

Chapter-2

Ideas of Civil society: The Western Philosophical Tradition

Following the discussion from the debates over idea of civil society, it is essential for us to track the carrier of these ideas of civil society in western traditions. Because it is a prelude to a critique of Western Europe and its hegemony which is posed as a source of these ideas. And it is a mine field of variety of its usages. Its usage in western tradition entangled in philosophical positions and practical contexts of the age. Depending upon the thinker, their context, specific construal of civil society varies. It varies on the basis of specific philosophical positions and also depends on the weight that he/she assigns to each specific idea in the overall architecture of his thought. In the following, a cursory view of range of ideas is offered and their approach delineated.

Conceptions of Civil Society in Western Political Thought

There is a strong disagreement among theorists of civil society on the issue of availability of ideas in ancient and medieval traditions. Most of the reviews begin with Locke and continue with Montesquieu, Scottish school of political economy. Hegel, Habermas etc. They do not consider ideas of civil society before modern times. They speak of civil society as a distinctive characteristic of modern society.

Civil society is used to articulate a specific experience of social life in modern times. In modern times activities like production, trade, leisure etc. are considered as private experiences and interests. These activities are not subordinated to religion/church or overarching political community. A separation of economic, social and political has emerged in modern times. Each of them constitutes a separate sphere with a functional logic specific to them. These spheres are not oriented to telos of either religion or overarching political community. Civil society is a sphere constituted to make possible public expression of private interests as consumers, producers, employees, members of clubs established for specific purpose, groups pursuing specific political ideology.

There are others who think that ideas of civil society are available even in ancient and medieval times. Idea of civil society in ancient Greece is described as “the Aristotelian idea of *Koinonia Politike*’ translated into Latin as ‘societies civils’ refers to a political community of free and equal, virtuous citizens bound together by willingness to advance their common interests by means of political self rule in order to protect their interests against both despotism and anarchy.¹

He thinks that this conception of civil society offers a strong antidote to any contemporary notion of civil society by asking one significant question. “What are the social understandings, forms of life and modes of action necessary for the establishment and preservation of political institutions that enable civic cooperation and political autonomy?”

This question is critical to any modern versions of civil society in ancient times. There was no autonomy of different spheres of life. Drawing from Aristotle, there exist different kinds of associations with varying scope and purpose. Family villages etc. are examples of such associations. But none of these associations are final in themselves. All these associations ought to be subordinated to final association, state. State comprises all other associations. The purpose of the state is realization of good life. Ends of all associations ought to be subordinate to the final end of the state that is realization of good life which can be achieved only through virtuous conduct. Society as an autonomous sphere independent of state does not exist in Greek times. A modern notion of civil society can be conceived, but a different notion of civil society does exist.

There are ancient ideas of civil society as well as modern ideas of civil society. Civil society as a characteristic of modern society is a restrictive view. It limits the possibility of conceiving civil society that is relevant to non-modern situations or non-bourgeoisie situations. Vast areas of life are being led differently from bourgeoisie life. Institutions of such a life do not conform to bourgeoisie norms. They follow different values and ideas. These values are conceived in varieties of ways. Ancient conceptions are relevant to think of alternative ideas in civil society.²

¹Forst, Rainer, “Civil Society,” In Goodin, Robert, E & Petit Philp (ed), *Contemporary Political Philosophy*, Oxford, Blackwell Publishing Ltd., 2007, P. 453

² *Ibid*

Ancient conceptions of civil society

Plato articulated philosophically many features of Greek life. Greek life recognized variety of human relationships like friend ship marriage, teaching citizenship, the duties of slaves, responsibilities of masters etc. Each of these relationships was studied in their specificity and its relationship to other areas. Political power frames all these relationships and the membership in political community is the key fact of their existence which makes it different from barbarism.

Specific parts and the whole of the political community should orient itself according to true knowledge. This necessitates going beyond private interest and organizing civil society according to harmony inherent to nature of things or justice. All disturbances can be traced to inability of the constituent parts to function according to their logic and to the consequent disruption of the whole, the political community. Transcending private interests and realizing harmony among key constituents of civil society is essential for its health unrestrained private ambition can result in breakdown of political order. True ethical knowledge which can be had by few is the only guide to organization of civil society.

Aristotle

According to Aristotle, there are multiple spheres and politics is the most comprehensive of all these spheres. Lower level organizations have their own functional logic but can be fully understood in relation to the comprehensive of all spheres, state. Civil society is a common wealth in which subsidiary organizations have their own logic and their ends are subordinate to the ends of the state. There are four elements essential to understand Aristotle's notion of civil society.³

Firstly, civil society is composed of plurality of associations. Each association aims at specific purpose.

The particular aim of the association determines the nature of individuals constituting it for instance; house hold performs the limited function of meeting basic needs. This requires slavery since slaves participate in production. The existence of household is justified because it allows citizens to free themselves from the drudgery

³ Ehrenberg.J, Civil Society: The Critical History of an Idea. Newyork, Newyork University Press,1999.

of production. It enables citizens to exercise their rational judgment in the public conduct of polis. Thus household is necessary for the better functioning of the polis.

Secondly, Aristotle did not see polis as a total moral unity. He recognized the existence of variety of private interests. The polis “necessarily requires a difference of capacities among its members which enable them to serve as complements to one another and attain a higher and better life by mutual exchange of their different services.⁴ He emphasized the significance of private life private life is necessary to develop certain interests, though at the same time it should not corrode public life.

Thirdly, plurality of civil society should be reflected in government by promoting mixed forms of government should provide representation to different classes/interests/spheres to ensure stability.

Fourthly, cultivation of virtues⁵ is necessary for it brings in moral depth to experience which is key to lead good life. One acquires virtues through continuous action as against slipping in to self-love or egotism Thus, civil society is a politically organized commonwealth in which happiness can be attained through virtuous conduct. Freedom lies in overcoming self-love through virtuous conduct in public life.

Cicero

For Cicero, the ‘societas civilis’ constitute the common wealth, which alone can preserve the liberty and dignity of its members. He suggested mixed governments because it alone can give expression to economic differences while preventing their destructive potential. The tendency of different classes to encroach upon the liberties of each other could be addressed through appropriate safeguards. Civil society is organization of political power based on the universal human capacity to share in the right reason that is consonant with nature that orders universe Reason consonant with nature can be elaborated as following.

“For if we each of us propose to rob or injure one another for our personal gain then we are clearly going to demolish what is more emphatically nature’s

⁴ Aristotle, *The Politics* (Trans and edited) Ernest Barker, New York, OUP, 1965, P-41

⁵ See Ehrenberg P.16-18

creation than anything else in the whole world: namely, the link that unites every human being with every other.”⁶

For him civil society came into existence in a social spirit that nature has implanted in humans with this innate sociability and informed by reason.

