

CIVIL  
SOCIETY  
SECOND EDITION

THE CRITICAL HISTORY  
OF AN IDEA

JOHN EHRENBERG

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# CIVIL SOCIETY



# Civil Society

*The Critical History of an Idea*

SECOND EDITION

John Ehrenberg



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*To Kathleen*



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## Introduction

### *Inequality and Democracy's Uncertain Future*

The last thirty-five years have witnessed historic levels of economic inequality, relentless attacks on the regulatory and redistributive functions of all levels of government, and the movement of “civil society” to the center of democratic theory and political discourse. These three impulses are different aspects of a single process of conservative ascendancy. Economics, politics, and ideology have combined to dramatically reshape contemporary American life and change the way we think about equality and democracy. Embraced by Republican and Democratic politicians alike, earnestly debated in university forums and college courses, expanded on by political pundits, and elaborated in countless books and articles, the idea that civil society can enrich democracy by contesting state power has become an article of faith.

It is no coincidence that the contemporary understanding of civil society—local activity and voluntary association—has come to replace political commitment and state activity during a period of accelerating inequality. Nor it is a coincidence that its democratic core should be so uncritically accepted by such a broad swath of political, social, and moral opinion. There is wide agreement that tutoring children, volunteering in social movements, joining bowling leagues, and working in soup kitchens can revitalize communities and strengthen habits of good citizenship at a time when there is virtually no confidence that political activity or established institutions are up to the task. In an era of wealth concentration, political dysfunction, and ideological polarization, both political parties agree that civil society can do what politics cannot. The first President Bush’s faith in “a thousand points of light” was a fitting introduction to President Clinton’s proclamation that “the era of big government is over.”

Barack Obama’s election in 2008 seemed to indicate that a change was in the works, but the faith that civil society can revitalize democ-

racy continues to shape American politics. In the absence of noble public goals, admired leaders, or general agreement, many observers have charted an alarming erosion of civic spirit and a corresponding decline in the quality of public life. An increasingly distressed literature has alerted the country to the damage done by cheapened standards of behavior, “road rage,” political dysfunction, microaggressions, inequality, and offensive jokes. Experts worry that an overworked, disengaged, and self-absorbed population has allowed its moral connections, social engagements, and political participation to atrophy. The concern is not limited to bad manners but has spilled over into political affairs and generated many suggestions about how public life could be improved in a period marked by fraying communities, widespread apathy, and unprecedented levels of contempt for politics. Driven by an uneasy sense of decline and animated by a deep suspicion of the state, a growing body of contemporary work hopes that civil society can provide a democratic counterweight to the broad political commitments of an earlier period.

But the view that local voluntary activity sustains democracy is only one way of understanding civil society. Ironically, the events that brought the notion of civil society to the center of contemporary political life conceptualized it in very different terms. In the early 1980s a broad series of civic forums, independent trade unions, and social movements began to carve out areas of political activity in the Eastern European countries of “actual existing socialism.” Their leaders talked of “the rebellion of civil society against the state,” and when they started coming to power in 1989 the stage was set for an explosion of interest in the West. Liberal political theory was revived in demands for “law-governed states” that would protect private life and public activity from the intrusive hand of meddling bureaucracies. It was not surprising that Eastern Europeans should conceptualize civil society in terms of limiting state power, or that its popularity in the United States should be expressed in the language of intermediate organization. Civil society meant constitutional republicanism in one area and denoted local volunteerism supported by informal norms of solidarity and mutual aid in another. Both bodies of thought sought to theorize it as a democratic sphere of public action because it limits the thrust of state power.

