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CITIZENSHIP IN COMMUNITY AND SOCIETY: FERDINAND TÖNNIES' *GEMEINSCHAFT-GESELLSCHAFT* DICHOTOMY AND POLITICAL APPURTENANCE

Niall Bond*

RESUME

We propose to present a paper on the application of Ferdinand Tönnies' conceptual dichotomy "Gemeinschaft" and "Gesellschaft" to concepts and conceptions of citizenship and nationality. This reflection on the ultimate bases of appurtenance illuminates possible intentions behind the expression, "community" in the political constructs of the European Communities. Here, we propose to return to Tönnies' work first to explore appurtenance to a common entity upon the basis of the Universalist natural law developed by Thomas Hobbes. Here, utilitarian anthropological assumptions underlie a quest for forms of governance with formal equality of appurtenance (Gesellschaft). Then we shall explore appurtenance based upon shared particularities rooted in blood, in soil and in time (Gemeinschaft), in which cultural assimilation is a prerequisite and appurtenance is asserted by degrees according to rootedness. The evolution of definitions of "community" in the course of the twentieth century is related to the rise and fall of the attractiveness of Gemeinschaft when compared with Gesellschaft. This shall be illustrated with reference to the thought of Dominique Schnapper. We shall conclude with an exploration of historical distinctions related to the debate on nationality and citizenship in Germany, with its specific terminology of Staatsvolk, Volksgenosse, Staatsbürger, etc.

Key words: Community, Utilitarian anthropology, Governance, Germany

Introduction

The distinction between old and new citizenship recalls the opposition between community (*Gemeinschaft*) and society (*Gesellschaft*) elaborated by **Ferdinand Tönnies**, an opposition based upon heterogeneous criteria. We point to seven logical distinctions in the dichotomy, before concluding on where Tönnies' considerations lead us in an age of a new global logic of social appurtenances.

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Community as intimate mutual acquaintance and society as anonymity

“All trustful, intimate and exclusive life together (we find) is understood as life in community. Society is the public sphere, the world. One is bound to community with one’s ilk from birth, with all the benefits and drawbacks. One goes into society as though one is going abroad” (Tönnies, 1979). **Tönnies’** very definition of community and society hinges upon levels of intimacy and knowledge in contrast to anonymity. **Tönnies** makes this knowledge the source of a natural law which accords participants rights and duties within an order (Tönnies, 1979). Can such a distinction still be mobilised for a concept of citizenship? In the narrowest understanding of the town or polis in **Tönnies’** *Gemeinschaft*, the small town, all individuals are deemed to be known to all the others. Yet in the national community of today, such knowledge is fictitious. In *Imagined Communities*, **Benedict Anderson** wrote that a nation *“is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion”* (Anderson, 1991, p. 224). The sphere of intimacy of the mediatised political class is open to the manipulated scrutiny of voters who choose those members of the political class as their mandated representatives with a view to the personal affects provoked among the citizenry when contemplating the political class. This intimacy, a symbolic stake of democracy at the national level, does not exist at that of the European Union, provoking a sense of democratic deficit given the perception that the European political class lacks a fatherland or natural community and consists of privileged grey functionaries. The move from the old citizenship of more restrained communities to the new citizenship of Europe may be seen in the move from a sense of common personal appurtenance to a sense of the derivation of rights and duties from abstract universals, or in the movement of power from political decision-makers engaged in discussion and entrusted with mandates upon the assumption of shared values to impersonal forces of markets or international instruments of law as faith shifts from the personal to the functional.

Community as the particular, society as the universal

Ferdinand Tönnies describes the supplanting of the particular by the universal. “Natural law” in the societal sense – freedom, ease and equality in exchange – came to prevail, **Tönnies** wrote, *“over the civil law of the Romans*