Augustine

Augustine⁷ is one who provides a first systematic Christian theory of civil society. For him, all that is good-is derived from the mysterious workings of the Holy Spirit. No permanent good can result from the work of humans. Since the raise of Christianity human race has been divided into two great cities.

One city serves the Devil and his demons while the other serves God and the angels. One city represents the affairs of the flesh, while the other represents the unity and peace that comes from god. Denied by egoism and pride, the *civitas terrena* rooted in disorder. The city of Man is the realm of perpetual struggle, conflict and war.

Augustine’s task has been to place restraint on fallen human nature. He looked for a mechanism that could defend a flawed civil society from the threat of disintegration. He found state as a mechanism which can establish a semblance of order by coercive means. Human authority cannot establish order and peace because it can control only external aspects of humans by coercive means. State cannot transform internal life of the mind and cannot be source of moral tie. State can restrain the exterior of the person, but interior of a person can be redeemed by divine grace only. Thus, church is a universal institution and is source of moral life. While state is a mechanism operative by coercion. Political authority is divided between the monarch, the estates and local authorities the internal relation among the above entities constituted social sphere conceived independently of political power.

Marsilius of Padua

Marsilius of Padua has broken totally with Medieval traditions of thinking. He broke with the fundamental premise of medieval tradition that there was a hierarchy

⁶ Ehrenberg, *The Politics* (Trans ad ed), Ernest Barker, New Delhi, OUP, 1965, P.41.

⁷ Ehrenberg, P.33

between higher and lower, spiritual and temporal and as a consequence two different spheres of authority with one being superior and the other inferior. It was understood that spiritual realm is primary, while temporal realm is secondary. But Marsilius of Padua undid this tradition.

He argues that humans live two sorts of good life, the temporal and earthly and the eternal and heavenly. Civil society is the terrain that covers the first. Civil society is constituted by the adjudication of disputes, restraint and punishment of wrong doers, protection of what is common and promotion of the worship and honor of God.⁸ The lie of the Church is determined by the state.

Marsilius did not see any connection between other worldly ends of salvation and immediate concerns of the world. The stability and reason are only criteria in structuring this worldly affair which implies that church is one among many institutions. Civil society originates in the principle that all men desire the sufficiency of life and avoid the opposite.⁹ This notion of civil society decisively breaks with medieval idea of balance between temporal and spiritual realms, spiritual issues like salvation does not have anything to do with temporal order. Temporal order solely aims at stability and rule according to reason. Civil society and state are exclusively concerned with temporal rule while Church is concerned with religious matters. Church does not have any overarching power to encompass and guide the temporal. It is one of the many other institutions of social life.

Marsilius's clear exposition of church and state as two autonomous spheres broke the medieval synthesis of a united Christendom of spirit and flesh. The matters concerning people's outward lives, legitimate power belongs to sovereign power. "The state is the sovereign source of law, it defines and constitutes the church and it is to be obeyed because it is itself the expression of justice."¹⁰

Marsilius thought ended the idea of two poles of power constituted by theological centric cosmology and gave birth to new idea of undivided sovereignty of the temporal it knows no limits to its authority. It had been also made possible by emergence of new markets and new political structures of absolute kingdom.

⁸ As quoted in Ehrenberg, P. 52-53

⁹ As quoted in Ehrenberg, P. 53

¹⁰ *Ibid*, P-53

The modern period and the idea of civil society

Modernity is a distinctive break from the past in social, political and cultural terms. It is more so in terms of inventing new concepts which later on shaped life of entire period known as post enlightenment period. Civil society is one such concept which came into modern period with a distinctive meaning. Its modern meaning is critical to non-western societies understanding of civil society because the practices are shaped by this meaning of civil society. Even to take a critical stand one needs to understand modern strand.

Modernity faced critical scrutiny in the decades of 70's and 80's from social movements, feminists, communitarians, environmentalist etc. All these critical accounts characterised modernity in a specific way. They have criticized modernity's self-narrative and offered an alternative characterization of it.

One of the crucial characteristics of modernity is emergence of autonomous individual with capacity to reason. Till then, the idea of individual is not available. Individual was subjected to the authority of the community or collective. With modernity, the idea of individual as distinct from other collective identities came into existence. Individual is concerned as rational being and possess capacity to reason by virtue of which he would be able to make choices crucial to his agency in the world. His loyalty to any authorities which have not born out of individual choice is considered to be irrational. State must promote national culture through its policies. State must have to encourage the process of creation of rational public authority. It includes rational allocation and exploitation of resources which has to be subjected to a process of rational decision making by experts. Decision making is rational if it promotes efficiency. This kind of rationalism faced challenge from variety of sources particularly post-modernism.

This modernization process faced challenge from reassertion of role of collective identities like religion, caste, language, ethnicity etc. in public affairs. This also gave boost to reemergence of communitarian philosophies articulating the worth of living in the life of community which is desirable for nurturing one's self. Still, other challenges came from critics of positivist science. Positivist science brushes aside all pre-scientific and non-scientific sources of knowledge. It privileges knower in accessing truth. Knower is seen as disconnected from his environment and as a

disinterested observer creates knowledge of the world by objectifying it. This knowledge aims at manipulating the social worlds to establish goals like peace, harmony etc. In the process, knower establishes his power over the known.

Modern epistemology displaced cosmologies of traditional life world. Rationalism in social life produced social life whose internal texture is constituted by instrumental rationality. It destroyed social meanings intrinsic to social imagination of face to face society. It made possible reconstitution of social life under large identities like nation state. It led to loss of meaning for the persons in an increasingly mechanized, and atomized social world. The meaning is recreated by emergence of large nation state. Thus, modern epistemology recreated social worlds from traditional cosmologies to modern nation states. This transformation has been effected by modern political thought. Concepts like nation civil society and democracy fit into the transformed social world.

Thomas Hobbes

He is an innovator in political thought. He carried transition of political thought from pre-modern to modern thought on his shoulders. He invented concepts that became undergirding operational concepts of modern state and civil society. His rationalism allowed him to free himself from metaphysical traditions of medieval past and produce a theory of state without being concerned with tradition. His theory transformed the way world is known. The fundamental basis of human knowledge is sensation while basic entity of existence is moving matter. For him, nature is purely matter in motion devoid of any purpose and sensation impinged on mind by material objects is primary source of knowledge.

Hobbes conceived civil society as a sphere of self interested activity. For him, civil society and the state are artificial constructs, not natural institutions. These artificial constructs are necessary for sustaining civilization and to establish domestic peace. Dangers to civilization emanate from condition of man in state of nature “their equality and their desires”.¹¹

¹¹ Monk Ian-Hampshire, *A History of Western Political Thought: Major Political Thinkers From Hobbes to Marx*, Oxford Blackwell Publishers, 1992.

