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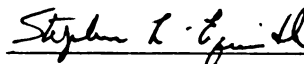
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THOMAS W. DONOVAN III

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**THE PHILOSOPHICAL
THEORY OF CIVIL SOCIETY**

by

Thomas W. Donovan III

A THESIS

**Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of**

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ABSTRACT

THE PHILOSOPHICAL THEORY OF CIVIL SOCIETY

By

Thomas W. Donovan III

This thesis argues that with the concept of civil society we can conceive of a realm that offers the greatest potential for expanding democracy in Western capitalist democratic regimes in a way that is consistent with the ideals of modernity. The study begins by briefly tracing the history of the public sphere. This gives us a standard from which to judge our contemporary society. Using Gramsci's notion of hegemony and Habermas's system theory a theoretical model of civil society is constructed that will be adequate for today's world.

With this modern theoretical model of civil society this study examines the role that social movements can play in transforming society. This study concludes with a close look at the welfare state and tests our theory of civil society in light of the dilemmas that arise from the welfare state.

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INTRODUCTION

It can be argued that the idea of the concept of civil society as a foundation for reconstructing radical left political theory goes back to Gramsci's Prison Notebooks.¹ The concept was shown to have critical implications for Soviet type (i.e. Poland, Yugoslavia, Czechoslovakia, and Hungary) societies. It has also been used in analyzing the democratic potential of bureaucratic authoritarian regimes in Latin America that suppressed civil society. Yet it seems questionable to assert that civil society could become a key concept of "a new critical theory of all contemporary industrial societies, redeeming important elements of the heritage of both radical democracy and socialism."²

In fact, one could argue that civil society merely indicates what the West has already achieved, and thus it may not have any critical potential for analyzing the dysfunctions and injustices of our type of society. One could also argue that the concept of civil society is

anachronistic. The concept seems to belong to early modern

¹ See Andrew Arato, "Civil Society, History and Socialism: Reply to John Keane," in Praxis International (April and July 1989) 133. Also see, Richard R. Weiner, "Retrieving Civil Society in a Postmodern Epoch," in The Social Science Journal (Vol. 26, Number 3, 1991)

² Arato, 133.

forms of political philosophy and may be irrelevant given today's complex societies. Against these views, we will see that with the concept of civil society we can conceive of a realm that offers the greatest potential for expanding democracy in Western capitalist democratic regimes in a way that is consistent with the ideals of modernity.

At first glance one could confuse this project with numerous others that cry "society against the state." We often hear of citizen initiatives, associations, and movements that attempt to increasingly orient themselves toward the defense and expansion of a variously described societal realm, the forms and projects of which are clearly distinguished from statism. This cry of "society against the state" tends to go in one of two directions.³ One is by those who defend an idealized premodern network of communities, traditional solidarities, and collectives against modernity itself. Second, there are various neoconservative, neoliberal, and libertarian initiatives that identify "society" with the market economy. Both of these trends are regressive versions of antistatism. The first wishes to retreat behind the modern state, thus eliminating an essential precondition of modernity itself; the second wishes to repeat the already failed experiment with the fully self-regulated market economy of classical capitalism. Unlike these approaches we will argue for a third way. This third

³ Jean L. Cohen and Andrew Arato, Civil Society and Political Theory, see preface.

way for retrieving the category of civil society involves the attempt to construct a program that can represent the values and interests of social autonomy against both the modern state and the capitalist economy, without falling into a new traditionalism.

As the history of the West has taught us, the capitalist market economy can represent as great a danger to social solidarity, social justice, and even autonomy as does the administrative power of the modern state. Therefore we will clearly differentiate civil society from the economy (as well as the state). Civil society should be seen as a realm between the state and economy that is composed of the intimate sphere, associations, different forms of public communication, and social movements.⁴ This model is meant to invoke the notion of the democratization of civil society, not the revival of civil society. Again, this defense and democratization of civil society demands a modern conception of civil society that is capable of preserving its autonomy and forms of solidarity against the pressures of the modern economy as well as of the state.

The body of this paper is divided into five sections. In the first section we will look at Habermas's important work, The Structural Transformation of the Public Sphere, briefly to trace the historical development and trajectory of the public realm as it tried to keep its independence from both

⁴ Ibid, ix.

the state and market economy. We will detail the ways the public sphere has declined. In section two we will draw from Gramsci's notion of hegemony and Habermas's system/lifeworld distinction to construct a theoretical model of civil society that is consistent with democratic and modern ideals. In this section we will also see how this model does not posit the exclusion of women from civil society as traditional theories of civil society do. In fact, our model demands a posttraditional stance in terms of gender issues. In section three we will take a second look at Habermas's analysis of the decline of the public sphere to focus on how our model of civil society offers normative and political perspectives that make it possible to see progressive possibilities despite the decline of the public sphere. The fourth section will show how some contemporary social movements fit into this concept of civil society and how some social movements can offer the greatest hope for transforming Western capitalist democracies. Section five, the last section, will show how this concept of civil society can help us think beyond the dilemmas presented by the welfare state. It will show how a conception of civil society that is differentiated from the state and the economy offers a progressive answer to the challenges posed both by the neoconservative critics of the welfare state and its liberal defenders.

Section 1: THE PUBLIC SPHERE

Habermas was and is attracted to the notion of the public sphere because of its potential as a foundation for a critique of society based on democratic principles. The public sphere is a realm in which individuals gather to participate in open discussions. Potentially everyone has access to it; no one enters into discourse in the public sphere with an advantage over another. These generic qualities of the public sphere are of course subject to qualification based both on historical context and the topics that are admitted for discussion. The bourgeois public sphere in its classical form (drawn mainly from English society), which is the central focus of The Structural Transformation of the Public Sphere, originated in the private realm; it was constituted by private citizens who deliberated on issues of public concern. The literary public sphere, which Habermas considers a prefiguration of a political public sphere oriented towards matters of state policy, dealt with issues of cultural, rather than governmental concerns.⁵ The principles of equality and accessibility were its indispensable ingredients. In contrast to institutions that are controlled from without or determined by power relations, the public sphere promised democratic control and participation.

