

## REVISITING THE CONCEPT OF CIVIL SOCIETY: A THEORETICAL APPROACH\*

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### CIVIL SOCIETY: A DEFINITIONAL DEBATE

It is quite difficult as well as inconvenient to confine the term “civil society” in a single definition<sup>1</sup>. Addressing any aspect of the concept of “civil society” requires that some attention be given to the definitional debate, often including historical, political and cultural analysis along the way. While the origins of notion of civil society seem to be rooted in the early enlightenment (the end of the 17<sup>th</sup>/beginning of the 18<sup>th</sup> century in Europe), they have been continuously developed, debated and elaborated throughout almost three centuries of academic endeavour, and are again receiving close attention<sup>2</sup>. Generally civil society is viewed as a channel by which citizens participate in making and implementing public decisions; in identifying, prioritizing and resolving public problems; and in allocating and managing public resources. It also undertakes the function of defending and promoting citizens and societal interests vis-a-vis state and market actors.”<sup>3</sup>

As such, civil society is a mean to the larger end of increased citizen participation in determining the nature of the public good. Like the citizen and democracy to which it is closely linked, civil society is a political

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<sup>1</sup> For details see, Cohn, Jean and Arato, Andrew, *Civil Society and Political Theory*, Cambridge Mass: MIT Press, 1992.; C. Hann and E. Dunn (eds.) Hann, Camal Burn, E (eds.)(1995) *Civil Society: Challenging Western Models*, London: Routledge, 1995., A Ferguson, *An Essay on the History of Civil Society*, London: Transaction Books, 1991; Jenny Pearce 1996; K. Testar 1992; S. Kaviraj and S. Khilmani (eds.) 2001

<sup>2</sup> J. Carr, “Civil Society and Civil Society Organizations: A Review”, British Council website (<http://old.britcoun.org/governance/civil/review/index.html>)

<sup>3</sup> Overview of the CIVICUS index on Civil Society (<http://www.civicus.org/pages/diamond/index.html>)

concept. And it is this political dimension that distinguishes civil society from NGO, third, independent or voluntary sector, terms that are often used in its place<sup>4</sup>. Again, this “general” perception of civil society is not free from debate.

The term “civil society” entered into English usage via the Latin translation, *societies civilis*, of Aristotle’s *koinonia politike*. In its original sense, it allowed no distinction between “state” and “society” or between political and civil society: it simply meant a community, a collection of human beings united within a legitimate political order, and was variously rendered as “society” or “community.”<sup>5</sup> This concept, however, got shape in the hands of 17<sup>th</sup> and 18<sup>th</sup> century’s political thinkers like: Thomas Hobbes, John Locke, Adam Ferguson, Tom Paine and Immanuel Kant. But quite interestingly, leading thinker of that time – Hobbes stuck to, more or less, Aristotlian meaning of civil society. He identified civil society with the state: “No law can be unjust. The law is made by the sovereign power, and all that is done by such power is warranted”. In doing so, Hobbes not only justified an anti-democratic form of political authority but followed a long tradition of pre-modern religious thought in which “civil” was contested primarily with ecclesiastical; as in Augustine’s contrast between the city of God and the city of Man<sup>6</sup>. Hobbes’s notion of the need to conflate the private with the public in order to ensure individual compliance and the regulation of society was gradually eased by later thinkers such as Ferguson and Locke. Paine’s viewpoint was that the state stood against civil society as a necessary evil balanced against an unqualified good, which created a situation of self-regulation within both parties<sup>7</sup>.

German philosopher Hegel, on the other hand, viewed the “state” as an entity transcending civil society, though civil society was seen as a historical arrangement of ethical life, which included the economy, social interest groups, administrative institutions, civil law and welfare<sup>8</sup>. For Hegel, civil society is an area of social life made up of voluntary associations not directly linked to state and/or political parties. It is an area of private interests and contractual relationships closely related to, but

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<sup>4</sup> *ibid*

<sup>5</sup> N. Bobbio, *Civil Society in Democracy and Dictatorship*, Cambridge: Polity Press, 1989.

<sup>6</sup> Jeffrey C. Alexander, *The Paradoxes of Civil Society in International Sociology*, Vol 12 (2), June 1997, London: SAGE, P118

<sup>7</sup> Keane, J, *Democracy and Civil Society*, 1988, London: Verso

<sup>8</sup> *Supra* note 2

standing apart from, the formal political sphere. In this domain of unregulated profit-seeking interests, ‘maximizing’ individuals are free of state constraints on accumulation (such as Taxes, state measures to relieve poverty and so on). In other words, Hegel defines civil society as an area of freedom opposed to an oppressive state<sup>9</sup>.

