

MEANINGS AND RELATIONSHIPS

State and Civil Society

You have already read about the meaning and the nature of the state in Unit 11. We shall not repeat it here. In this sub-section, we shall discuss straight the nature of relationships between the civil society and the state. The state is among the most important concepts discussed in political theory. As you know, the state is distinct from other associations of the society, i.e., government, civil society, community, nation, etc. According to the liberal tradition, the state is supposed to remove the constraints for the development of the society as well as provide measures for social welfare. On the other hand, the Marxist tradition views the state as partisan to the propertied classes. With the concept of civil society gaining currency, the relationship of the state to the civil society has again occupied an important place in the discourse of political theory.

Recently, especially from the 1980s onwards, the concept of civil society has acquired a special significance in the discourse on political theory. The rise of new social movements having their organisations, structure and ideology aiming at social change and development in Eastern Europe and the former Soviet Union have generated interest in the civil society. Both these developments show the erosion in the credibility of the state and emergence of parallel centres of power. The origin and evolution of the civil society owes a lot to its relationship with the state. As you have read above, the nature of the relationships between the civil society and the state occupies an important place in political theory.

The recent attention to the civil society can also be traced to the eruption of social movements or resentment of the people against the state. Civil society is the space which exists between the community and the state. It is represented by those associations, the NGO's, individuals, academicians, intellectuals which strove who strive for the establishment of democracy in society. Since the civil society institutions exist between the state and the community and question the state, they are generally referred to as the institutions, which are distant from the state. The civil society is considered both complimentary and sometimes as a substitute for the state institutions. The basis of the formation of civil society is secular. Caste and kinship linkages, religion or tribal mobilization etc. are not the basis of the formation of civil society. According to Neera Chandhoke, the organisations based on primordial bonds are, in fact, "counter – civil society" movements.

Before we proceed further, it is essential to note that in the old European tradition till the eighteenth century, the terms state and civil society were used interchangeably. Dominique Colas traced the history of the concept of civil society and found that throughout the 16th and the 17th centuries it was used as a concept opposed to religious fanaticism. At that time, it was the state which opposed the church as an institution of rights. It means that the state functioned as a civil society or there was no distinction between them. The civil society was an aspect of the state (as opposed to the church). It is, in fact, in the following period that these came to be known as two distinct entities. The fact whether there exists a civil society or not depends on the nature of the relationship it has with the state. This gave rise to several questions in political theory. Is the state subordinate or superior to the civil society? Can one exist without the other? Are they inimical or supportive of each other's interests? Whose interest does the state serve in comparison to the civil society? Basically, there are four perspectives which deal with these questions in political theory – Tocquevillian, Lockean, Hegelian and Marxian. De Tocqueville studies the reasons for the existence of democracy in America and its absence in France in his book 'Democracy in America'. He observes that it is the nature of the state in both the countries on which the existence or the absence of democracy depends. It was present in America because a liberal democratic state there allowed the formation of the associations of people, which indicated presence of mutual trust among them. As you shall read in the next sub-section, formation of association relations is an indication of the civil society. The civil society in turn reflects democracy. In France, de Tocqueville observes, that unlike America, there did not exist the civic association or society due to the despotic or undemocratic nature of the state.

In the case of John Locke, the 17th century thinker of England, the relationship between the state and the civil society can be viewed in terms of the relationships between the two entities in the state of nature and after the state of nature. As one of the social contractalist thinker, Locke believed that the state is the result of a contract which was made among the individuals who were living in the state of nature. They enjoyed certain rights, which were entailed to them by nature. But there was no authority which could protect the rights of the individuals, provide them security or could regulate their affairs. Such an authority could be the state, which was born out of the social contract which the individuals made with each other. Through this contract, the political society of the state of nature was transformed into

a civil society. Locke, in fact, uses the civil and the political interchangeably. It is difficult to distinguish between the civil and political society of Locke. Suffice it to say that according to Locke, the civil society was born to secure the rights which were already available in the state of nature. As Neera Chandhoke observes, Locke's "political society" was a "civil state" as opposed to the natural. Civil or political society was created to protect the rights which the individuals had inherited from the nature of the state. (see how Gurpreet Mahajan interprets it)

