Julian Nida-Rümelin

Collective Identities and Citizenship

Abstract: In the following I try to show that there is an attractive notion of citizenship which is independent of any kind of collective identity. Citizenship is understood as one form of social interaction. It is argued that in order to understand social interaction adequately, it is necessary to introduce a structural theory of practical rationality, to the extent this conception of citizenship is based on the theory of structural rationality.

1. Collective Identities

I will not try to define what a collective identity is. For our purposes it should suffice to name some necessary ingredients of collective identities, some essential characteristics, or – to put it in a methodologically less misleading way – it should suffice to name conditions which must be fulfilled by a set of persons in order to make it possible to attribute a collective identity to this set.

There are four minimal requirements for a set of persons to form a collective identity:

(1) *We-intentions* form their behaviour to a certain degree.[1]

(2) The persons out of this set share a *common conception of the good.* There are common ideas about a good life. Abstractly speaking, the individual value functions share some common traits (value functions in the sense decision theory allows to attribute if certain conditions of coherence of preference are fulfilled).

(3) The persons out of this set perceive the collective they form with each other as a *quasi-person*: they perceive the collective as having interests, being able to act, competing with other collectives, having a history to tell etc.[2]

(4) There is *common knowledge* concerning (1), (2), (3).

---

1 'We-Intentions' in the sense R. Tuomela has introduced and discussed them in detail during the last decade, cf. Tuomela 1984, chap. 2 and chap. 5; 1989, 471-496; Tuomela/ Miller 1985, 26-43; Leist 1985, 180-205, and Nida-Rümelin 1986, 96-108.

2 Whether it is constitutive for a collective identity that other persons outside the collective perceive it as a quasi-person, too, is an interesting question. I personally think that internalism is adequate regarding individual persons (only I myself know for sure whether I feel pain or not etc.). In analogy there might be collective identities which nobody outside perceives as such. One should not try to define collective identities by behaviourist criteria.

Analyse & Kritik 15 (1993), S. 120-128 © Westdeutscher Verlag, Opladen

The nineteenth century notion of citizenship requiring a nation state has all these ingredients of a collective identity. The Hobbesian ideal of an (almost) unlimited sovereignty of state power and its implications such as the principle of non-intervention in international affairs, have become an essential part of this notion which in the realm of political practice is still quite influential if one regards recent history. The Hobbesian ideal of the state as a quasi-person can easily be transformed into a democratic one if one requires additionally certain rules of aggregating individual preferences to state preferences.[3] Multiculturalism in some versions at least tends to prolong this *identity notion of citizenship* in segregating the unitarian ideal into many different collective identities loosely bound together by some structural framework of institutions. Citizenship means belonging to one of these collective identities. Individual identity is to a certain degree constituted by the respective collective identity.[4]

In the following I will concentrate on the relation between the theory of practical rationality and the notion of citizenship in order to discuss the role and status of collective identities within such a notion.

2. Structural Rationality[5]

Traditional rational choice theory is based on a consequentialist notion of practical rationality which is still the predominant view if not in philosophy, then at least in social sciences in the English speaking scientific community. The consequentialist notion of practical rationality has a certain intuitive attraction because at least in modern society humans understand themselves as actively changing the conditions in favour of their own well-being. An act is chosen for its consequences and persons are responsible concerning actions in the sense of being responsible for its consequences.[6] Modern decision theory seemed to back up the consequentialist notion of practical rationality in showing that coherence of preferences make it possible to attribute a utility function which is maximized by acting in

---

[3] The fact that there are severe limitations to any kind of democratic aggregation as collective choice theory – cf. the Arrow-, Sen- and the Gibbard/Satterthwaite-results – has shown, till now has not successfully eliminated this notion of citizenship, cf. my 1991a, 184-203; Arrow 1963, chap. V.; Sen 1970, chap. 6 and chap. 6*; Gibbard 1973, 587-601; Schmeidler/Sonnenschein 1978, 227-234; Kern/Nida-Rümelin 1994, chap. 3, chap. 5 and chap. 11.

[4] Interestingly enough there is a common element in libertarianism and these versions of multiculturalism, cf. Nozick's sketch of a libertarian utopia in the 3rd part of *Anarchy, State and Utopia*, New York 1976.

