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The languages of civil society:
varieties of interpretation

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Contemporary debate on civil society is mostly based on a specific assumption about the historical trajectory of the concept: In its recognizably "modern" form, the concept of civil society is said to have emerged in Europe in the late eighteenth century; it is taken to have lost most of its significance during the nineteenth and much of the twentieth century, and it revived in the late twentieth century. The first purpose of this paper is to review this assumption. This task, however, will here not be addressed from a perspective of the history of concepts alone; we rather also see it as a work of retrieval of the significance of the concept for the understanding of contemporary societies and their political forms. In this sense, our discussion of conceptual history will aim to make two aspects of "conceptual labour" (Wagner, 2003a) particularly visible: First, it will set selected episodes in the history of the concept in the context of the respective attempts at understanding society and politics; that is, it will see conceptual proposals as ways of linking a variety of otherwise highly different observations on the social world in such a way that common meaning and, in a second step, collective action upon the world become possible. Second, it will try to show how an analysis of the variety of such attempts across the history of Europe since the late eighteenth century, with additional concept–broadening observations on East Asian and Latin American debates, can help understanding certain problématiques of political modernity in general. The concept of civil society, as we shall discuss in detail later, is here discussed as one specific, historically varying way of addressing the requirements of the viability of modern polities.[1]

Civil society and the problématique of political modernity

The current debate about civil society is in many respects a sophisticated version of "tunnel history". Rather than emphasizing either the gradual rise or the inevitable decline of a concept and of the phenomenon to which it refers, as affirmative and critical social theories and political philosophies of modernity do, it tends to claim that the concept arose promisingly during a certain period, fell into unjustified oblivion afterwards, to rise to new strength and, as it is hoped, to its full realization in the present. In a first step, the both historical and normative background to this narrative is easy to grasp. The concept was first proposed to explore the possibility and limits of collective self–determination on the eve of the "democratic revolutions"; it declined with the gradual normative acceptance and institutional consolidation of democracy; and it re–emerged at a moment of quest for a renewal of the democratic impetus, which was seen as threatened or emptied of substance in the face of the domination of political agency by bureaucratic or market–economic imperatives, variously underpinned by strong ideologies. This first grasp at normative and historical contextualization demonstrates the link of the concept of civil society to the idea of democracy, of collective self–determination. It thus justifies our proposal to set the analysis of the trajectory of the concept into the

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[1] If our historico–conceptual reasoning in the following proceeds by discussing selected authors in their contexts, this is not meant as a "great thinkers" approach to the history of ideas. Rather, it marks our own compromise between the need to, on the one hand, discuss in detail some conceptualizations of civil society and the political problématique to which they refer and to, on the other hand, give some idea of the long–term socio–political transformations towards which the politico–conceptual work addresses itself.

context of the problématiques of political modernity.[2] At the same time, however, this first grasp also shows that the relation is far from unproblematic.

In most usages, "civil society" is certainly not synonymous with "democracy". In the current debate, rather, it is often seen as something like the necessary social underpinning of democracy. Such usage suggests a distinction between a structure (or: configuration) of social relations, on the one hand, for which "civil society" becomes the shorthand, and a political form, a set of institutions, for which the term "democracy", it seems, is used as a term for a normatively desirable instantiation. Such distinction is reminiscent of the historical conceptual differentiation, in which the "state" emerged as distinct from "civil society" and which significantly prevailed in the aftermath of the democratic revolution. The question that we need to pursue in this regard is the one of the relation between abstraction and concreteness in conceptual terminology. That is why we propose to speak of *configurations of social relations* and of *political forms* in the broadest, most encompassing sense, and to use these terms to understand how concepts such as "civil society", "state" and "democracy" are developed in relation to those most general concepts as expressions for specific historical or normative instantiations of the former. In short, therefore, the concept "civil society" refers for us to a way of answering the question *how a configuration of social relations can find its adequate expression in a political form under conditions of political modernity, that is, of a commitment to collective self–determination, in a given historical context.*

In the debate on civil society from its origins to the present, the issue of the configuration of social relations has often been discussed on the basis of further starting assumptions, namely on conceptual distinctions of *types of social relations* that are more or less conducive to support the viability of a modern polity. Such types were often specified by the nature of the exchange between human beings. Most prominently, but not exclusively, a distinction has been made between relations of *communication* and relations of *commerce*. Significantly, the rise of either of those forms during what we now call early modernity has been interpreted as permitting the rise of political modernity.

Albert Hirschman (1977), for instance, has demonstrated how the idea of "doux commerce", of the pacification of social relations through extending commercial exchange, provided "political arguments for capitalism before its triumph" and supported the notion that domestic and international peace could be durably achieved by focusing the centre of human life on "interests" rather than "passions". In turn, other strands of eighteenth–century thought underlined the formation of "public opinion" through communicative exchange and saw precisely this phenomenon as a necessary precondition for the exercise of popular sovereignty, a precondition that fortunately – from the normative view–point of numerous authors – started to be fulfilled. During this process, as Keith Michael Baker (1990) has shown, the term "public opinion" radically shifted meaning. From referring to the diversity of, often ungrounded, views held in the populace, it moved to signifying the aggregate

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[2] By *modernity*, to put it briefly, we refer to a situation in which human beings commit themselves to self–determine their lives, their relations to others and their ways of being in the world. By *political modernity*, more specifically, we refer to the self–determination of the life in common with others, to the rules of the life in common. During the past two centuries, and in particular since the end of the Second World War, much of social and political theory has assumed that there is a single model of 'modern society', to which all societies will gradually converge because of the higher rationality of its institutional arrangements. Similarly, political modernity is then equated with a single institutional model based on electoral democracy and a set of basic individual rights. The debate about civil society in its relation to democracy, in contrast, shows that a commitment to political modernity does not lead unequivocally to a certain institutional form of the polity. Such commitment is not only open to interpretation, it is profoundly underdetermined and marked by deep tensions. Consequently, the existing polities that share this commitment are based on a variety of such interpretations. A closer analysis needs not only be open to a large possible variety of interpretations of political modernity, it also needs to accept ambivalences in that very commitment, which can never be resolved once and for all. In particular, an analysis of the debate on civil society lends itself to enhance the understanding of *political* modernity in its relation to the *culture* of modernity, modern *social institutions*, or the modern *economy*. In terms of the history of concepts, as will be shown below, this question was opened by the conceptual separation of "state" and "civil society", but it was hardly ever satisfactorily answered.

result of a polity–wide process of free, and therefore rational, opinion–formation, the outcome of which could and should guide political decision–making.[3]

Our former observation on the relation between the configuration of social relations and the form of the polity points to the basic problématique that has often been addressed by the conceptual pair "civil society/state". In turn, the conceptual pair "civil society/public sphere" points to the problématique behind the variety of types of social relations in any given configuration. Both problématiques certainly persist throughout the history of political modernity, but the task of the following observations on conceptual transformations is to explore in how far certain expressions of these problématiques, and in particular the "classical" ones that are exemplified by these two conceptual pairs and that exert a lasting impact on the debate, have cast the issues so strongly in context–specific ways that any direct use of these formulae risks to inadequately grasp long–term historical transformations of configurations of social relations and of political forms and the possibly associated changes in the conditions of viability of modern polities. For any use of the concept "civil society" to be fruitful in addressing our current political problématique, it will need to be able to relate the configuration of social relations of our time, and especially the structures of communication and commerce, to the forms of the contemporary polity.

Civil society, the "democratic revolutions" and early political modernity

Without doubt, the advent of the "democratic revolutions", even though only moderately successful, spelt one major change in political form and was thus likely to have a strong impact on the way the concept "civil society" was understood. On those grounds, we start our observations in conceptual history with a short discussion of Adam Ferguson's *Essay on the History of Civil Society* (1767), possibly the most significant exploration of the term before those revolutions, to be followed by contrasting observations on Alexis de Tocqueville's *Democracy in America* (1830–35) as a deliberately post–revolutionary re–assessment of the political situation of the time. Rather than starting out from G.W.F. Hegel's reasoning in *Elements of a Philosophy of Right*, as many contributions to the current debate on civil society do, we place Hegel's thinking as a rather specific one between the broader and more open conceptualizations offered by Ferguson and Tocqueville.

Adam Ferguson and the possibility of civil society

Referring to the "social disposition of man" (Ferguson, 1995: 23),[4] Ferguson's reasoning starts out from a reformulation of Aristotle's classical statement concerning the 'zoon politikon' or, in the usual Latin translation, "social animal".[5] On the basis of historical evidence, he argued that individuals had a natural tendency to cohere in broad human associations in which they could enjoy the company of others. When trying to qualify the nature of the association formed by human beings, Ferguson insisted in particular upon the importance of the communicative dimension. He argued that linguistic exchange played a central role in suturing the association, insofar as the individual is "inclined to communicate his own sentiments, and to be made acquainted with those of others." (9) According to Ferguson, thus, human beings belong to collectivities marked by linguistic interactions. These interactions could take various forms, including that of dispute. As Ferguson wrote, "We are fond of

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[3] Below we will discuss these two ways of thinking as giving rise to economic liberalism, on the one hand, and to republicanism and political liberalism, on the other.

[4] All subsequent page numbers refer to this edition.

[5] The history of the translation of Aristotle's *Politics* from Greek to Latin is discussed in Hallberg and Wittrock (2004). We only point out here that the shift from a politics–oriented to a society–oriented terminology, which initiated in the fifteenth century and was then still framed by republican thinking, should become a key element of a much more profound reorientation of social and political philosophy in the late eighteenth century. Very broadly speaking, Aristotelian conceptions of politics prevailed in the history of European political ideas until the late eighteenth century and did not suddenly wither away immediately after either. The recent debate on republicanism, inspired by J.G.A. Pocock's *Machiavellian moment* (1975), does not fully capture this continuity and the reasons for the subsequent rise of liberal orientations. See Maier (1965) and Hennis (1987) for analyses of Aristotelian thinking and the challenges to it in the eighteenth and nineteenth century.

distinctions; we place ourselves in opposition, and quarrel under the denominations of faction and party" (26). This tendency of human beings to take part in public arguments explains why, in spite of the existence of some "universal qualities in our nature," (16) humankind is characterised by "varieties." (16) These varieties must be understood here as referring, on the one hand, to the differences existing between collectivities. Ferguson argued that "[t]he multiplicity of forms, ... which different societies offer to our view, is almost infinite." (65) On the other hand, a given collectivity is never completely homogeneous:

> Every nation is a motley assemblage of different characters, and contains, under any political form, some examples of that variety, which the humours, tempers, and apprehensions of men, so differently employed, are likely to furnish. Every profession has its point of honour, and its system of manners; the merchant his punctuality and fair dealing; the statesman his capacity and address; the man of society, his good-breeding and wit. Every station has a carriage, a dress, a ceremonial, by which it is distinguished, and by which it suppresses the national character under that of the rank, or of the individual. (180)

The central tension in Ferguson's work emerges precisely from this insistence upon the diversity which marked any human association. His main concern, in the vein of classical republican thought (Oz-Salzberger, 1995), is for the perpetuation of a collectivity of free citizens or, as we termed this issue above, for the viability of a polity in which its members handle their common affairs in collective self–determination. A free collectivity, however, is difficult to establish and even more difficult to maintain, insofar as it requires that an always precarious balance be found between two equally dangerous extremes: that of an excess of communication, on the one hand, and that of a lack thereof, on the other.

A free collectivity, Ferguson argued, requires that a set of institutions expressing the popular will be put in place:

> It is well known, that constitutions framed for the preservation of liberty, must consist of many parts; and that senates, popular assemblies, courts of justice, magistrates of different orders, must combine to balance each other, while they exercise, sustain, or check the executive power. If any part is struck out, the fabric must totter, or fall. (252)

However, these institutions were not in itself sufficient to the preservation of liberty. One more thing was needed in this respect, which was a collective determination to obey just laws and to take part in their making:

> If forms of proceeding, written statutes, or other constituents of law, cease to be enforced by the very spirit from which they arose; they serve only to cover, not to restrain, the iniquities of power ... And the influence of laws ... is, in reality, the influence of men resolved to be free; of men, who, having adjusted in writing the terms on which they are to live with the state, and with their fellow-subjects, are determined, by their vigilance and spirit, to make these terms be observed. (249)

This public-spiritedness, which Ferguson sometimes called "the national spirit", (e.g. 77) is characterised by a twofold attitude: firstly, a respect for the diversity of opinions expressed by the various members of the collectivity:

> In assemblies constituted by men of different talents, habits, and apprehensions, it were something more than human that could make them agree in every point of importance; having different opinions and views, it were want of integrity to abstain from disputes: our very praise of unanimity, therefore, is to be considered as a danger to liberty. ... if, in matters of controversy, the sense of any individual or party is invariably pursued, the cause of freedom is already betrayed. (252)

And secondly, a commitment to obey the laws which are the output of free deliberation: "The love of the public, and respect to its laws, are the points in which mankind are bound to agree". (252)

According to Ferguson, two things could undermine the cohesion of society, guaranteed by public-spiritedness. In some cases the divergences of opinions, if unaccompanied by a willingness to respect the popular will, could turn into a "civil discord" (26). Such tensions could render "secessions and actual separations" (26) necessary. In some cases, only the emergence of a common external enemy and the threat of a war could re-unite the members of society into an integrated whole. Ferguson, however, thought that the opposite danger - that of a lack of civil communication - was more serious, and more likely to occur. He witnessed the rise of the commercial states, as he called them, with the suspicion that they could become a threat to freedom. The development of commerce, indeed, took

society into the spiral of the division of labour, which in the same time specialised and separated individuals, thus threatening to undermine the cohesion of the whole:

> Under the *distinction* of callings, by which the members of polished society are separated from each other, every individual is supposed to possess his species of talent, or his peculiar skill, in which the others are confessedly ignorant; and society is made to consist of parts, of which none is animated with the spirit of society itself. (207)

According to Ferguson, commerce could transform the collectivity into a loose aggregate of "detached" and "solitary" beings (24) suffering from the "competition with ... [their] fellow-creatures" (24) and remaining together only for the material advantages ("external conveniencies", 23, in Ferguson's terms) which the belonging to the collectivity provides. Ferguson's conclusion is straightforward:

> The members of a community may, in this manner, be made to lose the sense of every connection, but that of kindred or neighbourhood; and have no common affairs to transact, but those of trade: Connections, indeed, or transactions, in which probity and friendship may still take place; but in which the national spirit, whose ebbs and flows we are now considering, cannot be exerted.(208)[6]

In the terminology proposed above, Ferguson develops a view of the configuration of social relations that starts out from the assumption of diversity of orientations among members of a polity. This assumption resonates with the liberal approach for which this diversity is precisely the origin of the political problématique of modernity, a problématique to be addressed in this tradition by the idea of the social contract. In contrast to individualist liberals, however, Ferguson does not think that political philosophy can disregard, or abstract from, the substantive nature of the social relations that the members of a polity entertain. These relations are rich and manifold in substance, and some forms of them are more conducive to support a modern polity than others.

At this point, Ferguson introduces the distinction between communicative and commercial relations that should remain central for much of nineteenth – and twentieth–century social and political theory and especially, even though often in a different guise, for the conceptualization of civil society. Drawing a sharp line between the two modes of relating to the other, he underlines that the presence of a *communicative flux* between *diverse* individuals is the condition of the existence of a free society, whereas a situation in which members of a polity relate to each other predominantly by *trade* tends to undermine the possibility of collective freedom. Importantly, the political significance of communication in his view does not stem from its capacity to produce consensus, unlike some Enlightenment contemporaries of his and much later Jürgen Habermas thought. To the contrary, he went as far as to assert that "the noise of dissension ... generally accompany the exercise of freedom" (242); rather than the search for agreement as such, it is the communicative engagement with the other in common matters that sustains the polity. With regard to commercial relations, in turn, he was not willing to believe that the interest in peaceful relations that tradespeople would show was on its own sufficient to make a modern polity possible. The problem of the engagement with the other through trade was, in his view, that "no common affairs" were transacted; and therefore the concern for collective freedom was not likely to be strongly on the mind of tradespeople.

If thus the concern for "common affairs" is the centre of Ferguson's exploration of the viability of a modern polity, this finds its empirical–historical expression in the identification of the "spirit" that prevails in a polity, often more precisely defined as a "national spirit". Importantly, this "spirit" is not seen as a property that members of a polity share before they engage in political interaction, in contrast to all communitarian thinking. "Habits and apprehensions" as well as "opinions and views" are diverse among the members of a free polity, and "praise of unanimity" is considered a problem rather than a precondition for a free polity. Rather, the republican spirit, since this is what Ferguson describes here in its most modern articulation, expresses itself through, first, engagement with

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[6] This view, we may underline already at this point, stands in striking opposition to the perspective Emile Durkheim should develop more than a century later: the view, namely, that the division of social labour provides the ground for a new form of social cohesion and sense of the common, a form he called "organic solidarity" and which he linked to a concept of modern "society" that offered a completely different response to the political problématique of modernity than the earlier debate on "civil society" did – even though similar thoughts on the division of labour can already be found in Hegel, albeit in much less prominent role (see below our brief discussion of Hegel's *Philosophy of Right*).

common matters, "love of the public", and, second, through obedience to the laws that are arrived at in common deliberation, "respect to its laws".

Three elements of this conceptualization are important to retain for our further discussion. First, even though Ferguson's writings pre-date the distinction between "civil society" and "state" and are thus often considered as part of the pre–history rather than fully modern history of the concept, he does work with an idea of the workings of society, on the one hand, and the institutionalization of rules, on the other. Thus, there is a conceptual separation between what we here called the configuration of social relations and the form of the polity. On those grounds, Ferguson can appropriately be used as a starting–point for our discussion.

Second, he also introduces distinctions between types of social relations in the way in which they should become central in later discussions. In contrast to later debates, however, in which types of relations were taken to constitute separate spheres of society, or even social subsystems, he insists that he is referring in the first place to "connections" or "transactions" only. In the terminology of late twentieth–century social theory, we may say that he retained a constitution theory of society, starting out from interactions between human beings, rather than moving towards a differentiation theory of society (the terminology draws on Giddens, 1984; and Joas, 1992), in which logics of development unfold "behind the backs" of the human actors. Furthermore, even though he places an emphasis on those types of interaction the recent development of which he sees as crucial – supportive or detrimental – for the modern polity, he does not lose out of sight other significant ways of relating to the other, such as "probity and friendship".

In the light of later debates again, thirdly, it is significant that Ferguson studiously avoids to make assumptions about prior commonality among the members of a polity. His concept of "spirit" should in all likelihood not be seen as a moral commitment external to political matters as such – as, for instance, Weber's spirit of capitalism as a non–economic, religious commitment that precedes the actual engagement in economic practices – but as that "love of the public" that arises when engaging in common matters. The notion of "national spirit", then, as much as it seems at first sight to anticipate the later cultural–linguistic theory of the polity that underpinned nineteenth–century nationalism, with its emphasis on obedience to self–set laws, is closer to "constitutional patriotism" than to any form of communitarianism. As we shall see later, this position progressively declined in the course of the nineteenth century.

G.W.F. Hegel and the moment of the democratic revolutions

The time at which Ferguson wrote, we tend to think today, was a culminating moment in the history of both European political thought and of institutional development in the state system of Europe and North America. In the latter regard, it was the moment shortly before the "democratic revolutions" that should transform the centre of politico–institutional contention for more than a century by placing the question of collective self–determination and fully inclusive democracy on the top of the domestic agenda. In the former regard, it is now often seen as the moment in which republicanism declined from its key position in European political thought, to only find its last strong expression for the two centuries to the come in the North American constitutional debates, and in which individualist liberalism, prepared during the seventeenth and eighteenth centuries, started to rise to its current status as the pivotal theory of political modernity.

The reasons for this coincidence have been little explored. For many liberal political theorists of later years, the history of liberal thinking proceeds hand in glove with the history of democratic institutions, and the moment of the revolutions is nothing but a move from thinking about possibilities towards actualizing those possibilities in practice. For those who try to revive republican thinking in our time, in turn, the fall into oblivion of this mode of political thought is enigmatic to the degree that it must be deplored because of the loss of normative possibilities but cannot be explained. After all, republican institutions had stayed alive since the times of the Florentine and Venetian republics, most importantly maybe in the Dutch republic, but also in city self–government, even though they became increasingly marginal due to the rise of the territorial state; and the normative demands of liberal–democratic thinkers on the absolutist regimes should have been compatible with the republican concern for common affairs.

