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## RESEARCH ARTICLE

# THE PARADOX OF POLITICAL PARTICIPATION

## *Theorizing uncivil society*

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**ABSTRACT:** The paper addresses the phenomenon of civil societies turning into uncivil societies and the capacity of civil societies for self-repair. Confronted with the recent events of the rise and fall of civil society in the “Arab Spring” and in the Ukrainian Maidan movement a conceptual framework is offered for accounting for such rise and fall. It starts with the paradox that participation in public debate equally produces civil and uncivil outcomes, thus taking up the classic thesis of the “fall of reason” formulated in the tradition of “critical theory” on the “dialectics of enlightenment”. Such “dialectics” results from the interplay of three mechanisms that shape the making of a civil society: the rule of law, the market and the forum. These mechanisms have their specific historical legacy in political and social philosophy. Civil society praised by some as the outcome of the rule of law, by others as the outcome of free markets and by others as the outcome of free speech, empirically does not stand up to these normative expectations. These mechanisms produce “perverse effects”, grasped by the metaphor of monsters representing the rule of law and the market: Leviathan (the perverse effects of the rule of law) and Behemoth (the perverse of the market). These perverse effects cumulate in the emergence of uncivil society as the apotheosis of unreason. Fascism is a case for the perverse effects of public communication and political mobilization of people. After identifying the third monster, I will put forward the argument that the forum works not only as mechanism of repairing the rule of law and the market, but also as a “mechanism of self-repair” of civil society.

**KEYWORDS:** Civil/uncivil society, Public sphere, Political participation, Rule of law, Market, Forum, The story of Job

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## **1. The modern state, capitalist economy, and the “third” – a meandering conceptual map**

- *Leviathan and Behemoth*

State and society are not only clear-cut concepts for the understanding of the world of human beings – they both carry with them strong images that have shaped the perception of the modern world. The strongest image certainly is the image of the modern state as a Leviathan, emerging from a contract among people that is supposed to bind Leviathan to the rule of law. Society is the whole of which Leviathan is a part – that part of society that sanctions disorder in society. Separating state and society therefore is not a separation into two social realities, but into different functions, the state guaranteeing the whole and society representing the whole of which the state is a part.

There is a strong connection between the image of Leviathan and the political theory of the modern state. Theorizing Leviathan has to start with Hobbes and his image of the Leviathan as the instance that creates a social order among a people driven by their self-interests. As we know failing to do so leads to the war of all against all, and Leviathan is supposed to be the instance that stops this war. The mechanism that the state institutes for that purpose is the rule of law to which also Leviathan is bound.

This image has become one that has occupied the mind of modern Western people, intellectual as non-intellectual ones. It has become a widely shared modern narrative. Students learn the cover of Hobbes’ book in school. It has entered sociology via one of its main proponents, Talcott Parsons, who has based his analytical model for studying society and its parts on rethinking Hobbes’ Leviathan as a functional element in the system of society that transforms the state of war of all against all into a social order (Parsons 1937). The political theory that is implicit in modern social theory is a social order where people contract among each other the rules that Leviathan then protects against the self-interest of this people.

Hobbes also dealt with Behemoth, the brother of Leviathan, in a book on the civil war in England (Hobbes 1990). Behemoth stands for the war of all against all, a barely tamed monster. This figure remained in the back of the thinking about how to deal with the world of clashes of interests. Leviathan was the solution, which made Behemoth a clear case of a social world to be overcome. This made theorizing about Behemoth a less demanding and even less interesting task.

There is another important thinker imagining modern society in a similar mode: Niccolò Machiavelli. He advised the prince on how to overcome the permanent struggle in the city-states. He developed a “technique” of power for this struggle that dealt with

the art of exerting power, i.e. of how to use power efficiently and rationally. Machiavelli called this world of action “cose maschile” which were opposed to the daily struggle people are involved in which were called “cose femminile”. What Machiavelli proposed was to construct the model of a strong man (il principe) creating a political order in a feminine social world of disorder.

As Machiavelli makes clear, there is another side to Hobbes’ image of society, the female side. The line of thought that has shaped modern thinking of the “cose femminile” starts from the assumption of a society that precedes the state and that is nevertheless capable of self-organization. Imagining the social order of the “cose femminile”, society was conceived as social relations that exist independent from the state. The representation of the “cose femminile” however has not gained the same importance in political or social theory.<sup>1</sup> There are, however, two intellectual figures, which provide the ground for theorizing Behemoth: Adam Smith and Karl Marx.

The alternative to the figure of Leviathan emerged from the idea of a social order emerging from the pursuit of interests by the people. Such communities of interests pose the problem of identifying the mechanism holding together such state-free societies. Ideas describing such communities range from Thomas Morus to the Socialists, yet they did not provide a theoretical solution to the issue of order in non-state societies. Adam Smith finally identified the mechanism holding together a society without a state, based on the idea of the self-organizing capacity of interacting human beings when left to the rational pursuit of their interests (Smith 1993 [1776]). The image of the “hidden hand of the market” describes the civilizing force of the pursuit of rational interests, which tamed moral sentiments that separate people (Smith 1759; Hirschman 1970; Boulding 1968).

This model has invaded social theory in recent years as “RC-explanations”. They rest on the assumption less of a rational actor but on the claim of a self-organizing capacity emerging from the interaction of rational social actors. The key to this explanation is the assumption that norms that emerge among rational actors have rational grounds and provide the cement of society (Coleman 1990a; Elster 1989).