⁵ Jurgen Habermas, The Structural Transformation of the Public Sphere, see section two.

Habermas recognizes that the liberal phase of the bourgeois public sphere was not entirely free of contradictions. The great mass of workers, women, and peasants were excluded from membership and private interests often supervened in what was ostensibly a rational articulation of the public interest. He nonetheless appreciates the principle of democratic self-determination and critical accountability that it embodied.

With the development of modern capitalism, however, the conditions that nurtured the bourgeois public sphere, namely homogeneous class interests and a relatively high level of education and material affluence, disappeared. So the public sphere, at least its bourgeois prototype, began to decline during the course of the past century. The collapse occurred because of the intervention of the state into private affairs and the penetration of society into the state. Since the rise of the public sphere depended on a clear separation between the private realm and public power, their mutual intervention inevitably destroyed it. The role that the public sphere had played in the intellectual life of society was then assumed by other institutions that reproduced the image of a public sphere in a distorted guise. The intensification of class conflict in the nineteenth century and the accompanying expansion of the press beyond its original bourgeois base were accompanied by both a decline in disinterested discussion and a rise in propaganda wars

between competing private interests. The dissolution of public life into naked power struggles between self-interested economic classes foreshadowed the absorption of the market into the protective orbit of the welfare state in the twentieth century. This "refeudalization of the public sphere" stemmed from the need of the state to make controversial decisions vital to the management of a class-based economy without fear of public reprisal and to plan policy without regard to public demands for accountability. But this required depoliticizing the public sphere and making it malleable to the state's designs. This was accomplished by artificially orchestrating public opinion so as to promote the illusion of a profusion of competing interests. The assumption that such interests are rationally irreducible indirectly justifies the right of the state to intervene in the role of arbitrator. It also contributes to the further dissemination of "technocratic consciousness," for, if economic interests cannot be decided rationally, then public policy planning geared toward the technological maintenance of steady economic growth must be directed from above by trained bureaucratic elites.

Since our purpose in analyzing the decline of the public sphere is to see if it can be revived and democratized it may be helpful to view the decline from six different though related theses.⁶ The first thesis is that the modern state

⁶ Cohen and Arato summarize Habermas's multidimensional synthesis, see 242-246.

intervenes in the liberal capitalist economy. The self-regulating market and oligopolistic competition create imbalances that the state seeks to correct. This intervention occurs at the cost of the economies liberal character, but it protects the capitalist structure that is endangered by crisis tendencies and by unhelpful self-regulation. One way the state corrects the imbalances is through welfare-state expenditures.⁷

The second thesis is that there arises the assumption of public powers by private associations. Habermas argues that in processes of oligopolistic competition, private organizations are capable of, in effect, forming public economic policy. The state itself increasingly uses private legal contractual devices to regulate its relations with its social partners. This was not the case in liberal capitalism.⁸

Thirdly is the assumption of public powers by private associations that leads to the emergence of corporatist processes of negotiation, bargaining, and compromise that are not open to public processes of scrutiny and end up reducing parliamentary discussion and debate to merely a process of legitimating decisions already arrived at under secret. Representatives mobilize a plebiscitary opinion from outside parliament and no longer try to truly debate and convince one

⁷ It is worth noting that Habermas (and Claus Offe and James O'Connor) Stressed the inevitable dysfunctions and legitimation problems well before the emergence of neoconservatism.

⁸ See Structural Transformation chapter 16.

another.⁹ One thing this lack of political opposition does is reduce the public controls upon the administration, which in turn strengthens authoritarian power without authoritarian means.

The fourth thesis is the rise of propaganda in contemporary political discourse.¹⁰ The forms of commercial advertisements that become dominant as price competition ceases to dictate oligopolistic groupings in their fight for market shares allow for our type of modern political manipulation. This manipulation comes in the form of propaganda campaigns that advertise and sell political leaders, parties and policies. For this type of propaganda to work there must already exist mobilizable audiences that are passive and uncritical. This advertising addresses people in their private capacities which helps break down the intimate sphere. Although some kind of political public sphere is reconstructed during electoral campaigns, parties still prefer to target individuals who are not members of associations or higher status groups, and who have no access to what are depicted here as residual forms of a reasoning public. The voters targeted are done so by appealing to consumerist behavior not through enlightenment. The success of this approach not only entails that those who organize elections understand that there has been a loss of a genuine political public sphere, but they must also consciously help

⁹ Ibid, section VI.

¹⁰ Ibid.

to assure that a genuine political public sphere has disappeared.

The fifth important thesis is the decline of the intimate sphere of the family.¹¹ There is a destruction of the private shell of bourgeois property around intimacy, caused by the loss of the family's economic functions and the growth of client relations to the state in its capacity of providing social insurance. The family, and especially the father, lose the authority they once possessed due to the reduction of the family's economic functions; and with the growth of the states ability to provide social insurance the loss of repressive features and defensive ones increases. The intimate sphere becomes subsumed because new forms of even more intensive intimacy are hopelessly defensive; private life becomes more and more open to the gaze of outsiders.

The sixth and last major thesis is the decline of the literary public sphere and the rise of mass culture.¹² The literary public sphere grows into a sphere of consumption and manipulated leisure. This growth is tied in with the decline of family-based institutions and to the industrial-commercial transformation of the media communication. Although the intimate sphere of the family is not strictly part of the public sphere it is a "source of impulses and energies for that more public arena."¹³ Although the eighteenth-century

¹¹ Ibid, see chapter 17.

¹² Ibid, see section VI.