Elsewhere, we have tried to advance the understanding of this enigma by referring to the difficulty of reconciling the quest for greater inclusiveness, increasing both the number and the diversity of participants in common deliberation, with the demanding concept of liberty that republican thought embraces. More specifically, this tension was actualized historically in the double context of the *territorial* enlargement of the polity to the size of what we now call the modern European state and of the emergence of the "social question" as a political question due to the *social* enlargement of the polity that comes with the acceptance of the doctrine of popular sovereignty (Wagner, 2001a: ch. 2). In the current context, we want to show that one of the expressions that this tension finds is precisely the introduction of a sharp distinction between "civil society" and "state" in the aftermath of the democratic revolutions. To do so in all due brevity, we can compare G.W.F. Hegel's conceptualization of civil society, as proposed in his *Elements of a philosophy of right*, with Adam Ferguson's reasoning as presented above. In this light, three features of Hegel's view stand out.

First, Hegel shares with Ferguson and many of his contemporaries – whom we now consider as "modern" for precisely this reason – the view that social and political thought needs to accept individual liberty as (one of) its starting assumption. In contrast to liberal Enlightenment thought, however, he insists that "abstract liberty" is also insufficient as a basis for a moral and political philosophy, that it needs to be complemented by other assumptions. While this view is as such fully compatible with the Aristotelian and republican view that the human being is constitutively a *zoon politikon*, Hegel proposes a different solution. For him, the advent of the abstract conception of the individual is a historical fact that further political theorizing needs to take into account. Thus, as the architecture of *Elements* shows, he aims at confining the impact the advent of this view has by proposing other components of society as complementing and balancing elements. The price to pay for this conceptual move is the separation of the freedom of the individual from other societal institutions. Thus, strangely, Hegel appears to be an individualist liberal, on the one hand, because he accepts abstract freedom, but, on the other hand, also a conservative who reacts to the rise of individualist thinking by advocating non–liberally constituted institutions as a counterpart to the freedom of the individuals.[7]

The concept of civil society, second, is introduced by Hegel as part of a general distinction between spheres of morality, all intended to counteract the damaging impact of the rise of purely individualist thinking, that is, of precisely the kind of thinking that intends to derive societal institutions from the aggregated will of the individuals. As such, it remains an inspiration for *social* philosophy, for instance in Axel Honneth's recent attempt to distinguish a variety of modes of recognizing the other, only one of which is based on a conception of the individual human being as a holder of rights (Honneth, 1992; 2001). Arguably, however, Hegel's approach bears fruit for *political* philosophy predominantly in a negative way, namely by supporting arguments for the insufficiency of individualist liberalism. In a constructive way, he limits the reach of his approach by first partially accepting individualist liberalism and by then explicating the partial nature of this acceptance by the separation of spheres. The precise delineation of spheres, including "civil society", though, has little conceptual ground to stand on and has appeared to later readers as rooted too strongly in the context of the Prussian state and society of the time.[8] Ferguson, in comparison, by starting out from diversity of orientations, but not from atomised individuals as the units of political life, avoids this issue and refines his analysis by a "history", rather than a philosophy, of civil society instead.[9]

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[7] The interpretation of Hegel's work has always been torn between such radically different views of his political position. A separation of the young, radical and liberal Hegel from the older man who supported the institutions of the non–liberal Prussian state is of no help, as the co–existence of both modes of thinking in the *Elements* shows.

[8] Later attempts to revitalize the approach of *Elements*, such as most notably Jürgen Habermas' *Theory of communicative action* (1981), have suffered from the same problem. Even though the emphasis on communication as a primary way of relating to others marks a (implicit) return to Ferguson and Enlightenment thought, the distinction of spheres in Habermas's work appears too closely tied to socio–political the situation of the 1970s, the zenith of the democratic Keynesian welfare state.

[9] Throughout our reasoning, the relation between historicization and conceptualization will be an implicit central theme (for some discussion of the issues at stake, see Wagner, 2001a: prologue)

As a consequence, thirdly, Hegel cannot but be seen as ultimately abandoning the commitment to political modernity that earlier political thought had shown. Due to the separation of spheres, which is an a priori to the detailed analysis, there is no idea of self–institution of society in *Elements*. The state, rather than presenting the instituted form of the ways of dealing with common matters, as it does in Ferguson, is external to other walks of social life and always already precedes them.[10] This description certainly mirrors important features of the history of political modernity in continental Europe, where demands for popular sovereignty arose from within given state structures. It does not, however, provide an adequate conceptualization of political modernity, since precisely the institutional core of the common is thus conceptualized as "non–political", not open to deliberation itself.[11]

For Hegel, therefore, the conceptual pair "state/civil society" was employed as a means to deal with the radicalization of the political problématique that was provoked by the democratic revolution. Since he could not believe that a viable political arrangement could be created and upheld in communication between the members of a polity, unlike republicans did, nor that the basic institutional questions could be dealt with once and for all in a social contract that not only instituted the polity but also clearly separated the public from the private, unlike liberals did, he solved the question by separating the state from civil society and considering the former as external to the working of the latter. Such a conceptualization may throw some light on the ways in which the Prussian state during the first half of the nineteenth century tried to deal with the double challenge of the call for the liberalization of economic action, on the one hand, and the gradual emergence of socio–political movements that demanded both more inclusive participation and, in response to liberal practices, more state action against rising social inequality, on the other. Because of its incomplete appreciation of the challenge that the idea of collective self–determination posed, however, it seems hardly convincing as an answer to the problématique of political modernity. This objection, specifically, also throws doubt on the ways in which the term civil society came to be employed in the search for such an answer. Rather than accepting the state–civil society distinction as an achievement of modern political theory, as much later commentary has done, it seems important to keep open the question of the relation between configurations of social relations and forms of the polity. In the light of this observation, we now turn to Alexis de Tocqueville's analysis of democracy in America.

Alexis de Tocqueville and the question of representation

The significance of Tocqueville's *Democracy in America* resides not least in the fact that it provides a first full–scale analysis of a configuration of social relations in which the commitment to collective self–determination – all limitations notwithstanding – is key part of the imaginary signification of society (among recent reappraisals see, in particular, the work of Claude Lefort, e.g., 1992; and Pierre Manent, e.g., 2001). As a society that constitutes itself in the democratic revolution (Arendt, 1965; Derrida, 1986; Honig, 1991), the United States had to squarely face the question of the institution of democracy as part of the self–constitution of society. More broadly speaking, and accepting that his interest was less in America than in the condition of possibility of democracy, Tocqueville addresses the political situation after the democratic revolution: in contrast to Ferguson's time of writing, an experience of the realization of democracy was now available for inspection.

Tocqueville's discussion of the vibrancy of associative life in North America and the significance of such activities for making democracy normatively viable, that is helping to avoid the risks of conformism and the tyranny of the majority, is too well–known to be repeated here. Without the author himself giving any importance to the term, his analysis has often been re–interpreted as an analysis of civil society in the US and has thus been used as support for the equation of civil society with associative life. As in our view this conceptual connection tends to unduly neglect the question of the linkage between social relations and the form of the polity (as we will discuss in more detail

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[10] In this respect, *Elements* prefigures later conceptualizations in the social sciences, in which the search for non–chosen social regularities became one way of limiting the range of viable answers to the problématique of political modernity. We return to this aspect in the following step of our historical reconstruction.

[11] Such conceptualization in particular fails to comprehend any significant restructurings of the polity, as for instance nowadays the process of constituting a European polity, a question to which we return in conclusion..

below), we will place the emphasis of our discussion on that notion in Tocqueville that directly provides for such a linkage, the concept of *representation*.

A link between civil society activities – whatever form they may precisely take (more on this issue below) – and democracy exists whenever the deliberations in civil society concretely translate in the transformation or establishment of institutions endowed with political legitimacy. A typical form of such a realisation process in Western polities is the passing of law by a *representative* body to respond to publicly formulated demands. Under this angle, Tocqueville's reflections on representation are extremely informative of the logic of civil society.[12]

Two apparently contradictory Tocquevillian sentences can be taken here as a starting point (for more detail on the following, see Terrier, 1997). On the one hand, Tocqueville argued that in America (the place in which democracy has reached its highest development) "ce n'est plus une portion du peuple qui entreprend d'améliorer la situation de la société; le peuple entier se charge de ce soin" (Tocqueville, 1992: DA 1, part 2, chapt. 6, sect. 5).[13] This quote a priori seems to pave the way to a theory of direct democracy ruling out any representative mechanism; this was not, however, Tocqueville's position. He indeed asserted, on the other hand, that in America "la majorité agit par représentants lorsqu'il faut traiter des affaires générales de l'Etat. Il était nécessaire qu'il en fût ainsi." (DA 1, part 1, chapt. 5). It is our contention that there is no contradiction between these two statements, if Tocqueville's thought is more fully reconstructed.

First, Tocqueville explained that an almost universal interest for public affairs existed in America; this interest was fostered by the presence of a set of intermediary institutions (whose existence constituted, as it were, a first mitigation of the principle of representation). Most American citizens were indeed called to exert public functions, such as those of local counsellor or jury member. The effect of this system of participation was to arouse the political interest of Americans in the first place: "Il est difficile de dire quelle place occupent les soins de la politique dans la vie d'un homme aux Etats-Unis. Se meler du gouvernement de la société et en parler, c'est la plus grande affaire et pour ainsi dire le seul plaisir qu'un Américain connaisse." (DA 1, part 2, chapt. 6, sect. 5) In turn, this political interest resolved itself in vibrant public opinion manifested in a very diverse, widely read, and extremely influential press.[14] Moreover, America's representative institutions were organised in such a way to ensure a permanent turn-over of their members. In such a context, argued Tocqueville, the citizens seating in representative bodies were put under constant pressure. This translated into a situation in which *public opinion eventually dictated the representatives' decisions*, as Tocqueville unequivocally sustained:

> Non seulement les institutions sont démocratiques dans leur principe, mais encore dans tous leurs développements; ainsi le peuple nomme directement ses représentants et les choisit en général tous les ans, afin de les tenir plus complètement dans sa dépendance. C'est donc réellement le peuple qui dirige, et, quoique la forme du gouvernement soit représentative, il est évident que les opinions, les préjugés, les intérêts et même les passions du peuple ne peuvent trouver d'obstacles durables qui les empêchent de se produire dans la direction journalière de la société. (DA 1, part 2, chapt. 1, sect. 1)

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[12] One of the most authoritative interpreters of Tocquevillian thought, Jean-Claude Lamberti, asserts that Tocqueville's concept of representation is "weak" and "inconsistent" (Lamberti, 1989: 72-73). We are far from sharing this judgement, but we agree that Tocqueville's idea of representation is somewhat difficult to grasp - but for reasons of complexity and not of vagueness.

[13] In the following paragraphs, DA stands for Tocqueville's *Democracy in America* in the edition indicated in our final general bibliography below; 1 and 2 stand for the first and second volume of the work, respectively; the exact location of the quotation is indicated by the section, chapter and part in which it can be found.

[14] Consider for instance the following quote: "la presse exerce encore un immense pouvoir en Amérique. Elle fait circuler la vie politique dans toutes les portions de ce vaste territoire. C'est elle dont l'oeil toujours ouvert met sans cesse à nu les secrets ressorts de la politique, et force les hommes publics à venir tour à tour comparaître devant le tribunal de l'opinion. C'est elle qui rallie les intérêts autour de certaines doctrines et formule le symbole des partis; C'est par elle que ceux-ci se parlent sans se voir, s'entendent sans être mis en contact. Lorsqu'un grand nombre des organes de la presse parvient à marcher dans la même voie, leur influence à la longue devient presque irrésistible, et l'opinion publique, frappée toujours du même côté, finit par céder sous leurs coups." DA 1, part 2, chapt. 3, sect. 1.

According to Tocqueville, American democracy rested on two fundamental pillars. On the one hand, it enabled the direct participation of citizens to political affairs. At the level of communes, individuals could actually take part directly in collective decisions, gathered into deliberative assemblies: "dans la commune où l'action législative et gouvernementale est plus rapprochée des gouvernés, la loi de la représentation n'est point admise. Il n'y a point de conseil municipal; le corps des électeurs, après avoir nommé ses magistrats, les dirige lui-meme dans tout ce qui n'est pas l'exécution pure et simple des lois de l'Etat." (DA 1, part 1, chapt. 5, sect. 3) Hence, in Tocqueville's system, direct participation is allowed at least at the communal level. As Larry Siedentop has rightly argued, there are Rousseauian undertones in Tocqueville's appreciation of the township system: "The American townships enabled Tocqueville to 'save' part of Rousseau's defence of participation and its moralizing effects" (Siedentop, 1994: 67-68).[15]

However, as we have seen, Tocqueville recognised on the other hand the necessity of representation, since no deliberative assembly could be put in place beyond the local, communal level. Tocqueville's conception of representation was very specific. He did not envisage it as a completely independent body: quite on the contrary, it was constantly kept under the direct influence of the popular will. This is because, while no physical gathering of citizens in deliberative assemblies is thinkable at the general level of the state, their *virtual* gathering remains possible, *under the form of the public sphere*, taking up the idea of communicative exchange as a necessary type of social relation for the realization of democracy.

This tension between participation and representation is, as conceptualized here, at the core of the problématique of civil society. Without institutionalised representation, no fixation of the deliberative flux of civil society in concretely existing institutions or concretely taken measures can occur. Without permanent participation, representative bodies lose their representativity, thus undermining the legitimacy of social institutions and threatening political cohesion. For Tocqueville, significantly, this question remains open and cannot be solved by conceptual means. He refused both the individualist–liberal assumption that the procedures established in the social contract provided a sufficient answer and the Hegelian assumption that a state that remained external to participation and deliberation was required to reconcile the diverse strivings of the lesser components of ethical life. Some other authors during first two thirds of the nineteenth century, among whom we will briefly discuss Madame de Staël and John Stuart Mill, took broadly similar positions, even though they were much less able than Tocqueville to underpin them by detailed observations of an existing democracy – which may be one of the reasons why the "transformation of democracy" (to quote Vilfredo Pareto, 1921) that occurred in the later nineteenth century was prefigured in their writings.

The transformation of democracy and the declining centrality of the concept of civil society

Mme de Staël, for instance, spoke of the parliament in the following terms: "Il faut (...), pour avoir un gouvernement représentatif, pour être fidèle au principe de ce gouvernement, en faire, pour ainsi dire, un tableau réduit selon les proportions des grands ensembles de l'opinion publique." (de Staël, 1980: 72; orig. 1818). For de Staël, in a way which anticipates statistical reasoning, the parliament by the very laws of proportion contained all the opinions which one could possibly find in civil society. As such, any law passed by the parliament could be a priori taken to reflect the actual demands of the public, without any immediate need that these demands be explicitly expressed by the public itself. What de Staël did, thus, was to reintegrate the processes of deliberation characteristic of civil society within the parliamentary institution, which thus was endowed with a twofold role: that of deliberation and that of concretization, i.e., the crystallization of deliberation in existing laws. We witness here an

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[15] Discussing the 'difference in political climate between America and Germany', even Theodor Adorno noted in 1951 that 'the American state' is 'never experienced by its citizens as an authority that floats above the individuals, as commanding them in any absolute way'. In the US, according to the returned exilee, large parts of the population do not have 'the feeling that the state is anything different than they themselves', and Adorno goes as far as claiming that this nuance of difference between MacCarthyist US and post–Nazi Germany entails 'a more happy relation between the supreme form of societal organization and its citizens' in the former (Adorno 1986, 290–1). Such comparative observations resonate today again in the claim that republican thinking remained vibrant in the US while it withered away in Europe. While they are hardly convincing as such, they point to different possible articulations between 'civil society' and 'democracy'.

example of the liberal mitigation of the idea of civil society, even though in Staëlian thought civil society still had the role of the model to which parliamentary debates had to measure themselves, and from which the drew their ultimate legitimacy.

John Stuart Mill, in his *Considerations on Representative Governments* (1861), defended a related position:

> the Parliament has an office ... to be at once the nation's Committee of Grievances, and its Congress of Opinions; an arena in which not only the general opinion of the nation, but that of every section of it, and as far as possible of every eminent individual whom it contains, can produce itself in full light and challenge discussion; where every person in the country may count upon finding somebody who speaks his mind, as well or better than he could speak it himself ... where every party or opinion in the country can muster its strength, and be cured of any illusion concerning the number or power of its adherents; where the opinion which prevails in the nation makes itself manifest as prevailing, and marshals its hosts in the presence of the government, which is thus enabled and compelled to give way to it on the mere manifestation, without the actual employment, of its strength; where statesmen can assure themselves, far more certainly than by any other signs, what elements of opinion and power are growing, and what declining, and are enabled to shape their measures with some regard not solely to present exigencies, but to tendencies in progress. (Mill, 1995: 257-258)

Both these authors identify the problem of representation as the question of the translation from the diversity of opinions in society to decision–making about the common, and they identify the parliament as the site where this translation should occur. While they both insist on the direction of this process, namely from society towards the decision, they both also recognize considerable problems in this process, problems that require additional devices to secure the success of the operation, or at least enhance the likelihood for such success.[16] Even though they stay within the classical liberal framework, their thinking prefigures the profound crisis that such political thought should undergo towards the end of the nineteenth century. With regard to the question of representation, we may speak here of a transformation of a *philosophical* concept of representation, based on the political philosophy of the Enlightenment, into a *sociological* one, based on the gradually emerging sociology of industrial and mass society at the end of the nineteenth century (d'Arcy and Saez, 1985: 9; see also Wagner, 1994: 91–6).

This conceptual transformation was mirrored in the decreasing use of the concept "civil society". If one accepts the observation that the emerging discourse of sociology can be read as a reinterpretation of the problématiques addressed before by political philosophy (see, for instance, Wagner, 1998), then it is easy to recognize that "civil society" was replaced by the concept of "society" *tout court*. With this transformation, though, precisely in the light of the "crisis of representation", the debate was shifted from the processes of deliberation between a multitude of diverse human beings towards the idea that some pre–existing structures of society, now seen as a bounded, coherent whole, would guarantee unanimity or, at least, manageable difference between the members of such society (Wagner, 2000; Terrier and Wagner, 2004). We will return in detail to this transformation in the next section, but want to briefly demonstrate the linkage between these two discourses – political philosophy and the social sciences – by continuing the observations on the role of parliament as a mediating institution.

With regard to the role of the parliamentary institution, two solutions were possible in the new political context of progressive disappearance of civil society: either to severe the link which traditionally connected civil society and parliament, in order to retain the parliamentary institution: this is the choice made by an author like Max Weber;[17] or one could judge that the link between civil

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[16] There is some consistency in de Staël's proposal of the proportional argument, insofar as she advocated an electoral system enforcing the principle of one man, one vote. One might wonder, instead, how it can be successfully applied within the framework of John Stuart Mill's political thought: he was indeed favourable to a system of ponderation of the votes according to levels of education; in such a context, it becomes difficult to understand how the parliament could be taken to be a proper reflection of society.

[17] Weber noted in *Parliament and Government in Germany vander a New Political Order. Towards a Critique of Officialdom and the Party System* (1917) that the existence of parliament was "a condition of the duration" of political rule, insofar as "any rule, even the best organised, ... should enjoy a certain measure of inner assent from at least those sections of the ruled who carry weight in society." (Weber, 1994: 165) However, the

society and parliament was indissoluble; this meant, as a direct consequence, that the parliament had to be rejected as a central institution of modern politics, since its very condition of existence - namely a vibrant civil society - did not exist any more: this is precisely the core of Carl Schmitt's argumentation, as we shall see.

Historically speaking, the state pre-dates civil society in continental Europe; under those circumstances civil society is likely to have to constitute itself against the state. This has something to do with the fact that the state, in the history of the West, is often seen as a principle of transcendent authority. This was rightly underlined by Max Weber, whose most profound reflections on the state are not contained in the often quoted, but quite formal and imprecise, definition of the state in *Politik als Beruf* (1919).[18] In *Parliament and Government in Germany*, Weber more convincingly described the modern state as a *bureaucratic* institution playing a central role in the *rationalisation* of social life: "the modernisation of the state has been progress towards a bureaucratic officialdom based on recruitment, salary, pension, promotion, professional training, firmly established areas of responsibility, the keeping of files, hierarchical structures of superiority and subordination ... [it] adjudicates in accordance with rationally established law and administers according to rationally devised regulations." (Weber, 1994: 145-147) When we speak of the state *tout court*, thus, we are bringing connotations of hierarchical rule and separation between the social and the political into the picture. As we shall see later, the further rationalisation and bureaucratisation of state institutions in the post-war era played a central role in the demise of civil society. The authors who advocated a return to deliberation as the foundation of political order in the 1960s and 1970s often started by offering a critique of state power. In other words, it is arguable that a contradiction exist between the idea of a society based on deliberative fluxes and the idea of a state-led society.

