

THE RISE, DECLINE AND RECONSTRUCTION OF THE CONCEPT OF CIVIL SOCIETY, AND DIRECTIONS FOR FUTURE RESEARCH

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The concept of civil society was revived about twenty years ago among neo-Marxist critics of socialist authoritarianism, who along with this conceptual move reversed one of Marx's most fundamental assumptions, and thus became "post-Marxist". Evidently the concept could have been, but was not in fact first revived in a neo- or post-Montesqueuian, Burkian, Tocquevillian, or even Laskian, Parsonian or many other intellectual traditions. Remarkably enough, the pioneering works of this revival, those of Kolakowski, Mlynar, Vajda and Michnik in the East, of Habermas, Lefort, Bobbio in the West, of Weffort, Cardoso and O'Donnell in the South were rooted in the same or analogous traditions of Western or neo-Marxist discourse. For them, a knowledge of Hegel, the young Marx and Gramsci represented living links to the usage of the concept of civil society, and the state-society dichotomy that were, in different ways nearly universal in the 19th century, but which nearly disappeared in 20th century social and political science and philosophy. At an earlier stage, the task of Western Marxism was to deepen Marxian social philosophy by a return to philosophical roots, and to reveal the connections of a re-Hegelianized Marx to some very specific works in non-Marxist philosophy and social theory: to Weber, Simmel, Croce, and Freud among others. At that time concepts like alienation, fetishism, reification, rationalization, repression and praxis were in the centre stage. Reviving the concept of civil society was apparently an analogous move, since its presence in the young Marx justified a critical re-examination and appropriation of ideas of yet another series of non-Marxist thinkers from Tocqueville to Hannah Arendt. And yet this time instead of using the best of Marx against the worst, the conceptual strategy focusing on civil society everywhere used Gramsci to turn even the young Marx on his head in order to re-develop a concept that was able to, self-critically, pin-point the earliest origin of the authoritarian turn in their own tradition that provided a link *ab ovo* with state socialism, with "communist" politics. In short, the young Marx's demand that the separation, and differentiation of state and civil society be overcome, was now understood as the **origin** and **justification** of the **Marxist** statization of all aspects of social reality.

Initially only a new, but hardly unanticipated, conceptualiza-

tion of totalitarianism was the fruit of the enterprise, in France and most notably in two countries, in Poland and Hungary, which were certainly not "totalitarian". This was an inauspicious beginning that would have yielded little more than a new, critical and polemical concept. The remarkable historical success of the revival of the concept of civil society in which I was fortunate to participate was due to its anticipation of, convergence with and intellectualization of a new radical reformist or evolutionary, dualistic strategy for the transformation of dictatorships first in the East and soon after in Latin America based on the idea of the self-organization of society, the rebuilding of social ties outside the authoritarian state, and the appeal to an independent public sphere outside of all official, state or party controlled communication. Used along these lines, the concept of civil society became a focal point of orientation first in Poland, for a period in France, then (probably with the mediation of French intellectuals) in Brazil, followed by a more general East European and Latin American discussion after the early successes of Solidarity and the **abertura**. At the very least in Hungary, in Czechoslovakia, in Yugoslavia (especially in Slovenia!), in Russia, in Chile, in Argentina and in Mexico, further conceptual developments and the formation of political strategies went hand in hand through the 1980s. In the process, earlier transitions (those of Spain and Greece notably) as well as successfully stabilized authoritarian systems (above all China) were increasingly interpreted both by participants and outsiders by using various versions of the concept of civil society. In some places at least, where the transition was successful and where the intellectual strategy actually had a political role, the concept of civil society now turned into a journalistic commonplace. This is especially true in Hungary. Finally, there is now a vastly expanded discussion in many Western countries with established civil societies where the focus is on finding new loci of the potential democratization of really existing democracies. Theorists like Habermas, Lefort and Bobbio anticipated such possibility very early, and Jean Cohen and myself were able to contribute to it in our book *Civil Society and Political Theory* (1992) as well as our essays during the previous decade.

