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What Can Philosophers Offer Social Scientists?; or The Frankfurt School and its Relevance to Social Science: From the History of Philosophical Sociology to an Examination of Issues in the Current EU

Abstract: This paper presents the history of the Frankfurt School's inclusion of normative concerns in social science research programs during the period 1930-1955. After examining the relevant methodology, I present a model of how such a program could look today. I argue that such an approach is both valuable to contemporary social science programs and overlooked by current philosophers and social scientists.

Keywords: Frankfurt School, Philosophical Sociology, Social Antagonism, European Union, Rueffert v. Niedersachsen

I. Introduction

The titular question inverted has an evident answer: philosophers incorporate social scientists' research so that the former gain greater knowledge and public relevance via proximity to the latter's concrete, empirical, and often quantitative concerns. Disciplinary influences on this philosophical re-orientation include psychology (especially social psychology), cognitive science, linguistics, anthropology, political theory, economics (especially behavioral economics and game theory), and sociology.¹

Less clear is *what philosophers can offer social scientists*. Nor is it clear that it is *desirable* that philosophers be involved in social science. Before tackling these issues, it is worthwhile first to suggest two general possibilities for *how* philosophers may

¹ Programmatically, this philosophical re-orientation encompasses at least two approaches: one is externally directed, while the other is directed toward philosophical methodology as such. The first is the well-worn activity of "applied philosophy," with strains such as medical/bio/business ethics, animal rights theory, or environmental philosophy. The second is a new trend called "experimental philosophy" ("x-phi"), which employs systematic experiments and opinion polling to generate descriptive views of a population's ordinary intuitions about philosophically meaningful issues [Knobe and Nichols 2008; Appiah 2008; Machery et al 2004]. Given such empirical information, philosophers can then presumably improve their theoretical work because their assumptions will more accurately reflect the complex realities of how and what people think.

participate in social scientific research. First, the philosopher might occupy a role as a contributor to the qualitative analysis and interpretation of empirical results of such research. Second, the interdisciplinary research invoked here requires cross-fertilization of philosophical and social scientific concerns such that the philosopher does not merely contribute on the basis of *given* empirical results, but rather *participates in defining* a research program's scope as well as aspects of experiment design and/or data collection.

This type of approach is underutilized. However, history offers a vital and now mostly overlooked moment of cooperation between social science and philosophy: the first generation of the Frankfurt School and the Institute for Social Research, which from 1930-1955 developed a program for synergistic interpenetration of philosophy, sociology, psychology, and economics.² This paper's task is thus twofold. First, I want to show selectively the way in which the School's work can inform us about the value of what philosophers can offer social scientists. Second, I want to draw lessons from this investigation and employ them with respect to a contemporary model—concerning an aspect of EU political economy—in order to show what kind of contribution philosophy in general and Frankfurt School inspired critical theory in particular can make to interdisciplinary social science.

II. An Overview of Frankfurt School Interdisciplinary Social Research

Let us recall what the first generation of the Frankfurt School was doing at the Institute. In his inaugural address as Institute director, Max Horkheimer clarified the mission. The idea was to “set up a regime of planned work on the juxtaposition of philosophical construct and empiricism in social theory” [Horkheimer 1993:11]. Or, as he elaborated in the same speech:

“[U]biased empirical research will not emerge by negating its theoretical element. Rather, this can be achieved insofar as philosophy... can bestow particular studies with their animating impulses, while itself remaining open to being influenced... by these concrete studies. The task is to organize investigations stimulated by contemporary philosophical problems so that philosophers, sociologists, economists, historians, and psychologists work together durably... [T]he task is to do what true researchers have always done: ...to pursue their larger philosophical questions on the basis of scientific precision and exacting methods, to revise their questions in the course of their substantive work, and to develop new methods without losing site of the larger context. These questions themselves become integrated into the material research process, and their answer lies in the advance of objective knowledge, which itself affects the form of the questions.” [Horkheimer 1993:11-12].

² I mention two points here. First, the Frankfurt School, and notably Habermas, continued to do some interdisciplinary social science after 1955. Still, the 1930-1955 period marked the Institute's most fruitful era in this research area. Second, I offer a note on the nomenclature “Frankfurt School”: even if one intends to imply historical evolution with this term, referring to *the* Frankfurt School is clearly a simplification. Wiggershaus (1995) remains the key work illustrating the changes in the Frankfurt School's membership, its different internal groupings and power struggles, the different publications for which it was responsible or with which it is associated, and its development over time.