Hegel’s model of civil society – the free market plus the administration of justice – roughly corresponds to the ideal society of the classical liberals, like Locke and Smith<sup>10</sup>. But Hegel, while recognizing the similarity, points out that:

“[F]or them, the state is nothing but a convenient ‘partnership’ to achieve personal goals and satisfy certain basic physical needs. The authority of the state is therefore ‘external’ and contingent; it is not an expression of our deep inner need to identify with the social whole.”<sup>11</sup>

On the other hand, Hegel refuses to see self-interest as the *ultima ratio* of social organization: Civil society does not embody the final end of human life. The state should not safeguard self-interest but transcend it. Political life is a mode of relating to other human beings not out of prudential calculation but out of solidarity; out of will to live in a community. Hegel, as a defender of private property, did not think it possible to eliminate the tension between the general interest and the conflicting private interests, but such tension could, he thought, be substantially lessened through state regulation and public debate<sup>12</sup>.

In the 20<sup>th</sup> century, considering the general life style, thinkers like Watter Lippman, John Dewey, C. Wright Mills, Hannah Arendt, Jurgen Habermas opined that capitalism had destroyed public life and in democratic mass-societies an all-powerful market had pulverized social bonds, converted citizens into egoists and allowed oligarchies and bureaucracies full sway. They conceived capitalism as the world in which privacy ruled. During the period, when industrial capitalism first emerged, German philosopher Karl Max had laid the basis for this view of modern decline by identifying civil society exclusively with the formally guaranteed

<sup>9</sup> Richard A. Wilson, The People’s Conscience? Civil Groups, Peace and Justice in the South African and Guatemalan Transitions, 1997, CIIR

<sup>10</sup> Joseph Femina, “Civil Society and the Marxist Tradition in Civil Society – History and Possibilities”, S. Kaviraj and S. Khilnani (eds.), 2001, London: Cambridge University Press

<sup>11</sup> G.W.F. Hegel, The Philosophy of Right (1821) ed. and trans. T. M. Knox, Oxford: The Clarendon Press, 1952, paragraph 157 and addition to paragraph 182, pp. 110, 266

<sup>12</sup> Supra note 10

realm of capitalist economics<sup>13</sup>. Marx treated social, political, private, and legal institutions as the environment of the capitalist system<sup>14</sup>. Although he agreed with Hegel that modern society was defined by a split between “man as citizen” and “man as private individual”, Marx did not believe that the cleavage between universal and particular could be resolved within the existing regime of private property. His analysis of civil society either dismissed or ignored that incipient signs of communal mutuality to which Hegel attached so much importance; Marx’s civil society was a Hobbesian nightmare of isolated and aggressive individuals, bound together precariously by the cash nexus<sup>15</sup>. Bourgeois emancipation, which reached its apotheosis in the French Revolution had changed the political character of civil society. Since then the economic realm became liberated from political interference, and civil society – once compassed of collective units – was shattered into its constituent elements: individuals<sup>16</sup>. The throwing off of the political yoke was at the same time the throwing off of the bond that had fettered the egoistic sprit of civil society<sup>17</sup>. Man thus leads a double life, a ‘heavenly and an earthly life’. In the heaven of political life, he regards himself as a communal being, full of public spirit and mindful of the general interest. In the ‘earthly’ existence of civil society, however, he acts as a private individual, treating other human beings as means to his own ends, and even reducing himself to a means, the plaything of ‘alien’, market faces<sup>18</sup>. Civil society becomes the chief source of human alienation, ‘an expression of the separation of man from his community, from himself and from other men’<sup>19</sup>. This subordination of politics to economics made Marx to realize that:

“[T]he unsocial nature of civil life, or private property, trade, industry, and the mutual plundering of different civil groups ... this debasement, this slavery of civil society is the natural foundation on which the modern state rests.”<sup>20</sup>

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<sup>13</sup> Supra note 6

<sup>14</sup> Jean Cohen, Class and Civil Society: The Limits of Marxian Critical Theory, 1982, Amherst: University of Massachusetts Press, pp. 5, 24

<sup>15</sup> Supra note 10

<sup>16</sup> *ibid*

<sup>17</sup> “On the Jewish Question”, in Writings of the Young Marx on Philosophy and Society, ed. and trans. by L.D.-Easton and K.H. Guddat, 1967, New York; Doubleday; p. 239

<sup>18</sup> *ibid*, pp. 225-226

<sup>19</sup> *ibid*, p. 227

<sup>20</sup> “Critical Notes on The King of Prussia and Social Reform (1844), in Writings of the Young Marx on Philosophy and Society, p. 349

In short, the classical Marxist tradition was content to accept Marx's identification of civil society with 'commercial and industrial human beings to acquisitive and predatory egotists who relate to one another in purely contractual or instrumental terms'<sup>21</sup>.

