

Civil Society: Three Ways Into a Problem¹

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¹This is a revised version of a paper initially presented at the Symposium to Celebrate the Planning Career of John Friedmann, UCLA, April 11-13, 1996, where it was written as a discussion of Janet Abu-Lughod, 1996 “Civil/Uncivil Society: Confusing Form with Content,” also delivered at that symposium.

In Steven Lukes' recent novel, *The Curious Enlightenment of Professor Caritat*,² the hero of the novel escapes, with the aid of the underground resistance, from an Argentina-like country called Militaria, where he had been imprisoned for his teachings on the Enlightenment. In return, he is given a false passport in the name of Pangloss and assigned to find, for the resistance forces, the best of all possible worlds. First he goes to Utilitaria, the land of perfectly optimized technocratic governance, where all -- even the right to live or die -- is subject to calculation of its cost-benefit ratio. But when he is kidnaped by opponents to the system and held for ransom, he finds out that the State makes a calculation that he is not worth saving, for he has expressed doubts about the utilitarian principle. He is expelled into a neighboring country, Communitaria.

Communitarians believe in multiculturalism, and practice a fully developed, obligatory politics (and administration) of difference. Positive discrimination is used to encourage those communities that had been disadvantaged or were in danger of extinction. Schools are segregated but they teach curricula that give equal value to all of the various cultures, and no way of life, especially the Old Communitarian way of life, is ever given preference. Each citizen registers as part of one ethnic community and one religion, from an official list thereof, to which s/he belongs, all as a result of the Great Settlement, where the old, dominant ethnic group officially recognized, in a domestic peace treaty and a new constitution, that it is only one among many cultures. Each group establishes its own internal authorities, for schooling, community life and religion.

Poor Professor Caritat has no luck, though, because he comes across a rock star who

²London: Verso, 1995.

has been condemned to death by one of the groups who believes it has been satirized by his rock opera. The principle of tolerance, yes, but only insofar as it is based on the right to “absolute respect” of each group; giving offence to another’s community is a crime, punishable by death. Satire, distance, cosmopolitanism are enemies; and those individuals who don’t want to belong to a group are labeled “rootless cosmopolitans,” relegated to pariah status. Along the way, the hapless Voltarian is accused of sexual harassment because he asks a female colleague out to lunch (who is a member of the Indigen(ous) ethnic group), and is brought for trial before the Body of Gender. His fate looking increasingly doubtful, Caritat hops the next train for the unknown nations of Proletaria and Libertaria (from whence he will also ultimately be expelled) -- there seems to be no place left for his enlightenment values in these societies devoted to the ruthless pursuit of a single principle of social organization.

Communitaria looks a lot like the civil society utopias which crop up regularly in the academic literature on bottom-up planning or “radical democracy.”³ The concept of civil society has been taken out of a theoretical ghetto defined on one side by traditional Marxist diffidence toward the subject (because it did not fit comfortably with the two-class model), and on the other by mainstream sociological theory, (where civil society was seen as the functional locus of responsible civic practices in a modernizing world). By contrast to these old models, the vision is of a more decentralized society, based on complexity, diversity, and at least some measure of self-governance in a world full of big and distant political and technological structures. For these reasons, perhaps, the concept of civil society has “taken off:” there is not a single

³ The literature on this subject is enormous. See: John Friedmann, 1992, *Empowerment: The Politics of Alternative Development*, Oxford: Basil Blackwell. For a good discussion of some of the dilemmas, see C. Taylor et al, 1992, *Multiculturalism and the Politics of Recognition*; for a political statement, see Mouffe, C, ed, 1992, *Dimensions of Radical Democracy: Pluralism, Citizenship, Community*, London: Verso.

international organization which does not insist on the importance of NGO's (their version of civil society); in the USA, virtually the entire field of progressive planning is devoted to community mobilization; and even the Statist European governments are turning, in desperation, to the idea of bottom-up community-based development as the way they think they will resolve the problem of urban decline.

The travails of Professor Caritat suggest, however, that if civil society is to be defined as something capable of generating social progress, then it must be sufficiently precise as to exclude the "bad" versions which can currently be included. The multi cultural paradise of Communitaria is full of new forms of intolerance and compulsion and, redoubtably, its administrative style doesn't look all that different from the worst forms of Eastern European socialism.