Although now mostly forgotten by academics of all stripes, the Institute for Social Research approximated a realization of Horkheimer's vision. Even during challenging circumstances owing to the School's forced diaspora, the Institute produced an innovative body of interdisciplinary social science studies.³ Together, these studies charted a course of Institute maturation, as its members increasingly fulfilled the mission of integrating abstract philosophical theory and empirical social science.

Following the Institute's foundational period, its members conducted a mass study (from 1929-1931) called *The Working Class in Weimar Germany*. With the purpose of gauging the probability of radical left sympathetic or radical right reactionary behavior among the working class in the event of political upheaval, this survey looked at working class socio-political attitudes and tendencies regarding revolution and authoritarianism. Analysis of study data—particular that indicating anti-Semitism—led to the conclusion that, in the event of political upheaval, the Weimar working class would be highly predisposed to joining forces against radical left revolution and for radical right reactionary authoritarianism [Fromm 1984].

Even if the Weimar Labor study was imperfect in its interdisciplinarity, it was seminal for the School's continuing Institute research in particular and an important early step toward interdisciplinary social science in general [Smith 1998; Worrell 2006]. This initial research effort into authoritarian attitudes paid off in 1936, after the Nazi rise and the School's consequent decision to relocate the Institute, which became an affiliate of Columbia University. Despite its exiled condition the Institute managed to publish *Studies on Authority and the Family*, a research project employing improved experimental and empirical techniques and better data processing and quantitative analysis to reveal the type and extent of authoritarian tendencies embedded in German family structures. Although treating similar topics as the Labor study, the Family study was more methodologically sophisticated, as its view of authoritarianism accounted for socio-economic status, nationality, and other grouping factors relevant to understanding authoritarianism's link to the family functional role of fathers [Institut 1936].

The differences between the Labor and Family studies illustrated the School's growing competence at conducting large empirical studies, even if the report accompanying the Family study's findings also indicated that the Institute had not achieved the desired level of interdisciplinary unity of theory and empiricism [Wiggershaus 1995; Worrell 2006]. That parts of the Family study were reprinted in 1937 through Columbia University's social science department is indicative of several things. First, the Frankfurt School and Institute members had managed to obtain incipient recognition from orthodox U.S. social scientists. Second, this reflected the fact that the Frankfurt School and Institute members had themselves recognized the power of the empiricism of Anglo-U.S. social science, and had in turn adopted its methodological and quantitative analysis techniques when appropriate.⁴ This development, and its positive effects, became fully evident in the post-War period, when the Institute published its *Studies on Prejudice*.

³ During this time period these studies were generally guided by the respective Institute directors: at first, Carl Grünberg, who was succeeded by Horkheimer, and then Friedrich Pollock, who followed Horkheimer.

⁴ This is not to say that such an adoption of methodology was done uncritically, as there were certainly points about standard sociological empirical techniques that the Frankfurt School and Institute members distrusted. See, Pollock 1955:18, 30-31.

The Prejudice series included the volumes *Authoritarian Personality* (Adorno et al 1950), *Rehearsal for Destruction* (Massing 1949), *Prophets of Deceit* (Löwenthal and Gutterman 1949), *Dynamics of Prejudice* (Bettelheim and Janowitz 1950), and *Anti-Semitism and Emotional Disorder* (Ackermann and Jahoda 1950).⁵ Programmatically, the Prejudice series is interesting because of the mix of scholars who produced it: this complex series included both “core” (Adorno) and “peripheral” (Paul Massing, Leo Löwenthal) members of the School, as well as contributions from associated collaborators. Substantively, the Prejudice series used opinion surveys to examine topics that were familiar to the School—anti-Semitism and authoritarian tendencies—and concluded that in Germany these attitudes and behavior were broadly held and thoroughly ingrained.⁶ Indeed, perhaps the Prejudice series’ most interesting aspect was its methodological advancement. Compared to earlier Institute projects, it was far closer to realizing the desired level of interdisciplinarity involved in social science research’s attempt to minimize data collection bias. Accompanying the theoretical thread running through some of these studies’ design and interpretation, the actual conducting of the studies themselves used techniques like group and individual interviewing, psychological profiling, and survey analysis. There was also a sophisticated quantitative data analysis preceding the qualitative research interpretation.⁷