Eighteen years have passed since the first edition of this book, and some recent developments mark the limits of civil society’s democratic



potential as they simultaneously hint at a way forward. We know more than we did in 1999, and it is time to take note of history's recent lesson that local volunteerism and intermediate organizations are insufficient vehicles for democratic renewal in an era of accelerating inequality. More is required, and that more is broad, comprehensive political activity. The breathless faith that the energy of the Arab Spring and Occupy Wall Street would be enough to reinvigorate democracy has yielded to Black Lives Matter's embrace of patient political organizing and presidential candidate Bernie Sanders's unambiguous orientation toward the state. Spontaneous protests against European austerity led to Syriza's and Podemos's turn toward national politics in Greece and Spain. The collection of organizations in "global civil society" helped alert the world to great danger even as it made possible the state-centered Paris Climate Change Conference. All these developments underline how important state power, comprehensive politics, and broad ideologies are to democratic theory and practice. This is particularly true now. The threat to democracy posed by historic levels of inequality is very potent, and civil society has proved unable to respond to it in the way its admirers have anticipated. Things are not as enthusiastic and celebratory as they were in the heady aftermath of European communism's collapse. There is considerably more to the category than meets the eye, and an explication of tradition can help us evaluate easy assumptions about its democratic potential.

This book examines the historical, political, and theoretical evolution of the way civil society has been theorized over two and a half millennia of Western political theory. Broadly speaking, three distinct bodies of thought have marked its development—but these are not hard and fast divisions, and considerable cross-fertilization has enriched each tradition. Reflecting its orientation toward broad categories of analysis, classical and medieval thought generally equated civil society with politically organized commonwealths. Whether its final source of authority was secular or religious, civil society made civilization possible because people lived in law-governed associations protected by the coercive power of the state. Such conceptions shaped the way civil society was understood for hundreds of years. As the forces of modernity began to undermine the embedded economies and universal knowledge of the Middle Ages, the gradual formation of national markets and national

states gave rise to a second tradition, which began to conceptualize civil society as a civilization made possible by production, individual interest, competition, and need. For some thinkers, the Enlightenment opened unprecedented opportunities for freedom in a secular world of commerce, science, culture, and liberty. For others, civil society's disorder, inequality, and conflict falsified its emancipatory potential and required a measure of public supervision. However civil society was understood, it was clear that the world could no longer be understood as fused commonwealths. Civil society developed in tandem with the centralizing and leveling tendencies of the modern state, and an influential third body of thought conceptualized it as the now-familiar sphere of intermediate organization and association that serves liberty and limits the power of central institutions.

Chapter 1 explores the origins of civil society in a classical heritage that understood it as a politically organized commonwealth. Reflecting the general dominance of political categories, "civility" described the requirements of citizenship rather than private sensibilities or good manners. Plato's wish to articulate an invariant ethical center for public life drove his attempt to unify dissimilar elements and stimulated his greatest student's powerful critique. Aristotle's civil society was still a political association that improved its citizens, but it was founded on respect for the different spheres and multiple associations in which life is lived. As important as Aristotle's respect for variation and distinction was, civil society was still organized around the face-to-face relations of friends whose leisurely aristocratic benevolence allowed them to discover and articulate the public good. Cicero and others sought to develop a broader notion of civil society by adding the distinctive Roman recognition of a legally protected private realm, but republican degeneration and imperial collapse brought the first period of theory to a halt.

Christianity supplied the central categories of political life and theory for the better part of a millennium, beginning with Augustine's devastating critique of classicism's prideful striving for self-reliance. Chapter 2 explores how secular notions of political life succumbed to Christian theories of civil society that were organized around fallen man and human depravity, emphasized dependence and hierarchy, and denied that the works of man can guide moral action. As powerful as it was, such a blanket condemnation of the classical heritage eventually con-

flicted with the needs of a Church that had to make its way in the world. Augustine's recognition that the state is both the result of and corrective for sin opened the way to more developed notions that did not denigrate the here and now. Aquinas invested the secular order with a fuller measure of ethical potential than Augustine was willing to admit and revived Aristotle's civil society as an organized political community predicated on the distinct logics of different orders of creation. Since the moral content of human affairs was not erased by revelation, a politically constituted civil society was now essential to human life, expressed man's nature, and served God's purposes. Aquinas took Aristotle as far as he could within the bounds of Christian orthodoxy, but notions of a civil society constituted by religion would not survive for long. As medieval attempts to theorize a Christian Commonwealth began to crumble under the corrosion of markets and the pressure of kings, Dante and Marsilius of Padua anticipated modern conceptions of a civil society constituted by a single point of secular sovereign power.

