

Chapter-3

Relation between Civil society and Western Liberalism: A Critique

This chapter interrogates early liberal thought critically. It includes ideas of civil society as formulated by early European thinkers. Four thinkers have been chosen and critically analyzed. They are Locke, Kant, Hegel and De Tocqueville. All four had seminal contributions to make to the idea of civil society. Each of them carved out in a specific manner the concept of civil society within European tradition. However, the attempt here is to critically analyze their conceptions and show how they have been Euro-centric in terms of justifying the imposition of European conceptions concerning morals, politics, and culture and enlightenment ideals on people's conceptions in other parts of the world.

This chapter drawing from post-colonial scholarship and critical liberals would interpret the work of classical thinkers of European Enlightenment in order to show how their ideas of morals, constitutions and governments have been justified with an eye on colonial expansion. These classical thinkers justified modern ideas and practices-property-rights, limited governments, rights etc- by invoking reason. They justified these ideas within the borders of their home nations. When they were confronted with the imperialist project, they did not invoke liberal ideas and practices to criticize colonial expansions. They invented grounds of exception and argued why liberal principles cannot be extended to non-western societies. Their reasoned justification of free governments was confined to home, while the same reason helped in legitimizing imperial rule. Here the Universalist conception of reason led to theoretical justification of free governments at home while justifying colonial governments abroad.

Ideas of civil society have grown in Europe, whereas these were transplanted in non-western societies, which do not have cultural and economic pre-requisites to conceive and build European-type civil societies. Thus, main thrust in the present chapter is to track and map these ideas through the writings of classical thinkers and their critical interpretations.

Locke, Civil society and Colonies

In the history of political ideas, Locke has founded many ideas key to European political modernity. He is known for having formulated central ideas of liberalism: distinction between state and (civil) society, negative limits on state authority, inalienable natural rights, idea of private property rights, acquisitive individual, human being as rational, etc. These ideas went on to constitute modern revolutions and institutional matrix set up in post-revolutionary Europe and America. However, the central ideas have been accepted as forming a coherent unity and acting as liberal inspiration to fight feudal regimes and anti-absolutist monarchs.

Of late, critical work has been done linking Locke's theory to England's colonial interests in America. This work was a critical reading of Locke's work in terms of development of Lock's theory and its relationship to colonial interests in the New World, America. Traditionally it has been argued that Locke's theory was instrumental in French and American revolutions which espoused the cause of individual liberty, equality and pursuit of happiness. However, recent critical scholarship pointed to the connections between Locke's doctrines and sustaining colonial interests in America. The key question that shaped Locke's theory of property is, on what basis can the British claim the right to land of the aboriginals or Amerindians. Could it be conquest, occupation, long use or something else? It has been argued, Locke's theory of property springs from the concern of defending colonial occupation of new world. Similarly Locke's purported dichotomy between state of nature and civil society in which state of nature has to be inevitably transcended in favor of the latter constitutes the unsaid assumption of liberalism. Liberal thought that values liberty, equality, progress and enlightenment miserably failed when people of the non-west claim that these values ought to be extended to the non-west. Liberal thought encompasses at its centre a dichotomy between civilization and barbarism while the former naturally exists in west and the latter describes the conditions of the colony. This dichotomy in a way reflects the dichotomy that is available in Locke's thought in the early days of liberalism between state of nature and civil society. State of nature indicated conditions of the colonized while civil society refers to achievements of Europe.

The colonized had been exempted from the application of civilized principles because they did not have conditions necessary for application of such principles. For instance, it has been argued that Amerindians did not have properly organized territorial nation-states hence they may not be granted with the natural rights. Thus, the structure of liberal thought has been premised on privileging European forms of life while the life of the colonized is pictured as the 'other' in need of reform and improvement. This underlying

premise has been responsible for liberalism's association with colonialism. Liberals in the Metropolis who espoused the cause of freedom and equality at home refused to provide the same to the colonized on the grounds of their lack of preparedness.

Locke's ideas on civil society would be critically read to uncover the imperialist prejudice that informed Locke's doctrines. It was guided by his strong involvement in the politics of empire, particularly in the New World.

Norms of Civil society

The following analysis of Locke's theory of civil society is an attempt to interpret his key doctrines in order to yield a picture of civil society as abstracted from specific ideas and practices of Western Europe. It is projected as a generalized and universalized ideal of civilized rule which has to be constructed across the globe irrespective of cultural specificities and level of economic needs. Locke's theory of civil society brings in to existence new ideas which had been available in other thinkers. The ideas are distinction between state and (civil) society, negative limits on state authority, inalienable natural rights, idea of private property rights, acquisitive individual humans as rational, rule by consent, limited constitutional democracy etc.

The key terms are 'state of nature' and 'civil society'. State of nature is described as in opposition to everything that civil society ought to bring about. State of nature is a condition that should be transcended by any means to achieve a condition of civil society that is superior and civilized. Many theorists argue that the term, state of nature, does not refer to any actual historical situation, but it is only a theoretical abstraction. This is an abstraction to posit a certain kind of civil society and state. This argument has been decisively refuted by recent literature¹. It is argued that state of nature is a condition that he assumes to refer to 'savage' life of Amerindians. State of nature has to be inevitably transcended. The idea of reason is important in transcending state of nature. It offers logic of why one has to go beyond state of nature. The idea of reason he invokes rules out many other forms that reason may take. It denies the fact that forms of human reason could be many, depending upon different forms of life and invents a singular reason.

Idea of Private Property

¹ Tully, James, *Strange Multiplicity. Constitutionalism in an Age of Diversity*, Cambridge, Cambridge University Press, 2004. and Arneil Barbara, *John Locke and America: The Defence of English Colonialism*, Oxford, Clarendon Press, 1996.

For Locke, the idea of individual property rights is key to his theory of civil society. Nobody before him conceived an autonomous economic sphere which is distinct from the activity of the state. Its driving force is economic which can constitute itself with certain norms. The norms are private property, natural rights and the space for private desire². Civil society, for Locke, has never been constituted by public concerns. It has been constituted by private desire of acquisition. The idea of private property as conceptualized by Locke is crucial to his theory of civil society.

He was trying to show that a land which belonged to everyone can be privately owned without requiring the consent of all the ‘commoners’. The right of private appropriation of earth accrues from individual property in one’s own person if an individual mixes his labor with a portion of nature, that portion rightfully becomes his own. Mixing one’s labor means leaving one’s imprint on it. Locke organized civil society around the idea of preservation and protection of private property.

“Yet every man has a property in his own person. This nobody has any right to but himself the labor of his body and the work of his hands we may say are properly his. What so ever than he removes out of the state that nature hath provided and left in the hath mixed his labor with and joined to it something that is his own and thereby makes it his property”.³

Thus mixing one’s labor with nature is the key moment when one can appropriate it from nature as his own. The next question that Locke deals with is about the necessity of obtaining the consent of everyone to the other’s appropriation of property is not necessary “hath fixed my property in them”⁴.

“Whoever has employ’d so much labor about any of that kind as to find and pursue her, has thereby removed her from the state of nature, wherein she was common and hath begun a property”⁵.

² Ehrenberg, J, *Civil Society: The Critical History of an Idea*, New York, New York University Press, 1999. p.84.

³ *Ibid*, Pp.287-88.

⁴ *Ibid* P.290

⁵ *Ibid*

Thus it is not required to obtain the consent of every one because he makes a distinction between the industrious and lazy. He argues that natural law or law of reason tells that land belong to the industrious.

