

DEMOCRACY
REALITY AND RESPONSIBILITY

the
PROCEEDINGS
of

the Sixth Plenary Session of the
Pontifical Academy of Social Sciences
23-26 February 2000

VATICAN CITY 2001

The opinions freely expressed during the presentation of papers in the Plenary Session, although published by the Pontifical Academy of Social Sciences, only represent the points of view of the participants and not those of the Academy.

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VATICAN CITY

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PREFACE

This volume contains the third phase of the Academy's work on 'Democracy'. The first phase was a workshop. The intention of the workshop was to initiate the Academy's deliberations by engaging in a fertile examination of the various experiences of the different regions of the world and thereby obtain a world-wide view. Hence the workshop discussed reports not only from Western Europe but also from post-Socialist Central and Eastern Europe, from Africa, Asia, and from Latin America. It was held from 12-13 December 1996 in Rome. The proceedings of the workshop were published as no. 1 of the new *Miscellanea of the Pontifical Academy of Social Sciences* (Vatican City, 1998). The second phase was the Fourth Plenary Meeting of the Academy which was held from 22-25 April 1998 in the Vatican City. This Plenary Meeting addressed itself to the subject of 'Democracy – Some Acute Questions'. The discussions centred around three themes: 'Value of Democracy – Democracy and Values', 'Civil Society as the Essence of the Democratic State', and 'Supranationality, Internationality and Democracy'. The proceedings of this meeting were published as volume 4 of the *Pontificiae Academiae Scientiarum Socialium Acta* (Vatican City, 1999). The discussions of the Fourth Plenary Meeting showed that there was an urgent need to study other questions connected with democracy. For this reason, another Plenary Meeting on democracy was planned. Under the title of 'Democracy – Reality and Responsibility', it was held on 23-26 February 2000 in the Vatican City. The proceedings of that meeting are published in this volume.

Article 1 of the statutes of the Pontifical Academy of Social Sciences says: 'The Academy, through an appropriate dialogue, thus offers the Church the elements which she can use in the development of her social doctrine, and reflects on the application of that doctrine in con-

temporary society'. Thus the Academy is aware that it has to concentrate on the relationship between the reality and the theory of democracy on the one hand, and the social teaching of the Church on the other. For this reason, the Academy has repeatedly referred to what the social teaching of the Church has said, and should say, about democracy. That is why the workshop of December 1996 was introduced by a report of Michel Schooyans (Louvain) on 'Democracy in the Teaching of the Popes' (*loc. cit.* pp. 11 ss). Similarly, the Fourth Plenary Meeting began with reports on 'Droits de l'homme et démocratie à la lumière de l'enseignement social de l'église' (Michel Schooyans, Louvain, *loc. cit.* pp. 47 ss), as well as on the relationship between democracy and the social teaching of the Church (Roland Minnerath, Strasbourg, *loc. cit.* pp. 57 ss), which were both followed by a special discussion (*loc. cit.* pp. 65 ss). The Sixth Plenary Meeting was brought to a close with a report on 'Democratic Development and the Social Teaching of the Church' which was delivered by Roland Minnerath (Strasbourg, see below pp. 405 ss), and this, too, was followed by a discussion. This was an attempt to look at the principal areas of focus of the subject. However, despite all these endeavours to relate the Academy's discussions of democracy to the social teaching of the Church, the results clearly need further research and debate. The Academy hopes that the three volumes on democracy which it has produced will also be read and discussed by experts on the social teaching of the Church who do not belong to the Academy and who were not involved in its work on democracy.

The readers of this volume should know that the Academy has changed its policy in relation to the publication of the discussions which follow papers delivered at the meetings. From the beginning of its work ('The Study of the Tension Between Human Equality and Social Inequalities from the Perspective of the Various Social Sciences'. *Proceedings. First Plenary Session of the Pontifical Academy of Social Sciences November 24 - 26, 1994*, Pontificiae Academiae Scientiarum Socialium Acta 1, Vatican City, 1996) until the publication of its Fourth Plenary Meeting ('Democracy – Some Acute Questions', *loc. cit.*) the Academy tried various ways of reporting the discussions of the Plenary

Meetings. However, in the end it was not possible to find a middle way between overly scrupulous and expensive reports on the one hand, and highly condensed reports on the other. Hence the Academy finally decided that no separate reports on the discussions would be published. Instead, scholars and experts giving papers were invited to revise their texts in the light of the discussions. The reports on the proceedings of the Fifth Plenary Meeting (*Towards Reducing Unemployment*. *The Proceedings of the Fifth Plenary Session of the Pontifical Academy of Social Sciences 3 – 6 March 1999*, Pontificiae Academiae Scientiarum Socialium Acta 5, Vatican City, 1999) had already been prepared and published in this new way. This volume also follows the new policy.

Not all English texts are the work of native speakers. For this reason, the English texts were looked through and revised by Dr. Matthew Fforde. The authors and the editor thank Dr. Fforde very much for his help.

The Academy has the very sad duty to inform readers of the death of Professor Janusz Ziolkowski (Poznan). He was appointed a member of the Academy in December 1997. At the Sixth Plenary Meeting he presented a paper on ‘Democracy, Public Opinion and the Media’ (below pp. 173 ss). After the Plenary Meeting he returned to his home country of Poland. There he died in May 2000. The members of the Academy and all the other participants of its Sixth Plenary Meeting remember his unique personality. They thank him warmly for all his services. His memory will burn bright in their hearts.

HANS F. ZACHER

Chairman of the Academy’s ad hoc
Committee on Democracy

Munich, July 2000

VI PLENARY SESSION: 23-26 FEBRUARY 2000

PROGRAMME

Tuesday 22 February

Meeting of the Council

Wednesday 23 February

Papal Audience

OPENING

Message of the Holy Father read by President Malinvaud

Part I - THE GENERAL FRAMEWORK

Professor HANS F. ZACHER (Pontifical Academician - München)
"The State of the Academy's Deliberations on Democracy"

Professor PARTHA DASGUPTA (Pontifical Academician - Cambridge)
"Democracy in a Global World"

Part II - DEMOCRACY: STRATEGIES FOR VALUES - HOW TO ADVOCATE, FOSTER
AND DEFEND VALUES IN A PLURALISTIC SOCIETY BY DEMOCRATIC MEANS
(two speakers)

Professor MICHEL SCHOYANS (Pontifical Academician - Louvain-la-Neuve)

Professor PAUL KIRCHHOF (Heidelberg)

Closed Session for Academicians

Thursday 24 February

Part III - THE IDEAL OF DEMOCRACY AND DEMOCRATIC REALITY - THE EVER CHANGING INTERPLAY BETWEEN DEMOCRATIC STRUCTURES AND CIVIL SOCIETY (two speakers)

Professor MARY ANN GLENDON (Pontifical Academician - Cambridge Massachusetts)

Professor GÖRAN THERBORN (Uppsala)

Part IV - DEMOCRACY AND INDIVIDUAL FIELDS OF ENCOUNTER BETWEEN THE STATE AND SOCIETY

Professor PAULUS MZOMUHLE ZULU (Pontifical Academician - Durban)
“Education - Education as a Precondition for Democracy - Education as a Means to Implement Democracy”

Professor JANUSZ ZIOLKOWSKI (Pontifical Academician - Poznan)
“Democracy, Public Opinion and Media”

Professor HANS TIETMEYER (Pontifical Academician - Frankfurt am Main)
“Democracy and Economy”

Professor COLIN CROUCH (Firenze)
“Democracy and Labour”

Closed Session for Academicians

Friday 25 February

CONTINUATION Part IV

Professor MANFRED G. SCHMIDT (Bremen)
“The Democratic Welfare State”

Professor HERBERT SCHAMBECK (Pontifical Academician - Linz)
“Ethnic Structures and National Democracy”

Professor PIERPAOLO DONATI (Pontifical Academician - Bologna)
“Religion and Religious Communities” (first speaker)

Professor HABIB MALIK (Beirut)
“Religion and Religious Communities” (second speaker)

Meeting of the Committee in Charge of Preparing the Jubilee Edition

Meeting on the Social Dimensions of Globalization

Saturday 26 February

Part V - CLOSING DISCUSSION

Professor ROLAND MINNERATH (Pontifical Academician - Strasbourg)
“Democratic Development and the Social Teaching of the Church - Focuses of Responsibility”

General Discussion

Meeting of the Council

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REPORT BY THE PRESIDENT

On 20 November 1999 the Holy Father appointed Professor Wilfrido Villacorta a member of our Academy. Professor Wilfrido Villacorta was born in Manila, the Philippines, on 22 May 1945. He is Professor of Political Science at De La Salle University and President of the Yuchengco Center for East Asia of the same university. He was awarded a bachelor's degree at the University of the Philippines and an MA and a Ph.D. in politics (major in international law and relations) at the Catholic University of America. He worked in two international organisations from 1976-1982, as Senior Specialist at the SEAMEO Center for Educational Innovation and Technology, and as Secretary General of the Regional Secretariat of the Association of Christian Universities and Colleges in Asia. From 1983-1993 he was Dean of Liberal Arts and Senior Vice-President at De La Salle University and was a delegate to the 1986 Constitutional Commission which drafted the present Constitution of the Philippines. Professor Villacorta has published extensively and has received several awards and distinctions, including the Chevalier dans l'Ordre des Palmes Academiques of the French government (1992), the Benedictine Centennial Award in Education (1995), and the Fulbright-Freman Foundation Distinguished Centennial Lecturer Award (1988). After his official appointment by the Holy Father on 20 November 1999, he was formally conferred the appointment and given the certificate and the gold medallion of membership on 23 February 2000.

During the year which followed the close of the Fifth Plenary Session and the Council meeting of 6 March 1999, the Academy imple-

mented the programme which had been decided upon at those meetings. The high point of its activities was the Sixth Plenary Session, held from 23 to 26 February 2000, which took place immediately after a two-day Workshop designed to initiate the activities of the Academy on a new subject. The title of the Workshop was 'The Social Dimensions of Globalisation'. During these twelve months the Council held three meetings: on 10 November 1999, 22 and 26 February 2000 respectively. This report deals with the projects of the Academy concerning, first, the continuation of its studies on democracy; second, the beginning of its studies on the social dimensions of globalisation; and third, the finalisation of a book which will present a wide academic audience with the main outcomes of its investigations into the subject of work and employment.

The Study of Democracy

The Proceedings published here follow on from what was explained and announced in the report of last year (see pages 37-38 of *Pontificiae Academiae Scientiarum Socialium Acta*, n. 5, 1999). After the three meetings devoted to this subject in December 1996, April 1998, and February 2000, the Academy now wants to reflect on how best to draw a set of conclusions which will be relevant for the development of the Social Teaching of the Church on democracy and will also receive wide support from our Academicians. The aim is to draft a document which could be finally approved by a future General Assembly, probably in 2003. This requires serious preparation, and perhaps to begin with the consultation of experts who have not yet been involved in the exchanges organised by the Academy and who could thus approach our three published volumes with fresh minds. On 22 February the Council asked Professor Zacher to work out a precise proposal on how to implement this objective, which is now on the agenda of the Academy.

The Social Dimensions of Globalisation

The Workshop which was held on 21-22 February 2000 was meant to provide orientations for the Academy's scientific activities which, dealing with globalisation, would stress the viewpoint of the developing world, and in addition would be relevant for the Social Teaching of the Church. The preparations for this Workshop were the responsibility of a special committee chaired by Professor Sabourin. It was made up of thirteen members of the Academy and four outside expert professors (Sergio Bernal Restrepo S.J., of the Pontificio Collegio Pio Latino Americano, Rome; Hakan Bjorkman, of the UNDP Office, Copenhagen; Denis Goulet, of the University of Notre Dame, USA; and Stefano Zamagni, of the University of Bologna).

In conformity with the pattern which was agreed upon in 1995 and which had already been applied in relation to the two other main subjects studied by the Academy ('Work and Employment' and 'Democracy'), the Workshop had to focus, as an essential reference point for its discussions, on a document presenting the current state of development of the Social Doctrine of the Church. With regard to globalisation, the state of the Church's doctrine was described and analysed in a paper delivered by Bishop Martin Diarmuid, the Secretary of the Pontifical Council for Justice and Peace.

From this dense paper the participants will certainly remember in particular a quotation from *Ecclesia in America*, which was published after the Special Session of the Synod of Bishops for America, North and South (1999). In this publication the Pope observes that 'the ethical implications of globalization can be positive and negative. There is an economic globalization which brings some positive consequences, such as efficiency and increased production and which, with the development of economic links between different countries, can help to bring greater unity among peoples and make possible a better service to the human family. However if globalization is ruled merely by the law of the market applied to suit the powerful, the consequences cannot but be negative' (n. 20). And the Pope goes on to indicate some of these possible negative consequences. For example, 'absolutizing the econo-

my', something which is particularly significant for reflections on the social implications of globalisation. At the end of his survey, Bishop Martin writes: 'The ethical challenge has only begun along the path of globalization in solidarity, globalization without marginalization'.

Five other main papers were delivered at the Workshop, and they had the following titles: 'The Meaning of Globalization'; 'The Evolving Nature of Development in the Light of Globalization'; 'Human Development and Globalization: Challenges and Indicators'; 'Social and Cultural Dimensions of Globalization'; and 'The Economic Aspects of Globalization'. Predictably enough, these papers stimulated important contributions from the commentators. Overall, a wide range of issues was discussed. The Workshop ended with a round-table which had two objectives. On the one hand, it was to raise additional related issues which had not been covered in the previous sessions, such as: how is globalisation impacting on ordinary people and contributing to increased inequality? Or, how can ethics and principles of human and social development be brought into the process of globalisation? On the other hand, it had to make suggestions for the scientific programme of the general assembly to be held in 2001, which will deal with the same general subject as the Workshop.

The round-table was more successful with respect to the first objective than to the second. Some speakers paid attention in particular to what is now called the quality of governance and to why it is that this quality is often found at low levels in developing countries. Others focused on the need for the Academy to look at detailed evidence and not only at overall statistics – this could mean considering case studies, and/or examining how 'care' is often an essential ingredient in local cultures, and/or organising meetings with people who have been involved on the ground, and/or creating an 'Observatory' to collect meaningful evidence from various countries.

No central guideline emerged for an approach to the programme of future activities, beginning with the 2001 Plenary Session. At the end of his opening contribution, Professor Sabourin made three suggestions as to the issues on which the 2001 programme could concentrate

its attention: (i) the ethical aspects of globalisation in the light of the Social Doctrine of the Church; (ii) globalisation as it is perceived and experienced in the developing world; and (iii) the kind of international authority which is needed in order to respond to the advance of globalisation. The round-table did not focus its discussion on these suggestions. On the contrary, some participants feared that the subject of globalisation could become an umbrella under which the Academy would be tempted to place everything. Perhaps, because of this danger, it will be necessary in the future to distinguish between when the Academy wants to deal specifically with the Third World and when it wishes to address itself to the social dimensions of globalisation as they apply to the whole of the planet.

The committee chaired by Professor Sabourin, and the Council of the Academy, were left with the responsibility of deciding upon the programme of the April 2001 Plenary Session. A detailed draft programme, which had been prepared by the committee, was presented by Professor Sabourin to the Council Meeting of 26 February 2000. The focus was on ethical assessments under the general title of ‘Globalisation and Common Humanity’. The choice of possible speakers and the proposed organisation of activities were more eclectic in character than had previously been the case within the Academy. While thanking Professor Sabourin for the organisation of what had been a very successful Workshop, as well as for his efforts in chairing the committee and drawing up a detailed draft programme, the Council felt that the envisaged programme was too broad to be covered in depth. At a lesser level, the Council expressed reservations about some of the approaches which were suggested for the papers and discussions. Professor Sabourin conceded the force of the comments which had been made and agree to revise the draft programme accordingly.

Work and Employment

The Academy has devoted three plenary sessions to the subject of ‘Work and Employment’, in 1996, 1997, and 1999 respectively. All the

papers presented at these sessions have been published in the Proceedings of the Academy. This is also true of the reports of the discussions held in 1996 and 1997. From the outset, that is to say in March 1996, the Academy decided to edit and publish a book – to be produced and distributed by a commercial publisher – on the outcomes of the first round of its reflections on this subject. Believing at that time that the round in question would be completed by the two sessions of 1996 and 1997, Academicians thought that this book would be published in 2000 and would thus be their contribution to the Jubilee year – hence the name ‘Jubilee Edition’ given to the project. Its proposed character was discussed at length and this is carefully explained in the Proceedings of the 1997 session (see pages 39-41 in *Pontificiae Academiae Scientiarum Socialium Acta*, n. 3, Vatican City, 1998).

As events turned out, the first steps in the preparation of the book revealed that the Academy would have to examine additional papers to complement those discussed in 1996 and 1997 dealing with points which had not been addressed, or sufficiently addressed, during those years. This is why the whole scientific programme of the Plenary Session of 1999 was again devoted to the subject of ‘Work and Employment’. Clearly, during the rest of 1999 and the beginning of 2000 much attention had to be devoted urgently to the completion of the book. Therefore, immediately after the Plenary Session, held on 8-9 March, a meeting of the special committee in charge of preparing the Jubilee Edition took place.

The committee had to discuss how to implement the orientations which had been adopted previously, namely to produce a book in which, after a chapter by Professor Schasching S.J. presenting the Social Teaching of the Catholic Church on ‘Work and Employment’, and after a long series of extracts taken from the various papers which had been prepared and discussed at the three Plenary Sessions, a Report of the Academy would present the provisional conclusions drawn by Academicians collectively from the papers and discussions of these three sessions. A provisional and incomplete draft for this report had been prepared by myself, acting as President of the Academy, and this was discussed at a closed session of Academicians in 1998.

The March 1999 meeting of the committee proved quite useful in defining the project in greater detail and in adopting a precise outline for the whole book. But it appeared that my intentions for the revision and completion of the Report of the Academy, on the basis of comments received and the material discussed in the 1999 session, did not meet with unanimous approval. Hesitation was expressed both with regard to the contents, and in relation to the tone, of the proposed Report. Before taking a decision on the question, the committee wanted to examine an alternative attempt at drafting the Report of the Academy. Professor Archer kindly agreed to prepare such an alternative draft. For my part, I accepted the proposal to revise my earlier draft along lines which I had already indicated.

Unfortunately, when the two new drafts were ready it was clear that they were written from very different perspectives and thus did not lend themselves to amalgamation. Given this situation, the course of action to be followed was carefully discussed, firstly, in correspondence between members of the committee, and secondly, at two meetings of the Council. After discussion by the General Assembly it was decided that no Report of the Academy would appear in the book and that the two texts prepared by Professor Archer and the President would both be presented as personal contributions, the first as a thematic introduction appearing after the chapter of Father Schasching, the second as a synthesis appearing after the extracts. It became clear that the book could no longer be expected to be available for readers in the year 2000. Assuming that a publisher would be found quickly after completion of the typescript, it was reasonable to expect publication of the work in 2001, which would be the twentieth anniversary of the Encyclical *Laborem Exercens*.

Message of the Holy Father

TO THE PARTICIPANTS IN THE SIXTH PLENARY SESSION OF THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES

1. I am pleased to greet you on the occasion of the Sixth Plenary Session of the Pontifical Academy of Social Sciences. I thank your President, Professor Edmond Malinvaud, and all of you, the Academy members, for your dedication and commitment to the work which you undertake for the good of the Church and of the human family.

As you are well aware, the Church's social doctrine is meant to be a vehicle through which the Gospel of Jesus Christ is brought to bear on the different cultural, economic and political situations facing modern men and women. It is in this precise context that the Pontifical Academy of Social Sciences makes a most important contribution: as experts in the various social disciplines and as followers of the Lord Jesus you enter into that *dialogue between Christian faith and scientific methodology* which seeks true and effective responses to the problems and difficulties which beset the human family. As my predecessor Pope Paul VI said, "all social action involves a doctrine" (*Populorum Progressio*, 39), and the Academy helps to ensure that social doctrines do not ignore the spiritual nature of human beings, their deep longing for happiness and their supernatural destiny which transcends the merely biological and material aspects of life. The Church's task – her right and her duty – is to enunciate the basic ethical principles governing the foundation and proper functioning of society, within which men and women make their pilgrim way to their transcendent destiny.

2. The theme chosen for the Academy's Sixth Plenary Session, "Democracy – Reality and Responsibility", represents a most important topic for the new millennium. While it is true that the Church

offers no concrete model of government or economic system (cf. *Centesimus Annus*, 43), she “values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate” (*ibid.*, 46).

At the dawning of the Third Millennium, a serious question confronts democracy. There is a tendency to see intellectual relativism as the necessary corollary of democratic forms of political life. In such a view, truth is determined by the majority and varies in accordance with passing cultural and political trends. From this point of view, those who are convinced that certain truths are absolute and immutable are considered unreasonable and unreliable. On the other hand, as Christians we firmly believe that “if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, *a democracy without values easily turns into open or thinly disguised totalitarianism*” (*Centesimus Annus*, 46).

Thus, it is important that Christians be helped to show that the defence of universal and unchanging moral norms is a service rendered not only to individuals but also to society as a whole: such norms “represent the unshakable foundation and solid guarantee of a just and peaceful human coexistence, and hence of genuine democracy” (*Veritatis Splendor*, 96). In fact, democracy itself is a means and not an end, and “the value of a democracy stands or falls with the values which it embodies and promotes” (*Evangelium Vitae*, 70). These values cannot be based on changeable opinion but only on the acknowledgment of an objective moral law, which ever remains the necessary point of reference.

3. At the same time the Church refuses to espouse that extremism or fundamentalism which, in the name of an ideology purporting to be scientific or religious, claims the right to impose on others its own concept of what is right and good. *Christian truth is not an ideology*. Rather it recognizes that changing social and political realities cannot be confined within rigid structures. What the Church does is constantly to

reaffirm the transcendent dignity of the human person, and constantly to defend human rights and freedom. The *freedom* which the Church promotes *attains its fullest development and expression only in openness to and acceptance of the truth*. “In a world without truth, freedom loses its foundation and man is exposed to the violence of passion and to manipulation, both open and hidden” (*Centesimus Annus*, 46).

4. There is no doubt that the new millennium will see the continuation of the phenomenon of globalization, that process by which the world moves ever closer to becoming a homogeneous whole. In this context it is important to remember that the “health” of a political community can be gauged in no small way by the *free and responsible participation of all citizens in public affairs*. In fact, such participation is a “necessary condition and sure guarantee of the development of the whole individual and of all people” (*Sollicitudo Rei Socialis*, 44). In other words, smaller social units – whether nations themselves, communities, ethnic or religious groups, families or individuals – must not be namelessly absorbed into a greater conglomeration, thus losing their identity and having their prerogatives usurped. Rather, the proper autonomy of each social class and organization, each in its own sphere, must be defended and upheld. This is nothing other than the *principle of subsidiarity*, which requires that a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its rightful functions; instead the higher order should support the lower order and help it to coordinate its activity with that of the rest of society, always with a view to serving the common good (cf. *Centesimus Annus*, 48). Public opinion needs to be educated in the importance of the principle of subsidiarity for the survival of a truly democratic society.

The global challenges that the human family faces in the new millennium also serve to highlight another dimension of the Church’s social doctrine: its place in *ecumenical and interreligious cooperation*. The century just past has seen enormous progress in multilateral initiatives to defend human dignity and promote peace. The era upon which we are now embarking must see a continuation of such efforts: without

the concerted and united action of all believers – indeed of all men and women of good will – little can be accomplished to make genuine democracy, value-based democracy, a reality for the men and women of the twenty-first century.

5. Distinguished and dear Academicians, I express once more my appreciation of the valuable service which you render in bringing Christian enlightenment to those areas of modern social life where confusion about essentials often obscures and suffocates the lofty ideals planted in the human heart. With prayers for the success of your meeting I cordially impart to you my Apostolic Blessing, which I willingly extend to your families and your loved ones.

From the Vatican, 23 February 2000

IOANNES PAULUS II

Part I

THE GENERAL FRAMEWORK

DER STAND DER ARBEITEN DER AKADEMIE ZUR DEMOKRATIE

HANS F. ZACHER

SUMMARY

The Academy's work on democracy has been one of its first experiences in accomplishing the task 'of promoting the study and progress of social sciences, primarily economics, sociology, law and political science' and thus offering 'the Church the elements which she can use in the developments of her doctrine and' to reflect 'on the application of that doctrine in contemporary society'. Given that inequality is the general reason behind every 'social question', the Academy began with the 'study of the tension between human equality and social inequality' in 1994. Subsequently, the Academy turned to the contemporary state of the 'labour question' – once the classic 'social question' and now the subject of very worrying changes. When approaching 'democracy', the Academy went beyond this area of unequal living conditions and opportunities and entered the realm of the structural conditions of the social.

The work on 'democracy' – which may come to an end with this meeting – was divided into three steps. The first step was a workshop held in December 1996 which had three main aims: first to delineate the social teaching of the Popes on democracy; second to collect together the different experiences of the various regions of the world; and third to gain an overview of the different questions which arise when the problems of democracy are studied. The second step was the Fourth Plenary Session of the Academy held in April 1998 on 'Democracy – Some Acute Questions'. It began with presentations of the Church's social teaching on democracy but then went on to concentrate on three themes: the relationship between democracy and values; 'civil society' as the essence of democratic society; and national democracy and transnational, international and supranational developments.

The third step is this Sixth Plenary Session of the Academy on 'Democracy – Reality and Responsibility' which concentrates on: democracy in a global world; strategies to advocate, foster and defend values in a pluralistic society by democratic means; the ever changing interplay between democratic structures and civil society; and the individual fields of encounter between state and society (education; public opinion and the media; the economy; dependent labour; the welfare state; minorities; and

religion and religious communities). Finally, the assembly will try to draw more focused conclusions for the social teaching of the Church.

I. *Der Auftrag der Akademie und die Anfänge ihrer Arbeit*

Diese Akademie hat nach ihren Statuten – ich zitiere die Fassung vom 25. Mai 1998¹ – das Ziel “of promoting the study and progress of the social sciences, primarily economics, sociology, law and political science. The Academy, through an appropriate dialogue, thus offers the Church the elements which she can use in the development of her social doctrine, and reflects on the application of that doctrine in contemporary society.”

Als die Akademie im Jahre 1994 ihre Arbeit aufnahm, hatte sie wenig Schwierigkeiten, die Themen zu erkennen, denen sie sich zuwenden mußte. Die “soziale Frage” hat eine tief in das 19. Jahrhundert zurückreichende Tradition der politischen Auseinandersetzung und der wissenschaftlichen Diskussion. Sie konzentrierte sich auf die “Arbeiterfrage”. Diese war gleichwohl nur das drängendste Beispiel für ein weites Feld von Problemen, das auf den Nenner der Ungleichheit gebracht werden kann: der Ungleichheit in der Teilhabe an den Gütern dieser Welt – sei es an den materiellen Gütern, sei es an den ideellen Gütern wie der mitmenschlichen Zuwendung, der Erziehung und Bildung, der Hilfe in Fällen der Not –, der Ungleichheit in der Sicherheit der Lebensverhältnisse und der Ungleichheit, die sich als Freiheit oder Unfreiheit, als Unabhängigkeit oder als Abhängigkeit von jeweils anderen ausdrückt. Dieses Feld der Ungleichheiten ist auch das Feld der Verantwortung, auf dem sich die Soziallehre der Kirche entwickelt und entfaltet hat. Auch sie war zuerst alarmiert

¹ Art. I der Statutes of the Pontifical Academy of Social Sciences (Acta Apostolicae Sedis, 10. Martii 1994; englische Fassung abgedruckt in: Democracy – Some Acute Questions. Proceedings of the Fourth Plenary Session of the Pontifical Academy of Social Sciences 22-25 April 1998. Pontificiae Academiae Scientiarum Socialium Acta 4. Ed. by Hans F. Zacher. Vatican City 1999, pp. 35-38.

von der Lage der Arbeiter, die unter den technischen und wirtschaftlichen Bedingungen des 19. Jahrhunderts zu einer sittlichen und politischen Herausforderung ersten Ranges geworden war. Auch sie hat den Blick aber über die “Arbeiterfrage” hinaus auf andere Fragen der sozialen Ungleichheit erstreckt.

Die ersten Arbeiten der Akademie haben wesentliche Stationen dieses Weges nachvollzogen – freilich nicht in ihrem historischen Ablauf. Die Akademie durfte nicht übersehen, daß sowohl die sozialen Verhältnisse als auch die Soziallehre der Kirche im Laufe der Zeit wesentlichen Entwicklungen ausgesetzt waren. Und so begann sie ihre Arbeiten mit einer Tagung über den allgemeinsten Nenner aller sozialen Probleme: “The Study of the Tension Between Human Equality and Social Inequalities from the Perspective of the Various Social Sciences” (Erste Plenarsitzung 24. – 26. November 1994).² Sodann griff sie die Gestalt auf, welche die “Arbeiterfrage” zum Ende des 20. Jahrhunderts angenommen hatte: “The Future of Labour and Labour in the Future” (Zweite Plenarsitzung vom 20. – 23. März 1996),³ “The Right to Work: Towards Full Employment” (Dritte Plenarsitzung vom 23. – 26. April 1997)⁴ und “Towards Reducing Unemployment” (Fünfte Plenarsitzung vom 3. – 6. März 1999).⁵

Ungleichheit steht jedoch immer im Zusammenhang mit Strukturen: mit Strukturen, die Ungleichheit verursachen oder überwinden; mit Strukturen, welche die Wirkungen vorgegebener Ungleichheit ver-

² The Study of the Tension Between Human Equality and Social Inequalities from the Perspective of the Various Social Sciences. Proceedings First Plenary Session of the Pontifical Academy of Social Sciences November 24-26, 1994. *Pontificiae Academiae Scientiarum Socialium Acta 1*. Ed. by Edmond Malinvaud/Margaret Archer. Vatican City 1996.

³ The Future of Labour and Labour in the Future. Proceedings Second Plenary Session of the Pontifical Academy of Social Sciences 20-23 March 1996. *Pontificiae Academiae Scientiarum Socialium Acta 2*. Ed. by Margaret Archer/Edmond Malinvaud. Vatican City 1998.

⁴ The Right to Work: Towards Full Employment. Proceedings Third Plenary Session of the Pontifical Academy of Social Sciences 23-26 April 1997. *Pontificiae Academiae Scientiarum Socialium Acta 3*. Ed. by Margaret Archer/Edmond Malinvaud. Vatican City 1998.

⁵ Towards Reducing Unemployment. Proceedings Fifth Plenary Session of the Pontifical Academy of Social Sciences 3-6 March 1999. *Pontificiae Academiae Scientiarum Socialium Acta 5*. Ed. by Margaret S. Archer. Vatican City 1999.

tiefen und verschärfen, oder Strukturen, welche die Wirkungen der Ungleichheit mindern, sie neutralisieren; Strukturen, in denen Ungleichheit oder auch Gleichheit schädlich wird, und Strukturen, die nicht nur Gleichheit, sondern auch Ungleichheit, indem sie ihr angemessen Rechnung tragen, in allgemeines Wohl zu verwandeln vermögen. Das sind private Strukturen, wie vor allem die Ehe und die Familie. Das sind gesellschaftliche Strukturen, wie der Betrieb und das Unternehmen, die Organisation der Arbeit in Gewerkschaften, die Organisationen der Unternehmer, der Arbeitgeber, der Ärzte usw., die Organisationen der Verbraucher und – von der größten sozialen Bedeutung – die Organisationen karitativer Werke. Schließlich aber sind das auch Strukturen des Gemeinwesens: des Staates, der Gemeinden, Einrichtungen der öffentlichen Verwaltung, der Gerichtsbarkeit usw., mehr und mehr auch Strukturen der internationalen und der supranationalen Zusammenarbeit der Staaten. Auch diese Strukturen mußten als Gegenstand der kirchlichen Soziallehre erkannt werden. Für die Werte, deren Verwirklichung die katholische Soziallehre dient, sind sie von der größten Bedeutung. Die päpstlichen Verlautbarungen, die Dokumente des Zweiten Vatikanischen Konzils, die Verkündigung der Bischöfe, Arbeiten entsprechender Verbände und Institutionen und vor allem die Wissenschaft von der Soziallehre der Kirche haben sich deshalb der Strukturen des sozialen Lebens vielfältig angenommen – freilich mit sehr ungleicher Dichte und sehr ungleichem Nachdruck. Dabei ragt neben den Strukturen der Arbeit die Familie heraus.

Offensichtlich verdient in diesem Rahmen auch das Gemeinwesen, insbesondere der Staat, größtes Interesse. Demgegenüber fällt auf, daß gegenständliche Ganzheit und innere Geschlossenheit der kirchlichen Lehre diesem Interesse nicht entsprechen. Die kirchliche Lehre vom Gemeinwesen betrachtet und bewertet vielmehr gerade den Staat von sehr verschiedenen Standpunkten her. Das hat seine Gründe. Die extrem unterschiedlichen Erfahrungen, welche die kirchlichen Autoritäten und die Inhaber des Lehramtes, aber auch die Gläubigen in ihrer religiösen, ihrer nationalen, ihrer ethnischen oder ihrer sozialen Betroffenheit mit dem Staat gemacht haben, schlagen

sich darin nieder. Das kann auch so erklärt werden: Seit dem Übergang vom Mittelalter auf die Neuzeit hatte sich der politische Blick der Kirche immer mehr auf die “katholischen” Länder Süd-, West- und Mitteleuropas konzentriert. Gerade in ihnen stagnierte die politische Entwicklung jedoch über lange Zeit hin im Zeichen der absoluten Monarchie und des Fundamentalismus. Im 19. Jahrhundert wich diese Stagnation jedoch einem vielfältigen – teils revolutionären, teils evolutionären – Wandel und die Gemeinsamkeit des “katholischen” Europa einer dynamischen Wechselwirkung mit den Strömungen und Umbrüchen in anderen europäischen, im 20. Jahrhundert auch außereuropäischen Ländern. Diese späteren Entwicklungen aus der Erfahrung und der Doktrin ganz andersgearteter Jahrhunderte heraus durchdringend zu erfassen, umfassend zu verstehen und gültig zu bewerten, mag eine äußerste, kaum zu überwindende Schwierigkeit bedeutet haben. Erst von der Mitte des 20. Jahrhunderts an gewann der prüfende Blick neuen Halt. Trotz aller auch jetzt immer wieder grundlegenden Veränderungen fiel es nunmehr leichter, das Allgemeine und das Besondere zu erkennen und die Kontinuität von der Konstellation des Einzelfalles zu unterscheiden. In dieser Zeit vertiefte und festigte sich die Soziallehre der Kirche in bezug auf die Menschenrechte, die Demokratie, die internationale Gemeinschaft und viele weitere Fragen, die das Gemeinwesen betreffen.

In der Zeit, in der die Päpstliche Akademie für Sozialwissenschaften entstand (1994), trat diese Entwicklung abermals in ein neues Stadium. Die Wende der Jahre 1989/90 ließ in den meisten “sozialistischen” Ländern die kommunistische Herrschaft und ihr totalitäres, (kollektiv-)diktatorisches System zusammenbrechen. Das “westliche” Modell des demokratischen Verfassungsstaates gewann neue Spielräume der Verwirklichung. Zugleich fiel mit der Spaltung zwischen der Ersten und der Zweiten, aber auch der Zweiten und der Dritten Welt das letzte große Hindernis für eine Entwicklung, die sich in den Jahrzehnten vorher mit wachsender Intensität vorbereitet hatte: die Globalisierung.

II. *Die Arbeiten der Akademie zur Demokratie*

1. Die Wahl des Themas

In dieser Situation entschied sich die Akademie dafür, auch den strukturellen Fragen des sozialen Lebens ihre besondere Aufmerksamkeit zu widmen und unter ihnen die Demokratie herauszugreifen. Die Dringlichkeit der Fragen war offensichtlich.

Die Demokratie hat im Laufe des Jahrhunderts eine Allgemeinheit der Anerkennung und der Verwirklichung erreicht wie nie vorher in der Geschichte. Dabei waren und sind Schein und Wirklichkeit der Demokratie mannigfachen Variationen ausgesetzt. Somit wird schon das Wesentliche der Demokratie zu einer Frage. Jedenfalls ist Demokratie als Ausdruck der Menschenwürde zu verstehen: als Ausdruck der Subjektstellung des Bürgers, seiner Autonomie, seines Anspruchs und seiner Fähigkeit, über sich selbst zu herrschen. Die Wirklichkeit der "Herrschaft aller über alle" offenbart jedoch einen elementaren Selbstwiderspruch: Die Herrschaft aller über sich selbst realisiert sich als Herrschaft jeweils anderer über jeweils andere. Demokratie ist somit Erfüllung der Menschenwürde und Gefährdung der Menschenwürde. Wie kann jenes gesichert und dieses vermieden werden?

Demokratie verwirklicht Werte so, wie sie kraft der Herrschaft der Menschen über die Menschen zur Geltung gebracht werden. Demokratie ist wertrelativ. Werte aber verlangen Geltung: zumindest die Freiheit subjektiver Verwirklichung; vielleicht Allgemeinheit, weil partikuläre Verwirklichung nach dem Sinn oder wegen der Sache nicht möglich ist; sie verlangen Allgemeinheit jedenfalls dann, wenn sie ihrem Wesen nach absolut sind oder die, welche sie tragen, sie als absolut verstehen. Die Demokratie jedoch kann Werten ebenso maximal Raum geben wie sie sie maximal verletzen und verdrängen kann. Das ist eines der zentralen Probleme der katholischen Kirche mit der Demokratie. Die Lehre der katholischen Kirche basiert auf absoluten Werten. Auch heute noch ist die Demokratie für die Kirche nicht nur Hoffnung, sondern auch Sorge. Das offene, unbestimmte Verhältnis der Demokratie

zu den Werten ist ein zentrales Problem aber auch für alle anderen Träger von Wertvorstellungen. Demokratie ist eine Chance für Werte. Aber eben auch nur eine Chance. Woher nimmt die demokratische Gesellschaft die Werte, die sie in die Demokratie einbringt, mit ihrer Hilfe verwirklicht und schützt? Wo verläuft der Königsweg der Verwirklichung der eingebrachten Werte? Und wie kann eine Demokratie zwischen “richtigen” und “falschen”, “guten” und “schlechten” Werten unterscheiden?

Demokratie ist ein konstitutionelles – institutionelles und normatives – System. Aber die Demokratie kann sich nicht nur als solches System verwirklichen. Sie bedarf der entsprechenden gesellschaftlichen Voraussetzungen, insbesondere einer “civil society”. Eine “civil society”, die eine Demokratie zu tragen vermag, ist im allgemeinen das Produkt historischer Erfahrung mit der Demokratie. Wie kann diese historische Erfahrung ersetzt werden, wo sie fehlt, wo ihr die nötige Kraft fehlt, wo sie durch Enttäuschungen irritiert ist?

Dieses Verhältnis der Demokratie im institutionell-normativen Sinn zur “civil society” verlangt auf der einen Seite nach allgemeinen Untersuchungen und Klärungen. Auf der anderen Seite konkretisiert es sich in spezifischen Zusammenhängen von wesentlicher Eigengesetzlichkeit, wie in der Erziehung, den Medien und der öffentlichen Meinung, in der Religion und in den Religionsgemeinschaften, in der Wirtschaft, in der abhängigen Arbeit und der Organisation ihrer Interessen, im Wohlfahrtsstaat (die sozialen Dienste und die Systeme sozialer Leistungen) usw. Wie sich das Verhältnis von Demokratie und “civil society” an diesen Orten der wechselseitigen Begegnung und Durchdringung gestaltet, ist für den Gesamtzusammenhang von großer Bedeutung. Ebenso freilich ist die allgemeine Beschaffenheit der Demokratie und der Gesellschaft von großer Bedeutung für jedes dieser Felder der Konkretisierung.

Die Demokratie ist in der Gestalt, in der sie sich im 19. und 20. Jahrhundert entwickelt hat, mit dem Nationalstaat verbunden. Sie gerät deshalb in Schwierigkeiten, wenn das Staatsvolk nicht die für einen Nationalstaat typische Geschlossenheit aufweist.

Noch mehr aber hat sich für die Demokratie eine neue Situation dadurch ergeben, daß eine Weltgesellschaft entstanden ist – oder jedenfalls weltweit wirksame Kräfte sich verhalten, als ob eine Weltgesellschaft entstanden wäre. “Globalisierung” meint in erster Linie die Integration dieser transnationalen Ganzheit. Das weltgesellschaftliche Geschehen bedarf des “weltstaatlichen” Gegenstückes – im Sinne übergreifender Politik und übergreifender Rechtsnormen. Die bestehenden internationalen Institutionen und normativen Ordnungen entsprechen dieser Notwendigkeit aber nur fragmentarisch. Das Mißverhältnis zwischen den notwendigen und den gegebenen Institutionen und Ordnungen äußert sich teils in Defiziten, teils in Substitution und Usurpation. Die nicht “versorgten” Funktionen werden durch inkompetente Akteure und zumeist auch von einem fremden Interesse her wahrgenommen. Bedeutet in der Regel schon die Übernahme der “weltstaatlichen” Aufgaben durch legitime internationale Institutionen ein Weniger an Demokratie, so gilt das erst recht, wenn die Lücken durch illegitime Ersatzlösungen geschlossen werden. Lassen sich demokratienähere Lösungen finden?

Alle diese Probleme stellen sich unterschiedlich dar:

- Je nach den Unterschieden des Staats-, Gesellschafts- und Menschenbildes einer Gesellschaft. Die Demokratie im heute gängigen Sinn ist eine Hervorbringung des Abendlandes. Wie verhält sie sich zu den Traditionen und den gegenwärtigen Verhältnissen Afrikas, Asiens und Lateinamerikas? Wie verändern diese die Institutionen und die Praxis der Demokratie?
- Je nach dem historischen Verlauf der demokratischen Entwicklung und Erfahrung. Den “Alt-Demokratien” Europas und Nordamerikas, deren Situation nicht zuletzt durch die Selbstverständlichkeit der Demokratie und die damit einhergehenden Gebräuche und Mißbräuche gekennzeichnet ist, stehen die postkolonialen, postautoritären und postsozialistischen Demokratien gegenüber, die in den letzten Jahrzehnten entstanden sind. Sie haben je ihre eigene Geschichte und Gegenwart.

2. Arbeitsschritte und Schwerpunkte der Akademie

Die Akademie hat ihre Arbeiten zum Thema “Demokratie” in drei Schritte gegliedert.

Den ersten Schritt vollzog sie in einem workshop (12. – 13. Dezember 1996).⁶ Ein erster Zweck dieses workshop bestand darin, sich der Lehre der Päpste zum Thema Demokratie zu vergewissern.⁷ Ein komplementärer zweiter Zweck des Kolloquiums war es, einen breiten und intensiven Einblick in die Probleme der Demokratie und deren Diskussion zu gewinnen. Dieser Zweck wurde zunächst von einem regionalen Ansatz her verfolgt. Damit sollte gewährleistet werden, daß die Arbeiten der Akademie von der Vielfalt der Bedingungen ausgehen, unter denen die Demokratie in den verschiedenen Weltteilen sich entwickelt und auswirkt. Der workshop verwirklichte diesen regionalen Ansatz durch eine Reihe von “Regional Reports”:⁸ über Westeuropa (René Rémond), über die postkommunistischen Länder (Hanna Suchokka), über Lateinamerika (Carlos A. Floria), über Asien (Wilfrido V. Villacorta) und über Afrika (Nicholas J. McNally/Paulus M. Zulu). Die Diskussion dieser regionalen Berichte vertiefte jedoch nicht nur die partikulare Sicht der Dinge. Sie trug vielmehr auch dazu bei, einen systematischen Überblick über die Problematik der Demokratie zu gewinnen.⁹

Der workshop ergab nicht nur einen reichen Einblick in die regionalen Verhältnisse. Auch der Ertrag an allgemeinen Aspekten war groß. Die Akademie mußte sich für den Fortgang der Arbeiten deshalb auf Schwerpunkte einigen. In ihrer IV. Plenarsitzung (22. – 25. April 1998) erörterte sie unter dem Titel “Democracy – Some Acute Questions”¹⁰

⁶ Proceedings of the Workshop on: Democracy (12-13 December 1996). Pontificiae Academiae Scientiarum Socialium Miscellanea 1. Ed. by Hans F. Zacher. Vatican City 1998.

⁷ S. den Preliminary Report von Michel Schooyans: Democracy in the Teaching of the Popes. Loc. cit. pp. 11 - 40.

⁸ Loc. cit. pp. 41 - 118.

⁹ Hans F. Zacher: Democracy: Common Questions. Loc. cit. pp. 119 - 140.

¹⁰ Democracy – Some Acute Questions. Proceedings of the Fourth Plenary Session of the Pontifical Academy of Social Sciences 22-25 April 1998. Pontificiae Academiae Scientiarum Socialium Acta 4. Ed. by Hans F. Zacher. Vatican City 1999.

drei Fragenkreise, die ihr besonders dringlich erschienen. Der erste Fragenkreis betraf das Verhältnis zwischen Demokratie und Werten: “Value of democracy – democracy and values”.¹¹ Im einzelnen geschah dies von den folgenden Zugängen her: “Democracy: an end or a means?” (John J. DiIulio),¹² “Values as a Precondition of Democracy” (Taketoshi Nojiri),¹³ “Democracy Versus Values?” (Franz-Xaver Kaufmann)¹⁴ und Demokratie, Rechts- und Verfassungsstaat (Herbert Schambeck).¹⁵ Durch die Berichte und ihre Diskussion kam der Wert der Demokratie eindringlich zur Geltung. Auch die Chance, welche die Demokratie der Vermittlung und Verwirklichung von Werten – auch und gerade der Werte, für die der christliche Glaube und die Soziallehre der Kirche stehen, – bietet, trat deutlich hervor. Nicht minder freilich wurden die Gefahren, die Werten im Getriebe der Demokratie drohen, sichtbar. Die verfassungsstaatliche Demokratie erwies sich als eine wichtige Entwicklung, um Werten Anerkennung und Maßgeblichkeit zu verschaffen. Auf Dauer jedoch kann keine Gestalt der Demokratie irgendwelchen Werten auf Dauer mehr Geltung verschaffen als die gesellschaftlichen Kräfte, welche die Demokratie tragen und ausfüllen, rechtfertigen. Die optimale Weise der Auseinandersetzung um “richtige” und “falsche”, “gute” oder “schlechte” Werte, mußte eine offene Frage bleiben. Der zweite Fragenkomplex, dem sich diese Tagung der Akademie widmete, betraf das Verhältnis zwischen Staat und Gesellschaft: “‘Civil society’ as the essence of democratic society”.¹⁶ Die einzelnen Themen: “Il Concetto die Stato Democratico e ‘la Società Civile’” (Pier Luigi Zampetti),¹⁷ “What is ‘Civil Society’ and

¹¹ Loc. cit. pp. 69 - 177.

¹² Im ursprünglichen Programm war folgender Titel vorgesehen: “Value and justification of democracy”. Der Berichterstatter zu diesem Thema stellte sein Papier dann aber unter den Titel “Democracy: an end or a means?”. Für den Druck legte er eine redigierte Fassung vor, die den Titel “Three Questions about Contemporary Democracy and the Catholic Church” trägt. Loc. cit. pp. 71 - 82.

¹³ Loc. cit. pp. 89 - 106.

¹⁴ Loc. cit. pp. 115 - 137.

¹⁵ Loc. cit. pp. 145 - 172.

¹⁶ Loc. cit. pp. 179 - 288.

¹⁷ Loc. cit. pp. 181 - 196.

how does it Develop?” (Jean Bethke Elshtain),¹⁸ “Democracy as Civil Society: the Mediating Structures” (Klaus von Beyme)¹⁹ und “Culture et Democratie” (Joachim Bony).²⁰ Diese Berichte und ihre Diskussion erschlossen das Verhältnis zwischen Demokratie und Zivilgesellschaft auf wesentliche Weise. Ebenso aber trat eine große Vielfalt von Bezügen hervor, denen eine vertiefte Erörterung versagt bleiben mußte. Das Verhältnis zwischen demokratischem Staat und Zivilgesellschaft hat im Laufe der Jahrzehnte, und insbesondere in den neunziger Jahren des 20. Jahrhunderts, immer neue und immer vielfältigere Gestalt angenommen. Das Kaleidoskop der Phänomene bedarf noch intensiver Forschungsarbeit. Der dritte Fragenkreis, den die IV. Plenarsitzung der Akademie zum Gegenstand hatte, betraf “Supranationality, internationality and democracy”.²¹ Die einzelnen Themen griffen sehr verschiedene Dimensionen auf: “European Integration and Democracy: Some Sceptical Reflections” (Stefano Bartolini),²² “International and Governmental Structures and their Relation to Democracy: Common Report on Africa, America and Asia” (Thomas A. Mensah),²³ “La Mondialisation en Quête de Gouvernance Democratique: Contradictions Nationales, Contraintes Internationales” (Louis Sabourin)²⁴ und “Interventions Internationales, Souveraineté des Etats et Democratie” (Thierry de Montbrial).²⁵ Diese Berichte und die Debatten, die sich an sie anschlossen, zeigten mit größtem Nachdruck die Bedeutung des Konflikts zwischen der nationalen Demokratie und den Notwendigkeiten einer internationalen Politik und einer internationalen Rechtsordnung. Nicht weniger deutlich wurde, daß dieses neue, doppelte Spannungsverhältnis – erstens: zwischen dem Nationalstaat, dem transnationalen Geschehen und den internationalen Institutionen und Normen; zweitens:

¹⁸ Loc. cit. pp. 207 - 219.

¹⁹ Loc. cit. pp. 229 - 247.

²⁰ Loc. cit. pp. 257 - 281.

²¹ Loc. cit. pp. 289 - 429.

²² Loc. cit. pp. 291 - 320.

²³ Loc. cit. pp. 327 - 363.

²⁴ Loc. cit. pp. 371 - 398.

²⁵ Loc. cit. pp. 423 - 429.

zwischen dem demokratischen Gemeinwesen und der Macht nicht demokratisch legitimierter und kontrollierter transnationaler und internationaler Institutionen und Kräfte – dringlich der Erforschung bedarf. So wie die Sozial- und Rechtswissenschaften steht hier auch die Soziallehre der Kirche vor einer neuen Herausforderung.

Alle diese Erörterungen standen von vornherein unter dem Anspruch, der Soziallehre der Kirche zu dienen: die Soziallehre der Kirche in die Erforschung und Diskussion der Probleme einzubringen; zugleich aber zu fragen, ob die neueren Entwicklungen ebenso wie ihre wissenschaftliche Durchleuchtung eine Fortschreibung, eine Ergänzung oder auch eine Korrektur der kirchlichen Soziallehre nötig machen. Eine wesentliche Grundlage blieb auch hier der Bericht über “Democracy in the Teaching of the Popes”, den Michel Schooyans im workshop über “Demokratie” vorgelegt hatte.²⁶ Michel Schooyans hatte die Absicht, die Erinnerung an diesen Bericht mit neuen Akzenten zu verbinden: “Droits de l’Homme et Démocratie à la lumière de l’Enseignement social de l’Église”.²⁷ Da Professor Schooyans schließlich verhindert war, an der Sitzung teilzunehmen, bat die Akademie Roland Minnerath, die Diskussion zu den beiden Texten von Michel Schooyans durch eigene Anmerkungen über das Verhältnis der Soziallehre der Kirche zur Demokratie einzuleiten.²⁸ Sowohl die einzelnen Berichte als auch die Diskussionen stellten denn auch immer wieder die Beziehung zwischen der Soziallehre der Kirche und den diskutierten Problemen und Problemlösungen her.

Die Generaldebatte, mit der die IV. Plenarsitzung der Päpstlichen Akademie für Sozialwissenschaften schloß,²⁹ kam zu dem Ergebnis, daß die Diskussion über die Demokratie einer weiteren Fortführung und Vertiefung bedarf. Dem Rechnung zu tragen, ist die Absicht dieser VI. Plenarsitzung der Päpstlichen Akademie für Sozialwissenschaften (23.

²⁶ S. oben Anm. 6.

²⁷ “Democracy – Some Acute Questions”, pp. 47-56.

²⁸ Loc. cit. pp. 57 - 64.

²⁹ Loc. cit. pp. 433 - 450.

– 26. Februar 2000) mit dem Thema “Democracy – Reality and Responsibility”. Den Eindrücken folgend, welche die IV. Plenarsitzung der Akademie hinterlassen hatte, stehen vier Komplexe im Vordergrund. Der erste “Democracy in a global world” (Partha Dasgupta) bedarf nach der gesamten Geschichte, welche die Erörterung der Demokratie durch die Akademie genommen hat, keiner Erläuterung. Das zweite Thema “Democracy: strategies for values – how to advocate, foster and defend values in a pluralistic society by democratic means” (Michel Schooyans/Paul Kirchhof) knüpft an die Erörterungen der IV. Plenarsitzung an, welche das Verhältnis der Demokratie zu den Werten betrafen. Den eher betrachtenden und kritischen Überlegungen der IV. Plenarsitzung sollten Perspektiven optimalen Handelns hinzugefügt werden. Der dritte Fragenkreis dient der Vertiefung der Kenntnisse vom Wesen und der Wirklichkeit der Demokratie: “The ideal of democracy and democratic reality – the ever changing interplay between democratic structures and civil society” (Mary Ann Glendon/Göran Therborn). Der gemeinsame Nenner des vierten Fragenkreises ist vergleichsweise lose: “Democracy and individual fields of encounter of state and society”. Aus der Vielfalt der denkbaren Möglichkeiten wurden die Problemfelder der Erziehung (Paulus Mzomuhle Zulu), der öffentlichen Meinung und der Medien (Janusz Ziolkowski), der Wirtschaft (Hans Tietmeyer), der abhängigen Arbeit (Colin Crouch), des Wohlfahrtsstaats (Manfred G. Schmidt), der ethnischen Strukturen und Minderheiten (Herbert Schambeck) und schließlich der Religion und der Religionsgemeinschaften (Pierpaolo Donati/Habib Malik) ausgewählt.

Die Soziallehre der Kirche steht noch einmal am Ende des Programms: “Democratic development and the social teaching of the Church – focuses of responsibility” (Roland Minnerath). Während sowohl der workshop als auch die IV. Plenarsitzung die Soziallehre der Kirche an den Anfang der Arbeiten stellten, um den Auftrag, den die Soziallehre der Kirche für die Akademie darstellt, deutlich vor Augen zu führen, soll in dieser VI. Plenarsitzung der Akademie der Versuch unternommen werden, die Erkenntnisse, die sich aus den Berichten und ihrer Diskussion ergaben, mit der Soziallehre der Kirche zusam-

menzuführen. Gibt es Ergebnisse, die zur Fortentwicklung der Soziallehre der Kirche beitragen können? Sind es nur Fragen? Oder gibt es auch Antworten – zumindest die Aussicht auf Antworten? Wie der Auftrag der Satzung der Akademie zu erfüllen ist, bedarf noch weiterer Erfahrung und Erörterung. Was sind – wie die Satzung sagt – “elements which” the Church “can use in the development of her social doctrine”? Ein Teil der Mitglieder der Akademie meint, die Akademie müsse zu konkreten, definitiven Vorschlägen kommen. Ein anderer Teil der Mitglieder der Akademie meint demgegenüber, die Ergebnisse der Akademie könnten in der Regel nur in der Klärung von grundsätzlichen Fragen, von Vorfragen einer konkreten Entscheidung, in Annäherungen an normative Aussagen und praktische Handlungsanleitungen bestehen. Sozialwissenschaftliche Erörterung könne nur in Ausnahmefällen zu eindeutigen normativen Sätzen oder Handlungsanweisungen gelangen. Sollte dann aber nicht versucht werden, die Annäherung an abschließende Aussagen so weit als möglich zu treiben, die Bedingungen zu nennen, unter denen das eine oder das andere Ergebnis unausweichlich wird? Der Auftrag, wie ihn die Satzung formuliert, kann jedenfalls nicht nur dadurch erfüllt werden, daß die Akademie zum definitiven normativen Gehalt der katholischen Soziallehre Stellung nimmt. Nicht weniger wichtig kann es sein, daß die Akademie die Richtigkeit der Voraussetzungen erörtert, bestätigt oder in Frage stellt, von denen die katholische Soziallehre ausgeht, oder daß sie das Ensemble der Argumente, auf dem die normativen Aussagen der katholischen Soziallehre beruhen, überprüft – sei das Ergebnis nun Bekräftigung, Zweifel oder Kritik.

3. Demokratie und Soziallehre der Kirche versus Demokratie und Kirche

In dem Maße, in dem die Akademie die Ergebnisse ihrer Beratungen über die Demokratie an die katholische Soziallehre heranträgt, wird sich auch die Frage stellen, was mit der Soziallehre der Kirche gemeint ist. Zunächst geht es gewiß um die Doktrin, die dem einzelnen und

seinen Gruppen sagt, wie er sich in der Demokratie und gegenüber der Demokratie verhalten soll, was er gegenüber nicht-demokratischen Verhältnissen tun soll usw.

Aber auch die Kirche selbst ist ein Element im Leben einer Demokratie ebenso wie im Leben eines nicht-demokratischen Gemeinwesens: die Kirche in Gestalt ihrer Amtsträger, die Kirche in Gestalt ihrer Institutionen und derer, die den kirchlichen Institutionen Leben geben, die Kirche als Rechts und Interessenträger in Gesellschaft und Gemeinwesen – als Eigentümer, als Arbeitgeber usw. Im Verlauf der Geschichte hat die Kirche durch politisches Handeln und Verhalten immer wieder Verantwortung für das Gemeinwesen, für die Gesellschaft und für einzelne Menschen übernommen. Gibt die Soziallehre der Kirche Ratschläge oder Anweisungen auch für die Kirche selbst? Die Beratungen der Akademie haben diesen Fragenkreis bisher kaum berührt. Daß dem Verhalten der Kirche für die Demokratie große Bedeutung zukommen kann, steht gleichwohl außer Frage. Die Akademie hat diese Unterscheidung zwischen einer Lehre der Kirche, die sich an die Gläubigen oder auch an “alle Menschen guten Willens”³⁰ richtet, und einer Lehre der Kirche, die den Amtsträgern der Kirche selbst Maßstab und Richtschnur sein will, bisher nicht vertieft. Angesichts der Bedeutung, welche die Kirche als Institution für die nationalen Gesellschaften und ihre Gemeinwesen haben kann, ist das nicht unproblematisch.

Die Demokratie ist eine Herausforderung auch an das innere Leben der Kirche. Es war selbstverständlich für die Akademie, diese Herausforderung außer Betracht zu lassen. Die Lehre der Kirche kennt keine Analogie zwischen der Demokratie der “Welt” und den Ordnungsstrukturen der Kirche. Die Kirche tritt damit in ein immer größeres Spannungsverhältnis zwischen der allgemeinen und grundsätzlichen Demokratisierung des staatlichen Lebens und dem Verhältnis der Gläubigen zu den “geweihten Hirten in Stellvertretung Christi als Lehrer und Leiter in der Kirche”.³¹ Dieser Gegensatz mag sich dem Verständ-

³⁰ So die Einleitungsworte zu *Pacem in terris* oder *Populorum Progressio*.

³¹ II. Vatikanisches Konzil, Dogmatische Konstitution über die Kirche “*Lumen gentium*” Nr. 37.

nis der Gläubigen immer mehr entziehen. Daraus mögen sich Gefahren ergeben sowohl für die richtige Ordnung in der Kirche als auch für die Verbreitung, die Annahme und das Erleben der Frohen Botschaft. Doch ist offensichtlich, daß diese Thematik keine allein sozialwissenschaftliche ist. Was die Sozialwissenschaften hierzu beitragen könnten, müßte auf das sorgfältigste darauf abgestimmt werden, was das Lehramt der Kirche und die Theologie zu sagen haben. Vom Auftrag und der Kompetenz der Akademie her ist die Frage, auf welche Weise die Kirche ihren eigenen Einsichten in Sinn und Wert der Demokratie sowie der demokratischen Welterfahrung ihrer Mitglieder durch ihre Verfahren und Strukturen gerecht werden kann, von der Thematik der Demokratie wesentlich zu unterscheiden.

III. *Dank*

Wenn uns diese Tage nicht große Überraschungen bescheren, ist das bis auf weiteres die letzte Plenarsitzung, in der sich die Akademie "frontal" mit dem Thema der Demokratie befaßt. Der Rat der Akademie hat mich von Anfang an damit beauftragt, diese Arbeiten zu moderieren. Lassen Sie mich kraft dieses Auftrages auch allen danken, die zur Definition seiner Programme und zu seiner Durchführung beigetragen haben. Das sind zunächst die Mitglieder des ad-hoc-committee on democracy: unser Präsident, Professor Edmond Malinvaud, Professor Mary Ann Glendon, Bischof Diarmuid Martin, Richter Nicholas John McNally, Professor Hanna Suchocka, Professor Herbert Schambeck und unser Kanzler – Kanzler war zunächst Msgr. Renato Dardozzi, später Professor Joseph Pittau und seit 1999 Msgr. Marcelo Sánchez Sorondo. Lassen Sie mich hervorheben, daß auch der Rat der Akademie wesentlichen Anteil an den Vorarbeiten genommen hat. Die Bereitschaft des Rates, Mitverantwortung für die Auswahl der Themen und der Sprecher zu übernehmen, war eine große Hilfe. Lassen Sie mich sodann allen Berichterstattem danken. Ganz besonders gilt dieser Dank unserem Kollegen Michel Schooyans, der mit seiner Darstellung der Lehre der Päpste zur Demokratie, die er schon für den work-

shop von 1996 ausgearbeitet hat, allen unseren Arbeiten eine wesentliche Grundlage gegeben hat. Mit seinen ergänzenden Bemerkungen für die erste Plenarsitzung zum Thema Demokratie im Jahre 1998 hat Professor Schooyans wichtige neue Impulse gegeben. Neben ihm ist Professor Roland Minnerath zu nennen. In der Sitzung des Jahres 1998 leitete er nicht nur die Aussprache zur Lehre der Kirche. Vielmehr stellte er dieser Aussprache grundlegende Ausführungen voran. Und am Ende dieser Sitzung will er versuchen, die Erträge unserer Diskussionen im Lichte der Soziallehre der Kirche zu konkretisieren. Wie schon betont, ist der Dienst der Sozialwissenschaften an der Soziallehre der Kirche die *raison d'être* der Akademie. Darum ist die Erfüllung von Aufgaben, wie sie Msgr. Schooyans und Msgr. Minnerath übernommen haben, von herausragender Bedeutung. Besonderen Dank schulden wir besonders auch den Berichterstattern, die an unseren Beratungen teilnehmen, ohne Mitglieder der Akademie zu sein. Ich darf die Experten begrüßen, die es übernommen haben, diese Tagung durch ihre Berichte und durch die Teilnahme an unseren Diskussionen zu bereichern: Professor Crouch, Professor Kirchhof, Professor Malik, Professor Schmidt und Professor Therborn. Die Akademie ist Ihnen für Ihre Beiträge sehr verpflichtet. Sehr herzlich möchte ich schließlich Herrn Professor Floria und Herrn Professor Villacorta begrüßen. Sie haben durch ihre Berichte schon zum workshop beigetragen. Desgleichen haben sie ihre spezifischen Erfahrungen auch in die Plenarsitzung von 1998 eingebracht. Der Rat der Akademie wollte sie deshalb auch dieses Mal bei uns wissen.

Lassen Sie uns an die Arbeit gehen.

DEMOCRACY AND OTHER GOODS

PARTHA DASGUPTA

SUMMARY

In this essay I report recent findings that offer three new defences of democracy, in particular, democracy by majority voting.

1. The Democratic Process

In his masterly affirmation of the democratic ideal, Dahl (1989) observes that “effective participation by citizens” and “voting equality among citizens” have often been taken to be the two features that embody the idea of the democratic process. But he argues that any association which governs itself by them alone should be regarded as conforming to the ideal in a narrow sense only (pp. 108-11). Dahl then shows that there is a third requirement – “enlightened understanding” – which, when added to the two, defines a full procedural democracy with respect to its agenda and in relation to its demos (people). And he writes (pp. 111-2):

“... democracy has usually been conceived as a system in which ‘rule by the people’ makes it more likely that the ‘people’ will get what it wants, or what it believes is best, than alternative systems like guardianship in which an elite determines what is best. But to know what it wants, or what is best, the people must be enlightened, at least to some degree... (Thus) each citizen ought to have adequate and equal opportunities for discovering and validating ... the choice on the matter to be decided that would best serve the citizen’s interests.”

Dahl then shows that even this is not enough. He adds a fourth requirement (pp. 112-4), that citizens must have the exclusive opportunity to decide how matters are to be placed on the agenda of those

matters that are to be decided by means of the democratic process. Moreover, final control of the agenda by citizens, Dahl argues, presupposes that citizens are qualified to decide (i) which matters do or do not require binding decisions; (ii) of those that do, which matters they are qualified to decide for themselves as a collective; and (iii) the terms on which they delegate authority.

Taken together, the four criteria define *representative democracy*, with clearly established limits on the agenda over which collective decisions are to be made. This means that the possible centrality in the political lexicon of individual rights (such as non-interference by others on matters in the private domain) is consonant with the democratic ideal.

Dahl then proves that even this would not suffice. He adds a fifth requirement, concerning inclusion (pp. 119-31), that “the demos must include all adult members of the association except transients and persons proved to be mentally defective”. And he concludes that, if democracy is the ideal, the five criteria, taken together, are the standard by which political processes ought to be judged.

In this Note I assume that the five requirements of an ideal democratic process are uncontroversial. I build on Dahl’s ideas by presenting several findings that have emerged, since his book was published, on both the theory and practice of democracy. I present them here in the belief that they add to our understanding of the strengths and limitations of the democratic ideal.

The findings I report here are three in number. The *first* (Section 2) concerns the logical structure of the democratic process. I argue that there is a good reason for adopting the simple majority rule for aggregating individual values when it comes to voting for candidates in a political election. The *second* (Section 3) relates democracy to incomplete and asymmetric information. Dahl’s argument (“enlightened understanding”), that people should be enabled to obtain information if democracy is to flourish, has a converse: the very fact that people have private information of worth is itself an argument for democratic decision-making. In short, democracy has an instrumental value: it enables people to make use of private information. The *third* finding I report

(Section 4) also concerns a possible instrumental virtue of democracy. I discuss recent experiences in poor countries to show that democracy and civil liberties have been associated with growth in economic well-being.

The three findings are discussed in the following three sections, sequentially.

2. Robustness of Simple Majority Rule

Since Arrow's famous work (Arrow, 1951) we have become familiar with the fact that democratic voting rules can be intransitive. The classic illustration of this is Condorcet's paradox of the simple majority rule. Nevertheless, in the political science literature (e.g. Dahl, 1989) the simple majority rule would appear to be the touchstone of the democratic process. For although Dahl's five requirements do not specify the voting rule that best reflects the democratic ideal, he suggests that the rule that has historically been regarded as appropriate to the democratic process is the majority rule; and he observes (Dahl, 1989: 135):

“... virtually everyone assumes that democracy requires majority rule in the weak sense that support by a majority ought to be *necessary* to passing a law. But ordinarily supporters of majority rule mean it in a much stronger sense. In this stronger sense, majority rule means that majority support ought to be not only necessary but also *sufficient* for enacting laws.” (Emphasis in the original.)

Among democratic voting rules, the simple majority rule (we will call *this* the majority rule) has a particularly strong intuitive appeal. In Dasgupta and Maskin (2000) a new defence of majority rule is offered. It is shown that, among all voting rules satisfying a set of intuitively appealing conditions that have been much studied in the literature, majority rule is immune to cycles (i.e. the rule is transitive) on the largest domain of configurations of individual preferences, and is the unique such rule. To put it briefly, majority rule is robust.

To illustrate, consider first the Condorcet-cycle. Consider three voters, who rank three alternatives (labelled x, y, z) as, respectively, “ x over y over z ”, “ y over z over x ”, and “ z over x over y ”. Simple majority rule

is intransitive under this configuration of preferences. To confirm this, note that, since two of the voters prefer x to y , simple majority rule requires that x be ranked over y ; likewise, since two of the voters prefer y to z , the rule requires that y be ranked over z . By transitivity, x should be ranked over z . But since two of the voters prefer z to x , the rule requires that z be ranked over x , which is a contradiction!

Why is majority rule, nevertheless, intuitively appealing? It is because the rule, especially when applied to choices over political candidates, possesses several compelling properties. First, it satisfies the *Pareto principle*: if all voters prefer alternative x to alternative y , the rule ranks x over y . Secondly, it is *anonymous*: the rule treats all voters *symmetrically* in the sense that the ranking is independent of voters' labels. Anonymity, therefore, captures the second of Dahl's five criteria: voting equality among citizens. And thirdly, majority rule satisfies *neutrality*: its ranking over any pair of alternatives depends only on the pattern of voters' preferences over the pair, not on the alternatives' labels.

Neutrality is symmetry with respect to alternatives. In the context of representative democracy, neutrality is a natural requirement of a voting rule: it prohibits procedural discrimination against candidates. Rules that violate neutrality have built into them preconceived rankings, for example, favouring the status-quo. If preconceived social rankings are to be avoided, neutrality is the condition that can ensure its avoidance.

But majority rule is not the only voting rule satisfying anonymity, neutrality, and the Pareto principle; there is a vast array of others (e.g. the 2/3-majority rule; and the Pareto-extension rule, wherein two alternatives are considered to be socially indifferent unless *all* voters prefer one to the other). However, all are subject to Arrow's stricture, that is, each will generate cycles for some configurations of preferences.

In this context, Dasgupta and Maskin (2000) have constructed a new defence of majority rule when the number of voters is large. They have shown that, among all voting rules that satisfy anonymity, neutrality and the Pareto principle, majority rule is immune to cycles (i.e. it is transitive) on the largest domain of individual preferences; moreover, it

is the unique such rule. To be precise, they have shown that if, for some domain of individual preferences, a voting rule satisfying anonymity, neutrality, and the Pareto principle is transitive, then so is majority rule transitive on this domain. Moreover, unless a voting rule is itself the majority rule, there exists some domain of individual preferences on which majority rule is transitive, but the voting rule in question is not. The result captures the sense in which majority rule is robust.

3. Democracy and Private Information

In the previous section I identified the attraction of majority rule as an expression of the democratic decision-making process. In this section I develop the third of Dahl's five criteria, namely "enlightened understanding", quoted above. It can be argued that limited knowledge and asymmetric information among members of a demos do not merely call out for the creation of opportunities among people to acquire more information, they also provide an instrumental *justification* for democracy. It has been said that democracy is the worst system of government, except for the other systems of government. Incomplete and asymmetric information among members of a demos provide an explanation for why the epithet is true. Elsewhere (Dasgupta, 1993) I have argued this by appealing to recent findings on the management of local common-property resources among rural communities in poor countries. These empirical findings reveal, in particular, the instrumental value of local participatory democracy in enabling privately-held information to be put to work in social decision-making processes. Related to this, political scientists have drawn attention to the positive influence civic engagement can have on government performance in democratic societies (Putnam, 1993; Cohen and Rogers, 1995). Their argument is that government accountability requires collective action. But collective action requires co-ordination; more fundamentally, it requires that people trust one another *to* co-ordinate. Civic engagement creates trust by reducing the uncertainties each party harbours about others' predilections and dispositions. Contrariwise, an absence of such

engagement makes trust that much harder to build. Recent empirical work on common-property resource management supports this reasoning by showing that trust can indeed be “habit forming”.

4. Democracy and Human Development: Some Evidence

Is democracy associated with human development? For example, is growth in national income per head, or increases in life expectancy at birth and the infant survival rate, or improvements in literacy, greater in countries where citizens enjoy less curtailed civil and political liberties?

The case-by-case approach to such questions has enjoyed a long tradition, but it is often so case-specific that it is difficult to draw a general picture from the studies. An alternative is to conduct statistical analyses of cross-country data.

In an early statistical inquiry, Dasgupta (1990) explored possible links between political and civil liberties and changes in the standard of living. The study was restricted to poor countries. Only ordinal information was used and no attempt was made to search for causality in the relationships that emerged. Here I summarise the findings.

The sample consisted of countries where, in 1970, real national income per head was less than \$1,500 at 1980 international dollars. There were 51 such countries with populations in excess of 1 million (Summers and Heston, 1988). The period under observation was the decade of the 1970s. The findings are reported in detail in the paper submitted to the Symposium. Here I summarise the findings:

1. Political and civil rights are positively and significantly correlated with real national income per head and its growth, with improvements in infant survival rates, and with increases in life expectancy at birth.

2. Real national income per head and its growth are positively and significantly correlated, and they in turn are positively and significantly correlated with improvements in life expectancy at birth and infant survival rates.

3. Improvements in life expectancy at birth and infant survival rates are, not surprisingly, highly correlated.

4. Political and civil rights are not the same. But they are strongly correlated.

5. Increases in the adult literacy rate are not related systematically to incomes per head, or to their growth, or to infant survival rates. They are positively and significantly correlated with improvements in life expectancy at birth. But they are negatively and significantly correlated with political and civil liberties.

These observations suggest that literacy stands somewhat apart from other “goods”. It does not appear to be driven with the three other measures of the living standard being studied here. Furthermore, regimes that had bad records in political and civil rights were associated with good performances in this field. I have no explanation for this, but it is difficult to resist speculating on the matter. One possibility is that literacy was used by a number of States in the sample to promote the acceptance of established order. This would seem plausible in rural communities, where the classroom provides a relatively cheap means of assembling the young and propagating the wisdom and courage of the political leadership. Education in this case would be a vehicle for ensuring conformity, not critical thinking.