[5] The background of this conception is the critique of consequentialist notions of rationality I developed in 1993a.

[6] Certainly there are more or less sophisticated versions of this idea of responsibility. Even the early legal systems learned soon that an actor can not be held responsible for every consequence of one of his actions but only for the foreseeable ones. So there emerged more subjectivist notions of responsibility without changing the basic consequentialist approach.

accordance with these preferences. That coherence does not imply consequentialist rationality, as the traditional interpretation of the utility theorem states (cf. Luce/Raiffa 1957, chap. 2 and appendix 1), has no immediate evidence in its favour. Consequentialism understands acting as a way of changing the world. To choose an action means to change the world in a certain way. Since our knowledge about consequences is limited, choosing actions means to accept a certain lottery of worlds. Maximizing expected value of consequences, is the Bayesian answer to limited knowledge. Bayesian consequentialism is the traditional interpretation of the rational choice approach.

The behaviour of persons and groups in a society exposes different rank orders of possible worlds as the ultimate consequences of action. This multitude of interpersonally different rank orders causes problems of coordination and especially cooperation in a society. From a consequentialist point of view it is the task of an institutional framework to provide some basic restraints in order to make social cooperation possible. The traditional view of rational choice takes the system of sanctions based on an institutional framework as the only way to change the outcomes of individual and group behaviour such that social cooperation is guaranteed. But if one takes this claim seriously and thinks of the characteristics such an institutional framework should have to fulfill this task, i. e. to force consequentialist optimizers to cooperate because cooperation now has become the strategy which maximizes the individual (or group-)preferences over outcomes (resp. the rank order over possible worlds), it becomes clear that such an institutional framework would be quite horrible.

The structures of everyday interaction show that sanctions play a minor role for providing cooperative behaviour. If somebody begs me to close the door, I close the door usually because she begged me to do it and not because I am afraid I will be 'punished' in one way or the other if I don't. In general I tell what I think to be true not because I fear the disadvantages I might face if it turns out that I lied. A careful analysis of everyday discourse would certainly show that there is a complex system of rules of interaction which are followed for their own sake and not because not following them is sanctioned in one way or the other. It might be that we learned to follow these rules as kids in being sanctioned if we didn't, but this does not mean that we follow the rules *because* the outcomes of actions are determined by sanctions. The Gricean idea to differentiate between logical inference rules and implicatures[7] and likewise the approach of discourse ethic to base moral validity on rules which we implicitly follow (or accept) in communicating (Habermas 1983), allow for some insight into the complexity of the system of constitutive rules of interaction and especially cooperation. Grice and Habermas share the common conviction that social interaction is linguistically constituted. Linguistic analysis can in fact show convincingly that social interaction in general and cooperation specifically is constituted by rule conformity for its own sake. Communication would immediately break down if a minimal degree of rule conformity were no longer be realized (see Lewis 1975, 3-35).

---

[7] Cf. Grice 1975, 41-58, and the paper of Strawson/Wilson/Sperber/Hintikka 1986.

To a high degree we act in conformity to rules. Rules are necessary not only for social interaction but also for coordinating one's own life with its different social roles, values, competing obligations and projects. Even more a certain rule conformity is constitutive for action itself in the sense that the identification of action is constituted by rules. There is a possible 'intellectualist' misunderstanding: these rules govern behaviour, but the acting persons do not intentionally follow these rules in general. The plurality of reasons persons have for their actions displays the system of rules their behaviour is based on, but it is not identical with some adopted normative framework. Following rules does not imply knowing the rules one conforms to. Only some parts of this system of rules have found its way into our everyday language. Rules like truthfulness, promising, warning and all the other objects of speach act analysis might be named here. But there are hints, there are gestures, there is a wide range of nonverbal behaviour which follows rules, too, and which in general has not found its way into our everyday language. In philosophical discourse there is a usage of the term "institution" which covers all these elements of the system of rules governing social interaction. If one does not associate explicitness and temporal invariance with this term, it can help for our task to introduce a notion of citizenship insofar as the term already indicates the close connection between social interaction in general and politically explicitly institutionalized interaction as it is constitutive for citizenship.

