, the category of territory first assumes a legal meaning in determining the jurisdictions of member states for specific policy areas, such as EU citizens’ social welfare or how applications for political asylum are dealt with. At the same time, territory serves to define and ensure equal status for member states and equal treatment of EU citizens within the union. In this sense, it becomes a legal and political instrument for bans on discrimination that structure the EU space (EU Charter of Fundamental Rights, Art. 21). As such, it is an integral element of the ethical meanings that are ascribed to the post-sovereign European space in EU documents, by virtue of the fact that these documents respect “cultural, religious and linguistic diversity” (Article 22 of the EU Charter of Fundamental Rights) and also enforce bans on discrimination (Kleinschmidt, 2015; Tietze, 2015). Defining the limits of diversity is within the jurisdiction of member states, because the EU also respects the “national identities” of its member states (TEU Art. 4 (2)). With respect to the protection of national identities, the authors of EU documents reproduce classic concepts of national territory as containers of identity, concepts that are also found in the Council of Europe documents.

A contradiction pervades the semantic topography of “territory” found in EU narratives. “Territory” becomes, on the one hand, an instrument for enforcing equality within the EU space; on the other hand, as in the Council of Europe documents, it ensures the territorial integrity of member states and contributes considerably to determining and maintaining national identity. No such contradiction becomes apparent in the documents of the Council of Europe. In the latter, “territory” is a topos that member states use in their narratives to mark a “superpositive excess” of meaning and to foreground the “socio-political intentions” of institutional orders (Reemtsma, 2001: 145).

### **1.2. Topography of the category of “religion”**

Article 9 of the Convention for the Protection of Human Rights and article 10 of the Charter of the Fundamental Rights of the European Union guarantee the freedom of religion; on this basis, religion is understood to be a fundamental perception of the world and life that is chosen by a person and that she or he manifests in the public sphere. The principle of equal treatment spelled out by the Council of Europe and the EU in Article 14 of the ECHR and Article 21 of the EUCFR compliments freedom of religion. Just as individuals may not be discriminated against because of their origins, color of their skin, gender, or economic status, their religious beliefs should also not lead to discrimination.

Religious freedom and equality assign different content to the topos of “religion”. The first is based on meanings that center on the profession of faith. “Religion” differs here fundamentally from politics and is absolutely incomparable with the other forms of alterity protected by the principle of equal treatment. This difference justifies the special status of “religion” in the public sphere. Alterity that is rooted in the profession of faith must therefore be respected and legally protected, in so far as it does not constitute an “instrument of power” (Parliamentary Assembly, 1999, Rec. 1396). In the semantic context of religious equality, however, religion is seen as “one among many markers of dif-

ference” (European Commission and EUMC, 2003: 103). The category of religion does not point to a special phenomenon that might call for special regulations or specific groups to be targeted by European policymaking; instead, it points to religious alterity, which is comparable here to other forms of alterity.

As soon as the authors of the European documents begin to relate the religion-topos to the semantics of culture, they lose sight of absolute religious alterity. “Religion” becomes for them something that is unique to Europe, its history, and its political norms. In this respect, “religion” also takes on ethical meaning in the narratives. It stands for something that can “make society more humane and spread ethical and moral values within society” (Parliamentary Assembly, 1998, Doc. 8270). Religious communities and policymakers share, in this context, the obligation to secure non-violent coexistence within pluralist European society. Moreover, “religion” is culturalized from an historical perspective. In doing so, the authors of official documents focus not only on the cultural achievements of religious communities but also on the violence that members of various religious communities have experienced in European states. Descriptions of contemporary European pluralism, in contrast, are grounded in part in a category of religion that draws on the semantics of identity. Here, the authors of official European documents regard religion in the sense of equal treatment and, on the same level as language and culture, as a part of personal identity. The Council of Europe’s Framework Convention for the Protection of National Minorities, for example, obliges signatory states to enable the members of national minorities “to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage” (Council of Europe, ETS 157). This focus implies that “religion” is also seen as “a symbol for race and ethnicity” (European Commission and EUMC, 2003: 61) and supports the representation of Europe as “unified in diversity”—to cite the official EU motto.

The authors of the European documents relate the four semantic modes without exception to all religious communities, but they focus primarily on the three monotheistic world religions, namely, Christianity, Judaism, and Islam. All three are elements of a specific European heritage but not on the same level and not with the same emphasis. In reading these documents, one has the impression that Christianity is more European than Judaism or Islam. The last two are the subject of specific mentions, documents, or provisions that explicitly declare them to be part of European self-understanding. For the Christian religion, in contrast, this is apparently taken for granted. Judaism occupies a special position in documents that focus on the European culture of memory and symbolizes in particular what Europe should no longer be. “The European Union was born from the ashes of the Holocaust” (European Commission and EUMC, 2003: 99). Pronouncements like these create the impression that Judaism’s belonging to Europe results chiefly from the persecution and murder of European Jews during the Holocaust. Judaism is hardly mentioned other than as part of the combined term ‘Judeo-Christian heritage’. Furthermore, European documents generally refer to questions of Jewish religious practice when they discuss and condemn anti-Semitism. As a result, in contexts that utilize the semantics of ethics with respect to religion, Judaism is focused on mainly in the role of a victim, rather than as a moral agent in Europe. In European narratives, Islam belongs to Europe chiefly for two reasons: first, because of the achievements of Islamic intellectuals as mediators between European antiquity and the Middle Ages, and second, because of the presence of immigrants of Islamic faith in contemporary European states. Thus, the authors of these documents refer to Islam with the semantics of culture and identity and render the Islamic religion as an element of what is uniquely European. At the same time, the Islamic religion, in contrast to the Jewish religion, is represented in

the documents of the EU and the Council of Europe as a part of the non-European world, which does not share the same norms and ideals of freedom, plurality, and democracy.

### 1.3. Topographies of the category of “language”

On the basis of the topos of “language”, the authors of Council of Europe and EU documents categorize social groups in relation to the territories of nation-states. The legal, cultural, identity, and ethical meanings that are ascribed to the topos of language with respect to its distinctions of groups are thus closely linked to those of the category of territory. National languages enjoy priority legally and culturally with respect to the determination of identity and ethical considerations that determine the classification of other languages of a nation-state’s territory; these can be regional or minority languages or the languages of immigrants. The EU’s demands with respect to multilingualism and the 24 official languages of the EU institutions clearly reflect the hierarchization of language categories: “The EU is home to over 60 indigenous regional or minority languages, spoken by some 40 million people. [...] While it is national governments that determine these languages’ legal status and the extent to which they receive support, the European Commission maintains an open dialogue, encouraging linguistic diversity to the extent possible” ([https://europa.eu/european-union/topics/multilingualism\\_en](https://europa.eu/european-union/topics/multilingualism_en) [3-4-2018]). If the authors of Council of Europe and EU documents relate the language category to collectives, then they use the category in the sense of cultural semantics: “Language is the most direct expression of culture; it is what makes us human and what gives each of us a sense of identity” (European Commission COM 2005/0596). In documents from the Council of Europe and the EU, not only regional and minority languages but also the languages of migrants are labeled on the basis of the category of territory.

The connotations of the language topos that mark culture and identity also produce ethical meanings. Thus, in European narratives, protection of minority languages indicates what Europe should not represent: National Socialism and Communist totalitarianism, alongside the persecution of minorities that these two ideologies are associated with. Moreover, the cultural and identity-related meanings of the language category are constitutive for the recognition of pluralism in society. The European Commission describes the acquisition of foreign languages skills as a way “to become more open to other people’s cultures and outlooks” (European Commission COM 2005/0596). EU narratives also ascribe competence to the topos of “language”. Language competence is an instrument with which people can “take advantage of the freedom to work or study in another Member State” and is therefore essential for free movement in the EU’s post-sovereign space (European Commission COM 2003/0449).

What appears to underlie the semantic topography of the language category on a European level is a concept of the order of national pluralism in Tocqueville’s sense, which W. E. Connolly summarized as follows: “[T]he pluralist imagination of Tocqueville [...] is territorial, national and arboreal in form. [...] It consists of a national trunk of common mores rooted in the soil of Christianity with numerous limbs branching out so far as their connection to the trunk allows” (Connolly, 1996: 54). If we apply Connolly’s metaphor to the semantic topography of “language”, then Europe appears in the narratives of the Council of Europe and the EU to be a kind of well-kept forest. This forest is nourished by the humus of Europe’s cultural heritage and consists of trees with the nation-states as trunks and diverse minority cultures as branches. If a person wants to live in this forest, however, then she is obliged to adapt to the network of branches of one of the trees. The concept of the minority occupies a central position in this metaphor, in so far as it ascribes a position to groups on a geographical (in the case of regional languages), numerical (in the case of minority languages), and territorial-historical (in the case of immigrant languages) level and subjects them to the control of nation-states.

The semantic topoi that are ascribed to “language”, “religion”, and “territory” in narratives about European integration introduce contradictions and tensions into the well-kept order of the European forest. With “a certain historical irony” (Coulemas, 1991: 14), these topoi not only shift standards by relating the individual nation-state trees in the forest to one another. What is more, the semantic topoi—especially the competence meanings of “language”, the profession-of-faith meanings of “religion”, and the ethical meanings derived from “territory” with respect to European political culture—generate notions of equality that call into question the orders of pluralism founded in the nation-state and introduce a new dynamic into public discourse on these orders.

## **2. The structural force of categories: “territory”, “language”, and “religion” in French and German public action**

The European topographies of “religion”, “language”, and “territory” influence national narratives about integration in the member states of the EU and the Council of Europe and, conversely, these European narratives emerge from national narratives. Nonetheless, these interdependencies do not mean that the differences between the narratives of the member states and their public action in the realm of integration policies disappear, in particular when public action in the sphere of integration policies aims to emphasize the identity meanings of the “territory” topos. The European semantic topographies are interlinked with legal and political-normative principles and therefore set standards for defining national public policies and for determining national public action on integration policies (Koenig, 2007). Yet, these principles and standards are translated into categories of integration policies on the basis of diverse historical and institutional configurations (Laborier and Trom, 2003). The European meanings of the three topoi, as well as the legal and political-normative principles and standards associated with them, interact with the specific knowledge of each nation-state and the corresponding categories of religion, language, and territory (Raphael, 1996). The following section aims to demonstrate this interaction. It begins by addressing the contrasting developments of integration policies in Germany and France in order to describe how the structural force of the categories of territory, language, and religion shapes integration policies in the two countries. I will then consider two examples—German integration policies towards Muslim immigrants and their descendants and the development of French language policy, especially as it relates to schools—in order to outline how these interactions generate shifts and changes in the way in which problems of integration policies are defined and dealt with on the basis of public action.

### **2.1. German and French narratives on integration**

In the post-war years, the dominant view held in Germany and France was that the territory of the state delimited an economic container. This container was rooted in a Fordist concept of economic relations and thus in a system of “tiers of inequalities” (Castel, 2009). As a concept designed to fit the white man who spoke the national language, whose background was shaped by a Christian religion and who was generally employed in industry, this idea relegated migrants, “guest workers”, immigrants from the former colonies and their descendants, and women to a “residual” or “peripheral” position within the German or French working population (Castel, 1995: 597).

In the 1950s, German public action with respect to migrants in Germany was rooted in economic concerns about reconstruction and the projected development of the domestic workforce. The upward social mobility that many of the country’s citizens experienced was seen as justifying integration of those who had been expelled or fled from the former German provinces in Eastern Europe and from the Soviet zone and East Germany as

well as labor recruitment abroad, which began in the late 1950s. In the same period, economic concerns also shaped perceptions of migrants and refugees in France. However, French narratives in the 1950s were shaped by a transformation triggered by decolonialization. As France's former colonies gained independence, the French government and other interest groups were forced to abandon the imperial categories and standards for economic calculations they had upheld as long as the country was a colonial power. France's economic capacities now had to be based solely on its European territory. France's former colonial subjects become foreign workers.

In the course of the 1960s and 1970s, categorizations on the basis of the "religion" and "language" topoi became increasingly significant in defining integration policies, in particular in the context of family reunification following labor migration. Family reunification rose considerably after recruitment of foreign workers was officially ended by France in 1972 and by Germany in 1973 (Berlinghoff, 2013). The presence of families from abroad on French and German territory was framed as a temporary arrangement. The religious practices and languages of immigrants and their families were regarded as the expression of a foreign nationality and served to justify the conceptualization of temporary integration and discriminatory practices with respect to civil rights and access to social services and benefits. In France, the notion of a temporary and economically legitimated pluralization of what was imagined as national homogeneity, was accompanied by the republican promise that anyone could become a French citizen through work and education—in other words, based on their personal merits. The contradiction between the meritocratic narrative on immigration and integration and the narrative on immigrants as only temporarily present on France's state territory, not only undermined the persuasiveness of both narratives but also reproduced the hierarchies of the colonial distinction between here and there. The meritocratic narrative referred primarily to Western European labor migrants (as Italians, for example) and refugees from the Warsaw Pact states. The "temporary-arrangement" narrative was applied for the most part to those who came to France as immigrants or refugees from its former colonies (in particular in North Africa). In the course of the 1980s and 1990s, this contradiction in the integration narratives led to increasing critique and protest on the part of immigrants' descendants. At the same time, the contradiction repeatedly triggered violent responses to the discrepancies and ambivalence that accompanied it. The social conflicts generated by this contradiction found their expression in phenomena such as urban unrest (the so-called *émeutes*) (Tucci and Groh-Samberg, 2008) and the rising number of voters who support the right-populist political party Front National. However, both these phenomena merely permanently reproduce these discrepancies and ambivalence.

In Germany, in contrast, where the legal context differed from that in France, a similar meritocratic narrative on integration could not become established in the 1970s and 1980s. Instead, a narrative emerged that conceptualized the German territory as composed of *Sozialräume* (social spaces) represented by municipalities and neighborhoods. The critique of this narrative was marked by two competing, alternative culturalistic ideas, which dominated German debates on integration policies into the 1990s. Both narratives related the territory to the imagination of a cultural and religious community. One position advocated retaining the culture of origin, including the languages and the religious practices of immigrants, as a means of achieving a "multicultural society" which was a goal that municipalities and neighborhoods were expected to promote. The second position was diametrically opposed and founded on having immigrants and refugees return to their country of origin. In this case, learning German or including Muslim religious practice in the institutional order were considered unnecessary, because the specific cultures and religions (especially Islam) were seen as incompatible with other preexisting cultures and religions on the German state territory. The debates centering on these two

conflicting, culturalistic narratives escalated in the 1980s and early 1990s, to the extent that the controversy created a discursive space in which racist acts of violence could occur in Germany. In retrospect, the arsonist attack on a house in Solingen, which was perpetrated shortly after the so-called “asylum compromise” was reached in 1993 and in which five people were killed and seventeen suffered serious injuries, can be identified as a watershed (Herbert, 2001). In the ensuing period, a narrative on migration, refugees, and integration in relation to legal issues gained ascendancy. This shift was the prerequisite for reform of Germany’s citizenship law implemented in 2000 as well as for the immigration law enacted in 2004, which sets the standards for Germany’s current integration policies. In the context of these policies, opportunities for migrants to learn German and evaluating the German language skills of immigrants and their descendants have become key instruments of integration policies. Furthermore, including Islam in the regime that regulates the separation of religion and the state is now considered an issue to be dealt with by integration policies, including policies labeled “naturalization of Islam” (Die Beauftragte der Bundesregierung für Migration, 2005).

In France, where the meritocratic narrative has shaped how legal questions are addressed since the 1970s, there was no similar shift with respect to public action in the realm of integration politics in the 1990s and 2000s. Currently, legal claims regarding citizenship and naturalization continue to be identified with the abstract and universal French concepts of equality and integration. These concepts mean that it is possible to distinguish the population according to social status. However, they also conceal intersections between social inequality, the experience of migration, French colonial history, and diverse language and religious practices behind a “veil of ignorance” (Estèbe, 2015). “No form of particularism can [justify] claims to special political rights” (Marcou, 2002: 57). In France, state institutions and public action are supposed to generate and monitor territorial unity. Their role is to compensate social inequalities in the various areas of the national territory with the help of welfare-state instruments for redistribution and, by means of state education policies, to emancipate people from their various communities of origin and develop their capacities to participate in republican civil culture. Within this framework, representatives of the French state and administration (at least officially) address solely social and economic differences between citizens and those immigrants who are legally permitted to reside on French territory, as well as differences related to their respective places of residence, work, and education. Thus, the diverse religious needs of immigrants come into focus for public action only to the extent that they are linked to inequalities that are socio-structural and that can be addressed territorially.

### **2.1. Public action and the category of religion: A German example**

Under Germany’s former citizenship law, religious practices of Muslims were defined as extraterritorial factors that were localized beyond the state’s borders (Galembert, 2003). This extraterritorial conceptualization assumes the congruence of the national state territory and a specific cultural community as well as the congruence of a specific cultural community and a religious community. Issues related to the Muslim religion were therefore delegated to the Turkish state. Underlying this policy is the notion that affiliations with religious communities are a cultural trait of groups that can be localized territorially. It builds upon the idea that religious affiliation and the practice of a specific religion is an expression of loyalty towards both a religious community and a political entity. Thus, there is a prevalent assumption that being Muslim is part of being Turkish, just as being Catholic is equated with being Bavarian and Protestantism is equated with being from northern Germany (Çağlar, 1996). Ascribing religious denominations territorially—nationally, locally, or regionally—has its roots in the development of German states with

a predominant religious denomination in the sixteenth and seventeenth centuries (Schilling, 1998). On the other hand, it promotes the idea that religious affiliation and citizenship have ethnic foundations; that is, that they are supported by “birth and ancestry”, as Paul Kirchhof, a former judge at the German Federal Constitutional Court, has asserted in the context of the introduction of European citizenship (Kirchhof, 1992: 866).

Since the reform of the citizenship law in 2000, policy makers on the local, state (the German Länder), and federal levels of German government have negotiated with other stakeholders about the “naturalization of Islam”. Their predominant perspective is that Muslim religious practice is an expression of ethnicity and is, as immigrants become potential citizens, an issue to be dealt with by domestic government. Public action that addresses the inclusion of Muslim religious practice in the German regime of the separation of state and religion is based primarily on an application of the category of religion on the terms of the semantics of identity. This framing is demonstrated, for example, by the concept behind the establishment, in 2006, of the Deutsche Islam Konferenz (German Islam Conference, DIK) and its goals. The German Ministry of the Interior perceived the DIK as a means of promoting “the integration, in the spheres of religion and social policies, of the Muslim population” (Bundesinnenministerium, 2006). The DIK related discussions about regulating Muslim religious practice to security concerns posed by terrorist groups and to issues of social policy such as “growing deficits of Muslim immigrants in education and on the job market” (ibid). In establishing the DIK, the representatives of the German Ministry of the Interior extended the differences of professing a faith between Muslims, Christians, or Jews to differences that distinguished the Muslims as a social group from the Germans. The policy-makers involved mixed challenges related to policies on religion and problems of a socio-structural nature, to transform “religion” into an instrument of policies on integration that subsumed activities of Muslims in society under a single topos. Nonetheless, according to Germany’s self-definition as a secular state governed by the rule of law, questions of religion are to be dealt with independent of other social and political issues. Given the special status of professions of faith, religious issues are subject to special regulations. Moreover, in Germany, policies on religion fall within the jurisdiction of the Länder and their governments and administrations. The DIK is thus an instrument of integration policy that, while it symbolizes the intention of the nation-state to realize the inclusion of Muslims, does not deal with the conflicts involved on a practical level. This practical work takes place on the level of the Länder, in conflicted negotiations about Staatsverträge over who is authorized to draw up curricula for teaching Muslim religion in schools, or about training theological staff to teach these classes.

## **2.2. Public action and the category of language: a French example**

“La langue de la République est le français” [The language of the Republic is French] is the first sentence of Article 2 of the French constitution. This sentence, which was introduced prior to ratification of the EU’s Maastricht treaty, invokes the phrase used to refer to the public school system L’école de la République [the school of the Republic]. The intention is thus to identify the political ethic of the republican educational system with the national language and make the presence of the political ethic felt symbolically. This “astonishing reference” in effect “delegitimizes all other languages in France” ... “just as the expression ‘école de la République’ implies that any school that is not subject to the state’s authority is illegitimate” (Encrevé, 2002: 134).