*and of all political communities in ancient civilisation.” (Tönnies, 2002, p. 212) Tönnies refers to the attempt made by the Romans to establish a law “common to all nations”, following Henry Sumner Maine’s description of Roman practice in *Ancient Law*: “Whenever a particular usage was seen to be practised by a large number of separate races in common, it was set down as part of the Law common to all Nations, or Jus Gentium” (Maine, 1878, in Tönnies, 2002, p. 214). Tönnies translates *jus gentium* – misleadingly, as Jose Harris observes – as “*das gemeine Recht*”, which translates literally as “common law”. This “*gemeines Recht*” led to dissolution, “*thrown into the melting-pot as a chemical reagent designed to dissolve all the widely varying subject matter into the same basic elements*” (Tönnies, 2002, p. 213). With the recognition that everyone should be able to form relationships with one another at will, those laws that put the indigenous in a position of privilege over the foreigners appeared to be arbitrarily erected barriers, “*contrary to the dictates of nature*” (Tönnies, 2002, p. 215). Tönnies’ concludes that the “*rule of Rome over the orbis terrarum... brings all cities closer to one city, and gathers together all the shrewd, bargaining, prosperous individuals, the entire ruling elite of the boundless empire, all haggling together in the Forum. It erases their differences and inequalities, gives them all the same outward appearance, the same language and form of expression, the same currency, the same culture, the same covetousness and the same curiosity*” (Tönnies, 2002, p. 217). This process of the imposition of the societal understanding of natural law found “*its ultimate and crowning expression in the imperial declaration which conferred Roman citizenship on all free men within the empire, granting them access to law-courts and freeing them from taxes*” (Tönnies, 2002, p. 218). The ultimate consequence of the spreading of universal principles through encroaching markets governed globally by international and supranational instruments is for Tönnies the World State (*Weltstaat*).*

Community as essence of birth, society as deliberate acts

A third opposition relates to the opposition between being and doing. Citizenship can be based in the factual relationships of *being*, established according to the dual, equally arbitrary criteria of origin and of place. Citizenship into which we have been born – the old citizenship – is neither chosen nor earned (rather than deserved) yet is seen as enjoying greater legitimacy than acquired citizenship or new citizenship. The opposition Tönnies presents

between community or *Gemeinschaft* and society or *Gesellschaft* corresponds to a “psychological” opposition between two forms of volition, which **Tönnies** refers to as essential will or *Wesenwille* and arbitrary will or *Kürwille* respectively. **Tönnies** explicitly opposes sociologies which assert that humans are “born into the world”, implying that they do not necessarily consciously want the situations or relationships into which they are born (notably used by **Max Weber**). For typically or “normally”, **Tönnies** argues, those relationships we want most ardently are those into which we are born, archetypically the relationship of the child to the mother; freely chosen relationships are more easily dissolved. The pinnacle of **Tönnies**’ hierarchy of relationships is the mother-child relationship, followed by the sibling relationship, the father-child relationship, etc., suffusing with diminishing intensity all relationships with people with whom we are acquainted in the logic of concentric circles. Essential will is by projection the basis of relationships with other members of the “folk community” or *Volksgemeinschaft*, notwithstanding the fact that any community with the vast majority of our compatriots is purely imaginary. **Tönnies**’ theory, notwithstanding his courageous opposition to the most extreme variation of nationalism, National Socialism, presents an *old* understanding of citizenship which is *exclusive* and *immutable*: As sceptical as **Tönnies** was of the Social Darwinist racial theories of his time, he defined *old* citizenship along ethnic lines. New citizenship is chosen, often upon the basis of deliberation: but does it necessarily need to imply that the connection to a new and freely elected community, region or nation will automatically be less ardent?

Nationalities that have not been chosen are typically divided along the basis of *jus sanguis* and *jus solis*, which have served as the bases for Germanic and French understandings of citizenship. Both are linkages that create automatic prerogatives. *Nationalstaat* and *Etat-nation* suggest emphases reflected to history and law and spatial understandings of territory, if we contrast *Raum* as a given of nature with *espace*, forged by man through political decisions. They also refer to differing historical understandings of ethnic appurtenance. The official designation of the Roman Empire, *Heilig-Römisches Reich Deutscher Nation* assumed a nation prior to a unifying State, and statelessness continued to haunt German nationals through failed liberal unifications attempts through to the authoritarian establishment of the Second Empire, accompanied by myths that evolved from nostalgically ethnic to atavistically racial unity, with ensuing debacles of citizenship. The exclusion of

Germans from citizenship upon ethnic appurtenance was one perverse effect: *Volksgenosse*, “folkish comrade” was the term used in the National Socialist dictatorship to designate comrades within an exclusive ethnic folk, a term supplanted after the Second World War by *Staatsbürger*, “citizen of a State”, within the two States: the German nation, divided into two States, saw itself divided into two *Staatsvölker*, “State-peoples”. Distinct socialisations have left residing differences in this microcosm of Eastern and Western Europe, where the new citizens of the new *Länder* had to adopt the social and juridical conventions of the old citizens of the old *Länder*, permeating society even more than the mere Community *acquis* imposed upon new citizens of EU accession states. This legacy is seen in the hurdles that divide mere appurtenance to a State – *Staatsangehörigkeit* – and active citizenry – *Staatsbürgerschaft* (Grawert, 1984, pp. 179-204).

