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Uncivil Societies

A Theory of Sociopolitical Change

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Abstract

In times of crises, it is always useful to revisit some of the paradigms that underlie collective thinking and action. For nearly 200 years, most social science has relied on the assumption that the emergence of strong and nurturing social capital through a vibrant civil society yields all kind of positive externalities to society. Following intuition and anecdotal observations from Alexis de Tocqueville, a large body of theoretical and empirical research has attempted to confirm that societies strive politically and economically when they are able to build strong non-state actors and community organizations. Many disciplines—mainly political science, economics, law, and international relations—have constructed influential analytical frameworks in support of that general proposition. This paper examines the philosophical foundations of conventional wisdom and observes that it often fails to take into account the dark side of some civil society groups, from the mafia to Al Qaeda. While acknowledging the potential contribution of civil society to the development process, the paper also cautions again the rush to circumvent the state, which sometimes sustains community-based initiatives in poor countries. It suggests the possibility of the production of negative social capital by non-state actors.

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1. INTRODUCTION

An interesting tale has been at the core of mainstream democratic theory since de Tocqueville published his *Democracy in America* more than 170 years ago. It can be summed up in one sentence: Societies strive politically and economically when they are able to build strong and nurturing social capital through a vibrant civil society. The tale builds on a series of impressionistic and bold statements made by de Tocqueville in his work: "There is only one country on the face of the earth where the citizens enjoy unlimited freedom of association for political purposes. This same country is the only one in the world where the continual exercise of the right of association has been introduced into civil life and where all the advantages which civilization can confer are procured by means of it." (2004, p. 741) These intuitions were expressed with less popular success by Paine during the American Revolution.[1] They have inspired several generations of social scientists who have tried to document the key role of civil society in political theory (Cohen and Arato, 1992; Alexander, 2006). One of the well-known proponents of this now dominant thesis in political science and sociology is Putnam, who claims that "effective and responsive institutions depend, in the language of civic humanism, on republican virtues and practices. Tocqueville was right: Democratic government is strengthened, not weakened, when it faces a vigorous civil society" (1993, p. 182).

Many studies in various areas of the social sciences have come to conclude that the main reason for the perceived failure of the Third Wave of Democratization in the African context is the weakness or even the lack of civil society organizations. In fact, after decades of neglect, African civil society has become a major topic of study. Landmark publications have been released in recent years and international and academic institutions have even established formal links with civil society organizations. A United Nations Secretary General has noted that its organization "once dealt only with Governments. By now, we know that peace and prosperity cannot be achieved without partnerships involving Governments, international organizations, the business community and civil society. In today's world, we depend on each other."[2]

Indeed, an examination of the sociopolitical situation in most of the African countries since the famous National Conference which ended an autocratic regime in Benin and Nelson

Mandela's release from prison (both events occurring almost at the same time in February 1990) highlights the preeminent role of previously neglected social mechanisms and public opinion. People have become more and more aware of belonging to specific, defined groups and increasingly express the desire to create interest groups in both civil and political arenas. From human rights activists to small businessmen, from unemployed youths of the suburbs to the intellectual and religious elites, there is hardly a social group that has not felt the need for its members to communally articulate their daily concerns. In both public and private companies the void due to the absence of structures of collective organization—notably, unions, works committees, employers associations—is being filled by a multiplicity of increasingly dynamic informal groupings, even if these are often established along Weberian lines of sex, age, kinship, and religion. For Africans, these groupings are a way of reclaiming the right of self-expression, long confiscated by the official institutions of power. In establishing their members as full participants in the political game, these groups have expanded the arena of association, stealthily influencing the ongoing multifaceted transformation. By blurring the rules of the game, they represent a disruptive force in the sociopolitical environment.

Yet, a closer examination of the empirics of political evolution shows that despite its popularity, civil society has not really yielded either democratic consolidation or economic well-being (Gyimah-Boadi, 2004; Bratton and van de Walle, 1997; Monga, 1996a). In fact, even in so-called advanced democracies (North America, Western Europe, Japan) where civil society is supposed to be much stronger than in developing countries, lack of confidence in and mistrust of government are high. In 12 of the 13 countries for which data is available, trust in representative institutions and politicians is in decline.[3]

Moreover, civil society remains an elusive concept. For one, there is little consensus among researchers on how to define it rigorously. Also, some creative authoritarian regimes have attempted (often successfully) to hijack the concept: by creating their own civil society groups, they have often been able to surreptitiously subvert the rules of the political game. Furthermore, globalization has not only strengthened the winds of political change across the world but has also strengthened the already influential role played by Western non-governmental organizations (NGOs) whose philosophy, agenda and legitimacy are now questioned in other regions of the planet.

All these issues raise questions: What if de Tocqueville was wrong? What if the philosophical assumptions underlying his approach to civil society and democracy were inconsistent with an effective theory of freedom? In an era where various kinds of non-governmental organizations—including infamous ones such as the Ku Klux Klan or Al Qaeda—claim to represent civil society, what criteria should be used to define it? What motivations give legitimacy to citizen advocacy organizations that represent various segments of society? What moral principles and values should be considered in establishing such criteria? Even if the definition of such criteria were straightforward, how would one rigorously measure adherence to it by political, religious, business organizations? How would one measure their contribution to social capital, social harmony and democratic consolidation? In places where some citizen organizations promote their political agenda through "immoral" means, is there such thing as a negative social capital? What are the proper scope and functions of civil society?

This paper attempts to address these questions by reexamining the intellectual foundations of the concept of civil society debate. Section 2 discusses its origins and some of the current approaches to the concept. It argues that the confusion over the semantics has led to conflicting uses of the word, which is now claimed even by organizations that oppose the democratic ideal and produce what I call negative social capital. Section 3 highlights the philosophical baggage surrounding civil society and recommends a more flexible approach to that concept. It then suggests a framework for understanding civil society's role in the process of democratic consolidation not as the generator of freedom but simply as the platform for debates, and eventually the vector for sociopolitical changes. Section 4 offers some concluding thoughts.