In this short paper, I want to raise three closely related groups of issues about civil society as a concept in planning thought. The first has to do with the content of civil society: does it need a unifying normative content? The second has to do with the relationship between civil society, state and market and how we think about them in relation to problems of planning. And the third has to do with how we represent civil society to ourselves and shape it through those representations. Specifically, it calls for greater critical distance on the part of planning thinkers than has been in evidence to date.

The Refusal of Normative Questions

Abu-Lughod⁴ goes right to the heart of the matter in suggesting that the form of civil society -- e.g. decentralized, embracing a diversity of voices -- does not have a straightforward relation to the content of those voices. In this, she mirrors an old debate in political philosophy,

⁴Op cit, 1996.

especially modern democratic political philosophy, between democracy as a set of procedures, and democracy as content or substance. Of course, there is no definition of democracy that doesn't have some of both, but the old split is between Anglo-Scottish versions which tip toward procedure, and French versions which tip toward outcomes. If you will, the democracy of the individual's procedural rights, versus the notion of a democratically-approved set of collective social outcomes. And this is still the axis of our biggest debates today, in virtually every aspect of social and economic policy. The standard American language of rights in abstracts away from concrete reality. It represents us all as citizens before the law, with rights to protection and rights to expression. In *Empowerment*, John Friedmann warns us that this is naive, because it ignores the strengthening of the state-market-corporate power nexus. In other words, we have to update Jefferson and Tocqueville for the contemporary world. In this respect, his inspiration is from radical political economy, which always insisted that procedural rights couldn't make society fair if power is distributed extremely unequally. The radical democracy literature in general tells us that people are there, mobilizing themselves, giving themselves collective voices which are other than those of state, market and corporation, but that we have to make the playing field fairer.

If we translate this into policy- or legal language, the two terms which come to mind are transparency and access. Procedures have to be readily available, and the ways in which decisions are reached must be documented-- transparency. Both are underpinned by the critical issue of the nature and availability of information and knowledge: to whom and under what conditions? And we know that American society is struggling with this on all levels, often through protracted legal battles between managers and workers; citizens and government agencies; students and professors; and so on. The increasing procedural and informational complexity of democracies, in part a response to demands for access and transparency, means that considerable resources -- scale and staying power -- and knowledge, are required to

exercise one's rights. This is a program for planners, and -- as I noted before -- it has become part of the everyday language of international organizations and even some governments. This program is basically about form.

It is problematic, however, to not be able to specify the content to which such procedures are to be devoted. This doesn't go away merely by declaring oneself to be for such good values as "social justice," "equality," or a "multi-cultural" society, the keywords in planning circles. These terms themselves can mean many things. Social justice to the scholars who work at the Ayn Rand Institute or the Hoover Institution might be different from those who work in some liberal or radical think tank.

Two critical questions about content which have been largely put aside in planners' discussions of civil society. The first question is the classic one of universalism and particularism. Both the Michigan Militia and the community movements of New York's East Village essentially define themselves as movements with a kind of minimalist content, in the first case a sort of radical libertarianism, in the second as a kind of ad hoc and vaguely defined notion of "our community." What happens when these groups try to address the broader society? The Militia, curiously enough, probably comes off better, in that it has a clear political platform of anti-Statism and radical individualism; but beyond that, it does not have strong values which it holds to be universal for a democratic society. It is weak on content. The East Village activists, on the other hand, might be strong on content, but they are particularistic: they can't tell us how their local needs fit into a society which has all kinds of other needs, like those of mobility, openness, cosmopolitanism. These are values which fit problematically with localness, preservation of community, and such. Surely, they are not for blocking their neighborhood off and having only those residents already in place define the "eternal values" of the area?

This has been the essential, nagging problem of all movements for defense of “community” in the USA, and to a somewhat lesser extent, in the western European countries.