Of course, the correlation observed in the data does not imply causation. Each of the indices would in any case be “endogenous” in any general political theory. For example, it is most probable that democracy is correlated with some omitted feature (e.g. the extent to which the rule of law is exercised and rights to property are secure) that enhances growth in national income per head, or life expectancy at birth. We should also bear in mind that indices of political and civil liberties can change dramatically in a nation, following a *coup d’etat*, a rebellion, an election, or whatever; and as I used a six-year average index (the period 1973-79) for them, we must be careful in interpreting the statistical results. Subject to these obvious cautions, what the evidence seems to be telling us is that, statistically speaking, of the 51 poor countries on observation, those whose citizens enjoyed greater political and civil liberties also experienced larger improvements in life expectancy at birth, real income per head, and infant survival rates. The argument that de-

mocracy is a luxury poor countries cannot afford is belied by our data. This seems to us to be eminently worth knowing.

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Part II

DEMOCRACY: STRATEGIES FOR VALUES – HOW
TO ADVOCATE, FOSTER AND
DEFEND VALUES IN A PLURALISTIC
SOCIETY BY DEMOCRATIC MEANS

DÉMOCRATIE ET VALEURS: QUELLE STRATÉGIE DANS UNE SOCIÉTÉ PLURALISTE?

MICHEL SCHOOPYANS

SUMMARY

In a previous paper we examined the relations between human rights and democracy. We showed that legal positivism had allowed law to be transformed into an instrument at the service of totalitarian power. The Universal Declaration of Human Rights (1948) was intended to reintroduce a concept of human rights based upon the precept: man, whatever he may be, is the supreme value. Inherent universal rights based upon this value represent a solid foundation for the internal and external peace of nations, for democracy, for development, and for international solidarity.

PLURALITY AND PLURALISM

Value: Real or Constituent?

Because of its universal range, the value which man represents requires the protection of a *plurality of political institutions and legal instruments*. Their value will increase in proportion to their ability to honour human rights in specific contexts.

Unfortunately, it has to be recognised that the values expressed in the Declaration of 1948 are increasingly under attack, even within the UN. The plurality that we have just mentioned does not exist anymore. This *legitimate plurality* tends increasingly to be eclipsed by a *pluralism* which affects the understanding of the universality of man's value and rights. This pluralism represents the diversity of ways *in which the value of man himself is understood* and no longer relates to the plurality of the institutions designed to safeguard it. The idea of an objective, *recognised* value of man, prior to any declaration or ratification, has been deferred. A human being is no longer an objective value, a *real* value. He is, rather, a value *constituted* by voluntary subjects, who take it upon themselves to ascribe value to an individual and allocate rights therefrom. Thus, given the essential link between democracy and human rights, the future of democracy is itself in danger. We shall demonstrate how this new perception of the value of man is expressed, firstly at a theoretical, and then at an institutional, level.

A Purely 'Consensual Concept' of Human Rights

The concept of value currently prevalent at the heart of the United Nations is decidedly *empirical*. Values have become the expression of the frequency of choice. This then decides how positive law should be ratified. Human rights are therefore the necessarily provisional outcome of an ongoing process, the conclusions of which, reached by consensus, have an imperative force. They *determine* the practical rights of man. Those who break the consensus, the dissidents, are those who persist in declaring that man is valuable in himself, that he has an intrinsic value, that he is an objective value, a real value.

The purely 'consensual' concept of value and human rights is further characterised by its *scepticism* and *agnosticism*. This is accompanied by an abandonment of traditional *anthropocentrism*. Ultimately, man is no more than a fragment of Nature, which itself also has rights, 'natural' rights. Man must be prepared to be sacrificed, if necessary, to the needs and demands of the ecosystem.

Short-circuited States

The reappraisal taking place within the UN of values set forth in the 1948 Declaration is equally apparent both at a practical and at an institutional level.

The consensus reached in international assemblies is invoked to pressurise nations into signing *accords* and *conventions* dealing with the 'new values' and the 'new human rights' reached by consensus. Thereby human rights are defined in a voluntarist fashion by positive legal texts – positive law thus coincides with natural law.

Given that this is the case, one should not be surprised to observe that the insidious undermining of the value of man has culminated in a project for the substantial transformation of the UN. According to the San Francisco Charter and the Universal Declaration, the UN was established as an assembly of sovereign states. However, since 1990 the transformation of the UN into a system of world government has become ever more apparent.

Now, when the UN purports to be a *constituent* authority on values and a source of corresponding 'new rights', when it whittles away national sovereignty, when it attempts to stifle divergence, it is engaged in establishing an '*International*' dreamed of by others in the past but now implemented by the UN in actual fact.

It should therefore be observed that in so far as it ceases to be the guardian of democratic values, the UN today is involved in the re-establishment of a perverse concept of human rights, similar in character to that which the former UN - that of 1945 or 1948 - had sought to eliminate forever.

This is what happens when the abuses of liberalism form a negative conjunction with the abuses of socialism. In truth, Hobbes himself warned us about this: the frenzied exaltation of individual liberty leads sooner or later to the creation of the Leviathan.

CRITERIA FOR A STRATEGY

Back to Realism

The cohesion of a society, of every society, requires all the members of that society to recognise certain values. In a society where each individual arrogates to himself or herself the right to define these values according to his or her taste, ‘pluralism’ can only be temporary. The strongest impose their law on others and democracy becomes impossible.

The great Declarations of rights all share the same common trait – they are intended to make all the members of civil society participate in the smooth running of the political community. In short, they have encouraged democracy. The Declaration of 1948 is obviously integral to this dynamic. A new impulse to this concept of the value of man in his entirety is now urgently needed. When, in a society, law and life as well as physical and psychological integrity are suspended as a result of consensus, the way is open for a regression to barbarism. Recent history confirms this: where perverse laws accord parents the ‘right’ to dispose of the lives of their children, laws no less perverse will soon arise giving children the ‘right’ to promote the death of their parents. No democracy worthy of its name can flourish in a situation where such laws exist.

In our paper we have shown how the intrinsic value of man can be promoted, with respect to *human capital*, human sociability, political participation, justice, and the place of man in nature. We shall confine ourselves here to a brief outline of some of these points.

An examination of *human capital* should revolve around two axes. Firstly, the very idea of human capital should be freed from the *utilitarian* connotations which all too frequently impoverish it. It is necessary to rise above this limited approach and reverse the economic perspective, all the more given that work is at one and the same time both a right and a duty.

The promotion of human capital implies, furthermore, that all men have access to two spheres of values which are superior to the sphere of utilitarian values: the sphere of *truth* and the sphere of *moral good*. The inability, for most of the world population, today, to access knowledge, brings out the new face of apartheid. In addition, as Amartya Sen has shown, free access to information and the dissemination of knowledge create the conditions for achieving political development and democracy.

Contemporary thought on the moral value of justice should therefore not be restricted to reflections on the distribution of wealth. The question of subsidiarity as understood today should be regarded as primary. No man is a man too many on this earth. Each person has an irreplaceable contribution to make to the happiness of all.

Let us now turn our attention to the case of the *family*. This is a concrete value where the human being is welcomed with his or her differences, and where human

sociability is realised in an exemplary fashion. It should therefore not be regarded purely as a means to economic prosperity. As we have already shown with respect to human capital, a purely utilitarian or reductive vision of the family must be rejected in order fully to perceive what constitutes its incomparable value in forming the supreme value which is man.

Political Democracy

Political society is a concrete reality in which value is assessed in terms of means. Here also utilitarianism can only increase divisions – causing people to desire that which others desire, utilitarianism generates violence. In order to live together, men need truth, a truth which does not succumb to whims, to opinion, or to opportunity. When a society ceases to concern itself with the value which is truth, it becomes susceptible to ideological decoys and violence.

Law: Towards 'Common Law'

Misunderstandings concerning *plurality* and *pluralism* are increased by the two great legal traditions which exist on a world scale. We are currently witnessing the confrontation of these two concepts of law. The tradition of *Common Law*, strongly entrenched throughout the former British Empire, is undoubtedly more receptive than the *Latin tradition* to the idea of consensus as a preferential source of law. The Anglo-Saxon area thereby provides favourable terrain for the acceptance of an erratic conception of human rights.

This is where serious confusion takes root. In the name of consensus, the attempt is made to impose legal instruments which render redundant the references to meta-legal values honoured by the Latin tradition and expressed in the great declarations of rights. This leads to a stance which the theoreticians and exponents of Common Law have generally hesitated to adopt, but which Hobbes addressed without hesitation in affirming that natural law and positive law ultimately have the same content and the same extension, and that they are no less than the expression of the sovereign will of Leviathan.

Under the Sign of the Cross

Faced by the challenges which we have analysed, the Church appears more and more isolated. Today, she is probably the only institution to defend in an integral and unconditional way the intangible value of every human being, his right to life, to family, health, knowledge, property, liberty and association. To the extent that she promotes these values, she promotes the conditions for the existence of democracy.

If the Church plays such an important role in defending man, it is because man's value is rooted not only in his condition as a rational and free creature, but still more so in its adoption in Jesus. This condition of man paradoxically implies ignorance and creativity. *Ignorance*, because the Gospel is silent on the political programmes to be adopted for the promotion of human rights, democracy, the most just laws, etc. Again ignorance in relation to economic measures which favour development and economic participation for the well-being of all. And *creativity* because neither the world nor society have been given by God to man as finished products, in which it is necessary only to stand back and wait. The honour for man is in having been associated by God to the genesis of history and, to a large degree, to have been entrusted with responsibility for it.

La 'Docta Ignorantia'

This is why the plurality of political, legal, economic and other options is essential to Christianity. It is not only a question here of a right to difference, but of a duty to be different. However, the aim will everywhere be the same: ultimately it will be a matter of promoting the value of man. But this shared objective will be upheld differently according to circumstances and according to conditions of life.

The Church must therefore today embrace a new form of poverty. She must humbly practise the *docta ignorantia*. She must deny herself the clerical pretension to dictate, in the name of the Gospel, programmes of political or economic action for which she has neither the authority nor the competence. She must not allow herself to use the Gospel as an ideological reference which legitimates any kind of programme of action whatsoever. But at the same time the Church must show that, since the act of faith is rational, the forms of behaviour inspired by it and expressing it must also be rational. This is precisely the reason why faith stimulates the freedom to discuss the necessary plurality of concrete options and, at the same time, manifests the convergence of this plurality of options. This represents one of the essential aspects of religious freedom. It is thus a duty of the Church to denounce the agnostic pluralism which endangers the shared, and in truth unique, objective which must be attained by convergent paths.

Addressing Secular Theocracies

The current debate on values and democracy is therefore revealed in all its depth. It bears not only on questions of anthropology or moral philosophy, on general theories of law or political philosophy. This debate is fundamentally of a religious nature. The Church is confronted by a secular theocracy before which she

cannot remain silent. The world today has a right to expect of the Church that she causes the splendour of the Cross to shine with a particular glory. Like the Cross, the Church must appear as a sign of *division*. Christians should not advocate a 'unity' or 'universality' which would be dependent on the subjective wishes of certain individuals or the dictates of a certain power which aspires to hegemony.

To its honour, our Academy is bound to involve itself in this immense debate and to bear with it the flame of hope, which, alone, can give credibility to its witness.

Dans une étude précédente, nous avons examiné les rapports étroits entre les droits de l'homme et la démocratie.¹ Nous avons montré à cette occasion que le positivisme juridique, faisant procéder la loi de la volonté du Prince ou du Législateur, a permis, au cours du XX^e siècle, la transformation du Droit en instrument redoutable au service du pouvoir totalitaire.

La Charte de San Francisco (1945) et surtout la Déclaration Universelle des Droits de l'Homme (1948) ont voulu couper court à cette conception perverse du droit. Ces documents solennels ont précisément voulu restaurer une conception des droits de l'homme protégée contre les aléas des volontés changeantes. Ils ont discerné ce fondement dans un constat: *l'homme, quel qu'il soit, est la valeur par excellence*. La Déclaration ne fait que constater cette valeur réelle, objective; elle la proclame. Elle affirme qu'elle s'étend à tous les hommes; qu'elle ne dépend pas des caprices des gouvernants. Elle trouve dans les droits universels inhérents à cette valeur le fondement solide de la paix intérieure et extérieure des nations, du développement, de la solidarité et des relations internationale.

PLURALITÉ ET PLURALISME

La valeur: réelle ou constituée?

Protéger et promouvoir ces droits de l'homme, c'est la *raison d'être* de l'ONU; c'est la *mission* qui lui est confiée. Parce que sa portée est

¹ Cf. *Droits de l'Homme et Démocratie, à la lumière de l'Enseignement social de l'Église*, dans les *Proceedings* de l'Académie Pontificale des Sciences Sociales, Cité du Vatican, 1999.

universelle, la valeur de l'homme appelle la protection d'une *pluralité d'institutions politiques et d'instruments juridiques*. La valeur de ceux-ci s'appréciera à leur capacité d'honorer les droits de l'homme dans les contextes particuliers. La valeur relative des diverses institutions et des diverses lois apparaîtra dans la propriété qu'ont ces institutions et ces lois d'honorer l'homme, chaque homme, valeur par excellence.

Il faut malheureusement constater que les valeurs qui s'expriment dans la Déclaration de 1948 sont de plus en plus battues en brèche au sein même de l'ONU. Il ne s'agit plus de la pluralité dont il vient d'être question. Cette *pluralité légitime* tend à être éclipsée de plus en plus par un pluralisme affectant la reconnaissance de l'*universalité* de la valeur de l'homme et de ses droits.

Le pluralisme dont il est ici question ne se situe pas au même niveau que celui où se trouve la pluralité que nous venons d'évoquer. Dans ce dernier cas, celui de la pluralité, il s'agissait de la qualité affectant des institutions différentes, certes, mais visant, toutes, le respect de la valeur de l'homme.

Le pluralisme auquel on fait désormais souvent référence dans les conférences de l'ONU signifie la diversité des conceptions *quant à la valeur de l'homme lui-même*, et non plus de la pluralité des institutions appelées à honorer celui-ci. Ce pluralisme signifie que les références axiologiques proclamées en 1948 sont désormais en sursis et en quelque sorte gelées. Elles ne valent plus que conditionnellement, c'est-à-dire *pour autant* que telle assemblée ou tel gouvernement consente à les valider. L'idée d'une valeur objective reconnue à l'homme, antérieurement à toute déclaration, à toute ratification, est *suspendue*. La préséance est donnée à des sujets individuels ou collectifs qui décident non seulement des droits de l'individu humain mais jusqu'à de son existence. L'être humain n'est plus une valeur objective, une valeur *réelle*, c'est-à-dire existant bel et bien; c'est une valeur *constituée* ou non par des sujets volontaires, qui non seulement se réservent d'octroyer de la valeur à un individu, mais qui emploient leur pouvoir de décision à accorder ou à refuser l'existence à tel individu ou à telle classe d'individus. Dès lors, puisqu'il y a un lien essentiel entre démocratie et droits

de l'homme, l'avenir de la démocratie – en tant que celle-ci reconnaît l'égale dignité de tous les hommes – est lui-même en danger.

Ainsi qu'on le constate, cette évolution, que nous allons illustrer par divers exemples, ruine l'idée d'universalité que l'on croyait indissolublement attachée à la valeur essentielle de tous les êtres humains.

Nous allons montrer plus en détail comment se manifeste cette nouvelle perception de la valeur de l'homme dans les documents produits par l'ONU. Nous verrons comment cette nouvelle perception s'exprime: d'abord au plan théorique, ensuite au plan institutionnel.

Une conception "purement consensuelle" des droits de l'homme

La conception de la valeur qui prédomine aujourd'hui dans les milieux onusiens est résolument *empiriste*. Avec de nombreux autres auteurs, Rawls² a contribué à ancrer la conviction qu'il fallait renoncer à chercher des références axiologiques admises par tous les hommes. Ce pragmatisme radical déteint sur l'ensemble de l'ONU. Pour la technocratie onusienne, les valeurs sont le résultat de calculs utilitaires résolus par consensus ou décidés à la majorité. Les valeurs sont des préférences; elles s'expriment dans la fréquence des choix et se mesurent dans des histogrammes: un triomphe pour la courbe de Gauss. D'où la tyrannie de la majorité, déjà dénoncée par Tocqueville.³ Ce qui importe, c'est la satisfaction des passions de l'homme. Le droit fondamental de l'homme, c'est le droit à satisfaire ses passions individuelles fût-ce celui de (se) donner la mort. C'est cela que devrait entériner le droit positif.

Les droits de l'homme sont ainsi l'aboutissement, nécessairement provisoire, d'une procédure incessante, dont les conclusions sont à remettre constamment en question. Cependant, aussi longtemps qu'elles durent, ces conclusions successives auront une force impérative: elles *déterminent* les droits de l'homme. Puisque nous échouons – dit-on – à

² Cf. John Rawls, *A Theory of Justice*, Oxford University Press, première Édition, 1971.

³ Cf. *De la démocratie en Amérique*, II, 3.

fonder objectivement la valeur intrinsèque de l'homme, nous devons nous résoudre à voir défilier, tour à tour, des décisions, des paradigmes successifs, accordés – selon certains – au “nouvel âge”.

Ces décisions volontaires sont seules constitutives de valeur; il faut donc s'y soumettre. Il faut sacrifier au mimétisme collectif, qui requiert l'unanimité.⁴ C'est ce que nous avons appelé naguère “le syndrome de Panurge”.⁵ Les décisions volontaires sont contraignantes et censées jouir de la “sainteté” civile dont Rousseau gratifiait la loi, au motif que celle-ci était l'expression infaillible de la volonté du souverain. Ceux qui brisent le consensus pratiquent donc le dissentiment; *leur dissidence est intolérable*, car elle émane d'une conception de la valeur caractéristique d'un âge révolu. Désormais, les dissidents sont ceux qui persistent à déclarer que l'homme vaut par lui-même, qu'il a sa valeur intrinsèque, qu'il est une valeur objective, réelle. C'est ce que proclamait la Déclaration de 1948, qui détaillait les implications de ces prémisses.

L'ONU CONTRE L'ONU

L'ONU dans son ensemble a laissé filer la référence à ses propres origines; elle lui a superposé une conception que l'on peut appeler “purement consensuelle” des droits de l'homme, conséquence incontournable de sa conception de la valeur. L'ONU a ainsi pu lancer ce qu'elle-même appelle de “nouveaux droits de l'homme”, face auxquels il est incongru et inopérant d'opposer la conception réaliste de ces droits.

Au sein de l'ONU, cette révolution, ou plutôt cette *involution*, dans la conception des droits de l'homme s'est faite sans bruit, par grignotement, jusqu'à ce que soit pratiquement désactivée la conception originelle et réaliste de ces droits. En arrière-fond, ce qui s'est produit, c'est une subversion dans l'ordre des valeurs. Aujourd'hui, la valeur de l'homme n'est plus à l'abri de toute contestation.

⁴ Voir René Girard, *La violence et le sacré*, Paris, Éd. Grasset, 1972; Id., *Je vois Satan tomber comme l'éclair*, Paris, Éd. Grasset, 1999.

⁵ Cf. notre ouvrage *L'enjeu politique de l'avortement*, Paris, Éd. de l'OEIL, 1991; voir pp. 147-156; cf aussi p. 206.

Ces “nouveaux droits” sont attachés à des “préférences”, à des “valeurs” nouvelles. Ainsi, il n’est plus question, comme il y a à peine vingt ans, d’*autoriser* l’avortement, c’est-à-dire de *déroger* au droit fondamental à l’existence.⁶ Désormais, l’avortement devrait être un nouveau *droit*, fondé sur l’exaltation illimitée de cette valeur “absolutisée” qu’est la liberté individuelle. De même pour les “nouveaux modèles de famille”, pour la “santé génésique”, les “droits reproductifs”, l’homosexualité, l’autonomie sexuelle des adolescents et des enfants, la stérilisation, l’euthanasie, etc.

L’abandon de l’anthropocentrisme

La conception “purement consensuelle” de la valeur et des droits de l’homme se caractérise encore par son relativisme intégral, son scepticisme et son agnosticisme. De l’homme, nous ne pouvons rien dire de vrai, mais les nécessités de la vie sont là et nous forcent à des compromis. Il n’est dès lors pas surprenant que cette impossibilité dans laquelle se trouverait l’homme de savoir qui il est, de connaître le sens de sa vie, s’accompagne d’un abandon de *l’anthropocentrisme* traditionnel.

A leur manière, la philosophie médiévale et la philosophie moderne, notamment avec Descartes, avaient affirmé la *centralité* de l’homme dans le monde, la vocation de l’homme à connaître, organiser, transformer le monde. L’homme est sujet d’action responsable, sujet d’histoire, capable de comprendre, d’imprimer sa marque à la Nature. On insiste donc ici sur la raison et la volonté libre caractéristique de tous les hommes.

La nouvelle conception des valeurs et des droits ne peut s’accommoder de cet anthropocentrisme.⁷ C’est pourquoi elle se rattache aux courants monistes et néo-panthéistes, dont le plus connu est le New Age.⁸ La valeur de l’homme et ses droits sont non seulement relatifs au

⁶ La dérogation signifie qu’on s’écarte de la norme légale censée garantir, dans le droit positif, le droit inaliénable de l’homme à la vie. Dans le cas qui nous occupe ici, la *dérogation* ne donne pas lieu au *droit* de disposer de la vie d’autrui. En anglais, on oppose de même *release* et *right*; en allemand *Freigabe* et *Recht*.

⁷ Voir à ce sujet Luc Ferry, *Le nouvel ordre écologique*, Paris, Le Livre de Poche, 13565, 1998.

⁸ Nous abordons ce dossier dans *L’Évangile face au désordre mondial*, Paris, Fayard, 1998, pp. 79-96.

sens qui a déjà été expliqué. Ils sont relatifs à la Nature qui environne l'homme. L'homme n'est finalement qu'un fragment de cette Nature, qui, elle aussi, a des droits – des droits “naturels”. Être éphémère, parcelle du Grand Tout matériel, l'homme doit accepter de se sacrifier, s'il le faut, aux impératifs de l'environnement matériel d'où il tire en fin de compte sa seule réalité et qui seul donne sens à son existence. Par rapport au milieu ambiant, à l'“écosystème”, plus aucune transcendance n'est reconnue à l'homme. Celui-ci est confiné dans une perspective strictement holistique: il n'y a qu'une seule réalité globale de laquelle et dans laquelle l'homme n'est qu'une parcelle éphémère. D'où le regain d'intérêt des thèses évolutionnistes et le succès de l'éthologie, qui prétend éclairer le comportement des hommes à partir de celui des animaux.

LES ÉTATS COURT-CIRCUITÉS

La mise en question, au sein de l'ONU, des valeurs proclamées et protégées par la Déclaration de 1948 n'est pas seulement théorique. Elle se manifeste également dans des dispositions pratiques voire institutionnelles. Ces dispositions trouvent leur traduction dans des instruments ordonnés à la mise en oeuvre des nouvelles “valeurs” et des “nouveaux droits”. Nous examinerons quelques exemples.

Les conventions

Le consensus obtenu dans les assemblées internationales est invoqué par des agences de l'ONU pour presser les nations à signer des *pactes* ou *conventions* portant sur les “nouvelles valeurs” et les “nouveaux droits de l'homme” obtenus par consensus. Dès qu'ils sont ratifiés, ces documents acquièrent force de loi dans les États signataires. Ainsi sont contournées les législations nationales qui, elles, continuent – du moins dans les pays démocratiques – à prendre au sérieux la conception réaliste de la valeur de l'homme et de ses droits. Ce recours aux conventions a pour effet de donner aux “nouveaux droits” de l'homme une force de loi que la Déclaration de 1948, avec sagesse, s'était

bien gardée de s'attribuer.⁹ Désormais, les "droits de l'homme" sont définis de façon volontariste par des textes juridiques positifs. Il n'y a plus de distinction ni de tension tonique entre des droits déclarés, antérieurs à toute législation positive, et les droits énoncés dans les lois. Le droit positif coïncide avec le droit naturel; il a la même extension que lui et, comme lui, il a sa seule source dans le Vouloir du Prince.

Il est également question d'une *Charte de la Terre* dont on fait de temps en temps mention, et dont les grandes lignes ont été divulguées. Les brouillons de cette Charte justifient les plus vives appréhensions; son adoption signifierait l'abandon de la conception anthropocentrique des droits de l'homme. Dorénavant, l'homme devrait être sacrifié au "développement durable". Sans désespérer, cette Charte devrait inspirer un nouveau *Code Universel de Conduite*, qui entérinerait l'évincement de la conception moderne des droits de l'homme.

Pour verrouiller les "nouveaux droits" et intimider les contestataires éventuels, une Déclaration des Défenseurs des "nouveaux droits" est annoncée sous le titre de *Human Rights Defenders Declaration*.¹⁰ Soit encore que les propagateurs des "nouveaux droits" éprouvent curieusement le besoin de se faire protéger. Ce qui est en revanche plus préoccupant, c'est que les États, groupes et particuliers qui s'opposeraient à ces "nouveaux droits" pourraient être l'objet de poursuites pénales. Il faut en effet réprimer ceux que l'on aura préalablement démonisés.

Cette répression devrait figurer parmi des compétences de la *Cour Pénale Internationale*, par ailleurs utile. Cette même Cour serait en outre appelée à invalider les législations nationales par le biais de la jurisprudence, alors même que les juges nationaux, intimidés, inclinent déjà à renoncer à leur indépendance.

Ainsi tant par le biais de la jurisprudence que par celui des conventions, les États sont dessaisis d'une prérogative essentielle à leur souve-

⁹ La Déclaration de 1948 laissait ce soin aux États particuliers.

¹⁰ Des extraits du *Projet de Déclaration sur les défenseurs des droits de l'homme* ont été publiés dans *Le Monde* du 8 décembre 1998, p. 19; curieusement, l'article 7, particulièrement important, a été gommé de cette sélection.

raineté: *l'autonomie*, au sens strict, c'est-à-dire étymologique de ce terme: le pouvoir de se donner des lois.

La souveraineté abolie

Après cela, on ne s'étonnera pas de constater que la contestation sournoise de la valeur de l'homme aboutisse à un projet de transformation substantielle de l'ONU. Selon la Charte de San Francisco et selon la Déclaration Universelle, l'ONU devait être une assemblée d'États souverains, même s'il est vrai que, dès les origines, le Conseil de Sécurité a apporté un sérieux bémol à cet engagement généreux. En vertu de leur adhésion à la Déclaration, ces États sont invités à assurer "la reconnaissance et l'application universelles et effectives" de ces "droits et libertés", grâce à des "mesures progressives d'ordre national et international".¹¹

Cependant, ce qui est de plus en plus insolite, c'est que l'ONU se pose en arbitre des Droits de l'Homme et de la démocratie, alors qu'elle-même ne s'est jamais exposée à la sanction de sa base. L'ONU n'a pas de structure institutionnelle démocratique, *en ce sens* qu'elle n'a pas à répondre de ses actes face au corps politique virtuel constitué par tous les citoyens du monde qui y ont délégué indirectement leurs mandataires. Par là, l'ONU diffère profondément de l'Union Européenne.

Or depuis 1990, initialement sous l'impulsion de Willy Brandt, puis, en 1994, avec la caution de Jan Tinbergen, Prix Nobel d'Économie, sous la pression encore d'une ONG, la *Commission on Global Governance*, la transformation de l'ONU en un système de gouvernement mondial est envisagée de plus en plus clairement. Cette tendance marquée à la centralisation désactive les États particuliers et les corps intermédiaires, affaiblissant par là la démocratie. L'ONU, déjà cerbère des "nouveaux droits" de l'homme, deviendrait tout à la fois productrice de la Pensée Unique, gardienne du "politiquement correct", auto-investie de la répression de la "déviance" qu'elle se réserve de définir.

¹¹ Cf. le *Préambule* de la Déclaration.

La globalisation

Cette fragilisation des États est encore potentialisée par la globalisation de l'économie, qui, de fait et souvent de droit, prive les États souverains de leur pouvoir et de leur devoir d'intervention dans le domaine économique. La concentration des grandes compagnies donne naissance à des oligarchies sans aucun précédent dans l'histoire. Ces oligarchies organisent des lobbies qui modèlent les législations nationales à leurs convenances, par exemple en matière d'horaires de travail ou de localisation. En outre, ces concentrations constituent par là un facteur de dissolution de la famille. A cette mobilité des firmes vient encore s'ajouter la rapidité fulgurante des flux financiers. De tout quoi il résulte que la globalisation peut profiter à la prospérité économique des dictatures et même inciter les pays développés à révoquer leurs lois sociales protégeant les travailleurs.

Bénies par la Banque Mondiale et par le PNUD, la concentration économique actuelle, la mondialisation, entérinent l'exaltation idolâtrique des valeurs économiques. Ces valeurs devraient rester à leur niveau propre: être des moyens utiles à l'obtention de certaines fins. On oublie que l'économie a pour but premier de permettre aux hommes de mieux vivre. Mesurée par le profit, l'expansion est érigée en fin en soi. Hommes et femmes sont inéluctablement producteurs-consommateurs. Horaires, calendrier et lieu de travail sont dictés par les impératifs du marché. Le travailleur lui-même se délocalise: il fait la navette hebdomadaire entre Paris et Londres, Rome et Bruxelles; il ne retrouve sa famille que le temps d'un week-end pressé.

Ainsi, par un incontournable retour des choses, l'homme, que l'économie devrait servir, devient un moyen parmi d'autres au service de l'expansion et du marché global. Ainsi les concentrations actuelles sont l'expression la plus étonnante d'un libéralisme outrancier que rien ne semble pouvoir modérer. Ces nouveaux conglomérats engloutissent et les individus et les États, sous les applaudissements de la galerie. Mais comment ne pas discerner que ces conglomérats risquent d'apparaître bientôt comme l'infrastructure économique de la nouvelle *Internationale* déjà préparée, comme on l'a vu, par d'autres voies convergentes?

Cette concentration de pouvoir, fantastique et abusive, suffirait à montrer que le libéralisme poussé à son paroxysme peut dériver vers un totalitarisme sans précédent. Toutefois, pour s'imposer sans conteste à l'échelle mondiale, ce libéralisme dévoyé doit emprunter au socialisme quelques-uns de ses traits les plus pervers. Lorsque l'ONU se pose en instance constituante des valeurs et en source de "nouveaux droits" correspondants, lorsqu'elle rogne la souveraineté des nations, lorsqu'elle s'assigne la mission d'imposer la Pensée Unique, lorsqu'elle s'équipe pour étouffer la divergence, l'ONU est en train d'instaurer une Internationale dont d'autres ont rêvé avant elle, mais qu'elle s'emploie à réaliser dans l'histoire.

La démocratie

Il faut donc constater que dans la mesure où elle cesse d'être la gardienne des valeurs qui lui ont donné naissance, l'ONU perd sa légitimité. Bien plus, comme il ressort de l'analyse des "nouveaux droits" de l'homme, l'ONU est en train de se transformer en une "machine totalitaire". Avec certaines de ses agences les plus remuantes, l'ONU se transforme en une machine à remonter le temps. Elle ré-instaure une conception perverse des droits de l'homme, tout à fait semblable à celle que l'autre ONU – celle de 1945, celle de 1948 – avait voulu désactiver définitivement.

Les valeurs fondatrices invoquées pour garantir la paix et assurer le développement au lendemain de la II^e Guerre mondiale sont exténuées par la fragilisation des États souverains. Ceux-ci sont en réalité les seuls cadres politiques dans lesquels la démocratie s'instaure. La débilitation de ceux-ci est donc nécessaire si l'on veut briser le principal verrou institutionnel capable d'endiguer la démesure mondialisante et globalisante. La nouvelle conception des droits de l'homme, et la procédure d'où ceux-ci découlent, constituent les prémisses d'un pouvoir mondial unique, excluant toute possibilité de contestation.

Voilà ce qui arrive lorsque les outrances du libéralisme forment un attelage disparate avec les outrances du socialisme. A vrai dire, Hobbes

nous en avait déjà avertis: l'exaltation forcenée de la liberté individuelle conduit tôt ou tard à l'engendrement du Leviathan.¹²

REPÈRES POUR UNE STRATÉGIE

Retour au réalisme: liberté et vérité

La cohésion d'une société, de toute société, suppose que tous les membres de cette société reconnaissent librement certaines valeurs. Bien entendu, la solidité de cette cohésion est fonction de la reconnaissance de ces valeurs et de la volonté de susciter une société solidaire. Un société où chaque individu s'arroge le droit de définir les valeurs à son gré est vouée à devenir anarchique et finit par sombrer dans la violence. Dans une société de ce genre, le "pluralisme", si souvent chanté, n'est jamais que passager. La Pensée Unique l'emporte toujours et, avec elle, c'est le plus fort qui finit par imposer sa loi aux autres.

Les grandes déclarations de droits qui ont jalonné l'histoire politique et juridique présentent toutes le même trait commun: elles ont voulu dénoncer le pouvoir arbitraire, endiguer les abus de pouvoir, faire participer tous les membres de la société civile à la bonne marche de la communauté politique. Les princes se sont élevés contre l'absolutisme royal, les bourgeois contre les privilèges de la noblesse, les prolétaires contre toutes les formes d'oppression. La Déclaration de 1948 s'inscrit évidemment dans cette dynamique. Dans son Préambule, elle constatait que la II^e Guerre mondiale avait sa cause fondamentale dans le refus de reconnaissance de l'égalité de dignité de tous les hommes.

Une culture des droits de l'homme

Il est urgent de donner une nouvelle impulsion à cette conception de la valeur de tout homme. Il faut en revenir au *réalisme* de bon aloi qui a inspiré les hommes politiques et les juristes de l'immédiat après-

¹² Cf. *Leviathan*, I, XIII; II, XVIII.

guerre. L'homme est, dans l'ordre des êtres finis, la valeur première. Il a droit à la vie; il naît libre. Doué de cœur et de raison, il est capable d'organiser ses rapports aux autres et de se situer dans le monde; doué de langage, il est capable de dialoguer, de délibérer, de se concerter avec les autres hommes. Reconnaître l'homme, le protéger, le promouvoir, c'est la tâche de toute société qui se veut démocratique. Lorsque, dans une société, le droit à la vie et à l'intégrité physique n'est plus reconnu comme un donné premier et que ce droit est suspendu au fil du consensus, la voie est ouverte pour une régression vers la barbarie. L'expérience la plus récente le confirme: là où des lois perverses accordent aux parents le "droit" de disposer de la vie de leurs enfants, apparaissent bientôt des lois non moins perverses accordant aux enfants de "droit" de commanditer la mort de leurs parents.

Ici encore, il apparaît que les droits de l'homme ne sont pas simplement confiés à la sollicitude des personnes; ils doivent être éprouvés comme un bien culturel. Or la débilitation des États et des Nations ne peut que fragiliser les cultures. Et la disparition des cultures particulières où sont honorées des valeurs réelles est désastreuse pour la sauvegarde des Droits de l'Homme. Car pour que les Droits de l'Homme, et en particulier le droit à la vie, soient honorés, il faut un arrière-fond culturel porteur. Avec la perte de la mémoire, favorisée par cet instrument – par ailleurs merveilleux – qu'est l'ordinateur, le gommage des racines culturelles, précipité par l'unidimensionalisation médiatique, la référence à une culture porteuse des Droits de l'Homme s'érode. Il en résulte que les valeurs, sans lesquelles il n'y a pas moyen de construire une société, sont perçues comme émanant des individus via consensus, autrement dit qu'elles sont subjectives. De là résulte que la règle de la majorité, qui n'était qu'une règle de fonctionnement, devient source de valeurs. Ce dernier problème mérite une attention particulière, car il est le point focal des confusions actuelles concernant les droits de l'homme.

Le paradoxe de la majorité

La démocratie repose sur l'égalité de dignité de *tous*, sur la liberté de pensée, d'expression, d'association. Mais, lorsque la règle de la ma-

majorité cesse d'être une règle de fonctionnement, elle s'absolutise en quelque sorte et devient la seule source du droit. C'est ce qui arrive lors des procédures consensuelles; c'est ce qui se passe habituellement dans les comités d'éthique. Certes, au point de départ on tend vers le consensus, et il est entendu que chacun s'efforce avec *fair play* d'y arriver. Cependant, avant même que ne soit mise en branle la procédure consensuelle relative à tel ou tel cas appelant une décision, les parties appelées à décider ce qui est juste dans tel cas ont souscrit un accord unanime. Cet accord préalable est pris "derrière un voile d'ignorance"; il est purement formel et porte qu'en cas d'impossibilité d'accord procédural, la règle de la majorité prévaudra et sera appliquée. Cette règle, qui est admise *a priori* c'est-à-dire de façon purement formelle, fait en sorte que les valeurs caractéristiques de la démocratie varient au gré des majorités et qu'elles dérivent en fin de compte de la majorité des voix, puisque le respect de celle-ci est la norme souveraine et d'ailleurs unique.

Il s'ensuit que, tant en raison des aléas inévitables de la procédure consensuelle qu'en raison de l'impératif purement formel de la règle de la majorité, aucune valeur n'a la moindre chance d'être reconnue comme universelle. *D'où le paradoxe*: la démocratie repose sur *l'égalité* de tous, sur la liberté de pensée, d'expression, d'association, etc. Mais, absolutisée, la règle de la majorité fait en sorte que les valeurs de la démocratie dérivent de la *prépondérance de certaines voix*. Par conséquent, les valeurs ainsi définies n'ont aucune chance d'être jamais reconnues comme *universelles*, alors qu'elles ont la prétention de s'imposer à tous au nom d'une fiction: la volonté générale, censée s'exprimer à la majorité des voix.

En conséquence, la règle de la majorité est non seulement insuffisante mais dangereuse, si elle n'est pas surplombée par des références métajuridiques à la vérité et à la solidarité (ou sociabilité). La règle formelle de la majorité légitime *a priori* la tyrannie des plus nombreux et de leurs meneurs. Cette même règle implique même une *indifférence de principe* face à la vérité et face au bien. En soi, rien ne garantit que la procédure consensuelle ni la règle de la majorité n'aboutiront à la

vérité ou au bien. Bien plus, si, dans la procédure préalable à la décision consensuelle, il devait arriver que quelqu'un ait raison parce qu'il est dans la vérité, rien ne dit *a priori* qu'il serait suivi ni que la vérité en question serait reconnue. D'où le rôle essentiel abandonné à l'opinion et aux sentiments, qu'il faut travailler et manipuler.¹³ De plus, comme la majorité est censée refléter l'opinion générale, il faut qu'elle appelle à l'existence un tribunal permanent chargé de désigner la dissidence et de la condamner.

Il importe cependant de remarquer qu'il n'y a pas de liberté possible dans un milieu où chacun peut choisir "sa" vérité. En effet, dans un tel milieu, je voudrai nécessairement imposer "ma" vérité à la liberté d'autrui. L'universalité est prise en relais par l'intolérance. La voie est alors ouverte aux idéologies imposées, fournissant un ersatz de vérité, paralysant la raison, étranglant le dissentiment.

Il faut donc savoir quelle société nous voulons construire et quel héritage nous voulons léguer à nos successeurs. Nous ne pouvons nous limiter à expérimenter des valeurs au seul plan individuel. La valeur s'offre au partage et scelle la solidarité. En Europe occidentale, nous sommes héritiers d'une culture qui honore les Droits de l'Homme.

Au plan pratique, nous pouvons considérer que les valeurs aujourd'hui les plus contestées sont aussi celles qui, pour ce motif même, doivent être promues prioritairement. Nous allons détailler comment peut être promue la valeur intrinsèque de l'homme en considérant successivement le capital humain, la sociabilité humaine, la participation politique, la justice, l'insertion de l'homme dans la nature.

¹³ La situation ainsi créée rappelle jusqu'à un certain point les erreurs judiciaires tragiques où, par majorité, un jury populaire d'assise – expression de la souveraineté elle-même populaire – condamne à mort un accusé dont l'innocence est manifestée après ou même avant l'exécution. Dans le cas ici évoqué, il est cependant remarquable qu'une référence privilégiée et explicite est faite à la vérité, puisqu'on reconnaît l'erreur judiciaire, sans toutefois que cette référence suffise à surseoir à l'exécution.

Le capital humain et le travail

Aux oreilles de certains de nos contemporains, l'expression "dignité de l'homme" a une consonance "fâcheusement chrétienne". Il est vrai que le christianisme a puissamment contribué à développer l'anthropologie philosophique et à élaborer la réflexion sur la personne. On ne saurait cependant perdre de vue que cette réflexion a démarré avant le christianisme, en particulier dans la philosophie et la littérature grecques. Cette réflexion doit également beaucoup à l'apport des juristes de la tradition romaine. Rappelons en outre qu'une partie très originale de la production philosophique du siècle dernier (à savoir le XX^e) est consacrée à la personne, y compris en dehors de la mouvance chrétienne. On peut d'ailleurs regretter que ces contributions très diversifiées aient été éclipsées par d'autres courants, souvent flattés par les médias.

Toutefois, des études récentes nous pressent de reprendre ce thème de la valeur de l'homme et de la personne à la lumière de la notion de "capital humain". On sait que cette notion a été étudiée par des économistes nord-américains, et en particulier par Gary Becker.¹⁴ On sait que, schématiquement, le *capital physique* inclut le *capital financier*, c'est-à-dire une somme d'argent produisant un intérêt – et le *capital technique*, c'est-à-dire les moyens matériels de la production: usines, machines, équipements, etc. Quant au *capital humain*, il est constitué par l'instruction, le savoir-faire, la qualification, les soins de santé auxquels une population a accès; c'est un investissement à long terme puisqu'il est appelé à "rendre" aussi longtemps que dure la vie des membres de la Cité.

Approfondir la réflexion sur le capital humain me paraît être une tâche prioritaire aujourd'hui. Cet approfondissement devrait se développer selon deux axes.

Tout d'abord, la notion même de capital humain devrait être débarrassée des harmoniques *utilitaristes* qui l'appauvrissent trop souvent. Il ne saurait être question de s'en tenir à une conception réductrice du

¹⁴ Voir Gary Becker, *Human Capital*, New York, Columbia University Press, 1964.

capital humain. Dans une vision radicalement économiciste et libérale, l'homme devrait être bien formé *afin* d'être un agent de production efficace et le plus rentable possible sur le marché du travail. Le capital humain serait aujourd'hui l'agent de production le plus efficace dans la génération du profit.

Il est nécessaire de dépasser cette approche restrictive et d'inverser la perspective économiciste. Comme le soulignent bien des spécialistes contemporains, le travail est non seulement un devoir mais un droit. L'homme en a besoin et y a droit. Il y a droit pour se réaliser personnellement; il en a besoin pour vivre et pour faire vivre sa famille. C'est pourquoi il y a un lien étroit entre démocratie politique et développement économique. Dans les deux cas, les personnes sont invitées à participer à la réalisation du bien commun. En outre, chaque homme est appelé à apporter une contribution personnelle et originale à l'édification de la société, et celle-ci doit aider les personnes à exercer ce devoir. C'est à la lumière de ce droit et de ce devoir qu'il faut comprendre la notion de capital humain et le rôle décisif de l'éducation dans la formation de celui-ci.

La promotion intégrale du capital humain implique donc que tous les hommes aient accès à deux sphères de valeurs supérieures à la sphère des valeurs utilitaires: la sphère de la *vérité* et la sphère du *bien moral*. L'impossibilité, pour le segment majoritaire de la population mondiale, d'accéder au savoir définit, aujourd'hui, le nouveau visage de l'apartheid. Ainsi que l'ont montré Galbraith et Toffler,¹⁵ le savoir, s'il est concentré, ouvre la voie à l'abus de position dominante et à l'hégémonie. C'est ce qui ressort aussi du *Rapport sur le Développement humain* publié par le PNUD en 1999. Mais, comme l'a par ailleurs montré Amartya Sen,¹⁶ le libre accès à l'information et le partage du savoir sont des conditions d'accès au développement politique et à la démocratie.

¹⁵ Voir, de John K. Galbraith, *Le Nouvel État industriel*, Paris, Gallimard, 1968; Alvin Toffler, *Les Nouveaux Pouvoirs*, Paris, Fayard, 1991.

¹⁶ Amartya Sen a notamment développé ses idées dans *L'économie est une science morale*, Paris, La Découverte, 1999.

Ainsi, promouvoir le capital humain, c'est prendre les dispositions nécessaires pour que *tout homme* puisse développer ses potentialités et les exercer. L'épanouissement personnel implique certes que l'homme puisse reconnaître ses propres potentialités, mais aussi que celles-ci soient reconnues par la société. C'est pourquoi le chômage est à la fois cause et signe d'exclusion. La réflexion contemporaine sur la valeur morale de justice ne saurait donc se limiter à une réflexion sur le partage de l'avoir. Elle doit mettre au premier plan la question de la *subsidiarité* telle qu'elle se pose aujourd'hui. D'où l'importance de l'État-Nation pour protéger et promouvoir la réalisation personnelle de tous ses membres. Nul homme n'est de trop sur terre; chacun a une contribution irremplaçable à apporter au bonheur de tous. D'où la nécessité de reprendre le thème de la sociabilité.

La sociabilité et la famille

Avec le thème de la valeur de l'homme, la réflexion sur la sociabilité a également été très développée par la philosophie contemporaine. Ce qui constitue la communauté humaine, c'est que nous avons chacun l'étonnante capacité d'être auteur les uns pour les autres. Auteur, cela veut dire que nous avons quelque chose à apporter aux autres, quelque chose, qui les fera grandir – et réciproquement que nous avons tous un supplément d'être à recevoir d'autrui.

Prenons à nouveau notre zoom et fixons notre attention sur un cas précis: celui de la *famille*. Celle-ci est une valeur concrète où la sociabilité humaine se réalise de façon exemplaire. C'est en effet dans la société civile, et primordialement dans la famille que se forment les qualités civiques, les "mœurs" selon Tocqueville.

Dans un ouvrage célèbre,¹⁷ Gary Becker a montré que la famille était le lieu primordial où se formait le capital humain, objet de ses travaux précédents. Pour l'ensemble de ses travaux, Gary Becker a reçu

¹⁷ Il s'agit de *A Treatise on the Family*, Cambridge MA, Harvard University Press, 1993 (1ère éd. 1981).

le Prix Nobel d'économie en 1992. Il a également mis en relief le rôle fondamental de la *mère* dans la formation de la personnalité de l'enfant. C'est en effet dans la famille que l'enfant acquiert les connaissances et les vertus qui seront hautement appréciées dans la société: sens du service, solidarité, ponctualité, initiative, etc. Évidemment, il ne saurait être question de ne voir dans la famille qu'un *moyen* utile à la prospérité économique. Comme nous l'avons montré à propos du capital humain, il faut rejeter toute visée purement utilitariste ou réductrice de la famille pour dégager clairement ce qui en fait la valeur incomparable.

Les conclusions de Becker ont été confirmées de façon tout à fait inattendue par une enquête menée par un autre chercheur français. Dans une étude sur l'acquis et l'inné, Michel Duyme a montré combien l'influence de la famille d'accueil était déterminante sur le quotient intellectuel des enfants adoptés.¹⁸

Paradoxalement, c'est en étudiant la crise actuelle de la famille que l'on saisit mieux la valeur de celle-ci. Un autre auteur français, Claude Martin, a récemment étudié ce qu'il appelle "l'après-divorce" et le rôle de la famille face au risque d'exclusion.¹⁹ Claude Martin constate que la famille est perçue comme une richesse, un "capital social", une protection rapprochée, un lieu de solidarité, voire même un "lieu de survie" – alors que l'État-Providence est défaillant. Car, par un effet de boomerang, l'État, voulant flatter les individus, échoue à maîtriser la marginalisation dont il accroît lui-même les risques en minant l'institution familiale. La famille est capable de faire face à des problèmes sociaux que l'État maîtrise de moins en moins: rejet, "désinsertion", exclusion, etc. A force de demander à la loi positive de célébrer de "nouveaux droits" individuels au détriment de l'institution familiale, on ne peut aboutir qu'à une société anti-solidaire, où règnent l'anarchisme, dont profiteront les plus forts, et l'exclusion, dont pâtiront les plus faibles.

¹⁸ Voir *Le Monde* du 1 août 1999.

¹⁹ Cf. Claude Martin, *L'après divorce. Lien familial et vulnérabilité*, Presses Universitaires de Rennes, 1997.

D'où une conclusion incontournable: la famille est la cellule de base de toute société démocratique dans la mesure où en elle se conjuguent l'égalité et la solidarité. Il s'ensuit que les pouvoirs publics doivent promouvoir la valeur de la famille non seulement parce que celle-ci est un bien pour les membres qui la composent, mais aussi parce qu'elle est un bien pour la communauté politique et économique.

La société politique et la démocratie

La société politique est une réalité concrète dont la valeur est de l'ordre des moyens. Elle est au service des personnes et des communautés de personnes. L'utilitarisme engendre un mimétisme qui fragmente: il ne peut qu'exaspérer les divisions; poussant à désirer du désir de l'autre, il est générateur de violence.²⁰ Pour vivre ensemble, les hommes ont besoin de vérité, d'une vérité qui n'obéisse pas aux caprices, à l'opinion, à l'opportunité. Lorsqu'une société renonce à se préoccuper de cette valeur qu'est la vérité, elle est mûre pour se livrer à tous les leurre idéologiques.

Un point mérite aujourd'hui une attention spéciale. Il est souligné par Amartya Sen, déjà cité. Une société démocratique authentique suppose la *liberté d'expression* – l'une des concrétisations majeures de la liberté humaine. Sans liberté d'expression et de critique, les gouvernants peuvent persister à commettre toutes les erreurs et tous les abus: ils ne sont jamais sanctionnés et peuvent perpétuer indéfiniment leurs égarements.²¹ La valeur de la démocratie dépend donc de la capacité qu'ont les citoyens de juger leurs gouvernants et de la marge de liberté effective dont ils jouissent pour ce faire. La masse de population semi-analphabète qui se trouve dans le Tiers-Monde est une catastrophe humaine, politique et économique. Pourtant, c'est dans cette masse que se trouve un énorme gisement de valeurs humaines qui ne demandent qu'à être éveillées.

²⁰ On reconnaît ici le thème du "désir mimétique", central dans l'œuvre de René Girard; voir les références ci-dessus, à la note 4.

²¹ C'est ce que souligne Amartya Sen dans l'ouvrage cité *supra* à la note 10 et dans une interview parue dans *Libération* le 19 octobre 1998.

A l'heure où se multiplient les synergies internationales, préserver la souveraineté des États est aussi nécessaire que de protéger des corps intermédiaires au sein des nations elles-mêmes.

Le droit: vers la "Common Law"?

Les malentendus concernant la *pluralité* et le *pluralisme* sont alimentés par les deux grandes traditions juridiques que l'on retrouve à l'échelle mondiale. D'une part, il y a la tradition romaine qui est très attachée aux codes. Cette tradition a abouti à des monuments remarquables, comme le Code Napoléon. C'est de cette tradition que sont issues également certaines grandes déclarations, dont celle de 1948. Cette tradition considère qu'existent des valeurs premières qu'il appartient au Droit de protéger.²² La tradition anglo-saxonne ne s'est certes pas développée en marge de l'héritage romain, mais elle a privilégié la *Common Law*. Cette "loi commune" est moins attachée à la loi écrite, reconnaît un rôle nettement plus important à la *coutume* comme source du droit, est modulée selon les circonstances, dépend davantage de la décision des juges.²³

Actuellement, nous assistons à une concurrence, voire même à une confrontation de ces deux conceptions du droit. La tradition de la *Common Law*, solidement implantée dans tout l'ancien empire britannique, est incontestablement plus réceptive que la tradition latine à l'idée de consensus comme source privilégiée du droit. La mouvance anglo-saxonne offre par là un terreau favorable à l'acceptation d'une conception erratique des droits de l'homme. Ceux-ci ne seraient pas des valeurs objectives dont le législateur devrait prendre acte et qu'il devrait protéger; ils seraient le résultat d'une procédure consensuelle que nous avons expliquée plus haut.

²² Sur les «lois non écrites», voir entre autres XÉNOPHON, *Mémoires*, IV, 4 (concernant Socrate); SOPHOCLE, *Antigone*, vv. 446 ss.; *Edipe Roi*, vv. 863 ss.; PLATON, *Apologie de Socrate et Lois*, l. VII, 793 a-c; CICÉRON, *De Legibus*, I; cf. Saint PAUL, 2 Co 3, 1-7.

²³ A titre d'exemple, aux États-Unis, l'un des grands théoriciens de la *Common Law* a été Joseph Story (1779-1845), de l'Université de Harvard.

C'est ici que s'enracinent de graves confusions, car au nom du consensus, on vise à imposer des conventions qui rendraient caduques les références aux valeurs métajuridiques honorées par la tradition latine et exprimées dans les grandes déclarations de droit. On franchit alors un pas que les théoriciens et les praticiens de la Common Law se sont généralement gardés de franchir, mais que Hobbes a franchi allègrement en affirmant que le droit naturel et le droit positif avaient finalement même contenu et même extension, et qu'ils n'étaient somme toute que l'expression de la volonté souveraine du Leviathan.²⁴

Sous couvert de pluralisme, cette conception perverse du droit ne peut que conduire à la généralisation du *positivisme juridique*. Reste à savoir *Cui prodest?* A qui profite cette généralisation? Maintenir fermement la référence aux valeurs métajuridiques apparaît ici comme la condition de possibilité d'une pluralité de législations, convergeant, à partir de situations nationales différentes, vers le même but: le respect universel des droits de l'homme.

L'environnement et la solidarité responsable

Il faut encore reprendre la question de l'environnement. La façon dont ce thème est généralement abordé reflète une fois de plus la vision utilitariste que nous avons rencontrée tout au long de notre analyse. Il faudrait bien gérer le milieu ambiant au motif que les ressources naturelles doivent être économisées afin de permettre un *développement durable*. Ce type de motivation n'est cependant guère de nature à susciter l'adhésion enthousiaste de tous. En effet, au nom de quoi une éthique utilitariste réclamerait-elle de ses adeptes des sacrifices qui, selon leur logique même, ne font que brider leurs intérêts, leurs profits, leurs plaisirs?

La précarité de cette éthique est telle que, pour lui donner un semblant de légitimation, on fait de plus en plus appel à la restauration d'un panthéisme cosmique et à la réorganisation du culte de Gaïa.

²⁴ Cf. *Leviathan*, II, XXVI, 4j.

Il faut donc ici aussi en revenir à la valeur essentielle qu'est l'homme. L'homme et la nature ambiante ne sont pas réalités de même rang. L'homme émerge de la nature; il a la capacité de la connaître, d'y inscrire des projets. Il a même le privilège de faire de cette nature un usage libre et responsable. L'homme doit respecter la nature parce qu'elle est le bien de la communauté humaine tout entière. Nos descendants seront fondés à demander des comptes sur l'usage que nous aurons fait, aujourd'hui, du milieu ambiant. Nos contemporains de ce qu'on appelle le Tiers-Monde sont eux aussi fondés à demander des comptes concernant l'usage que les pays riches font, aujourd'hui, du milieu ambiant. Parler de "développement durable", c'est trop souvent utiliser la référence à l'avenir comme un leurre pour occulter nos responsabilités dans l'usage injuste que nous faisons, aujourd'hui, du milieu ambiant.

Bref, on ne peut pas perdre de vue que les techniques ont valeur de moyens. Elles doivent rester ordonnées au service des valeurs supérieures dont le respect conditionne le bonheur de l'homme.

SOUS LE SIGNE DE LA CROIX

Face aux défis que nous avons analysés, l'Église apparaît de plus en plus isolée. Elle est probablement aujourd'hui la seule institution à défendre inconditionnellement la valeur intangible de tout être humain, son droit à la vie, à la famille, à la santé, au savoir, à la propriété, à la liberté, à l'association. Elle a ses martyrs: le Cardinal Posadas au Mexique, des religieuses françaises en Argentine, des laïcs et des prêtres en Afrique centrale, en Chine, en Inde, au Soudan, à Timor et ailleurs. Elle a aussi ses prophètes: Cardijn, Theresa de Calcutta, Helder Câmara, et Jean-Paul II.

Docte ignorance et créativité

Si l'Église prend parti pour l'homme avec autant de fermeté, et souvent en payant le tribut du sang, c'est parce que, par l'Incarnation de son Fils Jésus, le Père de toute tendresse a révélé l'immensité de son

amour pour chaque homme.²⁵ Sa valeur, l'homme la tient non seulement de sa condition de créature raisonnable et libre, mais plus encore de son adoption en Jésus.²⁶ Sa valeur d'homme se fonde donc sur cette double condition. Comme l'ont reconnu quelques grands philosophes, l'homme participe à l'existence divine en tant qu'il est créature personnelle. Mais la Révélation apporte à cette connaissance raisonnable une dimension surnaturelle, à laquelle ouvre l'acte de foi, lui-même raisonnable. L'homme est image de Dieu; il est appelé dès à présent à vivre sur le mode de la liberté des enfants de Dieu; enfin il est destiné à l'éternité bienheureuse.

Cette condition de l'homme implique paradoxalement ignorance et créativité. Ignorance, car l'Évangile est muet sur les programmes politiques à lancer pour promouvoir les droits de l'homme, la démocratie, des lois plus justes, etc. Ignorance encore sur les mesures économiques susceptibles de favoriser le développement et la participation économique au bénéfice de tous. Créativité, parce que ni le monde ni la société n'ont été donnés par Dieu à l'homme comme des produits achevés, dans lesquels il n'aurait qu'à se lover. L'honneur de l'homme c'est d'avoir été associé par Dieu à la genèse d'une histoire et de s'en voir confier largement la responsabilité.

C'est pourquoi la pluralité des options politiques, juridiques, économiques, etc. est essentielle au christianisme. Il ne s'agit pas seulement, ici, d'un *droit* à la différence, mais d'un *devoir* de différence. Cependant, la visée sera partout la même: il s'agira toujours, en fin de compte, de promouvoir la valeur de l'homme. Mais cet objectif commun sera honoré autrement selon les circonstances et selon les conditions de vie.

L'Église doit donc accueillir aujourd'hui une nouvelle forme de pauvreté. Elle doit pratiquer humblement la *docta ignorantia*. Elle doit s'interdire la prétention cléricale à dicter, soi-disant au nom de l'Évan-

²⁵ Cf. Jn 3, 16.

²⁶ Cf. Rm 8, 14-17.29; Ga 4, 5-7.

gile, des programmes d'action politique ou économique pour lesquels elle n'a ni autorité, ni compétence. Elle doit s'interdire d'utiliser l'Évangile comme une référence idéologique qui légitimerait un programme d'action quelconque. Mais dans le même temps, l'Église doit montrer que, puisque l'acte de foi est raisonnable, les conduites qui s'en inspirent et s'en réclament doivent elles aussi être raisonnables. C'est précisément pourquoi la foi dilate la liberté de discuter la nécessaire pluralité des options concrètes, et, dans le même temps, manifeste la convergence de cette pluralité d'options. Tel est un des aspects essentiels de la liberté religieuse. Il appartient donc à l'Église de dénoncer le pluralisme agnostique qui met en péril l'objectif commun, et à vrai dire unique, qu'il faut viser par des voies convergentes.

Les théocraties séculières

L'Église doit donc poursuivre un double effort. D'abord effort de purification vis-à-vis de tout ce qui flaire la théocratie. Celle-ci consiste toujours en un abus de pouvoir où les affaires temporelles sont réglées au nom de l'autorité de l'Évangile. Il y a là insulte à l'Évangile, qui ne peut être manipulé ni subordonné à une finalité séculière; et insulte à l'homme, qui – fût-ce au nom de l'Évangile – ne peut être aliéné de sa responsabilité dans la Cité.

Mais l'Église doit aussi lutter contre les théocraties séculières, dévoreuses d'hommes et fascinées par la mort. Ces théocraties séculières ont pris plusieurs visages au cours du XXe siècle. Naguère, tout devait se plier aux impératifs du Parti, de la Race, de la Nation. Aujourd'hui, au nom de la sacralisation de l'Efficacité, de l'Utilité, du Marché, les hommes sont pressés de souscrire à la Pensée Unique, les différences doivent être gommées, les sociétés "normalisées" afin de répondre aux exigences de l'incontournable globalisation.

Le débat actuel sur les valeurs et la démocratie révèle ainsi toute sa profondeur. Il ne porte plus seulement sur des questions d'anthropologie ou de morale philosophique, de théorie générale du droit ou de philosophie politique. Ce débat est fondamentalement de nature reli-

gieuse. L'Église est confrontée à une théocratie séculière face à laquelle elle ne peut rester muette. Le monde d'aujourd'hui est en droit d'attendre de l'Église qu'elle fasse briller la splendeur de la Croix d'un éclat particulier. Comme la Croix, l'Église doit apparaître comme un signe de division.²⁷ Les chrétiens ne sauraient en effet cautionner une "unité" ou une "universalité" qui seraient suspendues aux vœux subjectifs de certains individus ou aux ukases de quelque puissance à prétention hégémonique.

La différence chrétienne

L'empire du consensus, la tyrannie de la majorité, la hantise de la "différence" et de la dissidence se manifestent avec force à l'ONU d'aujourd'hui. Ces tendances sont particulièrement perceptibles dans les discussions sur les "nouveaux droits de l'homme", où l'accent est mis sur l'inclusion de l'avortement parmi ces "nouveaux droits".

Ces tendances très marquées révèlent que l'ONU exploite ce que René Girard a appelé le "mécanisme de la contagion mimétique".²⁸ Les "nouveaux droits" façonnent les "mœurs", pour reprendre l'expression de Tocqueville – nous dirions les conduites, les "valeurs" qui inspirent les conduites. Les "nouvelles valeurs" résultant des choix consensuels et/ou majoritaires induisent les nouveaux désirs mimétiques, c'est-à-dire les désirs d'imiter. Ceux-ci, stimulés par les médias, sont appelés à se répercuter, par ondes excentriques, à l'ensemble de la société humaine. Diverses expressions peuvent être évoquées ici pour désigner le champ d'extension illimité du processus mimétique: opinion, opinion publique, pensée commune, volonté générale, etc.

Dans la question des "nouveaux droits de l'homme", cette extension, que rien n'endigue, du désir mimétique se manifeste dans la contagion fulgurante avec laquelle se répand le non-respect de la vie humaine. La transgression provocatrice – "pionnière" – de quelques-uns

²⁷ Cf. Mt 23; 25, 31-46; Lc 2, 34;12, 51-53; Jn 3, 19-21; 6; 9; 15, 18 s.; Ac 28, 26-28, etc.

²⁸ Voir René Girard, travaux cités *supra* à la note 4.

provoque l'“emballement mimétique”, c'est-à-dire la contagion. Cette contagion est, à notre estime, le *signe des temps majeur* qui interpelle l'intellectuel et le chrétien. Le consensus limitant ou même refusant le droit à la vie ne cesse de s'élargir. Des majorités se sont maintes fois prononcées pour priver ce droit de sa portée universelle.

L'exemple dramatique de *l'avortement*, d'abord libéralisé et dont l'ONU voudrait qu'il soit admis comme un “nouveau droit”, est plus qu'un exemple illustratif parmi d'autres. Il est en réalité le cas majeur illustrant la dérive vers le don de la mort à autrui comme expression de ma liberté souveraine. Telle est l'hypothèque rédhibitoire qui pèse aujourd'hui sur tout projet de société qui se veut démocratique ou qui prétend l'être.

Dans le cas de l'avortement, en effet, l'innocent absolu est déclaré coupable: il est le mal de la contraception ratée; il est l'obstacle à ma carrière et à mon confort; il est une contrainte inadmissible pesant sur ma liberté; il est le frein à l'enrichissement et au développement. A l'innocence absolue doit correspondre la violence absolue. Cet enfant non né mérite d'être lynché. Il faut donc le désigner comme *victime*, comme victime *coupable* et le traiter comme tel, avec la violence qui le fera taire et disparaître.

De même les pauvres femmes du Tiers-Monde qu'on stérilise en masse: elles sont déclarées coupables de pauvreté; de la leur propre, certes, mais aussi de celle du monde, parce qu'elles ont des enfants. Elles sont donc victimes coupables et doivent donc être traitées comme telles, avec la violence qui les empêchera définitivement de transmettre une vie réputée inutile. De même encore pour l'immolation des mendiants ou le mitraillage des gamins de rue. De même aussi pour les “personnes à charge” qu'on euthanasie.

Le langage populaire ne s'y trompe pas: l'avortement, la stérilisation des pauvres, l'euthanasie “sont entrés dans les mœurs”.

La tâche la plus belle et la plus fondamentale qui nous attend consiste à dénoncer ces dénis de Droits de l'Homme qui crient vengeance au Ciel. La démocratie a commencé le jour où l'Innocent absolu, l'Agneau de Dieu, a crié son innocence et où son cri a été entendu.

Cela s'est passé le Vendredi saint et s'est répété de nombreuses fois au cours de l'histoire. Notamment le 13 mai 1981: "Pourquoi m'ont-ils fait ça?" demandait Jean-Paul II quelques instants après son attentat. Tel est le cri de la victime innocente que la contagion mimétique voudrait faire passer pour coupable.

"Dans la mesure où vous l'avez fait à l'un de ces plus petits de mes frères, c'est à moi que vous l'avez fait" (Mt 25, 40). Telle est la charte chrétienne de la démocratie. Pour nous, la démocratie passe par le rejet de la violence mimétique, de la lapidation collective, telle qu'elles se cristallisent dans le consensus onusien. Entrer en démocratie, c'est d'abord crier l'innocence des victimes, de toutes les victimes: celles de la violence physique, mais aussi de la violence politique, économique, et de la pire de toute: la violence idéologique (Cf. Mt 10, 28). La contribution des chrétiens à la cause de la démocratie dépendra d'abord de leur capacité et de leur volonté de se mettre aujourd'hui à l'écoute des victimes innocentes, et de s'en faire le prochain (Cf. Lc 10, 25-37). Tous les instruments d'analyse théorique que l'on met en œuvre pour étudier la démocratie, toutes les techniques d'actions qui sont préconisées n'ont de sens que si elles sont ordonnées à ce but. C'est ce que de nombreux saints, célèbres ou anonymes, ont fait au cours des siècles. Ils l'ont fait tout simplement, en suivant l'exemple du Christ, qui a rendu leur dignité à toutes les victimes innocentes, mais que l'Opinion expédiait "hors du camp". Œuvrer à la démocratie, aujourd'hui, c'est réintégrer à la communauté humaine ceux que les nihilistes d'aujourd'hui voudraient faire taire. C'est avec ces exclus que nous devons participer à la construction d'une société de communion et de solidarité.

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DEMOCRACY
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STRATEGIEN ZUR ENTFALTUNG DER WERTE

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

PAUL KIRCHHOF

SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Freiheitsrechte als Angebote

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

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

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

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

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

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

2. Die Entwurzelung des Bürgers

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

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

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

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

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

3. Die Entgrenzung der Lebensbedingungen

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

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

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

4. Enthemmung

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

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

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

III. *Der entschiedene Wille zur Bewahrung der Werte*

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

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

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

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

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

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

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

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

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

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

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

1. Das wechselseitige Aufeinanderangewiesensein von Kirche, Staat und Wirtschaft

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

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

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

2. Die Kirche

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

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

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

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

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

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

3. Der Staat

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Die Wirtschaft

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

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

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

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

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

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

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

V. *Individualwirksame Vorkehrungen*

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

1. Die Erziehung

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

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

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

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

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

2. Die Bestimmung und Befriedigung der Bedürfnisse

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

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

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

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

3. Bildung und Ausbildung

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

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

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

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

4. Gemeinnützige Tätigkeit

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

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

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

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

5. Erkennen und Bekennen

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

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

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Part III

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

THE EVER-CHANGING INTERPLAY BETWEEN DEMOCRACY AND CIVIL SOCIETY

MARY ANN GLENDON

SUMMARY

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

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

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

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

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

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

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

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

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

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

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

³ *Id.* at 254.

⁴ *Id.* at 301.

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

⁶ Tocqueville, *Democracy in America*, XIII.

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

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

⁷ Id. at 315.

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

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

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

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

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

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

¹¹ Tocqueville, *Democracy in America*, 311.

¹² *Id.* at 70.

¹³ *Id.* at 63.

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

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

¹⁴ Tocqueville, *Old Regime*, xiv.

¹⁵ Tocqueville, *Democracy in America*, 308.

¹⁶ Id. at 274.

¹⁷ Plato, *The Laws*, 793b, c.

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

II *Democracy and Civil Society in the Industrial Era*

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

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

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

¹⁸ Tocqueville, *Democracy in America*, 47.

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

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

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

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

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

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

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

²² Berle and Means, 352-57.

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

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

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

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

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

²³ Morris Cohen, 8.

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

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

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

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

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

²⁶ Tocqueville, *Democracy in America*, 89.

²⁷ *Id.* at 291.

²⁸ *Id.* at 590.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴⁴ Tocqueville, *Democracy in America*, 314.

⁴⁵ *Id.* at 93-94.

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

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

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

Whither Democracy and Civil Society?

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

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

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

⁴⁸ *Centesimus Annus*, 44.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GÖRAN THERBORN

SUMMARY

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

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

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

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

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

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

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

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

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

Missing Questions

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

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

Unbundling Democracy

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

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

Questions about “People”

Who are the people?

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

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

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

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

Can There be More than One People in a Democracy?

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

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

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

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

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

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

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

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

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

Whence do People Come?

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

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

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

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

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

Questions of Rule

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

Rule of What?

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

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

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

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

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

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

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

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

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

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

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

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

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

How Much Can be Ruled by All?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rule with What?

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

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

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

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

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

Forms of Popular Base

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

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

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

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

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

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

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

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

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

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

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

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

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

Post-democratic Liberalism

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

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

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

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

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

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

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

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

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

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

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

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

Summing Up

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

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

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

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

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

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

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

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

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

Civil Society and its Limitations.

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

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

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

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

Civil Society as a Normative Concept

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

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

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

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

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

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

Civil society illuminates:

The democratic importance

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

of civic etiquette, decency (Carter, 1998; Margalit, 1996), and

of procedure and communication (Habermas, 1992).

Civil society throws into darkness:

Different resources among citizens/residents.

Interest conflicts among citizens/residents.

Different cultural impregnations of citizens/residents.

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

Political issues of substance.

The empirical structure of contemporary publics.

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

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

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

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

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

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

Three state-society discourses

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

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

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

Transcending Civil Society

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

The Social Production of Citizens

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

Pertinent questions would then be asked about:

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

The provision of role-models and role-patterns.

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

Structures of opportunity

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

The Public Sphere as a Reality

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

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

Trans-Cultural, Supra-State Normative Orders

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

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

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

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

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

Democracy, Human Rights, and Social Justice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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REALITY AND RESPONSIBILITY

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Part IV

DEMOCRACY AND INDIVIDUAL FIELDS
OF ENCOUNTER BETWEEN THE STATE
AND SOCIETY

EDUCATION AS A PRECONDITION FOR DEMOCRACY

PAULUS MZOMUHLE ZULU

SUMMARY

While the relationship between education and democracy is axiomatic, there are mediating factors which determine the type of education and the nature of democracy in operation. Since a specific conception of citizenship determines the form and content of education, as a facilitative process, education becomes a conditional precondition for democracy. An education mediated by different conceptions of citizenship is instrumental in promoting the hegemonic concepts and practices at a given time. This was evident in the pedagogy of the Soviet bloc and to a large extent in other forms of totalitarianism, such as in Germany and Italy and in apartheid in South Africa.

However, in its “pure” form, education has inherent properties which transcend ideologies. It gives the capacity and wisdom to access and process information, to select the relevant from the general and to promote a critical understanding which is fundamental to choice. Democracy is about freedom of choice, equity and justice and no process or practice other than education has the competence to promote these fundamental values.

Introduction

The relationship between education and democracy is axiomatic. From Plato’s philosopher rulers, to Aristotle and down to Paulo Freire’s pedagogy of the oppressed, education has been accepted as a sound facilitator for participation in an informed decision making process. What has been in dispute, particularly since Karl Marx, is the type of education and the nature of democracy, the assumption being that democracy is informed by a specific conception of citizenship. What I want to argue for in this paper is that a specific conception of citizenship determines the form and content of education and that depending upon that content, education can either be a precondition for democracy or can be used as an instrument of maintaining power relations

which, in the end, might lead to an erosion of the basic freedoms of citizens.

Power and Powerlessness

John Gaventa recalls an incident where together with a community organiser they had climbed a narrow path to a mountain cabin to talk to a retired miner about joining with others in a lawsuit challenging the low taxation of the corporate coal property which surrounded the miner's home. After listening attentively to the account of the local injustices which Gaventa and other students had 'discovered' the miner showed no surprise, as he had known of the inequities since the land of his father had been expropriated by the coal lords.