Paradoxically, as a result of the political and moral meanings ascribed to France’s national language, the acquisition of language skills by migrants and their descendants was not assigned a high political priority in the sphere of public action on integration policies until well into the 1990s—and this pertained to both French and the language of origin. That

the children of migrants would speak French when they attended the école de la République was taken for granted. Moreover, it was expected that migrants would be competent in French, as a kind of positive effect of the French colonial period. Trust in the assimilative power of republican institutions thus led to indifference on the part of the state towards the, at times, considerable language problems that immigrants faced. Furthermore, it concealed complex and confusing administrative practices aimed at regulating the social integration of immigrants' family members who followed their relatives to France (Lazaridis, 2001: 203). It was not until 1995 that acquiring language skills was recognized as a problem of integration policies and the instruments of language policies in public action were redefined. State organs first determined the needs of migrants with respect to language education and defined the extent of measures needed; the task of realizing these language programs was delegated to various public and private institutions. Since 2007, newly arrived migrants are obliged to participate in a "parcours personnalisé d'intégration républicaine" [personalized program for republican integration] within the framework of the Contrat d'Intégration Républicaine and the language courses it includes (Office Français de l'Immigration et de l'Intégration, 2016).

In France, supplemental language lessons in immigrants' language of origin, which are organized on the basis of bilateral treaties with the countries of origin and can be implemented as a result of agreements reached by the Council of Europe, have always been regarded with distrust by state authorities and, in contrast to public action in Germany, have not been viewed as a tool for promoting integration. In the second half of the 1990s, the Haut Conseil à l'Intégration (High Council for Integration, HCI) advocated measures within the school system to ensure the rights of children to become more familiar with their families' language of origin and the traditions of their families' milieu. However, in 2004, the members of the Commission Stasi recommended abolishing supplementary language courses in the languages of origin because it purportedly impeded *cohésion sociale* (Rapport Stasi, 2004). They proposed that instead, foreign language instruction should be given a higher priority for all pupils and that Arabic, Turkish, Kurdish, or Berber languages, for example, should be taught without reference to their significance as the language of origin for immigrants to France (ibid: 118-119). Beyond the realm of the public school system, Arabic as well as Berber languages that are spoken in North Africa are recognized as "langues de France" within the framework of the official *patrimoine linguistique français*, which defines how France implements the European Charter for Regional or Minority Languages. These languages therefore come under the jurisdiction of the Délégation générale à la langue française of the Ministry of Culture. The Délégation is responsible for promoting the dissemination and use of the French language and also for fostering the *langues de France* within the sphere of cultural policies. As a result, North-African Arabic and the Berber languages of North Africa are reduced to their cultural significance and, in a manner of speaking, made to serve the goals of French cultural policy.

### **3. The transforming force of the categories of "religion", "language", and "territory": Muslim, Kabyle, and Palestinian imaginations of community in Germany and France**

As discussed in the previous section, the categories of "religion", "language", and "territory" make it possible to translate narratives about national integration into structures and goals for public action (Commaille, 2014). In this process, they not only produce social groups that can be addressed with political demands and described (Giraud et al, 2018; Müller, 2014; Renard 2018), in part by using "statistical arguments" (Desrosières, 2008). They also contribute to identifying and justifying problems that should be dealt with through public action. The three categories thus represent constitutive instruments

for shaping the biopolitical policies (in Michel Foucault's sense) with which migration is to be administered and pluralism in society can be controlled. Their capacity to establish hierarchies of different groups in society, to discriminate groups with regard to their access to rights, or to stigmatize some and not others is founded to a large extent on the ascriptions, shifts, and denial of the meanings of the topoi of "religion", "language", and "territory"—for example, the focus of the religion category on its semantics of identity and its special legal status or the outdated culturalization of languages of origin. With respect to the hierarchizations, discrimination, and stigmatization that are associated with such shifts and denials of meaning (Martiniello and Simon, 2005; Noiriel, 1997), individual actors draw on the public action categories of "religion", "language", and "territory" to shape their constructions of belonging to imagined communities. I will elucidate this further in the following paragraphs by presenting findings from case studies about Muslim, Kabyle, and Palestinian constructions of belonging among immigrants in Germany and France.

In their imaginations of community, the interviewees in my case studies use the categories of "religion", "language", and "territory" to relate their constructions of Muslim, Kabyle and Palestinian belonging to the institutional orders in Germany or in France. They problematize, on the one hand, the discriminations and stigmatizations they experience in relation to these categories and express their feelings of injustice with their help. On the other hand, respondents evaluate public action in both countries on the basis of the categories' semantics as they appear in the European, German, or French narratives on integration. The three categories serve to describe and deal with problems in society. In this process, they become tools for voicing respondents' critique of German or French integration policies. Nonetheless, these categories can only assume this role in the Muslim, Kabyle, and Palestinian constructions of belonging if they are linked to the ideas and interests of each imagined community, as demonstrated by the narratives of the interlocutors interviewed for these case studies.

In their imaginations of their respective community, respondents confirm and reinforce ideas and interests of Islam, Kabyle language culture, or Palestinian nationalism. For example, they underline the links between the Kabyle language and geographical conditions in Kabylia by asserting that the Kabyle people's spirit of resistance stems from the region's harsh climate on Algeria's eastern Mediterranean coast. Such confirmations and reinforcements demonstrate that constructions of belonging involve "affirmative engagement" (de Certeau, 1990). This affirmative engagement represents a specific mode of action: the activity of believing (de Certeau, 1985). Independent of the realm of action to which it is linked (religion, mathematics, advertising, or politics, for example), this activity ties "speaking" to "doing", as de Certeau explains.

A dual movement is rooted in the activity of believing. According to de Certeau, in the course of the activity, people categorize objects and people and in doing so create order. Moreover, they develop alternatives to existing orders. Due to this dual movement, constructions of belonging overlap and call into question implicit understandings and institutionalized commitments. For example, by categorizing St. Augustine, Zinedine Zidane, and herself as Kabyles, one respondent first creates an order. At the same time, however, she outlines with that order an alternative to generally established classifications and groupings, such as those that consider St. Augustine to be part of European culture or Zidane to be a member of the French nation.

The alternative orders devised by people in the act of believing are only plausible when and if they are set in relation to the institutional order beyond the imagined community. To refer to another person as a Muslim sister or Muslim brother does not, for example, become compatible with the acts of third parties in an interaction until this label is situated within the community in relation to the rules for Islamic life, or for active participa-

tion in the community life of a mosque. With respect to its general plausibility in society, this classification as a sister or brother must refer implicitly or explicitly to the category of “religion” and the relevant public action. Similarly, the community work of Palestinian associations in Berlin only acquires a specific Palestinian meaning because representatives of these organizations relate this community work to the memory of nakba, the displacement of Palestinians from what is today Israel. In doing so, they also take up a broader perspective that refers to the institutional category of “territory” and its possible meanings.

As these examples demonstrate, inner-communitarian ideas and interests become socially productive—at least in pluralistic societies—only through their nexus with public action categories. The extra-communitarian categories reframe individual acts of believing as more objective and make it possible to generalize the individual activity of believing. Moreover, they serve as a kind of transmission belt between the individual and the collective level, because they ensure that constructions of belonging are compatible with the acts of third parties within and beyond the imagined community. With regard to the categories of “religion”, “language”, and “territory” in national public action, it is apparent that they lend social plausibility to the alternative systems of order created by the constructions of belonging to transnationally imagined communities. Thus, reference to them is the keystone of critical practice, as it is developed by my respondents.

For example, one Muslim woman refers to the notion of the equality of men and women institutionalized in the Islamic faith to criticize the privileges of men in the mosque she attends. At the same time, she relates this inner-Islamic idea to the European ban on discrimination of women and criticizes the special gender discrimination that Muslim women are exposed to, for example by debates about the Islamic veil in France or by dismissive stares when a student wearing a head scarf applies for an internship. A Kabyle man explains that his personal mission is to create an alternative historical account of suppressed peoples by writing about the Kabyles. The way in which their language and culture has been suppressed today and throughout history, he argues, is proof of deficits in European concepts of democracy. A Palestinian points out that young Palestinians growing up in Berlin are “homeless people”, because they have no recognized “nationality” that ensures they have the same access to social rights and benefits afforded every other refugee.

These examples show that the categories of “religion”, “language”, and “territory” serve to expose credibility gaps between institutionalized ideas and the manner in which they are implemented in public action. While exposing credibility gaps, my respondents attribute different utopian and ideological functions to these categories (Ricoeur, 1986). Those who employ the categories in a utopian mode establish perspectives that are detached from social practices, and reject the social world based on an “all-or-nothing” logic. Those who proceed within the ideological mode attempt to use their constructions of belonging to conceal ambivalence, justify the power of an authority with respect to the imagined collective, and to achieve the integration of their imagined community. Practices of critique founded in constructions of belonging are thus based on a variety of utopian and ideological processes that shift and relocate the meaning of public action categories.

For all my respondents, the categories of “religion”, “language”, and “territory” serve an ideological function as a means of integrating the imagined community and delimiting its boundaries with respect to other social groups. This ideological function is demonstrated by the following example: “People [...] expect [Muslims] to sit still in a corner. And [most of them] do [just that]. But now there are a few who say ‘I won’t be quiet anymore.’ And at some point [...] some [organization, NT] will be recognized as a corporation under pub-

lic law [Körperschaft des öffentlichen Rechts, KdöR], and then [we will have proper representation]". The person who said this has decided that he no longer wants to remain silent about his situation; he confronted the teacher that refused to recommend his nephew for placement in a Gymnasium [the German secondary school that qualifies pupils for university entrance]. The teacher had argued that Turkish children were incapable of the level of achievement that had to be reached in order to succeed in this type of school. One could say that my respondents transform their respective imagination into specific German or French Muslim, Kabyle, or Palestinian communities by generalizing their individual constructions of belonging and their expressions of critique with the help of an ideological use of the public action categories of "religion", "language", and "territory". By relating their constructions of belonging and their feelings of injustice to these categories, they draw at the same time on legal rights and rules and on the semantic topographies in which they are embedded. The Muslims interviewed in the case studies refer to the public-action category of "religion" and link this category to individual rights, to its special status in the public sphere, and to demands for specific organizational structures. Kabyle respondents relate their constructions of belonging to the public action category of "language", which they discuss on the backdrop of France's history of immigration and French colonial history. Furthermore they link this category to minority rights asserted on the European level. In doing so, they refuse to accept the scheme of the *patrimoine linguistique français*, which relegates Berber languages to the status of a cultural phenomenon that needs to be preserved as if in a museum. Palestinian interviewees underline the significance of the institutional category of "territory" and refer to so-called habitual residence in Germany. The European legal concept of habitual residence enables them to relate their perception of legal and social injustice to their situation in Berlin. In this regard they articulate and pursue legal claims with respect to legalizing their residency status and to receiving social benefits in Germany.

Depending on whether a respondent assigns a utopian or an ideological function to a specific public action category, they play out different meanings of the European semantic topographies of the categories of "religion", "language", and "territory". When the interviewees who described themselves as Muslims, for example, elucidate feelings of injustice in regard to racial and ethnic stigmatization and discrimination, they adopt the meanings of the European category of "religion" with respect to professing faith. In doing so, they can expose the credibility gaps between individual religious freedom and anti-discrimination laws and their implementation in Europe. In these cases, religious freedom and the European ban on discrimination serve a utopian function. Additionally, they can also engage with the category of "religion" in an ideological mode to advocate equal representation in their dealings with the state. In this instance they emphasize the anti-discrimination law and draw on semantics of identity of the category of "religion".

#### **4. The categories and their social impacts**

Using semantics produced on the European level is not specific to Muslims' critique of German or French public action. All respondents refer to meanings that they explicitly locate on the level of the EU or the Council of Europe. With such references, they draw on the "socio-political intentions" (Reemtsma) that are embedded within institutional orders. In this respect they are neither more or less European than other actors who demonstrate their perception of injustice in public, for example, on the basis of imaginations of communities that functionalize the topos around "national sovereignty" for ideological and utopian goals. Nonetheless, they underline that "Europe" is a framework and a platform for "practical judgment" (De Munck and Zimmermann, 2015). Actors refer to Europe as a more or less undifferentiated configuration consisting of the EU and the Council of Europe and project in situ values (desirable principles) and norms (obligatory

principles) onto it. Their goal in doing so is to lend plausibility to their experience in society and their perceptions of injustice with respect to public action and to counter the power of national regimes over their individual options for action. Built on the European scale or framed by references to Europe, the practical judgements elucidated by my case studies mirror a form of European identity (Checkel and Katzenstein, 2009: 4). This form of European identity is rarely been taken into consideration by analysis based on surveys, but participates in the processes of Europeanization (ibid: 8) and contributes to the politicization of European identities (ibid: 11).

While invoking the European scale for their practical judgments and thus attributing significance to it, my respondents at the same time functionalize, in an ideological and utopian manner, the national categories of religion, language, and territory. They reinterpret in their own way the three categories that structure the European and national narratives of integration and public action in the realm of integration policies and that characterize, last but not least, a specific use that social scientists make of the categories of religion, language, and territory for studying immigrants' integration (Johansen and Spielhausen, 2012). These categories, through which people and social pluralism are administrated and hierarchies between social groups are shaped, become venues of asymmetric interactions. In other words, the different meanings ascribed to "religion", "language", and "territory", on the one hand, and the diverse uses of these categories, on the other, inspire, respond to, reinforce, and/or transform one another. What is at stake in these interactions is the power to define access to rights and to equal treatment, plus to determine the "right" interpretation of integration as well as the limits of social pluralism. Because the relations underpinning these interactions are asymmetric, the categories of "religion", "language", and "territory" nonetheless constitute, as venues of these interactions, a breeding ground for reproducing inequality and discrimination.

This breeding ground for reproducing inequality and discrimination is based largely on the semantic polyphony of the categories of public action. As demonstrated in the first part of this article, the significances, ascribed to the topoi "religion", "language", and "territory" on the European level, oscillate between universal (non-national) values and norms, on the one hand, and affirmations of the national order of Europe, on the other. They open up the possibility to structure in different ways the narratives of European and national integration and thereby the possibility to counter the practical judgements of actors. The use of the three topoi as categories of public action on the level of German and French in the sphere of integration policies, duplicates this ambiguous polyphony and links it with political (in and for the national context determined) objectives, like administrating and restraining pluralism or securing hierarchies between social groups, as I have analyzed in the second part of this article. Framed by such political objectives, the categories of public action "religion", "language", and "territory" become powerful tools in the processes of "superordination and subordination" described by Simmel and their use generates public problems as well as advocates inequalities and discriminations.

In the final analysis, the European topoi and categories of religion, language, and territory incorporate a dynamic contradiction. Representing a breeding ground for inequalities and discriminations, they also recall and keep available the "socio-political intentions" embedded within the European and national institutional orders. In this respect, they represent venues of domination and of critique that politicizes inequalities and discriminations, as I tried to demonstrate by the case studies in the third part of this article. Alike the work organization influences the forms of protest or of resilience and resignation of workers (Linhart, 1978), the European topoi and categories of public action not only determine the practical judgements of those who criticize the redistribution of institutional goods, the out-put of public action or the unequal access to rights, but also produce

these criticized injustices. Fostering and constraining at the same time the capabilities to act, they contribute to transform the institutional orders, at least in the context of the EU, into open processes.

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# Public Administrators in the Europeanization of Risk Governance – Co-Creation Amidst the Political Heterarchy

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This article depicts a dialectic relationship between the creative conduct of public administrators on the one hand, and the institutional complexity of their political surrounding, on the other. An ethnographic study of the collaborative policy design of the Dutch predecessor of REACH ('Regulation for Registration, Evaluation, Authorisation and Restriction of Chemicals'), so-called SOMS (Dutch: Strategy dealing with substances), shows how risk governance policies are created, or even co-created against the backdrop of Europeanization. This creativity is depicted and operationalized through the notions of articulation work (Strauss, 1988), mobility work (Bardram and Bossen, 2005) and mutual monitoring (Heath and Luff, 1992). Dutch public administrators engaged heavily in European negotiations, thus operating amidst contradictory hierarchies and juggling with several evaluative criteria. Eventually, in 2007, this trajectory led to what some call the European Commission's most complex bill (Rettman, 2007). The Europeanization of risk governance is characterized as a process in which hierarchies are primarily not steepened or overcome, but rather multiplied and recombined into contradictory value systems and conflictual policy constellations. The paper therefore argues that Europeanization creates a political heterarchy, in which the creativity of policy-makers plays a pivotal, but paradoxical role.

**Keywords:** Europeanization, risk governance, co-creation, heterarchy, SOMS, REACH, soft law making, collaborative policy design

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This article<sup>1</sup> depicts a dialectic relationship between the creative conduct of public administrators on the one hand, and the institutional complexity of their political surrounding, on the other. An empirical study of the collaborative design of risk governance policies shows their creation against the backdrop of Europeanization. Europeanization is re-

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characterized as a process in which hierarchies are primarily not steepened or overcome, but multiplied and recombined into contradictory value systems and conflictual policy constellations. The paper, while focusing on policy-making practice, argues that the *Europeanization* of risk governance can be seen as a *heterarchization*. That is, contradictory hierarchies are recombined and decentralized. The interviewed policy-makers navigate this confusing context not by unravelling, but by leveraging the institutional mishmash for their own strategic gain.

The described heterarchy is anchored in three aspects of policy-making practice. First, the article investigates an arguably heterarchic domain of policy-making. In risk governance, critical goals such as creating public trust and community resilience ask for two-way communication and non-linear policy strategies, thus decentralizing the instrumental rationalities that conventionally dominate public policy-making (Booher and Innes, 2010; Wynne, 2006). Second, the article scrutinizes a legal framework that was intended as a redistribution of responsibilities: the legislation called 'Regulation for Registration, Evaluation, Authorization and Restriction of Chemicals,' in short REACH. REACH holds industries accountable for the documentation and assessment of the use of risky substances. In the making of REACH, which is traced in this paper, the legislation ended up as one of the largest and most complex legislations of the European Union. Interviews with Dutch public administrators involved give a counterintuitive insight into a creative 'phase 0' that led up to REACH. They conceived of the process as a largely creative process. Third, the article focuses on 'co-creation' as one of the recent debates in collaborative governance (Ind and Coates, 2013). Co-creation basically denotes a collectivization of administrative creativity. This at times descriptive, at times prescriptive, term, is used to call for an inclusive involvement of non-governmental groups in policy design.

These three pillars beg the question of how the creative conduct of public administrators and their complex surrounding can be interrelated in thinking and reconciled in practice. As a response it is argued that co-creative practices do not disentangle, but complicate the political heterarchy.

Section 1 discusses the key concepts, the case study and broader motivation of the article. Section 2 describes the (co-)creative process reaching from SOMS to REACH. Section 3 discusses the learnings with regard to co-creation and the political heterarchy. Section 4 provides a conclusion.

## **1. Heterarchy and Creativity**

Europeanization does not simply add a hierarchical level to nation state policy-making (cf. Bach, 2008; Lepsius, 2000). It simultaneously entails vertical integration, often operating in a boundary-spanning and network-oriented way (Büttner and Mau, 2014). The following sections argue that the resulting structure is best called 'a political heterarchy'. They present the political context, the case study and the two key terms of the paper.

### **1.1 EU as Heterarchy, REACH as an Exemplary Case**

The concept of heterarchy goes back to the neurologist Warren McCulloch. With the purpose of simulating the neurological process of choice-making, McCulloch modelled a network of contradictory logics of valuation. Heterarchies are not the opposite of hierarchies, but their multiplication into several decision logics, thus resulting into the paradox of parallel hierarchies. As a result, not only McCulloch's nervous system model, but social actors amidst political heterarchies find themselves not only amidst interdependent paths of action, or actors; they also juggle contradictory registers of evaluation. In short, as economic sociologist David Stark has it, "heterarchies create wealth by inviting more than one way of evaluating worth." (Stark, 2001: 14). In social conduct, heterarchies trig-

ger creative practice. "(...) The interacting overlap of multiple performance criteria (...) generates productive recombinations by sustaining a pragmatic organizational reflexivity" (Stark, 2011: 27). On closer scrutiny, even supposedly hierarchical systems such as the Soviet command economy, as Benjamin Peters' historical work highlights, are underpinned by a "dynamic networks of competing actors" in administrative practice (Peters, 2016: 18).

