

Conceptions of 'Civil Society'

Axel Honneth

When the intellectuals of Eastern Europe began to consider the difficulties and possibilities of a democratically organised political opposition they soon turned to a classical concept in the history of political ideas. They thought that the concept of *civil society* always used in English to indicate its connection to Anglo-American traditions, would be most suited to define the aims of their political aspirations. They used this concept in order to refer to all the civil institutions and organisations which are prior to the state, as being the precondition for any resistance on the part of the citizen against the dictatorship of the party bureaucracy. The immediate pressure of the political struggle, by and large, exempted these intellectuals from the necessity of coming to terms with the theoretical difficulties of a concept whose historical development has labyrinthine dimensions. The use of the notion *civil society* should have inevitably led them into this labyrinth, since this category, in the course of over two hundred years of the history of political theory, has acquired so many strands and strata of meaning that today it appears to lack any definite contours. As far as the Eastern European resistance was concerned, this problem did not play a prominent role, mainly because this concept merely served to tie together all the spheres of social action not belonging to state institutions, insofar as these spheres could serve as a basis for the construction of a democratic opposition. In fact, it was precisely the vagueness of this concept which gave it a distinct strategic advantage. Its indefiniteness gave different dissident groups, faced with different national and local problems, the possibility of including their varying social institutions, such as the economic institutions of the market, the free association of debating citizens, or the soviet-like organisation of 'round tables', within the all-encompassing concept of the *civil society*.²

However, the Eastern European use of the concept of *civil society* began to resonate in the political discussions held in the capitalist countries of the West. In the Western democracies the concept was not directed against the state apparatus but was rather used to found a new conception of a radicalized democracy. In this case, though, the Eastern European innocence of the historical density implied in the concept of *civil society* was lost. When, at the end of the eighties, Western intellectuals began to deploy the concept in order to draw up a programme for radical democratiza-

tion, in stripping it of its oppositional relation to the party bureaucracy they also deprived it of its practical framework, which had so far sheltered it from any demand for the clarification of its boundaries. Thus, before this concept, reimported from Eastern Europe, can assume the function of a guideline for political thought, it is in need of a precise theoretical delineation of its terms. Yet, nothing in this direction has been accomplished so far. This can clearly be seen by the fact that, despite the wide usage of the idea of *civil society* by the left of the Federal Republic, the concept has not attained any more distinctive theoretical outline. The extent of this conceptual obscurity can be best shown by, first, restating what is actually demanded from the theory of democracy and, secondly, evaluating whether the model of *civil society* can meet these demands.

Today, when one talks about the task of a further democratization within the context of the highly developed countries of the West, then one is referring to the question as to how democratic participation in the process of formation of a political consciousness can be widened and enhanced within the framework of the established political institutions of a parliamentary democracy. The time is long since gone in which the optimism of the Left, sustained by a philosophy of history, allowed them to see decisive solutions to this problem simply in a democratization of the economic sector. The same can be said for those years in which increased participation and parliamentary control of the political process on the part of the general public was limited to initiatives and movements which lay outside the parliamentary sphere.³ Nonetheless, it is still possible today to identify those levels on which a politico-philosophical theory needs to operate if its aim is to contribute indirectly towards extending democracy in contemporary circumstances.

Firstly, such an objective requires a normative foundation or explication of the democratic process in which political consciousness is formed. This idea has to be concrete enough to allow for a critique of insufficient democratization. This, in turn, should open a perspective for appropriately institutionalized correctives within the democratic structure. The theoretical means with which such an undertaking is attempted are generally derived from the tradition of social contract theory, or, increasingly, from discourse ethics. In any case, the fundamental concepts of

this theoretical framework have to be able to supply criteria, according to which the *status quo* of a democracy is shown to be in need of improvement.

The second requirement which such a theory has to meet can be understood as the 'materialist' counterpart to the idealizing elements in the first moment of its foundation. Conceived of as a sociology of domination or analysis of power, it has to inform us, from the perspective of its normative principles, about the structural barriers which, at any given time, prohibit the extension of democratic participation. It is in this context that a decision can then be made as to whether it is the economic, or political, or cultural distribution of power which is at fault, and should thus be seen as the primary obstacle to further democratization.