Gaventa continues "I had read the theories of democracy, about how victims of injustice in an 'open system' are free to take action upon their concerns, about how conflicts emerge and are resolved through compromises among competing interests. Overlooking the valley from the miners' porch, what I saw seemed to question the lessons I had learnt." (Gaventa, J., 1980:V). Confronted with glaring powerlessness in the face of gross exploitation, Gaventa made this observation in the Appalachian Valley across parts of Kentucky and Tennessee in the United States, a country hailed as the world's leading democracy and this observation was made as recently as the 1970s. Similarly, at the beginning of the twenty-first century in South Africa, the leading democracy on the continent, traditional leaders are fighting the Demarcation Board which seeks to incorporate rural areas, adjacent to urban municipalities, in a system that will enable rural residents to access services and amenities in better resourced urban metropolises. Rural residents are 'surprisingly' silent in this battle for borders. In both instances, the deafening silence by the affected parties is telling. In the Appalachian Valley miners remained silent while the American Association Ltd, a British company, plundered their land. In South Africa rural inhabitants have maintained an apparent complacency while traditional leaders rape their rights and confine them to eternal subservience. Yet both

countries are modern democracies, each endowed with an elaborate constitution and a bill of rights. Why have such inequities leading to gross travesties of justice evoked neither protest nor comment from the victims given the heritage of democracy in both countries? Regarding inequalities and the absence of challenge to inequities in the Appalachian Valley Gaventa observes: “I began to read literature which challenged some of the more elitist democratic theories to which I had previously been exposed...In situations of inequality the political response of the deprived may be seen as a function of power relationships” (*Ibid*: VI). He continues: “Power works to develop and maintain the quiescence of the powerless. Rebellion, as a corollary, may emerge as power relationships are altered. Together, patterns of power and powerlessness can keep issues from arising, grievances from being voiced and interests from being recognised.” (*Ibid*: VII). The South African case is recent and no academics have commented as yet; if they ever will do, it will be a historical rejoinder.

The thrust of this paper is on education as both an instrument and a leveller and therefore a precondition for the capacity to maintain or alter power relations in societies since it is only when there is a balance in the power relations that citizens can participate effectively in processes and decisions that affect their lives. The opposite holds as well. While the traditional pluralist approach to democracy focuses on participation in the decision making process, the central argument in this paper is that representative democracy as a widely practiced form of popular participation can degenerate easily into rule by the elite. This is essentially so where huge disparities in information exist. Education as both information and a tool for accessing information is, therefore, a fundamental prerequisite to the capacity to participate democratically in decisions that affect individuals and groups. Sigdi’s operationalisation of democracy as “...the people’s participation in decision making through the choice, accountability and change of their representatives and governments” (Sigdi, Kaballo, 1995) becomes hollow in the absence of a requisite education to inform participants on the quality of alternatives as well as on the nature and mode of accountability, or on

how to proceed should such accountability not be forthcoming. For instance, despite periodic elections, miners in the Appalachian Valley returned the same officials to office and in two successive general elections in South Africa, voters in the province of KwaZulu-Natal have returned the Inkatha Freedom Party, a party dominated by traditional authorities, to the government of the province.

I want to argue in this paper that societies and communities are either educated into subservience to authoritarianism or out of subservience into participatory democracy. Either way, a process of socialisation which reinforces norms and values specific to each form of rule is a precondition to the success of each regime. I do concede that despite this process of socialisation, a good formal education is on its own a liberator. Hence there exist strong correlations between what approximates true participatory democracy and a critical mass of formally well educated citizens. For instance, Western Europe, the United States and Japan do not only enjoy advanced economic conditions, they also command well educated mass bases. Consequently, democracy operates relatively more smoothly than is the case in countries with a poorly educated mass base such as is the case in a number of countries in Africa and Latin America. Education widens the range of options both political and economic and also facilitates access to information and the capacity to use that information prudently.

There are two critical questions which need answers if an assessment of education as a precondition for democracy has to be made. The first is: How do non democratic regimes manage to exclude masses from participation if participation is a desirable condition for accessing resources which everybody needs and wants?. And the second is: Under what conditions do the masses break from the stalemate of exclusion?. In the first instance individuals and groups are socialised or educated out of participation either by being denied access to information or by suppressing their capacity to utilise that information discerningly. In the second case individuals and groups are given the capacity to analyse and appraise their own situation. Both processes involve a form of education.

The Mobilisation of Bias

With regard to the maintenance and sustenance of exclusionary conditions Schattschneider, Gaventa, Bachrac and Baratz have responded by advancing the concept of mobilisation of bias where an ensemble of ideological and institutional practices is employed by those in power to exclude masses from true democracy through compliance, depoliticisation and fear. Through a process of mobilisation of bias critical items are either organised out of the agenda or reformulated in terms favourable to the elite. Relations of power are mediated in various ways, the most subtle, and therefore successful of which, is ideology. In the exclusion of masses from democratic participation, ideology is a powerful educational tool. Conversely, to see through ideological smokescreens and to be able to organise and mobilise against oppression, individuals have to overcome the mobilisation of bias. In the words of Paulo Freire the oppressed need a pedagogue who will enable them to break through the ideological chains of authoritarianism and oppression.

Democracy as a Concept and in Practice

Before we discuss how the mobilisation of bias has been employed successfully by authoritarian elites to exclude masses from participatory democracy, a closer examination of the concept of democracy itself is necessary. Offe described democracy as “a (system) of equal political rights of participation and representation within a framework of strongly protected individual liberties and divisions of state powers” (Claus Offe, 1955: 21). For Offe two principal participants are vital to the functioning of a representative democracy. They are:

- i. The citizens; and
- ii. elites (representative).

It is when the balance of power between mass citizens and representative elites shifts in favour of the elites that true democracy ceases to exist. Hence, according to Offe, democratic forms of government

have a life cycle. “Democracies are born at a certain point in time and under certain circumstances and it would at least be naive to exclude the possibility that they can die.” (*Ibid*: 21). What is of interest to analysts are the preconditions for the birth and the sustenance of democracy as well as those conditions which may be employed to kill or subvert democracies. Both conditions pertain to the relations between citizens and elites.

Giddens would maintain that Offe’s definition of democracy stops at a set of representative institutions guided by certain values and therefore falls short of explaining relations between participants. It thus suffers the limitations of liberal democracy (see below). In Giddens’s conception there is an extended definition to include deliberative democracy as “a way of getting or trying to get agreement about policies in the political arena”. The deliberative ideal “starts from the premise that political preferences will conflict and that the purpose of democratic institutions must be to resolve this conflict”. He continues: “for such conflict resolution to be democratic...it must occur through an open and uncoerced discussion of the issue at stake with the aim of arriving at an agreed judgement (Giddens, 1998: 113)”.

Giddens’ extended definition makes certain assumptions which are vital for the operation of the true democracy.

i) There should be recognised and acknowledged equality among participants so that views expressed by the various parties are accepted as being of equal value.

ii) For such views to be acceptable by all parties as being of equal value there should be equal access to information and a corresponding capacity by all parties to process information. This is particularly essential when taking into account that deliberative democracy accepts that solutions are contested.

The above assumptions call for a levelling of the playing field. Part of this levelling of the playing field entails accountability which implies the right to, and availability of, information on the activities of delib-

erative assemblies, and in the case of representative democracy on the activities of elected representatives. The right to, and availability of, information would not be of much help if those to whom information is made available do not have the power or capacity to utilise such a right for the public advantage.

Democracy and Civil Society

There has always been general consensus on the positive correlation between true democracy and the existence of a vibrant civil society. (Mills, Jefferson, Giddens, Frere, Mamdani etc). A vibrant civil society means active citizenship and fulfils one of the conditions set by Offe as vital to the functioning of a democracy. Referring to the role of education in the creation and promotion of active citizenship Martin quotes Johnson who states: “In every era people have needed ‘really useful knowledge’ (i.e. knowing why) as well as merely ‘useful knowledge’ (i.e. knowing what and how) in order to act collectively as citizens.” (Martin, I.: 1999). It is, however, our understanding of the meaning of citizenship that situates education and democracy in perspective. Different conceptions of citizenship and, therefore, of democracy bring with them distinctive forms of education as a precondition for each form of citizenship. A closer look into these forms of citizenship will help place education in perspective.

Liberal Democracy

Giddens refers to liberal democracy as “essentially a system of representation. It is a form of government characterised by regular elections, universal suffrage, freedom of conscience and the universal right to stand for office or to form political associations.” (Giddens, 1994: 112). Were it not for the relativity with which the foregoing attributes are enjoyed in practice, liberal democracy would be the ultimate ideal. Shortcomings have been found more in emphasis than in the concept. Liberal democracy has placed an accent on the operation of market

forces as if such operation takes place on a *tabula rasa*. My contention is that market forces are driven ideologically where access to them is mediated through relations of power and powerlessness. In liberal democracy, citizenship is constructed in terms of production and consumption as if the two were ends in themselves and also as if there were no intervening factors between production and consumption. The fact of life is that there are. I would argue for the non-independence of market forces on the simple basis that a number of processes mediate between individuals and the market place. Part of these processes entail the handicaps that prevent certain groups and individuals from entering the market place altogether, and those that limit individuals and groups from full participation. In South Africa, for instance a separatist educational system ensured that 'non-citizens' as defined out of mainstream society by apartheid were handicapped by their educational system despite what appeared to be equivalent paper qualifications. As a consequence there was a disproportionately large school drop out rate among Africans. The result is that despite the new democratic constitution which provides for equal participation by all citizens in the economy, significant managerial positions in the market place are filled by white citizens far out of proportion to their overall numbers in the population. This is in spite of corrective or affirmative action measures adopted in employment policies. This is equally true in the significant sections of the public sector. For instance, while whites account for less than fifteen percent of the total population, over eighty percent of positions of control in the South African Police Services are occupied by white persons. Given the significance of a professional and neutral police service in the operation of a democracy, and the racial origins of conflict in the South African political history, the question is: to what extent would democracy depend on the professional neutral role of the police services especially in the management of racial conflict should such conflict spill over from the debating chambers into living space? At one extreme the police could hold parliament and the whole country to ransom. Quoting Paulo Frere, Martin posits the idea that human beings are more than economic animals. He contends that it is not only

that “our ontological vocation is to produce and consume and to have rather than to be.” (*Op. cit.*). Realising the centrality of education in the attainment of its constructed form of democracy, liberal democracy has introduced an ideology which has modelled educational practice along the lines of production institutions and units. This has resulted in funding formulas for universities being based on the compatibility of university administration and curricula with corporate values of production. The consequences are far reaching for both education and democracy. Where education for democracy stresses the primacy of education as a public service designed to address social ills, liberal democracy driven by corporate culturalism emphasises the role of education as the preparation of individuals for the filling of slots in the social division of labour. So pervasive is the corporate influence on education that Giroux decries its impact on research as eroding the basic freedoms of individuals and societies. Citing the case of the Massachusetts Institute of Technology and other institutions of higher education in the United States which have entered into partnerships with corporations and sold part of their curricula to private corporations, thus ignoring basic scientific research, Giroux quotes Ralph Nader who asserts that “the universities are doing far too little to develop anti malaria and tuberculosis vaccines at a time when these diseases are once again killing large numbers of people in the third world countries.” (Giroux, 1999).

The conception of citizenship in liberal democracy creates a fundamental tension in education as a precondition for democracy, primarily because of the core values. True democracy is a means to an end where participation leads to the realisation of justice, equality, freedom, respect for the rule of law and solidarity, all of which cannot be measured in commercial terms. Such values cannot be substituted or replaced by productive and consumptive capacities which are only means and not ends in themselves.

The onus to correct the imbalances of the liberal democratic conception of citizenship rests with educated citizens who can and should recognise the fallacy of equating the corporate principles of efficiency with public virtues such as freedom, equality and justice.

Traditionalism

A traditionalist conception of citizenship arises out of a blurring of boundaries between the religious and the secular. The consequences are a diffusion of roles where traditional authorities conceive of themselves as representatives of their populations. Citizens are defined or treated mainly as subjects despite the provisions in the national constitutions. The rights of traditional elites (often ascribed) override those of ordinary citizens in the name of culture and tradition. Part of the cause of this state of affairs is the scarcity of resources leading to a lack of, or an inadequate, education, both formal and instrumental, on the part of the masses who, because of this, lack the intellectual tools of reasoning and aspirations compatible with democracy.

This is particularly so in post colonial societies where traditionalism has mediated between elites and citizens, leading to the development of a bifurcated state, the rural and urban sections. Relatively better economic and, therefore, educational conditions have, in this case, led to the development of a secular culture contributing to the rise of a vibrant civil society in urban areas. The opposite has occurred in rural areas. This was particularly in the interests of both the colonial powers, who saw an advantage in keeping colonial societies subservient through indirect rule, and the co-opted traditional elites who co-operated in this dominance, albeit qualified, in order to retain their relative advantage of privilege. The bifurcated state has had to enjoy limited democracy where at the rural extreme there was, and still exists, representation with very little if any significant participation. Therefore, despite electoral reforms targeted at the central state, the local state in rural areas is saddled with a decentralised despotism (Mamdani, 1996). The debate by traditional authorities over the demarcation of boundaries in South Africa referred to above falls squarely within this domain. Neither market forces nor true participatory democracy operate in rural areas, the first because traditional power is ascribed and not market determined hence ordinary citizens have no access to it; and the second because access to decision making is predicated on ascriptive criteria which exclude ordinary citizens. It is only when a critical mass of citi-

zens is educated enough to break from the shackles of tradition that the countryside will be freed from elite oppression.

Educating for Democracy

Speaking at the International IDEA Democracy Forum held in Stockholm in 1997 about accessing participatory democracy to the masses of the people, Frene Ginwala, the Speaker of the South African legislature, declared: “There are only two alternatives, either you bring the law maker’s language closer to the people, or you raise the educational levels of the entire population” (Ginwala, 1997). The truth is that there is only one alternative, to raise the educational levels of the entire population. The first alternative of bringing the law maker’s language closer to the people means writing laws in simple language that people will understand. That is an automatic step to exclusion through participation. The complex relationships inherent in legal systems are conceptual and not linguistic. Simplifying these complex relationships loses the nuances, and hence the masses will be participating as juniors or subordinates and not as equals.

Critical Pedagogy

A sound education broadens the cognitive frames of reference, develops the capacity to think critically, and facilitates the range of options. Commenting on the limitations of the philosophical traditions of liberalism and republicanism in American education, Karpol Barry advances the concept of a critical pedagogy as a means to promote transformation in education in order to educate for democracy. According to the author, as a pedagogy: “This acknowledges social injustices and examines with care and in dialogue with itself and others how injustice works through the discourses, experiences, and desires that constitute daily life and subjectivities of the student who invests in them” (Karpol Barry, 1993). What are these injustices, discourses, experiences and subjectivities? They are the experiences of power and power-

lessness leading to participation and exclusion from participation. They are predicated on ideology, race, class, gender and social origin, and together they constitute and define citizenship. They are complex relationships which can not be simplified in linear explanations, and to understand and appraise them critically calls for an enabling education.

Fundamental conceptions of democracy from Plato and Aristotle to Thomas Aquinas and Gramsci are premised on an education designed to develop in each individual the fundamental capacity to think critically and an ability to find one's way in life. Gramsci refers to this type of education as a common basic education imparting a general humanistic formative culture. (Quintin Hoare and Geoffrey Nowell Smith eds., 1971). In political terms, an education for democracy will educate students in the analysis of how power works in producing and shaping knowledge and how ideological barriers to democracy such as class, race, age, gender and birthplace lead to one form of domination or another. It is an accepted truism that critical thinking is not only a function of inherent genetic capacity, but is also mediated through an education that equips individuals to analyse situations, work out alternatives and make informed choices.

Conclusion

It is evident from the discourse in this paper, that an education mediated by different conceptions of citizenship is instrumental in promoting the hegemonic concepts and practices at a given time. The variant of democracy operating at the time will be a function of the dominant ideals and practices. However, as a concept education has immutable and fundamental properties which transcend ideologies. It is both an enabler and a leveller. The capacity to access information, to select the relevant from the general, and to process that information critically is fundamental to choice, and it is on the basis of informed options that individuals make valid choices. If democracy is about freedom of choice, equity and justice, then education is a precondition for democracy.

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DEMOCRACY, PUBLIC OPINION AND THE MEDIA*

JANUSZ ZIOLKOWSKI

SUMMARY

I. *Public Opinion*

Even though the notion of *public opinion* had been subject to debate ever since antiquity, the breakthrough really came with the Enlightenment, Rousseau's concepts of *volonté générale* and *opinion générale*, and the French Revolution. In the nineteenth and the twentieth centuries a modern definition made its appearance. Scholars were concerned, among other things, with the development of public opinion: the influence of democratisation upon its growth and the moral implications of broadening the opinion base; the relationship of public opinion to the procedures of democratic government; and the role of public opinion in the rise of political and economic power. In the twentieth century emphasis has been placed both on the value of conceptualisation and of the problem-statement in this area, as well as on the empirical analysis of public-opinion phenomena, such as the value of opinion polls for legislative processes and public policy in a democratic society. In our time public opinion has been inseparably linked with the fate and progress of democracy, with its rise and fall. Over two hundred years since the term was born, the 'Queen of the World' has convincingly revealed its potent force. It brought about the '*annus mirabilis*' of 1989, and by the same token enlarged the democratic space from the Atlantic to the Urals.

II. *The Media*

What uniquely defines this century is the exponential growth of sciences and new technologies. In the second half of the last hundred years industrialisation based on

* Because of the death of Professor Ziolkowski (see preface) the text of this paper was not revised by the author. The version published here has been revised by the editor.

mechanistic technology has given way to electronic technologies. Their overwhelming presence at the turn of the second and third millennia has changed modes of thought, the manner in which meanings are conveyed, and the way in which the images of the world are formed. In the mass media of communication the media, characteristically, seem to have become an end, not a means. What do these changes portend? Will electronic technology outpace the ability to harness it to socially acceptable ends? Are electronic technologies heading towards an overload of information and, consequently, of reception, and thus towards ultimate impoverishment rather than to greater diversity, creativity and autonomy? What will happen to communities and interpersonal bonding in an electronic society? What should be our response in this era of globalisation to the power of electronic empires to manipulate the social image-world? The mass media of communication, having acquired an increasingly economic, socio-cultural and political character, in the ultimate analysis, pose a challenge to the functioning of democracy.

I

Possibly the vital factor in the functioning of a democratic system is a democratic attitude. This means a belief that all men are equal, and a feeling one might call a sympathetic understanding of people. Such sympathetic understanding of others, their joys and griefs gives rise to an equal recognition of human personalities. The value of "myself" ceases to be essentially different from the value of another's "self". And so a democratic attitude becomes a basis of impartiality.

C. Znamierowski (1888-1967)

1. The basic aim of the paper is to examine the place and role played by two phenomena, i.e., public opinion and the media, in the democratic process. (A footnote: both issues are of vital importance for the functioning of democracy. Both are overwhelming in regard to the scope and complexity of the problems involved. An uneasy question arises as to how justice could possibly be done to them in the allotted space. Well, one cannot but try). I would like to start with the concept of opinion itself. In a nutshell, in social science it is understood as "a judgement, a conviction", a view or belief held by a person on some

issue. It may be expressed or covertly based on value judgements or on any kind of reasoning or evidence. Opinions have many attributes. For instance, we distinguish degrees of clarity in an opinion, degrees of strength or emphasis, and degrees of salience and of ego-involvement. Opinions are generally expressed on fairly narrow and specific points, and a number of expressed opinions may allow us to infer the existence of an underlying, more general attitude.¹

As far as the adjective *public* is concerned, it indicates the supposed common interests and objectives of all or at least a majority of the people in a political unit, such as public agencies, public welfare, public interest, public work, public building, public domains, public services, etc. In this usage *the public* refers to the membership of the political unit. It is congruent with an amorphous social structure whose members share a community of interest that has been produced by impersonal communication and contact. One may belong to as many publics as one has interests. Furthermore, a public may or may not coincide with physical, geographical, or political units.²

2. The roots of the concept of public opinion lie deep in the past. There was no explicit single formulation of it prior to the eighteenth century and no systematic treatment of it until the nineteenth, but in earlier writings one finds a foreshowing of, and approximation to, modern theorising about public opinion. The Greeks launched the endeavour. In his *Politeia*, Aristotle appraised the political competence of the masses in positive terms. The principle that the multitude should be supreme contains “an element of truth. Hence, the many are better judges...for some understand one part and some another; and among them they understand the whole.”

Certain phrases and ideas in the political and juristic vocabulary of the Romans and in the writings of the medieval period are likewise related to some aspects of the modern concept of public opinion. Cic-

¹ *A Dictionary of the Social Sciences*, J. Gould and W. L. Kolb (eds.) (The United Nations Educational Scientific and Cultural Organization, The Free Press, 1964), p. 477.

² *Op. cit.*, pp. 557-558.

ero – like many other Romans of the classical period – had little respect for the *vulgus*. In his oration on behalf of Quintus Roscius we find the line: *Sic est vulgus: ex veritate pauca, ex opinione multa aestimat*. The Romans did not use the words “public opinion” but the concept was so familiar to them that they worked with it as though it was something which was self-evident. Separate aspects of public opinion appear in classical terms: *fama*, *public reputatio*, *rumor*, *vox populi*, *consensus gentium*, the latter as a basis of legal and political sovereignty. Of medieval origin is the well known saying *Vox populi, vox Dei*.

The idea that opinions are the origin of authority was a product of the post-Renaissance secularisation of the state voiced by Machiavelli in the sixteenth century. In his *Discorsi* he wrote as follows: “Not without reason is the voice of the people compared to the voice of God”. This was quoted approvingly during the years which followed.

Tributes to the power of opinion became increasingly frequent in the seventeenth and eighteenth centuries. Pascal hailed opinion as “the Queen of the World”. Hobbes declared that “they say truly and properly that the world is governed by opinion”. Locke distinguished three classes of laws: divine law, civil law and “the law of opinion or reputation”. And Hume argued that “all governments, however despotic, are based upon opinion”.³

3. A real breakthrough came with Rousseau. He applied the theory of popular infallibility to the state itself. In his first discussion of the *volonté générale* he came to the conclusion that “the most general will is also the most just” and that the voice of the people is the voice of God. In his most influential work *Du contrat social* (1762) he pays tribute to the power of opinion. He wrote: “Indeed, whatever the form of government, the most fundamental of all laws is that of opinion. Political, civil and criminal laws are based upon it”. In his *Lettre à M.*

³ What is said above on the concept of the public opinion as understood before Rousseau's contribution is based on the UNESCO Dictionary, p. 563, and on: Paul A. Palmer, ‘The Concept of Public Opinion in Political Theory’, in: B. Berelson and M. Janovitz (eds), *Reader in Public Opinion and Communication* (Glencoe Ill., The Free Press), pp. 3-5.

d'Alembert (1762) he proclaims the key words: “the government can influence morals (moeurs) only through public opinion” (*l'opinion publique*). Thus he laid the basis for further development of the concept. In his last important political treatise, *Considerations sur le gouvernement de Pologne* (1772), he writes: “Whoever makes it his business to give laws to a people must know how to sway opinions and through them govern the passions of men”.⁴

It was also at the time of the tumultuous French revolution that the concept of public opinion – which was previously rather esoteric, confined to the learned circles, and which performed the role of a catchword or slogan – was given thorough intellectual treatment.

This was due to a large extent to a Genevan, Jacques Necker, the finance minister to Louis XVI. In his writings he discussed in detail the nature and significance of public opinion as a factor in statecraft. Public opinion, he argued, strengthens or weakens all human institutions. Only fools, pure theorists or apprentices in moral philosophy fail to take public opinion into account in their political undertakings. Most foreigners have difficulty in understanding the nature of an *invisible force* (my italics) which, without treasures, without bodyguards, and without any army, gives laws to the city, to the court, and even to the palaces of the king. Public opinion is at once stronger and more enlightened than the law. It may be regarded as a *tribunal* (my italics) before which all statesmen must be accountable, and must be enlightened by publicity if its judgements are to be correct. It is the principal *safeguard* (my italics) against the abuse of political authority.

4. It was at this juncture of history that two momentous events occurred which determined the course of democracy in the years to come. They were: the American Declaration of Independence (1776) and the French Declaration of the Rights of Man (1788). According to G. Sartori,⁵ the concept of the public opinion was of prime importance in both. There was a basic difference between the two events. The

⁴ Palmer, *op. cit.* pp. 4-5.

⁵ See his *The Theory of Democracy Revisited* (Chatman House, 1987), p. 74.

American Declaration of Independence was not a revolution in the strict sense: it was secession. The basic innovation (not the only one, though) was the replacement of a monarch, to whom a special religious and symbolic significance was attached, by the head of a constitutional republic. In France, however, it was a fully-fledged revolution, i.e., a complete upheaval of the existing political and social system. During this tumultuous era the role of what was called “public opinion” cannot be overrated. It was a potent social and political force. “Queen of the World”, indeed, it brought on the revolution, made and unmade statesmen, and was a check on the holders of power.

5. What follows is a brief account of the views on the subject expressed by noted philosophical, political and legal thinkers of the nineteenth century.

The influence of the French revolution is visible very early in German thought. The phrase “*öffentliche Meinung*” appears in many publications. Mention should be made of: C. M. Wieland, called the “German Voltaire”, who speaks of it as “an opinion that without being noticed takes possession of most heads”; J. Fries, who in public opinion sees the basis of the rule of law within the state; F. Ancillon, who considers public opinion as “the principal power in the political world”; and C. von Gersdorf, who, in *Über den Begriff und das Wesen der öffentlichen Meinung* (1846), provides a very detailed analysis of public opinion during the first half of the nineteenth century by tracing, among other things, its relation to the sovereignty of law.

Of British thinkers at the early stage of the inquiry about the nature of the new concept one should mention especially J. Bentham (1748-1832). Throughout his writings he insisted on the importance of public opinion as an instrument of social control. In his political treatises, compiled after 1814, he regarded the free expression of public opinion as the chief safeguard against *misrule* (my italics) and as the characteristic mark of a democratic state. He considered to the full the relation between public opinion and legislation. “Public opinion”, he stated by way of definition, “may be considered as a system of law emanating from the body of the people”. Lastly, he recognised in the newly estab-

lished newspaper press the most important factor there was in the formation and expression of public opinion.⁶

6. The fully-fledged treatment of the nature as well as the role played by public opinion in the democratic process started with two towering figures of the nineteenth century, Alexis de Tocqueville and John Stuart Mill. Their thinking has served ever since as a point of departure and stimulus for further discussion on the subject.

De Tocqueville achieved fame with his profound and prophetic study *De la démocratie en Amérique* (1835-1840). He was fascinated by the problem of power in the modern democratic state as it presented itself “on the other side of the Ocean”. Distinction between authority and power is fundamental in de Tocqueville, authority being the inner nature of association, rooted in function and allegiance, while power is coercion, generally with the implication of externally applied force.

As regards the main issue under discussion, de Tocqueville’s dominating interest in the role of public opinion as an important factor in the functioning of modern democracy followed from his view that the focus of democratic power is to be found in mass majorities. To his mind, the sway of public opinion could be stifling to individuality. He spoke of “the tyranny of the majority”.

Robert A. Nisbet, in his analysis of deTocqueville’s thought, wrote the following on the subject: “It does not seem to have occurred to him that public opinion is something that can be manufactured as well by minority pressure groups. He conceived of it as a more or less direct emanation from the political masses. But if he did not explore its sources and variable expressions, he nevertheless correctly identified it as a new and powerful force in the modern state, one henceforth crucial to the legitimacy of governments. Equally important, Tocqueville, in contrast to most political conservatives of his day, feared not the instability but stability of public opinion in democracy, a stability so great, in his view, that not only political revolution but even intellectual innovation would become increasingly unlikely.”⁷

⁶ Palmer, *op. cit.* pp. 7-10.

⁷ From the entry on Tocqueville Alexis, de, *International Encyclopedia*, pp. 91-92.

7. Let us turn now to John Stuart Mill (1806-73), one of the most representative and versatile British thinkers of the nineteenth century. In his widely acclaimed *Considerations on Representative Government* (1861) he gave a brilliant exposition of what is meant by representative government, in conjunction with the place and role played in it by public opinion, it may be added. In Chapter II, *The Criterion of a Good Government*, he maintains that government improves in quality “where the officers of government, themselves persons of superior virtue and intellect, are surrounded by the atmosphere of a virtuous and enlightened public opinion.”⁸ We find the problem of public opinion again in Chapter V: *The Proper Function of Representative Bodies*. He writes: “Instead of the function of governing, for which it is clearly unfit, the proper office of a representative assembly is to watch and control government” and that a representative assembly is “the nation’s Committee of Grievances, and its Congress of Opinions, an arena in which not only the general opinion of the nation, but that every section of it can produce itself in full light and challenge discussion; where every person in the country may count upon finding somebody who speaks his mind.”⁹

It is not surprising that J.S. Mill in his treatise on *Representative Government* also tackled the intricate problem of the majority versus the minority. In Chapter VII, *Of True and False Democracy; Representation of All, and Representation of the Majority*, he wrote, *inter alia*: “that the minority must yield to majority, the smaller number to the greater, is a familiar idea. But does it follow that the minority should have no representatives at all? Because the majority ought to prevail over the minority, must the majority have all the votes, the minority none? Is it necessary that the minority should not even be heard? ... In a really equal democracy, every or any section would be represented, not disproportionately, but proportionately”.¹⁰

⁸ The selections taken from J. S. Mill’s *Considerations on the Representative Government*, 1861, in: *Introduction to Contemporary Civilisation in the West*, p. 441.

⁹ *Op. cit.*, p. 444.

¹⁰ *Op. cit.*, pp. 448-9.

8. The appearance and development of the concept of public opinion at the end of the eighteenth century and throughout the nineteenth century was aptly summarised by George C. Thompson.¹¹ In his considerations on the questions under discussion he stated, first, that the notion “public opinion” is really nothing but a metaphor, for thought is an attribute of a single mind, and “the public” is an aggregate of many minds. Second, that a few men who hold a definite opinion earnestly and on rational grounds, in other words an opinion that rests on some basis of evidence, will outweigh a greater number who merely entertain a slight preference which they cannot explain because it is something vague and general. Third, speaking more generally, there are four principal characteristics which, it seems, should be taken into account in the evaluation of public opinion: – diffusion, persistence, intensity and reasonableness. Fourth, it may be said that in the last analysis all political opinions (except those that are the outcome of mere self-interest) must ultimately rest upon instincts; that is to say, upon moral sentiments of approval or reprobation, and upon emotional proclivities of like or dislike. This kind of public opinion he suggested should be seen as bias.

9. The process of tracing the development of the nature of public opinion had hitherto been based on the scholarly effort of philosophers and political theorists. In the latter part of the nineteenth century the contribution of the newly established social science disciplines, such as sociology and social psychology, became more and more important.

10. The new approach centred on the study of non-rational, emotional factors at work in the formation and expression of public opinion. Gustave Le Bon (1841-1931) demonstrated this with great vigour. He wrote: “The century we enter now will be a true era of the crowd. The blind force of numbers becomes the only philosophy of history. Crowd psychology reveals to what extent law and institutions are helpless in the face of their impulsiveness, and how unable are crowds to

¹¹ It appeared originally in the book *Public Opinion and Lord Beaconsfield* (1886); repr. in: *Public Opinion and Communication*, pp. 14-18.

have whatever opinions have not been suggested.”¹² Le Bon did not write of the crowd in the colloquial sense but of organised crowds – in other words, of crowds in a psychological sense – which meant that a grouping of people subjected to general suggestion led to the creation of a kind of “soul”.

11. Gabriel Tarde (1843-1904) was more cautious and suggested that the word “crowd” should only be used to denote the situation of a physical proximity of a certain number of individuals.¹³ More importantly, he postulated creating a psychology of the *public*, an entity he considered to be much more characteristic of the community before modern times. According to Tarde the public was characterised by spatial distribution which was always connected by a spiritual proximity which grows with the perfecting of the means of opinion exchange. Writing about “suggesting at a distance”, Tarde expressed much that connected him to American pragmatists with their stress on the problems of communication. It was also Tarde who with keen insight insisted on the importance of the intensity of belief as a factor in the spread of opinions. One man – he maintained – who holds his belief tenaciously counts for as much as several men who hold theirs weakly. This is, perhaps, true of moral questions.

12. So much for the nineteenth century which, historically speaking, lasted until World War One. What appeared in the twentieth century was the scholarly, modern study of public opinion based on the analyses of sociologists, social psychologists, legal and political scientists, and demographers. Research activity in the study of public opinion expanded tremendously. New and increasing numbers of research techniques, such as the statistical analysis of opinion, news and attitudes by means of polls and questionnaires, were applied.

It was Bernard Berelson who distinguished several characteristics which public opinion research did not have at the beginning. It was (a) primarily American; (b) academic; (3) the result of team research; (d)

¹² *Psychologie des foules* (1985).

¹³ *L'opinion et la foule* (1901).

topical, empirical, and limited rather than broadly theoretical; (e) technical; (f) quantitative; (g) specialised; and (h) focused on public opinion *per se* rather than on some larger subject.¹⁴

Public opinion is a multi-faceted phenomenon. Efforts to define the term precisely have led to such expressions of frustration as: “Public opinion is not the name of something, but a classification of a number of somethings”.¹⁵ Yet, despite the differences in definitions, students of public opinion generally agree at least that it is “a collection of individual opinions on an issue of public interest, and they usually note that these opinions can exercise influence over individual behaviour, group behaviour, and government policy”.¹⁶

13. What follows is a concise examination of internal relationships among individual opinions that make up public opinion on an issue. One may say right away that public opinion seems to possess qualities that make it something more than a sum of individual opinions on an issue. It is presumed to have a force and vitality unconnected with any specific individual.

14. This was emphasised by Ferdinand Tönnies (1864-1920) who observed that “whatever may come to be considered a public opinion, it confronts the individual with an opinion which is in part an extraneous power”;¹⁷ members of a community in their behaviour are directed by faith, and members of a society by public opinion.

15. Another eminent sociologist of this period, Charles H. Cooley (1864-1929), in tune with American political tradition and his own philosophy, did not contrast society with the state, but saw in society’s development a phase of the spread of public opinion whose other aspects included the growth of voluntary associations, trade unions, corporations, clubs, fraternities, etc. He described public opinion as no mere aggregate of separate individual judgements, but an organisation, a co-operative product of communication and reciprocal influence.

¹⁴ ‘The Study of Public Opinion’, in: L. D. White (ed), *The State of Social Sciences* (1956).

¹⁵ Harwood L. Childs, *Public Opinion. Nature, Formation and Role* (1965), p. 12.

¹⁶ Based on: W. Phillips Davison, Public Opinion, in: *International Encyclopedia of the Social Sciences*, vol. 13 (1968).

¹⁷ *Gemeinschaft und Gesellschaft* (1887).

16. Ideas such as these resulted later on in the abandonment of the search for an entity or content labelled “public opinion” that can be discovered and then analysed; emphasis was placed instead on the study of multi-individual situations and of the relationships among the opinions held by various people in these situations.¹⁸

If public opinion is viewed as a species of organisation or as a bundle of relationships, questions arise as to what the nature of these relationships is, how they are formed, how they persist and why they dissolve.

17. The formation of public opinion in a given grouping of people occurs through the give and take of discussion. Ordinarily, the public is made up of interest groups and more detached and disinterested spectator-like bodies. The issue that creates a public opinion is usually set by contending interest groups. A given public opinion is likely to be anywhere between a highly emotional and prejudiced point of view, and an intelligent and informed opinion. The net result of the interplay of these two groups may well be a biased, prejudiced opinion about the matter in question. Walter Lippman,¹⁹ while exploring the psychological process of opinion formation, introduced into the social sciences the term *stereotype* to refer to preconceived ideas or beliefs about the attributes of the external world (he wrote of “pictures in our heads”).

In sociology, after the appearance of Lippman’s study, a *stereotype* denoted “a belief which is not held as an hypothesis buttressed by evidence but is rather mistaken in whole or in part for an established fact”.²⁰ The term was further developed by social psychology, where stereotypes are as a rule referred to as the cognitive component of one particular attitude – prejudice.

18. We now turn to the second area, i.e. the political role of public opinion. One is concerned here not with the “causes” of opinion but with its consequences. Our central consideration in this area is the ways

¹⁸ Floyd H. Allport, ‘Towards a Science of Public Opinion’, *Public Opinion Quarterly* (1937), p. 23.

¹⁹ *Public Opinion* (1922).

²⁰ *A Dictionary of the Social Sciences*, p. 694.

in which public opinion is, or should be, applied in the determination of public policy.

One may safely say that the constantly increasing use of the term over the past two hundred years or so testifies to its utility. This is so because in the democratic process public opinion assumes a number of roles according to the need in question. So much so that it may well be a sanction (legitimising symbol), an instrument (data), and a generative force (directive and limit).

Within the confines of public opinion one can distinguish two categories of statements: (i) those of preference, which include expressions of individual feeling, conviction, and value; and (ii) those of fact, which purport to describe transpersonal reality in objective terms of verifiable evidence. Both are recognised as expressing controversial ideas, and hence are appropriate for discussion. It may well lead to agreement and the settlement of differences of opinion.

In a nutshell, public opinion to be truly worthy of the name, to be the proper motive force in a democracy, must be really public; and popular government is based upon the reception of a public opinion of that kind. In order for it to be public a majority is not enough, and unanimity is not required, but the opinion must be such that while the minority may not share it, they are bound by conviction, not by fear, to accept it; and if democracy is complete the submission must be given ungrudgingly.

19. An essential difference between government by public opinion as thus defined and by the bare will of a selfish majority is well expressed by President Hadley. After saying that laws imposed by a majority on a reluctant minority are commonly inoperative, he adds: "it cannot be too often repeated that those opinions which a man is prepared to maintain at another's cost, but not of his own, count for little in forming the general sentiment of a community, or in producing any effective public movement".²¹

²¹ A. Lawrence Lowell, 'The Nature of Public Opinion', in *Public Opinion and Popular Government* (1913); repr. in *Reader in Public Opinion and Communication*, p. 27.

Not ignoring for a single moment the need for a sophisticated approach to the problems of the nature and functioning of public opinion, one would be inclined to lean towards praxis, namely, to state that a consensus, or compromise, is feasible; that in democracy, particularly during some historical events, there are highly influential movements which stagger the imagination. We live in such a period.

20. The issue has been comprehensively treated by Giovanni Sartori. "Elections are a means of achieving the goal which is 'a government of opinions', that is a government susceptible to public opinion and responsible to it....One might ask whether there exists a reason for using the word (public) *opinion* instead of some other notion. There is another question – in what sense can the given opinion be considered as *public*? Only at this moment can we judge whether an opinion spread publicly is *free*; and to what extent and in what sense. What is more, the concept 'a government of opinions' refers to the concept of a 'government based on consent'...The choice of the term 'opinion' is very interesting. In its basic meaning an opinion is called public not only because it is spread among the public, but also because it refers to 'public things', to *res publica*...Public opinion is first and foremost a political concept. Opinion about public matters serves, and has to serve, the provision of information on public matters. In general terms, public opinion can be defined as follows: a community or a multitude of communities, whose scattered states of mind (opinions) enter into mutual interaction with the horde of information on the state of *res publica*. Naturally, the state of the mind, or opinion, contains various ingredients: needs, desires, preferences, attitudes, a general system of beliefs".²²

21. What follows is an attempt to illustrate the significance of a nexus which exists between public opinion and social movements. This topic seems to come within the purview of the Academy's current inquiry, i.e. democracy itself.

The term "social movement" denotes a mass striving towards the realisation of social, economic or cultural goals which arises from some

²² G. Sartori, *The Theory of Democracy Revisited* (1987), pp. 116-117.

idea (or a group of ideas). As a mass movement it has an organisational framework, leadership and a programme. It reflects aspirations of large sections of the society. It can represent the interests of a group or class, but it can just as well be concerned with problems of fundamental importance to the whole community (e.g. a nation).

22. I propose here to examine at some length the experience of Solidarity in Poland in 1980. Originally a trade union, it soon became a mass social movement fighting for freedom, the rule of law, and democracy, and against authoritarian, monocentric Communist rule, with the nation's independence as its ultimate goal.

Who would have imagined at that time that this event would have led to something that staggers the imagination, namely the "*annus mirabilis*" of 1989. The roots of this event lie very deep. They go back to the Yalta agreement of 1945 by which many countries of Central and Eastern Europe found themselves under the Communist yoke. Yet almost from the beginning the fight against Communism began. Most of the "captive" nations had always been part of Western civilisation in cultural and historical terms. The milestones of the long march towards freedom and democracy were: the Berlin upheaval of 1953, the Poznan workers' strike of 1956, the Budapest uprising of the same year, the Prague Spring of 1968, the wave of strikes in Poland in 1970 and again in 1976, and then – what brought about the end of Communism – the foundation of Solidarity in 1980.

23. The strike of Polish workers started in August 1980 at the Lenin Shipyard in Gdansk. The Communist regime, bearing in mind the bloodshed of the strikes of 1970 and aware of the economic collapse of the country, offered to negotiate. The result was the creation of the first labour organisation inside the Soviet bloc to challenge head on the Communists' claim to represent the proletariat. In no time at all Solidarity embraced 10 million people in a country of 33 million. Rousseau's maxim of *volonté générale* was thus evoked after two hundred years, but in a totally different form. What was most characteristic about the Solidarity revolution was its complete lack of violence. It was a historical contradiction in terms: a "peaceful revolution". There were no Bastilles stormed, no guillotines erected, no panes of glass broken.

The phenomenon of non-violence was to be found later on in the history of all the democratic oppositions of East Central Europe throughout the 1980s, leading to the “*annus mirabilis*”. Partly it was pragmatic: the other side had all the weapons. But it was also ethical. It was a statement about how things should be. It was not only a peaceful revolution but also a compromise revolution. It showed respect for the rule of law and even a degree of forgiveness for those who had abused power. It was in the tradition of Gandhi and Martin Luther King.

The main and leading grouping consisted of industrial workers, with a charismatic leader Lech Walensa at the helm. But practically all social strata were involved, a good example of this being the *entente cordiale* between the workers and the intelligentsia. Inside Solidarity there were also many members of the Communist Party. The membership of this last was dwindling – from about 3 million to 2 million or so later on. Actually, this process had started earlier, in the late 1960s, coupled with the erosion of the Marxist-Leninist ideology. Solidarity, in fact, was born in a post-communist society.

The central agent in creating this condition was the Catholic Church. The situation in Poland was a result of the interplay of challenge and response (to use Toynbee’s phrase): the challenge posed by the Communist state and the response given by the Church. All the efforts of the state – equipped with the whole armoury of “rich means” – proved futile. The history of Poland suggests that national solidarity – a duty imposed and a right to be claimed – patriotism and religion, in combination, are more important influences than class conflict. The cultural experience of Poland has been penetrated deeply by the Christian vision of man – man who, to use the words of Cardinal Karol Wojtya (*Osoba i czyn* – (Person and Deed) 1969) “acts together with others”.

Timothy Garton Ash, one of the best analysts of the situation in this part of Europe, wrote: “If I were forced to name a single date for the “beginning of the end” of this inner history of Eastern Europe, it would be June 1979. The judgement may be thought excessively Polonocentric, but I do believe that the Pope’s first pilgrimage to Poland was the turning point...The Pope’s visit was followed, just over a year later, by

the birth of Solidarity and without the Pope's visit it is doubtful that there would have been a Solidarity".²³

In December 1981, Solidarity announced a referendum which would be held in February 1982. People were to be asked one question: "Is the Communist Party able to represent the political interests of Polish society?" It was in direct response to this dagger, pointed at the very heart of the Communist system, that martial law was declared.

The "S" movement was crushed in the short term, but a new pattern of political behaviour prevailed. After seven years of the unsuccessful employment of counter-revolutionary force there took place the round table talks of early 1989, and the first (partly) free elections in June 1989. These were partially democratic for the Sejm (the Lower House) (due to the "contract" made with the ruling Communist Party) and fully democratic for the Senate. Solidarity candidates obtained about 80% of the vote. In the Senate, where the principle was that of the winner takes all, the "S" candidates gained 99% of the seats. There could hardly be a more convincing proof of public opinion being a motive force in the democratic process.

26. Some time during this period one basic notion for the functioning of democracy emerged in the region – that of civic society. Strangely enough, in the form of Solidarity this notion appeared and took shape spontaneously within the monocentric Communist system. People had had enough of being mere components in a deliberately atomised society. Almost innately, citizens' committees came into being – one around Lech Walensa in 1987; local citizens' committees which were responsible for the electoral campaign in 1989; and as a result of these very special elections, the Citizens' Parliamentary Club. Such developments were accompanied by the Civic Forum in Czechoslovakia, the Civic Committee in Hungary, and Bürgerinitiativen in East Germany.

Perhaps the most remarkable fact was that the Communist Party accepted its defeat. By the same token it was also accepted by the Rus-

²³ 'Eastern Europe. The Year of the Truth', *New York Review of Books*, 15 February 1990.

sians. For the other “captive” nations, a completely new pluralistic political constellation emerged from the Polish June elections. In these countries the changes proceeded by leaps and bounds. The Iron Curtain was being dismantled by the Hungarians, the East Germans, the Czechs and the Bulgarians, the only exception being Romania, which witnessed bloodshed. The Berlin Wall, a symbol of divided Europe, fell. The temporary epigram had it about right: “in the surge toward freedom, Poland took 10 years, Hungary 10 months, East Germany 10 days and Romania 10 hours”.²⁴ If one adds to this the collapse of the Soviet Union, it had become evident that Communism in general was coming to its end. In the final analysis, the progress of freedom had triumphed over Marxism, with its legacy of war, revolution and totalitarian oppression.

27. The “*annus mirabilis*” of 1989 contributed to Europe as a whole – from the Atlantic to the Urals – becoming a democratic continent. The emergence of the pan-European democratic space may well have a bearing on the future course of events far beyond the confines of this continent. Democracy was born in Europe and democratic ideals are an essential part of what is called the European heritage. Never fully attained, often betrayed, less often practised than preached, these ideals are what goaded European man into greatness. They still constitute a foundation on which the further growth of European civilisation can be built.

II

1. We now turn to the second basic subject of this paper, namely the *media* – a plural form of the Latin *medium*, i.e. that by which *something is done*. In the social sciences the plural denomination has prevailed. This is rather justified if one takes into account the tremendous – and growing – number of instruments connected with mass com-

²⁴ *Time*, winter 1996, ‘Europe. 50 Remarkable Years’.

munication. The term *media* denotes a mechanism of impersonal communication between the speaker and the audience. As a rule, it excludes face-to-face contact. Oddly enough, due to a sort of process of reduction, the usage *media* has prevailed. In other words, it is a means which has become an end in its own right.

When one speaks of the media, one has, in fact, in mind the media of mass communication. Let us not forget that since time immemorial they have been identified with speech. According to E. Sapir (*Communication*, 1931) “language is the most explicit type of communicative behavior that we know of. It need not here be defined beyond pointing out that it consists in every case known to us of an absolutely complete referential apparatus of phonetic symbols which have the property of locating every known social referent, including all the recognised data of perception which the society that it serves carries in tradition. Language is the most communicative process par excellence in every known society”.²⁵ It retains its role, of course, in face-to-face contact.

2. However, in the era of the media the term “communication” has taken on a different character. It includes five fundamental factors: /a/ an initiator, /b/ a recipient, /c/ a mode or vehicle, /d/ a message, /e/ an effect. Thus in its most general form, *communication* denotes a process in which an initiator emits or sends a message via some vehicle to some recipient and produces an effect. Most definitions also include the idea of interaction in which the initiator is simultaneously or successively a recipient and the recipient simultaneously an initiator.

In most definitions the initiator is an organism, as is the recipient. In recent work in communication engineering the initiator or the recipient may also be a physical system other than an organism.²⁶

As far as the notion “mass” is concerned, one has in mind a large audience. Mass communication, therefore, is equivalent to imparting information to, and influencing the ideas of, large numbers of people. Ours is indeed a mass society. With six billion people in the world today, this seems a legitimate affirmation.

²⁵ *Encyclopedia of the Social Sciences*, vol. IV (New York, 1931).

²⁶ *A Dictionary of the Social Sciences*, p. 111.

Before moving to what is our main concern, i.e. the mass media, let me deal briefly with /i/ mass society and /ii/ mass culture. The first term denotes a society which is a *mass* and /or taken to be characterised in some respects by the *mass* or the *masses*. Such a society is characterised variously by features of increased mobility and social differentiation, and the loss of traditional roots, values, or attachments. Usage of the term is normative and political as well as analytic.²⁷

One would rather be inclined to put aside the pejorative use of the word *mass* which can be seen in the writings of J.O. Ortega y Gasset, K. Mannheim or R. Williams, and to stress what was written on the subject by, for instance, D. Bell,²⁸ who mentions as a feature of mass culture “mechanised /and/ bureaucratised society”, or L. Wirth, who adds the dimension of democracy and complexity: “mass societies are the product of the division of labour, of mass communication and more or less democratically achieved consensus”.²⁹

Finally, a word about *mass culture*, which “denotes, broadly, the cultural correlates of mass society, especially characteristics of modern urban and industrial civilization...the implication being that the *masses* consume or enjoy *culture* which differs significantly from that enjoyed, either now or in the past, by *elite* elements in social structure; that such differences are differences both of content and quality; that *mass cultural* objects are transmitted and diffused through the modern *mass media of communication*”.³⁰

In fact, one of the most striking features of post-industrial civilisation is the mass character of phenomena and processes. It is first and foremost the result of a “demographic explosion”. There are mass communities, mass concentrations of people, mass needs and mass means of satisfying them. The mass satisfaction of needs is not only the result of the absolute increase in the population, but also of increasing social

²⁷ *A Dictionary of the Social Sciences*, p. 413.

²⁸ *The End of Ideology* (Glencoe Ill., 1969).

²⁹ ‘Consensus and Mass Communication’, *American Sociological Review*, 1948.

³⁰ *A Dictionary of the Social Sciences*, p. 411.

and political democratisation, another important feature – at the end of the second millennium – of “the age of democracy”. Thanks to political processes all political strata have their say and play their part in the on-going events which occur, even those that were previously on the margins, so to speak, of social and economic life, that is to say, on the whole the most numerous groups. The constantly expanding system of social facilities provided by the state to the rich and even the poor is one expression of the truism that people are equal, that they do not differ in their needs, desires and aims, and in their rights in relation to the satisfaction of such elements.

3. What has been said so far can be considered as a sort of preparation of the ground for the issue under consideration, i.e. the mass media.

Let me proceed in a scholarly manner by presenting a brief definition of the subject under consideration. “Mass media (broadly defined in a way which does not specify the audience’s precise characteristics) are all the impersonal means of communication by which visual and/or auditory messages are transmitted directly to audiences. Included among the mass media are television, radio, motion pictures, newspapers, magazines, books and billboards. It must be kept in mind, however, that there are variations among mass media and that radio, motion pictures, television, and the popular press are likely to have larger and more heterogeneous audience”.³¹

Two features are cited in definition, one relating to the technical means of transmission and the other to the audience. The first feature seems adequate in itself. The term denotes all mass media of communication in which a mechanism of impersonal reproduction intervenes between the speaker and the audience. With regard to the audience that receives communication, the range of the mass media is variously delineated. It is implied that a large audience is necessary for the proper usage of mass media. The mass media may (and in fact they do on many occasions) reach millions of people. The impact can be of unparalleled significance. (Let us recall two momentous events of the twenti-

³¹ *A Dictionary of the Social Sciences*, pp. 412-413.

eth century: Winston Churchill's radio broadcast to the British people on 4 June 1940, which contained the crucial words: "we shall never surrender", and what John F. Kennedy said on TV in his inaugural address: "ask not what your country can do for you: ask what you can do for your country").

4. What marks out this century, what defines it uniquely, is the exponential growth of the sciences. To say that sciences and the technologies they engender have changed the world is to state the obvious, although we often forget the true dimensions of the change. More subtly, the sciences have become a critical social force, fundamentally transforming the way we perceive the world, the nature of the questions we ask, and the expectations we have.

Electronic technologies characterised by instruments and circuits in which the flow is controlled and utilised, such as the transistor microchip or the electron tube, have become the forward thrust at the turn of the second and third millennia. This is to be seen in the new development they are catalysing; in the form of organisation they create; in the way they are taking control of older mechanised technologies (as in the case of automated factories); and in the modes of thought and way of life they engender.

The difference between mechanical and electronic media can be seen most sharply in the purposes the technologies serve. Three types of technological environment can be perceived: those relating to goods (production facilities, factories, etc); those relating to man (transportation, architecture, etc); and those that serve information (the communications media).

From this perspective it becomes apparent that the major impact of most mechanised technologies has been felt most critically in the area of goods and people. The steamship and the locomotive speeded up the movement of merchandise and increased its availability – spurring further industry and the growth of cities. The aeroplane and the automobile permitted new kinds of mobility for man, enabling him to move faster, and creating, in turn, new communities and relationships between distant places.

To some extent the new electronic technologies resemble the older steam-based technologies. But the crucial difference in electronic technologies – and particularly the media – is twofold: a drastic new form of energy and a different purpose within most of the technologies, namely, information movement and control.

Electricity is mobile energy. Unlike steam, wind, or waterpower, it can be carried along wires to any distance. And while it has replaced older sources of energy – as in the case of electrical trains – its most striking uses have not been merely as energy, but as the basis of new methods of communication and information control, such as the telegraph, the telephone, radio, television, and computers.

5. The distinction between a machine-dominated, or mechanistic interpretation of technology, and an information-control interpretation leads to major new considerations. The most important of these is the way in which one conceives technology in relation to man.

The rationalists of the eighteenth century used a machine as a model by which they attempted to understand the universe and man: the whole of nature was seen as a mighty clockwork. In the nineteenth and the early twentieth centuries the machine was sometimes interpreted as a principle of its own opposed to man – degrading and dehumanising him. Charles Chaplin's *Modern Times* (1934) depicts a helpless worker on an assembly line.

Briefly, mechanical and electronic technologies can be characterised as follows: from interchangeable parts to integrated circuits, from the consumption of natural energy sources to new routes for tapping and channelling energies, from the bit-by-bit method of mechanisation to the all-at-once method of electronic energy. In short, electronic instruments are not machines, and the electronic age is not the machine age.

H. A. Innis in his *The Bias of Communication* (Toronto, 1951) emphasised how the media of mass communication transform the monopolies of knowledge and in the final analysis become a power within a culture. The media shape and influence information and ultimately culture (in the broadest sense of the word) – democracy as a political system being an inseparable part of it. He discerned in radio, film, and

television a return to oral media, something that could mean vitality in culture along the lines of the Greeks who successfully merged an oral tradition with a written alphabet. An oral tradition is interpersonal rather than impersonal. What is most important, however, is the contact that the oral tradition has with the organic. If the oral bias is completely lost, man becomes totally dependent on media which are external external to him. "Media", he concluded, "can liberate or confine man; just knowing that may one day make the difference".

His follower, M. McLuhan, in *Understanding Media* (1964), explored the mental and social repercussions of the electronic media. His study is structured on the premise that television represents for his (and, if I may be personal, also for my) age and for the near future roughly what the printing press represented for the previous four hundred years. The phrases "before television" and "after television" run like two motifs through the pages of his work. According to McLuhan we do not watch television; we reach out and touch it. He sees television as the apex and apotheosis of the electronic revolution. In many contexts, the terms television and electronic media have become inseparable.³²

6. Let us turn now to the areas of media which are valid to the central issue – that is, democracy. We begin with the notion of the *common good* (social interest) in the media. They are both products and a reflection of the history of the society. Despite similarities between societies, in terms of their origins, practice and conventions, the media are national institutions and are subject to political pressure and the social expectations of the public. They reflect, express, and often

³² In presenting the above I have drawn on the inspiring work by W. Kuhns, *The Post-industrial Prophets. Interpretations of Technology* (New York, 1971). Significantly, on the jacket of his book one can read the names of Lewis Mumford, Siegfried Giedion, Jacques Ellul, Harold A. Innis, Marshall McLuhan, Norbert Wiener, R. Buckminster Fuller. I wonder if one could add two more authors who may well be considered "prophets": Raymond Aron and his *Progress and Disillusion. The Dialectics of Modern Society* (New York, 1968), and Zbigniew Brzezinski, *La Révolution Technétronique* (Paris, 1971), a translation of his original publication *Between Two Ages* (New York, 1970). With regard to the French edition, it seems that it was there that the term "technétronique" (a combination of two crucial denominations, i.e. techné and electronics) first appeared.

actively serve, national interests in the form defined by other, more influential forces.

The media can be subject to extensive forms of legal and administrative control, protection or regulations of an often normative nature. Since the media can be very different, the medial system is not ruled by one clear set of norms, and the practices can differ as well.

The normative regulation of the media is based on the premise that they should serve the common good (social interest). In practice, this means that they are not seen as commercial companies like others of that kind because they ought to contribute to long-term social benefits, mainly in the cultural and political area. This aspect of their activity is approved of by the media when they proclaim their public mission, expecting legal and economic privileges in return.

Without resorting to the common good one cannot evaluate the activities of the media. The problem lies in the transition from the general notion of social interest to its interpretation in terms of the realities of particular media: it differs depending on whether one is dealing with telecommunications or public radio and television. For example, according to the Organisation for Economic and Cultural Development (OECD) report (1991), a telephone service should include: (1) general geographical availability; (2) general economic affordability; (3) general service of high quality; and (4) non-discriminatory tariffs. The first two elements – availability and affordability – are the most important, yet while one can easily imagine their realisation in telecommunication, it becomes much more difficult in the case of the crowded computer network (WWW – or the World Wide Web – is sometimes jokingly read out as World Wait Web, and with good reason). At this juncture McQuail³³ presents an idea of public service which would include: (1) general service; (2) variability; (3) editorial independence; (4) social responsibility and accountability; (5) cultural quality and identity; and (6) public financing and /or non-profitable activities.

³³ D. Mc Quail, *Mass Communication Theory. An Introduction* (3rd. edition, London, 1994).

The functioning of the mass media is also evaluated in terms of the *social values and principles* which constitute a check on their trustworthiness. It is not easy to interpret them since one runs the risk of creating an illusion of an existing coherent, legally approved and scientific code of principles on the functioning of the media. But no such code exists – and if it did, it would contradict the principle of freedom of expression. Still, there do exist some socially approved principles and standards which allow us to differentiate between good and bad media. Commonly, they are as follows: social order and solidarity, cultural order and freedom, equality, variability and a high level of information.

The authorities and society expect public communication to uphold the existing social order. There are numerous visions of this order in democracy, but generally the media are expected to condemn conflict and violence, and to act in ways that strengthen the democratic state (e.g., acting for the good of the recipients, contributing to social integration, maintaining the prestige of the forces of law and order, observing the accepted moral standards of a given society, etc). As for social expectations regarding the quality of medial products, they should: (1) reflect the culture and language of the people they serve according to the latter's life experience; (2) perform an educational role and express all that is best in the cultural achievement of the nation; and (3) support originality and cultural creativity.³⁴

In recent years the media have strengthened features which society deems inappropriate or even negative. This has led governments and international bodies, e.g. the Council of Europe, to introduce new legal regulations. These concern media monopolies that threaten the variability and independence of information and opinion, the development of scandalising and sensational forms of media, the growth of supra-national media that invade the cultural identity of other societies, aggression in the media which contributes to teenage violence, etc.

³⁴ After D. Mc Quail, *op. cit.*, quoted in T. Goban-Klas, *Media i komunikowanie masowe. Teorie i analizy prasy, radia, telewizji i Internetu* (Warsaw, Krakow, 1999).

Freedom of the media lies at the heart of liberal doctrine and is formulated in all democratic constitutions. Yet its interpretation differs. Legally guaranteed and socially recognised, freedom of communication has a twofold dimension: it exists to ensure a wide range of social voices and to meet various social needs. Freedom of the media is advantageous for the functioning of social institutions since it guarantees the flow of reliable information and the presentation of various points of view. The media must not fear the rich and powerful, and should engage in controversial political debate. The media's right to be independent means the right to inform people about the emperor's clothes. Yet, freedom is a condition rather than a criterion of the functioning of the media. It is related to the right to free expression, but this requires the access of citizens to the media and the possibility of gaining different information from different public sources.

Another basic issue of the liberal doctrine on the media is the belief in the *separation of information from commentary*. The main task is objective reporting, with the recipient free to formulate judgements and to interpret. However, objectivity need not always be valuable, is not always achievable, and is not always necessary.

The variability of the media is the fundamental standard of the democratic media system since it upholds the normal cycle of change in society (change of the ruling elites, circulation of power, the balancing of influences). The more equal the system, the more diversified it is.

Yet another major aspect is the *social responsibility* of the media. According to McQuail,³⁵ the media should be true, precise, just, objective, and relevant; constitute a public forum for various ideas; be free and self-regulating; and should observe established ethical codes and professional standards.

7. At the end of the second millennium of the Christian era, societies everywhere around the world are being fundamentally changed by the emergence of a new paradigm based on information and communication technologies (ICT). Side by side with the microelectronics-based

³⁵ D. McQuail, *op. cit.*, quoted in T. Goban-Klas, *op. cit.*

information technologies (microprocessors, computers, telecommunications, optoelectronics), we encounter genetic engineering, which extends the manipulation of information codes to the realm of living matter, thus ushering in a fundamental biological revolution.

At the same time, a new communication system of a revolutionary character with important consequences for man has emerged. This is the *Internet*, which is on the way to becoming an essential communications channel which will characterise the world during the twenty-first century. The speed of its diffusion is enormous. In late 1998 Internet users numbered 130m in the world. Even more important is the growth rate, estimated at about 100 per cent per year, reaching 500m users in the early years of the twenty-first century.

The most important implication of this new instrument is that it cannot be controlled, technically or politically, except by disconnecting a communication system from the global network. Furthermore, by linking up people with each other, the Internet bypasses the communication system established by the mass media. While the media are themselves fully present in the Internet, people can opt for their communication or for selected alternative sources of information and interaction, thus escaping their dependence on the mass media.

A large share of Internet usage seems to happen in work situations (either in the office or at the home work-desk), and reflects the professional and personal interests of the users. Networks developed for specific purposes, and even chat groups, are constructed around affinities, shared values, and common interests.

Electronic communities emerge from existing social communities, but they expand them, reinforce them, and ultimately may spur electronic communities that take on a life of their own. One can say that sociability in the Internet is both weak and strong, depending on the people and the contents of the relationship, and it is linked to non-electronic communications of various levels of intensity.

What is most important – in view of the basic theme of our consideration, i.e. democracy – is that social and political mobilisation through the Internet is related to grass-roots organisation and to the exercise of

political democracy. Internet communication may in fact prove to be invaluable for the reconstruction of civic society in a world threatened by growing inequalities and political alienation as a consequence of the capture of powerful ICTs by those who still control society.³⁶ According to Castells, the crux of the matter is the emergence of a historically new *network society*. In addition to the term *information society*, Castells introduces the notion of *informational society* to emphasise that modern society bases itself on information, knowledge and technology as a means of producing and shaping the conditions of collective life. As a new form, this society is in statu nascendi.³⁷

And yet, despite all the mind-boggling advantages of the Internet, there remains the disturbing thought that what it lacks is that element which is of most importance for the human condition, namely, face-to-face interaction.

8. Let me end the argument with a very brief and fragmentary presentation of the doctrine on the media of the Catholic Church. In particular since the mid-twentieth century, the Church has fully recognised the importance and meaning of the media and has developed its own doctrine: “In the media the Church finds a modern pulpit, through the media she can address the masses” (*Evangelii Nuntiandi* n. 45). In his manifesto on the World Mass Media Day (21.01.1986) John Paul II wrote: “The basic task of the Church is proclamation of the Scriptures...Also, today the Church wishes to submit the abundant reality of the social mass media to the fundamental values aimed at defending the dignity of man...The Church expresses her joy at the existence of those means and the possibility of sharing the light of the Scriptures with all men...The Church would be guilty to the Lord if she failed to employ such powerful aid constantly perfected by the human mind”.

Following Vatican Council II (1965) and its main document on the media, *Inter Mirifica*, the Church’s teaching on the media was brought

³⁶ I have drawn rather heavily from an article by M. Castells: ‘The Social Implication of Information and Communication Technologies’, in *World Social Science Report 1999* (UNESCO, 1999).

³⁷ M. Castells, *End of Millenium* (Oxford, 1998).

into being. The Church believes that man has the right to express and spread his opinions (John XXIII, *Pacem in Terris*, n. 12 [1963]), but does not consider this right to be unlimited. It is constrained by the duty to diffuse true information and by the principles of the moral order. It is the responsibility of state authorities to ensure that the mass media are employed for the common good. The authorities should defend and protect the real and just freedom of information (*Inter Mirifica*, n. 12). John Paul II told the journalists that: "Thus, the specificity of the Christian's calling to shape reality by means of the mass media is the calling to bear witness to faith through the service to truth ... This does not mean a truth as a description of reality true in terms of the factual state, but a description of the complete reality of man in the perspective of the law revealed by God... This is of particular importance in the case of creators and workers within the mass media whose testimony to truth is connected with immense responsibility... Thus each of them "must be the man of truth". The attitude each of them takes towards truth ultimately defines his identity, and his professional value as well.

Aetatis Novae, a ministerial instruction on mass communication issued to mark the twentieth anniversary of *Communio et Progressio*, stresses that "the Church's commitment in the area of the mass media" is an activity which aims at the improvement of the media. The instruction does not suggest that the media should spread pornography or godlessness and does not propose limits on freedom, neither does it suggest organising the pressure of Catholic opinion to forbid the publication of magazines or programmes. The instruction speaks of the Christians' right to a "dialogue and information within the Church".

It is abundantly clear that His Holiness attaches great importance to the functioning and role of the media. His service expresses this to the utmost. The window from which each week at the Angelus he proclaims the entrance of God into history is a window of the world. St. Peter's Square, where all nations, races and languages meet, is a *lectorium* of the world.

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DEMOKRATIE UND WIRTSCHAFT

HANS TIETMEYER

SUMMARY

The academic debate addresses the relationship between democracy and economic activity primarily from the point of view of the interaction between the social and the economic constitution. In the eyes of the ordoliberal school, and of the regulatory concept of the 'social market economy', which is based on its ideas, democracy and the free-market economy belong logically together. Political democracy and economic efficiency (in the sense of welfare improvement and employment) are not contradictions; instead, the economic basic rights of freedom of consumption and freedom of economic activity are key components of the democratic system. In practice, however, increasing tensions have emerged in some Western-type democracies in recent years between the seemingly limited capacity of political democracy to carry out reforms and the pronounced adjustment pressures associated above all with the advance of the globalisation process. In public choice literature, which has a strong US bias, the interdependence of democracy and economic activity tends to be viewed with scepticism. Some representatives of institutional economics doubt whether decision-making rules based on theoretical ideas of democracy are useful and appropriate in economic terms. In their estimation, more democracy is often detrimental to economic efficiency. Hence protective and defence mechanisms and matching political rules and institutional arrangements are called for in order to curb the tendency towards short-termism, towards undue emphasis on minority interests and towards freedom- and prosperity-limiting regulations. The empirical connection between democracy and economic growth is at the forefront of more recent growth-theory research. Most findings suggest that there is a significant correlation between democracy and economic results. However, the economic literature does not provide a satisfactory answer to the question of the optimum relationship between democracy and economic activity. The concrete relationship between democracy and economic activity is determined by the given historical experience and the values prevailing, by the state of economic and political development, and not least by the personalities of those who bear political responsibility. Especially in a democracy, however, political leadership calls for an ethical orientation that takes due account of the laws of economics.

(AUSARBEITUNG FÜR DIE VI. PLENARSITZUNG DER PÄPSTLICHEN AKADEMIE FÜR SOZIALWISSENSCHAFTEN IN DER VATIKAN-STADT VOM 23. BIS 26. FEBRUAR 2000)

Das Verhältnis von Demokratie und Wirtschaft betrifft viele Dimensionen, deren Bedeutung sich zudem aufgrund der Entwicklungen in beiden Bereichen ständig verändert. Deshalb ist es nur natürlich, daß dieses Verhältnis auch in der Wissenschaft, und zwar sowohl innerhalb der einzelnen wissenschaftlichen Disziplinen als auch zwischen ihnen, ein in vielfältiger Hinsicht strittiges Thema ist. Es umfaßt insbesondere philosophische, rechtliche, politische und wirtschaftliche Fragestellungen, und zwar sowohl theoretischer als auch empirischer Natur.

In dieser Ausarbeitung können diese Fragestellungen nur teilweise behandelt werden, wobei die Auswahl insbesondere von grundsätzlichen Überlegungen zur Wirtschaftspolitik bestimmt wurde.

I. *Neue Aktualität in der politischen Praxis*

Für die politische Praxis hat das Thema im letzten Jahrzehnt offenkundig eine neue Aktualität gewonnen. Dabei spielen insbesondere folgende Vorgänge und Faktoren eine Rolle.

1. Die durch die progressive Öffnung nationaler Grenzen schon in den letzten Jahrzehnten ständig gewachsene, durch die sprunghafte Ausbreitung neuer Kommunikationstechniken in den letzten Jahren jedoch stark beschleunigte internationale Integration des Wirtschaftsgeschehens konfrontiert die bisher meist national dominierten politischen Systeme und gesellschaftlichen Strukturen zunehmend mit tiefgreifenden Anpassungs – und Veränderungs-zwängen. Die lange Zeit -in den meisten Ländern – vorherrschende räumliche Deckungsgleichheit von gesellschaftlichen, politischen und wirtschaftlichen Systemen wird durch die immer stärker werdenden internationalen Einflüsse und Beziehungen der Wirtschaft zunehmend aufgelöst. Die sogenannte Globalisierung der Wirtschaft begrenzt einerseits die eigenständigen Handlungs – und Gestaltungsmöglichkeiten nationaler Ge-

sellschaften und Politiken und ihre bisher meist gewohnte primäre Orientierung an nationalen Traditionen und Wertvorstellungen. Andererseits stellen die neuen und sich ständig weiter verändernden wirtschaftlichen Wettbewerbsbedingungen die gesellschaftlichen und politischen Kräfte in den Nationalstaaten vor immer neue Anpassungs – und Änderungsherausforderungen. Von diesen Globalisierungseffekten werden dabei praktisch alle Länder zunehmend betroffen. Das gilt gerade auch für die wirtschaftlich bereits fortgeschrittenen sog. Industrieländer. Die bei ihnen – zumeist in langer demokratische Praxis – entwickelten Werte und Strukturen werden heute ebenso mit neuen und vielfach tiefgreifenden wirtschaftlichen Veränderungen konfrontiert, wie das in anderer Weise für die sog. Entwicklungs – und Schwellenländer schon seit längerem geschieht. Das gilt insbesondere für große Teile der bisherigen gesellschaftlichen und staatlichen Sozialsysteme und den damit oft verbundenen sozialen Besitzständen sowie für viele bisherige wirtschaftliche Traditionen und Strukturen. In der globalisierten und sich technologisch teilweise revolutionär verändernden Wirtschaft sind nahezu alle bisherigen nationalen und individuellen Besitzstände einer permanenten neuen Bewährungsprobe ausgesetzt. Nicht nur für die nationalen Wirtschaften, sondern ebenso auch für die nationalen politischen Demokratien ist das eine in dieser Dimension bisher nicht gekannte Herausforderung.

2. Gleichzeitig stellt sich zunehmend die Frage, ob und in welcher Weise auf der internationalen oder gar supranationalen Ebene ein gemeinsames Regelwerk für nationale Grenzen überschreitende Wirtschaftsaktivitäten notwendig ist. Wenngleich z. B. über die Rolle des Staates in der Wirtschaft sowohl in den Industrieländern als auch in den verschiedenen Schwellen- und Entwicklungsländern nach wie vor erhebliche Auffassungsunterschiede bestehen, so hat sich andererseits doch im Laufe der Jahre ein gewisser Konsens darüber entwickelt, daß große Teile der Märkte für ihre Funktionsfähigkeit ein Mindestmaß an gemeinsamen oder vergleichbaren Rechtsgrundlagen sowie Ordnungs-

regeln benötigen. Ohne ein solches, in seiner konkreten Ausgestaltung natürlich außerordentlich Streitiges Mindestmaß an gemeinsamer oder vergleichbarer Rechtsgrundlage und Rahmenordnung kann nicht nur die Entfaltung und Abwicklung der Märkte behindert werden, es können auch leicht – wie insbesondere jüngste Erfahrungen an den Finanzmärkten erneut gezeigt haben – durch sich gegenseitig kumulierende Ansteckungsvorgänge Gefährdungen für das Marktsystem mit krisenhaften Zuspitzungen entstehen. Schon allein von dorther wird auch im internationalen Bereich in den letzten Jahren vermehrt über den Ausbau und die Weiterentwicklung der bisher schon vorherrschenden Ansätze für Mindestregeln und Rahmenvorschriften diskutiert. Damit verbunden ist naturgemäß auch die Frage, wer die hierfür erforderliche fachliche und politische Kompetenz besitzt und wie ein solches Rahmenwerk im konkreten Fall tatsächlich angewandt werden kann. Sowohl bei internationalen Absprachen als erst recht bei der Schaffung bzw. Weiterentwicklung supranationaler Strukturen können jedoch die zwischen den Nationalstaaten vielfach divergierenden demokratischen Wertvorstellungen sowie die jeweiligen nationalen demokratischen Entscheidungssysteme erheblich betroffen werden. Es kann zu einer gewissen Erosion der auf nationaler Ebene demokratisch kontrollierten Kompetenzen kommen, ohne daß dem auf internationaler Ebene entsprechende demokratisch kontrollierte Institutionen und Regelungen gegenüberstehen. Jedenfalls sind im internationalen Bereich bisher die Möglichkeiten für eine demokratische Mitwirkung und demokratische Kontrolle erfahrungsgemäß weit stärker begrenzt als auf der nationalen Ebene.

