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**Contemporary Europe and Modern America:
Theories of Modernity in Comparative Perspective**

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The concept of "modernity" has been much under discussion in this era of the "post-modern"; here I want to suggest the usefulness of rethinking some aspects of the problem of modernity in light of the long debate about the nature of "Americanism." At least since the beginning of this century, perceptions of the differences in the process of development between the United States and Europe have prompted reflection about how to characterize typical or model forms of modernization and what these might tell us about developments in the western world and elsewhere.

Yet as matters currently stand, the whole lot of sometimes contradictory hypotheses developed in the course of this debate seem to have been disproved by real historical processes. Certainly, from a European perspective, trends of the 1970s in particular have prompted a rethinking of simplistic interpretations of the connection between modernization and americanization.

Indeed, the very crisis of the extraordinary economic boom which ran practically uninterruptedly from the Korean War to the declaration of the non-convertibility of the dollar (1950 to 1970)-- the guidelines for which were set out between Bretton Woods and the Marshall Plan-- underscores the fact that the U.S.'s role as a leading society should not be reduced, as observers in both Europe and the United States often insisted, to its phenomenal rates of economic growth. It is a telling example of the change in perception of America's influence that Regis

Debray, in the late 1970s, should recognize that the rupture in the postwar political system in the events of May, 1968 was the result not so much of a revolt against U.S. economic power as of the "americanization" of European civil society which aggravated the crisis of traditional party alignments and gave rise to an ever more distinct organization of particularist interests. ¹

More generally, the recasting of European society since 1945 raises the problem of differences, analogies, and convergences in the process of modernization on both sides of the Atlantic. On the one hand, there is the continuity of a European tradition, framed by the old nation-states. On the other hand, there is the discontinuity caused by the creation of a system of interdependency (multilateralism, open world economy, the role of the global market etc.) which at the same time as it brought about growth and modernization, brought about the decline of national sovereignty.

In other words, the need to assess what has been called "cooperative hegemony", referring to the economic and political relations between the U.S. and Europe, ² brings us back to trying to specify what indeed is the character and peculiarity of Americanism, and this calls for a renewal of current interpretative paradigms.

Not by chance, since the 1970s, often with very different starting points and positions (suffice it here to note the distance separating Daniel Bell from Jean-Francois Lyotard), the notion of post-modern has been much discussed in an effort to offer an explanatory framework for trends and phenomena that are not

explicable according to the classical Weberian paradigm. ³ This saw the process of modernization as the achievement of ever greater degrees of social uniformity and transparency.

Here, beyond insisting how impelling the need for postweberian interpretation of modernity for social scientific and historical research, I want to suggest an approach. To that end, first, this paper gives an overview of the debate on americanism, sufficient at least to exemplify the gaps and contradictions caused by the reference to the weberian model. In the second place, in place of the notion of calculability fundamental in Weber's work, I want to present a notion of modernity that sees it as the development of a contractualist society in which market relations tend to mediate and express in ever more direct and totalizing ways the relations among social groups and individuals. In the third part, I want to advance the hypothesis, subject to further research, that some obvious asymmetries in the development of contemporary Europe and America, which, here, are discussed in terms of the interconnections between politics, religion, and law, can be explained in light of the different level of development of a contractualist society.

I. The Americanism Debate: Historical-conceptual contours, 1900-1960

In the United States, the term "Americanism" has commonly been used to refer to debates about whether American society was in any fundamental way exceptional with respect to other societies. More specifically, it underscored the question

of why American capitalism did not produce the class-based divisions, ideological conflicts, and political formations that were typically found in continental Europe. Implicit in this question was a broader concern, which was to define the nature of modernity itself. Was the U.S. going to "catch up" to conflict-ridden Europe"? Or had it become the world's leading society, in whose path all other societies would eventually follow? At least since the late 19th century, first, European observers, coming to the problem from a European perspective, and then later, Americans, working from the vantage point of mid-century U.S. imperial power, made debates on the differences between the new continent and the old bear on these very fundamental questions.

However, from the outset of the twentieth century, the pervasive influence of Weberianism in both Europe and the United State confounded efforts both to account for real differences between the United States and Europe and to establish non-normative, or at least unapologetic accounts of the modernizing process. Max Weber's own interest in Americanism, not unlike that of his contemporary Werner Sombart, whose views on the U.S. are better known, was decidedly Eurocentric. In common with Sombart, not to mention other observers of the pre-World War I era, Weber was primarily interested in discerning the diverse political results that might ensue from the extraordinary growth of that epoch. As his 1904 St. Louis Universal Exposition speech suggests, the outcome in the U.S. itself was almost incidental to his thought: his real interest was of course the social and political landscape of imperial Germany, for which

America afforded a singularly- angled observation post.

Nevertheless, in Weber's ruminations on the United States, two significant concerns cropped up which would come to characterize the Weberian paradigm and its major limits. The first was his concern to find evidence of bureaucratic rationalization in the American political system; the second, his difficulty in locating the role of the individual in capitalist development. For European observers, and especially for those familiar with the model mass party constructed by German social democracy in the late 19th century, the seeming messiness of American machine politics was puzzling indeed. Was this evidence of mere backwardness or of some more fundamental difference? For Weber, the development of the American political system had lagged behind the European mass party organization. Still, the political machine running urban electoral campaigns displayed a similarly universal tendency toward bureaucratization: the skills of party bosses in manipulating the outcomes of party caucuses was at least the equal of the efficient mobilizing techniques of socialdemocratic party organization. In sum, like Sombart who sought the answer to why, in economically- developed America, there was no commensurately large socialdemocratic labor party, Weber tendered the idea that the U.S. would catch up to Europe.