¹³ Terry Eagleton, The Function of Criticism, 115.

public sphere officially excluded the intimate realm, the intimate realm did help generate forms of subjectivity which were "publicly oriented" and so were incorporated into the public realm. The literary public sphere was a "vital nexus or mediation between the now privatized nuclear family and the political public sphere; it provided the symbolic forms for the negotiation of new modes of subjectivity, which could then be transmitted into the public domain."¹⁴ The literary public sphere had a privileged place between an autonomous subject and the institutional life of political society. This separation of the family and the political society is important. It allows for the possibility of mediation between them through culture, which then generates new forms of subjectivity. But with the decline of the literary public sphere and the rise of mass culture "[a] market is no longer the precondition of autonomous art; marketability becomes a principle of the industrial production of art."¹⁵ The so called "democratization" of culture is a pseudo-democratization, for what is democratized turns out to no longer be culture.

The rise of mass culture brings with it a loss of a critical character. A passive form of participation arises with this new media. Art and culture split the classical literary public sphere into a place of reasoning with experts who are not engaged with the public and a mass of just public consumers. So the private foundation of autonomy is abolished

¹⁴ Ibid, 116.

¹⁵ Cohen and Arato, 244.

without a new public one arising.

What Habermas has shown on all these levels of analysis is not only that there has been a deformation and deterioration of the principle of free public communication, but he has also demonstrated that there has been a destruction of the model of differentiation between civil society and state through many different levels. If the deformation of institutions of mediation itself promotes dedifferentiation, it can also be argued that the tendencies toward dedifferentiation of state and society have removed the social space in which the liberal public sphere could function. In 1962, at the time of writing The Structural Transformation of the Public Sphere, Habermas was interested in the decline and revival of the public sphere, which he still imagined to be possible without a model that differentiated between state and civil society. Yet today it seems a reconstructed model is not possible or desirable without differentiating between these two spheres (and also differentiating both from the economy).

The crisis of the public sphere, of course, brings with it a threat to democracy. Calls for democracy and freedom cannot be raised as long as there is no systematic way to consult our neighbor. Democracy requires a vital and well-informed public, eager to participate in debates and struggles concerning political issues of common interest. In a privatized society, however, individuals withdraw from the

public sphere and content themselves with consumption, private family lives, and individual pursuits and pleasure.

In fact, the crisis of the public sphere is arguably much more intense than it was in 1962, when Habermas published The Structural Transformation of the Public Sphere. Transnational entertainment and information conglomerates have streamlined cultural production to an extent far beyond that analyzed by Habermas. The new configuration of capitalism combines new technologies with neocapitalist forms of economic organization. Centralized corporate control gives these corporations enormous power to decide what people will read, see, and experience.¹⁶

Section 2: A THEORETICAL MODEL OF CIVIL SOCIETY

The Habermas of 1962 tended to view the very forms of mass culture as regressive, and exemplifying commodification, reification, and ideological manipulation. Commodity culture, from this viewpoint, follows conventional formulas and standardized forms to attract the maximum audience. It serves as a vehicle of ideological domination that reproduces the ideas and ways of life in the established order, but it has neither critical potential nor any progressive political uses. Against this "one-dimensional" approach I will take a more multi-dimensional approach, discussing both the regressive and progressive potentials of culture and the

¹⁶ Douglas Kellner, 13.

public sphere.

Rather than seeing Western capitalist democracies as having a monolithic structure absolutely controlled by corporate capitalism, I shall present them as having a contested terrain containing conflicting political groups and agendas. Contrary to those who see the logic of capital as totally dominating and administering contemporary capitalist societies, I contend that Western capitalist democracies are highly conflictual and torn by antagonisms and struggles.

To argue this I will use Gramsci's notion of hegemony.¹⁷ Gramsci distinguished between "force" and "consent" in analyzing power relations.¹⁸ Whereas institutions such as the police and military use force to maintain social control, ideology gains consent without using force. Hegemonic ideology attempts to legitimate the existing society, its institutions, and its ways of life. Hegemonic ideology attempts to translate into everyday consciousness the views of the dominant groups.

The hegemony model of culture reveals dominant ideological formations and discourses as a shifting terrain of consensus, struggle, and compromise, rather than as an instrument of a monolithic, unidimensional ideology that is forced on the underlying population from above by a unified ruling class. According to this model, different classes,

¹⁷ See Gramsci, 210-219.

¹⁸ See Kelner, 17-20.

sectors of capital, and social groups compete for social dominance and attempt to impose their visions, interests, and agendas on society as a whole. Hegemony is thus a shifting, complex, and open phenomenon, always subject to contestation and upheaval. Ruling groups attempt to integrate subordinate classes into the established order and dominant ideologies through a process of ideological manipulation, indoctrination, and control. But ideological hegemony is never fully obtained; and attempts to control subordinate groups sometimes fail. Many individuals do not accept hegemonic ideology and actively resist it. Hegemony theories posit an active populace that can always resist domination and thus point to the perpetual possibility of change and upheaval. In Gramsci's view, hegemony is never established once and for all but is always subject to negotiation and contestation. He pictures society as a terrain of contesting groups and forces in which the ruling groups are trying to smooth out class contradictions and incorporate potentially oppositional groups and forces.

This model allows us to acknowledge not only the capitalist side, but also the democratic side of contemporary Western societies. While, of course, full-fledged democracy does not really exist in any country, there does tend to be conflicts between capitalism and democracy throughout.

By looking at Western capitalist democracies as having terrain that is conflictual and contested we are in a

position to connect social theory with issues of political strategy and social transformation that does not rely on the complete collapse of capitalism. But in order to connect the concept of civil society with our hegemony model we need to show how civil society can be clearly differentiated from the state and economy.¹⁹ Habermas's distinction between system and lifeworld can inform our Gramscian framework.

Habermas argues that there are two subsystems that are differentiated both from each other and from the lifeworld.²⁰ One subsystem is the media of money that integrates the economy. The other is the media of power that integrates the state. They involve fundamentally different structures. Both are differentiated from the lifeworld.

