

# *The Concept of Civil Society: A Theoretical Review*

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## **Abstract**

The concept of civil society is referred to a sphere of social order, which lies outside the pale of state, and counterbalances its power by safeguarding the individuals of a society from political control and oppression. This idea was evolved in the eighteenth century and has developed ever since. The article attempts to review the concept and theory of civil society in a historical context, tracing its origin back to the eighteenth century and exploring its current usage and connotations. Outlining its characteristics, the article brings to the fore that the notion is being used as an analytical tool for explaining various socio-political phenomena in the context of state-society relationship. Practically, the idea is being employed as a political slogan for criticising various government policies by activists, and as a normative ideal and model for social organisation. The article suggests that the concept is currently undergoing alterations redefining the relationship between state and society.

## **Setting the context**

The triadic paradigm of social order consists of three constituting sets of structures; the state (the upholder of legal values) is referred to as the first sector, the market or economy representing exchange values is the second sector. These two when combined in one category are collectively

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referred to as system.<sup>1</sup> However, the third residual structure of the triadic paradigm is the 'civil society'. For this reason, civil society is also referred to as the 'third' or 'independent' sector.<sup>2</sup>

The first constituting set of structures, i.e. the State may loosely be defined as a politically organised section of society or as a political society. It is comprised of a set of authoritative and powerful roles meant to control, order and organise the people.<sup>3</sup> Moreover, state has been identified as a primary locus of political power<sup>4</sup> and at whose disposal the coercive mechanisms have almost always been placed. Therefore, it is likely to exercise absolute power over a society. Thus efforts are made to contain the state's political control and power absolutism. A system of checks and balances is devised to help restrict state power and enable its people to promote their autonomy and freedom of action. Institutionalised arrangements include formal and informal organisations, such as, judiciary, legislatures, political parties, interest groups, particularly economic, cultural, social, developmental, and issue-oriented. These organisations provide the bases for the limitation of state power, indeed the control of the state by society. They tend to monitor and restrain the exercise of power by the authoritarian state. This function has been

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1. S.B.A. Kazmi, "Civil Society, Violence and Development Ethics: A Case Study of Northern Ireland", Unpublished M.A. Thesis: University of East Anglia, 1996, 29
  2. Isagani R. Serrano, *Civil Society in the Asia-Pacific Region* (Washington D.C: Civicus, 1994), 4.
  3. According to Appadorai, the four essentials of a state include a definite geographical territory, population, government, which is the sum total of the legislative, executive and judicial institutions, and sovereignty, i.e., the power of the state to make and enforce laws with all the means of coercion. A. Appadorai, *The Substance of Politics*, 6th ed. (Madras: Oxford, 1952), 11.
  4. Power exertion is the most fundamental process in political as well as social life that pervades all dynamic political and social phenomena. Power theorists assume that power relations are endemic among all human interactions and they form an inevitable part of societal structure. The concept of power has variously been defined but the essential idea underlying most definitions is that power is the ability to affect social activities or behaviour of an actor. Power is relational and relative. It is not something that is possessed by an actor; rather it manifests itself in an interactional process. An actor may be considered powerful in relation to some actors in regard to certain matters. The exercise of power is usually reciprocal among all participants of the process but it has been assumed that power is mostly unequally distributed among the actors; some possessing and exercising greater power than other actors. For a detailed discussion see Marvin E. Olsen, *Power in Societies* (New York: Macmillan, 1970), 2, and Amatai Etzioni *The Active Society* (New York: Free Press, 1968), 314.



performed so successfully in so many developed, democratic societies that it has brought to the fore of the political discourse a whole concept of "civil society".

### **Development of the idea of civil society: An historical overview**

The current state-civil society debate generated in 1970's<sup>5</sup> is, in fact, a revival of the 18th and 19th century notion of civil society. This notion was centred round the problematic nature of relationship between an individual and a community. Since the idea of civil society has a long history behind it, its gradual development and evolution can be classified under two heads: the classical idea of civil society and the modern idea of civil society.

To begin with, the term 'civil society' owes its origin to the works of Aristotle but as an English phrase, it dates back to the last decade of 16th century when it referred to people living in a community. However, the civil society as a relatively systematic concept took a definite shape later in the 18th and 19th centuries.

The historical evolution of the concept of civil society may be sought in context of the socio-economic conditions in the 18th and 19th century Europe. The new emerging mercantilist and industrial societies in the West led the classical thinkers to search for a new theory of society, which could adequately explain their contemporary developments. Western thinkers during the two centuries came across a set of problems regarding the relationship of an individual to a social whole. The crux of the matter was to find a balance between mutually antagonistic self-seeking individuals and the concern for public good and interest. To put it more explicitly, the problem was to make an individual's free pursuit of his selfish interests compatible to the collective interests of a community without encroaching upon his freedom.<sup>6</sup> This problem remained the central theme of the western political thought for a long time.