By the time of the Prejudice studies the School’s interdisciplinary—its methodological interpenetration of social scientific empirical research, quantitative analysis, and theoretico-philosophical concerns—was quite advanced. This was recognized by the Anglo-U.S. sociological community’s ranks of orthodox researchers into public discourse and opinion. To wit, U.S. social science luminaries⁸ lauded the

⁵ During this period the “peripheral” Frankfurt School members Paul Massing and Arkady Gurland were also involved in the conducting of a large labor field study surveying the state of anti-Semitism in the U.S. labor force [Worrell 2006]. Worrell [2006] argues that this study’s results would have been the jewel in the Institute’s crown of interdisciplinary social science work, a true example and milestone of the interpenetration of theory and empirical work, but that it was never integrated into the Institute’s post-War published volumes—like the Prejudice series—because Horkheimer, for a number of reasons as misguided as they were selfishly petty and vicious, effectively blackballed it. For his part, Martin Jay’s *Dialectical Imagination* presents Friedrich Pollock as claiming that the withholding of the U.S. labor field study was due to its political sensitivity, as it arguably indicated rampant U.S. labor force anti-Semitism [Jay 1973]. That is, in this version of events the Institute’s director did not find it politically wise to release such a report, especially given the fact that Institute members were under suspicion of being communist spies (which, in fact, some of them were, including Massing and his wife Hede) [Weinstein and Vassiliev 2000]. Whatever the real cause for the Institute’s withholding publication of the U.S. labor force study (and there is no reason to think that Pollock’s and Worrell’s arguments are mutually exclusive), a skeleton form of it was released in 1945 by Charles Sherman of the Jewish Labor Committee, under the name *Labor’s Enemy: Anti-Semitism* [Sherman 1945].

⁶ Also, as the Prejudice series was released in the post-War environment to some recognition both in Germany and the U.S., its substantive element carried practical effects. Its diagnosis of broad and deep prejudices cashed out as a repudiation of politicians’ claims to the relative simplicity of the post-War “clean up” of German political and social institutions and attitudes [Moeller 2001].

⁷ To this end the post-War Institute even had a Hollerith machine—an early punch-card computer forerunner produced by IBM—for quantitative processing of survey results. That the post-War Institute, which was almost entirely Jewish, used a Hollerith machine for its anti-Semitism studies is an irony almost too rich to digest. Infamously, IBM’s Hollerith subsidiary in Germany sold the machines to the Nazi regime, which used them for organizing the identification, deportation, and extermination of Jews.

⁸ This group included Paul Lazarsfeld, Robert Lynd, Robert Bales, Talcott Parsons, Robert Merton, Everett Hughes, and others.

Institute's work in this regard in a 1949 recommendation letter published to convince Frankfurt University to reestablish the Institute within its confines: the Institute's "greatest service to the social sciences has been in creating a link between the emphasis on theory characteristic of older European sociology and the techniques of modern empirical research" [Proposal 1949:681].

After the Institute's relocation back to Germany, its first major project was a sociological and social psychological study led by Pollock, Horkheimer, and Adorno. The *Gruppenexperiment* used a panoply of Anglo-U.S. empirico-quantitative social research techniques to investigate the character of Germans' beliefs about and memories of parts of Nazi era political and social policies. The *Gruppenexperiment's* interdisciplinary methodological innovation stemmed from its theoretical component: a philosophically informed view on the importance of identifying, in social scientific opinion research in general, the different values and character of public and nonpublic opinion led the *Gruppenexperiment's* designers to conduct it with special emphasis on how individual memories, attitudes, and beliefs are formed in social settings and contexts, in discursive processes and practices, and are not reified [Olick 2007]. Practically this meant the development of advanced "group discussion" techniques⁹ for getting subjects to express, in a research environment, otherwise nonpublic beliefs, attitudes, and opinions [Olick 2007:46]. This empirical methodological point was linked to the study authors' consideration that the very concept of opinion itself needed reformulation in the context of social science research, if such research wanted to minimize data collection bias.¹⁰ As the *Gruppenexperiment's* authors hypothesized with regard to social science research on opinion in a culture whose ubiquitous capitalist institutions often efface the inherently socially constructed nature of identity,

"[t]he concept of public opinion presumes a social organization or group whose members have... a shared set of experiences... [We can] no longer... grasp the individual as a monad whose opinion crystallizes and persists in isolation. [Social science research] must free itself from the bias that opinion as the property of the individual is both in its majority stable and that its transformations are secondary." [Pollock 1955:21]

