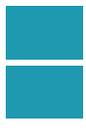


## ARTICLE



# Civil Society in Developing Countries – Conceptual Considerations\*

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## Abstract

In this article, civil society is defined as a non-normative, analytical-logic realm which constitutes a societal sphere distinct from the surrounding realms of family, economy and the state. Civil society, according to the concept presented here, is reality (not utopia), political, not democratic per se, not bound to democracy and not civilised per se. In the ideal situation, rare in developing countries, the surrounding realms (state, family, economy) as well as civil society are strong. In such circumstances, a zero-sum game is not played out between civil society and surrounding realms, but there is a balance, even mutual support. In developing countries, this is mostly not the case. Instead, in these countries, the particular deficits of the outside, surrounding realms influence the non-autonomous civil society. Moreover, in developing countries, civil society is fractured by ‘non-emancipating’ (non-democratic, non-economic, non-civilised) channels, defining socio-political processes which, starting from deficient surrounding realms, run through civil society and are ‘stronger’ than the corresponding ‘non-emancipating’ opposing channel. The respective combination of these and opposing channels serves as a basis for a typology of civil societies on which development policy can be built.



## Keywords

civil society, democracy, developing countries, development policy

## INTRODUCTION

Using the term civil society in the same breath as ‘conceptual’ and ‘developing countries’ might be regarded as bold. There is hardly any other term in social science that is more vague or Western-centric. “The history of thought over two hundred years has charged this designation with so many layers of meaning that it lacks sharpness of definition”<sup>1</sup> bemoans Axel Honneth (1992, p. 61). “We have reached zero level in a history of semantic deterioration” states Volker Heins (2002, p. 17). Helmut Dubiel writes: “The uninterrupted boom enjoyed by the concept – despite

synchronous ritual laments about its vagueness – is (...) a phenomenon in need of explanation. In spite of its limitless geographic, cultural, disciplinary and semantic dimension, it obviously still retains the aura of an unfulfilled theoretical promise” (Dubiel, 2001, p. 135).

Even though the boom enjoyed by the term ‘civil society’ has its roots in the changes which have taken place in the East, the concept is of Western origin. When this concept is applied to the South, the problem remains that the latter, even today, is not consistently catching up: what the economic North, or rather the political West, have already demonstrated, namely that developing

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1 All German quotations are translated by the author.



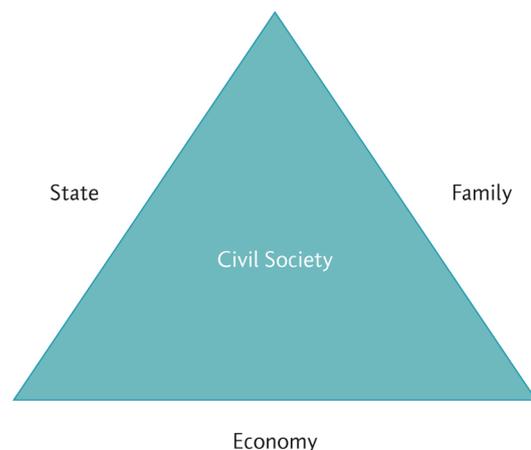
countries are still suffering from their subordinate position within the real power constellations. It is, of course, a simplification to speak of the developed countries and even more so of the developing countries, when one takes into account their extraordinary economic, political and cultural internal complexity. Nevertheless, all developing countries differ from developed countries in that they have been integrated into the world market and world politics in a catch-up way, under Western domination and with imported Western European state models, and they are still characterised by the domination of resource and/or agrarian exports over that of industry and technology. This implies a different configuration for each civil society, even though they are exposed to more recent globalisation processes and the influences of a world (civil) society, of which they are constituent elements, in the process of formation (Keane, 2003; Kößler and Melber, 1993; Florini, 2000, p. 211).

I could choose the easy option of refraining from any application of the Western concept to the South. Most authors living in the South are also engaged with this concept, yet only a few present alternatives. Volker Heins proposes a survey on “how non-Western communities generate institutional equivalents of civil societal outcomes” (Heins, 2002, p. 55). The very term “equivalent” demonstrates that this proposal also derives from Western models. Of course it is a worthwhile research perspective to examine Western and Southern civil society discourses in relation to each other. However, I am not in a position to do so at this point. My structure of categories is derived from Western theory, but with the pool of experience acquired inductively from area case studies in the South I am able to double-check that, by extension, my definition deduced from Western theories is also valid for civil societies in developing countries.<sup>2</sup>

In order to do this, an abstract social theory should be applied, one that does not at first have recourse to Western specifics, in order to mark the non-West as deficient (Heins, 2002, p. 53). Thus, civil society in this article will be defined as a universal category with particular characteristics, without – as is done with the term democracy – setting universality normatively (Zinecker, 2003). Since hunter-gatherer, and tribal societies have been transcended, universality in terms of civil society, as with the family, state or economy, has the common link only of ubiquity, rather than that of the fulfilment of norms. A defining attribution of quality will be restricted to what can be found equally in both industrial and developing countries – an approximate separation at least between economy, state and family. However, if the

existence of civil society is already linked to norms, then civil societies which do not conform to them a priori may be lost. This I want to avoid. A proper focus is still possible by separating civil society from the spheres that are otherwise occupied. This means that, in my conceptual framework, economy, state and family has no place within civil society. Therefore I locate civil society as a sub-function system within the social system,<sup>3</sup> or more precisely within a triangle, the sides of which are represented by economy, state and family.

Figure 1: Location of civil society in society



When defining civil society, the mainstream uses either the logic of an action-normative perspective by designating it as a collective ‘good guy’, or the logic of a realm-normative perspective by defining it as a realm in society that is free, per se, of all that is ‘unimmaculate’ (non-civilised/non-democratic) (Cohen and Arato, 1992).<sup>4</sup> I, however, propose to start from the logic of a realm-analytical perspective, i.e. from an interpretation of civil society that implies no normative setting. My concept of civil society is as a normatively neutral, structural space that is developed from the interactions of actors whose actions are reconciled, and which is accessible analytically, i.e. by logical dissection. Such a perspective, being in particular non-normative and non-teleological, and having a longer tradition within the Forschungsgruppe Weltgesellschaft [Research Group on World Society], means the flaws of civil society (exclusions, inequalities, violence) can also be taken into account and thus implies an open end (Forschungsgruppe Weltgesellschaft, 1996, pp. 5, 11, 22; cf. Menzel, 1998, pp. 20-38; for national civil societies cf. Pollack, 2003, pp. 46-52).

<sup>2</sup> Case studies can be significant for theory-building and thus also for definition-building (Eckstein, 1992, p. 136).

<sup>3</sup> In accordance with Luhmann, society is used here as a space that includes the sub-system civil society.