The concept of the lifeworld, socially integrated through interpretations of a normatively secured or communicatively created consensus, can be seen to occupy a theoretical space similar to that of civil society in our model. The lifeworld, as Habermas advances it, has two distinct levels. On the one hand, the lifeworld refers to the reservoir of implicitly known traditions, the background assumptions that are embedded in language and culture and drawn upon by individuals in everyday life. Individuals can neither step out of their lifeworld nor bring it into

question as a whole. But another part of the lifeworld

¹⁹ Cohen and Arato argue for a three-part model using Habermas's system theory in chapter 9 of Civil Society and Political Theory. Gramsci also has a three-part model, but his conception of civil society posits a strategically oriented civil society not one grounded in communication.

²⁰ Cohen and Arato, 426.

involves a range of institutions that cannot be equated with the cultural background knowledge or with the steering mechanisms that coordinate action in the economy and state. This institutional component of the lifeworld, that includes 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, is where we can link the lifeworld with the concept of civil society.

A modernized, rationalized lifeworld involves a communicative opening-up of the sacred core of traditions, norms, and authority to processes of questioning and the replacement of a conventionally based normative consensus by one that is "communicatively" grounded.²¹ The concept of communicative action is thus central to that of the rationalization of the lifeworld and to our concept of a posttraditional civil society. Communicative action involves a linguistically mediated, intersubjective process through which actors establish their interpersonal relations, question and reinterpret norms, and coordinate their interaction by negotiating definitions of the situation and coming to an agreement. In terms of the concept of civil society this opens up new possibilities for solidarity that need not be based on traditional forms.

While a civil society that is not free from the medias

²¹ Ibid, 435.

of money and power may create a set of social benefits and securities, these will occur only at the cost of creating a new range of dependencies and destroying both existing solidarities and the actors' capacities for self-help and for communicatively resolving problems. For example, the administrative handling of care for the aged, of interfamilial relations, and of conflicts around schooling involves processes of bureaucratization and individualization that define the client as a strategic actor with specific private interests that can be dealt with on a one-to-one basis. But this involves a violent and painful abstraction of individuals from an existing social situation and damages their self-esteem and damages the interpersonal relations that make up the relevant institution.²²

From this we can see why it is important to stress the democratization of civil society and not just merely its revival. We must reject traditional conceptions of civil society. By embracing the democratization of civil society we are requiring differentiation rather than unification. This requires the creation of institutions capable of fully realizing the potentials of the communicative reproduction of a modern lifeworld. In particular, the development of postconventional structures of culture would allow the projection of interconnected institutions of intimacy and publicity, which would replace unexamined traditional

²² Ibid, 459.

relations of domination with unconstrained forms of solidarity produced and reproduced through free, voluntary interaction.

Institutions whose *raison d'être* is normative integration and open-ended communication seem to be powerless in face of state power and economic production. But civil society is not everything outside the administrative state and economic processes. There are also political and economic societies that generally arise from civil society.²³ But unlike civil society, those involved in political and economic society are directly involved with state power and economic production, which they seek to control and manage. They cannot afford to subordinate strategic and instrumental criteria to the patterns of open-ended communication characteristic of civil society.

Since the political role of civil society on this model is not directly related to the conquest of power the best it can offer is influence through its democratic associations and unconstrained discussion in the cultural public sphere. This makes for an inefficient political role. This is why a mediating role of political society between civil society and state and a mediating role of economic society between civil society and economy is indispensable. And since democracy is our guiding principle political and economic society must be rooted in civil society.

²³ See Cohen and Arato pages 66-82 for different conceptions of the relationship between civil and political society.

By making an analytical distinction between civil and political society we can avoid the risk of an overpoliticized civil society while still recognizing that it has public and associational components, as well as individual, private ones. We can also continue to stress the priority of nonstrategic domains of communication.

A democratic civil society, with its model of differentiation, is one of "decolonizing" the lifeworld. This model of civil society is only compatible with institutions that stress democratic communication in a multiplicity of publics and defends the conditions of individual autonomy by liberating the intimate sphere from all traditional as well as modern forms of inequality and unfreedom.

It is very important to stress this point. For as Carole Pateman has shown, most descriptions and analyses of modern civil society, even those thought of as a sphere of complex freedom and equality, remain problematic.²⁴ Since, in fact, modern civil societies both past and present tend to be male-dominated. This domination extends from discrepancies and explicit biases within civil law and social policy arrangements, through discrimination against women within the sphere of commodity production and exchange, to the compulsive prejudice that women are naturally fit for the (unpaid) household tasks. Pateman points out that the early modern discussion of civil society and the state always

²⁴ See introduction in Keane.

supposed the exclusion of women from civil society and their confinement to the privacy of the household. Women and the domestic sphere are viewed as inferior to the male-dominated "public" world of civil society and its culture, property, social power, reason, and freedom. In short, civil society is established after the image of the civilized male individual; it rests on a foundation of excluded women, who are expected to live under conditions of household despotism.

Because I include the family within civil society, at first glance, it may seem that our theory is also susceptible to this criticism. But I contend that keeping the family within civil society is the only way to challenge the gender subtext of roles like worker and childrearer. We can challenge the gender subtext of roles while still arguing that there is a fundamental difference between social relations, and institutions in which the weight of coordination must be communicative and those that can be system steered without distortion, such as markets or bureaucracies. Those that are system-steered do not create meanings, norms, and identities that the communicative realm does. So we do not want to think of the family as an economic system²⁵ (or for that matter an administrative bureaucracy either). By viewing the family within the lifeworld we can challenge the meanings, norms, and identities that are constitutive of gender inequality. The system/lifeworld

²⁵ See Cohen and Arato ch. 10.

distinction allows us to challenge the gender subtext of roles. In contrast to a traditional conception of civil society this model would argue for degendering the roles of childrearing, nurturing, and homemaker along with a fight against the gendered division of labor in the workplace. Wages for housework and child care would only reinforce its gendered character and lock women even more strongly into low-paid service jobs. The approach we suggest involves a challenge to the patriarchal norms that define families and attach genders to household and other roles. By articulating and challenging the ways in which the modern capitalist economy and the modern nuclear family intersect (through gendered roles) presupposes their differentiation.