The particular nature of American individualism, which Weber addressed more or less explicitly in his 1906 reflections on puritan sects was a more baffling problem. Inasmuch as they were forms of voluntary associational life, religious sects reflected individual choices. But how were they related to

development? Arguably, they propelled economic growth insofar as they instilled "the spirit of capitalism." However, they also blunted the centralizing and unifying tendencies of bureaucratization. Weber's conclusion was intellectually awkward, to say the least, and constituted the major flaw in Weber's theory of modernity. Roughly, it was that individuality found expression in religious and other domains that lay outside of the purely economic domain in which the standardizing tendencies of modernity were most powerfully evident.

The apparent contradiction between the accentuated individualism and the prodigious economic growth of early twentieth century America also stymied Huizinga. In his reflections on America in 1916, the great Dutch historian concluded that the kind of individualism which Jacob Burkhardt identified as playing such a key role in the transition from the Middle Ages to the Renaissance was inapplicable to American history. The so-called Calvinist individualism typical of American society, with its myriad associational variety, bore little resemblance to the individuality of the solitary great men-- the Leonardo's, the Erasmuses, the Montaignes-- who in Europe had pioneered the transition to the new era. What then was the relationship between individualism and development? For the author of the Waning of the Middle Ages, this was an intractable problem, to which he would return insistently in subsequent reflections on the U.S. 6

In the aftermath of World War I, the Eurocentric approach was corrected to take account of America's obviously superior material wealth and immense technological advantage. Reference

to American precedents became a sort of cliché, as observers of all ideological persuasions became convinced that the U.S. was undergoing experiences that eventually would profoundly reshape European societies. But, even though it was the U.S. itself that now seemed to set precedents that challenged European traditions, the Weberian paradigm continued to orient how change in American society was interpreted. In no small measure, this was the result of the tremendous international fortune of Taylorism. The scientific management movement concretely exemplified and widely popularized the equation between modernity and calculability. Thus, rationalization promised to apply managerial procedure not only to systems of production but to all administrative processes-- from central state bureaucracies to the household economy. Moreover, its precepts seemingly held good both for capitalist and socialist systems alike.

French intellectuals were especially struck by the rising star of American "civilization," and the significance of the "land of Taylorism" was widely disputed by observers of all political persuasions, from conservative polemicists like Georges Duhamel to neo-Proudhonian planners. As Duhamel insisted, the historical significance of Americanism were far broader than Soviet collectivism, for the latter, in his mind, was essentially a political experiment, whereas the former "called into play morality, science, religion: it was not merely a question of 'regime, but of 'civilization', and 'way of life'".⁸ As early as 1927, the conservative technocrat Lucien Romier identified American civilization as a mass society, whose origins lay in standardized production. Accordingly, the notion of

"mass", which formerly had been vaguely synonymous with the term "multitude", acquired an overridingly economic meaning: As industrial progress greatly intensified market transactions, there emerged a "economically-founded community" (*communaute d'origine economique*); by which term, Romier meant a society in which social relations had so internalized market relations that politics had been overridden or rendered superfluous. ⁹

The apparent simplicity of American society-- which in Romier's view, had been determined by the primacy of the economy over politics-- naturally raised awful fears about the future of the individual. Conservatives and liberals alike decried the fate of Europe's individualist culture under the impact of American levelling. For Romier, the difference between European civilization and the American "way of life" was summed up in the contrast between "*civilisation de l'invention personnel et du bien-etre individuel*," (civilization of personal invention and individual well-being) and "*civilisation de l'entreprise individuel*" (individual enterprise civilization). The menace of American "collectivism" to individual creativity was similarly underscored in the reformer Andre Siegfried's monumental studies of the United States: America's "tragedy" was that standardization, by undercutting the individuality of craft production, suppressed the expressivity of consumers as well as workers, thereby devastating the "spirit" of peoples. ¹⁰

"*Pays de l'uniformite*"; "*pays des modes collectives*"; with these notions and stereotypes, French conservative culture anticipated themes that, with the publication of Ortega y Gasset's

Revolt of the Masses (1929), would resonate throughout western societies, conditioning all subsequent debate about mass society.
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Although socialist observers studied Americanism with a radically different political intent and their conclusions naturally differed, they shared the premise that America was a rationalized society, and rationalization led to a simplification of social relations. Although Gramsci's thoughts on "Americanism and Fordism" from the Prison Notebooks presented his mature reflection on the problem, his interest in Taylorism originally dated from the factory council experience of 1919-1920. In that context, the streamlined factory under worker command promised a secure basis for a radical reconstruction of social relations. Not unlike Thorstein Veblen and others of that generation, he counterposed the "objective" rationality of the world of production against the "artificial" representation of vested interests through the political system. When he returned to the subject of Americanism later in the decade, at least partly in response to references culled from Romier and Siegfried, he developed this theme. In America, in his familiar phrase, hegemony "was born in the factory and requires for its exercise only a minute quantity of professional political and ideological intermediaries."
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To the degree that social stratification was rendered less complex by the needs of industrial production, the whole system of domination was simplified. The obvious corollary of this was that economic backwardness demanded greater intellectual legitimation, and therefore more intense ideological dispute and political

structure. In short, Gramsci equated simplicity with modernity, and complexity with backwardness. In the ideal-type situation suggested by the American experience, state and civil society accurately reflected the relative positions of social classes in the world of production.

Following this reasoning, the leap from Americanism to planning was easy. The American example demonstrated that rationalized production simplified social relations. But as matters stood, enterprise-level rationalization was still hostage to unrationalized society. The way out of the impasse lay in the politics of planning; this meant using state power to cut through the logics of past social formations, clearing the way for the new logics of production.