3. Das Verhältnis von Demokratie und Wirtschaft sowie ihre wechselseitigen Einflüsse und Abhängigkeiten hängen – wie viele empirische Untersuchungen zeigen – auch im erheblichen Maße vom jeweiligen politischen und wirtschaftlichen Entwicklungsstatus der einzelnen Länder ab. Die zunehmende Integration der sog. Schwellenländer in die Weltwirtschaft, die Frage nach der Weiterentwicklung der sog. Entwicklungsländer sowie die marktwirtschaftliche Transformation der

bis Ende der 80er Jahre weitgehend unter kommunistischen Einfluß stehenden sog. Zentralverwaltungswirtschaften unterstreichen die besondere Aktualität dieser Thematik. In nahezu allen Fällen stellt sich die Frage, inwieweit und in welcher Weise die Demokratie für den erwünschten wirtschaftlichen Aufhol – und Transformationsprozess hinderlich oder förderlich ist, wobei natürlich wechselseitige Einflüsse zu beachten sind. Letztlich handelt es sich hierbei vor allem um die stets neue Frage, welche gesellschaftlichen und politischen Strukturen im Hinblick auf die im Lande vorherrschenden politischen und wirtschaftlichen Zielvorstellungen am besten geeignet sind. Die Antwort auf diese Frage kann offenbar auch von der jeweiligen Ausgangslage des Landes und seinen Entwicklungstendenzen abhängen.

4. Besondere Aktualität hat das Thema Demokratie und Wirtschaft auch im Hinblick auf die Gestaltung internationaler oder supranationaler Regel – und Politiksysteme in einzelnen Regionen gewonnen. Ein aktuelles Beispiel ist der gegenwärtige Diskussionsprozeß über die Weiterentwicklung der wirtschaftlichen und politischen Integration in Europa. Alle bisher an der Europäischen Union beteiligten Länder gehören mehr oder minder zur Gruppe der entwickelten Industrieländer mit weitgehend demokratisch orientierten Gesellschaften und demokratisch bestimmten politischen Strukturen. Dennoch sind die gesellschaftlichen Traditionen und Strukturen sowie auch die politischen Entscheidungsstrukturen vor allem aufgrund unterschiedlicher historischer Entwicklungen zwischen den Teilnehmerländern teilweise sehr verschieden. Darüber hinaus ist auch die grundsätzliche Bereitschaft zur Entwicklung gemeinsamer und erst recht gemeinschaftlicher supranationaler Regeln und politischer Strukturen noch immer sehr unterschiedlich, von den unterschiedlichen Vorstellungen über ihre inhaltliche Ausgestaltung ganz abgesehen. Gerade auch bei der weiteren Gestaltung der supranationalen Regeln und Strukturen stellt sich die Frage nach dem Wie und dem Wie-weit der supranationalen Entscheidungsstruktur im besonderen Maße. Nach der Einführung der Gemeinschaftswährung Euro für zunächst elf Länder und der Übertragung der geldpolitischen Entscheidungskompetenz auf die supranationale Ebe-

ne hat das Thema Weiterentwicklung der Integration auch in anderen Bereichen der Politik neue Aktualität gewonnen. Hinzu kommt, daß die eingeleiteten Verhandlungen über eine Erweiterung der europäischen Union durch andere Länder neben wirtschaftlichen Voraussetzungen auch den Status und die Weiterentwicklung der Demokratie in den sog. Beitrittsländern betreffen.

Schon diese wenigen Hinweise verdeutlichen, wie aktuell und vieldimensional das Thema Demokratie und Wirtschaft ist.

II. *Kurze Erläuterung der Begriffe*

Im folgenden sollen einige grundsätzliche Fragen hinsichtlich des Zusammenhangs zwischen demokratischer Staatsordnung und freiheitlicher Wirtschaftsordnung sowie das Verhältnis von politischer Demokratie und dauerhafter wirtschaftlicher Effizienz behandelt werden. Den Ausgangspunkt dafür soll jedoch zunächst eine kurze Erläuterung der hier benutzten Begriffe Demokratie und Wirtschaft bilden.

Die Tatsache, daß Worte wie "Demokratie" und "demokratisch" heute zu den meist genutzten Begriffen in der politischen Alltagspraxis gehören, darf nicht über die offenkundige Mehrdeutigkeit des damit Gemeinten hinweg täuschen.¹ Dies macht schon die Grobeinteilung in einen engeren, primär auf die politische Organisation einer Gesellschaft bezogenen Demokratiebegriff sowie einen weiteren, im wesentlichen die Gestaltung großer Bereiche der Gesellschaft im vor- oder nicht-staatlichen Raum einbeziehenden Demokratiebegriff deutlich.

Demokratie im Sinne der politischen Organisation der Staaten meint vor allem die Herrschaft des Volkes auf der Grundlage von Mehrheitsentscheidungen innerhalb einer verfassungsrechtlich gesicherten rechtsstaatlichen Ordnung, die zugleich möglichst weitgehend persönliche Freiheit und rechtliche Gleichheit sichert. Dabei gibt es grundsätzlich zwei Anwendungsarten des demokratischen Prinzips: Entweder ent-

¹ Die Vieldimensionalität und Unschärfe des Begriffes "Demokratie" ist ja auch schon in den Ausarbeitungen für die Plenar-Sitzung der Akademie im April 1998 sowie in der anschließenden Diskussion deutlich geworden. Vergleiche Proceedings, Vatikan City 1999.

scheidet das Volk selbst weitgehend die politischen Sachfragen (sog. plebiszitäre Demokratie) oder es entscheidet in Wahlen darüber, wer regieren soll (sog. repräsentative Demokratie). Die Praxis kennt natürlich viele Zwischenformen, wobei insbesondere die Partizipation an den politischen Entscheidungen über die Mitwirkung in den für die parlamentarische Mehrheitsbildung wichtigen Parteien, aber auch Gespräche und regelmäßige Kontakte der Abgeordneten mit ihren Wählern oft eine erhebliche Rolle spielen.

Demokratie als generelles Gestaltungsprinzip für die Gesellschaft und ihre verschiedenen Lebensbereiche geht jedoch über den unmittelbaren politischen und staatlichen Kompetenzbereich hinaus. Dieses Prinzip zielt darauf ab, auch im vorstaatlichen Bereich ein Höchstmaß an individueller Freiheit und Mitwirkungsmöglichkeit zu schaffen. Das mit der Demokratie im politischen Kompetenzbereich verbundene Mehrheitsprinzip bei Entscheidungen kann jedoch bei dieser weiteren Interpretation mit dem grundsätzlichen Freiheitspostulat für den Einzelnen, aber auch für die gesellschaftlichen Gruppen in Konflikt geraten. Außerdem kann die weitere Anwendung des demokratischen Prinzips insbesondere in wirtschaftsrelevanten Bereichen auch die dort für besonders notwendig gehaltene Effizienz gefährden, da Mehrheitsvoten den Handlungsraum Einzelner oder von Minoritäten und damit den Wettbewerb einengen können.

Auch der Begriff "Wirtschaft" ist nicht so eindeutig, wie er auf den ersten Blick erscheint. Das gilt insbesondere für die Abgrenzung des Bereichs Wirtschaft; es gilt aber in gewisser Weise auch für die Definition ihrer Zielsetzung.

Ausgangspunkt wirtschaftlicher Tätigkeit ist zwar stets die Knappheit von Gütern und Leistungen, gemessen an den Bedürfnissen der Menschen. Diese wirtschaftliche Knappheit soll durch (Mehr-) Produktion von Gütern und Leistungen sowie deren nachfrageorientierte Verwendung möglichst effizient reduziert bzw. überwunden werden. Insofern kann der Begriff Wirtschaft letztlich alle Tätigkeitsbereiche umfassen, die sich mit der Befriedigung von menschlichen und auch gesellschaftlichen Bedürfnissen materieller und auch immaterieller Natur befassen. Das Kriterium der Ef-

fizienz ist dabei jedoch stets von besonderer Bedeutung. Eine genaue Abgrenzung des Generalbegriffes Wirtschaft gegenüber anderen menschlichen Tätigkeitsbereichen ist allerdings kaum möglich.

In der arbeitsteiligen Welt von heute und morgen ist jedoch die Form des Mit-einanders der am Wirtschaftsprozess Beteiligten, also das geltende oder zumindest vorherrschende Wirtschaftssystem sowohl im Hinblick auf das demokratische Freiheitspostulat als auch für die nachhaltige Effizienz der Wirtschaft von zentraler Bedeutung. Die in der heutigen Welt vorzufindenden Wirtschaftssysteme unterscheiden sich zwar alle deutlich von den beiden idealtypischen Extremformen der absolut freien Marktwirtschaft und der im vollen Umfange zentralgeleiteten Wirtschaft. Spätestens seit Beginn der 80er Jahre ist jedoch weltweit ein mehr oder minder starker Trend in Richtung Marktwirtschaft erkennbar. Neben dem Vordringen der Demokratie und der verstärkten Öffnung der Grenzen spielen dabei offenkundig auch Veränderungen im Wirtschaftsprozess selbst sowie die damit verbundenen Effizienzerfahrungen eine entscheidende Rolle.

III. *Das Verhältnis von Demokratie und Wirtschaft sowie seine Bedeutung für die Effizienz des Systems*

Das Verhältnis von Demokratie und Wirtschaft betrifft vor allem die Systemfrage, und zwar sowohl das innerhalb des jeweiligen Bereichs geltende System als auch das Miteinander und die wechselseitige Beeinflussung beider Systeme.

Orientierungsmaßstäbe für die Bewertung des Gesamtsystems müssen dabei einerseits die nachhaltige Realisierung demokratischer Grundwerte wie personale Freiheit, rechtliche Gleichheit und menschliche Solidarität sowie andererseits die Sicherung und Förderung der für die Wohlfahrt des Einzelnen und der Gesellschaft dauerhaft erforderlichen ökonomischen Effizienz sein.

Aus wirtschaftlicher Sicht steht damit im Mittelpunkt des Themas die Frage nach dem geeigneten Koordinationsprinzip für die Wirtschaft selbst sowie die Abgrenzung zum politischen/staatlichen Bereich und

insbesondere auch die Art der Wahrnehmung der dort anfallenden, die Wirtschaft betreffenden Aufgaben.

Nach den Erfahrungen mit zentralverwaltungswirtschaftlich dominierten Systemen sowohl kommunistischer als auch faschistischer Provenienz wird heute weltweit weitgehend anerkannt, daß wirtschaftliche Koordinierungsprozesse im allgemeinen am effizientesten über den Markt und die sich dort vollziehende wettbewerbliche Preisbildung wahrgenommen werden, und daß der Marktwettbewerb zugleich dem Postulat der personalen Freiheit am ehesten entspricht. Dabei besteht allerdings auch ein hohes Maß an Übereinstimmung darüber, daß der Staat grundsätzlich für ein Mindestmaß an rechtlichen Rahmenbedingungen zur Sicherung der dauerhaften Funktionsfähigkeit des marktwirtschaftlichen Wettbewerbs und zur Sicherstellung eines Mindestmaßes an Solidarität im Sinne des sozialen Ausgleichs und der Nachhaltigkeit der Umweltbedingungen sorgen muß. Über das genaue Ausmaß der staatlichen Aktivitäten und insbesondere über die Art und Weise ihrer Wahrnehmung gibt es allerdings erhebliche Meinungsunterschiede. Bei der Bewertung im einzelnen spielen dabei neben unterschiedlichen Effizienzerfahrungen nicht zuletzt auch die in den jeweiligen Nationen und Gesellschaften vorherrschenden Traditionen und Bewertungen der Wohlfahrtskriterien eine wichtige Rolle.

Von besonderer Bedeutung für die nachhaltige Funktionsfähigkeit des marktwirtschaftlichen Systems ist die Verlässlichkeit und Kalkulierbarkeit der sog. staatlichen Rahmenbedingungen. Das gilt im besonderen Maße für das wirtschaftsrelevante Recht; es gilt aber auch für die sonstigen staatlichen Interventionen, von der Gestaltung der öffentlichen Budgets bis hin zu den wirtschaftlichen Eigenaktivitäten des Staates und den von ihm gesteuerten oder beeinflussten Institutionen. Unvorhersehbare Veränderungen und ständige ad-hoc-Interventionen des Staates bzw. der öffentlichen Hand können die Effizienz des marktwirtschaftlichen Koordinierungsprozesses außerordentlich schwächen. Die ohnehin am Markt vorhandenen "natürlichen" Unsicherheiten hinsichtlich des Verhaltens der Wettbewerber auf der Angebots- und Nachfrageseite, der Entwicklung der Finanzierungsbedingungen usw. kön-

nen nämlich durch unvorhergesehene staatliche Aktivitäten erheblich vergrößert werden. Übermäßige Unsicherheiten können die wirtschaftliche Effizienz jedoch stark belasten. Sie erschweren insbesondere längerfristig orientierte Investitionen, die für die Entwicklung des künftigen Produktionspotentials und damit auch für die Entwicklung von Wachstum und Beschäftigung von großer Bedeutung sind.

Mindestens ebenso wichtig wie das Ausmaß bzw. die Begrenzung der staatlichen Aktivitäten ist deshalb das konkrete Wie ihrer Gestaltung. Genau hier liegt jedoch ein potentielles Spannungsfeld mit dem nach demokratischen Prinzipien operierenden Staatsbereich, wengleich die Erfahrungen je nach der Tradition und der Verfassung des jeweiligen Landes unterschiedlich sind.² Entscheidungen, die von Trägern zeitlich befristeter Mandate nach dem Mehrheitsprinzip getroffen werden, unterliegen erfahrungsgemäß einer relativ großen Variabilität und Unsicherheit. Mehrheitsentscheidungen werden nicht nur durch die Ergebnisse von Wahlen und den daraus resultierenden Veränderungen der Mehrheitsverhältnisse sondern im gewissen Umfang auch von Bewegungen in dem jeweils vorherrschenden öffentlichen Meinungsbild bestimmt. Das kann – vor allem in Vorwahlzeiten – leicht zu relativ kurzsichtigen Entscheidungen mit Begünstigungseffekten für einzelne Wählergruppen führen, die längerfristige ökonomische Wirkungen nicht selten vernachlässigen. Die Tatsache, daß die Begünstigten meist eindeutig zu definieren, die letztlich Belasteten dagegen zumindest kurzfristig kaum genau auszumachen sind, macht solche Entscheidungen in Demokratien unter wahlpolitischen Aspekten oft besonders attraktiv. Gerade der selbst in entwickelten politischen Demokratien nicht selten anzutreffenden Hang zu populistischem Nachgeben oder Draufgeben in Vorwahlzeiten kann ökonomische Entscheidungen, deren Wirkungen meist über die jeweiligen demokratischen Wahlperioden hinausgehen, erheblich belasten. Hinzu kommt, daß solche politischen Entscheidungen nicht selten später wegen ihrer negativen ökonomischen Effekte Korrekturen

² Die nachfolgenden Darlegungen sind insbesondere bezogen auf kontinental-europäische Erfahrungen in einigen größeren Ländern.

erforderlich machen, bei denen sich erfahrungs-gemäß politische Demokratien besonders schwer tun. Insbesondere dann, wenn durch frühere Entscheidungen geförderte oder geschützte Besitzstände für einzelne Gruppen entstanden sind, erweisen sich oft Korrekturen und erst recht grundlegenden Reformen nur schwer als durchsetzbar.

Diese Hinweise auf mögliche Spannungsfelder zwischen den Anforderungen des marktwirtschaftlichen Systems an den staatlichen Bereich und ihre oft unvollkommene Erfüllung im demokratischen Politiksystem markieren allerdings nur die eine Seite des Verhältnisses zwischen Marktwirtschaft und Demokratie. Dem steht gegenüber, daß Marktwirtschaft und politische Demokratie vor allem in der besonderen Betonung der Freiheit für den Einzelnen und für die Gesellschaft ein hohes Maß an Gemeinsamkeit und Komplementarität haben. In der öffentlichen Diskussion wird deswegen auch nicht selten von miteinander verbundenen Zwillingen gesprochen, deren Interdependenz nicht unterschätzt werden dürfe.

IV. Das Verhältnis von Demokratie und Wirtschaft in der wirtschaftswissenschaftlichen Diskussion

In der wirtschaftswissenschaftlichen Diskussion wird das Verhältnis zwischen Demokratie und Wirtschaft schon seit langem mit unterschiedlichen Ansätzen und Bewertungsmethoden behandelt.

Nachstehend sollen drei unterschiedliche Ansätze und Thesen kurz dargestellt werden:

1. Die ordoliberalen Interdependenzthese

Insbesondere die sogenannte ordoliberale Schule, die nach dem 2. Weltkrieg vor allem die deutsche wirtschaftspolitische Praxis unter Ludwig Erhard sowie das von ihm vertretene Ordnungskonzept der "Sozialen Marktwirtschaft" beeinflusst hat, betonte stets die These von der prinzipiellen Interdependenz der Teilordnungen für das freiheitli-

che politische und wirtschaftliche System und entwickelte daraus die Forderung nach einer weitgehenden Konformität von wirtschaftlicher und politischer Ordnung. Aufbauend insbesondere auf wissenschaftliche Arbeiten von Eucken, Müller-Armack, Röpke und Rüstow formulierte der politische Ökonom Ludwig Erhard: "Demokratie und freie Wirtschaft gehören logisch ebenso zusammen wie Diktatur und Staatswirtschaft."³ Die wirtschaftlichen Grundrechte der Konsumfreiheit und der Freiheit der wirtschaftlichen Betätigung müssen nach ordoliberalem Verständnis Kernbestandteil einer demokratischen Ordnung sein.

Diese Interdependenz von freiheitlicher Wirtschaft und politischer Demokratie wurde jedoch in den vierziger und fünfziger Jahren vor allem als Postulat und weniger als empirisch gegründete Feststellung der Realität formuliert. Der Wiener Ökonom Erich Streißler vertritt dagegen in jüngerer Zeit – gerade auch im Lichte der Realität – eine differenziertere Position. Er spricht einerseits von einer weitgehenden Kongruenz von Marktwirtschaft und politischer Demokratie (und zwar unter Berufung auf die schon 1776 formulierte These von Adam Smith von dem "obvious and simple System of natural liberty" und auch auf die demokratischen Prinzipien der französischen Revolution "Freiheit, Gleichheit, Brüderlichkeit – oder moderner formuliert: Solidarität"). Andererseits weist er aber auch auf die teilweise Gegensätzlichkeit von Marktwirtschaft und Demokratie hin.⁴ Die Gegensätzlichkeit sieht er vor allem in der unterschiedlichen Gewichtung des Postulats von Freiheit und Solidarität in der freiheitlichen parlamentarischen Demokratie einerseits und im marktwirtschaftlichen System andererseits.

Diese unterschiedliche Gewichtung ist ja wohl auch der Grund dafür, daß klassische Liberale wie von Hayeck, Friedman oder Buchanan Protagonisten der Marktwirtschaft als freier Unternehmerwirtschaft sind, zugleich aber der parlamentarischen Demokratie in vielerlei Hinsicht kritisch oder skeptisch gegenüberstehen. Die in Deutschland entwik-

³ Ludwig Erhard, *Wohlstand für alle*, Düsseldorf-Berlin 1957, Seite 14

⁴ Erich Streißler, *Soziale Marktwirtschaft und parlamentarische Demokratie* (Symposium der Ludwig Erhard-Stiftung) Stuttgart-New York 1990, S.9 ff.

kelte sogenannte “Soziale Marktwirtschaft” mit ihrem wettbewerbsmäßigen und sozialen Sicherungen und Ergänzungen im Rahmen einer klaren rechtsstaatlichen Ordnung wird von Streißler als ein Kompromiß zwischen parlamentarischen Demokratie und Marktwirtschaft im Sinne der Unternehmerwirtschaft bezeichnet. Dieser Kompromiß zeigt allerdings in der Realität inzwischen – und zwar nicht nur in Deutschland – deutliche Schwächen. Der vor allem durch die parlamentarische Demokratie großzügig ausgebaute Sozialstaat hat offenbar das Anreiz- und Steuerungssystem der Marktwirtschaft zumindest teilweise geschwächt und viele rechtliche bzw. faktische Besitzstände geschaffen, die sich einer Anpassung an neue ökonomische Verhältnisse hartnäckig widersetzen, obgleich insbesondere die Globalisierung der Wirtschaft, aber auch technologische Neuerungen sowie Verschiebungen in den internen Angebots – und Nachfragestrukturen in einer Reihe von Bereichen Veränderungen außerordentlich dringend machen. Das Ergebnis ist eine Rigidisierung und Überlastung großer Teile der (ohnehin durch die Transformationsaufgaben in Ostdeutschland stark belasteten) deutschen Volkswirtschaft, was zu relativ niedrigen gesamtwirtschaftlichen Wachstumsraten, einer relativ hohen strukturellen Arbeitslosigkeit sowie zu zunehmenden Schwierigkeiten bei der Finanzierung der Sozialsysteme geführt hat. Diese Entwicklung in Deutschland, aber auch in einigen anderen kontinental-europäischen Ländern zeigt, daß bei aller abstrakten Richtigkeit des Interdependenzpostulates in der Alltagsrealität sehr wohl Konfliktfelder oder Widersprüchlichkeiten entstehen können. Zwar gibt es in anderen demokratischen Ländern Europas – neben ähnlichen Erfahrungen wie in Deutschland – auch günstigere Entwicklungen. Aber auch dort zeigt sich allzuoft ein deutliches Spannungsfeld zwischen den mit der Wirtschaftsdynamik zusammenhängenden Anpassungs- und Veränderungserfordernissen einerseits und der offenbar begrenzten Reformfähigkeit der politischen Demokratie. Die jüngsten Erfahrungsunterschiede zwischen den Ländern zeigen aber auch, daß das Ausmaß der Reformfähigkeit einer parlamentarischen Demokratie wesentlich von ihrer konkreten Ausgestaltung sowie in ihr handelnden Parteien und Personen abhängt.

2. Tendenziell skeptische Positionen in der amerikanischen politischen Ökonomiewissenschaft

Anthony Downs hat schon in den 50er Jahren darauf hingewiesen, daß es – trotz der außerordentlichen Bedeutung von Regierungsentscheidungen für alle Bereiche des wirtschaftlichen Lebens – den Ökonomen bis dahin nicht gelungen sei, staatliche und private Entscheidungsträger in einer allgemeinen Gleichgewichtstheorie zu integrieren.⁵ Die meisten amerikanischen Wohlfahrtsökonomien und viele Theoretiker der öffentlichen Finanzwirtschaft hätten offenbar stets implizit angenommen, die "eigentliche" Funktion der Regierung bestehe darin, die soziale Wohlfahrt zu maximieren. Kenneth Arrows Feststellung, daß möglicherweise keine rationale Methode zur Maximierung der sozialen Wohlfahrt gefunden werden könne, es sei denn man beschränke die Präferenzordnungen der Individuen gewaltsam⁶, habe jedoch bereits Anfang der fünfziger Jahre die Komplexität dieser Annahme gezeigt. Aufgrund einer eingehenden Analyse des Verhaltens der politischen Parteien kommt Anthony Downs dann zu folgendem Schluß: "Als Ergebnis kann man festhalten, daß politische Systeme in der Demokratie gezwungen sind, mit weniger als maximaler Effizienz zu regieren. Die Regierung dient den Interessen der Mehrheit nicht so gut, wie sie es tun würde, wenn die Mehrheit gut informiert wäre. Das wird jedoch niemals der Fall sein. Sich gut zu informieren, erweist sich kollektiv zwar als rational, individuell jedoch als irrational. Fehlt ein Mechanismus zur Sicherung gemeinsamen Handelns, dann überwiegt die individuelle Rationalität."

In der amerikanischen Public-Choice-Literatur und der neuen Institutionenökonomik ist die Skepsis vor allem im Hinblick auf die ökonomische Effizienz demokratischer politischer Entscheidungen eher noch größer. Vor allem James M. Buchanan, Gordon Tullock⁷, aber

⁵ Anthony Downs, *An Economic Theory of Political Action in a Democracy*, *The Journal of Political Economy* (University of Chicago Press, Vol. LXV (1957) p. 135 ff.

⁶ Kenneth Arrow, *Social Choice And Individual Values*, New York 1951.

⁷ J. M. Buchanan/G. Tullock, *The Calculus Of Consent*, The University of Michigan Press, 1962, p. 84

auch andere Autoren äußern immer wieder Zweifel, ob “Entscheidungsfindungsregeln, die traditionell sehr eng mit Demokratietheorien in Zusammenhang gebracht werden”, bei wirtschaftsrelevanten staatlichen Entscheidungen nützlich oder angemessen sind. Eine Reihe von Autoren halten zumindest Schutz – und Abwehrmechanismen sowie dazu passende politische Regeln und institutionelle Arrangements für erforderlich, um den nach ihrer Meinung freiheitsbeschränkenden und wohlstandsbeschränkenden Tendenzen der heutigen Demokratie westlicher Prägung einen festen Riegel vorzuschieben. In diesem Zusammenhang werden insbesondere vielfach explizitere Verfassungsregeln zur Beschränkung der staatlichen Aktivitäten gefordert.

3. Einige Ergebnisse aus dem Bereich der neueren Wachstumsforschung

In der neuen wachstumstheoretischen Forschung gibt es eine Reihe von Studien, die sich – meist gestützt auf ökonometrische Methoden – insbesondere mit der empirischen Frage nach dem Zusammenhang zwischen der Demokratie und dem ökonomischen Wachstum aufgrund verschiedener länderbezogener Analysen befassen. Zwar kranken fast alle diese Analysen an der jeweils begrenzten Aussagekraft der zugrunde gelegten ökonomischen und politischen Daten – was insbesondere ihre Vergleichbarkeit beeinträchtigt –, doch dürfen ihre Ergebnisse nicht unterschätzt werden.

Schon zu Beginn der 80er Jahre hatte Erich Weede vom Forschungsinstitut für Soziologie der Universität Köln sich in einer mehrere Ländergruppen umfassenden vergleichenden Analyse von Daten der Weltbank mit dem Einfluß der Demokratie auf das Wirtschaftswachstum befaßt. Die Konklusion seiner Analyse hat er damals wie folgt zusammengefaßt: “If there is an incompatibility of goals, it is not between democracy and economic growth, as has so often been suggested in the literature. Instead, there might be a higher-order trade-off. If we want

to avoid the incompatibility of democracy and economic growth, we should rather limit government interference or (mis)management of the economy.”⁸

In den 90er Jahren hat Robert J. Barro (Harvard University) in einer vergleichenden Analyse die verschiedenen bis dahin in der Ökonomiewissenschaft vertretenen Thesen zum Thema Demokratie und Wirtschaft erneut aufgegriffen und sie durch eine eigene ökonometrische Analysen insbesondere im Hinblick auf die Frage ergänzt, ob für die wirtschaftliche Entwicklung der Entwicklungsländer ein Export demokratischer Institutionen aus den entwickelten westlichen Industrieländern in diese Länder wünschenswert sei. Sein Ergebnis am Schluß der Studie faßt er wie folgt zusammen:” The first lesson is that more democracy is not the key to economic growth, also it may have a weak positive effect for countries that start with few political rights. The second message is that political freedom tend to erode over time if they get out of line with country’s standard of living. The more general conclusion is that the advanced western countries would contribute more to the welfare of poor nations by exporting their economic Systems, notably property rights and free markets, rather than their political Systems, which typically developed after reasonable Standards of living had been attend.”⁹ Er bestätigt damit zumindest teilweise die schon 1959 von Seymour Martin Lipset¹⁰, entwickelte Hypothese, daß wirtschaftliche Prosperität die Demokratie fördert, während der umgekehrte Kausalzusammenhang zumindest umstritten ist.

Politikwissenschaftler scheinen hier jedoch bisweilen positivere Positionen zu vertreten als die meisten Ökonomen. So kommt Donald Wittman (University of California) in seiner Untersuchung “Why democracies produce the efficient results” zu der Wahrscheinlichkeits-

⁸ Erich Weede, *The Impact of Democracy on Economic Growth: Some evidence from Cross-National-analysis*, *Kyklos*, Vol. 36 (1983) p. 36

⁹ Robert J. Barro, *Democracy and Growth*, in: *Journal of Economic Growth* (March) 1996, p. 24.

¹⁰ Seymour Martin Lipset, *Some social requisites of democracy: Economic, Development and Political Legitimacy*, in: *American Political Science Review* 53 (1959), p. 69-105.

prognose “democratic governments will allocate to the economic markets those task in which the economic market is most efficient.”¹¹ Und den Ökonomen wirft er vor, zwar die Fehler der political markets hervorzuheben, die Irrtümer oder gelegentlichen pathologischen Verhaltensweisen an den ökonomischen Märkten jedoch nicht kritisch genug zu sehen.

In jüngster Zeit hat J. Benson Durharn (Columbia University) sich – ausgehend von der Frage: *Do dictatorships or democracies better promote economic growth?* –¹² in einer empirischen Studie auf der Grundlage von Daten für 105 Länder, eingehend mit dem generellen Thema “Economic Growth and Political Regimes” befaßt. Die Ergebnisse zeigen dabei ein sehr differenziertes Bild, das kaum honhsete Schlußfolgerungen zuläßt. In der Gesamtstudie zeigt sich nämlich kaum eine Korrelation zwischen den unterschiedlichen politischen Regimen einerseits sowie dem Wirtschaftswachstum und den Investitionen andererseits. “But considering develop-ments levels, some evidence indicates that discretion decreases growth in advanced areas, and, contrary to theory, inhibits invest-ment in poorer countries. Also, single party dictatorships have higher investment issues but do not grow faster than party-less regimes.” So unterschiedlich die Forschungsansätze und Methoden im einzelnen auch sind, und so fragwürdig das statistische Datenbild insbesondere in diktatorischen Regimen auch sein mag¹³, so deuten doch die meisten Ergebnisse darauf hin, daß es zwar mit hoher Wahrscheinlichkeit einen Zusammenhang zwischen Demokratie und wirtschaftlichen Ergebnissen gibt. Dieser Zusammenhang ist aber alles andere als eindeutig. Sowohl die Richtung als auch

¹¹ Donald Wittmann, *Why democracy produce efficient results in: Journal of Political Economy*, 1989, Vol. 97, no6, p. 1421

¹² J. Benson Durham, *Economic Growth and Political Regimes*, in: *Journal of Economic Growth* 4, 1999, Boston, pp. 82-111

¹³ Die Verhandlungen über die Deutsche Wiedervereinigung, an denen der Verfasser dieses Papiers unmittelbar beteiligt war, haben beispielsweise gezeigt, wie wenig aussagekräftig und zutreffend die Statistiken in dem lange kommunistisch behensekten Ostdeutschland waren. Insbesondere die ökonomischen Statistikdaten waren nahezu alle deutlich, zum Teil sogar extrem überhöht.

die Intensität des Zusammenhangs ist jedoch in vielen Fällen sehr unterschiedlich. Ein positiver Zusammenhang hängt offenkundig wesentlich vor allem davon ab, wieviel Freiraum die Politik der Wirtschaft läßt, welchen Rechtsrahmen die Demokratie für die Wirtschaft schafft, wie stabil und dauerhaft das jeweilige demokratische Regime ist und wie transparent es seine Kompetenzen gegenüber der Wirtschaft wahrnimmt. Je mehr der demokratische Staat sich auf die Sicherung der Rechtstaatlichkeit, die Abwehr von wettbewerbsbehindernden Kräften sowie die Sicherung von rechtlichen und sozialen Rahmenbedingungen beschränkt, um so besser sind tendenziell die gesamtwirtschaftlichen Ergebnisse. Darüber hinaus spielt offensichtlich auch der unterschiedliche wirtschaftliche und politische Entwicklungsstand der Länder für die wechselseitige Beeinflussung eine wichtige Rolle. Die Entwicklungsländer benötigen für die Entwicklung ihrer Wirtschaften in besonderem Maße einen möglichst stabilen rechtsstaatlichen Rahmen.

V. *Einige Schlußfolgerungen*

Die bisherigen Darlegungen von verschiedenen Hypothesen, Thesen und Untersuchungsergebnissen machen deutlich, daß der Zusammenhang zwischen Demokratie und Wirtschaft alles andere als eindeutig ist. Weder ist die Intensität des Zusammenhangs überall gleich, noch sind die Kausalitäten generell vergleichbar. Der Zusammenhang ist offenbar von Land zu Land je nach Tradition, Struktur und wirtschaftlichem wie politischem Entwicklungsstand unterschiedlich.

Dennoch soll abschließend versucht werden, einige zusammenfassende Bewertungen vorzunehmen und einige Schlußfolgerungen zu ziehen, die insbesondere auch auf persönlichen Erfahrungen beruhen:

1. Das vor allem auf den Grundwerten der Freiheit und Gleichheit beruhende System der politischen Demokratie findet seine natürliche Entsprechung in einem Wirtschaftssystem, das auf möglichst weitgehende individuelle Freiheit im Sinne der freien wirtschaftlichen Be-

tätigung und der Konsumfreiheit für alle aufbaut. Zwischen der Demokratie und der auf Freiheit und Wettbewerb basierenden Marktwirtschaft besteht damit eine weitgehende Interdependenz, ja teilweise sogar Kongruenz.

Beide Bereiche brauchen jedoch eine rechtsstaatliche Rahmenordnung, die grundsätzlich alle Betroffenen gleich behandelt und die vor allem in ihrem Kernbereich auch dauerhaft wirksam sein muß. Für den Bereich der Wirtschaft muß diese Rahmenordnung einerseits die Mindestvorschriften für die Erhaltung des marktwirtschaftlichen Systems und seiner Effizienz festlegen, andererseits muß sie vor allem im Hinblick auf das Gleichheitspostulat auch soziale Mindestregeln und Schutzvorschriften festlegen, die jedoch die Effizienz des Wirtschaftssystems auf Dauer nicht gefährden dürfen.

Die in der Mehrheitsregel der politischen Demokratie liegende Freiheitsbeschränkung für Minderheiten darf jedoch im Marktgeschehen selbst grundsätzlich nicht angewandt werden, was allerdings Gruppenbildungen und Kooperationen in der Wirtschaft sowohl auf der Produzenten- als auch der Konsumentenseite solange nicht ausschließt, solange dies nicht zu nachhaltigen Wettbewerbsbeschränkungen führt. Die in der Demokratie durch die Wahl mit zeitlicher Mandatsbeschränkung und durch Mehrheitsentscheidungen zustande kommende Machtbegrenzung erfolgt in der Marktwirtschaft durch freien Marktzugang, Wettbewerb und freie Marktpreisbildung. Etwaigen wettbewerbsbeschränkenden Tendenzen im Marktprozeß selbst muß die staatliche Rahmenordnung jedoch durch Anwendung klarer Regeln Grenzen setzen. Das gilt auch für die Sicherung des von der Mehrheit der Wahlbevölkerung für erforderlich gehaltenen Mindestbestandes an Einkommenskorrekturen und Solidarhilfen, wobei allerdings sorgfältig darauf zu achten ist, daß die erforderlichen Incentives für die eigendynamischen Innovationskräfte in der Gesamtwirtschaft nicht gefährdet werden. Maßgebendes Kriterium für staatliche Interventionen sollte ihre sogenannte Ordnungskonformität mildem marktwirtschaftlichen System sein.

2. Diese positive Interdependenz bzw. Kongruenz und Ergänzung kann sich jedoch zu einer Antagonie entwickeln, wenn das demokrati-

sche Politiksystem sich nicht in der Lage erweist, eine klare Rechtsordnung mit den notwendigen Freiheitsräumen zu schaffen und sie dauerhaft zu sichern. Für die Dynamik und Effizienz der Wirtschaft ist kaum etwas gefährlicher als permanente Unsicherheit hinsichtlich den rechtlichen und politischen Rahmenbedingungen. Das marktwirtschaftliche System braucht für seine Funktionsfähigkeit sowie die damit zu erzielende wirtschaftliche Effizienz bei der Bedürfnisbefriedigung eine politische und staatliche Ordnung, die einerseits eine klare Rahmenordnung für die Wirtschaft setzt und für ihre tatsächliche Anwendung sorgt (sog. starker Staat), die aber andererseits auch dem Marktgeschehen genügend Freiraum gibt und staatliche Interventionen auf ihre nachhaltige Ordnungskonformität begrenzt (sog. sich selbst limitierender Staat).

Die genauen Abgrenzungen der Kompetenzbereiche können dabei je nach Tradition und Kultur im einzelnen differieren, wie auch die historischen Erfahrungen in unterschiedlichen Ländern und Ländergruppen zeigen. Entscheidend ist jedoch, daß die interne und externe Wettbewerbsfähigkeit der jeweiligen Ökonomie nicht gefährdet wird. Im Umfeld der auch künftig fortschreitenden Globalisierung großer Bereiche des Wirtschaftsgeschehens ist die nachhaltige Wettbewerbsfähigkeit für die künftige Wirtschafts – und Wohlstandsentwicklung aller Länder und Ländergruppen von zentraler und wachsender Bedeutung.

3. Die politischen Demokratiesysteme in den sog. entwickelten Industrieländern haben zwar zumeist relativ stabile, sowohl verfassungsmäßig als auch durch entsprechende Staatspraxis abgesicherte politische und rechtliche Rahmenordnungen für die Wirtschaft in ihren Staatsgebieten. Auch die Wirtschaft dieser Länder ist jedoch vielfach besonders mit zwei Herausforderungen konfrontiert:

Einerseits trifft sie mit ihrer wachsenden Aktivität außerhalb des eigenen Landes zunehmend auf verschiedenartige Rechts – und Politiksysteme, die zwar oft die wirtschaftliche Alltagspraxis erschweren, aber nicht selten auch neue Möglichkeiten zur (Aus)Nutzung dieser

Unterschiede geben. Dies kann sich wettbewerbs- und damit letztlich wohlförderungsfördernd auswirken; es kann aber auch zu problematischen Wettbewerbsverzerrungen auf einzelnen Märkten bis hin zu Gefährdungen für die Funktionsfähigkeit des internationalen Systems führen. Bei allem Wettbewerb auch der Politiksysteme stellt sich deshalb im internationalen Bereich zunehmend die Frage nach internationalen Mindestregeln und die Art ihrer konkreten Durchsetzung. Eine Klärung dieser Thematik ist nicht nur für die Funktionsfähigkeit des künftigen internationalen Wirtschaftssystems zunehmend von Bedeutung. Angesichts der bisherigen begrenzten demokratischen Mitwirkungsmöglichkeiten im Bereich internationaler oder regionaler Organisationen stellt dies auch die demokratischen politischen Systeme in den einzelnen Ländern – nicht nur in den Industrieländern – vor neue Herausforderungen. Zumindest tut sich hier ein potentiell Spannungsfeld auf, für das sich bisher noch keine überzeugenden Lösungen abzeichnen.

Andererseits stellen aber auch die zunehmend sowohl in der eigenen Wirtschaft als auch in der eigenen Gesellschaft wirksamen Veränderungen die politische Demokratie vor neue Herausforderungen. Der sich verschärfende Wettbewerb, Veränderungen in der demographischen Struktur und in den Verhaltensweisen der Menschen fordern in vielen Bereichen, für die das politische Demokratiesystem zuständig ist, wie z. B. im Steuerrecht und der Budgetgestaltung, bei den sozialen Umverteilungs- und Sicherungssystemen und vor allem auch im Bildungswesen, vielfach tiefgreifende Reformen. Solche Reformen, bei denen es nicht selten um die Korrektur von sog. sozialen Besitzständen geht, sind in demokratischen Systemen erfahrungsgemäß nur schwer durchsetzbar. Demokratische Wahlen, parlamentarische Mehrheitserfordernisse und politische Mandate auf Zeit verzögern nicht selten die Realisierung notwendiger Korrekturen und Reformen. Zumindest zeigt sich hier ein Spannungsfeld, das auf Dauer die Funktionsfähigkeit der Wirtschaft und damit auch der Demokratie in einzelnen Ländern gefährden kann.

4. Die vor allem in "jungen" Demokratien oft zu findende politische Instabilität belastet nicht selten die wirtschaftliche Entwicklung insbesondere in den sog. Entwicklungs- und Transformationsländern.

Gerade in diesen Ländern braucht die Wirtschaft im besonderen Maße stabile und dauerhaft wettbewerbsorientierte rechtliche und politische Rahmenbedingungen, um die für den wirtschaftlichen Aufholprozeß notwendige Dynamik entfalten zu können. Das ist besonders wichtig für Auslandsinvestitionen, auf die diese Länder so sehr angewiesen sind. Die politischen Demokratiesysteme haben in diesen Ländern jedoch häufig noch keine etablierten Traditionen und sind nicht selten im besonderen Maße instabil.

Einerseits können politische Demokratie und freiheitliche Wirtschaft sich beim Entwicklungs- und Transformationsprozeß wechselseitig unterstützen und verstärken. Andererseits ist die Demokratie ohne den Rückhalt einer etablierten Tradition bei der Schaffung neuer, verlässlicher rechtlicher und politischer Rahmenbedingungen für den wirtschaftlichen Entscheidungsprozeß leicht überfordert. Dieses besondere Spannungsverhältnis hat gerade auch bei Ökonomen nicht selten zu der Schlußfolgerung geführt, zumindest der wirtschaftliche Übergangs- und Entwicklungsprozeß könne durch weniger demokratische Systeme besser gefördert werden als durch den sofortigen Übergang zur vollentwickelten Demokratie. Bei einer solchen Schlußfolgerung ist jedoch Vorsicht geboten. Abgesehen davon, daß es fraglich ist, ob der Demokratisierungsprozeß in einem Land tatsächlich über eine längere Zeit progressiv realisiert werden kann, sollte das Konfliktpotential, das in einem Abkoppeln zwischen dem Aufbau des marktwirtschaftlichen und des politisch-demokratischen Systems liegt, nicht unterschätzt werden. Wirtschaftliche Entwicklungsprozesse, die auf einem möglichst großen Maß an wirtschaftlicher Freiheit basieren, drängen erfahrungsgemäß auch auf politische Demokratisierung, wenngleich die Stärke dieses Druckes sicher auch von den unterschiedlichen Traditionen und Wertvorstellungen in den betreffenden Ländern oder Ländergruppen beeinflusst wird. Auf Dauer erweist sich jedoch wirtschaftliche Freiheit kaum als von der politischen Freiheit teilbar.

5. Insgesamt ist eine allgemein gültige Antwort auf die Frage nach dem optimalen Verhältnis zwischen Demokratie und Wirtschaft wohl nicht möglich. Die Antwort dürfte vor allem abhängen von den jewei-

ligen historischen Erfahrung und den vorherrschenden Wertvorstellungen, dem jeweiligen wirtschaftlichen und politischen Entwicklungsstand und nicht zuletzt von dem Verhalten der führenden politischen Verantwortungsträger selbst. Politische Führung verlangt gerade auch in der Demokratie eine verantwortungsethische Orientierung, die den längerfristigen Sachgesetzmäßigkeiten der Wirtschaft angemessen Rechnung trägt. Es mag sein, daß in bestimmten Situationen nur der Benign Dictator die vermeintlich besten Bedingungen für den wirtschaftlichen Entwicklungsprozeß schaffen kann. Vor allem im Hinblick auf die Wahrscheinlichkeit als auch die Dauerhaftigkeit der jeweils besten Entscheidung ist das jedoch zunehmend zweifelhaft, von der eigenständigen Werthaftigkeit der politischen Demokratie ganz abgesehen. Das oft zitierte Urteil von Sir Winston Churchill, wonach die Demokratie zwar die schlechteste aller Regierungsformen sei, es eine bessere jedoch auch nicht gebe, enthält jedenfalls viel Erfahrungsweisheit.

Gewiß, der Auf- und Ausbau der Demokratie ist und bleibt immer auch ein Prozeß des trial and error, der auf ständiges Lernen und Innovationsbereitschaft setzt. Insbesondere erfordert er auch eine breit angelegte Erziehung zum verantwortungsbewußten demokratischen Verhalten der Wähler, der Parteien und der Amtsträger. Eine dauerhafte Alternative zur Demokratie ist jedoch weder aus politischen noch aus wirtschaftlichen Erwägungen erkennbar und sinnvoll.

Umgekehrt ist allerdings für die Demokratie in Anbetracht der grundsätzlichen Unteilbarkeit der Freiheit und Gleichheit sowie der notwendigen wirtschaftlichen Effizienz im Sinne einer nachhaltigen Wohlfahrtssteigerung und eines hohen Beschäftigungsstandes auch keine Alternative zum freiheitlichen marktwirtschaftlichen System mit einer politisch und rechtlich gesicherten Rahmenordnung erkennbar und sinnvoll. Das gilt insbesondere auch in der zunehmend global orientierten Wirtschaftswelt. Die Gefahr eines einseitigen Diktates des Marktes kann durch eine ordnungskonforme Gestaltung der politischen und rechtlichen Rahmenbedingungen sowie durch Interventionen des Staates und mehr Transparenz über voraussehbare Entwicklungen begrenzt werden. Diese Aktivitäten müs-

sen jedoch so gestaltet werden, daß sie nicht das Anreizsystem des Marktes gefährden. Wilhelm Röpke hat die wirtschaftspolitische Aufgabe des Staates und der Staaten im marktwirtschaftlichen System einmal so formuliert: "Der Staat muß den Kapitalismus gegen die Kapitalisten verteidigen und sie daran hindern, sich einen bequemeren Weg als den durch das Leistungsprinzip vorgezeichneten zur Rentabilität zu bahnen und ihre Verluste auf die Allgemeinheit abzuwälzen."¹⁴ Der Staat kann hierbei nur erfolgreich sein, wenn er für eine entsprechende Gestaltung der Rahmenbedingungen für das marktwirtschaftliche Geschehen sorgt.

Darüber hinaus ist auch in der Marktwirtschaft eine überproportionale Belastung der Schwachen keine unausweichliche Konsequenz. Ein nachhaltig die wirtschaftliche Effizienz förderndes marktwirtschaftliche System bietet vielmehr die besten Voraussetzungen dafür, daß alle Leistungsfähigen und – willigen in geeigneter Weise am wachsenden Wohlstand und am Wirtschaftsprozeß teilhaben können. Ein die ökonomischen Gesetze beachtendes ergänzendes Sozial- und Solidarsystem ist durchaus kein Widerspruch zur freiheitlichen Wirtschaftsordnung, wohl aber eine ständige Herausforderung an die Politikgestalter, die es den sich verändernden Bedingungen rechtzeitig anpassen müssen. Auch die Demokratie muß hinreichend innovationsfähig sein.

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DEMOCRACY AND LABOUR

COLIN CROUCH

SUMMARY

The paper confronts the paradox that, at a time of growing democratization in the world at large, the role of labour interests within democracy is becoming problematic – even or perhaps especially in those countries where that had previously been well established.

The question is discussed in three aspects:

1. The apparent implications of economic globalization;
2. The consequences of changes within the class of labour itself;
3. Internal changes in the relationship between the political class and citizens in general.

There is no attempt at reaching policy conclusions, as these are seen as depending on normative positions and cannot be derived from a social science discussion. However, the paper concludes by laying bare some of its own assumptions in order to clarify the policy-making task. In particular, it assumes:

that democracy is adversely affected *both* when the voice of organized labour within democracy is weakened *and* when labour itself leaves large groups of outsiders unrepresented;

and that the political expression of occupational interests remains important despite the most recent stages of ‘modernization’.

And it concludes by asking certain factual questions of the future:

Will the recently growing occupations outside the old cores of business interests, male, manual manufacturing work, public service and the free professions find some way of effectively expressing their political concerns?

And what will be the fate of interest representation among the marginal and the insecure? Will they be effectively incorporated by existing labour organizations? Will they develop their own, distinctive forms? Or will they remain politically silent?

Fundamental ambiguities affect the place of labour within democracy at the present time. On the one hand, workers of all kinds are benefiting from the spread of formal parliamentary democracy which is currently in progress in an unprecedented number of parts of the world. Further, at a more subtle level of democratization, demands for openness, transparency in the operation of authority, for responsibility in the literal sense of 'answerableness' seem to be growing both within many nation states and also at some kind of global or at least international level of dialogue. First the collapse of the old dictatorships in the Iberian peninsula in the 1970s, then that of communism almost everywhere at the end of the 1980s, the gradual re-emergence of democratic regimes in much of Latin America, as well as developments in South Africa, South Korea and some other limited parts of Asia made the final quarter of the twentieth century something of an 'age of democratization'. Democracy is no longer a system of government peculiar to Western Europe, Australasia, Japan, North America and India.

Of course there continue to be vast exceptions to the trend, especially China. There are also corruptions and abuses, ranging from the intimidation of voters to the illegal funding of political parties, among both new and old democracies. But these do not obscure the overall trend; neither however are they primarily what I mean by the fundamental ambiguities which affect in particular – though not solely – the encounter between labour interests and democracy at precisely this moment of the spread of the institution. A cynical observer might in fact claim that the advance of democracy and its emerging new problems are two sides of the same coin. Previously non-democratic elites may be more willing to risk opening up their regimes to the citizens if the power and role of the latter can be tamed and incorporated as easily as now frequently seems possible.

I shall here concentrate on what I regard as three rather different but inter-related negative developments. They affect mainly the existing industrialized or post-industrial societies and are not always relevant to other parts of the world, which may partly mean that the

locus of democratic development is shifting from those places where it is tired and affected by cynicism and disillusion to those where it is fresh and young, and where certain social changes that subsequently undermine it from within have not yet begun their work. It has in recent years been a very humbling experience for democrats in the so-called advanced nations, beset by declining electoral participation and relations of ill-concealed mutual contempt between politicians and citizens, to see the people of South Africa queuing for hours to have their chance to express their political preferences in the ballot box.

The three issues which I shall discuss are:

1. The apparent implications of economic globalization.
2. The consequences of changes within the class of labour itself.
3. Internal changes in the relationship between the political class and citizens in general.

To discuss the issues in this order means moving from a very macro-perspective on politics to a more detailed one.

Democracy and Globalization

This part of the story is well known. Democracy remains limited primarily to the nation state and levels below that (both geographical and institutional). The European Union is alone in being a supranational geographical entity with a directly elected democratic component, but even that is very weak. None of the great quasi-political international institutions, such as the United Nations, the International Monetary Fund or the International Labour Organization, embodies any features providing democratic accountability to the world's citizens. There are some international professional associations which have a membership democracy, but these are not political. At this point in human history, democracy remains among the list of institutions which are nationally confined, and is so even more than language or cuisine.

Meanwhile economic life is becoming internationalized, possibly globalized, in a manner which has become so well known to public debate that it is almost a cliché.¹ Particularly important from the perspective of labour interests is the capacity of firms to organize their activities on a broadly international basis, not only choosing in which locations it best suits them to place specific operations, but also limiting their dependency on any one location for a particular function. More important still is the capacity of financial assets to flow around the world at very short notice, and making use of information resources which are similarly global in their sources.

These changes are particularly relevant for the relationship between labour and democracy. To the extent that businesses seek lower labour costs and freedom from labour regulation, they are likely to move to parts of the world where labour costs are lowest and regulation lightest (Standing 1999). In general, the less democratic a country, the less will its governments protect labour interests, labour normally requiring democratic possibilities to press its political case.² Non-democratic countries are also less likely than democracies to have extensive welfare states; therefore non-wage labour costs should be lower too. According to this basic argument, globalization is therefore likely to bring a shift in employment from democracies to dictatorships. Democracies can be expected to respond to this situa-

¹ I say 'probably globalized', because, as several observers have pointed out, the true conditions for globalization are often absent (see some of the papers in Wilthagen, 1998). Given that the word 'internationalization' already existed to refer to activities taking place in a coordinated way across the frontiers of nation states, the introduction of 'globalization' ought to signal something new. It implies some sense of totality: not just an international process affecting certain nation states, but one reaching the entire globe. In reality very few of the developments commonly labelled 'global' have this character. Not only are major parts of the world rarely part of so-called global networks – in particular most of Africa – but even in the richest countries these networks usually engage only a few urban centres and in fact only small elite groups within those. Far larger parts of the world's population are passively affected by the actions of these elites – but that has been the case since at least the First World War.

² There are occasionally exceptions, non-communist dictatorial regimes supported by labour interests, as with Peronism in Argentina. But this is historically rare.

tion by trying to compete with the dictatorships by deregulating their own labour markets and trying to reduce the welfare state services which lead to high non-wage labour costs. Therefore, globalization can be expected to lead to a situation where non-democracies take the lead in setting (low) labour standards around the world. In other words, the ‘race to the bottom’ in labour standards, as this tendency is usually called, is also a race to the bottom in terms of democratic quality.

This simple argument can be challenged. First, it is not necessarily the case that dictatorships produce unregulated labour markets; often non-democratic regimes are distinguished by their frequent interventions in all areas of social life, including the labour market. These interventions are likely also to be arbitrary and unpredictable, which reduces economic efficiency. On the other hand, there has been a recent tendency for at least some dictatorships to seek economic success for their countries by imposing strict neo-liberal and therefore economically non-interventionist regimes, paradoxical though this might sound. The leading example of this was the now defunct regime of General Pinochet in Chile, where state power involving considerable intervention in daily life, including mass murder and torture, was combined with a virtually text-book implementation of Chicago neo-liberal economics (Drago, 1998). Less dramatically, there are certain examples in south-east Asia where the protection of politics from popular pressure made possible by a lack of democracy is used to implement neo-liberal labour market and other reforms. Most dictatorships want economic success, and one aspect of growing globalization is that this success can be helped by direct inward investment. International investors have a preference for unregulated labour markets and low non-wage labour costs, and dictatorships find it easier to provide these than do democracies.

A second problem with the argument that globalization favours moves to lowest-cost countries is that it greatly exaggerates the capacity of many forms of economic activity, in both services and manufacturing, to relocate at will. Many such activities carry large sunk costs: build-

ings, plants, networks of relationships with suppliers, customers and local sources of business services, skilled labour of various kinds. These cannot be easily abandoned. Furthermore, non-democracies often lack the infrastructure of roads, communications networks and education which employers frequently need. It is precisely because they are not responsive to popular demands that such regimes neglect these services.

The 'race to the bottom' theory at least needs some modification and fine-tuning. Certain kinds of economic activities and therefore employment opportunities do move to non-democracies: those that require little in terms of labour skills and both own and social infrastructure. But few regimes are content to occupy such a position in the long run. They expand their educational systems in order to up-grade the skills they offer to inward investors and thus the quality of their economies. Do they find it more difficult to sustain non-democratic systems among a more educated population? The Republic of South Korea would be an example of the contemporaneous growth of both democracy and education. However, a few cases do not test a hypothesis, and there are the problematic cases of the old Soviet empire which for many years achieved much in popular educational performance without needing to concede democratic reform. The issue requires a more thorough testing.

Even within democracies, multinational firms may abuse local democratic achievements by riding roughshod over existing industrial relations institutions, especially where these incorporate elements of economic democracy which constrain the behaviour of managers. This can today be seen particularly clearly in the very different industrial relations strategies being pursued by firms in Denmark and Sweden, two otherwise relatively similar countries where industrial relations are concerned. Danish firms are mainly small and dependent on Denmark as a place in which to locate, a source of employees and of public infrastructure and institutions. Danish employers have been very concerned to remodel the national system of industrial relations within its own historical terms. Giv-

en the small size of its population, Sweden has given birth to an extraordinarily large number of transnational firms. These now have many plants outside Sweden and are likely to have only a small minority of their work forces within the country. It is notable that many Swedish business interests have been seeking a radical dismantling of the Swedish system.

Transnationals will not necessarily confront existing industrial relations institutions. For example, in Britain Japanese employers have often been very concerned to produce a compromise between existing British practices and Japanese ones, in order not to appear as intrusive 'foreigners'. However, in many cases inward-investing firms do refuse to accept existing patterns, and at least in many developing countries have often been able to be exempted even from national law. Either governments develop different laws for foreign-owner enterprises, with very restricted labour rights, or they set aside certain parts of the country where different law applies and where foreign firms are invited. Globalization enables firms to negotiate with governments in order to develop labour regimes offering few rights to workers, as part of the deal for their willingness to invest in the country concerned. An important consequence of this activity, whether it concerns a challenge to established practices or the demand for separate legal regimes, is usually greater capacity by transnationals to refuse to recognize trade unions. As these forms of globalization spread therefore, unions have greater difficulty sustaining the proportion of the labour force which they represent.

In developing countries, even where labour has considerable political freedom, it cannot offset its weakness in the labour market where overall labour productivity is low and labour supply abundant. From the point of view of the poor democracies, and indeed from that of poor dictatorships, the rich world's perspective of a flight of jobs away from the advanced world looks very different: the 'best' jobs in terms of career possibilities and high skill and knowledge content tend to be retained in the first world, while the third world gets the down-market routine work. This can happen even where there is a good supply of

skilled labour in the poor countries. Highly educated people can be employed on very menial tasks; they are cheap enough to employ in this way despite their educational level, while the menial tasks sometimes gain from the extra competence they bring to them. This is frequently the case in the impact of globalization in India. It is also increasingly an issue in the wealthy countries themselves. Largely because of democratic pressure, educational opportunities are constantly being expanded, but often at a faster rate than the economy can absorb, given that so much recent job creation has taken the form of low-grade services sector work.³

A further related problem is that, even though the wealthy democracies seem able to keep a lion's share of attractive and high-productivity forms of employment, there is a tendency for such jobs to decline in number. Where the ratio of jobs per unit output is concerned, this is true by definition: improvements in productivity mean a reduction in the labour need per unit output. Considerable effort has been expended in the wealthy countries in recent years to up-skill labour and to enrich the technological component of production of both goods and services, in order to retain advantages over low-labour-cost parts of the world (Crouch, Finegold and Sako, 1999, chs. 2 and 3). But this often takes the form of 'two steps forward, one step back', since employment in the sectors concerned can be sustained only by reducing unit labour input. In some sectors, in particular high technology, demand is expanding sufficiently fast for there to be net employment creation, but the continuation of that situation cannot be guaranteed.

³ There is a contradictory logic to the democratic politics of education. Parents and young people seek improved education for their particular children (themselves in the case of young people); but politicians have to offer expanded opportunities for all. Where the demand for educated persons is rising faster than the supply of educated people, this presents no problems. However, when this is not the case, the demand made by parents and young people becomes that they receive an education that will give them a competitive advantage over others within the country. The politicians' offer of generalized improvement does not answer this at all.

A further factor limiting the crisis of democracy presented by globalization is the fact that, so far, much of the real competition over labour regulation and labour costs has taken place, not between the advanced societies and those in process of development, but within the camp of the former, all of which are democracies. In particular, there has been a form of competition between the UK, the USA and some other countries on the one hand and many countries of the European Union on the other, with Japan playing a rather complex role. For various reasons, labour interests found themselves particularly weak within the two English-speaking democracies during the 1980s, and it became possible both to deregulate the labour market and, in the case of the USA, to reduce considerably welfare state spending and therefore non-wage labour costs.⁴ At the time this was happening the EU countries were seeking to construct a form of social Europe which meant avoiding deregulation and reduced welfare. All that the UK and USA had to do, therefore, was to locate themselves at slightly worse levels of labour protection than in the main EU countries to reap certain competitive advantages, with little fear that the EU would follow and engage in a true race to the bottom.

This situation could change and probably is changing. One consequence of the criteria of operation of the European Central Bank and the stability pact is a pressure to deregulate labour markets and contain social expenditure. This is provoking attempts by countries within the single currency to compete with the UK and USA in reducing labour rights, invoking a kind of race to the bottom which may be just about to start. This kind of ‘regime competition’ has interesting implications for democracy in a world where democratic polities remain at nation-state level, implications which would apply whether the race was down or up in terms of standards: a country’s internal parliamentary deci-

⁴ Less was done on this latter front in the UK, but for quite different historical reasons. UK welfare spending tends already not to place a particular burden on employment costs, because of the forms of taxation used.

sion-making becomes determined by the actions of competitors rather than by internal choice. This might involve having one's decisions partly determined by *someone else's* democracy, which is an interesting concept.

At present it is difficult to reach definitive conclusions on the extent to which globalization, especially of investment flows, leads to the *de facto* determination of world labour standards by dictatorships. There are certainly some tendencies in that direction; some offsetting processes which counter it; and some more complex patterns too.

Changes within the Class of Labour

So far I have taken the concept of labour for granted, without either examining what is contained within it or considering whether it remains static over time. Let us begin from the familiar starting point of most social analysis and also indeed of official occupational statistical classifications: labour is structured as in a large industrial enterprise, with small numbers of people occupying various grades of management, rather large numbers in clerical and junior administrative grades, and particularly large numbers in manual work, most engaged in direct production, ranked by different levels of certified skill. The problems and interests of labour have been conventionally seen in terms of these last groups, the different ranks of manual labour. This is particularly so because the next largest, the clerical and junior administrative workers, are in most countries primarily female, often working part-time, and until recent years conventionally ignored in most sociological analysis.

As everybody knows, all this changed. In particular there has been a decline in the proportion of employment comprised by the 'three Ms': male manual employment in manufacturing. Although large manufacturing firms still form the backbone of all advanced economies, they by no means dominate them, employment in various kinds of services having overtaken that in manufacturing. To analyse services employment, I prefer to use the analysis developed by Singelmann (1978), which identifies four different services sectors, rather than use the sim-

ple idea of a single tertiary sector (see also Castells, 1996). These are: the distributive sector (i.e. transporting, selling and communicating activities); the business services sector; social and community services; and personal services. Although the divisions among these are not always clear, use of an analysis of this kind does bring out some crucial differences among different kinds of service in terms of both growth patterns and the characteristics of those working in them (e.g. gender, education level) (Crouch, 1999, chs. 2-5). Not all of these services sectors have been important to recent employment change. With the exception of important growth in retail services in the USA, both the distributive and personal services sectors have been rather stable. Business services have grown very rapidly, but the sector remains very small and in many cases its growth is partly illusory, comprising often an out-housing of existing activities previously contained within manufacturing corporations. In virtually all industrial economies, the major engine of change has been the rise in the proportion of the labour force working in social and community services, which has also been the source in the feminization of the work force which has been such an important feature of recent employment change. Usually the great majority of the work force in this sector is within either public service or employed by charitable organizations; the role of profit-making corporations is relatively low.

Meanwhile, even within manufacturing the proportion of workers actually engaged on the production task has declined, with a growth in routine administrative posts, so-called 'non-manual' work, performed mainly by women.

Today's work force is therefore far less homogeneously male; less likely to be employed in manual work; and less likely to be engaged in manufacturing than during the periods when 'labour' was gaining its voice and its recognized place in the politics of the industrial world. These changes have produced both a problem of the homogeneity of interests being represented and, often, a decline in the overall power of the labour interest. Union membership has declined in almost all countries over the past 15-20 years, following a previous period where it had

risen considerably.⁵ The decline in union power and influence has probably been even greater, given the context of high unemployment and globalization. Workers have become very dependent on employers for work; while employers have become less dependent on the work force of any individual country.

Some of the problems which these occupational changes create for unions are complementary: the more successfully a union movement resolves the central problem of managing to recruit and represent the new kinds of worker, the more it has problems of internal heterogeneity; the more it stays within the old manufacturing parameters, the more homogeneous it can be, at the expense of extent of representativeness. I shall consider these opposite forms of the general problem in turn.

Increasing representativeness and the strains of heterogeneity

Labour has never been truly at all homogeneous. Even at the height of the rise of manufacturing, there were always important differences of interest between skilled and unskilled workers, for example. But growing heterogeneity has increased the difficulty of pursuing clearly defined, widely shared interests. Most labour organizations have experienced these problems, because most have responded to at least some of the changes. Particularly helpful to their continuing growth and adaptation was the rise of public-service employment associated with the growth of social and community services, government service in democracies always being particularly easy for trade unions to organize. This gave unions a major place in services, and important sources of female members. It did however also bring problems, compromising

⁵ The main exceptions are in those countries having the so-called 'Ghent system' of linking trade union membership to the national social insurance system: Belgium itself, Denmark, Finland, Sweden. Here the unions administer the social insurance system, and although there is no requirement on workers to join a union in order to benefit from the scheme, they normally do so in practice. It is notable that Norway, with Iceland the only Nordic country not to have such a system, has a considerably lower union membership than the other countries in that region; Belgium has a far higher membership than either France or the Netherlands, the two countries to which it is culturally close.

what had in several countries been an important stabilizing influence on unions' economic impact. Many union movements rooted in manufacturing have had a built-in sensitivity to the potential impact of their actions on prices through the need to have the goods produced by their members competitive within export markets.⁶ Public-service unions do not have this constraint, and are more likely to indulge in rent-seeking behaviour, producing rivalry and incompatible bargaining goals between themselves and manufacturing unions. Alternatively – and this eventually became the majority case – governments become exceptionally tough on public-service wage claims, which are subjected to a political logic concerning levels of taxation and of the size of government expenditure, while workers in manufacturing are able to gain from productivity improvements. Again, inter-union unity becomes difficult to achieve and the identity of a labour interest becomes confused.

The major increases which have taken place in the female proportion of the labour force stem from this growth of social and community services, the rising proportion of employees in manufacturing who are engaged in routine administration, and the growth of the other services sectors. Viewed from one perspective, this change in the labour force has enabled unions to broaden their base within the society, a fact which is partly represented in the growing proportion of women in many countries who vote for parties associated with the labour movement. However, unions have often been slow to respond fully to the challenges involved, both in recognizing the particular needs of female members, and in accepting some of the changes that have to be made in employment practices and regulation if the number of women with

⁶ One will often read that classical manufacturing trade unionism depended on closed economies, so that once the manufacturing industry of a particular nation state had been effectively organized, unions could insulate wage costs from the market. This argument results from the dominance over the thinking of economic science of the US economy, which in the past has been relatively closed (i.e. the proportion of international trade has been relatively small). It has not applied to the western European economies, in particular to those where trade unions have been strongest (Scandinavia, Austria, Belgium) or to Germany, where the export sector and the role of unions within it has been a particularly important aspect of the social market economy.

employment is to rise. Heterogeneity has not only increased problems of managing the labour interest, but has raised those of the goals of that management. This can be seen particularly clearly at present in Germany, where unions are resultant to face the challenge of how to ensure employment protection in a manner that is compatible with increasing job opportunities for women. It is far easier for them (both as organizations and indeed as individual men) to continue to protect existing male employment and the place of married women as housewives.

In itself and in the long run, this growing heterogeneity of the work force is far from being a setback for the role of labour in democracy; it ought in fact to embed that role more deeply and extensively, and also enable labour organizations to achieve a more differentiated and therefore more democratic representation of the working population than that of the simplified concept of the 'mass worker'. In the short and medium term however it does constitute a challenge, in two senses. First, there is the simple problem of learning how to cope with the new diversity, which requires both organizational and strategic changes.⁷ This is partly a matter of the learning curve and therefore of time, but the changes come at a difficult time for organized labour, when so many of its previous political parameters are being challenged. Second, the heterogeneity in the main brings a reduction in strength and power, in that most of the new kinds of worker lack a tradition of having the courage to make demands to employers which became so crucial in the case of manufacturing industry and mining. This is partly because many of the new employees are in individual career paths, where active union involvement can bar future promotion chances; partly because many of them are women, who lack a strong tradition in militancy and who often work part-time, which reduces the relative importance to their

⁷ Examples of how change can eventually take place can be found: in the restructuring of bargaining partially to reconcile the interests of manufacturing and public-service sectors in Denmark and Finland (for the Danish case, see Due et al 1994); and in the general restructuring of labour regulation to encourage employment growth, particularly among women, in the Netherlands (Visser and Hemerijck, 1997).

lives of their employment; and partly because many of the new, relatively poorly paid jobs in services lack both the clear occupational identities of both manual and professional employment.

Public service employment, the largest single new element in the changes affecting classical unionism, has partly been an exception to this generalization concerning capacity to articulate interests. Protected from constraints of export trade and capable of exercising political pressure, public service workers have since the 1970s often taken the lead in militancy. It has however sometimes taken a strongly rent-seeking form, frequently becoming embedded in small category associations fighting to sustain particular privileges in isolation from the rest of the union movement. At one level this can itself be seen as a strengthening of democracy, but it has also helped render the role of labour within polities problematic, leading to retaliation. This can in particular take the form of a privatization of the services concerned, which might then lead to a reduction of the role of unions in those services altogether.

Retained homogeneity and the crisis of representativeness

The alternative problem, a decline in representativeness, occurs when unions find it difficult to recruit particular categories of worker. This can happen for two reasons. First, many of the new kinds of worker in private services sectors are difficult for unions to reach, for reasons which will be discussed below. Second, and reaching back to the previous discussion of globalization, multinational enterprises may be more reluctant than national employers to accept unions among their work forces.

With the exception of Denmark, Sweden and to some extent Belgium, unions have always had a difficult time recruiting private service workers. This is for a considerable diversity of reasons. In some cases the workers themselves, like administrative workers in manufacturing, either feel themselves superior to the type of worker for which unions normally exist, or are in individual career paths, presenting the difficulty already discussed above. In other cases, in contrast, many workers in

the new services are in labour-market positions which are so marginal, insecure and weak that they neither dare risk nor have much of an objective interest in committing themselves to a union within any particular place of employment. To the extent that there has been a shift from '3M jobs' to 'MacJobs' there has been a decline in workers self-confidence and power of assertion.

Curiously, these opposite characteristics of different parts of the new work force lead to similar outcomes, and are currently being reinforced by a new trend. This is the shift in labour-hiring conditions away from employment as conventionally known towards a form of self-employment where, although the worker spends most or even all of his/her working time with the one organization, his/her formal employment status is as self-employed. This is happening for a number of reasons. First, the unpredictable product markets of the post-Keynesian economy lead employers to want to be able to change the size of their work force rapidly; this is done more easily if workers can be seen as external agents than if they have to become part of the organization with acquired rights within it. Second, it is easier to make use of labour of this kind in certain – though by no means all – services activities than in manufacturing, where integrated teams are often needed. Third, by requiring persons working for them to have self-employed status, employers avoid both legal obligations and many non-wage labour costs. It is by no means impossible for trade unions to represent self-employed workers, or alternatively for these latter to develop their own forms of organization, as in the case of the free professions or *artigiani*. There are however difficulties, at both ends of the employment spectrum. The high-earning self-employed, unless they are members of these last-mentioned categories, are likely to see themselves as independent individuals, not requiring any organizational help. The low-earning self-employed are likely to be too anxious for their future work chances to engage in any organizational activities.

This weakening has negative implications for democracy at two levels. First, with the exception of some church organizations, trade unions have been the only organizations which have represented the in-

terests of the mass of working people within democracy, most other political organizations representing either business interests or those of relatively privileged groups. Second, the particular problem that unions have in reaching out to the new groups of marginal and insecure workers creates both a problem of socio-political exclusion for these latter, and an awkward position of relative position for the unions. Both are unhealthy for democracy. This second question merits further discussion.

The new insecure work force characteristic of the post-Keynesian, globalizing economy remains outside established industrial relations systems for several reasons: it is partly because the objective commitment of these workers to a particular employment is rarely strong enough to encourage them to join a union; partly because, in their insecurity, they are frightened of employers; and partly because they are often unemployed and therefore out of reach of the industrial relations system and its organizations.

Outside the framework of unionism, these groups have also been weak at constructing other organizational forms for expressing their interests, apart from occasional sporadic protests. Many of them are disconnected from social institutions in general: they have no prolonged connection to a specific work place, occupation or employer; they are less likely to vote in elections of all kinds; often they are from ethnic minorities and lack both legal and other connections to the institutions of the host society, including its labour organizations. They are barely part of the functioning system of democracy and even social order. As such they pose far larger social questions than those relating solely to the role of organized labour. In many respects these groups are the product of a pure free-market system. They are involved in no institutions which might pose barriers to the operation of markets but act as disconnected individuals. They constitute marginal resources in the economic sense as well as the social, and therefore constitute an important resource of flexibility. But they are also beyond the reach of the minimum levels of social integration which market processes take for granted.

Not surprisingly, unions often find it far easier to ignore them, and to concentrate on their existing kinds of member, who have become the insiders of the labour market, whose interests can often develop in a way which ranges them and the new outsiders as mutually hostile. The insiders and their unions fear that employers will keep seeking to reduce their numbers in favour of an increased role for the considerably more flexible outsiders; the outsiders are envious of the security of the insiders. This process can leave unions in a very vulnerable position. There has often been a long-term problem of the difficulty of unions in representing the lowest levels of the work force. Virtually all movements started with the organization of skilled labour, and then tried to develop a role among the unskilled. Overall they succeeded, but there were always problems of the marginality of the least skilled, their low incomes, and often their immigrant position. The issue is not therefore a new one. It is however particularly intense at the present time given the tendencies which we have been discussing. Whether they want to or not, unions can find themselves increasing the gap between the existing secure work force and both those in insecure jobs and those unable to find employment at all. Since the legitimacy of unions is based partly on their claim to represent the disadvantaged, and given that they are not really accepted among the ranks of the truly privileged, this leaves them very vulnerable to social criticism. The general context produced by this is problematic for the extension of democracy.

The Changing Relationship between the Political Class and Citizens.

Finally, we need to consider some somewhat different issues currently affecting politics which, combined with the issues discussed so far, make labour's capacity to represent its interests within democracy difficult. This is the question of the increasing professionalization of politics, which is in itself by no means new; Max Weber and Roberto Michels wrote about it in the early twentieth century. The process does however continue to develop new implications, rendering problematic

in particular the role of mass party organizations. While this affects many interests, labour is among those most concerned.

Classical models of political party structure envisaged a set of concentric circles. The widest represented the electorate, or at least the target electorate of a particular party; then came the circle of party members; then successive circles of activists and those involved in the central decision-making of the party; and at the centre the political leadership. According to the model, the mass party, which is seen as lying within the target electorate, mediates between that electorate and the party organization; the organization, which in turn lies within the party, mediates through its various levels between it (and by extension the target electorate) and the leadership. The model was never so important for elite parties which did not give a large role to mass memberships, but has been fundamental for labour-movement parties, Christian democracy, and various ethnic or regional parties. There are many reasons why the model does not really work, but I shall here focus on certain distortions to it which have accelerated in pace in recent years.