Hegel, the German philosopher, has most systematically dealt with the relationship between the civil society and the state. In his book 'Philosophy of Rights', Hegel considers the *civil society* as one of the moments of ethical life, the other two being the *family* and the *state*. This civil society is to be distinguished from both the family and the state. In the family, Hegel argues, particular interests are transcended in a natural and unreflective unity, and transactions between the members are guided by love and concern; while in the state, universality is institutionalized as the highest form of ethical life as the 'actuality of the ethical idea'. Civil society, by contrast, is the domain of particularity, of the self-seeking individual concerned with the fulfillment of his private need. In this stage, the ethos of the family i.e., natural love and altruism disintegrate; but equally, it is here that the principle of universality which the state comes to embody is found in an embryonic form. Civil society as an important stage in the transition from the unreflective consciousness of the family, to conscious ethical life, becomes the site where the Hegelian philosophical concern that particularity has to be mediated by universality, can be realized.

The civil society in the Marxian tradition represents the interests of the propertied classes, the bourgeoisie. There are, however, two approaches in the Marxian tradition regarding the civil society. One is the classical approach. It is related to Marx, who inherited the Hegelian perspective on civil society, but he led the analysis further to interrogate the system itself. To Marx, it is not only the ground where one man's selfish interest meets another man's selfish interest; it is the place where the appropriation of surplus labour takes place. The historical stage must be transcended. But Marx, unlike Hegel, rejected the possibility that any existing institution can do it. Civil society must find a new agency from within itself to transcend egoism and self-interest, exploitation and humanity. And given the nature of the sphere, this transformation had to be revolutionary. Only then could the individual be integrated into the society and the state. Revolutionary transformation becomes the organising principle to civilize civil society.

The other within the Marxian paradigm is the Gramscian tradition. Gramsci, although he uses civil society to refer to the private or the non-state sphere, including the economy, his depiction of civil society is very different from that of Marx. Gramsci's main proposition is that the state cannot be understood without an understanding of the civil society. Civil society, to Gramsci is not simply a sphere of individual needs, but of organisations, and has the potential of rational self-regulation and freedom. Gramsci insists on its complex organisation, as the 'ensemble of organisms commonly called 'private' where hegemony and 'spontaneous consent' are organised'. While Marx insists on the separation between the state and the civil society, Gramsci emphasises the inter-relationship between the two, arguing that whereas the everyday, narrow use of the word state may refer to government, the concept of state in-fact includes elements of civil society. The state narrowly conceived of as government is protected by the hegemony of the dominant class fortified by the coercive state apparatus. To Gramsci, political society is the location where the coercive apparatus of the state is concentrated in prisons, the judicial system, the armed forces and the police. Civil society is the 'location' where the state operates to enforce invisible, intangible and subtle forms of power through educational, cultural, religious systems and other institutions. In fact, the withering away of the state is redefined by Gramsci in terms of a full development of the self-regulating attributes of civil society.

It had been first mentioned in the writings of John Locke. As mentioned earlier, he mentioned that the civil society emerged as a result of the transformation of the state of nature into a civil society. He differentiated the civil society from the state of nature and the political society. The civil society gets transferred into the political society by the laws framed by the common authority that emerged as a result of the contract. Civil society is a (political) society where the rights of individuals get priority. The civil society is different from other associations in the sense that unlike the former, it accords priority to the individual rights. It does not stand outside the state, rather it (civil society) emerged with the presence of the state. It means that the people who were living in the state of nature, enjoying natural rights to life, liberty and property entered into a social contract under a common public authority, with one another for establishing a just society in which the rights of each individual can be protected. The common authority has the right to make laws about the people or the civil society. This civil society is different from the state of nature where people enjoyed equal natural rights, but did not have any authority to punish the offenders. Before the formation of the social contract, the society existed as an uncivil society. Thus, in the civil society the rights of each individual are protected.

