

THE CIVIL SOCIETY

A positive definition

The Civil Society has become again very trendy lately, especially in the political arena. However, who can pretend he really knows what it is? Talking about Civil Society is like talking about human society: it is a matter of forms, of functions, of culture, of purposes. Defining by exclusion is the simplest, most straightforward and most frequent definition: it is what is left when you remove from the whole society the governmental and private sector. This widely used definition is not a definition indeed. If it appears to have the advantage of being 'clear and simple', its complete uselessness largely disadvantages it.

I shall therefore define the Civil Society by its substance and not by its absence. To defend this societal body, I need to know why it exists and reject definitions that say what it is not. The Civil Society is a universe, its members can be scientific societies, humanitarian societies that deal with church, civic or philanthropic affairs, they are secret societies, guilds, fraternities, or monastic societies, they have many forms and they renew constantly.

Finally, one adopts a definition of the Civil Society according to the context of its usage. For example, the Civil Society in the United Nations acceptance has nothing in common with the Civil Society for a regional government or for an NGO.

When you observe that governments of democratic countries happen to create or promote the creation of institutions of the "Civil Society", to carry out externally tasks they cannot or are not willing to accomplish by themselves, ask yourself the question: Are those institutions Civil Society? Common sense would answer that they are probably not. Nevertheless, all the NGOs are part of the Civil Society. We cannot therefore seriously discuss about the governance of NGO without having a minimal understanding of the basic concept of Civil Society as State is supposed to interface with the Civil Society.

Social psychology helps to understand how and why people gather in groups to form discrete elements of a Civil Society and contributes to the reflection that eventually gives answers to the whom, what, how, with whom and for whom we need a Civil Society.

Definitions¹

We believe that the Civil Society shall need to be preserved of the empowering of State following its transformation by e-Governance and the Ubiquitous Society. As we have just mentioned, the concept of 'Civil Society' is rather vague, disputed or simply undefined and continuously evolving. Of course, definitions of Civil Society abound, starting back with Aristotle, modernized

¹ <http://pages.britishlibrary.net/blwww3/3way/civilsoc.htm>; accessed on 23.03.07

by Adam Fergusson in the 18th century and later expanded, but there is, to start with, this general agreement that it spans all forms of organisations between the household and the state.

John Grimond, in The Economist's "The World In 2002" says of this concept: "*It is universally talked about in tones that suggest it is a Great Good, but for some people it presents a problem: what on earth is it? Unless you know, how can you tell if you would want to join it?*"

See also what the British Library says about Civil Society: "*Some define civil society to include only non profit organisations, others define it to include only self-organising communities of common interest, others apply the descriptor to all forms of non-governmental cooperation including big business, while yet others define it to exclude all forms of institutionalised human activity.*"

These diversities will not allow us to determine whether the IUCN has its place or not within the Civil Society. Effectively, on one hand, it is a non-profit organisation, it is also a self-organising community of common interest, and the UN most likely calls it Civil Society. However, on the other hand, we know that some states or state's organisations, beside other non-profit organisations, are members of the IUCN. Individuals cannot be members of IUCN². Individuals should at least be admissible in an organisation before it is entitled Civil Society. So, let us go deeper into the definitions to sort this out.

The historical evolution of the concept of Civil Society

The short, diverse and contradictory definitions above show us that Civil Society's concept is a question of culture as **it depends on the point of view of the definer**. The culture of Civil Society evolved considerably over the years and still carries, in its multiple forms, traces of that evolution. To discover this, we shall follow the seven successive conceptions of the Civil Society developed by Guy Berger³:

The first is the Aristotelian one, reinterpreted by Thomas Aquinas (13th C.), that of a *perfect human grouping, self-sufficing with an objective of temporal happiness of the human and harmony between its members*. Aristotle, disciple of Plato, is said to be the first to use the concept of Civil Society. According to him, the community, "*sovereign between all and which includes all the others*", was named "*city or political community*". This definition is very demanding but idealists will like it in its simplicity. Perfect and self-sufficing, harmony between its members demonstrates this ideal where decisions are made within the group without the need of an external power. Modern libertarians would approve this ideal.