A similarly paradoxical connection between Americanism and planning was made by Henrik De Man, though the Belgian socialist started with very different intellectual assumptions and drew radically different political conclusions. De Man's revision and then eventual abandonment of marxism in the 1920s commenced with reflections on the well-being of American workers. The prospect that capitalism could actually satisfy the acquisitive desires of workers, and that the struggle for redistributive justice did not necessarily entail anti-capitalism was, for De Man, irrefutable evidence of the crisis of orthodox marxism. Socialism could not continue simply to adduce economic grievances as the main premise for collective action, it had to motivate workers by ethical appeals.

During the Great Depression, De Man's critique of

socialism as a purely economic movement, narrowly motivated by class interests, was translated into the political strategy of the "plan du travail", which the Belgian Workers' Party tried to put into effect and other socialdemocratic parties sought to emulate during mid-1930s. Planning, in De Man's words, was "taylorism taken to its extreme consequences." The legacy of experiences built up in the firm in pursuit of efficiency would now be applied to the huge wastes caused by national economic crisis: the rationality of taylorism pitted against the irrationality of capitalism, the logic of maximum output against the logic of profit. The working class movement would survive the crisis only if it transcended its corporate interests, by endorsing the precepts of planning. With these convictions, De Man commented on the proceedings of a 1931 international conference on industrial relations: not least of all, he remarked how much more readily the Soviet and American engineers got on with each other than with their European counterparts: "In spite of themselves, taylorist engineers and the delegates of the Gosplan developed a mutual sympathy, as was fitting among people for whom life means work and work means efficiency." ¹⁴

From the foregoing, it hardly needs emphasizing how much socialist political culture of the interwar era responded to Weber's affirmation that socialism was born from the discipline of the factory. The exceptions seem only to bear out the rule. Both the British Labourist Harold Laski and the Swedish social democratic Gunnar Myrdal, although perhaps two of the most representative figures of a new socialdemocratic welfare politics, were by geography at least marginal to the

socialdemocratic mainstream. In major studies of America, conceived in the late 1930s, they too looked to the American model. However, they were interested more in measuring the reality of the egalitarian values inscribed in the American "credo," than fathoming the mechanism of production. This was certainly a fruitful line of reflection, though Myrdal himself, as late as 1960, as evidence by his definition of the welfare state as an organizational state, clung to the notion that the U.S. must be politically backward since it had failed as to reach this stage of development.

Anyway, this line of inquiry was cut short as the Allied victory in World War II transformed the relationship between the U.S. and Europe, profoundly conditioning the way intellectuals on both sides of the Atlantic looked at modernity. The debate on relations between Europe and the U.S. inevitably registered the fact that the U.S. was now the linchpin of a new world order. From the 1950s, it was the turn of American culture, intent on accounting for the triumph of new world society, to pick up on and dominate how to define Americanism.

In the triumphalist celebrations of American uniqueness during the Cold War, U.S. social scientists by and large ignored American social scientific inquiry from the 1930s. This was unfortunate, for the work of Talcott Parsons and Elton Mayo not only broke with Weberian paradigms, but offered a far more interesting conceptualization of American difference than the strongly neo-utilitarian reasoning that stamped debate in the 1950s. The publication of Parson's Structure of Social Action

(1937) opened a major rediscussion of the sources of social cohesion, reproposing a radically anti-economistic interpretation of the problem of order. Indeed, from his earliest work (1929), Parsons had explicitly rejected the "pessimism" of Weber's iron cage, arguing that rationalization was only one side of capitalist development. ¹⁷ Durkheimian notions of social integration were also revived in the prewar industrial relations studies of Elton Mayo; he concluded that the taylorist model was unrealizable in a pure form: if not even industrial organization could not be based on economic calculation alone, certainly, it was hard to argue that hegemony could originate ¹⁸ exclusively in the factory!

However, the interpretations of Americanism originating in 1950s American culture failed to sustain the level of earlier analysis. In one way or another, virtually all argued the case for American exceptionalism in order to explain why the U.S. enjoyed stability and growth and had been safeguarded from European catastrophes-- total war, fascism, and, of course, communism. By seeking answers in models of social harmony, the various interpretations of American uniqueness all ended up with a starkly simplified description of U.S. society.

The first of these interpretations was of course the "consensus" school of American history. Admittedly, consensus historians established a more complicated causal nexus between economic interests and political ideas than the Progressive historians whose economic determinism they criticized. Referring back to Tocqueville, they highlighted the role of a political tradition summed up in the notion of "democracy without

revolution." Even so, the ways, that, for example, Louis Hartz reinterpreted the problem of the absence of socialism in the United States displayed the danger of a paradigm tending to expunge conflict from American history. The idea that complexity is a corollary of backwardness slipped back in through the side door. Thus in a capitalism unburdened by residues of the feudal past, liberalism could display its immense powers of social integration without internal impediments or external disturbances.