<sup>4</sup> In between lies the position according to which the logic of action determination dominates within a space defined according to the logic of realm, so that the dimension of civil society can change in the historical process. (Gosewinkel, 2003, p. 11)



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Figure 2: Perspectives of civil society determination

Logic of realm Civil society as realm	Logic of action Civil society as actor
Normative Positive (including utopian) / negative anticipation	Analytical Logical dissection

## 1. HISTORICAL DEVELOPMENT OF THE TERM AND CONCEPT

Here I examine the various superimposed layers of meaning of the term civil society and attempt to remove those which are irrelevant, in order to advance to the viable core. I give a brief overview of those which can be removed in retrospect, as according to the great majority of specialists, since civil society was developed in its present classic Western form, these layers have already become indisputably obsolete for both developed and developing countries. These I shall outline shortly in a *tour d'horizon*. The more recent layers of meaning, which must still be cleared away, have not yet been sufficiently discussed in the scientific community. Here it is specifically the undisguised view with regard to developing countries that provides some insight. Finally, after deconstructing the term civil society, my aim is to refill this realm by defining its real – albeit problematic – quality. Therefore an initial conceptual approach, focused on developing countries, follows.

### 1.1. Clearing away indisputably obsolete layers of meaning

In the classical theoretical-historical discourse, there were layers of meaning, which stated that civil society was family, state and economy, now recognised to be indisputably obsolete (in the sense of extensive convergence) by the scientific community.

#### 1.1.1. Civil society is not family

Ultimately for Aristotle, who clearly distinguished his *polis/politiké koinonia* (political community), in Latin, *societas civitas*, from the *oikos* (private household), and explicitly for Hegel, civil society is held to be the opposite of family.<sup>5</sup> For Hegel, the gentrified/bourgeois society, therefore the civil society, represents the antithesis to the family within

the idealistic construction of the “sittlicher Geist”, ethical Spirit, while the state functions as its synthesis.

#### 1.1.2. Civil society is not the state

Apart from the family, civil society had not been separated terminologically from the state for centuries. With Aristotle's terminological fixation of *politiké koinonia* and later, during the 13<sup>th</sup> and 14<sup>th</sup> century, with the translation of Aristotelian works into the Germanic-Roman languages, *civilis* came to represent *politicus* and *societas* came to stand for *communitas* in the vocabulary of concepts. In *societas civilis* both are included: state (*civitas, res publica*) and society (*societas, communitas, societas civilis, populus*). Until the 20<sup>th</sup> century ‘civic society’ and ‘civil society’ shared the same meaning. Civic related to the entire political structure of society during the feudal era, albeit only with regard to the privileged and the ruling estates (Riedel, 1979, p. 737; Koselleck, 1991, p. 120). Here, there is no separation between state and society as a union of subjects.

The idea of differentiating between *civilis* and *politicus* gained momentum in the 18<sup>th</sup> century owing to the influence of Montesquieu. Montesquieu, and later Tocqueville, viewed voluntary political but purely non-state associations as bastions against the immanent, or indeed existing, despotism. In Thomas Paine's work, the state as a necessary evil is pushed back even further by civil society to its ultimate limits. Civic society becomes, for all three philosophers, especially Tocqueville and Paine, the counterbalance to the state (Taylor, 1991, pp. 66, 73).

With the French Revolution, freedom, political equality, property and security were claimed as the entitlement of all. These human rights already contained within them the antagonism which would later, after the end of the revolutionary era, erupt between the civic and the bourgeois society. Through the French Revolution, the emancipation of bourgeois society from the state appeared on the agenda. Only then did the dichotomy between ‘state’ and ‘civil’ enter the stage, although many still clung to Hegel's view that the state was a prerequisite for the existence of civil society.

#### 1.1.3. Civil society is not economy

With the emergence of modern economics, the industrial labour society and the industrial revolution, which spread beyond England's borders at the end of the 18<sup>th</sup> century, the idea of civil society as a non-state identity received a new, this time economic, shift and became the arena of production, exchange and consumption. Following the English-Scottish-French theory of economics, which, along the lines of a (classical) national economy, no

<sup>5</sup> I will not elaborate further on the change or, respectively, on the extension of meaning of the significance of the concept of family – such as, in the Middle Ages, for the collective of a manorial system – as this does not challenge the antipode of family and civil society.



longer limited economy to the private household, it was Hegel who provided civil society with the economic idea for its application. In Hegel's *Philosophy of Right*, this is paraphrased as "economic system of needs", "nature of need, labour and division of labour". This system constitutes the core of civil society, even though it also contains material products of the state, such as ruling estates as bodies with in-built autonomy, including the bureaucracy.

Whilst Hegel envisaged the integration of bourgeois society into the state with its position secured, Marx called not for its integration, but for its overthrow (Brumlik, 1991, p. 991). In Marx's *German Ideology*, it is at first referred to as a universalist historical category of all material conditions of life, only to be later isolated as the economy of the bourgeoisie. Thus, Marx recognises the claims of the liberal concept, yet does not make the connection between this system of norms and that of individual freedom.

There were two turning points which dictated the delimitation of civil society from state and economy to form a separate sphere: the failure of Western European attempts to repeat the Russian Revolution (especially in Germany, Italy and Hungary), and the experience of fascism. The explanation of the reasons for the establishment of fascist regimes instead of a revolution led by the working class in Western Europe cannot be found within economy, but only in the civil society, which is of course structured differently in Western Europe and Russia. Set in particular against the background that society had long ago become universalised from the middle class down to the workers, these turning points were related to the late Marx's failure to conceptually recognise the very separate sphere in which individual freedom can express itself. He equated bourgeois society with bourgeois economy and his vision was that the separation of state and society would eventually be abolished.

#### 1.1.4. Civil society is a separate sphere of society

The insight that civil society is a separate sphere from all realms, that is to say separate from state and economy (as well as, naturally, from family) was not formulated until the 20<sup>th</sup> century, most markedly by Gramsci (a proponent of Marx's theory of economics) and later by Habermas (a critic of Marx's theory). For both, civil society was an autonomous social sphere which contained all cultural institutions (for Gramsci in the sense of 'superstructures', i.e. unions, parties, schools, as well as the press and literature, church and daily life; for Habermas as an aspect of the life-world – the *Lebenswelt*) and remained rather aloof from economic and political steering functions. According to Habermas, civil society no longer included the economy that was constituted under private law and operated through labour, capital, and goods markets, as it was for Marx and Marxism. Instead, he considered its institutional core was made up of those non-state and non-economic organisations and associations operating

on a voluntary basis which anchored the communication structures of the public in the societal component of the *Lebenswelt*. Thus, it is about a system of associations which institutionalises problem-solving discourses on questions of common interest within the sphere of the organised public. According to Habermas, civil society is established through communicative action, not through force (Habermas, 1998, pp. 362-365, 442-448).