On the other hand, Italian Marxist Antonio Gramsci took a thoroughly anti-individualistic and anti-economistic approach to civil society. Going beyond the classical Marxist school, Gramsci defined civil society as the realm of political, cultural, legal and public life that occupied an intermediate zone between economic relations and political power<sup>22</sup>. Gramsci located capitalism's ability to survive in its domination not only of the state, but of the "reproduction" (engendering) of inegalitarian relations through civil institutions such as the churches, schools and media. In this tradition, 'civil society' becomes a site of struggle, a sphere of political mobilization when authoritarianism classes down the usual political party channels. Here 'civil society' is a terrain of resistance against a repressive state and an inegalitarian social structure<sup>23</sup>.

Gellner, beyond the traditional approaches, offers one perspective on the cultural background to the development of civil society and does so by various cultures and societies to comparative analysis. He concludes that Europe and the rest of the North Atlantic rim have a unique tradition and culture, which encourages and sustains civil society<sup>24</sup>. Again, some authors<sup>25</sup> wish to understand civil society as the arena in which social solidarity is defined in universalistic terms. In their view, it is the "we-ness" of national community taken in the strongest possible sense, the feeling of connectedness to 'every member' of that community that transcends particular commitments, narrow loyalties and sectarian interests.

A succinct and pithy definition is given by White<sup>26</sup>. He describes civil society as 'an intermediate associational realm between the state and the family populated by organizations which are separate from the state, enjoy

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<sup>21</sup> Supra note 10

<sup>22</sup> Antonio Gramsci, Selections from the Prison Notebooks of Antonio Gramsci, ed. And trans. by Q. Hoare and G. Nowell Smith, London: Lawrence and Wishart; cited by Jeffrey Alexander, supra note 6

<sup>23</sup> Supra note 9

<sup>24</sup> Gellner, E. Conditions of Liberty: Civil Society and Its Rivals, London: Hamish Hamilton, 1994

<sup>25</sup> Like J. Alexander, supra note 6

<sup>26</sup> G. White, "Civil Society, Democratization and Development" in Luckman, R. and White, G. 1996, P.182

autonomy from the state and are formed voluntarily by members of society to protect an advance their interests on values.’

But the simplest definition of civil society is provided by the BBC web site,<sup>27</sup> which portrays civil society as “a space between the state, the market and the ordinary household, in which people can debate and tackle action” – so that could include any voluntary collective activity in which people combine to achieve change on a particular issue, but not political parties, even though civil society has a political dimension.

### CIVIL SOCIETY IN ARAB WORLD

In an attempt to reassess the early Islamic political experience and redefine its terms so as to accommodate modern political theories, some Islamic political writers have applied the term ‘civil society’ to the Medinah Community set up by the Prophet (sm.) soon following his migration from Mecca to Yathrib<sup>28</sup>. The pre-Islamic community is linked to the state of nature while the new contractual arrangement in Madina is said to resemble the social contract. Proponents of this theory argue that the individualism of the state of nature, having been replaced by the acceptance of Islam by community of Muslims, soon give way to an organic conception of the community, the *ummah*<sup>29</sup>.

However, in the modern era, the discourses on civil society in the Middle East follow from the quest for democracy and liberalization of state and society. The state in most countries in this region had maintained firm control over politics, the economy, and society leaving little space for autonomous social or economic power. These controls, however, depended on the governments’ ability to dispense resources to maintain a welfare system. But the decline of these resources in recent times due to arms expenditure, military adventures, growing populations has created pressure upon the governments. This apparent loosening of government control over both the economy and political expression has occasioned the quest for civil society in the Middle East<sup>30</sup>.

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<sup>27</sup> <http://www.bbc.org>

<sup>28</sup> Azzam Tamimi, “Civil Society in Islamic Political Thoughts”, ([http://www.iipt.com/web/papers/civil.htm#\\_ftn2](http://www.iipt.com/web/papers/civil.htm#_ftn2))

<sup>29</sup> J. Ahmed, The Social Contract and the Islamic State, New Delhi: Kitals Bhavan, 1981, at p. 102

<sup>30</sup> Sami Zubaida, “Civil Society, Community, and Democracy in the Middle East”, in Civil Society : History and Possibility; op.cit

In the Middle East, civil society is seen as the basis of democracy. Saad Eddin Ibrahim was one of the earliest advocates of civil society as a basis for democracy in the region. He defines civil society in terms of ‘volitional, organized, collective participation in public space between individuals and the state’<sup>31</sup>. According to Ibrahim, a condition of civil society is ‘civility’, the acceptance of differences, and commitment to peaceful procedures for managing conflict. On the other hand, Sayfulddin Abdelfattah Ismail, political scientist at Cairo University, describes civil society as a Western concept, which developed historically in western political experience, and its relevance to the Muslim world as problematic<sup>32</sup>. However, a working definition of civil society was proposed in the civil society symposium of January 1992, organized by the Beirut-based centre of Arab Unity studies:

“Civil society, as we understand, is the sum of political, economic, social and cultural institutions that act each within its own field independently of the state to achieve a variety of purposes. These include political purposes such as participating in decision making at national level, an example of which is the activity political parties engage in. They include vocational purposes, such as those served by the trade unions to uplift the standard of professions and defend the interests of union members. They include cultural purposes such as those served by the union of writers and cultural societies with the aim of spreading awareness in accordance with the inclinations and convictions of the members of each union or society. And they include social purposes, the accomplishment of which contributes to the attainment of development”<sup>33</sup>.