The second was the pluralist approach to American politics. Here too, the problem was to explain both the long absence, as well as the potential danger to American institutions of the class polarization which had caused political catastrophe in twentieth century Europe. Emile Lederer, in his study of The State of the Masses (1940), with its strong emphasis on the responsibility of the German labor movement for the triumph of Nazism, first suggested to American political thought how easy it was for a mass society to slip into totalitarian rule. Expanded upon by Hannah Arendt, this thesis was subsequently popularized by William Kornhauser in his Politics of Mass Society. (1959), who sustained that under pluralism, conflicts were reconciliable insofar as they were defined by the rational play of interests. The logical implication that pluralist democracy was endangered whenever non-negotiable demands over values entered the political fray was drawn in the course of the debates over the presences of the radical right in American politics in the Fifties. Accordingly, whenever "moral issues" came to be interpreted as

politics, or organized interests sought representation in "symbolic groups", the political system threatened to become dangerously polarized. It was Daniel Bell who cautioned that society had to prevent "political debate (from) mov(ing) from specific interest classes in which issues can be identified and possibly compromised to ideologically-tinged conflicts which polarize the groups and divide the society."¹⁹ Taking a more extreme position, the political theorist, Anthony Downs argued for an economic theory of democracy in which "self-interested action" alone constituted the "cornerstone" of the political system.²⁰

The notion that American stability and growth derived from a pluralist politics expressing interest-based conflict was of course wholly compatible with the stage theory of growth popularized by Rostow and Kuznets in the 1960s. Suddenly, the American model was propagandized as a universalist ideal; passing through stages, to culminate in "high mass consumption," economic growth in the American style promised to guarantee the social integration and political harmony that had made America's fortunes. Premised on the notion that political issues could be reduced to questions of output, and class conflict adjourned for a consensus on growth, this notion of modernity was of course nothing more than the "politics of productivity" or "growth politics" underlying U.S. global strategy, now translated into social theory.²¹

Major interpretations about the modernity of U.S. society argued in the 1960s thus shared some basic assumptions. Daniel Bell's notion of the end of ideology, notwithstanding

diametrically opposite conclusions, held in common with Marcuse's "one-dimensional man"-- itself in many respects a late capitalist reworking of interwar socialist reasoning about Americanism-- fundamental assumptions about the end of effective opposition, understood as meaning conflicts over values. Both versions would be empirically falsified by the social movements arising out of the rapid economic growth of the Sixties. In his Cultural Contradictions of Capitalism, Bell observed this seachange. But the substance of his argument went unchanged. It was true that now that U.S. political system too was subjected to the pressures of non-negotiable demands, America was 'unique' no more. However, for Bell this occurrence signaled a real crisis of modernity. For it demonstrated that the rationalist bourgeois ethos which for an entire historical epoch had made America the guiding light of western civilization existed no more.

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II. Modernity and Calculability

The notions of modernity developed in the process of conceptualizing the meaning of U.S. exceptionalism, were thus basically two. On the one hand, there was a European-centered perspective, dating from the first half of the century which attributed America's leading role to the intense domination of economic rationality; and this interpretation handily supported social planning projects. On the other, there was a peculiarly American perspective dating from the 1950s, which characterized stability as the distinguishing feature of American development; this was attributed to untrammelled growth and the existence of a

pluralist civic culture that separated negotiable from non-negotiable demands.

That both interpretations have been disproved by historical events is perhaps obvious. In the aftermath of World War II, it was the American "new order" itself that battered down European planning traditions; and from the late 1940s, the United States too experienced social disorder following a long, intense period of economic expansion. But both interpretations also share a less obvious theoretical flaw, namely, that they rely for their definition of modernity on Weber's notion of "calculability." The process of development is thus characterized as consisting of an increasing separation of the economic aspects of society from the totality of social relations. Consequently, to pick up on the critique which Karl Polanyi made of Weberianism-- and which ended up lumping it together with historical materialism-- the "material" is more and more counterposed to the "ideal, and the "rational" to the "non-rational."

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A closer look at the epistemological grounds on which this distinction is based will perhaps clarify why the notion of "calculability" distorts comprehension of the processes of capitalist development. In the first place, the concept of causality underlying it implies, to use Peter Winch's phrase that there could be "meaningful and signifying action (which is) not peculiar to social life." This position is untenable, however, if, as Winch persuasively argues, we accept the argument made by Wittgenstein's that socially shared practice is the condition for the existence of meaning. But

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there is a second, still bigger problem:, namely, that Weber developed his notion of purposive action by applying to the social sciences the grossly simplified assumptions about the behavior of homo oeconomicus derived from marginalist economic theory. In his critique of R. Stammler, Weber originally held the idea that economics, conceived as something separate from society, did not automatically fall either within the realm of the natural or that of technique. According to Weber, the example of Robinson Crusoe (who "carries on in his isolation an economy which is rational") showed that it was mistaken to assume "that it is conceptually necessary that economic rules can only exist in a context of social life, because they presuppose a large number of subjects who are governed by them and associated through them." ²⁵ Having thus established that both rationality and meaning can exist outside of social life, ethical norms become irrelevant to understanding social action and can be relegated to the realm of value judgments.

The implications of Weber's notion of purposive rational action are drawn out in work Lionel Robbins did on economic scarcity. According to the British economist, economics was the "science which studies human behavior as a relationship between ends and scarce means which have alternative uses." Anybody familiar with college textbook economics knows the conclusion: that economics offered a scientific foundation for studying choice. Not only did this definition relinquish any notion that economics should refer to the study of material welfare, it also

denied that the institutions of an individualist exchange economy established any particular connections between economic and social behavior. "The exchange relationship is a technical incident," as Robbins put it, "which gives rise to "interesting complications" but is still subsidiary to the main fact of scarcity." Ultimately, in his view, the phenomenon of the exchange economy itself "can only be explained by going behind such relationships and invoking the operations of those laws of choice which are best seen when contemplating the behavior of the isolated individual."

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This line of reasoning, which rational choice models have widely popularized in the contemporary social sciences, naturally influenced definitions of modernity. Once "purposive rationality" became the measure of modernity, theoretical inquiry into the nature of the market all but ceased. This meant breaking from an entire previous tradition of theorizing, extending from Hobbes to Hegel, and from Adam Smith and David Ricardo to Marx himself; for all of them treated the formation of the marketplace as the stepstone to modernity. By contrast, in the logic of marginal utility, value ceased being an exchange relationship to become a "coefficient of scarcity." As such, neoclassical theory was as applicable to communist societies as to capitalist ones. Indeed, this was quite consistent with Weber's own idea that socialism was nothing but a further step in the process of rationalization, and that the logic of state planners were not substantially different from the economic calculations of individual consumers.

