

International Graduate School: The obligation of societal norms

Designated Director /Co-Director:

Heiner F. Klemme, Philosophische Fakultät I der MLU, Institut für Ethnologie und Philosophie

Andreas Pečar, Philosophische Fakultät I der MLU, Institut für Geschichte

Concept: Content, Methodology, Goals

The research of the international graduate school focuses on a central inter- and transdisciplinary question: How are political, ethical, legal, religious, cultural, or aesthetic norms and values made binding or acknowledged as binding for individuals within a society? Connected with this central question, we also ask: What sources of authority are concerned with justifying the recognition of these norms and values, or with motivating members of society to adhere to them? Are the rules, principles, and laws explicitly formulated or are they simply implicitly assumed? What are the relationships and tensions between transcendental sources of legitimacy and authority on the one hand and worldly contexts of justification on the other? What societal ideals do these norms and values express? Are they responding to specific cultural, social, philosophical, and religious conflicts, crises, or upheavals? Can societal processes and revolutions be triggered, in their turn, by discourses about norms and obligations?

These questions are of immediate relevance for the world today and provide new insights into the preconditions for the existence of modern pluralistic societies and their understanding of themselves as such. But both conflict and accommodation regarding the bindingness of norms and values are fundamental challenges in any process of societalization. The topic is thus also relevant for historical and ethnological comparisons. Consequently, the international graduate school will look at the question of how norms are negotiated and made binding across both different cultures and time periods.

The starting point for the investigation in this research school is a specific phase in the debate about the establishment of a general normative theory of human behavior as it was discussed in the early 18th century in relation to philosophy, theology, and natural law – with key impulses coming from the University of Halle. This is the question of the basis for obligations in the form of duties to ourselves, to others, or to God. What are the reasons and motives that guide our thoughts and actions? What binds our free will? In addition to natural law, which philosophers sought to identify by studying the nature of humans and the material world, they also recognized divine law (the will of God), and positive law (created by the will of worldly authorities, particularly sovereigns). Natural law can be understood as an expression of the (contingent) will of God, but also as an expression of a necessity based in reason, to which all that exists – even the will of God – is subject. The relationship between divine, worldly, and natural law, or between God, the sovereign, and reason, was the subject of recurring debate during the 18th century. And even after the end of the Enlightenment era, the relation between these three normative levels or sources of authority have continued to be renegotiated and redefined. The competition between these sources of norms is thereby a defining element of both modern and premodern societies.

In addition to the conflict between sources of authority and norms, another topic of investigation is the cultural conditions and processes of social negotiation that are required in order for particular norms and values to be made binding. In its historical dimension, this means examining which cultural and religious conditions have been considered binding in order to establish and guarantee obligation. What conflicts accompanied the attempts to establish these various conditions? What communicative spaces and what media were used in the process of reaching consensus? The question is also relevant for our own time: Do pluralistic, functionally differentiated societies similarly require certain fundamental cultural characteristics in order to ensure the bindingness of fundamental norms and values? Or is it possible to still establish binding norms even if the shared cultural foundations are absent? How does the discourse about bindingness relate to discussions of human rights, or of virtue?

Research Area 1: Freedom, Law, and Obligation (Klemme, Dierken, Cyranka)

The relation between freedom, law, and obligation can be examined using Christian Wolff's conception of a general theory of human action. In early 18th-century Halle, Wolff was the first philosopher to develop a basic, systematically conceived scientific approach to law, ethics, politics, and economy. His work and its reception in many countries in Europe can provide a better understanding of the often dramatic redefinitions of obligation in the Age of Enlightenment. These are represented by authors such as Rousseau, Kant, and Hegel, and by concepts such as autonomy, human rights, and morality. Another topic for investigation is why the idea of obligation has waned in importance since the 19th century as a fundamental principle of a general theory of action and a guiding concept for both social order and the determination of individual freedom. Obligation is not only increasingly connected with the idea of duty, thus restricting its meaning; it is also being replaced by alternative concepts (validity, morality, virtue). Existing research has not yet revealed what changes and caesurae are connected with these alternative frames of reference for understanding one's own self and society and those of others. The question of the applicability of the concept of obligation for contemporary debates and problems is of particular relevance.