2. CIVIL SOCIETY: A SEMANTIC AND ETHICAL DEFICIT

Civil society has generated as much enthusiasm as skepticism. One major reason for this is the heavy burden placed on it by some of its most vocal advocates who present it as a key pre-requisite to sustainable democratization processes without fleshing out precisely its link with normative theories of liberal democracy.[4] This creates an atmosphere of confusion in which the realities and myths of civil society are intertwined. To reframe the debate in a

constructive way, it may be useful to start by discussing briefly some of the challenges posed by the semantics of civil society. Such a discussion highlights one fact: with all its virtues, civil society is also the place where negative social capital—defined as instances where social groups pursue radically different norms and values and work at cross-purpose, often towards unethical ends—can be generated.

A. The Trouble with Semantics

What exactly is civil society? What criteria should meet the organizations classified under that label? Trying to define a term that is used today in many different disciplines and contexts and has a complex and still evolving conceptual history is a complicated task. The term "civil society" was en vogue in Western Europe in the 18th and 19th centuries and generally referred to all institutions, formal and informal, between the family and the state as Hegel put it (1991, p. 23). Considering the link between civil society and the state as one of mediation and interpenetration, he stressed three characteristics of the concept: legality, plurality and association. Laws and self-mobilization were supposed to allow for the institutionalization and long-term reproduction of civil society.

While such a framework may have seemed appropriate in the context of Western societies because the *law* actually meant something, it was clearly not very pertinent in societies under authoritarian political regimes. In most of 18th and 19th centuries Africa for instance, informal or underground organizations later known as civil society groups often emerged against existing laws and social norms (Isichei, 1997).

Hegel's elegant but vague framework did not explain under what social conditions citizens from various backgrounds get involved in voluntary associations to critically discuss and act on public issues which they consider relevant for their lives. Habermas' relatively recent exploration of the "public sphere" offers a more convincing set of ideas for the analysis of civil society (1989). It highlights the fact that the existence of a public sphere adequate to a democratic polity usually depends both on the level of participation of the citizenry to a rational-critical debate, the quality of the discourse and the subsequent ethical standards that emerge from these often informal channels of conversation. This brings up two observations: first, inclusion of all social groups into the public sphere is a pre-requisite for the production

of positive social capital[5] and the sustainability of the democratic process. While it may bring a "degeneration" of the quality of the public discourse dominated by scholars or professional politicians, it gives a sense of legitimacy to the society at large. Second, one should also recognize that including everyone into the social market for ideas, attitudes and public policies, increases the risk of giving voice to non-democratic and non-ethical forces (negative social capital). Still, bringing them out in the open is in fact a lesser evil: it improves transparency in the struggle for power by all kinds of social forces and also sheds light on their unconstructive ideas and harmful activities, and encourages democratic forces to build the types of alliances needed to win.

The obvious question that comes to mind here relates to the transferability of the concept. Should we agree with Habermas' contention that the bourgeois public sphere is a "category that is typical of an epoch" and that "it cannot be abstracted from the unique developmental history of that 'civil society' (*bürgerliche Gesellschaft*) originating in the European High Middle Ages; nor can it be transferred, ideal typically generalized, to any number of historical situations that represent formally similar constellations"? (Habermas, 1989, p. xvii) Habermas' prudent view raises the traditional epistemological problem arising from the transfer of sociological concepts across space and time. While his analysis of civil society was restricted to the European bourgeois political life of the 17th through the mid-20th centuries, his conclusions are of normative relevance to the discussion of social transformations anywhere. He does not prescribe a ready-to-use framework to be imposed upon social scientists everywhere and his two general principles for studying the bourgeois public sphere have offered a great deal of richness to discussions of civil society in other contexts.

The first principle from his analysis is the openness of civil society—its "transforming" power: the European public sphere gained relevance by ceasing to be a bourgeois, *masculinist* and elitist platform where educated men made decisions about social standards, values, politics and public affairs. It opened itself up to women and to interlocutors of all works of life. Status differentials were then bracketed so that people could deliberate as if they were social equals. It was "a kind of social intercourse that, far from presupposing the equality of status, disregarded status altogether." (Habermas, 1989, p. 36) Societal equality was no longer a necessary condition for political democracy (see Fraser 1992). Even the

places where these rational-critical debates were held proliferated across Europe and became much less formal. They ranged from open meeting public places to private homes or even coffee shops.[6] A second principle is people's willingness to discuss all sorts of topics, including those over which church and state had hitherto exercised a virtual monopoly. These principles allowed for a less idealistic approach to democratic consolidation: the myth of common, shared interest that supposedly guide the design and implementation of political rules and public policies was abandoned as people realized that reasonable political outcomes emerge from negotiated compromises among competing social interests.

That acknowledgement has been the cornerstone of sustainable democratization processes throughout the Western world. But they have done little to restrain the debate on what should be the proper scope and functions of civil society. Some authors have tried to differentiate civil society from political society (political parties, political institutions such as parliaments, etc.) on the reason that their true aim is to control the state and gain power. Others sought to exclude the economic society of firms and trade unions from civil society, arguing that they represent an extreme form of capitalism, which has become a totalitarian threat to all spheres of social activity.[7] Going back to Hegel's initial, generic insight, Cohen and Arato suggest that civil society be the "sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements and forms of public communications" (Cohen and Arato, 1992, p. x). But they are quick to circumscribe civil society more narrowly. They argue that it would be misleading to consider all social life outside the administrative state and economic processes to represent civil society because "the actors of political and economic society are directly involved with state power and economic production, which they seek to control and manage" (Cohen and Arato, idem). That distinction is a bit naïve, as almost no group would pass such a stringent test: everywhere, all actors in the realm of public participation in voluntary associations, the media, professional groups and lobbies, trade unions and the likes have hope to either control power, or at least influence it in the sense of their particular interests.