It should be noted that the abstract categories of system and lifeworld indicate only where the weight of coordination lies in a given institutional framework. Cultural, social, and personality-reproducing institutions have their center of gravity in communicative forms of action coordination. Nevertheless, it becomes possible to locate strategic dimensions as well as forms of administration and monetarization in lifeworld institutions. This does not necessarily lead to pathological consequences, as long as they remain subordinated to communicative coordination and as long as they are not allowed to develop their own logics. This framework allows us to speak of decolonization on the basis of the immanent possibilities within such lifeworld

institutions.²⁶

The point is, that with this model, we have a way to mediate between the different spheres as long as we do not violate the logic of each sphere. Political and economic institutions can mediate between civil society and the state and economy. So we can also insist on the possibility of democratizing political and economic institutions. Here, the center of gravity of the coordinating mechanism is and must be on the level of steering performance through the media of money or power, that is, through system rationality. But that does not preclude the possibility of introducing institutionalized norms of communicative action into state or economic institutions. All types of action can and do occur in societal institutions. Even the market economy cannot be understood exclusively in terms of instrumental or strategic calculations. The mere existence of parliaments and forms of workshop self-management, codetermination, and collective bargaining indicates that publics can be constructed even within institutions that are primarily system-steered. These would and in some cases do constitute receptors of societal influence within the "belly of the whale."²⁷

Section 3: POLITICAL PERSPECTIVES

With our concept of civil society now informed by Habermas's system/lifeworld distinction and Gramsci's notion of hegemony

²⁶ Ibid, 478.

²⁷ Ibid, 480.

we are in a better position to view the decline of the public sphere, that we dealt with in section one, from a more dualistic perspective. We will see that the contemporary institutional developments of the public sphere constitute both a positive and negative side. The positive side is that there are aspects of contemporary institutions that can contribute to the autonomy and further rationalization of civil society. The negative side, which Habermas has highlighted, is the reified structures that promote colonization.

The first thesis was that the state intervenes in the capitalist economy. We have seen that state intervention is not necessarily destructive unless it goes so far as to disrupt the steering media the economy must function through. In fact, state intervention is necessary. It protects the capitalist structure which is riddled with crisis tendencies. The state also is necessary to correct imbalances created by the self-regulating market and by oligopolistic competition. The issue is not that the economy needs to be freed from the state, but that the economy needs to be monitored from the vantage point of civil society. Intervention in the economy can open up egalitarian and democratic possibilities for all of society.

The second thesis concerned the assumption of public powers by private associations. Though it is true that this has allowed private organizations to dictate public economic

policy this is not the whole story.

The hostility of the modern state and economy to public associations could not completely block their reemergence and modernization. The bureaucratization of associations and the emergence of corporatist forms of interest representation and aggregation cannot be considered the only tendency in contemporary associational life. There is also the existence of an immense number of voluntary associations in all capitalist democracies. Also, there has been the emergence of new ones in the context of corporatist bargaining, and they have played a role in citizen initiatives and social movements. The resilience of associations and the periodic revival of their dynamism can be explained through the modernization of the lifeworld.²⁸ The problem is that there has not been a sufficient modernization of the lifeworld, and associations have not been publicly or democratically oriented.

The third thesis was that private associations lead to the emergence of corporatist processes of negotiation, bargaining, and compromise that are not open to public processes of scrutiny. This ends up reducing parliamentary discussion and debate to merely a process of legitimating decisions arrived at under secret. This, of course, is crushing to democracy. Democratic legitimacy and representation imply the free discussion of all interests

²⁸ Ibid, 461.

within institutionalized public spheres and also requires emphasizing the primacy of the lifeworld with respect to the two subsystems. So when the centralized public sphere is no longer one of genuine participation a wide range of interests and issues are screened out from general discussion.

As true an image as this seems to be it has not become completely totalizing. We can also see that when parliaments become merely a show of decision making, and become smokescreens for decisions made outside all public discussion, there tends to arise repoliticization and republicization of spheres outside the political system. There also arises the spread of dysfunctional forms of apathy with respect to politics.²⁹ If hegemonic ideology was complete the elites would not have to propagate the official conception of the classical theory of democracy or continue to structure important parts of the political process accordingly. Large structural shifts such as the welfare state seem to respond to many grass-root initiatives. Granted the central political public sphere, constituted by parliaments and the major media remains rather closed and inaccessible, nonetheless a plurality of alternative publics, differentiated but interrelated, time and again revives the processes and the quality of political communication. With the emergence of new type of political organizations, even the public discussion in parliaments and party conventions

²⁹ Ibid, 459.

tends to be affected. So though we see the strong tendencies towards the drying up of political public life, we should also acknowledge a trend, albeit weak, of redemocratization, based on the new cultural potentials of the lifeworld.

The fourth thesis stresses the place that propaganda has taken in contemporary political discourse. We live in an age of an uncritical mass media and a time when elites use commercial advertisements to advertise and sell political leaders, parties, and policies. The success this advertising has by addressing people in their private capacities help assure that a genuine political public sphere has all but disappeared. We see it partly reconstructed during electoral campaigns although it is weak.

These fleeting moments of reconstruction show us that there are opportunities for longer term and more genuine types of political organization. Yet this seems very limiting as long as the mass media is so easily subject to corporatist manipulation. With our model of civil society we can challenge the control of the media by the logic of money and power and push for a genuine public sphere.

The fifth thesis highlighted the decline of the intimate sphere of the family. This thesis claims that the assumption of socialization by the schools and the mass media and the loss of the property base of the middle-class patriarchal family entails, along with the abolition of the father's authority, the end of ego autonomy. From the standpoint of

the system/lifeworld distinction, we can reject this totalizing picture.

The freeing of the family from many economic functions and the diversification of the agencies of socialization create a potential for egalitarian interfamilial relations and liberalized socialization processes.³⁰ The rationality potential of communicative interaction in this sphere can and should be released.