In the 19th century when Hegel elaborated the idea of civil society, it was after nearly two centuries of Locke's. But there were differences between the concept as devised by the two thinkers. The main concern in the Lockean understanding is the particularistic or subjective rights of individuals. He does not mention anything about the relationships between the particularistic or subjective rights and universal rights. As mentioned earlier, Hegel on the other hand, believes that a civil society can exist only if there is ethical order in the society. Ethical order, according to him, means the existence in harmony of subjective and universalistic laws. The subjective laws originate in the communities, and are related to the specificity of that community – about its traditions, customs, place of the individual member in the community, his/her relationships with elders, priests, position of women, etc. These are particularistic. On the other hand, the universalistic laws belong to the laws of the state, which might be enshrined in the written or unwritten constitution of the state. These laws are based on the universal principles of rights of individuals – equality, liberty, property and fraternity. If the universalistic and particularistic rights exist together, one does not negate the other despite the differences existing between them. Infact, then an ethical order exists in the society. This, in the view of Hegel means that in such an order of coexistence, the civil society exists.

The concept of civil society again came in the currency in the twentieth century. The disintegration of the former Soviet Union and Eastern Europe in the 1980s revived the interest in this concept. The loss of faith in the state due to its failure revived the interest in the civil society. The notion of state came under attack, more specifically, during the latter half of the twentieth century. It came to be seen as an alternative to the state.

Even as the Marxists consider the civil society to be partisan and contributory to the perpetuation of unequal and discriminatory class relations, the non-Marxists find in the civil society a panacea for the failure of the state. Non-Marxist models of civil society, which view it as an alternative to the state, belong to the associative model of democracy.

Check Your Progress 1

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) What do you understand by civil society? Examine its relationship with the state.

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- 2) Trace the evolution of the concept of civil society.

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Democracy and Civil Society

Democracy and Civil Society are inseparably related to each other. A healthy liberal democracy needs the support of a vibrant civil society. As mentioned in the earlier sub-section, the foundation of the democracy-civil society nexus thesis could be traced in Tocqueville's classic writings on American politics.

In recent years, there are several scholars who have developed this democracy-civil society relation in various models of democracy. One such model is the 'Associative Model of Democracy' as developed by Sunil Khilnani, Paul Trust and Benjamin Barber. According to them, the decentralisation of power is the basis of formation of civil society. The decentralised units of power are inclined towards trust, association and democracy. But the basis of the formation of the smaller communities is secular-equality, not ascriptive. The advocates of this perspective are critical of the centralised authority of the state, which they find too imposing. They pin their hopes on the communities or the decentralisation in the western democracies. The perspective of the civil society is related to that literature which emerged in the wake of the decline of socialist societies, especially in Eastern Europe. Here, the civil society emerged in contrast to the totalitarian state. The rights of the individuals, which were violated during the totalitarian regimes, were seen to be protected in the civil society.

The existence of civil society also indicates the extent of democracy in a society, viz, formal democracy like elections, multi-party system or a democratic constitution. It also means, at the same time, existence of democratic norms and values like coexistence of differences along with tolerance of each other's culture and views. According to Gellner, the institutional notion of democracy is less comprehensive than that of civil society. Civil society is an arena of contestation and debate. Neera Chandhoke says that civil society is a space where individuals set their norms in association with each other. It resides in the life of those who question the state's imposition on them. They make the state respond to their voices. Each group in the civil society is entitled to maintain its specificity, culture. These are based on the principles of freedom and equality. According to Manoranjan Mohanty, the civil society organisations may be called "creature societies", because these associations question the state and strive to create an egalitarian and democratic order.

A new generation of neo-Tocquevillians, the most prominent amongst whom is Robert Putnam, have since the 1990s revived the concept of civil society as the bedrock of democracy. Putnam popularized a concept called ‘Social Capital’ which stands for “features of social organisations such as trust, norms and networks”. The linkage between democracy and social capital takes off from one of Putnam’s famous study of the varying performances of local governments across North and South Italy. The work argues that North Italy generally promoted better institutional performance than the South, because here conditions were historically geared to wider public participation in civic affairs, which itself resulted from the availability of better inter-personal and institutional trust in the society.

Check Your Progress 2

Note: i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

1) What is the Associative Model of Democracy?