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Of course, the development of a modern societies can

in no way be grasped without considering the problem of the market in its broader sense: this means moving beyond the question of economic calculation, to consider modes of social integration, starting with the most elementary fact of the exchange relationship. This, in turn, calls for a critical understanding of the nature of markets, and makes it indispensable to re-pose the problem of value-judgements. In the last analysis, this reassessment will lead us to suggest the intrinsically ambiguous nature of modernity.

The obstacles that rational choice models present to understanding contemporary society have of course been signaled recently, especially insofar as they misread the nature of collective action. The multipious identities and purposes of new social movements would appear to challenge Mancur Olson's notion of "free riders," while the current vicissitudes of European labor parties are hard to categorize in terms of, say, Downsian rationality. But to try, as some have, to develop a better explanatory model by distinguishing between the "self-identifying" and "instrumental" logics of such movements still falls into a Weberian mode of explanation. ²⁸ For it accepts that the distinction between negotiable and non-negotiable demands that we referred to earlier, is universally valid, and respect for these boundaries accounted for prior stability. It has thus brought us no closer to the effort which, to paraphrase Polanyi's expression, is to "absorb the economic system back into society."

To clarify this goal, let me refer to the analogy that L. Fuller makes between on the one hand the reciprocal relationship

of "morality of duty" and "morality of aspiration" and on the other hand, that of marginal utility and the exchange economy. Just as the morality of duty prescribes what is necessary for social living, so the exchange economy reanimates the notion of reciprocity lost in neo-classical economics. As Fuller argues, "the exchange economy is based on two fixed points: property and contract. The problem of calculation isn't the sole problem; there is also the problem of respect for these institutions, without which economic action could not take place."²⁹

Reconceptualizing a theory of modernity on the basis of the notion of exchange rather than calculation thus establishes the premise for recouping what Durkheim called the "non-contractual dimension of the contract," and for proceeding with an analytical plan to "reabsorb the economic system into society."

This is the direction in which Jurgen Habermas seems to be moving when in his most recent book Der philosophische Diskurse der Moderne, he reexamines Hegel's theory of modernity -- and treats Nietzsche's nihilism as the beginning of the postmodern. At first glance, Hegel's description of modernity seems substantially like that of Weber: "The right of the subject's particularity, his right to be satisfied or, in other words, the right of subjective freedoms, is the pivot and center of the difference between antiquity and modern time."³⁰ For Hegel, modernity is the process of emancipation of the individual from community ties, the passage from the tribe to an open society, the extension of individual will where previously tradition reigned. For Hegel too, modernity means the death of God; when Socrates affirmed that truth is within each individual, Hegel noted, the oracle was

doomed. From fate to choice is how Peter Berger formulated the transition, arguing on behalf of the "heretical imperative." Formulated in other terms, modernity means passing from destiny to decision-taking.

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But if such transitions have been empirically observable in the modernizing process, the conclusions to be drawn from them are multiple, if not contradictory. For Max Weber, the "new polytheism" that modernity gave rise to inevitably resulted in loss of meaning, for since meanings are the subject of decision-making, a plurality of choices could only result in nihilism. The inconsistencies in Weber's argument that meaningful action can exist independent of social context have already been discussed. His notion that modernity relativizes all meaning displays all the more clearly the conceptual limits inherent in a position which not incidentally is equally typical of Karl Popper's methodological individualism.

The connections between meaning, language and society drawn in Ludwig Wittgenstein's work suggest a very different logic operating in the modernizing process. Peter Winch sums these up especially well, by noting that "a decision can only be made within the context of a meaningful way of life and a moral decision can only be made within the context of a morality." Moreover, he writes, "a morality can not be based on decisions. What decisions are and what are not possible will depend on the morality within which the issue arises; and not any issue can arise in a given morality".

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But if the problem of decision cannot be separated from the problem of meaning in the decision-

making capacity of the individual then the power of modernity to relativize everything is ultimately limited. In other words, modernity cannot undercut the congeries of social practices that give meaning to words, for the idea of a private language is no less incongruous than that of an individual morality. Nor can the modernizing process destroy the nexus of relations and practices of recognition that by binding human beings together, underlies the very possibility of language and significance. Meanings, language, and practices of recognition are all interrelated terms that signal a limit to the relativizing pressures of modernity. Because people do continue to understand each other, it is logically necessary that some communitarian practices founded on the principals of recognition survive modernization. Far from curbing the liberty of the individual, these practices are rather the premise and condition of expressivity. Far from obstructing the process of emancipation of individuality from traditional communitarian bonds, they are its very condition.

Criticism of the logical inconsistencies of equating modernity with a total relativism at least partly accounts for the recent interest on the part of philosophers in reassessing Hegel's notion of modernity, especially as regards the problem of contractualism. In Hegel's account, the inner logic of contract ultimately conflicts with the particularist logic of self-interest as a vehicle for individual emancipation: for possession to become property it is necessary that the logic of exclusion inherent in the possessive drive give way to the logic of recognition. Property, says Hegel, is a acquisition mediated

by being recognized. Indeed the significance of the category of Anerkennung (Recognition) in the practical philosophy of Hegel has recently been underscored by Hegel students, who have also demonstrated that it derived from his effort to come to terms with a Hobbesian version of contractualism.³³ Hegel's emphasis on the way in which logics of recognition do indeed survive in societies dominated by contract and exclusion does not at all preclude strong ambivalence about modernity. If modernity is understood as a civilization of exchange and contract, it nonetheless cannot exist without recognizing obligations: For Seyla Benhabib, Hegel's was a "billiant attempt to accommodate the demands of modern freedom-autonomy, privacy, and self-expression within the continuing integrity of a communal structure."³⁴

Working our way through non-Weberian traditions, we have thus come a long way from the notion that modernity arises out of the solitary ascent of homo-oeconomicus, who, monotonously repetitive in his behavior, makes his way in a world ever more systematically pervaded by disenchantment. This was the paradigmatic figure inspiring the various social-historical interpretations that tended to single out and emphasize processes of rationalization as the mainspring of modernization, identifying in their unfolding a totalitarian drive to suppress individual free expression.