“He (God) gave it to the use of industrious and rational not to the Fancy or covetousness of the quarrelsome and contentious. He that had as good left for his improvement as was already taken up need not complain, ought not to meddle with what was already improved by another’s labor. If he did its plain he desired the benefit of another’s pain”⁶.

He brings in the idea of industrious and rational to justify the claim that consent is not necessary to establish that the piece of property as one’s own. One need not complain of another’s acquisition because there is enough left for him to appropriate for himself. To claim another’s acquisition as his own is to claim another’s pain⁷. Thus, the industrious and those who rationally use resources have the claim to earth. This elaborate treatment of the idea of private property is required because the idea of foundation of civil society and the state is primarily for preservation and protection of private property and the above discussion offers justification. The justification of the foundation of property is also in crucial ways a justification of the idea of natural rights whose protection is the chief function of the civil society.

This idea of private property has been shown to have roots in justifying colonialism in New England. The idea of private property is not merely to establish a purely economically determined sphere of property and private desire. Its aim is also to justify rights of the Englishman over the lands of Amerindians. “Since there are in a state of nature any person may appropriate uncultivated land without consent as long as there is enough and as good left in common for others”⁸.

Here uncultivated land may mean only those lands Amerindians are not hunting and gathering. Tully argues that this is not the case with Locke.

“Locke stipulates that ‘vacant land’ is any land that is uncultivated or unimproved. The title to property in land is solely individual labor defined in terms specific to European agriculture, cultivating, filling, improving and subduing”⁹. Thus labor implies only labor spent in agriculture. Other forms of labor do not count as labor for Locke since he operates

⁶ *Ibid*

⁷ Tully James, Pp, 73-74.

⁸ *Ibid*,

⁹ Parekh, Bhikhu, *Rethinking Multi culturalism: Cultural Diversity and Political Theory*, London, Mac MillanPress Ltd ,2000. P.37.

with a specific notion of productive use of labor which mentions labor as being industrious and rational. He privileges settled forms of European agriculture and the labor spent on it because it involves most productive use of land than other forms. Amerindians “roamed freely over land and did not enclose it. It was free, empty, vacant, and wild and could be taken over without their consent”¹⁰. Locke did not consider it as right use. Though some Indians did enclose their land, Locke did not accept it because “for their practice of letting it rot and compost every three years for soil enrichment showed that they did not make a rational use of it” and the problem of Amerindians for Locke was “that they lacked the desire to accumulate wealth, engage in commerce produce for an international market and hence to exploit the earth’s potential to the fullest”¹¹. Thus Locke delegitimized other forms labor and use of land for hunting, roaming for fun and chasing animals as a waste. Therefore, Locke’s idea of property rights has been invented to delegitimize forms of ownership of land native to Amerindians and justify colonial occupations of lands of Amerindians. Secondly, it delegitimizes local forms of hunting and gathering and non-sedentary agriculture of Amerindians. It establishes the superiority of a form of economic life based on private property and commercial agriculture. It not only argues for the superiority of the European form of life due to its rationality in making the best use of potential available in natural resources but also points to benefits accruing from assimilation into the European form of life.

Transcendence of state of nature into civil society is inevitable because it is the most rational thing to do. For Locke, state of nature is a condition of “peace, good will, mutual assistance and preservation”¹². It is a condition of natural freedom to preserve oneself and it is perfect equality of power to do so. However it has to be transcended because of the development of individual interest in state of nature led to enmity and conflict.

“To secure men from the attempts of a criminal who having renounced reason the common Rule and Measure, God hath given to mankind hath by the unjust violence and slaughter he hath committed upon one declared. War against all mankind and therefore may be destroyed as a Lyon or a Tyger, one of those wild savage Beasts with whom men can have no society or security”¹³.

This refers to someone who violated reason, the common Rule and Measure. This is the key reason why one has to transcend state of nature and establish civil society and the state. Individuals may not be able to interpret natural law objectively or they cannot be impartial judges in their own case. They cannot execute law for themselves. They need a civil

¹⁰ *Ibid*

¹¹ *Ibid*

¹² Ehrenberg, J. p.85

¹³ Locke, John, p.274.

power to execute laws. It led to establishment of civil society. People are social beings capable of living together without the force of politics which contains an overarching framework. The private interest continues to thrive on its own without the interference of politics. Civil society becomes necessary as people are at an inconvenience to implement natural law. It is rational for the people in state of nature to overcome it and establish civil society.

“Because no political society can be, nor subsist without having in itself the power to preserve the property and in order there unto punish the offences of all those of that society, there an there only is political society. Where every one of the members hath quitted this natural power resigned it up in to the lands of the community in all cases that exclude him not from appealing for protection to the law established by it”¹⁴.

Thus, public power is established where private individuals do not have to preoccupy themselves with resolving disputes. Henceforth it becomes the task of public power to preserve property. Private individuals can pursue acquisition according to norms established by power.

There is by now a very respectable scholarship offering alternatives to dominant interpretation of Locke’s idea of state of nature and its transcendence in to civil society. The interpretations view condition of state of nature as implying the life of Amerindians and the civil society intend to justify newly emerging contemporary forms of life like private property, natural rights and territorial nation-state with constitutionally guided representative governments.

“Having adopted (this) basic division between American savagery and English civility, Locke had his own more precisely defined concepts of each. Civil men for Locke is industrious rational and ruled by a government based on the rule of law. Savage man is idle, superstitious, ruled by neither government nor civil law. Both have the capacity for reason, the latter has simply chosen to not to exercise it”¹⁵.

It is important to Locke’s colonial project to describe two different forms of life in this way. The description of the savage man in state of nature as idle and superstitious is to legitimize colonial claim to land in New England. Amerindians claim to land cannot be accepted because they do not practice settled agriculture. Pastoral kind of agricultural practice does not yield effectively and productively. Amerindians is not industrious and productive because he does not have same vision of good life as a European does. Arneil claims that

¹⁴ Arneil Barbara, p.202.

¹⁵ Tully,James, p.71

Locke interpreted facts selectively because he wanted to deny natural rights to Amerindians. For instance, Amerindians who were skilled enough to teach English people how to cultivate their land were ignored. This does not fit in to his arguments for rights of Englishman over Amerindians lands.

James Tully¹⁶ argues that Locke sets stages theory of world history in place and identifies aboriginal peoples as the earliest and most primitive members of the human race.

“In the beginning he (Locke) proclaims all the ‘world was America’. America is still a pattern of the first ages in Asia and Europe. European societies by contrast are in the most improved or ‘civilized age’¹⁷. This is the basis of stagist theory of world-historical development which functioned to justify colonialism.

In Locke’s formulation according to Tully the first age represented by America is a ‘state of nature’. There is neither nationhood nor territorial jurisdiction at this stage. Amerindians govern themselves on individual and ad hoc basis by applying law of nature and punishing offenders as cases arise¹⁸. “Europeans live in sovereign nations or political societies appropriate to their civilized level of development. They have left the state of nature by delegating their powers of self government to representative governments”¹⁹. Amerindians represent a condition of non-existence of political authority and Europeans live in organized politics. While the former represents natural condition, the latter represents civil conditions. Economically also Locke has been interpreted to show that Amerindians and Europeans belong to two different stages of economic development. “(Amerindians) have property in the fruits and nuts they gather the wild corn they pick, the fish they catch.....but not the land on which they hunt. Thus Amerindians did not have any property rights on the land. By contrast for Europeans the possession of property is determined by positive constitutional laws”²⁰.