First to be considered – though not necessarily the first chronologically – is the changing character of the target electorate where labour-based parties are concerned. The occupational changes discussed above have considerably changed the political needs and aspirations of this electorate; the old labour core has become smaller, making necessary an expanded definition of the target, while new occupational forms and problems needed to be taken on board. According to the concentric models theory, this involves a change in the definition of the target electorate. But this requires also a shift in the location within the overall electorate of the mass party, the different levels of which should then be expected to transmit changed messages from the population to the leadership. But party memberships are unlikely to change so easily. They will frequently continue to represent old, declining electorates and may actively resist attempts by leaderships to relocate within and relate to new ones. The obvious response of leaderships to this situation is to by-pass the mass membership and develop their own means of access to the electorate, using modern professional methods of opin-

ion research and marketing techniques. This challenges both the democratic role and the expertise of the mass party, which rarely has knowledge of a kind which can rival that of the professional advisors. While normally the leadership will recruit its advisors on opinion and marketing from among party sympathizers, politics being an area of life characterized by extreme low trust, this is not necessarily the case; sometimes pure professionals will be held by a financial link rather than an ideological loyalty.

Meanwhile and more generally, the whole process of policy formation is also being professionalized as the role of social and natural science expertise becomes more important to policy-making, and as the various sciences themselves become increasingly specialized and unable to communicate to a general public outside their own circles. Advice from these specialists is required by party and government if political leaders are to be adequately informed. Again, both the wider and also the intermediate levels of the party apparatus have difficulty in competing with the knowledge that flows from this advice, and find themselves marginalized. Again, although leaders might have a preference for politically loyal advisors, they must sometimes go completely outside their own party circles and 'buy' wisdom in the market.

The role of the party organization does not disappear completely. Indeed, the more that political leaders depend on paid advice and, in particular, on elaborate and costly election campaigns, the more they need immense sums of money which, in the first instance, might be expected to be raised through the parties. Party members therefore find themselves confronted with increasing demands for financial help at the same time that the party seems to have little other use for them. Communications from a party leadership to its members become just part of the commercial junk mail arriving with the postman, indistinguishable from various commercial promotions and probably emanating from the same market research and sales firms. The whole question of membership of a mass political party becomes problematic. Meanwhile, the leadership will have been in search of more promising sources of money, one side effect of which has been the use of illegal forms of funding.

A further side effect, which may in fact overlap with that of financial corruption, concerns the overlap between the new professionalized advisory and consultancy links with parties on the one hand, and the desire of commercial organizations to lobby governments for favours on the other. Itself as old as the idea of politics, the existence of lobbies and their kinks with inner political circles should create no surprises. However, the concurrence of lobbying with the professionalization of advice has an important consequence. A particularly powerful political role is played by individuals and organizations which both give advice to politicians and work as professional lobbyists on behalf of economic and other interests, or of go-betweens who link these two groups. Parties increasingly cease to resemble the model of concentric circles. Instead, party leaderships are linked by a series of ellipses to consultants and then on to lobbies and interests leading well away from the original, and possibly even future, target electorates. The shape of the ellipse becomes increasingly determined by financial flows, from leaders to consultants and from lobbies to consultants, and possibly on to parties. While there is nothing new in any of this, there are grounds for believing that it has increased in very recent years, given both the growing detachment of parties from strong social bases and the professionalization of many of the activities around politics.

All this clearly creates problems for democracy, and for the financial probity of politics and government; but does it create any specific problems for labour's role in democracy? There are two possibilities. First, let us assume that labour organizations become part of the consultancy/lobbying nexus, as they often do in practice. They have some relevant expertise and can be of value to the leadership of a labour-oriented political party as being both ideologically close and expert. They are certainly also lobbies with political needs, and sometimes in a position to pay. In these circumstances labour becomes part of the new system; it is not excluded as some other, less well organized elements of the mass party might be. On the other hand it risks becoming part of the exclusive and possibly corrupt circles (or ellipses) around the contemporary state. This returns us to our earlier discussion of

organized labour's rather exposed role at a time when a number of under-privileged, unorganized interests have emerged which labour finds it difficult to represent. Organized labour rarely becomes central enough to the politico-economic system to be among the securely privileged, but it is remote enough from the outsiders, those lacking the financial and organizational resources to enter the system, to be the object of criticism and resentment.

An alternative possibility is that labour will find itself excluded from the ellipses of advice, the flows of advice and funds. This may happen because labour organizations are poor and unable to afford becoming serious professionals – in terms of both providing the consultancy and providing the funds that oil the wheels of the lobbying. It may also happen because labour organizations remain as part of the old target electorate beyond which the leadership wants to move, so that the advice it gives will be suspect and unwelcome. This is also quite a feasible scenario. Labour is rarely able to match the funds that commercial organizations are able to bring to bear to represent their direct trading interests. The more important that flows of funds become to the political process, and the less important that the sheer capacity and enthusiasm of party organization counts, then the more labour interests (and even more so those of the marginalized beyond organized labour's ranks) will find that they lose out in the game of political influence.

What is to be Done?

I do not intend to discuss a list of policy proposals here, as these depend very much on the political preferences and beliefs of the reader. All I shall do by way of a conclusion is to draw attention to some of the implications of certain possible normative positions.

Underlying my argument has been an implicitly normative perspective, which assumes that democracy is adversely affected *both* when the voice of organized labour within democracy is weakened *and* when labour itself leaves large groups of outsiders unrepresented. It would be possible to contest this from a hard neo-liberal position, which would

argue as follows: All that labour organizations do is interfere with the free market allocation, which in the long run is in everyone's best interests, and which cannot be improved on by political or other social processes. Therefore, a weakening of organized labour strengthens rather than weakens democracy, because democracy is served by those processes which in the long run are in everyone's best interests.

There are three problems with this argument. First, the statement that allocations stemming from free markets are in everyone's best interests and cannot be improved on by other processes cannot be taken for granted but require intense examination and sustained debate. It is not my task here to enter that debate, save to note that the position is deeply contested. Second, there is something flawed in the tendency for some neo-liberals to equate democracy with the market. If democracy has any meaning at all it refers to a system of government, and therefore relates to a process of collective decision-making, with a strong presumption that there is something discursive about this. The market represents the outcome of a mass of individual and collective decision-making, but it is not itself a decision-making forum. The market might be helpful to democracy; it might result from democracy; but democracy cannot be equated with it. It is logically possible to argue that the market is superior to democracy, which then involves a series of further difficult discussions. But the two have to be recognized as separate processes.

Finally, neo-liberals need to explain why, if organized interests always distort outcomes and that therefore markets should be left free from them, business lobbies seem to grow rather than decline in importance with the advance of neo-liberal policies. (This is not a problem for neo-classical economic theory, which is entitled to argue that the practices of the empirical political world are not its concern, but it is a problem for neo-liberals, active in the political world and usually engaging in the round of lobbying.) If it is appropriate within market democracy for large firms to develop political links and seek to influence governments, than labour cannot be excluded from that process if the goal of democracy is still to be acknowledged; and stark inequali-

ties in the capacity of capital and labour to exercise that role have to be regarded as problematic.

A further implicit assumption of my argument is that occupational interests remain important. Some would say that this is decreasingly the case. For example, Anthony Giddens (1994; 1998) has argued that most of the issues currently confronting the world, from ecological disasters to sexual identity, have nothing to do with either the occupational world or relations between capital and labour, and that we must move on to different formulations of identifiable interests.

I do not in any way want to argue that all politics can be reduced to relations between capital and labour, though I am not convinced that Giddens is correct in seeing the present time as one when issues going beyond the capital/labour question have become particularly salient: one could make out a similar case for many past times too. I am also surprised at some of the issues which Giddens regards as having little to do with the role of capital: ecological disasters in particular. I would however particularly contest the argument that somehow the main political problems relating to labour have now been resolved, such that they no longer need to be at the centre of pressing concerns. The present period is, in contrast, one of unusually intense activity on the labour front. The whole process of labour-market regulation, welfare state and the role of trade unions established during the twentieth century, once seen as a kind of unchallengeable *acquis social*, has been placed firmly on the agenda of renegotiation, with clearly a number of alternative potential resolutions which merit extensive debate and lobbying.

Further, certain issues which used to be only a minor part of a labour agenda have now been moved squarely within its compass. I refer to the place of the family. Within industrial society there eventually developed a kind of consensus that married women, certainly mothers, should remain outside the paid labour force. This is no longer the case in the post-industrial economy, one of whose central features is the dual-earner couple. As a result a mass of issues, ranging from child care to how families cope with work-related stress, have not only entered the political agenda, but have entered it as an aspect of occupational

and labour questions. Further still, recent changes in the US and British economies suggest that, while part-time work may still grow as an aspect of labour flexibility, a century of generally reducing working hours may well be followed by a new rise. Certain occupations, at very diverse points of the occupational hierarchy, are now seeing a major increase in working hours. The more time that people spend at work, the more they should be expected to encounter problems related to working life which require some political expression.

The political importance of labour therefore remains central. Whether it has to remain one of the few major bases of political party organization is more of an open question. Within western Europe the second half of the 19th century – the only period in world history to have demonstrated the operation of stable mass democracy over a sizable number of countries – produced two dominant bases of political identity: Christianity and position in the labour market. There were other bases – rural society, minority ethnicities, etc. – but they were minor in comparison with these two. Previous, less democratic periods, had produced different patterns. The clarity of the two great identities was also less clear in other parts of the democratic world, in particular in India, Japan and the USA, even if appropriate substitutes are found for Christianity in the first two cases. By the end of the twentieth century parties rooted in Christianity and/or position in the labour market were also facing challenges in their European heartland – from racial, ethnic and cultural identities, from ecological concerns – though they remained statistically dominant. It is difficult to anticipate developments very far into the twenty-first century. We should certainly not take for granted as either factually likely or even appropriate that the two great twentieth-century identities will still be dominating the organization of politics in, say, 25 years time.

One can acknowledge this while still insisting that the world of labour and occupations will continue to produce issues and problems central to the working of democracy. What is in doubt and does demand attention is extent of democratic representation that labour interests can achieve. This in turn resolves itself into two sub-questions: will the re-

cently growing occupations outside the old cores of business interests, male, manual manufacturing work, public service and the free professions find some way of effectively expressing their political concerns? And what will be the fate of interest representation among the marginal and the insecure? Will they be effectively incorporated by existing labour organizations? Will they develop their own, distinctive forms? Or will they remain politically silent?

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THE DEMOCRATIC WELFARE STATE

MANFRED G. SCHMIDT

SUMMARY

This essay examines relationships between democracy and social policy. It develops propositions on the origin, form, and consequences of the democratic welfare state. It also explores differences between democratic and non-democratic welfare states and discusses whether welfare states are capable of curing major defects to which they may have contributed.

I

The first section of the paper focuses attention on determinants of welfare state development. Among these, democracy is doubtlessly a major factor. But democracy is by no means the only political regime which fosters welfare state development, as the welfare states of authoritarian complexion in the European socialist countries have shown. A democratic regime is, thus, not a necessary condition of welfare state development, and it is, as the Indian case or any other democracy in a economically less advanced country demonstrates, not necessarily a sufficient condition either. However, where democracy coexists with a relatively high level of economic development it contributes massively to the reproduction and expansion of the welfare state. But democracy also tends to bias social policy in favour of a position close to the median voter. The case has been convincingly argued in Hans Zacher's recent interpretation of the German welfare state. According to Zacher, democracy and the principle of the social are both dynamic and permanent processes which reinforce each other, the one driven by power struggles and quantitative aggregation of social interests, the other pushed by the effort to generalise better-worse-relations. In particular, Zacher argues, the right to vote for all and the 'time rhythm' inherent in a democracy have a twofold impact on social policy: they fuel the expansion of social policy and shape it in a way conducive mainly to well organised groups in the middle of distribution on the one hand, and to meritocratic and possessive-individualist criteria of justice (rather than vertical solidarity) on the other. A fundamental bias results also from the 'time rhythm' in a democracy. The selection of social policy problems and issues depends not on social needs but rather on whether they fit the electoral issue attention cycle.

This results, according to Zacher, in placing emphasis on interest in instant consumption and short-term solutions, while disregarding long-term circumstances and the interests of future generations.

Democracy is, indeed, strongly related to welfare states. More detailed analysis also reveals significant patterns between the welfare state and different types of democracies. Four distinctions between different types of democracies are particularly relevant in this context: established versus fragile democracies, young versus old democratic regimes, representative versus direct democracy, and differences with respect to the relative strength of particular political parties.

II

The second section of the paper discusses differences between democratic and non-democratic welfare states. These include 1) differences in the degrees of freedom available to the citizens, and 2) differences in the degree of politicisation (with a high degree of politicisation as a major characteristic of a non-democratic welfare state and a significantly lower one as a defining characteristic of a democratic welfare state). 3) Goals of social policy differ also widely between democratic and non-democratic welfare states. Although they invest more in social security and social assistance for disadvantaged groups, democratic welfare states pursue, generally speaking, less ambitious goals in employment policy than economically advanced non-democratic welfare states, at least as far as the former socialist countries are concerned. 4) Furthermore, a stronger workfare component differentiates many non-democratic welfare states from democratic welfare states. East Germany's socialism, for example, is a major case of a unique combination of a workfare and welfare state. 5) Moreover, non-democratic welfare states, such as in the socialist countries in Central and Eastern Europe, also differ from democratic welfare states in a lower capacity to cure potentially self-destructive social policy decisions in the past and a lower capacity to adjust to external or internal change. 6) Last but not least, the role played by 'veto players' (i.e. actors whose consent is required for a major policy decision) in a democracy is significantly larger than in non-democratic states. For example, the checks and balances of the executive in most constitutional democracies, impose considerable restrictions on policy making. In contrast to this, the number of veto players in an authoritarian regime or in a non-democratic welfare state is small and their role hardly significant, if veto players, at least constitutionally defined veto players, exist at all. From this results a potentially unconstrained supremacy of the political. However, unconstrained supremacy of the political tends to result in overshooting, if not in self-destructive policy making. And precisely this happened in the former socialist states in Central and East European both in economic and in social policy, as well as in many other policy areas, which are, however, beyond the scope of this essay.

III

The consequences of democratic welfare states are the topic of the third section of the paper. This section explores the strengths and the weaknesses of social policy and focuses attention on the political, social and economic outcomes of mature democratic welfare states. In this section, it is argued that the welfare state is both a ‘problem creator’ and a ‘problem solver’. For example, the democratic welfare state has largely accomplished its original tasks of providing protection against impoverishment, and securing against risks of income losses due to unemployment, disability, old age, sickness, and care. Moreover, social policy has also reduced the level of social inequality to a high degree. Moreover, social policy has also realised constitutionally prescribed norms for a caring welfare state. Furthermore, the democratic welfare state protects not only individual beings from hardship – it also protects the polity and society as a whole from the destabilising effects of economic shocks and economic recessions. The protection of socially weaker groups against impoverishment and major risks due to the ups and downs of life have been conducive to the legitimisation of the political and economic order. Thus, the welfare state has made industrial societies in many aspects more fair, more just, and also more stable.

A highly developed welfare state also incorporates a significant ‘economic value’, despite the considerable costs which it places upon employers and employees. Ambitious social protection, for example, creates strong incentives for productivity increasing investment choices and thus improves the long-term viability of the economy. Secondly, the social budget strengthens the demand side of the economy mainly through stabilising the demand for consumer goods. Thirdly, an advanced welfare state is in many respects a burden on business location, but it can also be a major location advantage, for example via protecting labour, improving the legitimisation of the social and, economic order, or by providing a high level of social and political stability.

The welfare state solves problems, but it is also a ‘problem creator’. Of these problems, the following are particularly critical: 1. upper limits to the taxation load required for social policy and problems of acceptability, 2. trade-offs between social protection and other important social, economic, and political goals (such as social protection- employment trade-offs), 3. policy-induced problems and 4. displacement or blockade of other policy areas.

IV

The fourth section of the paper discusses the potential for policy change in developed welfare states. Are welfare states capable of curing major defects which they may have caused? It is argued, that the capacity of democratic welfare states to cure defects or to correct errors committed in the past does indeed exceed the manoeuvrability of non-democratic regimes. However, severe restrictions also constrain the re-

form capacity of the democratic welfare states, and powerful checks and balances work against efforts to change the political course of action. Thus, for example, the demand for social security which is attributable to ageing and unemployment will probably remain strong in most advanced welfare states over an extended period. It is also likely, that the expectations of the welfare state clientele, which commands a powerful strategic position in the political market, is hardly downward flexible. Furthermore, many powerful veto points and veto players, such as is the case in a federal country with strong traditions of self-administration in social policy and local government, inhibit the potential for policy change quite significantly, including the potential for reallocation within the welfare state and between social policy and non-social policy areas.

However, politics is not a deterministic process. Nor is policy-making. Hence there exists, in principle, considerable scope for political choices. According to studies in comparative politics, this scope is, generally speaking, significantly larger in countries in which governments are faced with few 'veto players', such as is the case in an unitary state. Conversely, the scope for changing courses is smaller, when counter-majoritarian institutions and many 'veto players' require extensive compromise seeking, such as is the case in federal countries or in oversized coalition governments.

However, even when many veto players are co-governing, policymaking is by no means doomed to immobilism. According to the latest version of the veto player theorem, for example, the potential policy immobilism, resulting from numerous veto players can be overridden. The policy change (including the potential for radical reforms of the welfare state) is largely determined by four factors. The potential for policy change varies inversely with the total number of veto players, and the ideological distance between veto players and government. Furthermore, the potential for policy change varies directly with the duration of a government and an increase in the ideological difference between current and previous government.

Of course, the capacity to change the political course of action in a democratic welfare state is also influenced by many other factors beyond the reach of the veto player theorem or any other middle range theory. Thus, for example, external pressure can contribute to the solution of a problem, and so, too, can the widely shared view that something must be foul in the state of a nation. For example, the widely shared belief that 'Holland is sick', to quote from the former Dutch Prime Minister Lubbers in the early 1980s when he pleaded for a major cutback in the Dutch welfare state, can trigger a major policy change. This change can be even more dramatic when it receives full support from concerted action between the state and the major interest organisations of capital and labour. However, these observations do nothing but underline a well-known observation of welfare state research: a wide range of variation characterises the family of democratic welfare states; and wide also is the variation of the routes which lead to successful policy change or to reform blockade.

Introduction

This paper focuses attention on a group of democratic countries in which social policy has grown to a high level. Democratic welfare states include, above all, the economically advanced countries in Western Europe, and, albeit with a lower level of social protection, in North America, and Japan, Australia and New Zealand. Democratic welfare states spent on average in 1995 roughly 25 per cent of their economic product on public social protection and private mandatory social spending, while welfare state leaders such as Sweden allocate more than 33 per cent of their gross domestic product to social policy. Moreover, in most democratic welfare states, for a sizeable proportion of the electorate – roughly speaking between 25 per cent and 40 per cent of the voters – the major source of income stems from jobs in the welfare state or from transfer payments, such as old age or invalidity pensions.

This paper discusses the democratic welfare state under three headings. Firstly, it explores the impact of democracy on the origins and the expansion of the welfare state. Secondly, the consequences of a high level of social protection that mature welfare states typically provide are examined. Finally, a discussion of the reform capacity of democratic welfare states concludes the paper.

I. The impact of Democracy on the Origins and the Expansion of the Welfare State

Is the democratic welfare state a product of democracy? The correct answer is: to some extent, but by no means exclusively. This is so for three main reasons. First, the origins of modern welfare states are mostly to be found in non-democratic or half-democratic contexts, such as the semi-authoritarian German Empire of 1871 or the Austro-Hungarian monarchy of the 1880s. Secondly, some of the modern democratic welfare states were chiefly the product of non-democratic politics, such as in the former socialist countries in Central and Eastern Europe. Thirdly, democracy does not necessarily result in a big welfare

state and in addition democracy is not a sufficient condition for an ambitious social policy. This is exemplified by economically less advanced democracies, such as India, and by newly industrialising countries, such as Singapore, Taiwan or South Korea. Thus, there is no one-to-one relationship between democracy and a developed welfare state. It is not democracy *per se* which produces mature welfare states. It is rather democracy within the context of specific circumstances which is conducive towards ambitious social policy efforts.

Democracy tends to generate a strong demand for the supply of general social policy above all in those countries in which the following conditions are fulfilled.¹

Firstly, a relatively advanced level of economic development of not less than 6,000 to 10,000 US-Dollars *per capita* in prices broadly obtaining in 1990. Secondly, a society in which smaller family units and more narrowly defined kinship relations rather than large families and clans play a major role in the organisation of social life at the micro- and meso-level. And thirdly, a strong tradition of activist state intervention on the part of the incumbent political power, regardless of whether this last is an authoritarian ruler or a democratically elected government. Fourthly, a relatively simple conflict structure of society is no less decisive. Class-based and religion-based conflict structures tend to be conducive to the formation of pro-welfare statist party systems and pro-welfare statist parties (such as Christian democratic parties on the one hand, and social democratic parties on the other). However, heterogeneous ethnic structures and intensified ethnic conflicts inhibit social policy efforts, largely due to the lack of consensus and a tension between many ethnic groups in social and economic life – a constellation of forces which reduces the acceptance of solidaristic public policy stances. Fifthly, particularly conducive to the growth of the welfare state up to a high level is a constellation of political forces in a polity in which a) at least two larger pro-welfare statist parties are competing (such as in

¹ See, among others, Flora and Heidenheimer, 1981; Hepple, 1986; Baldwin, 1990; Ritter, 1991; Esping-Andersen, 1990; van Kersbergen, 1995; and Schmidt, 1998.

Germany), and in which b) a relatively small number of veto points and veto players provide policy makers with large room to manoeuvre (such as in majoritarian democracies of the British type, in contrast to a group of countries where the government finds itself confronted with a wide variety of veto players, such as powerful state governments, second chambers, or coalition partners, who significantly inhibit the scope for action of the government).²

But why does democracy (at least in economically developed countries) push social policy forward, and why does it do so above all in representative democracies, and to a lesser extent in political systems with stronger direct democratic components? The major reasons have been identified in theories of democracy. Among these, Alexis de Tocqueville's *De la Démocratie en Amérique* is an outstanding example. Due to frequent elections and due to close linkages between political leaders and the demos, the political process in a democracy, Tocqueville argues, is driven by a strong "thirst for improvement", "feverish excitement" of the whole of society, and an effort "to improve the condition of the poor".

Moreover, the duration of a democracy increases the opportunities for building "distributive coalitions",³ or coalitions which seek to maximise distribution regardless of whether this impairs or fosters production. Furthermore, more recent research on comparative public policy has also pointed to relationships between types of democracy and levels of social policy development. Very briefly, the two major patterns are the following: older democracies have accumulated higher levels of social protection than younger democratic nations (with the exception of political systems in which direct democracy plays a major role, such as Switzerland and parts of the United States of America). Secondly, representative democracies tend to adopt a more active stance in social policy than democratic governments in which direct democracy is im-

² A veto player "is an individual or collective actor whose agreement (by majority rule for collective actors) is required for a change in policy" (Tsebelis 1995: 301).

³ Olson, 1982.

portant, such as Switzerland and in various States in the United States of America. Thirdly, “consensus democracies”⁴ tend to spend more on public social spending than majoritarian democracies, such as the United Kingdom or Australia. Finally, incumbent leftist and centrist parties tend to place major emphasis on creating, expanding, and maintaining powerful welfare states.

Thus, in general terms, democracy tends to increase the relative weight of the welfare state within a political system. But democracy also has a discernible impact on the distribution of welfare state provisions, as Hans Zacher’s brilliant interpretation of the welfare state in the Federal Republic of Germany has shown.⁵ According to Zacher, democracy and the principle of social policy are dynamic and permanent processes which reinforce each other. While one of them is driven by power struggles and a quantitative aggregation of social interests, the other is pushed by an effort to generalise the manipulation of differences between the wealthy and the non-wealthy, the better off and the worse off, to mention only a few examples. Furthermore, Zacher argues that the right to vote for the adult population and the temporal rhythm inherent in a democracy have a twofold impact on social policy. Both fuel the expansion of social policy and shape it in a way which is conducive mainly to well organised groups of voters in the middle of the distribution of income and wealth on the one hand, and to meritocratic and possessive-individualist criteria of justice (rather than vertical solidarity) on the other. The aggregation of interests in an election, for example, implicitly supports those opinions and interests in social policy which are capable of forming majorities. From this result social policy choices in favour of those who have democratic power rather than those who are in need. And from these factors also result choices which emphasise horizontal solidarity (largely between politically stronger groups) rather than vertical solidarity (for example, solidarity of the strong towards the poor).

⁴ Lijphart, 1999.

⁵ Zacher, 2000.

According to Zacher, a fundamental bias is also generated by the temporal horizon in a democracy. The selection of social policy problems and issues primarily depends not on social needs but rather on the goodness-of-the-fit between problems and issues on the one hand, and the electoral issue attention cycle of the other. The overall result is, according to Zacher, a major emphasis on interests in instant consumption and short-term solutions. In contrast to this, long-term circumstances and the interests of future generations tend to be disregarded – a pessimistic account which echoes Alexis de Tocqueville’s view that democracy externalises social and political costs to the future.⁶

II. The Consequences of Mature Welfare States

The consequences of democratic welfare states are a matter of controversial debate. This is true above all else of mature (i.e. highly developed) democratic welfare states, such as those of Northern Europe, of France and of Germany. Defenders of the welfare state emphasise its strength, while critics mainly point to its weaknesses. But none of these positions does full justice to the performance of mature democratic welfare states. In the light of the results of a huge literature on the economic, social and political consequences of social policy, it is far more appropriate to regard the mature democratic welfare state as both a “problem solver” and a “problem producer”. Table 1 provides a more detailed account. It lists those pros and cons of advanced welfare states which have received considerable attention from empirical studies. Very briefly, the overall picture that emerges from these studies is the following. There are sizeable social, political, and economic advantages in developed welfare states (section 2.1). But it is also the case that the economic, social, and political costs involved are considerable (section 2.2).

⁶ Tocqueville, 1981 (1835/40).

Table 1: The Advanced Welfare State as “Problem Solver” and “Problem Creator”

“Problem Solver”	“Problem Creator”
I. POLITICAL DIMENSION	I. POLITICAL DIMENSION
Solves innate social policy tasks rather effectively (protects against impoverishment and income losses from major risks; controls consequences of, or reduces, high levels of social inequality)	Generates second-order problems, such as social policy induced problems
Embodies a major source of legitimation of a democratic state	Results in high level of bureaucratisation and centralisation*
Inhibits the spill over of an economic crisis to a political crises	Potential blockade of all other costly public beyond the social policy area
II. SOCIAL DIMENSION	II. SOCIAL DIMENSION
Dampens and channels class conflict; relieves private sector from struggles over highly controversial social policy issues*	Strengthens the protective umbrella around labour and trade unions and creates potential incentives for a wage policy stance of the unions which aggravates insider-outsider-divisions on the labour market**
Protects socially weak groups	Strong social policy amplifies efforts to further reduce social inequality and tends to intensify struggles over distribution of resources
Higher protection against poverty threat	Generates new social conflicts due to differences in access to public policy provisions (“transfer classes“)
Reduces gender inequality	Major unintended consequences of massive reduction of gender inequality, such as decomposition of collectivities at micro-level
Massive redistribution of income among social strata and among age cohorts	Major unintended consequences of massive redistribution, such as worsening trade-offs between social policy and other societal goals
Strengthens individualisation and facilitates pluralistic life styles	Major unintended consequences of individualisation, such as decomposition of collectivities at micro- and macro-level of society
Social policy reduces uncertainty (for example through stabilizing life course for the old aged)	Despite of uncertainty reduction: social policy tends to externalise costs upon shoulder of younger and future generations
III. ECONOMIC DIMENSION	III. ECONOMIC DIMENSION
Significant economic value of welfare state (protection, reproduction and health care of labour; conflict abatement; incentive for productivity oriented investment)	Trade-off between ambitious social protection on the one hand and economic efficiency and employment growth** on the other
The economy of today's mature welfare states has grown as rapidly or more rapidly than many other economies	Places heavy burdens on public budgets, tends to result in high levels of public debt, and inhibits major policy change in areas beyond social policy
Social policy strengthens demand for consumer goods	Generates moral hazard and creates incentives for shifting labour and capital to the shadow economy
Countries with strong welfare states handle crisis as well or better than countries with weak social policy arrangements	Tends to distort the adaptive capacity of the economy

Source: Schmidt (1998) Table 12 (abridged and revised version). Table 1 lists those propositions from the debate on the pros and cons of an advanced welfare state (such as in most continental and north European countries at the turn of the 20th to the 21st century), which have received considerable support from empirical studies on consequences of welfare state activity.

• This tendency is particularly strong in tax-based welfare states. ** This tendency is particularly strong in social insurance-based welfare states.

2.1 On the Social, Political, and Economic Advantages of Developed Welfare States

A mature democratic welfare state can pride itself on major successes. The democratic welfare state has largely accomplished its core task of protecting people against material impoverishment and securing people against the risks of income loss caused by unemployment, disability, old age, sickness, motherhood, or the provision of care. By doing this, the mature welfare state has reduced the total level of social and economic insecurity to a major extent. Moreover, social policy has also reduced the level of social inequality to a considerable degree. Thus, the welfare state has made most industrial societies in many aspects more fair, more just, more secure, and in many aspects also more stable and more predictable. In those countries in which the constitution prescribes norms for a caring welfare state, social policy has also largely fulfilled constitutional requirements.

Furthermore, mature democratic welfare states protect not only individual beings from hardship, they also protect the polity and society as a whole from the destabilising effects of economic shocks and economic recessions. Protecting socially weaker groups against material impoverishment and against major risks due to the ups and downs of life have been conducive to the legitimisation of the political and economic order as well.

Furthermore, a highly developed welfare state incorporates a significant “economic value”⁷ despite the considerable costs which it places upon employers and employees. Ambitious social protection, for example, creates strong incentives for productivity increasing investment and, thus, improves the long-term viability of the economy. Moreover, social policy institutionalises the resolution of conflict over economic goods to a fairly large extent. Part of this conflict resolution consists of transferring conflicts about social income from the firm to parliament, or to networks between the state and interest groups and political par-

⁷ Briefs, 1930.

ties. This shift contains considerable relief from conflict resolution costs for the economy as a whole, for individual firms, and – broadly speaking – for the social partners as well.

Lastly, according to most surveys the developed welfare state is – generally speaking – a highly popular institution, if not, indeed, regarded as an inalienable good. While one would exaggerate if one argued that a stable democracy requires a highly developed welfare state, it is clearly the case that the pacifying effects of social protection tend to stabilise the social and the political system of a country.

2.2 *The Economic, Social, and Political Costs of a Mature Welfare State*

However, the democratic welfare state is not only a problem solver, it also generates problems. Three major deficiencies deserve to be mentioned above all:

1. A mature welfare state breeds unintended political, economic, and social side effects, such as policy-induced social problems like extended search unemployment, high long-term unemployment, the relative neglect of families with children, and unforeseen incentives in favour of single households or families with no children.

2. A mature welfare state tends to intensify trade-offs between ambitious social policy goals and other important social and economic goals. There exists, for example, a tension between very ambitious welfare states on the one hand and economic growth on the other. Mature welfare states of the social insurance based type also tend to inhibit employment growth. Furthermore, and regardless of whether their financing is mainly from social security contributions or from taxation, strong welfare states tend to make investment and work in the shadow economy more attractive. Moreover, where a high level of social protection based on social security schemes coexists with ambitious employment protection (such as in Germany and Southern Europe), the ambitious social policy effort undermines the adaptive capacity of the economy and society as a whole.

3. Financing the welfare state is a costly enterprise. In most advanced welfare states social policy consumes up to 60 per cent of total public expenditure (defined in terms of total outlays of general government, and according to OECD statistics) or more. Other things being equal, the existence of a mature welfare state thus dramatically narrows the margin for manoeuvre in other costly policy areas beyond social policy, such as education, public investment, law and order, transport or defence, to mention only a few. A highly developed welfare state, and a very costly one in particular, thus tends to impair the manoeuvrability of major policy areas beyond social policy. It may, therefore, seriously hamper the adjustment and reform capacity of the polity as a whole – if, that is, there is no chance to stop or revert trends from the past.

This raises a further question: are developed welfare states at all capable of curing major defects, such as the potential financial overload of a highly developed welfare state which can occur during a period of rapid demographic change and high unemployment? Are developed welfare states, for example, capable of cutbacks in social policy in order to improve at least some of the trade-offs between social protection and other goals, and to create more room to manoeuvre for non-social policy sectors? The overall answer is that there exists a significant potential for curing deficiencies in a democracy and there is reason to believe that democracies are superior to non-democratic states in curing self-inflicted deficiencies. However, it must also be pointed out that the potential for policy learning and for curing deficiencies is limited precisely because of the nature of democratic institutions. Furthermore, a particular set-up of democratic structures, such as a wide variety of veto players and a high frequency of important national elections (such as is the case in Germany's federal structure) further reduces the scope for action for redressing imbalances created by past policy making. However, there are also windows of opportunities. Some of these are closed, and some of them are open.

III. Are Developed Welfare States Capable of Curing Major Defects?

Compared to authoritarian states, democratic welfare states can pride themselves on a greater capacity for curing defects or correcting errors committed in the past.⁸ However, severe restrictions also constrain the reform capacity of democratic welfare states. Institutionalised checks and balances and more informal restrictions inhibit swift policy changes in these countries. The reasons for these are manifold. They include a strong demand for social security on the part of the population. Due to ageing and persistent unemployment, this demand will also remain strong in the future in most advanced welfare states. This is at least partly exacerbated by the demand for political goods and services which is generated by the major institutions of the democratic process, such as frequent elections and party competition for voters and votes. Furthermore, the expectations of the welfare state clientele are hardly downwardly flexible. It is more the case that most clients of welfare states (and also most producers of welfare state provisions) prefer status quo solutions or the further expansion of social policy over welfare state retrenchment. This is particularly important because the welfare state clientele is one of the most powerful groups on the electoral market. Roughly 30 to 40 per cent of the voters earn the major part of their incomes from social policy or from jobs in the welfare state. Moreover, the welfare-state clientele is located close to the centre of gravitation in the party systems. It thus disposes of a privileged position on the political market which none of the major parties can afford to ignore. This can add further restrictions to welfare state retrenchment efforts and to institutional reforms of the welfare state.

Furthermore, a wide variety of powerful veto points and veto players, such as exists in a federal country with strong traditions of self-administration in social policy and local government, significantly inhibits the potential for policy change, including the potential for reallocation within the welfare state and between social policy and non-social policy areas.

⁸ The argument is developed in more detail in Schmidt, 1999b and 1999d.

However, politics and policy-making should not be regarded as deterministic processes. Hence, there exists, in principle, considerable scope for political change. According to comparative studies on political reforms in welfare states, the scope for policy change is, speaking generally, significantly greater in countries in which governments are faced with few veto players, such as is the case in a unitary state of the British, Dutch, French, New Zealand or Scandinavian variety.⁹ Conversely, the leeway for changing policy is smaller when countermajoritarian institutions and many veto players require extensive compromise-seeking, such as in federal countries and in oversized coalition governments. This explains at least to some extent why welfare state retrenchment policies have been more ambitious and more successful in unitary states: New Zealand in the 1980s, the Netherlands and Great Britain in the 1980s and 1990s, and Sweden in the 1990s, while the retrenchment efforts in federal countries like Germany have been more difficult to achieve and more protracted.

However, even when many veto players co-govern, policy-making is by no means doomed to immobilism. According to the latest version of the veto player theorem,¹⁰ for example, the potential policy immobilism which numerous veto players tend to create, can be overcome. According to this theory, the potential for policy change (including the potential for radical reforms of the welfare state) is largely determined by four factors. The potential for policy change varies inversely to the total number of veto players and the ideological distance between the veto players and the government. Furthermore, the potential for policy change varies directly with the duration of a government and the increase in ideological difference between the current and previous governments. Take, for example, countries A and B. Let country A be

⁹ See, for example, Castles, 1993; Visser and Hemmerijk, 1997; Siegel, 2001; Zohlnhöfer, 2001.

¹⁰ Tsebelis, 1999. In reality, the augmented veto player theorem consists of a combination of “classical” veto player theory (Tsebelis 1995) plus an important component of the parties-do-matter-view, according to which major differences in the party composition of government are causally related to major differences in policy outputs and outcomes.

characterised by many veto players, wide ideological distance, a government of short duration, and no increase in the ideological difference between the current and previous governments. According to the veto player theorem, this constellation of factors results in policy immobilism. In contrast to this, the following constellation of factors would widen the room for manoeuvre available to the government: few veto players or no veto player at all, small ideological distance, long duration of a government, and a drastic increase in the ideological difference between the current and previous governments.

What happens when a country is beleaguered by many veto players on the one hand and marked at the same time by more favourable conditions for policy change on the other? Take Germany as an example. In this country the total number of veto players is fairly large. Moreover, it includes particularly powerful players, such as coalition government, federalism, co-governance of the states in national legislation, an autonomous central bank, a powerful constitutional court, and influential traditions of self-administration in social insurance and in local government.¹¹ For cases like this classical veto player theory predicts small scope for policy change, including a minuscule capacity for reforming the welfare state. More detailed observation, however, reveals a much more subtle picture and points to countervailing forces. The relatively small ideological distance in social policy between the two largest parties, the Christian Democratic Party on the one hand, and the Social Democratic Party on the other, can be conducive to policy change, provided that both parties co-operate in a formal or informal Grand Coalition, such as was the case with most reforms of old age pension schemes up till 1994. Further factors conducive to more manoeuvrability in policy-making are the long duration of a government and an increase in ideological difference between the current and previous governments, such as occurs when there is a major change in government. The year 1982, which witnessed a change from a Social Democratic government to a Christian Democratic-Liberal coalition,

¹¹ Schmidt, 2000, pp. 352-353.

and 1998 (the year in which a red-green coalition took over from the CDU/CSU/FDP-coalition) are major examples supplied from the German case. The latter three factors (ideological distance, duration of a government and a changeover in power) can, therefore, mitigate or compensate the rigidity created by a large number of veto players.

The capacity to change policy is, of course, also dependent upon many other factors beyond the reach of the veto player theorem or the parties-do-matter hypothesis or any other middle range theory. Thus, for example, external pressure can contribute to the solution of a problem. The reform of old-age pensions in Italy in the 1990s, which received strong support from the effort to fulfil the convergence criteria of the Maastricht Treaty, is one example. Furthermore, the widely shared view that something must be rotten in the state of Denmark, or, alternatively, that “Holland is sick”, to quote the former Dutch Prime Minister Lubbers in the early 1980s when he pleaded for a major cutback of the Dutch welfare state, can trigger major policy changes. These changes can be reinforced by concerted action between the state and the major interest organisations of capital and labour, as the Dutch miracle of the 1980s and 1990s shows.¹² However, these observations underline a well-known observation of welfare state research: a wide range of variation characterises the family of democratic welfare states; and the variation in the routes which lead to successful policy change or to the blocking of reform is also very great.

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¹² Visser and Hemerijk, 1997.

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ETHNISCHE STRUKTUREN UND NATIONALE DEMOKRATIE

HERBERT SCHAMBECK

SUMMARY

Interest in the effective protection of minorities has increasingly been a feature of public concerns, in particular because of the explosion of violence in the Kosovo and the dissolution of the former Eastern Bloc. This development has brought about an awareness that there are various initiatives now being engaged in, at various levels, to ensure the protection of, and respect for, minorities, such as, for example, those promoted by the United Nations, the Council of Europe, or the Conference on Security and Co-operation in Europe.

The protection of minorities has become a part of human rights and no longer belongs merely to the domestic realm of a State. Unfortunately, in the various continents of the world different States do not have the same approach towards minorities, and therefore no generally accepted definition of what "minorities" are has yet been established.

This paper deals with the meaning of the effective protection of minorities as a stability and peace securing factor within a State. The protection of minorities in the constitutional law of a State must always be turned towards a compensation of interests in order to guarantee the sovereignty of the State on the one hand, and to preserve the identity of individual minorities on the other. In this regard, minority rights closely correspond to other fundamental rights, such as freedom of faith and conscience, the freedom of assembly and association, as well as suitable school education for minorities, the use of their own language, and the effective participation of national minorities in public life. However, in addition to the "classic" concept of the ethnic minority more recent developments, such as itinerant workers or people seeking political asylum, have to be taken into account when we seek to approach the subject.

At an international level, the protection of minorities has become one of the most important and at the same time most controversial of contemporary concerns. The protection of minorities as a human right is not a domestic matter but an obligation towards the community of nations which cannot be negated. The principle of State sovereignty does not guarantee the provision of protection for a terror regime which violates the ethnic protection of minorities required by

international law. The Kosovo conflict even shows that there is a right to humanitarian intervention even when there is no UN mandate. There has to be coordination between ethnic structures and national democracy. Tolerance, dialogue and mutual understanding are essential prerequisites.

Der *Staat* als der dem Einzelnen und der Gesellschaft übergeordneten Herrschaftsverband, der Höchstfunktion erfüllt, Läßt *drei Sphären* erkennen: die *individuelle Sphäre* des Einzelmenschen, die *soziale Sphäre* der Gesellschaft und die *imperiale Sphäre* des Staates.

Im persönlichen Bereich des Einzelmenschen dokumentieren sich seine Einstellungen, in den Anliegen der Gesellschaft deren Interessen und in den Aufgaben des Staates seine Ordnungsfunktion.

Ist ein Staat eine Demokratie, so können sich die Einstellungen der Menschen und die Interessen der Gesellschaft besonders verdeutlichen und auf den Staat verschiedentlich von Einfluß sein.

In einem *besonderen Maß zeigt sich* diese *Einstellung der Menschen* innerhalb eines Staates *in den ethnischen Strukturen* seiner Bevölkerung.¹ Die Demokratie trägt so auch zur Transparenz eines Volkes bei und setzt dabei die *Unterscheidung von Gesellschaft und Staat* voraus. Auf diese Weise kann sich in einem demokratischen Staat auch die Herkunft der Menschen repräsentieren. Diese Herkunft kann wieder mannigfach begründet sein und zwar u.a. kulturell, sozial, wirtschaftlich, aber auch nach der Zugehörigkeit zu einer religiös oder national bestimmten Volksgruppe. Diese kann in einem Staat die Mehrheit oder aber auch die Minderheit bilden. Ethnische Minderheiten machen z.B. in Europa ungefähr ein Siebentel der Gesamtbevölkerung aus.

Diese *ethnische Herkunft* von Menschen ist zum überwiegenden Teil für diese *schicksalhaft*, ist sie doch zumeist auch prägend für ihre kulturelle, religiöse, soziale und politische Einstellung.

Beachtet man die ethnische Herkunft der Menschen in einem Staat, dann kann dessen Demokratie einen besonderen nationalen Charakter

¹ Dazu *Rudolf von Laun*, *Staat und Volk*, 1. Aufl., Barcelona 1933, 2. Aufl., Aalen 1971.

annehmen. Die Zugehörigkeit der Einwohner eines Staates im allgemeinen, seiner Staatsbürger im besonderen zu einer Nation oder zu einem Teil derselben ist dann entscheidend mitprägend für ein Staatsvolk sowie dessen Pluralität. Die Demokratie nimmt einen nationalen Charakter an, und ethnische Strukturen sind für das Bestehen eines Staates von schicksalhafter Bedeutung. Wie diese *ethnischen Strukturen* sich in der jeweiligen *nationalen Demokratie* repräsentieren, hängt von der Verfassungsrechtsordnung des einzelnen Staates ab.

I

Ethnische Strukturen haben Bedeutung für die Gesamtordnung eines Staates erlangt und innerhalb derselben für den einzelnen Menschen die *Relevanz von Grundrechten* erreicht.

Bei aller Pluralität auch ethnischer Natur verlangt die Verfassungsrechtsordnung in einem demokratischen Staat die Beachtung und Einhaltung der für alle geltenden Grundsätze sowie deren Ausführung im demokratischen Rechtsstaat, nämlich im Gesetzesstaat. Mehrheit und Minderheit, gleichgültig wodurch diese begründet sind, sei sie z.B. ethnischer oder parteipolitischer Natur, setzen daher für ihre Existenz den *Respekt vor dem Verfassungsrecht* und in diesem eine entsprechende *Grundrechtsordnung* mit einem Verständnis auch für ethnische Strukturen und nötigenfalls verfassungsrechtlich gewährleisteten Minderheitenschutz voraus. Das Verfassungsrecht kann daher in einer nationalen Demokratie sowohl zur *Repräsentation* als auch zur *Integration* beitragen; wie weit dies der Fall ist, hängt von seinem Inhalt ab. Ethnische Strukturen im allgemeinen und ethnischer Minderheitenschutz im besonderen sind daher für den Staat als solchen und die Einzelmenschen innerhalb desselben von grundsätzlicher, prägender Bedeutung.

Gerade in der Demokratie eines Staates kommt dem *Volk* die Bedeutung *als Subjekt und Objekt der Staatsgewalt* zu.² Als Subjekt wirkt

² Siehe Georg Jellinek, Allgemeine Staatslehre, 3. Aufl., 6. Neudruck, Darmstadt 1959, S. 406.

es am Zustandekommen der Staatsgewalt mit, als Objekt hingegen ist sie Adressat der Rechtsvollziehung in Ausübung der Staatsgewalt.

Schon JEAN JACQUES ROUSSEAU hat jedem Menschen im Staat eine doppelte Qualität zuerkannt, nämlich als citoyen, also als aktiver Bürger, welcher an der Staatswillensbildung beteiligt ist, und als sujet, somit als Untertan, der den Geboten des Staates unterworfen ist.³ Dieser Terminologie folgend könnte man in bezug auf ethnische Strukturen sagen, als citoyen repräsentiert der Einzelne im Staat auch Zugehörigkeit zu einer ethnischen Struktur und allenfalls auch zu einer ethnischen Minderheit; als sujet muß er sich aber dem Ergebnis gesamtstaatlicher Willensbildung unterwerfen.

Gleich einer gesamten Nation ist auch *eine ethnische Minderheit durch verschiedene Elemente bestimmt*, insbesondere durch die Gemeinsamkeit der Kultur, der Religion, der Sprache und der geschichtlichen Entwicklung. Entscheidend ist weiters besonders für eine Minderheit das Bewußtsein der Identität und die Bereitschaft zur Solidarität. Letzteres ist vor allem für eine Volksgruppe von Wichtigkeit, die als Minderheit in einem ethnisch pluralen oder homogenen Staat lebt und von der Mehrheit Akzeptanz und Toleranz zu erwarten sucht. Die politische Entwicklung der letzten Jahrhunderte hat einerseits zur Stärkung des Nationalbewußtseins und andererseits zur Entstehung von Minderheiten in vielen Staaten geführt, da die wenigsten Staaten in religiöser, nationaler, kultureller und sprachlicher Hinsicht als homogen zu bezeichnen sind. Die Konsequenz darans ist die Notwendigkeit eines entsprechenden Minderheitenschutzes in einer derartigen nationalen Demokratie. Eng verknüpft mit dem Schutz der Minderheiten ist der Grundsatz der Selbstbestimmung der Völker, der dann Anspruch auf Eigenstaatlichkeit gibt, wenn eine nationale Entwicklung im bisherigen Staat nicht gewährleistet erscheint.⁴

³ Jean Jacques Rousseau, Contr. Soc. I 6.

⁴ Vgl. dazu Daniel Thürer, Self-Determination, in: Encyclopedia of Public International Law, Band 8: Human Rights and the Individual in International Law. International Economic Relations, Amsterdam-New York-Oxford 1985, S. 470 ff. und Heribert Franz Köck, Das Selbstbestimmungsrecht der Völker, in: Der Mensch ist der Weg der Kirche, Festschrift für Johannes Schasching, hrsg. von Herbert Schambeck und Rudolf Weiler, Berlin 1992, S. 305 ff.

II

*Der Begriff Minderheitenschutz*⁵ ist auf eine Personengruppe bezogen, welche durch den ersten Wortteil “minder” charakterisiert ist. Dabei handelt es sich um eine Komparativform des im germanischen Sprachgebrauch untergegangenen indogermanischen Adjektivs “minus”; ihm kommt die gleiche Bedeutung wie dem deutschen “klein”, dem lateinischen “minor”, dem englischen “minority” oder dem französischen “minorité” zu.⁶ Eine Minderheit ist daher eine Personengruppe, die sich in einer Minderzahl befindet; ein Begriff, der um 1800 auftaucht.⁷ Der Minderheitenschutz reicht aber in seiner Geschichte viel weiter zurück. Dieser sei nur skizzenhaft hervorgehoben.

Der älteste Minderheitenschutz ist der religiöse Minderheitenschutz. Er geht auf den Nürnberger Religionsfrieden von 1532 zurück und setzt sich im Westfälischen Frieden am Ende des Dreißigjährigen Krieges 1648 sowie in späteren Friedensverträgen fort. So seien in diesem Zusammenhang die Verträge von Oliva 1660, von Nimwegen 1678, Ryswijk 1697, von Utrecht 1713, Nystad 1721, Breslau 1742, Paris 1763 und Warschau 1773 genannt.⁸ Es sei auch das Protokoll von 1814, durch das Belgien und Holland wiedervereinigt wurden sowie das Protokoll von 1815, durch das Teilgebiete Savoyens an die Republik Genf abgetreten wurden, angeführt.⁹ Nicht unerwähnt seien auch die soge-

⁵ Beachte dazu *Felix Ermacora*, Grundriß einer Allgemeinen Staatslehre, Berlin 1979, S. 272 ff.; *Friedrich Kofa*, Allgemeine Staatslehre, Wien 1993, S. 121; *Peter Pernthaler*, Allgemeine Staatslehre und Verfassungslehre, 2. Aufl., Wien - New York 1996, S. 65 ff.; vgl. zum Begriff der Minderheit *Francesco Capotorti*, Minorities, in: Encyclopedia of Public International Law, S. 385 ff.

⁶ Duden – Etymologie. Herkunftswörterbuch der deutschen Sprache, hrsg. von Günther Droschowski und Paul Grebe, Band 7 des Großen Duden in 10 Bänden, Mannheim 1963, S. 441.

⁷ *Christian Scherer-Leydecker*, Minderheiten und sonstige ethnische Gruppen. Eine Studie zur kulturellen Identität im Völkerrecht, Berlin 1997, S. 279 f.

⁸ Siehe Kaiser und Reich. Klassische Texte und Dokumente zur Verfassungsgeschichte des Heiligen Römischen Reiches Deutscher Nation vom Beginn des 12. Jahrhunderts bis zum Jahre 1806, hrsg. von Arno Buschmann, Baden-Baden 1984.

⁹ *C.A. Macartney*, National States and National Minorities, London 1934, S. 158 ff. und *Guy Héraud*, Minoritäten und ethnische Gruppen in der europäischen Geschichte bis 1939 – Selbstbestimmungsrecht der Völker und Schutz der Minderheiten, in: Volksgrup-

nannten Kapitulationen, nämlich die Übereinkommen europäischer Staaten mit dem Osmanischen Reich über Privilegien und Schutzrechte zur freien Ausübung christlicher Religion für deren Staatsangehörige.¹⁰ Neben diesen religiösen Minderheitenschutz ist später auch der Schutz nationaler Minderheiten getreten; eine Notwendigkeit, die bis heute besteht. Die erste Bestimmung zum Schutz ethnischer Minderheiten war Art. 1 Abs. 2 der Schlußakte des Wiener Kongresses vom 9. Juni 1815, in dem erklärt wurde, daß die zu Untertanen von Österreich, Preußen und Rußland gewordenen Polen nationale Repräsentationen und Institutionen nach Maßgabe der jeweiligen Territorialherren erhalten.¹¹

Die Gründe für diesen ethnischen Minderheitenschutz sind mannigfaltig. Sie waren vor allem im 19. Jahrhundert im Streben nach einem auch von romantischen Vorstellungen geprägten Nationalstaat begründet. In der Folge entstanden sowohl Einigungsbewegungen in Deutschland und Italien¹² als auch Bewegungen gegen die als Fremdherrschaften empfundenen Vielvölkerstaaten in Mittel-, Ost- und Südosteuropa, vor allem gegen das Osmanische Reich¹³ und gegen die Habsburger Monarchie, die allein im Wiener Parlament acht Nationalitäten vertreten hatte.¹⁴

penrecht. Ein Beitrag zur Friedenssicherung, hrsg. von Fritz Wittmann und Stefan Graf Bethlen, München – Wien 1980, S. 15 ff.

¹⁰ Ahmed S. El-Kosheri, History of the Law of Nations Regional Developments: Islam, in: Encyclopedia of Public International Law, Volume 12: Geographic Issues, hrsg. von Rudolf Bernhardt, Amsterdam - New York - Oxford - Tokyo 1990, S. 222 ff.

¹¹ Dazu Jacques Fouques-Duparc, La protection des minorités de race, de langue et de religion – étude de droit des gens, Paris 1922, S. 114 ff. und Otto Kimminich, Regelungen der Minderheiten – und Volksgruppenprobleme in der Vergangenheit, in: Volksgruppenrecht, S. 37 ff.

¹² Dazu Macartney, a.a.O., S. 96 ff. und Héraud, a.a.O., S. 15 ff.

¹³ Héraud, a.a.O., S. 15 ff. und S. 23 ff.

¹⁴ Beachte Die Habsburger Monarchie 1848 – 1918: Die Völker des Reiches, hrsg. von Adam Wandruszka und Peter Urbanitsch, Band 3, 2 Teilbände, Wien 1980; Gerald Stourzb, Die Gleichberechtigung der Nationalitäten in Verfassung und Verwaltung Österreichs 1848 – 1919, Wien 1985; Lothar Höbelt, Die Vertretung der Nationalitäten im Reichsrat, in: Österreichs Parlamentarismus - Werden und System, hrsg. von Herbert Schambeck, Berlin 1986, S. 185 ff. und Ernst Bruckmüller, Nation Österreich, kulturelles Bewußtsein und gesellschaftlich-politische Prozesse, 2. Aufl., Wien - Köln - Graz 1996, insbes. S. 237 ff.

Im österreichischen Teil der *Habsburger Monarchie* gab es nach Art. 19 des Staatsgrundgesetzes über die Allgemeinen Rechte der Staatsbürger 1867, RGBl. Nr. 142, eine Gleichberechtigung aller Volksstämme, daher weder eine Staatsnation noch Minderheiten. Diese sind erst nach dem Ersten Weltkrieg 1919 durch den Staatsvertrag von Saint Germain¹⁵ mit der neu entstandenen Republik Österreich und durch den Friedensvertrag von Trianon mit dem *Königreich Ungarn* entstanden, als die ungarische Nation ein Drittel ihrer Bevölkerung an Nachbarstaaten wie die heutige Slowakei, Rumänien und Jugoslawien verlor. Daneben hat es noch in anderen Friedensverträgen Minderheitenschutzbestimmungen und Minderheitenschutzklärungen von Staaten beim Beitritt zum Völkerbund gegeben¹⁶, welche die Zwischenkriegszeit mit unterschiedlichen Ergebnissen für die Minderheiten begleiteten.

In dieser Zeit erklärte ein prominenter Kämpfer für den Minderheitenschutz, der einstige Repräsentant der ungarischen Minderheit in der Slowakei, JANOS GRAF ESTERHAZY, der 1957 durch das kommunistische Regime nach einem Unrechtsurteil in einem Kerker umgekommen ist¹⁷, am 28. Oktober 1939 in einer prophetischen Rede im Preßburger Rundfunk: “Wir brauchen keine Daten aufzuzählen, daß besonders in letzter Zeit das Schicksal der kleinen Staaten, Völker und Nationen immer von Schwierigkeiten und Gefahren bedroht ist. Allein sind diese Völker ungeachtet ihrer edelsten Tugenden zu schwach, um dieses bedrückende Schicksal zu bewältigen. Jetzt oder nie muß sich die aus dem aufeinander Angewiesensein der kleinen Nationen entstehende Solidarität kräftigen, denn ohne diese Solidarität kann mehr als eines der wertvollsten Elemente unserer nationalen Identität verlorengehen ...”.

¹⁵ BGBl. 1920/303.

¹⁶ Siehe näher *Scherer-Leydecker*, a.a.O., S. 35 f. und *Felix Ermacora*, Menschenrechte in der sich wandelnden Welt, Band I: Historische Entwicklung der Menschenrechte und Grundfreiheiten, Wien 1974, S. 352 ff.

¹⁷ Siehe über ihn *Gabor Szent-Ivany*, Count Janos Esterhazy, The Life and Works of the great Son of the hungarian Highland, Florida 1989 und *derselbe*, Graf Janos Esterhazy – Führer der ungarischen Minderheit und das Schicksal der Ungarn in der Tschechoslowakei/Slowakei nach dem Ersten Weltkrieg, hrsg. von Alice Esterhazy-Malfatti, Wien-Köln-Weimar 1995.

Diese Hinweise auf die Geschichte, die Situation, Erklärung und den Schutz von *Minderheiten* seien *nicht* zum *Zweck historischer Reminiszenz* gegeben, *sondern* als Hinweise auf eine nahezu in allen Fällen *bis heute wirksame politische Wirklichkeit*. Dazu traten in Europa *noch die Folgen von autoritären und totalitären Regimen*, wie es der Nationalsozialismus und der Kommunismus¹⁸ waren, was sich auch nach der sogenannten *politischen Wende* 1989/90 in den postkommunistischen Staaten zeigte,¹⁹ so wie die *postkoloniale Entwicklung* mancher Staaten, wie z. B. der Afrikas,²⁰ wo in einzelnen Staaten neben beachtenswerten Aufbauleistungen trotz schwerster bekannt gewordener Verletzungen von Menschenrechten der Grundsatz der Nichteinmischung in innere staatliche Angelegenheiten als Entschuldigung für mangelnden regionalen Menschenrechtsschutz herangezogen wurde.²¹

Ohne im gesamten Umfang auf die vielen Situationen der einzelnen ethnischen Minderheiten in den jeweiligen Staaten auf den verschiedenen Erdteilen eingehen zu können, wird man, während was *das Nationalgefühl*, das *in seiner normalen Form* als das Selbstwertgefühl eines Staatsvolkes selbstverständlich und *begrüßenswert* ist, dessen *übersteigerte chauvinistische Prägung* als *eine Gefahr* für die Menschenwürde und Menschenrechte bezeichnen müssen. Man wird dabei an den klassisch gewordenen Ausspruch des österreichischen Dichters FRANZ GRILLPARZER erinnert, der schon 1848 feststellte: “Der Weg der

¹⁸ Beachte etwa Nationen, Nationalitäten, Minderheitenprobleme. Probleme des Nationalismus in Jugoslawien, Ungarn, Rumänien, der Tschechoslowakei, Bulgarien, Polen, der Ukraine, Italien und Österreich 1945 – 1990, hrsg. von Valeria Heuberger, Othmar Kolar, Arnold Suppan und Elisabeth Vyslonzil, Wien-München 1994.

¹⁹ Dazu *Bernhard Koplín*, Nationale und ethnische Minderheiten im Verfassungsrecht der osteuropäischen Staaten, eine rechtsvergleichende Darstellung, Berlin 1995; Das Recht der nationalen Minderheiten in Osteuropa, hrsg. von Georg Brunner und Boris Meissner, Berlin 1999.

²⁰ Dazu *Christopher C. Mojekwu*, International Human Rights: Contemporary Issues, New York 1980, S. 85 ff. und UNO-Generalsekretariat, 1993 Report on the World Social Situation in: UNO Doc. E/1993/50, S. 361 ff. Kap. XII, A.1.6 und I.; General History of Africa, Band I: Methodology and African Prehistory, hrsg. von Joseph Ki-Zerbo, Paris-London-Berkeley 1990, S. 104 ff.

²¹ *Rose M. D'Sa*, Human and Peoples' Rights: Distinctive Features of the African Charter, *Journal of African Law* 29 (1985) S. 72 ff. und *Scherer – Leydecker*, a.a.O., S. 202 ff.

neueren Bildung geht von Humanität durch Nationalität zur Bestialität.“²² In den beiden letzten Jahrhunderten findet sich für die Richtigkeit dieser Feststellung eine erschreckende Zahl an Beweisen und ein dazu im Verhältnis auf verschiedenen Ebenen, wie insbesondere UNO, Europarat, OSZE und EU, intensives *Bemühen um Minderheitenschutz* mit *unterschiedlicher politischer und rechtlicher Bedeutung und Wirkung*, wie der Fall von Kosovo und viele andere in letzter Zeit deutlich zeigen. Nicht unerwähnt sei auch die jetzige Situation der ungarischen Minderheit in der Slowakei und in Rumänien.

III

Wenn Staaten oder die obengenannten internationalen Organisationen von Minderheiten sprechen, so verwenden sie den *Ausdruck* „Minderheiten“ mit *unterschiedlich vorausgesetzten Eigenschaftswörtern*. In Art. 27 des Paktes über bürgerliche und politische Rechte der UNO wird von sprachlichen, ethnischen und religiösen Minderheiten gesprochen, in Art. 14 der Europäischen Konvention für Menschenrechte und Grundfreiheiten wird der Begriff nationale Minderheit verwendet.

Dieser Begriff bezieht sich auf eine neben der Mehrheit eines Staatsvolkes lebende „mitbewohnende Volksgruppe“, man könnte von *co-inhabiting nationality* sprechen. Im Englischen wird dafür auch der Ausdruck „ethnic group“ und im Deutschen das Wort „Volksgruppe“ verwendet. Es handelt sich dabei in einem Staatsvolk um eine Gruppe, die sich insbesondere sprachlich, ethnisch und religiös von der Mehrheit in diesem Gemeinwesen unterscheidet.

Auf die Minderheiten beziehen sich die sogenannten „klassischen“ Minderheitenschutzbestimmungen. Daneben hat sich in letzter Zeit auch ein Begriff von *neuen Minderheiten* entwickelt, es handelt sich dabei zumeist um „wandernde“ Personen, die Arbeit und Wohnung suchen, wie etwa *Asylanten*. Durch die Selbsthaftigkeit und Staatsangehörigkeit

²² Franz Grillparzer, Epigramm von 1848, in: *derselbe*, Sämtliche Werke, hrsg. von Peter Frank und Peter Pörnbacher, Band 1, München o. J., S. 500.

unterscheiden sich die klassischen älteren Minderheiten von den neuen Minderheiten.²³

In Europa wurde der *Minderheitenschutz* in letzter Zeit dadurch *besonders aktuell*, daß vor mehr als zehn Jahren nach der politischen Wende und damit dem Ende der kommunistischen Zwangsordnung in diesen Staaten die verschiedenen Besonderheiten innerhalb der Bevölkerung, nämlich auch Pluralitäten ethnischer bzw. nationaler, religiöser, sprachlicher und somit auch kultureller Natur deutlicher wurden und Spannungen entstanden. Sie führten vor allem in den Gebieten der früheren Sowjetunion und Jugoslawiens zu schweren Verlusten an Menschenleben und Kulturgütern sowie zu außenpolitischen Auseinandersetzungen. Sie haben den Rahmen der inneren Angelegenheiten der jeweiligen Staaten überschritten und gefährden die Ruhe, Ordnung und den Frieden in der Völkergemeinschaft. Längst ist auch in den letzten zweihundert Jahren der *Minderheitenschutz Teil der Menschenrechte* geworden, deren Wahrung *keine bloße innerstaatliche Angelegenheit, sondern eine allgemein anerkannte Verpflichtung der internationalen Staatengemeinschaft* ist.

Der *rechtliche Minderheitenschutz* war, wie bereits erwähnt, *ein aktuelles Thema vor dem Ersten Weltkrieg* im Zusammenhang mit dem Erwachen eines verstärkten Nationalbewußtseins und dem *Entstehen von Nationalstaaten*, in denen auch andere Volksgruppen lebten sowie mit weiteren besonders *nach dem Ersten Weltkrieg als Folge von Friedensverträgen verbundenen Gebietsabtretungen*. Zu den Minderheitenproblemen der Zwischenkriegszeit seien besonders Südtirol, Nordirland, das Baskenland und Kurdistan genannt.

Während und *nach dem Zweiten Weltkrieg* sind mannigfache ethnische Probleme durch die *Aus- und Umsiedlung* sowie die *Vertreibung* ganzer Bevölkerungsgruppen in Europa entstanden. Dazu tritt, wie bereits öfters erwähnt, nach der politischen Wende vor mehr als zehn

²³ Siehe *Felix Ermacora*, Um Frieden zu schaffen, Minderheiten achten. Volksgruppen- und Minderheitenschutz als europäische Aufgabe, in: *Die Weltfriedensbotschaften Papst Johannes Paul II.*, eingeleitet und hrsg. von Donato Squicciarini, Berlin 1992, S. 248 ff.

Jahren das Selbstbewußtsein der auch geopolitisch bedingten verschiedenen Interessen der Nationen und Volksgruppen, die sich nach der Befreiung von kommunistischem Druck leichter repräsentieren konnten. Diese Entwicklung führte zu ethnischen Gegensätzen und machte den Minderheitenschutz wieder aktuell.

Beim Minderheitenschutz muß immer unterschieden werden, ob dieser in Individual- oder Kollektivrechten gewährt wird; weiters ob diese Minderheitenschutzrechte im Verfassungsrecht eines Staates, etwa als Grundrechte bestehen oder in einem bilateralen oder multilateralen Vertrag mit oder ohne eigenem Durchsetzungsverfahren sowie mit oder ohne der Einbeziehung einer internationalen Organisation grundgelegt werden. Trotz der verhältnismäßig langen Tradition des Minderheitenschutzes gibt es noch immer kein entsprechend wirksames Minderheitenschutzverfahren auf internationaler Ebene.

IV

Wie nach dem Ersten Weltkrieg gab es *nach dem Zweiten Weltkrieg kaum Minderheitenschutzverträge*, ausgenommen das 1946 zwischen Österreich und Italien betreffend Südtirol abgeschlossene *Gruber-De Gasperi-Abkommen*, das hernach als Annex IV in den Pariser Friedensvertrag mit Italien vom 10. Feber 1947 Aufnahme fand, wozu nach Erfüllung des Südtirolpakets die Streitbeilegungserklärung 1992 erfolgte. Am gleichen Tag wurden mit anderen ehemaligen, an der Seite Deutschlands kriegsführenden Staaten Friedensverträge abgeschlossen, welche ebenfalls nur Diskriminierungsverbote, aber keine Minderheitenschutzbestimmungen beinhalteten. Es ist erwähnenswert, daß der *Minderheitenschutz für Südtirol nicht auf Grund der Ausübung des Selbstbestimmungsrechtes, sondern auf dem Weg langjähriger politischer Verhandlungen zustande gekommen ist*.²⁴

²⁴ Siehe u.a. *Herbert Schambeck*, Die Südtirolautonomie im System des europäischen Minderheitenschutzes, in: *derselbe*, Zu Politik und Recht, Ansprachen, Reden, Vorlesungen und Vorträge, hrsg. von den Präsidenten des Nationalrates und den Präsidenten des Bundesrates in Zusammenarbeit mit der Österreichischen Parlamentarischen Gesellschaft, Wien 1999, S. 179 ff.

In der *Charta der UNO* selbst findet sich ebenso wenig wie im Völkerbundpakt ein Hinweis auf Minderheiten. Die *Allgemeine Erklärung der Menschenrechte* vom 10. Dezember 1948 enthält in Art. 2 ein allgemeines Diskriminierungsverbot, aber auch keine eigenen Minderheitenschutzrechte!

Es sei aber nicht unerwähnt, daß am 10. Dezember 1948 mit der *Menschenrechtsdeklaration* auch die *Resolution "Fate of minorities"* von der UNO beschlossen wurde, in welcher festgestellt wurde, daß die UNO dem Schicksal der Minderheiten gegenüber nicht "gleichgültig" bleiben könnte, es aber schwierig sei, für dieses komplexe Problem eine einheitliche Lösung zu finden, da dieses in jedem Staat einen eigenen Aspekt aufweist.²⁵

Die erste universelle Schutzbestimmung für Minderheiten wurde am 16. Dezember 1966 von der UNO-Generalversammlung mit Art. 27 des *Internationalen Paktes für bürgerliche und politische Rechte* (IPB-PR)²⁶ beschlossen. Danach darf in "Staaten mit ethnischen, religiösen oder sprachlichen Minderheiten ... Angehörigen solcher Minderheiten nicht das Recht vorenthalten werden, gemeinsam mit anderen Angehörigen ihrer Gruppe ihr eigenes kulturelles Leben zu pflegen, ihre eigene Religion zu bekennen und auszuüben oder sich ihrer eigenen Sprache zu bedienen."²⁷

Diese Minderheitenschutzbestimmung ist für alle Vertragsstaaten dieses Menschenrechtspaktes vollinhaltlich verbindlich! Neben dem allgemeinen Schutz der Menschenrechte wird den Minderheitenangehörigen das Recht zur Erhaltung und Verwirklichung ihrer Identität gewährt, wozu für sie die Gedanken-, Gewissens- und Religionsfreiheit in Art. 18, die Meinungsfreiheit in Art. 19 und die Vereinigungsfreiheit in

²⁵ UNO Doc. A/3/Stk 183, S. 935; Res. 217 /3 (Part. I)/217, S. 77 f.; beachte auch *Felix Ermacora*, Der Minderheitenschutz in der Arbeit der Vereinten Nationen, Wien 1964 und *derselbe*, Protection of Minorities before the United Nations, in: *Recueil des Cours de l'Académie de Droit International de La Haye* 182 (1983 – IV), S. 250 ff., 350 FN 48 sowie *Scherer – Leydecker*, a.a.O., S. 47 ff.

²⁶ UNO Doc. A/RES/21/2200.

²⁷ Sieh näher *Scherer – Leydecker*, a.a.O., S. 295 ff.

Art. 22 IPBPR von Bedeutung sein kann. Diese Konvention ist am 23. März 1976 in Kraft getreten.

Art. 27 IPBPR stellt in einem kollektiven Bezug eine *individualrechtliche Schutzbestimmung* dar. In Fortentwicklung dieses Minderheitenschutzes der UNO wurde ferner von der Generalversammlung am 18. Dezember 1992 die *“Erklärung über die Rechte von Personen, die zu nationalen oder ethnischen, religiösen und sprachlichen Minderheiten gehören”*²⁸ beschlossen, die aber eine *bloße Empfehlung* ist.

In bezug auf die europäische Ebene sei betont, daß der *Europarat* sich bereits 1949 in einem *Bericht* des Ausschusses für Rechts- und Verwaltungsfragen mit dem *“Problem eines erweiterten Schutzes der Rechte nationaler Minderheiten”*²⁹ befaßt hat. Eine Möglichkeit bot die *Europäische Menschenrechtskonvention 1950*, welche zwar keinen eigenen Minderheitenschutz, wohl aber in Art. 14 das Diskriminierungsverbot enthält, welches es dem Europäischen Gerichtshof für Menschenrechte ermöglichte, sich mit Minderheitenproblemen zu beschäftigen.

Das Ministerkomitee des Europarates hat hingegen bisher zwei Abkommen verabschiedet, nämlich die *“Europäische Charta der Regional- und Minderheitensprachen”*³⁰ am 5. November 1992 und das *“Rahmenübereinkommen zum Schutze nationaler Minderheiten”* am 10. November 1994.³¹

Nach der *Sprachencharta* werden als Regional – oder Minderheitensprachen nur solche angesehen, die von Angehörigen des jeweiligen Staates gesprochen werden, und keine Dialekte. Die Sprache von Wanderarbeitnehmern und Einwanderern wurde ausdrücklich ausgenom-

²⁸ UNO Doc. A/RES/47/135, S. 210 ff.

²⁹ Niederschrift der Sitzung des Ausschusses für Rechts- und Verwaltungsfragen vom 31. August 1949.

³⁰ Siehe European Treaty Series Nr. 148, Human Rights Law Journal 15 (1994) S. 148 ff.; Europa Archiv, Zeitschrift für internationale Politik, Zeittafel, S. 290; vgl. auch den Gesetzentwurf der deutschen Bundesregierung zur Europäischen Charta der Regional- und Minderheitensprachen, BTDr 13/10268.

³¹ Explanatory report in: CE Doc. H(94) 10, S. 10 ff., 13, § 11; vgl. dazu *Christian Hillgruber/Matthias Jestaedt*, Die Europäische Menschenrechtskonvention und der Schutz der nationalen Minderheiten, Bonn 1993.

men. Die Staaten haben bei Hinterlegung der Ratifikationsurkunde verbindlich mitzuteilen, für welche Regional-oder Minderheitensprache sie sich mit welchen Fördermaßnahmen verpflichten; sie sind nämlich nicht verpflichtet, alle Sprachen, die auf ihrem Staatsgebiet gesprochen werden, zu fördern, und es steht in ihrem Ermessen, zu welchen Maßnahmen der Förderung sie sich aus dem Katalog des III. Teiles³² der Charta verpflichten!

Was das *Rahmenübereinkommen* betrifft, so verwendet es zwar den Begriff der "nationalen Minderheit", gibt aber keine Definition derselben, da sich darauf nicht alle Mitglieder des Europarates einigen konnten. Seine Bedeutung liegt darin, daß es *die erste rechtsverbindliche Übereinkunft ist, die dem Schutz nationaler Minderheiten im allgemeinen gewidmet ist*. Sie will die Rechtsgrundsätze nennen, zu deren Einhaltung sich die Staaten zum Schutz nationaler Minderheiten verpflichten. Die Verwirklichung hat durch innerstaatliche Rechtsvorschriften und die geeignete Regierungspolitik zu erfolgen.