Community means different things in different contexts. In contemporary America, we tend to think of it as a bottom up, anti-corporate exploitation attitude, one which tries to give voice to values other than those of short-term market transactions. But community -- as Lukes’ cautionary parable suggests -- can equally mean, “my region or culture against yours”: my white American culture against your foreigners’ culture; my German or French culture against your Turkish or Algerian culture. It is also salutary to remember that there is a long tradition of anti-capitalism in regionalist-racist movements, not only in Europe, but in the American south: market society is seen as the vehicle of openness and cosmopolitanism, as against the “true” local culture with its values that predate the market. This is the unresolved, and under discussed problem of the difference between appropriate demands for context-sensitivity, autonomy and liberty, and inappropriate claims based on particularism in civil society.

This joins directly the second issue, that of the normative content of movements in civil society. It has become unfashionable to discuss normative questions, except for the vague terms of social justice, equity, or diversity. But those are hollow shells, as we have just seen: what is justice to one is oppression to another, unless we can define them. The efflorescence of civil society is linked, as we all know, to the philosophical movement sometimes known as post-modernism. Its point of origin-- the manifesto of Francois Lyotard⁵ -- was to acknowledge that the notion of a unitary society, unitary ideology, and unilinear process of social development was no longer valid. In its place was to be a fragmentation of social identities, a non-linear process of social development, a new diversity of ideologies and agendas. This corresponds

⁵Lyotard, Francois, 1985, *The Postmodern Condition: A Report on Knowledge*, Minneapolis: University of Minnesota Press.

well to the observation that civil society re-awakened at a certain point, containing all kinds of new groups, with new agendas. The darlings of the post-modernists are, of course, racial, sexual, ethnic, and other kinds of “minorities,” the so-called collapse of dominant white, European, male modernist-scientistic ideas, and so on. These groups appear to be flourishing, and they obviously need transparency and access in order to do their work.

But what is the substantive content of their agenda? On one hand, if social justice reduces to mere equality of access, to the right to be diverse and different, it is essentially no different from any libertarian agenda, including those of the right-wing libertarians. On the other, if the right to be different also means the right to be separate, then it echoes the racist and culturalist philosophies of the far-right wing of Europe. In neither of these cases has the problem of the normative content of post-modernist civil society been dealt with. This in no way implies that the majority of such groups are really advocating either of these two extremes. But there are subtle effects of orientation of agendas, or of playing into agendas which one does not construct or wish to construct. Consider, for example, the rapid development of identity politics in the United States: for it is now just as legitimate for “Christian family values” to be advocated by their resurgent movement in civil society as it is to advocate gay liberation, affirmative action or the rest. In the Los Angeles City Council, there is scarcely debate anymore when viable economic development projects go down the drain because of disputes between different ethnic factions. All the debate in the press is about who mastered the “game” more effectively. And, recently, when Jean-Marie Le Pen, the leader of the far-right French National Front party, commented in public that all races were not equal, and the government threatened to prosecute him for racist discourse, rallies were held all over the country against the “Statist thought police” and in favor of the right to express diverse opinions. In other words, the corollary of a refusal to deal with content-based normative questions is a radical kind of relativism: everything is equally valid which respects the abstract rules of procedure. Relativism is the

outcome of a refusal to deal with substantive issues of what we think should be universal and what is particularistic, where the only universal is a kind of procedural participative right, and then let the winner win.

Progressive forces are highly resistant to dealing with normative questions-- there are both theoretical reasons for this and political reasons. The theoretical reasons run the gamut: Marxism's dismissal of such issues as ideological rather than structural; sociology's notion that norms are just expressions of local contexts or habits; sociology's notion that justifications for norms are always internal to practices and can never be compared against any more general standard; Foucaultian notions that norms are just legitimations for power; and so on. These are all things to which we must be sensitive, but none is convincing in its entirety. In part, none is convincing because the pragmatic implications of following them are unacceptable: they lead to a radical particularization of groups in civil society, and thus to the danger of turning post-modernism and the efflorescence of civil society into precisely what they claim to reject, a kind of struggle of all against all others, paradoxically facilitated by the relativist celebration of difference as a value in and of itself.