Intentional behaviour is governed to a high degree by the motivation to be in conformity with certain structures of acting. Only if I assume that in general one should be truthful, do I have good reason to tell the truth even in cases where I may have a personal advantage not to tell the truth. I favour a certain rule if I take the conformity to this rule as a good reason. On the other hand it can be shown that even a person who is interested only in her own well-being, fares better if she acts in conformity to certain rules. Optimizing one's own (longterm) well-being by every singular act would neither maximize well-being collectively nor even individually (see my 1993a, part 4). For this reason, even a merely consequentialist notion of practical rationality has to be enriched by structural elements in order not to be individually or collectively self-defeating (cf. Parfit 1986). I personally think that the first step towards a structural version of optimization requires a 'second step' towards a deontological theory of the good. If something is done not because it has best consequences but because it fits into a structure which has best consequences, being in conformity to a certain structure gains intrinsic value. The theory of the good can not be confined to values independent from the structural traits of life-forms, modes of interaction and social cooperation in general. Even if one begins in assuming some theory of the (extramoral) good as simply given, the next step in the argument is to accept structural traits as instruments of value maximization. Since a rational person under normal circumstances does not choose structures in general but only singular acts, these acts are not chosen as mere instruments for maximizing the good but as parts of a structure which itself is maximizing the good. The good cannot be understood as a given entity outside

any structure of individual and collective action and therefore the primacy of the good before the right cannot be defended coherently.

Persons do many things for their own sake, and among these things there are some which cannot be understood as optimizing subjective value (or preference fulfillment). I may be truthful for its own sake and not because I expect certain consequences by being truthful (which I favour). The full blown theory of the good is constituted by both teleological and deontological traits. Rational action is not instrumental for maximizing external values, and actions which are not done for the sake of maximizing values are not necessarily communicative actions. It is an illusion to think that there are two ideal types (or paradigms) of practical rationality: strategic rationality and communicative rationality. Instead a mere optimizing (strategic) notion of rationality is self-defeating and communicative action is but one example of a widespread variety of structurally rational types of action. Structural traits are constitutive for practical rationality, and not even in economics can one dismiss them since economic optimization, too, depends on more basic structures of interaction (among others also on communication), and therefore economically rational action can only be optimizing within certain structural traits - economically rational action is not optimizing straightforward but is constrained maximizing, too.[8]

3. Citizenship Based on Structural Rationality

Without some elements constraining individual optimizing, many projects essential for a good life cannot be realized and the advantage of cooperation in general is reduced. Structural rationality can at least partly be based on a system of constraining conditions, and this can be provided by a structural concept of collective rationality. To the extent that such a structural concept of collective rationality is applied in the theory of democracy, it can be combined with a concept well-known from the legal theory of H. L. A. Hart, the concept of secondary rules (cf. Hart 1961, chap. V).

Primary rules prohibit and command; they grant members of a legal community rights and impose duties on them. Secondary rules, on the other hand, determine which procedure is to be implemented in a legitimate generation of primary rules. The line demarcating primary rules from secondary rules is not hard and rigid. Because the law of contract determines in which way new legal obligations are generated, Hart subsumes it under the category of secondary rules. Primary and secondary rules cannot be understood as two separate, disjunct sets of rules, because the generation of rules that direct the correct completion and fulfillment of contracts is itself again bound to secondary rules. The difference between primary and secondary rules can better be formulated in the following way: One specific rule (or one specific set of rules) is secondary *in relation* to

---

[8] I use here the term Gauthier introduced ("constrained maximizing"), even if I think that his theory of uniting the optimizing model of rational choice and the rule following model does not work, as I tried to show in my 1993b, 53-74.

another specific rule (or another specific set of rules). Accordingly, the rules emerging from a legal contract are secondary to a legal obligation that implies concrete contractual conditions, certain rules given by a political institution are secondary to the system of rules by the legal contract, etc.