Nicht unerwähnt sei in diesem Zusammenhang, daß für diesen Weg das im *Oktober 1993 in Wien* stattgefundene *Gipfeltreffen der Staats- und Regierungschefs und Außenminister der Mitgliedstaaten des Europarates* bestimmend war. Ein ständiges Bemühen um *Minderheitenschutz* ist auch *in der früheren Konferenz und heutigen Organisation für Sicherheit und Zusammenarbeit in Europa* feststellbar. In diesem Zusammenhang sei vor allem auf das Dokument des Wiener Folgetreffens vom 15. Jänner 1989, das Dokument des Kopenhagener Treffens vom 29. Juni 1990 sowie auf die Charta von Paris vom 21. November 1990 verwiesen, in welchen auf die einzelnen Aspekte des Minderheitenschutzes eingegangen wird. Es handelt sich dabei nicht um rechtsverbindliche Normen, sondern vielmehr um *politische Absichtserklärungen*, deren Konkretisierung dem Willen der einzelnen Staaten überlassen bleibt, wozu aber auch institutionelle Hinweise gegeben werden; so wird in Zi. 35 des Dokumentes von Kopenhagen auf die Autonomiemöglichkeit hingewiesen, und zwar wird als eine der Möglichkeiten zur Erreichung dieser Ziele die Einrichtung geeigneter lokaler oder autonomer Verwaltungen genannt, "die den spezifischen historischen und territo-

rialen Gegebenheiten dieser Minderheiten Rechnung tragen und in Einklang mit der Politik des betreffenden Staates stehen.”³³

Von besonderer Bedeutung für die Verwirklichung des Minderheitenschutzes ist das auf dem KSZE-Gipfel in Helsinki im Juli 1992 beschlossene Amt eines *Hochkommissars für Nationale Minderheiten*, das seit 1993 der frühere holländische Außenminister MAX VAN DER STOEL bekleidet.³⁴

Wie es in diesem Helsinkibeschuß heißt, soll der Minderheitenkommissar ein “Instrument der Konfliktverhütung zum frühestmöglichen Zeitpunkt”³⁵ sein. Seine Aufgabe ist nicht die nachträgliche Entscheidung über Minderheitenkonflikte, sondern vielmehr die *der Konfliktvermeidung durch Früherkennung und Frühvermittlung*.

V

Beachtenswerte Schritte für den Minderheitenschutz sind seit der politischen Wende in den letzten Jahren durch *Verträge zum Schutz von Minderheiten*³⁶ erfolgt. So nach 1990 zwischen Deutschland und der früheren Sowjetunion sowie hernach mit einigen ihrer Nachfolgestaaten, seit 1992 mit Polen sowie der Tschechoslowakei und ihren Nachfolgestaaten, weiters mit Ungarn und Rumänien.³⁷ Auch Polen hat derartige Minderheitenschutz-Bestimmungen in Verträgen mit Deutschland, Tschechien, Ukraine, Weißrußland und Litauen aufgenommen;³⁸

³² Art. 8 – 14.

³³ Siehe dazu näher *Rainer Hofmann*, Das nationale Minderheitenrecht in Osteuropa. Gegenwärtiger Stand und aktuelle Perspektiven, in: *Das Recht der nationalen Minderheiten in Osteuropa*, hrsg. von Georg Brunner und Boris Meissner, Berlin 1999, S. 13 ff. und *Scherer-Leydecker*, a.a.O., S. 179 ff.

³⁴ Beachte *Scherer-Leydecker*, a.a.O., S. 185 ff.

³⁵ Kap. II, Ziff. 2 Helsinki-Beschluß 1992; *Hannes Tretter*, Von der KSZE zur OSZE. Einführung in die für den Schutz der Menschenrechte relevanten Teile des Budapester KSZE-Dokuments 1994, *Europäische Grundrechte-Zeitschrift* 1995, S. 296 ff. und *Scherer-Leydecker*, a.a.O., S. 185 ff.

³⁶ Dazu näher *Scherer-Leydecker*, a.a.O., S. 221 ff.

³⁷ Siehe Aktuelle rechtliche und praktische Fragen des Volksgruppen- und Minderheitenschutzes, hrsg. von Dieter Blumenwitz und Dietrich Murswiek, Köln 1994 sowie *Rainer Hofmann*, Minderheitenschutz in Europa. Völker- und staatsrechtliche Lage im Überblick, Berlin 1995.

ebenso Rußland 1992 in Verträgen mit Kasachstan, Kirgistan, Turkmenistan und Usbekistan in Mittelasien.³⁹

Im Hinblick auf die angestrebte NATO- und EU-Mitgliedschaft ist es auch zu diesbezüglichen *Verträgen betreffend die ungarische Minderheit* zwischen Ungarn und der Slowakei am 19. März 1995 sowie zwischen Ungarn und Rumänien am 16. September 1996 gekommen. In ihnen werden die Verpflichtungen der Kopenhagener KSZE-Beschlüsse und der UNO-Deklaration 47/135 sowie die Empfehlung 1201 der Parlamentarischen Versammlung des Europarates zu rechtlichen Verpflichtungen erklärt.⁴⁰ In beiden Verträgen wird das Recht der Minderheit, ihre Sprache und Kultur zu pflegen, bei Verwaltungsbehörden und in bestimmter Weise auch bei Gericht, im Schulunterricht sowie in sonstiger Ausbildung ihre Sprache zu verwenden, versprochen bzw. garantiert. *Die Ausführung* dieser Verpflichtungen erfolgt *in einer für die ungarische Minderheit im jeweiligen Staat unterschiedlich aufgenommenen Weise.*⁴¹

Wenngleich die vor allem mit und nach dem Ende des Kommunismus mit der politischen Wende einsetzende *große Erwartungshaltung bezüglich des Minderheitenschutzes nicht entsprechend ausreichend erfüllt* ist, kann aber doch festgestellt werden, daß mehr, als es in den Jahrzehnten nach dem Zweiten Weltkrieg der Fall war, *das Problem- und Verantwortungsbewußtsein betreffend den Minderheitenschutz zugenommen* hat. Das zeigt sich insbesondere auch in den meisten *osteuropäischen Staaten*, welche *in ihren Verfassungen Minderheitenartikel* enthalten, die mehr allgemein gehalten sind und daher der einfachgesetz-

³⁸ Näher *Jan Barcz*, Den Minderheitenschutz betreffende Klauseln in den neuen bilateralen Verträgen Polens mit den Nachbarstaaten, in: *Friedenssichernde Aspekte des Minderheitenschutzes in der Ära des Völkerbundes und der Vereinten Nationen in Europa*, hrsg. von Manfred Mohr, Berlin 1996, S. 281 ff.

³⁹ Beachte *Carmen Schmidt*, Der Minderheitenschutz in der Rußländischen Föderation, Ukraine und Republik Weißrußland, Bonn 1994 und *Rainer Hofmann*, a.a.O., S. 33 f.

⁴⁰ Siehe *Bart Driessen*, A new turn in Hungarian-Slovak Treaty, *International Journal on Minority and Group Rights* 4 (1997), S. 1 ff.

⁴¹ Beachte *Rainer Hofmann*, a.a.O., S. 34 ff. Der Vollständigkeit wegen sei auch mit ähnlichem Inhalt der rumänisch-ukrainische Nachbarschaftsvertrag vom 2. Juni 1997 genannt.

lichen Ausführung bedürfen. Diese einfachen Gesetze beziehen sich dann auf den Sprachgebrauch, das Wahlrecht, die Verwaltungsorganisation und besonders auf das Bildungswesen, vor allem das Schulrecht.⁴²

Die *Notwendigkeit des Minderheitenschutzes* wurde auch *im Rahmen der europäischen Integration* erkannt. Besonders sei auf die Erklärung der EG-Außenminister vom 16. Dezember 1991 auf ihrer außerordentlichen Tagung im Rahmen der Europäischen Politischen Zusammenarbeit in Brüssel verwiesen. Sie bezieht sich auf die förmliche Anerkennung neuer Staaten in Osteuropa. Für sie werden u.a. als erforderlich erachtet: “Garantien für die Rechte ethnischer und nationaler Gruppen und Minderheiten im Einklang mit den im Rahmen der KSZE eingegangenen Verpflichtungen”.⁴³ Die Europäische Union hat auch hervorgehoben, besonders im Hinblick auf die Staaten Ost-, Mittel- und Südosteuropas, daß die EU-Mitgliedschaft einen entsprechenden Schutz der nationalen Minderheiten voraussetzt.⁴⁴ Der *Schutz der Minderheiten zählt auch zu den politischen Kriterien*, welche in den am 14. Juli 1997 veröffentlichten Stellungnahmen der Europäischen Kommission zu der “*Beitrittsfähigkeit der möglichen neuen Mitgliedsländer*” beachtet werden. Die *Agenda 2000* betont auch, daß eine befriedigende Eingliederung von Minderheiten in die Gesellschaft der beitragswilligen Staaten eine Voraussetzung für die demokratische Stabilität ist.⁴⁵

Es sei nicht auf dem Boden des Vatikan in unserer Päpstlichen Akademie für Sozialwissenschaften auf ethnische Strukturen und damit auch auf die Probleme der ethnischen bzw. nationalen Minderheiten Bezug genommen, ohne besonders auch auf *die Stellungnahme der Katholi-*

⁴² Ausführlich *Georg Brunner*, Minderheitsrechtliche Regelungskonzepte in Osteuropa, in: *Das Recht der nationalen Minderheiten in Osteuropa*, hrsg. von demselben und Boris Meissner, Berlin 1999, S. 43 ff.

⁴³ Bulletin der Deutschen Bundesregierung 1991, S. 1173 f.

⁴⁴ Beachte den Beschluß des Europäischen Rates in Kopenhagen vom Juni 1993, wonach ein beitragswilliger Staat “eine institutionelle Stabilität als Garantie für demokratische und rechtsstaatliche Ordnung, für die Wahrung der Menschenrechte sowie die Achtung und den Schutz von Minderheiten verwirklicht haben” muß.

⁴⁵ Bulletin der Europäischen Union, Beilage 5/97, S. 45 f.

*schen Kirche im allgemeinen und des Heiligen Stuhles im besonderen zur Minderheitenfrage hinzuweisen.*⁴⁶

VI

PAPST JOHANNES XXIII. hat schon 1963 in seiner Enzyklika "Pacem in terris" auf jene Tendenzen im Staatsleben verwiesen.

"94. die seit dem 19. Jahrhundert sich überall verbreiteten und zunahmen: daß die Menschen gleicher Abstammung politisch selbständig und zu einer Nation vereint sein sollen. Dies kann jedoch aus verschiedenen Gründen nicht immer erreicht werden. Daraus ergibt sich die Tatsache, daß sich völkische Minderheiten innerhalb einer anderen Nation finden, woraus dann schwerwiegende Fragen entstehen.

95. Hierzu muß offen gesagt werden: Was immer gegen diese Völker zur Unterdrückung der Lebenskraft und des Wachstums ihres Stammes unternommen wird, ist eine schwere Verletzung der Gerechtigkeit und dies um so mehr, wenn solche verfassungsrechtliche Gewaltanwendung auf die Ausrottung des Stammes selbst abzielt.

96. Vielmehr entspricht es vollkommen den Geboten der Gerechtigkeit, wenn Staatslenker sich tatkräftig bemühen, die Lebensbedingungen der Minderheit zu heben, namentlich in dem, was deren Sprache, Kultur, Herkommen und Gebräuche sowie wirtschaftliche Unternehmungen und Initiativen betrifft (vgl. Pius XII., Weihnachtsbotschaft 1941, U-G 3776-3805)."⁴⁷

Auch *das II. Vatikanische Konzil* hat sich mit den Minderheiten, der Förderung ihrer Entwicklung,⁴⁸ den Rechten und Pflichten der Minderheiten⁴⁹ sowie in diesem Zusammenhang mit dem Wesen des Frie-

⁴⁶ Siehe Kirche und ethnische Minderheiten, Dokumente der Ortskirchen aus Zentral- und Westeuropa, hrsg. von Kurt Egger, Brixen 1997.

⁴⁷ Texte zur Katholischen Soziallehre. Die sozialen Rundschreiben der Päpste und andere kirchliche Dokumente, mit Einführungen von *Oswald von Nell-Breuning SJ* und *Johannes Schasching SJ*, hrsg. vom Bundesverband der katholischen Arbeitnehmer-Bewegung Deutschlands, 8. Aufl., Bornheim-Kevelaer 1992, S. 267 f.

⁴⁸ Gaudium et spes, Nr. 59, Texte, S. 350.

⁴⁹ Gaudium et spes, Nr. 73, Texte, S. 365.

dens⁵⁰ beschäftigt und den Völkermord verurteilt.⁵¹ PAPST PAUL VI. warnte vor dem Nationalismus und dem Rassenwahn, die sich der nach “dem Prinzip der wechselseitigen Solidarität geordneten menschlichen Gesellschaft heute entgegenstellen”⁵² und sprach sich gegen den Rassismus⁵³ aus.

PAPST JOHANNES PAUL II. hat den Minderheiten seine *Botschaft zur Feier des Weltfriedenstages 1989* mit dem Motto gewidmet: “Um Frieden zu schaffen, Minderheiten achten.”⁵⁴

*In all diesen Dokumenten wird die Bedeutung der Volksgruppen betont, die Achtung ihrer Eigenart verlangt, die Annahme der berechtigten Unterschiede empfohlen, Unterdrückung und Vertreibung abgelehnt, anstelle der Gewalt für das Verhandeln eingetreten und der Hinweis auf die Notwendigkeit der Beachtung des Gemeinsamen und des Gemeinwohls eines Staates auch durch die Minderheit selbst gegeben, die sich nicht zum Zweck des Überlebens abkapseln, sondern gemeinsam mit dem übrigen Volk eines Staates die Geschichte aufarbeiten und in Dialog treten sowie bleiben soll.*⁵⁵

VII

Der Minderheitenschutz hat sich in seiner bis in die unmittelbare Gegenwart reichenden Aktualität zu einem Anliegen der Anerkennung von Menschenrechten⁵⁶ entwickelt, die ethnisch, kulturell, religiös oder sprachlich bedingt sind und durch den einzelnen Staat sowie durch die Völkergemeinschaft geschützt werden sollen. Im letzten mündet daher

⁵⁰ Gaudium et spes, Nr. 78, Texte, S. 371 f.

⁵¹ Gaudium et spes, Nr. 79,3, Texte, S. 373 f.

⁵² Populorum progressio, Nr. 62, Texte, S. 428.

⁵³ Populorum progressio, Nr. 63, Texte, S. 429.

⁵⁴ Dazu *Ermacora*, Um Frieden zu schaffen, Minderheiten achten, S. 248 ff.

⁵⁵ Kirche und ethnische Minderheiten, S. 15 ff.

⁵⁶ Siehe *Herbert Schambeck*, Der Minderheitenschutz als europäisches Grundrecht, in: *Recht – Glaube – Staat*, Festgabe für Herbert Schambeck, hrsg. von Hans Walther Kaluza, Johann Penz, Martin Strimitzer und Jürgen Weiss, 4. Aufl., Wien 1997, S. 183 ff. und *Christian Tomuschat*, Menschenrechte und Minderheitenschutz, in: *Neues europäisches Völkerrecht nach dem Ende des Ost-Westkonfliktes?*, hrsg. von Hanspeter Neuhold und Bruno Simma, Baden-Baden 1996, S. 89 ff.

der Minderheitenschutz in die *Achtung der Würde des Menschen und verlangt Toleranz sowie Akzeptanz der Mitmenschen auch in ihrer Verschiedenheit.*

RUDOLF KIRCHSCHLÄGER, viele Jahre österreichisches Staatsoberhaupt, hat dieses Erfordernis schon erkannt, als er in diesem Zusammenhang erklärte: "Im übrigen ist aber das Verständnis für eine Minderheit und für ihren Willen zur Selbstbehauptung nicht eine Frage des persönlichen Stils allein, sondern ein Ausdruck der staatspolitischen Klugheit. Eine Minderheit hat einen Anspruch auf Gleichberechtigung innerhalb des Staates. Sie braucht aber von Zeit zu Zeit mehr als nur Gleichbehandlung, sie braucht bewußte Förderung, um sich schon allein psychologisch nicht in eine Abseitsstellung gedrängt zu fühlen!"⁵⁷

Diese Verschiedenheit innerhalb eines Staatsvolkes in ethnischer Hinsicht setzt die Möglichkeit der Feststellung einer Minderheit voraus. Dies verlangt innerhalb eines Staatsvolkes bei dessen *ethnischer Pluralität* die *Ausübung des ethnischen Bekenntnisses* zu einer Volksgruppe; sei es, daß diese innerhalb eines Staatsvolkes eine Mehrheit oder Minderheit ist. Der legitimste Weg der Feststellung hiezu ist ein unter internationaler Überwachung in freier, allgemeiner, geheimer und gleicher Abstimmung durchgeführtes *ethnisches Plebiszit*.⁵⁸ Auf diese Weise kann auch das Selbstbestimmungsrecht genutzt werden.⁵⁹

Ob es zu einer solchen ethnischen Selbstbestimmung kommt, in welchem Abstimmungsgebiet und in welcher Form sie durchgeführt wird, bestimmt der Staat, der über dieses Gebiet und Volk die Souveränität innehat. *Das ethnische Bekenntnis* selbst fällt in die persönliche Entscheidung des einzelnen Menschen; ihm und seiner Volksgruppe muß daher die jeweilige Identität bewußt sein.

⁵⁷ *Rudolf Kirchschläger*, *Der Friede beginnt im eigenen Haus - Gedanken über Österreich*, Wien - München - Zürich - Innsbruck 1980, S. 101.

⁵⁸ Art. 1 Abs. 1 des Internationalen Pakts über bürgerliche und politische Rechte vom 19. Dezember 1966, BGBl. 1978/591.

⁵⁹ Beachte insb. *Pernthaler*, *Allgemeine Staatslehre*, S. 52 ff. sowie auch *Ermacora*, *Grundriß einer Allgemeinen Staatslehre*, S. 274 ff.; und *Koja*, *Allgemeine Staatslehre*, S. 97 f.

Der Schutz der Minderheit setzt daher die Wahrung der jeweiligen Identität voraus. Er verlangt demnach auch andere Grundrechte, wie insbesondere die Glaubens- und Gewissensfreiheit, die Freiheit der Meinungsäußerung und die Vereins- und Versammlungsfreiheit.

Auch das Kopenhagener Dokument der KSZE vom 29. 6. 1990⁶⁰ nennt die *Autonomie* bloß als eine *Möglichkeit und nicht als Rechtsanspruch!*

Die *Ausübung dieses Selbstbestimmungsrechtes und in diesem Zusammenhang der obengenannten Grundrechte* steht bei vielen dieser besonders multinationalen Staaten unter dem ständigen Verdacht oder der *Vermutung von sezessionistischen, separatistischen und partikularistischen Tendenzen*, die der jeweilige Staat entweder nicht entstehen oder aus Gründen der Bewahrung seiner politischen und verfassungsrechtlichen Ordnung nicht entfalten lassen will. *Minderheitenschutz und Selbstbestimmung* sollten daher *unter gleichzeitiger Achtung der jeweiligen Ordnung des Staates* stehen, in dem diese ethnische Minderheit lebt sowie Anerkennung und Schutz erwartet.

VIII

Eine der Möglichkeiten der Vereinbarung des Minderheitenschutzes mit der Ordnung des jeweiligen Staates ist eine *Autonomie*,⁶¹ nämlich *die staatsrechtliche Möglichkeit der Selbstverwaltung und Selbstregierung* innerhalb des multinationalen Staatsgebietes.⁶² Sie dient dem Schutz der jeweiligen ethnischen Gruppe und ihren Angehörigen. Der Grad ihrer Eigenständigkeit bestimmt auch das Maß ihrer jeweiligen autonomen Selbstverwaltung, von welcher meist die Außen-, Verteidigungs- und Währungspolitik ausgenommen sind.

Diese Autonomie kann entweder eine ethnische Territorial- oder eine Personalautonomie sein. Bei der *Territorialautonomie* ist sie auf

⁶⁰ KSZE Dokumente, hrsg. von Ulrich Fastenrath, Neuwied 1992, Dok. H. 1.

⁶¹ Näher *Pernthaler*, a.a.O., S. 56 f. und S. 63 f.

⁶² Beachte UNO-Deklaration Nr. 2625, XXV; Schlußakte der KSZE Korb I 1a und Korb VIII und *Hans-Joachim Heintze*, Autonomie, Selbstbestimmungsrecht der Völker und Minderheitenschutz, Der Staat 1997, S. 399 ff.

ein bestimmtes Gebiet abgestellt (z.B. die Regionen mit Spezialstatut Italiens und Spaniens; die Provinz Südtirol, die Faroerinseln). Auf diesem autonomen Gebiet unterliegen alle Menschen, die dort leben, dem Autonomiestatut und nicht nur die Angehörigen dieser ethnischen Gruppe. Es kommen daher einerseits die Angehörigen dieser durch das Statut geschützten ethnischen Gruppe, welche nicht auf diesem Gebiet leben, nicht in den Genuß dieses Autonomiestatuts, andererseits kann sich neben dieser ethnischen Gruppe, die auf diesem autonomen Gebiet lebt und die Mehrheit, aber im gesamten Staatsgebiet eine Minderheit ist, eine neue Minderheit bilden, die ohne ethnische Notwendigkeit jetzt unter den Schutzbestimmungen der anderen ethnischen Gruppe steht. Gefährlich ist diese Lage dann, wenn sie eine Veränderung der ethnischen Bevölkerung politisch etwa durch sogenannte "ethnische Säuberungen" zur Folge hat, was im früheren Jugoslawien, insbesondere im Kosovo der Fall war. Demgegenüber hat der UNO-Sicherheitsrat 1993 in seiner Resolution 836 ausdrücklich betont, daß jede Aneignung von Hoheitsgebieten durch Gewalt und jedwede Praxis der "ethnischen Säuberung" rechtswidrig ist und nicht hingenommen werden kann.⁶³

Der Territorialautonomie können die Formen des Regionalismus und des Föderalismus bis zur Schaffung eines Bundesstaates dienlich sein. Als Beispiele seien das kanadische Quebec, der Schweizer Jura und die Neugliederung Belgiens genannt.⁶⁴

Wo das Siedlungsgebiet einer Volksgruppe aber nicht geschlossen ist, eignet sich für den Minderheitenschutz die *personale Autonomie*. Der Minderheitenschutz wird auf den Einzelmenschen übertragen, entscheidend ist nicht die Zugehörigkeit zu einem Territorium, sondern zu einer ethnischen Minderheitengruppe, oft unabhängig davon, wo

⁶³ So auch Heintze, a.a.O., S. 412.

⁶⁴ Siehe Georg Brunner, Föderation, Konföderation und Regionalismus in verfassungsrechtlicher Sicht, in: Volksgruppen in Ostmittel- und Südosteuropa, hrsg. von Georg Brunner und Hans Lemberg, Baden-Baden 1994, S. 277 ff. und Stefan Oeter, Minderheiten im institutionellen Staatsaufbau, in: Das Minderheitenrecht europäischer Staaten, Teil 2, hrsg. von Jochen Abr. Frowein, Rainer Hofmann und Stefan Oeter, Berlin 1994, S. 492 ff.

sich der einzelne Minderheitenangehörige auf dem jeweiligen Staatsgebiet aufhält. Die Volksgruppenangehörigen müssen nur in einer entsprechenden privat- oder öffentlichrechtlichen Organisation organisiert sein. Als Beispiel seien die Slowenen in Kärnten oder die Juden in der Russischen Föderation genannt.

Gegenüber der ethnischen Territorialautonomie bietet die Personalautonomie den schwächeren Minderheitenschutz. Er ist auch auf die *ethnische individuelle Selbstzuschreibung* abgestellt, von welcher der einzelne Minderheitsangehörige Gebrauch machen kann, aber nicht muß. Seine Bewußtseinsbildung, die jeweilige ethnische Erziehung und Identitätsbemühung sind hierfür im Einzelfall ebenso maßgebend, wie Unterwanderungen, Bedrohungen, Zermürbungen und Diskriminierungen für die jeweilige Minderheit und ihre Angehörigen gefährlich sind.

IX

Derartige gegen die Minderheit und einzelne ihrer Angehörigen gerichteten Aktionen gefährden aber im letzten nicht nur die jeweilige ethnische Gruppe, sondern auch den betreffenden Staat und seine Ordnung. Die *Negierung oder gar die Verfolgung einer ethnischen Minderheit kann die Stabilität des Staates und, wie etwa das Beispiel Jugoslawien zeigt, auch den Frieden in der Völkergemeinschaft gefährden*. Jede Situation einer Minderheit und die Möglichkeit ihres Schutzes bedarf einer spezifischen Regelung und damit eines jeweiligen *Ausgleichs* der Interessen und Ansprüche, wie *zwischen der Achtung des Staates und seiner Souveränität einerseits und des Anspruches der jeweiligen Minderheit auf Wahrung und Schutz ihrer Identität andererseits*. Dieser Interessenausgleich ist insbesondere auch für die Gewährung von Autonomie⁶⁵ Voraussetzung. Dazu sei nicht übersehen, daß es nicht gelang, in das Rahmenabkommen des Europarates zum Schutz nationaler Minderheiten eine Vorschrift für die Gewährung von Autonomie aufzunehmen, obgleich es derartige Initiativen gab und schon viele Staa-

⁶⁵ Siehe auch *Hurst Hannum*, *Autonomy, Sovereignty and Self-Determination*, Philadelphia 1990, besonders S. 475.

ten auch zwecks Minderheitenschutz Autonomien gewährten. Es ist aber jeweils im betreffenden einzelnen Staat eine entsprechende Willensbildung und gegenseitiges Verstehen erforderlich.⁶⁶

Von Wichtigkeit ist daher auch die ständige Bewußtseinsbildung für die *ethnischen Strukturen* und ihre Bedeutung für die *nationale Demokratie* in der internationalen Gemeinschaft, da sie *Schicksalsgemeinschaften* sind.

In diesem Zusammenhang hob schon treffend der OSZE-Hochkommissar für nationale Minderheiten MAX VAN DER STOEL am 18. Oktober 1998 bei einer Konferenz in Locarno hervor: "Gefühle der Überlegenheit und Haß in Richtung anderer ethnischer Gruppen blockieren oft den Weg zu konstruktiven Lösungen innerstaatlicher ethnischer Probleme ... Die Geschichte lehrt auch, daß Mißachtung einer Minderheit zugunsten der Prinzipien der Erhaltung von Grenzen und der territorialen Integrität von Staaten, zur Schaffung eines neuen Staates führen und dabei oft von Blutvergießen und Elend begleitet wird. Außerdem lassen sich in vielen Teilen der Welt, auch in Europa, keine Grenzen auf solche Weise ziehen, die ethnisch homogene Staaten schaffen. Zwangsläufig wird die Minderheit von gestern eine Majorität in dem neuen Staat und damit ergibt sich das Problem gegenüber einer neuen Minderheit innerhalb der eigenen Grenzen. ... Aus allen diesen Gründen müssen wir versuchen, das Recht der Selbstbestimmung durch interne Alternativen zu realisieren. Nach meiner Ansicht erfordert dies die volle Achtung von Menschenrechten, einschließlich der Rechte der Minderheiten, zusammen mit Dezentralisierung und Subsidiarität, um dadurch soweit wie möglich die Vielfalt von Interessen innerhalb eines Staates miteinzuschließen. Mit anderen Worten, wir benötigen einen integrativen statt eines desintegrativen Ansatzes."⁶⁷

⁶⁶ So auch Heintze, a.a.O., S. 406 f.

⁶⁷ Max van der Stoel, Von der Bedeutung und Wichtigkeit, Vielfalt zu integrieren, Ansprache, gehalten auf der Konferenz "Regierung und Beteiligung: Vielfalt integrieren" in Locarno am 18. Oktober 1998.

X

Viel ist dazu schon geschaffen bzw. vorgesehen worden, es gehört nur angewendet und ergänzt. FELIX ERMACORA, der sich sein ganzes Leben auf weltweiter Ebene der UNO und der des Europarates mit dem Volksgruppenrecht und dem Minderheitenschutz beschäftigt hat und im Einsatz für die Menschenrechte 1995 seine letzte Lebenskraft einsetzte, erklärte schon 1991: “Die Fundamentalgarantien wie Völkermordverbot, Austreibungsverbot, Diskriminierungsverbot, alle Modelle sind geschaffen! Es bedürfte eigentlich gar nichts Neues. Wir haben das alles im geschriebenen Völkerrecht.

Spezialgarantien tun Not: Ich möchte mit einem allgemeinen Ausdruck sagen: Ob das nun Sprach –, Erziehungs – oder Kulturautonomien sind, sollte keine Rolle spielen. Also Autonomien in Spezialgarantien und dann Individualgarantien.”⁶⁸ PETER PERNTHALER, ebenfalls mit langer Erfahrung im Minderheitenschutz, hebt als *die fünf wichtigsten Arten von derartigen Schutzrechten* das Recht auf Sprachgebrauch, eigene Erziehungseinrichtungen, Schutz vor gesellschaftlicher, ökonomischer und politischer Diskriminierung, auf politische und kulturelle Beziehungen über die Staatsgrenzen sowie auf freie Auswanderung hervor.⁶⁹

Wie immer der *Minderheitenschutz* gewährt wird, er muß jeweils *in die Verfassungsrechtsordnung des jeweiligen Staates eingebunden werden* und sollte in der nationalen Demokratie begleitet sein von dem *gegenseitigen Verstehen der Mehrheit und der Minderheit des Staatsvolkes*. Ethnische Identitäten sollten gewahrt sein und *mit gemeinsamer Staatsverantwortung verbunden* werden.

Viele Staaten sind gegenüber einem Minderheitenschutz deshalb vorsichtig bis ablehnend, weil sie einen *Partikularismus, Separatismus und*

⁶⁸ Felix Ermacora, Erfahrungen und Perspektiven eines übernationalen Garantiesystems für Volksgruppenrechte sowie Möglichkeiten und Chancen eines europäischen Garantiesystems für Volksgruppen, in: *Volksgruppen im Spannungsfeld von Recht und Souveränität in Mittel- und Osteuropa*, hrsg. von Felix Ermacora, Hannes Tretter und Alexander Pelzl, Wien 1993, S. 323.

⁶⁹ Pernthaler, a.a.O., S. 65 ff.

Sezessionismus befürchten, der die Existenz des Staates und seiner gesamten Ordnung unter Umständen gefährden könnte. *Selbstbestimmung, Minderheitenschutz und Staatsverantwortung* sollten daher in einer nationalen Demokratie *gemeinsam zum Tragen kommen*. Das verlangt die *Transparenz, Repräsentation* sowie *Integration der jeweiligen Minderheit*, und wenn ein benachbarter Staat, der einer Minderheit gegenüber eine *Schutzmachtfunktion* erfüllt, wie dies etwa zwischen Österreich für Südtirol gegenüber Italien der Fall ist,⁷⁰ die Achtung der Eigenverantwortung des jeweiligen Staates, der eine Minderheitenregelung zu treffen hat.⁷¹

Da in diesem Jahrhundert auch infolge zweier Weltkriege und der damit verbundenen tragisch schmerzlichen Folgen, wie Gebietsabtretungen, Vertreibungen und Umsiedlungen, viele Minderheitenprobleme entstanden sind, verlangt *die Beziehung von ethnischen Strukturen und nationalen Demokratien eine besondere politische Verantwortung auch in der Völkergemeinschaft*. Der Minderheitenschutz wurde dadurch zu einem *Anliegen der internationalen Staatengemeinschaft* und somit eine wichtige *Voraussetzung zum bonum commune humanitatis*.

Mangelnder Minderheitenschutz bis hin zu sogenannten ethnischen Säuberungen, wie sie in den letzten Jahren im früheren Jugoslawien, besonders im Kosovo stattgefunden haben, ist keine zu negierende innerstaatliche Angelegenheit; effektiver Minderheitenschutz ist vielmehr eine menschenrechtliche Verpflichtung gegenüber der Völkergemeinschaft. *Staatliche Souveränität* ist daher *kein völkerrechtlicher Schutz für ein Terrorregime*, das den ethnischen Minderheitenschutz verletzt. Der Kosovokonflikt zeigt sogar, daß eine *humanitäre Intervention auch ohne UNO-Mandat* in Anspruch genommen wird.⁷² Da es jedoch in der heu-

⁷⁰ Ermacora, a.a.O., S. 322 und derselbe, Um Frieden zu schaffen, S. 255 f.

⁷¹ Näher Gerhard Hafner, Schutzmachtfunktion und völkerrechtliches Interventionsverbot (Art. 2 Z. 7 der UNO-Charta), in: Volksgruppen im Spannungsfeld, S. 128 ff.

⁷² Siehe Heribert Franz Köck, Legalität und Legitimität der Anwendung militärischer Gewalt. Betrachtungen zum Gewaltmonopol der Vereinten Nationen und seinen Grenzen, Zeitschrift für öffentliches Recht 1999, S. 133 ff.; Claus Kreß, Auf dem Weg zum Individualschutz – der Kosovokrieg ist Beleg für den Epochenwandel des Völkerrechts, Frankfurter Allgemeine Zeitung vom 31. Dezember 1999, S. 7.

tigen Zeit kaum Einsätze militärischer Gewalt gibt, die nicht in irgendeiner Weise eine humanitäre Rechtfertigung für sich in Anspruch nehmen, sollten immer zunächst diplomatische Alternativen ausgeschöpft werden.

Damit möchte ich zum Ende kommend darauf hinweisen, daß die Beziehungen von ethnischen Strukturen und nationaler Demokratie eine große Verantwortung für eine menschliche Ordnung im Staat und mit diesem in der Völkergemeinschaft begründen.

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RELIGION AND DEMOCRACY
IN THE POST-MODERN WORLD: THE POSSIBILITY
OF A “RELIGIOUSLY QUALIFIED”
PUBLIC SPHERE

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SUMMARY

From the Enlightenment onwards, modern society has seen transcendental religion as an obstacle to democracy. In order to overcome this obstacle it has adopted two strategies. By the first, it has forced religion to adapt itself to the political symbolic code of democratisation (the “European model”). By the second, it has allowed religion to have autonomy but it has also relegated religion to a purely private sphere by separating it from the political arena (the “American model”). In both cases religion has become increasingly irrelevant for the public sphere. At the end of the twentieth century, these historical tendencies and the correlated configurations of society have fallen into a radical crisis: (political) democracy has lost its conceptual bases and (established) religion has lost its identity. How can democracy and religion evolve together?

The field of possibilities is a very large one. From the perspective of sociology this paper analyses the past configurations of society and present-day scenarios in and on which religion is a “third entity” in relation to civil society and the democratic state (or political system).

The thesis is that in a historical framework characterised by an increasing differentiation of the social and cultural spheres, with their respective symbolic codes, religion re-distinguishes itself as a latent sphere which seeks to contribute – certainly not without conflicts and frictions – to the construction of an ethically qualified public sphere in opposition to the increasingly secularised and privatised public sphere. This latter is now being spread by the purely functionalistic processes of globalisation. Religion, in the concrete expressions of the various religious communities, redefines the public sphere (i.e. civil society) and thus calls for a new relationship (or relational formation) with democracy.

Religion is no longer the field of integrating mediation between civil society and the political system, but becomes the propulsive impetus behind a “civil society of the

human". This last on the one hand is opposed to the "civil society of mere market communication", and on the other seeks to guarantee the human working of democracy. It challenges the institutional structure of a political system (be it referred to the state or to a supranational political community) which increasingly works as a mere function of a globalised market which depersonalises and commodifies daily life.

1. *The Question: Can Religion (and Religious Communities) be a Field of Encounter between the State and Civil Society?*

1.1. The subject of the relationship between religion and democracy is notoriously one of extreme complexity.¹ In history there have been democracies which have arisen and have drawn nourishment from a religious input, and there have been democracies which have fought religion. Some democracies have favoured one religion alone, and other democracies have been opposed to all religions. It is more difficult to find democracies which have tolerated or had a positive approach towards different religions and promoted harmonious relations between them.

In reality, ever since the very idea itself was born of democracy as a system of government based upon a separation between the religious and political powers, the relationship between religion and the state has always been one of conflict. It would take too much time here to outline history from ancient times to modern times. Modern European

¹ This complexity is to be found first and foremost in the many and various ways of defining religion and democracy. In this paper I use the following general definitions. By "religion" I mean a message of faith which brings with it a vision – or a system of beliefs – about the meaning and ultimate destiny of human existence which has a revealed supernatural character and confers a transcendental and *not merely sacred meaning* (and thus described in a specific sense as "religious", which imply not only an attitude of great respect and/or reverence to sacred 'things' but also a relation with a transcendent God) on the daily life (actions and events) of people and their social relationships. Throughout the paper, where not otherwise specified, I will refer mainly to the Christian, Jewish and Muslim religions. By "democracy" I mean a political settlement made up of : i) a form of government of the people by the people achieved through the maximum participation of the citizens in public life; in modernity this participation is achieved through representative and/or direct institutions, with rules about decision-making based upon the majority principle; and (ii) institutions which recognise and uphold the set of the rights and duties of the citizenry.

history, as is well known, arose precisely in response to lacerating conflicts between political and religious authorities within Christendom, and in particular it was seen as a solution to the wars of religion. Modern political democracy took the form of an answer to the conflicts between different religious denominations which aspired to political power for themselves.

At the beginning of modernity (the sixteenth and seventeenth centuries) attempts to make the state once again subject to the power of religion, or in contrary fashion to make religion once again subject to the power of the state, still prevailed. However, with the English revolutions there also emerged the idea of liberal democracy, an idea which sought to obtain a settlement between religion and the political power through the separation of their respective spheres and the provision of guarantees in favour of a certain pluralism within both spheres. But with the French Enlightenment (the eighteenth century) modern society underwent another major change. It saw and treated transcendental religion as an obstacle to democracy. In order to overcome this obstacle of transcendental religion, which the Enlightenment held to be mere superstition, modernity adopted two types of strategies.

By the first type of strategies it forced religion to adapt itself to the political symbolic code of democratisation, that is to say it saw and treated religion in relation to that code (nothing of a religious character was accepted within the public sphere unless it subjected itself to the criteria of democratic political procedures). By the second type of strategies it conceded autonomy to religion but relegated it to the purely private sphere and separated it from the political sphere. The first trend was prevalent in Europe (the “European model”) and the second held sway in the United States of America (the “American model”). In the modern approach the political power must immunise itself against religion because the latter is a transcendental force. It does this in two ways.

(I) In the European model, which was born with the French Revolution and then powerfully synthesised in the Hegelian view of history, religion is incorporated into the immanent Spirit which directs the evolution of society. Here religion appears as one of the subjective and

objective forces which must find their “realisation” (Hegel’s *Bewahrheiten* as *Aufhebung*) in the state.

(II) In the American model, which was born in the New World and began with the Pilgrim Fathers, religion is seen as an autonomous basis of society but is conceived as a search for individual happiness. For this reason, in order to avoid one conception prevailing over another, it is detached from the political power and the sphere of action of the state by a net separation between the two spheres. This is done specifically so as not to fall into a hegemony of one religious vision over others.

These models are still dominant. But the transformations which have taken place in their character have reached the point that they have become obsolete.

In the European model, after being subject to the rule of the state, religion was placed at the margins of society because of the idea that democracy must be based upon a public sphere which should be indifferent to the religious choices of individuals. Religious choices are considered legitimate but seen as relevant only within the private sphere. Possible agreements (“concordats”) between the state and religious communities have to be made on the basis of the political code of the state which, obviously enough, perceives only the external (institutional) aspects of religions. It has to treat them at the level of equality in the upholding of religious rights which are seen as pure and simple civil rights (the freedom to practice and express one’s own beliefs within the limits defined by the state). Religious activity can only survive as a private fact which takes place, however, within a statal vision of private rights.

In the American model, as I have already observed, the range of freedom has always been, and still is, very wide. Today, the United States seems to be the most significant and instructive example of the rather rare instance of a multi-religious society. Indeed, upon this image the USA legitimises itself as being an example of “paradigmatic” democracy for the whole world. But is such really the case? Many are doubtful on this point because although it is true that the democracy of

the United States was born on the basis of certain fundamental religious values and upon assumptions about tolerance towards every type of religion, it is also true that the North-American democratic political system has never had a real religious foundation. If anything, that foundation has been of the Enlightenment type. But whatever the case may be, democracy in the USA has also gradually become secularised, and this to the point that at the present time religion no longer plays a fundamental role within the public sphere. From a contemporary perspective, the melting pot of religions protected in and by North-American democracy is no different from that promoted in the imperial Rome of ancient times. That this empire should appear to be as strong and secure as ever before should not surprise us, but there are those who believe that this is a giant with feet of clay. Whatever the truth of the matter, we have before us the evidence that the relationship between religion and democracy which has been typical of modernity is no longer tenable.

In both the European model and the American model, religion has been able to survive as a privatised sphere. Does this mean that it has become increasingly irrelevant for the public arena? The theories of the state (prevalent in Europe) and the theories of the market (prevalent in America) claim that this is precisely the case. To them religion is an important element of vivification for society and democracy, but this is on the condition that religion does not disturb the political power and functions so to support the economic market.

1.2. In sociological terms, it is interesting to observe that with the end of the twentieth century the historical trends which have brought about an increasingly privatised and residual role for religion because of the effects of democracy have entered into an increasingly profound state of crisis. In the contemporary Western context, (political) democracy is losing its belief bases and (established) religion is losing its identity. Thus it is that we ask ourselves: how can democracy and religion develop and evolve (and above all else how can they survive)? What relationships should they have in order to strengthen each other rather than erode each other?

The field of possibilities is a very large one. In order to understand the possible historical developments, we need a relational framework endowed with a very high complexity, at least so much complexity as modernity has created through an increasing separation (differentiation) between religion and democracy.

From a sociological point of view, contemporary Western democracy – which presents itself as the model for the modernisation of the whole planet – is a form of societal organisation based upon the sharpest structural and cultural distinction between religion and the state that history has ever known. In this system religion seems to have an increasingly diminishing qualification to intervene in the public sphere. In Europe religion is openly opposed by the political power of the state. In North America it is entrusted to the market where it becomes a mere article of consumption. These forms of distancing between religion and (political and economic) democracy are sources of crisis for both – in moving apart religion and democracy lose their mutual synergy. The two terms should be coupled (related) together in a meaningful way, but it is exactly the symbolic systems of relational meaning which fail to perform. This is why *one can no longer speak* – as has hitherto been the case – *of religion as a field of positive encounter between the state and civil society* in the way that it was spoken about in the two models of the past, the European and American models – or rather, to put it more specifically, in the models of F.Hegel and A.de Tocqueville.

In today's world, religion must reverse the attitude which characterised it during the first phase of modernity when it should have upheld and defended its own "private" rights against the hegemony of the political power. Religion is concerned with the complex of rights of citizenship not so much in order to privatise civil, human, and social rights but more to examine and to "publicise" such rights (in the sense of illuminating and providing a positive appreciation of their public contents). In this endeavour, religion is characterised in a new way within its own boundaries by religious movements which act as the typically modern movements have acted and continue to act on the one hand, and by post-modern movements which seek an exit from the constraints

of modernity on the other. Although it remains a specific realm of the political system (the state), religion is differentiated within its own boundaries by trends towards the further privatisation (individualisation) of faith on the one hand, and by trends which do not abandon the role of religion as a (public) builder of social institutions which require a recognition of their own (public) status within the complex of citizenship on the other.

A series of structural and cultural changes at a worldwide level have meant that religion – in the concrete expressions of the various religious communities – now has a societal role which is completely new: religion claims greater relevance for itself in relation to the public sphere and thus calls for a new relationship with democracy understood as both a form of government and a structure of institutions which safeguard the rights of citizenship. There seems to be an increasing room for autonomous initiatives taken by religions in order to create *together* a new culture of democracy as an *associational* configuration opposed to those *lib/lab* arrangements which we have inherited by Western modernity (P. Donati 2000, chapters V and VI).

This paper analyses from a sociological point of view the past structures and present-day scenarios in and on which religion is a “third entity” in relation to civil society and the democratic state (or political system).

My thesis is that in a framework characterised by a growing differentiation of the social and cultural spheres, with their symbolic codes, religion is reorganising itself as a latent sphere which contributes (albeit not without conflicts and frictions) to the construction of an ethically qualified public sphere which is in opposition to the alienation spread by the purely functionalistic process of globalisation which rests upon an increasingly secularised and privatised public sphere. This is the contribution which religion can make to the renewal of a form of democracy which has lost its foundations at the level of values.

Whether examined in the transcendental forms of the three great world religions (Judaism, Christianity, Islam), or in the immanent forms of modernity (the Goddess Reason, the Hegelian Spirit, or others), reli-

gion is no longer the field of integrating mediation between civil society and the political system. Religion, indeed, can no longer be confined, as modernity would like it to be, within the historical space of the balances, agreements, and negotiations between religious institutions and political institutions. It is, rather, becoming once again a latent and transcendental factor. In concrete terms, it is becoming the propulsive impulse behind a “civil society of the human” which on the one hand is opposed to the “civil society of mere market communication” and on the other challenges the institutional structure of a political system (the state and supranational political communities) which operates exclusively with reference to a globalised market economy which depersonalises and commodifies daily life. Religion itself is redefining itself and is acquiring a new relevance as the spiritual qualification of that process of civilisation which is in opposition to the growing dehumanisation of cultural, economic and social life at a worldwide level. In this way it takes on the goal of guaranteeing and upholding the human face of democracy. But it must also, in its turn, decide whether to pursue this goal through further privatisation or make itself the subject of a new public sphere (without excluding processes of privatistic re-entry).

1.3. In this sociological contribution I proceed in the following way.

First of all I ask myself the following question: is religion an obstacle to, or a prerequisite of, democracy? This involves understanding in which sense religion is one and/or the other. As we will see, there is no univocal answer to this question. Religion can be both, and this is because it is intrinsically ambivalent towards every particular historical configuration (or system of structures) (§. 2).

What is required, therefore, is an analysis of the concrete societal configurations which have existed in the recent past and are still in force in order to understand which relational “logic” is now emerging in the trade-offs between democracy and religion. As we will see, we have before us processes of uneven differentiation which involve enormous problems of mutual relationship formation (§. 3).

In order to face up to the future it is now opportune to define the scenarios which we have before us and to define the basic dilemmas

which arise. I would like to advance the point of view that on the scenario of the processes of globalisation which are destined to spread during the twenty-first century, the central dilemma is that of how to define a new public sphere in which religion and democracy can encounter each other in terms of a dialogue which opts in favour of a relational co-existence between the various civilisations rather than subjecting them to the domination of commercial technology. In my opinion, to put it bluntly, one must choose between a public sphere dominated by further commercial standardisation, which will be even more alienating than it is today, and a “religiously qualified” public sphere in which democracy takes the form of government which is subsidiary to a civil society nourished by the flowering of religious communities which have a shared interest, and even a shared identity, in avoiding the end of every form of humanism (§. 4).

In the conclusion of this paper I would like to further clarify this approach, which seeks to build a “democracy friendly to religion” within what I call the “society of the human” (§. 5).

2. The Relevance of Religion for Political Democracy: is Religion an Obstacle to, or a Prerequisite of, Democracy?

2.1. From a theoretical point of view, modernity begins with a fundamental question: is religion an obstacle to, or a prerequisite of, democracy? In what sense and in what ways is it (or can it be) one or the other?

The modern theory proceeds as follows: if religion is an obstacle to democracy it must be kept out through active neutrality (marginalisation) or passive neutrality (in-difference). If it is a prerequisite, that is to say that democracy needs religion, one needs to see if religion has specific functions or instead is supra-functional (that is to say whether it has determined or precise functions or whether it is a necessary presupposition which cannot be limited to a small and limited number of functions). There are, indeed, democracies which are supported by functional religions, and other democracies which are supported by

supra-functional religions. But whatever the case may be it remains to be seen which religion has the qualifications and is entitled to act as a functional or supra-functional prerequisite of democracy, and how this bears upon the quality of democracy.

In theory many “modernities” are possible depending upon the answers the various societies give to these questions. This is true not only of today’s world. Indeed, although it is true that the processes of modernisation create during the course of their action “multiple modernities” (S. N. Eisenstadt, 1997), it is also true that precisely at the very origins of what we call modernity we find different conceptions of the relationship between religion and democracy. However much this history has been under-studied and little remembered, it remains a fact that from the thirteenth to the fourteenth centuries societies dominated by religions, whether by Catholicism, by Judaism and even by Islam, gave rise to currents of thought and social actors which worked in favour of various models of modernity and in particular of different models of relations between religion and democracy. There was a plurality of ideas about civil society and the relations between civil society and the state (or the political-administrative system), even though only a few of the solutions which were proposed were to triumph.

R. Collins (1992) has advanced certain important historical-sociological theses in convincing fashion. First of all, he demonstrates that it is not in the least true that political democracy in the West was born in the sixteenth and seventeenth centuries in a state of opposition to religion. Instead, Western democracy is only conceivable on the basis of its Christian religious presuppositions. Secondly, he demonstrates that it is not in the least true that religion during the eighteenth, nineteenth and twentieth centuries was an obstacle to democracy, as positivistic thought has accustomed us to think. On the contrary, religion gave fundamental impulses to democracy. He also proposes the thesis that Catholicism was much more decisive in the construction of the modern democratic system than Protestantism.

R. Collins supports his theses with an abundance of historical references and evidence. To these we could add many others, such as those

proposed by the recent studies of G. Maddox (1996) on Anglo-Saxon countries, or more specific inquiries such as those which demonstrate the support of the so-called democratic Catholics for the construction of the French democracy of a Jacobin character (V.E. Giuntella, 1990). Furthermore, there is also the historical evidence on the contributions made by Catholic thought to the construction of modern Western democracy (G. Campanini, 1980). But it is not appropriate to dwell here upon this long history.

What I would like to emphasise is the fact that religion shows itself to be a positive factor in the development of democracy if, to the extent to which, and when, it is able to develop a specific civil society: a) in which there is a differentiation between the political power and the religious power, and b) where religion has the opportunity to influence the political system through its initiatives in the public plural sphere. The Western prototype is described by de Tocqueville in *Democracy in America*. In contrary fashion, O. Kharkhordin (1998) demonstrates that the Eastern countries of the Orthodox Christian world (and Russia in particular) are not able to achieve democratic forms because they have a prevailing communitarianistic conception of civil society which does not allow that differentiation of spheres and that (secular) political pluralism upon which a democratic system grows. In the middle, between the West and the East, there seems to be the Catholic religion which mixes together Western and Eastern characteristics. The formula of “communitarian personalism” (E. Mounier, J. Maritain) expresses this singular combination of promotion of the individual as a person and at the same time of the bonds of community.

However, during the course of European history over the last two centuries the Enlightenment version of the relationship between religion and democracy has triumphed. This version only provisionally accepts religion as a temporary auxiliary instrument in the emancipation of humanity. Enlightenment thought thinks that once emancipated, humankind (and with it democracy) will no longer have need of religion. In America things have not developed differently. Although American rhetoric loves to bestow a position of importance on religion,

seeing it as a permanent source of spiritual nourishment for human history and democracy, it is also true that in the USA a “civil religion” has evolved which has had consequences which are not very different from those which have been witnessed in the European democracies.

2.2. Enlightenment modernity, as a “contingency formula” which triumphed from amongst the various possible forms of modernity (N. Luhmann, 1992), has accustomed us to think in terms of dualistic oppositions.

On the basis of *this* modernity, religion is described as extrinsic – if not refractory and contrary because of its dogmatic contents (N. Luhmann, 1984) – to democracy. Democracy is understood as an escape/exit from religion: “*sortie de la religion*” to say it with M. Gauchet (1998), who prefers this expression to those of “secularisation” and “*laïcisation*”, meaning that democracy becomes an instrument for absolute politics (“*sortie de la religion ne signifie pas sortie de la croyance religieuse, mais sortie d’un monde où la religion est structurante, où elle commande la forme politique des sociétés et où elle définit l’économie du lien social*”, *ibid.* p. 11). The symbolic codes of religion and democracy are understood as two opposed ideal types. Religion means: non-rational faith or belief; (traditional or affective) choice in terms of values; a charismatic character; and partisan or “coloured” ethics. Democracy, on the other hand, means: instrumental rationality; individual choice; a procedural character; neutral ethics or indifference towards presuppositions in terms of values. The distinction between religion and democracy works within a symbolic code which thinks in terms of good/bad and pure/impure. In the eyes of the champions of the Enlightenment, democracy is supposed to be a system of good and pure thought, whereas religion plays the part of a system of beliefs which must show that it is not bad and impure.

In Europe this model was brought to the point where the nation-state came to take the place of the Church. The process of the construction of the European Union as an economic and political entity (and thus indifferent towards its religious presuppositions) has not changed, indeed it has accentuated, these features.

In North America, in different fashion, the model was moderated through the idea of a net separation between religion (church) and the state. In this way the state (the democratic system) was immunised against religion without having to try to bring it within its own realm, as in contrary fashion took place in Europe.

However things may have developed, Western modernity today continues to see religion as a merely private affair which becomes relevant for democracy only when it exercises an influence on the public sphere. It is at that moment that one must decide if, and how, to deal with it politically. Both when the policy is simply to confine it to the private, as mostly happens in America, or to regulate it so that it functions in accordance with the democratic political project, as mostly happens in Europe, the outcome is the same: religion is separated off from the public sphere as an element which disturbs it and it can be admitted only after receiving suitable democratic treatment.

This model (or value pattern) of modernity, which is dominant in the contemporary West, raises two major categories of questions.

Firstly, if religion is confined to the private what contribution can it make to democracy? Very little, it would appear. The contribution made by religion must be restricted to the sound upbringing of persons and where possible to a socialising control of their life-worlds. But this does not take place without democracy always being suspicious about the kind of upbringing which is given and which kind of control is effected. Indeed, democracy introduces itself progressively into the socialising processes and introduces into them its principles of ethical neutrality. This has the result that today the rhetoric of religion as a contribution to the civic sense of citizens, which was dominant throughout the Victorian nineteenth century and during the first half of the twentieth, has to be consigned to the rubbish heap. All in all, the public sphere turns out to be naked in terms of values and thus becomes a terrain of quicksands which are very dangerous for democracy itself (R.J. Neuhaus, 1986).

Secondly, can a democracy conceived as meaning the privatisation of religion be received in a positive sense by those non-Western cul-

tures (or peoples) for whom religion is a public fact? The modernity to which reference is being made loves to demonstrate that non-Western cultures are engaged in a process of increasing privatisation. The case of Japan is emblematic of this (M. Sasaki, 1999). But what has happened in Japan is not different from what has taken place in nearly all those countries which are following the path of Western modernisation, including Africa and South America (M. Sasaki and S. Tatsuzo, 1987). Any different path is here understood as a lag, delay or deviation.

In short, Western modernisation ends up by seeing religion as a functional element specially directed towards dealing with the undetermined, that is to say what remains indescribable, “appresented” (*appresentiert*),² and inexpressible (it is to be found in the environment of the system, to employ the language of systems theory). At the same time, because *this* modernity believes that everything can have equivalent functions, in it religion becomes a system of beliefs which can be substituted by something which it is thought can have the same purpose. Thus there is a search for functional equivalents such as aesthetics or the esoteric, phenomena which obviously enough do not provide the hoped for answers. But things do not stop there: given that democracy is not qualified to choose which religion (or religions) are most congruous (or functional) to it, it ends up by not choosing any religion at all. It does not choose, in the end, even from among its own “religions”, that is to say from the modern ideologies which have been proposed as substitutes for revealed religion – the liberal, socialist or Enlightenment ideologies, whether in their strong or weak forms. As such, democracy is simply without faith, without trust, and without a belief in any values which are not merely instrumental and procedural. It must always make resort to the trust or social capital of civil society. But the fact is that given the present condition of Western countries, democracy finds that it has powerfully devitalised civil society, and this to the point of having to recognise that the public sphere is now “dead” (R. Sennet, 1977).

² *Appresentiert* is the word used by E. Husserl, and generalized by N. Luhmann (1977) to mean what cannot be seen directly and therefore remains unvisibile and at the same time undetermined, i.e. “unable to be represented in so far as it is the other side of the moon”.

2.3. The relationship between religion and democracy as defined by Western democracy appears to be in an increasingly critical condition, both with regard to its own internal developments and in situations where it has been exported to non-Western contexts. This is true of both the European and the American models.

(i) In Western modernity the relationship between religion and democracy has plunged into a paradox. Politics cannot do without religion but the theories and practice of democracy still (indeed increasingly) tend to separate the political and religious spheres. The illusion that democracy can control the thought of its citizens has been revealed to be an illusion (N. Chomsky, 1989). Religion can no longer be seen as being on a higher level than politics, but the converse is also true. What are the alternatives? Or to put it another way: what relational *schema* should be adopted? Western modernity does not have solutions of a specifically relational character because it is based upon systems of thought and social practices which systematically seek to immunise themselves against relations (R. Esposito, 1998).

(ii) When the arrangements of Western society are exported to other socio-cultural contexts, to other “civilisations”, they generate enormous kinds of problems. These arrangements, indeed, delegitimise the religious foundations of each democracy and secularise its forms and contents, thereby producing anti-Western reactions in an increasing number of national and regional contexts. Although there can be processes of convergence and consent in relation to Western-style arrangements, in empirical terms there more prevail forms of latent or masked contestation, when, that is, such reactions are not openly violent and aggressive in character.

The relationship between religion and democracy proposed by modernity provokes contradictions which people do not know how to overcome. The fact is that modernity postulates a certain equilibrium between the civil sphere and the political sphere which is to be achieved through the mediation of a civil religion. But modernity itself helps to upset this balance in a progressive way, although in a form whose speed or unevenness varies according to circumstance.

In Europe, the crisis of the modern forms of equilibrium has coincided with the fall of idealistic thought which made a certain civil religion (the bourgeois-socialist civil religion) the cement of the Spirit. This Spirit acts by means of theses and antitheses which are able to achieve the forward movement of history.

In America, the crisis expresses itself in the practical distancing of the paradigm (the myth of origins) which was originally espoused by A. de Tocqueville and then reformulated by T. Parsons. These authors see religion as the basis of a cultural system of “adaptive up-grading” which makes a “societal community” possible. This community, in their opinion, ensures that individual religious communities reproduce a shared creed (the American creed) and thus socialise individuals into a determined balanced separation between political democracy and religion (T. Parsons, 1967, 1994). But the sleight of hand of the internalisation of values shared by all citizens (both “American” and “Americanised”) which overcomes their particular religious differences presupposes the existence of the power of a religion which is the agency of an effective socialisation which makes them internalise. Today the ability to be effective of this power is growing weaker day by day precisely because of the backlash effects of democracy. As a system of thought and living, in addition to being a political regime, democracy exalts the emotional and private aspects of life and thus limits and undermines the meaning of religion understood as a well-source of public life.

Both the European (idealistic and derivative) paradigms and the American (Tocquevillian and Parsonian) paradigms emerge today as being no longer tenable. The principal problems spring from external pressures which culture applies to democracy seen as a political system, both within Western societies and within non-Western societies. The Enlightenment formula must once again come to terms with the “other modernities”, both inside and outside the confines of the West.

The reformulation of the Western ways of defining the relations between democracy and religion follows two distinct paths: we can call them the path of impersonality and the path of the search for the common good. Their failure gives rise to another path - the path of plurali-

sation. But, within the context of modern relativism, this third path cannot find any plausible outlets.

a) Regarding the first path, this defines democracy as a political system which guarantees everybody an impersonal, anonymous, procedural sphere where each individual is free to pursue his or her own ends without disturbing other people. Politics thereby becomes a system for securing binding collective decisions which are indifferent to the various religious communities. These last co-exist in a multi-cultural and pluri-ethical space in which they ask only to be recognised with regard to the legitimacy of their values and particular interests. Politics then refers to a public sphere as a depersonalised place where each person is allowed to do what is legitimate according to his or her opportunities and on the sole condition that he or she does not damage the equal opportunities of other individuals. In this path, religion is defined as any system of beliefs and practices which are based upon a group (“tribe”) which seeks such a definition for itself independently of any possible tradition. Religion then becomes a new form of paganism, something which is now evident in both Europe and America (M. Maffesoli, 1989; L. Tomasi ed., 1999).

b) Regarding the second path, this defines democracy as a political system that pursues the common good, that is to say that it defines the public sphere as a community of discourse between social groups (including religious groups) which should be directed towards the same common good. In this approach, religion is defined as a system of faith which must gain credit on the basis of certain fundamental ethical requisites, and these must find recognition in the political community which has the task of pursuing the common good.

c) The theory of pluralisation of the social spheres elaborated by M. Walzer (1983) has had a certain success because it grasped the failures of both the first and the second approaches, and brought out the difficulties involved in following both. As a solution, Walzer proposes a sort of “third way” distant from both anonymous democracy and ethical democracy committed to the common good and which is to be

achieved through a recognition of the fact that each social sphere (including every religion) has its own contextual (“local”) code of justice. This sphere should practise a democracy seen as a way of regulating the pluralisation of spheres which are in themselves auto-normative, including the religious spheres, based upon their own code of what is just. Walzer, however, does not say how these spheres can avoid colliding into each other when they act within the shared public sphere. In order to avoid coming into conflict, they would have to respect certain shared equitative criteria. That is to say that democracy would have to recognise a *qualified* pluralisation of religious spheres which converge on universalistic criteria when public interactions are involved. But the theory of pluralism *à la* Walzer does not offer any kind of solution along these lines. Indeed, it reposes the same dilemma which renders impossible a choice between the other two paths – how can a democratic political system establish equitative criteria which are valid for, and shared by, all religious groups in the public sphere?

2.4. From these brief observations, based upon accessible historical and sociological research, we can draw certain conclusions.

First, religion from certain points of view is an obstacle to, and from others is a prerequisite of, democracy. On balance, it is “ambi-valent”. The conditions in which it expresses itself in one way or another must be seen in their respective historical contexts.

Second, the question of the relationship between religion and democracy cannot be dealt with in terms of relational co-existence *within* contemporary Western modernity in so far as the modernity to which reference is made loses a sense of the transcendent, engages in a process of secularisation and no longer perceives the relations between democracy and its presuppositions at the level of transcendental values.

Third, the evolution of the modern world nonetheless displays a trend by which religion, from being an obstacle to democracy, becomes a complex and necessary presupposition of democracy, even though it is potentially always ambivalent.

It is in this framework that one speaks about “other” modernities. But how should they be seen? Obviously enough, here we are dealing

with a question of understanding. Modernity cannot be understood as a formula which is good for all uses. The thesis according to which today all societies and all cultures, including those which are post-modern, cannot be anything else than a variant on modernity (as S.E. Eisenstadt argues) is an empty thesis.

The hypothesis that I would like to explore is the following: one can speak about other modernities which are sensitive to religion, and indeed to such an extent as to require the contribution of religion in order to cement the public sphere, if, and only if, certain presuppositions of modernity are abandoned and certain others are maintained. This discontinuity must be found where modernity cannot solve within itself the observation of religion as a source of social life, and thus must necessarily make way for an after-modernity in which the symbolic code of democracy and of religion do not mutually exclude one another.

The question moves onto the terrain of the competition between the competing conceptions of civil society which sustain social (cultural and normative) orders which are in conflict. But at the same time we need to be careful not to reduce religion to particular groups (lobbies and groups of influence) to be found in the public arena: religions conserve a view of the whole because they aspire to universalism and project their own values onto the whole of society.

2.5. In contemporary historical conditions the subject of the relationship between democracy and religion has become increasingly complex because of the impact of certain major sets of factors.

i) First of all, there is the fact that the two terms themselves appear to be increasingly contingent: ways of defining religion and democracy appear which are not only many in number but also have greater internal variance. Generalisations can be formulated but these necessarily have many limitations. However useful they may be, generalisations imply in turn further problems in the definition of the concepts and symbols to which they refer. Contemporary consciousness emphasises the possibility of contingency of each defining term (or symbol) and their different relationships. The vision of their (cooperative

or conflictual, mutually synergising or erosive) relationship often depends upon how the two terms of democracy and religion are actually defined. Usually the vision of one term by the other tends to be selective and discriminatory in its stance. Democracy sees those aspects of religion which are most convenient to it, and *vice versa* religion sees in democracy only that which interests it.

ii) Secondly, the historical events of the past (wars of religion, struggles for power between the state and the Church, etc.) act to influence public opinion and theories of the present more than one would believe. This occurs through a kind of still persistent unconscious or collective imagination. In many countries religion is still thought of as a challenge to democracy, both in the sense that it impedes the establishment of forms of democratic government (the case of countries where fundamentalism predominates, for example Islamic fundamentalism, or where orthodoxy is at the service of nationalistic regimes, as occurs in the Balkans), and in the sense that religion is not satisfied with the proposal of a Western democratic system based upon the market but asks for more substantial democracy (this is what happens in many countries in Latin America and in the Far East).

iii) Thirdly, it is increasingly evident that the two terms are incommensurable. The concept of democracy which is usually employed refers to a typically modern and Western political structure, whereas religion represents the ultimate values of culture and has a universal claim in space and time.

If we can make religion and democracy draw near, be compared and be related to each other, this is only because both are interested in how the public sphere is defined and organised. And thus their dialogue is identified, circumscribed and mediated by such an interest.

In order to address this subject we need to develop a theory of the relations between religion and democracy which is of a sufficient level to match the complexity implicit in each context of discourse. Every society, within its own contours, has made, and continues to engage in, special selections from all those that are possible. And we must see

which selections are the most suited to solving the paradoxes and dilemmas of a modernity – that is to say Western modernity – which has ended up by producing a “meaningless” relationship between religion and democracy.

2.6. Within Western modernity the question whether religion is an obstacle or a prerequisite loses meaning simply because the relationship between religion and democracy is no longer perceived. Every alternative form of thought must rethink the relationship between religion and democracy and take into account the fact (a) that the contingency of the terms which must be related to each other is growing; (b) that “local” cultural traditions not only persist but are created anew, and that these “reduce” (in a systemic sense) this relationship in very special selective ways which are at times drastically reductionist; and (c) that, on the other hand, there is an emerging need to maintain the confrontation between the two terms on distinct and multidimensional levels.

Which religion for which democracy? On this terrain is to be located the competition between religions which express different projects in relation to society and the state. It is interesting to observe that Catholic social doctrine as it has been developed during the course of the twentieth century has stood forth as a system of thought which, in a totally different way from other such systems, (i) raises the question of the *meaning* of religion for democracy and (ii) offers *meaning selections*, in the management of the relationships between religion and democracy, which are the most *articulated and complex* among those available. In twentieth-century Catholic social doctrine, religion is presented as a prerequisite of democracy which is at the same time distinct from, and supra-functional in relation to, democracy.

We need to explore at a detailed and profound level the very special way in which the social doctrine of the Catholic Church raises the question of the relevance and the consequences of religion for democracy.

If there is a distinctiveness in the “Catholic” way of addressing the question of the relationship between religion and democracy, that distinctiveness is based upon the fact that the Catholic position lays great emphasis upon *avoiding both the privatisation (secularisation) and the*

radicalisation (fundamentalism) of the possible solutions to the problem of how to relate these two realities. This position is singularly unique and autonomous when compared to the other religions. This is borne out by the whole of Catholic thought of the twentieth century (G. Campanini, 1980), which expresses a theory of democracy as a development of human rights (P. Donati 1992, 1997); as constant concern with the common service which religion and democracy must render to the human person (M. Schooyans, 1998); and as awareness that religion itself (indeed every religion), in the way it moulds an appropriate democratisation of society, is deciding whether it has a future on this earth (H.K. Zacher ed., 1998, 1999).

Catholic semantics answers the cultural and structural questions raised by contemporary so-called democratic societies by affirming that: (a) religion is an obstacle to democracy if by democracy is meant a political system without a cultural identity. Democracy must recognise cultural identities. It cannot be culturally neutral but must instead be committed to nourishing respect for cultural identities; (b) religion is a prerequisite of democracy if by democracy is meant a political system which respects cultural identities along the lines of subsidiarity and does not colonise them or invade them – something which involves the risk that they will be eroded to the point that they produce the opposite of democracy.

In this way, the Catholic position expresses a point of view which is both well-balanced and universalistic: it is *balanced* in so far as it avoids the extreme poles of privatised or privatising alternatives, and, *vice versa*, fundamentalist alternatives; it is *universalistic* to the extent that it proclaims the necessity to struggle for the promotion of fundamental human rights (the dignity of the human being, the principles of equality, freedom and solidarity among human persons), and asks other religions to adopt the criteria of reciprocity and real active mutual respect.

Although Western political democracy no longer seems interested in the contribution that religion can make, it would be an error to think, as many people indeed do (including many theologians) that the salvation of religion is to be found in a policy of becoming self-referring

and autopoietic. Religion cannot fail to ask its questions because it is, or rather it must be, missionary; it must go towards the Other, it must concern itself with the whole man and with all men in a *non*-self-referring way. The guiding problem, therefore, becomes that of *the relationship between religions*, much more than the relationship between individual religions and the state (or political system).

3. *The State, Civil Society and Religion: Old Historical Structures and New Processes of Differentiation*

3.1. In order to address ourselves to this question we must understand how the relationship between religion and democracy changes with the expansion in the complexity of society. Indeed, the more one moves from pre-modern society to modern society and then to contemporary (or post-modern) society, the more the distance between the two terms becomes greater. And with this distance the problems of mutual observation, comprehension and interchange also increase.

From a theoretical point of view, there are three great models by which we can relate these realities: (I) in terms of hierarchy; (II) in terms of functional differentiation; and (III) in terms of societal pluralism.

The first two semantics concern the experiences which we have encountered up to the present day. The third is *in fieri*. Let us now examine them briefly.

(I) *The semantics of hierarchy* assumes a relationship of superiority and/or inclusion in the relationship between one term and another. The reciprocal observation is carried out in terms of the power of one term over another. Understanding is limited to the fact that a term strives to refer the other to itself. The exchanges are agreements at the summit of society and are strongly institutionalised. In other words, there can exist, and indeed there have existed, societies in which religion includes the state (theocratic regimes which are still today to be found in certain Islamic societies) and societies in which the state has included religion (we can mention certain historical experiences de-

rived from the thought of Luther and certain Protestant denominations, although these have been on a rather small scale). In Catholicism, as is well known, theocracy (where the Church includes the state) has been almost only a temptation during certain historical periods. In the hierarchical code it is theoretically possible for the state to have a “democratic” form and for religion to be directed towards political democracy, but only on certain conditions which are in general of an exceptional character. The hierarchical code (or of inclusion) has prevailed in a decisive way in Europe and non-Western countries. Taking everything into account, it has proved itself increasingly unsatisfactory, both for religion and for democracy.

(II) *The semantics of functional differentiation* assumes a relationship of distancing between religion and the state based upon the functional specificities of the two terms. These specificities can be elaborated in various ways. The reciprocal observation is carried out by trying to distinguish continually the functions which can, and must, be performed by each sphere with a minimum of mutual interference. The reciprocal understanding between religion and democracy is achieved through competitive interplay. The exchanges involve consensus/conflict between religious communities and the state. This model is notoriously associated with the “American case” in which the most varied kinds of experience have flourished. The attempt to entrust the mediation between religion and democracy to civil society (the “societal community”, to employ the terminology of T. Parsons: see J. Alexander ed., 1998) does not solve the problems which are involved in the achievement of a meaningful integration between religion and democracy. This is because the society which springs from it tends towards a systemic separation of religion and politics which in the end defeats itself as a mode of positive relationship formation (A. Seligman, 1992). But contemporary society, and presumably the society of the future, no longer has the semantics of the past to hand. It can no longer take advantage of the semantics of *hierarchy* because post-modern society is now engaged in a process of denormalisation, nor can it avail itself of the

semantics of *functional* differentiation because mere functionality is not able to regulate these relations.

After-modern society (as I call it, meaning what comes after modernity in terms of relative discontinuity with it) must try to look for new semantics. In sociological terms, semantics must in some way reflect the emergent tendencies of religion, democracy, and the new forms by which they relate to each other. These tendencies are increasingly differentiated according to criteria which in part are functional and in part are of another order (supra-functional).

(III) The *semantics of societal (corporate) pluralism* sees the relationship between religion and democracy in terms of a differentiation between spheres which have *sui generis* qualities. Societal pluralism means the recognition of spheres of justice which have their own symbolic codes and at the same time know how to relate to each other synergically because they have a shared relational meta-code. Democracy should be this meta-code, and not so much as an external power imposed on the subjects (actors and agents) of democracy. In these semantics democracy is not merely procedural and religion is not a mere private affair. Religion becomes the sphere of vivification of a civil society of the human which gives substance and motivations to the democratic procedures. Reciprocal observation is not merely functional but also supra-functional. The understanding between religion and democracy takes place through co-operative interplay in the public sphere. The exchanges between religion and the state become secondary to the primary role of the direct exchanges between religions.

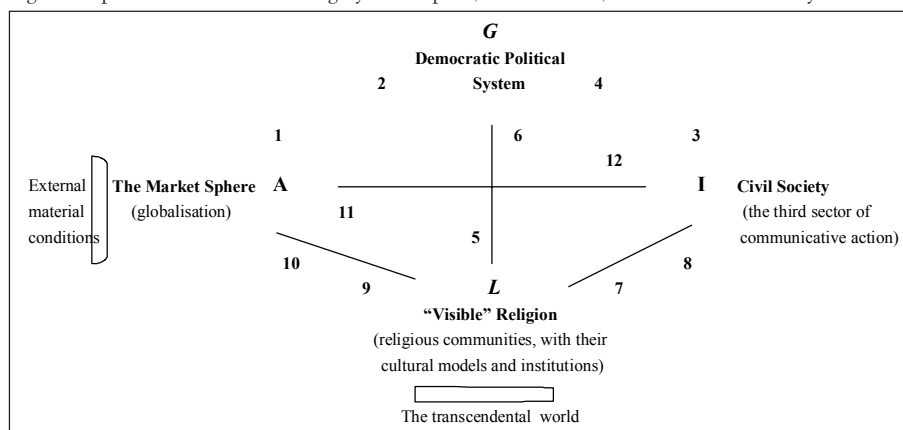
This third form of semantics has weak and strong points. The weak points are to be found in the fact that it presupposes civil action which can do without a constrictive political power which makes co-operative interplay between the different religions obligatory, that is to say that it can do without the Hobbesian solution of social order.