Humans seek power perpetually for self protection. Power is understood as present means to obtain some future good. One cannot stop pursuing power. The present pursuit of power is a guarantee against future loss of it. Relentless pursuit of power results in a war like condition. This condition is further accentuated by the natural fact that humans are roughly equal. Since in state of Nature, there was no single common political authority to enforce order. People need to rely on their own reason to pursue interests in competition with others. Rational self-interest is the source of action and collective living. Individuals using their capacity to reason, in their own self-interest would choose to quit state of nature and establish state and civil society as the state is the necessary condition of civil society. Reasoning individual would realize that it is impossible to live under perpetual insecurity of the state of nature.

While entering into contract, people need to renounce their right to all things because such a right would create competition and war of all against all. Renunciation of right is necessary; otherwise it would create competing claims within society. It comes from a calculation that benefits of peace are more than the losses.

As individuals desire for material objects in unlimited and ceaseless manner and since they are roughly equal in their powers, It would result in competition and violation of all the agreements unless there is a common enforcing mechanism, state. "the binding cement of civil society is the fear of anarchy and overcoming it with sovereign power is the political act that constitutes the state and civil society at the same instant."¹²

Hobbes idea of civil society is similar to idea of common wealth in the sense of fusion between state and civil society. Civil society comes into existence by an act of agreement. It is an agreement to replace many private wills with a single common will which becomes binding on its members, thereby ensuring safety and security. Secondly, there is no distinction between law and morality. Authority is concentrated in the sovereign. Political power recognizes state and civil society alike as the act of the sovereign can only sanction legitimacy to social relations. Thirdly, intermediate organisations do exist and can continue only at the pleasure of sovereign as any autonomy to these authorities would result in anarchy. Fourthly, though civil society

¹² Ehrenberg, P.4

requires strong state. Hobbes was aware that there were many fields like economics, science, arts and letters which have to be pursued for the purposes that sovereign has set for them.

Civil society is a sphere of private activity for the pursuit of self-interest expressed mainly in terms of material gain and power but this has to be guaranteed and constituted by the state.

John Locke

Locke's conception of civil society created an autonomous sphere of individual action independent of state it articulated an economically¹³ determined sphere of "property, rights and private desire" apart from the enforcement power of the state. For Locke, state's unlimited power would undermine the very security that it would provide and it makes civil society impossible.¹⁴

Locke gave a death blow to the idea of common good. It has been replaced by private satisfaction as the basis of political obligation. State cannot violate the set of pre-political rights-right are basic guarantee for private satisfaction. One can rebel against the state if these rights are violated.

Locke described state of nature as "a condition of peace, good will mutual assistance and preservation."¹⁵ In natural condition, people were free to dispose of themselves and their property. They were rational enough to make sense of and understand natural law natural law is justified by referring to humanity as property of God. Hence, nobody can destroy humanity, individual and his rights. According to natural law, humans have equal powers to preserve oneself and humanity. Their equality of powers is grounded on being equal members of a biological process.

In the state of nature, executive power prevailed exclusively in the hands of private individual. The task of implementing the natural law was in the hands of every individual. Every person had the right to punish those who violated his/her rights. People cannot be expected to be impartial judges in their own case was the inconvenience that made civil society possible. Secondly, biased by his own interests,

¹³ *Ibid*, P-84

¹⁴ *Ibid*, P-84

¹⁵ *Ibid*, P-85

he would not be able to understand and apply the dictates of Natural law. Thirdly, he may not have sufficient power to enforce Natural law. Locke's civil society resolved this deficiency by taking executive power out of the hands of individuals and vested it in the public. Executive power also became impartial as it was wrested from private individuals and made public. It was made possible by founding common authority to carry out legislations.

Civil society was created to protect life, liberty and property and to preserve God's property, Humanity. The founding of state and civil society is essentially to protect and preserve private property, the abstract representation of individual freedom. Civil society and state did not create any new rights that did not exist in pre-political state of nature right to life, liberty and estate.

Scottish Enlightenment Thinkers

Scottish enlightenment thinkers like Adam Ferguson, Adam Smith inaugurated a new genre of thinking on society and politics called as political economy. They had contributed enormously to modern thinking on civil society and politics called as political economy. They had contributed enormously to modern thinking on civil society. They represent enlightenment tradition in social and political thinking. The enlightenment

"Expressed a direct challenge to the fundamental principles and political and moral authority which underlay the absolutist order. It replaced God by reason and Nature as the regulative principle of the moral social and political order. It replaced divine revelation by scientific inquiry as the source of truth and it replaced the priest and the philosopher by the scientist as the arbiter of propriety."¹⁶

The enlightenment invented the notion of law regulated social universe similar to physical world whose laws can be discovered with certainty through the instrument of human reason. It gave raise to conceptualization of social world as objective and as

¹⁶As quoted in Chandhoke, Neera, *State and Civil Society: Explorations in Political Theory*, New Delhi, Sage, 1995, Pp.88-89 also see, Clarke. S., Marx, *Marginalism and modern Sociology*, Hound Mill, Macmillan, 1991, 2nded.

independent of process of rectification. Since the social world is law governed and the laws could be discovered by the faculty of human reason, authoritative knowledge of social world could be attained with certainty and its analysis and prediction became legitimate task of social scientist. Hence the enterprise of speculative philosophy is replaced by scientific pursuit of political economy or laws governing social universe.

Adam Smith introduced a new genre of study called political economy. He opened a new vista in studying human societies and particularly inheriting economic activity and market processes and its relations to manners and morals or civilized life embedded economy was replaced by market economy. In market economy producers get in touch with other producers in the domain of production, exchange and distribution. The only contact among them was exchange of commodities and its legal form was contract. New market required invention of new ideas like labour, price and value. New form of economy required conceptualization of new practices like exchange of values and its concomitant social forms like civil society.

Adam Smith placed division of labour at the centre of civil society and linked it to moral improvement that would accrue from increased human productivity. Division of labour would lead to prosperity. It involves performance of different tasks by different people. It means each labourer is involved in producing more than what is required for meeting his necessities and conveniences. Each labourer would want to produce more and enhance amount of economic value at his disposal. This leads to overall prosperity of society as a whole.

Market as an institution enables individuals to multiply their skills and regularize their mutual dependency. It happens through specialization of skills and exchange of products of labour. Exchange occupies centre-stage in civil society. Smith's civil society is a network of mutual dependence organized by market exchange of labour. It requires modern sense of freedom.