Therefore, we need to be careful when we speak of civil society as characterised by a necessary relationship with state institutions. If we want to think in those terms, we need to clarify what state we have in mind by historicizing what it commonly refers to. There should then appear a variety of possible conceptions and incarnations of the state, some of which cannot be possibly thought in relation to civil society, and some of which are located so far away from the state as we know it that they should hardly be considered to bear any relationship with it at all, beyond the term itself. The history of the West is often interpreted as the "history of the rise of our liberal customs and institutions" (Rorty, 1989). It seems more appropriate, however, to disentangle the history of collective self–determination – which, it may be noted incidentally, is not at all a linear history of a "rise" – from the history of bureaucratic rationalization. Or, in other words, the history of democracy must in many respects be separated from the history of statehood.[19] In the relation between the two,

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tendencies to bureaucratisation in society in general, and in the organisation of parties in particular, had progressively undermined the mechanisms by which the parliament maintained contact with civil society. Bureaucratised parties could not be understood any more as crystallisation of the political position of a given section of society, since "[e]ven in a mass party with a very democratic form of organisation ... the mass of voters at least, and to a considerable extent the ordinary 'membership' too, is *not* (or only formally) involved in deciding on programmes and candidates." Weber chose to defend the parliamentary institution even in such a transformed context, because it had an important effect upon upon political life: it rendered *Führerauslese* (the selection of leaders) more efficient: "[o]nly a *working*, as opposed to a merely talking parliament can be the soil in which not merely demagogic, but genuinely *political* qualities of leadership can grow and work their way up through a process of selection"; the selection of talented leaders "is *only* possible within a party if its leaders have the prospect of *power* and *responsibility* in the state as the reward of success." (176-177)

[18] "*the monopoly of legitimate physical violence within a certain territory*", Weber 1994: 310-311.

[19] For more detail on such a political history of Europe, see Wagner, 2003b. Similarly, the history of "market society" would need to be disentangled from the history of "industrial society" in any narrative of socio–economic history. The conceptual reason for such a plea for separation is that quite different justifications for novel institutions are at work in the respective partial narratives. In socio–economic history, the "cité marchande" works with a concept of efficiency that is different from the one of the "cité industrielle", the former working through a logic of free exchange and the latter with one of planned production. See Boltanski and Thévenot (1991) for a perspective on the plurality of justifications under conditions of modernity that could guide further analysis of varieties of (spirits of) capitalism; see Boltanski and Chiapello (1999) and Hall and Soskice (2001) for such debate; and Karagiannis (2004) for a discussion of different conceptions of "efficiency" in European development policy. Similarly, a justification in terms of a "cité civique" was at work in the history of democracy, whereas the history of the rationalizing state was guided by a version of the "cité industrielle",

the concept of civil society is central, and the changing place of this concept in political discourse as well at the variety of its interpretations is telling about this double politico–institutional history.

Declining deliberation:

civil society, community, organised modernity

Varieties of liberty

As a mere provisional generalisation, and speaking at this moment only of the Western context, we can argue that republicanism and classical political liberalism are the political philosophies which give a central place to the concept "civil society", with a view to exploring the conditions of possibility of collective self–determination. We insist upon the phrase 'classical political liberalism' for the following reasons: first, as will appear more clearly later, only *classical* liberals (say, up to John Stuart Mill) adopt without reservation the idea of an intrinsic (and valuable) diversity of individual opinions. Second, only *political* liberals insist upon the need for a given social order to be based on explicit deliberation and agreement, two principles that are the core of the idea of civil society. *Economic* liberalism, in contrast to political liberalism, rejects one of the conceptual prerequisites of civil society: the conception of an automatic self-organisation of the social (when the mechanisms of the market are left to themselves) undermines the need for a political theory of active agreement. Attempts at a description of how a given society can be well-ordered in the absence of any mechanism for collective decision-making can be found, notoriously enough, in the work of Mandeville. He is the one who has most consistently tried to demonstrate that the mere pursuit of singular preferences aggregates into an acceptably ordered society.

Interestingly enough, this attempt can be interpreted as a response to some authors who are taken to be archetypical forerunners of the idea of civil society, John Locke *inter primis*. The *Second Treatise of Government* can indeed be read as a description of the way to set up the various institutions that are necessary to restore some kind of social order once society has reached the critical stage at which its size is too large for mere local self-organisation to prevail. As is well-known, the state of nature in Locke is not characterised by anarchy; its actual order depends upon its being contained within strict territorial limitations. The discovery of money is a cause of disorder insofar as it multiplies the possibility of individuals to act from a distance and thus gives birth to social configurations of unusual expansion. In such a context, face-to-face interactions are not sufficient to allow for an acceptable coordination of action. From this moment on, continues Locke, central institutions need to be established to set up binding rules for an enlarged society, enforce social order, and allow for collective decision-taking. Mandeville's contention, arguably, consists precisely in denying the fact that any qualitative change in the way in which social order needs to be established occurs as an effect of the enlargement of society. For Mandeville, the self-organising power that prevailed in small communities before the advent of money persist in the new social situation of generalised commerce.

Before the democratic revolutions, republicanism, political liberalism and economic liberalism were united in their support of the idea of self–determination or, more precisely, in their rejection of constraints on human action, be those derived from theological reasoning or from assumptions about a natural hierarchy in the social world. These positions were all advocating political modernity – as we would say in the terminology adopted here – under conditions in which such modernity was not yet generally accepted. The differences between those positions were thus often underemphasized. After the moment of the democratic revolutions, as we have seen, the republican concept of liberty and deliberation was often seen as too demanding, and as a result republican thinking tended to decrease

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one that, in contrast to economic rationalization, focused on the production of subject–citizens rather than object–commodities. With his concept of "gouvernementalité", Foucault rightly placed the emphasis on the "industrial" production of subjects, while neglecting in turn, though, the simultaneous development of democratic citizenhood guided by the "cité civique", which entered into an ambiguous relation with the production of subjects.

in political significance.[20] Political and economic liberalism then existed side by side, but were often seen as addressing different and separate aspects of the modern problématique (see Wagner 2001c; 2003c; for more detail on this argument).

From the late eighteenth century onwards, economic liberalism – under the label of political economy – seemed to provide a powerful reasoning in favour of the liberation of economic action with a view to better satisfying human needs, to enhance "the wealth of nations", to use a famous formula. The use of the adjective "political" before "economy" shows that this approach was seen as a political theory; however, it tended to predetermine the objectives of a polity in a rather restricted way, in terms of domestic peace and material well–being namely. For the reaching of such objectives, it argued, nothing more than an individualist conception of liberty is needed, any stronger conception indeed being seen as potentially harmful because of possible interference with the working of the "invisible hand".

Classical political liberalism did not share this general assumption, since it remained aware of, as well as appreciative of, the diversity of strivings of individual human beings. Unlike republicanism, however, it expected to solve the thus defined political problématique of modernity by procedural rules alone, some of which were intended to restrict participation in deliberation to those human beings who could expected to be capable of thinking and acting responsibly, in practice this mostly meant property–owning male heads of households.

By the end of the nineteenth century, both economic and political liberalism had lost much of their earlier persuasiveness. The belief in self–regulation of the economy had declined in the course of both the "long depression" and the rise of the workers' movement in its fight against social inequality and declining working and living conditions. The latter also had an impact on the faith in political liberalism. With workers – and, less noted, women – claiming full political inclusion, the restricted concept of political participation that classical liberalism sustained became increasingly untenable, at least without strong means of oppression. At the same time, the old political elites could not envisage how a fully inclusive liberal democracy could be erected and maintained given their doubts about the capability of "the masses" for responsible action. Against this background, we will discuss in the following the late nineteenth–century transformation of liberalism and its consequences for the idea of civil society. This discussion will lead us to reflect upon the gradual decline of the concept of civil society from the mid-nineteenth century onwards.

The crisis of classical liberalism

For the founding fathers of liberalism indeed, it was sufficient to define the polity as a collection of autonomous individuals linked by mere interest (Hirschman, 1977). This is what Locke suggested when he wrote that "by agreeing with other men to join and unite into a community" individuals seek to ensure their "comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties". (Locke, 1990: § 94)

However, from the mid-19th century onwards, liberalism started to think of the polity as an entity held together by something more than interest. In his *Considerations on Representative Government*, John Stuart Mill argued that the sense of togetherness which characterised the "feeling of nationality" could have "various causes", such as "the effect of race and descent", "community of religion" or even "geographical limits". Mill thought, however, that the strongest bond between individuals was at the same time political and historical: it was collective remembrance, or to put it like Mill himself, a

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[20] A prominent mid–nineteenth–century political thinker with republican leanings was Karl Marx – as was noted, but not further discussed by Quentin Skinner in *Liberty before liberalism* (1998). In Marx' view, it was mainly the adoption of a bourgeois–liberal conception of economy and politics that stood in the way of "human emancipation", or the realization of a free political association based on deliberation, no genuinely political problématique related to self–determination. Notably, his political writings operate through a critique of what he saw as a bourgeois concept of civil society, exploiting the double connotation of the German word *bürgerlich* as referring to both bourgeois and citoyen (or to justifications in terms of the *cité marchande* and the *cité civique*). See Abensour (1997) for an argument to read the early Marx as a republican. In this context, it may be important to note that the current German debate retranslates *societas civilis* as *Zivilgesellschaft* rather than *bürgerliche Gesellschaft*.

"consequent community of recollections" of what the polity has gone through in the past (all quotes are taken from "Of Nationality, as connected with representative government", chapter 16 of Mill, 1994). Similarly, Ernest Renan, who described himself as a 'conservative liberal', thought that not the community of interest made a polity, but the existence of a national sentiment which had to do with the awareness of sharing political values, of having a common destiny: "A historical past, great men, glory (I mean authentic glory), that is the social capital on which one can found an idea of the nation." (Renan, 1996: 240)

Such evolution of liberal thought needs to be placed within the broader framework of the late 19th-century crisis of European liberalism (Seidman, 1983; Wagner, 1994). The liberal understanding of social life, stemming from social contract theory and thus organised around the notion of the autonomous individual, started to be heavily challenged from the mid-19th century onwards, not least under the influence of socialism. Industrialisation indeed meant the birth of the class of industrial workers, who increasingly enrolled in political groups denying legitimacy to the bourgeois state.

Conceptually, from the point of view of political integration, one might put the issue in the following terms: for the classical liberals, a polity was taken to be viable even with a high level of differentiation (strong diversity of life orientations) and a low level of equality (as long as the various members of the polity were better off than they would be in a hypothetical state of nature).

Now, the working class movement precisely challenged these liberal assumptions. It argued that no polity could exist with a level of equality as low as the liberals wanted to keep it. The liberal idea of a grounding of the polity in interest could not lead, under the conditions of capitalism, to any stable order. Karl Kautsky for instance recognised that interest could hold societies together, but suggested also that in capitalism there were too many diverging interests for a stable polity to emerge. This was because the outrageous material inequalities brought about by capitalistic accumulation clearly led to a situation in which some members of the polity had an interest, not in the conservation, but in the overthrow of the order in question: "The goal of the proletariat is the abolition of all class differences. The attainment of this goal would confer to the unity of nations a solidity that has never existed so far. As strong as the common interests of all members of a nation can be under certain circumstances, their action is weakened by the antagonisms between classes." (Kautsky, "Die moderne Nationalität", in *Die Neue Zeit*, 1887, cited in Haupt et al. eds., 1997: 126)

In order to preserve the social order of which they were the ruling element, the middle classes started addressing the question of what, if not interest, could hold societies together. This reflection took the form an exploration, mainly conducted under the name of sociology, of the regularities and continuities present in social life. The political balance tipped toward a strengthening of collectivist orientations, in which the autonomy of the individual was de-emphasised in favour of a voluntarism of the collectivity. Both socialism and nationalism provided versions of such collectivist political philosophy; but even former liberals resigned themselves to social changes that had displaced individual responsibility from the centre of politics (see Wagner, 2001b: chapters 1 and 2).[21]

At the end of the nineteenth and the beginning of the twentieth century the middle classes indeed recognised that no polity could exist under conditions of both extreme differentiation and extreme inequality. But what needed to be changed was less the level of inequality than the level of differentiation: the members of the polity had to be rendered similar, if not identical, by the diffusion of a unitary culture, a "common consciousness". This common consciousness was to develop among the members of a collectivity of interdependent individuals. It ensured that the polity became an inclusive community of identically-minded individuals.

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[21] A similar view was also advanced for a political analysis of the emergence of sociology. Robert Nye, for instance argued that "men like de Maistre, de Bonald, Saint Simon, and Comte, deplored the liberal social and economic ethic that was leading to a dangerous atomization of society. In an effort to contribute to a restructuring of social order, these men drew heavily on theories of organic society that were hierarchical and rich in tradition and purposiveness. This partisan efforts contributed, ironically, to the founding of the modern science of sociology" (Nye, 1972: 63). Early in the nineteenth century, however, authors who held such a position were mostly "conservative" in the sense that they had never fully accepted the modern political condition. By the late nineteenth century, even "modernists" became inclined to reflect about social bonds that could hold societies and polities together under conditions of – or: despite – equal liberty.

Max Weber, Gustave Le Bon and sociology during the crisis of liberalism

This reflection on the shortcomings of classical liberalism can be found in a fairly clear form in the work of the early Weber. In his inaugural lecture at the University of Freiburg (1895), Max Weber addressed the problem of the relationship between the science of economics and the national question. His position at the time was deeply structured by a vision of social life as a struggle for existence. Not only did he believe that human beings were fighting against each other to defend their privileged access to material resources. He was also convinced that, collectively, groups of human beings, including the nation, were involved in such a struggle. In this context, any political measure must be evaluated in function of its correspondence to national interest - understood as that which ensures in the long run the conditions of collective survival. Collective survival is a value not that much because it enables the physical subsistence of individuals, but rather because it allows for the persistence of "those characteristics which we think of as constituting the human greatness and nobility of our nature." (Weber, 1994: 15).

The young Weber was concerned with the future of the German nation. He believed that its future existence was threatened by the weakness of national sentiment in the rising classes - by which he meant both the bourgeoisie and the working class. In the nineteenth century, the aristocracy of Prussian *Junkers* had managed to create a German nation-state, which was the primary condition to safeguard the place of Germany in Europe. Weber called this process a process of "external" unification (22). The *inner* unity of the nation, however, was yet insufficiently advanced. The lack of "nationalist passion" (26) in Germany gave birth to a situation in which nothing counterbalanced the centrifugal effects of diverging economic interests: the nation was "split apart by modern economic development" (id.). This threatened the capacity of Germany to face the military and economic competition between nations at the international level.

The solution to this plight lay in the "*social unification*" (id., original emphasis) of Germany. An intense "*political education*" (27, original emphasis) was needed to spread "the earnest grandeur of national sentiment" (28) across all classes of the nation. This was the only way to avoid a situation in which "the feelings of political community would be stretched beyond breaking point by temporary divergences of economic interests" (21).

The year after Weber's inaugural lecture at Freiburg, Gustave Le Bon published the results of his reflections on modern society as a "crowd society". From the viewpoint of the history of the notion of civil society, this text is interesting insofar as the epistemology and social ontology it contains are exactly opposed to those typically needed for deliberation (and therefore, civil society) to be available as a resource.

First of all, Le Bon argued that there was a way to fight indeterminacy in social life. The social sciences, according to him, could indicate which institutions were most adequate for each social setting, in view of its general characteristics. In the *Lois psychologiques de l'évolution des peuples*, Le Bon asserted that each people possesses a "constitution mentale aussi fixe que ses caractères anatomiques, et d'où ses sentiments, ses pensées, ses institutions, ses croyances et ses arts dérivent." (Le Bon, 1906: 5). In such a context, it became possible to argue that some institutions were preferable to others, on the basis of their correspondence with the 'mental constitution' of the people considered. Establishing institutions that were alien to the traditional *façons de faire* of a given people was either useless or harmful, insofar as they would be rejected as incompatible with the "soul of the race" (Le Bon, 1906: 9; Le Bon, 1963: 12). In our own vocabulary, we can say that Le Bon proposes a positivistic epistemology for which the truth in social and political matters is attainable by way of scientific reasoning, as it appears clearly in the following quote:

> Les institutions et les gouvernements représentent le produit de la race. Loin d'être les créateurs d'une époque, ils sont ses créations. Les peuples ne sont pas gouvernés suivant leurs caprices d'un moment, mais comme l'exige leur caractère. Il faut parfois des siècles pour former un régime politique, et des siècles pour le changer. Les institutions n'ont aucune vertu intrinsèque ; elles ne sont ni bonnes ni mauvaises en elles-mêmes. Bonnes à un moment donné pour un peuple donné, elles peuvent être détestables pour un autre. (Le Bon, 1963: 50)

Le Bon's scientism relied on a deterministic conception of social individuals, who are taken to be incapable of any autonomous action: they are unconsciously and necessarily shaped by powerful forces (that of race). "La vie consciente de l'esprit ne représente qu'une très faible part auprès de sa vie

inconscience. ... Nos actes conscients dérivent d'un substratum inconscient formé surtout d'influences héréditaires. Ce substratum renferme les innombrables résidus ancestraux qui constituent l'âme de la race." (Le Bon, 1963: 12)

Le Bon's epistemological and ontological premises contradict frontally the conditions of possibility of a deliberating public, including in its less immediate, parliamentary form:

> Le régime parlementaire synthétise d'ailleurs l'idéal de tous les peuples civilisés modernes. Il traduit cette idée, psychologiquement erronée mais généralement admise, que beaucoup d'hommes réunis sont bien plus capables qu'un petit nombre de prendre une décision sage et indépendante sur un sujet donné. (Le Bon, 1963: 112-113)

Gustave Le Bon's work, in other words, is a particularly clear example of the diffusion of a new understanding of the social as an homogeneous whole of similarly – if not identically – minded individuals. The rise of these new conceptions undermined the traditional enlightened world-view of society as a collection of autonomous individuals, which represented the only fertile ground for a development of the idea of civil society. We find ourselves here at the core of the demise of civil society.

Complete evidence of the diffusion of these new conceptions cannot be given here (see Terrier, 2004). It is useful to suggest, however, that they actually managed to make their way in the social common sense of the time. Le Bon's writings are revealing in this respect. They were fundamentally works of scientific vulgarisation and targeted indeed a public of non-scientists. The success of the undertaking was immense. The *Lois psychologiques de l'évolution des peuples,* for instance, quickly became a European best-seller (translations in sixteen languages) and in France alone underwent seventeen editions (Nye, 2000: 52).

The diffusion of Le Bon's work alone, however, is not sufficient to demonstrate the influence of the new conception of the social. Moreover, it is important to emphasise that Le Bon represented an especially extreme variant of the idea of social homogeneity. It is therefore not our point that the entire late nineteenth century turned Lebonian: this assertion would not do justice to the complexity of the debates which accompanied the birth of the social sciences. If the space at our disposal was not limited, we could propose a detailed account of these debates, emphasising the variety of answers proposed by early sociologists to the question of social cohesion. We do wish to argue, however, that it is possible to identify a broad paradigmatic shift around the middle of the nineteenth century which brings at the centre of attention the question of social homogeneity to which notions such as "race" (Gobineau, Le Bon), "national character" (Taine, Bagehot), "organic integration" (Spencer, Worms) "collective consciousness" or "collective representations" (Durkheim), "imitation" (Tarde), "solidarity" (Bourgeois) represented a variety of answers. Most, if not all, of these reflections abandoned the idea of the autonomous individual and with it, the ideal of civil society.

Carl Schmitt and the anti–sociological critique of liberalism

We wish to give here only one last example of this line of reasoning, which is especially relevant for our own reflection, not only because it is among the most articulate and the most radical, but also because it employs a different mode of reasoning. We have in mind the work of Carl Schmitt, who presented, in a text published in 1923 and entitled *Die geistesgeschichtliche Lage des heutigen Parlamentarismus* (1985), an extremely interesting and revealing critique of classical liberalism, targeting its central institution (the parliament) and its prerequisite (the idea of individual autonomy).