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2) Discuss Robert Putnam’s views on civil society.

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Community and Civil Society

Community is a group of people knit into relationships on the basis of primordial factors, i.e., religion, kin, family ties, caste, etc. These set rules for the individuals, which constitute the community. The nature of the rules of the community about the rights of the individuals and citizens show the nature of polity and society. The rules of the community are particularistic and those of the state are universalistic. If there are conflicts between the two sets of rules, the democratic edifice of the polity gets eroded. But if on the other hand, the rights of the individuals in a society are in consonance with those of the state, the polity represents democratic traits. The community exists between the state and civil society. The status of the democratic rights of individuals within the society – of women, of disadvantaged groups, of minorities, etc.–depends on the nature of all the three institutions of state, civil society and community.

The sociological argument on the distinction between community and civil society takes its purest, most systematic and most elaborate form in the work of Ferdinand Tönnies. Tönnies called these 'real or organic' life and 'imaginary or mechanical structures' – *Gemeinschaft* and *Gesellschaft*. In Tönnies's words, *Gemeinschaft* is old; *Gesellschaft* is new. In rural life, community among people is stronger and more alive; it is the lasting and genuine form of living together. In contrast to *Gemeinschaft*, *Gesellschaft* (society) is transitory and superficial. Accordingly, *Gemeinschaft* (community) should be understood as a living organism, *Gesellschaft* as a mechanical aggregate and an artifact.

Sudipta Kaviraj in an article 'In search of Civil Society' points to a connection between the two dichotomies: the state and the civil society on one hand, and the civil society and the community on the other. There are significant connections between these two separate arguments in several types of analyses of Third World politics. It has been argued that the proper working of a modern constitutional state requires a distinction not merely between the state and the other organisations in society, but the sphere of non-state organisations being governed by *Gesellschaft* like principles.

CHARACTERISTIC FEATURES OF CIVIL SOCIETY

There have been such diverse analyses of civil society, that the term may seem to be confusing. So a look at the features of civil society may help to comprehend the subject. Following Diamond, the features of civil society may be enumerated as follows:

First, civil society is the realm of organised social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state and bound by a legal order or set of shared rules. It is distinct from "society" in general in that it involves citizens acting collectively in a public sphere.

Second, civil society is concerned with public ends rather than private ends. It is an intermediary phenomenon standing between the private sphere and the state. Thus, it excludes parochial society: individual and family life and inward-looking group activity; and it excludes economic society: the profit-making enterprise of individual business firms.

Third, civil society is related to the state in some way, but does not seek to control the state; it does not seek to "govern the polity as a whole".

Fourth, civil society encompasses pluralism and diversity. It encompasses a vast array of organizations, formal and informal, including economic, cultural, informational and educational, interest groups, developmental, issue-oriented and civic groups. In addition, civil society encompasses what Thomas Metzger calls "the ideological marketplace", the flow of information and ideas, including those which evaluate and critique the state.

Fifth, it follows from the fourth that civil society does not seek to represent the complete set of interests of a person or a community. Rather different groups represent or encompass different aspects of interest.

Sixth, civil society should be distinguished from the more clearly democracy-enhancing phenomenon of civic community. Diamond argues that civic community is both a broader and narrower concept than civil society: broader in that it encompasses all manner of associations (parochial included); narrower in that it includes only associations structured horizontally around ties that are more or less mutual, cooperative, symmetrical and trusting.

Check Your Progress 3

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

- 1) What are Ferdinand Tonnies' views on the distinction between civil society and community?

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- 2) Enumerate and describe the basic characteristics of civil society.

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LET US SUM UP

Civil society, although has a root to Lockean tradition, gains currency in the twentieth century, in the wake of the demise of the East European Socialist regimes.

Apart from Locke, earlier thinkers who contributed to the development of the idea of civil society were Tocqueville, Hegel and Marx. Extending the Marxian vision further, Hegel explained it from a different perspective.

Civil society can be defined in terms of enumerating certain features which you have found in this unit.

The relations between civil society, on the one hand, and state, democracy and community, on the other have also been mentioned.