Chapter 3 traces the gradual transition to the two modern conceptions of civil society. Centralizing monarchies stimulated distinctly modern theories of power, legitimacy, and sovereignty. The end of classical and medieval attempts to theorize civil society in universal terms was reflected in Machiavelli's recognition that Rome's civic republicanism turned conflict into stability. But his understandable preoccupation with political decadence made it difficult for him to theorize a sphere of meritorious action outside a purely instrumental understanding of politics. The discovery of the individual was the work of the Reformation, and as Luther drove the conscience inward he left it to princes to organize civil society and choose their subjects' religion. A unified and religiously constituted Christendom yielded to the autonomy of faith, a sharper distinction between the external and internal spheres of life, a new justification of state power, and a civil society that regulated the external relations of a fellowship of equal believers. But not all transitional conceptions were rooted in theology. The great work of this period, *Leviathan*, announced the appearance of a new calculating individual who had to take account of other self-interested entities. Hobbesian civil society was an artificial creation for the purposes of survival, but a constitutive sovereign power made the benefits of civilization possible. Justice, morality, culture, art, and science depended on the state's ability to shape

a civil society that allowed people to go about their business in peace and security. If Hobbes looked backward to the politically organized universal community, he discerned a future marked by the individual pursuit of self-interest.

Modernity came in the form of centralizing nation-states, extensive markets, and political movements for freedom. Civil society was no longer understood as a universal commonwealth but came to mean private property, individual interest, political democracy, the rule of law, and an economic order devoted to prosperity. Chapter 4 begins with John Locke's understanding that a civil society constituted by property, production, and acquisition required a law-governed state to preserve order and protect liberty. Civil society denoted the possibility of living in conditions of political freedom and economic activity. Adam Ferguson was worried about the disintegrative and divisive effects of the competitive pursuit of self-interest and tried to locate an innate ethical sensibility at civil society's heart. Adam Smith shared Ferguson's awareness of the corrupting effects of commerce, but it was he who articulated the first distinctively bourgeois sense that civil society is a market-organized sphere of production and competition driven by the private strivings of self-interested proprietors. The important role he reserved to the state did not conflict with his simultaneous recognition of civil society as the sphere of moral sentiments, arts, sciences, morality, and all the other benefits of civilized life. Smith's tendency to privilege economic activity epitomized a powerful strand of liberal thought that assumed the market constituted civil society.

Chapter 5 traces the implications of this first modern conception. His separation of essence and appearance led Immanuel Kant to regard civil society as a protected sphere that can enable people to make their own decisions in conditions of freedom. A liberal public sphere, fair and equally applied public procedures, extensive civil liberties, and legitimate republican institutions would anchor a "republic of letters" and turn the pursuit of individual interests toward the public good. But Kant's morality could never find an empirical referent, and Hegel's criticism of his "introversion" led him to a theorization of the three ethical moments of the family, civil society, and the state. Hegel's civil society was inhabited by economic man, was constituted by his private interests—and was a sphere of moral action. A network of social relations standing between

the family and the state, it linked self-serving individuals to one another in a mediating sphere of social connections and moral freedom. But Hegel's civil society fails to realize the fullest measure of freedom because it cannot solve the persistent problem of pauperism, and he ended with the hope that Prussia's bureaucratic state could resolve civil society's antagonisms. Marx agreed that civil society was the problem that had to be overcome but rejected Hegel's solution. His conclusion that the state could not be conceptualized apart from economic processes drove him to a theory of social revolution that placed the proletariat at the center of socialist politics and looked to a transformed state to take the lead in democratizing civil society. Marx brings to a close the modern tradition of thought that theorized civil society as a sphere constituted by production, class, and their attendant social and political relations. It raised the urgent question of how a chaotic sphere of competition could be subjected to public supervision. In so doing it posed the relation between civil society and the state as the fundamental question of modern life and developed a powerful reminder that civil society is not an autonomous sphere of self-contained democratic activity.