To what extent is Europeanization a process of heterarchization? Erik Oddvar Eriksen already chose this terminology when he describes that "political authority is not centralized as in the hierarchical order of the state model nor is it decentralized as in an anarchical order." Instead, "law-making and law enforcement take place within a structure that combines hierarchical and horizontal procedures" (2007: 28). Europeanization thus is a process characterized by parallel hierarchies without a clear mediating hierarchy. This paradox, as this article shows, is not only a challenge for democratic institutions (Eriksen, 2007), for their role with respect to functionally differentiated societies (Brunkhorst, 1999), or for the Europeanization of professional fields (Büttner and Mau, 2014). It directly challenges the practice of public administrators on the national level, a challenge that cannot be captured by normative notions of deliberative policy-making alone.

So far, political heterarchies are mostly discussed in a structuralist or normative light. Both viewpoints stress the dialogical and reflexive feature of policy-making. The notion of dialogue can not only be seen as a normative, but also as a structural feature. Bob Jessop (2002) points in that direction when saying that coordination in a political heterarchy is dialogical, not market- or state-driven. Such coordination comprises of a reflexive rationale and negotiated success criteria. In his view, the process of Europeanization multiplies functional differentiation, spatial scales, temporal dimensions, diffuse boundaries, and the heterogeneity of identities (*ibid.*: 230). The consequence is a reflexive awareness of coordination problems. As Hauke Brunkhorst (1999) notes in a chapter on heterarchy and democracy, heterarchic states primarily deal with the decision premises while material decisions are assigned to the interplay of autonomous systems. Or as Lepsius has it, "(A)s soon as the number and heterogeneity of rationality criteria for EU policy increase (...), then complicated problems of mediation and balancing arise". It becomes difficult, he says, to even "specify the areas to which rationality criteria, each with their own functional logic extending into various policy areas, apply" (Lepsius, 2000: 5). This more structuralist viewpoint puts into question the normative and practical consequence. Policy levels, decentral nodes of decision-making, and contradictory normative underpinnings can for instance result into a puzzling dynamic of acceleration and deceleration (Schmiege et al., 2017). Yet, what about policy-making in practice?

Possibly such heterarchies are the structural backbone of what some call "reflexive governance" (Rip, 2006; Voß und Bornemann, 2011). Eriksen correspondingly suggests that in Europeanization we are increasingly confronted with "a regime (...) based on shared authority, and the major task is not 'redistribution', but 'regulation' of social and political risks" (2007: 5). He thus assumes that the European Union goes beyond the bureaucratic and democratic notion of a hierarchical state. Eriksen continues: "Hence the prevalence of governance and not political rule through responsible institutions such as parliament and bureaucracy" (2007: 3). From a normative standpoint, political heterarchies seem highly ambivalent. In the distinction from hierarchical rule, division of labor and democratic accountability on the one hand, political heterarchies open policies to a heterogeneous field of influence, on the other; they may foster a re-combinatory creativity across policy sectors. However, Brunkhorst and Eriksen also see heterarchies as vulnerability in both democratic and bureaucratic principles of law-making. Authority is not clearly distributed, tasks and projects cut across institutional boundaries, and decisions are not

derived from citizens' rights. "Die Heterarchie des Rechts ist eine Herrschaft ohne Herrscher, aber keine Herrschaft des Gesetzes" (Brunkhorst, 1999: 382).

Before the structural observation of a political heterarchy can be translated into a normative governance standpoint, policy-making practices need further scrutiny (cf. Smismans, 2008). One policy arena that is characterized both by heterarchic structures and normative reflexivity is risk governance. Lofstedt et al. (2011) characterize three defining features in risk governance that are analogous to the structural observations above: there is "(...) greater public and stakeholder participation in the policy-making process". Risk regulation "calls for regulatory strategies to be completely open and transparent and for regulators to be accountable for any policy they propose." Further, "(t)he role of science is less important, as scientists are seen as just one of many stakeholders" (Lofstedt et al., 2011: 410). Along more normative lines, Ortwin Renn and Marjolein van Asselt agree with reflexive governance scholars in stating a few dominant features of risk governance: the political inclusion of various actors, the integration of various sorts of knowledges and experiences, the integration of the various phases of policy processes and a constant reflection on the given state-of-the-art in a respective policy issue, are presented as normative guiding principles (Van Asselt and Renn, 2011).

According to these authors, social hierarchies, evaluation criteria, and actor interdependencies in risk governance are recombined within a political heterarchy. Public administrators are thus required to involve a greater diversity of social actors. Moreover, they temporally face the double expectation for government officials to act early and, at the same time, reflect cautiously on those actions. Such diverging actor constellations and value systems cannot be logically reconciled, but only dealt with over time. Or in other words, the conceptualization, implementation and correction of one's policy ideas take place in the same process. This likely gives way to a practice of improvisation – thus "(c)omposing on the spur of the moment" (Schuller, 1968: 378 cited in Weick, 1998: 544). This suggests a direct link between policy structures and policy practice: *Provisional* politics, which implies proactive monitoring and intervention, might lead to *improvising* practice.

## 1.2 The (II)legitimacy of Creativity and Co-creation

While political heterarchies seem to enjoy great legitimacy among governance scholars, the implied creativity does not receive much attention, let alone legitimacy. It is, however, an intricate part of public administration, as Max Weber already noted. Creativity is necessary in the constant invention, interpretation and re-adjustment of laws and rules. Weber writes,

"Und vollends pflegt man gerade für das Gebiet der eigentlichen Verwaltungstätigkeit – d.h. für alle staatliche Tätigkeit, die nicht in das Gebiet der Rechtsschöpfung und Rechtsfindung fällt – die Freiheit und Herrschaft des Individuellen in Anspruch zu nehmen, der gegenüber die generellen Normen überwiegend als Schranken der positiven, niemals zu reglementierenden „schöpferischen“ Betätigung des Beamten eine negative Rolle spielten. Die Tragweite dieser These möge hier dahingestellt sein. Das Entscheidende bliebe doch: daß diese „frei“ schaffende Verwaltung (und eventuell: Rechtsprechung) nicht, wie wir das bei den vorbürokratischen Formen finden werden, ein Reich der freien Willkür und Gnade, der persönlich motivierten Gunst und Bewertung bilden würde. Sondern daß stets als Norm des Verhaltens die Herrschaft und rationale Abwägung „sachlicher“ Zwecke und die Hingabe an sie besteht." (Sic; Weber, 2006: 1069)

The specificity of administrative creativity in modern societies according to Max Weber always involves the navigation of a more rigid system of command and control. Weber's

perspective assigns a primarily safeguarding function to creativity, stressing how means and ends are rationally evaluated. While the material creativity that relates to a given legislation or policy problem is tantamount, the social creativity of dealing with organizational setups or diverging expectations is delegitimized in modern societies. Public administrators act as “creative copers”, to use Ban’s terminology, and creativity is required, but simultaneously banished by the confines of a complex legal apparatus (Ban, 1995). Noordegraaf’s participant observation, however, has revealed that the social creativity of strategic passivity and strategies of avoidance seem just as pivotal, and is intricately involved in the design of new legislation (Noordegraaf, 2007). Can public administration be more intentionally, or even legitimately creative?

An affirmative view on creativity, which thus far represents a tacit undercurrent in public administration thought, is gaining shape in the course of a recent debate about so-called co-creation (Ind and Coates, 2013: 92). Co-creation explicates tacit creativities in policy-making, but also socializes them in the sense of involving the heterogeneous collectives most affected by the eventual policy. It is often legitimized as an effective response to institutional ‘silos’ – that is, to a bureaucratic division of labor in policy-making.

From a sociological viewpoint, co-creation is a practical and reflexive inquiry into the processual interplay of the policy subject and policy object, the creator and the created. By contrast to a more bifurcated understanding, the problem at hand and the various policy perspectives are entwined. As a result, you may pose sociological questions in a practical vein: How do collaborating collectives shape the designed policy? Or, how does the shared object help to convene otherwise disconnected groups? These questions implicate three definitional dimensions:

- In a social dimension, co-creation describes the interaction among a heterogeneous group of actors that is based on a reciprocity of exchange.
- In a material dimension, co-creation describes how the interaction of various, even conflicting perspectives triggers the generation of something unexpected that the actors involved can contribute to, acknowledge, or use.
- In a temporal or spatial dimension, co-creation describes processes or spaces in between relatively autonomous organizations or fields that enable a reciprocal exchange, and a creation of collective object(ive)s.

The discussion on co-creation hence also represents a debate about the entwinement of social, material and even spatiotemporal creativity in policy-making. Co-creation, while often juxtaposed to hierarchies, points to a more elemental and purposeful integration of the constitutive elements of a heterarchic political order. Along these lines, a popular view already triangulates co-creation and political heterarchies. It holds that complex problems, or “wicked problems” (Rittel and Webber, 1972), are best dealt with in a deliberative way (Eriksen, 2007). However, this viewpoint still sees co-creation through the light of a bifurcated relationship between policy subject and policy object. Co-creation is presented as the practical flipside of political heterarchies. Problems are not subdivided into policy sectors, thus spawning the modern conception of a functionally differentiated and hierarchical state. Rather, they are allegedly tackled on a holistic style of thought, on an inventive spirit of solution-orientation and based on a broad social collective. Does this deliberative and somewhat orderly perspective on policy-making creativity capture the messiness of public administrative practice?

### **1.3 Operationalizing Co-Creation: Articulation Work, Mobility Work and Mutual Monitoring**

Other professional domains have been studied more extensively with regard to creative practices amidst formal regulations. In hospitals or traffic control rooms, for instance, scholars have conducted ethnographic research on how material and social creativities

interrelate in maintaining the stability of an organizational system (Bardram and Bossen, 2005; Christian Heath and Luff, 1992; Hindmarsh and Pilnick, 2002; Mesman, 2012; Suchman, 1997). Despite the highly technological, standardized and risky nature of the knowledge and technology-intensive work occupations that are studied in this field, researchers identified three concepts in particular: *articulation work*, *mobility work* and *mutual monitoring* are notions that may also capture how policy subjects and policy objects are entwined in the creative act of shaping a policy in the making.

As a founding scholar in this school of thought, American sociologist and pragmatist thinker Anselm Strauss called the managerial task of facilitating a project *articulation work*. This notion refers “to the specific details of putting together tasks, task sequences, task clusters, and even the work done in aligning larger units such as subprojects, in order to accomplish the work” (Strauss, 1988, p: 174). Using the example of safety activities of nurses, Jessica Mesman has argued that this concept also captures more informal ways of supervision and delegation, for instance the coordinative work which is necessary during unexpected events (Mesman, 2012: 6). Thus, articulation work coins the preparatory and ongoing coordination of separate lines of action enabling the collaboration on a project regarding both social and material aspects.

*Mobility work* captures a spatial supplement to articulation work. Bardram and Bossen (2005) came up with the term in an ethnographic study on collaboration in hospitals. It simply pinpoints the work that is done to achieve the “right configuration of people, resources, knowledge and place”, which allows the personnel to carry out particular tasks, for instance a surgical operation (Bardram and Bossen, 2005: 189). Of course, to determine what is the *right* configuration depends on the situation at hand and, after all, might not be that simple in case of public administration.

*Mutual monitoring* as a third term was established in an ethnographic study conducted in the control rooms of the London Underground. Heath and Luff have identified an almost intimate interrelation between the controllers: They do “not only ‘oversee’ each other’s actions, but monitor various events both for themselves and for the other(s); drawing, where necessary a colleague’s attention to some ‘matter at hand’”. (Heath and Luff, 1992: 85) This term refers to moments when single collaborators support each other as early warning systems and, as the collaboration goes on, maintain an intimate relationship of mutual observation and adaptation. As Heath and Luff elaborate, they do so to redistribute or preserve task divisions as well as balance and complement each other’s actions and specialized skills (ibid.). This is not merely a question of verbal negotiation, but also of monitoring each other’s physical behavior (Hindmarsh and Pilnick, 2002).

#### 1.4 The method

I conducted six expert interviews of between 45 and 90 minutes in duration. Five interviews were face to face, one took place via telephone. Besides four administrators of the directorate of chemical risks in the Dutch environmental ministry, I interviewed one representative each of the NGO’s (Mark Veld from the foundation ‘Natuur and Milieu’) – and the industries (Henk Kunst from NVZ; Nederlandse Vereniging van Zeepfabrikanten representing the soap industries). As a key benefit from these interviewing choices, all interviewed administrators are – or once *were* – part of the same team at the department for substances and standardization at the ministry of environment. Their names are changed to protect their privacy.

In the analytical process, the Grounded Theory (GT) approach shapes data collection and interpretation. It characteristically requires the analyst to mutually adapt both aspects. In GT the researcher is aiming at a theoretical model, a “coding paradigm”. The process of coding implies gathering information material and applying close-fit notions on distinct

bits of information. During the interview process, I characterized several key issues, e.g. 'challenge of constant change' or 'bureaucracy vs. informal capacity' and drew an entire landscape of concepts and actions (140 codes in total). Afterwards I interrelated all codes in order to draft a narrative which explains the previously circumscribed phenomenon (selective coding).

## **2. The case of SOMS/REACH – Co-Creation Amidst the Political Heterarchy**

REACH is an EU regulation of chemical substances entirely in effect since 1 June 2008. It can be seen as a regulation of decision premises. Conclusively, it is short for 'Regulation for Registration, Evaluation, Authorisation and Restriction of Chemicals'. SOMS, short for 'Strategie Omgaan met Stoffen' (Dutch: Strategy dealing with substances) is usually seen as its Dutch predecessor.

The policy premise of both programs is similar: Prior to SOMS and REACH, there was a perceived lack of transparency and even lack of information on the risks inherent in produced and imported chemical substances. The government, along the lines of a more hierarchical structure, was responsible for regulative measure. Yet, in the course of chemical production becoming more complex, the government became increasingly dependent on the industries' capacity and willingness to provide risk information (Interview Meertens; cf. Haverland, 2008, p: 33). Both SOMS and REACH are intended to tackle this lack of knowledge, transparency and responsibility.

More fundamentally, both policies are underpinned by a heterarchic policy structure. They are presented as a "paradigm shift" (Fuhr and Bizer, 2007) obligating chemical companies to take responsibility for risk information, assessment and the management of potentially dangerous substances themselves (Ministerie van VROM, 2004). As the related buzzword of "no data, no market" implies, substances are only allowed on the (nowadays European) market when sufficient risk information gives the all-clear. Additionally, especially those substances which may have irreducible dangers – the so-called no regret substances – are not governed on basis of their likelihood but on basis of their intrinsic, partly unknown hazards. Ironically, no regret substances are also the most promising for chemical production due to the same chemical features that make them potentially dangerous (Interview Meertens). Thus, you may address these policies as particularly cautious risk regulations – the European Commission even proposed REACH as an exemplary application of the precautionary principle (also see Tweede Kamer, 2009a: 7). This reflexive shift in risk governance also characterizes the functioning of the investigated policy. According to the interviews, the administrators' main regulatory idea in SOMS was to monitor and regulate only those substances and risks which have been identified as particularly urgent on the basis of a previously crafted substance profile. This idea, which the Dutch administrators later contributed to European negotiations, is coined as 'Quick Scans'. Quick scans were intended as a form of prioritization during risk assessment in order to efficiently identify and quickly regulate particularly risky substances. They entail that the government focuses on regulating the most urgent risks, while the industries would be accountable for the other substances as well as for the documentation, monitoring and regulatory judgment on risky substances.

Using the three ethnographic concepts, the next section shows that the administrative practitioners involved in SOMS/REACH are willfully nurturing the complexity of the problems at hand. Yet simultaneously, the creative process is at risk of being killed by its own offspring.

## 2.1 Phase Zero: Articulation Work and the First Hurdle

In hindsight, SOMS can be described as the stage zero to REACH. It took shape earlier in 1998 when the Dutch government, industries and environmental NGO's – henceforth called the SOMS troika – decided on an assessment and regulation of previously non-assessed chemicals. This was an initiative particularly launched by the public administrators of the former Ministry of Housing, Spatial Planning and the Environment (VROM; especially Peter Meijer, Brouwer, Peters).

SOMS was an attempt to install a flexible covenant between government and industries instead of fixed legislation. This would allow both parties to establish the previously non-existing transparency and communication channels as well as agree quickly on the steps to be taken in case unexpected risk issues occur. Also, the risk communication and knowledge exchange concerning the policy's efficiency would be more continuous than in top-down lawmaking. After all, the Dutch administration by then depended on transparent insight as well as the chemical experts in the industries, who clearly outnumber academic or governmental expertise. The flexibility of the covenant also was supposed to give smaller, less-equipped companies the time to implement a 'cultural turn' in substance regulation. By contrast, any immediate legislation would benefit larger companies that can afford lobbying, thus proactive adaptation, as well as abrupt organizational changes in preparation of an upcoming law (Interview Peters).

The creation of SOMS largely rests on "articulation work". That is, it entails the neat identification of a problem worth solving and, simultaneously, the creation of vigorous alliances. With respect to the external collaborations, the crafty identification of problems is reflected most drastically in the words of Peter Meijer. At an early consultation of various stakeholders of chemical policy-making he disclosed a presumably well-defined policy problem to the conference audience, which his minister had previously assigned to him:

"It says that there is a problem, but maybe it is not a problem at all. I'd like to hear from you if there is a problem and how you look at it. And, if there is a problem, what the solution should look like in your opinion. After all, I cannot exclude that it is not a problem.' Well, you cannot take a more vulnerable position than that as a policy-maker. First, the audience didn't know what to do. What is going on here? (...) At the end of that day, we went apart. Not that I wanted it to be a problem, but there was a sense of 'well, wait a moment, it is not as simple as we thought it is. You see something, you see yet something else – everybody sees something. If it is a huge problem or a tiny one – we don't know yet. But there is reason enough to go further with this debate'. Over ten years later this resulted in a European regulation which was then called REACH." (interview Meijer)

Thus, Meijer reports how he expounds the epistemic, as well as political, implications of a rather confidential assignment. Meijer sought for problems in order to go back to work with a problem worth solving. To maximize his chance of success, he decided to open the negotiations about a renewal of chemical risk regulation by an invitation for others to also disclose concerns, uncertainties and opposing standpoints. Accordingly, he describes the very definition of the problem as the result, not the starting point: "Thus, apparently there was a problem and apparently there was reason enough to do something about it. But in that very moment, I didn't know and the people didn't know either. The label REACH came out years later." (interview Meijer)

Implied in this disclosure is a chicken-egg question: is risk governance intrinsically problematic as a policy issue, or has it acquired those features by creation? According to the former head of the department, the policy was directed towards structural changes in the contemporary policy system, namely "a few simplistic ideas: responsibilities have to change, efficiency has to get twenty times better and the government has to take another

er role.” However, he remarks: “I didn’t have more than that to start with. How I would influence all that – at that moment, I didn’t have a clue.” (interview Brouwer). Using the metaphor of building a treehouse, also his colleague Meertens looks back on this initiation phase, in which there were no practical guidelines (interview Meertens). Hence, the policy itself was designed by means of a kind of phase zero that can best be called “articulation work”.

In describing the further process, one interviewee involved emphasizes how the practice imports various, largely incompatible political cultures. This implies difficult social prerequisites, but also material requirements: The regulative principle at the outset was for industries to assign the chemical industries themselves with the responsibility to document and prove the safety of the used substances. According to Peter Meijer, that administrative goal demanded a certain empathy on behalf of the administrators:

“However, a good policy officer does not have to be the ultimate carpenter himself, but should be a very good instructor. He should know how timbering works so that he is able to understand and commission a carpenter who is sitting at an executive organization or an enforcement organization or in business.” (interview Peter Meijer)

To remain in control despite this highly reflexive practice, the administrators working on SOMS decided to institutionalize a form of listening-in. Inspired by the British institution of round tables (interview Meertens), they installed so-called ‘sounding boards’ between representatives from the Dutch government, industries and environmental NGO’s (Dutch: klankborden). On the strategic level, the advantage of sounding boards is that early brainstorming justifies later decisions by pointing at the original support or to the righteous means in coping with a problem (interview Meertens).