Still, that basic framework was adopted in the Charter of the United Nations (UN). It noted that the UN's Economic and Social Council "may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within

its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned." (Article 71) Though the term "non-governmental organization" was never itself defined in the Charter, successive resolutions of the Economic and Social Council have tended to highlight two basic characteristics of that notion: first, separation and independence from the structures and processes of government[8]; second, their aims and purposes that are not primarily for profit.

In fact, the UN itself has struggled to maintain consistency in its literature on the topic. After it issued a report on civil society in 2004, a group of influential international NGOs wrote back to the Secretary General complaining that the definition used was too broad, as it assimilated "fundamentally different groups". "Though the term 'civil society' is notoriously vague, and although the issue of whether [the UN] description also covers business entities is highly contested, we would argue that it certainly does not cover parliamentarians—in view of their direct participation in the structures and processes of government."[9] Not surprisingly, the writers of the letter did not question the legitimacy of their own international NGOS, whose agendas have often been questioned, especially in the African context (Kemedjio, 2006).

The European Commission initiated in the 1990s a "civil dialogue", which was a first attempt by the European Union to give the institutions of society – and not only governments and businesses – a voice at the policy-making tables in Brussels. Yet, the criteria to meet for any particular organization to be invited to such a dialogue remained fuzzy. In fact, the very broad definition recently offered by the London School of Economics' Centre for Civil Society to guide research activities and teaching sums up well the conventional wisdom and the confusion: "Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups,

women's organizations, faith-based organizations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group."[10]

Defining civil society has been even more problematic in the African context. The main reason is the inherent inadequacy of using tools designed for understanding the workings of Western democracies to analyze the situation elsewhere in the world. The extreme diversity of situations and political traditions from one area to another—and sometimes even within the same country—further complicates the task. Sociologists in the Maghreb, for example, tend to include only the parties and associations that, despite their divergences of opinion on many issues, share the same values of human rights and individual freedoms (Zghal, 1991). Such a definition excludes movements laying claim to Islam, even if they have a dominant role in society.

The reluctance of many social scientists in North Africa to consider religious organizations as an integral part of civil society should not be attributed simply to current events—the resurgence of religious fundamentalism and its rejection of Western type liberal democracy. The roots of the mistrust are deeper. In fact, the skepticism over the democratic virtues of religious groups may originate from the differentiated ways in which Islam, Christianity, and Judaism have dealt with political power over time. According to Sacred Texts, Moses, who led the children of Israel from bondage to the Promised Land (of which he only had a glimpse) never exercised political power. Jesus too was crucified and never had the chance to rule any kingdom. By contrast, Prophet Muhammad achieved political victory in his lifetime. He conquered the Promised Land and was the sovereign political figure of his state. "As such, he promulgated laws, dispensed justice, levied taxes, raised armies, made war, and made peace. In a word, he ruled, and the story of his decisions and actions as ruler is sanctified in Muslim scripture and amplified in Muslim tradition." (Lewis, 202, p. 101) Because the original Islamic state was officially religious in its essence and ruled as such by its founder, there was no need for secularism—understood as separation of religion and political authority—except in Mustafa Kemal Ataturk's Turkey and in the six Soviet Republics of predominantly Muslim population. For over a thousand years, Islam provided the only officially recognized set of rules for the regulation of public and social life. This may explain why some political scientists and sociologists in Muslim countries in North Africa even today are hesitant—if not opposed—to integrating religious groups into civil

society. As Lewis points out, "in the Islamic context, the independence and initiative of the civil society may best be measured not in relation to the state, but in relation to religion, of which, in the Muslim perception, the state itself is a manifestation and instrument" (idem, p. 112).

South of the Sahara, researchers have been willing to include religious groups in their definition of civil society because of their generally positive legacy in the struggle for freedom of the 1990s.[11] Despite their influence, religious organizations do not, at least for the moment, claim to have determining roles on the course of political events, with the notable exception of the Lord Resistance Army in Uganda.[12] Religious organizations comparable to the Islamic movements that exist in Algeria, Tunisia, Egypt, or Morocco have not manifested themselves in Sub-Saharan countries with large Muslim populations such as Mali, Niger or Burkina Faso, though things appear to be evolving in that direction in the northern states of Nigeria where religious conflicts have resulted in large casualties in recent years. In Senegal, the very influential leader of the *Mouride* community has for many years dominated the country's power game but has so far chosen not to have his organization involved directly in politics (Magassouba, 1985).

The complexity of the semantics of civil society makes it unrealistic to come up with a definition that would be valid in all places and at all times. For the purpose of analyzing sociopolitical transformations in Africa today, I will approach civil society as a flexible concept that includes all organizations and individuals whose actions strengthen social identities and the rights of citizenship, often in opposition to those in power, whose natural tendency is to repress such identities and rights. Civil society in this paper refers to all social and political movements formed on a voluntary basis and aiming to produce social capital. Clearly, the specific organizations to be included in such a framework would necessarily vary from one place to another. Some of them work within the prevailing value system to expand the boundaries of collective freedom and strengthen the democratic ideal in the polity. Others only focus on their microscopic and often egoistic objectives. They all contribute in different (and sometimes conflicting) ways to enlarging social participation. In the era of globalization, they all benefit or suffer from the external influence of foreign NGOs or institutions (Figure 1).

Figure 1. Anatomy of the Civil Society: A Flexible Approach

Despite its advantages—most notably not having to prescribe a pre-determined and generic definition of civil society to all contexts—such a minimalist approach does not immunize one from the next difficult challenge, which is to assess the commitment to democratic ethics by all these organizations. Conventional wisdom about what constitute civil society and its role in fostering political change does not address the difficulties of identifying clear mechanisms through which it can help strengthen political accountability. Across Africa in particular, the upsurge of civil society has contributed to changing not just the existing political order but also the prevailing value system—if not the surrounding moral order. Civil society organizations have contributed both to the quest for freedom and sometimes to the weakening of democratic ideals.