■ ■ ■ But now, two years later, things are already different. And I must admit that many of the new doubts that have surfaced have long troubled me. First, on ■ the level of general sociology, it is evidently questionable that something that does not exist (civil society under totalitarianism) can nevertheless contribute to its own liberation. And even if the Soviet type societies, and especially Poland and Hungary, were not totalitarian, in any case they did not have civil societies in the sense of institutionalized, legally differentiated spheres of social life as described by Hegel and Tocqueville in particular. One had therefore to conceptually distinguish between informal social networks, solidarities and relationships from the more formalized and institutionalized structures of civil society. But, the self-organizing movements, initiatives, associations and publics, putting the social in motion were also different than **either** the latent networks of societal autonomy **or** institutionalized civil societies as we know them in the West. Thus, instead of using a single concept one faces the task of having to generate three and then link them together in a plausible, historical manner. In our book we do this in part by distinguishing civil society as movement and as institution, the former as a kind of constituent civil society creating the latter, the constituted, institutionalized version. Yet, the time relation between these forms is not entirely self-evident. Some forms of institutionalization evidently permit the re-appearance of movements and initiatives that in turn may or may not aim at yet another institutional break. This latter difference is caught by our distinction between revolution and civil disobedience. Civil disobedience, linked to social movements or

initiatives represents the outer limits of collective action **within** civil society, and is significantly different than civil society organized **as** movement.

Today I do see, however, that next to the distinction between civil society as movement and as institution, we need to reintroduce something like Durkheim's notion of the social, or the kind of networks presupposed and built upon by the recent literature on social movements. The link between movements and the social is explored in detail by this literature, but we do not yet have a sufficiently sophisticated sociology of law and rights that would do the same for the social and institutionalized civil society.

Second, on the level of politics, the experience of the transitions in countries with the most active social movements and initiatives have thought us that civil society alone, both within a strategy of self-limitation and even a revolutionary strategy, cannot in itself carry out a change in regimes. In the case of revolutions, we have long known that in all modern revolutions, during the physical struggle for power, the action comes to be concentrated in the hands of elites who are or generally become hostile to self-organization from below. But now we also know that even in the case of post-revolutionary transitions (revolutions against the Revolution that are not counter-revolutions) there is a shift of the action to the level of political elites, counter-elites or political parties. Only they can carry out the strategic tasks of negotiation, bargaining and designing pacts with the elites that hold power under the previous regime. As a game theoretical four actor model worked out by Adam Przeworski indicates, civil society can be considered an actor **during** such a process. But it is important for the political elites, and supposedly for the success of the negotiations, that civil society be demobilized on the road to a pact leading to democratic elections.

Following a suggestion of Alfred Stepan, we adopted the differentiation between civil and political society (already in Tocqueville) to deal with the two levels of associational life active in transitions, and as we now see, in democratic societies in general. Unlike most of the literature on the transitions, we do not think, however, that the shift from civil to political society in the process of regime change inevitably leads to a complete demobilization and atomization of the civil sphere. Indeed, we believe that the stabilization of democracy and its future prospects of democratization depend on the development of a complex and two-sided relation between the civil and the political. Analogously furthermore, one needs to distinguish an economic society based on forms of property and purely economic association, from political society based on suffrage and political parties, and civil society based on rights of communication and civil associations and movements. The result is the five part framework with which we have replaced the traditional state and society dualism. Unfortunately, we cannot claim to have solved the problem of the possible and desirable forms of interaction among the five levels, on which, we believe, the future of democracy nevertheless depends.

Thirdly, on the methodological level of the analysis of concepts, the concept of civil society remains plagued by ambiguities. Even after differentiating it from political and economic society, moves that remain controversial, it remains unclear what the dimension of civil society primarily entails. We ourselves have always spoken of associations and publics, stabilized by fundamental rights (of association, assembly, expression, press, and privacy) and operating under a normative logic of communicative action coordination in Habermas' sense. Following an early suggestion of Habermas, we stress the plurality of publics. This, however, leads to the problem that there are quite evidently publics in the differentiated spheres of society, in science, art, law, religion etc. to which admission cannot be democratic. Yet, it is here that much

consequential social communication occurs. Moreover, associations are not on a single level: the size, the logic, the temporal and spatial extent, and the political role of informal groups, voluntary associations, expert and professional organizations, lobbies etc. are all different. These in turn differ from movements, which are internally different depending on their level of organization, the number of issues focused upon, the role of interest, identity formation and the need for self-expression in their make-up, and so on. Evidently, there is a specialized sociological literature dealing with the various forms of group and movement life, and there should be one (though there is not) dealing with the different publics. The question inevitably arises: What is the point of referring to this whole complex set of concepts as civil society?