In retrospect the overall approach can be described as ‘co-creative’ since the material object of policy-making was defined and shaped at the same time and in combination with a wider collaborative collective. That approach, however, was soon challenged by a first hurdle.

In August 2000 the hitherto highly collaborative NGOs opposed the informal agreement on the legislation of chemical substances. Their subsequent withdrawal from the troika eventually broke the entire three-party arrangement, even though – as Meertens remarks – it was useful diplomatically to prove towards the industries how the government’s demands are not uncompromising but actually risk another parties’ loyalty (interview Meertens).

The NGOs insisted on an approval for the policy design by the Lower House. In March 2001 they addressed the parliament with a letter which describes the SOMS design as privatizing the power to verify the risk information which the industries were supposed to deliver (Waterpakt, Natuur en Milieu, Stichting de Noordzee, and Greenpeace Nederland 2001). In their opinion, governmental and public insight in the treatment of risky substances would be more or less a matter of industrial goodwill. In a phone interview, a representative of the NGO “Natuur en Milieu” argued that the informal agreement would have benefitted the industries’ one-sided interests and undermined the government’s responsibility towards the parliament (interview Veld).

The dropping out of the NGOs is one basis for the involved administrators to stress that multiple loyalties played a key role in the process. One interviewee says:

“Then you see – also with our industrial colleagues and others – that you are often tied to double loyalties. We were constantly having three, four loyalties you are living with bureaucrats, with economic affairs, with social affairs, with business and with environmental organizations to whom we were very akin, but who did have another sort of responsibility. With all these groups you entertain a form of loyalty.” (interview Brouwer)

In another interview, Brouwer's successor frames this conflict as inherent in the NGO's political cultures. By definition, he says in a tone of appreciation, "NGOs are visionary". However, while the government framed informal agreements as necessary, publicly desirable and mutually beneficial policy-making, the involved NGOs framed informal agreements bypassing democratic institutions, as "back room politics" (interview Veld). To conclude with regard to articulation work, I demonstrated that the launching of a project entails both formulation and formation of the problem at hand. At SOMS/REACH, the social and material formation of the project was actively entwined by Meijer and his colleagues who provoked and assembled diverging standpoints and thereby crafted the policy's first outline.

## **2.2 The European Stage: Mutual Monitoring and Second Hurdle**

In March 2002, thus one year later, left-wing politicians picked up on the NGOs during parliamentary debates and called for a "stick behind the door", that is, for a backup instrument to enforce the provision of data in case the industries would not deliver what was promised (Parliamentarian Poppe, SP, Tweede Kamer, 2002: 4). At this moment, Minister Pronk admitted not to have such a measure as long as the new regulations would not take effect (Tweede Kamer, 2002: 8). In contrast – stirred by the industries' declaration of intentions – the Lower House's right wing required the minister to respect company secrets and fair competition (Tweede Kamer, 2002; Parliamentarian van den Akker, CDA). Thus, the minister was confronted with diverging expectations. Additionally, puzzled by an unexpected prohibition of the fire-retardant substance FR-720, the opposition asked for better adjustment with the slower European policy design, less hastiness and "island thinking" (Parliamentarian Udu, VVD; Tweede Kamer, 2002: 4).

Interestingly, the government in fact followed a double strategy as a later report on the progress with SOMS revealed (Haverland, 2008: 22). During the negotiations on the quick scans as a rather flexible and trust-based agreement, the government did in fact pressurize the industries in this collaboration by means of a sort of "stick behind the door" – just as the opposition previously demanded: the so-called 'registratiebesluit' i.e. registration decree. Although put on hold for two years under influence of the European Commission, the registration decree was used to threaten chemical producers and importers with external experts that would monitor and enforce particular risk categories and communication rules. Only in 2007 when on the European level REACH was ready to come into force, the registration decree was introduced in the Netherlands (Haverland, 2008).

For the public administrators, navigating the political heterarchy also involves a great temporal divergence between national and European policy arenas. Quite literally the parallel development on the European and Dutch stage enforced a balancing act on the group of Dutch administrators. Correspondingly, the administrators engaged in what can be called mobility work in the sense of coordination activity and balancing act. Or, as David Stark has it: "heterarchy is neither harmony nor cacophony but an organized dissonance." (Stark, 2011: 27)

During the launching of REACH, Meertens reports that opportunity structures were not just awaited but had to be tailored. On the one hand, there was a largely European tendency of Dutch policy discourse, during SOMS/REACH particularly launched by the (then) secretary of state of economic affairs Karien van Gennip: Regarding chemical policy-making, this argumentation previously had led to the abolishment of a national legislation, the so-called 'wet milieugevaarlijke stoffen' (WMS). On the other hand, this European expansion – "the turning-off of national minds" (Interview Meertens) – generally aimed at reducing the regulative constraints for European industries. According to Meertens, this tendency was threatening to overrun their plans for a new attempt to

request industries to take responsibility themselves. However, by means of a trick best known as “strategic inversion”, the administrators behind SOMS/REACH managed to use this constraining tendency to attain political weight. Meertens explains: “This threat we transformed into an opportunity by saying ‘yes, we completely agree, but of course there should be a high level of protection, higher than it is now’. (...) Thus, constantly inverting things and different opinions – you can use that.” (interview Meertens)

As time went on, the Dutch predecessor SOMS increasingly obtained a different political role, namely the role of a “think tank” merely inspiring and equipping the Dutch contributions in Brussels (all interviews, especially Peters). The Dutch administrators actively searched for alliances on the European level, for instance the directorates responsible for environment and industry, which – just as their Dutch equivalents – stood in a certain conflict.

“What we also did very consistently is to try playing chess on several boards at once (...). At a certain moment, we went as far as positioning one of our best people on that level – part-time in Brussels in order to support the Commission in the elaboration of the proposal. We invested in working door to door with the European Commission at our own expense – after all, we missed this capacity here. Some people, such as this man, worked day and night on formal as well as informal issues.” (interview Brouwer)

This playing chess on several boards, for instance, implies phone calls from Brussels to The Hague with the request to silence colleagues in other ministries unnecessarily constraining the informal consultations on the European level (interview Brouwer). To conclude with respect to mutual monitoring, we have seen that, paradoxically, the administrators do not tackle the apparent ‘wickedness’ in any reductive manner. Political weight is acquired through jumping on remote bandwagon and maintained through coordinating across procedural phases and organizational boundaries. In mutual monitoring, for instance by combining strategic constellations across national and European policy levels, policy-makers across temporally and spatially diverging arenas find ways of aligning their work.

### **2.3 Mobility Work and the Final Hurdle**

On the national level, the administrators exerted themselves for motivating the industries to support SOMS. They for instance invited the ‘Association of the Dutch Chemical Industry’, VNCI, to give access to their rank and file within industries. This disclosure of networks would have opened an entire platform of companies to learn about their needs and problems (Interview Meertens; van Asselt has a similar remark with regard to VNCI’s lack of contact to the Dutch Permanent Representation; Marjolein Asselt et al., 2008). Despite this, eventually the Quick Scan methodology failed due to the following events.

As was noted before, the administrators kept on expanding the policy-related network notwithstanding the laborious efforts to keep it all together. VNCI however refused the request and relied on the European track of their double strategy for several reasons. According to the interviewed administrators, VNCI may have been too concerned of losing their representative function in the chemical sector. The Dutch group of policy-makers nonetheless tried to expand their approach to the European stage. Yet from a European chemical industry perspective, SOMS threatened to present the Dutch Quick Scans as a *fait accompli* to the REACH negotiations, which were kicked off by means of the European White Paper from February 2001 (European Commission, 2001). VNCI – more or less openly collaborating during the informal agreement of SOMS – was somehow pressurized by their European umbrella organization, ‘European Chemical Industry Council’ (short: CEFIC), to not undermine their European stance by signing in on the Quick Scan methodology (interview Peters). As Peters puts it, “VNCI found itself between

the devil and the deep blue sea. On the one hand, they grew with our sort of thinking and saw its value. On the other hand, their big brother in Europe said 'you are not allowed to join in. If you break the unity in Europe we lose bargaining power.'" (interview Peters) Thus, the continued co-creation of the legal framework was undermined by the industrialist power play on the European stage.

Meertens explains this breaking point as follows: The quick scan idea "was so to the point that plenty of law firms from entire Europe descended on us. The entire industry of Europe threatened with an assault on the Netherlands. They really pulled out all the stops to prevent that the Netherlands would go any further with this as it would ultimately disclose the poor state of affairs regarding the information about substances." (interview Meertens). As also a soap industry representative confirms, VNCI and CEFIC were worried that SOMS would result in *too* pragmatic measures:

"SOMS was so pragmatic that it was rapidly enforceable. Suppose it had become a fact, the Netherlands would have been able to implement it without the rest of Europe even wanting it. As the case may be, you see that CEFIC has done a lot to put off this process." (interview Kunst)

According to these interviews, the transparency and immediate applicability of the Quick Scans would have further complicated the European negotiations, for instance, by disclosing the overall shape of chemical risk regulation or by prematurely stigmatizing certain substances (Interview Meertens). Additionally, industries would have been responsible to conduct this critical registration themselves in the course of the Dutch idea of Quick Scans (interview Brouwer). Hence the chemical sector could rely on the European developments, where they had a more powerful and less publicly transparent influence on chemical substance regulation. In the eyes of the Dutch policy-makers, it is here where their mobility work failed: international lobbying, thus the mobility work of chemical companies, was a breaking point that undermined the "right configuration of people, resources, knowledge and place" (Bardram and Bossen, 2005: 189) on behalf of the Dutch policy-makers. As a result, the core piece of SOMS, the Quick Scans, was not implemented in REACH.

### 3. Discussion: Co-Creation as 'Soft' Law Making?

The genealogy from SOMS to REACH is a process of the Europeanization of risk governance. The notion of political heterarchy sheds light on a structural dimension in this process. SOMS and REACH were intended to reshape the communication channels as to make chemical companies responsible for risk assessment. This shift of responsibility has been coined a paradigm shift towards "responsive regulation" (Fuhr and Bizer, 2007). As a result, contradictory value systems, logics and hierarchies converge into a political heterarchy. Amidst this heterarchy, public administrators are in a difficult spot. Their practice even bears a 'chicken or egg' question: does the surrounding complexity – here deemed 'a political heterarchy' – impose the necessity for administrators to conceive of their work in a creative way?

On first sight, the empirical insight corresponds to this conclusion. The co-creation of SOMS by administrators in the Dutch environmental ministry eventually failed on the European stage. The process was killed by its own baby. Yet, the interviewed administrators were not victims, but co-creators of their heterarchic surrounding. The case study illustrates an immersive and proactive practice of policy-making. The interviewed administrators openly admit how the complexity of risk governance could have been circumvented by conventional policy instruments. Still, they chose to open and widen the collectives and conditions that influence what is conceived of as 'the problem'. One exem-

plary interviewee even shows pride in being immersed in a political heterarchy that is less the subject, but the constitutional surrounding of policy-making:

“You can use the characteristics of the process as lessons for what you may do in the future. The way of organizing yourself, the way of playing out arguments, the way of using windows of opportunities which emerge; a less fragmented way of thinking – to think in broad contexts; to try to put yourself in the interests of others; the context of essential starting points for policy-making and the attempt to go along with that. Thus, transform yourself all the time!” (interview Meertens)

This quote presents public administrators as creative learners. Co-creation, for instance the co-creation of the Quick Scan methodology, in a material dimension is purposefully entangled with its social complexity, which in the presented case finally turned out to be fatal.

In a more encompassing aspect, the article pushes for a normative discussion. One may infer a deliberative ideal of governing. When the accountability for policy-making is not based on democratic principles alone but involved in a contradictory setting (cf. Brunkhorst, 1999), common problems cannot be solved by formal legislation alone according to Eriksen (ibid.: 6). A “soft law” (emphasis in original) is negotiated during a multi-actor dialogue.

However, the normative implication of SOMS/REACH is more tenuous. In line with Claus Offe’s warning, the Europeanization of risk governance shows that “(t)he vision of promoting policy convergence at the European level by very “soft” means is highly ambitious indeed, given the very “hard” facts of national differences and priorities” (Offe, 2002: 465). In SOMS/REACH the effort failed, due to the intensified lobbying on the European economic policy stage. On closer scrutiny, the empirical lesson is an inversed version of Offe’s warning. A ‘soft’ co-creative approach in national political cultures was hampered by their recombination on the European level. Much more in line with Lepsius’ characterization, “(t)he EU cuts specific situations out of the policy areas that in principle operate interdependently and subjects them to supra-national structuring requirements” (2000: 6). The case study reveals how the involvement of non-governmental stakeholders introduced a plethora of quality criteria and hierarchies that were at no point resolved, but rather maximized in both institutional complexity and normative ambiguity. This folding and unfolding of several logics makes it so difficult for “soft law’ to be hardened so as to achieve the same level of bindingness as formal directives (...)” (Offe, 2002: 465). In that sense, the political heterarchy may even be a distinct feature of Europeanization, whereas “more (...) heterarchic governance does not mean automatically more participatory governance” (Smismans, 2008: 19).

#### 4. Conclusion: Europeanization as Heterarchization

The creativity of public administrators can be seen as a blessing or a burden, and for better or worse, one has to realize that recent governance principles – for instance, “risk governance” and the “precautionary principle” inspiring SOMS/REACH – resonate with a proactive, enduring and literally expansive creativity on administrative work floors. *Provisional* politics is likely to yield *improvising* practices. However, those improvising practices cannot always be assumed to adhere to the normative principles of co-creation, neither in the process, nor in the result.

The case study reveals how the Europeanization of risk governance is a process of heterarchization. Dutch administrators previously involved in SOMS engaged heavily in European negotiations, thus operating amidst contradictory hierarchies and juggling with several loyalties and evaluative criteria. Eventually, in 2007, this trajectory led to what some call the European Commission’s most complex bill so far (Rettman, 2007). With this case focusing on one of the central Europeanization processes, and interviewing a few

extraordinarily reflexive policy-makers, I conclude with a few general remarks: Amidst a political heterarchy, co-creative processes face several challenges at once. They are likely to fail due to democratic processes that require a formalized accountability and representation of interest. Further, they are simultaneously likely to fail due to industry lobbying that preempts the policy to reflect co-creative principles. Yet, when co-creative policy-making is faced with several threats that continue to shape the Europeanization process – be it formal national democracy or informal international lobbying –, administrative creativity only increases in importance.

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# The political contestation of Europe: from integration to disintegration?

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The current crisis of the project of European integration places pressure on and raises expectations concerning the interdisciplinary European Studies community. Looking back at the history of political ideas that informed the project of European integration, the article critically discusses how a new (or renewed) narrative for Europe can be constructed from below and not imposed from above. It seeks new integration dynamics in the ways in which popular discontent finds expression in contemporary Europe, in which citizens experience European integration as crisis and trauma, and in which citizens themselves envision the major challenges ahead. In collecting the voice of popular discontent, we find that citizens' dissatisfaction and frustration with European integration are related to deficits in the democratic process and efficiency of governance, increased inequalities at a global scale and challenges to truth and rationality. Visions of 'alternative Europe' do in this sense embrace the old Enlightenment promise and do not fundamentally reject it.

**Keywords:** interdisciplinarity, European Studies, European integration, political contestation

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## **Introduction: locating Europe**

I wish to begin my exploration of the landscape of European studies by considering those students who have chosen to frequent our European Studies classes. Not all of these students will pursue PhDs and become researchers in an interdisciplinary study centre, but we are proud to send them out to a wide range of professions, and we hope not only that they will apply their specialisation in European studies in their future employment but also that they will embrace Europe as a way of life. European Studies is a vocation, not just a profession. The question of who these students in our European Studies programmes are and where they are heading is in this sense related to the question of what Europe is and where Europe is going.

What does this young generation of students in our European Studies classes tell us about the current state of the European Union? Sociologically speaking, we have some ideas about who they are: Many of them perhaps consider an education in European Studies as an entry ticket to one of the prestigious European institutions or as a first step on the path toward a European and international career. They are motivated to take creative jobs that require transnational skills, mobility, and frequent travel. At the same time, we teach our students about the value of and opportunities for conducting a mobile transnational life. We also wish our European Studies programmes to possess a student population that reflects Europe's own diversity, and we invite students from across Europe and the rest of the world to apply to join us. At many universities, thriving Euro-

pean Studies centres are the flagship of internationalisation and intercultural exchange across disciplines and peoples.

Taking a closer look at the composition of our European Studies classes, we might soon realise that they are not so mixed after all and that, despite their multinational origins, we attract a rather uniform group of students. The lifestyles of the Erasmus generation who choose to spend their student years in cities like Barcelona, Berlin, Amsterdam, and Copenhagen has been trivialised, entered popular culture, and portrayed in movies such as *L'Auberge Espagnole*. Their socialisation, their mindsets and values, their tastes do not differ dramatically. The trained sociologists among us can easily categorise them in terms of class, value attachment, political attitudes, and habitus. We know that they belong or very soon will belong to the highest-educated strata of our societies. We even have quite detailed knowledge about their political preferences: We may not know precisely which parties they vote for, but we can predict that they support liberal values, that many of them have a preference for open markets but also feel strongly about equality and justice.

### **A not so innocent bureaucracy**

The social and political class to which the students who graduate from our European Studies programmes will belong has been identified as an emerging European power elite (Kauppi, 2014). They are the Eurostars, as Adrian Favell has called the frequent travellers between the European capitals and Brussels: a new generation accustomed to crossing borders and making the best of freedom of movement as a new lifestyle (Favell, 2008). Their highest ambition is to work at one of the EU institutions in Brussels, but they are not old-style bureaucrats, even if they are frequently perceived as such. They are bureaucrats with a mission and a vision. The Brussels elite has been studied extensively by political scientists,<sup>1</sup> and their popularity as an object of study is probably not unrelated to the fact that many EU scholars closely identify with them or have ambitions to join their ranks. The European power elite is sometimes referred to as the 'Brussels bubble', and it cannot go unnoticed that we, as European Studies scholars, have developed a clear preference for moving within the same bubble and making very similar living arrangements. The German author Robert Menasse recently delivered an account of the Brussels bubble in the form of a best-selling novel. *Die Hauptstadt* is written in the form of a crime novel with a political message. Brussels is the meeting place for a colourful group of protagonists: a Holocaust survivor in an old-age home, an Austrian pig farmer, a Catholic killer from Poland, a Belgian police officer, and numerous EU bureaucrats. All these Brussels protagonists, and especially the bureaucrats among them, are ridiculed as the plot develops. Yet, in all their absurdity, they are like miracle healers who cure us of a dangerous disease, which is called nationalism. The *Hauptstadt* is in this sense not just a utopia, no-place. It is synonymous with a common good beyond the nationalism of EU member states and beyond the particularity of the interests of the many lobbyists who populate the capital.

### **Turning one's back to the EU**

Not everybody likes the *Hauptstadt* population and even less so its visions of more Europe and less nation-state. There is another population out there, one that develops resentments and increasingly positions itself in opposition to Europe. We have long ignored the multifaceted resistance to the European integration project and regarded it as a parallel world, unrelated to our own. For the convinced European, the atavistic nationalism of these populations is akin to a wrong-headedness that needs to be cured, and if the

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<sup>1</sup> See, for instance, (Trondal, 2010).

cure fails to take effect, then mechanisms of punishment apply in the form of inattention and marginalisation. Polarisation results from the unwillingness of each side to consider the legitimacy of the other's concerns.

Many claim that polarisation in contemporary Europe does not follow old ideological cleavages but instead occurs along a new cultural divide between communitarians and cosmopolitans (De Wilde and Zürn, 2013; Kriesi et al., 2012), between nativists and globalists (Beck, 2006), between people who develop capacities to live anywhere and people who are bound to place (Bauman, 1998). In recent elections, voters' political identities have increasingly been shaped by a struggle over the borders of our community. Measuring attitudes towards borders has become a safe predictor of voting behaviour. The Europe's two populations not only support different values but develop different lifestyles. In fact, they live different lives and increasingly seek confrontation. Brexit is a case of a divided population, with mutual disrespect and mistrust being the order of the day. This is no longer an invisible divide but one that mobilises people in the street and translates into divisions of friends and families, struggles, and even violence.