If the nexus exchange-contract is now taken to represent the very heart of social relations, the modernizing process will appear under a wholly different light. Modernity

may signify the growing capacity of right to act as a universal language or "general equivalent." More than standardizing languages, modernity signifies the process by which one language establishes hegemony over others, reaffirming its power anew whenever challenged. Accordingly, the modernizing process cannot be disassociated from two fundamental considerations: The first is that the development of individuality acts as point of intersection in the totality of social relations; neither bureaucratization nor the extension of calculability can undercut it. The second is that the diffusion of the formal language of right cannot reduce the whole social world to the logic of exchange.

The latter point has now been made the subject of intense interest by scholars in the Critical legal studies movement. Their critique of juridical "formalism" and "objectivism" tends to demonstrate that on a theoretical plane, at least, "freedom to contract would not be allowed to undermine the communal aspect of social life."³⁵ In historical reconstructions of the American juridical system, Critical legal studies have shown how the tendency of legal formalism, "to disengage the contract system from substantive criteria of fairness," occurred only in the phase of full development of the capitalist system. In this, it violated the procedural attitudes of an earlier phase, which was characterized by the explicitly political discretionary interpretation typical of British common law.³⁶ What bears perhaps more emphasis, is that juridical formalism is more than mere ideology needing demystification, as Critical Legal Studies scholars sometimes seem to suggest. As juridical language becomes

dominant, it gives rise to a form of hegemony that needs to be studied in its concrete operations in specific historical contexts. Thus when Rawls and Dworkin interpret liberalism as a set of formal procedures, indifferent to any specific content, governing a pluralist universe, they may be giving an accurate characterization of how indeed it functions in the most advanced instance of modernity.

37

III. Legalism and Politics.

The issue before us now is whether this hypothesis about the contractualist nature of modernity sheds light not just on contemporary trends, but on what are sometimes characterized as underlying or original differences between Europe and America.

My contention is that indeed, precisely because of an early and exceptionally sharp development of a contractualist paradigm in American society, political society, which in Europe was the repository for the so-called general interest-- in contradistinction to the sphere of private interests-- never developed, or at least not to the degree that it did in Europe. On the other hand, the failure to perceive the connection between modernity and contractualism, which is so strikingly exemplified in American history, lies at the origin in Europe of the incessant recourse to Weberian -type interpretations of Americanism.

It has been argued that the legal formalism which follows on the full affirmation of contractualism-- which then is the premise for a frontal contraposition between law and

politics-- was achieved in the U.S. during the latter half of the 19th century. In my hypothesis, the phenomenon, rather than being confined exclusively to the history of American law, tends instead to establish itself as the organizing principle of the whole of American society. In an effort to furnish some empirical exemplification about the way in which the constitution of the hegemony of contractualism is established in the U.S., we will attempt here, using existing studies, to elaborate on my notion of modernity by referring to the relationship among law, religion and politics, or, better, the diverse interconnections between organized interests and collective identities.

1. The signal importance of reassessing the relationship between law and politics is highlighted by referring to current debate over the nature of the U.S. political system. In some highly respected quarters, it is still treated as an "immature" polity, much as it was by Sombart and Weber. Thus, according to Samuel Huntington, the U.S. is a paradoxical mix of advanced economy and Tudor or semi-feudal politics. He is certainly correct to highlight the absence of centralization. However could not this be explained as the opposite face of a system in which the law performs unusually broad political mediating functions?

According to historians of the Supreme Court, "judicial review power" arose out of the dualistic relationship between fundamental law and popular sovereignty originally embedded in the Constitution itself. This created a polity in which there was a broad sphere of social conduct defined as private and thus

resistant to penetration by means of collective action.

The real problem, however is to define more specifically the nature of this sphere. The legal scholar Roscoe Pound has argued that the individualism of puritan religious culture is closely related to the individualism inherent in common law. Accordingly, the idea of the covenant or compact, meaning "consent of every individual to the formation and to the continuance of the community" constituted the basis for all communities whether they were political or religious. In turn, the pervasiveness of contractualist notions in public life tended "to make a moral question of everything and yet, in such a way as to make it a legal question" as well. This constant interplay between legality and morality-- or, better, the capacity of the language of law to interpret and reshape the constitution of collective identities has determined the predominance of a language of exclusion over a language of recognition.

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If we accept this reasoning, two historical phenomena become more explicable. The first is the lack of development of the American party system outside the confines of the electoral process. What 1920s European interpreters of Americanism from Romier to Gramsci attributed to taylorist rationalization now seems related to the fact that in the U.S., the hegemony of law blocked channels that in European societies enabled "religion" to connect up with politics to produce such volatile social movements. The second is the pivotal role of contractualism in American society. American social stability was once explained by the integrative strength of American development which made

the appearance of non-negotiable conflict improbable. It now appears to be explained by contractualist relationship which made it possible for representational systems to remain relatively fixed even in the face of the exceptionally wide range of social movements which has been so typical of the American scene.