Thus, the dichotomy of state of nature and civil society has been used to reinforce the hegemonic relationship between the empire and colony. While the state of nature symbolically represented colony, civil society implied condition of rule by well organized governments. The former condition is to be transcended in to the latter because it is quite rational to do so. The former represents so called ‘inferior’ form of social and political organization while the latter is civilized. Thus the logic of transcendence from state of nature to civil society justifies colonial rule by Europeans over Amerindians.

¹⁶ *Ibid*

¹⁷ *Ibid* p.72

¹⁸ *Ibid*

¹⁹ *Ibid*

²⁰ *Ibid*

The idea of universal reason is the mechanism with which the justificatory process has taken place. In every context, specific invocation of reason is read as universally necessary and Locke could not conceive that different forms of life could have different conceptions of reason. Hence, it pictured the European as rational and Amerindians as irrational. “He (Locke) uncritically assumed that reason was the highest human faculty and formed the basis of the good life, that it was inherently calculating and result oriented that the earth’s resources should be exploited to the full, that the desire to accumulate wealth signified rationality and civilization. This is a coherent and in parts an attractive view of life but not the only one”²¹.

Locke’s specific invocation of reason has been universalized, which led to universalizing specific practices of European forms of life as universally valid. Locke considered agriculture as the only right form of labor, that too in the narrow sense that which yields maximum. For him, rational use of land means that specific use which brings maximum output, thereby denying local forms of practice of agriculture of aboriginals and their use of land for other purposes.

The natural man/Amerindian could be transformed to civil condition not by conquest but by the faculty of reason only. The transcendence of natural condition to civil condition is very essential to liberal thought when seen in the colonial context in which it was created becomes a philosophical justification for European global transcendence²². Three issues are mentioned in the above discussion:

- 1) Critique of justification of idea of private property.
- 2) Critique of European ideals of civil society.
- 3) Critique of universal reason.

It has been argued that the foundational argument for private property rights is essential to English expansion in New World. The claim has been justified on the basis of the rational use of land and institution of private property as a sole justification for such a use. It also leads to creation of wealth economic flourishing and produce for international trade. It requires setting up of civil political institutions of nation state that run according to constitutionally guided representative politics. Locke does not recognize other kinds of social political organization as worthy of civil politics. Hence, societies which run on traditional institutions are still considered as in state of nature. This entire theoretical task has been achieved by employing universal monotheistic reason. It is through reason that the economic

²¹ Parekh Bhikhu, p.37

²² Arneil Barbara, p.210

and ethical rights of the European former are wedded to civilizing necessity of the colonized. The colonized also needs to transform him into civil society for progress and civilization.

Kant on Freedom and Civil society

Kant brought in an innovation in his conception of philosophy and his theoretical and practical treatment of politics and morals. Kant, as an enlightenment thinker dispensed with external authority as sources of morality, God or custom. “Humans are morally free because they knew what is right without being told”. People can derive valid moral rules as requirements that they impose upon themselves. Kant conceived ethical basis of civil society on a notion of morality which says we know we have to do just this because it is right.

People do what is right not because it serves their immediate self interest. Morality cannot be derived from the experience. Morality/moral rules can be derived only from reason. Reason is the source which generates a set of principles that stand on their own independent of experience. To argue that morality is not rooted in experience, he invents a new metaphysic. “people are able to make some systematic sense of the world of the same and they do so because they can understand and use transcendent ideas that are not derived from experience whose objects are entirely hypothetical and which have no empirical reality”²³ “people use reason as a speculative tool all the time and Kant understood equality as a universal ability to share in a transcendent quality of lawfulness. Seeking to rescue reason from Hume, Kant located it in the will”²⁴.

Mind organizes perceptions given to us by senses. The forms of order we use in bringing coherence to the world are not external impositions but an aspect of the human mind as such “a fundamental capacity we all have to structure our experience rationally, understand patterns discover first principles and arrive at laws”²⁵. Moral laws have an a priori quality because practical reason is governed by the same patterns that allow our pure reason to grasp the patterns of nature. Moral freedom is inherently possible in human condition because the will is determined by its own inner law fullness. We have to do few things just because it is right. Moral law making is the fundamental capacity of human mind²⁶.

Freedom is to act in accordance with reason. The advance from dependency to freedom is described as humanity’s development towards moral freedom. “Enlightenment is

²³ Ehrenberg *Ibid* ,p.111.

²⁴ *Ibid* P.111-12

²⁵ *Ibid*.

²⁶ *Ibid* P.112

men's emergence from his self incurred immaturity"²⁷. Immaturity is inability to use ones understanding without the guidance of others. Ability to use ones understanding is autonomy.

How does one know what is right? One should not be totally ignorant of role of private interest in guiding action. Reason is a faculty which enables one to know what is right. "Reason allows an insight into what the hypothetical perfectly rational agent would decide to do in any particular situation and this constitutes the 'ought' that must govern moral deliberations"²⁸. Moral freedom is obedience to the moral laws of practical reason. These are given by will to itself. Kant's categorical imperative suggests how an imperfectly rational agent would choose. So act that the maxim for your will could always hold at the same time as the principle giving universal law"²⁹. This is the standard that we normally use all the time. "When we ask what would happen if everyone undertook a particular course of action we express our membership in and reasonability to human race as a whole"³⁰.

Kant thought that organizing civil society around community of ends is better; and people should be treated as ends in themselves, not as a means to somebody else's ends. People express ethical concerns in real life as a set of self imposed duties towards others that requires_determinate action just because it is right_ Conceiving duties this way enables one to overcome the barbarism of using one as means. "Kant's civil society was a moral community that required autonomous people to subject their action to the universal ethical standards of the categorical imperative"³¹.

Civil society, for Kant, represented a set of possibilities appropriate for civilized people. Here categorical imperative is - a set of procedures. It does not contain any matter or content. Moral law can only provide a way of dealing for mind with what is presented to it from senses. "Protected by the rule of law rights and civil liberties, civil society reflects the common and equal moral capacity of all its members"³².

Kant did not lay the hopes for civilized life in beneficent action/self interested action. He looked at politics and history for the signs of moral enlightenment. For him, the French revolution is an instance of organizing public sphere around the public use of reason.

Kant, having followed a procedural approach placed emphasis on how people develop the rules by which they choose to live. The important thing for Kant is availability of full measure

²⁷ *Ibid* quoted from Kant Immanuel, An answer to the question; What is enlightenment? In *Kant, Political Writings*, H. B Nisbet(ed), Cambridge, Cambridge University Press, 1991.

²⁸ Ehrenberg *Ibid* P.112

²⁹ *Ibid*

³⁰ *Ibid*, p.112.

³¹ *Ibid*, p.113.

³² *Ibid*,p.114

of public deliberation, discussion and decision which can only meet possible moral rules with universal validity. People have a right to be subjected to laws that are capable of universal approval. What is required is “freedom to make public use of one’s reason in all matters”³³. The content of the moral rules is not pre-given, but procedures are essential to arrive at moral rules capable of universal assent. Critical independent thought is an important weapon against dogma and authoritarianism.

“By the public use of one’s own reason I mean that use which any one may make of it as a man of learning addressing the entire reading public. What I term the private use of reason is that which a person may make of it in particular civil post or office with which he is entrusted”³⁴.

Public use of reason is a vital tool for moral freedom and moral enlightenment. It is only in public reason one can effectively overcome the limitation of experience and free institutions have an enabling role in serving the cause of moral enlightenment. “Kant’s public sphere describes the processes and institutions of civil society through which thought is made public so it can be critically considered from a universal point of view”³⁵.