Efforts required of new citizens surpass those of old citizens, but according to Tönnies, the competencies of a multiplicity of citizenships grow with commerce. New citizenship is the citizenship of *doers*, who craft their own appurtenance. According to **Adam Smith**, quoted by **Tönnies**, every man becomes a merchant in civil or bourgeois society (*bürgerliche Gesellschaft*), sharing – as Tönnies points out – the realm of speculation as their common land. The merchant is “*the typical educated man: without a home, a traveller, familiar with foreign customs and arts, lacking in love and piety for those of any particular country, capable of speaking several languages, glib and two-tongued, cunning, accommodating while keeping a close eye on his aims, he darts to and fro in quick slick movements, changing his character and attitudes (beliefs or opinions) like a shirt, transporting things over the borders of areas, a mixer and equaliser, using the old and the new to his advantage – he thus is a stark contrast to the farmer stuck to his clod and the solid citizen exercising his craft*” (Tönnies, 1979). **Tönnies** again quotes **Adam Smith**: “A merchant, it has been said very properly, *is not necessarily the citizen of any particular country*” (Smith, 1776, chapter 4 In Tönnies, 1979). This new citizen acquires social and economic rights in substance, even where he does not enjoy the formal rights of inherited citizenry. While old citizenship belongs to those who there were first, new citizenship is acquired through proof of merit based not upon equality but often upon superiority (of education and of fortune). Yet another understanding of new citizenship aims at redressing ensuing inequalities.

Community as compassion, society as self-interest

A fourth opposition emerges when we consider the philosophical origins of **Tönnies'** dichotomy in **Arthur Schopenhauer's** practical ethics: a social peace based upon affective solidarity among the compassionate is the basis of community while a social peace dependent upon a balance of interests among the self-serving is that of society. **Schopenhauer** made the distinction between those actions based upon hostility, *inimical* to ethics; those based upon self-interest, *bereft* of an ethical content; and those actions in which the own, selfish will is induced to *recede* on behalf of the will of others out of *compassion*. This is the specifically ethical attitude. **Tönnies** presents relationships which are not openly conflictive as based either upon the pursuit of self-interest in a spirit of latent competition or as based upon compassion, love and a sense of belonging. The latter is the basis of the notion of *solidarity* within a given community. It may be characteristic of an older form of communality within a polis or what the Romantics (and **Tönnies**) referred to as a *Gemeinwesen*, an organically harmonious polity. The Romantics assumed this to be the reality of medieval Europe, united under the sweeping arch of the Catholic Church. The modern State which presides over modern society was by contrast constructed in the spirit of rational natural law upon the supposition that the State derives its legitimacy from a social contract concluded by individuals all pursuing their own discreet interests. According to **Thomas Hobbes**, mutual fear induced men in a state of nature to found a new order by sacrificing their liberties to a sovereign through a compact. **John Locke** saw citizens' rights and duties in limiting the arbitrariness of the governing and in assuring the consent of the governed. But scepticism of the governing did not change the fundamental premise of self-interested individualism. The regulating of civic behaviour through enlightened self-interest was reinforced during the Scottish Enlightenment with **David Hume's** discovery of the *convention*, with **Adam Ferguson's** reflections on the origins of *civil society* – as opposed to “rude nations” (of old citizenship?) – and most influentially with **Adam Smith's** discovery of the *market*. This is most strikingly the basis of our new European citizenship, since historically our rights in the European Union as citizens evolved from our rights as merchants, purveyors of goods and services. **Jeremy Bentham** adopted rational individualistic hedonism as the underlying principle of the utilitarian school with its seminal influence on law, politics, government and economics, as opposed to the intuitive ethics of compassion. A regulated social existence has led **Ulf**

Hannerz to suggest that relations in urban environments (typically those of *new* citizenship) are “trafficked relationships”, governed by a consensus analogous to our understanding of traffic codes (Hannerz, 1980). The ability to engage as citizens in modern urban societies presupposes skills based upon an elaborate understanding of codes rather than people. Codes based upon self-interest are the basis of the new citizenship of modern societies, allowing for the absorption of heterogeneous particularities, a “canopy cosmopolitanism” with which socially and internationally mobile individuals often feel most at ease, provided their self-interest is not jeopardised. The move from community to society has been one from compassion to convention.