This is not simply a question of the law being considered pivotal in American society-- a point that often has been emphasized. Rather, it is a question of interpreting what this has meant for politics. Typically, liberal historians have mythicized the Constitution for establishing law as something independent of and separate from the political system; this is entirely consistent with reasoning that associates the political domain with coercion and society and economy with freedom. The same liberal cultural matrix lies behind some recent assessments of American politics which highlight the antagonism between the rule of law and "interest-group liberalism"; they see the normativity of law as a way of tempering the erratic impulses of a pluralistic democracy that has become increasingly conditioned 40 by the bargaining process typical of complex power structures.

Here we are dealing with law in a different sense, namely as a "language of right." That this language should have been become what Tocqueville called a "vulgar tongue"--" which from the school and the courts of justice descends to the lowest class so that at last the whole people contract the habit and tastes of the judicial magistrate," cannot ultimately be explained except by reference to a conception of society that unifies language with way of life, and cultural expression with practical activities. Even when American social movements have

focused on non-negotiable issues, they have generally ended up translating moral questions into legal ones. The language of law is the means by which to enter into a procedurally regulated pluralism. The struggle to define one's rights, as studies of U.S. history have long recognized, has been the principal vehicle of political mobilization. The principal way of activating people and groups into effective political units has been by appealing to a perception of entitlement associated with their notion of rights.⁴¹

These observations are borne out by looking at the obstacles to collective action in American industrial cities. Why has the American worker generally been unable to connect up workplace identities with collective identity derived from being part of an ethnic-linguistic or religious community? One important argument, drawing on references to European urban conflicts, holds that the peculiarly isolated class struggles of the urban American working class were the outcome of the juridical regulation of social conflict. No matter how violent and exasperated, when class conflict took the form of litigation, the workers' community-based identity remained largely extraneous to their contractual demands.⁴²

Indeed, even more than expanding their political functions, as they have taken over procedure once handled through the legislative process, law courts have expanded their involvement in economic litigation, especially as regards the distribution of income.⁴³ Conflicts over redistribution which in Europe have given such impetus to political party organizations, in the

United States, have generally been ensnared in a juridical disputes over contractual regulation; this has prevented labor struggles from acquiring the "universalist" ideological legitimacy common to European social conflicts.

2. The failure of redistributational conflicts to be cast in socialistic ideologies raises another problem: namely, the relationship or lack of relationship between religion and politics. Just as politics in the U.S. is peculiarly related to the legal system in the U.S., so religious impulses pervade, yet stay peculiarly separate from, the political system.

It is now well known, not least all from the now classic studies of Perry Miller that covenant theology has played a central role in the development of American notions of community, going back to the Mayflower compact. However, recent studies have tended to reverse the relationship between protestantism and capitalism found in Weber. So it is argued that the contractarian idiom and logic used in Puritan theology is inexplicable without referring to an already widespread ideology and practice of possessive individualism.

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Nevertheless, although the religious history of the US. suggests important examples of the equation between modernity and contractualism, it suggests a negative equation between modernization and secularization. The most authoritative works on sociology of religion seem to agree on this. "Crises of religion" coexist with "crises of secularity" as Peter Berger has pointed out: which means that religion survives in American society as the competition among many different churches, according

to a pattern subject to analysis with a market model. The fact that religious pluralism should persist, even if the differences among the various sects are increasingly narrow, is explained in the following terms: that "a society can't survive without basic moral consensus which can't spring alone from a pragmatic contract between competing interest groups."⁴⁵

"We believe, without belief, beyond belief." So Robert Bellah sums up the role of religion in America. His assessment refers to a Durkheimian model. "If you want to explain why the collapse of belief has not been followed by an end of religion, you have to take into account that the religious impulse that identifies the self with others, with man, and with the Universe, may be inner and individual, but is not private."⁴⁶ Purposive rationality comes up against a limit, namely the self-identification of the individual. The "Gods and demons" of the ancient world are gone. Nonetheless, individual identity can't express itself except by relating to others. Some level of sharedness must exist.

Certainly, in the case of religion, it is possible to verify the tendency toward a liberalism based on the priority of procedure theorized in the models of Rawls and Dworkin. "Procedure takes precedence over substantive precepts and standards," as Philip Hammond commented in an essay characterizing how the ever greater fragmentation of religious traditions empowers legal institutions to express the values of civil religion: "The courts are the new pulpits."⁴⁷ That the legal institutions have acquired a religious character is the

final paradoxical demonstration of the impossibility of suppressing the need for recognition which is the essence of religious phenomena.

The hegemony of legal language over religious language is of utmost significance. Religion-- by which we mean not only the strictly confessional phenomenon but also the bundle of convictions and beliefs that can provide the basis for the formation of a collective identity-- thus affords no legitimacy or support for the political system. Admittedly, it is possible to speak of a civic religion, as Robert Bellah has done, to characterize a peculiar structure of national values capable of mediating the relationship between institutions and masses. However, as Bellah himself has repeatedly warns, there is always the danger that the contractualist logic of self-interest will feed off of and devour the strength of of American community life embedded in traditional biblical culture.

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3. By contrast, the tendency of the "religious phenomena" to feed off of and merge with the political system has marked the development of European politics: this has been evident both in the development of mass politics on the one hand, and the growth of a broad consensus for a protagonist role for the state in politics, economic and social welfare on the other.

To what degree will these typically European qualities be eliminated by modernization; to what degree might they be irremovable characteristics of a peculiarly European modernity?