One consequence of this development is that European Studies has become more normative and value driven. In the old ideological struggle between left and right, the European Studies community could claim neutrality. In contrast, neither EU scholars nor EU institutions can claim neutrality in the struggle between communitarians and cosmopolitans and between globalists and nativists; they are deeply involved in this struggle. European Studies no longer concerns European integration but instead the social cohesion and integration of our national societies, of the communities in which we live, and the functioning of our democracies.

### **The interdisciplinarity of European Studies**

The EU's pedagogical mission to facilitate a new kind of European socialisation is institutionalised in its numerous student exchange and teaching programmes. No European Studies programme has ever claimed to restrain itself to the education of bureaucrats; such programmes wish of course to also educate the good European citizen (which may not differ strongly from the traditional understanding of our national schools and universities as seeking to educate the 'good citizen'). Teaching and learning the skills for engaging in a particular profession is one thing, but how does one teach and learn to become a 'good European'? If a distinct 'habitus' of a European scholarly community exists, it can be probably nailed down in the call for interdisciplinarity. The European scholar strives to develop critical and reflexive attitudes that are applied across disciplines to distinguish themselves from the work of those scholars who specialise simply in national politics, national history, or national law. Following Luhmann (1997), we can say that European scholars are second-order observers who critically and reflexively scrutinise national scholars' perspectives on their national societies. Such a critical 'European second-order' view includes a reflection upon our own role as scholars of Europe, a distant perspective on the academic world, which divides disciplines and national scientific communities and practices. The bird's eye view of Europe and the bird's eye view of the European Studies community are, however, rarely combined. The European Studies community still needs to develop a programme for critically understanding its own practices, its habitus as a set of scholars and practitioners of Europe. In short, we require a kind of Bourdieuan critical sociology of practice to scrutinise ourselves and to understand our own deep involvement in European integration (Bourdieu, 1988).

When we speak of interdisciplinarity in European Studies, we in fact most often wish to demarcate the singularity of our discipline. There is an implicit claim of originality or even of superiority involved in the notion that our interdisciplinary European Studies pro-

grammes allow us to see things that are hidden to individual disciplines, to reach higher levels of reflection, or to apply a critical perspective that is 'deeper', 'superior', or more 'valid' than those of single disciplinary analyses. It is perhaps possible for a single discipline to understand a nation-state, to write national history, to practice political science in the old tradition as *Staatswissenschaft*, to study markets as *Volkswirtschaft*, yet Europe is governance without state and government; it is not one history but many histories, and it is a market without a *Volk*. The diversity of Europe calls for a new singular discipline, but unless such a discipline is established on interdisciplinary foundations, it risks losing sight of the diversity that it is designed to study.

Still, we might ask critically, why do we need interdisciplinarity, if what is needed most urgently to understand this complex body of Europe is specialisation? And how can these specialised competences be combined with interdisciplinarity? Can we be so sure that we improve the employability of our candidates, if during a two years master education we can barely introduce them into the complexity of European politics, history, law and society? Or is interdisciplinarity maybe a question of philanthropy and does not need to be justified by pragmatic reasoning?

The renowned journal 'Nature' has recently called for interdisciplinarity as the moral duty of scientists, if they want to save the world.<sup>2</sup> Such a noble reasoning is not unknown to the European community of scholars, who have decided to join their forces for the rescue of Europe. But what exactly do we wish to rescue, if we engage in interdisciplinary European Studies? What forces do we join and what can we gain from it?

Discussing interdisciplinarity involves first accepting that divisions between disciplines exist and that the crossing of these divides can explain our object of study, which is Europe. On the one hand, such divisions are imposed upon us by the departmental segmentation of our faculties, by our university administrations, and by our professional associations. On the other hand, we often ourselves engage in differentiating practices, which are simultaneously demarcating practices of our professional identities and which help us justify what we can do better and with greater professionalism than our colleagues next door. It is difficult, however, to identify precisely which disciplines combine to encompass the field of European Studies. The most common model seeks to connect law, political science, and history, but there are many other subdisciplines that likewise claim to cover specific European skills (for example, European ethnology, European linguistics, European area studies, and European sociology), and these have up to now only rarely been taken into account in the study of European integration.

Broadly speaking, we can distinguish between two methods of bringing together the various disciplines that constitute the field of European Studies: the layer cake model of cross-disciplinarity and the marble cake model of interdisciplinarity. In the layer cake model, European scholars build upon specialisation and seek to aggregate knowledge from different disciplines. Research is done at the departmental level within one field of specialisation, but the European scholars within the department engage in frequent exchanges across the disciplines to taste different flavours and to gain inspiration from the cross-readings of other disciplines. The marble cake model of interdisciplinarity is more challenging in its attempt to establish an interdiscipline called 'European Studies', which requires scholars to mix their ingredients in such a manner as to arrive at new flavours and tastes. Research findings are not simply aggregated but claim originality and innovation through the application of new concepts, theories, and methods. Ulrich Beck (2003) has famously advocated such a move beyond 'methodological nationalism' in the social sciences, but it remains unclear which particular methods and theories should ground such a critical sociology of Europe.

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<sup>2</sup> <https://www.nature.com/news/why-interdisciplinary-research-matters-1.18370>

An example of European research across disciplines is provided by the existence of study and research programmes that are built upon various pillars, all of which possess explanatory power of their own when it comes to supporting the building of Europe. Scholars can then opt between a specialisation in political science, law, or history or can choose to combine their area and country specialisation to widen their perspective on Europe. Through such cross-disciplinary lenses, one can develop a nuanced perspective of European diversity. The European scholar works like a cartographer who fills in the coordinates on a map. A European Studies interdisciplinary research programme of this kind could involve attempts to trace processes or enhance understanding of structural transformations of the wider European space. Stein Rokkan's (1999) research programme of a political sociology of Europe represented just such an effort to seek correlations between parallel processes of "integration and disintegration", of 'identity and cultural change', of 'people and power', of 'state and society' – none of which would be rooted in any particular discipline" (Tonra, 2003: 4). Through such an interdisciplinary lens, the researcher focuses less on individual coordinates on the map of the European landscape and more on tracing the roads that connect these diverse points and that determine their commonalities and unity.

The layer cake model of cross-disciplinary European Studies relies not on strong theoretical foundations but instead on the comparative skills of the researchers who exchange their specialised knowledge. In contrast, the marble cake model requires researchers to engage in a theorising exercise. The task is not just to add different layers but to develop an original recipe, to write it down, and to exchange it. Sociology delivers the template for social theories that explain how European integration is possible in a way that links markets, laws, and society. Without going into detail regarding the theoretical underpinnings and research programmes of such a sociology of European integration,<sup>3</sup> I will now seek to delineate a narrative or discursive approach to the study of European integration. The key assumption here is that European integration has become a normative and political battlefield and that the contestations it encompasses demarcate and structure a particular social space that can be termed a 'European society' (Trenz, 2016).

### **Turning collective experiences into narration**

A narrative approach to European integration is not simply meant as a historical analysis of the origins of Europe but instead takes its point of departure from the ongoing contestations regarding the shape of Europe, its underlying purposes, and its trajectory. One underlying assumption is that such discursive battles rely upon established semantics and shared ideational foundations. Another assumption is that the discursive contestation of Europe is not restricted to a debate among intellectuals but has entered everyday practices and involves all of us as individuals and as collectives. Europe in general and the EU more specifically are defined as collective challenges in relation to which we must position ourselves. To belong to Europe is not the banal reality of belonging to our nation-states, within which we have been socialised and to which we are acculturated. The encounter with Europe requires an active interpretation of what Europe stands for and how (or why) we consider it relevant. If there is an emerging pro- and anti-European cleavage within our society, this cleavage concerns not only political struggles and benefits of EU membership but also about these broader cultural orientations and lifestyle differences that distinguish or unite us as Europeans.

### **Europe as our shared home: integration**

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<sup>3</sup> See, however, my previous work in Trenz (2011). For the contours of a Sociology of European Integration, see also Bach, 2008; Eigmüller and Mau, 2010; Favell and Guiraudon, 2011.

The vocabulary developed by social scientists to describe social integration is intrinsically linked to the European project of Enlightenment and to the idea of society as a self-constituting and autonomous entity. Societies are constructed, not pre-established, and their construction is based on political choice. Social integration is a form of active creation and design, neither a divine gift nor grounded in nature. In the European history of modernity, the meaning of integration has been related to state building combined with nation building and society building. Social integration connotes a political society (Nas-sehi, 2002) that is approached through narratives related to citizenship, popular sovereignty, and ultimately also democracy. A democratic project triggers processes of society building in a manner that permits the application of indicators and tools to measure the project's success or failure in terms of institutionalisation, consolidation, social cohesion, and collective identity.

It has been critically questioned whether this vocabulary of social integration is at all applicable to the project of European integration (Offe, 2003). The burden of proof regarding the viability of European integration as a society-building project is high, and I doubt that this question can be answered with scientific authority. To expect European Studies to develop a blueprint for a European society or even to advise EU institutions on how to promote the social integration of Europe is to misunderstand our discipline. Our scientific self-restriction follows from the insight that social integration is ultimately based upon political choices, must thus be negotiated, and all too often is subject to fierce contestation among the different parties that wish to have a say in the design of such a project. What we know and what we can describe is that the vocabulary of social integration has been applied to contest the political project of Europe. We look back at a history of institution building, the binding forces of law, the expectations raised by European citizenship and the various practices of free movement, the use of rights, the pooled sovereignty of the member states and their peoples, the self-proclaimed aims and *finalité* of the European Union, and the democratisation process into which the EU entered a number of decades ago. The EU is consolidating, but we do not know precisely what is being consolidated. European integration progresses, but we cannot see the point of arrival. We live in an incomplete building, an always-incomplete construction site, and we witness the daily struggle among its many architects. Such an inbuilt incompleteness is not uncommon but is part of the imagination of Europe. Integration is a possibility and not yet a reality. As such, it drives our utopian thinking of Europe. The idea of Europe being on the move towards unknown a destination relates, in fact, to an old metaphor for Europe as departure, travel, and adventure.

### **Europe as our departure, travel, and adventure**

The late Zygmunt Bauman spoke of Europe as a site of adventure (Bauman, 2004: 3). Such adventurous travels are collectively remembered in the kidnapping of princess Europa by Zeus, the conquests of ancient empires, the Crusades, and the discoveries – all stories of movement and travel between distant places. Europe has first and foremost been linked to the imagination of a land stretching beyond the local and the activity of distinct peoples, who left their sedentary lives behind. Europe is not *heimat*; Europe is departure. Yet Europe is also associated with a new form of imagining the social beyond the private and the familiar life. The story of Europe is told as a collective adventure requiring cooperation and socialisation among these distinct peoples, who are of different origins but are united in collective endeavour. This is the founding myth of European civilisation as a cooperative adventure of the Pilgrims, the Crusaders, and the missionaries, who were fellow travellers in foreign lands as well as individual heroes in their quests for the unique. The history of European civilisation can thus be told as a sequence of adventures of collective undertakings by Europeans.

Europe's foundational myth as departure and collective adventure explains some of the difficulties associated with intellectual efforts to establish the core idea of what Europe stands for. There is no fixed schedule that coordinates the travel dates, and there is no guidebook. Neither is there a common point of departure, nor can there be agreement as to the destination of travel. This does not mean that the question of 'what Europe stands for' cannot be raised. To the contrary, and throughout history, we find continual effort to harmonise the schedule, to set rules for fellow travellers, and to envisage an ultimate destination (or a *finalité*, as this has been labelled in more recent EU parlance). Europeans are familiar with these contestations of their trajectories. They are experienced fellow travellers who know how to steer a boat on unknown seas. The metaphor for expressing this inconclusive contestation of the common itinerary was found in the formula of *unity in diversity*.

### Europe as our promised land

The idea of Europe as travel delivers only an incomplete template for propagating a promised land or a utopia for the project of integration. With regard to the development of utopian visions, Europeans have always been bad storytellers, partly because European integration emerged and was mainly promoted by people who rejected such societal utopias. Europe should be secular, not Christian; it should be individualised and liberal, not communist. Especially after the Second World War, Europe became the substitute utopia (*Utopieersatz*). The tradition of the founding fathers of the European Communities nevertheless sought to establish a heroic account of European integration, which was precisely grounded in this triumph of Europe over nationalism. In this narrative, the new heroes were bureaucrats, and their piecemeal contributions were to the progress in erecting the European building.

Europe was in this sense never the promised land of milk and honey. It was not the Holy Land that was promised by God, nor was it the New World that was conquered by the immigrants. Nobody became homeless in Europe and had to depart for the conquest of new worlds. Europe was still the old world, which tried to overcome the burden of national pasts. Yet, Europe was at the same time constituted by nations and their particular pasts and futures. The rejection of utopia has in this sense become part of the secular and critical self-understanding of Europe, but the absence of utopia has also meant a significant self-restraint in its expansion. We can call this the founding paradox of the European Union: a postnational entity that is built out of nations. In their own self-descriptions, EU institutions and leaders have repeatedly referred to a premodern legitimating formula to connote such *unity in diversity* as a hallmark of Europe. *Unity in diversity* proved politically powerful as a formula for universal inclusion while at the same time permitting various layers of internal and external delimitation. Yet, it left the question of Europe's political form undecided and established no positive value on which to ground European integration.

This task to find a political form for Europe with which people could not only identify but also be empowered was taken over by the French Revolution and the propagation of what Étienne Balibar (2014) called *égaliberte*. As a new secular means of unification, *égaliberte* was powerfully linked to the civilising mission of the French Revolution and the Enlightenment. As such, it constituted the European nation-state and allowed for a new collective departure through the renewal of the universal civilising effort of European civilisation, which justified and even called for global expansion. The French Revolution also entrenched a new tension between two different kinds of rights in the constitution of the modern nation-state: equality (the social rights and the guarantee of collective political representation) and liberty (the individual freedom of citizens). This modern

proposition of *égalité* adds to the pre-modern proposition of *unity in diversity* as a supplementary formula for the uniqueness that binds Europeans together. Its realisation remains, however, bound to the consolidated form of the European nation-state. Applied to the EU, the proposition of *égalité* would require a more consolidated and unified European Union, less as an empire or as a loose governance arrangement than as a democratic entity that is not too dissimilar from existing state structures (Schmalz-Bruns, 2007).

### **Europe as our strange land: disintegration**

When Neil Fligstein (2008) published his book *Euroclashes* in 2008, he wished to introduce a paradigm shift in the study of European integration, moving from an emphasis on integration to a study of conflict. The conflicts he had in mind were not simply the results of intergovernmental bargaining in the defence of national interests. Fligstein referred to social conflicts between various stakeholders, political parties, and civil society as well as to conflicts of public opinion about what the EU stands for and where it is heading. Such dynamics of conflicts are of particular interest to us because they structure a European social space. Conflicts are linked to a constituting power of an emerging European polity, but they also accompany the emergence of a European society (Fossum and Trenz, 2006). The Euroclashes were a symptom of EU polity building that was related to a parallel process of European society building. However, ten years after the publication of this influential book, we can no longer be so certain of the applicability of these mechanisms of a functional perspective on conflicts as the motor of social structuring and society building.<sup>4</sup>

Political and societal conflicts have an integrative function as long as societies can rely on a paradigm of growth and as long as conflicts can be turned into win-win situations for all. The Europe of equal living conditions or an ever-growing European market are important reference points for such a struggle, allowing competing parties to bring their interests into play and to claim their share of the booty. The experience of economic and financial crisis, which has shattered Europe and the world since 2008, has also disrupted these interest games within a Common Market that, unlike national welfare states, had no inbuilt redistributive mechanisms but only allowed its members to share the surpluses of economic growth. It is thus no overstatement to call this new situation a 'crisis'. We speak of crisis because our existing paradigm of dealing with social problems, explaining them, and applying solutions to them no longer holds, and no new paradigm for replacing it is in sight (Guiraudon et al., 2015). A crisis is not paradigm shift but is paradigm lost. A crisis leads to disruption: the inequality and the injustices of world politics became defining moments of internal European politics. The horizon of a Europe of equal living conditions is lost to sight, institutions cannot even uphold the status quo, populations are divided, and governments become enemies: the new rupture between North and South, the Brexit rupture, the Ukraine crisis and the role of Russia, and finally – perhaps most significantly – the new (and old) East-West divisions between authoritarianism and liberalism. The struggle over a European political order is no longer a struggle over an equal share of a growing market; it has become a struggle over our fundamental values and the future of democracy.

Political scientists who consider the institutional and administrative apparatus of the EU have pointed to its capacities for adaptation, coping with crisis, or even expanding its competences (Schimmelfennig, 2014). Functionalism may not be dead, but even if functional logics still apply, the fact that they now support a logic of differentiated integration

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<sup>4</sup> See also my own work at that time, with an attempt to analyse such self-constituting processes of society with reference to public sphere mechanisms, called 'democratic functionalism' (Trenz and Eder 2004).

and a Europe of different speeds raises some fundamental concerns (Fossum, 2015). Differentiated integration has the potential to redirect the idea of European unification in fundamental ways. It is difficult to see how a differentiated European Union would not also enhance inequalities and injustices. Differentiation therefore simultaneously means the consolidation of a Europe of unequal living conditions. A differentiated European integration leads to hegemony and dominance. Power is exercised but cut off from its sources of legitimation (Eriksen, 2014).

### **Europe as trauma**

The postwar triumph of Europe over the nation-state has turned into a post-crisis trauma. European integration has long been synonymous with progress, not just economic growth but also integration towards a more just and more equal society, the idea of *égalité-liberté*. One symptom of the trauma is that this belief is now unconvincing. If European integration as an idea for optimizing progress no longer convinces, then it is difficult to find any justification that could replace it.

European Studies scholars are not in the position to formulate the new paradigm of integration. What we can do as sociologists is to collect the symptoms of collective trauma in the ways in which crisis is communicated and translated into social mobilisation, into practices of resilience and resistance. A shared characteristic of public communications or discourses of crisis is that they challenge and contest political legitimacy in more fundamental ways. They call not for policy reform but for a political re-ordering and re-constitution. Such struggles are fought transnationally by targeting the EU (Euro-sceptic parties being their main promoters), but even more fiercely, they are fought domestically, targeting the integrity of nation-states and national societies (with regionalist and populist parties and movements being their main proponents). In the European arena, we observe such 'system opposition' in the ways in which the fundamental legitimacy of the EU is challenged by Euro-sceptic parties. This is also evident in the return of power politics between EU governments, for instance regarding the contestation of core and periphery relationships. The EU's legitimacy is also fundamentally challenged by the translation of emerging social divisions into new class conflicts and by the manner in which alternatives to capitalism are discussed. Last but not least, we observe a fundamental struggle over rights and their carriers, for instance in how the long taken for granted framework of EU citizenship has changed meaning in the context of crisis, how rights are claimed for and by different kinds of people affected by crisis, and how such contestations restructure a European political and social space. There remains the open question of whether such contestations can trigger a new integrative dynamic or will pave the way for the disintegration of Europe.

### **From integration to disintegration**

In his book *Is the EU doomed?*, Jan Zielonka (2012: 3) ironically observes that the EU studies community has invested all its efforts into the formulation of a theory of integration but has completely forgotten to think about a theory of disintegration. This lack of a theory of disintegration is also discussed by Ivan Krastev (2017) in a recent essay called 'After Europe'. For Krastev, such a theory of disintegration is an impossibility. One of the reasons for the lack of such a theory is that we face obvious difficulties even knowing when disintegration is occurring. How can we distinguish between disintegration, reform, and institutional change? Is a Europe of different speeds a sign of disintegration or evidence of further integration? As sociologists, we often observe that differentiation happens, and we can approach the EU as an ideal case of differentiated integration. But how do we distinguish differentiation from disintegration? Emile Durkheim, who wished to

distinguish between differentiation as functional for society and fragmentation as a pathological development, has provided direction for several generations of sociologists who continue to disagree about the parameters that could allow them to decide upon the success of social integration and about the conditions in which functional differentiation becomes pathological fragmentation. Krastev also mentions the irony of discussing disintegration in the post-Lisbon EU, which is *de facto* more integrated than ever. All measures taken by the Euro group to secure financial stability, for instance, speak instead to integration and to the further allocation of competences at a supranational level. Responses to crisis have been formulated in such a way as to strengthen EU institutions or agencies, and in cases such as cooperation in security or border controls, new EU competences even become consensual and approved by the populations.