Schmitt started by identifying the ontological assumptions which underlie the liberal faith in discursive processes: as we have already noted, above, individuals must be conceived as capable of autonomous reasoning if they are to engage in collective decision-making processes. As Schmitt wrote,

> Diskussion bedeutet einen Meinungsaustausch, der von dem Zweck beherrscht ist, den Gegner mit rationalen Argumenten von einer Wahrheit und Richtigkeit zu überzeugen oder sich von der Wahrheit und Richtigkeit überzeugen zu lassen. ... Zur Diskussion gehören gemeinsame Überzeugungen als Prämissen, Bereitwilligkeit, sich überzeugen zu lassen, Unabhängigkeit von parteimäßiger Bindung, Unbefangenheit von egoistischen Interessen. (9)

According to Schmitt, precisely these reasoning abilities were put at risk by the development of early twentieth century polities. Liberal societies were increasingly replaced by a new political arrangement which Schmitt called "mass democracy". Mass democracy was characterised by the development of parties as groups striving to gain political power ("Machtgruppen", 11). In order to reach this goal, parties started to develop a whole series of techniques aiming at winning the support of electoral masses. The appeal to affects and passions, at the cost of cold-blooded reflection, played an important role in this process: "Die Massen werden durch einen Propaganda-Apparat gewonnen, dessen größte Wirkungen auf einem Appell an nächstliegende Interessen und Leidenschaften beruhen." (11)

The development of party politics and the deployment of its consequences undermined the very basis of liberal parliamentarianism, namely the public sphere, thus precipitating the parliamentary institution in a crisis (11). The public sphere, as we have seen above, played an important role in the conceptual system of liberal polities: it was a mediating institution which tied together the rulers and the ruled. Schmitt was aware of this crucial fact, and implicitly acknowledged that no polity could thrive if some connection between those who exercise power and those upon which this power is exerted was not guaranteed. Thus, Schmitt argued that a new conception of political connectivity had to be established.

Societies could not be understood as heterogeneous collectivities of different individuals any longer, merely bound together by a series of discursive links. Instead, they needed to be conceived (and, to a certain extent, actively established) as coherently integrated wholes of identical individuals: "Zur Demokratie gehört notwendig erstens Homogenität und zweitens - nötigenfalls - die Ausscheidung oder Vernichtung des Heterogenen. (...) Die politische Kraft einer Demokratie zeigt sich darin, daß sie das Fremde und Ungleiche, die Homogenität Bedrohende zu beseitigen oder fernzuhalten weiß." (14) Schmitt's proposal, thus, was that a restoration of the link between the rulers and the ruled was possible if the ruled could recognise themselves in their rulers; if they could count upon the fact, in other words, that the decisions of their rulers were inspired by what constituted the very identity of the collectivity considered. Schmitt's proposal is to ground political cohesion upon primordial qualities, which he calls 'substance' (*Substanz*, 14); among these qualities, Schmitt mentions religious conviction (as in the political arrangements of seventeenth-century democratic puritanism) but also, more importantly for us, national survival.

In the political arrangement advocated by Carl Schmitt, the identity of the rulers and the ruled is thus guaranteed without any deliberative mediation. The legitimation of power occurred, at best, through direct acclamation - which is the way in which, by mere deployment of its "evident, uncontested existence" ("selbstverständliches, unwidersprochenes Dasein", 22), the people make their unitary will known. Even acclamation, however, was not necessary to the legitimation of power, insofar as a primordial unity existed a priori between the rulers and the ruled.

For us, Carl Schmitt is interesting insofar as his thought represents one of the possible results of the rejection of the public sphere as a location in which the agreement between individuals bearing different opinions is sought: namely, the justification of authoritarian rule, grounded on assumptions of social homogeneity. Schmitt is unequivocal in this respect:

> Vor einer, nicht nur im technischen sondern auch im vitalen Sinne unmittelbaren Demokratie erscheint das aus liberalen Gedankengängen entstandene Parlament als eine künstliche Maschinerie, während diktatorische und zäsaristische Methoden nicht nur von der acclamatio des Volkes getragen, sondern auch unmittelbare Äußerungen demokratischer Substanz und Kraft sein können. (id.: 23)

Schmitt's work helps us to understand the political conceptions behind the dictatorships born during the interwar period; his critique of liberal parliamentarianism mirrored indeed the one proposed by Vladimir I. Lenin in the first two decades of the twentieth century (see Bolsinger 1999). These two political thinkers mainly differed in their view on the nature of the "substance and force" that could bring about the "immediate democracy" that they were advocating. This concept of immediacy marked basically a denial of the need for mediation that arises from any diversity within a polity. In as far as the concept of civil society was developed so as to provide for such mediation through deliberation, Schmitt as well as Lenin can be seen as direct heirs of the long tradition of critique of civil society.

Despite the similarity of their diagnoses, the sociology of mass society and the political theory of mass society provided highly different perspectives on the crisis of liberalism and on the decline of

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civil society. The former developed stronger and more rigid notions of the social bonds between members of a polity than any concept of civil society ever had; bonds that thus made political deliberation superfluous or, at least, less significant. The latter insisted on the need for some political voluntarism that would overcome precisely the socio–economic cleavages that otherwise would endanger the polity. Even though this thinking, too, relied on some assumption about a social "substance" that needed to be homogeneous, it was political will and not the development of society as such that would bring such substance to its full effect.

The decline of civil society in the diagnoses of organised modernity

After the end of the Second World War and the defeat of Nazism, the restoration of democracy in West Central Europe was first informed by a revival of individualist liberalism. This political philosophy with its emphasis on negative liberty, translated into human and civic rights and the rule of law, seemed best suited to prevent the re–emergence of the totalitarian projects of creating political and societal homogeneity. Gradually, however, the observation that these democracies were restored on broadly the same grounds as before the war gave rise to the insight that they may be as vulnerable to deteriorations of the political situation as the inter–war polities and that historically more long–term developments and conceptually more profound flaws in the liberal–democratic view of the modern polity had been in the background of the institutional breakdown.

Even though the term "civil society" was mostly not central to them, a fact that in itself is telling about the decline of the concept from the middle of the nineteenth to the middle of the twentieth century, the diagnoses of what we call organised modernity that were increasingly proposed from the late 1950s onwards, can be read as first steps towards a reappraisal of civil society. These diagnoses took basically two forms, mirroring in their critical reflection indeed the relation between the sociology and the political theory of mass society from the first half of the twentieth century. An approach that retained the idea that an analysis of the structure of social configurations would provide the key to the transformation of the political forms of modern society grew out of the critical theory of the Frankfurt School. Alternatively, an approach that emphasized the transformations in the self–understanding of the political forms and precisely criticized the attempts at sociologically determining the viability of political forms linked up directly to the political philosophies of the inter–war period, even though gradually the work at reconstructing the political created longer intellectual linkages, to Tocqueville and early post–democratic theorizing, to Machiavelli and the republican tradition and to ancient Greece and the origins of democracy. The best–known representatives of these approaches are Jürgen Habermas for the former and Hannah Arendt as well as Cornelius Castoriadis and Claude Lefort for the latter.

Jürgen Habermas and the critical analysis of the decline of civil society (1): the transformation of the public sphere

In spite of the fact that Habermas's famous study, *The Structural Transformation of the Public Sphere*, does not present itself as a work on civil society, it appears evident from our perspective that his reflection on *Öffentlichkeit* and our own enquiry on civil society deal with the same set of historical phenomena.[22] Also, we find ourselves in agreement with Habermas when he identifies in the idea of a deliberating public one of the possible answers to what he calls the "post-metaphysical" condition - a condition marked by the diffusion of the idea that it is indeed impossible to arrive at any kind of certainty about the natural and the social world by way of mere individual speculation or heteronomous imposition. Lastly, the 'chronology' of the development of civil society we have just proposed is very similar to the one offered by Habermas: the eighteenth century as a moment of diffusion of the public sphere, the later nineteenth century as a moment of crisis of the notion, the early twentieth century as the period of its decline.

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[22] *Strukturwandel der Öffentlichkeit* appeared in 1962, four years after Hannah Arendt's *Human condition*, and is very likely to have been inspired by the latter. As will be shown, however, the diagnoses of these two authors should diverge considerably in later works, unvealing differences between these two early works that were originally somewhat hidden behind apparent similarities.

In spite of these similarities, there are important differences between Habermas's reflection and ours when it comes to accounting for the decline of the public sphere, or civil society. Habermas identifies two main reasons for the crisis of the public sphere: first, the stratification of society, which undermines the social basis of the public sphere; and second, the rise of the corporate press.

In Habermas's understanding, the emergence of the public sphere was rendered possible by the preliminary development of a consolidated private realm, in the form of the bourgeois household. Bourgeois individuals could count on the existence of a sphere to retreat in, where they could enjoy the tranquillity which is necessary for any individual reflection on public affairs. Furthermore, the bourgeois household was also characterised by a certain wealth, which further enhanced autonomy. The birth of this specific kind of private realm makes a new figure possible, that of the *honnête homme* (here the masculine is *de rigueur*, as we shall see), versed in understanding the natural and social world, and thus capable of *having* an opinion - i.e., of holding a position backed by communicable arguments. The public sphere, in this context, is understood as the virtual space in which individuals disclose and confront their private opinions, by way of what is aptly described as *publication*, of which books and newspapers are the material support; public opinion, in turn, is the result of the provisional agreement resulting from this confrontation. Habermas argues that this social configuration underwent substantial changes at the end of the nineteenth century.

First of all, according to Habermas, the bourgeois family disappeared. With the diffusion of the division of labour, especially in the form of a generalisation of wage-paid jobs, the bourgeois family was deprived of one of the pillars upon which it built its coherence, namely the common effort to preserve familial property which was seen as an insurance against hardship. This latter role was increasingly taken over by state institutions, with the effect of dissolving traditional family solidarity. With the disappearance of the bourgeois family, the existence of a separate realm of autonomy to which individuals could retreat in order to forge their opinion vanishes. As a consequence therefore, the public sphere loses one of its foundations: the existence of a collection of individuals who confront and exchange opinions.

Second, this very exchange of opinions could take place only if the circulation of ideas was supported by an autonomous press, whose main goals were the diffusion of information, the reproduction and confrontation of various possible interpretations of this information, and the presentation of articulate positions. The press considered as a whole, in this incarnation, was equivalent to public opinion. With the development of capitalism, however, the press became a commercial product which progressively lost its connections with the public. When newspapers started to be conceived mainly as products of a privately-owned firm, "[t]he sphere of the public was altered by the influx of private interests that received privileged exposure in it - although they were by no means eo ipso representative of the interests of the private people as the public .... in the measure that the public sphere became a field for business advertising, private people as owners of private property had a direct effect on private people as the public" (Habermas, 1989: 192). In such a context, individuals were not exposed to the variety of the opinions held by other individuals; they were merely confronted to the endless repetition of dominant positions:

> Publicity is generated from above, so to speak, in order to create an aura of good will for certain positions. Originally publicity guaranteed the connection between rational-critical public debate and the legislative foundation of domination, including the critical supervision of its exercise. Now it makes possible the peculiar ambivalence of a domination exercised trough the domination of nonpublic opinion: it serves the manipulation of the public as much as legitimation before it. Critical publicity is supplanted by manipulative publicity. (177-178)

We are unsatisfied with Habermas's account for a whole set of reasons. Firstly, we do not see social changes in family structure as the primary reason for the rise of the public sphere. In our understanding, individual opinion, or the capacity for having one, as firm conviction is not necessarily constituted in the intimacy of the private realm; it appears first as an unstable position, and is turned into conviction in the very process of its confrontation with other positions. *Private opinion as conviction is constructed via the mediation of the public sphere itself*. Changes in the family structure have no immediate or direct effect upon the possibility of the constitution of firm opinions.[23]

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[23] From Adorno's work on the "authoritarian personality" via Habermas to Axel Honneth's plurality of modes of recognition, one of which resides in love, to Hans Joas' elaboration of the idea of "primary sociality", social

Moreover, this conviction avoids the patriarchal connotations present in Habermas's text: the reflexive bourgeois is implicitly presented as a *pater familias* whose independence is guaranteed, among other things, by his benefiting from the work done by the other members of the family, most importantly women.

Secondly, Habermas's account entails a quite important amount of (economic) determinism. In his view, the passage to industrial capitalism is the major cause of the development of the welfare state, which in turn causes the destruction of the private realm and of the public sphere which was built upon it.[24] Similarly, industrial capitalism is responsible for the transformation of the press into a series of commercial products. Our conception tries to avoid insisting on economic transformations as causing the demise of the public sphere. We have suggested, instead, that this demise must be understood against the background of the social and political dynamic of nineteenth century society, which was characterised by important changes in the prevalent conceptions of togetherness. The decline of the public sphere, according to us, should be described as the consequence of imaginary shifts induced by the rise of new social challenges.

Jürgen Habermas and the critical analysis of the decline of civil society (2): the rise of technocratic thinking

In subsequent writings, Habermas developed in detail that which had remained the point of conclusion only in his historical analysis of the public sphere, namely a theoretically guided diagnosis of contemporary society. Initially radicalizing his diagnosis of the decline of the public sphere, and by implication of civil society, he linked his thinking to the analysis offered by the founding generation of the Frankfurt School, famous for its description of the post-war social configuration as an administered society (*verwaltete Gesellschaft*). Dealing in more detail than Adorno and Horkheimer with the operating modes of contemporary science, politics and administration, Habermas offered in *Technik und Wissenschaft als 'Ideologie'* (1968) (Habermas, 1974a) the maybe most telling description of such a system . In the essays gathered under that title (and especially in the piece on 'Verwissenschaftliche Politik und öffentliche Meinung'), Habermas discusses the rise of a new understanding of the relationship between science and politics. In this understanding, science is given the task not only to furnish technical advice to political actors; it is also taken to be capable of delivering positive indications about the ends that need to be pursued. Habermas uses the term *technocracy* for this 'positivistic' political arrangement. Technocratic societies are societies in which the activity of government proper has ceased to be prevalent to give rise to mere social engineering:

> nun [nimmt] Politik einen eigentümlich *negativen Charakter* an: sie ist an der Beseitigung von Dysfunktionalitäten und an der Vermeidung von systemgefährdenden Risiken, also nicht an der *Verwirklichung praktischer Ziele*, sondern an der *Lösung technischer Fragen* orientiert.

Technik und Wissenschaft als 'Ideologie' represents, to a certain extent, a move away from the economic determinism of the *Structural Transformations of the Public Sphere*. Habermas pays – in our view, rightly – greater attention to the social and political tensions to which the technocratic system is a provisional response. He argues that the challenge of post-war Western societies was to bind "die Loyalität der Massen" (Habermas, 1974a: 77) to the capitalist system of production. This was achieved via the establishment of massive material *Entschädigungen* conceded to dependent workers (*lohnabhängige Arbeiter*):

> Auf der Grundlage der kapitalistischen Produktionsweise hat sich der *Kampf der sozialen Klassen* als solcher erst konstituiert und damit eine objektive Lage geschaffen von der rückblickend die Klassenstruktur der unmittelbar politisch verfaßten traditionalen Gesellschaft *erkannt* werden konnte. Der

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theory that broadly is connected to the Frankfurt School tradition has always tried to find one of the keys to understanding "pathologies" (Honneth) of contemporary societies in the structure of the realm of family and intimate life, conceived as the realm in which conditions for human autnomy are created. This is not the place for an extended discussion of this issue; suffice it to say that in our view the step from family life to the diagnosis of society is larger – in terms of both empirical generalization and conceptual connection – than these authors mostly recognize.

[24]Consider for instance this quote, p. 143: "the increase in functions of the state machinery demanded by capitalism in this phase", etc.

staatlich geregelte Kapitalismus, der aus einer Reaktion auf die durch den offenen Klassenantagonismus erzeugten Systemgefährdungen hervorgegangen ist, stellt den Klassenkonflikt still. Das System der Spätkapitalismus ist durch eine, die Loyalität der lohnabhängigen Massen sichernde Entschädigungs- und das heißt: Konfliktvermeidungspolitik ... definiert. (id.: 84)

Even while this view may entail a relative shift from an "economic" to a "political" explanation in Habermas' diagnosis, he does not go as far as explicating in detail the twofold politico–theoretical assumption that lies at the core of the technocratic system. He emphasises the fact that the mechanisms of collective deliberation are deprecated under the technocratic regime, and that they are replaced by sheer instrumental rationality. Habermas argues that, under technocratic conditions, instrumental rationality (although in an intrinsically unstable way) not only presides over the identification of efficient means to efficiently pursue political goals, but also dictates the political goals themselves. For this to occur, however, one would need to understand how instrumental rationality, which is classically defined, for instance by Max Weber, as a mere procedure to evaluate the relative efficacy of different available means, suddenly turns into a technology for the setting of final goals.[25]

In our understanding, instrumental rationality remains deprived of its capacity to decide over means under technical arrangements. What changes in the post-war era is less instrumental rationality itself than the general understanding of what social individuals are. In contrast to other conceptions, in particular those that have been presented and discussed above, social engineering assumes that individuals have clearly identifiable, at least groupwise similar and roughly constant preferences. On the stable ground created by this first assumption emerges the idea that the social world is objectively comprehensible and graspable by the human mind, insofar as it is ruled by an identifiable set of invariable laws. Scientific government establishes itself as a set of objective techniques to satisfy these individual preferences. Social engineering, to phrase it a bit differently, makes use of a set of anthropological assumptions to determine average individual preferences and aggregate them into a manageable compound - which is in turn (to borrow here the vocabulary of systemism, very influential at the time) delivered to the political system as its primary input.

It readily appears that the anthropological and methodological assumptions in question can only be extremely basic, and we can indeed describe them as a mixture of Hobbesianism and utilitarianism. Methodologically, the analysis starts with individuals and arrvies at "society" by mere means of aggregation. To arrive at findings that are applicable to the "engineering" of such society, preferences must be sufficiently alike to relate to very high number of individuals. Thus, anthropological assumptions are – mostly implicitly – added. Individuals are taken to have a priori strong preferences for social peace (this is the Hobbesian dimension), and for the maximal satisfaction of material needs (for the more utilitarian dimension).[26] Faced with such an input, the output produced by the social engineers who composed public administration was rather similar in most European countries: mechanisms for the redistribution of wealth were put to work as a way to guarantee social peace; indirect income enhanced consumption as a tool to achieve material satisfaction; lastly, the monitoring of the economy through the state (be it in the form of mere incentives or in the form of its direct intervention by way of nationalized companies) ensured the permanence and steadiness of supply.

To come back to the central question raised in this paper, it now becomes obvious that the technocratic arrangement is incompatible with the very idea of civil society. Technocracy represents a response to the modern problématique of legitimate institutionalisation, but the response it gives leaves no space for the deliberative processes which lay at the core of civil society. This is because legitimate institutions are established not as products of an active agreement between different individuals, but as necessary results of the a priori identification of the preferences of largely identical

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[25] For a related analysis of a shift in the meaning of efficiency in development policy, see Karagiannis, 2004. Significantly, though, this analysis focused on the period from the 1970s to the 1990s, thus explored the movement from an understanding in which means were subject to politically set goals and efficiency defined in terms of the best such means to one in which efficiency becomes itself the goal.

[26] Note the similarity to classical economic liberalism, in our earlier discussion above, in as far as the latter was seen as a political theory.

individuals. This incompatibility between the technocratic arrangement and civil society is well described by Habermas:

> *Die Dauerregulierung des Wirtschaftsprozesses durch staatliche Intervention* ist aus der Abwehr systemgefährdender Dysfunktionalitäten eines sich selbst überlassenen Kapitalismus hervorgegangen, dessen tatsächliche Entwicklung *seiner eigenen Idee einer bürgerlichen Gesellschaft*, die sich von Herrschaft emanzipiert und Macht neutralisiert, so offensichtlich zuwiderlief. (Habermas, 1974a: 75, the second emphasis is ours)

While we follow Habermas in many of his remarks on post-war political arrangements, we think nonetheless that he tended to overemphasise their overall stability and coherence. In particular, he tended to overlook that other principles of legitimation were still in place, whose importance should not be underestimated. The post-war arrangements were complex, tension-ridden entities: they "were indeed not based on the pure proceduralism of individualist liberalism, but showed signs of a compromise between liberal justifications and those of both a linguistic-cultural and a social nature, and tied those justifications together by recourse to an empirical science of politics and society, the employment of which was never free of technocratic undertones." (Friese and Wagner, 1999: 40) Even though it is arguable that the post-war era was characterised by a decrease of what we might call national energies,[27] certain institutions, such as the school system, remained nonetheless to a large extent organised along national lines. Similarly, in spite of the increasing importance of political technology, the full substitution of the "government of men" by the "administration of things", as Marx would have it, never occurred. While many pages could be devoted to the transformation of parliamentary politics in the post-war era, it remains undeniable that the principles of democratic sovereignty were not seriously put at risk in most Western countries.