Although leading Islamic political thinker R. Ghannouchi endorses this definition, he insists that if ‘civil society’ is one in which power is not monopolized by the state, but rather shared between the government- the political authority- and the society, where the balance is in favour of the latter, and if it is one in which the state has no monopoly over the peoples sustenance, so that private ownership is guaranteed; initiatives, where individual or collective, are free; and the state monopolies neither education nor the rendering of social and cultural services, then this, according to him, is one characteristic feature of an Islamic society. This is how; Ghannouchi tried to Islamize the concept of civil society<sup>34</sup>.

<sup>31</sup> Saad Eddin Ibrahim, “Civil Society and Prospects for Democratization in the Arab World”, in Augustus Richard Norton (ed.), Civil Society in the Middle East, vol. 1. 1995, Leiden: E.J. Brill; p. 28

<sup>32</sup> Sayfulddin Abdelfattah Ismail, Civil Society and the State in Contemporary Islamic Thought and Practice (translated) in ‘Al-Mustama’, pp. 279, 311

<sup>33</sup> S.A. Ismail, Civil Society in the Arab Homeland and Its Role in Assuring Democracy, (translated), 1992, Beirut, Arab Unity Studies Centre: p. 292

<sup>34</sup> R. Ghannouchi, in an interview with Azzam Tamimi, in June 1995; supra note 28

Interestingly, the definitions of civil society by some Arab writers have been based on liberal, sometimes, secular notions, either excluding religion or making a qualified space for it. In their view, a civil society, which is assumed to be a prerequisite of democracy and pluralism, is only attainable if religion is restricted to the private sphere.

The concepts and themes of civil society in the Middle East are closely tied up with the quest for democracy. Political differences and contests are expressed in terms of the debates on civil society and democracy. Islamic advocacy and action and secular responses play an important part in these contests. Another important thing is that Middle Eastern thinkers have tended to emphasize forms of association and non-state institutions and groupings as the basis of civil society, containing sources of social autonomy and generating powers, which may eventually counter-balance state powers.

#### **AFRICAN PERCEPTION OF CIVIL SOCIETY**

The self-organization of oppressed sectors of society, the rebuilding of social ties outside the authoritarian state, and the creation of an independent public sphere outside all official state – and party controlled communications are considered as vital to the process of transition from authoritarian – or even totalitarian – rule to multiparty democracy. This is quite true in African countries. The growth and political activity of ‘civil society’ in Africa has been associated with important challenges against authoritarian governments and with fundamental political change in African countries. Typically organs of civil society in the forms of non-governmental organizations and community-based organizations have played an important role in providing humanitarian support to the oppressed people under various autocratic regimes.

In recent times, civil society organizations have significantly altered state-society relations in Africa. Current thinking on state-civil society relations in Africa can be categorized into three strands<sup>35</sup>. The *first* strand highlights the survivalist responses of societal actors to the repressive nature of the African state and to its reduced capacity for development. In the face of an unresponsive and at times repressive state, social actors in Africa including individuals and groups (e.g. farmers) opted for

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<sup>35</sup> Stephen N. Ndegwa, ‘Civil Society and Political Change in Africa’, in International Journal of Comparative Sociology, vol. 35 (1-2), 1994, pp. 21, 22



“disengagement”<sup>36</sup> or ‘exit’<sup>37</sup> from direct relations with the state. A common example is the prevalence of smuggling and other forms of the underground economy as a way to avoid government regulation or taxation. The *second* strand emphasizes the role that societal groups play as intermediaries between otherwise undemocratic and largely unaccountable governments and their citizens. Voluntary organizations in Africa provide avenues for informal political participation where formal modes of participation (such as voting) are circumscribed<sup>38</sup>. The *third* strand of thinking on state-society relations in Africa emphasizes civil society’s capacity to influence fundamental political change. Michael Bratton<sup>39</sup> endorsed this third strand by looking beyond ‘disengagement’ and ‘intermediation’. He emphasizes direct oppositional actions by societal groups as a crucial factor contributing to fundamental political change. On the basis of available evidences of mid-1980s, Bratton argues that voluntary organizations are already becoming more organized and more assertive’ in challenging the authoritarian state in Africa. Bratton in fact defines ‘civil society’ in terms of voluntary or ‘civic structures’ which “occupy the political space between the family (broadly defined by effective ties of blood, marriage, residence, clan and ethnicity) and the state.”<sup>40</sup>