² Who can be a member? – States - Government agencies - Political/economic integration organizations - National and international non-governmental organizations. Individuals can only become members of the six IUCN Commissions, namely: - Ecosystems Management; Environment Education and Communication; Environmental Law; Environment, Economics and Social Policy; Protected Areas, and Species Survival; <http://www.iucn.org/members/application.htm>; accessed on 06.06.07

³ BERGER Guy; 2002; <http://www.er.uqam.ca/nobel/ieim/IMG/pdf/Note-2002-05-08-canet.pdf> ; page 14; accessed on 30 April 2007

Thomas Aquinas commented in Paris in 1272 the “Policy” of Aristotle. He substituted the terms of Aristotle to “*societas* or *communitas civilis*”. The term transformed with time, starting from the 16th and 17th centuries, in “*Civitas* or *communitas civilis*” and more simply known as according to the languages “*société civile*” or “*civil society*” or “*bürgerliche Gesellschaft*”.

The second one is the definition of Hobbes, Locke and Rousseau (18th C.), of the Age of Enlightenment. “The civil society is the higher human grouping, born out of the will of the individuals and instituted in the common utility to allow the individuals and the families to escape the state of nature where the war of all against all reign and where no durable co-operation is even thinkable. In order to live on beyond its creation, the civil society needs a sovereign, capable to express the will of all and to make it respected”. What is interesting with that evolution is that this ‘Civil Society’ prefigures the modern state! No one would agree with this vision today. The influence of the Scot such as Adam Ferguson who published in London in 1767 “*Essay on the History of Civil Society*” was sensible. Many Scot authors of the Age of Enlightenment took part in this reflection, and in particular Hume whose “*Tests*” were going to give rise to a “*natural history*” of the Civil Society.

A more contemporary conception of the Civil Society appears, with Hegel (19th C.) In his work, “*Philosophie des Rechts*”, published in 1821, he specifies the difference between the family, the Civil Society and the State, and stresses that the base of the Civil Society consists “*of the individuals, the purpose of which are their own interest*”. It is “*the stage of the ethical life which is established at the modern age between the natural grouping that constitutes the family and the State*”. He reveals, for the first time, a separation between the State and the Civil Society by condemning the confusion of the one and other. Simply said, it is any organisation but the State. A private company could then be part of the Civil Society.

The fourth one is the definition of Marx: *a non-political society, structured by realities of the economy and the system of the classes*. It opposes to State. It has lost all idealism and all humanity that we see today as essential elements of the Civil Society.

The concept of Civil Society was taken again with a new strength at the 20th century with the work of Antonio Gramsci (It is the sum of institutions and groups that manage the ideology and the various channels of diffusion: school system, mass media but also trade unions and churches) and later by the work of Polish, Czech and Hungarian intellectuals. According to Guy Berger, these doctrines are politically very ambiguous, but they had in France around 1968, a strong audience because they did put at the foreground the worlds of culture, communication and education. They contributed to spread a concept of Civil Society with a direction very shifted compared to the former directions. This evolution of the meaning of Civil Society is still schematically perceived today as the true “*hidden*” definition by many politicians that see it as an organized opponent to the state. First in history, the Civil Society is all but the state, then it becomes all against the State.

The concept then knew a new evolution with the critic of Soviet totalitarianism by the Polish laic leftists, in particular Adam Michnick. They were the heirs of the revisionism that appeared during the years 1955-1956 with Leszek Kolakowski who believed in the communist theses but knew them to be not very effective... Some say at that stage that it is a weak Civil Society, which pushed the Soviet revolution towards its repressive development. The Civil Society is *a global society, with all its components, insofar as those pursue only natural purposes.*

The crisis of the revisionism occurred and caused two events: the publication of “Main Currents of Marxism” of Kolakowski then Fellow in Oxford, and of the same, an article published in England in 1974 “The Myth of the Identity to oneself of the man” where it underlines the error of the Marxism which sees in socialism the identity of the Civil Society. Here again the Civil Society appears as opposed to the state.