As the practice of the early utopias and the experience of rising capitalism has shown, the world of economic interests in the pursuit of happiness is not immune against perverse effects. It insinuates the image of Behemoth, the brother of Levia-

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<sup>1</sup> The issue of why civil society did not make it into the canon of the modern imaginary, as did the state represented as Leviathan requires a different discussion. See as an attempt to re-situate the debates on state and society in a broader framework cultural-intellectual history that includes non-Christian traditions see (Salvatore 2007).

than.<sup>2</sup> Behemoth tames passions by forcing everybody to the rational pursuit of happiness (or generation of wealth). Similar to Leviathan, he was bound to this rule himself: Behemoth could remain a monster as long as he adhered himself to this rationality. The market needed a monster to do what the market was supposed to do, i.e., to tame passions.

Karl Marx has been among the first to insist on the impossibility to tame this monster (he argued as well for the impossibility to tame Leviathan, becoming the collaborator of Behemoth). The idea that capitalist relations of production systematically undermine the market as a mechanism of fostering the rational pursuit of interests for raising the happiness of all has become the starting point of theorizing modern society that no longer took Leviathan as its main problem. The real monster is Behemoth. Markets produce exploitation, divide society into social classes, fostering class struggle. Behemoth returns to be a monster no longer bound to the market: a monster permanently producing class conflict and war.<sup>3</sup>

Thus, we have two strong images making sense of the perverse effects of modern society: Leviathan and Behemoth. Taming Leviathan by the rule of law has shaped the path of Western modernization. The biblical narrative finds here a particular continuation: Leviathan guarantees the rule of law while binding him to the rule of law, thus overcoming the old principle of *princeps legibus solutus*. This image of the state tamed by law has engrained itself deeply in the collective memory of modern Western society (Salvatore 2007). It produced the expectation that intelligent designs of political order are possible and that the modern state is the design best suited for that purpose.

Taming Behemoth, the second monster in the biblical story, marks another path of development of the modern Western world. Behemoth is a monster that is tamed by forcing people to the rational pursuit of interests. Taming Behemoth means to control the natural inclination of violent struggle among people. Designs of how to generate a society of individuals following their rational self-interest have never ceded to foster collective imagination. Markets as designs for avoiding a world of violence fostered the imagination of social theorists since Marx.

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<sup>2</sup> Behemoth is the title of a famous book (Neumann 1944) which not only presents a strong image but also a radical thesis: that National Socialism cannot be adequately grasped as the return of the Leviathan as a monster, but as the return of Behemoth as the monster.

<sup>3</sup> The history of the meaning of Behemoth is not easy to disentangle (Bredenkamp 2009: 457ff). Already Thomas Hobbes' late book on Behemoth (Hobbes 1990).

- *The “third” beyond rule of law and market: the forum*

Marx also ventilated another idea of a society beyond the rule of law and the beyond the market: the ideal of a society in which, by getting rid of capitalist exploitation and alienation and the state supporting it, a free society would emerge in which everybody would be able to get what he needs.<sup>4</sup> This is the idea of a third<sup>5</sup> beyond law and market, in which a socialist or communist society succeeds in civilizing the law and the market, thus taming the two monsters Leviathan and Behemoth. He did not see the perverse effects of experimenting with socialist and communist societies perverting the social bond among free and equal people. To make society a civil society obviously required a mechanism other than the mechanisms of rule of law and markets. Civility requires a third mechanism, which has to do with the social relations linking people with each other. There are different ways of conceptualizing this mechanism. Habermas used the concept term “rational discourse”, while Elster proposed the concept of the “forum”. I will follow Elster’s proposal and argue that the forum is a mechanism logically equivalent to the rule of law and the market. The forum is a mechanism that forces individuals interacting with each other to provide accounts for what they do to the others.<sup>6</sup>

Modern political and social thought has discussed this third as “civil society” and conceived it as something constraining Leviathan and Behemoth. When the rule of law and markets fail, then the third, the forum, comes in. The forum enacts discursive debate as a civilizing mechanism. This mechanism presupposes a site where the force of the argument can work. The site of such a counterfactual and discursive construction of a social world is the public sphere (Habermas 1989 [1962]; Somers 1993, Somers 2001; Eder 2006). It is the site where a collective will is formed subjecting state and economy to standards of “civility” even and even more so in situations where states

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<sup>4</sup> This genealogy in which society as opposed to the state plays the organizing role of thinking social relations has been reconstructed by (Salvatore 2007), emphasizing the power relations between the first and the second line of thinking in the self-observation of the social world.

<sup>5</sup> The “third” is equally an analytical notion (Parsons 1968) as well as a mythological concept (Dufour 1990). This makes this concept good for describing the phenomenon that a third observer of a social interaction becomes himself a participant in this interaction, be it on the level of elementary interaction or on the level of social macrostructures.

<sup>6</sup> It is important to keep clear the difference between justifications and accounts. Accounts explain what I do; justifications provide moral reasons for what I do. Accounts can be linked to justifications, but there is no necessary logical link.

tend toward becoming authoritarian and economies producing inequality and class conflicts.

The forum provides a powerful mechanism for creating counterfactual images of a civil society. This civil society should tame state power and capitalist economies. Yet even civil society can fail, and often does fail. The mechanism of the forum does not necessarily produce civility. Reason can turn into unreason, when civil society produces uncivil social relations. However, what can help when civil society turns uncivil? The modern story ends here in front of the same problem as the biblical story of Job: the problem of theodicy. How can communication among human beings, which is supposed to produce rational discourse produce the opposite of what it intends to realize? How can the story go on?

- *The narrative of enlightenment: from the book of Job via Kant's critiques to social theory*

We have two traditions, one more at home in political science and political theory, the other more in sociology and social theory, which tell us about appropriate ways of organizing social relations by the rule of law (Leviathan taming and tamed) and by markets (Behemoth taming and tamed). Both can turn into monsters, as the history of the modern nation-states and globalizing economies permanently shows. The return of Leviathan as a monster we find in democratic regimes turning into authoritarian regimes or making authoritarian regimes resilient to democratic change. The return of Behemoth is even more devastating. It is the economy producing inequality and class conflict.