These difficulties in establishing what disintegration is are not unrelated to our decades of academic struggle over the meaning of integration. What follows from Zielonka's witicism regarding a lack of a theory of disintegration is that there is likewise disagreement regarding what constitutes a 'good' and 'adequate' theory of integration. There are, of course, entire handbooks dedicated to European integration theory, and we continue to devote time to discussing integration theories in our European Studies courses and conferences. In scrutinising these theories, we struggle not only with causal mechanisms and the status of norms and interests but also, on a much more fundamental level, cannot even agree upon the *explanandum* for such a theory. Some theories *de facto* only explain state cooperation, others explain the expansion of markets, others emphasise the binding forces of law, while others still focus on institution building or the iron cage of bureaucracy. For some, European integration is choice, and for others, it is destiny. Some see path dependencies where others see deep ruptures. EU scholars and EU bureaucrats are often accused of a lack of visionary thinking. In light of this creativity of EU scholars in drafting and redrafting integration theories and their passion for discussing them in their scientific publications and conferences, it would be unfair to call them non-visionary. There is certainly no lack of imagination regarding how integration might be possible and the destination to which it should be heading. There is also no lack of imagination in the depiction of different scenarios for how Europe is expected to fall apart. We have, in short, many different visions of what integration is about, which lead to just as many divisions within our scholarly community.

In this current situation, I do not regard agreement upon the formulation of a new theory of European integration as the most urgent task for the European Studies community. Nor do I think it necessary or even feasible to replace integration theory with a theory of disintegration. My own proposal would instead be to turn these different visions and divisions about how Europe is possible or impossible into our *explanandum*. We should explain how Europe is imagined by different people and how these people translate such imaginaries into political choices. What is interesting about such political choices is not just how they are implemented and take effect. All the more relevant is that such choices can be supported and rejected, that they allow the building of coalitions between the European but might also divide them, both nationally and transnationally. Controversy over the different visions of European integration lies at the heart of the process of the politicisation of the EU (Statham and Trenz, 2013). I thus see the politicisation of the EU as a process of reintroducing political choice. The politicisation of the EU takes its starting point from such alternative interpretations about what Europe stands for and where it is heading. But the very fact that such alternatives exist also tells us that European integration has become choice and is no longer destiny. Europe can be shaped or, in more normative terms, it can be democratically constituted. By the same token, we can also opt for – rather than be forced to endure – disintegration. We can discuss whether we want more or less Europe, or even no Europe.

### **Conclusion: new visions (or renewed visions?) of European integration**

The *Zeitkritik* of many illustrious colleagues who have recently published on Europe is gloomy. Most of the intellectual efforts to attempt a prognosis of future scenarios of European integration end up with an almost apocalyptic picture: Jan Zielonka (2012) has asked whether the EU is doomed and more recently sees us in the midst of an anti-liberal counterrevolution (Zielonka, 2018). Claus Offe (2015) writes of a “Europe entrapped,” and Ivan Krastev (2017) calls his inspiring essay ‘After Europe’ (the German translation is sold with a hint of Wagner, under the title *Europadämmerung*).

The current crisis of the project of European integration places pressure on and raises expectations concerning the interdisciplinary European Studies community. We are expected to deliver diagnoses, but we are also asked for prognoses. Hauke Brunkhorst (2014) speaks of the duality of Europe, of Dr. Jekyll and Mr. Hyde, and reminds us that Europe has always been there to reinterpret our history of decay into a new emancipatory project. Allow me link up with this tradition and conclude with a more positive reflection on why I believe that our gloomy *Zeitkritik* already carries the germ of a renewed vision of Europe.

In the midst of the crisis, the European Commission has launched an initiative to create a new narrative for Europe: a narrative that convinces the people, that is able to mobilise them across Europe and across borders and that renews their enthusiasm for the European project.<sup>5</sup> Looking back at the history of political ideas that informed the project of European integration, such an idea for a new narrative for Europe probably represents a fundamental misunderstanding. Europe cannot simply be reinvented. A narrative cannot be constructed or imposed from above. In our search for possible new integration dynamics, we must look at the ways in which popular discontent finds expression in contemporary Europe, in which citizens experience European integration as crisis and trauma, and in which citizens themselves envision the major challenges ahead. In collecting the voice of popular discontent, we encounter very familiar visions of ‘alternative Europes’. The main challenges that nourish citizens’ dissatisfaction and frustration are related to deficits in the democratic process and to disenchantment with the old Enlightenment promise in four areas:

Increasing inequalities at a global scale: the egalitarian promise

Restrictions on freedom of speech and freedom of movement: the promise of freedom

Challenges to truth and rationality: the publics of Enlightenment

Regaining control: problem-solving capacities and efficiency of government – the sustainable development of democracy.

Perhaps Europeans are currently undergoing a collective learning process, which entails creating awareness of interdependencies, for instance, that there are no trade-offs between national solidarity and global solidarity and that the increasing inequalities at local and national scales are related to global injustices. People in Southern Europe in particular are already accumulating bitter experiences of how the insufficiencies of national governments are implicated in deficits in these four areas. Anyone who faces increasing inequality needs to learn that this cannot be solely explained by the failures of the EU or as a side effect of the Common Market or the Currency Union. He or she needs to understand that even where mistakes are made, these cannot be corrected simply by reinstating national government but are first and foremost related to a basic error in the construction of our nationally confined liberal democracies, which are unsuited for meeting global challenges. As illustrated by Brexit, it is by no means impossible to opt for disinte-

<sup>5</sup> [https://ec.europa.eu/culture/policy/new-narrative\\_en](https://ec.europa.eu/culture/policy/new-narrative_en)

gration, yet this is an option that remains built upon the fallacious denial of interdependencies. Once put into practice, disintegration will have real consequences and affect people's life chances and experiences. For the time being, the so-called return of nationalism is related to regressive movements at the global scale, which all too often have their own interests for blocking such learning processes and, in addition, dispose of cultural and media power to impose their worldviews and interpretations. There is no return of nationalism. There is only a new nationalism, which turns the belief in popular sovereignty into a fiction. If this new nationalism is the driver of disintegration, it too might fail to survive in the long run.

The simultaneity of new manifestations of nationalism and post-factionalism is not accidental. Manifestations of the new nationalism are blocked from any emancipatory potential and can only become post-factual, non-egalitarian, a threat to global peace, a denial of human rights, and a replacement of the efficiency of government by symbolic politics. Nationalism in contemporary Europe remains an available and popular option, but it lacks any progressive force linked to a common good beyond the particularity of local group interests. Being nationalist today does not mean defending progress; it usually means denial of global warming or of the validity of human rights. It means entering into new confrontations instead of seeking global cooperation, constructing harder borders, which dam global flows instead of regulating them and therefore contribute only to instability and insecurity. Nationalism once again becomes what it was just before the two World Wars: a major threat to global peace and to the survival of civilisation and humanity.

This is not to give the European Union a free pass, but it is a historical lesson for us all that we need more Europe, not less Europe. More Europe is a formula that stands for the continuation of the struggle to fulfil the Enlightenment promise, which is a promise that binds our destinies together at a global scale. If there will be revival of the narration of Europe, it will occur here: The Trumps of this world and the many new authoritarian leaders and movements within and outside Europe might point the way for such a revival of the European project of Enlightenment. By carefully observing the social mobilisations and critical discourses that drive the global public sphere, it cannot go unnoticed that citizens and audiences worldwide, with all the forms of entertainment and the many distractions offered by the new media, once more appreciate selected quality formats; search for a new seriousness; are on the look-out for media formats that comply with quality standards in terms of rationality, aesthetics, and cultural values and truth. The European Union might take its chance to offer just this. A balanced and equilibrated perspective on the complexity of our world, the gathering of expertise, and a serious yet modest commitment to handle our problems collectively might be sufficient to satisfy the needs and demands of future generations of Europeans.

Let us be critical, and let us despair, as citizens and as scholars with our subject of Europe. We observe Europe, and especially liberal Europe, in retreat. We find many reasons to be shocked and alarmed by this withdrawal from Europe, which challenges our self-understanding as European scholars but also pushes us to ask more radical questions about the viability of the European integration process and about possible alternatives. If we do this and take our job as critical scholars seriously, we are in the best tradition of carrying the European project forward. Our journey towards an unknown destination can continue.

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# German Sociology on Capitalism, Inequality and Democracy – A critical review

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Since the financial crisis of the years 2008ff capitalist development has not only moved to the center of the political discussion, but also re-entered the focus of sociological attention. Against this background, this article aims to analyze the content of selected literature on the nexus of capitalism, inequality and democracy from the period of the last five years. A particular comparative standard of this review lies in the spatial reference frame, which the contributions discussed here apply to inquire the relationship between capitalism, inequality and democracy. With 'Buying time' by Wolfgang Streeck (2017), 'Germany's Hidden Crisis' by Oliver Nachtwey (2018), and 'Neben uns die Sintflut von Stephan Lessenich (2018), all three texts primarily originate from the German context.

As the smallest common denominator of a sociological concept, the term 'capitalism' shall in the following refer to the form of an economy in which production and distribution of goods and services are organized via markets (1) and under conditions of capital concentration (2) and free wage labor (3). While generally, a number of theoretical perspectives – such as praxeology (Brandes and Zierenberg, 2017), subject theory (Bröckling, 2006) or global history (Beckert, 2015) – on a number of different institutional trajectories – such as digitalization, the ecological crisis, the specific developments in the BRIC-countries – could have inspired the selection of literature, this article consciously neglects contributions on capitalism as a way of life, ideology or cultural order (on this, see e.g. Neckel, 2008, Boltanski and Chiapello, 2003 or Mau, 2017). Due to their often rather specific focus on the dynamics within particular markets, as well as a strong orientation in cooperation and coordination rather than conflict (critically: Sparsam, 2015), contributions from the field of New Economic Sociology are also not at the center of this text.

Historically, market economies show a structural tendency to foster stratification with regards to social positions and distribution of income (i.e. status and consumption). As a simultaneous principle, democracy provides a complementary logic. By granting access of (mündig) citizens to public decision making, democracy does not only secure (almost) everybody's formal participation. Moreover, collective will opens the (theoretical) possibility to make use of societal resources (Marshall, 1992). Subsequent to a period of an institutional compromise between capital and labor in the highly industrialized countries of the Global North, an overall liberalization trend (Baccaro and Howell, 2017) has pushed the structural tension between capitalism and democracy back into the center of sociological attention.

In this context, the question of the territorial reference frame, in which this nexus is to be inquired remains an open one. While the dynamics of national market economies are –

under conditions of globalization – automatically influenced by (and themselves influencing) a global context, local particularities (such as the retrenchment of the German welfare state at the turn of the century) can vary. How “the power of the local in a world with no borders” (Berking, 2006) can be conceptualized from a sociological perspective on the nexus of capitalism, inequality and democracy therefore remains an open question. This question will be addressed in the following.

During the 1990s, the downfall of the Soviet Union was reflected in research on capitalism through the emergence of a new paradigm: While, up until then, market economies had been inquired as one way of organizing production and (re-)distribution, the perspective of comparative now shifted to a focus on varieties between the institutional setting of national market economies (Hall/Soskice, 2001). Whether ‘Rhineland Capitalism’ (Albert, 1992), ‘Stakeholder Capitalism’ (Morgan and Quack, 2000: 4) or the ‘lovable version of real existing market economies’ (Hassel, 2006: 200) – the national specifics of the German model have traditionally been described with reference to the notion of social partnership. The institutional trajectory of the German model therefore served as the main example of a general trend towards the liberalization of coordinated capitalism within the OECD countries (Baccaro and Howell, 2011). Consequently, this perspective has also shaped the theoretical discussion around the concept of capitalism within German sociology.

Differing from approaches focusing on cultural (Sennet, 1998), financialization (Bischoff and Müller, 2015: 58) or parallel production and tax competition (Altvater and Mahnkopf 1997), the decreasing impact of national institutions can only be understood by taking into account the interplay of such explanatory factors. One of the most impressive approaches in this context was presented by Wolfgang Streeck (2017) with his book ‘Buying Time’.

As the director of the Cologne-based Max-Planck-Institute for the Study of Societies, Streeck had started researching institutional change in capitalist societies by the turn of the century. Under conditions of financialization, international regime competition and the diffusion of neoliberal ideology, Streeck (2009) detects an overall trend of liberalization of the German model. Against the background of the financial and fiscal crisis and by extending his focus from Germany to the EU, Streeck (2015) takes this analysis one step further. ‘Buying time’, he explains from the perspective of historical institutionalism, means maintaining the buying power (and thus: opportunities to take part in societal wealth through consumption) for broad social strata in a policy-sequence of three steps: increase of inflation, increase of state-debt and increase of private debt. Against this background, the crisis of capitalism is – at least in the rich societies of the Global North – caused through a crisis of the banks (too much lending to debtors with insufficient credit worthiness), a crisis of state finance (deficits of public households) and a crisis of the real economy (stagnating economic performance through decreasing buying power).

In order to explain the exhaustion of Social Capitalism’s institutional arrangement, Streeck (2017: 17) wants to challenge the “‘public choice’ account, one of wanton masses whose shameless demands for ever more”, through a “more realistic reconstruction of events”. The idea of wage earners overstressing their demands (in terms of social policy and collective bargaining), Streeck counters by proclaiming that the class compromise

was, in fact, terminated from above. Since companies now had the option to move production to other countries (or at least could threaten to do so), capital encountered a power-boost which transformed the entire constellation.

The institutional developments highlighted by Streeck have, over the last years, been made the object of numerous studies (Krüger, 2013; Dörre, 2016; Deppe, 2012). A synthesis of these – mostly rather fragmented findings – was recently provided by Oliver Nachtwey (2018) in 'Germany's Hidden Crisis'. By operating at the intersection of sociology and political-economy, with his focus on the evolution of the German model since the 1960s, the author shares important premises with Streeck (2013). "Societies of ascent and social integration", Nachtwey (2018: 2) proclaims "have become societies of downward mobility, precariousness and polarization."<sup>1</sup>

For Nachtwey, a theoretical point of departure lies in the diagnosis of Ulrich Beck (1986), who claimed that in the epoch of 'second modernity', class no longer marks the central conflict line in society. However, instead of ecological dangers deriving from industrialization of the plurality of lifestyles, Nachtwey (2018: 27) proclaims a "continued relevance of class structures" for the shape of social order. By promoting precarity to a functional principle of the labor market, we are endangering the achievements of progressive social struggles.

Building on the classics of political economy (and with a strong reference to Marx's law of the tendency of the rate of profit to fall), Nachtwey argues that decreasing gains have – in the long run – slowed down capital accumulation. Similar to Streeck, he comes to the conclusion that economic stagnation in Western countries can be traced back to shrinking investments from the capital side and consolidation of public households. Instead of modelling the particularities of national settings (as is done in Comparative Political Economy), both books contribute to the reconstruction of national trajectories from the angle of historical institutionalism (also see Streeck and Thelen, 2005).

An important point of departure of the current sociological debate around the nexus of capitalism, inequality and democracy is marked by the publication of Thomas Piketty's (2016) 'Capital in the 21<sup>st</sup> century'. Based on an inquiry of the development in terms of income and wealth from the 19<sup>th</sup> century until the economic crisis of the last years, he shows that the return on assets exceeds overall economic growth in the long term. From a political economy perspective, Piketty points out "an ideological contradiction of an economic modernity", "which does not necessarily lead to a democratic modernity based on democratization of wealth and power" (Piketty, 2014: 45; my own translation). Thereby, Piketty is adding to a debate over oligarchic tendencies within the triangle of the three concepts under inquiry – capitalism, inequality and democracy.

In a similar vein, Wolfgang Streeck addresses the relationship between capitalism and democracy under aspects of distributional conflicts. Aspiring to revisit the crisis theories of the Frankfurt School (i.e. mainly Habermas, 1973 and Offe, 2006), he connects two lines of critique which Colin Crouch (2004; 2011) has coined as 'Post-democracy' and 'Neoliberalism'. Within the constellation of a 'shotgun marriage' (Streeck, 2014: 65) between capitalism and democracy, export surpluses and balanced power relations be-

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<sup>1</sup> While Streeck analyzes the interplay of the national and the supranational level, the methodological nationalism in Nachtwey's study implicitly rests on Marshall's (1992) evolutionary sociology, who historically reconstructs the emergence of national citizenship in the course of capitalist modernization.

tween capital and labor maintain a well-balanced social order (at least in the industrialized countries of the Global North, in which such conditions are given).

The basic idea of a structural conflict between the two principles and their institutional logics (accumulation vs. redistribution) serves, as Streeck suggests (2017: 24), as a basis for a “social contract” (ibid.), “in which the legitimate mutual expectations of capital and labour, of profit-dependants and wage-dependants, are more or less explicitly enshrined as a formal or informal economic constitution.”

This theoretical heuristic Streeck subsequently applies to the complex of the European Union. Through entering European monetary union, according to him, the EU has reached a new stage of regional economic integration. While national social policy and collective bargaining were already being affected through the four freedoms in the common market (goods, capital, people and services), under European monetary union a vertical political logic of political decision-making is set into place. Here, economic, social and labor market policy are supervised through processes of ‘European Economic Governance’.

By tracing back the causes of the turbulences within the common currency regime to the recalibration of state household management, Streeck interprets the Eurocrisis as part of a broader crisis of global capitalism *in toto*. The transformation from the Keynesian intervention- into a neoliberal consolidation state has influenced the political constellation within the EU Member States in three ways: A balanced state household should be achieved not through higher taxes but less expenses (1), further public sector cuts (2) and use of available resources to existing expenses (such as interests for existing debts). In public discourse, such measures are legitimized through a “rhetoric of international debt politics” (Streeck, 2017: 92), in the course of which “nations appear as homogenous moral individuals with joint liability”. The fact that internal class relations are being neglected creates the ideological fundament for distributional conflicts between the Euro-countries.

Having sketched out these developments, Streeck now diagnoses a transformation of the state’s steering capacity, which he illustrates within a “stylized model” of ‘Staatsvolk’ and ‘Marktvolk’. In the “democratic debt-state” (2017: 79) political subsistence of the nation state no longer depends on the participation of the national citizens, but primarily on the trust of international creditors. Instead of (private) capacity building, citizens are obliged to pay off debt; continuous auctions take the place of periodical elections, instead of public opinion the political system is dominated through international markets.

A fundamental critique of public decision-making is expressed by Nachtwey, when he characterizes a “change from *genitivus objectivus* to *genitivus subjectivus* that can be expressed as government by markets” (2018: 81). Like Streeck, Nachtwey is referring to the turn towards politics of austerity, which endangers economic growth and access to societal wealth for the lower strata of the population. Together with a general cultural change towards self-responsibility, this modern form of class politics serves, at least in the short term, the interest of capital owners. The fact that liberalization has transformed institutional arrangements at the cost of the lower social strata and thus caused a societal rollback behind the achievements of Social Capitalism, finally leads Nachtwey

(2018: 207) to his diagnosis of regressive modernity, which causes “the previously latent conflict that underlies present-day democracy” to surface again.

By using the metaphor of climbing up an escalator that is - at the same time – moving in the opposite direction, the author illustrates the socioeconomic framework conditions of “anomic constellations”, (ibid: 148) which could then translate into new forms of social conflicts themselves. “Precarity and downward-mobility”, according to Nachtwey (2018: 161), are causing “acts of revolt”, in the course of which “the future of our democracy” (ibid.: 8) is decided. As protagonists of such conflicts at the two ends of the political spectrum, Nachtwey inquires the emergence of Occupy and PEGIDA. Earlier insights on the institutional trajectory of the German economic model are serving as a solid foundation for his interpretation of these conflicts from the angle of class politics. Accordingly, Nachtwey views the emancipatory efforts of Occupy, just as the authoritarian mobilization of PEGIDA as “the result of people’s socialization and their cultural and political milieu” (ibid. 222), and therefore a reaction to the decline of life chance and access to societal wealth.