The classical theorists of the French, Scottish and German Enlightenment attempted to resolve the dichotomy. To them, answer to the problem could be found in the idea of civil society but the civil society

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5. The idea was resurrected in 1970s in wake of struggle between the Polish Workers' Movement and the government. Adam B. Seligman, *The Idea of Civil Society* (New York: Free Press, 1992), ix.

6. *Ibid.*, 5.



was differently conceived and explained by different theorists. However, one common theme running through all versions of the idea of civil society was the concept of an arena where an individual satisfied his wants and caprices and fulfilled his interests.<sup>7</sup> Although the Scottish Enlightenment thinkers like Francis Hutcheson, James Stuart, Adam Ferguson and Adam Smith greatly contributed to the concept of civil society. It was the German Enlightenment thinker G.W.F. Hegel (1770-1831) who is regarded as one of the notable and most influential thinkers on the subject of individual freedom on one hand and state restrictions on the other.

Hegel posited two contrasting views of civil society – civil society as a Market-Morality State and civil society as a sphere of Ethical State. He postulated that the needs of individuals in a modern society were satisfied through a division of labour, which made the people realize their mutual interdependency. Therefore, they willingly submitted to a legal system – a system of justice and administration. It was these legal institutions which constituted Hegel's civil society. (It can be referred to as state in modern terminology). But such social order only theoretically represented social harmony, not in actual practice. Therefore, Hegel propounded the second idea of civil society as an Ethical State. This State, he wrote, would respect individuals' pursuit of selfish ends. The Ethical State would be constituted as to consist of institutions like hereditary monarchy, an executive formed of men caring for universal interests and a legislature representing several interests organised into corporations. Apart from the executive with universalistic orientations, the individual freedom would be guaranteed by voluntary organisations (corporations/guilds/groups etc.), which would exert pressure on the executive in order to work as a neutral body as between interest groups.<sup>8</sup> In this way, the state (now including civil society i.e. corporations representing interests of members) would exercise an internal check on the authority of government. To quote Hegel, civil society is a 'legal sphere to govern civil life and with institutions that are higher than individual but lower than the state'.<sup>9</sup> In other words, his concept of civil society entailed

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7. *Ibid.*

8. Farhat Iftikhar Gill, State-Civil Society Debate: Back to its origins", *The Scenario*, No.4 vol.i, (May 1998), 66-7.

9. Jean B. Elshtain, "Civil Society Creates Citizens. It Does Not Solve Problems" (1997). Quoted in Mohammad A. Qadeer, "The Evolution of Civil Society and Social Transformation in Pakistan". Paper read at 13th Annual General Meeting of Pakistan Society of Development Economists., 15th-17th December, 1997, Islamabad: Pakistan Institute of Development Economics, 13.



intermediate institutions between the familial and the political relations of the state. In this sense, Hegel attempted to resolve the private/public or selfhood/community dichotomy by incorporating the civil society in the state structure. Hegel seemed to identify his Ethical State with the Prussian Monarchy of his time, and Karl Marx came out with critique of such Hegelian identification.

In particular, Karl Marx (1818-1882) criticized Hegel for incorporating civil society institutions in the Ethical State, thus seeming to have resolved the conflicts between rights of the individuals and of a society as a whole. Marx viewed state institutions like executive (bureaucracy) not as a mechanism for safeguarding individual interests but as an instrument for promoting the interests of the ruling classes. Marx, however, resolved individual/social or private/public dichotomy by following the footsteps of Hegel. Like Hegel, Marx too incorporated civil society into state but according to Marx, such a social order would be achieved only in future with the establishment of a communist society. Only there, he idealised, the true freedom would be achieved.<sup>10</sup> In this way, Marx identified the idea of civil society with the future reunification of civil society and political society or state. With such resolution of the dichotomy of private/public or selfhood/community, the classical idea of civil society have attained its full development.

As indicated above, the idea of civil society was resurrected in 1970s because the resolution of the earlier-discussed dichotomy was challenged by thinkers of contemporary era. In fact, what has led the thinkers/theorists to question the classical notion of civil society incorporating the civil society in the state is the increasingly deteriorating conditions of governance in the developing societies. Due to widespread mismanagement and corruption of the state institutions, non-governmental sector including voluntary associations has taken the role of delivering services to citizens. Nowadays these non-governmental organisations (NGOs) and activists who voice public concern left unattended by political parties like environment and gender, etc. have come to be identified with the civil society. Apart from that, the current state-civil society debate resurrected in 1970s has forcefully once again re-emerged in the present decade of 1990s mainly because of the disintegration of the

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10. Seligman, *The Idea*, 51-2.