The untamed Leviathan has become the main preoccupation of political theory. The return of Behemoth into society has remained conceptually irrelevant, notwithstanding the diversity of diagnoses of disorder and ensuing violence in present-day societies. Behemoth however disappeared as a topic for social theory. The metaphor and the narrative that made sense of the world of Behemoth remained marginal. Taming capitalism and the modern state, creating the welfare state and fostering global wealth (even if unequally distributed) turned the eye away from the sources of an even more threatening monster: the perversion of civil society fostering uncivil social relations.

The biblical story about the two monsters, i.e. Leviathan and Behemoth, sent by God allows constructing a triple conceptual pathway for explaining the dynamics produced by the two monsters and a volatile civil society. According to this story, two monsters dominated the world: half of it Leviathan, the other half Behemoth. Godfather, react-

ing to the complaints of Job about the world he has to live in, sent these monsters and did not explain why he was doing so. He only engaged in a performance by unleashing a hurricane, in which two monsters emerged, one on the land, the other in the sea. The sea stands for power, the Leviathan, the land for chaos among human beings. God showed Job that he could bring evil into this world. Job tried to argue with God about this, yet God did not answer. There was no communicative relation bridging Job (representing the people) and God (representing the ideal of civility in the world). The problem of theodicy emerged because communication was not possible.

The problem of theodicy, raised at this point in the unfolding biblical story, provided the starting point for two further events in this narrative. Since the monsters are there, the world has to be saved from them. By offering his son, salvation became possible. Salvation makes the suffering imposed by the monsters a meaningful experience. A third break happens in this story: the coming of the Holy Spirit, which enabled human beings to talk with each other, to learn to see what they could not see before, to learn to understand that they could not understand before. People could learn to save themselves, no longer in need of a mediator such as God's son. The biblical story thus ends in the Western enlightenment. The monsters can be tamed, this story tells us, by communicative reason.<sup>7</sup>

Political and social theories are – epistemologically seen – embedded in the third break of this narrative giving meaning to the unfolding of reason (Eder 2009a). These theories are part of the story of God who created the two monsters, a process that can only be explained by His will. Job recognized this will, but was unable to understand this will and subjected himself to this will. Yet reason has become part of this unfolding story and pushed the story further. Enabling human beings to communicate with each other, the forum was enthroned which allowed reason to be imagined as the end of the story. The idea that had left Job puzzled has found a solution: The self-taming of reason, the world of argumentative debate, tames the monsters, the world of power and the world of individual interests, thus offering the reasonableness of the human mind as a solution. The triad of Behemoth and Leviathan and God was turned into the triad of a cognitive will (Reason) exercised on the political world (Leviathan) and the world of work (Behemoth).

As long as we take the story of self-taming reason for granted, the story of Job has found an end. Yet the story continues. Not only Leviathan and Behemoth return as monsters, but also the site where reason is supposed to realize itself turns into a mon-

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<sup>7</sup> Obviously, this interpretation owes its conceptual framework to Habermas' idea of communicative action (Habermas 1984).

ster. The public sphere as the site of reason turns into what Adorno has called a “Verblendungszusammenhang” (a context of no longer being able to see what there is, of society being “blinded”). We are back in the situation of Job who has to figure out why God did not do away with the evil in spite of the fact that he had the power to do so. Why does reason not better the world?<sup>8</sup> Why does Reason not create a reasonable world? The old issue of theodicy returns. To argue that Reason declines is as unsatisfactory as is the idea that God declines.

The proposition is to argue that the Enlightenment tradition misunderstood reason by confining its site to the human brain. This idea has been prepared by Kant’s three critiques as capacities built into the human mind. The idea that reason is in the human brain has allowed to human nature the primary instance for civilizing the social world. That reason is in social relations required a radical break with the Ptolemaic perspective that the individual is the center of the social world.<sup>9</sup> Habermas has started to correct this Ptolemaic perspective by conceiving reason as emerging from the quasi-transcendental prerequisites of communication among human beings (Habermas 1984). Social relations are constitutive for realizing Reason, and unreason therefore has to do with the breakdown of social relations of communication. This relational turn has contributed to the deconstruction of the Ptolemaic idea of the central position of the individual. It allowed imaging human nature as a volatile instance, and the recognition that the cognitive capacity of the brain to tame human nature is limited.

Radicalizing this idea is to argue that human nature is both, the source of reason and the opposite of reason, i.e. unreason. Human nature is a monster that joins Leviathan and Behemoth. Instead of calling Leviathan or Behemoth for taming human nature, there is a third way of taming it: the forum as a mechanism generating social relations, which can rectify human nature.<sup>10</sup>

<sup>8</sup> See a discussion of this question in (Eder 1999).

<sup>9</sup> This debate has fuelled a series of debates in 20<sup>th</sup> century theorizing about the nature of the social. The question of whether the self-control of human reason is built into the human brain or whether it is built into the rules of communication between human beings has an interesting history itself. It entered the debate on the “young” Piaget who provided a theory of the social constitution of moral judgment versus the “old” Piaget who provided a brain-related theory of human reason (Piaget 1968, Piaget 1970). The same debate has taken place regarding Lévi-Strauss who in his early work saw the social and cultural world constituted by social structures while turning in his later work to a theory of identifying such structures as the structure of the human mind (Lévi-Strauss 1963). In a longer transdisciplinary perspective this debate reminds of the old debate over whether social evolution takes place via the variation and selection of individual properties or via the variation and selection of group properties (Wilson 2002). This paper sides with the early Piaget and the idea of groups as units of social evolution.