Chapter 6 shows how the second major strand of modern theory led in a different direction. It conceptualized civil society in light of conditions in France, where a tradition of centralizing monarchs and a powerful state stimulated notions of community and intermediate organization. Drawing on Aristotle's concept of mixed constitutions and wishing to protect local traditions of aristocratic privilege from central power, Montesquieu located intermediate bodies at the heart of republican theories of civil society. Rousseau mounted a romantic attack on Enlightenment notions of progress, the arts, and science but was unwilling to defend the privileges of blood. For him, civil society was a community whose solidarity reconciled the subjectivity of individual interests with the objectivity of the common good. But his indifference to intermediate bodies left him open to Burke's defense of local traditions against the leveling and centralizing French Revolution. This second strand of modern thought culminated in Tocqueville's attempt to understand how American localism and informal norms of voluntary association could limit the thrust of the democratic state in conditions of economic equality and political freedom. His attention to public life outside the state dominates contemporary thinking about civil society even though his

initial postulate of American equality exempted him from considering the effects of economic forces on local traditions of self-reliance and voluntary association.

Chapter 7 begins the examination of how civil society is theorized in contemporary political discourse and is rooted in the experience of Eastern Europe. The historical trajectory of twentieth-century communism has been shaped by the course of revolutions in underdeveloped societies. A state-driven strategy of industrialization built around the requirements of steel seemed to require the “leading role” of a highly organized party. Committed to central planning, suspicious of the market, and wary of spontaneous social initiatives, the bureaucratized party-states of “actual existing socialism” never developed a credible record of democratic accountability and were unable to accept significant levels of uncontrolled activity in civil society. As conformity, pretense, and hypocrisy came to mark Soviet-style socialism, it made sense that dissident intellectuals would theorize civil society in the familiar liberal terms of constitutional republics and limited states. But their conflation of political tyranny with economic regulation and their antistatist understanding of civil society blinded them to the danger of the market. In the end, almost all their civic forums, citizen groupings, “flying universities,” and social movements were swept away as traditional political structures emerged to apply the iron logic of the market. The once-heady discourse of civil society has long since faded in the region that restored it to the center of contemporary affairs.

The United States has the constitutional limitations on state power that were so attractive to Eastern Europeans dissidents, and chapter 8 chronicles the development of a powerful view that civil society is a set of informal norms supporting local intermediate associations. Its Madisonian reliance on political culture and interest groups has become the dominant trend of contemporary thought, but its failure to address the structural obstacles that prevent some interests from even being articulated also appear in much contemporary theory. Serving as a counterweight to this trend, however, Hannah Arendt, Richard Sennett, Jürgen Habermas, Herbert Marcuse, and others investigated how a powerful culture industry limits civil society’s ability to perform the mediating role demanded by neo-Tocquevillian theory. In different ways they have brought attention to bear on how the logic of commodification has in-

vaded ever-wider spheres of social life. The easy trust that civil society is the most important contemporary site of democratic activity makes no sense unless its theorists can broaden their field of inquiry and question some of their inherited assumptions.