Regarding the political perspectives of these conflicts, the author is giving a brief (and cautious) outlook at the end of his book. Indeed, acts of revolt constitute are contributing to the emergence of a “rebel democracy” (ibid.: 206), whose impulses are nurtured through the struggle for social participation of the lower strata. Not least as a consequence of a “Krise der linken Imagination” (ibid.: 232) the danger of an authoritarian infiltration of these tendencies through right-wing or religious-authoritarian resentments arises.

An alternative perspective on the nexus of capitalism, inequality and democracy is proposed by Stephan Lessenich (2016). Inspired by the cosmopolitan thinking of Ulrich Beck (2003), Lessenich aims to reconstruct the connections between micro-level consumption and global inequalities on the macro-level, in order to prepare a groundbreaking critique of the national reference frame in sociological thinking.

Drawing on conceptual elements of World System-Theory, Lessenich (2018) reconstructs the “life at the expense of others” as a central characteristic of global capitalism. The economic wealth of the countries of the Global North does, from this perspective, not only rest on the exclusion of the Global South. While many products from international value chains are only available to a (wealthy) few, negative effects of the production process are often outsourced into the global periphery. This dynamic, Lessenich described as ‘externalization’.

The consequences of this institutionalized forwarding of “these costs to innocent third parties” (ibid. forthcoming) are illustrated by Lessenich through a critique of voluntaristic economic theories. In order to explain the persistence and the functional necessity of global inequalities, he moreover draws on elements from Dependencia- and Land-grabbing-theories. Current developments, such as climate change and the growing migration flows Lessenich interprets global “boomerang effect” (ibid.).

The fact that the people in the Global North have been living at the expense of people in the Global South, Lessenich explains by pointing to increasing inequalities within the core countries (1) and with reference to their unwillingness to engage with moral consequences arising from their way of live. Under conditions of a “historically evolved power

structure" (ibid.), "this well-practised custom of outsourcing costs and pocketing the profits has become second nature to the externalizers, a 'normal' and no longer questioned way of behaving".

It seems remarkable that throughout the book, Lessenich rejects the notion of 'Moralization'. Instead, so he claims (ibid.), his argument is pointing to "structural conditions" and "the self-evidence of everyday practices". To me, such an interpretation appears to be misleading. In my opinion, the entire logic of the book is resting on the (moral) assumption that consumption in the Global North is unjustified, because it comes at the expense of the Global South. If Lessenich would not make this assumption, how would he be able to distinguish his research object from others (such as gender relations in the garment industry or niedersächsische Verkehrspolitik – they would all be the same!)?

In (re-)setting the agenda for this topic then lies one of the most important contributions of this book to the sociological discussion. While the analyses of Streeck and Nachtwey focus on the liberalization of post-war Social Capitalism – with regards to their temporal and spatial reference frame - "talk of the externalization society breaks with the spiral of silence of affluence capitalism", and thus transports a fundamental critique of the former's research designs. In order to fully understand capitalist dynamics, we have to take seriously the postulates of both, historical institutionalism in temporal, and world system theory in spatial regards. Here, however, the question arises, in how far studies such as 'Germany's hidden crisis' are generally accessible for a global or transnational scope of research – after all Nachtwey discusses precarization of employment relations, the consequences of which Streeck analyzes with regard to their impact on European monetary union.

So, what can on this basis be generalized over the debate around the complex of 'capitalism, inequality and democracy'? If we – in loose connection to Adam Smith's 'Wealth of Nations' and Karl Marx's idea of a 'Primitive Accumulation of Capital' – proclaim two paradigms of research on capitalism (one focused on efficiency and the other one focused on conflict), we can – in the contributions discussed – detect a clear tendency towards the latter one.

The absence of liberal positions may, on one hand, be ascribed to the popularity of institutionalist theories in the field of social-science (e.g. Polanyi, 1973), which place their emphasis not on the market, but on its structural preconditions. Moreover, in the wake of the financial crisis 2008ff, economic dysfunctions and conflicts have moved more and more to the center of scholarly attention. If we understand the ambition of a critical (crisis-)theory as proving how it is both, necessary and possible, to redesign or even overcome the economic order of capitalism, we can find motives of this kind in all of the books.

As shown, the three texts share a strong emphasis of the temporal dimension. While Nachtwey and Streeck both highlight the liberalization trajectory of rich industrialized countries by drawing on the case of Germany, Lessenich applies a historical perspective in order to explain the economic inequalities between North and South. However, as becomes apparent against this background, the three approaches differ significantly with regards to the spatial reference frame.

	<b>Nachtwey</b>	<b>Streeck</b>	<b>Lessenich</b>
<b>Methodology</b>	National case study	Trans-/Supranational Focus	World System Analysis
<b>Reference Frame</b>	Nation state	Cross-border dynamics and supranational government	Global Relationships
<b>Dominant unit of analysis</b>	Classes, institutions and identities within the political system	‚Wechselwirkungen‘ between nation states, practices within supranational governmental organizations	Center-Periphery-Structure of the World Economy

*Table 1: Logic of research in the three approaches*

While through following Marshall (1992), Nachtwey conceptualizes the relationship between capitalism, inequality and democracy within a national reference frame, Streeck transcends the (methodologically) national(ist) framework by explaining the Euro-crisis through political centralization in the EU's political system and the economic interplay between the national economies of the Member States. The strongest conceptual critique of methodological nationalism can be found in Lessenich's argument. By highlighting world-systemic inequalities, he is not only taking up the epistemological tradition of Ulrich Beck's (2007) cosmopolitician approach. Compared to the texts of Streeck and Nachtwey, Lessenich's argument moreover shows a rather subordinated role of class politics – a blank spot which itself reminds us of the 'Risk Society' (1986) and its conceptual successors.

While none of the three positions necessarily requires any rigorous rejection of the other two, the question of their respective significance poses itself as an empirical problem. On a political level, Streeck highlights the persisting importance of the nation state with particular reference to maintaining social and tax standards, as well as collective bargaining institutions. Moreover, Streeck argues, the national public sphere is, at least until today, the largest discursive arena. A similar strategic importance of the nation state is also identified by Nachtwey, who intentionally leaves open the question over whether political mobilization is more likely to emerge from the right or from the left. Against this background, a cosmopolitical perspective on social inequality would have to answer the question, how it wants to integrate those essentially national phenomena into its heuristics.<sup>2</sup>

Which further questions arise from this for future sociological research on capitalism? Is democracy really no longer the best-suited political form for (Western) capitalism? Or can we – as in the 19<sup>th</sup> century – not expect a sequence of market re-embedding in the Polanyian sense? If so, will a countermovement against crisis-ridden capitalism emerge

<sup>2</sup> Also, on an epistemological level, departure from methodological nationalism does not seem like a genuinely progressive endeavor. For example, comparative research – in taking into account different national contexts – research designs, capable of modeling parallel developments by recurring on the same variables.

from the national or the international level? Can capitalism and democracy be re-nationalized, at all?

Closely connected to the methodological status of the nation state is the new authoritarianism visible in initiatives such as 'Patrioten gegen die Islamisierung des Abendlandes' or the new party 'Alternative für Deutschland' (Ganselberger, 2017). Another desideratum for a sociology of capitalism lies therefore in a stronger focus on cultural factors enabling the symbolic legitimation of liberalization (e.g. Blyth, 2013). Last but not least, sociologists are – by dealing with the relationship between capitalism, inequality and democracy – engaging in their own 'identity politics'. Accordingly, the clearly normative tendency sociological analysis has taken on since the (financial, democratic and refugee-) crisis of 2008ff (Dörre et al., 2009), have created need for reflexive debate within the discipline (e.g. Mikl-Horke et al., 2011).

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## “More courage to Utopian Thinking”

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*In his recent interview with the journal ‘Theorie und Praxis der Sozialen Arbeit’ (led by Marius Mühlhausen), Stephan Lessenich talks about his new book, what it feels like to be treated like a “lefty romanticist” and of his persistent conviction that we need a new sociological analysis of the global economy.*

**Prof. Lessenich, a while ago Barack Obama said that if we could choose to be born in any period in human history without knowing which nationality, gender or ethnicity we would have, we would choose the present. Do you agree with him? Are we living in the best of all times?**

Sure, we would pick the present. Or at least, we would if we were making these considerations *in this part* of the world. Probably most people would say something like “I’d rather be living today than 100, or 70, or even 30 years ago.” And it does make sense! Average Germans in today’s German society are doing much better than they were in the past.

**You emphasize that these considerations are being made *here*. But you must admit that the global infant mortality rate is decreasing, as is the number of people living in absolute poverty. At the same time, more and more people are learning to read and write and the economy in the global south is growing. Wouldn’t you say that, from a global perspective, capitalism has improved the lives of many people?**

I wouldn’t contradict the mere description. If we agree with Obama, in most parts of the world those born today are better off than those born 20 years ago. Still, I don’t completely support the progressive perspective, but would rather differentiate a bit more. In fact, we cannot fully ascribe all this progress to capitalist modernization. After all, capitalism alone doesn’t reduce child mortality. Medical institutions, such as public health care systems which are ultimately to be seen as parts of the welfare state, also play a role.

**But don’t you agree that the value necessary to run such institutions is gained through the capitalist economy?**

Oh, I don’t doubt the success of the capitalism system at creating value. However, I find your story a bit one-sided, to say the least. Let me offer a counter-story: While *productive* on the one hand, capitalism simultaneously works as an incredibly *destructive* system. Undoubtedly, over the last two decades there has been an upward trend for certain groups among the world population. At the same time, we are living under conditions which allow rich societies to transfer the costs of their consumption to distant locations instead of carrying those costs themselves. And that’s a problem!

**With regard to the topic of your new book ‘Neben uns die Sintflut. Die Externalisierungsgesellschaft und ihr Preis’: Here you also refer to our world as a society of ‘externalization.’ What exactly do you mean by this?**

By ‘externalization,’ I mean the dynamic through which rich societies, such as our highly industrialized countries of the global north, transfer the economic, ecological and social costs of their production and consumption to other regions of the world. Some economic sectors create major environmental devastation, not here, but elsewhere. Likewise, production carried out under inhuman, unbearable conditions is outsourced. The past two decades have once again proven in the most radical manner how the growth strategy of rich societies is based on this very logic of externalization. Their particular power resource lies in their capacity to find means and ways to impose the costs of their expensive way of life onto others.

**Additionally, you’re making a case for a more sociological perspective on global relations. Can you explain your reasons for this?**

There are two reasons. If we want to understand unequal living conditions on a global scale, we cannot limit ourselves to statistical income indicators. One cannot only ask if — and possibly to what extent — gross domestic products are converging, for example. We need to look at all social and cultural conditions! In China, for example, an increase in income goes along with a massive exploitation of the labor force. People who can be assumed to have acquired a new socioeconomic status far above the statistical poverty line are still working under conditions far beyond everything we can imagine by our standards.

**And the second reason?**

Well, the second reason is that when seeking to identify those responsible for these global discrepancies, the everyday practices of average citizens living in richer industrial societies also need to be considered. If we do this, we arrive at the following conclusion: Those average citizens also support this dynamic of constant externalization with their particular way of life. And that’s not a moralistic statement, just an attempt to complete the analysis. Not only wealthy capitalists profit from these conditions. However indirectly, and without being in a dominant position, so do millions or even billions of people living in the developed world.

**But doesn’t the bottom line remain the same?**

Yes, but this is the only way to understand why there is so little fundamental change, and why capitalism is still such a stable and robust system. People think along the lines of “Look, after all we’re moving forward, are we not?” They live under the impression that maintaining global capitalism will eventually even out living conditions on a global scale. They’re saying “We’re not the ones responsible for this—the elite few in power and the super-rich they are protecting are! They’re the ones causing all the exploitation and eco-

logical devastation! It's them we need to tax more heavily!" and the like. And I agree! But this alone will not solve our problem.

**But isn't this an internalization of global patterns of consumptions? How could individuals change that?**

Well, one could get the idea that each and every one of us is responsible for the current conditions. This would be an extreme contradiction of my own previous work, since I have always placed a strong critical emphasis on the question of subjectivation, e.g. on the restructuring of the welfare state through of the enforcement of 'self-responsibility.' You could say that I'm doing the exact same thing now, except that I'm trying to draw attention to world society and global inequality mechanisms.

**Yes, your critics could say that you finally learnt your lesson.**

Well, and in part that's true. For example, I believe that a radical critique of 'the system' or 'institutions' alone can only take you to a certain point. It's not enough to focus on 'those few at the top' or 'capital' or even 'capitalism' as abstract figurations. Instead, we need to ask how this complex is maintained and secured. When we do this, individual practices come into focus. At the same time, however, we should not neglect how individuals are bound into structures and social relationships. For an individual who wants to live a successful life, there is no way out of this system of production and consumption. In order to develop successful counterstrategies, we need to focus on the individual's entanglement in these relationships.

**But shouldn't we differentiate a bit more? For example, in German society we can identify particular groups that are causing high externalization costs.**

We know that practices of externalization are more widespread in the upper social strata, as defined by income and fortune, than in the lower ones. We can basically say that the working class was bribed by the upper class through a rise in their living standards. And because workers – consciously or unconsciously – knew that they were profiting from this colonial and/or post-colonial dynamic, there was little room left for international solidarity in their everyday consumer practice. I would really like to highlight the double-edged character of this issue. If we don't, we limit our analysis to the logic of being dominated, while neglecting that those being dominated are also, at the same time, supporting and participating in this domination.

**When talking about protests against capitalism from the left, as for example last year in the case of the G-20 summit in Hamburg, time and again the objection arises that only those who can 'afford' criticizing do so. However, others who are hoping to improve their situation would require globalization, open markets, and capitalism *in toto*.**

This is indeed an interesting phenomenon and only these contradictions can explain the relative stability of global capitalism. And ultimately it is due to these perfidious coalitions, such as between capital and labor here in Germany. So why has neoliberalism worked so well over the last three decades? Because of the promise that with new forms

of economic coordination – less state and more market – we can keep on creating wealth and maintain the growth rates necessary for underprivileged groups to improve their situation.

**And that's why there is little hope for change beyond the regime of externalization in democracies? After all, the alternatives don't seem so attractive...**

The core of the problem is that all our ideas about what is desirable depend on economic growth. And I think that is what drives those perfidious coalitions between those who have a lot right now, and those who hope to get a lot in the future. What's more, the politicians in power depend on productive industries creating wealth. Every politician who says "We have to tax corporations so you're going to be much worse off now" will get into trouble.

**So does a just economic system require an authoritarian government?**

Well, only if an enlightened caste of intellectuals, politicians or even sociologists would say "Hey, folks, you're living your lives all wrong! Growth is destructive! That's why we're taking charge—to delight you with our new post-growth regime!" That would be authoritarianism from the left, which would neglect the public interest. There is one thing which we should remind ourselves of. Historically speaking, the urge for growth has not always just been there — it was established after World War II. Only today does it appear as though it were some kind of quasi-natural state. We tend to forget that civilization has for the longest time developed without massive exploitation of fossil resources and without development indicators, which we know today. Not every proposed alternative to our current configuration of economy and society is authoritarian in its aim.

**But still the question remains: how can social and economic structures be transformed?**

We need a public debate on the costs of the growth model that western industrial societies have established over the last sixty or seventy years. Perhaps such a debate would help us find the compromise that will allow us to stop living at the expense of third parties. I can't see much authoritarianism there, but Utopia. We need more courage to Utopian thinking instead of fear!

**So far, we seem to be doing quite well at hiding our own externalization activities.**

I think that, in recent decades, rich societies like the German one have developed a broad range of instruments to make global conditions in support of externalization invisible. So fundamental change can only happen when we immediately confront the problems caused by externalization in different locations. And by problems I am not referring to the Marxist topos of '*Verelendung*' (impoverishment). People do not necessarily have to live under bad conditions in order for a change to occur. But they have to be confronted with the realities beyond the scope of their everyday lives.

**In a way this is already happening, as people attempt to cross the Mediterranean.**

Well, we can always try to ignore the problem by changing the TV channel or turning to a different page in the newspaper. But this becomes more complicated once those people

are crowding our front doors. The more we realize that the increasing number of refugees in the last two years is not an exceptional 'boom' but rather a permanent phenomenon, the greater the opportunity for public debate. I think that the increase in numbers has not only caused people to say "Oh my God, we need to lock ourselves in!" but has also helped them to realize that we must no longer close our eyes to this.

**In his current book "Über Grenzen denken" (Thinking across borders), philosopher Julian Nida-Rümelin makes a case for the right of national collectives to self-determination. Given that immigration policies are legitimized through democratic elections within the national framework, could one not argue that we can legitimately choose to ignore the fate of people from far-off countries?**

What drives Nida-Rümelin is the question of where to draw the demarcation line for any given community, that unit within which people can exchange ideas and opinions and legitimately decide how they want to live as a society. Now, if we say that the nation state is a historically-developed institution, and also the only imaginable and only legitimate framework within which citizens can decide how they want to live, this does make sense. If so, then the borders as we know them today are not only functionally but also morally appropriate. And then we also arrive at the idea that there have to be many segmented spaces within which people decide how they want to live.

**And do you agree with this idea?**

I think if we take into account the existing structural dependencies at the global level, we cannot support such an argument. If we consider the current world society, we cannot help but recognize that the ability to decide how we want to live our lives—meaning the right to collective self-determination within national borders—does structurally depend on supplies made outside of those borders.

**And this makes us responsible for others?**

If you'd like to make a moral argument, yes. But you could also argue for a functional dependence *between* those self-determined communities, and this takes us to the work of classical sociologist Emile Durkheim who, in his discussions of solidarity, also argued from a technical and functional perspective rather than a moral one. Essentially, he said that whoever depends on another person must practice solidarity. And when you look at the world society as one society based on division of labor, in the sense that raw materials and industrial goods must be made and immaterial labor must be carried out somewhere, we realize that there is a mutual dependency. And this has to be taken into account when talking about self-determination. In my opinion, and despite the fact that national borders will persist at least for a while, it is theoretically and morally inappropriate to ignore these connections. The right to collective self-determination cannot be evaluated independently from these relationships within world society.

**But, realistically speaking, it must be clear that our welfare state cannot take care of everybody who suffers from externalization.**

The goal would be to acknowledge that human beings are entitled to certain minimum social rights – or, to put it differently, to a maximum of guaranteed social rights. Although we are very far away from this goal, actually it's not so unrealistic—as long as we don't translate it into 'we need the German welfare state on a global scale now' but rather 'let's secure basic social rights for everybody'.

**In the beginning, you demanded a collective strategy against the structure of global inequalities. But how likely do you think such collective action actually is in a time when everyone speaks of individualization?**

I think often we call for individualization or a lack of solidarization in a kind of performative way, justifying it by saying "As we all know, we live in a time where everyone is fending for themselves." If we really take a look around, we won't see a radically individualized society, but rather all kinds of solidarity exercised in everyday life. Of course, these patterns have changed over the last decades. But do not think that the moral foundation for a different form of collectivity has disappeared. On the other hand, I find it striking how strongly neoliberal ideology has to be impressed upon the public in order to remain in place. For three or four decades now we have been reading the same *Leitartikel*. It seems that in order for them to stay in line, people need to hear again and again "Yes, we must abstain today in order to prosper tomorrow!" It doesn't even matter what is actually happening; you'll always find an economist saying "Today we're still doing well, but we must remain competitive. Otherwise, we're lost."

**So, you would reject the idea that neoliberalism has been internalized?**

Well, it's obvious that there are mutual dependencies that keep the system going. There is a foundation of collectivity and solidarity which has not disappeared in recent decades, and which can be revitalized or made accessible in numerous innovative ways. In particular, the way civil society has taken care of refugees over the last years—in all possible social milieus and independently of political affiliations—has shown how deeply values of solidarity are rooted within society.

**So, what is missing is a political translation of this everyday life collectivity?**

There is a widespread self-fulfilling prophecy which states that wherever you look, you will find neoliberalism. Parties are neoliberal, institutions are neoliberal, everywhere is neoliberalism. In the end, the entire society is neoliberal. And in part, this diagnosis is correct. We are living in an age of economization. But we cannot say that everything has changed now, can we? Indeed, I am surprised, especially if we look at contemporary social democracy, at how strongly its representatives identify with neoliberal ways of thinking. At the same time, there has been surprisingly little willingness to counter the increased power of capital through a new—or even stronger—sense of solidarity. I don't know why those responsible have let themselves be dissuaded from this path. Because we certainly have the sociocultural resources we need to create solutions.