<sup>10</sup> Here it should have become clear why the methodological dictum that social explanations have to be reduced to the individual, to its human nature, is itself contributing to creating this third monster.



A sociology-of-religion perspective helps to understand the way social relations produce “rectifying” effects on human nature: religion binds human nature to something that transcends it. Religion offers an imagination of social relations that transform human nature into something social. Religion forces human nature to present itself in public, creating a sphere of public action. Religious action is acting together par excellence. To the extent that religion retreats to the private sphere of the individual mind, a non-religious public sphere takes over the function of religion, which is to force human nature into a network of social relations transcending the ambivalences of human nature. The public sphere is the site par excellence overcoming human nature and taming its potential of becoming a monster. Social relations built into public debate create a social force toward civility.

In this “post-cognitive” perspective, the public sphere no longer appears as a normative power based on the cognitive competence of human nature, but as a site based on the civilizing force of social relations of communication. Communicative practices constitute the public sphere, which creates a distance to the world of power and interests. Such communicative practices can “heal” what has become “vulnerable” in the world of power and interests. Above all, such practices can tame the third monster, i.e. the perverse effects of reason built into human nature. As the biblical story tells us, a force stronger than human nature, stronger than the capacities of the human mind tames this third monster. Reason is not almighty; on the contrary, it has to give in to something that has made it possible: the social relations that turn the virtual capacity of human nature to imagine a counterfactual world into a force of rectifying human nature.

Conceptualizing forms of social relations therefore is the key for theorizing the capacity of social self-repair. The concept used for modeling such social relations is the concept of civil society. Civil society is the third beyond the modern state and the capitalist economy that specifies social relations not as political relations or exchange relations, but as “civil relations”. The site for such civil relations has been the object of debate since the beginning of modern social and political theory, above all by Tocqueville who located such civil social relations in associations outside of political power relations or economic relations.

The following chapter will focus how society as the container for power and exchange relations can generate its own civility while guaranteeing the functioning of a complex society organized by the rule of law and the market. To understand and explain how the forum can intervene into real social relations, the particular vulnerabilities of civil social

relations (or civil societies) have to be identified, which the forum is supposed to “heal”. This lays the ground for the basic proposition in the following chapters: civil society as the site not only for anti-politics or anti-capitalism, but as a site for the self-taming of civil society. We can call this reflexive politics.

## **2. The forum as a mechanism of repairing uncivil states and uncivil markets**

- *Taming Behemoth: exposing markets to the forum*

Markets are a mechanism for overcoming the old order invented in the niches of city-states (trading cities) and finally in the course of the evolution of capitalism in modern Western societies since the 19<sup>th</sup> century. The rule of law emerged in a parallel process as a mechanism for ending civil wars and binding the state to general norms. These two mechanisms have triggered the dissolution of the old order and fostered the evolution of social relations among people, i.e. the making of a modern society out of the social relations of the traditional community.

This process has been described either as the emergence of markets from these new social relations or as the emergence of legal orders controlling these new social relations. The general assumption has been that this evolution would lead to progress, to a society civilizing its social relations. Instead of assuming that civility is the necessary outcome, I propose to keep open the attribution of civility to the social effects of markets and the rule of law. Markets can turn into forms of uncivil social relations as well as the rule of law can create uncivil social relations, thus turning a normative issue into a sociological question that can be addressed empirically to be used for revising the theory favouring these two mechanisms.

The modern sociology of markets makes this the starting point of explaining how such individuals constructed markets for producing goods, thus setting into motion the mechanism for accumulating wealth (White 1981; White 2002). Such markets freed human beings from uncivil bonds in families, feudal relations, slavery and many other forms of dependencies. Markets start from sentiments, as Adam Smith already argued (Smith 1759), yet interrupt such sentiments and allow creating rational bonds among human beings (Smith 1993 [1776]).

That markets go together with uncivil social relations has to do with a particular interpretation of a historical experience, which Polanyi has described in detail. He pointed to the success of the state (not capitalism!) in some parts of the world to disembed markets from social relations, thus creating a space of social relations in which capital-

ist relations of production could develop (Polanyi 1957 [1943]). In disembedded markets, social actors turn into individuals unrelated to other individuals yet bound together by capitalist relations of production. The welfare state corrected this disembedding by turning these individuals into citizens, into subjects of a benevolent state, thus creating a legal bond among individuals beyond being bound to capitalist relations of production. This legal bond presupposed the institution of citizenship as the key to membership to a state. This state-controlled capitalism found its heyday in the welfare state in which state and economy were coupled for a short period until globalization and localization undermined the container for the rule of law and for the market: society conceived as national society.

From this historical experience, the conclusion emerged that markets are a mechanism for taming society, making evolve society toward a civil society. Yet this mechanism does not hold necessarily: sometimes markets have civilizing effects, especially when they interrupt emotions in social relations.<sup>11</sup> Markets bind people to reciprocal expectations that create obligations and limit egoistic sentiments by making egoistic sentiments of actor A compatible with the egoistic sentiments of actor B. Therefore, markets can have an irenogenic function against the polemogenic function of sentiments, but must not realize this function. Therefore, markets are a mechanism for civilizing social relation, yet they can turn perverse and foster uncivil processes in society.