The seventh evolution tries to neutralize the Civil Society: “The Civil Society is the economic, social and cultural life of individuals, families, companies and associations insofar as this life is held apart from the State and kept without political aiming, by being unaware of the double logic, ideological and of sovereignty, of the political life, while seeking on the other hand, either satisfactions of the needs or of the material interests, or the care of the others, user-friendliness, private happiness, intellectual or spiritual blooming⁴”.

This rapid evocation of the thought on the concept of Civil Society shows simultaneously the importance taken by this concept and its evolutions related to the economic and social situations during the ages. And now again the role of Civil Society as a counter power reappears: Nicanor Perlas in his work “*Shaping Globalization: Civil Society, Cultural Power, and Threefolding*”⁵ represents Civil Society as a movement organised against the globalisation of markets. Nicanor Perlas distinguishes three spheres: economy, political life, culture that articulate the Market, the State, the Civil Society by stressing that the latter acquired new capacities thanks to the new means resulting from the age of information. The loop closes here and we are back to our subject.

This perception of the Civil Society explains the difficulty we still have in defining it outside of its context.

The place of the Civil Society

Its relation to the State and communication

As we have seen in the definitions, the Civil Society cannot be simply defined by exclusion of state’s organisation or private sector. Moreover, State, by

⁴ La société civile c'est la vie économique, sociale et culturelle des individus, des familles, des entreprises et des associations dans la mesure où elle se déroule en dehors de l'État et sans visée politique, en ignorant la double logique, idéologique et de souveraineté, de la vie politique, en recherchant par contre, soit la satisfactions des besoins ou des intérêts matériels, soit le soin des autres, la convivialité, le bonheur privé, l'épanouissement intellectuel ou spirituel

⁵ PERLAS Nicanor; 2007; “*Shaping Globalization: Civil Society, Cultural Power, and Threefolding*”; Center for Alternative Development Initiatives (CADII)

making and enforcing law, intervenes in the national Civil Society organisations. It controls NGOs, associations, political parties and religious institutions. On another hand, Internet allows the creation of multinational entities that escape to some extent the control of State.

Communication plays a vital role in the Society. Until now, State controlled all by means of the communication, but today communication escapes more and more the control of State. The impacts of those changes in communication will contribute heavily to the evolutions of the concept of Civil Society, though it will be difficult to follow. There is in effect a widespread agreement that since the end of last century, Civil Society receded and political/commercial society advanced in terms of their impact on people's lifestyles, precisely because of the impacts of the changes in communication becoming more and more horizontal.

Civil society, like the private sector, is based on choice and voluntary participation, whereas the state is based on coercion. Communication becomes therefore an essential element. It can be argued that political society – parties, lobbies and special interest groups – in democracies has a foot in each camp, with intent on gaining control of state apparatus. Government is institutionalised coercion and must be so since we have governments in order, essentially, to protect Civil Society from internal and external predators.

The London School of Economics (LSE) has an NGO studies department. It produced a definition⁶ of Civil Society that is often used as a reference:

"Civil society refers to the set of institutions, organisations and behaviour situated between the state, the business world, and the family. Specifically, this includes voluntary and non-profit organisations of many different kinds, philanthropic institutions, social and political movements, other forms of social participation and engagement and the values and cultural patterns associated with them." Note that LSE makes no relation in its definition between the Civil Society and the State.

If there is agreement to blend for example the CATO⁷ and LSE definitions - and to lace the outcome with a realistic perception of the characteristics outcomes of institutionalisation, and with the awareness that we need an agreed level of government because self-organised common interest groups aren't always socially benign (as illustrated by the lynch mob, the crowd of football hooligans), then there can be agreed summary along the lines of - an adaptable network of adaptable self-organising networks of adaptable people.