Finally, such a theory must provide answers to the question as to where the socio-cultural or motivational resources, which can make further democratization a worthwhile objective for the majority of the population, should come from. The last point touches on problems of a theory of culture which are tackled by empirically oriented social diagnoses. These can investigate the degree of democratic involvement in a given society.

If we attempt to articulate these three different levels in a condensed manner, then it can be said that a contemporary theory of democracy has to live up to the respective theoretical tasks of: providing a normative foundation; an analysis of power; and a diagnosis of culture. If a position which covers all three of these levels is not even implicitly taken, then it appears that a politico-philosophical concept which aims at an amplification of democracy in contemporary circumstances is rendered unfeasible.

If the idea of *civil society* is now examined with regard to the solutions it offers to all three of these problems, then one is faced with the difficulty of the categorial indeterminacy of this notion itself. In the first instance, the alternatives opened up by the translation of the English term *civil society* into German, points towards the obvious problems in its usage: '*Zivilgesellschaft*' recalls the democratic republicanism of Tocqueville; whilst '*bürgerliche Gesellschaft*' directly refers to the legal structure of Hegel's 'system of needs'. In the recent history of political thought the concept of *civil society* has taken on so many strata of meaning that it now embraces the capitalist market as well as the medium of the public sphere. It is thus to Charles Taylor's credit that, in a recent essay, he set out to distinguish fundamentally between two main branches of the tradition enclosed by the diffuse horizon of this concept.⁴

Charles Taylor holds that it is John Locke who supplied the basis for the first of these two branches of the tradition, which are nowadays fused together in our conception of *civil society*. Opposed to an absolutist monarchy, Locke's idea of the contract leads to a conception of society as an association of free citizens defined by their economic interests. This association exists prior to every political order.

After Locke it was necessary only to add to this conception the elements through which public opinion is formed, in order to transform it into that specifically modern concept of the '*bürgerliche Gesellschaft*', as we know it from Hegel's *Philosophy of Right*. Here, a social sphere is



described, in which the relation between citizens is not simply confined to the economic processes of exchange and labour, but also includes the institutions of public debate in such a way that they form a sociological unity prior to all political integration.

However, at the same time, there is an additional institutional element to be found in Hegel's concept, in that it includes professional corporations. This element is envisaged by Taylor as an important constituent of the second branch of the tradition. As in the first branch, this alternative originated from a critical reaction to the despotism of absolutist rule. In this case, however, the way in which it attempts to legally limit its powers is quite different from Locke's theory of the social contract. In the work of Montesquieu, Taylor finds the origin of a notion of the *civil society* in which the legally legitimized corporations of public self-government are responsible for the constant mediation between the social sphere and the state. The main difference from Locke's model is that *civil society* is here conceptualized as a realm which is directly connected to the domain of the state by a network of self-governing administrative authorities and other corporate bodies. The sphere of the *civil society* is thus not prior to the political sphere but is itself eminently political, insofar as it undertakes tasks directly relating to the governing of the state. It is easy to recognize in Tocqueville's doctrine of the free association of citizens, which along with Montesquieu became a fundamental element of this second branch of the tradition, the continuation of the Greek ideal of the *Polis*, which thus remains as a background to the concept of *civil society*.

However, between these two branches of the tradition another concept of *civil society* has developed in the twentieth century. Although this concept has its own delineable contours, Taylor has altogether neglected to mention it in his essay. This alternative is represented by Gramsci's understanding of *Società Civile*, similar to Habermas's 'public sphere' (*bürgerliche Öffentlichkeit*), a social realm in which all cultural institutions within which public opinion is formed are included. One prominent trait of this third version of the concept is that it situates the civil core of a society at an equal distance from the economic and the political sphere of society. Neither economic processes nor political management objectives are included within the framework of the public cultural sphere. But on both these levels it exerts a significant influence by means of the social formation of values and opinions. Gramsci's model of *civil society* has not, however, been widely taken up in the debate of the Federal Republic. Where there have been exceptions, the notion has only been taken up in an introductory or

interpretative fashion.⁵ In the main, when the construction of a new theory of democracy is attempted here, beginning from the imported Eastern European concept of *civil society*, it is the Lockean and Montesquieuan models, as described by Taylor, which are dominant in the debate.