Democratic legitimacy is a feature of collective decisions that accord with certain secondary rules. It is difficult to say in abstract terms which secondary rules are constitutive for a democratic system. As the theory of comparative government shows, the empirically realized variety of such secondary rule systems in parliamentary democracies is very wide. The family resemblance between all different kinds of democratic systems involve, on the one hand, a minimal measure of formalized control of the political decision-makers and, on the other hand, a constitutive role for an informal normative consensus. While the first of these elements manifests itself in rules of common, fair and free citizens' elections guaranteed by constitutions and internal democratic structures within the respective system of political institutions, the second element of a democratic system is essential for the specific normative character of its political decision-procedures: The decisions made in these procedures depend on the presupposition of being at least fundamentally capable of achieving common consensual agreement. Citizens' consensus – even if never in fact realized – is indispensably *intentio recta* for primary rules issued by the legislator. Legislative projects are universalistically justified with normative arguments like the common interest, political justice, economic efficiency, etc.

The universalistic justification of primary rules is essential in a democratic polity. The claim of universal justifiability of primary rules – a claim towards which every kind of communicative political acting in a democratic order must necessarily be orientated – does not mean a claim for a *de facto* common agreement on them. A dissent over primary rules, typically appearing in different cognitivistically formulated opinions about the adequacy of specific (universalistically intended) normative criteria, cannot, as a rule, be eliminated by a democratic decision-procedure. This is simply due to the fact that a democratic system is based on a common consensus of a higher order, and this common consensus itself refers to the acceptance of secondary rules. At the level of primary rules common agreement is *intentio recta*. At this level, however, *de-facto* common agreement cannot be realized.

Citizenship in democratic systems is constituted by a basic social consensus concerning the structural framework of secondary rules which determine under which constraints and with which procedures individuals' first order preferences should be realized. Structural features of interaction and collective decision constrain individual optimization. Only *within* the structural framework which constitutes democratic citizenship is there room left for – not necessarily self- or group-oriented – optimization. Optimization is constrained by structural features of a democratic order even if optimization is itself oriented towards universalistic normative goals, e. g. political justice. Only where the democratic character of a social structure as such becomes dubious, will the obliging character of its constitutive structural traits (secondary rules) also be questioned. In this case the crite-

rion of optimization becomes dominant, and a Hobbesian *bellum omnium contra omnes* (in terms of either conflicting interests or conflicting normative orientations) will only be prevented by achieving a new basic consensus on the fundamental features of the social structure as a whole.

Democratic citizenship should not be based (qua aggregation) on the reductionist constitution of a collective actor, but on structural features of interaction – constituted above all by secondary rules including the features of democratic decision-procedures. But for the establishment of structural rationality a system of formal rules of interaction and collective decision secured by means of penalties can never be sufficient: Structural rationality as a *personal* guideline of *praxis* is indispensable as a normative and motivationally effective element in order to constitute citizenship as the *corpus-politicum* of a democratic order.

4. Structural Rationality and the Common Good

One essential feature of the theory of structural rationality is that, according to it, social coopération is not based on a common good which is jointly maximized. The divergence of individual optimization on the one hand and collective rationality on the other in problematic social situations (the Prisoners' Dilemma as the paradigm for this type of situations) can be solved - and is *in fact* solved - not in changing the valuations of possible outcomes, but in conforming to certain rules of cooperation.[9] But if one dogmatically adheres to a consequentialist theory of practical rationality and a consequentialist ethic, then social cooperation and stable institutional frameworks can be understood only as the result of a prevalence of the common good, i. e. of common values maximized individually. Although this might be realized sometimes and in these cases seeming *cooperation* has in fact been transformed into *individual optimization*, there is the alternative of genuine cooperation, which is a miracle only if you adhere dogmatically to consequentialism. Those who think of Axelrod (Axelrod 1981; 1984; Hegselmann 1993) here, who is widely assumed to have shown that in general there is a convergence of individual optimization and cooperation, should recall that cooperation came about only under some extreme assumptions. One is that the probability of this interaction being the last one between the two players is below 0,3 %! So 333 interactions can be expected. This is quite an extreme assumption except if you are a married or an unmarried couple.