For some years now, at least in the western world, groups – organisations – as such have received a rather bad press. Football hooliganism, inner-city riots and protest demonstrations are frequently attributed to “mob rule” – ochlocracy⁸ – ; on an other hand, governments and professional associations

⁶ See http://www.lse.ac.uk/Depts/ccs/what_is_civil_society.htm; accessed on 31/12/2006

⁷ See <http://www.cato.org/pubs/handbook/hb105-2.html>; accessed on 24/07/07

⁸ οχλοκρατία or ohlokratía is government by mob or a mass of people, or the intimidation of constitutional authorities; Wikipedia; accessed on 09.06.07

proclaim the virtues of the individual enterprise and denigrate policies aimed at promoting social welfare and collective responsibility often with very good reasons. State has a better control on communication as we may see in the thesis). This situation clearly poses a dilemma to institutions like the IUCN that need both state and Civil Society to pursue their objectives. Collective conventions are being replaced by private contract between employer and employee; populist parties praise the owners of a small business battling against government bureaucracy. And then again the importance of communication and group processes comes back to light. The relations between Civil Society and State appear as a relation of opposites like love-hate, trust-mistrust, in mutual interdependency. A quasi institution like the IUCN must be aware of this situation and should try to stay away from this conflictual relationship. But again, the IUCN needs the Civil Society and its communication skills to push forward its objectives.

Civil Society's relations with international organisations

The IUCN is an international NGO, that often directly or indirectly through its members, reports to international organisations. For example, during the recent World Summit on the Information Society, the 'Civil Society' as such was assigned multiple roles to and frequently mentioned in the declarations, invited to take part to the discussions and to agree and decide along with governments and industry to the future of the 'Information Society'⁹. When the ITU prepared the gathering, it did what all international institutions do nowadays; it specifically included civil society representatives. It is questioning however that no definition of the 'Civil Society' appears on ITU web site. While attending the conference, I asked many representatives invited in the name of the Civil Society to define it. I realised that there were as many definitions as participants.

The Governing Council of the United Nations Environment Programme (UNEP) is even vaguer. In a web page intended to define the Civil Society, it says:

« En 1992, la Conférence des Nations Unies sur l'Environnement et le Développement (Rio, Brésil) introduisait la notion de « Groupes majeurs », désignant et soulignant l'importance de leur participation dans les projets de la communauté internationale et en particulier dans le domaine de l'environnement. Elle reconnaissait de cette façon le rôle fondamental de 9 partenaires clés du système international : les femmes, les enfants et les jeunes, les populations indigènes, les agriculteurs, les autorités locales, le secteur des

⁹ "Governments, as well as private sector, civil society and the United Nations and other international organizations have an important role and responsibility in the development of the Information Society and, as appropriate, in decision-making processes. Building a people-centred Information Society is a joint effort which requires cooperation and partnership among all stakeholders"; "Governments have a leading role in developing and implementing comprehensive, forward-looking and sustainable national e-strategies. The private sector and civil society, in dialogue with governments, have an important consultative role to play in devising national e-strategies." WSIS Geneva 2003.

affaires, la communauté scientifique et technique, les travailleurs et syndicats professionnels et, enfin, les organisations non-gouvernementales¹⁰.

Local authorities would then be part of the civil society! Is it so because they deal with daily and local problems and that they have little power?

In a 16 pages strategic paper on « Enhancing Civil Society Engagement in the work of the United Nations Environment Programme » it even says that “UNEP owes much to the Civil Society for its establishment. The 1972 Stockholm Conference on the Human Environment and the accompanying NGO Forum marked a breakthrough in the way major groups related to and sought to influence intergovernmental decision-making processes. The Stockholm Declaration recognised the important role of citizens, communities, enterprises and institutions at every level, in achieving its environmental goal. Thus UNEP, at its creation, was encouraged to work together with Civil Society”.