According to Habermas, civil society, in the ideal case when state institutions are receptive to the inputs of civil society, exercises a supplier function for the state, because it is thought to institutionalise problem-solving discourses for it; for Gramsci it is not an arena for "democratic policy consultation", but a battlefield between democrats, fascists and monarchists (Jehle, 1994, p. 514). In the context of emerging fascism, Gramsci argues in his *Prison Notebooks* that, in the West, democratic conditions are prerequisites for successful struggles by the labour movement. In contrast to Marx, and with Mussolini coming to power, he considers the loss of civil-democratic liberties profoundly important. Gramsci also turned to the specifics of civil society when trying to explain why a revolution was possible in Russia but not in Western Europe: in Russia civil society was "under-developed and frozen". The powerful state there could be swept away by a military coup. In the West, on the contrary, "in the trembling of the state one immediately saw a robust civil society. The state was only an advanced trench, behind which lay a robust chain of fortresses and earthworks" (Gramsci, 1980, p. 273). Gramsci understands civil society as activities which function without state sanctions and exact obligations, i.e. without state, but which still exert collective pressure on conventions, morals and patterns of thinking and behaviour. These activities are exercised through cultural bodies such as the church, schools, the press, libraries, social and literary organisations and clubs, and everyday culture in general, even architecture and street names.

Both Habermas and Gramsci separate civil society not only from the state, but also from the economy. However, in Gramsci's work its relation to the economy is closer than in Habermas's. The reason why revolution could not prevail in the West was conceived by Gramsci as being rooted in a high potential for consensus, which was economically determined. He found the combination of the economy, civil society and state in the rise of a class from the economic-corporative (a reference to 'basis' and meant in the sense of professional and class-specific convergence of interests), through the ethico-political (a reference to 'superstructure', meant in the sense of political and moral objectives) to the state phase (a reference to 'state' in the sense of the hegemonic class which constitutes itself as the driving force of the state), identified as a historical block by Gramsci in its combination or, as the case may be, synthesis.

In Gramsci's view, the state represents direct rule through force, while civil society is where there is a battle



for hegemony. Hegemony is considered to be the result of a spontaneous consensus, to which the actors submit voluntarily because they are convinced of the “radiant source of prestige” of a certain actor. This attraction is active, not passive as with Weber’s view of legitimacy. The more hegemonic a class is, the more opportunities it leaves for adversarial classes to organise themselves, as hegemony requires voluntary allegiance. At stake, far more for Gramsci than for Marx, is the issue of political liberty (Gramsci, 1980; Kebir, 1991; Buci-Glucksmann, 1991; Buttigieg, 1994, pp. 529–554).

Whilst the problem-solving discourse capacity of civil society as a realm, free at first of ruling power in constructive cooperation with the state, as Habermas pointed out, it is at best a phenomenon of Western democracies. Gramsci’s perspective of civil society as a battlefield, on which hegemony and counter-hegemony fight for power also opens up a realistic view, and especially so in developing countries – notwithstanding the fact that both Gramsci and Habermas related their analyses to the West.

In contemporary discourses, civil society is usually<sup>6</sup> no longer a duplicate of family, state or economy, but a separate sphere. Aristotle, with his differentiation of civil society from the family, followed by Paine, Tocqueville, Montesquieu, Hegel and Marx, with their non-state civil society, as well as Gramsci and Habermas with their non-state and at the same time non-economic civil society, have, from a theoretical-historical point of view, ultimately removed these layers. This serves as a basis for what follows, which is more controversial, since it examines the definition of civil society from ‘within’.

## 1.2. Clearing away newer disputable layers of meaning

I can now move on to the inner space of civil society, whose external borders have so far been demarcated: on the one hand by critically scrutinising the layers of meaning that have been imposed on the inner space of civil society by controversial newer discourses, and on the other by inductively defining the social actors and structures that exist in society but do not, even in developing countries, belong to the realms of family, state and economy. However, as yet there is no consensus on this within the scientific community either. The following do not make any claims to truth, but merely to practical usage.

### 1.2.1. Civil society is reality, not utopia

If civil society were defined normatively, it would be bound to either a positive or a negative quality. A positive quality

can be real as well as utopian, the latter if it exists ‘nowhere’. Usually, utopias of civil society are more a renunciation of everything negative (raw, brutish, barbarian, unrefined, etc.) and in that respect are to be defined positively. Exceptions are the Scottish Enlightenment of Ferguson, Smith, Hutcheson and others (cf. Varty, 1997, p. 29; Ioannidou, 1997, p. 49) – and Durkheim, who explicitly portrayed civil society as a positive, ethical ideal carried by a non-economic need for sympathy and appreciation, a counterpoint to selfish individualism. Newer concepts of civil society have tied in with this as well. However, there is no reason to elevate civil society to a “secular substitute for a civil religion” (Heins, 2002, p. 240) or to award it a “teleological virtue” (Bayart, 1986, p. 118; cf. Lewis, 2002, p. 575; Fine, 1997, p. 9). The presumption that civil society is morally good is inherently wrong, since moral purity is existentially impossible. Furthermore, there is no such thing as a single norm; rather, normative beliefs may compete.

Both communitarian and leftist radical-democratic philosophers tend towards a utopian perspective of civil society. The former want to revive vanished bowling clubs, that is to say, the socialising and solidarity generating function of voluntary association as social capital, in order to counteract the increasing separation driven by laissez-faire liberalism (Putnam and Goss, 2001, p. 15). The latter perceive civil society as a “surrogate for the loss of the great leftist concepts of meaning” (Sölter, 1993, p. 147). A showcase for the latter are Rödel, Frankenberg and Dubiel (1989), products of a late generation of the Frankfurt School and shaped by the peace and civil movements of the 1980s, which demonstrated against the NATO Double-Track decision and the ruthless exploitation of nature (e.g. *Waldsterben*, or the so-called ‘die back’ of forests). Their purpose was to transfer society in its entirety to a civil society, i.e. to expand civil society to the very boundaries of society as a whole in an attempt to approach the ideal of a common self-government, which they stylised as the counterpart of liberal democracy. In this way, it was thought civil society would be cleansed of the conflictive action of special interests, including power. This is where the so called ‘emphatic civil society concept applies, by which civil society is an end in itself. This utopian-normative overload causes the concept to become exclusive, even though it is originally intended to be inclusive. Since then, participants in left-wing movements in particular have defined civil society time and again in such a way that they could promote themselves and exclude others, for they alone claim the right to define the (good) civil society.

Such a “term of anticipation” (von Beyme, 2000, p. 11) does not serve the analysis of reality. For this purpose an analytical-typological concept is needed, one that does not make realities disappear into insignificance. Only by

6 Of course there are exceptions, such as Keane (2003, p. 63), who perceives the market as part of civil society, or Budde (2003, p. 57), who assigns family to civil society.



focussing on the “real existing civil society” (Alexander, 1999) through a non-normative definition in an uncensored way, can one evaluate its quality by measuring the gap between normativity and actuality.