Grasping these tensions is important insofar as it enables us to understand how the technocratic arrangement entered into crisis in the 1980s. Emphasising stability and coherence, Habermas overestimated the success of the technocratic system in enforcing the de-politicisation of the masses. He thought that under technocracy the politics of compensation and social pacification managed to keep "latent" the central conflict of the capitalist mode of production, namely that between dependent workers, on the one hand, and the owners of the instruments of production, on the other: "der mit der privatwirtschaftlichen Kapitalverwertung nach wie vor in die Struktur der Gesellschaft eingebaute Konflikt [ist] derjenige ..., der mit der relativen größten Wahrscheinlichkeit latent bleibt" (id.: 84). Borrowing his ideas from the writings of Claus Offe, Habermas concludes that, as a consequence of this, only the less harmful among the various forms of conflict could find a direct expression in Western post-war societies (id: 85). Habermas predicted that only peripheral conflicts (i.e., conflicts induced by an incapacity of state power to deliver compensations evenly across the whole national territory) might continue to exist in late capitalist societies.

At the time of writing *Technik und Wissenschaft als 'Ideologie'*, Habermas was still caught, in the classical Marxist conception of a centrality of class conflict. What Habermas describes as peripheral conflicts actually powerfully contributed to undermining the foundation of the post-war social arrangements. Under technocratic conditions, the "system-endangering" critique (to use Habermas's apt formulation) did not take the form of demands for a further institutionalisation of welfare, as Habermas seemed to suggest. It rather took the form of a vindication of self-organisation and autonomy (see Boltanski and Chiapello, 1999). In this sense, the principal bearers of critique under technocratic conditions were not institutionalised parties (such at communist parties) and their respective intelligentsias, either in the 'organic' or in the '*compagnon de route*' form. The bearers of critique were those who sympathised with the cultural utopias of the 1960s and 1970s, which advocated a series of 'ends': the end of work, the end of bureaucracy, the end of growth, the end of politics, the end of war, and the like. In replacement of the 'myth' of technological progress and economic growth, these critics were trying to restore a conception of society as a direct of product of human action.[28]

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[27]In the sense that nations were no longer objects of collective passion. This is what Marshall means when he ironically writes, in *Class, Citizenship, and Social Development* that "[w]e still use those typically eighteenth-century songs 'God save the King' and 'Rule Britannia', but we omit the passages which would offend our modern, and more modest, sensibilities." Marshall, 1977: 102.

[28] For the sake of brevity, we add just a short note on *The theory of communicative action*, arguably Habermas'

Hannah Arendt, Cornelius Castoriadis, and the republican analysis of the decline of civil society

While changes in the structure of society were the prime cause in Habermas' version of the diagnosis of decline of civil society, as we phrase the issue here, the work of political thinkers such as Hannah Arendt or Cornelius Castoriadis focused on changing conceptions of the political. Many of these thinkers advocated a radical transformation of our understanding of democratic politics which can be interpreted as an attempt at restoring the conditions of possibility of civil society.

Of particular relevance for the present discussion is Arendt's book from 1958, *The Human Condition.* It is interesting to note that the themes touched upon by Arendt in this work, such as the description of the distinctive features of modern societies in comparison with that of Ancient times, the discussion of the effects of economic activities upon civic life or the insistence upon the communicative dimension of human action, are clearly reminiscent of those that we found in Ferguson's and Tocqueville's writings.

Arendt started by distinguishing between two main ways that human beings have to relate to the world. The first one is not, strictly speaking, an activity, insofar as it is characterized by a *passive* attitude of reception, of openness to the inputs coming from the environing world. Arendt called this attitude 'contemplation'. In contemplative life, one usually retreats from social life and devotes oneself to philosophical reflection or religious meditation, expecting the blessings of revelation. Certain societies, or at least certain communities within these societies, have placed contemplative life on top of the hierarchy of their of values. This is the case for instance, argued Arendt, of the religious communities of the Middle Ages.

In modernity, in contrast, the passivity which is characteristic of contemplative life was increasingly rejected in favour of more active attitudes. As is well known, Arendt distinguished between three types of activities: labour, work and action. *Labour* is the instrumental activity which aims at producing the goods that are necessary for human survival, with a view to satisfy immediate material needs. *Work,* in contrast, is a kind of activity whose purpose is also the production of goods; but the emphasis is set here not only on the products but also on the process of production itself. While *homo laborans* merely mobilizes the most efficient means to satisfy given needs, *homo faber* sees her activity as a direct expression of her identity - thus, the archetypal worker, according to Arendt, is the artisan, the craftsman. Lastly, Arendt defined *action* as a kind of activity which does not produce material, but rather, as it were, symbolic goods. It is characterized by the fact that, in action, individuals enter in relation with one another by the mediation of language (Arendt, 1998: 179) - action, in other words (like civil society in Ferguson) is essentially made of communicative fluxes. It is thus a highly collective activity, as we shall see more precisely below: "[t]he revelatory quality of speech and action comes to the fore where people are *with* others and neither for nor against them – that is, in sheer human togetherness." (180) Educational tasks, artistic activities, as well as political involvement, all fall under the category of action. While it escapes the narrow realm of sheer necessity and need, action is nonetheless extremely important. In action, one produces meaning, norms, representations, whose significance and validity derive from the fact that they are elaborated collectively. Action therefore provides a shared background to the life of individuals, on the basis of which (or in confrontation to which) they can elaborate their own way to inhabit the world. As Arendt wrote, "without a space of appearance and without trusting in action and speech as a mode of being together, neither the reality of one's self, of one's own identity, nor the reality of the surrounding world can be established beyond doubt." (208)

The Human Condition is, among other things, a narration of the long process by which modernity has moved away from contemplative life to emphasize first the importance of work, before giving

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major oeuvre. There, he complemented the Marx–inspired critical analysis of capitalism by a Parsons–inspired idea of society as a set of spheres, which potentially can be in (normative) balance, but in which the risk of colonization of life–world–based arrangements by systemic arrangements remains omnipresent. In this approach, a well–defined and limited place is reserved for "civil society", which was absent in the intermediate writings on technocracy.

centrality to labour. In other words, one major type of activity is absent from the modern condition - namely *action*.

According to Arendt, the deprecation of contemplative life started in the early seventeenth century with the diffusion of new epistemological conceptions. We have already suggested that the major assumption of *vita contemplativa* is that knowledge can be gathered by adopting an attitude of openness in front of the world: certainty is taken to be revealed, instead of actively acquired. To show the limits of the contemplative conception is, according to Arendt, the sense of the Cartesian project. Descartes rejected the idea that sense data or mere contemplation could, as such, conduct to the acquisition of certain knowledge. This is because, as the Cartesian reasoning went, one can indeed never be sure that a *malin génie* is not instilling false conceptions into our passive minds. Instead, certainty can be reached only by way of following precise rules - those discovered and exposed, precisely, in the *Discours de la méthode*, as Descartes's treatise is quite appropriately entitled (273-280).

According to Arendt, this transformation in the conception of the ways of acquiring knowledge is a good illustration of a more general shift of emphasis from *vita contemplativa* to *vita activa*. The rise of experimental methods in the natural sciences is a good indicator of the importance increasingly taken by the idea that the objects of social life (in this case: knowledge) are the result of a process of *production* which implies a continuous use of *tools*. This inaugurated the era of *homo faber*, understood here as the active individual, the fabricator, the producer of objects. By an interesting historical twist, however, *homo faber* underwent a thorough reinterpretation during the eighteenth century, under the influence of the idea of happiness (305-313).

Products were mainly seen by *homo faber* under the perspective of their utility - in the sense of what could be achieved by using them. But the redefinition of the notion of utility by the materialists of the Enlightenment and, prominently, by early nineteenth century utilitarian thinkers suggested that utility had to be rephrased in different terms: the utility of a given object was best measured, according to them, by the pleasures it gave to the individual user. This is the first step towards a general redefinition of objects as being, primarily, not products, but commodities. In such a context, individuals lose their identity of producers (which they also are) and tend to become consumers, that is, mere calculators of pleasures and pains.

It is no surprise that this evolution occurs in a parallel to the development of commerce. Like Ferguson, thus, Arendt took the rise of commercial society, and of the imaginary that is connected with it, as representing a major historical break. The triumph of the labourer, indeed, brings us to a situation which is at the extreme opposite of contemplative life; human thought itself, which was taken to be the supreme 'canal' through which the truth of the universe could be revealed, is reduced to a mere instrument for the hierarchization of preferences and the evaluation of the relative quality of pleasures (321-322). On the other hand, as social contract theories suggest, society was redefined as a tool in the hands of individuals to increase the efficiency of human labour and thus to gain access to a higher number of goods: "Society is the form in which the fact of mutual dependence for the sake of life and nothing else assumes public significance and where the activities connected with sheer survival are permitted to appear in public." (46)

There is a paradox in these developments. While utilitarianism could prima facie appear as an individualistic theory (insofar as it emphasizes individual preferences), its influence actually led to a uniformization of society.[29] This is because utilitarianism was the philosophy which accompanied the reduction of individuals to primary wants and needs, as we have seen. Now these primary wants and needs are, by and large, shared by most individuals:[30] we understand, thus, how society was progressively turned into an ensemble of individuals who were in the same time isolated and similar:

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[29] Taking the collective good in terms of an aggregation of individual goods as the ultimate measure, utilitarianism is indeed in some way a collectivistic theory.

[30] This idea, according to Arendt, is best expressed by Bentham: his "basic assumption [is that] what all men have in common is not the world but the sameness of their nature, which manifests itself in the sameness of calculation and the sameness of being affected by pain and pleasure" (309).

"society expects from each of its members a certain kind of behavior, imposes innumerable and various rules, all of which tend to 'normalize' its members, to make them behave, to exclude spontaneous action and outstanding achievement." (40)

Not incidentally, the connection between isolation and conformism was described already by Tocqueville. In Tocqueville this took the name of "individualism", which he understood as a retreat from public involvement and civil life and a concentration upon private business and petty passions: "je vois une foule innombrable d'hommes semblables et égaux qui tournent sans repos sur eux-mêmes pour se procurer de petits et vulgaires plaisirs, dont ils emplissent leur âme." (DA 2, part. IV, chapt. 4) The isolation induced by individualism, he argued, was the consequence of the levelling of conditions which characterized democratic times:

> A mesure que les conditions s'égalisent, il se rencontre un plus grand nombre d'individus qui, n'étant plus assez riches ni assez puissants pour exercer une grande influence sur le sort de leurs semblables, ont acquis cependant ou ont conservé assez de lumières et de biens pour pouvoir se suffire à eux-mêmes. Ceux-là ne doivent rien à personne, ils n'attendent pour ainsi dire rien de personne; ils s'habituent à se considérer toujours isolément, et ils se figurent volontiers que leur destinée tout entière est entre leurs mains. (DA 2, part II, chapt. 2)

According to Tocqueville, precisely this individualism could give birth to a new form of despotism: because of their abandonment of any interest in public affairs, democratic individuals tended to overlook that centralized forms of power were emerging which were capable of keeping societies under tight control.

Arendt had similar concerns. As we have seen, she thought that among the various types of activities that are available to the human person, one had taken momentum in the nineteenth century at the cost of all others: it was labour, which supplanted work and action. Now in labour tasks are coordinated, if at all, by way of very simple communicative processes. In other words, labour is a purely instrumental activity which neither produces a shared world nor requires its existence. In the society of labour, as in Tocqueville's democratic society, individuals are isolated from each other, thus paving the way to tyranny: "Montesquieu realized that the outstanding characteristic of tyranny was that it rested on isolation – on the isolation of the tyrant from his subjects and the isolation of the subjects from each other through mutual fear and suspicion – and hence that tyranny was not one form of government among others but contradicted the essential human condition of plurality, the acting and speaking together, which is the condition of all forms of political organization." (202)

In such a context, logically concluded Arendt, the only way to avoid isolation and the nefarious political consequences which come along with it is the restoration of the linguistic bound - i.,e. the restoration of action and speech. She looked for inspiration on how to achieve such a a goal in Ancient Greece, whose citizens, she argued, lived a life which came close to a pure life of action. In Ancient civic life individuals overcame their isolation by gathering onto the *agora* - which can be interpreted not only as a physical square but also as a virtual space of linguistic exchange.

As we see, thus, there are some links between the preoccupations of Arendt and those of authors such as Ferguson and Tocqueville. There are also differences: Arendt insisted maybe more than her predecessors (and, for that matter, definitely more than Habermas) upon the fact that the public space is not only formal place of deliberation where individual relations are marked by the obligation of conformity to an argumentative model. For Arendt the public space is also defined as an ontological space of appearance, in which "agonal" relations provide recognition and carve individual identities. In spite of these differences, however, it seems to us that Arendt can legitimately be taken as a 'continuator' of the political tradition which sees civil society and its corollaries (namely, first and foremost, the involvement in deliberative processes with a view to decide upon politically desirable measures and institutions), as the only way to salvage liberty from the threat represented by the development of commercial society. Liberty is indeed understood by Arendt, in a way which is again

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31 This emphasis was inspired by the insights derived from her analysis of the historical decline of nation-states based on the ideas of commercial freedom and popular sovereignty in *Origins of Totalitarianism* (Arendt 1951).

reminiscent of the two classical authors, as a collective achievement - it can be enjoyed only on the background of a common world and as such, it needs to be defended against the worldlessness instored by the development of commercial relationships.

Like other authors already encountered, such as Ferguson, Cornelius Castoriadis started by rejecting the liberal idea of a completely asocial, isolated individual. He argued instead that individuals are socially constituted: "Outside society ... the human being is neither beast nor God (as Aristotle said) but quite simply is not and cannot exist either physically or, what is more, psychically. Radically unfit for life ... the newborn human baby must be humanized; and this process of humanization is its socialization, the labor of society mediated and instrumented by the infants's immediate entourage." (Castoriadis, 1997: 2) This process of socialization had the effect, according to Castoriadis, to diffuse shared meanings among the members of the collectivity considered, thus constituting a specific form of life. Castoriadis, however, also thought that socialization could never be complete.

As Habermas (1987) critically noted, Castoriadis postulated the existence of a pre-social psychic core which would escape any taming. This pre-social psyche was, argued Castoriadis, the seat of what he called the radical imaginary: while most new phenomena occurring in the world are the result of an innovative combination of existing elements, the radical imaginary, instead, was described as an instance of pure, *ex nihilo* creation. Of course, the radical imaginary rarely operates alone; if it is an impulse, a push (*poussée*) towards the questioning and re-elaboration of arbitrarily existing forms of life, it is nonetheless always mediated and channelled by conscious reflection, and only then can become the ground for deliberate activity (Kavylas, 2001: 9). Without assuming the existence of the radical imaginary, however, one could not account for social changes, let alone deep ruptures in the course of history (Castoriadis, 1975). In Castoriadis's ontology the radical imaginary constituted the core of his attempt at redefining Being in terms of indeterminacy - against a substantial part of the modern philosophical tradition for which Being is Being-determined-to-be (Kalyvas, 2001: 5).

Society, for Castoriadis, is a collection of institutions - understood in a quasi Durkheimian sense of 'any solidified set of practices or representations'. No society can do without them, since socialization would be impossible without some institutional frame of reference common to the members of large groups, which are to be inculcated to the newborn child. For instance, as Castoriadis repeatedly insisted (like Habermas, incidentally, also did), no socialization can occur outside of language, and language is a social institution (Castoriadis, 1997: 2).

However, this collection of institutions can take two distinct forms. On the one hand, heteronomous societies are characterized by the fact that they hide to themselves their capacity of self-institution. Instead, they attribute their origins (and, by way of consequence, explain and legitimate their current shape) to non-human, that is transcendent, factors - such as the action of a god or the specificity of their physical constitution. On the other hand, Castoriadis called autonomous these societies which were aware of the fact that their past, current and future shape depended mainly of the joint actions of their members - these societies, in Castoriadis's own terms, knew that their "institutions depend on the conscious and explicit activity of the collectivity" (Castoriadis, 1997: 4). In other words, an autonomous society is a society in which "the question of what are the good (or best) institutions" is "open" (id.). The most prominent examples of societies of this type are, according to Castoriadis, Ancient Greece and modern society.

Castoriadis's more historically-oriented work (such a his reflection on totalitarianism or on the working class movement) can be understood as an attempt at understanding why, in spite of the existence of the radical imaginary, instituted schemes often tend to prevail over instituting moments. In other words his question is: how come that the instituted imaginary (the institution in the sense of solidified practices and representations) is a more permanent feature of social life than the instituting imaginary (the institution in the sense of a creation of practices and representations)?

There are two answers to this question. First of all, by definition, inherited institutions have a status of taken-for-grantedness and thus naturally tend to perpetuate themselves in the minds of social agents. Furthermore, insofar as some sort of institution is necessary for the taking place of fundamental social processes such as that of socialization, their radical questioning always appears as presenting a risk of social disaggregation.

On the other hand, one needs to bring power games into the picture. Instituted heteronomy can thus be understood as one of the many sides of political hegemony. It is obviously more than that, since

heteronomy takes the form, as we have noted, of a set of inherited institutions whose stability and solidity are incommensurable with the flexibility of power interests. To phrase this differently, it is not sufficient to say - it would even be, to a certain extent, self-contradictory - that heteronomous institutions are a political product and that heteronomy is coterminous with manipulation. It remains true, however, that politics is marked by a fight around collective significations; therefore, the defence of, or the indifference towards, the existence of inherited institutions is necessarily a political stance. It serves the individuals and groups who, in the situation of heteronomy, benefit from the greatest advantages. In other words, if heteronomous institutions are not necessarily direct products of political will, it is nonetheless arguable that the fact that their existence serves specific interests contributes in their perpetuation.

On these theoretical bases, Castoriadis elaborated a critique of organized modernity. As we have seen, organized modernity is characterized by the fact that it promotes a relatively tight suturing of the social space. The idea of a functional integration of the different spheres of social life, very widespread at the time, contains the idea that certain global equilibria must be left untouched for the sake of societal stability and efficiency: for instance, as Castoriadis noted, capitalism rested upon the antidemocratic assumption of a necessary separation of the tasks of management and those of execution. These general prescriptions, however, obviously represented a limitation of the capacities of action of society upon itself. They also constituted a justification, as it readily appears, for the even repartition of political power which characterized the capitalist mode of production.

In his critique, however, Castoriadis did not target only state bureaucracies and capitalist structures. In the vest of the political activist involved in the debates and actions of the French radical left from the nineteen fifties to seventies, Castoriadis heavily drew on his social theory to criticize the dominant understanding of how oppositional politics should be conducted. He defended the idea that the traditional Leninist conception of the vanguard party, endowed with the task of guiding an unenlightened proletariat, did not do justice to the spontaneous political capacities of the working class. He suggested, thus, that the task of the political organization was not one of guidance, but of mere theoretical accompaniment and logistic support to struggles that would have existed anyway. There was indeed an "autonomous development of the proletariat towards socialism" (138). This basic conviction led Castoriadis to target equally, in his critique of organized modernity, Western state bureaucracies, the traditional organizations of the working class, most importantly the various communist parties, and the states that claimed to represent the working class's interests and future, namely the states of the Soviet block. According to him, these communist parties had degenerated and become integral part of the capitalist exploitation system (141-142), insofar as they reproduced the typically capitalist distinction between execution and management (143), thus negating and betraying proletarian autonomy. Lastly, and for roughly the same reasons, Castoriadis articulated one of the earliest and fiercest left-wing critiques of the Soviet Union, which he defined as 'bureaucratic state capitalism', thus rejecting the definition of the Soviet system as socialist – be it, in Trotskyist fashion, a degenerated socialism.