The free use of critical reason itself does not provide agreement. It provides a set of rules for the debate. There are some threats to flourishing of critical reason, for instance commercial interests. The question is how to build a morally defensible public sphere which can serve freedom and respect autonomy.

Only the law governed can reconcile individual moral autonomy with the requirements of public order. Reason demands that human relations be governed by universal moral standard of categorical imperative. “Any rule of conduct that allows one to live in freedom and simultaneously respects the freedom of all other has the standing of right”³⁶. An ethically legitimate state will take the form of a republic based on civil liberties and the role of law the best form within which each individual can seek happiness and not impair other’s ability to do the same³⁷.

Structure of Kant’s thought, Antinomies and Colonialism

There are varieties of critical interpretation of Kant’s work as part of post-modern skepticism of theoretical meta-narrative and as post-colonial critique of Euro-centricism of

³³ *Ibid*, Quoted from Kant Immanuel, A renewed attempt To answer the Question; Is the Human Race Continually Improving? In Kant Immanuel, *Political Writings*, Cambridge University Press,1992.

³⁴ *Ibid*

³⁵ *Ibid* P.115

³⁶ *Ibid*

³⁷ *Ibid*

liberalism. Some critics read into his theory elements that justify European Colonial expansion. His theory is subjected to critical scrutiny to show how it serves imperialist expansionism. “From the moral-legal standpoint of practical reason he repeatedly denounced contemporary forms of European imperialism and their purported justifications. At the same time from the anthropological-historical standpoint of reflective judgment he argued that the only way to make sense of human history was in terms of the gradual diffusion of an asymmetrical development centered in Europe”³⁸.

Mc Carthy brings to the fore the tension between moral universalism and developmental hierarchy in Kant’s thought. The tension between the developmental and moral standpoints is built in his account of historical development. From a moral standpoint the war, oppression, injustice cannot be justified particularly from the view of rational principals, ideas and ideals. But from the historical-developmental point of view they are functionally necessary for fuller realization of natural capacities of humans in reaching the final purposes of the world. From a moral stand point it violates an injunction to treat human beings as ends in themselves and never only as means. Mc Carthy³⁹ argues that even if we accept the Kant’s account of the progressive development of species’ capacities, the immense sacrifices that concrete individuals had to make is morally unjustifiable. “The reflective judge who discerns the invisible hand of progress at work in history and the moral agent who is appalled by its depredations are not easily harmonized within a single breast”⁴⁰.

The tension in Kant’s thought has been put in different terms also. There seems to be an antinomy between rational moral improvements of humanity in general and concrete human person’s ability to be progressively rational. “Nature has worked more with a view to man’s rational self-esteem than to his mere well-being..... (it) does not seem to have been concerned with seeing that man should live agreeably but with seeing that he should work his way onwards to make himself by his own conduct worth of life and well-being”⁴¹. The tension that Mc Carthy brings out in Kant’s thought is ‘between treating concrete human beings as ends in themselves and treating the humanity in their person as an end in itself’⁴². Humanity and personality are inherently tied to our rational capacities. Humanity refers to

³⁸ Mc Carthy Thomas, *Race Empire and the Idea of Human Development*, Cambridge, Cambridge University Press,2009. P.169

³⁹ *Ibid*. P.65

⁴⁰ *Ibid*

⁴¹ *Ibid* p.66

⁴² *Ibid*

rational nature in general terms while personality refers to its capacity to be morally self legislative⁴³.

The development of predisposition towards humanity is thought to be relative of development of capacities to set and pursue ends through reason generally not just moral practically. It corresponds to development of culture and civilization. The races and cultures incapable of acting according to reason are less likely to develop humanity that morality commands us to respect.

Kant also characterizes human beings as rational beings worthy of self respect and his cosmopolitan society and kingdom of ends are proposed to be the destiny of all human beings of all countries. His practical anthropology speaks of biological characteristics as determining the capacities of reason. There is a contradiction between the two. In this context it has never been clear “how the biologically inferior endowments of non-whites could be consistent with this destiny”. What is clear in McCarthy is that “the path Kant projects towards this end state is marked by unevenness of development among various races and peoples”⁴⁴. The path so projected in transforming human cultures towards an end state, i.e. the process of cultivation, civilization and moralization will be a process of inevitable diffusion from the West to the rest of the world. This is assumed in social sciences as well as in global discourses that progress in government technology, arts, literature has to inevitably diffuse from the West to the rest. This argument is prefigured in Kant’s monological conception of reason and rationality. Though his practical anthropology covers wide variety of races and cultures, the normative standpoint from which they are judged is not open to multiplicity of factors and judgments. This could have been made possible by culturally embodied notion of reason. But Kantian idea of transcendental reason does not have scope for this.

Consequently, the idea of civil society that Kant envisages is an ideal for European situations. It becomes a burden for rest of the world to emulate and sociologically strive to create conditions conducive to thriving of transcendental reason which is monological in nature. Thus his projection of civil society as a public space functioning according to universal ethic appropriate to people who are fully self governing in moral matters. This universal ethic is derived from universal categories of right based on transcendental conceptions of reason. A critical discussion above suggests that this idea of a normative order to be realized across cultures assumes a centre in Europe which it diffuses across culture.

⁴³ *Ibid*

⁴⁴ *Ibid*

James Tully⁴⁵ reads Kant to yield an argument that the establishment of threshold institutions of rule of law, and republican constitutions are essential conditions for moral progress and freedom. Once these threshold institutions are established, progress occurs through certain means. Republican institutions and commerce constrain atomistic individuals to cooperate with each other in order to satisfy their desires for more than they need for bare subsistence⁴⁶.

Kant, according to Tully contrasts a republican constitution from customs of aboriginal peoples. Aboriginals lack constitutions, government and property because they have not made transition to agricultural life. They had lawless freedom of hunting, fishing and herding which are central to a civilized constitution. Kant appreciates Europeans because they were instrumental in spreading markets and constitutions which are threshold institutions for moral progress and freedom. Thus according to Tully, Kant also justifies the superiority of European forms of life over aboriginals.

Thus Kant's views on civil society and moral enlightenment projects a developmental hierarchy in which institutions of civil life which originated in Europe always had superior validity because of their potential to usher in moral progress and freedom, while the rest of the world was lagging behind and had to be trained to be Europe.

A Critique of Hegel's Idea of Civil society

Hegel's idea of civil society is more complex and nuanced in its specific treatment of bourgeoisie condition. It articulated the emergence of new condition of individualism, mutual competition and mutual dependence and brought coherence to it in theory and philosophy. This coherence has been made possible by achievements by Hegel in other fields by metaphysics, epistemology, ontology etc. He invented a new metaphysic of reason. It brought self consistency to his philosophical ideas by placing philosophy in history. The internal mess of philosophy has been made consistent by explaining it away as overcoming self contradictions of reason. He made historicism as attractive and offered a handle to place world history in a normative frame in which Europe comes first in the race of progress, which should be imitated by the rest of the world. Philosophy is only one dimension of historical progress. Internal clutters of different streams of knowledge have been cleared and philosophy has been made to serve progress/freedom.