- *Taming Leviathan: the forum as a mechanism of contentious politics*

The key to the taming function of the rule of law is the idea that everybody is equal before the law. The state's subject emerging from such principle is the citizen, vested with equal political, social and other rights, thus providing a realm of social and political life protected by such rules. This idea has only recently made it into the social sciences beyond some predominantly legalistic treatment of this status. The citizen came in institutionally defined roles: as a voter, as some with the right to free speech. The ambivalences built into the rather restricted conception of the modern subject of the state thus remained out of sight. They remained legal issues. The concept of citizenship gained its ideological force by drawing a boundary to the old order: citizenship signifies the way out of traditional bonds of domination and submission. In the new order citi-

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<sup>11</sup> As Coleman and Axelrod argue, rational actors interacting will tend toward norm building in order to be able to continue acting rationally (Coleman 1990b; Axelrod 1986). This would be a case of markets constituting civil society.

zanship is supposed to relate people as equal subjects of the state based on the rule of law, and debates centre around the issue of who is to be included as a citizen.<sup>12</sup> This debate has pointed out the ambivalence built into the mechanisms of the rule of law. Giving citizenship and withholding citizenship thus make visible the state as a potential monster, as Leviathan. Citizenship is therefore not only a contested concept, but also a contested status – citizenship is something that requires protest against legal provisions, thus challenging often the institutional rules justified on the grounds of the rule of law.

The emphasis on citizenship as a practice that has informed much research in the recent sociology of citizenship (Isin, Nyers, and Turner 2008) makes visible those aspects that do not pop up in the legal construction of citizenship. Knowing more about how citizens really live and can make use of their rights or not thus challenges the rule of law. It has become a resource for taming the rule of law. Yet the issue of how to reconcile the rule of law principle with the reality that shows the perverse effects of the rule of law turns into a serious problem. The right to appeal against legal decisions often does not do in time what is to be done. Here the issue of what kind of democratic will formation can tame Leviathan points to the issue of the tamer of the tamer: civil society as the third providing democratic control of Leviathan beyond the state.

Returning to the metaphors used above: the civilizing effect of Leviathan is as ambivalent as the civilizing effect of Behemoth. They are monsters hard to tame, and often such taming does not work. To hand over the rule of law to Leviathan and the market to Behemoth even increases the probability of uncivility in society. This is where a third mechanism comes in that works outside of the realms of the state or the realm of work: the forum fostering the critical capacity of people, which constrains Leviathan and Behemoth. Binding Leviathan to the people means to bind it to the collective will of the people, to democratic will formation to which Leviathan has to succumb. Binding Behemoth to the will of the people has been an idea that remained rather at the margin of modern social and political theory. Ideas such as worker's democracy, the democratic control of production processes taming the market range from early socialist utopias to modern forms of institutionalized class conflict, i.e. the control by collective agreements between capital and labour. The social basis of such "democratic" ar-

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<sup>12</sup> In the sociology of citizenship that evolved in the recent years the issue of exclusion generated by the inclusion of only parts of a population (those who were the citizens elected by blood or by territorial bonds) has become predominant (Bader 1997; Bauböck 1994; Bloemraad, Korteweg, and Yurdakul 2008; Koopmans et al. 2005). Mackert even speaks of citizenship as a mechanism of exclusion (Mackert 1998).

rangements in the world of state and work has often been addressed. Yet it has remained a meandering third in such theorizing (Crouch, Eder, and Tambini 2001).

- *Taming civil society: the capacity of self-repair of civil society*

Civil society relies on a third mechanism beyond the market and the rule of law, which is the “forum”. The forum comes in when the market fails and the reciprocal expectations of social actors have to be renegotiated. The forum comes in when the rule of law is contested for violating moral principles which is the basic issue in Habermas second theoretical opus magnum on relating facts and norms (Habermas 1996). The forum initiates forms of anti-market and anti-state politics, which often fare under the label “anti-politics”. Anti-politics is rectifying the rule of law and the invisible hand of the market, making them work the way “they should”. The site for such action is civil society, society tamed by the forum.

Civil society, based on the mechanism of the forum thus appears as the saviour from the two monsters Leviathan and Behemoth. In the biblical story, the saviour was the son of God. This version of the secularized biblical story has fed normative political and social theory: knowing and preaching the good will rectify society. This normativism is still a widespread theoretical option in theorizing civil society. Yet there is the second version of the biblical story, which has to do with God sending the Holy Spirit. This event created a situation in which human voices that did not understand each other started to do so. The capacity of human beings to communicate with each other intervenes into the world dominated by power and egoistic interests. In this modern continuation of this version of the biblical story, the fiction of discourse replaced the idea of salvation: a society civilizing itself through the capability of human beings to communicate with each other (and not only with God). This version offers a social reinterpretation of Enlightenment by reason: civil society is a site based on a model of social relations, which optimizes the flow and circulation of communicative events. Such flow is not necessary for market-mediated social relations or for rule-of-law mediated social relations. In the first case, preferences are fixed, in the second the law is fixed. There is nothing to debate about them. The market takes preferences of social actors as granted; the rule of law takes the subsumption of action to legal rules for granted. The forum does the opposite it questions what is taken for granted.

Empirical research can trace the sites where this mechanism can have effects: in the different public spheres constituted by coffeehouses, political parties, social movements or artistic life forms. These sites make possible to contest what is taken for

granted, to undermine the illusion of civility produced by market and rule of law. A lot of empirical research exists on interventions into the politics of states and markets, especially in social movement research. Blocking the mechanism of the forum fosters the dynamics toward untaming Leviathan and Behemoth. Civil society then produces uncivil effects.

What prevents civil society from becoming uncivil? How can the forum unblock its constitutive element: keeping everything as contestable? It is the capacity to reopen debates and to continue dealing with dissent and conflicting interests.

This capacity draws on a particular structural feature of the mechanism of the forum: to rely on social relations that are in the permanent making. Thus, we will find always niches where debates can be re-opened and the taken-for-granted contested. Such niches can be physical sites, which can be destroyed. Yet the forum cannot be abolished since it continues to generate counterfactual imaginations of a civil society, i.e. the regulative idea of a civil society in virtual spaces uncontrollable by Leviathan and Behemoth. The idea of a civil society regulating conflicting interest and conflicting wills is as real as it is counterfactual.