More happily, this may not be the result, in part because many civil society groups and their resident philosophers are struggling sincerely to advance our notions of respect for others, i.e. the right to dignity, whatever one's characteristics might be.⁶ This is one of the major social projects of this *fin de siècle*: to create a new era in placing different ways of life on equal footing. But the danger does not end there, for success in this latter project may also have a very high price: a sacrifice of any real content for the agora, the public space and the

⁶ Though my position does not correspond perfectly to any of them, some efforts to this may be found in, *inter alia*, in the papers in Squires, J, ed, 1993, *Principled Positions*, London: Lawrence and Wishart; Young, I.M. 1990, *Justice and the Politics of Difference*, Princeton: Princeton University Press; Benhabib, S, 1992, *Situating the Self*, Cambridge: Polity Press.

public sphere. Though alterity and tolerance and diversity are essential components of our futures, and the resurgence of civil society has helped to bring them about, it is worrisome when the category of difference itself -- deeply inscribed in the intellectual doctrines elaborated by “progressive” American intellectuals and by many progressive planning practitioners and community activists -- has become a self-contained goal, not means to a truly public life.

This position has largely prevented planners from making substantial contributions to contemporary political debates, even though planners should be central to these debates because they are actually working with people; without some resolution, they will one day cripple the daily work of progressive planners. Indeed, this is already happening: the procedural milieu has been just as effectively used by the Prop. 187 movement, the anti-environmental property-rights movement, and the family values coalition as it has by the spectrum of progressive groups. This is not only because they have effective tactics and lots of money; it is also because the concept of democracy in our nation has largely been emptied of content over the last few decades, and progressive forces have been unwitting accomplices in this process.

As Michael Sandel puts it: “the central idea of a public philosophy by which we live is that politics should not try to cultivate the virtues of its citizens, for to do so would be to ‘legislate morality.’ But as a reigning public philosophy, this is a recent arrival....”⁷ We need to beware of the unwitting confluence between themes of civil society and the ongoing extreme fragmentation of our society and dissolution of the public sphere.

Civil Society, Market, and State: Created Hybrids

⁷Michael J. Sandel, 1996, “America’s Search for a New Public Philosophy,” *Atlantic Monthly*, March, pp. 57-74.

How do social scientists and activists, practitioners and bureaucrats define civil society to themselves? This has much to do with how they see the role of civil society in creating a better world. John Friedmann, in *Empowerment*, constructs civil society by modifying long-held categories of analysis. He sees civil society as radically opposed to, and distinct from: states, markets, and their hand-maiden, corporate power.

This is a North American perspective, in that it sees State and market on one side, as pure expressions of administrative power and economic power, structures which emerge as pure forms of modernism, and then civil society as the non-tainted expression of the people and their politics. Yet the USA is a sort of exception, in that it is one of the most radically commercial societies on the planet, where “market ideology” is a lived ideology much more than in many other places -- this simply echoes the long line of thinkers, from Tocqueville onward, who refer to “American exceptionalism.” I find it hard, for example, to say that Brazil or France -- which are both strongly Statist societies and economies -- have a radical separation between State and civil society. Along these lines, there is an old adage in France that “The French people did not make the French nation, the French State made the French nation.” And we might add that it is the reverse for the USA: the American people have made a very different kind of nation, where the market is a basic part of their social contract and hence part of their civil society. This is different from these other nations, where civil society finds its most privileged expressions in the State, not in a separate sector. Likewise, we know from contemporary development studies that markets do not exist in pure form: they are hybrids of embedded social practices, networks, non-market relations, and so on. That’s why there are so many kinds of them.

Why is this important? For one, because it orients our imaginations about what is possible. If we have a starting point which asserts that States, markets, and civil society are