B. The Production of Negative Social Capital

While the debate over which specific organizations should be considered components of civil society is likely to remain open-ended, most researchers agree that its role in the consolidation of a democratic political system should be encouraged. Summing up the emerging consensus, Diamond (1994) has suggested an interesting framework for assessing

what he calls the ten democratic functions of civil society. His analysis highlights the educational virtues of a dynamic civil society, the numerous advantages of social mobilization and participation, the adoption of transparent rules in the political game, and the recognition and institutionalization of lobbies, which means the emergence of a new type of political culture focusing on cooperation, bargaining, and accommodation rather than on conflict and violence. The question is what institutional mechanisms should be put in place to stimulate these democratic functions.

In the economic sense, civil society's importance is reinforced by the assertion that a strong social capital (defined by Putnam as "features of social organization, such as trust, norms, and networks, that can improve the efficiency of society by facilitating coordinated actions") is a key factor in the process of wealth creation, as it brings large segments of the labor market in a more efficient production of goods and services. Social capital thus reflects the strength of civil society, that is, the willingness of individuals from all social groups to adhere to networks where they can equip themselves with the skills needed to improve their productivity. As noted by Loury,[13] "opportunity travels along the synapses of these social networks. Thus, a newborn is severely handicapped if its parents are relatively uninterested in (or incapable of) fostering the youngster's intellectual development in the first years of life. A talented adolescent whose social peer group disdains the activities that must be undertaken for that talent to flourish is at risk of not achieving his or her full potential. An unemployed person without friends or relatives already at work in a certain industry may never hear about the job opportunities available there. An individual's inherited social situation plays a major role in determining his or her ultimate economic success." (2000, p. 77)

While few authors would dispute the sociopolitical and economic importance of civil society groups, it is unclear what the net result of their intellectual influence actually is in the production of social capital. How does one assess the legitimacy of the many groups who all claim to speak on behalf of the people? What are their hidden agendas? How are these agendas consistent with the collective quest for freedom? What is their level of commitment to ethics and to the democratic ideal? Do they aim to embody the earnest proclamations of democracy or to establish alternative spiritual values and impose radically different modes of social exclusion and violence? Do they really hold the moral high ground as they always claim? Are civil society groups centripetal forces that stimulate and enhance the construction

of a developmental state, or do they act as centrifugal forces that surreptitiously pull nations apart? In sum, do civil society groups generate "positive" social capital by contributing to the consolidation of the democratic process, or do they actually produce "negative" social capital by serving as underlying currents to the political groups that are simply engaged in the power struggle? Answers to these questions are obviously difficult to get. Still, the questions need to be asked in each context before one can conclude that civil society has a net positive or negative influence on democratic consolidation.

Approaching the notion of social capital from an economic perspective raises even more questions about the decision-making processes and the ethical considerations in civil society groups. Traditional economic analysis assumes that human beings are "rational" agents with a given set of preferences and who act more or less independently, seeking to maximize their utility (or satisfaction), on the basis of their knowledge and perception of the situation, and the actions available to them. These assumptions have been very useful in economics, allowing for a strong theoretical framework for modeling human behavior. Yet we also know that rationality is bounded in many ways: whether they act as individuals or as civil society groups, people are not optimal in the way they make political decisions.

In fact, in any given country, politically active citizens are not the rational individuals described in economic textbooks. They are almost always embedded in complex networks and hold several different and often conflicting social affiliations. The nature of one's involvement in civil society groups often depends on one's position in the social structure, due to imperfect political markets for ideas and public policy that necessitate reliance on self-education and information obtained through personal ties, social externalities mediated by location and peer associations, psychological processes and other random factors that shape a person's outlook on life. As a result, familial and communal resources—which constitute social and cultural capital—directly influence a person's acquisition of political knowledge and ability to contribute effectively to the public debate. A dominant part of one's political capital arises from opportunities available in social networks to which one belongs. Empirical research has shown, for instance, that the lack of access to ethnic networks through which workers are recruited for jobs in construction and services is a more important cause for unemployment in the black community in New York than racism by employers (Waldinger, 1996). Just like economic theory now acknowledges the importance of family and

community background in determining individual achievement (Loury, 1977; Becker and Murphy, 2000, section 1) political theory should take into account the role of an individual's inherited social situation and its affiliation in civil society groups in determining his or her political choices.

Belonging to civil society groups provides people with multiple social identities that often determine the level and nature of their participation to the political discourse. This raises several questions: what are the true objectives of these civil society groups? How do they operate? How consistent are their stated and hidden goals with the national project of building and sustaining democratic institutions? What type of means do they have at their disposal to achieve their goals? What is the relationship between self-proclaimed "a-political" NGOs and political parties with clear ideological agendas that compete fiercely for power? What type of connections do they entertain with business interests and financial lobbies, both local and foreign? What kind of support do they gain from international civil society groups that may not be constrained by national law and regulations?

These questions complicate the assessment of the way civil society groups operate but they help understand why some of them may not focus on consolidating democratic processes as it is often assumed. In fact, in places where they have become too powerful, some authoritarian leaders have even created their own "independent" NGOs. A well-known case was that of President Mobutu Sese Seko of then Zaire (Democratic Republic of Congo). Forced in 1991 by social uprising to concede a national conference to rewrite the rules of the political game (including the appointment of an independent Prime minister and new government, the adoption of a new Constitution and electoral timetable), he was able to slowdown the process of democratic transition by infiltrating the civil society movement: it is estimated that over half of the newly created NGOs who sent delegates to the national conference were actually his supporters.