Commenting on Bratton’s definition of civil society, P. Ekeh states:

“Bratton’s definition linking and apparently limiting civil society to civic structures points up the danger of transposing the raw notion of civil society in the west in its entirety to African circumstances, and it raises the important question of just what types of associations qualify for inclusion in the conception of civil society in Africa.”<sup>41</sup>

In any case, it is not very easy to determine which type of organization will challenge the authoritarian state effectively. Hence, for the purpose of defining civil society, considerable care must be taken to ‘include

<sup>36</sup> Victor Azarya, “Re-ordering state-Society Relations: Incorporation and Disengagement” in Precarious Balance: State and Society in Africa, Rothchild and Chazan (eds). 1988

<sup>37</sup> Goran Hyden, Beyond Ujamaa in Tanzania: Underdevelopment and an Uncultured Peasantry, 1980, Berldley, CA: University of California Press

<sup>38</sup> Naomi Chazan, “The New Politics of Participation in Tropical Africa” in Journal of Comparative Politics, vol. 14 (2), pp. 169-190, 1982

<sup>39</sup> Bratton, Michael, “Beyond the State: Civil Society and Associational Life in Africa” in World Politics, vol. 41 (3), 1989, pp. 407-430,

<sup>40</sup> Bratton, M., *ibid*, p. 418

<sup>41</sup> P. Ekeh, “The Constitution of Civil Society in African History and Politics”, in B. Caron (eds.) Democratic Transition in Africa (1994), Ibadan: Creder, p. 194

associations and institutions that possess not only manifest but also latent capacity to confront the state<sup>42</sup>. Here we find a broader view.

However, history and contemporary developments provide evidence that the western conception of civil society of the ‘voluntarist-pluralist’ kind (a rich variety of civil organizations or associations voluntarily emerge to compete with one another in the promotion of their socio-economic interests, without, however, ignoring cross-cutting and the general welfare. It is opposed to the ‘capitalist’ type of civil society, where the intermediary organizations are sponsored, often sustained by and dependent on the state) is despite some weakness, applicable to African Countries<sup>43</sup>. This type of civil society is conducive to the facilitation and consolidation of the current democratization process in many parts of Africa.

### **CIVIL SOCIETY IN LATIN AMERICA**

Latin America was the first region of the Third World to develop a semi-autonomous, semi-democratic civil society, dating as far back as 1870<sup>44</sup>. Perhaps it is because of the fact that Latin America has been in the process of political development much longer than any other region, since it was the first to gain independence during the first quarter of the 19<sup>th</sup> century – in most cases more than a century before many nations in Africa, South East Asia and the Middle East. However, the degree to which civil society has developed in Latin America varies from one country to the next. These differences rest in the historical process of industrialization/modernization, socio-economic development, and like other issues<sup>45</sup>.

Civil societies in many Latin American countries not only developed because of state breakdown, weakening or retreat, but, as the Chilean case demonstrates, in spite of the state. Despite attempts by the state to politically demobilize or deactivate society, at a minimum, enclaves of autonomous political organization and activity expanded under tremendous pressure or neglect from the state. Organized labour was one of the most

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<sup>42</sup> P. Ekeh, *ibid*, p. 195

<sup>43</sup> Kofi Drah, “Civil Society: Lessons and Comparisons from Elsewhere in Africa” in Civil Society After Apartheid, R. Humphries and M. Reitzes (eds.) 1995, Johannesburg: Centre for Policy Studies

<sup>44</sup> RC Conde, The First Stages of Modernization in Spanish America, 1974, New York: Harper and Row

<sup>45</sup> M. Kamrava and Frank O. Mora, “Civil Society and Democratization in Comparative Perspective: Latin America and the Middle East” in Third World Quarterly, Vol. 19, No. 5. 1998, p. 899