Another thesis of Taylor's essay is that, within the context of the present political debate, there has arisen a problematic confusion between these two separate branches of the tradition. This thesis can be demonstrated, independently of Taylor's analysis, by reference to a book which appeared two years ago under the programmatic title: *The Democratic Question*.⁶

Amongst all the contributions to this debate, this book is exemplary not merely in its breadth of scope, which extends to issues of legal theory, or the rigour and persuasiveness of its argumentation, but primarily for the derivation of the basis of its social theory from Claude Lefort's concept of a symbolic mechanism. In the context of German research this book has thus opened new frontiers in the theoretical landscape.⁷ The book proposes, in a rich, multifaceted style, the central thesis that a further democratization under the conditions imposed by modern society can only take place in a step by step process of the widening of the sphere of civil society. How successfully this principle can function as a guideline for a theory of democracy can best be evaluated by testing its ability to fulfil the three requirements set out above. It should be possible to arrive at an assessment of the critical potential of this conception of *civil society* by investigating the solutions which are systematically provided to all three problems by this piece of research.

The first requirement raised the question of whether a theory of democracy can offer normative criteria which are able to show that the *status quo* of democratic institutions is in need of improvement. In accordance with our aim, the question can then be reformulated in order to ask whether, from a theoretical point of view, the existing liberal democracies of the West already represent operative forms of civil society. The implied answer given by the book to this question shows an ambivalence which is characteristic of Rödel, Frankenberg, and Dubiel's study in general. Their historically outlined thesis proposes that we can speak of a sphere of civil society if, and only if, there has been the establishment of a secular domain through a surmounting of transcendental legitimations of relations of domination. Within this sphere a public competition for the determination of political objectives must take place. Such a proposal is normative only in a very weak sense, because, whilst all forms of the exertion of power supported on totalitarian or quasi-religious grounds can be criticised, all institutional systems of liberal democracy have to be regarded as being equally good.

This stands in contradiction to another tendency exhibited by the book, which is normative in that it derives the sphere of civil society from the fictitious act of agreeing to a social contract, in which all citizens mutually recognize each other as free and equal beings. But, as a consequence, it would have to be said that in terms of our societies we can only talk approximately about a civil society, that is, only to the extent that all citizens have the actual possibility of freely and equally engaging in public debate. That the validity of

this normative theory is, to say the least, very doubtful, can be seen by the recent growth of poverty typical of many Western countries. In so far as this work remains uncommitted to either of these alternative ways of founding a concept of *civil society*, it is difficult to judge its critical potential.

The same must be said when the claims of the book are evaluated against the second set of demands which a theory of democracy is required to meet. The answers provided by the work at this level once again diverge along two different paths. The authors are obviously aware of the fact that the sphere of civil society, as the locus of the democratic formation of political consciousness, can in principle be subjected to structural violence from an unequal distribution of economic, political, or cultural resources of power. They would thus not dispute the need for a sociology of domination or an analysis of power to complement the more normative part of the theory. Hence the ambivalences of their argumentation are firstly to be found on a level which has to be designated as the methodological level, because it is here that we deal with the mode of a theoretical access to such phenomena of structural violence.