Methodologically, given these theoretical concerns the empirical approach of the *Gruppenexperiment* incorporated the idea that "'realistic opinion research' must approach as nearly as possible the actual conditions in which opinions come about" [Olick 2007:47]. The experimental setting was thus designed in order to facilitate such natural conditions of opinion formation, which meant, practically, creating appropriate discussion environments for participants, whose opinion—both public and, crucially,

⁹ As Pollock put it in his report on the study, "[t]he group technique used by our Institute... differs from all of these [other sociological] undertakings in that it is not satisfied with adding corrections at a later stage, but already begins at an early stage, while opinions are being ascertained *in statu nascendi*" [Pollock 1955:30-31].

¹⁰ As for the link between the theoretical methodological concerns and the practical issue of conducting the empirical study experiment, the report continues by insisting that "it will be endeavored to differentiate the concept of public opinion by attending to the structure of the opinion-sharing group. In the process, the consciousness arises that public opinion does not represent a simple sum of individual opinions, but contains an overarching collective moment. One can speak of public opinion only where there is something like a uniform group structure *sui generis*" [Pollock 1955:21].

nonpublic—would emerge during the discursive process observed during the study period.

And, of course, if the design phase of the *Gruppenexperiment* was influenced by these theoretico-philosophical concerns, then obviously the project's interdisciplinary nature entailed theoretico-philosophical interpretation of the study's empirical results.¹¹ Adorno took the lead with his qualitative analysis of the study's results (entitled "Guilt and Defense") and an influential 1959 address, "What Does It Mean to Master the Past," which drew heavily from the *Gruppenexperiment*.

III. Lessons from the History of Frankfurt School Interdisciplinary Social Science: a Basis for Moving Forward in a Contemporary Context

One now poses the question: of *what* did the School's *philosophical* contribution to social science consist? Answering this question lets us identify, first, the *general* way in which philosophy can contribute to interdisciplinary social science. Second, as the philosophical approach under examination is *Frankfurt School* critical theory, it is incumbent to identify its practitioners' *specific, unique* philosophical contribution to social science. Before examining these topics, I add two brief points. First, I am here excluding from consideration as a contribution to interdisciplinary social science philosophy's interpretative role. This activity is important, but I am principally interested in philosophers' possible role in experiment design, conducting, and analysis. Second, addressing the issue of what Frankfurt School philosophy added to social science forms not only a basic answer to the titular question of this essay, but also serves as a basis for the contemporary model I want to outline.

Frankfurt School critical theory's philosophical departure point for engagement with social science stemmed from a general philosophical judgment: contemporary life was constitutively damaged in an ethical sense. That is, the School's participation in social science research rested on a normative basis. This is obviously not a philosophical issue reserved only to the Frankfurt School, but rather a general domain of philosophy, and thus an area for its potential participation in social science, whatever be the philosopher's perspective. Now, obviously, Frankfurt School critical theorists did have a unique guiding philosophical orientation for approaching normative concerns—and essentially this perspective was Hegelio-dialectical. Adorno summarized this aspect of critical theory by saying that "dialectics is the ontology of the wrong state of things." Stated reductively, the dialectics invoked in such a vision of critical theory is the philosophical understanding of conceptual and/or discursive contradiction. My position is that Frankfurt School critical theory, in terms of its historical contribution to social science, shows that the specific philosophical approach of dialectics, just like—and in fact in relation with—the general philosophical domain of normative issues, merits a constructive role in interdisciplinary social science. This is an often overlooked possibility.

This consideration thus also takes us to the point of answering another issue intimated earlier in this essay: that of whether it is desirable for philosophy in general and

¹¹ Evidently, there were criticisms of the methodology of the *Gruppenexperiment*. For example, see the following journal contribution: Hofstätter 1957. Adorno, writing for the study authors, responded to Hofstätter in the same journal edition: see, Adorno 1957.

Frankfurt School inspired critical theory in particular, to play a constructive role in social science. I consider the answer affirmative because normative concerns in general and dialectics in specific (as the philosophical understanding of contradiction) can productively shape both the domain of social science research concerns and, with respect to eliminating data collection bias (including the inclusion of otherwise overlooked or excluded data sets), be suited to program design for some empirical research areas. There is thus an element of complementarity: normative concerns are peculiarly important in philosophy, but *à priori* taboo for social scientists qua scientists.