⁴⁵ Tully, James, *Strange Multiplicity: Constitutionalism...*, P.80

⁴⁶ *Ibid*

Philosophically, he made available a new conception of reason. It goes beyond transcendental reason and came to an idea of reason as being inter-subjective and which is to be realized in practical relations of everyday life or history as perceived by the subjects. It also views freedom as realization of reason within the processes of history or history as a process of realization of freedom through various moments in advancement of ethical life. This version connects reason, freedom and history within the frame of modernity as a project to be realized across the globe. Civil society represents one such moment in the advancement of ethical life, which ultimately has to culminate in the final moment of ethical life, state. This account of history offers a linear version of historical progress in which Europe represents the advanced stage and non-European societies are still at various backward levels of historical progress. Thus, Hegelian version of civil society decisively privileges normativity of European cultural and political modernity. In the following, Hegel's account of reason, freedom and history and his conception of civil society are offered and it has been critically analyzed.

Epistemology and inter-subjectivity of reason

Hegel criticized Kantian conception of reason. Kant made a distinction between essence and appearance. Kant asserted that essence cannot be known and only reality as it appears to us can be known. Hence, Hegel criticized Kant as his conception can never reach ultimate reality. Hegel begun with Aristotle's conviction that "reality is intelligible that reason can discover the real nature of things and that freedom is summarized in our ability to order the world in accordance with our intentions"⁴⁷.

Hegel has done away with dualism between essence and appearance. The ultimate reality 'Geist', manifests itself in all its phenomenological appearances and can be understood by human reason in its progress through each of them⁴⁸. No universal exists in abstraction on its own independent of particularities that constitute it. Universal exists through particular. The essence of things is being expressed in the world. "Reason does not exist a priori. It can only be realized in practice as the summation of the real, sensual interactions of which human history is made"⁴⁹.

He found Kantian ethics to be too subjectivist. As ethics was conceived as inner legislation of moral duty, there is no concrete referent for the will within the practical relations of the world. For Hegel, Kantian philosophy cannot know truth in itself, "that only is true which each individual allows to raise out of his heart, emotion and inspiration about

⁴⁷ Ehrenberg, J p.122

⁴⁸ *Ibid*

⁴⁹ *Ibid*

ethical institutions, especially, about the state the government and its constitution”⁵⁰. Thus Kantian ethics according to Hegel is subjectivist without having concrete referent in the real world.

Freedom and Civil society

In modern times, Freedom has become the conscious aim of society. Freedom requires that human beings be able to act in accordance with reason. Our ability to shape civil society lies in our capacity to apply the results of free thought to conditions of our lives⁵¹.

Hegel’s conception of freedom and his idea of reason and history are interconnected. Freedom has to be essentially realized in human history, not outside history. It takes place through a process of unfolding of reason. Historical development requires spread of institutions to realize the idea of freedom. Civil society is such an institutional realm where subjective freedom blooms to its fullest. Subjective freedom is to achieve self realization in modernity, whose institutional expression is civil society. It is distinct from two other realms or moments of ethical development: family and the state. The three spheres of social life, the family, civil society and the state are different structures of ethical development, separate and related moments of freedom in which individual self-determination is realized in larger ethical communities within which free persons make moral choices. Freedom is realized in different moments of ethical life. These moments are related and sequential, the one surpasses the other. The succeeding moment contains the essence of the preceding moment. Thus, the development of ethical life and realization of freedom are realized via different stages of ethical life: family, civil society and the state.

The sequence of ethical development is constituted by oppositions between family and civil society and between civil society and the state. Family is ethical life in its early phase which has to evolve and be superseded by the related yet new phase: civil society. Civil society enables realization of subjective freedom or individual self development and yet is an incomplete stage in the path to ethical development to be superseded by the state. This sequence has been naturalized and viewed as to be universally realized across cultures. It has been possible by the way rationality, ethics and history have been integrated into a unified framework.

Family is an early stage in the ethical development. It is negatively defined in relation to civil society. Civil society is a condition in which subjective freedom of the individual is realized and self realization is made possible. Family is a condition which makes impossible the realization of these modern ideals. Ethical life in family is expressed as a set of

⁵⁰ *Ibid* p.123.

⁵¹ *Ibid*.p.124

domestic duties. 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 is family unity.

Civil society is a different moment of ethical life as it places itself between family and the state. Family is a limited moment of ethical life constituted by unity and love. Civil society is another moment of ethical life characterized by competition and particularity. Its inhabitants act with an intention to satisfy their own needs and are driven 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 is an advanced moment than family as it 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 producing and earnings for the enjoyment of everyone else"⁵². Civil society is not defined in opposition to the state, but as an active moment where the dialectic between particularity and universality is resolved.

The significance of Hegel's idea of civil society lies in its articulation of social condition of bourgeoisie private individual. It represents a condition of an isolated individual made free from feudal shackles and become free in the sense of integrating himself into the market. The concrete person who constitutes civil society is a totality of wants his own caprice and physical necessity. He is the sole object of his own aims. Secondly each establishes himself and finds satisfaction by means of others. The institutional mechanism for this is universality of market. Thirdly it connects self-serving individuals who are free from feudal bonds and pursue their own interests. This sphere made individuals free from particularisms and inequalities; it created space for freedom and pursuit of individuality under conditions of universality.

Civil society as an alienated condition

Civil society is not merely a moment of freedom; it is also an alienated and un-free condition. With the emergence of bourgeoisie economy, civil society became the sole

⁵² *Ibid.* p.125

determinant of the fate of human beings. Family used to offer skills necessary to earn his subsistence in case of him suffering a disability.

“Civil society tears the individual from his family tie, estranges the members of the family from one another and recognizes them as self subsistent persons for either for the paternal soil and the external in organic resources of nature from which the individual has merely derived his livelihood. It substitutes its own soil and subjects the permanent existence of the entire family to dependence on itself and to contingency”⁵³.

Thus civil society creates a sphere in which individual fate is determined by market. Civil society is seen as a sphere of freedom and choice. It simultaneously becomes the sphere of isolation, dependence and subservience⁵⁴. Civil society in the context of bourgeoisie economy operates according to the logic of human as private economic beings. Civil society tries to meet individual current needs and constantly creates new one. Its unlimited multiplication of needs gives rise to the poverty that civil society cannot on its own resolve which precipitated his turn towards the state. It can no longer guarantee that the individual can meet his needs with his work. The individual becomes un-free in civil society as the power of market over which he has no control determines his fate. Transformed into negation of freedom by its own dynamic, it creates a mass of alienated people, “a rabble is created only when there is joined to poverty a disposition of mind, an inner indignation against the rich, against the society, against the government etc”⁵⁵.

Civil society as a moment in ethical life has to be transcended. It is not the final stage in the process of realization of spirit. It is incomplete and cannot ensure freedom because it cannot view itself as an integrated ethical whole. The anarchy of self-serving interests cannot produce integration, rationality, universality and freedom⁵⁶. The inherent logic of dialectical self development of the spirit necessitates an account of how civil society is an incomplete ethical moment which needs to be transcended by the universal ethical community, the state. Simultaneously, the idea of civil society as a stage in ethical development brings out moral contradictions of bourgeoisie economy unlike in medieval times which was a natural problem; like poverty is a social problem in modern times. The problem of poverty cannot be resolved within civil society because any attempt to address it would violate the logic of the sphere. If the subsistence needs of the poor are met by the generosity of the rich like construction of schools, hospitals etc. it would violate the ethic of individual independence and self respect. If the poor are offered subsistence by being given work, it leads to over production where there wouldn't be enough consumers for the produce.