Freedom implies absence of restrictions on buying and selling of labour. Civil society consists of networks of buying and selling of labour and goods regularized by recurrence and operating within the framework of law. Freedom lies in non-hindrances to poor man to sell his labour and to buy that labour by his employer thus, civil society consists of free voluntary exchanges between buyers and sellers of labour and goods.

For Smith Civil Society did not originate as a form of rational human design or in reason or in speech. But it originated as "necessary though very slow and gradual consequence of a certain propensity in human nature which has in view no such extensive utility, the propensity to truck, barter and exchange one thing for another."¹⁷

He founded a new basis for durable social order with lies not in innate morality, but in the nature of self-interested individual. "it is not from the benevolence of the butcher, the brewer or the baker, that we expect our dinner, but from their regard to their own interest we address ourselves, not to their humanity, but to their self love and never talk to them of our own necessities, but of their advantage."¹⁸

He established a link between private advantage and public good. Self-interested activity of private individuals would have a systematic consequence of generating public opulence which would in turn help in establishing a civilized life. It is commonly known as invisible hand explanation. It says that pursuit of private advantage would lead to public good. Smith's achievement was to articulate a conception of civil society whose automatic operation made the pursuit of self-interest would result in common good. Civil society the realm of free self-interested activity in production and exchange can correct itself automatically if the political authority does not interfere.

Hegel

Hegel transformed the structure of philosophy itself and along the way, he transformed the understanding of our social ideas. He assigned an important place to individual self-determination in his conceptualization of civil society. He articulated a new relationship between state and civil society. He sees civil society as a specific stage in the development of individual personality which necessarily cultivates in the state. Modern phase is different from other phases of human history. In this period

¹⁷ Smith, Adam, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Oxford, OUP, 1993, P.21

¹⁸ *Ibid*, P.22

one can apply results of free thought to the conditions of human life." Freedom is a structure of interactions in the world in which self-determination of each is a condition of the self-determination of others. Human history is the domain in which freedom comes into being as the summation of all practical relations."¹⁹

Hegel was the first to elaborate modernity as three distinct spheres of ethical development: family civil society and the state. They are three different structures of ethical development. They are different yet related moments of freedom in which individual self-determination is realized in larger ethical communities: civil society and the state. They are three different structures of ethical development they are different yet related moments of freedom in which individual self determination is realized in larger ethical communities.²⁰ Civil society is one such moment of ethical life the other two being family and the state.

The family constitutes ethical life in its early phase it suppresses differences between its members because it is structured by love, altruism and concern for the whole No family can continue in existence if it is driven by self-interest. The minimum condition of ethical life in family is its unity. It dissolves as children start new families and acquire property because their subjectivity is expressed in terms of ownership of new things.

The civil society is another moment of ethical life characterized by competition and particularity. Its inhabitants act with an intention to satisfy their own driven needs and to treat others as means to one's own ends. In civil society, each person is his own end and everything else has no meaning to him. But, except in association with others, he cannot meet his own ends. This association enables formation of new ethical life constituted by mutual selfishness and yet advanced moment than family as constituted subjectivity in its particularity, simultaneously mediating the particular through universal. In civil society, 'each man in earning, producing and enjoying on his own account is ipso producing and earning for the enjoyment of everyone else.'⁸⁴

¹⁹ Ehrenberg, P. 124

²⁰ Ehrenberg P.125 as quoted in, originally from G.W.F, Hegel, *The Philosophy of History*, New York, Dover, 1956

Civil society is a moment of freedom in the sense that he finds self-realisation through practical activities in the world by actually attempting to satisfy his wants. However it is also an alienated and unfree condition. With the emergence of bourgeoisie economy, civil society has become sole-determinant of individual's lives. Initially family used to provide individual with skills necessary to earn one's subsistence in case he suffers a disability.

"But civil society tears the individual from his family ties, estranges the members of the family from one another and recognizes them as self-subsistent persons. Further, for the paternal soil and external inorganic resources of nature from which the individual formerly derived his livelihood, it substitutes its own soil and subjects the permanent existence of entire family to dependence on itself and to contingency."²¹

Civil society thus, breeds dependence. Civil society tries to meet individuals' current needs and constantly creates new one. In the process it breeds inequalities. It creates poverty which it cannot resolve. Civil society which is a sphere of freedom and choice becomes a sphere of isolation, dependence and subservience. It can no longer guarantee that individual can meet his needs with his work. It cannot solve inequalities and poverty that it created. Their economic relations negate the possibilities of realizing freedom in history. The anarchy of sphere of self serving interests cannot produce integration, rationality, universality and freedom. Hence it requires new universal which can fulfil the end of ethical development, state.²²

For Hegel, state does not rest on force. Its function is not merely to offer unconditional protection and guarantee of the life and property of members of the public. It is a higher unity which can even lay claim to life and property. Individuals can be self-actualised and concretely free only if they are devoted to ends broader than their immediate interests. Civil society cannot make freedom possible as individuals vehemently pursue self-interest alone. State can achieve this because it acts on individuals' not through coercion but it fulfills our rational nature on the highest level of our social connection to others."²³

²¹Ehrenberg, P.126, Quoted from Hegel P. 148

²²Ehrenberg, P.127

²³ *Ibid*, P-129

Family meets private needs while civil society is a space in pursuit of private interests. But state is an ethical realm for realization of rational nature of the individual. State arises not out of convention, but straight through logic of civil society. Multiplication of needs in the sphere of civil society and various ways in which individuals seek their satisfaction give rise to factors which are of common interest. When one man occupies himself with these, it is done for all. These universal activities call for the care and oversight of public authority the universality of the state is the culmination of humanity's ethical development because it stands as negation of anarchic interests of civil society.

Transcending the particularity of civil society within it takes place via intermediate institutions which are universal in scope. These perform the task of humanizing the individual and social interest. It takes place through concretized forms of social solidarity. This solidarity becomes reality through two orders. Firstly, it consists of public authorities such as courts of law, welfare agencies and police which guarantee the rights of individuals. They exist to safeguard individual rights. They provide rule bound frame in which social relations and mutual obligations function. Secondly, it consists of classes or estates or corporations which mediate and modify the actions of individuals. These estates consist of people of same professions, belonging to same class and common consciousness. Corporations oversee the exercise of public power by the state agencies at the local level. They are also the means by which public opinion is brought into the state. Thus, they are the means by which reconciliation between particular and the general takes place.²⁴ They represent universal moment in civil society and early forms of state in civil society.

State transforms limited moment of civil society into a realm of freedoms. It serves human liberation by making possible for us to structure our action in accordance with the common good.