Castoriadis paid a close attention to the manifestations of proletarian autonomy. Analyzing in detail the insurrectional moments of 1917 in Russia, 1918 in Germany, and 1956 in Hungary (as well as the way in which spontaneous strikes were conducted in Western countries), he concluded that the proletariat's primary task, during all these events, was to set up independent workers' councils. Castoriadis interpreted this as an attempt, made by the workers themselves, to create a political space in which deliberative fluxes could be unleashed, thus allowing for a deployment of the radical imaginary and a reopening of the collective reflection upon desirable institutions. The experience of councils corresponded, in short, to a moment of restoration of the instituting imaginary against inherited institutions.

It is striking that we find in Castoriadis, once again, the very themes that we have identified as belonging to the tradition of reflection on civil society. Especially interesting in his work, maybe, is the attention he paid to the question of the self-institution of society – thus speaking of human collectivities as social configurations in search of a political form. In his reasoning, Castoriadis pointed at a paradox of social life – which is not thinkable without institutions enforcing collective decisions ("there is a need for explicitly instituted instances or agencies that can make sanction-bearing decisions about what is to be done and not to be done, that can legislate, 'execute' decisions, settle points of litigation, and govern" - Castoriadis, 1997: 3), but which cannot be told free if these

institutions seat without reach of the individuals who make up the collectivity. Castoriadis's answer to this tension lies in his insistence upon the importance of social and political participation, which he called 'autogestion' ("self-governance", Castoriadis, 1997: 5). This is another element which binds Castoriadis to the tradition of reflection on civil society, in the sense we have given to this term. A society marked by 'autogestion' is a radically democratic society, in which all political decisions are mediated by participatory processes. But it goes further than this, insofar as 'autogestion' is applicable not only to the political spheres *stricto sensu*, but to all spheres of social life: factories, firms, and schools should also move towards a disappearance of the hierarchical social relations they contain to give way to mutual help and collaborative processes. In turn, societal 'autogestion' is also the condition for 'autogestion' in individual life, understood as a situation in which one organizes one's existence autonomously, freed from any constraint except those upon which one has had an explicit say.

The languages of civil society: non–European varieties of interpretation

At the beginning of our reflections above, the recent retrieval of the concept of civil society was seen as having started in East Central Europe. Motivated not least by disillusionment in this region, the concept was only in a second step gradually transformed and the European Union became more and more the polity that the users of the concept were addressing. During the early period of East Central European retrieval, in turn, the political history of Western Europe had still been marked by the consolidation of the democratic Keynesian welfare state, or of organized modernity. This was the model of a nationally organized democracy that precisely did not rely on any strong concept of civil society – even though it did not abandon all such thought as radically as *ancien régime* and Soviet–style socialist societies did. Furthermore, it was not only the case that towards the end of this period cracks in this model became ever more visible – in a multi–faceted attempt at rethinking the political as discussed above. In addition, developments outside of Europe and North America such as de–colonization, attempts at liberation from Western models of political and economic development, and the gradual emergence of non–European forms of modernity provoked a critical revival of political thinking also beyond the European experiences. We will now provide elements of a comparative perspective on extra–European uses of the concept of civil society, focusing on the cases of East Asia and Latin America.

East Asia, Latin America, Europe: civilizational patterns or regional experiences?

After the end of the so-called Cold War, the rigid political tension between the East and the West in Europe has been eased and divided political cultures in Europe have been gradually reintegrated within the institutional process of Europeanization.. In a sense, the idea of civil society served in Central and Eastern Europe to project the possibility for reconstructing democracy in the region. East Asia and South America were also parts of the global scale of political change in the last two decades of the twentieth century. While the collapse of Soviet socialism and the enlargement of the European Union are significant for understanding the democratization of Europe, however, different kinds of political influence were at work in East Asia and South America. In particular, the internal dynamic from the rise of the Asian economy and the political tradition of democratic resistance in both regions need to be pointed out.

Like a state has its national territory, civil society often has its boundary as well – in discourse as well as in practice. A particularity of East Asian discourse of civil society is the fact that each national discourse has been rather rigidly established, at the expense of cross-boundary inspirations. Across the region it is only Japanese civil society that has shown a high international capability, at least if the contents of civil society activities include humanitarian agendas in international politics. In spite of this fact, even Japanese society is very sensitive to critical opinion from abroad concerning Japan's historical legacy in the twentieth century. And while Japanese civil society shows simultaneously openness to international affairs and seclusion in domestic affairs in terms of measuring actual political influence, its Korean and Chinese counter-parts have focused on their own political problems and hardly ever taken positions toward international affairs, with the notable exception of issues of Japanese hegemony in the region.

Compared with the regionalization of the debate about civil society in Europe, increasingly referred to as Europeanization, we witness here a rather different attitude toward regional identity. A strong national identity in China and Korea is not well jointed with any regional one. Most of all, the Chinese and Korean discourse for understanding regional identity is shaped by the historical experience in which the Japanese idea of Great-Asia has caused military conflicts in the region. Due to this legacy, regional politics is being developed very slowly compared to economic cooperation. Besides, in both state and civil society symbolically harmonized national voices often emerge with regard to regional issues, even though the two actors are in serious tensions in domestic affairs. In other words, the national idea remains a major underpinning element of civil society in East Asia. This is so today despite the fact that major political problems in each country are unlikely to be solved within the national border. Questions such as the unification of Korea, humanitarian issues in China and North Korea, the influence of rightwing extremists in Japanese politics cannot be well treated unless political actors in the region work together, since these apparently national issues have regional implications, in terms of their possible effects that spread beyond the border. Thus, debates about civil society need to address ways of dissolving current boundaries.

One way to respond to this exigency is to broaden the spatial extension of the concept from nations to world regions. Something like a regionalization of civil society debate happens currently in Europe, a re–opening after the nationalization of the concept two centuries ago. One can explain this regionalization in Europe by virtue of the fact that European integration also brings something like a European polity about – civil society being in search of the polity towards which its concerns are directed. As plausible as such an explanation is, in recent years another idea has also found new interest – the idea namely that, rather than national societies, regional civilizations may be the appropriate focus of that kind of political sociology that takes an interest in the varieties of civil society and its related discourses (see, for instance, Arnason 2003).

For the East Asian discourse of civil society, indeed, it has been argued by some scholars in East Asian regional studies that origins of civil society – without that name – can be found in the traditional political culture. In such light, the current debate about civil society was analyzed in terms of linking those traditions with the newer conceptual importations from the West. This phenomenon reflects the scholarly attempt in regional studies to identify with the help of categories of European thought a region's political traditions and to trace the historical sources of orientations in contemporary political culture. An analysis on the public sphere in Ming and Qing China (Wakeman, Jr., 1998), for example, partly illustrates how traditional Chinese politics had its own political mechanism for the public. Also, the suggestion to analyze faction politics in Chosun Korea as an early form of civil society has been introduced in this academic trend (Haboush, 1994; Cho, 1997).

What, though, is the gain in reconsidering some political cultures and customs in the name of civil society and the public sphere? It goes without saying that re-evaluating the political traditions that have been critically dealt with is an important task for historically oriented scholars. However, there are also two other elements in this movement. First, previous political historiography in the East Asian region did not have a balanced view towards its own past. When the modernist world-view began to attract a majority of intellectuals, it appeared to be very efficient in interpreting social, economic and political problems; and concomitantly the regional and national political traditions were heavily criticized by the emerging new modes of thought. Thus, any new interpretation of previous politics with the help of the terms "civil society" and "public sphere" meant at the same time a critique of such modernist historiography and a rebuilding of the long-term political tradition in which the modern idea of civil society is seen as having endogenous roots. Interestingly, the scholars in this trend do not show strong relativist views in cultural studies, because their initial idea was to analyze the Confucian political tradition as comparable to the European one, rather than arguing for any fundamentalist view on Confucian politics. Secondly, the idea of Confucian backgrounds of civil society reflects a certain socio-economic awareness that Confucian culture and its organizational implications contribute to economic development. The debate on Asian values shows the discursive process in which the result of (partial) economic success motivates the reinterpretation of socio-economic culture that has to some extent been inadequately treated in the modernist perspective. Regrettably, the end of the discursive process was the justification of authoritarian political culture without creatively linking the idea of democracy with Confucian backgrounds.

While the legacy of Confucianism serves as a – sometimes doubtful – means to conceptually hold together an East Asian civilization, treating Latin America as one region seems at first sight unproblematic for plain cultural-linguistic reasons. The name Latin America reminds of its cultural background in Southern European colonization and migration, while North American culture is said to have originated through English and "Germanic" – German and Scandinavian – movements. Furthermore, the differences between North America and Latin America stem not only from their language-based cultural particularities but also from political and economic systems related to the kind of initial colonization (Hartz, 1955). In the perspective of identity formation, one can recognize that presenting themselves as Latin American despite highly different origins also served as a means for detaching from Europe (Fuentes, 1999; Rhee, 1999; Larrain 2000). Thus, drawing a distinction between Latin America, on the one hand, and Europe and North America, on the other, appears to be a relatively straightforward analytical exercise.

However, finding possible common elements across many national cases in Latin America requires nevertheless careful consideration (Skidmore and Smith, 1984; Wiarda & Kline, 1985). In this vast subcontinent, the nation-states have highly different scales and geographical locations as well as economic and political orientations. In particular, small states in Central America and huge states in South America have produced different political and cultural identities. Thus, the aggregation of national experiences in the history of civil society is not always inclined to producing the "Latin American case" as such. Considering this issue of conceptually creating a regional group, we suggest four categories through which national cases in the region should be analyzed. First, native American civilizational experiences are seldom introduced as intellectual resources for civil society, even though they constitute political motives in the historically accumulated structuration of conflicts. Secondly, the independence from Spanish and Portuguese powers does not fully eliminate colonial legacies. The tensions between major political actors in the new political and economic situations after liberation are sometimes related to colonial experiences. Thirdly, and most recently, Latin America as a whole has been the place in which economic and political conflicts over so-called globalization have been most explicitly articulated.

Last but not least, the influential power of Catholicism needs to be mentioned. No one can ignore the importance of religion and its role in the historical shaping of Latin America since the European arrival on this continent (Rhee, 1999). Starting with missionaries aiming at "enlightening" the natives during the colonial period to the considerable support from many priests for the independence movement to the contributions to the civil and human rights movement in the contemporary period, the political intervention of religious groups have shaped the history of Latin American politics (Vallier, 1970; Kim, 2003). Although the history of European politics, including the current process of eastern enlargement of the European Union, also shows the influence of Christianity, unlike the Latin American case, the relationship between state and church in Europe has always been marked by strong tensions during the past two centuries. Even if one could call the decline of religious power in Europe a long-term process of deep cosmological rupture, the Latin American socio-political environment could certainly not be properly described with the word disenchantment. Even though one may argue that native civilizations in the region were mainly swept out and replaced with Christianity, the observation of the existence of religious power might lead to the impression of a cosmological continuation which also affects institutional arrangements.[32]

All these observations notwithstanding, and in contrast to the East Asian case, Latin American discourse of civil society hardly touches upon any civilizational backgrounds. The radical civilizational rupture after the expansion of Spanish and Portuguese power in the region and the full adoption of European institutions, later, leads South American discourse to rather parallel the European one; and the origin of civil society is normally dated to the time of importing European thought (Davis, 1972). Modern European political thought already began to take root in the eighteenth century and many intellectuals no doubt identify with this heritage. As Chakrabarty (2000) points out for South Asia, European culture and value-systems are deeply embedded in the regional context and,

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[32] The Latin American interpretation of the relationship between politics and religion could be a key element of the understanding of the region as one of a variety of modernities (Gill and Keshavarzian, 1999).

for this reason, an analysis of politico-cultural constellations would need to partly proceed by reconstructing a – in an absolutely non-pejorative sense – "provincialized" European culture.

Such a view, if adopted in general terms, would however tend to overestimate the difference between East Asian and European debates while similarly exaggerating the similarities between Latin American and European discussions. In a long historical perspective, Latin American and European political developments have as often diverged as they have converged (Larrain, 2005), whereas a linkage to Western-style democracy is a rather recent occurrence in East Asia. Although they have different civilizational backgrounds in terms of religion, politics, and intellectual thought, many political scientists in both regions have recently analyzed democratization processes on the model of – often stylized – contemporary Europe, in terms of consolidated institutional politics without severe violence and the emergence of democratic civil society. The appropriateness of such an approach will be discussed in the next section of this chapter. Similarly, the two regions have witnessed highly different economic trajectories. The European economy, long the core of advanced capitalist development, experienced a deep crisis between the twentieth-century world wars while simultaneously the Latin American economy prospered. Currently, in turn, the latter faces severe economic turmoil while Europe is relatively stable. Introducing East Asia into this comparison, we see with the recent Japanese and Korean experiences impressive growth patterns against an earlier historical background of seclusion from the world economy. The relation between economic and political developments will be taken up in the concluding section of this chapter.

In this double light, we need to return to the question underlying all of this volume, namely the one whether the development of European civil society itself can be seen as a linear process without political ruptures in contrast with which other regions are "late developers" or need to recast their own traditions. The civilizational approach does not seem to properly answer this question. In fact, if one tries to find the common elements of civil society among different national experiences in a long-term perspective since the eighteenth century, different ideological spectrums of political actors and particular aspects of public spheres in which the mode of actors' interactions are specifically situated become easily visible (as shown in the preceding chapters). In spite of some historians' attempt to identify the core contents of civil society across time with a view to conceptually reconstructing civil society in order to evaluate non-European experiences, their retro-projecting attitude in dealing with the concept is not always fruitful. Historically available examples of civil society before 1945 often do not meet normative standards. Especially, early ideas of civil society many of which were based on the newly rising economic and political classes' exclusive interests are not acceptable for contemporary political discourses. Any historical approach to civil society is always reconstructing it for a particular historical epoch. That is why, methodologically, any such attempt should be seen as dealing with concrete historical experiences rather than with either timeless concepts or civilizationally determined expressions. To critically assess the specific features of such historical experiences is necessary for re-conceptualizing civil society in order for readopting it for contemporary Europe and other socio-political constellations. Such a rethinking of the relationship between civilizational backgrounds and civil society opens the way for a perspective in which the former never determines the latter. Rather, civilizational backgrounds make political resources available that can be easily mobilized by political actors to address problematic situations. It is from such an angle that we will now look at the two specific features of the East Asian and Latin American constellations mentioned above – the social embedding of democracy and the political roots of economic development.

(Civil) society against the (authoritarian) state?
Radical–democratic and conservative interpretations in East Asia

Analyzing the discourses of civil society in both regions, it is not difficult to see that the argument about the universal principle of democracy is often intertwined with the one about their unavoidably cultural, that is particularistic, interpretation. The scholarly attempt to link one's own political tradition to what is called the modern idea of democracy in looking for the origin of civil society can be an example of the latter, while the critique of strong authoritarian states is based on the former. The formation of political actors for civil society is always situated in historical experiences; thus one needs to understand for each context which political issues the actors have used to develop their own

visions and practical solutions to problems. At least as far as three states in East Asia – the Chinese, Japanese and Korean ones – are concerned, the crisis of state sovereignty in the nineteenth century paved the pathways in a long-term direction, even though rather different short-term or medium-term solutions were adopted: the Socialist path by the Chinese and North Korean states; the authoritarian developmentalist state by the Japanese, South Korean, and Taiwanese ones.

When the end of Soviet socialism increased the doubts about possible radical political change in general, the rise of the discourse of civil society raised not only positive perspectives but also negative ones. The positive viewpoints include an increased feasibility of widening the public sphere and enlarging political agendas and the negative ones concern the possible de-radicalization of social movements. If the Chinese debate could be classified as an example of the former, the South Korean debate is rather mapped on the latter constellation.

In order to understand these different attitudes, it is necessary to identify why, when, and by whom the idea of civil society was presented. Interestingly, in what was called the advanced (industrial) democratic societies, the civil society debate did not flourish during the 1990s. It was rather in what was called developing countries with authoritarian states that the discourse has developed considerably. This means that "civil society" was a sufficient first concept to promote the desire for the further development of political democracy. For instance, while South Korean, Taiwanese and Chinese political discourses have widely introduced the concept of civil society, Japanese politics did not welcome it in any similar way. Besides, the Chinese discourse of civil society includes the question of how to democratize state-centred organized politics, whereas the Korean counterpart considerably includes the critique of civil society itself. Thus, the introduction of a new political discourse – here, civil society – is always situated and appraised in the political environment where many political actors hope to get a grip on new prosperous ideas, on the one hand, or are reluctant to abandon their own political attitudes, on the other.

It is in this light that we can now ask why many social and political scientists displayed negative views of civil society in South Korea until the first half of the 1990s. The particular aspect of the Korean debate comes from the change of Korean politics around 1987 when the authoritarian state based on military dictatorship was successfully challenged by democratic movements. Since 1980, when the state was occupied by the military elite, the counter-state actors also increased their capacity of resistance. In this process, many counter-state actors analyzed Korean situations with the help of Marxian views and tried to find political alternatives with a view to radical political change. While their contribution to the democratization process was significant and opened the path on which military power was going to be fully eliminated from politics, the institutional changes were much less significant: the Parliament was still in the hands of conservative politicians; the state was still quite hostile towards any collective social movements. Within this situation, the introduction of civil society discourse was partly manipulated by the conservative political networks and was instrumentalized by them in order to resist the rising power of radical political actors. Even though many advocates of civil society had shared democratic desires with radical actors, Marxian actors and scholars heavily criticized the new discourse for fear that it could fragment the democratic forces.

Although conservative elements are found in the idea of the endogenous origin of civil society, the political actors who took initiatives for building democratic society always included critical actors that stood against state structures that were conceived as problematic, thus accepting the classical idea of the dichotomy between the state and society. This in fact means that building civil society has been a political project that aims at overcoming the current political problems caused by the existing state. However, each country in the region had a specific political situation, most clearly related to the respective role of the state in the modernization process. When the state took the role of main modernizer, especially in East Asia, the members of national societies developed different attitudes to the state in relation to the impact of imposed societal changes felt by them. The experiences in an authoritarian state and the relationship between the state and counter-state actors have certainly enhanced the striving for democracy. However, if undemocratic political experiences have increased the democratic desires of the people, the emerging opposition between the state and counter-state actors has often undermined the actual ways to reach democratic restructuring – and this in various ways. The Chinese experience shows the existence of rather weak democratic actors outside the state, with the state trying to minimize the possibility of emerging political actors. The Korean experience, in turn, reveals how the state has always been under criticism from strong counter-state actors. Also in

the Japanese experience, both the state and other political actors have become dependent on the institutional solutions. These rather diverse historical formations of politics in the East Asian region driven by different political practices after the nineteenth century have shaped the major actors' political orientations and the relationship between them.

The use of the concept of civil society in the Korean discourse is the one most comparable to the European debate. In terms of building a democracy that is always at risk to be shrunk by the state, the forces of civil society are in most cases critical of the state, and political actors objectify the state as the main obstacle to democracy. Thus, the state and (democratic) society are in strong tension. The Chinese case, though, is different in that the state is still the main political force which determines the direction of politics. The relatively small scale of social movements in China and the dominance of politics by the state has led the Chinese discourse of civil society in two directions: first, the recognition of the role of the state as the guardian of civil society; secondly, an emphasis on how to minimize political fluctuations in the process of democratization.

Here, there is no need to say that the history of Chinese politics, like the experiences in other countries in the region, shows the state's dominance over other political forces. However, while Japanese and (South) Korean politics, and to some extent even the Taiwanese one, achieve an increase of socio-political forces outside of the state in order to counter-balance the state's influence, Chinese and North Korean politics have not accomplished such task. Arguably, this problem stems from the different path to political modernity under the impact of communist political culture. However, one could alternatively also remind of the fact that in the earlier political culture was exclusively dominated by a small political elite. What we should carefully identify is, most of all, the reasons why the state is often treated as the subject of promoting civil society instead of "societal" forces taking the initiative.

The Chinese state has succeeded in justifying its political legitimacy, even though it has from time to time faced legitimation crises around the Cultural Revolution and the violent oppression in Tienanmen Square. Stronger legitimation crises, though, have marked the Japanese and Korean experiences. The failure of Japanese politics in the Pacific War made the state concentrate on institutional politics and bureaucratic affairs, and the legitimation crisis of the state in Korean politics due to the colonial legacy, the Korean War, and military coups provided a political environment for non-state actors to contest state authority. In other words, the political balance between the state and its counter-forces is asymmetrical not only in their actual powers but also in their ways of constituting the discursive boundary between "state" and "civil society". The historically shaped discourse of civil society for Chinese politics unveils that the state has the role of the guardian for (civil) society. The ultimate task of the state for political development in China is to achieve the gradual progress of democracy without facing radical political fluctuations. When Korea arrived at economic development by a state-centred modernization programme, on the one hand, and succeeded in accomplishing democracy by the counter-state actors' political contributions, on the other, in Chinese politics, political development, like economic modernization, is a part of state policies.