⁵³ *Ibid*,P.126

⁵⁴ *Ibid*,p,126-127

⁵⁵ *Ibid*,p.127

⁵⁶ *Ibid* p.128

Civil society cannot resolve the problem of poverty. Once the civil society is established, it takes the form of wrong done by one class over another. Thus in civil society natural equality is transformed and got amplified in to social inequality which cannot be transcended from within. It destroys freedom and ethical coherence in the sense of integration and coherence. State is a higher ethical category whose logic should be found from outside the market driven logic of civil society. It embodies rationality, universality, integrity and coherence. It overcomes anarchy and ethical incoherence of civil society.

State is an ethical category as it can reconcile civil society's antagonisms and embraces universal concerns. Individuals can be self-actualized, concretely free only if they are devoted to ends broader than their immediate interests⁵⁷. Civil society's pauperism cannot make freedom possible as individuals vehemently pursue self-interests 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 connections to others"⁵⁸. It stands apart from civil society and family in its logic and transcends them. Family meets private needs while civil society is a space for pursuit of private interests. But state is an ethical realm for realization of rational nature of the individual. "Since the state is mind objectified it is only as one of its members that the individual himself has the objectivity, genuine individuality and an ethical life"⁵⁹.

State transforms limited moment of civil society into a realm of freedom. It serves human liberation by making possible for us to structure our action in accordance with the common good. State's "universality allows it to guarantee freedom of personhood, moral subjectivity, family life and social action"⁶⁰.

Hegel's conception of civil society theoretically articulates contradictions of modern social life. Hegel considers civil society as an intermediary phase in the self development of ethical life. It is not like family or state. Family stands for elementary and undifferentiated form of consciousness. Civil society represents stage of social economic and political differentiation. State is an ethical unity transcending particularities achieved through realization of reason. Civil society as a differentiated realm makes possible individual subjective freedom to pursue his selfish desires. Yet, civil society is not an ethical whole. The anarchy of self serving interests cannot produce integration, rationality, universality and freedom⁶¹. But state is an ethical realm for realization of rational nature of the individual.

Euro-centrism, civil society and History

⁵⁷ Beiser, Fredrick, *Hegel*, Newyork,Routledge,2005.Pp.246-48

⁵⁸ Ehrenberg.P.129

⁵⁹ *Ibid*

⁶⁰ *Ibid* p.131

⁶¹ *Ibid* p.128

This account of dialectical development of ethical life has served the purpose of self-clarifying and justifying social and cultural achievement of modern values within the Europe, and particularly Greece- Roman world. The other side of this account is to underrate the cultures of Africa and the Orient as they still could not reach the pinnacle of culture and historical progress. These cultures were still in the infancy of historical progress when looked at from the normative standpoint of European cultural and political modernity. Hierarchical placing of cultures with Europe at the top and Africa at the bottom by Hegel is inextricably linked to his idea and philosophy of history. This account is both descriptive and normative. It is descriptive of world historical happenings. These happenings are clothed in a rationalist metaphysic which assigns values of superior and inferior to different cultures. Oriental and African cultures are judged from the cultural and social location of Hegel's time, European, Protestant Christian patriarchy⁶². Western hegemony defines Western values as the embodiment of universal rationality; whereas non-western cultures are seen as the embodiment of parochial rationality. Civil society in Hegel's thinking is the normative form of social life available and possible under the conditions of western European modernity only.

Hegel's philosophy of history posited a universal and linear development of the spirit when it identified three stages through which the latter passes:

- a) The subjective mind or spirit, where the spirit is still very much a part of the physical world and as such undifferentiated from nature.
- b) The objective spirit, where the spirit manifests itself in objective social phenomenon e.g., legal systems, morality, political philosophy and finally.
- c) The absolute spirit the most developed stage, where the spirit is self conscious and express itself through art, religion, philosophy and soon as found in Europe⁶³.

According to Tibebu⁶⁴, Hegel argues that in Africa, spirit has failed to develop and remained in its subjective stage. They do not think of themselves as separated from nature and does not have an awareness of anything higher than themselves, like God or law. Hegel argues that the Orientals have made some progress towards moving away from a pure state of nature and developed consciousness. For Hegel they are yet to go a long way in reaching true humanity.

⁶² Tibebu Teshale, *Hegel and the Third World*, Syracuse, Syracuse University Press, 2011

⁶³ Mazama Ama, "Tibebu Teshale, Hegel and the Third World –Book Review," *Journal of Black Studies*, Syracuse, Syracuse University Press, 2011, 42(5), p.847

⁶⁴ Tibebu Teshale

Hegel's claim is that the Orient has been impervious to change over time. "It is a zone frozen in permanent inertia, going in cycles of recurrence of the same"⁶⁵.

In the Orient, nothing subjective in the shape of "disposition, conscience, formal freedom is recognized. Neither morality nor government spring from subjective dimension of the individual. Morality in the Orient is a "subject of positive legislation"⁶⁶. Spirit has not yet attained subjectivity "it wears the appearance of spirituality still involved in the conditions of nature"⁶⁷.

Thus, there is a perfect match between hierarchy of races and cultures constituting European common sense and rationalist metaphysic of dialectical movement of the spirit. In the Hegelian scheme, Europe signifies cultural and moral advancement that humanity has achieved in all fields including art, literature, law and government. The Orient and the Africans still represent early stages of advancement of human civilization. In these cultures spirit has not yet been fully separated from nature. This hierarchy of cultures reinforcing Euro-centrism is justified by rationalist metaphysic of dialectical movement of the spirit. Thus, there has emerged a perfect match between reason as guiding social arrangements and doctrine of hierarchy of races and cultures.

Civil society has been realized only in societies where subjective dimension of objective institutions has been fully realized. It means to say that only in societies where inter-subjective validation of objective institutions are realized civil society can be claimed to exist. In societies of Africa and Asia where subjective side of cultures has not been yet developed, the idea of civil society cannot be imagined. These societies must imitate European societies in terms of political forms to be evolved. This is still the unspoken assumption of all modernization theories.

De Tocqueville's views on Civil Society: A Critique

De Tocqueville is a liberal who laid enormous emphasis on civil society. Dana Villa brings in a conceptual nuance in interpreting Tocqueville on Civil society. Tocqueville can be interpreted to yield a political and a non-political conception of civil society. Dana Villa emphasizes that it is appropriate to read a political conception of civil society in to Tocqueville. The political conception of civil society "refers to a diverse array of trade, women's, political and student groups, all of whom were determined to defend not just private, but also local and public liberty. It came in a world to stand for a decentralized and pluralistic public realm; one capable of advancing society's claims not only against the

⁶⁵ *Ibid* p.230.

⁶⁶ *Ibid* p.231

⁶⁷ *Ibid*

bureaucratic/authoritarian state, but also against large economic interests such as multinational corporations”⁶⁸.

This is a political interpretation which underlines public struggles for democratic values. It is also concerning decentralized and local activities outside the state which emphasizes on the value of public liberty as against the private liberty of some of the liberals. It values pluralism of local cultures and participation which ensures public liberty and inculcation of public virtues. The public political dimension of this sphere is vital to the revival of Tocqueville ideas to make sense of his conception of civil society.

In contrast to this there is a non-political and broadly American interpretation of civil society that emphasizes on moralizing effects of it. It emphasizes on the educative role of schools, churches and community organizations. Their role is in civilizing social life but it does not emphasize on public dimension of participatory activity in the sense of participating in determining the collective activities of civil society. The current invocation of civil society in non-American world refers to the first one, a political conception of it.