Moreover, because civil society leaders are often political entrepreneurs, some NGOs are hijacked by and serve as Trojan horses to people who are motivated by the quest for political power. True, this particular argument is sometimes used by authoritarian leaders who oppose the kind of political awareness that civil society groups may bring to the people. This was most notably the case in Cameroon in 1991 when President Paul Biya arbitrarily banned a

large number of civil society organizations that were seen as spreading "subversive ideas"—including a local affiliate of Human Rights Watch. That strategy has not been used only by African authoritarian leaders. In recent years, the battle over control of so-called "a-political" NGOs has made headlines in many different places: Palestinian Authority President and leader of the Fatah Mahmoud Abbas has banned religious charities in the West Bank, accusing them of serving as underground political affiliates to rival organization Hamas. Over the past decade, media organizations and NGOs of various types have been banned in Vladimir Putin's Russia for arbitrary reasons. Even in the US, a well-known Islamic charity has been indicted on terrorism charges, prompting the attorney general to announce that "a U.S.-based charity that claims to do good works is charged with funding the works of evil."[14] While some of the crackdown operations on civil society groups are often motivated by purely partisan or political reasons, it is also undeniable that some organizations that pretend to work under the civil society umbrella do not adhere to national laws and regulations. Far from contributing to the emergence of a collective social compact, their actions can actually generate negative social capital.

The hijacking of civil society by oppressive and totalitarian groups everywhere and the disaffection with the myths of democracy in many places, including the so-called established Western democracies, have shed a crude light on the shortcomings of de Tocqueville's political theory. It now seems that all human societies are uncivil by nature and capable of producing simultaneously the kind of positive social capital needed to sustain democratic consolidation, and also some negative social capital that constraints human freedom. This raises some difficult questions about how to assess civil society's role in sociopolitical transformations, and its contribution to the process of democratic consolidation: How to disentangle pro-democratic activities by civil society groups from routine power struggle by political entrepreneurs who hide behind civic or charitable organizations to pursue an often unethical agenda? In sum, what principles should be taken into account when monitoring the production of social capital in uncivil societies?

Answering these questions may very well represent a utopian intellectual agenda, as the conceptual differentiation between "pro" and "anti"-democratic civil society groups is illusory when put into practice. Besides the fact that it is impossible to measure the degree of ethical commitment of any civil society group, most of them operate on several levels: they

fight for positioning and for power and can therefore generate negative social capital, even when they are genuinely involved in great democratic ideals. Western political scientists have been struggling to label community organizations such as Hezbollah a terrorist group,[15] while hundreds of thousands of people in Lebanon have always considered it the main employer and only provider of welfare in their neighborhoods. The same is true for Islamic charities that fund schools on Pakistan or Indian *Madrassahs*, which are described both as threats to democratic principles and sole providers of basic public services in poor communities (Ali, 2005; Sikand, 2005).

In fact, a close analysis of the ethical content of the jihad of an international NGO such as Al Qaeda, as opposed to its purported political intent, reveals that it differs profoundly from such groups as Egypt's Muslim Brotherhood and Indonesia's Jemaah Islamiyah, which aim to establish fundamentalist Islamic states. With its decentralized structure and emphasis on moral rather than political action, Al Qaeda may actually have more in common with multinational corporations, anti-globalization activists, and environmentalist and organizations that are self-proclaimed defenders of social justice (Devji, 2005). In metaphysical terms, the Jihad discourse may appear extreme but it de-legitimizes the idea that certain civil society groups may have monopoly over morals and ethics. The same kind of ambivalence is found in analyses of controversial civil society organizations throughout Africa (see for instance Pommerole, 2006).

3. A FRAMEWORK FOR ASSESSING CIVIL SOCIETY

The intrinsically uncivil nature of all human societies and the ambivalence of civic groups that claim to advance democratic ideals yet can produce negative social capital invalidate de Tocqueville's main insight— the assumption that civil society development is closely and positively correlated to freedom. An effective framework for assessing civil society's contribution to democracy should therefore involve at least two steps: an acknowledgement of the subjective philosophical stance from where the notion of civil society is conceived in any given context, and a flexible (or minimalist) approach to a normative theory of freedom.

A. Beyond Objectivism

Like most social science concepts that originated during the Enlightenment, civil society was bound to have some major birth defects as it embodied some of the Kantian themes in general knowledge and political philosophy that came under heavy criticism during the twentieth century. Popular approaches to civil society that are derived from mainstream democratic theory still assume some central truths about the ethics of social norms and the way polity should be organized. Civil society is expected to be a fully formed construct and the engine for spreading freedom (as defined in the Western world) and some other values across a globalized world.[16]

Its importance for the strengthening of liberal democracy seems self-evident: political power is not something possessed by any given individual or subject. Rather, it is a network, grid or field of relations in which subjects are first constituted as both the products and the agents of power. "The modern modalities of power are misconceived if they are taken to be essentially negative, prohibitive instances at the top or the center of the social order, interdicting and repressing the actions of those below or at the margins." (Baynes et al., 1987, p. 96) If civil society is understood as these organizations that enlarge and enrich social dynamics and political possibilities, then it is certainly a contributing factor to the mitigation of power and de Tocqueville was certainly justified in claiming that "in democratic countries knowledge of how to combine is the mother of all other forms of knowledge; on its progress depends that of all the others"(de Tocqueville, p. 543).

But the analysis of civil society's sociopolitical role is superficial and inaccurate if it does not also focus on its contrasting functions in different contexts, and on some of its undemocratic natural tendencies. Political power is an essentially positive, productive, and "capillary"—in the sense that it circulates throughout the cells and the extremities of the social body— therefore it is an aspect of every social practice, social relation, and social institution (Foucault, 1980). Civil society is also a platform for the production of socially accepted truths, which are then used to govern ourselves and others. Under this light, it appears to be a place where technologies of power are used to achieve "discipline" and "normalization", to produce docile and useful bodies and subjects. What makes it more insidious than the other structures of political power is that it presents itself as a place where individual free will is

expressed, not as the structure of competition and social indoctrination that it really is. Because civil society itself is atomistic and made up of autonomous subjects, it is naïve to overlook the presence of the irrational—the economy of desire, the fight for power—in its rationale. Civil society deserves, therefore, to be questioned and constantly reexamined.