The capacity of self-repair is empirically varying in degree in space and time. There is no law of rise or decline of this capacity of self-repair – neither toward the positive pole (unavoidable progress) nor toward the negative pole (unavoidable decay).<sup>13</sup> A space-sensitive and time-sensitive perspective on civil society enables us to see how the mechanism of the forum works: how it works in Islamic or other non-secular societies as opposed to secular societies and how it succeeds in creating civil spaces in these societies. Civil society is the site where this mechanism has a chance to tame the monsters in the world, not only Leviathan and Behemoth, but also Human Nature.

### **3. Why should we worry about uncivil society?**

- *Political participation and the threat of uncivil society*

The conceptual framework developed so far focuses the issue of how the practices attributed to civil society really do what they are supposed to do: to guarantee of civili-

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<sup>13</sup> Regarding the non-teleological orderliness of processes, see the imaginative article by Abbott (Abbott 2006) on different notions of order in social processes.

ty against Leviathan and Behemoth. Civil society has another side; it is “ambivalent”.<sup>14</sup> Thus, the social relations emerging from practices constituting civil society are in this sense ambivalent, leading to civil or uncivil social relations. This is not a normative statement on the moral quality of the practices, but on the dynamic nature, which keeps going the evolution of civil society. We simply have to assume that events of moral appropriate and morally less appropriate practices are normal. That they are related to each other constitutes the dynamics of civil society. How they are related with each other, determines the path of the evolution of society between the civil and the uncivil pole.

Among concepts describing the practices of civil society, the concept of political participation has gained prominence.<sup>15</sup> Political participation (at times differentiated with adjectives such conventional and unconventional) addresses the normative core of theories of democratization. Political participation is the practice par excellence to control Leviathan. Practices that control Behemoth are more difficult to subsume under the concept of political participation. Yet vents such as protest against institutions symbolizing the perverse effects of markets indicate a form of practice that fosters the politicization of markets, thus re-embedding markets in social relations.

Independently of the range of objects calling for political participation, political participation indicates an individual practice that can have contradictory outcomes. There is no guarantee that political participation as such can tame Leviathan and Behemoth. It can side with the two monsters (through co-optation or through collusion), losing the civilizing force ascribed to it. This is the paradox of political participation.

To solve the paradox the proposal is to look not at the “good” intentions of individual actors (most actor are able to produce good accounts and even good reasons for what they do), but at the social relations these actors are embedded in. These social relations constitute the elements of civil society. Civil society is the ensemble of relational structures in which a counterfactual idea of civility transcending human nature circulates. Yet this arrangement is never stable “by nature”. On the contrary, human nature permanently threatens these structures. We hypothesize that as long as the circulation of the idea of civility works, civil society can civilize itself. The mechanism

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<sup>14</sup> For the concept of “ambivalence” see by Bauman who developed it looking at modernity as such (Bauman 1991).

<sup>15</sup> The use of the concept in social and political research has its own particular history of ups and downs. It ranges from the early Habermas (Habermas 1961) and Rokkan (Rokkan 1969) to Milbrath (Milbrath 1965) and Verba/Nie (Verba and Nie 1972, Verba, Nie, and Kim 1978) to present-day research focusing the participation of particular groups (immigrants, women, young people, religious groups etc.) in politics and more general to protest groups in democratic and non-democratic societies (Della Porta 2013).

keeping this circulation going is the forum. When such circulation breaks down, civil society turns uncivil, which implies that the taming of human nature no longer works. Actors then easily side with the monsters that they are supposed to tame.

As the last two centuries have shown, the self-civilizing force of political participation has been a highly fragile institution, pointing to the role of the third monster “Human Nature”, surfacing from the world of political participation. Elections can turn into violent conflicts, religious claims making into civil war. The model proposed claims that the explanation of such turning points toward uncivility is in the particular structures of social relations in time-space-specific situational settings. The structures of these settings (not some human motivation) explains how and why political practices produce uncivil outcomes (while the actors are convinced to do the right thing).

The mechanism of the forum assumes symmetric relations among those involved in social relations of communication. A case for the breakdown of communication is gossip, which is a way for turning down the other by excluding the object of gossip from such communication. Denigrating others by abusing information about others is another case of asymmetric social relations of communication particularly widespread in internet-based communication. Distinguishing between believers and non-believers creates the strongest effect of blocking communication: only believers can communicate with each other, the non-believer is excluded. Racism produces the most general case of asymmetric social relations of communication: creating incommensurable differences between human beings, which allows any action from generalized contempt to slavery or genocide. Cases of such large-scale perverse effects we find in the attempts to build a society of equals such as socialism in Pol Pot’s Cambodia or in National Socialism associating everybody “equally” in a system of total social control. Such systems perfect the asymmetric structure dividing the people into those who know what is good for the people and those who have to be extinguished because of their incapacity to know (such as Jews, members of bourgeois classes, or ethnic or religious minorities). The outcome of such processes is uncivil society, which is no longer capable of taming human nature.

Uncivil society allows the return of Leviathan and Behemoth to perform the script attributed to these monsters: fostering power and obedience and fostering terror and violence in the world. Leviathan returns in totalitarian regimes, still acting in the name of the rule of law. The return of the “fellow brother” of Leviathan, Behemoth, is described by Franz Neumann (Neumann 1944), arguing that Leviathan joined Behemoth in order to create something even more terrible than has ever been seen before. The reference to Behemoth in Neumann’s text appears in the title of the book, but it found in the text only at the end. Neumann breaks the dominant image of the Leviathan as



the only monster when he writes after more than 400 pages on the NS-State: “What is now the structure of National Socialism if it is not a state? I dare to claim that we have to do here with a form of society in which the dominant groups directly control the rest of the population, without the intermediary of the at least rational apparatus of force so far defined as ‘state’. So far this new social form is not yet fully developed, but the tendency is there, and it determines the real character of the regime.” (Neumann 1944, p. 470). Leviathan has given leeway to Behemoth.