**Is this also because the situation is so complex that political parties don't really know where to start?**

Well, this diagnosis is frequently made. However, I think that we can actually point easily to some essential patterns. For example, we can easily connect the statement 'We are living at the expense of others' to the statement 'Profits in this country are unequally distributed and we can change that.' I do not think that this would mean asking too much from people. Instead, we should just take them more seriously. There is a great deal of widespread everyday knowledge about how these things work all across society, and also about how these things are connected to globalization and world society.

**Is it also a problem that, if you address these issues, you become marginalized as a left-leaning romantic dreamer, or even a fundamentalist?**

Oh, yes! People are quick to react with the attitude "well, that may sound nice, but it's totally unrealistic." And if you're not careful, they will call you an authoritarian. So, yes, there is a kind of ideological hegemony that isn't exactly critical towards capitalism. And the space for a leftist imagination has surely been shrinking over the last years. But we should not let this discourage us. Instead, we should think about how we can re-conquer these spaces!

**Interview: Marius Mühlhausen**

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# The constitutional politics of crisis in Europe

## A Review of: Poul F. Kjaer & Niklas Olsen. *Critical Theories of Crisis in Europe: From Weimer to the Euro*. London-New York: Rowman & Littlefield, 2016

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Since the beginning of the 2010s there has been an array of prolific literature concerning the reasons and consequences of the financial crisis that spread over the world economy since late 2008, developing into the Euro crisis in the following two years. Meanwhile, the global *political* landscape was shaken by events that would seem unimaginable one decade earlier.

The rise of new radical and populist political movements, in Europe and elsewhere and the emergence of new forms of social mobilization and protest that seemed to challenge the role of political parties and parliamentary democracy for democratic constitutional regimes were enough to cause a shift in the theoretical reflection about the crisis. These reflections now seem to go way beyond the institutional reasons for the breakdown in the banking system that was at its origin. Indeed, the crisis was no longer an economic – and mainly financial – crisis; it came to be seen as a constitutional crisis.

This shift is the main theme of the book organized by Poul J. Kjaer and Niklas Olsen: a reflective attempt towards a sociology of the European Constitutional Crisis of our time (with clear implications for a broader understanding of the social structure of constitutional crisis in today's world society). In order to do that, they proceed in a quite creative way: they use different disciplinary perspectives to advance a broad (critical) theory of the current crisis. Political philosophy and political theory, history, sociology of law and of constitutions, political and constitutional theory build a compound in which each part offers a different building block.

The first section of the book deals with the concept of crisis and its evolving meaning in contemporary politics. David Ruciman and Janet Roitman reconstruct the concept philosophically, pointing out its problematic ubiquity and its consequences for contemporary democracies. Following an argument already discussed by Reinhardt Koselleck (Koselleck, 2006) and Niklas Luhmann (Luhmann, 1997, pp. 1109–1128), Ruciman remembers that, by becoming ubiquitous, the idea of crisis loses its critical content. In fact, it becomes

inflationary and thus naturalized: no one knows anymore what the dangerous threats really are and which deciding moments are truly turning points in history, the two elements that define the existence of a crisis. On the other hand, this ubiquity is quite useful, since democracies may use it in order to remain sensitive to any potentially dangerous event, making a crisis from almost everything. Therefore, the political system becomes also able to focus on different issues, confronting potential threats before they become really destructive. On the other hand, a problem arises when the continuous shift of attention from a new upcoming crisis to the next prevents the political system from taking the decisions that can adequately tackle their structural causes.

Janet Roitman follows a similar path, arguing however that a theory of crisis needs to advance further than the mere diagnosis of a “crisis ubiquity”. She proposes a second-order observation of the “crisis discourse”. Taking seriously how events are framed as a crisis is essential for understanding how different political actors construct their social experience. Therefore, a critical theory of crisis cannot be satisfied to point out that the concept has lost its meaning: it must understand that the concept is central for how politics is made and, hence, it must be part of any attempt to understand the way history unfolds.

The second section attempts to reconstruct the ideological landscape at the roots of the explosive European constitutional crises of the 1930s, identified with the failure of the Weimar Republic and the rise of different forms of Authoritarianism in Central and Eastern Europe. John P. McCormick goes back to the authoritarian political philosophy developed by Carl Schmitt and Leo Strauss, arguing that their divergence was founded on the meaning of morality for human life and the consequences of individualism for modern society. In the end, his argument, in line with some studies on the new right-wing populist movements (Elchardus and Spruyt, 2014), points out the lack of moral unity and the increasing sense of decay of common social morality as one of the main reasons for the rise of totalitarian and authoritarian movements, in the 1920s and in today’s European landscape.

Following a similar thread, Balázs Trencsényi argues that the anxiety produced both by the feeling of being left behind and by the disruptive dynamics of market economy was at the roots of conservative intellectual movements emerging in Central and Eastern Europe in the beginning of the twentieth century. For him, new intellectuals translated the frustration of a supposed backwardness of Eastern European countries into a sense of moral superiority in the face of Western “moral decay”. These movements would still be important to understand the rise of populist movements and leaders such as the Fidesz and Viktor Orbán, in Hungary.

Niklas Olson looks at the concept of “consumer sovereignty” and how it was created to legitimize the liberal agenda in the interwar period, as the rise of the social question and labour conflicts blighted the reputation of liberal ideology from the end of the 19<sup>th</sup> century. Connecting markets and liberal democracy, the claim was that a market economy had an intrinsic democratic content, given that consumers were for the economy nothing less than voters with equal rights as they make choices in the markets. Although its success has been limited at first, given the advance of Keynesian ideas and the spread suspicions towards nineteenth-century-like capitalism even among liberals, this idea has been re-

newed after the Second World War by a transnational articulation of intellectuals and economists organized under the Mount Pelegrin's Society. These networks succeeded in reshaping state regulations after 1970 and achieved a broad hegemony in fiscal and monetary policies after the 1990s. Olson does not explicitly say that, but it is clear that the concept of consumer sovereignty also became a basic cornerstone of the European constitutional structure, deeply shaping European competition law, its Central Bank's monetary policy and, beyond that, the very concept of individual rights at the basis of European political unity.

The third section revisits the evolution of the European constitutional model. Chris Thornhill argues, as he has been doing in the last decade (Thornhill, 2011), that the crisis of the Weimar Republic, common to other European states, was caused by the expansion of the political system (*hyperpoliticization*) as a tool for producing societal inclusion and modernization. For him, the attempt to produce a modern nation through social inclusion was pursued, in the case of the Weimar model, through the constitutionalization of social rights, mainly in the form of labour law. This allowed for the emergence of a political model that concentrated power in the hands of a few economic corporations and national unions, expanding the influence of the political system to other sectors of social life. Despite its initial inclusionary intentions, the concentration of power of the corporatist constitution model gained an exclusionary impulse as society became more and more subject to the constraints produced by its "political core". The consequences were to be seen in the authoritarian regimes that emerged in many European countries after the 1920s. The corporatist model was thus succeeded by a neocorporatist arrangement, limited by a strong structure of individual and human rights, that was also reflected in a wide process of legal internationalization.

Similarly, Ruth Dukes argues that labour law was at the roots of the social conflicts taking place under the Weimar Republic. For her, in that context, labour law was mainly conceived through the lens of a class struggle paradigm: as an opposition between capital and labour. She reconstructs its history after the Second World War and adverts that its founding opposition has been gradually replaced by the opposition between *insiders* (standing in a protected labour relation) and *outsiders* (the so-called precariat outside protected labour relations). This new opposition would strip labour conflicts from all their political transformative potential, by playing workers against workers in a labour market in which the power of capital came to be seen as a set of naturalized given conditions that cannot be touched.

The section ends with Poul Kjaer's contribution, in which he recounts the European constitutional history as a shift from corporatism to governance. Following Thornhill's definition of corporatism, Kjaer goes further, identifying a reorganization of the state/society relations beginning in the 1970s through new technologies of government, based on adaptation and efficiency. Accordingly, the state would have shifted its focus from direct conditional regulation of social relations to a more fine-tuned adaptive learning of self-regulatory social dynamics. Such a shift poses however challenging quests over the legitimization of power and regulation, a problem at the very core of the actual European constitutional crisis. Interestingly, Kjaer asks whether these changes would not mean a

sort of refeudalization of society through the naturalization/depoliticization of law and regulation.

The fourth section of the book focuses more specifically on the underlying relation between the Euro crisis and the Constitutional Crisis of the European Union. Christian Joerges recounts the origins of the European Project as the result of a political victory of German Ordoliberalism. The cornerstone of this project would consist of an ever-closer union of the European markets through a process of legal integration. For Joerges, the Euro was however a break with this foundational project, as the introduction of the common currency without the creation of a fiscal union gave place to a new dimension of constitutional conflicts that could not be solved through the sole means of legal integration. If Europe had always had horizontal conflicts between member states and vertical conflicts between the Member States and the Union, the Euro crisis added a sort of diagonal conflict to that. European monetary policy “is neither supreme to fiscal and economic policies”, since the latter remain attained to the national level, “nor does it ‘preempt’ the exercise of national powers”, since member states still can follow their own directives and objectives in these matters (p. 150). The European monetary policy aims at the stabilization of the currency, while it has no means to bind the economic and fiscal policies of member states in a coordinated manner. This leads to a situation in which it is impossible to tackle possible conflicts between the aims of different levels of governance through the means of general legal rules. The only way out of this contradiction was then the divorce between European constitutionalism and the rule of law. Accordingly, the ECB and the (unconstitutional) Eurogroup were functionally forced to resort to *ad hoc* (fundamentally illegal) strategies in dealing with the debt crisis of the European peripheral states. Therefore, European crisis management has been put in a crisis itself, wrapped in a paradox between the necessary decisions to keep alive the Union and the “rule of law” structure that was its cornerstone.

Indeed, the release of informal power can also be seen, although in another form, in the way in which the EU deals with the so-called “rule of law crises” taking place in countries governed by illiberal populist movements, such as Hungary, Poland and Romania. This is the theme of Jan-Werner Müller’s contribution. He describes how the European commission abstained from applying sanctions against national governments pursuing constitutional reforms and policies that clearly violated basic principles of minority protection, electoral equality and democratic accountability of executive powers. These sanctions were clearly provided for by the European treaties (Article 7, TEU) as a protection of the main values of the Union, such as democracy and human rights (Article 2, TEU). By deciding to frame these violations as a “rule of law crisis”, the Commission followed a legal path that avoided open conflicts between the Union and member states, describing violations as part of a “governance crisis” rather than a fact demanding clear legal and political decisions. This step has only strengthened the argument made by the undemocratic governments of those countries, according to which the Union is governed by the informal power of an illegitimate transnational elite without any clear democratic authorization. For Müller, the violations should have been tackled from the beginning as they genuinely are: as “rule breaking” acts that demanded action by the European Council in accordance with the provisions of Article 7.

Joerges' diagnosis is in a certain way enlarged by Hauke Brunkhorst's description of the Euro crisis as the trigger of a legitimization crisis of the European project. For him, the end of the happy marriage between ordoliberalism and rule of law represented a victory of a new form of turbo-capitalist management unbound from any form of democratic control. In other words, the release of huge amounts of informal political power – now in the hands of the bureaucracies in the ECB and the Eurogroup – makes it even more difficult for the weak European public to engage in processes of collective and democratic decision making. Besides depleting the capacity of democratic elections to influence relevant economic decisions – as in the Greek, Italian and Spanish cases – the constitutional shifts after the Euro crisis also closed the range of alternatives made available to the public through national elections, creating multitudes of European citizens stripped of any capacity to influence large political processes - in the core as well as in the periphery of the Union.

The fifth and last section of the book turns its attention to the future possibilities facing the peoples of Europe, be it in the form of resistance and struggle for democratic re-constitutionalization, or be it in the form of a democratic decay thanks to the rise of an anti-modernist right-wing. William Scheuerman offers the reader an interesting interpretation of the pacifist civil disobedience tactics of the North American civil rights movements as an alternative method of resistance in the European case. He notes that the unleashing of managerial informal power for European transnational bureaucracy does not represent exactly a kind of open state illegality. Under conditions of emergency, such as that of the Euro crisis, governments often resort to some sort of extralegal devices to advance the goals of sovereignty and political stability. This is however not the only form of extralegality. Also, the governed can resort to extralegality when they offer specific forms of popular resistance. Extralegality may not be confused with illegality, because it aspires to be or to become the legitimate form of legality. Of course, there are differences between the extralegality of the governing and that of the governed. The former is usually claimed to be a necessary way to guarantee social order as a broader goal. The latter takes mostly the form of resistance against political ruling perceived as unjust or illegitimate. Governmental extralegality can make use of the means of the state, such as organized violence and legal tools to advance its goals. Governed extralegality can only assume a form of pacific civil disobedience. This must be so because civil disobedience is always on the edge of becoming part of plain illegality. The lessons of Martin Luther King serve Scheuerman as a good example of how to manage this thin line. As he points out, King's "civil disobedient stood on the side of 'law and order'", even accepting punishment by segregationist judges and racist juries. They claimed that they were representing the true legality, and by doing so they forced important reforms. Be it as it may, it remains quite unclear how civil disobedience could be articulated in the European context. Although it is very clear that extralegal power has gained momentum through the new European crisis management, it is hard to imagine how the peoples of Europe could use civil disobedience in this context. To some extent, it seems more likely that the reaction may come from less bright corners of the European ideological landscape.

Mikkel Thorup's contribution looks at the political imaginary of the emerging populist, anti-Muslim, right-wing movements in Europe in the search for answers on how to un-

derstand the political reactions to the European crisis. As he points out, these movements are informed and fed by feelings that are similar to those which were common for the anti-modernist movements of the interwar period: the sense of decay, resentment for descending status, the picture of a loss of supreme values and respect for authority. While anti-modernism as an ideological figure remained largely an intellectual movement at that time, new emerging forms of right-wing politics succeeded in articulating popular emotional anxieties towards migration with the intellectual anti-modernist discourse. If Jews were the object of hatred in the past, now the Muslims assume this role. Further, European elites become part of the problem since they are seen as the source of European weakness towards the alien threat. The darkness of these developments lies in the fact that the “democratization of reaction” made this movement able to talk to all those who perceive themselves as losers of the integration process. Moreover, they are not few, given the elitist, undemocratic and exclusionary dynamics of today’s European governance.

The final question arising from all contributions may be condensed and explained in the quest for constitutional reform in Europe. As put by Kjaer and Olson in their concluding remarks, the European project was the result of the bitter experiences of Europe in the aftermath of the two Great Wars. It has been constitutionalized in the legal structures of an ever-closer union mainly integrated through law and economics. The EU’s constitutional structures seem however to have overreached its own capacities of advancing the project, giving place to a structural dissonance of the social processes going on in different social settings and the institutional structures of governance that demand a reconceptualization of the underlying constitutional project. On whether this is going to happen or not, depends the future of the whole project.

In the end, the book provides a very convincing picture of the challenges facing Europe and Europeans today. It makes a strong argument for a conceptualization of these challenges that goes far beyond one specific and sectorialized crisis. This is not only a crisis of the Euro. This is not only a crisis of the “rule of law”. There is not a political crisis caused by new populist and racist movements. There is an European constitutional crisis awaiting to be tackled. This diagnosis restates the theoretical and conceptual position of “crisis” as a turning point in history where decisions are to be made. “Crisis is back”. As a consequence, Europe needs a new constitutional decision. Hopefully, this time a democratic one.

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# Obituary: Stephan Leibfried

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The sudden passing of Stephan Leibfried in March of this year was a shocking event for his family, friends and colleagues and a deep loss for the German social science community. Stephan Leibfried has enormously enriched and contributed to this community not only through his research, but also through his unbroken and enthusiastic commitment to promoting social policy research in Germany and beyond. Since being appointed to a professorship for social policy and administration at a very young age, he remained loyal to the University of Bremen, contributing to turning the university into an internationally visible hub for social policy research. Stephan Leibfried was a perpetual source of ideas, a science manager and institution builder who left his imprint on renowned institutions such as the Zentrum für Sozialpolitik (ZeS, which is now integrated into the SOCIUM), the Bremen International School of Social Sciences (BIGSSS) and three (!) DFG Collaborative Research Centres. For many, the Collaborative Research Centre (CRC) on “Transformations of the State” (2003-2014) in particular, was closely affiliated with the name and person of Stephan Leibfried.

In his research, Stephan Leibfried covered an enormous variety of topics, which cannot all be addressed here. In any case, he had always been and continued to be “ahead of the curve”. In his joint work with Paul Pierson in the 1990s, he explored the social policy dimension of European integration well before the side effects of asymmetrical economic integration had materialized. Collaborating with Jutta Allmendinger in the early 2000s, he pointed to the central role of education in the welfare state and how educational inequality can promote particular forms of “education poverty” with deleterious long-term consequences for social inclusion. The research program on “transformations of the state”, of the above-mentioned CRC, reflected on the changing role of the state in a globalized world, in which the nation state as a historical and political construct is continuously and increasingly put under pressure.

Besides his contributions to research, I have always been extremely impressed with Stephan Leibfried’s openness towards new and unconventional ideas and his continued engagement for young scholars, moving beyond Germanic conceptions of hierarchical chair structures and neatly separated “schools of thought”. Stephan Leibfried has done a lot to promote the internationalization of German social science by collaborating with international top scholars early on and by building networks between German and international scholars, for instance when he was involved as a co-editor for two of the renowned Oxford handbooks. The Schader Foundation’s life-time award for Stephan Leibfried in 2014 was a timely appreciation of this continued contribution to social science research.

As somebody who does not belong to the inner circle of Bremen, I would like to take this opportunity to reflect on his wider contributions for social policy research in Germany as well as my personal experiences with him. A couple of years ago, I had the opportunity to work with him and a number of colleagues in the context of an initiative, which aimed at mobilizing additional resources for social policy research in Germany in order to counteract a perceived gradual erosion of fiscal conditions in this field. Even though the initial goal – to set up a dedicated fund at the DFG – was not achieved, the initiative was still successful in the end: In 2016, the Federal Ministry of Labour and Social Affairs (BMAS) set up the Research Network on Interdisciplinary Social Policy Research (Fördernetzwerk Interdisziplinäre Sozialpolitikforschung, FIS) to support the establishment of professorships, junior research groups and further projects at universities and higher education institutions. Without doubt, Stephan Leibfried's enthusiasm and dogged persistence as well as his excellent political networks at the *Land* and Federal level contributed to the eventual success of this initiative.

Taking a step back, our collaboration a couple of years ago was – as a first step – focused on writing a memorandum (“Denkschrift”) on the state of social policy research in Germany. Besides demonstrating to policy-makers and sponsors the breadth and variety of social policy research in Germany and in neighboring countries, this memorandum had the positive side effect for the scientific community to engage in a process of self-reflection and stock-taking. Stephan Leibfried's engagement for this project was crucial, not only because we benefited enormously from his unrivalled knowledge of the field and his personal networks, but also because of his unbridled enthusiasm for the project, counterintuitively coupled with modesty, which I found very impressive: At first, Stephan Leibfried was not officially enlisted as co-editor of the edited volume that eventually came out of this project. Only after he had already negotiated a deal with a publisher and was probably about to start editing the extensive list of references, we – the remaining co-editors – found the presence of mind to ask him to become an official co-editor.

Unlike his colleagues in Bremen, I did not have the privilege of sharing everyday life at the University with Stephan Leibfried. I remember one particular instance, however, from our various meetings: Him steering an old Mercedes in winterly weather conditions with me in the front-seat and three further passengers in the back, discussing the most recent news in the social policy community while driving the car with one hand and freeing the windscreen of fog with the other. I also remember fondly the annual Christmas cards – which increasingly became large-sized posters – of different kinds of ships at sea and marked with hardly readable handwritten notes on the latest strategies to promote social policy research in Germany.

The gap that Stephan Leibfried's passing has opened up is large and very difficult to fill. For the young generation of social policy scholars, who now have to follow in his footsteps, and for me personally, he was a leading and inspiring scholar, both in terms of his research as well as his personality. We will deeply miss him.