In 1966, the German social scientist Otto Kirchheimer, in proposing the notion of a "catch-all party" recalled for the

first time attention on what we might call the process of secularization of politics. By this he meant that the structure of interests, rather than ideological identities would play a more and more significant role in shaping political aggregations. Since then, European mass political parties have become increasingly subject to what observers characterize as "a crisis of representation." Although this affects Catholic Parties and unions, it has been especially devastating for the socialdemocratic and Communist left. Are we dealing here with a real separation of "religion" from politics, such as to break from hallowed European political tradition. Or is this rather a short-term phenomenon, paving the way for political realignments?

One school of opinion contends that, at bottom, this is part of a process of realignment. On the theoretical level, this position shares with Habermas, the call for of a two-front struggle against the postmodernism of neo-conservatives and the anti-modernism of some of the new social movements. For Claus Offe, there needs to be a "modern" critique of modernization: this would to defend the emancipatory legacy of the Enlightenment while responding to the discontents provoked by the invasion of "instrumental reason" in the domain of the Lebenswelt. In terms of political strategy, the aim is to favor a realignment of new social movements under the aegis of the traditional left, which meanwhile would be purified of some of its old productivism.

It is equally possible to hypothesize another scenario, one that is both less presentist and less bound up with the German experience. If one takes into account a whole century's history of associationalism, of which the new social movements might be

considered only the latest manifestation, one can see that the positioning of voluntary associationalism with respect to the political system has varied considerably. Thus it was pulled into the orbit of party politics at the turn-of-the-century under the organizing pressures of socialist political sub-cultures, and from the 1920s, it tended to be depoliticized as it became subject to state regulatory devices and competition from newly emerging forms of mass cultural organization. ⁵⁰ If this long history is taken into account, it is possible to hypothesize that since the 1960s, groups have begun to re-form outside of the purview of the state and commercial cultural organization, as well as exiting from the sphere of party politics altogether. Among other things, this means the end of the strong party subcultures which joined the "religious" to the political in moments of social mobilization.

Focusing on the left in particular, it can be argued that there is no real crisis of the socialdemocratic constituency-- which maintains its party loyalty even in the face of electoral defeat. Nonetheless there is a real crisis of socialism as the guiding ideal of a social movement embedded in the working class and premised on the belief that competitive individualism will be transformed into the solidarities of collectivism. Catholic parties have likewise have affected by secularizing trends, giving rise to new forms of social activism which are strongly polemical toward politics.

Thus a characteristically strong political system characterized by a powerful fusion between ideas and interests might

give rise to a so-called weak political system in which the parties are but means of allocating public expenditure, and single-interest social movements arise sporadically to represent and debate non-negotiable questions. If this is the case, it might be argued that the Euro-continental political model, the strength of which derived from the interweaving of party organization and voluntarist subcultures, has slowly been evolving toward an Anglo-American model characterized by the autonomy of civic culture with respect to the political system and by the separation of religion from politics.

In Europe over the past century, mass politics has gone hand in hand with the development of state intervention. The two together, combined in classic reformist style in the socialdemocratic welfare states, have recently been particularly attractive to American social scientists of socialdemocratic persuasion, partly no doubt in response to the anti-regulatory ideology of Reaganism. For example, the quest for a U.S. social-democratic tradition has led to reading the New Deal as social democratic experiment which failed for lack of a sufficiently centralized state apparatuses. American socialdemocratic critics of Americanism have of course illustrious precedents: In his 1965 study Modern Capitalism, Andrew Shonfield argued, first, that state intervention in the wake of the Great Depression paved the way for postwar world capitalist development, and, second, that the United States, unlike European states, suffered from huge ideological and institutional impediments which, originating in the fragmentation of executive agencies under the massive pressure of organized interests, would prevent it from

maintaining the levels of growth common in 1960s Europe!

Aside from its problematic historical validity, this equation, typically weberian in its linkage of modernity with centralization, drew on a typically European course of historical development that equated feudalism and localism. Hence, in Europe it was observed that the process of developing national markets came about through the unification of administrative and political structures--- this was true whether one was dealing with France of the XVII century or Italy two centuries later. However, it is possible to see the process of market formation taking other paths. In the U.S., the constitution of a mass consumer market culture, as several recent studies of advertising show, appears to have preceded any formation of a Keynesian style of public support for demand which, in Europe, did indeed shape the development of mass markets in the twentieth century.

It should be recalled that Marx himself, more than anybody else, insisted on the the separation of political society from civil society as a fundamental aspect of the passage from the feudal mode of production to the capitalistic one. Not by chance, he spoke of the U.S. as a "land in which bourgeois society is not developed on the basis of a feudal system, but began by itself"-- in which the state, unlike all of the preceding national formations-- was subordinate from the start to bourgeois society, and never had to advance the pretension of having autonomous ends. What has been defined as the phenomenon of the sublimation of politics, or better the "absorption of the political

into non-political institutions", ⁵⁴ far from being the unique characteristic or pathological development of one advanced capitalist society, is one of the most immediate consequences of the affirmation of its modernity.

These conclusions about the distinctive features of modernity in American society bring us back to our point of departure which was the consideration of the relationship between the United States and Europe in the decades since World War II. The nature of the American challenge lies not so much in the differences of productive efficiency-- such as was reiterated once more by Jean-Jacques Servan-Schreiber in the second half of the 1960s-- as in the impossibility of equal coexistence of two models of modernity which are distinguished above all by different relations between politics and market.

Ultimately, the evidence of Europe's so-called "decadence" lies not so much in rates of economic growth, as in the progressive decline of influence of a model of modernity based on the primacy of politics in an historical epoch in which the culture of market seems to have triumphed. In other words, the great success of America's challenge after 1945 originated in a system of hegemony based not on the nation-state so much as on the huge expansion of world market; and this in turn draws on a model of modernization whose "original characteristics" were shaped by a constant expansion of contractual^{ist} relations.

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