On the one hand, the work appears to give preference to a methodological tenet which is hermeneutic in the sense that it can only deal with repression or power to the extent that the affected subjects give expression to their experiences of oppression. The advantage of such an approach is obviously that the perspective of the analysis is always the same as that of the affected subjects, who, in this role, render certain forms of social domination available for public debate. Its disadvantage is, however, that it has to forsake any analysis of phenomena of structural violence, as these generally remain publicly unarticulated by the affected groups. On the other hand, as if to correct this difficulty, the



authors employ a sociology of domination, which carries all the classical traits of an explanatory analysis. They discuss economic disadvantages and talk about the growth in power of the media, as if such phenomena were objectively available independently of the judgements of the subjects of an empirical investigation. Again the fault does not arise from either of these theoretical alternatives, but rather from the fact that the authors have been apparently unable to decide between the two.

Finally, on the third level of requirement, an analysis of culture, an evaluation of the solution offered by *The Democratic Question* can be arrived at by thematizing its conception of *civil society* as such. Here a decision must be made as to whether the concept utilized by the authors tends towards Locke or towards Montesquieu and Tocqueville, because the accomplishment of the relevant theoretical tasks depends upon the degree of democratic engagement judged necessary for a civil society to be viable.

It is not surprising that the solution offered again oscillates between the two possible alternatives. On the one hand, it attempts to construe civil society as a network of private individuals bound together by their legal relations. This refers back to Locke's theory of the social contract. On the other hand, the sphere of civil society is conceived of as a community of shared values based on the multiple associations of citizens. With this tendency they continue in the tradition of a liberal republicanism which can be traced from Tocqueville right up to Hannah Arendt. The first definition is to be found in those parts of the book in which the integration of the democratic public sphere is thought of as a process which is confined to the constant reference to prior contractual relations. The second definition is discussed in those contexts where it is the 'solidarity' of the citizens which is construed as the motivation for voluntary assistance and attention, and as the means by which the economically disadvantaged are able to participate in the democratic formation of political consciousness. The diagnosis and evaluation of contemporary tendencies towards an accelerated individualization is dependent upon the decision between these two alternatives. If *civil society* means only the legal relations in a social realm, then the researcher need not be disturbed by such tendencies, but, if *civil society* is considered as encompassing a community of citizens for whom public freedom is a communal value, then they give cause for concern.

This open question which every contemporary theory of democracy has to answer thus brings this short overview to a close. It still remains to be seen whether a conception of *civil society* will be able to answer convincingly the problems, present and future, of our democratic societies. At the moment, however, the basic concept appears to be riddled with so many ambivalences that good reasons to hope for this are few.

Translated from the German by Ulrich Haase and Andrew Rossiter from Merkur, Vol. 46, no.1 (January 1992).

Notes

- 1 The English term *civil society* is most often used in this article. Sometimes Honneth uses *Zivilgesellschaft* in order to refer more explicitly to the German debate of the last decade. We will always render it as *civil society*, except where he distinguishes between two possible translations, which are *Zivilgesellschaft* or *Bürgerliche Gesellschaft*. [Translators]
- 2 Cf. the discussion around Andrew Arato's essay 'Revolution, Civil Society and Democracy' in the journal *Transit* (No. 1, 1990).
- 3 This idea of political initiatives which strictly separate themselves from all parliamentary processes, such as the early formation of the Green movement, was especially prominent in West Germany. It originated in the political ideas of the '68 movement, which in Germany was programmatically called the APO, the *Ausser-Parlamentarische Opposition*. [Translators]
- 4 Charles Taylor, 'Die Beschwörung der Civil Society', in: Krzysztof Michalski (ed.), *Europa und die Civil Society*, Stuttgart: Klett-Cotta, 1991.
- 5 Cf. Sabine Kebir, *Antonio Gramscis Zivilgesellschaft*, Hamburg: VSA, 1991; Alex Demirovic, 'Zivilgesellschaft, Öffentlichkeit, Demokratie', in: *Das Argument*, No. 185, 1991.
- 6 Ulrich Rödel, Günther Frankenberg and Helmut Dubiel, *Die demokratische Frage*, Frankfurt: Suhrkamp, 1989.
- 7 Cf. Ulrich Rödel (ed.), *Autonome Gesellschaft und libertäre Demokratie*, Frankfurt: Suhrkamp, 1990.

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