separate spheres, then a certain kind of practice follows, one which sees the first two as the enemy of the latter. This may, empirically, be the case in some places, but it is not a good general rule. Likewise, if this notion of rigid separations is, say, imported to places where those separations do not exist, empowerment advocates would unwittingly cooperate in a project of de-Statization, a curious project for progressives. It seems to me that Bruno Latour has it right when he tells us,⁸ that the idea of pure structures is a wrong.....what we consider modern, e.g. states, civil societies, markets, has never really existed, except as convenient but wrong abstractions. What has existed are complex hybrids. So, it's important to know which kind of state-civil-society hybrid is before you, and therefore what you should be doing. In the United States, one could argue that progressive community activists have become unwitting allies of the withdrawal of the State from public policy -- especially urban policy -- via their endorsement of the view that civil society is against markets and States. The program of urban Empowerment Zones, for example, is all dressed up in the ideology of "bottom up" community-led development; but its structure is fundamentally defined by the withdrawal of the federal government from an active, universalizing role in urban matters, and the whole program does little to restore the Reagan-era cutbacks of two-thirds of the federal funding for urban policy. Yet NGOs and "civil society technocrats," armed with a morally-uplifting language of participation, are everywhere to be found in this effort. In planning education, students manifest an enormous interest in civil society, but -- it seems to me -- have relatively little interest in the kind of analysis that would permit a re-legitimation of the State in both market and civil society. This would require more work on problems with a wider spatio-temporal extent, and a higher degree of formal content, than most planning students seem to want to have today. This is not unproblematic, for the line between this kind of progressive analysis and a return to technocratic

⁸Latour, Bruno, 1993. *We Have Never Been Modern*, Cambridge, MA: Harvard University Press.

planning education is, in some ways a thin one, the two sharing a taste for formal theory and analysis. Yet it is immature to define ourselves merely in opposition to what we do not like. Critical planning thought, in this respect, has a long way to go before it will be able to deal with the kinds of problems described here -- where wide spatio-temporal extent of the problems necessitates theory and methods which can lead toward conclusions with potentially universalistic and normative content.

Who is Civil Society? The problem of Representations

My third major concern is that we need to be extremely sensitive as to how we represent to ourselves such concepts as state, market, and civil society because we are part of them, they are not static, and it is easy to deceive oneself.

Our subjectivities are created by social forces. This means that the people who analyze, in the University, or who work, in the community, in what they consider to be civil society, cannot easily separate subject and object. Absorbed by the passions of identity politics, for example, its easy to forget that these politics come from somewhere. Am I a citizen, a white male, a gay male, a professor, a Western rationalist? It's not enough to say, "all of these -- multiple selves in a fragmented civil society." I am responsible for understanding the context of acting as such: and that's just as true for every woman who acts as a feminist, every black who assumes a black identity, as it is for every member of the "elites." Civil society and our identities in it does not, simply, exist. It is strongly tied up in an unending circle of our representations of it, to ourselves and to others.

More than ever before reflexivity is institutionalized. Institutional contexts and routines are organized to reshape, deliberately, other institutional spheres. Civil society is not free of this: the media, international organizations, community organizations, planners, sociologists,

musicians, playwrights, and others constitute networks of actors who shape and reshape civil society, by reshaping representations of it. In the USA, the mainstream television and journalistic media, along with other mainstream cultural authorities such as Hollywood, university administrators, and others become very fond of emphasizing race, gender and identity, and international institutions and foundations are heavily involved in funding “civil society” in the form of NGOs. Many of them are well-meaning, skilled, and intelligent. It is nonetheless the case that what we have before us is the institutionalized reshaping of an institutional sphere. With it comes the danger that civil society is being recuperated, integrated into a radically relativist framework by these institutions of our reflexively modern society⁹. We have not reached the dystopian distortion that Lukes describes as Communitaria. There is much to do to advance the project of tolerance, alterity, and inclusion. But the collective “right” to difference, to being “oneself, collectively” should not become uncritically accepted as an absolute value, superior to all others. It must be woven into a tissue of other considerations, a political philosophy for our societies which is based on a philosophical complexity adequate for the complexity of our societies themselves. There is no other way to reach for this goal without a certain measure of critical distance from our own representations of who we are. This is, in many ways, quite different from the usage of the term “critical” in the new “critical theory” in the social sciences, where it refers to criticizing the social order. Just as both forms of criticism are valid, so are the forms of theory which underpin each. In the case of critical distance, this means theory and analysis which subjects itself to tests -- theoretical and empirical -- of its own representations of reality.

⁹ On the notion of reflexive modernity: Giddens, A; Beck, U; Lash, S, 1994, *Reflexive Modernization*, Cambridge: Polity.