important sectors that, despite being weakened in many Latin American countries, were not dominated. They proved able to mobilize workers against the regimes providing an important nucleus for resistance by other groups in the society<sup>46</sup>. The growth of civil society in Latin America has also been linked to the process of socio-economic development, initially sparked by the expansion of the export sector (1880-1930) and then accelerated by the modernizing processes of industrialization and capitalist development (1930-60). These processes generated profound social changes and gave rise to various actors demanding expression and political inclusion<sup>47</sup>. Once state power was consolidated in the 1880s, Latin America embarked on a process of agricultural and/or mineral export expansion, setting into motion subtle but important transformations in society. The growth of the middle sectors i.e. merchants, shopkeepers and small businessmen and of urbanization, which accompanied the expansion of the export economy, were the foundations upon which civil society began to develop around the turn of the century<sup>48</sup>. With the newly emerging urban groups of employees and professionals, or workers in transport and early manufacturing industries, civil society became stronger and the weight of previously excluded sectors steadily increased<sup>49</sup>. The acceleration of modernization and industrialization, in its second and more profound stage from 1930 to 1960, gave rise to some new and more differentiated social forces that further altered the social structure and nature of state-society relations. The growth of commerce helped to stimulate the emergence of a new class of business people who began to organize into associational and/or professional groups that challenged the powers of the traditional oligarchs, especially large land owners. However, this second phase in the development of civil society did not spark a sustainable process of democratization because its political effects were mediated by pre-existing political and institutional structures, most of which were controlled by tradition, anti-democratic elites and by the tradition of state-intervention in society. Thus, despite growing industrialization during 1930s and 1940s civil society developed neither autonomous organizations nor an effective

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<sup>46</sup> P. Darke, Labour Movements and Dictatorships: The Southern Cone in Comparative Perspective, 1996, Baltimore, MD: Johns Hopkins University Press

<sup>47</sup> C. Anderson, Politics and Economic Change in Latin America, 1967, Princeton: Van Nostrand

<sup>48</sup> J. Johnson, Political Change in Latin America: The Emergence of Middle Sectors, 1958, Stanford: Stanford University Press

<sup>49</sup> G. Germani, The Sociology of Modernization: Studies of its Historical and Theoretical Aspects in Latin America, 1981, New Brunswick: Transaction Books

democratic political articulation through societal or party organizations at the national level.

There has been a paradoxical relationship between authoritarian rule and the development of civil society in Latin America. Ironically, it would experience of the repression of military authoritarian regimes, particularly bureaucratic- authoritarian that would finally produce a fully developed and autonomous civil society<sup>50</sup>. In the case of Latin America, once in power, bureaucratic-authoritarian regimes sought to radically change both the political system as well as the social and economic structures in existence. In order to accomplish these agenda, they tried to exclude economically and to destroy politically any organizational potential that autonomous social groups might have had. In the initial period of bureaucratic authoritarianism, therefore, civil society lost its capacity to generate new political and economic initiatives while the power of the state grew<sup>51</sup>. As a result, civil society as a whole and its political articulations were significantly weakened in all these cases; only Brazil being the exception. In the process of restructuring the economy, the state rescinded its previous social functions. For the first time since the 1920s, the state turned its back on society, leaving civil society, no alternative but to organize self-help groups and co-operate in finding common solutions to common social needs. The absence of institutionalized linkages to civil society made it difficult for the regime. 'In short, by attempting to disarticulate civil society, these regimes unwittingly contributed to the formation of autonomous and pluralistic societal organization.'<sup>52</sup> By the mid-1980s, these organizations became sufficiently empowered.

### CIVIL AND POLITICAL SOCIETY IN TRANSITION

If we look back once again at the historical development of civil society in various parts of the world, we find that the most difficult task, in every society, was to determine the 'space' for civil society. Beginning from the Aristotle's concept of civil society up to the 7<sup>th</sup> century Madina city state of

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<sup>50</sup> Supra note 45, p. 901

<sup>51</sup> Stephen, A. "State Power and the Strength of Civil Society in the Southern Cone of Latin America", in P. Evans, D. Rueschemeyer and T. Skocpel (eds.) Bringing the State Back In, (1985), New York" Cambridge University Press, p. 317

<sup>52</sup> M. Gameton, "Popular Mobilization and the Military Regime in Chile: the Complexities of the Invisible Transition" in S. Eckstein (ed.), Power and Popular Protest: Latin American Social Movement, (1989), Berkeley: University of California Press

Prophet Muhammad (sm), civil society had no space for its own – it was always deemed to be the ‘state’ itself. As I have discussed earlier, classical Islamic political thinkers claim that the city state of Madina itself was a ‘civil society’. But in 17<sup>th</sup> and 18<sup>th</sup> century, we find well-organized concept of civil society, though at that point of time, some other debates concerning the components of civil society were going on. Given the fact that civil society is a political concept, the vital question was that whether political parties are the part of civil society. This century old debate is still very live in many regions. The case of Bangladesh is a classic example here, where civil society, having political character, challenges mainstream political parties. Here we find the civil society almost like a political party. Some people believe that if the political parties are allowed to be a part of civil society, then the existence of civil society itself will be threatened and the key role of civil society as the watchdog will not longer exist. And it is more so when the political society is undergoing a transitional period. Juan J. Linz and Alfred Stepan distinguish civil society from political society thus:

By ‘civil society’, we refer to that arena of the polity where self-organizing and relatively autonomous groups, movements, and individuals attempt to articulate values, to create associations and solidarities, and to advance their interests. Civil society can include manifold social movements- women’s groups, neighbourhood associations, religious groupings, and intellectual organizations- as well a associations from all social strata, such as trade unions, entrepreneurial groups, and professional associations.

