

Solidarity and particularity: *E pluribus unum*?
A comment on Claus Offe's *Hagar* essay,
"Political liberalism, group rights, and the politics
of fear and trust"

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ABSTRACT

Even ethnically plural societies require a unum in order to have a state able to keep the peace, allow and protect freedom, encourage participation and belonging, and extract and redistribute resources. That redistribution is needed in order to improve the chances for fairness and justice for individuals. Group rights and federalist devolution are dangerous paths on which to embark as they threaten to preclude toleration, trust and solidarity among compatriots. But no one will embrace a unum from which s/he is excluded. In societies with too much history and too much memory, the creation of a unum may be unsuccessful, leaving separation as the (better) alternative to federalism.

The United States is a very fortunate country. Every dollar bill reminds its bearer that America is a *novus ordo seclorum*, a new order for the ages, one whose undertaking Providence has favored, *annuit coeptis*. Every quarter-dollar coin reminds that person that *e pluribus unum*, in the many there is one. Europe and the Middle East are not so fortunate. As complex and blood-stained as American history may be, and not only in the eyes of Native Americans or African Americans, the U.S. remains blessed with a short and democratic history. The New Order was a liberal, democratic order for the New World.

If the practice long fell far short of the principle that all men were created equal and endowed with certain inalienable rights, the possibilities at least existed for a liberal, individualist democracy.¹ Outside the slave-feudal antebellum south, America was a

¹ It must be acknowledged that, if we employ a rigorous understanding of "liberal democracy", the U.S. probably only qualifies since the passage of the Civil Rights Act of 1964 or the Voting Rights Act of

thoroughgoingly capitalist society from the start, one dedicated to the prosperity of individuals. Waves of immigrants from different places could be absorbed into what became a land of hyphenated identities. With the conversion of nationalities into mere ethnicities, a single civic identity and nationality could be forged: *e pluribus unum*. Individualism, mobility, capitalism, libertarianism, baseball, commodified blues and rock and roll, aggressive moralism, consumption, rule of law, indirect democracy and a weak state, political apathy, and a shallow egalitarianism underpin the local version of bourgeois democracy.

Unlike Europe, America does not suffer from a surfeit of memory. Except with regard to involuntary African migrants, the past rarely weighs on the brains of the living.² This is not exactly true for the entire continent, of course, as Kymlicka reminds us and as the license plates of Québec warn one and all: *je m'en souviens* (I remember, I won't forget). As Offe advises us, it is not possible, and perhaps not desirable, to forget completely: "intentional forgetting is neither a possible nor ... a desirable act of the human mind". Perhaps so. Perhaps we cannot just get over historic injuries and move on. Perhaps that is asking too much. Perhaps the "return of the repressed" is *both* inevitable *and* neurotic; there is no alternative to remembering history – however indeterminate or disappointing or unhelpful the lessons of remembering might be.³

On the other hand, as we can also see all too well, too much memory is a bad thing. *Zachor* (remembering Jewish victimhood, culminating in the Holocaust) is a political project whose utility to those doing the remembering is not always innocent or obvious.⁴ It is no accident that historians, in particular, have been implicated in the late twentieth century, as in the late nineteenth, in the crudest and cruelest group identity projects, from Croatia to Calcutta and from the Yukon to the Yarkon. Offe asks whether, for the deeply divided societies of the post-Soviet and post-colonial worlds, "the memory of the wrong and suffering of the past" constitutes an "insurmountable obstacle" to democratic consolidation.

The answer seems more likely to be yes than no. This is particularly so because it seems that, in public life generally, the scab and the scar replace the wound. They are

1968, which overcame the public systemic racism that haunts the country (see Therborn, 1977:3). On the individualism of American democracy, see Abraham (1996:1).

2 There is no opportunity here to discuss Latin or Central America, where group identities and the indigenous past do weigh heavily.

3 See, in general, Coser (1992); in particular, Novick (1999). The Israeli journal *History and Memory* has served as a chief site for these debates.