The proposition that democratic consolidation depends only on the strength of civil society (assumed to be led by ethical leaders) is not only naïve. By prescribing a specific way in which political reality should be analyzed, that approach to civil society implicitly postulates a particular conception of reason and validates the Platonic idea of a unique, transcendent political truth. It is derived from de Tocqueville's theories of social order and tends to rely either on the rationalist assumption that we attain knowledge by a process of reasoning from self-evident first principles, or on empiricism, which assumes that all knowledge comes from sense perception (see Harbeson, 1994). In both cases, it advocates objectivity as the "normal" way of analyzing the dynamics of sociopolitical changes. Not surprisingly, it has been increasingly criticized by African social scientists, who perceive such attempts to impose a Western-centered philosophical criterion for knowledge to be a mere form of ethnocentrism. In response, they have offered relativist approaches to the analysis of civil society.

Unfortunately, both the de Tocqueville followers (universalists) and their critics (relativists) often fall into the trap of objectivism, as they implicitly believe in that political reality exists as an objective absolute—"facts are facts, independent of man's feelings, wishes, hopes or fears," as Rand put it (2005, p. 12). Yet, the study of civil society dynamics—especially in the African context—challenges their rather simplistic view that reason is man's only means of perceiving reality. It is certainly not his only source of knowledge, nor is it his only guide to action. In fact, the story of African civil society highlights the multiplicity of political truths, and the fact that democratic change actually originate from struggle, conflicts, arbitrariness and contingency. In other words, the conditions for democratic consolidation and the prescription of the role of civil society offered by traditional democratic theory do not hold in different places and times.

A democratic system—defined as a given set of rules widely accepted to represent the prevailing value system, and accompanied by a set of shared ethical principles—is therefore a reflection of social practices, dominant discourses and institutions in which they are

embedded, internal logics, and the collective desire for representation and power. A more realistic stance in the design of any theory of freedom and democratization would be to acknowledge and embrace subjectivism: moral judgments on sociopolitical changes in general and on the role of civil society in particular are fundamentally based on feelings.

B. A Theory of Freedom in Uncivil Societies

Any attempt to design a useful framework for understanding the mechanics of sociopolitical changes should start with an acknowledgement of the complex genealogy of freedom. Only by understanding why and how freedom was initially constructed as a supreme social value and how it maintained its preeminence can we highlight the role of civil society organizations.

The main evidence of the uncivil character of all human societies is the fact that freedom has not always been the powerful value that it has become. It is probably an exaggeration to assert that personal liberty is a "modern" concept and that there seems to be scarcely any discussion of individual liberty as a conscious political ideal (as opposed to its actual practice) in the ancient world (Berlin, 1958). But it is true that for most of human history, freedom was not among the top social goals. Other values and ideals such as nationalism, imperial grandeur, the pursuit of glory, faith, justice, material well-being or even hedonism and nirvana were of much greater importance (Patterson, 1991). In fact, it was only in the course of the sixth and fifth centuries B.C. in ancient Greece, at the dawn of the so-called Western civilization, that freedom became an important goal to be pursued (Raaflaub,.2004). That new quest was neither a linear nor a smooth process, as it took several centuries for the idea of freedom to prevail. It was not until a couple of centuries ago that it became the most dominant value of Western civilization.

Three closely interrelated and sometimes conflicting ideas constitute freedom:[17] Personal freedom, which gives a person the sense of not being coerced or restrained by another person and also the conviction to do as one pleases—within the limit of other people's desire to do the same; sovereign freedom, which is the power to act as one pleases if possible, regardless of the wishes of others.[18] Civic freedom is the opportunity that one has to participate in all forms of social life and to be involved in community affairs—it should be noted that

"participative politics is a necessary but not sufficient condition for civic freedom" (Patterson, 1991, p. 4.).

If one agrees with the argument that freedom was generated from the experience of slavery (Davis, 1988; Pohlenz, 1966, Patterson, 1991), then the question becomes what were the channels of transmission from one to the other, and how the social dialectics of personal, sovereign and civic freedom played out. This is where civil society—or what later came to be known as such—enters into play. Just like slavery never existed in a social vacuum, freedom only became an enduring social value with the support of the most influential community groups. Both in the western world and elsewhere, it was debated, opposed vehemently, and subsequently institutionalized through formal and informal social networks. Civil society groups played an essential role in this process, as they offered a platform for sorting out the various ideas in competition in the sociopolitical sphere and eventually helped sustain the most enduring ones. They contributed to the strengthening of institutions[19] and helped spread the ideal of freedom. It has now been well documented, for instance, that women groups and religious organizations played a key role in the invention of personal freedom and enshrining it in the collective consciousness of people in imperial Rome. Since the French and the American Revolutions, it has also became clear that a key ingredient in the design of a stable political system valuing freedom is the acceptance of a set of rules by the most influential social groups. In other words, political rules are as strong as the underlying level of general consent that legitimizes them (Rémond, 1979). While civil society is not ethically one-dimensional as implied by mainstream democratic theory, it has eventually provided the space for the diffusion of freedom.

Recent experience of sociopolitical transformations in African also confirms that civil society groups have helped advance the cause of freedom and the democratic ideal, despite their fragmentation and relative fragility. As the space for exchange and debate on matters related to citizenship and public life, civil society groups have disseminated all these three features of freedom: By promoting values from the *Habeas corpus*, they have contributed to the strengthening of personal freedom. By offering the opportunity to publicly discuss the distribution of power among social groups, they have often served as platforms for mediating issues of sovereign freedom. By clarifying and promoting the rights and duties attached to citizenship, they have extended the realm of civic freedom. The process has not been, by any

means, a smooth one. In fact, there has been constant hesitation between conflicting goals and even some backsliding in the collective quest for freedom. Because civil society is by nature heterogeneous—its components are fundamentally diverse in their goals—and produces both positive and negative social capital, the democratic consolidation process is often more circular than linear in nature. Indeed, any step forward can be followed by a setback, for movement here is a reflection of the clash of different social groups' conflicting interests – those who stand to lose out are unlikely to give up the status quo without a fight.