### 1.2.2. Civil society is a political space, it is not free of politics

With the conceptual separation of civil society from the state, the question arises whether politics itself, just like the state, can be conjured away from civil society, and depending on the dominant normative discourse, whether ‘good’ society can be contrasted with ‘bad’ politics. During the upheavals in Eastern Europe, advocates of this line used this to define civil society as a sphere free of politics and of interventions through a “custodial state” (Henrich, 1990, p. 262 ff.). In Eastern Europe, where the real socialist state had in fact usurped the whole of society, civil society had to articulate itself in an anti-state way. But did this make it anti-political, as György Konrad postulated? After all, the Eastern European civil movement strove for human rights and civil liberties and attended round tables, which could hardly be seen as being free of politics (Schmalz-Bruns, 1992, p. 247). In fact, the result of the anti-political, illusionary vision of the civil society was that “paradise was lost” (Vaclav Havel) and that civil society either failed as a collective actor or was integrated into the state after the upheavals (Tempest, 1997; Dryzek, 1996).

Gramsci and Habermas, both defined civil society as a political project (e.g. Brysk, 2000 and Chandhoke, 2001) but only a few authors do so today. Paradoxically, transition research (see for example Stepan, 1988, p. 4, Diamond, 1994, p. 7), also denies the political nature of civil society, criticised by other authors (Pearce, 1997, p. 60, Gellner, 1994, p. 69). If civil society were understood as being apolitical or even anti-political, then all non-state political actors and structures would have no place, or at least no place if one follows entirely the logic of realm. The issue is undoubtedly more complicated with the bowling clubs and choirs made famous by Putnam, just as with philatelic societies and sports clubs. Of course, not everyone who goes to a club to do gymnastics is engaging in politics. However, workers’ sports clubs have participated in politics throughout history, and even philatelic societies would be political if they, for instance, organised themselves to oppose e-mail. Thus, the boundaries fluctuate, as the idea of bringing citizens into civil society and through civil society into politics, thereby turning them into citizens in the literal sense, is based upon the very diffuseness of these boundaries.

Yet, if civil society *is* political, then it is also part of the political regime (Przeworski, 1990, p. 199).<sup>7</sup> This perception implies a broad concept of (national) political regimes which includes formal as well as informal norms and relations. A regime defined in this way goes beyond the nation state (Strasser, 1996, p. 16). Apart from the relations in and between state institutions, it also covers the relations between state and civil society, and relations between the politically active citizens who exist without the establishment of any direct link to the state. In line with O’Donnell and Schmitter (1986, p. 73), I assume that the characteristics of actors who do not have access to governmental positions and who attempt to obtain this access through their actions are part of the political regime too.

Most criteria relating to the characters of a political regime cannot be scrutinised without taking into account the state’s relation to civil society. Some regime segments may be part of the state, yet they can assert themselves only through their operations within, and influence upon, civil society: effective governmental power is only possible when there are no violent actors who exercise veto. Political liberties – freedom of speech and association – materialise only in civil society. Even elections will fail to work if civil society does not make use of them. Rule of law is not of itself in force if civil society has no access. Other regime segments are directly rooted in civil society: the civil nature of a political regime requires that of civil society. Without political inclusion that goes beyond the electoral regime, a politically active civil society is unthinkable.

### 1.2.3. Civil society is not per se democratic and its existence is not bound to democracy

When civil society is understood as part of the political regime and at the same time stripped of any norm, it has to be open with regard to the respective regime type in question. Thus, civil society can be both democratic and non-democratic.<sup>8</sup> However, in contemporary literature, civil society is often used as a synonym for democracy. As Shils writes: “Civil society has come to be used very loosely as equivalent to liberal democratic society” (Shils, 1991, p. 3). If there is a presumed identity, the question arises why anyone would need the category of civil society when they already have the category of democracy available. Most authors who share this view do not link civil society to just any democracy, but to a democracy that meets the highest standards. Kocka links civil society to a high degree of social self organisation, to resources such as the

7 In my view, the political regime encompasses the informal norms and relations (within and between state institutions) as well as the formal institutions (such as state institutions and processes) and the relation of the state to civil society and the civil relations between politically active citizens themselves within the civil society, which exist without them being in direct contact with the state.

8 This is also demonstrated by Carothers (1999), Puhle (1999, p. 328), Linz (1990, p. 129) and Lingnau (2003, p. 234).



ability to communicate, education and trust, legitimate plurality, conflict regulation, appreciation of tolerance, independence and achievement (Kocka, 2001, p. 10), just as Croissant, Lauth and Merkel tie it in with fairness and tolerance (Croissant et al, 2000, p. 18). A good many of the contributors to this anthology (Croissant et al, 2000) who try to apply the premise of the article which introduces this volume and sets its theoretical guidelines, are forced to conclude that they can find few civil society actors in "their" developing countries (Birle, 2000, p. 236; Bendel and Krennerich, 2000, p. 273).

Nevertheless, the advocates of a civil society that is intrinsically democratic go even one step further: not only do they understand civil society as being democratic, but its very existence as being linked to a democratic, state framework. Shils bases any civil society upon a state with limited power, an independent judiciary and a free press (Shils, 1991, p. 11). Kocka makes even greater assertions and lists as conditions a decentralised economy, compliance with human rights and civil liberties through the rule of law and the constitutional state, as well as a high level of participation (Kocka, 2001, p. 20). If these criteria are applied, civil society would barely exist in any developing country, and its existence would even be doubtful in some developed countries.

It thus becomes a circular argument: if an actor has to be fair and tolerant in order to belong to civil society, how can they, at the same time, demand changes to the system which include intolerance at least of those who try to preserve the system? How could one, according to this premise of democracy, deal with a basically non-democratically organised civil society which could bring down a dictatorship and thus initiate the democratic transition process, such as in Nicaragua with the FSLN? And would not a definition of civil society as democratic allow the disappearance into a definitional vacuum of those actors who, in 2003, vociferously supported Ríos Montt, a Guatemalan presidential candidate and former perpetrator of mass murder? Particularly in developing countries, civil societies are often "sadly undemocratic in both their organisational structures and their operations" (Makumbe, 1998, p. 311). If this is true, the often asserted argument that a strong civil society is good for democracy is not valid in the light of the lack of discrimination.

Civil society is neither homogeneous nor constant in its configuration, but a battlefield of elements in favour of and against democracy. In historically exceptional cases it is quite possible that it can become a democratic actor. As a consequence, this can result in non-democracies transforming into democracies under the pressure of such temporary democratic civil societies. Eastern Europe is a typical example of this, but it also provides evidence that civil societies may fall apart and deform after passing the transition-climax. Yet the mainstream worries instead about the opposite, that civil society could further evolve and radicalise its democratic potential in the course of democratisation, so that it could outstrip that of the newly

established regime (Arato, 1990; Lauth, 1999, p. 108). This leads to the attempt once again to position civil society in an "upswing phase" (Croissant, Lauth and Merkel, 2000, p. 33) and to "domesticate" a civil society that was once called upon for help because now "governability" by "self-restriction" (Arato, 1990, p. 112) of a "self-reflexive" civil society is the highest objective. "Societal autonomy can go too far, however, even for the purposes of democracy" writes Diamond (1994, p. 14). I doubt that Diamond is right when stating that civil society no longer exercises a crucial function during consolidation. This would imply an utterly static perspective on consolidation. It ignores the fact that the stability of democracy can only be accomplished when there is a corresponding consistency of involvement, to which democratic pressure from civil society contributes rather than being an impediment. If the regime has not yet transformed into a democracy, but has stabilised itself as a hybrid within the grey zone between authoritarianism and democracy (Zinecker, 2004a), the intervention of civil society is all the more important for completing the transition. All things considered, civil society can be a channel for action as well as a pitfall for democracy.