Tocqueville: The New Liberal

Tocqueville’s political ideas are of ‘new liberal’ kind with a distinct flavor. He emphasizes on public liberty of participation in contrast to the private liberty of consumption. He did not advocate unconstrained liberty and absolute autonomy of the individual but he agrees with liberals “who hold that liberty is the counterpart of virtue and greatness”⁶⁹ that liberty is not about self expression or self realization in private lives. It is rather about participation in public life to reach public greatness through virtuous action. He comes close to constitutional liberals of French variety, who would argue for a constitution based on concrete rights that could be encountered in the immediate sphere in the social condition. Constitutionalist liberals attempted to balance liberty and authority via checks and balances of sources of power in government and society”⁷⁰. The major objective of new liberalism is to preserve and develop free political institution without seeping either into anarchy or tyranny. To preserve free political institution Tocqueville along with constitutional liberals suggests for ‘checks’ and ‘balances’ of power between different organs of the government and more

⁶⁸ Villa Dana Tocqueville and Civil Society in Welch Cheryl B, *Cambridge Companion to Tocqueville*, New York, Cambridge University Press, 2006. Pp 217-18

⁶⁹ Ossawarde, M. R. R, *Tocuevelli’s Moral and Political Thought: New Liberalism*, London, Routledge, 2004. P, 3.

⁷⁰ *Ibid* p.4

importantly different estates in the social sphere act as a check against tyrannical government. They preserve social order from diffusing into dust of masses. These intermediary institutions help in preserving free political institution while in a democratic age, different sort of intermediary institutions are necessary for the task.

Civil society and the value of local participation

Tocqueville's ideas thus can be viewed as new liberalism. His conception of civil society is also weaved differently which is available in his two volume work on democracy in America⁷¹. He criticized the process of centralization of political power and consolidating the centralizing modern state. It kills the individual's spontaneous connections with the other and thereby makes impossible social cooperation because of centralizing state's 'love of regularity predictability and routine'. Tocqueville argues "it (central power) can not of itself embrace all the details of the life of a great nation. Such vigilance exceeds the powers of man. Its force deserts it when society is to be profoundly moved or accelerated in its course, and if once the cooperation of private citizens is necessary to the furtherance of its measures the secret of its importance is disclosed"⁷². Local self rule is the alternative. It has been practiced in America even before its declaration of independence. Local municipal institutions existed much earlier to independence. The key to American political life is autonomy of local life from central powers which had manifested in the municipal life of township of New England.

New England's municipalities mediated between the people and broader political institutions by representing local interests. "They were perfectly structured to channel and tame popular participation for" the township at the centre of the 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 society change their character when they find a vent so near the domestic hearth and the family circle"⁷³.

He characterizes local municipal life as embodying public psychology of political participation under conditions of political liberty. It serves the need for public esteem and the taste for authority and popularity. It extinguishes the passions that engulf society normally because they could be expressed in such a proximate environment.

⁷¹ De Tocquevelli, Alexis, *Democracy in America*, New York, Random House, 1990

⁷² Ehrenberg. J. p.162

⁷³ *Ibid* Pp 162-63

Local municipal life offers a structure for establishing a link between private interest and public life. Private interest and public norms become one and this helps him in evolving for himself the practical notions of government.

“The native of New England is attached to his township because it is independent and free; his cooperation in its affairs ensures his attachment to its interests: the wellbeing it efforts him secures his affection and its welfare is the aim of his ambition and of his future exertions.....he acquires a taste for order, comprehends the balance of powers and collects clear practical notions on the nature of his duties and the extent of his rights”⁷⁴.

His conception of municipal life articulates the advantages of public participation. The key is his attachment to its interests. The logic of public life itself allows him to develop public affection for the institution. In the process of practicing participation he develops clear practical notions of his obligations and rights which is key to order as against revolution. Revolution takes place due to lack of knowledge of practical notions of public government.

Modernity, Economic Inequality and Civil Society

He also thought about impact of economic condition on society and consequently on public liberty. He argued that there is an inextricable link between commerce and liberty. There was not a single nation which is commercially prosperous and not yet a free nation. Freedom and prosperity go together. At the same time it also lead to divisions “when social conditions are equal, everyman is apt to live apart, centered in him and forgetful of the public”⁷⁵. Equality in spite of the benefits it brings also creates greater problems. “Left to itself equality produces a society of strangers not only does democracy make everyman forget his ancestors but hides his descendants and separates his contemporaries from him; it throws him back forever upon himself alone and threatens in the end to confine him entirely within the solitude of his own heart”⁷⁶. Thus, economic equality and modernity produces society of strangers with no emotional and psychological bonds and social imagination towards each other. Civil society, Tocqueville finds is a cure for this. The Americans could fight anomie and atomism produced as a consequence of democratic equality only by sustaining free institutions and more so of civil society. Voluntary associations can promote citizen activity and connect individual interest to the welfare of the community. “Local control over public

⁷⁴ De Tocqueville, “Democracy in America” see Ehrenberg J p.162

⁷⁵ Ehrenberg J,P.165

⁷⁶ *Ibid*

matters brings the lessons of Athenian democracy and classic republicanism to the egalitarian conditions of modern life”⁷⁷.

“And the human mind is developed only by the reciprocal influence of man upon one another. I have shown that these influences are almost null in democratic countries, they must therefore be artificially created and this can only be accomplished by associations”⁷⁸. Americans form all sorts of associations. Thus, under conditions of social equality, civil society addresses the problem of anomie brings cohesiveness and meaning to social life.

Civil society can and should act as a check against royal despotism and also a check against majoritarianism. He advocates plurality of local privileges preventing absolutism of central power and massification of society.

“Governments should not only be active powers; associations ought in democratic nations to stand in lieu of those powerful private individuals whom the equality of condition has swept away”⁷⁹.

In feudal times nobility acted as a powerful check against royal absolutism. Nobility had been assigned with distinctive privileges in different provinces where the juggernaut of the royal absolutism halts.

Tocqueville thought that civil society serves liberty by diluting the influence of any single interest or majority interests though it is true that those interests come into existence due to the processes of democracy.

“There are no countries in which associations are more needed to prevent the despotism of faction the arbitrary power of a prince than those which are democratically constituted. In countries where such associations do not exist if private individuals cannot create an artificial and temporary substitute for them I can see no permanent protection against the most galling tyranny; and a great people may be oppressed with impunity by a small faction or by a single individual”⁸⁰.

Therefore associations prevent democratic excesses by diluting the influence of majority interests. It lets plurality survive and thrive through voluntary activity of innumerable associations. State, howsoever tyrannical it may be, cannot completely erase the diversity of associationalism.

⁷⁷ *Ibid* p.161

⁷⁸ *Ibid*. p.163

⁷⁹ *Ibid* p.167

⁸⁰ *Ibid*, p.166

Thus, Tocqueville puts hope on civil society in checking royal absolutism as well as its prevention of society from lapsing in to anarchy. It brings identification of individual interests with the public interests. It shapes the mind in such a way that it satisfies its need for esteem and makes sense of necessity of order. It makes possible checking of majoritarianism through plurality of voluntary associations. It is a unique carving of liberal imagination tinged with republican sense. Its objective has been to ensure growth of free institutions by establishing checks and balances between different organs of government and socially rooted interests that develop through associations. In traditional republicanism, the checking of absolutism was carried out by traditional noble privileges.

Tocqueville on Empire in New England

Tocqueville had lived through the heydays of French and British colonialism. He visited America during the period of English colonization of Amerindians. He was personally involved as a parliamentarian in formulation of French colonization of Algeria.