The relationship between the state and non-state actors is changeable. We can point to the Korean case for support of this thesis. Before Korea entered into the democratic transition – historically the period before 1997 – many scholars in Korean studies agreed to one of the two following ideas: either they saw a strong state encountering only a weak (civil) society or they saw this strong state opposed to a very contentious society. The argument for the latter idea was to prevail around the emergence of civilian government and the disappearance of the military dictatorship when the scholars wanted to identify how democratization was achieved (Koo, 1992). While the discourse of the relationship between economic development and democracy was influenced by the role of the middle class in political change, some scholars tried to understand how historically the democratic actors were constituted in modern political history.

However, after the democratic actors took state power with the support of socio-political movements around 1997, the discourse came to include the role of non-government organizations for extending the democratic environment in relation with the state. New governments opened the policy-desks to socio-political activists and in many cases welcomed the participation of non-government organizations in the policy-making process. Thanks to this changed attitude of the state, the tension between the state and counter-state actors has more and more eased. Around this phenomenon, the

thesis of the opposition between a strong state and a contentious society became less attractive for understanding Korean politics.

Interestingly, when the conflictive relationship between state and society is being transformed towards the cooperation of both, the conceptual division of the two also becomes unclear. Like Chinese politics, the Korean one now also appears to accept a functional division of political labour in the promotion of democracy. Of course, this Korean phenomenon is very different from the Chinese counter-part. For neither the state nor civil society enjoys any more a powerful influence over the other, while the Chinese state strongly monitors civil society organizations. It is still an open question for Korean politics until when this coordinated role-playing will last. If the conservative networks take the state power again, then, the relationship would return to the past conflict-oriented style.

Democracy and development: comparing East Asia with Latin America

As mentioned before, the relation between the pre-existing native American civilizations and the newly expanding European ones have only rarely inspired a civilizational analysis of South America. However, an emphasis on colonial legacy has in a different sense become the guiding thread for understanding the foundation of Latin American polities in a nation-building process that, although it witnessed early independence from the European powers, remained in a situation of economic dependency.[33] Larrain (2005) grasps this relation between political sovereignty and economic weakness in terms of a variety of modernity that shows a strong project of autonomy but only a weak project of control. Theoretically, once independent states emerge from colonial power, however, the power relations between political actors radically change. The hegemonic physical power with potential violence moves out of the hands of the state-elite from the colonial power. Any external economic and political powers need to deal with the elites of independent states as the institutional partner in order to efficiently justify their dominance over a nation-state's domestic affairs. For these reasons, the initial development of the independent state should be investigated in terms of how the newly emerged state elites become a major pole of modernization since the nineteenth century.

Aiming at a comparison between Latin American and East Asians pathways to modernity, the difference in the historical moment of national independence in Latin America – the nineteenth century – and in East Asia – the twentieth century – must be emphasized, in particular in view of explaining how Latin America had been deeply integrated into the world-economy since the colonial situation. In fact, the development of the colonial economy started as the supplier of natural resources and a few agricultural items - coffee and cotton, for example – on the one hand, and as the market of European industrial products. This historical shape of the Latin American economy did not change when the states achieved independence. The agriculture-based capitalism with export-centered economic activities underwent strong fluctuations whenever the European and North American markets faced a crisis. Besides, the persistent devaluation of agricultural products compared to imported machinery from Europe and America blocked the growth of national economies in the region.[34]

Furthermore, in contrast to the process of building new modern states after independence in East Asia, there was no clear rupture with the class structure of the colonial situation in Latin American. The exceptional socialist revolution in Cuba and the rise of other socialist movements in the region did not coincide with national independence. Besides, the corresponding phenomenon in Latin America to the post-Second World War rise of developmental states in East Asia – South Korea, Taiwan – during the period of state-led import-substitution policies in the mid-twentieth century was considerable less successful. In other words, the coincidence of a modernist project of economic development – in either socialist or capitalist terms – and a radical turn from the colonial legacy in the economic and the

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[33] See Furtado (1976) for a view on the underdevelopment of the Latin American economy and its structural dependency from the world-economic system; and Galeano (1974) for understanding Latin America as the object of exploitation by the European and North American powers since the sixteenth century.

[34] It is elucidating to compare this situation with the rapidly industrializing economies in East Asia after the Second World War, in terms of them changing industrial structures from light industries to automobiles and electronic products through heavy and chemical industries and their export strategies being closely linked to American industries.

political sphere, which can be identified as the two interdependent axes of East Asian ways to modernization, did not happen in Latin America. Thus, the temporal cleavage between the building of new nation-states and the project of state-centered organized modernization appears as a crucial feature of Latin American political history compared to the East Asian one.

One of the common aspects of East Asian states is that they exercised rather strong ideological control over the members of the national societies. In the colonial period, colonial states not only mobilized socio-economic resources for the Japanese empire in order to support its military expansion, but also utilized collective propaganda emphasizing the need for self-sacrifice in the national interest. This ideological pressure was not exceptional for the entrepreneurs, and the tradition has been continued and even strengthened in the context of the nationalist idea of economic modernization. The role of the capitalist class in the military-style organized modernization was neither hegemonic over the state nor equal to the state. For this reason, the state has been not only the major political actor, but also the primary economic actor.

In contrast to East Asian experiences, the major economic actors in Latin America were a capitalist class that did not face the pressure to minimize their political voices. In the period of the struggles against the colonial powers, many land owners, like intellectuals, welcomed a liberal idea of economic activities in order to protect their interests from Spanish interventions and they advocated the independence of the state. Since then, the strong linkage between economic interests and political participation has been firmly rooted in Latin American political culture. Even during military dictatorships and populist regimes, the capitalist classes maintained their political voice in relation to the state. For scholars in East Asian studies, this aspect provides a stark contrast to an Asian style of economic restructuring processes led by a strong state that minimizes any counter-response from the economic actors.

Thus, many political economists have argued that one of the main sources for the rapid development of the East Asian economy is the state that efficiently mobilizes other economic actors. This state-centered development strategy has been praised as a viable institutional alternative also for non-East Asian states. However, one needs to keep in mind that the high economic capability of the state has grown from two historical experiences which are particular aspects of East Asian politics. First, in the East Asian context, political actors in general and the state in particular have always taken the initiative over economic actors in dealing with economic issues. In other words, economic actors have not had enough political power to control the state, on the one hand, and they have not been successful in transforming their economic interests into political thought, on the other. Although South Korean and Taiwanese states experienced military dictatorship like many Latin American states, the states' attitudes to capitalist economic actors have not always been friendly, and in many cases the states tried to subordinate economic actors with a view to achieving high economic performance in order to allocate resources through state planning. Secondly, the state's embodiment of the motives for modernization has been a litmus test to legitimate the state in relation to other competing states. The hostile attitudes between the two Chinese states – China and Taiwan – and between the two Korean states - South Korea and North Korea – as well as the uneasy relationship of these states with Japan – the former colonial power – basically shape nationalist ideas and systems of state-led mobilization. In other words, the state as the disciplining agency has devoted itself to industrialization.

Of course, the relatively successful industrialization performance has been concomitant with political dictatorship. Up to the end of the 1980s, indeed, Latin American studies provided some theoretical tools for East Asian studies. The experience of military dictatorship, the overall situation of weakly rooted institutional politics were introduced to indicate the state's overwhelming power in relation to civil society. Besides, finding a possibility to overcoming 'authoritarian rule' became an important academic agenda for political scientists (O'Donnell et al., 1986). It was only during the global trend towards democratization since the late 1980s that military dictatorship lost its attraction and its political power in both regions. However, while East Asian economies survived the financial crises of the 1990s relatively well, many of their Latin American counterparts once again failed to overcome economic turmoil.

One East Asian case in particular, the South Korean experience, deserves a comparative analysis with the Latin American situation. The emergence of a democratic state in Korea coincided with the economic crisis due to the collapse of the exchange rate of the Korean currency. This is one of several recent cases that demonstrate the problems emerging from the dependence on international capital of a national economy – the currency crisis in Mexico in 1995 and the Asian crisis in 1997 both reignited economic turmoil in the respective region. In Korea, specifically, this meant that the newly emerged democratic regime in 1997 had the task of persuading non-state actors to accepting the economic policies guided by the International Monetary Fund. Although it unsurprisingly faced severe criticism from its supporters – workers, farmers and other forces of the democratic movements –, the new state overall succeeded in the task of economic restructuring. The high increase in the number of unemployed and the introduction of labour flexibility have to some extent been accepted as an inevitable suffering in the course of overcoming the national economic crisis. In other words, although the state's neoliberal economic policies became disputable political issues, they did not directly challenge the state's legitimacy. If the same policies had been pushed by an authoritarian state, one can assume that the counter-state actors would have produced serious anti-state political resistance.

Similarly, as it seems, the status quo of Latin American economy has been shaped by the economic policies suggested by international economic institutions, especially by the International Monetary Fund. In a situation of high debt, many states in the region had to accept the IMF's policy guidance that strongly demanded the privatization of major industries and the liberalization of financial markets. This external pressure influenced the states' policy orientations almost regardless of the state-elites' considerably wide ideological spectrum.[35] While the IMF's policy guidelines were diligently adopted, the Latin American situation has not become better, one could even argue that it became worse.

Such worsening – or at least: barely improving – economic situation has to be taken into account when one observes that in Latin American politics, in contrast to most East Asian countries, violent conflicts among political actors are – shall one say: still? – a possibility. In Mexico, the Chiapas region and the Zapatista movement continue the tradition of military resistance. Venezuela experienced a military coup in 2002. In Argentina, Chile, and Peru, the conservative political network maintains strong ties with the military elite. The institutionalization of non-violent political communication is certainly not accomplished in any consolidated way. In the light of some likelihood of states again failing to deal with economic turmoil, one is inclined to describe the contemporary Latin American economic and political situation as a "never-ending permanent crisis" (to use the terms of an East Asian observer: Rhee, 2002).

In spite of deeply rooted institutional problems, however, Latin American civil society is likely to develop its democratic capacity. The institutionalization of democratization processes in Chile and Brazil would accelerate the development of non-violent relationships among political actors in Latin America. Nevertheless this straightforward expectation is not easy to accept for scholars of this region who have seen repeatedly emerging violent events, and then one will have to note that external power has been one of the key factors in halting democratization and domestic pacification. During the Cold War period, the US supported many military dictatorships in visible and invisible ways to suppress social movements and to eliminate the possibility of emerging democratic regimes. Although the degree of intervention is comparatively low, East Asian states witnessed some similar phenomenon. However, since the collapse of the Soviet bloc and the rise of the USA to hegemonic power in international politics, the focus of both ideological tension and security debate in East Asia has been on North Korea. At the same time, the rise of the Chinese economy has been a primary concern, in terms of its potential impact on the power balance in the region. Thus, these two issues would become the main variables for the future of civil society in East Asia with regard to the impact of external intervention.

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[35] It needs to be noted, though, that the Lula and Kirchner governments in Brazil and Argentina mark a turn. For the idea of policy reforms for the state in economic crisis, see Williamson (1994).

If in Latin America, in turn, the weakness of economic development seems to remain the main factor which affects the activities in the political sphere, this does not exclude that political problems concerned with external powers and with violent confrontations among political actors will be as influential as before, for two main reasons. First, global social movements, as a counter-force of economic globalization, have considerably developed against the institutional endeavour of global governance based on economic interests. A nation-state did not have a proper political voice when it faced policy pressures from international economic institutions. The history of Latin American politics shows how each state has been too fragile to resist global-scale industrial and financial capital. Many social and political conflicts, which were analyzed in terms of an underdeveloped democratic culture, were indeed more connected with the state's economic dependency on external economic actors in policy-making processes. The gradual increase of international solidarity in dealing with neoliberal policies in international economic debate may in a long-term perspective change the global power relations. The global social movements try to exert their influence on domestic politics as much as on the policy-making of international institutions. With the support of international opinion, international actors have directly and indirectly criticized the authoritarian state and thus made any decision of violent suppression much more difficult.

Secondly, democratic actors in the region have become stronger with the accumulation of political experiences with resistance to the authoritarian state. In spite of harsh military dictatorships and rigid conservative networks in formal politics, democratic actors in labour and farmers' movements have increased their political capacities. Not least against the background of several political confrontations with the state, they often have an affinity to socialism, a socialism that has developed its own particular aspects which are connected to the region's specific, historically shaped problems. The question of land ownership, strong ethnic ideas in minority movements, radical military mobilization, for example, are often found in Latin American socialist movements, varying with the context. The experiences of oligarchy and military dictatorship in more industrialized countries – Argentina, Chile, Peru, Venezuela, for example - have led to a more urban movement including labour movements, while in some countries in Central America – Mexico, Nicaragua, Bolivia, for example – farmers' radical uprisings are significant.[36]

In contrast to some of our observations on East Asia, the Latin American experience as a whole shows overall a rather deeply conflictive relationship between state and civil society. Violent encounters occurred rather frequently and the institutional way of formal politics was blocked by several military coups – and this against the background of persisting serious economic and social problems: such as high unemployment-rates, huge foreign debts, serious social inequality, high illiteracy rates, ethnic discrimination. While historically and culturally Latin America has shared similar political and religious orientations with Europe, it has suffered from strong dependency from other economic powers in the global economy and, thus, has had to face the impact of world-economic crises in a more intensive way than other regions. The cause for civil society action is strongly provided by this problematic situation, but the space for a fruitful impact remains rather limited.

In contrast, even though the capability of non-state actors in East Asia is still rather small, too, South Korean civil society actors begin to show a possibility of effectively promoting democracy and the Japanese case unveils its own procedural and institutional dynamic. The limits here seem to be of a different kind. While there is some broad understanding of a common cause in Latin American civil society activities, evidence for which was provided by the pioneering role in the World Social Forum,

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[36] In Latin American studies, the idea of a correlation between (economic) modernization and (political) democracy has been a focus of critical scrutiny. In the observation of frequent military coups and the failure of maintaining and developing democratic formal politics, O'Donnell (1979, 1986) suggests the model of "bureaucratic authoritarianism", connecting Latin American states' political problems with dependent industrialization in the region. In studying some states that sustain a relatively stable political development, Columbia, Costa Rica, Venezuela, for example, Peeler (1985) argues that the compromises of the elite in competition in formal politics helped political stability. See also Jung (1986) for the Nicaraguan experience; and Troncoso and Burnett (1962) for early labor movements in the region.

the democratic actors in the East Asian region will not be able to treat many crucial political problems, including the issue of security, unless they strongly show international solidarity. In order to achieve this task, most of all, the nationalist attitude in political discourses would need to be replaced by universal principles that cover national differences. However, different views may be held on the relationship between universal principles and its cultural practices that are specifically effective and necessary for the regional agendas. The East Asian discourse of civil society would need to focus on the elements with which the conceptual gap among the national, the regional and the universal is filled out.

The current situation: a return of civil society?

Varieties of responses to the crisis of organized democracy

As has been observed many times, over the past two decades the notion of civil society has made an important return in the social and political sciences as well as in public debate. Set in the framework of the narrative of fall and rise of the concept, as indicated at the beginning of this paper, it may sometimes seem as if the time for the realization of the promise of civil society, as originally sketched in the seventeenth and eighteenth century, has finally come. However, to succumb to any temptation to analyse this return in terms of a restoration of an unjustly forgotten concept, would mean to lose sense of the specificity of the contexts in which the concept was put forward, largely withdrawn, and now revived. Once again, we need to take care to see precisely how the political problématique of modernity was phrased during the 1960s and 1970s and what re–phrasing the return of the concept of civil society claims to offer. Fundamentally, our argument is that the re-emergence of the notion of civil society is directly linked with the erosion of the social setting which predominantly characterised organised modernity. Such an erosion re-opened a space in which the notion of civil society could appear as an important resource for agents trying to find a way to respond to a situation of increased contingency.[37]

The starting observation for this final part of our analysis, therefore, is that the relatively consolidated arrangement of the post-war era eroded in the nineteen eighties. The apparent failure of the traditional, Keynesian techniques of economic steering, the difficulties encountered by the countries of the Soviet bloc, the development of what Ulrich Beck (1986) calls *risk* (unpredictable events to which no immediate solution can be found, if at all, such as pandemics or natural disasters) triggered a general reflection on the shortcomings of the myth of a scientifically administered society.[38] For Western Europe, we have characterized this arrangement as a largely technocratic management of the lines of socio–political cleavage, broadly set into the framework of a compromise between individualist–liberal, cultural–communitarian and social–solidaristic political commitments. Similar elements were in use in other societies, even though the balance of justifications was often highly different. In the US, the individualist–liberal component was certainly much stronger than anywhere else, whereas in the "peoples' democracies" the commitment to solidarity based on a strong notion of class community was implemented in a decidedly non–liberal way. In Latin America, the degree of merely formal or substantial democracy varies over time and across countries; and in East Asia, the degree of cultural commonality has only recently been newly debated after the grip of both the authoritarian regimes that flourished with US support and the socialist regimes has been loosened so that other modes of societal integration became more clearly visible.

Despite this variety of social configurations and political forms, what all these socio–political settings had in common was a relatively high degree of consolidation, stabilized not least also by the "frozen" world–political context of the Cold War. And even though the precise reasons and forms of recent

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[37] We usually do not think in terms of radical historical ruptures, and as such we do not wish to make the point here that the late twentieth century does not display some continuities with the preceding period. It is evident that many of the characteristic features of organised modernity subsist today, either in the same form or under a different guise. Moreover, it is our contention that any new situation plunges its roots in the dysfunctioning of the previous one, so that if no continuities between two hegemonic settings can be identified, some continuities between the current hegemonic setting and the form of critique which was prevalent in the previous one can often be traced.

[38] The work of Lyotard (1989) is very revealing in this respect.

change also vary considerably, hardly any of these societies has escaped the reopening of the specifically modern question of the establishment of legitimate institutions. It is in this context of the re–opening of the question of political legitimacy of institutional forms that the new debate on civil society emerged, but we have to emphasize that this discourse provides by far not the only response to this reopening. Three different, and largely incompatible, responses to this question emerged in the 1980s and 1990s. None of them was entirely novel, even though in all of them more or less sustained attempts were made to elaborate an existing position of political thinking in the light of the contemporary observation.

The *first* response is that of *economic liberalism,* which now appears in the guise of neo–liberalism, but continues to rely on the basic assumptions of neo-classical economics and revives those elements of a rudimentary political philosophy that marked its origins as political economy in the eighteenth century. As we have seen, this conception states that the social is capable of self-regulation thanks to the intrinsic qualities of market mechanisms. This response was enormously successful in the nineteen nineties, giving birth to a whole tendency to downsize state institutions and to dismantle welfare mechanisms in order to give way to market-driven self-regulation.

The *second* response borrows a lot from the nineteenth–century idea of *social homogeneity*, which should rise to prominence in the critique of classical liberalism around and after the turn of that century. The idea at stake here is that our societies can be conceived as resting on shared identities, in which inspiration for the successful establishment of legitimate institutions can be found. Many recent debates can be understood against such a background, such as: the debate around communitarianism, the debate around the question of a 'European identity' (Passerini, ed., 2003), or the 'clash of civilisations' debate (Terrier, 2002). This third response appears to be currently acquiring momentum, as the revival of nationalist rhetoric in the context of the wars fought recently would quite certainly suggest.

In both of these responses the crisis of organized democracy leads towards an abdication of the commitment to collective self–determination on the basis of deliberation among the free members of a political collectivity. In the first response, individual self–determination is considered to be sufficient a basis for a peaceful and efficient organization of social life. As we have seen before, this approach needs to make assumptions about the nature of the human being and about social relations that stand in tension, to say the least, with any moderately complex concept of liberty. In the second response, vice versa, the need for collective self–determination is fully acknowledged, and its significance is even underlined under conditions of current "globalization" given that its realization has become more difficult. However, the conceptual solution found here lies in the assumption of the existence of fully constituted cultural–political collectivities, to which human beings clearly identifiably belong. In many respects, this second response is not only a response to the crisis of organized democracy, but also a response to the first response, to the rise of neo–liberalism which threatens the coherence of such collectivities. Thus, we find here some historico–conceptual affinities to the rise of aggressive nationalism and fascism, on the one hand, and communism, on the other, in the face of the devastating impact of nineteenth–century economic liberalism and imperialism, the historical term for "globalization", on the configuration of social relations (Polanyi 1944). Islamism, for instance, seems to be best understood as an alternative such collectivist thinking after the failure of both secular nationalism and communism in the Islamic–Arab world (Eisenstadt 1999).