#### 1.2.4. Civil Society is not civilised per se and free of violence

In the historical evolution of the term civil society, misunderstandings have appeared time and again, because *civilis* as an adjective can be seen as derived both from *civitas* = civil right/citizens/state/town = politics as well as from *civilitas* = civility. The dual origin of this term promoted the wish to present civil society as both capable of achieving civility through politics, whether it be as a counterpart to the animal in nature, and of war or bad morals or manners, and, according to Elias, to control the affects of the people through a process of self-disciplining (Elias, 1997). The mainstream thus agrees with Shils, who states: "Substantive civility is the virtue of civil society. It is the readiness to moderate particular, individual or parochial interests and to give precedence to the common good" (Shils, 1991, p. 16). Indeed, Shils outreaches the mainstream when, elsewhere, he excludes from civil society the "breakdown of social authority", "drug use", "homosexuality", "the growing, lawless *Lumpenproletariat*" and "strikes by public employees", because he considers that all these undermine civil society and lead to obscenity (Shils, quoted in Keane, 1998, p. 114). Anhelm (1996, p. 15) takes the same line, although slightly more modestly: "That which is evolving next to state and economy I would rather not yet denominate in all its manifestations as civil society. It also contains fundamentalisms, nationalisms, mafia practices and violent terror without civil quality [...]"

The majority of even those authors, such as Lauth (1999, p. 109) or Schmidt (2000, p. 299), who concede that there *are* 'dark sides' of civil society, fix *one* limit beyond which they



will no longer acknowledge civil society – its civility.<sup>9</sup> I, on the contrary, claim that together with normativity, the postulation of civility as a condition for the qualification of an actor or a structure as civil societal is to be rejected.<sup>10</sup> In societies where violence occurs, civil societies may employ violence to counteract a state that fails with its monopoly of the use of force and violence, as well as countering it in a peaceful manner. We know only too well that politics is not necessarily civilised. If civil society were political, the non-civilised would not be content just to pass it by. The Mafia, violently active ethnic or religious groups, the Ku-Klux-Klan, vigilante groups, death squads, believers in lynch law, juvenile gangs and guerrilla movements – in which sphere of society would these non-state violent actors be located, if not in civil society? To repeat a notion by Michael Walzer: “Civil society does not (or at least not necessarily – H.Z.) provide the material of which heroes are made”. (Walzer, 1992, p. 93) Accepting the cleansing of civil society of everything disagreeable results in severe methodological problems: one would have to exclude guerrilla movements when under arms, yet when they summon assemblies and conventions of civil society, as FARC and ELN had done or rather planned in Colombia, one would have to include them in civil society. The Mexican EZLN, who moved from the ‘war of weapons’ to the ‘war of words’, broadcasting its guerrilla discourse over the Internet, would have had to be first ‘removed’ from civil society and later be ‘readmitted’. Would we not have to praise Greenpeace as civil societal when peacefully campaigning against environmental degradation, but to condemn it as anti-civil societal when doing so by violent means? As for the *piqueteros*, organisations of the unemployed, who called attention to their plight during the recent crisis in Argentina by blocking major streets, were they still civil society or not? How can it be possible from a logical point of view to define voluntary associations as being characteristic of civil society, but exclude them when they voluntarily join violent resistance against tyranny or anomy?

### 1.3. Term and concept – a preliminary definition

By stripping down the term civil society, we are left with the real structures and associations formed by actors,<sup>11</sup> who fill

the societal sphere between family, economy and the state. Civil societies are political and part of the political regime. They can contain democratic as well as non-democratic, civilised as well as non-civilised segments, where either segment may outweigh the other, and depending on the balance, may configure civil society as a whole as being democratic, non-democratic, civilised or non-civilised. Democratic civil societies are civilised, but civilised civil societies are not necessarily democratic.

Only with this determination of a civil society’s quality as being (non-)democratic or (non-)civilised, but not in advance of any such definition, can measurement of the gap between normativity and actuality come into the picture. The normativity applied here has nothing to do with norms of civil society, but with norms that exist for other realms – such as democracy or civility.

## 2. APPLYING THE CONCEPT TO DEVELOPING COUNTRIES

There is still no existing stringent model of civil society specifically for developing countries, and I do not intend to attempt any special version of one. I merely outline an approach as to how the Western concept which has already been developed and expanded deductively can now be inductively extended to take into account the specifics of developing countries, and to show where there is a need for research and for action in development policies. Firstly there is a need for a specific understanding of the logic of realm-environment for civil societies in developing countries, and secondly, an analysis of the specific inner space of civil society in developing countries.

### 2.1. The specifics of the logic of realm-environment

Economy, state and family demonstrate different configurations in developing and developed countries: in developing countries the economy is determined by rents rather than by market-economic sociation.<sup>12</sup> Typically a bourgeois nation state has not yet evolved. Higher value tends to be placed on the family

<sup>9</sup> Rüb observes that civil society can include uncivil elements, just as a party system may well include antisystem-parties (Rüb, 2000, p. 185). Kaldor and Dubiel avoid this issue by stating that next to a civil(ised) society there may be an uncivil(ised) society, but this is not civil society (Kaldor, 2003, p. 510; Dubiel, 2001, p. 137). Reichardt, Keane and Whitehead consider violence as a civil societal paradox and consider it as an expression of ambivalence between normative civil societal claims and real historical actions (Reichardt, 2001, p. 45; Reichardt, 2003, p. 64; Keane, 2003, p. 155; Whitehead 1997, p. 104). Although Gosewinkel and Rucht want to transcend the oversimplification of civil society as a good, peaceful and harmonious society, and are convinced that the modern idea of civil society cannot simply disown violence, they still draw a line when faced with the “uncivil(ised)” (Gosewinkel and Rucht, 2004, pp. 30, 51) – to them, civil societal actions, are always peaceful actions. (Gosewinkel, 2004, p. 11). This differentiation lacks clarity.

<sup>10</sup> Cf. Zinecker (1999, p. 183). This opinion is shared by White (1994, p. 377), Chandhoke (2001, p. 8), Kopecký and Mudde (2003, p. 2) and Elsenhans (2001, p. 29).

<sup>11</sup> A convincing list of civil society actors can be found in Lingnau (2003, p. 235).