Community as status, society as contract

The opposition between solidarity and self-interest points to a fifth opposition, which was initially developed by the jurist and ethnographer, **Henry Summer Maine**: status and contract. The former is held to precede the latter. Maine writes: “*The movement of the progressive societies has been uniform in one respect. Through its entire course it has been distinguished by the gradual dissolution of family dependency, and the growth of individual obligation in its place. The Individual is steadily substituted for the Family, as the unit of which civil laws take account... Nor is it difficult to see what the tie is between man and man, replacing by degrees those forms of reciprocity in rights and duties which have their origin in the family. It is the Contract.... Thus the status of the Slave has disappeared – it has been superseded by the contractual relation of the servant to his master*” (Maine, 1878, p. 168). Contract implies civic rights rooted in *formal* equality of appurtenance, and theorised according to notions of contract typical of modern society (*Gesellschaft*) and is opposed to rights and duties based upon appurtenance issuing from shared particularities rooted in blood, in soil and in time (*Gemeinschaft*), in which cultural assimilation is a prerequisite and appurtenance is asserted by degrees according to rootedness. The opposition of the nation as *genius* and the nation as *contract* is a variation on this theme.

Community as the whole that precedes the individual, society as the individual that precedes the whole

A sixth opposition between community and society as applicable to citizenship assumes that the members are either at the service of the whole, the assumption behind many theorists of community, or on the other hand that the whole was constituted in the interest of the individuals who participate in it. In the wake of the Romantics such as **Adam Müller**, **Gierke** (followed by **Carl Schmitt** and **Othmar Spann**) developed the *organic* theory of the State, which is epistemologically *holistic*. **Tönnies'** notion of the *Gemeinwesen*, the political animal of community, drew from **Gierke** as it drew from the Romantics. While the *super-individualistic* interpretation sees individuals as living in residing dependency upon the whole, the State, an opposing *individualistic* interpretation deems that the State is derived from the needs of man. This opposition has implications for understandings of appurtenance to politics and concomitant rights and duties.

Community as the sacred, society as the profane

The sense of profane in the expression “profane citizenship”, the focus of PROFACITY, a European Framework Programme consortium that considers “*how people experiment with novel forms of citizenship that modify the outlines of formal citizenship*” (PROFACITY - Profane citizenship in Europe...) with a view to increasing access and the “right to rights”, (« *droits à avoir des droits* »), or the “right to the city”, particularly for disadvantaged groups (communication challenges, illegal residents and migrants), is “not admitted into a body of secret knowledge or ritual; uninitiated”. This new citizenship is opposed to the citizenship of insiders, and contrasts with the sacred of old citizenship. PROFACITY aims at rising to Marshall’s challenging observation that citizenship is defined not just formally through abstract appurtenance, but substantively through actual enjoyment of privilege (Marshall, 1950).

According to this outlook, new citizenship can only be effectively based upon contractual considerations if the socio-economic prerequisites for active and participative citizenship are created through democratisation. This desideratum corresponds to the promise by the new French socialist Prime Minister **Pierre Mauroy** in July, 1981 of a “new citizenship” in the pursuit of economic and social democracy (Maurois, 1981).

Conclusions

Tönnies' oppositions help formulate present challenges of citizenship. Intimacy or knowledge in the age of internet is and needs not to be restricted to those people of proximity or co-citizens, since virtual intimacies spanning the globe lead to bonds from which new appurtenances spring. Although citizenship in our age is *stabilised* by the fact that the vast majority of appurtenances are not *chosen* or reflected, but related to the status of *birth*, successful citizenship in a democratic polity depends upon the deliberate *act of assuming roles* of citizenship. Solidarity engendered by compassion may – as much as self-interest – underpin societies in which suffering is alleviated through the welfare state. But compassion, which does not stop at national borders, neither suffices for nor can be exhausted in citizenship.

A challenge of citizenship calls for surmounting the obstacles of inferior status by offering the substantively marginalised the language necessary for understanding and drawing the greatest gain from citizenship while giving what they can to the polity. A further challenge lies in drawing new citizens, accustomed to understanding rights and duties in the strictly private realm on the basis of those utilitarian legal dogmas which engendered universal rights into the public domain. **Tönnies** concluded his work with the implicit suggestion that we renew our thinking on the basis of social appurtenance by opening up a new, post-liberal thrust of natural law. The natural law of modern society had allowed for the progressive spread of the rights of the citizen as individuals entitled to pursue their rights upon an individual basis principally within the private sphere. The spread of methodological individualism in economics and law had put an end to institutions inimical to freedom such as serfdom and allowed citizens to pursue individual happiness. However, for **Tönnies** such happiness, when pursued individualistically is chimerical, since individualism in practice entailed isolation and estrangement. **Tönnies** proposed a renewal of natural law thinking that would restore *commonality* to a privileged position in humans' relations to others within a polity. At a time in which bonds of nationality have been supplanted by multitudes of links which unite the world in virtual and potentially real relationships, citizens of any society can consider how to enhance access for the enjoyment of greater social goods by other citizens of any society. This reflection clearly surpasses the borders of nationhood.

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