But how did the conjunction of these contributing factors arising from Frankfurt School philosophy in fact play out in practice? To answer this question, let us recall the *Gruppenexperiment*. Its genuine methodological advance—the designing of its experiments to especially include the conducting of group discussions—derived from the notion that memory and opinion-holding are inherently social and discursively and dynamically formed acts, as opposed to being reified, static states. And this insight resulted from a judgment, driven by a unique social philosophy perspective, that this characteristic of memory and opinion formation was often elided in capitalism dominated societies, and thus elided in said societies' relevant empirical methodological approaches to sociology, and thus in need of correction (the group discussion dynamic) in order to improve data collection. Although not immediately evident, this series of considerations indicates the implication of concerns both normative and dialectical (i.e., treating of the concept of contradiction) in nearly all phases of the study (the exception being the quantitative element). Specifically, the contribution consisted in identifying a relevant problem with capitalism (i.e., its ideological nature regarding opinion-holding and memory formation) and the fact that this seeps into the sociological empirical approach, which thereby also has a problem, given that the social scientists' research aim is to get behind the respondents' individual, ideology-reflecting beliefs and attitudes (public opinion) in order to see what nonpublic beliefs and attitudes they may hold. If the first half of this formulation starts from the a normative judgment about capitalism's ideological nature, the second half of this formulation points to Frankfurt School critical theory's dialectics-inspired task of identifying otherwise unnoticed contradictions, in this case that between what respondents say (public opinion) and think (nonpublic opinion).

The other three studies encountered in this paper—the Weimar Labor study, the Family study, and the Prejudice series—provide a similar example: their philosophical component consists in their treatment of both normative issues and the manifestation of contradiction in respondents' attitudes and beliefs. Reductively, normative concerns played a role in these studies insofar as Frankfurt School critical theorists made philosophical judgments regarding the moral and political virulence of totalitarian or authoritarian sympathies as coupled to prejudice (particularly anti-Semitism), and then incorporated this judgment into the determination of the scope of the empirical research program. As for philosophical concern with dialectical contradiction, the respondents' expression of contradiction in their attitudes and beliefs was both a hypothesis that went into research program design and an object of qualitative analysis, once data supporting the hypothesis had been confirmed. For example, one sees this with the Weimar Labor study, which hypothesized contradictory political attitudes and sympathies among its members (in part on the basis of the further hypothesis of their anti-Semitic attitudes), which were confirmed by study data. Indeed, a summary of study data showed that

survey respondents displayed high levels of self-inconsistency: working class members self-identified with the political left (communist or socialist party) often considered themselves for peace, freedom, universal happiness, and equality, yet significant numbers of these workers manifested discrepancies between political *beliefs* and *actual character* [Smith 1998:68-69]. Data analysis yielded the conclusion that only 15% of the communist/socialist party members were genuinely left-radical supporters (significantly less than the self-reported figure) while 25% were either potentially or primarily right-authoritarian or right reactionary (a counterintuitive figure for a self-reported politically left-oriented response group, but one predicted by the study authors) [ibid.]. That is, just like the revelation of the contradictions of public and nonpublic opinion in the *Gruppenexperiment*, the Weimar Labor study, as based on a certain dialectical and normative philosophical approach, indicated the otherwise occluded contradiction between what respondents said they believed and what they actually believed.

IV. A Contemporary Model

To conclude, I want to extrapolate from this paper's explanation of how Frankfurt School critical theory applied normative and dialectical considerations to empirical social science. My goal is thus to show how its members' general and specific philosophical contribution to opinion research can be applied to another, contemporary social science research area.

Schematically, Frankfurt School inspired philosophy can fit into a social science research project on several levels. First, normative and dialectical concerns could play a role in forming the project, i.e., in establishing the domain, objective, and scope of empirical research, in defining a study's hypotheses and the questions it might answer. Second, these concerns could be used as a basis for philosophers' contributing to the study's design and empirical procedure (regardless of whether data collection arises from document sources, interviews, field studies, or other methods).¹² Third, philosophers' normative and dialectical concerns could reënter the study in qualitative analysis and interpretation.

My selected case study is thus a synecdoche indicating how implementation of such interdisciplinarity could be fruitful. The chosen case involves publicly available social partner, NGO, and political reaction to a recent legal and political economy event in the context of the conflict between the EU and sub-member State subsidiary political units over labor market making powers.