4 In the current Mideast crisis, the "lessons" of the Holocaust or "remembering" the Holocaust are terribly disappointing. Not empathy but transferred vengeance seems to be the lesson; not distinguishing between but, rather, lumping together an Arafat and a Hitler seems to be the memory. What *is* the use of remembering? Since we cannot change the past, should we not punish evildoers and then work on the future?

nurtured, and the wound does not heal. The politics of historical grievance are more appealing to most political entrepreneurs than the politics of liberal democracy. Matters have become even worse in the post-Soviet world, where egalitarian utopias have been taken off the table, precluding mythical universalisms like “humankind” or “the proletariat”, and sometimes been replaced by divisive multiculturalisms. Under current circumstances, it is not easy to join the company of liberal democracies.

Offe pivots his analysis of group rights in liberal societies around T. H. Marshall's classic schema. According to it, liberal democracies today are based on and offer three kinds of rights: civil, political and social. Offe explains how, once the Hobbesian problem has been resolved and a state exists, “toleration” creates civil rights that limit the sovereign's power and reduce fear of the ruler while, however, sparking anxieties about what one's fellows may be up to. This is the problematic of liberalism. To move onward from civil to political rights requires the establishment of “trust”, namely the confidence that one's fellow citizens will not use their rights to promote ignorance or evil. This is the problematic of democracy. Finally, social rights demand social “solidarity”, the willingness to engage with and assume duties on behalf of others, fellow citizens who may or may not contribute as much or need as much as they draw out of the system. This is the problematic of the welfare state or of social democracy.

Toleration, trust and solidarity are, for Offe, not simply institutional, not simply a matter between ruler and ruled. That vertical institutional structure, that hardware, must be accompanied by horizontal relations, by a software of political culture that creates a nation of *compatriots*. Offe finds, unfortunately, that neither the Rousseauian civic republican version of nationhood nor the ethnic nationalist version is particularly persuasive today. The result is the near-impossibility of defining, let alone constructing, a “we”.

In a world where multiculturalism, recognition of the other, alterity, reinvention, diaspora, decentering, hybridity, and trans-, supra- and sub-nationality have displaced “us-ness”, it is difficult to know who “We the People” are. “Europe” and the EU do no better; indeed, as good a place to live as EU-Europe might be, it inspires no real passion. Shared and overarching identities are simply unavailable. The earlier efforts of Offe's teacher, Jürgen Habermas, to propagate an abstract “constitutional patriotism”, a *Verfassungspatriotismus*⁵ grounded in ahistorical and largely legal-procedural values, though admirable enough, have proven problematic.

Here again, historic and crowded places like Europe and the Middle East are at a distinct disadvantage compared to America. American law is libertarian and values

5 Habermas developed the concept of constitutional patriotism over a number of years (e.g., 1996:491-515, 566-567). By the end of the 1990s, Habermas became aware that even constitutional procedural principles required some historical, cultural embeddedness. This is a difficult adjustment to make, since historically embedded cultures belong to some, yet must be learned by others; they are not as contractual as constitutional and procedural agreements (Habermas, 1998:105-154).

“toleration” and some “trust”, but it is no friend to social “solidarity” and puts no special premium on citizenship. To the extent, then, that democratic citizenship “involves the sovereign self-determination of a people, and the will to act in its name and to make sacrifices”, a demos, a “we” to which members belong and “in whose deliberations they have a voice” and “feel a sense of shared fate and solidarity” (Cohen, 1999:246-247), American citizenship is indeed weak. But to the extent that the American demos is experienced in civic and political, albeit historically embedded, rather than ethno-cultural terms, it is open and egalitarian. The combination of easy entry for newcomers, decentralized labor markets and weak democratic self-rule has prevented American citizenship from thickening culturally. Any ascriptive, unchosen, heavily-embedded, pre-political and exclusionary elements have remained marginal compared to other times and other places.⁶

American-style *Verfassungspatriotismus* may thus have the potential to create a “level playing field” for free individuals, but it is unsuited for the “solidarity” of social justice. Most American rights are negative liberties, in Isaiah Berlin’s (1970) sense,⁷ and they are accorded to all *persons* rather than just to citizens. This may or may not be as “morally demanding” as Offe suggests, but he is right that it is not common for this to happen without some thicker sense of “affinity, similarity, or shared identity”. Human-rights liberalism demands that toleration, trust and solidarity be extended to strangers, to what we today call “the other”.