The sixth thesis of the decline of the literary public sphere and the rise of mass culture also is ambivalent in light of our systems/lifeworld model. There is little reason to deny that to a large extent there has been a commodification of culture and a manipulation of leisure. The culture industry has led to a distortion of communication. Yet we must also acknowledge that there are still generalized forms of communication that can and have expanded and created new publics. From subcultures to great educational institutions, from political to scientific publics, from social movements to microinstitutions, the spaces for consequential, critical communication have immensely expanded along side with the regressive growth of the commercialized and manipulated frameworks of public relations, advertising, and industrial culture. The public sphere and culture have been penetrated through money and power, but there has also been a renewal of a more universal, inclusive, and

³⁰ Ibid, 459.

pluralistic public life that the modernization of the lifeworld has made possible. While the first of these processes obviously seems to be dominant, this is not due to an inevitability latent in the technical means of communication. The technical development of the electronic media does not necessarily lead to centralization; it can involve horizontal, creative, autonomous forms of media pluralism.

Section 4: SOCIAL MOVEMENTS

Civil society has become the indispensable terrain on which social actors assemble, organize, and mobilize, even if their targets are the economy and the state. It is my contention that the so called "new" social movements offer the greatest hope for realizing the positive potentials of modern civil societies.

"New" social movements have positive potential insofar as they pursue the expansion of basic rights, the defense of the autonomy of civil society, and its further democratization. In other words they must be consistent with the utopian ideals of modernity. These notions help keep a democratic political culture alive. Movements opposed to this are those that have a traditional, hierarchical, patriarchal, or exclusionary character. Their opting for tradition while denying the universalist tradition of cultural and political modernity just implies fundamentalism.

This being said the "new" social movements themselves often fail to make links between their specific interests or programs advanced and what they have in common with other social movements or societal concerns.

In fact, one of the major problems with social movements has been their coexistence with national states, their political institutions, and parties.³¹ By getting too close to political parties social movements run the risk of having their organizational forms and identities affected. In fact, a movement that pursues only state power tends to lose its force as a social movement. Social movements can and have turned into political parties. By becoming a political party a social movement can lose the advantage of a grassroots participatory democracy and end up compromising its aims. (Just look at what Jesse Jackson's Rainbow Coalition ceded to the party.)

It can be said that traditionally movements pursued state power, often through political parties, to promote their goals. Now state power and political parties are often not seen as viable instruments for securing our freedoms. One reason why views have changed about the necessity and sufficiency of the state and specifically political parties is that there is now a perception of weakening state power in regard to growing, powerful world-economic forces. With this external economic weakness of states comes the realization

³¹ See Frank and Fuentes, 139-179.

that transforming state power through political parties for economic purposes is unlikely.

But although states are becoming more externally weak they also are gaining more internal strength to defend themselves against any revolutionary force. "The revolutionary capture of state power is now virtually inconceivable in the West."³²

This paradox of the growing external weakness of states and an increased internal strength to defend themselves has resulted in an increase in the perceived inability and insufficiency of state power to achieve or even to address the widespread popular concerns with freedom. So most of today's social movements pursue their goals without trying to achieve state power or by transcending state power. But this is not to say some social movements do not try to influence state action on their behalf.

One advantage that the so called "new" (peace, feminist, and ecology) social movements have is their potential to be transnational. Even though many movements are local and seek to influence the action of particular states; much movement activity and scope is also transnational. Movement concerns and communication are neither limited to the nation-state, nor necessarily intentionally international, but they can be transnational in escaping or transcending the nation-state schema. This is important for our theory of civil society

³² Ibid, 174.

because a focus on national self-determination can have anti-democratic effects. Social movements can deemphasize nationality and help lead toward an international civil society. This ability to forge transnational links makes social movements the most active agents to transform the world in new directions.

By situating social movements within our framework of civil society we can show how social movements can transform society without seeking state power. This will also allow us to show why it is unwise for social movements to seek state power.

With our model of civil society we can argue that contemporary collective actors should not simply target the state or the economy for inclusion or increased benefits because their identities cannot be deduced from these subsystems.³³ It is possible for collective actors in civil society to exercise influence on actors in political society, to make use of public speech not only to gain power or money but also to restrict the role of the media of power and money in the lifeworld in order to secure autonomy and to democratize the institutions and social relations of civil society itself. Progressive contemporary collective actors must realize that there is a difference between just seeking power and trying to influence society in order to maintain one's identity. Progressive contemporary social movements

³³ See Cohen and Arato ch. 10.

should follow a dualistic politics of identity and influence, aimed at civil society and the political sphere.

Progressive collective actors have attempted to do more than influence the state and economy. They also tend to try to influence public opinion in general. They attempt to undo traditional structures of domination, exclusion, and inequality rooted in social institutions, norms, collective identities, and cultural values based on gender, racial and class prejudice. For example, the feminist movement takes clear aim at patriarchal institutions in civil society and works for cultural and normative change as much as for political and economic power.

But not only is civil society the target of movements, also, it is within the terrain of civil society that movements can seek to influence political and economic society. Social movements can and have played an important role in defining what kind of civil society is to be defended against the state. Social movements must strive to defend and democratize all those institutions of civil society in which discrimination, inequality, and domination have become visible and contested. To simply defend society against the state would be to leave the relations of domination and inequality within civil society intact.

Our theory of civil society allows us to account for this dual logic of contemporary movements. We can account for the strategic logic of organization involved in pressuring

the state and economy and for stressing identity, norms, cultural models, and associational forms targeting the institutions of civil society.

Progressive contemporary movements should mainly seek to detraditionalize and democratize the social relations in civil society. While they also, of course, try to influence the economy and state. This is necessary because authoritarian institutions are often reinforced by unequal control of money and power, and since the colonization of the institutions of civil society by these media prevents their further modernization.