Although NGOs have organized influential campaigns and global policy initiatives, international law does not formally recognize them. State sovereignty remains the fundamental principle in international relations. However, from the point of view of international organisations, “governments increasingly view NGOs as indispensable partners¹¹”. NGO is in effect the common point of the two definitions. I assume that for the international organisations, the IUCN is an NGO of the Civil Society.

“The Breton Woods institutions, the “baby banks”, many governments and big business are full of civil society rhetoric. The World Bank says it “welcomes the opportunity to work with civil society”. According to its official documents, the Inter-American Development Bank’s work with civil society takes on many forms. At the operational level the bank and its borrowers consult with civil society organizations (CSOs) and affected populations during the course of project preparation and implementation”.(Choudry)

The insider point of view on Civil Society

The CATO Institute

The Cato Institute¹² is a non-profit public policy research foundation – an NGO – headquartered in the USA. The Institute takes its name from “Cato's Letters”, a series of ancient English libertarian pamphlets¹³ that helped to lay the

¹⁰ My translation: In 1992, the Conference of the United Nations on the Environment and the Development (Rio, Brazil) introduced the concept of “Major Groups”, indicating and stressing the importance of their participation in the projects of the international community and in particular in the field of the environment. It recognized this way the fundamental role of 9 key partners of the international system: indigenous women, children and young people, populations, farmers, local authorities, the sector of the businesses, scientific community and technique, workers and trade unions and, finally, non-governmental organizations;

¹¹ <http://www.globalpolicy.org/ngos/role/index3.htm>; accessed on 24 April 2007

¹² <http://www.cato.org/about/about.html> ; accessed on 23 April 2007

¹³ “Almost a generation before Washington, Henry, and Jefferson were even born, two Englishmen, John Trenchard and Thomas Gordon, concealing their identities with the honoured ancient name of Cato, wrote newspaper articles condemning tyranny and advancing principles of liberty that immensely influenced American colonists. Their prototype was Cato the Younger (95–46 B.C.), a champion of liberty and republican principles. Their 144 essays were published from 1720 to 1723, originally in the London Journal, later in the British Journal. Subsequently collected as Cato's Letters, these “Essays on Liberty, Civil and Religious”

philosophical foundation for the American Revolution. It gives a definition that is important in our research as it reflects the diversity and the confusion that we raised above.

“Civil society can be difficult to understand; it is individualistic without being atomistic and is made up of associations without being collectivist. Civil society is a spontaneous order, a complex network of relationships and associations based on the freedom of the individual, who voluntarily assumes obligations and accepts responsibility for his behaviour.”

CATO’s approach differs from most other approaches that find in the Civil Society a risk of contestation of institutional order.

Some people define civil society to encompass only non-for profit organizations and to exclude entirely commercial organizations, contractual relationships, and other forms of voluntary cooperation. However, dividing the world into the separate spheres of for-profit business enterprises, the institutions of the state, and "everything else" makes little sense. It is far more fruitful to distinguish institutions based on some shared characteristic; not “everything else” denotes an essential and therefore truly distinguishing characteristic. The thoughtful conservative Don Eberly of the Civil Society Project considers civil society a “third sector” made up of associations “that operate neither on the principle of coercion, nor entirely on the principle of rational self-interest.” However, in attempting to set out a third sector, he has contrasted government and the market because of principles as different in kind as apples and triangles. Coercion is a characteristic of actions toward people, not a motivation; “rational self-interest” is a kind of motivation, not a characteristic of action. Self-interested persons can act coercively or in accordance with the principles of voluntarism, just as persons acting coercively can be motivated by altruism or by self-interest. What distinguishes government from the market is coercive force, present in the one case and absent in the other. Eberly's attempt to create a third category of everything other than business and government fails.