Republican Tradition

²⁴ *Ibid*, P.127

A stream of thought coming from Adam Smith, Hegel and Marx primarily construed Civil society as arising from market centric organization of production and distribution. In contrast to this, Montesquieu, Tocqueville, Arendt etc. articulated a different conception of civil society whose main emphasis is on intermediary association and institutions, a space between absolute state and unruly mob. He argued that intermediary institutions- during his time aristocracy- are necessary for preservation and flourishing of liberty.

Montesquieu's inspiration is drawn from British idea of social and political order. He thought British could restore harmony after a century of religious wars essentially due to its mixed constitution without falling into either of the extremes of anarchy and despotism. British situation of his times ideally reflected the idea of mixed or balanced constitutions. The three estates of the king, the nobility and the people were reflected in the institutions of the Crown, the Lords and the Commons. It could ideally combine the principle of one, the few and the many in a judicious constitution. Though aristocracy had lost its earlier position of privilege, It still could act as buffer between centralizing crown and unruly mob. He wanted to repeat this under continental conditions as well. Thus, his theory of balanced constitutions is one device to secure and preserve liberty.

The other being intermediate institutions. He followed the distinction of governments according to ancient patterns. He distinguished between three forms of governments a republic, in which people as a whole or certain families hold public power, a monarchy in which king holds power according to laws, and despotism in which despot exercises his power according to his own whims or caprices. The main distinction is between monarchy and despotism. Monarchies are more stable than despotisms because intermediate bodies enable them to forge mutually beneficial relationships between the King and the Nobles.²⁵ Monarchy is marked by a complicated gradation of intermediate institutions that make possible rule of law and constitute the spirit of honor. This implies that political power under monarchy is distributed according to status and wealth. A monarch recognizes the importance of local privileges and social differences to the health of polity. Under despotism the space between sovereign and people is empty because intermediate institutions that

²⁵*Ibid*, P-147

could frame sovereign power have been destroyed. A monarch is surrounded by complexly graded nobles with differing privileges. Despotic levelling is greatest threat to liberty and stability because it attacks the hierarchic that undergird moderate rule.

Montesquieu is no democrat he is securing liberty by ensuring nobility's hereditary property and established privileges. It also depends on the structure of state as balanced constitution.

De Tocqueville

De Tocqueville's *Democracy in America*²⁶ is a path breaking work on social roots of democracy. It is also an innovation in the field of liberalism later on reinterpreted as civic republicanism and to the idea of civil socially as well. He was comparing European and American political traditions. He recognized the absence of strong centralizing state in America while it did exist in Europe. The French revolution's centralized state wouldn't suit America because it would stifle a vibrant culture of local activity and individual self-reliance'. The functioning of laws and the state is different in America from France. In America, people conduct most of the government on their own. Local Municipal life offered genuine space for training in citizenship. Due to continuous participation of the individual in the affairs of the township, he could develop affinity with the interests of township. He/she could develop participatory notions of government in exercising power by participation and could formulate for himself the practical idea of rights and duties which could secure liberty for individuals.

Tocquevelli argues that Americans combined Athenian democracy and traditional republicanism in towns. The townships in New world constituted nucleus around which independent political life was organized. Townships could mediate between the people and broader political institutions by representing local interests. They could articulate local interests and passions without leading to democratic

²⁶ De Tocqueville, Alexis, *Democracy in America*, New york, Random House, 1990

excess. They were structured to fame popular participations. For "the township at the centre of ordinary relations of life, serves as a field for the desire of public esteem, the want of exciting interest and the taste for authority and popularity, and the passions that commonly embroil socially change their character when they find a vent so near the domestic hearth and the family circle."²⁷

De Tocquevelli invokes political psychology of public realm in talking about significance of participation in municipal life. Psycho political needs like desire for public esteem, the want of exciting interest etc. can be found to be realized at the level of Municipal life itself the success of municipal life is made possible by strong local institutions supported by an individualistic and parochial culture which constrained state power and kept people close home.

Americans have a culture of self-reliance, they would not approach state unless they could not do it on their own. They would want to do most of the things on their own. It results in their enormous interest in forming variety of associations. The vibrant activity of voluntary associations had been realized because of their traditions of localism, the habits that come with political freedom and a culture of self reliance.²⁸

Tocqueville argues that local associations connect individualistic people to public welfare. Voluntary associations fuse personal interest and the common good. They connect individual interest to the welfare of the community.

"If it is proposed to make a road cross the end of his estate, he will see at a glance that there is a connection between his small public affair and his greatest private affairs; and he will discover without its being shown to him, the close tie that unites private to general interest."²⁹

As he argued Municipal life in America encompasses a combination of Athenian democracy and traditional republicanism. Associational life cultivates certain habits of the heart. It citizens private interests lies strongly in the public interest. It gives citizens a pride in public life. These associational networks act as buffer between absolute state ad atomistic individuality.

²⁷ *Ibid*, P.67 as quoted in Eherenberg, *Ibid*. P.162

²⁸ Eherenberg, P.163

²⁹ *Ibid*.

The Critical Tradition: Karl Marx

Marx had developed a critique of Hegelian conception of state and civil society. In Hegel Civil society is constituted by competition between members in the realm of production. It is also the realm of individual self determination which happens through practical relations in the world, specially through processes of labour. Individuals relate to each other in the process of exchange of labour and commodities civil society is a realm of particular or particular interests. It is not a realm of universality in the sense that particular interests are not integrated in to whole neither subjectively nor objectively. It requires an external authority to realize rationality and ethical unity on to sphere ravaged by egoistic conflict. It is the state which brings sense of unity, rationality, coherence and universality to the realm of civil society. State transcends particularity because it is a realization of rationality subjectively as well as objectively in the processes of culture and history.

More precisely questions the ability of the state to transcend the particularities of civil society and its universalist claims. He argues that state represents the dominant economic interests in civil society and the state cannot create a community unless it transcends capitalist relations. Civil society is a realm of bourgeoisie private interest constituted by property, class and pauperism.

"In the Bureaucracy... the identity of state interest and particular private aim is established in such a way that the state interest becomes a particular private aim over and against other private aims".³⁰

Marx argues that it has to transform from within the civil society. Marx views working class as class with potential to transform unequal condition of civil society. Working class has the potential because it is class with no property and a class which has nothing to lose if it negates the condition of civil society.