Of course one can ask in return the same question about the economy and the state as well. But in these cases the concepts of money and (political) power do indicate the outlines of differentiation. While the logic of communicative action coordination as reconstructed by Habermas has in our view solved the problem in principle for civil society, when we turn to our five part model new difficulties arise. Can political and economic society, their parliaments and governing boards, for example, exclude free communication? Can the associations of civil society exclude money and power? If not, in both cases are we facing an issue of principle or that of mere degree as we move back and forth from the civil and the political? Using the category of civil society in our over-arching sense assumes such a difference in principle. Accordingly, the primacy of communicative action coordination in a wide variety of institutions represents the foundation for the unity of the category of civil society. Unfortunately, we have only been able to illustrate this point with some important examples. One is the temporal, social, and substantive limits of parliamentary communication in comparison to the open, unrestricted communication processes possible in families, universities, social media of communication. Another is the evidently pathological nature of families, newspapers, universities etc. whose primary (rather than secondary) purpose is the accumulation of money or power for its members, as against corporate boards or political parties.

The unity of civil society, however, is apparent only from a normative point of view. There are evidently many associations of civil society where money and power represent the actual rationale, and there are political parties, too, that behave as social movements, and seek for example to incorporate an anti-bureaucratic, directly democratic logic. In the latter case, functional arguments with specifically empirical predictions (like the Michelsian iron law of oligarchy) can demonstrate the difficulty involved. Thus we can say that if the institutions of political society are not initially differentiated as such, they will either fail or will eventually transform themselves in a strategically relevant direction. The same cannot be argued from the point of view of the domain of civil society, though beyond a certain threshold of course (whose exact location cannot be a priori demonstrated) the "colonization of the life-world" could also lead to a breakdown of social integration. In this context all we have is a normative, critical criterion that remains to an extent counter-factual.

Fourthly, on the level of a normative theory, too, there are problems with the concept of civil society. Here one can ask what a conception that brings together liberal and democratic concepts, those of rights and participation, adds to liberalism and democratic theory. There is a similar problem with apparent dedifferentiation of liberal democratic and republican perspectives, in the central category of the public sphere. One can argue both that in analytical isolation liberalism, democratic theory and republicanism can develop their specific concepts in a more distinctive, richer, and less contradictory fashion. On the other hand, the contradictions among these

positions should not be papered over by the use of analytically less distinct forms of conceptualization. Evidently, however, in our view the three normative perspectives are contradictory only in some specific interpretations of each. The concept of civil society definitely helps in finding interpretations of liberalism, democracy and even republicanism that makes these political philosophies indeed compatible.

Our approach, conscious of potential tensions thus fosters a synthesis among political philosophies. Of course, it remains dependent on concept formation in political and legal philosophy proper, and does not seek to displace philosophical reflection. For that the concept of civil society is too empirical and sociological, and remains too close to the discourse of political actors. This, however, leads to another, perhaps more serious objection. Should not normative, philosophical and empirical, sociological concerns be strictly differentiated? Neo-Kantian and related analytical philosophical arguments would require such a differentiation, and so would a sociological theory of the strict differentiation among subsystems including those of science and philosophy. However, as important as analytical differentiation may be from a purely theoretical point of view, from the point of view of action it is important to raise questions that link domains together. First, the development of political theory, even democratic theory, may be considered an end in itself. But from the point of view of actors, the major question must always relate to the chances of the institutionalization of normative desiderata, which thereby become **projects**. And conversely, in many empirical settings actors seeking to orient themselves must refer to both social scientific diagnoses and normative arguments. These will be relevant to the actors only when mediated by a middle level theory that has both faced questions of possible institutionalization, and formulated itself in a language closer to those of the actors themselves. In both cases the theory of civil society supplies important bridging notions allowing the empirical mobilization of normative concepts without both an excess of utopia (which unmediated normative theory would undoubtedly produce) and an uncritical relationship to empirical political reality (which would be the result of disregarding normative perspectives altogether).