By ‘political society’, we mean that arena I which political actors compete for the legitimate right to exercise control over public power and the state apparatus. Civil society by itself can destroy a non-democratic regime, but democratic consolidation (or even a full democratic transition) must involve political society. Democratic consolidation requires that citizens develop an appreciation for the core institutions of a democratic political society- political parties, legislatures, elections, electoral rules, political leadership, and inter-party alliances.

It is important to stress not only the difference between civil society and political society but also their complementarity, which is not always recognized. One of these two arenas is frequently neglected in favour of the other. Worse, within the democratic community, champions of either civil society or political society all too often adopt a discourse and set of practices that are implicitly inimical to the normal development of the other.

...Democratic leaders of political society quite often argue that civil society, having played its historic role, should be demobilized to allow for the development of normal democratic politics. Such an argument is not only bad democratic theory; it is also bad democratic politics. A robust civil

society, with the capacity to generate political alternatives and to monitor government and state, can help start transitions, help resist reversals, and deepen democracy. At all stages of democratization process, therefore, a lively and independent civil society is invaluable<sup>53</sup>.

Another ongoing debate is that whether ‘individuals’ can be part of civil society or only the organized groups can enjoy this status. This raises another debate. The broadest definition of civil society allocates for itself the space between family and the state. To cover this huge area, only the organized groups are not enough. On the other hand, the civil servants, who are not considered to be the member of civil society while holding official positions, are otherwise, members of civil society when they are involved in societal activities like holding membership of non-governmental charitable organizations. This inspires to draw the red thin line between the individual and the establishment, which eventually indicates that organizations alone can conveniently be the part of civil society, not the individuals. Some political thinker underscores the people’s participation as the essence of civil society. They make their point that unless and until people in general are involved in civil society organizations, in other words, unless the civil society organizations don’t represent the mass-people, the purpose of civil society will be frustrated. If this the case, a good number of non-governmental organizations (NGOs), generally considered as member of civil society, can’t claim themselves part of civil society lacking public participation and support. So this is an area that deserves a re-thinking.

### **A GLOBAL CIVIL SOCIETY?**

When we talk about civil society, we ignore one thing that ‘state’ is not simply some edifice with a government. The state is what we, the citizens belong to, and we elect our governments. At the same time, we are members and right holders in civil society. So when we discuss the inter-relations between state and civil society, we really talk about different roles that we ourselves play, and we basically try to get some sort of balance between them<sup>54</sup>. Another important thing that we will have to consider while thinking about civil society is whether there are one or many of

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<sup>53</sup> Linz, Juan J. & Alfred Stepan, “Toward Consolidated Democracies”, in The Changing Nature of Democracy, edited by T. Inoguchi, E. Newman and J. Keane; 1998, Tokyo: United Nations University Press, pp.51-52.

<sup>54</sup> Mewyn Frost, “The Globalization of Civil society; What Impact on South Africa?” in Civil Society After Apartheid, Supra Note 43

these. Generally, it is assumed that every state has a civil society of its own. But some political thinkers<sup>55</sup> suggest that there is not a civil society for each state; rather he suggests one global civil society. Defining civil society as “the realm of human rights, especially the rights of the persons, which include the right to make contracts, the right to form associations, right to own property and so on”, Prof. Mervyn opines that market, particularly the market economy, is a very strong aspect of civil society. Then he argues, so far as the market is concerned, we all are playing in a global market, and with regard to human rights, most people regard themselves as having certain rights that they may legitimately claim against all other people and institutions — not only can we claim these rights from our own governments, but we can claim them from other governments, from private international organizations, from the UN etc. Outward manifestations of these are to be found in the many instruments of international law. And finally he concludes by supporting the contention that there is a single global society.

This global civil society is not controlled by any single authority. It is not like a state; and there is no government. Although it is not under any government, it enjoys only ‘structural power’. Here, structure refers to the constraint imposed on behaviour by the rules of a practice operating over time<sup>56</sup>.

There has been a close relationship between the growth in civil society voices on the global scene and the opening of global media channels including the ‘new media’ enabled by the internet. The media has often been crucial in providing a channel for the voices and perspectives of CSO actors, thus creating a complex and interdependent relationship between many CSO campaigners and the media people who turn to them for information, analysis, ideas and stories. The voice of civil society campaigners in the media connects to a longer-term shift of communications in the public sphere away from formal societal institutions as the source and site for information and discussion to the media system, with correspondingly important implications for governance and democratic politics.