Marx's corpus has been divided in its two phases: early Marx and latter Marx. Themes in early Marx's writings are alienation and its overcoming.³¹

³⁰ *Ibid*, P-133, Quoted from Marx, Karl, "Contribution to the critique of Hegel's philosophy of Law", in Marx, Karl and Engels Frederick, *collected works* ,New York : International Publishers, 1975

³¹Ehrenberg, P.134

Themes in later Marx's writings focus on political economy. In early phase, he articulated a specific critique of Hegelian conceptualization of bourgeoisie state. According to Marx, the separation of the public and private functions of a society did not lead to freedom of the individual. On the contrary it considerably impoverished individual's ability to influence public life. In modern conditions, the space of the private and public has been demarcated. The private has been marked off from public. Property class, religion etc. are marked off from public like under Bourgeois conditions. Simultaneously, these institutions are freed from public life and public life is also freed from these institutions. Unlike the individual in Greek city state who is predominantly political, the modern individual is a private being. He consigns himself to pursuit of private satisfaction. His participation in public life is given away to modern state "If public life in bourgeoisie conditions function independently of property, class and religion, it is also true that property, class and religious can develop independtly of political influences". Their hold over human beings has not been weakend by their formal separation from politics, but emptying of civil society of content has strengthened motive force of both the spheres.³²

In civil society, it is not a liberty of man freely in association with other man. But, it is a liberty of man in competition with other man what is ensured in civil society is not a liberty of liberated man, but a liberty of withdrawn man. Civil society is a realm of private interest the political revolution meant ³³that "the state can free itself from a restriction, without man being fully free of this restriction, that the state can be free state without man being a free man".³⁴ Bourgeoisie revolution is not free from social institutions, but individual is not free from social institutions. Transformation of civil society is possible only from within this could be achieved by the class internal to constitutive processes of civil society i.e. working class. Only working class has the abilities to negate the conditions of civil society. Private property is the institution which constitutes civil society. The characteristic of working class is the non-possession of private property. It gives unique opportunity of working class to emancipate society as a whole from the shackles of private property thus working class is the principal agent in the negation of civil society.

³² *Ibid*

³³ *Ibid*

³⁴ *Ibid*

Marx approached civil society in his later years from the subject matter of political economy. He refused to follow idealism. He did not see 'legal relations' or 'political forms' as could be explained by 'the general development of human, but viewed it as originating in the material conditions of life. Marx viewed social relations as reflection of production relations or mode of production that consists of production forces plus production relations as base on which the political forms legal relations or social relations rest called as super structure. There has been enormous debate on how Marx had conceptualized the relation between the two.

The concept of civil society is specific to capitalist mode of production. Capitalist mode of production destroys pre capitalist forms of production. Civil society, for Marx, is about the specific form that the material processes of production are taking in capitalism .Civil society relations are akin to relations among commodities in a market. All human relations in capitalism are weaved on the model of commodity relations. Commodity is not merely an embodiment of value to be exchanged but it contains in itself all contradictions and paradoxes of the system of which it is a constitutive element.

In material processes of production, individuals are related to each other depending on their relationship to means of production: Owners and non-owners "the relations connecting the labour of one individual, with the rest appear, not as direct social relations between individuals at work but as what they really are, material relations between persons and social relations between things."

Thus the actual relations in the process of production appear in inverted fashion, as relation between commodities. The entire process of production exchange and distribution inversely reflect social relations as relations between commodities. The relations in civil society appear as relation between commodities that mark relations rooted in production process. Dissolution of civil society by social revolution would also result in dissolution of values embodying such social relations. Social revolution would lead to transcending of values that constitute bourgeois civil society freedom, equality and property and consequently would establish a true human community which would embody human existence in unalienated form. Bourgeoisie values would disappear and new community would emerge that realizes truly

communal nature of human life. But the agency of such a transformation is proletarian class.

Antonio Gramsci

Gramsci³⁵ introduced a major innovation regarding the place of civil society within Marxist theory. He transformed Marxist theory as well in the course in understanding civil society. He departed from Hegel and Marx. His innovations in Marxist theory came in response to grappling with the failure of second international communist parties and rise of Italian fascism. Italian fascism could successfully mobilize the support of working class which shattered traditional communist party in Italy. In analyzing the failures of communist party in facing fascism, he brought in complexities in to Marxist analysis.

For Marx, civil society is social expression of bourgeoisie life to be transcended. It includes material substratum. For Gramsci, consent of the masses for the legitimacy of the state is mobilized in the institutions of civil society. Civil society is a field in which ideas and practices are shaped. Gramsci identified "Civil society with the ideological superstructure, the institutions and technical instruments that create and diffuse modes of thought." One gains the sense of legitimacy of the state only if one can account for the ideological functions of civil society. State should be understood not merely as apparatus of government, but also as the private apparatus of hegemony or civil society Gramsci makes a distinction between state as political organism of society and state as government. The state consists of entire complex of activities with which ruling class maintains its dominance and the process by which it manages to win the consent of the ruled.³⁶

The ideological function of civil society comes out clearly in contrasting with political society when a state wants to initiate an unpopular action; it creates suitable public opinion by mobilizing mass media and other ideological instruments. State could mobilize support in civil society" partly because the various elites, political or otherwise share similar world views and life styles, and partly because the institutions of civil society, whether or not they are directly controlled by the state, must operate

³⁵Femia, Joseph-V, *Gramsci's Political Thought : Hegemony, Consciousness and the revolutionary process*, Oxford, Clarendon Press, 1991, P. 26

³⁶ *Ibid*

within a legal framework of rules and regulations".³⁷ The institutional ensemble of liberal democracy, by creating a facade of freedom and popular control and by educating people into bourgeoisie politics conditions them to accept status quo willingly. Capitalist state mobilizes support for the ruling class by structuring the realm of culture and education, which serves the ideological function of reproducing capitalist state.

Political society performs coercive function. It 'connotes apparatus of state coercion which legally assures the discipline of those groups which do not consent". The distinction with in superstructure between civil society and political society is to mark hegemonic coercive functions of state with regard to civil society. In civil society, state operates to establish control through exercising subtle forms of power through cultural, religious and educational systems. Political society operates through coercive means in establishing its control and also through institutional mechanism of capitalist state.

The concept of hegemony opens up the question of legitimacy of the state within the institutions of the civil society and the means with which capitalist state reproduces itself in the life of the society. Hegemony of the ruling class is established through the consent of the people. Interactions between institutions of family, property relations and the law on the one hand the informal norms that govern marriage, work and free time on the other hand, produce a Bourgeoisie civil society that organize consensus to significant extent.³⁸ Hegemony performs the function of organizing disparate social classes under one umbrella by providing ideological leadership of the dominant classes. Various classes are being organized by the dominant class. Each of these classes possess consciousness specific to that class interests of ideas, experiences and mentalities. Among such disparate classes, the concept of Hegemony constitutes the processes whereby each of these classes organize their experience in conformity with the ideas of the dominant class. Hegemony accounts for how various social classes are organized in civil society within the value orientations or ideology of the dominant class. It happens through a process of consent.