The clearest and most relevant characteristic to use to distinguish among institutions is whether people interact voluntarily or coercively. Civil society bases on voluntary participation, whereas the state, or political society, is based on coercion. Thus, Civil Society includes families, businesses, self-help groups, religious institutions, charities, trade associations, Girl Scout troops, and an infinite variety of other kinds of associations. No one is coerced into joining them, and they have no coercive power to force their desires on the unwilling. CATO underestimates the power of group peer pressure. Political society encompasses those institutions that exercise coercion, whether in their financing (e.g., taxation), their participation (e.g., conscription), or their activities (e.g., economic intervention in or prohibition of peaceful activity). Government is the institutionalization of coercion. Some amount of political society is necessary to protect Civil Society from even more coercive predators, whether domestic or foreign. However, political society always

became, as Clinton Rossiter has remarked, "the most popular, quotable, esteemed source of political ideas in the colonial period."

presents the danger of overstepping its bounds and must be kept in check by the Constitution.

The disillusioned of the Civil Society

The Civil Society is visibly called upon in the sphere of communication to prepare, educate and form the public opinion. This may of course cause frustrations as we shall see. Let us take the declarations of Aziz Choudry for example. This activist, researcher and writer, member of *GATT Watchdog*, on the board of directors of *Global Justice Ecology Project* and an Associate Fellow of McGill University's Centre for Developing-Area Studies has been active in a range of *global justice* and *anti-colonial* organisations and movements for many years. Choudry (...) "*cringe at the ritualized, ubiquitous usage*" of the concept. "*We shudder at the thought that we might be mistaken for being part of it*".

"Who gets to be in civil society and how? Are the people taking direct action on the streets against the authorities and being tear gassed, pepper-sprayed, beaten and arrested part of civil society? Who gets to represent civil society and decide what, for whom, and on whose behalf?"

"Civil society is a construction which allows politically and economically powerful institutions to decide who is in, and who is out, when and if it suits their interests. Furthermore, it has the added value of sounding broad and inclusive enough to add a gloss of legitimacy to any institution, programme, or system which can be shown to the public as somehow engaging with civil society, whoever that there."
A common point of many NGOs active in forming the public opinion, and we believe that the IUCN is one of those, is to gain legitimacy.

Referring to the use of the phrase in the Philippines, after the recent mass mobilizations to oust President Estrada, Edmundo Santuario III observes "it is now likewise being claimed by civic clubs, groups of rightist military elements, and politico-religious organisations, some legislators and others." Moreover, he argues, "Civil Society is actively bannered not necessarily as an antidote to poverty, corruption or as a vehicle for democratization, but to steer grassroots organisations away from the radical influence of political organisations calling for radical comprehensive revolutionary reforms."

The number of members or paying supporters is often used for benchmarking legitimacy. This may explain why legitimacy and financial situation look correlated.

James Petras and Henry Veltmeyer note in "Globalisation Unmasked" (Madhyam Books, New Delhi, 2001) that:

"Most of the greatest injustices against workers are committed by the wealthy bankers in civil society who squeeze out exorbitant interest payments on internal debt; by landlords who throw peasants off the land; and by industrial capitalists who exhaust workers on starvation wages in sweatshops". In their incisive chapter on "NGOs in the Service of Imperialism", they add: "By talking about "civil society", NGOers obscure the profound class division, class exploitation and class struggle that polarize contemporary civil society".

There are now numerous foundations, institutions, courses, publications - and NGOs dedicated to studying, strengthening or building civil society. Over the past few years, astronomical sums of funding seem to have been sloshing around in the NGO world on civil society related projects.

The Civil Society, if we believe in Choudry's critical observation, is thus feeding itself out of its own production. This perspective is interesting in the sense that, with the accrued power of Internet and ICTs, the movement could be accelerated.

There is no shortage of exhortations to "civil society" to form "partnerships" with business, government, and international institutions in order to supposedly eradicate poverty, save the environment or work towards some other noble-sounding goal. And plenty of takers in the NGO world where the term "civil society" seems well and truly entrenched and many seem willing to walk through fire to earn the right to mingle and meet with those in power.

Choudry's frustrations teach us a lot about the Civil Society. It has become a very powerful instrument of communication in the hands of those in charge of NGOs. Let us be positive; in short, communication, legitimacy and accountability will be the keys to a good electronic governance of NGOs.