But by and large, civil society groups appear to have played their role as vectors of major social movements of all kinds. Working under the influence of external stakeholders (international NGOs, foreign medias), political and community groups (voluntary associations, traditional institutions), religious groups, business interests (trade unions, business associations, lobbies) and external stakeholders (international NGOs) have often coalesced to produce sufficient amount of positive social capital throughout Africa. Together, they have pushed away the boundaries of authoritarianism.

Figure 2. Civil Society Dynamics and Social Capital: a Five-Force Model
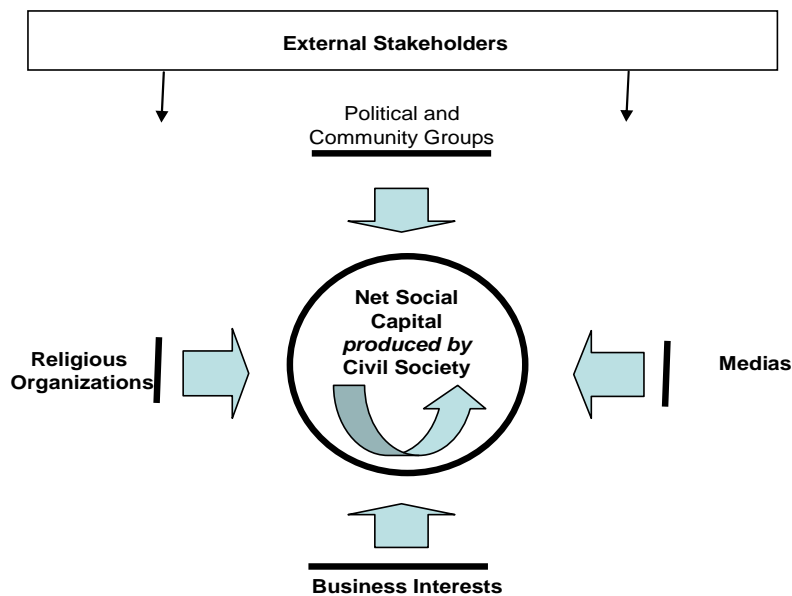
Democratization is by nature a continuing and ongoing process (Monga, 2002). Therefore, the major question ahead is whether civil society will be able to generate enough positive social capital to sustain the quest for freedom. Civil society will need to play a net positive role in each of the three phases of the process:

- The *design* of the new system the transition seeks to install, that is, the formulation of the judicial and institutional framework in which the political game will henceforth take place. This stage allows influential actors on the political scene to express their fears, ambitions, and interests. It is also the time when the processes of inclusion and exclusion are elaborated that will later determine the winners and losers of the game. The new architecture of power is developed during this phase. Political parties tend to use and rely on civil society groups to extend their influence in this first, crucial phase.

- The *implementation* of the texts codified during the previous stage, texts that were judged to be satisfactory by the main political actors and that motivate (or obligate) them to honour their commitments. At this stage, the institutions that have been crafted – sites and structures of public responsibility – are brought into dynamic equilibrium. The instruments of power and the coercive apparatus (the military and security forces), together with incentives (systems of social and political promotion), now take on their assigned roles. The rules of communication between social groups are tested out. Civil society groups usually serve as watchdogs.

- The *maintenance*, over the years, of the democratic system that has been implemented. This assumes the existence of built-in mechanisms designed to deal with unforeseen events and to ensure continued public support for the idea of a democratic society. This third function allows for democratic consolidation over time. The true strength and effectiveness of the new citizenry born of the democratic process can then be measured. The political culture of the leaders (and not that of the population, to which it is difficult to assign any real content), the flexibility of the system and its ability to renew itself, and the feeling of collective well-being condition the success of this third stage of the

process. Civil society plays a key role in the monitoring of socio-political progress, documents grievances from all social groups and finds ways to put them on the national agenda.

In that three-step process, democratic consolidation and the quest for freedom in each country depend on the capabilities of the national political system which itself is a reflection of the strengths and weaknesses of civil society. For the emergence of efficient political markets, the system must exhibit the *ability to invent*, which allows a political system to expand its creativity and to mobilize all the human, material and financial resources necessary to bring together political supply and demand. New leaders emerge and through their actions and ideas, change the dynamics of political supply and demand. Civil society per se tends to have a very limited role in this initial phase. The system must also be able *to mediate*, that is, the capacity to arbitrate the conflicts that mark all democratic transitions. It is the measure of the actual effectiveness of the rules adopted by the consensus of the largest possible number of political actors. This is where the role of civil society groups pursuing conflicting objectives sometimes with unethical means becomes dominant. It is usually unclear what kind of social capital (positive or negative) will eventually be the net effect of this dynamics. Third, the system must be able *to adapt*, that is, the political system's capacity to reinvent itself whenever new social demands must be integrated into the system. This serves to guarantee the continued feeling of legitimacy necessary for the survival of the system. Civil society plays a crucial role in determining whether any democratic system is eventually able to endure.

4. CONCLUSION

The concept of civil society has enjoyed much success in the social sciences in recent years—especially because of the role that it supposedly played in the rise of the Third Wave of democratization. Yet, mainstream democratic theory has struggled to define it convincingly, and to outline its functions in the collective quest for freedom. The reason is that the concept originated from the Hegelian, one-dimensional view of history, and carried the heavy baggage of ethnocentrism associated with the Enlightenment. Not surprisingly, many researchers from the non-Western world have adopted radically different approaches to

civil society, often by opposing relativist definitions of civil society to what they perceived as a tyranny of universalism.

Going beyond the objectivism that underlines the views from both sides, this paper has attempted to offer a more flexible framework to civil society and an analysis of the mechanics of freedom. It concludes that its role in fostering sociopolitical changes cannot be denied. But the argument here differs from mainstream theory of democratic consolidation on at least two important points: first, civil society plays an important role in diffusing social norms and social values but not necessarily in generating them. Moreover, some civil society groups might actually work against the diffusion of freedom and the process democratic consolidation. The production of social capital, which is the final outcome of the struggle between these forces, is often uncertain.