Why should the universal rights of man require the particularism of national citizenship? As Hannah Arendt explained it, “abstract” human beings existed “nowhere”. Hence, in the French Revolution, which gave us the *Declaration of the Rights of Man and Citizen*, “The whole question of human rights ... was quickly and inextricably blended with the question of national emancipation; only the emancipated sovereignty of the people, of one’s own people, seems to be able to insure them” (Arendt, 1979:291). Indeed, most nation-states today justify their legitimacy on the basis of universalist human rights principles mediated through their particular history and institutions. As Benhabib has observed, “The tension between the universalistic scope of the principles that legitimize the social contract of the modern nation, and the claim of this nation to define itself as a closed community, plays itself out in the history of the reforms and revolutions of the last two centuries” (1999:735).

6 In this sense, Cohen’s call for “disaggregation of the three components of citizenship” (1999:258) – legal standing, democratic participation and identity – overseen at different levels of governance in the interests of a multiculturalist rejection of assimilation and the claims of permanently resident non-citizens, seems unnecessary and unwise. The 14th Amendment already recognizes this in its allocation of key rights to all “persons”.

7 The standard criticism of Berlin’s dichotomy between negative and positive liberties is that a person must be free from constraints in order to perform an action.

One risk, of course, is that nation-states may equate the citizen with the member of the historic-ethnic nation, thereby collapsing a worthy political and legal category into an inegalitarian schema of first-class and second-class, more-and-less citizens by nationality or ethnicity. Here Arendt's experience as a refugee, someone made stateless on account of her ethnicity, led her not to turn against states and toward human rights internationalism but rather to insist that states be civic polities with citizenship based on legal criteria. All those born into a territorial state had the human right to citizenship in it. Universalism and constitutionalism would thus temper the demos.

But what happens when, as seems to be the case in the post-Soviet putative democracies, embedded sub-identities trump, overcome or eclipse constitutionalized national citizen identities? How can liberal societies respond to the call for "group rights"? What happens when *je me souviens* that I am constituted by my membership in a collective group, whose identity is repressed by claims of universalism or (perhaps false) neutrality? What happens, according to Offe, is that group claims will emerge that make the fundamental principles of political liberalism impossible to maintain. The best life for free individuals – the goal of both liberal and Marxist ideologies – ceases to be the right goal.

If individuals are "locked in" to features and identities acquired at birth, then it is the group to which they belong that merits logical and political primacy. The well-being of individuals is inferred from the group's success; by itself, it counts for little. Further, without an overarching commonality or identity, there is little reason for one semi-self-governing group to be the "brother's keeper" of another, to endure any externalities on behalf of others. *E pluribus plura*. The answer to this problem is "federalism". Federalization or territorialization involves the devolution of certain important rights and functions to sub-national units of government, units defined so as to match ethnic and group concentration. It is, according to Offe, an "escape" mechanism designed to devolve power to ethnic or national groups in their "homelands" at the expense of the center.

Only under very limited circumstances will federalism do more good than harm. The number of groups must be few – two, as in Belgium, is best – and they should ideally be in close demographic balance while being geographically concentrated to avoid problems of minorities within the minority. The functions devolved to the units may not include the core elements of sovereignty, such as war or taxation, or else secessionist efforts will be invited, as in Québec and the former socialist states. Often the very unending quality of center-subgroup bargaining is itself delegitimizing as the number of demand-makers proliferates and their demands themselves escalate. Finally, the desire to take revenge on local minorities who are part of or affiliated with external majorities can be irresistible to new political entrepreneurs.

A very gloomy picture of federalism indeed. As Offe concludes, "A liberal and democratic republic can simply not be conceived as something composed of 'tribal' collectivities". Can or should governments safeguard the integrity and viability of valued

forms of life? Though he does not say so, for Offe the answer must be: “only in a very limited way”. In contrast to the position of Thomas McCarthy and others, only anti-discrimination protections and freedom of action for voluntary associations would seem to make sense to Offe.⁸

What happens, then, if African-Americans are unable to elect any of “their own” to Congress unless separate districts are deliberately carved out, as happens under the so-called Voting Rights Act. What if, when left to “natural” market devices, the French language disappears from urban Québec? For Offe, the answer must be that, however regrettable, the costs of intervening by parcelling out national sovereignty to groups is just too high. Parcellization through group rights creates distrust and “invalidates the ties and commonalities of the larger political community and its commitment to some shared identity beyond the particularisms...”. So risky is the federalizing tendency that “even the most demanding and utopian version of liberal universalism and individualism is a more promising and more realistic project” for maintaining national unity.