Tocqueville was involved in French colonial policy and offered justification for the French empire in Algeria and elsewhere, quite in contrast to his liberal espousal of values of participation, pluralism and public liberty. He did not think that these values ought to be extended to colonial people. His expositions on colonialism are available both in his writings on Democracy in America and on French empire in Algeria. His writings on empire are not products of conscious philosophizing, but fashioned for addressing concerns of domestic public regarding demands of colonization. His articulations on exploitation of Amerindians by English Empire are critical, but ambiguous while his writings on Algeria are unambiguous in his defense of Empire.

Tocqueville's response to American expansion is highly ambivalent. He did not condemn English expansion over Amerindians totally. He saw it as indispensable for the country's political and economic vitality. He gives a complex historical account which suggests that in the process of development of civilization it becomes inevitably tragic that the encounter between civilized conquerors and a savage, conquered population⁸¹. In this account Amerindians' attitude itself becomes a problem. He argues that Amerindians and slaves in American south cannot become participating members in the political community because of their own attitudes. "American slaves had the misfortune to grow accustomed to servitude and accept it, Amerindians "savage nations" lying at the 'extreme edge of freedom' could have chosen civilization but disdained to do so and their extreme love of liberty had facilitated the

⁸¹ *Ibid*

corruption of their society”⁸². Thus Amerindians and slaves did not have cultural prerequisites to become participating members of democratic order, hence destined to be excluded. At the same time he also expressed moral revulsion at the settlers’ treatment of Amerindians. William Connolly⁸³ has pointed out; Tocqueville makes use of the “slippery language of regret without moral indictment and more significantly of the recognition of undeserved suffering without any plan to curtail it in the future”. Tocqueville did not provide alternative vision for their upliftment. He thought it was too late to think of improving tribal fortunes. “One can only express nostalgia for their uncorrupted past and comment the Anglo Americans failure to improve the European record in the New world, even in his own belated and apparently enlightened age”⁸⁴. Thus, he expressed moral regret at the fate of Amerindians, but he did not think it necessary for the European colonizers to improve their condition.

On French Empire in Algeria

Tocqueville did not attempt to extend his espousal of liberal values to colonial people. He was constrained by the considerations of domestic conditions of France when it came to Algerian policy. Tocqueville thought that commercial and private interests undermined political community and threatened liberty. He proposed two solutions to overcome private interests and anomie afflicting French society; virtue and glory. The first one requires great sacrifice for common political projects in which people come out of their private spaces and join together. Virtue was connected with self sacrifice for the benefit of the public. Tocqueville invokes glory as being satisfied with reputation and the appearance of greatness. He often implied that “pursuit of glory through conquest would generate the political dynamics of an involved citizenry and a strong nation”⁸⁵. Tocqueville saw a need for colonies on the count that it would generate unified political community purged of impurities of domestic strife. It would also enhance the French reputation in the international community⁸⁶. He “placed nationalism above liberalism; the interests of ‘progressive’ Christian countries

⁸² *Ibid*

⁸³ Connolly Williams *The Ethos of Pluralisation*, Minneapolis, The University of Minnesota Press, 1995,p.171

⁸⁴ Pitts Jennifer, p.197

⁸⁵ *Ibid* p.194

⁸⁶ Similar arguments are available in Pitts Jennifer, Introduction and Welch Cheryl. Out of Africa: Tocqueville’s imperial Voyages, *Review of Middle East Studies*, 45(1),2011.

above the rights of those that were not”⁸⁷ and added that “France’s power and reputation within Europe would rely, increasingly on its colonial possessions”⁸⁸.

Tocqueville advocated establishment of rational economic society, but he did not seem to think the same regarding political society. “The ideal of a flourishing nation in North Africa filled with roads, modern communications. Capitalist agriculture and energetic and self interested colonists inspired in Tocqueville awe surprisingly free from ambivalence”⁸⁹. He advocates the cause of economic colonists against the military. He was interested in establishing a viable agricultural colony commercially profitable and based on the allure of gain and comfort”⁹⁰. He felt the need to create a vital economic and civil society peopled by colonists with order, tenacity and intelligence “who make both capital productive and local civic life possible”⁹¹. Though he advocated institutions of economic practices of modern economy he wasn’t insisting on guaranteeing civil freedoms According to him these institutions are not essential for the infancy of societies. Though he suggests economic civil society for Algerian colonies he did not suggest instituting political civil society. Assessing his overall thought, he occupies a firm ground when compared to staunch Universalists like Mill and Hegel. For instance, Mill strongly argued for imperial rule in colonies for civilizing the savage. He did not have any doubts concerning civilizational superiority of the European people as he was wedded to a historicist, stagiest and evolutionist idea of historical progress. Hegel was strongly historically determinist in method and social theory which essentially led him to believe that the European societies are more advanced in historical and ethical development according to the enlightenment standard of reason realizing itself. Tocqueville resisted such historicist accounts. He considered such attempts determinist, fatalist and thus in some sense immoral⁹². “The duty of the political thinker he believed was to make political actors aware of certain patterns of causation and to suggest the limitations on their actions, not to map the course of history or to predict the future”⁹³. Because of his methodological contextualism, and his experience on the ground in colonies, he had a better appreciation of multiple goods involved in colonial expansion, instead of simply evangelizing it.

When it comes to morally judging imperial expansion, he was ambivalent. He was moved by concerns of domestic politics of establishing domestic national unity and to enhance international reputation of France. He was interested in promoting peace and liberty

⁸⁷ Pitts Jennifer, “Introduction” in Tocqueville Alexis, (Pitts Jennifer Ed& Tr) *Writings on Empire and Slavery*, London, The John Hopkins University Press, 2001.

⁸⁸ *Ibid*

⁸⁹ Welch Cheryl, 2011 p.17

⁹⁰ *Ibid*, p.18

⁹¹ *Ibid*, P.20

⁹² Pitts Jennifer, *A turn to Empire*, P.236

⁹³ *Ibid*

at home which was fragile and imperial expansion was one of the means he thought. There is a range of comments on his liberalism and the defense of empire. Melvin Richter⁹⁴ argued that Tocqueville's stand on Algeria was inconsistent with the democracy in America. "He (Tocqueville) placed nationalism above liberalism; the interests of 'progressive' Christian countries above the rights of those that were not". However, Pitts⁹⁵ disagrees with this reading. Such a reading is delusory because it sees no connection between his liberalism and nationalism, which Tocqueville does because of his defense of the imperialist project which was strongly rooted in preserving, Free French polity at home. Thus, Tocqueville's espousal of new liberal ideals of civil society as enunciated in *Democracy in America*, was not extended to colonies, but in sustaining and building such a civil society at home which required good colonies elsewhere.

The tradition of thinking on civil society has been critically reviewed with the help of revisionist liberalism. The tradition so constituted has been accepted as the dominant tradition of civil society. This idea of civil society has been theorized as a norm for all societies. It has exposed the complicity between this idea of civil society and colonialism. Colonialism was engaged in establishing such a civil society in its colonies. Nationalist movements in different colonial countries also did not break with this tradition. They also argue for establishment of similar form of civil society in their own countries. Even post-colonial elite do so. In this context the attempts at decolonization of the idea has been done by liberals as well. Thinking of alternatives to it is a critical task.

⁹⁴ Ritcher Melvin, Tocquevelli on Algeria, *Review of Politics*, 25 July,1963 p.364

⁹⁵ Pitts Jennifer,2005. P,233-34