USSR in 1989. Social and political analysts attributed it to the absence of civil society institutions in former Soviet Republic.<sup>11</sup>

The modern or contemporary idea of civil society is, in fact, a reconceptualisation of the whole matrix of the notion. The undercurrent of the modern idea of civil society is the accent on the separation between state and civil society. In fact, the exponents of the current idea of civil society owe much to the thought of Antonio Gramsci. Contrary to Hegel and Marx, Gramsci differentiated civil society from both state and economy. He described civil society as a 'counterpoint to the state'.<sup>12</sup> He defined it as a realm of the private citizen and individual consent, and placed civil society between the coercive relations of the state and economic sphere of production.<sup>13</sup> The Gramscian distinction between state and civil society guided further theorists to explain civil society functioning outside the state apparatuses. In other words, it is a sphere of social life where individuals exercise their free will without any control of state.

How this modern idea of civil society is being conceptualised and explained nowadays is significant to be discussed in some detail. Though now defined and understood in the context of modern, capitalist nation-state, the need to review few definitions of civil society still remains. Therefore, some definitions are reviewed hereupon in order to have an idea as to how contemporary theorists view and define civil society.

In view of Ernest Gellner, civil society is a set of diverse non-governmental institutions, which counter-balance the state but do not prevent the state from fulfilling its role of keeper of the peace and arbitrator between major interests. In short, civil society prevents a state from dominating and atomising the society.<sup>14</sup>

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11. For details see, Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals* (London: Penguin, 1996), 1-5.

12. Jean Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge: The MIT Press, 1992), 144.

13. Iftikhar H. Mali, *State and Civil Society in Pakistan* (London: Macmillan, 1997), 7.

14. Gellner, *Conditions*, 5.



Keith Tester defines civil society clearly distinct from the state, which entails all societal relationships. However, these relationships exclude familial relations and political relations of state.<sup>15</sup>

Andrew R. Norton opines that civil society is a mediating structure between the society and state, which acts as a buffer between state and citizen.<sup>16</sup>

In a similar vein, Cohen and Arato while distinguishing civil society from the state, define the civil society as a "sphere of associations (especially voluntary associations), social movements, and forms of public communications that mediate between economy, state and society."<sup>17</sup>

Since these days voluntary organisations have come to be known as civil society, and in fact, both have become synonymous to each other, Serrano has defined voluntary associations as "groups, organisations and movements freely formed by citizens not for profit, but to advance groups interests or the common good. They mediate between the private citizens on the one hand and state and corporate structure on the other. They are building blocks of sense of belonging and develop solidarity with others".<sup>18</sup>

Richard Holloway, while classifying 'genuine' civil society organisations according to their functions, maintains that there are two kinds of voluntary organisations, firstly, which help its members and secondly, which help others irrespective of its membership.<sup>19</sup>

Iftikhar H. Malik, while conducting a study on the civil society of Pakistan, defines it as aiming to strengthen individual and collective rights and restrain authoritarianism of both state and society.<sup>20</sup>

Similarly, M.A. Qadeer, while working on Pakistani civil society, defines it as 'institutions, organisations and practices – both traditional and modern – which define, influence and constrain a state's behaviour as

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15. Keith Tester, *Civil Society*, as quoted in Malik, *State and Civil Society in Pakistan*, 7.

16. Andrew R. Norton (ed.) *Civil Society in the Middle East* (Leiden: E.J. Brill, 1995), 7.

17. Cohen & Arato, *Civil Society*, ix.

18. Serrano, *Civil Society in the Asia-Pacific Region*, 3.

19. Richard Holloway, 'Organisations of Civil Society: Bangladesh' in *ibid.*, 138-9.

20. Malik, *State and Civil Society in Pakistan*, 5.



well as serve as the organizational base for collective action at the intermediate levels of social life'.<sup>21</sup>

From the afore-quoted definitions of civil society, it can be inferred that civil society is perceived as:

- 1) a sphere of social order which is not a part of state;
- 2) an intermediate space, a mode of interaction or a mediating sphere between an individual and a state;
- 3) a set of structures and practices which act as counterweights against a state's excessive political control;
- 4) a platform for organising individuals for collective action; and
- 5) a source of delivering services to people (exclusively members or all irrespective of membership).

These are the cardinal features and functions of a civil society on which almost all theorists more or less are generally agreed. However, some other features of civil society are also postulated and argued by the theorists. Civil society theorists suggest that civil society does not include all social institutions of a society. It represents only those institutions that express collective interests.<sup>22</sup> It means that civil society is an expression of a society's collective interests and it voices the public concerns; it is not a vehicle for articulating the private interests of an individual, which may harm the public good in any society. It is also argued that where political society/state is weak, the civil society will be strong.<sup>23</sup> In other words, if a state is not properly fulfilling its role and not adequately delivering services to the citizens whom it is supposed to deliver, there is a strong likelihood that civil societies in such social orders will have to take a greater role. In such circumstances, the civil society/societies will be expected to perform the key role of promoting the cause of the society. In addition, it is also asserted that the structure of a civil society undergoes changes with the social and economic development in any social order. Similarly, the changes in state structure also correspondingly realign

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21. Qadeer, *The Evolution*, 5.