The facts¹³ of the case are the following. The German *Land* Niedersachsen passed a 2006 statute stipulating that at least locally (i.e., pursuant to the *Land*) agreed upon, collectively bargained¹⁴ prevailing minimum wages¹⁵ for wage employees must be paid to said employees, regardless of the employees' country of origin, residence, legal place of employment or employment status¹⁶, by their employers, including subcontractors

¹² I hasten to add that quantitative data processing and analysis generally should be left to experts, as philosophers are typically unsuited for these tasks.

¹³ For synopses of these facts, see: Urteil 2008; EU 2008.

¹⁴ The statute refers to "social partners," a term that includes both trade unions and employer associations.

¹⁵ This also applied to working conditions.

¹⁶ I.e., contract employee, temporary employee, full-time employee, etc.

from other regions, for their work on *Land* contracted public works projects. In 2006 a Niedersachsen based construction firm, O&B, won a Niedersachsen issued public works contract, thereby agreeing, pursuant to the relevant statute, to pay employees working on the project wages in accordance with locally agreed upon collective bargains. O&B subcontracted part of the work to a Polish company that used 53 Polish employees to perform work on said project, and whose wages were less than half of the rate stipulated by the *Land*'s relevant collective bargains. Consequently, the public works contract issuer imposed an €85,000 breach of contract penalty on O&B¹⁷ for violation of conditions of Niedersachsen's statute. In *Rüffert v. Niedersachsen*, O&B¹⁸ petitioned a Niedersachsen regional court to invalidate the penalty, contesting the legality of the statute at its base, on the grounds that it conflicted with superseding EU rules on the freedom to provide services and the freedom of establishment in the EU area. This German court referred the case to the European Court of Justice (ECJ). In the same year Germany's Federal Constitutional Court (FCC), the country's highest, ruled on a Berlin statute nearly identical to Niedersachsen's. The FCC's decision upheld the legality of such statutes in every *Land*, thus implicitly upholding that in Niedersachsen.

On April 3rd, 2008 the ECJ ruled in *Rüffert* that the Niedersachsen statute was incompatible with EU Directive 96/71/EC, concerning the secondment posting of service workers in the EU area [UdG 2008; Directive 1996]. The ruling argued that Niedersachsen failed to follow the EU Directive's procedures for making collectively bargained agreements universally binding, and that the restriction on the freedom of establishment and service provision engendered by Niedersachsen's statute was unjustified by the objective of worker protection [UdG 2008]. By extension this ruling applies to the city of Berlin and the country of Germany [ibid.].¹⁹ Germany's news daily *Spiegel-Online* summarized the character and context of the ruling in the following way:

“The [EU] judges said that coupling [*Land* issued public contracts to collectively bargained wage standards, as defined in the statute,] [wa]s unjustified and violat[ed] European law. The ECJ thus contradict[ed] the legal opinion of the FCC, which in 2006, with respect to a municipal Berlin statute concerning such public contract issuances, had clarified... that statutes [like Niedersachsen's] governing the upholding of collectively bargained agreements in public contracts served to maintain commonweal objectives of ‘superlative significance.’ The [FCC] judges included among such critical commonweal objectives... the prevention of downward wage pressures via competition, the support of the social organization function of collective bargains, the maintaining of desired social standards, and the removal of pressure on the social security system (which would otherwise have to pay wage top-ups).” [Urteil 2008]

Reactions to these events were as predictable as they are interesting qua social phenomena. On the one hand, supporters of the dominant, paradigmatic EU-level political economy orthodoxy, taking legal form in the EU treaties' dismantlement of

¹⁷ In fact, as O&B had filed for bankruptcy by the time of the penalty, the latter was imposed on the liquidator of the company's assets.

¹⁸ It was actually O&B's fiduciary, charged with executing the company's asset liquidation, who filed the petition before the German court.

¹⁹ Indeed, it ultimately applies to all of the EU area.

protectionist measures, expressed support for the ECJ's ruling on the grounds of its ostensible buttressing of the market capitalist ideology privileging EU-area wide liberal competition and uniformity of the common EU internal capital market, here taking the form of the privileging of provision for freedom of service and establishment over wage standards and other putative protectionist social benefits enumerated in the 2006 FCC opinion [Kröger 2008]. On the other hand, parties with interests divergent from this EU-level orthodox political economy paradigm—a group including trade unions, negatively affected sectoral businesses, and variously striped politicians (on various governmental levels)—criticized the ruling on the same grounds [EU 2008]. A typical trade union response to the ruling was that of the ETUC, which cited it as “an invitation to social dumping, which will... threaten workers’ rights and working conditions” [ibid.]. The center-right EPP-ED European party also condemned the ruling’s threat to worker wages and conditions [ibid.]. The NGO Solidar argued the following: “this judgment re-confirms... that in... Europe not everyone is equal. In the battle between the ‘freedom to provide services’ and the responsibility to protect workers, the workers have lost out yet again” [ibid.]. The head of Germany’s IG-Bau, Klaus WieseHügel, condemned the ruling’s effects thusly: “[t]his is a further step toward predatory capitalism” [Kröger 2008].