<sup>12</sup> Here, sociation (in German *marktwirtschaftliche Vergesellschaftung*) is defined in the sense of Max Weber as a rational relation and (free) agreement, in which the approach of rational action is based on rationally motivated coordination of interests. Economic sociation however is constituted by a free agreement which is given by the dynamic equilibrium of the market.



than in western societies, where the value of the individual ranks higher. These specifics radiate into civil society and functionalise it according to the particular imperatives. The boundaries between civil society and the three surrounding spheres of economy, state and family are much more diffuse in developing than in developed countries (Baker, 1998, p. 81), so that in the former, civil society is not autonomous from family, state and economy (Elsenhans, 2001, p. 29, critical of Elsenhans; Heins, 2003).<sup>13</sup>

### 2.1.1. Civil society and the family

In Africa, Central Asia and, in a modified form in the indigenous communities of Latin America, we find that family clans<sup>14</sup> and tribal groups carry out politics, even replacing the state on a municipal level. Clientelism, particularly in its ritual kinsman form, emanates from the extended family and extends into civil society and the state. Particularly in relation to Africa, the claim arises time and again to incorporate clan-like and tribal structures into civil society (Hutchful, 1996, p. 68). The particular interaction of tribal structures with civil society should in any case be stated.

### 2.1.2. Civil society and the state

Usually we find no completed nation building in developing countries. Often it is a case of state failure, or of state building that has never been completed. Following the Washington Consensus, from the early 1980s to the early 1990s, the World Bank and the IMF turned need into a questionable virtue, minimising national interventions and assuming that imperfect markets are still better than imperfect states.<sup>15</sup> Within this neoliberal discourse the state has become a cause of disappointment and cynicism, whilst its counterpart, civil society, has become the new hope of development politics. This devaluation of the state automatically inspired a higher appreciation of civil society – with NGOs as its incarnation (Schedler, 1996, p. 9).

How far the non-state but political sphere of civil society really extends depends on whether a state exists – think of Palestine – in other words, on whether there is a functioning state or state failure. In the case of state failure the question arises as to whether this appears as authoritarian over-extended state through the overexpansion of state institutions, or as under-consolidated state through the notorious weakness of a failed state (Wallenstein, 1999, p. 2). In an over-extended state civil society would be minimised. In

an under-consolidated state, in contrast, many (non-)democratic and (non-)civilised actors would be found within civil society, competing to replace the state's functions. In developing countries the state extends into civil society notably by restricting it and/or forcing it to assume duties and responsibilities that are actually those of the state. This does not rule out the possibility of civil society of its own accord permeating the state, as with the under-consolidated state<sup>16</sup>.

Thus, there is no autonomy of civil society from the state in developing countries, not even on the part of those actors who are seen as its incarnation by the state's development cooperation. At the same time, development cooperation acts on the erroneous assumption that civil society stands in a zero-sum relation with the state so that civil society could possibly compensate for the deficits of a non-functioning state. Together with the contradiction between reality and – false – ideal, this produces disastrous consequences, because the necessary balance between two crucial pillars of society is disturbed and civil society is assigned (state) functions which it cannot solve.

### 2.1.3. Civil society and the economy

It is not so much the existence of civil society but rather its quality which is bound to the prerequisite of market-economy socialisation. A civil society that is of autonomous status depends upon a functioning capitalist market economy. In rent economies, which are typical of developing countries, this cannot exist because labour is not in a position to negotiate (Elsenhans, 2001, p. 32, Elsenhans, 1994, p. 106). Unlike developed countries where capital is acquired by the bourgeoisie, in developing countries rents tend to be acquired by oligarchies through the symbiosis of economic and political rule, or by state classes through political office. Thus, economy and state are pressed much closer together in developing countries than in developed countries, and civil society is cornered by the pressure exerted by both sides.

In rent economies, rents are repeatedly used for exploiting and establishing institutions – including civil societal institutions, particularly NGOs – in order to acquire more rents (Elsenhans, 2002, p. 21; Elsenhans, 2000, p. 44, cf. Seibel, 1993). It is mostly the wealthy, well-networked (business-) NGOs, which in turn only evolve in order to profit from the state development cooperation, that are included in this development cooperation (Lingnau, 2003, p. 234). NGOs, for their part, are interested in acquiring a civil societal categorisation, because

<sup>13</sup> The autonomy of civil society is based upon the independence of its actors from political power when acquiring resources, which they need for the realisation of their objectives (Elsenhans, 2001, p. 29).

<sup>14</sup> It is a controversial issue whether the heavily cited contrast between the decaying nuclear family in developed countries and the intact extended family in developing countries does really exist.

<sup>15</sup> At least since the financial crisis in Asia, the World Bank (earlier and more self-critically) and the IMF (later and less self-critically) in the context of the Post-Washington-Consensus changed their positions so that now states and good governance can play a vital role in poverty reduction. The World Bank and IMF are thus repairing the harm they had inflicted, even though this is still based on a narrow technocratic approach (Öniş and Şenses, 2005, pp. 263-290; cf. also: Stiglitz, 2002, pp. 24, 267)



this helps to guarantee their projects and appropriate financing. The donors operate under a purpose-made civil society umbrella that is ideal for NGOs engaged in development policies as their potential partners. In some countries, NGOs have succeeded in acquiring a virtually monopolistic claim to civil societal representation (Kuhn, 2003, p. 394, 406). They are perceived as key actors in civil society, or even as civil society per se, and are used, willingly, to protect the “good” civil society from the “bad” – as represented by peasant or workers’ associations – which does not really serve their purpose of putting down roots within the population.

Unlike the state with its taxes, civil society does not have any unique resource of wealth at its disposal. This results in its dependence on the state and the economy. Neo-liberal donor policy used to make a virtue of this necessity, dissolving the “bad” state in the “good” civil society, and in the end dissolving civil society itself in the “good” market or “good” family. Here one is reminded of Margaret Thatcher’s words: “there is no such thing as society” (Thatcher, 1987), which bear an ironic proximity to Marxist economics, in a way which, naturally, Thatcher never intended.