It is only in the *third* response that an attempt is made to see the problems with organized democracy not as a sign of failure of the project of collective self–determination *tout court*, but as the occasion to revive some of the conceptual and normative concerns that stood at the outset of this project and to revise them under conditions of a novel configuration of social relations. The lively debates on republicanism, on deliberative democracy, etc. which took place in the 1990s are a good indicator of the restoration of the *problématique* of deliberation. The return of the notion of civil society must be understood as belonging to the same general trend. Beyond the conceptual work in academic and public debate, it has also shown its vibrancy in political life, most visibly probably in the transformation of East European socialism (see Jensen and Miszlivetz 2004) as well as in the increasing activity of non–governmental organizations. Most recently – and, as we shall argue conceptually below, possibly also most significantly – the new, globalization–oriented social movements, which have formed from the late 1990s onwards, can indeed be interpreted as the

contemporary bearers of the deliberative inspiration that stands in the background of the civil society debate.

If our observation of this plurality of mutually incompatible proposals to exit from organized democracy is correct, however, then we cannot take for granted that civil society will establish itself as the central principle of the new political arrangements which are currently taking shape. While a space of possibilities is open in which the idea of civil society has its place, as the continuing debate on the question shows, it is far from certain that we shall not be faced, in the very near future, with a tight new suturing of the social space in the form of the first or the second response outlined above. One of the preconditions for avoiding such an outcome of the current socio–political restructuring is an elaboration of the third response, the one focusing on a concept of civil society, in such a way that it effectively addresses the political problématique of contemporary modernity in a convincing way. The last reflections of our reasoning shall thus be devoted to what we see as shortcomings of the current debate in the light of our preceding attempt at historico–conceptual retrieval.

The limitations of the current politico–conceptual debate: civil society, associations, state

First of all, it is useful to recall that the debate on civil society started as an attempt to conceptually understand and support the resistance to illegitimate state–power or to the emptying out of the substance of democracy from the 1980s onwards.[39] Depending on the political situation, the precise meaning and use of the concept varied considerably. During this period, in the Eastern European setting, institutions largely autonomous from state control, and often clandestine, were put in place, with a view to restore the capacity of society to act upon itself, in a context, typical of authoritarian settings, of sheer alienation of state and society: this first line of analysis posits civil society as a principle of opposition to state power. In the US, in turn, civil society debates focused on the existence and/or creation of social bonds in an otherwise highly individualised and commodified society. Here, the concept moved in vicinity to terms such as "social capital" (Robert Putnam) or "embeddedness" (Mark Granovetter) of economic action, thus signalling that its main line of resistance was not towards the state but towards the prevalence of market relations as the main characteristic of the overall configuration of social relations. Significantly, it was also inscribed into the common opposition between instrumental and value–based action, and thus often referred more to the language of moral philosophy rather than to the one of political philosophy (Robert Bellah, Alan Wolfe). In Western European social configurations – in–between the other two settings in more than a geographical sense – civil society was often seen as a third (or: fourth) major realm of social life, complementing and balancing the workings of state and economy (and family). The line of thinking that reached from Hegel to Habermas remained here influential, even though the precise conceptual proposals differed often considerably from those made in these theoretical edifices. As useful as the debate was in many cases to support a line of resistance in these settings, for the very same reason of pointing negatively towards the working of existing institutions, the nature of civil society remained often underspecified – or where it was specified, the understanding was often too much derived from the given context to provide a basis for a more general conceptual elaboration. Two issues appear to us here of critical relevance: *first*, the tendency to equate civil society with a rich associative life; and *second* the way in which the relation between civil society and state was conceptualized.

It is often argued that the rise of civil society can be witnessed in the birth of an increasing number and density of 'middle-range' social institutions that take an intermediate position between citizens and society as a whole, such as local assemblies in which political debates can take place, interest groups, or associations of citizens bound together by common objectives or preferences. For John Keane (1998: 6), for instance, civil society "both describes and envisages a complex and dynamic ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organizing, self-reflexive, and permanently in tension with each other and with the state institutions that 'frame', constrict and enable their activities." However, in the light of the conceptual trajectory that we sketched in this report, the mere existence of associational life or intermediary institutions is far from being a sufficient indicator of the existence of civil society. In asserting that civil society is essentially a series of intermediary institutions (such as non-governmental organisations, political

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[39] See for more detail Jensen and Miszlivetz (2004).

parties, independent media, and the like) one is at risk to overlook the tension between the configuration of social relations and the form of the polity, a tension that is constitutive of the problématique that the concept civil society historically aimed to address.

The emphasis on associative life is an important source of confusion, for instance, in as far as it renders the distinction between very dissimilar social situations almost impossible. Political arrangements in which civil society is absent, but in which intermediary institutions exist, are perfectly imaginable. For instance, authoritarian regimes usually allow (obviously within strictly predefined limits) for a certain self-organisation of social life which escapes the direct control of political power.[40] At the same time, they try to limit as much as possible the deployment of civil society, whose continuous questioning could erode the fragile legitimacy of existing institutions. Similarly, we can perfectly think of political situations in which associational life is strictly kept under the control of the state, but from which elements of a civil society *in statu nascendi* are not absent: many situations of the former Soviet bloc were close to this description, insofar as a clandestine flux of deliberation on desirable institutions existed. In some cases, this process of underground deliberation managed to give birth to an equally clandestine set of materialisations such as independent trade-unions, an unofficial press, and the like.

The problem of the identification of civil society with associative life has obviously not gone unnoticed in the recent debate. One of its expressions can be found indeed in the rising concern about the lack of representativity of non–governmental organizations. In cases where such organizations have declared themselves to be the true spokespersons for a cause and for a group of concerned people and have captured public attention on the basis of a moral–political claim, they may force elected politicians to address their claims without, though, themselves having any institutional legitimacy. Such observations have led civil society theorists to become more explicitly concerned with questions of representation and legitimacy, thus implicitly returning to the debate that ensued after the democratic revolutions.

As a consequence, though, parts of the debate have become too inclined to tie civil society closely to the state and to law. There is a tendency then to argue that civil society and the state should not be taken as separate entities, but as two necessary elements of any functioning democratic society. While speaking of the rediscovery of civil society in non-democratic settings and describing it as a principle of struggle against a certain conception of the overarching, "bureaucratic-authoritarian" (Keane, 1998: 24) state, of the state "as the bearer of an ethical project bent on reshaping or reordering the identity of its inhabitants" (33), John Keane, for instance, repeatedly insists upon the importance of state power in guaranteeing the existence of the institutions of civil society.[41] His perspective understands "democracy as a special type of political system in which civil society and state institutions tend to function as two necessary moments, separate but contiguous, distinct but interdependent" (8). Targeting primarily the work of Gramsci, he thus argues against what he sees as the vacuity of the anarchist *rêverie* of a civil society without a state.

There are, however, several problems with such an argumentation. First of all the establishment of a tight link between civil society and the state complicates the interpretation of classical texts on these matters. It is noteworthy, for instance, recalling the beginning of our analysis above, that the question of state power is left untouched by Adam Ferguson; its importance in Tocquevillean thought, similarly, is only very relative. In contrast, the work of Hegel (who is often presented as the inventor of a conception of civil society which is still prevalent today: namely civil society as intermediary institutions)[42] gives a central role to the state, as distinct from civil society. In Hegel's *Rechtsphilosophie*, however, as we have seen, civil society is not primarily conceived as a

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[40]This element, by the way, is the best way to differentiate between authoritarian and totalitarian regimes, which aim at a total mobilisation of the collectivity and thus re-incorporate any intermediary organisation into the direct sphere of influence of the bearers of social power (who usually also control state institution) (Castoriadis, 1981). Castoriadis proposed an analysis of the passage of the Soviet Union from totalitarian to authoritarian rule; the differences between the former and the latter are "la fin de la tentative d'établir un *controle* idéologique positif total" and "un processus de *privatisation* officiellement encouragé", p. 253-256.

[41] A similar tendency can also be felt in the recent contribution of Khilnani (2001) to the subject.

[42] See Riedel, 1984, and to a certain extent Bobbio, 1975, as examples of this kind of argumentation.

deliberative body. It is rather a surface of contact between citizens and the state which allows for a deeper penetration of state principles into the social, which amount to a negation of civil society as the primary locus of sovereignty (Terrier, 2001).[43]

These considerations force us to revise a common understanding of civil society as characterised by its dialectical relationship with state institutions. To hold this conception is the best way to overlook the permanent *problem* of the creation of an adequate relation between a configuration of social relations and the form of the polity under conditions of political modernity. And this is what we take to be the problem of civil society. We do not want to be misunderstood as saying that a collectivity of human beings could consist solely of the deliberative flux of civil society (if this is what the anarchist *rêverie* is about); we think on the contrary, as we tried to suggest above, that what we might call the institutional tension is a central component of the idea of civil society. However, we wish to deny the fact that the state, and especially the state in its contemporary Western understanding, can be the only possible form of addressing the thus understood problem of civil society.[44] Or, to phrase it differently, we think that the error in this reasoning consists in taking a historical compromise between civil society and the state, whereby civil society takes the state as the instrument of its realization, for the sole possible way to solve the problem of the institutionalization of the deliberations of civil society. Such a *raccourci*, to give one further example, can also be found in the work of Jürgen Habermas.

In *Faktizität und Geltung* Habermas proposes a kind of transcendental deduction of fundamental rights (*Grundrechte*) which takes the following shape: in the context of social association, individuals are confronted with the problem of the coordination of their action. Deliberation, suggests Habermas, is the procedure which lies most evidently at hand when a collection of individuals must find an agreement about what is to be done. In turn, deliberation can be taken to give birth to decisions enjoying universal acceptance only if it follows some basic rules which guarantee the fairness of the deliberative process. These rules are none other than the *Grundrechte* themselves: any individual, if she is to take part in the deliberative process, must be able to count on the respect of all other members of the collectivity for her right to live, to have her physical integrity respected, to express her opinion, and so on. Habermas, however, thinks that the *Grundrechte* must be guaranteed by a special body which enforces their respect:

> der selbstbezügliche Akt der rechtlichen Institutionalisierung staatsbürgerlicher Autonomie ist in wesentlichen Hinsichten unvollständig; er kann sich nicht selber stabilisieren. Der Augenblick der gegenseitigen Zuerkennung von Rechten bleibt ein metaphorisches Ereignis; er kann vielleicht erinnert und ritualisiert, jedoch nicht ohne die Errichtung oder die funktionale Indienstnahme einer staatlichen Gewalt auf Dauer gestellt werden. Wenn die im System der Rechte vollzogene Verschränkung von privater und öffentlicher Autonomie verstetigt werden soll, darf sich der Prozess der Verrechtlichung nicht auf die subjektiven Handlungsfreiheiten der Privatleute und die kommunikativen Freiheiten der Staatsbürger beschränken. Er muss sich sogleich auf eine, mit dem Rechstmedium *bereits vorausgesetzte* politische Macht erstrecken, der sowohl die Rechtsetzung wie die Rechtsdurchsetzung ihre faktische Verbindlichkeit verdanken. Aus der gleichursprünglichen Konstitutierung und begrifflichen Verschränkung von Recht und politischer Macht ergibt sich ein weitergehender Legitimationsbedarf, nämlich die Notwendigkeit, die staatliche Sanktions-, Organisations– und Exekutivgewalt selber rechtlich zu kanalisieren. Das ist die Idee des Rechtsstaates. (Habermas, 1992: 166)

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[43] This is another way of saying that the (arguably quite tempting) idea of defining the modern reflection on civil society as characterised by its positing a threefold distinction of the social (the household, the state, civil society) has some weaknesses. This definition is perfectly compatible with a conception of civil society as a collection of intermediary institutions; it is much less compatible with our own perspective, which emphasises the deliberative dimension of civil society and thus addresses more centrally the political problématique of modernity, though.

[44] This is not at all an easy task. Khilnani, for instance, similarly insists upon the necessity to avoid any unconditional linkage between civil society and historically existing political forms (e.g., liberal democracy). In spite of this, however, he ends up arguing that civil society cannot thrive without a certain set of precise institutions, which are: a "legal structure of propriety rights", a "system of markets where such rights can be exchanged", and a "legal recognition of political associations and voluntary agencies." (Khilnani, 2001: 30) A state, a separate legal system, a market: the author's efforts to complexify our understanding of civil society by insisting that it can exist under very different kinds of political arrangements ends with describing an institutional setting that seems to be nothing but the typical liberal-Western polity.

In this quote appears an ambiguity. Habermas touches upon the problem of self-realization of civil society: the problem of a consolidation and enforcement of its contingent decisions. He rightly points out that only a political *institution* ("politische Macht") can play this role. The fact that this institution must necessarily be a state, however, is a mere assumption whose origins ("bereits vorausgesetzt") and form are left out of the argumentation.

The question of an institutionalisation of civil society is certainly absolutely central. It is equally central, however, to think about this question in *problematic* terms. Civil society's need for institutions opens a space of possibilities to which the already constituted contemporary state is only one of the many responses.

Towards a conceptual re–appraisal: expanding normative horizons in the wake of the crisis of organized democracy

At this point, therefore, our reflections have to move backwards, in a literal–temporal and in a figurative sense. After having aimed at a contextual reconstruction of the conceptual development throughout this report, we now need to de–contextualize the findings with a view to provide the broadest possible understanding of "civil society", one that can capture a large variety of different socio–political situations. In our view, this approach will lead to two basic assumptions without which any debate on civil society would have with little meaning. On the one hand, one needs to assume that human beings are diverse, because otherwise the problématique of political modernity and, thus, of civil society, would not exist; on the other hand, one needs to assume that collective deliberation is the best, if not the only, way to establish and maintain a collectivity under conditions of individual diversity.[45] These assumptions express nothing else than the idea that "civil society" is a way of addressing the political problématique of modernity, namely the question of relating by means of collective self–determination a configuration of social relations to a political form. More empirically speaking, we can say that social arrangements take the form of "civil society" when a large portion of the members of a collectivity show interest for, and take part in, collective debates on social institutions with a view to decide upon their desirability, and to establish or modify them accordingly.

Modernity is not to be understood here as describing merely a historical moment, but rather an imaginary configuration in which the idea of the intrinsic contingency of social order takes it rise. Thus, modernity must be taken here to mean: a historical condition in which the social is predominantly conceived as a series of institutions deriving from the conscious action of a collection of human beings. Under modern conditions, society is not perceived as an heteronomous given, but as the endogenous product of human will. Civil society incarnates the political problématique of modernity in the sense that, first, the latter is fundamentally that of the self-institution of society; and that, second, civil society can be interpreted as a response to the question of self-institution insofar as it promotes a principle of institutional legitimacy.

The social is the totality of actual and potential actions performed, and representations held, by a collection of agents who are aware of the fact that their actions have an effect on other agents. Modernity is the consciousness of the contingency of social order. Lastly, institutions play the role of guidelines for social agents insofar as their role is to ease the coordination of action by building up a common background of 'taken-for-grantedness'. The question posed to the social by modernity, thus, is the following: on what *endogenous* basis are *legitimate* institutions going to be established? Civil society is an incarnation of modernity insofar as it proposes an answer to this interrogation, and its answer is: the basis of legitimate institutionalisation can be based on nothing but *communication and consent*.

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[45] We may just recall that the elements we have just described as core components of the idea of civil society can be found in an especially clear form in the writings of those two authors whom we for those reasons take to offer the most fruitful approaches to civil society, namely Adam Ferguson (*An Essay on the History of Civil Society*, 1767) and Alexis de Tocqueville (*Democracy in America*, 1830-35). We note explicitly that this assumption gives priority to *communication* as a type of social relations between members of a polity, or, in other words, that it does not have any a priori faith in the assumption that other types of social relations – with the relation though *commerce* as the most prominent one in the history of ideas – would lead to an understanding of common matters without communication.

Communication and agreement are thinkable only if there is something to communicate about and agree upon and someone to communicate and agree with. In slightly more technical terms, we can say that civil society is possible only if two further conditions are fulfilled, one epistemological, the other ontological. First, civil society can exist only if a specific epistemology is widely diffused, which claims that what we call truth in social and political matters is not determined externally or heteronomously, but through series of statements that benefit from a broad explicit consensus. Second, civil society is dependent upon a specific social ontology which emphasizes the autonomy of singular human beings individuals (and not merely of society as a whole).[46] Without the perception of human beings as capable of autonomous reasoning and, as a consequence thereof, of autonomous action, the possibility of active deliberation and subsequent agreement is lost, and civil society is deprived of its foundation. Such view, however, does not in turn necessarily ascribe autonomy to atomistic individuals, as both economic and political liberalism tended to do in most of their variants. If human beings are seen as 'social animals', then they always already exist in social relations. A concept of civil society that starts out from configurations of social relations is thus necessary, and as such it paves the way, sociologically, to a conception of society as a non-homogeneous whole. The assumption of individual autonomy translates into strong expectations about a possible divergence of opinions within a given social space.[47]

At this point it should have become clear why, in our understanding, the notion of civil society bears some strong conceptual affinities with that of democracy as its political form, namely as expressive of the modern political commitment to collective self–determination. However, we conceive of democracy essentially as an institutional setting, precisely a political form, while civil society is for us, first and foremost, a virtual space of deliberation that contains a plurality of yet undecided possibilities.[48]

The concept of civil society in this understanding is of particular importance in the current moment for two reasons. First, many existing polities have undergone and keep undergoing a process of de–institutionalization. This process was in many, even though by far not all cases, at least partially brought about by civil society activities in quest for a stronger form of democracy. The debate about, and the activities of, civil society aim at a restructuring of political spaces in light of such democratic quest.

However, de–institutionalization was also brought about, or is accompanied by, transformations in the configurations of social relations. Economic "globalization" under the sign of neo–liberalism has extended and expanded the commercial linkages between human beings; and, partly in response to such "thinning out" of the social bond, cultural "globalization" has led to a new emphasis on strong cultural ties to others that are seen as pre–existing singular human beings and that are related to the renewed quest for culturally defined polities. In both of these tendencies, the communicative link between human beings as constitutive of the polity tends to be underestimated in its conceptual importance and weakened in the course of ongoing social transformations.

In such a global situation, the quest for democracy as voiced from civil society cannot rest content with the attempt to restructure the spaces of existing polities. What seems at stake is the broader quest for a new instituting of society and polity. Such as a re–constituting under conditions of crisis of

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[46] As was shown before, it is indeed possible to conceive of society as an autonomous whole composed of non-autonomous parts, this conception having been fairly widespread in the nineteenth century, with organicism as its clearest example and the varieties of nationalist expressions as the predominant political interpretation.

[47] There are some similarities between the approach proposed here and the recent contribution of Khilnani to the subject. Khilnani also discusses the conditions of possibility of civil society, which are, according to him: a set of "human *capacities*, moral and political" (25), i.e., a specific conception of the self, "one that is mutable, able to conceive of interests as transient, and able to change and to choose political loyalties and public affiliations." (28); an arrangement of the political as an "arena or set of practices which is subject to regular and punctual publicity" (26); an "institutionalized dispersal of social power" (30), etc. Our impression is, however, as briefly stated above, that Khilnani fails to distinguish clearly enough between what belongs to the fundamental ontological and epistemological prerequisites of civil society, on the one hand, and the mere historical contingencies of its incarnations.

[48] In the vocabulary of Cornelius Castoriadis, we may say that civil society is the place in which the *instituting imaginary* deploys itself, while democracy falls on the side of the *instituted imaginary* (Castoriadis, 1975).

organized democracy and of "globalization" would need to aim at expanding the normative horizons of democracy beyond organized modernity. In the sense that civil society as a configuration of social relations will always relate to a political form, this instituting process may, for instance, in Europe be seen in the attempt at creating a European polity through a European civil society – or at least this is one of the yet undecided possibilities of civil society today that is in need of exploration.

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