In qualitatively analyzing all of this information, which has obvious normative (in a philosophical sense) concerns because it deal with well-being, fairness, and equality, the identification and comprehension of occluded yet crucial contradictions in the data set fits an acuity unique to the Frankfurt School inspired approach to dialectics. The contradictions take form as the reactions to the ECJ ruling display the counterintuitive character of likely being disadvantageous to the interests (subjectively perceived or objectively factual) of the parties articulating said reactions.

How is this so? One starts from quantitative modeling showing that were Niedersachsen’s statute ruled valid, many regions across Europe would institute local wage and working condition rules [Kröger 2008]. Smaller businesses would find prohibitive the participation in public works contract tenders across Europe because of the drastically escalated expenses for researching local conditions. Thus the EU-wide consequence of upheld German-style collective bargaining statutes would have been that, because they have the resources to establish local branches with local legal knowledge, only big firms would survive in the resulting competitive environment—that is, precisely the firms that WieseHügel refers to as “predatory capitalists.” Seen in this light, the statute struck down by the ECJ ruling, although supported by the trade unions, would have been advantageous to the very big-business power capitalists that trade unions and workers consider enemies because of their ability to drive down wage bargains due to their size associated market power. Counterintuitively, in this context the ECJ ruling favored the trade unions hostile to the ruling: the original protectionist measure would have promoted the interests of big business, which, when negotiating with trade unions, has relatively greater wage bargaining power than small and medium businesses; these latter were advantaged by the ruling, and ergo the ruling has the side-effect of increasing the wage bargaining power of trade unions.²⁰

²⁰ The corollary to this counterintuitive point is, of course, that advocates of the dominant, paradigmatic EU-level political economy orthodoxy, who are generally supporters of big-business capitalism and hostile to organized labor, expressed support for the ECJ’s ruling on the grounds of its ostensible buttressing of the

The interpretation of the contradictions this analysis uncovers also permits a Frankfurt School inspired dialectical approach to contribute qualitatively to understanding elements of this socio-political and economic situation. The interdisciplinary social science researcher will be interested in the *reasons* that trade unions supported the Niedersachsen statute in contradiction to their interests. Employing a philosophical framework positing that “dialectics (the study of conceptual or discursive contradiction) is the ontology of the wrong state of things” makes possible the realization that for the case at issue there was no “right” answer, no non-contradictory, non-self-interest damaging position that could have been adopted by trade unions vis-à-vis the ruling. This is a point of view generally easily overlooked by social science researchers investigating situations in which observed groups adopt attitudes, beliefs, and behaviors contrary to their ostensible interests.²¹ But it is a unique aspect of Frankfurt School inspired dialectics that contradiction is considered under the auspices of the larger antagonistic whole conditioning it—that is to say, that contradiction is understood as an expression of an antagonistic contextual field. In the specific case at issue, the trade union opponents of the ruling faced the choice of accepting the ruling (effectively disavowing the underlying statute) and thus implicitly endorsing EU internal capital market uniformity, and therewith market capitalism’s locational competition and the social/wage dumping attendant to it; or organized labor could condemn the ruling, thereby effectively adopting a position in support of big-business firms who would wield greater wage bargaining power to the detriment of trade union members. What my outlined approach does is mark how the salient point in this sociological issue of a group adopting a position contradictory to its own interests is not that such a group is misguided, but rather that the field of considerable factors for explaining such behavior extends into a larger context than is initially apparent. Specific to the dilemma of this case, this set of self-interest conflict producing, contradictory options is an expression of a larger antagonism within the socio-political and economic structure of the EU area: the *de facto* and *de jure* asymmetry of capital and labor mobility built into the EU treaty structure.