22. *Ibid.*, 4.

23. Kazmi, "Civil Society, Violence and Development Ethics", 52.



institutions of a civil society. Seen from this perspective, a civil society may be viewed as much a process as a structure.<sup>24</sup>

The idea of civil society is not without theoretical and methodological problems. Notwithstanding the contemporary idea of civil society being credited to Hegelian tradition, Hegel's idea of civil society had a normative basis. He had idealised the Ethical State as a universal phenomenon and had assigned it a positive value. However, the modern proponents of civil society conceptualised it as an 'a-moral order'.<sup>25</sup> They argued that the nature of civil society is morally fluid and, therefore, it is not universal.<sup>26</sup> Theorists also insisted that the idea of civil society embodies individual freedom of choice to form groups and seek identities. The moral choice of choosing identities implies that individuals in a civil society have the freedom to identify themselves with whatever social organisations they wanted to. Gellner observes that the modern conception of freedom entails 'the requirement that identities be chosen rather than ascribed'.<sup>27</sup> Moreover, civil society organisations and associations are entered and left freely, rather than their imposition by birth, kinship, etc.<sup>28</sup> Kazmi argues that because of freedom of choosing identities or making moral choices, which is fundamentally provided by civil society, individuals authenticate their existence.<sup>29</sup>

Theorists have assigned polar positions to state and civil society. Moreover, it has been suggested that civil society act as a buffer between state and society. This assertion may lead one to think that civil society is something distinct from both state and society, acting as a mediating institution. It may be argued here that civil society sphere is not something apart or distinct from society. In fact, civil society is internal to society. In other words, civil society is comprised of politically conscious sections of a society who organise and regulate them to resist the state's high-handedness. Similarly, some theorists have divided society into two parts: civil society and political society. It may be argued that according to this division, a civil society must include everything that is distinct from political society. On the contrary, if civil society is to include certain

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24. Qadeer, *The Evolution*, 5.

25. Gellner, *Conditions*, 137

26. Kazmi, "Civil Society, Violence and Development Ethics", 15.

27. Gellner, *Conditions*, 9.

28. *Ibid.*, 103.

29. Kazmi, "Civil Society, Violence and Development Ethics", 13-14.



institutions of society, then the assertion or formula 'civil society = political society = society/social order' does not leave any room for the left out masses of the society.

Practically speaking, the idea of civil society is currently being employed for many purposes. Keeping in view the classical idea of civil society as an ethical vision of social life, the present concept of civil society has been posited as a panacea, a solution to contemporary impasses and as an alternative to the democratic social order of the day.<sup>30</sup> It is being used as a model for social organisation. Since late 1970s the idea of civil society has become an important part of political discourse all over America and Europe, especially in Eastern European countries like Poland, Hungary, Czechoslovakia, and other East-Central European nations. For instance in Poland,<sup>31</sup> the concept is being used as an ideal. Historically speaking, Poland has never been an autonomous State in modern times. It was divided between Prussia, Austria, and Russia in 1772, 1793 and 1795, and later Czarist Russia crushed its 19th century revolutions. In the present century, it was subdued by Germany in 1939 and Soviet Union in 1945. The idea of civil society has thus provided the Polish nation with only ideological alternative to foreign domination. In Eastern Europe an attempt appears to be under way to reconstitute civil society as an autonomous self-regulating public domain independent of the State. It is, in fact, an experiment in civil society as a collective entity free of State regulation.

On the contrary, the United States, unlike the Eastern and Western Europe, has always lacked a coherent concept of the state. Therefore, the USA has traditionally been presented as a model of civil society. But in the present decade the adequacy of this model is increasingly being questioned. At present, the nature of the relationship between civil society and the state is being rethought and is undergoing the most radical transformations.

To conclude, the idea of civil society is currently being used for three purposes:

- 1) as a political slogan for criticising various government policies at the hands of activists;

30. For a detailed discussion see, Seligman, *The Idea*, passim.

31. *Ibid.*, 7-8.



- 2) as a normative concept and ethical ideal — a vision of a social order guaranteeing good life; and
  - 3) as an analytical tool to explain various socio-political phenomena in the context of state-society relationship.<sup>32</sup>
- Indeed, social scientists are employing the concept of civil society to identify, locate and explain various social structures and organisations, which impact upon the relations between a state and a society.

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32. *Ibid.*, 201.