³⁷ *Ibid*, P.28

³⁸ *Ibid*

Civil society, for Gramsci, is not always the preserve of dominant class. It is necessarily conflictual and constituted by conflict. Hegemony has not always been established for one class. It has always been produced in the process of conflict. Any class that claims for domination should be hegemonic. No class can come to power either politically or socially. It is equally true of sub alterm classes. Sub alterm classes should be successful in establishing its hegemony in the trenches, then only it can effectively lead revolution to success.

Habermas

Habermas's conception of civil society is anchored in the tradition of critical theory, which is a complex one, though owes its origins to critical function of social theory available in Marxism, but borrowed from variety of different traditions of social analysis. Habermas has integrated two important trends in European philosophy in to his orientation of critical theory. The first is a liberal –Kantian Turn and the second is linguistic turn.³⁹ David Held⁴⁰ puts, in a nutshell “the tastes of critical theory as an interest in the conditions which make possible reproduction and transformation of society, the meaning of culture and the relation between the individual, society and nature while there are differences in the way they formulate questions, the critical theorists believe that through an examination of contemporary social and political issues they could contribute to a critique of ideology and to the development of non-authoritarian and non-bureaucratic politics.”

The critical departure from early critical theory that Habermas made is regarding the import of liberal institutions in the social development while others could not visualize any prospects for liberal institutions to overcome authoritarian modes of domination. Habermas hoped to mitigate the worst effects of liberalism via liberal institutions.

Habermas theory of communicative action has been developed as a corrective to Marxist theory. Marxist theory looked at social dynamics from one view point that leaves out life world. Marxist theory is confined to the point that we remake natural

³⁹Chambers. A., Simons, “A Critical Theory of Civil Society” in Chambers. A, Simon &Kymblicka Will (ed), *Alternative conceptions of civil society*, Princeton, Princeton University Press, 2002.

⁴⁰ Held, David, *Introduction to critical Theory: Horkheimer to Habermas* (Berkeley and Los Angeles : University of California Press, 1980

world through labour, but we also remake our socio-cultural world through symbolic interaction or communication which is neglected.

All interactions take place in the backdrop of life world. It is repository of experiences of past generations “how the people who went before us understood their world, themselves and each other, their duties, commitments and allegiances” The life world is made up of meanings. We are connected to it via our interpretations and understandings. The life world stands as opposed to state and economy (system). The state is distinguished from the life world as it operates via power while life world operates through communication.⁴¹

Critical theorists see communicative autonomy as core feature of civil society. “Communicative autonomy refers to the freedom of actors in society to shape, criticize, and reproduce essential norms, meanings, values and identities through communicative interaction.”⁴²

According to Cohen and Arato “Civil society would include all the institutions and associational forms that require communicative interaction for their reproduction and that rely primarily on processes of social integration for coordinating action within their boundaries.”⁴³ Civil society is autonomous when it is governed by norms that are mutually agreed by everyone drawn from life world and subjected to critical communication. A healthy civil society is one that is steered by members through shared meanings. An unhealthy civil society is one that has been colonized by power or money or both.

Habermas believed in the potentiality of liberal democratic institutions in realizing human emancipation. Civil society is the site of resistance and emancipation, the exemplary actors are social movements although all citizens are normatively part of the arena of action is public sphere; the type of action is democratic deliberation.⁴⁴

The public sphere is the site “where the, ideas, interests, values and ideologies formed with in the relations of civil society are voiced and made politically

⁴¹Chambers. A, Simon, P. 92

⁴² *Ibid*, P.93

⁴³ Cohen, Jean L. and Arato Andrew, *Civil Society and Political Theory*, Cambridge : MIT Press, 1992, P.429

⁴⁴ Chambers, A. Simon

efficacious.”⁴⁵ According to Habermas “Its (civil society) institutional core comprises those non-governmental and non-economic connections and voluntary associations that anchor the communication structures of the public sphere in the society component of the life world. Civil society is composed of those more or less spontaneously emergent associations, organizations, and movements that, attuned to how societal problems resonate in the private life spheres, distill and transmit such reactions in amplified form to the public sphere.”⁴⁶

Public sphere is a space where private individuals come together to form a public. It takes place in various sites simultaneously. In eighteenth century, it used to take place in journals, political clubs, coffee houses etc. In current times it is described as meta-space. It circulates from newspaper to internet to professional journals and again back to newspapers etc.

Then there is a question of transforming public sphere in to an arena of critical debate which is safeguarded from the distortion of communication. The answer is deliberation the aim of deliberative politics is to provide a context for transformation of preferences in response to the considered views of others and the laundering or filtering of irrational or morally repugnant preferences or both in ways that are not excessively paternalistic.”⁴⁷ The important issue for this kind of deliberative politics is not that everyone participates, but there should be adequate information on all aspects relevant to the issue under discussion and everybody be included whose interests are involved in the process of deliberation. This model of deliberative democracy suggests two track processes in which there is a division of labour between weak public the informally organized public sphere ranging from private associations to mass media located within civil society and strong public parliamentary bodies and other formally organized institutions of political system.⁴⁸

Liberal-Egalitarianism and Civil Society

⁴⁵ *Ibid*, P.96

⁴⁶Habermas. J., *Between Facts and Norms: Contributions to a discourse theory of law and democracy*, Tr. By Williams Rehg, Cambridge, MIT Press, 1996.

⁴⁷Baynes Kenneth, “A Critical Theory perspective on civil society and the state” in Nancy L. Rosenblum and Robert C. Post, *Civil Society and Government*, Princeton University Press, 2002, P. 127

⁴⁸ *Ibid*, p.127

To go through some of the contemporary treatments of civil society, it is worthwhile to look at the interpretation of normative constituents of civil society from the perspective of one of the strands of liberalism in America liberal egalitarianism there are many versions of it represented by Ronald Dworkin, Amartya Sen, Cohen, Roemer and others. Liberal egalitarian ideas of civil society that will be discussed in the following is basically drawn from Will Kymlicka's⁴⁹ synoptic account of it. The difference between different versions arise depending on how the principles of liberty and equality are mediated. Main version of it goes like this.

“Inequalities due to people's choices about the good life such as their choices about effort, risk, savings or consumption are permissible, but inequalities due to circumstances beyond people's control such as their natural talents or the race or class they were born into, should be remedied or compensated.”⁵⁰

The liberal egalitarianism has two basic values, individual freedom and social justice. They are liberals because they accept the role of individual freedom in making choices about good life. They are egalitarians because they endorse the necessity of redistribution of resources by the state to ensure some measure of equality. Given the commitment of liberal egalitarians to a demanding conception of civil society, it is not enough if state plays active role in securing social justice, civil society has also to pro-actively structure itself in meeting the requirements of social justice.