What is implicitly the case in the contradictions I outlined—or, put differently, that of which these contradictions are the expression—is that the ideological upholding of the EU’s uniform internal capital market freedoms privileges, in a very asymmetric fashion, capital mobility to labor mobility, which, relative to capital mobility, is both restricted *de jure* (due to treaty rules on intra-EU immigration of newly acceded members) and *de facto* (given EU-wide practical barriers to migration, such as language, culture, pension/retirement portability, health insurance, etc.). Capital wielders—i.e., businesses, particularly big businesses—have an advantage, derived from the asymmetry of mobility, over labor in such a system because capital wielders have recourse to locational competition and labor cost arbitrage as tools for depressing wage bargains.

market capitalist ideology that privileges EU-area wide competition and uniformity of the common EU internal capital market—but in the ECJ ruling it is the big firms who are disadvantaged (even as organized labor is aided) because the striking down of the protectionist measure had the side-effect of promoting the competitiveness of smaller and medium sized businesses, which *ceteris paribus* presumably will take market share from larger firms.

²¹ For that matter, the inclination to overlook this type of obvious reason for a behavior or belief is common to many philosophical approaches that look at such an issue within the context of investigating elements of human nature. Whatever be its other weaknesses, I am suggesting that Frankfurt School critical theory’s attention to the fundamental nature of contradiction makes it less prone to making such an oversight.

This socio-political and economic context is the origin of the contradiction revealed and explicated by my analysis and interpretation. It is the distorted effects of the EU internal market's laws, which provide the structural economic framework in which the Niedersachsen statute situation was embedded, that force trade unions into an untenable position regarding its desirability (and that of the ECJ ruling on it). This internal market distortion highlights the way in which the "free" market is unfree because unequal: capital wielders are freer than workers.

Both the just given descriptive interpretation and the qualitative analysis of case study facts (the statutory history) and data (known reactions from interested parties) emerge from a theoretical perspective attentive to social manifestations of contradiction, which I have identified as uniquely central to Frankfurt School dialectical critical theory. Beyond this, the inclusion of normativity in the scope of the case study enables the further inclusion of sociologically meaningful data: the affected trade union parties' expression of their awareness of the dilemma forcing them to articulate self-interest-injurious positions. As cited, in representing the trade unions' interest position, the NGO Solidar makes the point that the ECJ ruling re-confirms "that in today's Europe not everyone is equal," thus indicating how the structural framework of the EU internal market constitutively provides some interests with greater freedom of expression and realization than others [EU 2008]. Not only does this type of statement referencing a normative concern point up trade union awareness of the no-win situation in which it finds itself in this particular case, but it is more broadly meaningful because it has potential explanatory value extending beyond the narrowly circumscribed legal, political, and economic issues of the case study facts. Indeed, in a continuation of the previous statement, Solidar advances the idea that "[i]t is not surprising then that many citizens question whether the Europe we are creating is a social Europe, with decent jobs or a haven for free-market ideologues" [ibid.]. Or consider IG-Bau head Wiesehügel's comment that it is this situation "which will lead citizens to finally reject Europe" [Kröger 2008].

I believe that the type of interdisciplinary social science analysis of which I have sketched an executed model via this case study serves as a small step toward indicating the direction in which such analysis could go more generally, at least with respect to some areas. One area concerns EU development, as the case I have identified and analyzed in this paper is a microcosm of numerous larger challenges present in the EU area's socio-political and economic domain. There has been much wailing amongst Europhiles regarding the EU citizenry's rejection of further expansion of EU-level power; there has been, however, little real analysis of why this is so. A dialectical and normative philosophical perspective could be useful to interdisciplinary social science research into the political economy dimensions of the apparently contradictory and irrational reasons for some EU member State (i.e., Ireland, the Netherlands, and France) rejection of EU constitutional expansion; of the EU citizenry's often self-contradictory attitudes and beliefs about immigration and globalization; and of the well known but underexplored phenomenon of member States with populations who are net socio-economic winners from EU membership and integrated expansion often having populations hostile to further integration. These specific areas are in fact instances of more general sociological, economic, psychological, and philosophical problem sets categorized by agents behaving apparently self-injurious, and thus apparently

irrationally. Examples include behaviors in ultimatum games and prisoner's dilemmas, as well as the phenomenon of people consistently misrecognizing their location on income/wealth distribution curves (which leads, for instance, to voting behavior in contradiction with their best economic interest). I would argue that the inclusion of normative concerns and considerations derived from dialectics could be useful in social science research into such issues.

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