This historical experience might motivate some to conclude that the “fellow brother” of Behemoth, i.e. Leviathan, is the lesser bad. The argument is that the rule of law constraining civil society is the best solution that we have for avoiding uncivility. Taming Leviathan through democratization is the way to go. Yet how to avoid the return of uncivil society? Contrary to the despair, that has characterized especially critical theory in the aftermath of the Second World War (Horkheimer and Adorno 2002), uncivil society is not the end of the story. The mechanism of the forum cannot be stopped: communication simply goes on. This mechanism points to a capacity of self-repair of civil society that is irrevocable.

This theoretical implication is opposed to the one with which normative political and social theorists, both in political and in economic theory, draw. They believed and their followers today still believe in Leviathan and Behemoth as sites of repair. The tradition that defended the idea of civil society follows a different idea of where to find and locate civility. Civil society conceived as “bürgerliche Gesellschaft” relies on the principle of being “educated”. Education generates civility. Denounced as bourgeois society this idea of civil society Marx has dethroned this apotheosis of modernity and identified it as the dark side of modern society. He tried to show that this society served to justify the domination of a few over the many. Civil society returned with a positive connotation in the 20<sup>th</sup> century; it reappeared as a normative idea in Europe in the aftermath of the dissolution of the Soviet socialism (Alexander 2006, Alexander 2013; Eder 2009b). This volatile history of civil society points to a permanent irritation. Doubts about civil society turned up regularly. Equally regularly civil society resurrected.

Such differing outcomes of the story of civil society are similar to the different outcomes of the biblical story. The biblical story of Job grasped the moment when Job was dazzled by his failure to communicate with God. God does not talk with Job. Instead, he engages in an impressive performance: sending the two monsters. Communication between Job and God is blocked and replaced by a performance that is silencing Job. What matters for theorizing civil and uncivil society, is the idea of a communicative interrupt. In the story of Job, communication is stopped, yet there is a force driving the

story forward – the problem of theodicy that requires a step beyond performing in front of a people that has betrayed Him.

- *Human nature between reason and unreason – and how to tame it*

Theorizing civil society has never gained the strong imaginary existence as the theorizing of the modern state did through the iconographic representation of the Leviathan. Even Marx succeeded to dethrone the market pinpointing capitalism as a monster. Yet he believed in the impeccable nature of a future socialist society. Therefore, he did not need a theory of the self-rectifying mechanisms of such societies, which prevented him from thinking adequately about the mechanisms of making such societies civil societies (Habermas 1979). It was not enough to denounce capitalist society as a system of exploitation supported by a state securing such exploitation. Marx overlooked the possibility of a third monster beyond Leviathan and Behemoth, which is “Human Nature”.

Max Weber already offered a vision of the irrationality built into human nature when he remarked that the formal rational world of the modern state and of modern capitalism would foster the return of the Gods. He expects that irrational motivations, beliefs and practices will undermine the institutions that this modern world has built around itself. Here Max Weber formulates a theory of the return of a third monster, the many Gods that destroy the cage of rationality making possible the return of irrationality (and a few years later Weber was proven right).

Uncivil society is always a possibility, which means that civil society has to be constructed against the permanent threat of making uncivil society. Uncivil society is not an aberration or deviation from the path of civil society. Civil society has to be secured against the permanent threat of uncivil society. A radical theoretical conclusion would be to argue that civil society is the exception, and uncivil society the normal case. The explanatory model therefore requires one basic assumption: social relations are in permanent need of repair. Thus, we have to explain how societies learn to find a way out of the mess into which they permanently move themselves.

Sociological theory has often ventilated this phenomenon. In its most radical version, it argues that social life moves permanently at the edge of abyss (Garfinkel 1967).<sup>16</sup> This perspective does away with the idea of stable social orders and starts with the assump-

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<sup>16</sup> A similar direction is taken by Collins micro-sociological approach to the emergence of social order, taking the worst case as the starting point which is violence (Collins 2008).

tion of failing as normal and order as the exception. It is hard “work” to generate or construct a social order in the endless practical daily practices produced by human beings in time and space. Orderly times are just short interruptions of this permanent search for order (Abbott 2006).

The model does away with the strategy of grounding such learning processes in human nature. The assumption of human beings ultimately to make rational choices when they act has remained an assumption incapable to account the variety of responses human nature produces in social situations. Recent empirical economic theory has told us that contrary to the model of human beings following their interests there is a tendency among humans toward preferences for fair and just social relations in social interactions (Fehr and Gintis 2007). Yet we know that this same human nature also engages in civil war, in the extinction of other groups, in racist degradation of the others, in everyday violence to neighbors. Thus, there is no natural resource in human nature explaining the self-rectifying capacity of civil society. The mechanism resides in something beyond such volatile human nature.

What is civilizing human nature, are formal presuppositions built into the structure social relations. These presuppositions run counter to human nature. Society is by its nature something constraining and thus exerting force on human nature. It does so by imposing rules of communicative action (Habermas 1984). Society is there before law enacted by the state intervenes into the process of the self-organization of society. The same holds for the market, which presupposes social networks to become effective. Neither the state nor the market exists outside of society.<sup>17</sup> As soon as the visible hand of the law and the invisible hand of the market turn into monsters, it is society, which has to intervene. It has a mechanism for taming the monsters, which is the mechanism of the forum. Yet this society has to struggle with a third monster, its inner demons, built into human nature, a human nature inclined to betray reason. How can civil society tame its inner demons, thereby remaining a civil society?