Traditionally, it has been assumed that social justice is secured by the state through its policy, and individual freedom is realized in the associations of civil society. Kymlicka argues that civil society needs to play pro-active role in securing stronger notion of social justice. He emphasizes on a stronger notion of duties and virtues of citizenship in securing social justice.

He includes in his definition of civil society both public and private associations. Public associations mean public interest groups participating in democratic debate and public discourse including NGO's and social movements. Private associations are those in which people participate with other like-minded

⁴⁹Kymlicka Will, “Civil Society and Government : A Liberal-Egalitarian Perspective” in Nancy L. Rosenblum, P. 79

⁵⁰ *Ibid*

people to pursue particular conception of good.”⁵¹ This broader definition of civil society is essential because how people exercise freedom of voluntary interaction has implications for securing/hindering social justice. This freedom may be used for securing democratic citizenship in terms of the requirement of non-discrimination or against.

Mere state policy is not enough to secure social justice. Even if the basic structure is just, it cannot ensure social justice. What is required is virtuous citizenry.

There are virtues⁵² like courage and law abidingness why any political order requires. There are also virtues specific to liberal democracy like public spiritedness which includes ability to evaluate performance of those in office and willingness to engage in public discourse about matters of public interest Stephen Macedo calls this⁵³ public reasonableness. Liberal citizens must be able to offer reasons publicly for their political demands which are consistent with others status as free and equal citizens. This is a stringent requirement given the people's tendency to shy away from political participation and they are unsuited to tackle the intricacies of public deliberation.

Kymlicka⁵⁴ expresses objection to minimal conception of citizenship understood as non-interference. It ignores the virtue of civility. It is concerning the way we treat non-intimates with whom we come in face to face contact. He claims that civility may be understood in conjunction with the related requirement of non-discrimination. Government action prohibiting discrimination is only a part of it but the discrimination practiced in civil society is a big hurdle in realizing the ideal of social justice. Strong notion of citizenship that Kymlicka invokes necessitates a strong intervention of state in the life of civil society to structure it according to the concerns of democratic citizenship.

Civil society and Islam

The history of ideas of civil society in western context has been discussed. In the context of rise of Islamic identity and Islamic fundamentalism, the question of

⁵¹ *Ibid*, P.82

⁵² *Ibid*, P.86

⁵³ Macedo, Stephen, *Liberal Virtues : Citizenship, Virtue and Community*, Oxford, OUP, 1990

⁵⁴ Kymlicka, *Ibid*, P.87

possibility and desirability of civil society in Islamic societies assumed priority for intellectuals as well as others segments of public life. Rushdie controversy tore at the heart of western political theory with regard to its ability to reconcile values of individual expression and sustaining values of religion and religious community. Within Islamic societies, there is range of opinions on the reform of Islam from conservatism to radicalism. This range necessarily influences scholarly debate. The question of what form of civil society is relevant and good for Islamic societies assumed relevance. It has bearing on a related questions like, is the idea of civil society originated in western practices desirable and in what form?

John Kelsay⁵⁵ articulates three positions on the possibility of idea of civil society in Islamic societies. The first position is that the idea of civil society is alien to Islam and it is a western concept. It is secular, anti religious and aimed at westernizing Muslim societies. This is a revivalist position. The second position views civil society as a universal concept and as a global ideal irrespective of its western origins. They consider it as an ideal and a model in life for all individuals and societies. It views Islamic tradition as an archaic expression of values from the past. This is westernized alternative. There is a third one, a reformist position which is bought by many scholars "argues that there is a possibility of developing ingredients of classical Islam to reflect modern social needs. It needs creative reinterpretation of Islam to bridge gap between western ideas and situations".

Reformist position has been taken as an ideal to be realized than the other two positions as it steers clear of extremities and it also encompasses a proper balance between universal values and the cultural specificity. Reformists look for key features of western versions of civil society in Islamic ethical theory and offer a story of how those features and values of civil society may gradually be realized in the cultural context of Islamic societies. There are attempts at unpacking the ingredients of civil society available in Islamic tradition and evaluate how far those ingredients meet new social needs of modernization and thereby, in evolving a new variant of civil society.

Elements of western idea of civil society can be found in Islamic ethical theory as well; through it is not exactly a replication of what happened in the west.

⁵⁵Kelsay John, "Civil Society and Government in Islam" in Resenblum, Nancy C and Post Robert C, *Civil Society and Government*.

Ulama (Knowers)⁵⁶ and Khilafat (Caliphate) in Islamic societies are two institutions resembling civil society and the state respectively. The relation between two institutions is complementary and often described as set in creative tension. Ulama implies a class of religious specialists known for their expertise in certain agreed upon sources. They are vested with the power to properly interpret religious sources on questions concerning legitimacy of rulers, government policies etc. their power which is moral rested on their knowledge, but not as political power. Ulama establish his sphere of influence with the help of institutions of Masjid (mosque), madarasa (religious school) and eventually jamaif (university), which limits the power of government. This is akin to civil society in the west.

Government is primarily represented by Kaliphath, the meaning of which is 'successor' rulers of the Muslim empire, having continuity with the prophet. The duty of Kaliphath as commander of the faithful is to preserve and protect the security of the Islamic state. Khaiphath carries on the traditions Islamic statecraft with the blessings of Ulama.

In modern Islam, there is a complementarity between Ulama and Khalifat. State is understood to be consisting of constitutional regimes with elected parliaments and independent judiciary. The Ulama still provide an entry into civil society in Muslim societies. Ulama stands for dynamic associational power of religion and understood themselves as dedicated to the preservation of an Islam that cannot be identified with any existing regime.

Thinking about civil society in the context of Islamic societies is a complex issue. State civil society distinction has been conceived in different terms in Islamic societies. It does not simply resemble the similar distinction in the west. However, it is necessary to consider civil society thinking in Islamic societies in the light of new parameters of inclusion"⁵⁷. With the opening of new spaces of industry and modern professions in Islamic societies there also has emerged strong need for liberal norms. This need is not merely about freedom from the state, but also freedom from the authority of religious scriptures. Reconciling the Islamists insistence on conservatism and new yearning for freedom is a complex task for theorist in Islamic societies.

⁵⁶ *Ibid*

⁵⁷ See, KazemiFarhad, "Perspective on Islam and Civil Society" in Roseblum, Nancy L and Post Robert C., *Civil Society and Government*, P.312-333

Thus ideas of civil society from variety of vantage points are presented here. It covered liberal as well as critical traditions. It came out as a general account of different traditions of civil society. Its range is widespread. However, it has not been critically analysed. It is undertaken in the next chapter from a post colonial perspective.