## 2.2. Specifics of inner configuration

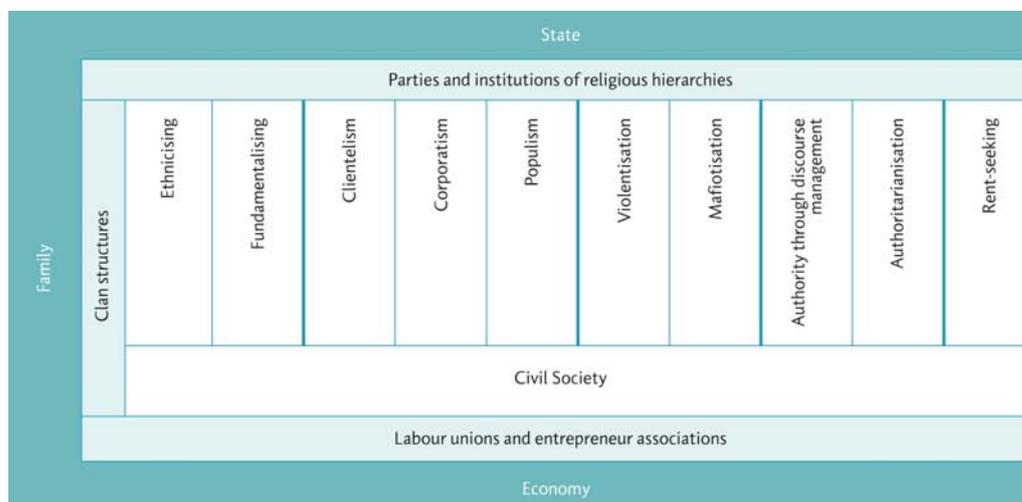
There is no reason for civil society in developing countries to be socially romanticised and mythologised. Civil society in these countries is often “undemocratic, oriented towards individuals and frequently merely a vehicle for acquiring rents from development politics” (Engel, 2001, p. 18). Generally, in developing countries the configuration of civil society derives from its non-autonomy and can be labelled as fragmentation. Fragmentation results from the fact that civil society is pressed in between state, economy and family, through various channels that accompany and support rent-seeking. The rent-seeking that is characteristic

of developing countries clamps the three adjacent spheres so tightly together that civil society, which finds itself in the middle, is damaged and either shrinks beyond recognition or tries on its own account to infiltrate into the adjacent spheres through subversive channels.

The figure below shows – despite its inevitably schematic nature – how the structure of civil society, pervaded by ‘subversive’, fragmenting channels may be visualised for developing countries. For the sake of clarity, I have confined myself to those channels that permeate civil society between state and economy, and left out those running between family and state as well as those between family and economy. For the same reasons the channels have been drawn in parallel, even though this does not illustrate how in reality they overlap and cross. The capacity of a civil society to counterpose “non-emancipating” channels with “emancipating” channels guarantees that the quality of that civil society does not only depend on the quality of the adjacent realms that permeate it, but also on its capacity for self-structuring as well as self-generating emancipation.

Parties and institutions of religious hierarchies, tribal and clan structures as well as labour unions and entrepreneur associations, highlighted in light grey, are located at the junction realm between civil society on the one side and state, family or economy on the other. Parts of it are attributed to the adjacent spheres, others to civil society. With regard to Iran, where one part of the religious hierarchy belongs to the state, there is another part which does not. There, the anti-clerical religious institutions led by lay intellectuals are placed in civil society just like the non-state clerics (Schirazi, 1995, p. 140). In the Muslim south of the Philippines, policies of violence often emanate from the interests of political clans operating in civil society, yet even here not every family or clan is an actor of civil society (Kreuzer, 2005, p. 4). El Salvador is an obvious example of how labour unions and entrepreneur associations became

Figure 3: Structure of civil society in developing countries





politicised during the civil war and won an autonomous place in civil society, while operating exclusively for the economic representation of interests in peaceful times (Zinecker, 2004b, pp. 23, 184).

The fragmenting channels represent structured, but non-market or non-democratic social processes. They bind together state, economy and family, and thereby pervade civil society. Such channels exist in developed countries too. However, in developing countries they are more deeply ingrained, overlap more markedly and intersect and reproduce each other, thus displaying a complex, fragmenting cross-effect which usually prevents civil society from acting as a collective democratic actor, and which may in cases of absolute disorder produce anomy. Of course there are also counter-channels, marked as arrows in the figures below (Figures 4 and 5), such as civilisation (versus violence) or democratisation (versus authoritarianism). Yet in reality these never exist in all versions in developing countries as an antidote against all fragmenting channels, and even if they do develop, they are, in contrast to the fragmenting channels, rarely dominant over a longer period.

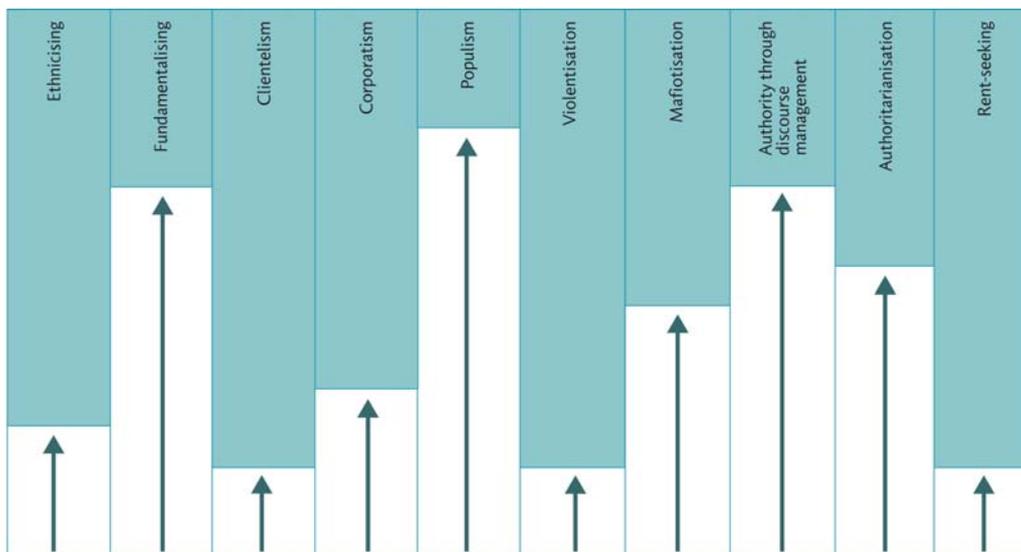
Certainly not all fragmenting channels are present in every developing country's civil society. One will not find ethnicising where there is no multi-ethnic society. Where different ethnic or religious identities are not in dispute, a process of fundamentalism will not take place. As a general

rule, only rent-seeking pervades civil society in every developing country. It is the main channel of fragmentation, and all other fragmenting channels are interdependent with it, even though there is no essential interdependence between them.<sup>16</sup> Groups which are particularly strongly interdependent are: ethnicising and fundamentalism, clientelism, corporatism and populism, violence and the mafia, as well as authority by discourse management and authoritarianism.

The respective degrees of occurrence of the channels and counter-channels have to be determined and assessed in relation to each other in concrete cases, upon which basis one could establish a typology of civil societies according to their configurations. One could place the types of civil societies so deduced in relation to the respective degrees of achievement of the tasks of development politics, such as the reduction of poverty, and see whether correlations and finally causalities appear, or if especially that particular type of civil society promotes development better than others, despite its non-autonomy and fragmentation.