The biblical story offered an outcome: God sending the Holy Spirit to make people recognize their capacity of communication. This is the second biblical story, going beyond Job’s story. This outcome needs a final look into the mechanism of the forum.

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<sup>17</sup> This is the famous yet obvious argument of the social embeddedness of markets (Granovetter 1985; Beckert 1996). There is a parallel to the Habermasian distinction between system and life-world, which argues for systematic limits of decoupling the state and the market from the life-world of (Habermas 1987).

- *The rectifying capacity of the public sphere*

The forum is more than a mechanism for rectifying law and market. It is also a mechanism for the self-rectification of civil society. The third beyond the rule of law and the market, the forum, provides a mechanism not only for constraining the two monsters sent into the world, it is also a mechanism for constraining its inner monster, i.e. human nature.

The site for the mechanism of the forum is the public sphere. Public sites/spaces are everywhere where people talk to each, where they communicate. This capacity can unfold in the family, in the workplace, in the parliament, everywhere where human beings interact and enter social relations. This we do any time when we move outside the boundaries of our personhood, when we enter a social relation through action or communication, through meaning-conveying behaviour or through meaning-conveying communication. The public sphere is not a special sphere in addition to other spheres in society, as God is not a special image in addition to the images of Leviathan or by Behemoth. It is not even simply stronger than the “first” and the “second” spheres – it is constitutive for the “first” and the “second” sphere.<sup>18</sup> This third makes public n what happens in the private, i.e. the human mind.<sup>19</sup> The public sphere is a set of practices that binds human nature and its vicissitudes to the mechanism of the forum: to force human beings to provide accounts for what they do.<sup>20</sup>

This basic argument can be extended to the issue of whether such account giving will lead to collective learning processes, understood as processes generating civil social relations. Collective learning processes at times happen, and they go together with attempts to (re)create symmetric social relations. Collective learning processes can also

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<sup>18</sup> Luhmann been noticed this when reflecting about the issue of public communication, which is impossible to conceive as a functionally specific system like the political and other subsystems of society. It is the mirror, in which the parts see themselves as parts of a whole, society looking at itself (Luhmann 2000).

<sup>19</sup> To equivocate the human mind and the private might appear as misleading. Yet it is a radical inference from the difficulty to distinguish the private and the public in terms of circles of social relations. The slogan “the private is political” provides a good indicator for the impossibility to make this distinction an analytical distinction. Attributing the private to what is in the human mind and attributing the public to what is communicated between human brains is the analytical solution proposed here.

<sup>20</sup> This does not necessarily imply that they have to provide better arguments. As said above, accounts and justifications differ in terms of the normative (moral) references used in accounts. It simply says that being forced to giving accounts provides a mechanism of taming human nature. New performance theories and practice theories emphasize this “force” – for a typical misreading of this argument see (Hanrieder 2011).

be interrupted and blocked (Eder 1985). It depends on the type of social relations of communication in which collective learning processes take place.

The theoretical answer to the issue of the self-rectifying capacity of civil society is in the forum that is resilient against uncivility by the nature of its idealizations: you cannot suppress the idealizations that underlie social relations of communication (Eder 1999). You can suppress the social relations of communication in the public sphere, but not its organizing idea. There seems to be force generated by the mechanism of the forum: the more uncivility puts the forum under pressure the stronger it becomes in defending its founding ideals. The exemplary case for this phenomenon is religion: the more you suppress it, the more religious idealizations come back. This holds for also reason produced in public debate: the more you suppress it the stronger it becomes. When reason was betrayed in the Holocaust, Adorno despaired about the possibility of reason after Auschwitz (Horkheimer and Adorno 2002). Yet the social world continued after Auschwitz. Even the permanent return of uncivil society after Auschwitz cannot do away with the idea that there are always people who contest uncivil society.

There is evidence in the recent past of how the forum works in rectifying uncivil society. The East German revolution of 1989/90 started in niches of an uncivil society, in families, churches and small communities, providing the social resources, i.e. symmetric social relations, for rectifying collective action (Opp and Gern 1993). The recent experience of the vicissitudes of financial markets betraying promises of market participants is another site where the forum has started to enter social relations, calling either for more "solidary" markets or for a collective voice, for social critique.

Critical theory of the last century has probably asked in the most astute form the question of why the modern society and the modern state have turned into such horrible forms. This is not a problem of the 20<sup>th</sup> century. The problem continues in the 21<sup>st</sup> century as cases of vulnerable democracies all over the world, the breakdown of states and the return of Leviathan as a monster show. Often this leads to the war of all against all, to Behemoth as a monster fostering violence, civil war and the dissolution of the social bond.

Yet the story goes on. There is the idea of controlling the monsters God sent to earth. The problem of theodicy posed in the book of Job finds a possible solution: God tells the people that he sent the monsters to force people to recognize them as monsters and to tame them. It is God's trial. This triggers a never-ending process of learning, interrupted by unlearning. When civil society threatens to decline it is the mechanism of the forum built into the public sphere that provides the rectification of failing learning processes. Even in the darkest days of untamed Leviathan and Behemoth in Nazi-society, drawing upon and calling Human Nature, these monsters could not si-

lence the voice that wanted to rectify this uncivility. It will permanently force the killers to react to this voice; the abyss of human nature cannot do away with the forum, which forces everybody to account for one's deeds. The forum cannot be destroyed since its basic structure is social, binding human nature to a social "nature" which transcends human nature and creates a social reality that is there even when human bodies are destroyed and humans destroy other human bodies. The social is processing a counterfactual reality, which even the three monsters, Leviathan, Behemoth and Human Nature cannot do away.

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