This notion of citizenship, based on the idea of structural rationality, is perfectly independent of any kind of collective identity. There is no need for collective quasi-persons (not even for rules of aggregation – even if I personally think that one component of a normatively convincing notion of citizenship is the welfare state, and this certainly implies some weak form of aggregation), no need even for state sovereignity and a fortiori no need for competing collective actors as the 19th century idea of the nation-state assumed and strongly contextualist versions of multi-culturalism assume presently. The reality of a multi-cultural

---

9 I argue for this in 1991b.

society in my view is a good reason for a paradigm-change: from identity-versions of citizenship to structural ones. A structural understanding of citizenship will weaken collective identities and to me this seems to be an attractive feature of citizenship based on structural rationality.

Bibliography

Arrow, Kenneth (1963), *Social Choice and Individual Values*, 2nd edition, New York et al.

Axelrod, Robert (1981), The Emergence of Cooperation among Egoists, in: *American Political Science Review 75,* 306-318

– (1984), *The Evolution of Cooperation*, New York

Gibbard, Alan (1973), Manipulation and Voting Schemes: A General Result, in: *Econometrica 41,* 587-601

Grice, H. Paul (1975), Logic and Conversation, in: *Syntax and Semantics*, New York et al., 41-58

Habermas, Jürgen (1983), Diskursethik – Notizen zu einem Begründungsprogramm, in: *Moralbewußtsein und Kommunikatives Handeln*, Frankfurt a. M.

Hart, H. L. A. (1961), *The Concept of Law*, Oxford

Hegselmann, Rainer (1993), Solidarität in einer egoistischen Welt – eine Simulation, in: Julian Nida-Rümelin (Hrsg.), *Praktische Rationalität. Grundlagenprobleme und ethische Anwendungen des rational-choice-Paradigmas*, Berlin-New York, 349-390

Kern, Lucian/Julian Nida-Rümelin (1994), *Logik kollektiver Entscheidungen*, München

Leist, Anton (1985), Eine individualistische Theorie sozialen Handelns. Zu Raimo Tuomelas 'A Theory of Social Action', in: *Analyse & Kritik 7,* 180-205

Lewis, David (1975), Languages and Language, in: *Minnesota Studies in the Philosophy of Science. Vol. VII. Language, Mind and Knowledge*, ed. by Keith Gunderson, Minneapolis, 3-35

Luce, R. Duncan/Howard Raiffa (1957), *Games and Decisions*, New York

Nida-Rümelin, Julian (1986), Wir-Intentionen und die Logik kollektiver Entscheidungen, in: *Analyse & Kritik 8*, 96-108

– (1991a), Zur Philosophie der Demokratie: Arrow-Theorem, Liberalität und strukturelle Normen, in: *Analyse & Kritik 13,* 184-203

– (1991b), Practical Reason or Metapreferences? An Undogmatic Defense of Kantian Morality, in: *Theory and Decision 30*, 133-162

– (1993a), *Kritik des Konsequentialismus*, München

– (1993b), Practical Reason, Collective Rationality and Contractarianism, in: David Gauthier/Robert Sugden (eds.), *Rationality, Justice and the Social Contract*, New York et al., 53-74

Nozick, Robert (1976), *Anarchy, State and Utopia*, New York

Parfit, Derek (1986), *Reasons and Persons*, Oxford

Schmeidler, David/Hugo Sonnenschein (1978), Two Proofs of the Gibbard-Satterthwaite Theorem on the Possibility of a Strategy Proof Social Choice Function, in: Hans-Werner Gottinger/Werner Leinfellner (eds.), *Decision Theory and Social Ethics,* Dordrecht, 227-234

Sen, Amartya K. (1970), *Collective Choice and Social Welfare*, San Francisco
Strawson, Peter F./Deirdre Wilson/Dan Sperber/Jaakko Hintikka (1986), in: Richard E. Grandy/Richard Warner (eds.), *Philosophical Grounds of Rationality,* Oxford, 229-276
Tuomela, Raimo (1984), *A Theory of Social Action*, Dordrecht
– (1989), Actions by Collectives, in: *Philosophical Perspectives 3*, 471-496
– /Kaarlo Miller (1985), We-Intentions and Social Action, in: *Analyse & Kritik 7,* 26-43