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<sup>55</sup> More importantly Prof. Mervyn Frost of department of Politics, University of Natal, *ibid*, p. 195

<sup>56</sup> *ibid*, p. 199

### **Identifying Civil Society: Some Indicators**

Leaving behind all the theoretical debate on civil society, and for practical purposes, the following five principle sets of characteristics can be used to identify an ideal civil society in a country:<sup>57</sup>

#### **Structural Dimensions**

A strong and healthy civil society would demonstrate the following structural characteristics:

1. a dense (numbers) and diverse (organizational and institutional types) associational life (associational pluralism)
  2. a critical mass of voluntary and autonomous associations which would transform the structure of civil society and lead to new and specialized functions
    - (a) civil society could include primary, intermediate and national levels
    - (b) each of these levels undertakes a discrete function on behalf of citizens.
- The primary level of civil society is composed of community-based or self-governing associations formed by citizens to address collective problems, promote and defend shared interest, or articulate common aspirations.
  - The intermediate level of civil society connects citizens and their primary level associations to social, economic, and political processes and institutions at higher levels of governance.
  - The National level of civil society provides a specialized set of services (e.g. representation, policy analysis and formulation, advocacy, resource mobilization) to the intermediary and primary levels on the one hand and defends and promotes the overall interests of civil society on the other.

#### **A Favourable Legal Policy, and Regulatory Environment**

The legal environment that would promote civil society's participation as a legitimate partner in public life would include the following:

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<sup>57</sup> Supra note 3.



- i) Laws of association that provide legal recognition for all types of voluntary associations (for example, community-based organizations, NGOs, co-operatives, foundations, labour unions, human rights organizations, peasant federations, women's groups, professional and business associations);
- ii) Law that ensure the right of voluntary association, that is, the right of citizens to come together voluntarily around shared interests (freedom of association);
- iii) Laws that ensure freedoms of speech, press, and assembly;
- iv) Laws permitting CSOs to receive financials and gifts from their members, the broader public, and external donors; from the sale of goods and services; from the operation of enterprises; and so on;
- v) Fiscal (tax) incentives promoting charitable giving, philanthropy, and volunteerism;
- vi) Exemption of CSOs from the payment of taxes and levies as befits their non-profit status;
- vii) Laws permitting CSOs to participate in the formulation of public policy.
- viii) Laws and policies permitting CSOs to deliver a range of public services (health and education) and manage natural resources (land, forests, water)

### **The Normative Dimension**

The principal characteristic that distinguishes civil society from the state and market on the one hand and from the associational life in general on the other, is its normative dimension. Civil society in general and CSOs in particular demonstrate in their daily operations civic norms, democratic values, and good governance practices including trust, tolerance, philanthropy, volunteerism, and so on.

### **Functional Dimension Characteristics**

Presence of civil society may be deemed where individual CSOs carry out the following functions on behalf of citizens and society more broadly:

- i) The capacity to effectively participate in public policy making (skills/knowledge in policy research, formulation and advocacy) from the local to national levels of governance;

- ii) The capacity to effectively deliver a range of public services (for example the management of natural resources, the delivery of social services, the management and resolution of social conflict);
- iii) The capacity to increase citizen participation in public decision-making;
- iv) The capacity to monitor the states performance of public functions including adherence to the rule of law, human rights, and civil liberties;
- v) The capacity to provide a locus where individuals learn the art and habit of associating together thereby increasing the stock of social capital in a country, believing that a strong civil society is one that generates social capital.

#### **Increased Partnerships**

- i) CSOs join together in intra-sectoral (among CSOs) alliances, coalitions, and partnerships to advance or defend collective interests or rights;
- ii) CSOs join together in inter-sectoral (between CSOs and state and market actors) partnerships to resolve public problems.

#### **EPILOGUE**

The century old definitional debate regarding 'civil society' is an ambiguous issue even today. However, this ongoing debate has opened up some new avenues that necessarily encouraged the conceptual development of civil society raising the biggest question: who defines a civil society? Does the civil society define itself, or the people in general does it? Does the state machinery define it in a different way? Do the so-called 'illegal' groups that are fighting for the right of self-determination having huge public support behind them come under the rubric of civil society? While after the earthquake of Ahmedabad Indian civil society was so strongly visible, why did it suddenly disappear during the brutal communal riots of Gujrat (Ahmedabad)? These questions need to be addressed.

The aim of this paper was not to evaluate the role of civil society in a particular country; rather it tried to find out the basic characteristics of civil society that applies to every parts of the world nevertheless the fact that civil societies in different countries may have distinctive features. Moreover, in the ongoing process of globalization, this concept has got a new dimension- now we are talking about a single global civil society. In this regard, any analysis of concept of civil society deserves a comparative approach.