The two following tables provide a simple illustration of this idea. They are based on tentative qualitative assessments. In order for the model to be practically applied, it would need to be made operational on the basis of adequate encoding.<sup>17</sup>

Figure 4: Fragmenting channels and opposing channels in Guatemala



<sup>16</sup> That a rent economy promotes violence, authoritarianism, Mafia, clientelism and corporatism has been shown by Elsenhans (1977, 1981, 2009) and Zinecker (2004a, 2004c, 2007, 2010) and is hardly questioned in the literature. Concerning the connection between rent economy and ethnicising, especially ethnic or religious fundamentalism, I follow Elsenhans (2001). It is his premise that rent-accumulating state classes are countered by middle classes which turn towards economic accumulation on the basis of small and medium-sized ventures, thereby aspiring to gain political majority. As a basis for ideological hegemony, however, neither the dispute about the advantages of a market economy nor Western values is applicable. Furthermore, any potential followers are too economically heterogeneous to be organised through their status in the production process. Therefore it is the fall-back to religious fundamentalism, which, according to Elsenhans (2001, p. 168 ff.), seems to be most adequate to fill this vacuum and ideologically back the hegemonic aspirations of the middle classes in the respective countries.

<sup>17</sup> These figures are based on the experience the author has gained in several qualitative studies over a long period. Operationalisation could be conducted according to the five- to ten-level ratings, as was used for instance for the Bertelsmann-Transformation Index. The criteria and sub-criteria for the parameter value of the (counter-) channels would still have to be developed.

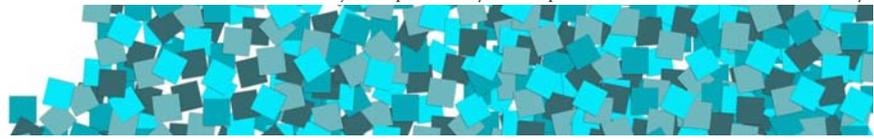
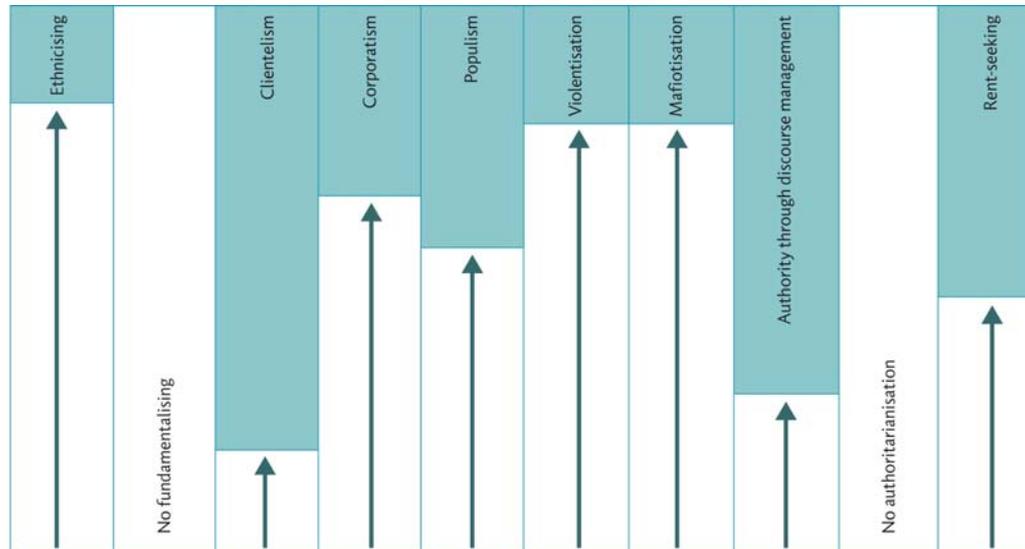


Figure 5: Fragmenting and opposing channels in Costa Rica



A comparison of the two images reveals the profoundly different length of the channels and counter channels in Guatemala and Costa Rica. With a typology based on this model it can be demonstrated in which channels civil society has weak points where development politics would have to focus. Before any decision on the support of a civil society agent, the channel in which the actor is situated can be determined. Furthermore, the location of exit or end-points, important for development politics, can be established. In the ideal democratic and socio-economic egalitarian scenario the table would be completely white, indicating the absence of fragmenting channels in civil society. It therefore shows whether the exit- or end-point of a channel lies in the deficits of family, or of state and economy. Accordingly, measures of development policy can be focussed upon the respective realm-environments. Such a civil society free of fragmenting channels could be considered to be self-structured and would thus fulfil the condition for its autonomy from the various context realms.

### 3. CONCLUSION

Civil society is merely one part of society. Therefore, confining oneself to its mere typology is not sufficient to arrive at viable and integral concepts and strategies for society. A further step is therefore necessary in which types of civil society must be confronted with the types of family, economy and state that overlie them in order to integrate these elements into an aggregate type of society. Then it remains to be seen whether certain types of family, economy and state correlate with particular types of civil society or its fragmenting channels. By this means we can expect more complicated, yet more realistic and thus praxeologically more significant models than those which

simplify civil society, reduce its dimensions and at the same time overburden it with normative pretensions.

In the ideal case, the state, family, economy and civil society are all strong. Between them there exists not a zero-sum game, but balance, and yes, mutual support. However, developing countries are not usually an ideal case. In the real situation of developing countries this balance does not occur, since civil society is not autonomous and is, moreover, fragmented. On the one hand, development policies should concentrate on the conditioning of civil society to overcome its fragmentation through increasing structural self-organisation and, on this basis, become autonomous from the adjacent spheres. On the other hand, it should provide the adjacent spheres of civil society development with the efficiency to allow them not to be sucked into civil society, but become autonomous from it so as to form together a stable societal – as it is market-sociated – structure. The efficiency of society as a whole, and consequently the outcomes achieved by development politics as well, are to be measured according to how far all four parts of the structure contribute – and not just civil society alone – to remedying the existing development and democracy deficiencies. At the same time civil society, particularly in developing countries, should neither be elevated to a “deus ex machina” nor be degraded to a “technical tool” (Howell and Pearce, 2001, p. 2), and far less be upgraded from “technical tool” to a “deus ex machina”.

Dubiel’s lament about the unfulfilled theory promise adhering to the term civil society remains. Sharpening the contours of this category by removing useless layers of meaning – as demanded in the introductory quote by Honneth – was the objective of this article. The application of the Western term civil society to the reality of developing countries undoubtedly serves as a litmus test, because merely by this means it is possible to reveal the weak points of the civil society concept that might be ruinous to developmental policy. ■

■ **Abbreviations**

ELN Ejército de Liberación Nacional

FARC Fuerzas Armadas Revolucionarias de Colombia

EZLN Ejército Zapatista de Liberación Nacional

FSLN Frente Sandinista de Liberación Nacional

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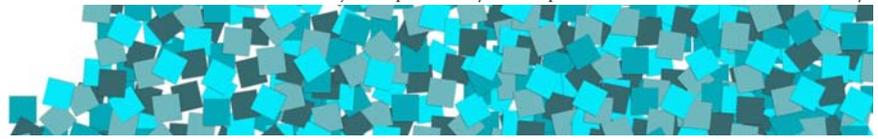
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