Research Area 2: Debates about the Conditions for Successful Communitization (Pečar, Kleinmann, Hettling, Cyranka, Bluhm)

In the Early Modern Period (16th-18th century), the conditions for successful communitization were a matter of general consensus. In particular, religious and denominational homogeneity and "purity" played a key role. The degree to which religious beliefs were binding varied significantly between different states, and they reflected upon and dealt with the experience of heterogeneity using a wide variety of strategies. This can be seen in their discourses about identity and foreignness, in the formation of political norms, in techniques for creating identity through rituals of demarcation, as well as in techniques of dissimulation and adoption of religious "ambiguity". States additionally attempted to establish bindingness using societal norms outside of religious categories of meaning.

In this respect, the 18th century was a period of transformation. In addition to states making normative demands of their subjects, citizens were also expected to identify with the state – that is, they were supposed to be willing and prepared to act in the common interest and put aside particularist concerns. This attitude was justified using theoretical concepts such as "public spirit", "sense of community", "civic-mindedness", and "patriotism" that were given normative value as a metacategory to describe the cohesion of civil society.

In addition to the theoretical justifications for the sources and effects of “public spirit”, another particularly promising subject of investigation is the concrete spheres in which this activity took place – from self-governance and honorary appointments, to various forms of charitable action, to participation in military defence. In the liberal theories of the 19th century, the preparedness to “die for one’s country” was valued as the highest form of civic virtue and a demonstration of the ultimate commitment.

In the present era, an important question is how promising and forgiving can function as modes of generating and perpetuating bindingness under conditions of plurality and uncertainty about the effects of political actions; promising is thereby understood as a mode of mobilizing action and forgiving as a mode of dealing with failures. Both are to be explored theoretically and with the help of concrete case studies.

Research Area 3: Regel und Regelbruch in Kunst, Musik und Literatur im Zeitalter der Aufklärung (1650-1850) (Décultot, Fulda, Hirschmann, Thoma)

The Age of Enlightenment initially remained shaped by earlier cultural obligations and rules of rhetoric, poetics, and musical and artistic theory, by the forms of production and communication of older models of erudition, and by the sphere of influence of French courtly culture. These rules underwent a fundamental transformation in the name of sensualism and sentimentalism, the cult of the genius and originality, naturalness and scientificness. Simultaneously, the growth of the public sphere and the commercial market permanently altered the structure of the *res publica litteraria*, the system of the arts and rules of behaviour. This restructuring will be investigated in connection with reflections about norms, changes in cultural and aesthetic practices, and the debates which continue to the present about classicism as a historical or normative phenomenon.

Research Area 4: Implementation of Norms (Schüttemeyer, Wagner)

In order to gain new insights into obligation, it is important not to end our investigation at the moment a decision is made. Rather, it is also necessary to ask how binding norms are implemented, because it is only here that the practical dimension of obligation and its implications for action become clear. Binding decisions are carried out in different ways in different cultures – and yet there are always certain governance trends that can be identified across cultures. These include techniques for implementing norms that allow the individuals who is subject to these norms to feel that they are doing this as a consequence of their own choice.

Two possible subjects for investigation include Prussian direct taxation policies in the 19th century and the establishment of “nudge” policies in the present era:

While assessment of tax subjects in Prussia was based on binding decisions formulated in the form of laws, the responsibility for carrying it out was given to commissions of local dignitaries and it relied on the self-reporting of taxpayers. The ineffectiveness and the socially selectiveness of tax collection associated with this led to constant conflicts and repeated tax reforms which were meant to gradually strengthen the role of the bureaucracy and eliminate dependence on the compliance of taxpayers when collecting taxes. Techniques for implementing binding norms in the form of individual norm adoption began to decline in the 19th century in the course of state-building processes; however, they seem to be on the rise again in the present era.

Today governments around the world are experimenting with techniques inspired by psychology and behavioural science – so-called “nudges”. The aim of nudge policies is to implement binding decisions in a non-binding way – namely, by allowing individuals freedom to choose whether to adhere to the decision or not – while still being effective. Since Richard Thaler and Cass Sunstein made politicians aware of new governance strategies in their 2008 book, nudge policies have been implemented in numerous countries at various levels of government. However, there has not yet been theoretical or empirical research into how the implementation of decisions is influenced by cultural differences, or how implementation techniques are adapted accordingly.