In the end, we need a nation, a *unum*, in order to have a state capable of keeping the peace (Hobbes), allowing and protecting freedom (Locke), encouraging participation and belonging (Rousseau), and extracting and redistributing resources (Marshall). And we need that redistribution of resources in order to improve the chances for fairness and justice for individuals, who almost always and everywhere live in riven class societies. The federalism issue has been with us at least since the battle between the Girondists and the Jacobin Mountain. The Jacobins proved right in that creating Frenchmen was essential to the project of social solidarity (see Hayward, 1959:261, 1961:19).⁹

Needless to say, Jacobins and statistes are not today in the ascendant. There are many reasons for this – some good, some not. But everywhere it is clear also that civil society may be overwhelmed by the market unless the political sphere, the state sphere, is strong and vibrant. The infatuation with “civil society” that characterized the 1980s has failed to produce either more democracy or more justice.¹⁰ Instead, untethered and

8 Offe's position is very different from that of Thomas McCarthy, another erstwhile Habermas collaborator who holds it to be an important Kantian responsibility to safeguard the integrity of valued forms of life. McCarthy writes:

there is a wide range of political-organizational possibilities for securing some measure of autonomy short of sovereign statehood: consociation, federal union, loose federation, functional decentralization, devolution, special representation or veto rights, special language or land rights, and so on and so forth (1999:181).

9 Most supporters of minority group cultural rights make a distinction between separate historical cultures (Belgium, Canada) and new immigrants. See, e.g., the highly influential work of Will Kymlicka (1995, 2001; Kymlicka and Norman, 2000). Adding immigration to the mix simply exacerbates the group rights problem.

10 The hope that a more vibrant civil society would enliven democracy and democratize politics has not been substantiated. See Joshua Cohen and Joel Rogers (1995:240-263), who made as good an argument

tumescent global capitalism has helped generate a politics of recognition, multiculturalism, diasporic consciousness and the like. These concerns with protecting group identity, “notwithstanding their self-conscious arrogation of a politically progressive posture, become obfuscatory languages of global capitalism itself in their insistence on the autonomy of the cultural ... and the different” (Parker, 1997:697).¹¹

Large-scale immigration has been a dominant fact of the past generation in much of Western Europe and the Americas.¹² It may come to affect Central and Eastern Europe, already more divided societies, before long as well. The increasingly obvious problems being experienced in “integrating” these populations lends further support to Offe’s arguments. Multicultural politics – in the last analysis, a weak form of group rights politics – has heightened fears in all of these societies and repeatedly sapped the trust out of the social fabric. Together, neo-liberalism and multiculturalism have made it impossible for the state to do what it is supposed to do; the requisite trust and solidarity seem unavailable.

The astonishing success of the late Pym Fortyn, whatever it was he might have stood for in the end, should serve as a warning. It is time to rediscover, revamp and insist upon acculturation and integration. It is time to undo the fragmentation that group rights and recognition have begotten. It is time to bring back the melting pot and turn up the heat under it. Access to the overarching consensus values of political liberalism must be made available to all. In this sense, the recent reform of German citizenship and immigration laws is a distinctly positive step. One cannot, after all, expect people to embrace that from which they are excluded. Once those exclusions are lifted, however, the Western values and historically embedded constitutionalism of liberal democratic societies may fairly be insisted on. It may, in the end, be impossible to have a functioning, free, just democratic state without having, in the as yet unfulfilled words of the U.S. pledge of allegiance, “one nation, indivisible, with liberty and justice for all”.

as could be made for such a hope; Jean Cohen and Andrew Arato (1982), who, with Eastern Europe in sight, helped unleash an anti-state turn; and, resisting that turn, Gøsta Esping-Andersen (1985, 1990). All five of these scholars owe a substantial debt to Offe’s oeuvre.

- 11 Citizenship is giving way to the free market, on the one hand, and group recognition and calls for ethnic and religious group rights and parochialism, on the other. McWorld confronts *jihad* as material global integration confronts ethnic and cultural fragmentation (see Barber, 1984, 1995).
- 12 This has been the case in Israel as well, but the ramifications are more muted. Still, it is easier to be a Russian or Ethiopian immigrant today than it was a Moroccan or Eastern European fifty years ago. See Shafir and Peled (2002:308-348) and Abraham (2002).

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