The strong points are to be found in the fact that in this form of semantics democracy can make use of a public sphere based upon the impulses of transcendent values. For this reason, it can be legitimated

in a much stronger way than in the case of a purely procedural democracy related to a public sphere of merely negative or relativistic tolerance.

3.2. In order to understand the move from hierarchical semantics to those of functional differentiation and then to those which are corporate (in terms of an associational or societal pluralism), we require a framework which is sufficiently complex to deal with the enormous relational complexity which is implicit in these developments (see the relational diagram of figure 1).

Fig. 1 – Spheres and Actors of a Highly Developed (Differentiated) Democratic Societal System.



This framework must identify the different spheres (with their logics of development) and the relations between such spheres, thereby demonstrating that these “make society” through processes of differentiation and mutual integration, by outlining interfaces between them where necessary.

The spheres to which I refer are:

A) the sphere of the economic market, which is increasingly globalised and externally limited only by the conditions of material resources;

G) the democratic political system, which is increasingly influenced internally by proceduralism. At the same time, however, it cannot but legitimise itself with reference to values;

I) civil society understood as a place of communicative action and social bonding (the third sector);

L) the “visible” religions, that is to say the concrete religious communities, with their cultural models and their institutions, which are on the boundaries of the transcendental world and the source of ultimate values.

It is interesting to observe: first, that each of these spheres must integrate with the others without seeking dominion over, or pre-eminence in relation to, such spheres. This is because each sphere has its own guiding relations. Second, the institutions of visible religion are distinct from civil society, whereas throughout modernity they have been considered as being constituent parts (elements) of civil society and as elements defined by it.

The relations between these spheres becomes increasingly dynamic not only because each relation acquires its own dynamic but also because indirect relations are developed between the various spheres (see fig. 1). Of the very many observations which can be made here, I would like to limit myself to drawing attention to the following phenomena (numbers refer to fig. 1):

1-2) The economic market and the state interact in the form of relationships between globalisation and democracy. The impulses of the global markets are certainly stronger than what it is possible to achieve at the level of democratic direction and control. In response to these processes, the democratic political system can only be emptied, or enter into crisis, or merely adapt itself to globalisation, unless it takes the step of resorting to religion and/or civil society to combat the phenomena of commercialisation and depersonalisation brought about by globalisation.

3-4) The political system and civil society interact in the form of a democracy which must be sensitive to the culture and the peculiar normative character of a third sector (made up of associations of the social private world) directed by the communicative action and the positive appreciation of social bonds.

5-6) But this can only be done if the political system can observe religion and recognise it, interacting with it on the basis of mutual agreement, however much this last is negotiated or marked by conflict.

7-8) Only if and when democracy recognises religion as something relevant to it, can religion interact autonomously with civil society. This interaction is necessary if one wants religion to be able to supply motivations to the communicative action of the third sector. But the converse meaning of the relationship also exists, that is to say that civil society must introduce civil dialogue into every religion. The democratic principle requires that every organised religion open up its own internal public sphere (in line with the principle of civil association)³ and on such a basis enters into civil society in which it will find other civil associations which belong to other organised religions, as well as encountering the presence of non-religious actors.

9-10) The economic market and religion interact in the form of a confrontation between instrumental action and action directed towards value. That this relationship is not conflated but played out through continual re-distinctions (*re-entries* according to the Luhmannian terminology), depends upon the fact that it is seen as a relationship proper rather than a dilemma-like or binary opposition.

11-12) The economic market and civil society interact with each other in the form of an alternative between globalisation and “local” communicative action. The way in which these terms are articulated depends on whether the economic market and civil society appeal to the state or to religion.

As I have already observed, the relations between the four spheres are made more complex by the fact that in a system which is highly differentiated indirect relations enter into play. For example, religion can influence politics (and the polity) through the market, or, *vice versa*, it can also influence the market through politics.

³ As regards the Catholic Church, see the volume edited by the “*Associazione Canonistica Italiana*” (1999).

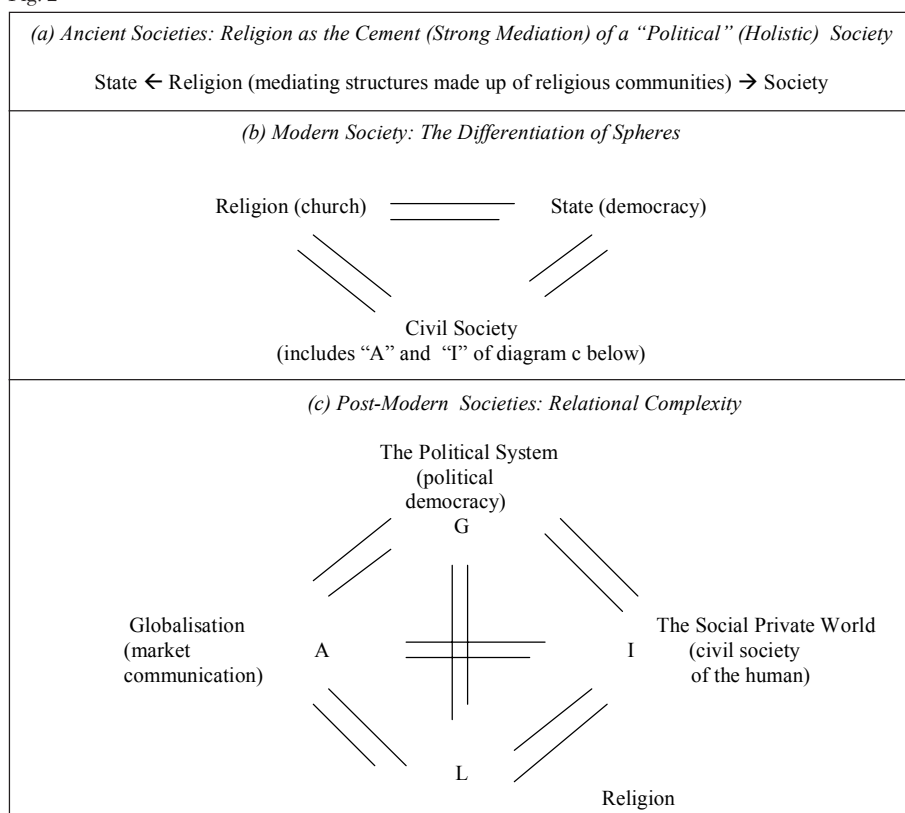
This set of direct and indirect relationships is (constitutes, makes) the *new public sphere* of the post-modern world. The question which presents itself is the following: can such a sphere be religiously qualified in the sense that the (individual and collective) subjects which act within it, and the cultural standards with which they themselves work, are positively recognised and promoted because of their religious connotations ?

Most scholars believe that this is not really possible. The principal motive behind their negative answer to this question is to be found in the fact that the public sphere becomes too complex to be able to be sensitive to criteria of special recognition and behaviour, in addition to the fact that democracy cannot accept possible violations of the human rights within specific religious groups. This argument has much to be said for it. But on the other hand its limitations can be seen when it maintains that, to the extent that society becomes more complex, each domain and each actor should make themselves less sensitive to religious connotations because these latter imply ties, restrictions, and bonds which are disfunctional when it comes to the mobility, the readiness to change, and the communicative flows of a public sphere which must be able to influence each private domain. The argument according to which democracy cannot do otherwise than become fixed on liberal tolerance (conceived as mutual indifference between the various religious connotations) is dangerous, in addition to being at variance with the facts. It is precisely thinking about, and acting at a practical level in relation to, the public sphere in abstract terms – that is to say as an interaction between depersonalised individuals – which creates problems. This is because subjects deprived of their religious qualities also come to lose the deep meaning of their own action. They become incapable of managing the complexity of a system which must instead maintain a high level of differentiation. Intolerance and fundamentalism are precisely two of these outcomes, which are fostered by an incapacity to sustain a culture of distinction. Under many aspects, these outcomes are a direct product of modern liberal culture, not just a reaction to it brought about by premodern

traditional cultures. What needs to be done, therefore, is to explore whether there are other possible solutions.

3.3. To understand the framework of possibilities which exist one must first and foremost observe that we have available to us three ideal-type ways of seeing and organising the relationship between religion and the state, which are also ways of mediating the social relations which are generalised by religion (see fig. 2).

Fig. 2



(a) In ancient societies religion is the cement of a society and coincides with its "political" organisation (in the analytical sociological sense). The religious community organises structures which are the

natural place to mediate between the political function and daily life of the population. The mediation provided by religion is almost undisputed and usually every political community is also an ethnic community with a recognised prevalent religion. A large part of the world, especially in the Asiatic and African regions, is still organised in this way.

(b) In modern societies religion detaches itself and is detached both from political society (the state) and from civil society (which includes the economic market and spheres of social solidarity – what we today call the third sector). Here the cement provided by religion is taken for granted by the other spheres. Indeed, early modernity still works by basing itself upon the traditional values of previous social formation (the Scottish moralists, John Locke and very many others take it for granted that there are natural ethical values and these are *naturaliter* Christian in character). Modernity utilises traditional religion as a non-problematic resource but in actual fact erodes it.

(c) In post-modern societies what was called civil society further differentiates itself from the market (profit-making firms) and spheres of solidarity (the so-called third sector), and in such a way that today the overall societal system is based around four great differentiated spheres: the market (globalisation based upon commercial communication), the state (political democracy), the civil society of the human, and religion. Here the cement of society must be generated moment by moment, situation by situation. The mediation between religion and the state finds two “interfaces” which did not previously exist: on the one hand the market (in the form of globalisation: M. Albrow, 1996) and on the other the social private world (defined as the new civil society of non-profit-making spheres: P. Donati, 2000, ch. 2). It must be realised that religion still encounters difficulties in acting as a cement of society. But, together with these difficulties, there also grow the needs and the opportunities to connect of the various spheres, and in particular between religion and democracy as a system of government. The selective criterion becomes the relational criterion: action has to take place from time to time asking oneself if and how religious

membership influences action in each sphere and with what consequences with respect to other paths and other forms of membership.

The conceptual framework which is here advanced shows that:

(a) the distances and interactions between the market (A), the state (G), the social private world (I), and religion (L) grow. For this reason, it becomes more difficult for (both visible and invisible) religion to integrate society, even civil society alone. Indeed, religion encounters greater difficulties in integrating itself;

(b) but the various spheres (including organised religion) cannot operate without religion (L), and this demonstrates that religion does not provide only a functional service or supply a limited number of functional services. Its supra-functionality is to be found in the generalised symbolic media of interchange that it places in circulation for the whole of society.

It is this dual movement, (a) of separation and (b) of societal linkage, which requires a “religiously qualified” public sphere in the sense that the public interaction must produce a positive recognition and legitimation of the various religious faiths. It cannot be neutral in its approach towards religion.

The alternatives to this solution are:

– a public sphere *dominated by one component, or function, or sub-system over the others*, and this means – in concrete terms – that societal integration is ensured by the *dominion* of politics and/or the economy (legitimated on the basis of power and/or money) over the life-worlds of civil society and religion;

– or a public sphere which is *radically differentiated* through a hyperbolic structure in which every function goes its own way independently and exits from any configuration of equilibrium. This means and involves, in both theoretical and practical terms, the political and cultural *disintegration* of the public sphere.

In both cases there would be a lesser presence of the presupposition of isotropy (the principle of the equal expansion of everything in

all directions) which has been the guiding principle of modernity. If modernity must be conserved at the level of its finest acquisitions, it *must reintegrate the religious values* (as something legitimated to be manifested and recognized) *in the public sphere*. Only in this way can democracy avoid falling into forms of dominion or societal disintegration.

At the centre of these alternatives is the dilemma (pointed out in fig. 3, c) between globalisation (or abstract decontextualisation) and localisation (or local contextualisation), in the most general symbolic meaning of these terms: that is to say as a dilemma between the prevalence of impersonal-instrumental standards and the prevalence of particularistic-expressive standards, even in religious behaviour. This kind of polarisation is presently underway throughout the world. It brings with it the germs of what we usually call the “clash between civilisations” (S.P. Huntington, 1996). However it is defined, this clash cannot be resolved through strategies which appeal to the same factors which bring it about, that is to say through strategies of globalisation (with the neutralisation of religion) or, *vice versa*, involving the localisation of problems, cultures, and religions. In my opinion, the solution is to be found in the dimensions of the value legitimation of democracy and in an appropriate use of socio-cultural time (the L-G axis of fig. 2, taking into consideration the fact that democracy is in the present and religion is in the future). Let us now examine what this may mean.

4. *Scenarios and Hypotheses after Enlightenment Modernity: Secularisation, Fundamentalism and the Religious Qualification of the Public Sphere*

4.1. We can briefly summarise the present-day scenarios as follows. The fall of the Communist regimes (the fall of the Berlin wall in 1989) demonstrated the existence of a phenomenon which was certainly unexpected at the end of the twentieth century: the fact that throughout the world, including in the West, religion has undergone a major renewal and has once again presented itself as a source of freedom. Religion has led many civil society movements (one thinks here of Po-

land, the countries of the former Soviet bloc, and various countries in South America). This has occurred because religion was no longer seen as an obstacle to freedom, or as an inhibitor of action, but as an inspiring motive force of civil liberties (E. Gellner, 1992) and of a democratic public sphere (M. Khatami, 1999). There have also been phenomena in the opposite direction where certain religions have led processes of an authoritarian political nature. But in the case of Christianity this religion has certainly been at the base of what S.P. Huntington (1991) has called the “third wave” of democratisation.

What forms of freedom and democracy are we talking about? This is a question now posed by the whole world. Many see the revival processes of religion as merely a force of political democratisation which today reproduces the well known processes of the construction of that civil society which presided over the birth of the typically modern nation-state. But history never repeats itself. The present-day processes of religious revival are the delayed explosion of a phenomenon which elsewhere took place a few centuries ago. These processes also reflect the needs of desecularisation which are reactions against the phenomena of modernisation and propose a civil society which is different from modern civil society.

The freedom championed by the new religious movements, furthermore, can lead, in line with their intrinsic ambivalence, to various outcomes. They can lead for example to *symbolic and structural* conflations which confer an absolute primacy on religion (as in the case of the fundamentalist movements), or to more or less meaningful *shifts in boundaries* between politics and religion (in the case of movements along the lines of the Catholic Counter-Reformation), or to processes involving a *further secularisation* of the religious sphere (in the case of revolutions on the Protestant model).

At a practical level, all these cases are to be found. Whether one or the other prevails depends on the country or the region which is taken into consideration. Fundamentalist movements are present in various areas of the planet, and in almost all religions, including the West (in the Protestant field one thinks of the Evangelical Pentecostals, in the

Catholic field the followers of Lefevre come to mind, and in the Jewish field the ultra-orthodox Jews may be cited by way of example). In countries which are Catholic by tradition we can observe a religious pluralisation within the Catholic Church, in addition to the growth of other religions. At a global level, new religious movements are appearing, of the holistic “New Age” kind, which suggest horizons of soft secularisation made up at the same time of a new cultural sensibility along ecological lines, an esoteric and pantheistic religious spirit, and a new mode of consumeristic secularisation (P. Berger, 1995; L. Berzano, 1999), or religious movements of the more individualising “Next Age” type.

This process of growth in religious freedoms is also a process of social differentiation because religious freedoms are born in the various points of the interactions between the spheres and contexts of life and impinge on all the social spheres and their relative relationships (from the economy to social, political and cultural exchange, for this see figs. 1 and 2).

This differentiation, however, is uneven in many ways but in particular in the sense that in general terms it implies a weakening of the political function (the political system in G). Hence the fact that the importance of the religious factor is indirectly accentuated either positively (as a transcendental inspiration) or negatively (as secularism) in relation to its influences on the system of the social private world (social associations) and the adaptive social systems (economies both as productive systems and as systems of consumption and cultural modes). The development of these systems – both adaptive (A) and associative (I) – completely modifies the scenario for democracy. This is not only because democracy as a political system must now deal with a configuration of society in which the market and the organisations of the social private world are no longer politically controllable as was previously the case, but also in the sense that now both these poles, which are differentiated within the old civil society, that is to say the globalised market (A) and the spheres of pure social integration (I), encounter each other in a dilemma-like way. There is an objective struggle between these two great actors: the emerging challenge which confronts us is *globalisation versus local social integration*. As is borne out by so-

biological inquiry into this field, in this challenge it is religion which is once again decisive and discriminating.

The decisive role of religion (L) is to be found in the fact that it can influence the public sphere through the spheres of social integration (I) or through the economy (A). The ambivalence of religion is emphasised once again. When it affects the the public sphere through organisations of the social private world it can create cultural segmentations on a religious basis or it can draw up new universalistic standards (for example in the form of human rights). When religion affects the public sphere through the market it can motivate processes of further privatisation or a re-ethicalisation (in the form of fair trade, "ethic banks", "communion economies", etc.) whether of production or consumption or lifestyles.

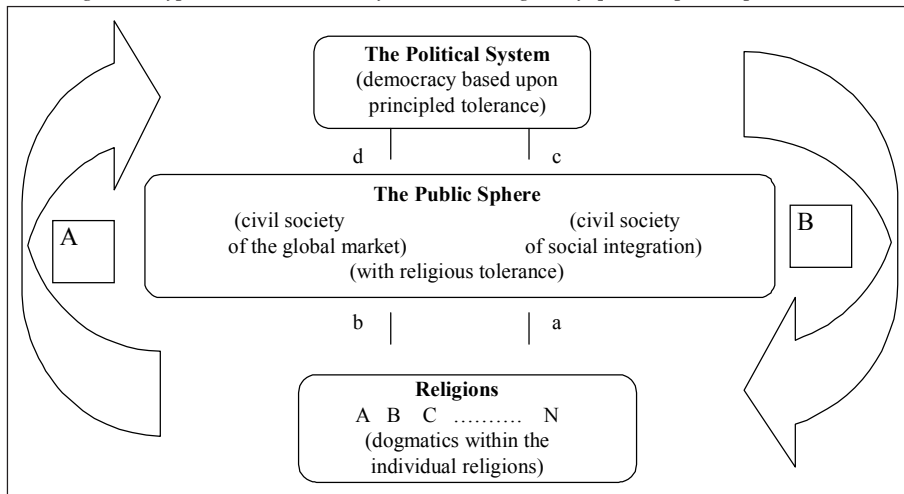
It is on this scenario that H. Cleveland and M. Luyckx (1996) believe that faith and politics are drawing closer together: "it seems much more probable that "religion" (defined as 'organised spirituality') is destined to take on a greater role of governance, and in truth that individual spirituality will become an increasingly important element in every kind of leadership. These two concepts of religion and governance will take into the twenty-first century a heavy cultural baggage: the inheritance of ancient spiritual traditions and all the theories, experiments and errors committed in the organisation of human beings in relation to shared objectives. It will be essential to understand this mixture of experience and folly, and to analyse how the changing dynamics of spirituality interact with the equally changing dynamics of givernance. It will be useful to think of our time as a period of transition from modern thought, still besieged by a cluster of pre-modern mental clothes towards a vision of the world which we will call simply *transmodern* (...) In the new vision there exists a distinction between religion and politics but not a separation. This means that political leaders can use arguments in which they really believe (...) Organised and spontaneous 'religion' will probably play an increasingly important role in the definition of public policy and its implementation" (*ibid.*, pp. 256, 264.).

The dilemma that accompanies the scenario of the challenge of *globalisation versus local social integration* is expressed in the contrast be-

tween an ethically neutral public sphere (fed by the processes of globalisation) and an ethically qualified public sphere (fed by the flowering of a synergic pluralism of religious communities). Democracy must choose whether to trust (more) one or (more) the other. But this choice involves dilemmas which democracy with difficulty manages even to identify and even less knows how to face up to. The democratic state must choose whether to continue to exercise its power basing itself on conventions (agreements, concordats) with individual religions, as indeed has happened in modernity, or bestow greater autonomy on civil society, recognising the agreements that can intervene between different religions and the subjects of civil society. In the first case it reproduces the Hobbesian solution of order; in the second it opens up to the hypothesis of a new public sphere in which subjects do not alienate their political power to the state. It remains to be seen what is, or could be, such a kind of public sphere.

4.2. In order to expound hypotheses about the possible developments of the public sphere in post-modern society it is useful to present a diagram which expresses the problem in a schematic way (see fig. 3).

Fig. 3 – The Framework of Possible between Religion and Democracy (in brackets the configuration according to the hypothesis of a democracy based on a religiously qualified public sphere).



Amongst the various possibilities presented by the model (fig. 3), I would like to lay stress upon three major hypotheses which are also the three principal strategies of the relations between religion and democracy mediated by different forms of public sphere.

a) The first hypothesis (progressive secularisation). The public sphere can be influenced by religion through agreements that each religion makes directly with the state. In this case the religion acts directly on the political system and influences its policies in such a way as to indirectly determine what takes place in the public sphere. In the past the Christian churches have acted first and foremost in this way. At times they have supported authoritative or corporative forms of the state, but it is generally recognised that they have also performed a role of democratisation of the public sphere understood as meaning an increase in freedoms and equality, even though in different ways and with different partners (H. Wilensky, 1981; F.G. Castles, 1994; D. Lehmann, 1996). The Constantian and Caesaro-Papist variants were further versions of these relational styles. They are still to be encountered in some Eastern societies, for example where the most traditional Orthodox Christian Churches prevail. In the Western systems, this procedure is present in some European countries where there reigns a kind of compromise between Western Christianity and the welfare state, or rather the *lib/lab* systems. This configuration is often regulated by “concordats” between the state and organised religion.⁴ Civil society is by-passed by the dialogue between the individual religions and the state. This is a solution which characterises not so much the liberal democracies as (and principally) the republican (Jacobin) democracies. In figure 3 it is the solution represented by the A+B line (compromise between religion and the state) which prevails over all the others. This strategy has produced or at least favoured – both directly and indirectly – the secularisation of the public sphere in the past and very proba-

⁴ It is a sociological fact that those countries in which state and established religions have closer relations show higher rates of secularisation in respect to other countries.

bly will continue to do the same in the future wherever this strategy prevails.

b) The second hypothesis (fundamentalism). Religion rejects dialogue with the secular state and shuts itself up within itself. It proceeds by affirming its own civil society and adopting strategies of the Gramscian type, or rather by seeing the conquest of civil society as the path to political hegemony. This hypothesis is more or less fundamentalist. It can be manifested in any religion. But today there can be no doubt that it characterises the more traditionalist currents of Islam⁵ and Hinduism (in some parts of India). In fig. 3, line a+c is emphasised. This strategy clearly leads to authoritarian democracies, in addition to clashes between religions.

c) The third hypothesis (emergence of a religiously qualified public sphere). Religion becomes the promoter of a dialogue between different religious denominations and supports a public sphere based upon such dialogue, thereby contributing to the creation of a plural democratic state based upon “ultimate values” which are affirmed by consensus by and among the different religions. In fig. 3 is to be found the arrangement which favours the complex of lines a+b+c+d in relation to direct influence between the state and the religions. This is a strategy which could produce what I call a religiously qualified public sphere.

In this paper I am primarily concerned to develop this last hypothesis.

⁵ As an instructive example one can cite here the speech by the Bishop of Izmir (Smirne) to the Second Synod for Europe which was held in the Vatican in October 1999. Bishop Giuseppe Germano Bernardini wanted to illustrate the difficulties of achieving dialogue with Islam, and referred to certain significant statements by important Islamic religious leaders who have declared that “thanks to your (European) democratic laws we will invade you; thanks to our (Muslim) laws we will dominate you”; “you have nothing to teach us and we have nothing to learn”, and similar such remarks. On this point it should be repeated that a religiously qualified public sphere implies, in that it is a sphere of religious tolerance, the first principle of reciprocity between subjects and faiths. As the *Instrumentum Laboris* of the recently mentioned Synod states: “the dialogue with Muslims must be conducted with prudence and with clarity of ideas about its possibilities and its limitations and with trust in the project of salvation of God towards all his children. For mutual solidarity to be sincere *one has to have reciprocity in relationships, above all in the sphere of religious freedom*” (the italics are mine).

4.3. The idea of a religiously qualified public sphere corresponds to that of a sphere regulated by mutual tolerance no longer based upon the presuppositions of neutrality and indifference typical of modern liberalism, but upon the presuppositions of an active and promotional tolerance of religious values.

This is a sphere of tolerance based upon principles which have a shared foundation among the religions in a way which is proportionate to their being “capable of transcendence” in their relationship with the reality and the truth of the human being. The requisite of capacity for transcendence is indispensable to achieve the recognition and the safeguarding of the dignity of the human person.

The religiously qualified public sphere is that of a civil society (at the centre of fig. 3) as the field of encounter between subjects which enter into market exchanges and exchanges of social integration which are not already deprived of their religious membership but defined by such membership. They interact with each other positively appreciating such membership within the context of a political democracy which regulates the joint-presence of different religions through such spheres of exchange. This is the sphere of *civil relationality elaborated by the religions themselves* at the moment at which they act beyond themselves through the influence that they exert on the social actor. The religiously qualified public sphere *does not correspond to the idea of a civil religion* (which by now no longer has good reasons to go on existing: N. Luhmann, 1977), but corresponds instead to the idea of a *religiously inspired sphere of secularity*.

The need for such a sphere arises from new requirements: on the one hand from the gaping void of modernity with its concept of liberal tolerance, and on the other from the need for a positive and active tolerance based upon an appropriate combination of faith and reason.

It is known that modernity advances a strongly negative objection in relation to such a hypothesis. The objection maintains that religious membership should not have weight in the public sphere because democracy must see each citizen as “equal” (that is to say as an equally “random” individual). The supporters of modernity believe, indeed,

that the daily problems of democracy are due to the fact that there has not been enough modernisation and argue that we should go beyond the “reasonable” principles of modernity, that is to say: 1) the principle of the privatisation of religion; 2) the prevalence of the “politics of rights” over the “politics of goods”; and 3) the principle according to which the self, as a moral actor, should be understood in a secularised way (that is to say without the individual being able to justify his or her ethical action on the basis of religious presuppositions). In the opinion of the champions of modernity, these principles alone can maintain a public sphere made up of freedom and equal opportunity for everyone. Their belief is that only if the public sphere is based on such principles is there a real possibility of achieving mutual tolerance.

But the arguments of the champions of modernity do not work, and this for at least two reasons.

The first reason is of an empirical character and consists of the fact that the advance of secularisation has not progressed as it was believed it would as recently as the 1960s and 1970s. Indeed, in all continents we are now faced with the re-emergence of fundamentalist movements. These movements may be the product of globalisation or other factors, but whatever they may be the counter-tendency of de-secularisation involves conflicts and problems in the public sphere which the principles of modernity cannot solve. Indeed, they can only make them worse. In short, *if the tolerance preached by the champions of the modern has its basis in secularisation it cannot continue*. This is because of the fact that secularisation is in crisis or is retreating almost everywhere.

The second reason is of an analytical character and involves the paradoxes of the processes of institutionalisation to be found in modernity. It is precisely the institutions of modernity that lead to the antithesis of their de-institutionalisation: in other words, abstract ethical universalism and ethical neutralism generate particularistic, segmentary and even tribal ethical attachments. Modernity produces its antithesis, that is to say reactions which express themselves in the politics of identity and of difference which spread as a return to ancient ethnic identities both in a negative sense (as in the case of racism) and in a positive

sense (as in the case of the development of positive differences such as those of gender). The self practised only because of the abstract autonomy of the individual can no longer satisfy the deep needs for meaning of the human person which emerge in post-modernity. Such needs can find an answer only in primordial identities and in new relational capacities. In short, there are constituent points of the self which the idealistic and rationalistic Reason (whether Fichtian, Hegelian, Enlightenment, or otherwise) does not understand.

There is, however, an argument which modernity rightly stresses. Often the return to traditional religion which we can witness in daily life does not bring with it a positive approach towards the other person (to our neighbour), that is to say towards values which allow an opening up to the Other. Although this tendency is also indeed manifested, in a great part of the present-day processes of de-secularisation there prevails the fact that every religion (whether traditional or post-modern) strives to achieve a validation of its own structure of belief without accepting, or even without being prepared to engage into dialogue with, other religions. This is because its followers only seek a legitimation of their own self in the face of uncertainty.

The fact is that religion must pass through the melting pot of the Enlightenment in order to transcend its historical-ritualistic forms. Traditional values can not become meaningful once again if they do not open up to complexity. For this reason, although it is true that the solutions invented by the historical period of the first half of the fourteenth century to the end of the twentieth century have revealed themselves to be secularised solutions without a future, it is also true that a fulfilled democracy must be able to observe and positively appreciate the process of the invention of new de-secularised answers.

There are two possibilities (scenarios). On the one hand we encounter the intensification/absolutisation of the tensions of modernity between faith and reason as two fundamentalisms which are opposed to each other. This would mean a certain kind of return to the dilemma of having a war of religion or choosing the path of secularisation. In the other hand, there is the promotion of a faith in perpetual dialogue with

reason, or rather the fostering of a religiosity which educates people in the meaning of reason, something which is a need perceived within all the monotheistic religions.

The new solutions should meet the need which is now emerging as being of primary importance: that of having a faith integrated into reason and *vice versa* a reason rooted in faith. Because when all is said and done, we also *need to believe in democracy*. Be this as it may, one is no longer dealing with a dismissive attitude to faith as ignorance.

4.4. The approach illustrated here seeks to support the idea that it is possible to recover active and rational tolerance *within religious culture and not outside it*. It should be based upon values and not upon indifference. The equality of citizens in the public sphere must not be understood as uniformity or as a product of similarity, but as the happy recognition of difference. A. Seligman (2000) invites us to think about “principled tolerance”, that is to say a tolerance based upon commitment to values able to relate the sacred and the profane; no longer counterposing them in an irreconcilable way but utilising them as expressions of a common knowledge which is an articulated system of values. Principled tolerance is basically, and foremost, the recognition of religious freedom as a fundamental right of the human person to live his/her relation to the religious truth without any form of social or political coercion (F. Ocariz 1989, 1995).

One can return to rational discussion and dialogue only within a “religious comprehension”. Indeed, tolerance implies accepting something that we do not believe in or which we do not see as being credible. It implies that within a certain world of values, we become involved with others. It implies selections (and thus also restrictions) of thought and judgement. Tolerance is positive energy which involves a change in one’s own behaviour. It does not limit itself to the constraining of behaviour, but also binds the thought and psychological and moral judgement of the person and supports it in the tension towards the truth without wanting the other person to accept that truth if he or she is not convinced by it. It is a tension between loyalty to one’s own

thought and the sincere effort to accept and respect other forms of thought.

Over the last two hundred years tolerance has been founded exclusively on the privatisation of reason and the circumscribing of the religious elements (claims) of belief within the limits in which such elements could require recognition and legitimation. Democracy, that is to say, has chosen to base tolerance in a decisive way on secularised foundations. This process has corresponded to the institutionalisation of Protestant religiosity.

Liberal democracy has produced liberal tolerance for which belief is left to the interiority of the individual, whilst the external (public) practices are subject to the coercion (of the state). For modernity, indeed, social control is not a question of faith or belief but of public practices. This is not only the approach of Thomas Hobbes but also of John Locke, who is indeed usually cited as the liberal thinker who most positively appreciated the religious presuppositions of the public sphere. Seeing things in this way, modernity involves a tolerance which is not tenable. Freedom, indeed, is understood as a fluctuation free of internal controls and cannot, in the end, do other than go mad. While, in contrary fashion, democracy must try to achieve public order with a certain *Panopticon* (J. Bentham) – something which cannot but have feet of clay.

Modernity leads to the exasperation of social differentiation and in particular to the differentiation between the self and society. The post-modern world manifests, instead, the need for the reintegration of the self and society, of a relationship between individuality and sociality, rather than the accentuation of differentiation as such, of absolute differentiation. At a cultural level, advanced societies no longer call for an indefinite differentiation between faith and reason but require a greater integration between both which is based upon structures of reciprocity. This can come about through a reintegration of the values of cultural traditions (authority and transcendence) with the values of modernity. It is possible to favour sensitivity towards a transcendental authority without falling into authoritarianism.

We must redistinguish tolerance as indifference and tolerance as sensitivity towards transcendental principles (principled tolerance). This last is a second best solution for an individual religion which, within itself, strives for the first best of its own truth. The imposition of its truth on the external world would mean it becoming intolerant. Tolerance based upon principles is instead the rule of the space of dialogue concerning boundaries (a dialogue held on the boundaries), the place where the public sphere is precisely to be found.

This does not mean that persons should adopt a double standard ethics (one internal to the membership group and one external to it). They must not become schizoid. It only means that people must learn how to distinguish the operating validity of their religious beliefs and ethical principles when they act within their organized religion or outside it. The tolerance of *Ego* does not mean the recognition of an intangible right held by *Alter*, but only a (morally legitimate) omission in regard to an external behaviour of *Alter* which *Ego* feels to be bad or sinful and which he/she does not impede or repress. In the public sphere, where he acts as a citizen and not as a faithful, *Ego* renounces to persecute *Alter*, while acting in order to affirm peacefully what he believes be a positive and universal good, by this way maintaining one and the same attitude.

Liberal tolerance conforms to relativistic and negative impulses. It exalts the indifference of religion towards politics (democracy), and sees religion in terms above all else of intolerance. It constructs itself upon a net separation between the public domain and the private realm, in which different types of tolerance are operative. In the public sphere principled indifference is at work, and in the private sphere a tolerance which conforms to the dictates of each religion. Religion cannot, and must not, intervene in the public sphere, in the same way as the state cannot intervene in private affairs, which are a question of tastes and aesthetic preferences. But is this a valid and sufficient form of tolerance for a fulfilled democracy? In reality this is only a temporary expedient which, deprived of principles, ends up by falling into what is its opposite.

The liberal bases of tolerance (as indifference and not as active tolerance) turn out to be fragile and fall into intolerance because:

- liberal tolerance is principled indifference, and thus has no “goods” to affirm; it does not act to promote good – on the contrary it makes every distinction between “goods” irrelevant;

- liberal tolerance is a practice which, because it in fact sees individual autonomy as an absolute good, produces the contrary, that is to say intolerance. This is because the person who possesses the sole good of individual autonomy does not countenance acceptance of other people or of other positions which can bring that autonomy into doubt.

Indeed, in the present-day public spheres of the modernised world, tolerance is practiced as a formal policy of (morally indifferent) rights with one single substantial value – that of individual autonomy. A culture shaped in this way leads to the emptying of values and to intolerance, something that is manifested in the conflict between values which are deprived of justification and comparability.

It is true that there exist variants of liberal tolerance, from the more sceptic forms to the more empathetic. But these are only minority positions which have a scarce effect and impact on the present-day relations between privatised religion and liberal democracy, relations which are based upon ethical indifference.

Because of this, A. Seligman (2000) proposes that liberal tolerance be opposed by *religious tolerance*, which meets the non-relativistic needs for substantial and positive values both of faith and reason. Religious tolerance is that tolerance which recognises the importance for all civilisations and all religions of being receptive to what is outside them, but at the same time locates interest in truth at the centre of all things, knowing that, although nobody has a monopoly of the Truth, truth nonetheless exists and can be reached through a suitable declination of faith and reason.

The argument of Seligman is that although on the one hand the secularised pluralism of beliefs erodes faith in values (as P. Berger has demonstrated), it is equally true that faith in values can erode the mod-

ern idea of pluralism. A purely liberal democracy cannot survive without a perspicacious religious qualification. This is demonstrated by the emergence of contemporary intolerance, forms of irrationalism and forms of fundamentalism at the very heart of the most advanced societies. In order to combat such trends we need an epistemological modesty, both of faith and of reason. But this modesty must be religiously qualified.

This is why (with regard to fig. 3) democracy must be sensitive to religions both in a direct and in an indirect way through civil society. The two forms of democracy – liberal and republican (or Jacobin) – which have dominated the processes of modernisation, and which today come together in the complex of lib/lab citizenship (Donati 2000, chapters V and VI), have eroded the public sphere and cannot regenerate it. An authentic public sphere capable of transcendentality (that is to say as a sphere of the transcendental as an expression of the shared values of religions and of their transcendental truths) must be able to transmit values and trust to the democratic political system. It can do this if it itself is guided by religious tolerance rather than by liberal tolerance or even by Jacobin tolerance.

The religiously qualified public sphere exalts the principle of subsidiarity and thus the empowerment of the various civil spheres (P. Berger and R.J. Neuhaus, 1996). It places the problem of the translatability of one culture into another at the centre of its own elaboration, and the same may be said of the symbolic codes of a religion into codes that can be comprehensible for other religions, through a shared relational sphere (S. Budick and W. Iser eds., 1998).

5. *Conclusion: the Process of Civilisation and the Challenge of a “Religiously Qualified” Secular Public Sphere*

5.1. Seen from the perspective of modernity, religion seems to divide both the state (the political system) in itself and the state from civil society, and indeed civil society in itself. In the face of this polymogous character of religion, modernity carries out its experiment: it organises (regulates) the public sphere in such a way as to separate reli-

gion and democracy on the presupposition that such a separation acts to integrate the state and manages to balance the state with civil society in a better way and to make civil society more free. Political integration takes place on the basis of the principle of indifferent tolerance towards ultimate and transcendental values. But this experiment has been a failure.

The question is thus posed once again: can the political system of the democratic state immunise itself against religion? And can it be different from (not make a difference between) religions? Given that civil society cannot, as such, be indifferent to religion, because of the fact that it lives off religious impulses, how can the different religions be reconciled in civil society and in the relations between civil society and the state?

The answers must be looked for in the complex of relations and interchanges (the AGIL complex of figures 1 and 2) which make up the public sphere. It is the public sphere which decides the possibility/impossibility of responding to the questions posed above. The public sphere once again becomes the place of civilisation, and this after modernity had founded the process of civilisation on the emergence of the private world. We need to see whether the democratic principle *par excellence*, that of mutual tolerance, can still survive and what form it must adopt in order to sustain the new relationships between religion and democracy.

Indeed, the relationship between democracy and religion evolves in a way which depends upon which point of view in the polarity between the public and the private (along the private-public continuum) comes to prevail and leads the processes of change. The processes of civilisation can take place through the private world or through the public world, and normally they are a balanced combination of the two. But in modernity the dominant point of view is that of the private world: the state has seen religion as a private affair, and religion has had to observe democracy from the viewpoint of the private world. In the after-modern world exactly the opposite is required. Everything must be seen from the public sphere: the democratic state must see religion

as a public fact and religion itself returns to observing itself as a public fact.

We should draw all the necessary implications from the fact that whilst in modernity it is within the private sphere that the configuration of society is decided upon, in the after-modern the destiny of society is decidedly in the hands of the public sphere. For the state this means finding a principle of action which makes the various religions compatible from not merely the private point of view but also from the public point of view. For religion this means finding an internal configuration within its own institutional structure which enables it to be able to distinguish between its own internal constituent nucleus (its own orthodoxy) and a prospect of action towards the outside world, on the boundary with the environment (its “secular” dimension) which can enter into the public sphere with systems of pluralistic direction and action, of relational joint-living with the other religions.

In a brilliant essay, J.A. Waldron (1993) advanced a series of convincing arguments to the effect that a religion such as the Catholic religion has a full right to enter into the debate about the public sphere and about all the subjects and issues of political discourse. He does this in opposition to those who maintain that religious arguments must remain within the sphere of the private.⁶ His arguments identify, in my opinion, certain valid principles by which to justify what I call a religiously qualified public sphere where both the ordinary citizens, and those who have institutional positions of importance, are not required to keep silent about their religious convictions either when they vote or when they decide about the public welfare or take institutional decisions (and this is perfectly compatible with liberal political principles, even though this does not require liberal philosophical beliefs). Waldron argues that “something like the pastoral letter has a natural place in public deliberations, even when public declaration is conceived in a secular liberal spirit and even when many or most participants in that

⁶ See the special issue devoted to the question of “the role of religion in public debate in liberal society” of *The San Diego Law Review*, 30, Fall 1993.

debate do not accept the premises on which the bishops construct their arguments. We will miss its potential relevance if we insist that all contributions to such debate must connect syllogistically with premises that are already part of a public consensus. If, on the other hand, we see the value of rethinking the structures of our premises, or of being disconcerted with the richness of their Christian provenance, or if, in general, we see the value of an open, challenging, and indeterminate form of public deliberation in which nothing is taken for granted – if we loosen our conception of public reason in these or other ways – then we may be less uncomfortable about the deployment of religious ideas, even explicitly and unashamedly theological ideas, in what we may still regard as ultimately a matter for secular politics”.

At the centre of this area of concern, that of a new model of civilisation implemented through a public sphere of shared discourse, there is the question of the difficult space of secularity. What do we mean by the secularity of the public sphere ?

Modernity has defined secularity as the suspension, if not the negation, of the religious point of view. Such a conception has today become self-destructive. From the perspective of the twenty-first century, secularity understood as pure secularism can only retreat. We need to define secularity without suspending or denying the religious point of view. In this sense there can naturally be different positions which go from a greater to a lesser connection between elements of faith and elements of religion. But it cannot be doubted that secularity should be redefined as a capacity for dialogue and principled tolerance between positions which must not abandon their faith in order to enter into this space, something which has been requested by modernity. It should no longer be necessary to demonstrate secularity, even on the part of religious currents, on the basis of the fact that in them the element of reason must in the final resort prevail over that of faith.

There is more than theoretical and empirical evidence that within the great world religions there exists a distinction between dogmatics within the individual religion (orthodox Jewish, Christian, Muslim) and the secular space of dialogue with the other denominations or religions

(as has been shown by E. Lévinas 1960 within the context of Jewish culture; E. Pace 1999 with regard to Islam; and A. Del Portillo 1998 in relation to the Christian world).

Legal and political orders can be brought into being in which faith and reason are mutually moderate. Secularity then means a faith tempered with reason, a reason tempered with faith. This new way of understanding secularity is built upon the assumption that it is possible to achieve an encounter between faith and reason not only within each religion but also – and as a consequence – in the dialogue between religions, and in particular in the relationship between the reason within each faith and the other “reasons”. In this way it becomes practically possible to achieve a healthy religious pluralism on which to build a legal order which respects the religious definition of the public sphere (O. Carré, 1995; S. Ferrari and I.C. Iban, 1997).

Indeed, the relationship between faith and reason is a constituent part of both because of the real distinction which differentiates them and connects them at one and the same time. Faith is a constituent part of reason in the same way as reason is a constituent part of faith. Reason must operate within religion and *vice versa*. The methodological use of doubt has its justified value, especially when different religions compare and contrast their truths, but it can never have an absolute value (this was observed by Plato with his concept of *scepsi* which has nothing to do with the systematic scepticism of the moderns but means only the rejection of a self-enclosed dogmatism. It is thus a methodological expression of love for truth, of wanting to take the language of the other person and his or her own reality seriously into consideration as a meaningful difference). This doubt, today, must be above else exercised in relation to the conflation that modernity ends up by producing between *Wertrationalität* and *Zweckrationalität*. Instead of levelling the former to the latter it seems necessary to commence a public discourse on the values of civilisation as a point of direct encounter between the religions, and which is not mediated through the political power of the state (or political system, however democratic it might be).

Pluralism based upon abstract universals is no longer tenable: we need to differentiate the universal with particular semantics, on the condition, however, that they maintain the tension towards a universal meaning. This societal (corporate) pluralism cannot be the work of the political system, but is a task which can be performed only by religious cultures which take into consideration the contribution made by reason.

The challenges of Sarajevo and Jerusalem are two emblematic metaphors of the need for a public sphere in which only active religious tolerance can construct a universal sphere based upon particular universalisms. The tolerance which we need must concede the particular and the universal at the same time, but it would be more precise to say that it must draw up a universalism which is differentiated according to the particular approaches of each religion, at least to the extent to which the religions referred to are capable of transcendence. Something of a transcendental nature is required in order to maintain the dialogue. This is why the hypothesis of a civil society which is pure unlimited community of discourse cannot form a plausible basis for that public sphere needed by the after-modern democracies. It is not enough to communicate without restrictions and without differences of power. We need to communicate together our own truth out of love for truth, knowing not only to respect the Other but also to love the Other, and this is possible only if it is done with *religious tolerance*.

Fides et Ratio, according to the recent encyclical of John Paul II, means directing one's efforts towards the creation of faith (trust) through a religiously qualified civil society and at the same time towards a democracy that can decide on the basis of rational assumptions. The secularity of the state (the "secular state") at the beginning of the third millennium can no longer mean the indifference of democracy towards religion or of religion towards public life, but must mean, instead, the circulation of the religious dimension of the public sphere, seeing religion as a source of vitality for the various social spheres which it promotes, on the condition that the concrete religion referred to demonstrates a capacity for transcendence and reciprocity.

5.2. In a correct and sound relational approach, religion must be seen as a necessary dimension of both particular and generalised social relations. At a real level this is what is experienced in ordinary life where – in opposition to the hypothesis of future progressive secularisation – religion becomes increasingly (and not increasingly less) relevant in the spheres of even the most differentiated social life. In the after-modern life-worlds, religions tend to produce rules and lifestyles which impinge upon the economy and the organisations of the social private world and by this route influence the world of democratic interplay. There is more than one reason to support the view that religions must unite in order to combat the commodification and standardisation of the collective and individual mind which are generated by the processes of globalisation. The hypothesis presented here is that religions can do this through the construction of a religiously qualified public sphere which supports an associative democracy.

What about the so-called non-believers? To my mind, they should be included as a significant part of this dialogue, provided that they too keep a keen distinction between what they think in the private sphere and what they recognize as valid for everybody in the public sphere. There are good reasons to think that believers and non-believers can agree upon basic values and universal rules for the common good of all on the basis of human rationality and not of a particular religious credo.

The old slogans of modernity, like for example “a free Church *in* a free state” (the European model characterised by ‘*inclusion*’) and “free Church *and* free state” (the American model characterised by ‘*separation*’) are by now obsolete. Freedom is increasingly turning out to be a relational phenomenon as an interaction *between*. From a religious point of view, it has become so in a dual sense. First of all as the freedom of religion to create social relations which are goods in themselves (relational goods), i.e. as a right that exists independently of the state. And then as freedom to promote synergical relations between the strictly religious sphere and the political sphere through a new public sphere. In both cases positive freedoms are involved,

which promote the Other, and not purely negative freedoms, of defence *from* the Other. The motto could be: “church and state *relate to each other in terms of positive freedom*” (*relational model*), meaning that religion and democracy adopt a principle of subsidiarity towards each other, and enforce it reciprocally. By this way they can empower and develop their own identity within a relationship of complementary freedoms which work ‘at distance’ (religion and democracy must positively – not negatively – free their relationships in order to avoid conformity and/or instrumental actions towards each other).

Modern democracy has sought to create its own “civil religion” based upon liberal tolerance, but this attempt has failed. After-modern society needs active and propositive tolerance, that is to say religious tolerance which is not mere permissiveness or a melting pot or a salad bowl of the different religions.

Religions must face up to the challenge of a civil culture elaborated “in the plural” by religions which otherwise would exclude each other. They must, to this end, reject both the processes of secularisation and the new forms of fundamentalism. The goal may seem utopian, but it is, instead, made ever more concrete and urgent by the fact that democracy is no longer managing to counter the processes of commodification of human life brought about by globalisation. At the same time, because we certainly cannot return to the pre-modern era, religions can be legitimised as autonomous subjects of the public sphere on the condition that they bring about a more fulfilled democracy through the intermediation of the spheres of the social private world which promote the “society of the human”.

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DEMOCRACY AND RELIGIOUS COMMUNITIES: THE RIDDLE OF PLURALISM

HABIB C. MALIK

SUMMARY

I divide my paper entitled “Democracy and Religious Communities: the Riddle of Pluralism” into two parts: “Democracy and Religion: The Problem” and “Democracy and Political Islam: Pluralism under Siege.” A number of themes are treated and several arguments are presented. At one level the paper is an investigation of different manifestations of pluralism and their implications for democracy. In the era of globalization the urgent need to address problems arising from differing types of pluralism is heightened. Many forms of pluralism do not imply that values are relative. They only mean that there are different paces of development towards the acceptance of, or an accommodation with, the principles and tenets of democracy. The slowness of particular cultures necessitates practical measures in the interim to safeguard vulnerable groups – usually minority communities – and to try to speed up the reception of democracy in hitherto hostile settings. Often the manner of presenting democracy to an unfamiliar culture is crucial in avoiding injustice. For example, exporting democracy to an Islamic, or predominantly Islamic, milieu requires that minority rights be stressed over majority rule. This, coupled with the principle of subsidiarity, helps to neutralize the threat of the heresy of “numerical democracy” which is nothing more than the tyranny of the majority.

I begin in Part One by investigating the latent tension between democracy and religion in relation to the question of the nature of truth. For democracy, numbers determine what is right and true conduct; for religion, truth is utterly independent of numbers. In the secular West concepts of natural law have been steadily replaced by positivist approaches that render relative and subjective and “situational” the determination of moral behavior. A recent work by Cardinal Ratzinger is used as the launching point for my critique of secular humanism’s discrediting of traditional metaphysics. Developments in Europe that brought about this state of affairs are briefly surveyed. Turning to America, the figure of John Courtney Murray is invoked as a defender of religious liberty in the face of the American brand of secularism. Both Ratzinger and Murray are to be placed in the tradition of Pope Leo XIII, who back

in 1888 condemned the metamorphosis of liberty into “boundless license” in modern society. Whether in Europe or in America, the situation in the West is generally one of pluralism underneath the all-embracing umbrella of a unifying worldview – one with clear Greco-Roman, Judeo-Christian roots and liberal/secular humanist (even post-Christian) extensions. Regardless of the inner tensions between the old roots and the contemporary branches, this sort of pluralism is very different from the kind of situation that obtains beyond the West and which I deal with in Part Two: the plurality of antagonistic worldviews without the benefit of an overarching and unifying civilizational umbrella. The clash of cultural values in non-Western settings can be far more abrasive than similar clashes occurring within the secure confines of a democracy. I then move to discuss what Michael Novak has called the “conundrum of pluralism,” namely how to maintain diversity within a unified polity and find common grounds of agreement on the level of basic values. In other words, the question of the universality of values. Relying on the tradition of Thomas Aquinas’s philosophy and its revival by Pope Leo XIII in his encyclical *Aeterni Patris*, I affirm the permanent presence of universal moral precepts that are accessible to human reason and are a part of human nature. These form the basis for natural law and can serve to connect different cultures and religious beliefs. The example often cited for proving the existence of universals that cut across cultural and religious barriers is the consensus displayed in 1948 at the United Nations around the Universal Declaration of Human Rights. Referring to Maritain’s writings about human rights in the 1940s, I argue that while this is an important case it came about during quite exceptional historical circumstances. The abstentions of the Islamic nations mainly over Article 18 also require careful consideration as regards their implications, particularly in predominantly Muslim environments.

In Part Two I turn to an in-depth analysis of the detrimental effects that Political Islam has had historically, and continues to have today, on pluralism in its midst. The inherent connection between Political Islam and violence predisposes Muslim rulers to assume a position of hostility towards native non-Muslim minority communities living in their lands. This is especially unsettling in relation to the treatment of Jews and Christians, or what Islam designates as the “People of the Book.” They are given an inferior, second-class status and are known as *dhimmis*; however, contrary to some popular notions as well as certain accounts by Western scholars, the *dhimmi* category is not one of benevolent tolerance but of subtle and relentless persecution leading to gradual liquidation of the targeted communities. When it comes to Islamic attitudes towards the different other there is a remarkable degree of uniformity and it is not an oversimplification to speak of Islam and Muslims as a monolithic whole without taking into account the internal diversity found within Islam. Islam has a dualistic view of the world. Muslims inhabit the Abode of Islam

while the other, the non-Muslim, is automatically classified as a citizen of the Abode of War. History is nothing but the grand triumphant story of the expansion of the Abode of Islam at the expense of the Abode of War. Where Muslims live in a majority and exercise political power, non-Muslims (especially Jews and Christians) must exist as *dhimmis*. Even after measures were taken starting in the nineteenth century to abolish the *dhimmi* category from the law books, the psychological imprint of dhimmitude on both victim and oppressor remained and in many cases intensified. *Jihad* or holy war, massacres, and a host of other forms of persecution have recurred throughout the centuries including during modern times. I argue that in the West's enthusiasm to package and export democracy to the wider world it would be highly irresponsible to emphasize the notion of majority rule and downplay, or not stress enough, the other side of the democratic coin, namely minority rights. This would be tantamount to an invitation to Political Islam to continue to persecute its minorities with impunity. Nor should the attempt be made to export secularism in a forced and artificial manner to parts of the world that are either not ready for it, or continue to actively resist it. Whether we like it or not, religion in a place like the Middle East continues to be the ultimate indicator of individual and group identity. It is not ethnicity, not nationalism, and certainly not secularism that determine people's final sense of belonging and of who they are. Imposing secularism from the outside in a predominantly Islamic context is like trying to change the given reality with a magic wand. It is a sure recipe for further violence. This enhances the extremes in Islam and tends to render Islamic moderation somewhat pathetic and marginalized as it is caught in a tug of war between repressive regimes and fundamentalist options. Worst still, when Westerners are attracted by the moderate Muslim voices usually living in self-imposed exile in the West they forget how unrepresentative these voices really are of what Salman Rushdie has called "Actually Existing Islam" out there. Attempting to conduct dialogue with Islam by engaging with these lonely moderates is a non-starter, and opting for mere platitudes in the name of dialogue with Political Islam can be harmful. At best it is a political exercise with limited benefits.

I end the paper with a call to the Western democracies to offer the democratic message to mixed or composite societies beyond the West in the form of a carefully formulated federalism. This would be in keeping with the all-important Catholic social doctrine of subsidiarity. It need not be a federalism based on geographic districts. The concept is flexible enough to be tailored to the givens of a particular situation. I take Lebanon as my focus in this regard because it represents an interesting and fairly unique case of a divided and differentiated society within a wider and largely Islamic setting. Lebanon is ideally suited for applying the democracy of heterogeneous religious communities, in other words for a federation that takes

such religious communities as its basic building blocks. Lebanon is also home to the last remaining native and free Christian community anywhere between Morocco and Indonesia. Lebanon's Christians over the centuries have proudly and largely successfully resisted the *dhimmi* system. Both they and the Muslims have legitimate fears; however, there is a clear asymmetry of phobias between the two groups. While Muslims express socio-economic grievances and complaints, Christians harbor existential fears of survival. As it is today, Lebanon contains eighteen officially recognized sects or religious communities and is based on a power-sharing arrangement among them as well as a constitutional recognition of communal autonomy at the level of matters of personal circumstances: marriage, divorce, inheritance, and the like. I maintain that democracy in Lebanon is not possible outside the current system of political sectarianism or confessionalism. A satisfactory response to the secular critique would be to create a separate legitimate category for people who do not want to be associated with any of the existing and recognized religious communities. This would safeguard pluralism while remaining loyal to the given historical reality of the centrality of religion in the lives of people in that part of the world. Taken together, the eighteen communities and the secular non-denominational category would solve many problems in terms of voting, running for office, education, etc. Perhaps a Lebanon refashioned along these lines in a post-peace Middle East could serve as a useful model for other similarly divided societies around the non-Western world. The positivist concept that Islam will eventually evolve into a more benign version of itself and become more accepting of the different other is not necessarily wrong; the practical problem is the prohibitive time scale this is likely to follow, i.e. moving very slowly. In the meantime, security guarantees are required for protecting indigenous non-Muslim minority communities in Islamic lands. In my view the federal formula provides the best chance for this to occur. And an experiment in a federalism of sorts has occurred fairly successfully in recent Middle Eastern history with the millet system under the Ottoman Turks. Nor is a pure reliance on the essential universality of moral laws – as one might safely do in a Western context – enough of a guarantee that Political Islam will not engage in repression. Again, federalism here is the answer.

I *Democracy and Religion: The Problem*

On the occasion of being conferred the degree of Doctor Honoris Causa by the LUMSA Faculty of Jurisprudence in Rome on 10 November 1999, Cardinal Joseph Ratzinger addressed the issue of what he termed “juridical positivism” and the more basic philosophical and

theological question it raises regarding the nature of truth. In an era when the “end of metaphysics” is solemnly proclaimed by a broad contingent of modern philosophers, the implications for law have been dire. Since metaphysics can no longer serve as the source of law in the eyes of contemporary thinkers, the concept of the democratic consensus has replaced it as both the source and expression of collective values. Today, under this juridical positivism, asserts the learned Cardinal: “The majority determines what must be regarded as true and just.” “In other words,” he continues, “law is exposed to the whim of the majority and depends on the awareness of the values of society at any given moment.”

In the secular West this trend manifests itself in a variety of expressions all of which represent conscious departures from the traditional Christian conception of law. Marriage, for example, has ceased to be the exclusively accepted form of sanctioned conjugal relationship. “The sense of the sacred no longer has any meaning for law,” declares Cardinal Ratzinger, and he points to the disappearance of Sunday as a time for rest and contemplation in order to illustrate the secular rearranging of the use of free time. Even the hitherto sacrosanct domain of human life has been rudely invaded and secular laws today protect such practices as abortion and euthanasia while allowing for genetic manipulation. “A limitless liberty in speech and judgment” appears to have been unleashed with the result that profanity and moral relativism have become the unquestioned privilege of the liberated individual. In effect, the modern secular state has succeeded in undermining metaphysics and Natural Law thereby precipitating a crisis in human dignity and compromising the human person’s essence.¹

From the outset it becomes evident to anyone investigating the relationship between democracy and religion that there exists a basic tension, indeed an incompatibility, between the two when it comes to the question of the nature of truth. For democracy it is all ultimately a

¹ The text of Cardinal Ratzinger’s speech was obtained from ZENIT, an international Catholic news agency located in Rome. See infoenglish@zenit.org; see also www.zenit.org.

matter of numbers, of majorities, of statistics, of votes. The “right and the true” becomes that which is acceptable to the largest number of people who happened at any given point in time to have bothered to express an opinion. Low voter turnout – a phenomenon increasingly prevalent in parts of the West and related to a rising political apathy in some affluent societies – indicates that vocal “majorities” are growing smaller over time. Religion, on the other hand, views truth as independent of numbers and as something relying upon no form of human consensus. Truth is sacred and absolute, meaning it has divine origins and is ontologically grounded in the Creator Himself. Truth can therefore reside in a numerically small group – even in a minority of one.² The imperium of truth is not and cannot be democratic. There is no escape from the inherent opposition that pits political notions of democracy and what they assume about truth against the unchanging and universal concept of truth offered by religion.

Given the Christian precept of leaving to Caesar what is Caesar’s and to God what is God’s, and given the eventual failures of medieval Christian theocracies (Christendom, politically understood), it was inevitable in modern times that Europe, and the West in general, should embark on the road to secularization. Pivotal historical stations along the way such as the Protestant Reformation, the Industrial Revolution, the “minimal government” political philosophy of John Locke, the “rights” movements and declarations of the American and French revolutions, the rationalism and deism of the eighteenth century, and the anticlerical outbursts of the nineteenth century, all contributed to the secularizing trend. With the separation of church and state and buttressed by the nineteenth century idea of progress came the ascendancy of positive law over Natural Law. After Protestantism dethroned ecclesiastical authority in matters of dogma and favored instead an often-

² In the Bible this is made clear over and over again. The Jews of ancient Israel, as God’s Chosen People, were usually outnumbered by their enemies. Christ stood alone in the face of the Sanhedrin and the Roman authorities. The Book of Revelation speaks of the remnant of 144,000 who will remain faithful to the truth. Other examples of truth not being numerically determined abound in scripture.

unbridled individual liberty, the stage was set for an easy acceptance of democracy in which proper norms of conduct are decided by the ballot. Along with the secularization of Europe came the promotion of a degree of moral subjectivism and relativism as the legitimate basis for legislation. As church and state went their separate ways, government's view of the role of religion in society also underwent a metamorphosis, a development well captured by the eminent historian Owen Chadwick:

Government likes religion to bless its acts, crown its dictators, sanction its laws, define its wars as just, [and] be decorous master of ceremonies. And since on grounds of religion religious men may criticize acts or laws or wars or modes of waging war, government prefers quietness and contemplation to excess of zeal. Though religion is important to government, it does not value excess of religion. It is happy with general morality, reasonable and moderate, but is uncomfortable with too much enthusiasm.³

Whether authoritarian or liberal democratic, secular governments throughout Europe since the nineteenth century have opted to keep religion and the ethics it entails at arm's length. It is true that Christian democratic parties have flourished in European politics, but they have been strained attempts at a synthesis – albeit a Protestant one in inspiration and conducted on secular terms – between hollow vestiges of religion, and democracy, respectively. The parting of church and state in the contemporary period in the West appears all but irreversible.

Worse still is the consistent refusal by secular humanism to admit where its ethical roots lie and from whence much of its moral inspiration derives. This unrecognized patrimony – humanism's lost Christian heritage as Solzhenitsyn has called it – finds itself increasingly under siege today in the democratic states of the West where (again Solzhenitsyn) a total emancipation appears to have occurred from the moral heritage of Christian centuries.⁴

³ Owen Chadwick, *The Secularization of the European Mind in the Nineteenth Century* (Cambridge: Cambridge University Press, 1975), p. 117.

⁴ Ronald Berman, editor, *Solzhenitsyn at Harvard: The Address, Twelve Early Responses, and Six Later Reflections* (Washington, DC: Ethics and Public Policy Center, 1980), p. 17 and p. 18.

In America the equivalent of Cardinal Ratzinger's critique of secular democracies came forcefully and recurringly from a young and dynamic Jesuit priest: John Courtney Murray. The American brand of secularism, as a creative response to the religious pluralism of American society, posed in the view of Murray and others a distinct danger to religious liberty. Murray advocated an active engagement by the Church in the day-to-day affairs of the public square and he regarded the state's duty as ensuring the freedom required for religion in general, and the Church in particular, to articulate its message to society. "The role of government is to see to it, by appropriate measures both positive and negative, that the Church is free to go about her creative mission; and likewise to see to it that such conditions of order obtain in society as will facilitate the fulfillment of the Church's high spiritual task." Government is not to dictate the content of this task, Murray emphasized, but within limits government "can make possible or impossible, easier or more difficult, the Church's exclusive task of caring for the needs of souls."⁵ For this reason Murray, ahead of his time, saw the need for Catholics, Jews, and other Christian groups to combine their efforts to rehabilitate a moral authority that is independent of the secular state.

Nowhere are the foundations for Cardinal Ratzinger's critique of democracy's approach to truth, or John Courtney Murray's defense of religious liberty, more in evidence than in Pope Leo XIII's encyclical of 1888, *Libertas Praestantissimum*. If human reason makes of itself the measure of all things and democratic states derive their authority from the people, then, concluded the Pope, the greatest number would determine what is right. It follows that we would have "the doctrine of the supremacy of the greater number, and that all right and all duty [would] reside in the majority."⁶ Similarly, he continued, "the law de-

⁵ John Courtney Murray, "Leo XIII and Pius XII: Government and the Order of Religion," in *Religious Liberty: Catholic Struggles with Pluralism*, edited by J. Leon Hooper, S.J. (Louisville, Kentucky: Westminster/John Knox Press, 1993), p. 79.

⁶ See *Libertas Praestantissimum* (Human Liberty) in *The Great Encyclical Letters of Pope Leo XIII*, translations from approved sources (New York: Benziger Brothers, 1903), p. 145.

termining what it is right to do and avoid doing is at the mercy of a majority.”⁷ Throughout the encyclical Leo warned against the degeneration of legitimate liberty into “boundless license” and unrestrained excess.⁸ He saw such a development proceeding in parallel with a rising intolerance of religious liberty, particularly freedom for the Catholic Church.⁹ What perils Leo in his day detected looming on the horizon have become a sordid reality in our era.

Returning to America, the issue there is, and has always been, one of religious pluralism versus a steadily pervading and uniquely homogenizing secularism. Yet this pluralism, when examined carefully, discloses a broad range of common values and terms of reference precisely because it has been molded over two centuries in the streamlining crucible of American culture. American pluralism therefore, as the historian Daniel Boorstin has described it, is “a self-liquidating ideal.” This means that in the very process of celebrating the rich diversity that makes up America, ethno-religious variety is sublimated into the amazing unity that defines the American experience and out of which emerges a truly *American* type:

Of course, there were other regions of the world—the Balkans, the Middle East, South Asia—which also were a melange of peoples and languages and religions. What would distinguish the United States was that we would give our varied peoples the opportunity to become one. As they were dissolved in the American ‘melting pot’ they would become part of a single country.¹⁰

Such a process, while unique to America, shares with Europe the fact that in both instances a single overarching worldview – a secularized humanism resting on firm though often unacknowledged Judeo-Christian foundations – forms a western civilizational umbrella of collective values covering a vast tapestry of ethnic, linguistic, religious, and socio-cultural particularisms. In the case of the United States the particulars

⁷ *Ibid.*, p. 146.

⁸ *Ibid.*, especially p. 155 and p. 161.

⁹ *Ibid.*, pp. 158-59.

¹⁰ Daniel J. Boorstin, *Democracy and Its Discontents: Reflections on Everyday America* (New York: Random House, 1971), p. 87.

were largely churned and homogenized, while in Europe there were fewer of them to begin with and these remained for the most part distinct within the rubric of the single unifying civilization.

Throughout the democracies of the West, whether European or American, there operates an undeclared assumption that differences arising from the existing pluralism in society are to be aired under the sway of three non-negotiable premises: the rule of law, a tolerant civility, and a modicum of universally accepted moral norms of conduct. These are the rules of the game, as it were, taken for granted by all players no matter how far apart they might be on other essentials. The reason this is so is clear, as stated earlier: the presence of the all-embracing worldview consisting of Greco-Roman, Judeo-Christian roots and liberal/secular humanist branches. This formidable cultural synthesis has entailed at once a separation of religion and politics and a simultaneous creative interpenetration of the spiritual and secular to produce universal practical affirmations. Cardinal Ratzinger, Father Murray, and many prominent religious intellectuals before or since can lament irregularities and unresolved tensions, warn against constraints on religious liberty, deplore excesses in secular assertion and the decline in morals, and challenge the over-prominence of positive law. They are absolutely justified in doing all these things and the power of their critique serves as an enriching corrective to further abuse and extremism. They do so, however, knowingly within the comfortable confines of the prevailing and overwhelmingly accepted worldview that defines the West.

While observing closely mid-nineteenth century America, Alexis de Tocqueville took note of the pluralism manifested within the dominant religion:

Each sect adores the Deity in its own peculiar manner, but all sects preach the same moral law in the name of God....Moreover, all the sects of the United States are comprised within the great unity of Christianity, and Christian morality is everywhere the same.¹¹

¹¹ Alexis de Tocqueville, *Democracy in America*, vol. I, revised by Francis Bowen and edited by Phillips Bradley, 7th edition (New York: Vintage Books, 1959), p. 314.

Yes, it was a straightforward and less complicated America upon which de Tocqueville directed his discerning gaze in those days. Today, a century-and-a-half later, the worldview forming an all-encompassing tent above the complexity of America and the West as a whole has surely been modified, in certain instances expanded, in others altered (some would insist disfigured), yet the crucial fact is that a single unifying civilizational reference point continues to exist and subsume all within its broad perimeter. This is certainly not the case beyond the West, particularly in those areas with divided or composite societies and mixed religious communities where democracy has had a hard time securing a foothold. The opposition between radical secular humanism and traditional Judeo-Christian morality that one witnesses being played out in the West, while stark and even vicious at times, pales in its implications for public life before the more awesome clash of values among differing religions in non-democratic settings. This is not to make light of the dizzying multiplicity of moral and amoral positions obtaining in the West on vital issues like abortion, nor is it to neglect to applaud the admirable moral consensus that emerged, for example, against racial discrimination in America in the sixties. It is simply to say that the debates and disputes generated by pluralism in a democracy that is underpinned by considerable cultural cohesion and the recognition of some shared values – these debates and disputes are less threatening and more easily manageable than their counterparts unfolding in an environment poorly receptive to democratic ideals and exhibiting a plurality of antagonistic fundamental outlooks.

There are those who assert correctly that no matter how heterogeneous any given pluralism might be there exist universal moral precepts accessible to right reason that will always constitute a firm meeting ground for disparate views and beliefs. Advocates of this position enjoy an eminent historical lineage and can refer to some highly respectable authority figures. A case in point is the example of the revival of Thomist philosophy within Catholicism following the famous call by Leo XIII in his encyclical *Aeterni Patris* (1879) for Catholics to return to the thought of Thomas Aquinas, the An-

gelic Doctor.¹² Neo-Thomism, as it has been called, maintains the Natural Law tradition which appeals to the timeless and divinely ordained moral universals that imprint human nature and that are discernible through reason. It is here that the “conundrum of pluralism” is supposed to find its ultimate resolution.¹³

In fact one example often cited is the unanimity (counting only the favorable votes without the abstentions) that was displayed in the United Nations General Assembly on 10 December 1948 when the final draft of what became the Universal Declaration of Human Rights was adopted. This is an important case because here you had representatives of some sixty member nations embodying and reflecting nearly all the cultures, languages, ethnicities, and religions of the world – the ultimate pluralism. Moreover, what was being voted upon was no ordinary document advancing a perfunctory set of propositions; it aimed at nothing less than defining what it means to be human and to have rights and be entitled to freedoms, in other words a value-laden document with profound philosophical and political implications.

If wide-ranging differences could be transcended and the people holding them could agree on a nucleus of basic principles such as are found in the Universal Declaration, then pluralism ceases to be the insurmountable obstacle to national and international harmony that some have made it out to be. Writing about rights in the late 1940s around

¹² It can be safely argued that next to Pope John Paul II, Leo XIII has been singlehandedly the most influential Catholic figure of the last hundred-and-fifty years. By ending the *Kulturkampf* against the Church in Germany, launching the First Vatican Council in 1870, reviving scholastic philosophy (Aquinas’ perennial philosophy that harmonizes faith and reason), and presenting a series of powerful and far-reaching encyclicals on a variety of pressing issues—for example *Rerum Novarum* (1891) on the social question and *Libertas Praestantissimum* (1888) on the political question, Leo represented a watershed in the history of modern Catholicism and became the architect who laid the foundations for crucial developments in twentieth century Catholicism.

¹³ The phrase is taken from a talk by Michael Novak given in Beirut, Lebanon on 7 December 1998 at an international conference commemorating the fiftieth anniversary of the Universal Declaration of Human Rights and the pivotal role played by Charles Malik in the elaboration and adoption of that document. See Michael Novak, “Human Dignity, Human Rights,” in *First Things*, edited by Richard John Neuhaus, 97 (November 1999), p. 39.

the time of the adoption of the Universal Declaration, the French Thomist philosopher Jacques Maritain stressed the primacy of the practical over the theoretical domain: “The question raised at this point is that of the practical agreement among men who are theoretically opposed to one another.”¹⁴ Maritain related how proponents of polarized ideologies at a meeting of the French National Commission of UNESCO to discuss human rights had explained the fact that they had managed to come up with a single accepted listing of rights: “Yes, we agree on these rights, providing we are not asked why.”¹⁵ Indeed this is what transpired within the UN’s Human Rights Commission and during the final voting on the proposed document: “...the advocates of a liberal-individualistic, a communistic, or a personalist type of society,” said Maritain, “will lay down on paper similar, perhaps identical, lists of the rights of man.”¹⁶

Both the practical incentive to agree in order to act concertedly and the presence of underlying and abiding moral imperatives shared by all resulted in the spectacular consensus around the Universal Declaration that was witnessed in 1948. The “common tenets,” as Maritain called them, cutting across the myriad outlooks and beliefs, guaranteed the possibility to build out of the existing pluralism “a society of free men.”¹⁷ In Western democracies, also, where any pluralism is firmly ensconced in the bosom of the prevailing worldview, “common tenets” can be relied upon to provide the necessary binding glue for building and sustaining the polity: “The reality of an objective moral order that can be discerned from a careful reflection on human nature and human action thus provides a crucial layer of the moral-cultural foundation on which pluralistic democratic political community can be built.”¹⁸

¹⁴ Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951), p. 76.

¹⁵ *Ibid.*, p. 77.

¹⁶ *Ibid.*, p. 106.

¹⁷ *Ibid.*, p. 109.

¹⁸ George Weigel, *Soul of the World: Notes on the Future of Public Catholicism* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1996), p. 166. Weigel continues:

There have been tremendous instances of peaceful pluralist accord in the lands where democracy originally sprouted and matured, yet matters tend to be very different elsewhere around the world. Historians and scholars concur that the Universal Declaration of Human Rights was born under highly exceptional international circumstances, namely during a rare window of opportunity between the end of World War II and the start of the Cold War – a rent, as it were, in the otherwise turbulent fabric of history. The impressive consensus achieved there can hardly be taken as a model for other cases of pluralist *rapport* when they involve a multiplicity of antagonistic total outlooks. Furthermore, the abstentions in the final voting on the Universal Declaration merit closer scrutiny. The Islamic states, for example, were on the verge of voting against the passage of the document because of a single provision in Article 18 declaring the right of anyone to change his or her religion. Islam regards this as tantamount to sanctioning apostasy (*ridda*), which is a crime punishable by death according to strict *shari'a* law. Thanks to no small amount of effective lobbying, diplomatic cajoling, and some last-minute behind-the-scenes persuasion, the Islamic delegations backed away from voting against the document and decided instead to abstain.¹⁹

Much of what has been said earlier regarding religious pluralism in the West needs to be tempered, if not seriously qualified, when talking

“The moral obligations of others—including racially, ethnically, and/or religiously different ‘others’—are a mirror in which I can discern my own moral obligations, and indeed my own humanity. And that sense of common moral obligation is the basis of democratic community in a civil society, a society in which the chasms of racial, ethnic, and religious difference are bridged for purposes of achieving the common good.”