Second, civil society is neither monolithic in the values that it endorses and advertises, nor is its march towards a democratic horizon a linear one. In de Toqueville's America of the 1830s, slavery was in full force as a system of brutality and coercion denying millions of people the right to citizenship. While the abolitionist movement that emerged in the early 1830s was vocal and insistent on an immediate end to slavery, other civil society organizations such as the one later known as the Ku Klux Klan dominated the political and associational life. Yet, de Tocqueville could describe America as "the government of a democracy [that] brings the notion of political rights to the level of the humblest citizens" (de Tocqueville, p. 472). Such statements may well have been signs of an extraordinary dose of naiveté or cynicism on his part. They could also simply reflect the fact he missed the fundamentally uncivil nature of all human societies, and the limited role that associations and other non-governmental organizations actually play in the process of social change.

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[1] T. Paine considered civil society to be "a natural condition of freedom" and the last line of defense against state despotism. Keene, 1988.

[2] K. Annan, *Speech at the 2005 World Summit General Assembly*, September 14, 2005.The UN's Department of Public Information now has a special section for civil society issues. Arguing that "the growth of civil society has been one of the most significant trends in international development", the World Bank has also created a special website that provides information on its evolving relationship with civil society organizations around the world. Many academic institutions have done the same thing. Pioneering institutions in this domain are the Johns Hopkins University Center for Civil Society and the London School of Economics Centre for Civil Society, which seeks to improve understanding and the effective functioning of not-for-profit, philanthropic, or civil society organizations throughout the world in order to enhance the contribution these organizations can make to democracy and the quality of human life.

[3] See Putnam et al., 2000. Their data confirm the intuitions already laid out in M. Crozier et al. , 1975.

[4] Cohen and Arato, op. cit,. is a notable exception.

[5] Coleman (1988) defined social capital as "people's ability to work together in groups". Fukuyama (2002) defines the concept more broadly to include "any instance in which people cooperate for common ends on the basis of shared informal norms and values. I prefer to define it here as people's ability to work together and voluntarily in groups towards freedom, democratic consolidation and other ethical goals. This allows for the distinction between positive and negative social capital.

[6] According to Calhoun (1992), London had 3,000 coffee houses by the first decade of the 18th century, each with a core of regulars. Conversations in these little circles branched out into affairs of state administration and politics. In Germany, table societies drew together academics and laymen. In France, salons located in private homes brought together aristocrats and other social groups. On the claim to full accessibility, it must be stressed that the so-called revisionist historiography suggests a much darker picture of the bourgeois public sphere than the one described by Habermas. Women of all classes and ethnicities were excluded from political participation while plebeian men were excluded on the basis of property qualifications. See Fraser (1992).

[7] See Rosanvallon and Viveret, 1977. See also Gramsci, 1977, whose theory of hegemony also builds the distinction between political society (political institutions) and civil society (the non-state or private sphere, including the economy). He recognizes that his conceptual categorization does not hold in practice, as political and civil society overlap.

[8] While this distinction between governments and NGOs may seem straightforward, the question could be raised in some contexts where ruling entities are dominated by/or essentially reflect the philosophy and implement the agenda of specific non-governmental organizations. This was the case for instance in Iran after the 1979 Revolution or in Afghanistan under the Taliban. It is also the case in Somalia today.

[9] See the Report of the Panel of Eminent Persons on United Nations-Civil Society Relations, *We the Peoples: Civil Society, the United Nations and Global Governance* (A/58/817), released on June 21, 2004; and the Letter to the UN Secretary General dated Sep. 1, 2004, http://www.un-ngls.org/10901joint.pdf

[10] The Centre stresses that this definition should not be interpreted as a rigid statement See http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm

[11] Several French-speaking countries such as Benin, Gabon, Congo, Congo/Zaire, Chad, Niger, Togo, avoided civil wars in 1990 and 1991 because of the mediating role played by respected religious leaders. Cf. C. Monga, 1996b.

[12] Founded in 1986 as the successor to Alice Lakwena's guerilla group Holy Spirit Movement, the LRA has called for the overthrow of the Ugandan government and its replacement with a regime run on the basis of the Ten Commandments. More frequently, however, Joseph Krony, its current leader who claims to have supernatural powers and to receive messages from spirits, has spoken of the liberation of the Acholi people who he sees as oppressed by the "foreign" government of Uganda. See US Department of States (2004). For an analysis of the social and historical contexts which gave rise to that movement and the use of spirituality by its founders, see Allen, 1991.

[13] Loury is widely credited for coining the term social capital in his seminal 1977 piece.

[14] Statement by U.S. Attorney General John Ashcroft on July 27, 2004. The charges included conspiracy, providing material support to a foreign terrorist organization, tax evasion and money laundering. The 42-count indictment, returned by a federal grand jury in Dallas, Texas, alleged that the Holy Land Foundation for Relief and Development provided more than $12.4 million to individuals and organizations linked to Hamas from 1995 to 2001. The U.S. government froze the charity's assets in December 2001.

[15] See Harrik, 2005. A much more nuanced analysis is provided by Saad-Ghorayeb, 2002.

[16] Mamdani (1996, p. 13) notes that "the current discourse on civil society resembles an earlier discourse on socialism. It is more programmatic than analytical, more ideological than historical."

[17] I borrow this idea of "tripartite freedom" from O. Patterson.

[18] Observing that "most human beings […] desire to control not only their own lives but also the lives of others", B. Russell dismisses these impulses from the domain of freedom (1940, p. 259). But such a moral argument is irrelevant from a purely political science or sociological perspective.

[19] Institutions are defined here in the sense suggested by D.C. North, that is, "the rules of the game in a society or, more formally, […] humanly devised constraints that shape human interaction." (1990, p. 3).