While the democratization of civil society and the defense of its autonomy from economic or administrative "colonization" can be seen as the goal of the new movements, it can also be said that the further democratization of political and economic institutions is also central to this project. Social movements can operate on both sides of the system/lifeworld divide. Defensively collective action involves preserving and developing the communicative infrastructure of the lifeworld. This involves efforts to secure institutional changes within civil society that correspond to the new meaning, identities, and norms that are created. Offensively they target political and economic society. Political and economic society are the realms of mediation between civil society and the subsystems. Social movements should seek to develop organizations that can exert

pressure for inclusion within these domains and extract benefits from them. The strategic modes of collective action are indispensable for such projects. The offensive politics of the new movements involve not only struggles for money and political recognition but also a politics of influence targeting political and economic insiders and projects of institutional reform.

To reiterate, the primary targets of the new social movements should be the institutions of civil society. These movements can create new associations and new publics, try to render existing institutions more egalitarian, enrich and expand public discussion in civil society, and influence the existing public spaces of political society, potentially expanding these and supplementing them with additional forms of citizen participation. Also the defensive politics of social movements are not simply a reaction to colonization. They focus on the normative presuppositions and institutional articulation of civil society. They attempt to initiate and influence discourses on norms and identities throughout society. Such projects can challenge restrictions and inequalities in the communicative processes that generate norms, interpret traditions, and construct identities. Given the obvious permeability of political and economic institutions to societal norms, there is also no reason to foreclose the possibility of the development of egalitarian and democratic institutions capable of influencing and

controlling the polity and the economy.

From a system/lifeworld model we can see that the transformation of movements into bureaucratic political parties remains a negative and avoidable alternative. Movements cannot survive a complete step over the boundaries of the lifeworld. Movements cannot control structures coordinated through means other than normative or communicative interaction without succumbing to the pressure for self-instrumentalization. The system/lifeworld distinction continues to provide boundaries that cannot be conjured away by movement activists if they hope to be effective.

Section 5: THE WELFARE STATE

By analyzing the debate between neoconservative advocates of the free market and defenders of the welfare state we can judge how the concept of civil society can serve as a critique and possible solution to this dilemma.

Keynesian economics claims that welfare state policies should serve to stimulate the forces of economic growth and prevent deep recessions by encouraging investment and by stabilizing demand.³⁴ Things like social insurance, and public services for workers along with incentives through fiscal and monetary means should counter the risks of the market and contribute to overall stability. The result of these

³⁴ See Cohen and Arato, 464-468.

policies should be high growth rates, full employment, and low inflation. Also, the political aspects of the welfare state should make for a stable and productive environment. Things like legal entitlements and state services can provide protection for the negative effects of the market and at the same time remove these issues from the arena of industrial conflict. Class conflict is said to be tempered by the role of labor unions in collective bargaining who balance the power relations between labor and capital.

Critics of the welfare state have pointed out that the welfare state has not delivered on all its promises. Since the 1970's in Western capital economies there have been high rates of unemployment and inflation and low growth rates which they claim proves that state-bureaucratic regulation of the economy is counterproductive.

On the economic front three claims are usually made against the policies of the welfare state. First it is claimed that the policies of the welfare state threaten the viability of the independent middle class, secondly, the welfare state is said to lead to a disincentive to invest, and lastly, it is said to lead to a disincentive to work. We will examine each of these three criticisms in turn.

First of all, what critics of the welfare state fail to mention is that the policies that threaten the viability of the independent middle class also temper the undesirable side effects derived from unregulated market forces. So the middle

class may face uncertainties and conflicts from the burden of the welfare state, or from the unregulated market if there is no welfare state.

The second claim that there is a disincentive to invest is said to be the fault of fiscal policies and regulation which supposedly impose a burden on capital, and also the fault of unions that demand high wages. This allegedly leads to slow growth rates and to the perception that investment in home markets will be unprofitable. But Claus Offe³⁵ has shown that there are other factors that prompt investors to postpone investment. For example, an expectation of special tax incentives or the hope that the burdens of certain regulations will be lifted whether or not there are other reasons for the failure to invest, reasons like the inherent crisis tendencies of the capitalist economy, including overaccumulation, the business cycle, or uncontrolled technological change. The point is that none of this has anything to do with the welfare state and that private investors have the power to define reality, so in effect their perceptions create that reality. Whatever they perceive as an intolerable burden is an intolerable burden that will in fact lead to a declining propensity to invest. So to dismantle the welfare state in order to eliminate the so called disincentive to invest, would actually abolish precisely those buffers that stabilize demand.

³⁵ See Offe, Contradictions of the Welfare State.

This is also true for the so called disincentive to work. The disincentive to work is blamed on social security and unemployment provisions that allow workers to avoid undesirable jobs and to escape the normal pressures of market forces. But they are also the same policies that are meant to provide economic security and mitigate class conflict. If the socioeconomic supports for workers and the poor are terminated in the name of refurbishing the work ethic, the compulsion of the market will certainly return, but so will the gross injustices, dissatisfaction, instability, and class confrontations that characterized the capitalist economies prior to the welfare state policies.

In speaking of this debate it may be useful to briefly outline the history of welfare in this country. When people speak of welfare today, they mostly refer to AFDC (Aid to Families with Dependent Children). These single parents are, of course, mostly mothers. So the definition of the "welfare problem" is feminized. How did the debate get framed in this way?

Theda Skocpol points out that despite the perception that Americans are a people inherently opposed to taking "handouts" from government the fact is that since the nineteenth century, large numbers of mainstream American citizens have been happy to accept and to politically support

certain federally funded social benefits.³⁶ Still, virtually all the welfare we have today comes from the Social Security Act of 1935.³⁷ It has been attacked ever since, despite the fact that it was inadequate even when it was first passed. From the start, Social Security set up an inequitable welfare system, operating along gender, racial, and class lines. From the start, Social Security excluded most minorities and women from superior programs like old-age insurance and unemployment compensation. These programs excluded domestic servants and agricultural workers; the largest categories of employment among blacks and Hispanics at the time. Also, unemployment compensation did not cover seasonal and casual workers; these were the jobs common among women and minority men. These were not accidental omissions. For the most part they were concessions to (mainly southern) conservative congressional leaders. Congressional leaders in the south would not support a program that provided aid for sharecroppers, farm wage laborers, or domestic servants. They did not want these workers to be able to challenge the miserly wages they were stuck with. This, of course, shows who were considered citizens worthy of support.