¹⁹ Actually the Islamic states voted in favor of each of the 30 articles separately. They only abstained on two articles: Article 18 endorsing the freedom to change one's religion, and Article 16 offering equal rights for women. Credit for this outcome must go to the liberal-minded delegate from Pakistan, Zafrullah Khan, and to Charles Malik of Lebanon, the chairman of the Third Committee that saw the Universal Declaration through to the final vote and adoption by the UN General Assembly. For more on this fascinating process and the personalities behind it see the upcoming book by Mary Ann Glendon on the making of the Universal Declaration of Human Rights tentatively entitled *Rights from Wrongs* (New York: Random House, 2001).

about predominantly Islamic environments containing indigenous non-Muslim minority communities. This is a stark and sobering reality. It does not mean that universality of moral values somehow stops at the outskirts of Muslim societies – not at all. The human mind and the human conscience will respond to the beckonings of moral universals and of Natural Law anytime and anywhere regardless of context. What it does mean, however, is that in certain settings:

– and the Islamic world is one of them – awareness is awakened more slowly and the temporal pace of this awakening, the response time, is often far too incremental and even glacial to affect the here and now. In other words, the rate of receptivity of universal values by the receiving culture is crucial. Therefore practical arrangements, in particular democratic ones devised for the peaceful coexistence of heterogeneous religious belief systems, cannot always rely in such environments on the ubiquity and universality of values readily asserting themselves. In the West we are dealing with pluralism within an intelligible, coherent, largely unified cultural context and historical experience. In the East, particularly the Islamic world where you do not have the separation of religion and politics nor a two-hundred-year secularizing trend, one encounters at best an uneasy agglomeration of a plurality of contentious, religiously defined worldviews, but more pervasively one comes across the active subjugation of differing religious communities by a dominant Political Islam.

II *Democracy and Political Islam: Pluralism under Siege*

In his seminal work on the clash of civilizations, Samuel Huntington employs a phrase that evokes a world of meanings: “Islam’s Bloody Borders.”²⁰ Indeed it seems that wherever the Islamic world comes in contact with a different other, there is blood to be found. More arresting is the fact that in today’s world this appears to be true *only* with

²⁰ Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996), pp. 254-65.

respect to Islam – no other “other” is encased in a circumference of red the way Islam is: From Egypt to Kashmir and Mindanao, from Bosnia and Kosovo to Chechnya, from southern Sudan to East Timor and to Ambon and Maluku in the Moluccan islands; not to mention Lebanon and Israel – the list is a long one. This phenomenon is not due principally to the many enemies that surround the Islamic world and constantly harass its edges as a number of Western apologists and conspiratorially minded Muslims would have us imagine. The primary reason for the “bloody borders” is inherent; it is the organic connection that has always existed between Political Islam and violence. In other words, the inability of Islam to view the different other except in adversarial terms.²¹

There are many variations of Islam and a correspondingly diverse community of Muslims. It is certainly true that to speak of “Muslims” or “Islam” in blanket fashion or in monolithic terms can be misleading. However, one encounters a remarkable degree of uniformity when it comes precisely to Islamic portraits of “the other” – especially the Christian, and even more so, the Jew.²² In this context, therefore, it is not as much of an oversimplification to refer to an “Islamic view” or “Muslim outlook.” And nowhere is this streamlined Muslim attitude towards the non-Muslim more in evidence than in situations where non-Muslim communities happen to live under Islamic rule. The historical record is replete with instances of the active reduction by Muslims in power of those non-Muslim communities to second-class status. The habitual and

²¹ It is necessary to state here that such a culture of violence is not always directed against the non-Muslim; it preys as easily upon the sons and daughters of the faith as it does on the outsider. Witness as an example the case of intra-Islamic violence in present-day Algeria or Afghanistan.

²² In the *Fatiba* (The Opening) of the Koran, the last two lines refer to two groups not “in the straight path”: “those against whom Thou art wrathful” (meaning the Jews), and “those who are astray” (meaning the Christians). See Koran, sura of The Opening, 7. All English translations of Koranic verses are taken from *The Koran Interpreted*, trans. Arthur J. Arberry (Oxford: Oxford University Press, 1985). For the authoritative source that offers this interpretation, see the Koranic exegesis of Tabari (c. 838-923) in Abi J’afar Mohammad Bin-Jarir Al-Tabari, *Jami’ Al-Bayan ‘an Ta’wil Aay Al-Qur’an*, vol. 1, 2nd ed. (Cairo: Mustafa Al-Baba Al-Halabi publishers, 1954), pp. 79ff (on the Jews), and pp. 83ff (on the Christians).

oft-repeated “anecdotes of tolerance” that have become stereotypical in so much of the specialized literature on Political Islam cannot mask the deplorable conditions that native non-Muslim communities living in a predominantly Islamic environment have had – and continue – to endure.²³

Several ingredients in the Islamic worldview, particularly as it relates to non-Muslims, explain why pluralism has had to steer such a rough course in Muslim lands. Islam’s classical division of the world into two sharply defined and segregated realms, known respectively as the Abode or House of Islam (*Dar al-Islam*) where Muslims live in a majority as an *umma* (Islamic community) and exercise political power, and the Abode of War (*Dar al-Harb*) which includes everywhere else outside and beyond the first realm, serves to anchor an *a-priori* attitude of hostility towards the non-Muslim. This dualism was spawned and nurtured during the early period of conquests when Islam confronted and overcame its surroundings through the sword. But the primordial dichotomous outlook of the two antagonistic abodes survived the turbulent birth and spread of the new faith to become ingrained in the official, as well as popular, Muslim mindset. The Abode of War was looked upon as the realm where confusion and falsehood reigned, and hence as the natural and legitimate expansion ground for *Dar al-Islam*. In fact history was no more than the account of the triumphant extension of *Dar al-Islam* at the expense of *Dar al-Harb*. A religiously sanc-

²³ Invariably, one comes across descriptions of the moderation, the gentleness, and the humanity of Islamic rule—its tolerance of non-Muslims living under its writ. The late Albert Hourani, for example, barely touches on persecutions and tends to emphasize harmony of Christians and Jews under Islam in the urban areas (cities); see his *A History of the Arab Peoples* (Cambridge, Massachusetts: Harvard University Press, 1991), pp. 117-19. See also the rosy accounts of Sir Adolphus Slade (1802-77) of the life of Christian subjects under Ottoman rule, taken from his *Records of Travel in Turkey, Greece, etc.*, in two volumes (London, 1832; reprinted 1854) and quoted in Bernard Lewis, *Islam in History: Ideas, People, and Events in the Middle East* (Chicago: Open Court, 1993), pp. 69-71. This type of account, despite its defects, remains far superior to more recent ones that squarely lay the blame for persecution on the victim. See as an example Kenneth Cragg, *The Arab Christian: A History in the Middle East* (Louisville, Kentucky: Westminster/John Knox Press, 1991). See also Habib C. Malik’s critical review of Cragg’s book in *The Beirut Review: A Journal on Lebanon and the Middle East*, no. 3 (spring 1992), pp. 109-22.

tioned xenophobia resting on an “us and them” division of believers and unbelievers took hold. Infidelity, or *kufr*, was the prevailing feature of the Abode of War where the unbelievers dwelled. The *shari'a*, or Islamic law, makes *jihad* (holy war) a sacred duty for all Muslims and in several places the Koran exhorts the believers to *jihad*, namely to fight or kill “in God’s way.”²⁴

Despite Islam’s claim to be the final fulfillment of both Judaism and Christianity, with Mohammad being proclaimed as the Seal (the last) of the Prophets, the standard Islamic designation of everything that preceded Islam is *jabiliyya* (the age of ignorance). Such a concept represents a radical break with history and an abrupt discontinuity in its progression. It automatically cancels the intrinsic value of the predecessor, who is then never studied on his own terms nor assessed through the prism of his frame of reference.²⁵ This disruption of history in effect predisposes to violence: smashing idols, battling the vestiges of ignorance, and rectifying by force religious waywardness become compelling obsessions for the zealous Muslim believer. Hence there is no permanent peace with the forces of infidelity – only temporary truces to be broken by the Muslim, and *jihad* resumed, whenever more favorable conditions prevail.

Islam distinguishes between two main categories of unbelievers: whom the Koran designates as the “People of the Book” (namely Jews and Christians; Koran, sura of The Table, 76), and all the rest (members of other religions and pagans). Being grounded in a reworking of certain Old Testament stories as well as in Christian heterodoxy (specifically Arianism and Docetism), Islam from the start was very self-conscious of its Jewish and Christian roots. From the earliest Islamic period provisions had to be devised to accommodate the presence of

²⁴ See as examples Koran, sura of the Cow, 215 and 243; sura of the House of Imran, 168; sura of the Women, 73; sura of the Ranks, 3; and sura of Repentance, 110.

²⁵ It is amazing how much ignorance there is of both the Old and New Testaments in learned Islamic circles. One scholar called it “Islamic Self-sufficiency.” See William Montgomery Watt, *Muslim-Christian Encounters: Perceptions and Misperceptions* (London: Routledge, 1991), pp. 41-44.

non-Muslim minority communities belonging to these “People of the Book” within the Abode of Islam. Members of these communities were called *dhimmis* (those under the protection of Muslims) and included Jews, Christians, and later – when the authorities needed additional revenues from taxation – Zoroastrians. Specific rules attributed originally to the Caliph Omar were instituted governing the daily life of *dhimmis* under Islamic rule and their relations with Muslims.²⁶ Although it became customary, both in Islamic sources as well as among Western apologists for Islam, to view the *dhimmi* system as compassionate and humane (simply because it eschewed direct physical violence against those classified as *dhimmis* who strictly observed the rules), this system was in fact discriminatory and demeaning. Not only did it legally institute a second-class status for these conquered non-Muslims (a kind of religious apartheid); *dhimmi* prescriptions taken collectively constituted a subtle form of religious persecution.

Over time the *dhimmi* system has functioned not as a system of tolerance but of liquidation, with the expectation that it would eventually lead to *hidaya* (bringing the lost to the right path, i.e. conversion to Islam). Entire communities toiling under the *dhimmi* burden were reduced in numbers either through wholesale conversions to Islam to escape the stifling restrictions of the system, or through emigration out of *Dar al-Islam*. There is nothing benevolent about *dhimmi* status. The reputed economic prosperity of some non-Muslim minorities living in

²⁶ These rules, known as the Pact of Omar, eventually received wide approval by doctors of Islamic jurisprudence and were initially collected and published by Ibn Qayyim Al-Jawziyya (d. 1350) in his book *Abkam Abl al-Dhimma*, 2 vols., ed. by Sheikh Subhi Saleh (Beirut: Dar Al-‘Ilm Lilmalayin publisher, 1981). They cover such matters as a compulsory special poll tax (the *jizya*, or literally “penalty tax”); special dress; rules for subservient behavior so as to remain in perpetual humiliation in the eyes of the Muslim; a prohibition on building new places of worship or renovating existing ones; a ban on the ringing of church bells, the sale of alcohol, the display of crosses, or the open celebration of religious festivals such as Palm Sunday processions; and an interdiction on the carrying of weapons and an exemption from military service. In addition, a *dhimmi*’s testimony against a Muslim was not accepted at a court of law and *dhimmis* were not allowed to marry Muslim women whereas the reverse was possible. It is evident from this cursory profile of the *dhimmi* category that the concept is in urgent need of demythologizing in order to cease to connote tolerance in the mind of the misinformed.

predominantly Islamic urban areas, in the sporadic instances when it occurred, was due to two main factors unrelated to any supposed good will on the part of the authorities: the state needed the expertise of these unbelievers, and they did not constitute a political threat since, in the nature of the case, they could not have any aspirations to the Caliphate. Upon deeper probing therefore, no set of redeeming nuances emerges that somehow justifies the ravages of *dhimmi* degradation. “Dhimmitude,” as the scholar Bat Ye’or aptly calls it, becomes with time a state of mind embodied as much in ideology and legal texts as it is in collective perceptions:

Dhimmitude can be defined as the totality of the characteristics developed in the long term by collectivities subjected, on their own homeland, to the laws and ideology imported through *jihad*. Dhimmitude represents a collective situation and is expressed by a specific mentality. It affects the political, economic, cultural, sociological, and psychological domains—all these aspects being interdependent and interactive.²⁷

Most striking about dhimmitude are the lasting psychological scars it inflicts on the victim communities and which long outlast any political and/or legal liberalization in Islamic lands. Thus the *dhimmi* syndrome, according to Ye’or, is one of “psychological conditioning” and “represents a collection of mental attitudes and behaviors linked to dhimmitude and common to the different groups which express them with greater or lesser intensity depending on circumstances. The basic components of the *dhimmi* syndrome lie in the combined psychological effects of vulnerability and humiliation.”²⁸

In the modern period, beginning with the Ottomans in the mid-nineteenth century, attempts were made to proclaim equality in citizenship between Muslims and non-Muslims and to institute legal and ad-

²⁷ Bat Ye’or, *The Decline of Eastern Christianity under Islam: From ‘Jihad’ to Dhimmitude, 7th-20th Centuries*, trans. (from French) by Miriam Kochan and David Littman (Madison, Teaneck: Fairleigh Dickinson University Press, 1996), p. 221.

²⁸ *Ibid.*, p. 235.

ministrative reforms. One would have reasonably expected such developments to ease the burden of discrimination and persecution suffered by the non-Muslim subjects of the Ottoman Empire. Paradoxically, the opposite occurred and the roster of massacres perpetrated against various Christian populations of the empire from the mid-nineteenth century to the eve of World War II speaks for itself.²⁹ Such was the sad record of this so-called “era of emancipation” when *dhimmi* status was abolished from the books by imperial order, but hardly eradicated from the hearts and psyche of both victim and oppressor. The same is true in many contemporary Arab and Islamic countries where discrimination against native non-Muslims persists and threatens to erupt into active persecution at any moment despite modernizing overhauls to the constitutions and legal systems.

* * *

The lofty nobility of the democratic ideal, along with the dedicated urge to spread it far and wide, are without a doubt two of humankind’s greatest achievements. So many today chant with Thomas Carlyle: “Why should not all nations subsist and flourish on Democracy, as America does?”³⁰ The late-twentieth century was marked by the proliferation of democracy in many countries such as Eastern Europe hitherto deprived of the benefits of free expression, free markets, and political participation. We see the established democracies actively seeking to propagate their systems of government and their open markets all over the world. Under such slogans as “yes to the market economy, no to the market society,” leaders of Western democracies think they have presented the

²⁹ The Christians in the city of Damascus were massacred in 1860; Mount Lebanon saw the outbreak of sectarian hostilities that same year; Bulgarians were massacred in 1876; Armenians were repeatedly slaughtered in 1895, 1909, and 1915; Syriac villages in southern and southeastern Turkey were razed to the ground on several occasions and their inhabitants killed in 1895, 1915, and 1918; and Assyrian and Chaldaean communities in southeastern Turkey and northern Iraq were targeted in 1918 and 1933.

³⁰ Thomas Carlyle, “As to a Model Republic,” from “The Present Time” in *Latter-Day Pamphlets* (1850), reprinted in *The Faber Book of America*, edited by Christopher Ricks and William L. Vance (London & Boston: Faber and Faber, 1992), p. 176.

essence of their message while simultaneously warning against the dangers of excessive materialism and its social consequences.³¹

As the euphoria about democracy explodes and the enthusiasm to package and export it in every direction becomes a driving obsession, care needs to be exercised to understand accurately the peculiarities of the recipient cultures and their societies. Many of these potential “consumers” of democracy are far less prepared (or inclined) to accept it than Eastern Europe was on the eve of the collapse of the former Soviet Union and the end of the Cold War. They were never under the umbrella of the separation of church and state and the relentless secularization of two centuries. This is painfully true, for example, of the world of Islam. There, whatever pluralism is to be found in these overwhelmingly Muslim societies is for the most part squashed, or drained of any creative vitality by centuries of subjugation and dhimmitude. One invariably comes across versions of oriental despotism among the ruling regimes in these lands, or, on the other end of the spectrum, militant fundamentalist extremism. Caught in the crossfire between these two vicious forces are the beleaguered non-Muslim communities and the pathetic Muslim moderates who hardly ever seem to affect the course of events in their own societies.

This generally sorry state in which Islamic moderation finds itself renders it for all practical purposes an elusive mirage in the quest for international dialogue between the West and the Islamic world. Sure the Saudi dynasty is classified as “moderate” in Washington because it acquiesces to the demands of American foreign policy in the Middle East. At home, however, the same dynasty is anything but moderate on every level that counts in the daily lives of its citizens. Politics alone does not determine moderation and never has. Liberal-minded individual Muslims, while very sincere in most cases, are usually an unenviable and lonely lot. Sooner or later, if they survive physically, these liberal Muslims discover it is almost impossible to continue to exist in

³¹ Statement made by French prime minister Lionel Jospin at the Six Nation Dialogue held on 21 November 1999 in Florence, Italy.

an environment governed by the writ of Political Islam and remain outspokenly critical. They either have to become silent or tone down the rhetoric appreciably, or they have to pack and head for freer pastures – meaning the West. Often so-called moderate Islamic regimes find they are compelled to restrain, or even clamp down on, critical liberal voices in their midst in order to placate a more dangerous and determined extremist faction or fringe. The pull factor towards repression is very strong in an Islamic setting, and the underpinning ideological rationalizations and justifications for this behavior are all there to be invoked when needed. Lone liberal Muslims here and there, especially at “dialogue conferences” or among exile émigré communities in the West, will speak of the need to reinterpret doctrines like the “Two Abodes” dualism, the *dhimmi* designation, the oppressive edicts of the *shari’a*, the fusing of religion and politics, and so on. The Islamic establishment by and large, however, is conservative and unyielding, remaining impervious to such overtures and refusing to entertain seriously these reformist outlooks. The result is that the liberal voices eventually discover how unrepresentative of Islamic realities they really are. *They* may discover it, but their Western audience – including apologist academics, ecclesiastical officials reaching out to conduct religious dialogue, or policy planners attempting to soften the image of some of their brutal allies – either out of ignorance or wishful thinking or design, more often than not does not. “Actually existing Islam,” as Salman Rushdie calls it (and he of all people ought to know) exhibits “granite, heartless certainties” (again, Rushdie’s words). It can be defined as “the political and priestly power structure that presently dominates and stifles Muslim societies.”³² It is what this author has chosen to refer to throughout as Political Islam.

³² Quoted from a speech given by Salman Rushdie in December 1991 in New York City entitled: “What is my single life worth?” and later printed in *The Penguin Book of Twentieth-Century Speeches*, ed. Brian MacArthur (New York: Penguin Books, 1992), p. 485. Rushdie goes on to declare: “Actually Existing Islam has failed to create a free society anywhere on earth.”

The travails of Islamic moderation also create problems for those in the West seeking to engage in meaningful dialogue with Islam. In the abstract, almost any form of dialogue is preferable to the complete severing of contacts. However, dialogue with Islam requires clearly defined goals and an *a-priori* idea of the built-in, and therefore inescapable, limitations of such a dialogue. Both the clarity of goals and the awareness of limits are woefully lacking in the kinds of contacts that take place nowadays between Christians and Muslims and that pass for dialogue. When the Churches of the West, in particular the mainline Churches, engage in dialogue with representatives of the Islamic faith the outcome, at best, is usually a form of least-common-denominator ecumenism expressed in a string of platitudes: we are both Abrahamic-monotheistic religions; we worship the same God; the Christ of Christian faith and the Jesus (Issa) of the Koran are really one and the same; and so on. Aside from being essentially dishonest, such platitudes serve nothing but the respective *political* agendas of those exchanging them. This is dialogue conducted at any cost. It is dialogue for the sake of dialogue. It is politicized dialogue.³³ By serving to legitimize a repressive status quo, this form of dialogue is providing Muslim authorities, whether religious or political, with tangible political gains and an image face-lift. To add insult to injury, the dialogue process is often predicated on the Christian side by an assumption or premise that the only valid form of Christian existence in Islamic settings is the *dhimmi* one. This is tantamount to condoning persecution and canceling out a rich and entirely other experience in history: that of free and dignified Christian existence in a Muslim environment.

Dialogue between two worldviews riddled with glaring mutual incompatibilities has clear limitations and therefore must have as its modest objective the honest and open presentation of each position *as*

³³ Naturally, politicians can engage in this form of "dialogue." During the Kosovo war in spring 1999 many American officials did just that. See as a shameless example of this the remarks made by Assistant to the President for National Security Affairs, Samuel R. Berger, before the American Muslim Council, on 7 May 1999 in Washington, DC. (Text obtained off the internet).

it is in itself with little regard paid to points of intersection (real or imaginary), and with the aim of increasing understanding of the other. This would also open the way for “witness through dialogue,” or the kerygmatic dimension of dialogue, which is what the Christian Churches ought to be doing anyway in a situation like this. And caution needs to be exercised lest one holds contacts at conferences with Muslim liberal intellectuals living and writing in the West, and interprets these contacts as dialogue with Rushdie’s “Actually Existing Islam” out there. As an occasion for witness, dialogue above all must entail compassion that does not degenerate into patronization, comprehension that does not stop at admonition, and an honest exchange that is not satisfied with platitudes. Instead of these, inter-faith dialogue ought to have as its top priority the practical goal of helping to resolve tensions in situations of historico-civilizational encounter among differing religious communities – for example in the Balkans, Lebanon, Sudan, South Asia, and Indonesia, to name a few.

If dialogue with Islam has unavoidable built-in constraints and if Islamic moderation is constantly under pressure from both authoritarian rulers and radical zealots, how then can the political terrain in question be induced to become receptive to democracy so that pluralism may be protected and nourished? One unfortunately common approach must be avoided because it represents the height of irresponsibility. This is when democracy is presented to the Muslim world as mainly, if not exclusively, a system of majority rule. So much misery has resulted from this truncated presentation of democracy in a Muslim context where there exists a propensity towards numerical determinism. Certainly democracy involves the rule of the majority, but equally (and in the Muslim world this requires special emphasis) the other side of the democratic coin entails rights and protection – not of the *dhimmi* kind(!) – for minorities. If this is taken for granted in the West, it is largely foreign, or at best feeble, in the lands of Islam. Hence the awesome challenge of seeing any democratic experiment to its final successful conclusion in a Muslim country. Equating democracy solely, or even principally, with majority rule becomes therefore a ready recipe

for persecution of ethno-religious minorities.³⁴ The West would be doing a great disservice to human rights if it neglects this simple but lethal nuance.

Echoing Pope John Paul II's encyclical *Veritatis Splendor*, George Weigel is correct when he says "the fact of minority communities (which is an unavoidable aspect of modernity) does not preclude the formation of democratic political community *if*, as John Paul puts it in *Veritatis Splendor*, 'social coexistence' is based on 'a morality which acknowledges certain norms as valid always and for everyone, with no exception.'"³⁵ This applies everywhere and always, with the Islamic world being no exception. The only problem is the time scale, which in this case may have to be measured in decades (optimistic), but more likely in centuries (realistic). Positivists, to whose ranks neither the Pope nor Weigel belong, and other worshippers in the Temple of Progress, confidently assure us that Islam like everything else will evolve and change to become more in tune with the requirements of the modern world. They employ the ever-present and misleading analogy with the historical development of Christianity. This is the idea that Islam today is roughly where Christianity was in the Middle Ages; it is slowly heading for a more benign presentation of itself. Such an analogy is flawed on two counts: because in essence it involves a comparison of apples and oranges (i.e. Islam need not develop the way Christianity did); and because even if correct, the time scale is prohibitive, thereby rendering the point irrelevant for devising practical arrangements of coexistence and the safeguarding of pluralism in the present and near future.

What then is one to do about divided societies in predominantly Islamic surroundings? What form should democracy assume in such societies knowing that Political Islam throughout the wider region will

³⁴ Even contemporary Turkey, a declared secular state and the only democratic country with a Muslim majority, continues to have problems with its Christian and Kurdish minorities.

³⁵ See George Weigel, *Soul of the World*, p. 166. See also Weigel, "Roman Catholicism in the Age of John Paul II" in *The Descularization of the World: Resurgent Religion and World Politics*, edited by Peter L. Berger (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1999), p. 30.

not take too kindly to secular political structures that accommodate pluralism? Here the only viable approach would be to erect a political system that can be defined as the democracy of distinct and semi-autonomous religious communities. Focusing on the religious community as the basic building block and nuclear unit comprising the intended democratic polity of a composite society is not, as some secularists maintain, a regressive step. On the contrary, in areas of the world where the ultimate identity of both individuals and groups has been and remains religious, a democratic order based on recognition of this inescapable fact would be more authentic than one that either neglects it or deliberately conceals it or tries artificially to bypass it. The Middle East is precisely such an area where an individual's deepest identity, and that of his or her community, continues to reside in and be derived from religion. Neither nationalism nor ethnicity nor nowadays secularism have managed to displace religion as the source of people's primary allegiance and identity.³⁶ Not even families and clans – two strongly entrenched features pervading Middle Eastern societies – can overcome the more primary religious distinctions and classifications. This fact about the Middle East may be strange and embarrassing to the modern Western mind; it is admittedly unpalatable to the secularists. However, it is a historical given and as such it needs to be faced and dealt with.

A number of countries in the Middle East manifest religiously grounded multi-communal agglomerations in varying degrees of differentiation. Syria has Alawis, Sunnis, and Christians; Iraq has Sunnis (both Arab and Kurd), Shi'as, and Christians; Egypt has Sunnis and Coptic Christians; and Lebanon has a bit of everything. Take for instance the case of Lebanon. This is both instructive and fairly unique since much about Lebanon is *sui generis* and peculiar. To begin with, Lebanon has

³⁶ Shared passions of Egyptian nationalism and Egyptian identity between the country's Sunnis and Copts have not protected the latter from periodic persecutions by the former. And the prevailing myth in some Palestinian circles that their common national identity and common enemy supercede whatever religious differences may exist in their society is simply not supported by the behavior of Mr. Arafat's Palestinian Authority where Christians continue to be marginalized, nor is it the case throughout Palestinian society with the resurgence of Islamic fundamentalism.

a mixed society composed of eighteen officially recognized religious sects falling mainly within the two broad categories of Christian and Muslim.³⁷ Unlike the Christian communities scattered throughout the rest of the Middle East who are all *dhimmis*, Lebanon contains the only native Christian community that has succeeded historically for the most part in eluding, and often actively resisting, dhimmitude. Between Morocco and Indonesia, Lebanon is the only place where indigenous Christians have managed to remain considerably free. Also, Lebanon's Christians today make up around forty percent of the country's population, in other words a very large minority.³⁸ Despite the ravages of war and external occupation since 1975, Lebanon in many ways can still boast of a society that is freer than the other surrounding Arab societies where freedom remains a scarce commodity. Lebanon, both politically and socio-economically, has a respectable historical track record of freedom. Alone among the Arab states, Lebanon has a system of government that is a distinctive mixture between an adaptation of the French parliamentary form of democracy and a homegrown version of consociational democracy based on communal consensus and clan compromise. Its free market economy has demonstrated considerable dynamism during the periods of political calm.

The reason for taking a closer look at Lebanon is because it offers the chance to study possibilities of reviving and anchoring democracy in a Middle Eastern country with a religiously heterogeneous population. It is a hybrid country, not belonging strictly to the West yet at the same time not typical of the Arab East. It is also a country that is neither an integral part of the developed world, nor qualifying for an automatic third world designation. A fractured Lebanon slowly on the mend in a post-peace Middle East requires a carefully thought-out ap-

³⁷ These are: Maronites; Greek Orthodox; Greek Catholics (Melkites); Roman Catholics (Latins); Armenian Orthodox; Armenian Catholics; Syriac Orthodox; Syriac Catholics; Protestants; Copts; Chaldeans; Assyrians; Jews; Sunnis; Shi'as; Druze; Alawis; and Ismailis.

³⁸ See William W. Harris, *Faces of Lebanon: Sects, Wars, and Global Extensions*, part of the "Princeton Series on the Middle East," edited by Bernard Lewis and Heath W. Lowry (Princeton, New Jersey: Markus Wiener Publishers, 1997), p. 60.

proach to safeguard its fragile pluralist society within a specially designed democratic political framework. Otherwise, this unique experiment in freedom and religious coexistence will relapse into chaos leading to fragmentation and disintegration, or remain the coveted target of expansionist despotic regimes as well as an eyesore for those wishing to entrench versions of Political Islam with its “victor/vanquished” mentality. If a secure and prosperous coexistence among the disparate elements in Lebanese society is to be attained, the asymmetry of fears and threat perceptions prevalent among the different religious communities has to be recognized and addressed. While the Muslims by and large express grievances and complaints – often very legitimate ones – about issues of power-sharing and socio-economic equality, the Christians for their part harbor deep-seated phobias of the existential kind, namely the “to be or not to be” variety. This asymmetry simply means that whatever system is to be worked out has to offer solid security assurances and alleviate any impending sense of threat felt by minorities.³⁹

The religious community in Lebanon is recognized by the constitution as the irreducible social and political unit and the wellspring of identity. It is the basis for the existing system of political sectarianism or confessionalism whereby key posts in the government are apportioned to representatives of the largest religious denominations – for example, a Maronite Christian president, a Sunni prime minister, and a Shi’a speaker of parliament. The constitution also stipulates that matters having to do with personal circumstances (i.e. marriage, divorce, inheritance, religious courts, and the like) be attended to within each community according to its beliefs, practices, and traditions. Two emphatic and important assertions need to be made. First, without the system of political sectarianism there can be no democracy in Lebanon. This does not mean the system as it stands cannot use reform; in fact, this is the topic under discussion right here. It does mean, however,

³⁹ For more on this see Habib C. Malik, *Between Damascus and Jerusalem: Lebanon and Middle East Peace*, Policy Paper no. 45, 2nd updated edition (Washington, DC: The Washington Institute for Near East Policy, 2000), especially pp. 1-24.

that the wholesale abolition of political sectarianism, either in favor of a purely secular system, or in order to usher in the tyranny of an Islamic majority, would be detrimental to freedoms, would lead to abuses of human rights, and would thwart the chances for democracy to thrive. Second, this is admittedly not the best possible system; however, it is in harmony with the objectively given realities on the ground and, until the Islamic world demonstrates a more serious openness to secularization, it remains the best system available to preserve a healthy communal pluralism.

For political sectarianism to fall better in line with the concept of the democracy of religious communities, a special form of federalism needs to be applied in a multi-cultural and multi-religious kaleidoscope like Lebanon. That way perhaps Lebanon can serve as a useful future model for other similarly complex and divided societies. The principle of subsidiarity that comes straight out of the lexicon of Catholic social doctrine is the best expression for the kind of local communal autonomy entailed in this form of federalism. As Pope John Paul II puts it: “[T]he principle of subsidiarity...requires that a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its rightful functions; instead the higher order should support the lower order and help it to coordinate its activity with that of the rest of society, always with a view to serving the common good.”⁴⁰

Unfortunately, the word “federalism” has received much bad press in Lebanon. During the war years it unwittingly came to be associated in people’s minds with failed attempts at partitioning the country. Another misconception about federalism is that it necessarily has to have geographic extensions and expressions as one finds, say, in the Swiss Cantons. This is not so in our context. The beauty of the federal formula is precisely that it is elastic and flexible enough to be able to

⁴⁰ Pope John Paul II, *Centesimus Annus*, 48. See also the Letter of the Holy Father addressed to the Sixth Plenary Session of the Pontifical Academy of Social Sciences (Vatican, 23 February 2000).

accommodate almost any set of givens. Federal arrangements and prescriptions can be tailored to the specific components and requirements of a particular situation. In Lebanon, for instance, a communally grounded federal formula would not be geographically determined but rather would be more of the personal/communal and legal/constitutional variety. Although the Lebanon war caused massive population displacements and communal segregation along religious lines, this would not be used as a basis for applying the federal prescription. More effective for Lebanon would be a federal structure that relies on the religious community as its essential foundation regardless of its spatial extensions. Such a federalism would be constitutionally anchored and would afford each religious community a measure of calibrated autonomy while guaranteeing the rights and freedoms of its members regardless of demographic growth or shrinkage.

Getting down to the nitty-gritty details, things no longer begin to appear so simple. Yet the demonstrated flexibility of the federal idea will rise admirably to the occasion. Some specific examples from the Lebanese context are indicated. To satisfy the desires and indeed the rights of citizens who do not wish to be classified under any one of the officially sanctioned eighteen religious sects in the country, a nineteenth category needs to be created that would take in everyone wishing for whatever reason to dissociate him or herself from any religious affiliation or stigma. This is the proper response to the secular critique of the existing system because it does not abolish political sectarianism.

Actually, two distinct legal and constitutional categories ought to be created: one to include all eighteen existing communities (category A); and one for any citizen not wishing to belong to any of the eighteen (category B). This mechanism would pave the way for allowing through category B civil marriages – today it is illegal to perform them in Lebanon – and a host of other matters pertaining to personal circumstances that the state would take on the role of performing. Such an arrangement would offer solutions to many problems that might arise from the federation of religious commu-

nities. In politics, for example, under the envisaged federal edifice each religious community would elect its own representatives to parliament according to a proportional scale based on the size of the communities – *not* according to geographic districts as the case is now. But a person need not be confined to running for parliament, or voting, exclusively *within* his or her community. People, even though they are registered in one of the eighteen communities of category A, could choose to run or vote as independents in category B. The same would apply to political parties which do not have to be restricted to specific communities but could be trans-communal and multi-confessional – again within category B. The significance of such a form of federalism with two independent categories is that it does not end up degenerating into a version of the caste system where people are born into a community and essentially stay stuck there for life with only seventeen other religious options to choose from.

Lest doubts linger as to the effects of a federal system on the cohesion of the state, it must be emphasized that the state's unity and sovereignty remain intact. One country, one government, one economy, one currency – all would not be compromised in the least by a federation of religious communities. However, trends of indiscriminate national homogenization across the board enforced from the top would be resisted and undermined by the local autonomy of the various religious communities, particularly in such delicate areas as private education and the creative pursuit of personal and communal self-realization and self-improvement. Federalism would immunize the communities against attempts to streamline them artificially according to a preset script dictated by the government – a clear violation of the principle of subsidiarity. One example of this is the current debate in Lebanon over the efficacy of a single history textbook prescribed by the state to be taught in schools. Naturally, such a book presenting a single version of past events prepared and imposed by the authorities in a composite society like Lebanon would be tantamount to totalitarian brainwashing. On the other hand,

providing a number of contrasting scholarly accounts of controversial historical epochs and episodes within the covers of a single-volume history textbook becomes an entirely different matter and one in keeping with the principles of pluralism intended to be protected by the federal formula. The whole point of federalism to begin with is to safeguard diversity and cultural pluralism without jeopardizing the cohesive integrity of the state. Since not all values are shared in a mixed and religiously heterogeneous context, and since awareness of universal values by some is at times delayed or slow in coming, local communal autonomy in sensitive enterprises touching on communal self-interpretation becomes imperative.

The advantages of federalism in mixed societies in a predominantly Islamic milieu are many. It protects minorities from the changing winds of demography by guaranteeing communal rights and freedoms independently of the size of the community. It allows for a more authentic and creative expression of individual and communal identities. It enhances communal security by alleviating to a large degree latent threat perceptions. It promotes economic prosperity through diversity and healthy competition. It is more realistically reflective of the differentiated cultural and religious ingredients of a society. It provides just enough room for overall national unity, yet at the same time permits considerable centripetal latitude. Significantly, communal federalism enjoys a modest history of success in the Middle East where, under the Ottoman Turks it was tried in the form of the millet system and found to work. The kind of federalism proposed here for Lebanon would resemble a neo-millet arrangement, minus of course the stewardship of an overbearing oriental despot such as the Ottoman Porte. Instead, the rule of law and a reformed constitution would guarantee the proper functioning of the system.

The only disadvantage is that federalism will be resisted by majorities bent on domination and subjugation. But then so will democracy in whatever form it is presented.

* * *

Serious attempts to explore the applicability of the federal option to non-Western, religiously dissimilar pluralist contexts have not been made systematically or responsibly. This is so in particular with regard to the Islamic world. Nor have the limitations and anomalies of classic, specifically Western conceptions of pluralism been properly assessed. In what is often labeled a “post-Christian” society in the West sensitivity to the all-encompassing nature of the spiritual has been softened, if not lost altogether, in many quarters. How can people be expected to fathom the passions that drive other religions when they have lost touch with the roots of their own religious traditions in the West, regardless of whether they themselves are believers or not? With the plurality of worldviews universals do not vanish altogether, but awakening the various antagonistic worldviews to their common universals is usually a thankless and time-consuming task. If a person is placed in a cage with a tiger and told the tiger can be tamed, that is probably true; however, in the meantime that person is badly in need of protective measures to secure his wellbeing. And it could be a crocodile instead of a tiger, in which case no amount of waiting or taming will produce results. Democratic federalism in mixed cultural environments offers the best interim system until a heightened consciousness of binding moral universals manifests itself. Clearly teams of legal and constitutional experts will have to work out the details for every context. The reality in the twenty-first century is that we live in a multi-religious world and that there is evidence that outside the West at least religion is increasingly resurgent. The responsibility of democratic states is to improve people’s lot by propagating the democratic model. This is best done not by attempting to alter the given reality of the world at large, but by modifying the concept of democracy to better suit and fit the fixed givens out there.

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Part V

CLOSING DISCUSSION

LE DÉVELOPPMENT DE LA DÉMOCRATIE ET LA DOCTRINE SOCIALE DE L'ÉGLISE

R. MINNERATH

SUMMARY

A comparison of the principles of the social doctrine of the Church (SDC) and the different approaches to democracy provides interesting results. It has been stressed that at the very foundation of the democratic idea or ideal is the assumption that all human persons are equal and enjoy by their very nature a capacity to participate in decisions concerning their social life and their common future. This assumption has undoubtedly a biblical (all men and women are created in the image of God) and more precisely a Christian origin (the model of fundamental equality among persons with different missions provided by the Holy Trinity). The SDC argues that the aim of the State or political community is the achievement of the common good of society. All power has its origin in God the Creator, even if it is always mediated by the community. Human law is law if it does not contradict natural law as grasped by human reason. There is no room for legal positivism. This vision of society is a construction which has the human person as its foundation and the natural order as its horizon. Democracy is not an end in itself. In the present context of history, there is no alternative to democracy as a system of government. The SDC very soon recognised that forms of government cannot be everywhere and always the same. They are legitimate as long as they serve the human person.

In the present culture of the rule of law, the main problem is the self-limitation of political power through constitutionally recognised supreme values and principles. The principle of majority which is proper to democracy does not mean submission to all the decisions of changing majorities, but a general agreement on those values that are prior to the political order itself and are not supplied by the political system. The values that support democracy are not supplied by democratic institutions: the family, Churches, education, to some extent also the market. Individual freedom can hardly be an absolute value – it is always ordered to the truth and moral good. It is a capacity to choose what is good not an arbitrary power to decide upon the true and the good. The proper function of the rule of law is to confine the political power within the limits of supreme principles, such as the dignity of the human person.

What is at stake at the present time is the challenge between democracy and the values that found democracy and make it possible. There is a strong tendency to qualify democracy as the supreme value, an approach which has as its obligatory corollaries moral relativism and religious indifference. All attempts to identify a truth which is common to everybody is suspected. So democracy is imposing a new culture of what is morally and politically correct, a new intolerance towards the very idea of objective truth. Analysis has shown that there is much evidence that democracy does not by itself guarantee morality. Democracy is viable when it is related to pursuing higher goals, such as the defence of human rights, of development, and of social justice. Formal democracy has not brought about social justice. A free market economy does not automatically imply political democracy (Therborn, Glendon). Democracy requires precise conditions, such as the existence of a civil society (Glendon) and voluntary education (Zulu). Public opinion is needed in a democracy but may be subjected to manipulation (Ziolkowski). Democracy needs contradictory debate, the rejection of all form of prejudice, in a word it needs objectivity.

The principle of subsidiarity can revitalise intermediary bodies and local democracy. There is no example of democracy which does not rest on a foundation of unquestioned principles and values which majorities cannot dispense with (Kirchhof, Utz). So democracy is an expression of the dignity of persons but at the same time it is a possible threat to that dignity (Zacher). The threat has become increasingly substantial with the evolution of the notion of human rights displayed during the recent UN Conferences (Schooyans). It is clear that a sound democracy has to foster those institutions that supply moral values prior to democracy itself (Kirchhof). A kind of common moral code could be worked out among religious communities (Donati), but without forgetting the secular sector and the fact that ethics are based on reason and not on religious consensus. The rights of minorities are fundamental rights and cannot be disregarded by democracies (Schambeck). The historical '*millets*' (ethnic-religious communities enjoying self-government) of the Ottoman empire may be a solution for minorities who live within Islamic States (Malik).

Democracy has not yet penetrated the new structures of the global market, where controls are not to hand (Tietmeyer). Special attention should be paid to unskilled labour which has been left behind in new spheres of poverty (Crouch). The welfare state is redefining its mission so as to make itself compatible with the global progress of society (Schmidt). Quantitative inquiries may help to build models which tell us how democracy behaves under certain specific constraints (Dasgupta). The SDC deals more with principles and their anthropological foundation and calls attention to the need to avoid splitting human behaviour into measurable and non-measurable factors.

I. *La démocratie et ses archétypes*

La démocratie ne s'appréhende que dans l'expérience vécue, car «tout coule» et se transforme en permanence. Nous vivons une phase de la vie démocratique où les enjeux sont moraux et civiques. Il y va de la compréhension de la société mais aussi de l'homme, des normes morales et de Dieu. Au début du XIX^e siècle Tocqueville prophétisait avec raison que la démocratie deviendrait irrésistiblement le mode de gouvernement de l'humanité. A condition d'être attentive aux présupposés qui la rendent possible et d'éviter les écueils qui peuvent la dénaturer. Existe-t-il donc une nature de la démocratie? C'est cette question que se pose la doctrine sociale de l'Eglise (DSE).

Quelques rappels montrent les dimensions de l'enjeu. La démocratie comme système de gouvernement et valeur en soi ne s'est frayée un chemin dans le monde occidental qu'à partir du XIX^e siècle. Les révolutions américaine et française en avaient donné l'assise idéologique, puisée aux philosophies des Lumières. Les applications pratiques se sont fait longtemps attendre.

On venait de loin. Les deux sources de la culture occidentale: la philosophie grecque et le christianisme avaient apporté deux contributions d'ailleurs complémentaires.

a) La première: que le pouvoir exercé par le *demos* -les citoyens libres inscrits sur les listes des *demoi*- est soumis à la loi, au *nomos*. La loi n'est pas simple émanation de la volonté des hommes, mais est la norme qui juge les actions des hommes. La loi est inscrite dans la nature avant d'être proclamée par les hommes. Aristote et les Stoïciens ont légué une anthropologie et une téléologie du droit, qui subordonne la volonté humaine à ce qui est. La démocratie grecque est avant tout un brillant exercice de l'intelligence, qui fonde la cité sur l'égalité d'une minorité d'hommes libres, mais ne s'offusque pas d'en exclure les femmes, les esclaves et les étrangers.

b) Le christianisme dit: ce qui est, c'est la nature, c'est-à-dire la création qui vient de Dieu. Cette création comporte un ordre qui lui est inhérent et que l'intelligence humaine, qui participe de l'intelligence divi-

ne, découvre et met en oeuvre. La loi humaine s'élabore par la médiation de la raison; elle est toujours perfectible, car elle doit toujours mieux prendre en compte ce qui est. La Bible a fourni deux archétypes à la pensée chrétienne: d'une part la dignité naturelle des humains créés à l'image de Dieu (cf. Gn 1, 26-27); et de l'autre le relèvement de notre humaine nature par l'incarnation du Verbe de Dieu. Dès lors la nature a besoin de la grâce pour se réaliser.

c) La pensée chrétienne antique et médiévale était encline à considérer la hiérarchie des êtres créés plutôt que leur égalité essentielle. La hiérarchie permettait de relier, par une chaîne d'intermédiaires, les hommes en leur finitude à Dieu infiniment parfait. Cette vision du monde, propagée par le Pseudo-Denys, concevait certes les nécessaires hiérarchies humaines sur le modèle des hiérarchies angéliques et célestes, mais elle était attirée, comme par un aimant, vers le modèle de la Trinité divine. Dans l'histoire du salut, en effet, le Père prend l'initiative et décide, le Fils exécute, l'Esprit est donné à l'Eglise. Le dogme de Nicée fournit à la pensée un nouveau modèle d'égalité dans la différence des fonctions: les trois personnes -qui sont le Dieu unique- sont égales en divinité, honneur, gloire. Du dogme de la Trinité, le christianisme a tiré la notion de personne, et corrélativement celle de l'égalité foncière de tous les êtres humains.

d) Ni la pensée antique ni la pensée chrétienne n'avaient associé l'égalité avec le nombre et fait de la loi l'expression de la volonté de la majorité. Au XIXe siècle, l'Eglise a rejeté la culture libérale qui séparait la société de Dieu et la loi de la nature immanente en chaque être. Elle a opposé la souveraineté de Dieu à la souveraineté du peuple. Le pomme de discorde théorique était l'idée du contrat social. Celui-ci supposait que les individus décidaient de s'associer pour se défendre les uns des autres et se donner des normes sans les chercher dans leur commune nature. Hegel (1821) distingue la famille, la société civile (jeu des intérêts privés), et l'Etat. Depuis lors, les libéraux estiment que la démocratie est le régime du moins d'Etat possible, et les collectivistes exactement le contraire.

e) Après l'expérience amère du totalitarisme, la communauté internationale, dans la pluralité de ses cultures et de ses expériences historiques, se donnait une *Déclaration universelle des droits de l'homme* qui affirmait mettre au centre de l'ordre social et civil la dignité de la personne humaine. Une universalité était dégagée, sur laquelle il serait possible de construire un avenir de progrès et de paix. La démocratie et les droits de l'homme étaient indissolublement liés, dans un monde où la liberté -même après l'effondrement du communisme en 1989- reste encore le privilège d'une partie seulement de l'humanité.

f) A la Conférence du Caire sur la population et le développement (1994) et à celle de Pékin sur les droits de la femme (1995), les droits de l'homme semblent revenir à nouveau dans la veine individualiste et volontariste qui leur avait donné naissance. Ce dérapage est préoccupant, car le concept de démocratie est utilisé comme leitmotif idéologique pour imposer partout le relativisme éthique. Peut-être vivons nous les dernières heures de la société imprégnée de christianisme et du sens hellénique de la mesure. Ce qui viendra, nul ne le connaît. Dans ce nouveau contexte, la pensée biblique alliée à la raison universelle n'est plus le grand fournisseur d'archétypes et de valeurs. L'individualisme et l'hédonisme absolus risquent de nous mener à la désintégration conceptuelle et sociale.

Les analyses de nos diverses sessions ont fait apparaître les enjeux, énoncé les défis, esquissé des propositions. Elles se sont confrontées à la DSE dont les principes ont servi de guide à la réflexion.

II. *Principes de la doctrine sociale de l'Eglise*

La doctrine sociale de l'Eglise (DSE) s'élabore à partir de la méthode inductive et déductive. Elle ne consiste pas à énoncer des abstractions idéalistes et à les appliquer à toutes les situations. Elle scrute les besoins de la société, de l'homme réel, elle distingue entre le contingent et le substantiel. Elle est universelle au plan des principes moraux, non des systèmes concrets. La DSE projette la lumière de ces principes sur

les situations concrètes. Elle suppose une anthropologie et une méthode de la connaissance. Le thème de la démocratie n'a pas été l'objet d'un enseignement systématique de la part du Magistère ecclésiastique. Il a fallu deux siècles (de 1800 à Jean Paul II) pour qu'il reçoive un traitement explicite dans les encycliques *Centesimus Annus* (1991) et *Evangelium vitae* (1995). La démocratie comme forme de gouvernement est à comprendre d'abord dans le cadre de la doctrine du pouvoir et de la finalité de la communauté politique.

1. *La fin de la communauté politique* est la réalisation de la nature sociale de l'homme par la recherche du bien commun. Toute forme de gouvernement doit se mettre au service de la justice et l'équité, en respectant les principes de solidarité et de subsidiarité. Ce qui qualifie moralement une forme de gouvernement c'est sa capacité réelle, dans une situation concrète à procurer le bien commun de l'ensemble de la société. Celui-ci peut être compris aujourd'hui comme l'ensemble des conditions qui assurent le respect des droits de l'homme. Toute communauté politique doit aider ses membres à vivre heureux. La démocratie comme forme de gouvernement n'est pas une fin en soi.

2. *La souveraineté.* Tout pouvoir (économique, politique, etc) a son origine ultime en Dieu le Créateur. Le pouvoir est coopération à l'ordre que le créateur a inscrit dans les relations humaines. Les procédures de dévolution du pouvoir doivent correspondre au génie de chaque peuple, à son histoire et sa culture. Ils doivent rencontrer l'adhésion des membres de la communauté. Le problème aujourd'hui est comment articuler l'idée que le pouvoir procède du peuple souverain, mais a une origine et une finalité qui le transcendent. La référence à Dieu origine de l'ordre social est à chercher dans la nature humaine et ses tendances fondamentales. La loi humaine ne peut pas aller contre les besoins fondamentaux de l'humanité. C'est pourquoi la loi positive s'ajuste constamment à la mesure de la loi naturelle perçue par la raison.

3. *Les formes de gouvernement* sont contingentes et peuvent être moralement équivalentes si elles sont mesurées non à un modèle abs-

trait universel, mais à leur capacité de servir le bien commun. La DSE considère que la démocratie répond le mieux, dans la phase actuelle de l'histoire, à l'aspiration des hommes à la dignité et à la justice. La démocratie apparaît, au moins dans les cultures qui l'ont depuis longtemps ratifiée, comme conforme à la raison et à la loi naturelle. Aussi la DSE dit-elle qu'il n'y a pas d'alternative à la démocratie comme forme de gouvernement. Le défi pour toute démocratie est de proclamer clairement les limites à l'intérieur desquelles s'exerce le principe de la majorité d'une part, et le domaine intangible des valeurs fondamentales d'autre part. Toute forme de gouvernement est tenue d'observer ces limites pour rester dans sa mission de servir le bien commun.

4. En amont de la démocratie, se situe le principe de la *participation* des citoyens à la direction des affaires qui les concernent. Ce principe a un fondement ontologique. Chaque personne est égale aux autres en dignité. La dignité de la personne exige qu'elle participe librement et solidairement avec les autres à la gestion de la société. La réalisation du bien commun suppose la participation de tous. La participation découle de la nature sociale de l'homme. Elle doit s'exercer dans la vie économique, sociale, politique, culturelle. Ce principe universel n'entraîne pas un modèle unique de mise en oeuvre. Toute participation n'est pas nécessairement de type démocratique, impliquant des décisions par la majorité des personnes concernées. La participation reste participation lorsqu'elle est engagement délibéré de la personne dans des activités même non régies par le principe démocratique, comme par exemple le service armé, la transmission de la connaissance, la direction des entreprises, la vie en Eglise.

5. Le *droit* positif n'est droit obligeant en conscience que lorsqu'il n'est pas contraire au droit naturel. Le droit naturel est le jugement de la raison réfléchissant sur les besoins universels, objectifs et réels de l'homme, inscrits dans sa nature. La DSE ne met pas l'accent sur les droits subjectifs, comme le fait la pensée juridique contemporaine, mais considère le droit comme la mesure du juste dû à chacun dans le cadre d'un ordre objectif de valeurs.

6. La DSE suggère que la démocratie a des *présupposés*: l'existence d'un peuple, c'est-à-dire de personnes responsables, et non d'une masse aveugle manipulable. La démocratie est le fruit d'une culture, renforcée par l'éducation aux vertus civiques et à la *responsabilité*.

7. Pour la DSE, la *liberté* est toujours liée au vrai et au bien, qui ne sont la propriété ni des individus ni de la société, mais qui procèdent de l'ordre inscrit dans la nature humaine. L'individu et la société ne disposent pas de leur nature. Il y a toujours une origine qui échappe au pouvoir de l'homme. La liberté n'est pas arbitraire. Dans l'action, la liberté est liée à la *responsabilité*. Une éthique de la responsabilité doit informer la vie démocratique, quels que soient les fondements philosophiques invoqués par les différentes familles d'esprit. La responsabilité est attention à l'existence et aux droits des autres et au bien commun.

8. Comment la société pluraliste et l'Etat démocratique peuvent-ils s'autolimiter et respecter *les valeurs transcendantes* de la personne humaine? La réponse est: par l'éducation. Aucune norme, pas même le pluralisme ou le respect des différences ne naît de l'abstraction, mais d'une société qui a été imprégnée d'archétypes. Depuis Aristote c'est l'éducation qui fait le citoyen. Les principes et les valeurs de la DSE ne peuvent pénétrer dans le processus démocratique que par l'éducation. L'autolimitation de la puissance publique dans les constitutions et les Déclarations de droits après 1945 correspond à un sursaut des esprits et des consciences. Puis le jeu des intérêts hégémoniques et des idéologies a progressivement repris le dessus. La DSE mise sur ce qui est permanent dans l'homme.

III. *Confrontations*

Le défi majeur auquel nous sommes confrontés est la transformation sémantique de la notion de démocratie. La démocratie est devenue une valeur en soi dans la société post-moderne. Au lieu d'être un moyen de mettre en oeuvre des valeurs civiques reçues de l'éducation,

elle serait la valeur qui jugerait de la pertinence de toutes les autres. Elle exigerait le pluralisme non seulement des opinions mais aussi des normes morales. Elle deviendrait intolérante à l'idée de vérité. La démocratie nous acheminerait vers de nouvelles formes de totalitarisme et d'intolérance. Elle serait devenue ennemie de la vérité, et comporterait la condamnation implicite de la notion de bien moral objectif.

A. Les conditions de la démocratie.

1. *Différents modèles.* Aucune des valeurs et des pratiques actuelles de la démocratie ne sont apparues comme des évidences. Historiquement elles ont toutes mis du temps pour murir et émerger. Il n'y a pas de système démocratique unique atemporel qu'il suffirait de proclamer abstraitement et d'appliquer. Exemple: gouvernement du peuple par le peuple? Longtemps le suffrage a été censitaire. L'Athènes de Périclès était démocratique pour 2% (Chamoux) de la population mâle. Il a fallu attendre longtemps le droit de vote actif des femmes, plus longtemps encore le droit de vote passif. La démocratie est-elle limitée aux élections politiques nationales, ou comporte-t-elle la pratique d'une réelle démocratie locale? Parle-on de la même chose lorsqu'on évoque la démocratie directe et la démocratie représentative, la démocratie libérale et ce qu'on appelait «la démocratie populaire»?

2. La démocratie n'est pas garantie de moralité. Elle peut couvrir les projets les plus divers. *Therborn:* Si la démocratie est le gouvernement par le peuple, qui est le peuple? Les frontières des Etats souverains sont souvent arbitraires. D'où la présence de minorités en leur sein. Peut-il y avoir plus d'un peuple dans une démocratie? La famille n'est pas le berceau de la démocratie. Des familles autoritaires ne préparent pas à la démocratie. La démocratie est une réponse à une exigence de liberté et de justice. Quel est encore le domaine que le peuple gouverne réellement? La globalisation des marchés, la mobilité des capitaux financiers volatiles échappent au contrôle des institutions démocratiques. Quelle est la légitimité démocratique d'institutions interna-

tionales comme la Banque Mondiale et le FMI? Une conception normative de la société civile n'en fait pas un concept opératoire pour comprendre les rapports Etat-société-démocratie. Il faut plutôt analyser les relations entre démocratie et droits de l'homme, démocratie et justice sociale. Les démocraties n'ont pas fait moins de guerres ni des guerres plus propres (Irak, Kosovo) que les autres. Elles continuent à diaboliser l'adversaire, avec bonne conscience, et à marginaliser ceux qui ne s'alignent pas. Les rapports de l'ONU sur le développement et la démographie sont apocalyptiques. Il s'agit de prendre les droits de l'homme et la justice sociale au sérieux. Il est clair que ce n'est pas le système, mais la moralité intrinsèque des comportements et des procédures qui garantit la démocratie.

Glendon: La démocratie n'a pas empêché l'inégalité et le prolétariat de l'ère industrielle. A l'origine, le système repose toujours sur la supposition que la famille et la religion procurent l'éducation morale et civique de base. Aujourd'hui la démographie s'effondre. Les valeurs du marché s'imposent partout. L'intérêt pour la vie publique décroît. Le libertinage exige tout, tout de suite, et ignore le prix de la liberté. Le sens de la responsabilité disparaît. Les groupes d'intérêt sont plus puissants que les urnes. La société civile a développé des mégastructures comme les très grandes entreprises qui sont des formes d'oligarchie. Les médias manipulent, les rôles sont figés, les esprits s'uniformisent. On compense ces frustrations par une liberté sexuelle illimitée. La démocratie est menacée de nihilisme.

2. *La démocratie suppose des conditions précises.* La démocratie surgit lorsque certaines conditions sont remplies. *Glendon:* La démocratie suppose la société civile disait déjà Tocqueville, c'est-à-dire le contraire de ce qu'a réalisé la Révolution française (rien entre la poussière des individus et l'Etat jacobin). En Amérique la démocratie est née dans le gouvernement des villes autogérées de Nouvelle Angleterre. La démocratie ne peut être déduite d'abstractions idéalistes qui s'imposeraient d'elles-mêmes. Pas de démocratie sans moeurs démocratiques, et sans religion gardienne des moeurs.

3. *L'éducation et la communication. Zulu*: L'éducation est le creuset dans lequel se forme le citoyen. Ceci est clair depuis Aristote. Or l'éducation n'est pas neutre idéologiquement. Elle peut perpétuer des élites et maintenir l'inégalité, ou être offerte comme une égalité de chance pour tous. La démocratie n'est pas dans les affirmations spéculatives, mais dans les réalités sociales. L'éducation doit mettre en lumière les mécanismes de confiscation du pouvoir et de formation des idéologies. La démocratie libérale éduque à faire des producteurs et des consommateurs. Il faut former des intelligences critiques sur les processus par lesquels est produite la connaissance. L'éducation est une pré-condition de la démocratie. Elle suppose une intégration des valeurs qui en font un instrument au service de la dignité de tous les membres de la communauté. La DSE ne dit pas autre chose. L'éducation doit former la raison à découvrir ce qui est, et à orienter la recherche de la vérité par l'acquisition d'une méthode d'investigation appropriée, toujours à perfectionner selon les disciplines.

Ziolkowski: L'opinion publique est le support de la vie démocratique. Constatation à double tranchant, car elle peut forcer un régime autoritaire à se retirer (Solidarnosk), mais elle peut aussi être manipulée. On se souvient de ce que signifiait la *fama* pour les premiers chrétiens (Tertullien). Tous les totalitarismes ont su la flatter, jouer sur les instincts et les émotions. Depuis Rousseau, il n'y a pas d'instance supérieure à la volonté générale, à la tyrannie des majorités (Tocqueville). L'opinion peut se former dans la sphère des préjugés, sans rapport avec les réalités. Rousseau fait une équation entre la volonté d'une majorité numérique et la volonté générale du corps social comme tel, sur laquelle les volontés individuelles doivent s'aligner. La DSE est aux antipodes d'une telle conception. Celle qui s'en rapproche le plus est la conception de l'État de droit qui fait des droits fondamentaux la norme juridique suprême placée au-dessus des décisions des majorités successives.

Les médias sont entrés dans une nouvelle phase: après la télévision, Internet. Comme l'avait dit McLuhan, les médias sont devenus une fin en eux-mêmes. Le medium est le message. Nous ne savons pas com-

muniquer les messages essentiels pour l'homme et sa liberté à travers la technologie des médias. Nous avons eu la culture de masse, maintenant les cultures mondialisées décentralisées et incontrôlables. Le problème est la relation de pouvoir entre les mass-medias et les récepteurs passifs. Comment éduquer à un usage critique et actif des médias?

Les fondateurs de la démocratie de l'époque moderne ont ignoré la distinction entre société politique et société civile. D'Aristote à Hobbes, Locke, Rousseau, Kant, on ne distingue pas entre l'Etat et la société. La distinction est venue de Hegel (1821, *Principes de philosophie du droit*), qui considère la société civile comme le lieu où se rencontrent les intérêts particuliers, et l'Etat comme la réalisation de l'universel. Même dans le cadre du projet démocratique, l'Etat a pu se rendre quasi autonome par rapport à la société et à l'individu. L'Etat jacobin qui ignore les corps intermédiaires est tout-puissant face aux individus isolés qu'il déclare abstraitement égaux en droits. A l'autre extrême, la société sans la régulation de l'Etat serait anarchique.

L'Etat de droit moderne fixe par le droit les limites de ses propres compétences, en précisant par là même les domaines de la vie individuelle et de la société civile qu'il n'a pas à régenter mais à protéger.

B. La démocratie et la tutelle des valeurs fondamentales.

1. *La démocratie n'est pas sa propre fin*: Elle n'est pas une valeur suprême. *Utz*: Les principes éthiques relèvent de l'appréhension rationnelle, ils ont leur source dans la conscience, ils ne tirent pas leur valeur des majorités. Pour que la démocratie ne dérive pas dans l'arbitraire, elle suppose comme préalable des consciences formées. La démocratie ne doit pas se considérer comme frustrée si elle avoue ne pas pouvoir décider de ses propres fondements. *Zacher*: La démocratie est l'expression de la dignité de la personne et en même temps menace pour cette même dignité. La pensée de l'Eglise est qu'il y a des valeurs universelles fondées dans l'humain, dont les majorités ne peuvent disposer.

2. Valeurs indisponibles et liberté démocratique.

Kirchhof montre que la condition de la démocratie est de définir le domaine des valeurs indisponibles, les principes à la lumière desquels seront jugées la moralité et la validité de toutes les normes adoptées par le législateur. Exemple: le préambule du *Grundgesetz* de la République Fédérale d'Allemagne, dont la valeur centrale est la dignité de la personne humaine. Là le domaine livré au vote majoritaire est clairement circonscrit et contrôlé. Il faut ajouter que les constitutions sont aussi adoptées par des votes et que le consensus autour de valeurs fondamentales suppose des références culturelles et religieuses et des expériences historiques partagées. Ces réflexions sont dans la ligne de la DSE. Les principes éthiques sont indisponibles car fondés dans la nature des êtres. Aucune forme de pouvoir -qu'il soit démocratique ou autre- ne peut imposer une norme qui leur soit contraire. Le dilemme n'est pas entre démocratie et une autre forme de gouvernement, mais d'une part entre pouvoir illimité de la société sur elle-même et ses membres, et autolimitation consciente du pouvoir humain par rapport au domaine des valeurs indiscutées.

Schooyans oppose le positivisme juridique propre à la philosophie du nouveau droit naturel à la Déclaration de 1948 qui comporterait une dimension transcendante, la dignité de la personne. Maintenant tout peut être remis en question. Le consensus tient lieu de vérité. D'un certain anthropocentrisme on passe à l'écocentrisme. Les nouveaux courants écologiques et «new age» font ressurgir les vieilles philosophies panthéistes, leur métaphysique en moins. Il existe bien un danger de noyautage par l'ONU qui s'attribue de plus en plus un rôle de gouvernement mondial et de pourvoyeuse de nouvelles normes morales universelles. Comment être réaliste en un temps d'idéalisme triomphant, parler de personne là où on entend individu, de norme universelle là où on érige l'individu en norme ultime? Comme dans l'Athènes du IV^e siècle, la démocratie basée sur la vertu et le service du bien commun est en train de se corrompre. C'est la vie cyclique des constitutions politiques. Nous vivons effectivement sous l'exclusion de la liberté de penser la vérité, et sous l'oppression de la pensée unique. Comment inverser le courant?

On peut aussi soutenir que les dérives actuelles ne sont que le déploiement de l'imprécision de la Déclaration de 1948 (et des pactes de 1966) sur les fondements anthropologiques de la dignité humaine invoquée dans le préambule. Il n'y a pas, à l'intérieur des droits de l'homme une hiérarchie contraignante de normes. Les droits de l'homme internationaux ne distinguent pas des «droits fondamentaux» par rapport aux droits civils, sociaux et culturels. Tous sont considérés comme indivisibles, placés sur le même plan et extensibles à l'infini. Pour la DSE, les principes éthiques fondamentaux ne peuvent être objet de manipulation sournoise ou ouverte. La DSE ne professe pas une vision de l'homme abstraite ou fixiste. Le droit naturel est réinterprétation ou réajustement constant de ce qui est juste à la lumière de la raison et de la conscience morale.

3. *Les principes fondamentaux constitutionnalisés.* Kirchhof trace une synthèse idéale entre valeurs et démocratie dans les interactions de l'économie, de l'Etat et du religieux. Le religieux est pourvoyeur d'archétypes et de valeurs fondées sur l'homme et sa destinée. Notre culture démocratique ne descend pas d'une abstraction des Lumières, mais d'une longue imprégnation de la vision chrétienne de l'homme comme image de Dieu. Le modèle de la RFA est ici déployé: la constitution fixe les valeurs ultimes de la dignité de la personne. La démocratie suppose une culture de la responsabilité, de la recherche du vrai, du respect de l'autre. La liberté n'est possible que soutenue par ces autres valeurs. Le citoyen est aujourd'hui déraciné de la valeur famille, de la notion de mesure, attiré par les médias dans un univers de démesure qui flatte ses instincts. L'Etat est responsable de la liberté extérieure et de la paix, l'économie doit fournir les conditions de la vie démocratique, et l'Eglise doit fournir les ressorts spirituels de l'existence. L'Eglise doit veiller à ce que les principes éthiques soient maintenus dans l'Etat et l'économie. Elle doit éduquer les consciences. La racine de la liberté et de la dignité humaine est l'enseignement biblique de l'homme, image de Dieu. Une correcte définition de la liberté religieuse est qu'elle n'est pas autocréation du trans-

ependant, mais droit de régler sa vie en fonction du transcendant. L'éducation, le droit, le marché doivent former à la dignité et à la solidarité.

Le problème de la diversité des philosophies de la vie et de la convergence sur des principes éthiques communs doit être approfondi. Le minimum serait la règle d'or. La DSE dit que ce qui est commun à tous les hommes s'appelle la nature humaine. Mais la philosophie aristotélico-thomiste est peu connue, voire abordée avec suspicion.

C. Pluralisme et égalité des droits

1. *Religion et espace public. Donati:* La modernité a rejeté les religions révélées comme incompatibles avec la démocratie. Elle force les religions de s'adapter au code symbolique de la démocratisation (Europe), ou leur laisse leur autonomie, mais les confine à sphère privée (USA). A la fin du XX^e siècle, la démocratie a perdu ses références conceptuelles, et la religion son identité. Quelle relation envisager pour la religion par rapport à la société civile et l'Etat? Dans la distinction croissante des sphères sociale et culturelle, la religion doit contribuer à qualifier éthiquement l'espace public. La globalisation répand un modèle de sécularisation et de privatisation de l'espace public, où la communication se résume aux relations de marché. La religion doit être la force dynamisante d'une société civile de l'humain, garantissant aussi le fonctionnement humain de la démocratie. Contre la menace d'un système politique qui n'est plus qu'un instrument au service du marché global.

Donati préconise un consensus entre les religions quant aux valeurs sociales. La DSE insiste sur l'universalité et la rationalité des principes qui guident la vie sociale (dignité de la personne, justice, solidarité, subsidiarité, etc.). Il n'y a pas de rupture entre la foi que l'Eglise professe, et la raison commune à tous les hommes. C'est comme citoyens croyants non comme fidèles de l'Eglise que les chrétiens s'engagent dans la cité. La liberté religieuse est un droit humain qui doit être défendu contre tous ceux qui seraient tentés de le violer. L'acceptation de la différence n'est pas un pis-aller à tolérer, mais une nécessité interne de la démarche religieuse qui doit préserver la liberté pour être authentique.

2. Les droits des minorités

Schambeck: Il n'existe pas de définition communément admise des minorités. La loi constitutionnelle devrait protéger les minorités de façon à sauvegarder à la fois la souveraineté de l'Etat et l'identité des minorités. Les droits des minorités sont des droits fondamentaux, à garantir devant la communauté des nations. La souveraineté d'un Etat n'est pas au-dessus de ces droits fondamentaux. La démocratie nationale doit intégrer les structures ethniques, distinguer les travailleurs itinérants des demandeurs d'asile. La DSE envisage la société comme une construction de bas en haut. Les formations supérieures n'ont pas à détruire, mais à protéger les formations inférieures. Ainsi l'Etat souverain doit-il protéger la famille, les groupes culturels qui vivent selon une solidarité naturelle en son sein. Ceux-ci ne doivent pas revendiquer des privilèges incompatibles avec le bien commun de l'ensemble de la communauté dont ils font partie.

Malik: Le conflit entre la démocratie et la religion tourne autour de la vérité, surtout depuis l'ascendant pris par la loi positive sur la loi naturelle, le subjectivisme sur l'objectivité. L'humanisme séculier ne reconnaît pas que ses racines éthiques lui viennent du christianisme, de même les règles du jeu de la démocratie. Tocqueville était rassuré parce que toutes les sectes des USA avaient la même morale chrétienne. La *Déclaration* de 1948 a été acceptée, avec l'abstention des états islamiques, parce que les signataires n'ont pas eu à dire pourquoi. Le partage des mêmes valeurs fondamentales n'implique pas les mêmes conceptions de la vie. C'est la pensée de la DSE: il existe un ordre moral humain universel accessible à la droite raison. L'islam politique est incompatible avec la démocratie. Les non-musulmans sont traités comme *dhimmis*. L'islam a une vue hostile du monde qui lui est extérieur (territoire de guerre: *Dar-el-Harb*), il a la vérité, il fait table rase avec les civilisations qu'il conquiert. Il est bordé de «frontières sanglantes». Inutile de vouloir le dialogue à tout prix, basé sur des malentendus. La démocratie n'est pas seulement le gouvernement par la majorité, mais aussi la protection des droits de l'homme et donc aussi des minorités. Dans les sociétés islamiques la démocratie passe par le système com-

munautaires (des *millets*). Au Proche-Orient, l'identité nationale se fait sur la base de la religion. Les minorités devraient avoir des droits d'auto-gestion au sein de leur communauté, l'Etat étant une fédération de communautés. Seulement ainsi on sortirait de la dhimmitude, et l'islam réserverait sa *sharia* aux siens. La démocratie n'est pas un modèle unique. Elle doit tenir compte des réalités sociologiques et historiques.

D. Démocratie et économie de marché

1. *La globalisation. Tietmeyer*: Les démocraties qui fonctionnaient sur une base nationale avec une histoire et des valeurs sont maintenant confrontées avec une économie globale. Un ordre supranational est souhaitable avec contrôle démocratique. Le concept de démocratie - décision par la majorité - ne peut être étendu sans circonspection au-delà de la sphère des procédures de décision politiques. Il n'y a pas d'harmonie automatique entre l'économie de marché et la démocratie. La démocratie politique ne s'accommode pas d'une économie planifiée, mais à l'inverse une économie de marché peut se développer dans un régime autoritaire (Espagne de Franco, Amérique latine sous les régimes militaires, etc).

Crouch: La démocratie affronte la nouvelle étape de la globalisation. Le monde du travail est devenu en prévalence celui du tertiaire, du double salaire du couple. On assiste à la chute du syndicalisme et de l'engagement politique, au déclin des classes laborieuses de l'industrie et des services publics, avec une tendance à la professionnalisation de la classe politique. Une catégorie de travailleurs a été marginalisée dans l'exclusion depuis le développement de la globalisation. Les requêtes des syndicats en matière de hausse des salaires accentue encore le rejet des plus faibles dans l'exclusion. De moins en moins de travailleurs sont touchés par la négociation collective des salaires.

2. *Les limites de l'Etat-providence. Schmidt*: L'Etat providence démocratique est renforcé par la démocratie politique. Les pays ex-communistes étaient aussi des *Welfare States*, la liberté en moins, mais avec

une protection plus étendue contre le chômage, au moins pour les groupes utiles à la production (travailleurs et mères de famille). L'Etat providence est allé au-delà de ce qui est économiquement et socialement acceptable. Avec quels résultats? En République Fédérale d'Allemagne, la protection sociale absorbe 34% du PNB (en France 50%). L'Europe est forte pour la protection sociale, non pour l'aide à l'emploi. L'Amérique (sauf le Québec) n'a pas développé ce secteur parce qu'elle n'a pas connu la pression d'un mouvement social-chrétien ni labouriste.

Dasgupta/Maskin: Les analyses empiriques saisissent-elles les vraies motivations des personnes qui se déterminent dans un système démocratique? L'approche quantitative et la logique mathématique fournissent des résultats intéressants, mais ils sont sans doute réducteurs. Les choix d'une personne ne reposent pas sur des quantités d'informations, mais sur des sentiments, des attentes, des représentations symboliques, des conditionnements, etc. Le problème de l'indisponibilité des valeurs fondatrices de la démocratie n'est pas touché par ces analyses.