Finally, while we in part accept the claim of subsystem differentiation between science, philosophy, and politics, we reject the notion à la Luhmann that there can be no communication between these spheres. Indeed, we insist on the possibility of communication among all specialized, expert publics. To be sure, this requires the existence of non-differentiated, non-expert public spheres where consequential communication with respect to matters of common concern can take place. Luhmann himself conceded the existence of such a public for the period of the enlightenment. In different forms however, less totalized, more complex they continue to exist today in the media and the universities, to name two key contexts only. Such a public sphere is both a component and a key sociological presupposition for using the category of civil society today. We need to know much more about its structure, and its relationship to expert publics, as well as the publics of the political and economic society.

Such is the outline of some of the major theoretical objections to the use of the concept of civil society today, and the directions that they may be countered. But it would be a grave mistake to assume that the criticisms of the use of the concept of civil society are only a matter of theory. In East Central Europe, where the concept still represents a major political point of orientation, many of the objections and criticisms are themselves politically motivated. And I am not thinking primarily of defenders of authoritarian rule, or people having nostalgia for the conditions of the past. The most serious objections come from earlier allies who have once rallied around the banner of liberating civil society.

In the dualistic formula for the reconstruction of civil society, a unified society was arrayed against an unchanged party-state as its enemy; "us" against "them". In such a context, it has been not only easy but even necessary for very different ideological orientations to join the side of a unified, self-limiting societal movement if they wanted to participate in politics at all. Not only universalists, reformists, radical and social democrats, but nationalists, revolutionaries and economic liberals had no other option than to join the struggle to establish institutional vantage points for all other projects, short or long run, always within determined limits that never allowed a full pursuit of one's own ideological program. Yet there were always reservations, which came out in the open in the free public sphere in Poland after the weakening of Solidarity: the civil society oriented program was too collectivistic for the liberal economists, too cosmopolitan for the nationalists, too defensive for the revolutionaries, too liberal for the neo-Marxist advocates of class interests, too populist for the **Realpolitiker**. With the enemy gone, all these trends turned against one another, and against the advocates and the very program of a democratic civil society that could have been a minimum bases of a consensus among many of them. The rise of populist revolt against the Mazowiecki government and the Balcerowicz reform, the Walesa and Tyminski phenomena, on the one hand, and the earlier fragmentation of the Polish party system were the two sides of a complex in which parties without the hope of consensus divide up the space of politics, confronting a self-democratizing society that, deprived of civil channels of participation, turns populist.

In Hungary of course the civil society oriented program never corresponded to a single, unified movement. For this, post-1956 Hungarian society has been both too apathetic and too individualistic. Nevertheless, in a modified and eventually more sophisticated form, the Hungarian democratic opposition, led by János Kis around the samizdat journal *Beszélgő* did adopt the Polish model of "radical reformism" whose centre-piece was the rebuilding of civil society and an independent public sphere, both from below. By 1988 a remarkable number of independent groups emerged, and formed a variety of complex, interwoven coalitions, all under the new East Central European banner of a democratic civil society driving for political democratization and the establishment of a genuinely modern, market economy. Even in the elections of March 1990, fifty-five percent of the population voted for parties that came out of this tradition. Had they united for a first government of transition, Hungary would be a better place today, certainly with a stronger government, with a less divided culture, further down on the road to a market economy, and probably with a less threatened civil society.

It did not happen, and in part because there was a failure of political theory. Instead of focusing on their own project and achievement, the participants came to focus on either Europe's present or Hungary's past as alone worth of imitation. But in Hungary too, some of the friends of civil society in 1988, turned out to have by 1990 other, apparently incompatible agendas. I believe that many of the intellectual objections to the use of the category of civil society generally reflect one or more of these. For the revolutionaries, who wanted to purge and punish, the idea of a self-limiting revolution was too limiting, the orientation to civil society was too legalistic and gradualist. For the new professional politicians, keeping channels of communication open to groups outside of parties and parliaments, violated their narrow conception of democracy derived from not so much Western ideals as Western elite democratic practice. Cynically put, it also threatened their imagined new monopoly of power. For the liberal economists, who imagine themselves as bourgeois, after having called for civil society in their pamphlets as the only possible environment for a market eco-