The result was that Social Security forced single mothers and minorities into stingy, and stigmatized programs. Programs like AFDC were means-tested so applicants had to strip themselves of resources and submit to repeated searches

³⁶ See Skocpol, 6, 11-13, 255-256.

³⁷ See Linda Gordon's essay in Dissent (Summer 1994)

for moral reproach and financial cheating.

Even public works programs were set up so as to maintain women's invisibility. Most programs were weighted toward male labor. A regular public-works program and medical insurance, which were originally part of Roosevelt's New Deal welfare program, were eliminated from Social Security. So only those with full-time jobs who worked for large companies got benefits; largely as a result of unionization.

The point is that this deepened stratification. Federal programs, like old-age insurance and unemployment compensation became entitlements. State programs, like AFDC, were means-tested. The result is that now these inferior programs bring with them stigmatization, and the superior programs are not even recognized for what they really are; they too are government provisions.

In the 1950's the welfare caseload increased. By claiming welfare, poor white women and minorities can be seen to have been challenging their exclusion and insisting on citizenship rights. This shows that being "on welfare" does not necessarily lead to dependency and despair. Going on welfare can be seen as a step toward citizenship, a step toward interacting with government. The fact that the result has not been progressive is partly because these programs have increasingly become more and more stigmatized. This makes the recipients politically weak. The result is that the poorer and more stigmatized one becomes the less political

influence they have.

We can say that the welfare system contributed to inequality and misery. The inadequacies and stigmatization associated with certain programs helped create an "underclass." Against what conservatives claim, a welfare system itself is not necessarily a problem, it is the design of the welfare system and the way it contributes to inferior citizenship, lack of opportunity, and a spirit of defeatism. The stigmatization that the welfare system has increasingly carried with it is as damaging as its financial shortcomings.

The neoconservative model for welfare (or lack of it) is in line with their model of civil society. The neoconservative model of civil society is one in which civil society is depoliticized. Civil society is identified with the market and whatever is outside the market gets reintegrated by way of a conservative retraditionalized cultural model and lifeworld that itself exists to help integrate market society. The neoconservative model also aims at strengthening an authoritarian state. The goal is for a smaller, but stronger state that has fewer functions but more effective and authoritarian forms of action.

The neoconservatives argue that it is not just the institutions of the welfare state but also our modernist political, moral, and aesthetic culture that places excessive material demands on the state. These allegedly weaken traditional values. The answer, for neoconservatives, is to

revive traditional values and resacralize our political culture. We have seen that their policies are of deregulation and privatization in order to recreate a traditionalist and authoritarian lifeworld.

The neoconservatives are just plain wrong to blame modernity's moral and political culture for undermining meaning and authority. Rather, it is due to an illiberal corporate economy as well as an overextended administrative, interventionist state that has undermined meaning in the modern world. To try to recreate traditional institutions by the use of political and economic power will just foster dependency.

To be sure, there are features of the welfare state that destroy solidarity and render individuals dependent upon the state, but unrestrained capitalist expansion has the same destructive consequences. Appeals to tradition, the family, and religion build a dangerous fundamentalism of false communities that can be manipulated from above. Also, as we have seen, not all features of the welfare state create dependency. I fail to see how things like social security, health insurance, job training programs, unemployment insurance, and family supports such as day care or parental leave create dependency. In fact, it seems they can create autonomy, especially if the particular administrative requirements are not humiliating. In other words, social services and social supports should and can be seen as

supports for all members of the community and not symbolically constituted as welfare for "failures."

The neoconservative desire for tradition, that is accompanied by a denial of the universalist tradition of cultural and political modernity turns out to just be fundamentalism. Against this, we must defend a cultural modernity that acknowledges that it is not just one tradition among others but has a universal thrust that is reflexive, and nonauthoritarian towards tradition itself. This points us towards the further modernization of the culture and of the institutions of civil society to produce the autonomy, self-reliance, and solidarity that the neoconservative critics of the welfare state supposedly desire.

This also answers the neoconservative claim that the only alternative to a paternalistic welfare state is to turn back to the magic of the market with its renunciation of distributive justice and egalitarianism. A modern political theory must attempt to protect civil society from the destructive penetration of the state and economy while also guaranteeing the autonomy of both subsystems.

Habermas has argued for this need to protect the public sphere from both subsystems.³⁸ He has pointed out that the establishment of the welfare state represented both a defense of the lifeworld against the capitalist economy and a penetration of the lifeworld by the administrative state.

³⁸ See Habermas, "The New Obscurity: The Crisis of the Welfare State and the Exhaustion of Utopian Energies," in The New Conservatism.

This second consequence could have been avoided. The goal of the welfare state was to develop solidarity. But there was the mistaken belief that society could act upon itself through the supposedly neutral medium of political power. But power is not a neutral medium. The lifeworld is protected from the medium of money by the state, but only at the cost of further colonization. The lesson learned is that power is incapable of creating meaning or solidarity.

Habermas's notion of the "reflective continuation of the welfare state"³⁹ is important for getting beyond the dilemma the welfare state poses. Many of the forms of the welfare state offer social protection that should not be abandoned. We have seen that the welfare state historically has, but only selectively, combined power and self-restraint to serve solidarity without promoting dedifferentiation. This has ultimately failed because of the mistake in believing that political power can be neutral when it is necessary to defend society against the state.

Opposed to this is the notion of solidarity that is registered in the reflexive continuation of the welfare state. This means the application of the same innovative combination of powers and self-limitation that the state once applied to the market economy to the welfare state itself. What is needed is innovative forms of limiting both subsystems. The place to start is with a differentiated civil

³⁹ Ibid.

society that is democratic and pluralistic. Projects against either the capitalist economy or against the administrative state that would simply strengthen the other with respect to the lifeworld are pointless and destructive.

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