The conclusion raises some of these issues and suggests that localism may not be all it is made out to be—particularly because heightened levels of economic inequality call Tocqueville's assumptions into question. A foundation has been provided by the pathbreaking work of Grant McConnell and Jane Mansbridge, who suggest that the intermediate organizations so much in favor cannot provide the democratizing effect called for by contemporary theory. An impressive body of theoretical and empirical work suggests that civil society is a badly undertheorized category because it cannot take account of the most important development of contemporary life: the rapid development of staggering levels of material inequality. We have come face-to-face with the ancient warnings that plutocracy destroys democracy and civil society alike. The civil rights movement, Occupy Wall Street, and the Tea Party demonstrate, in different ways, that it is time to move past small thinking and the celebration of local fragmentation to engage the big questions of economic justice and political democracy. If civil society is to play a role in contemporary democratic theory, it needs to be reconceptualized, enriched, and made appropriate to the concrete conditions of the real world. Theorizing it in limited antistatist terms makes it impossible to grasp the emancipatory possibilities of political action. Suffocating levels of inequality have revealed some of the limitations in the way we think about civil society. This second edition takes account of how dramatically things have changed. Two and a half thousand years of political thought and action can help us as we move into a future in which economic justice and political democracy will demand more, not less, of the state.





PART I

The Origins of Civil Society



## Civil Society and the Classical Heritage

The classical understanding of civil society as a politically organized commonwealth received its first coherent formulation in the cities of ancient Greece. It revolved around the initial understanding that men and women lived their lives in separate spheres, and Greek theory considered a wide range of human relations. Love, friendship, teaching, marriage, citizenship, the duties of slaves and responsibilities of masters, the skills of artisans and the division of labor—all were studied in their uniqueness and in their connectedness. The observation that people live together in distinct yet related associations stimulated debate about uniqueness and commonality, autonomy and responsibility, particularism and universalism. Systematic political theory arose out of these discussions, and political categories framed the first approach to civil society.

Classical thought consistently maintained that political power separated men from beasts and made civilization possible. The celebrated distinction the Greeks drew between themselves and barbarians separated those whose membership in a political association enabled them to live in civil society from those who were unable to do so. As the broadest and only “self-sufficient” level of activity, politics made it possible for men to rise above their immediate circumstances and consciously establish the principles of moral life. If the *idiotes* was the solitary man whose life was constituted by individual drives, the self-governing citizen personified what public action guided by reason could accomplish. “Here,” said Pericles in his celebrated testament to Athens, “we do not say that a man who takes no interest in politics is a man who minds his own affairs; we say that he has no business here at all.”<sup>1</sup>

The willingness to voluntarily subordinate one’s private interests to those of the city was the decisive mark of the citizen-soldier. Pericles knew firsthand how powerful civic spirit could be: “No one of these men weakened because he wanted to go on enjoying his wealth; no one put

off the awful day in the hope that he might live to escape his poverty and grow rich. More to be desired than such things, they chose to check the enemy's pride."<sup>2</sup> Forged in the aftermath of the ruinous Peloponnesian War, classical Greek political philosophy insisted that the common good could be discovered through public debate and organized by public action. It followed that civic decay was the inevitable consequence of private calculation and individual interest. Plato first articulated political theory's orientation toward the comprehensive public life of a moral community. In so doing, he revealed some of the strengths—and dangers—of a civil society organized around a common moral project.

### The Danger of Private Interest

The son of a prominent Athenian family, Plato tried to counter the political and moral confusion of his day with a philosophical realm of absolute categories supported by a rationalistic approach to knowledge. Born in 428 BCE, the year after Pericles's death, he came to maturity in an environment shaped by Athenian military defeat, economic chaos, political instability, and ethical confusion. His drive to establish the moral principles of government was a direct response to the uncertainty and disorder of his day. The primacy he accorded to political knowledge and power shaped a theory of civil society that owed as much to its unified conception of truth as to its powerful aversion to private interests and separate spheres. Unable to theorize any category of social life apart from the political community, Plato's understanding of civil society was ultimately betrayed by the same orientation to universality that gave it life.

The *Crito* established Socrates's position that the community is ethically and chronologically prior to the individual, and the *Republic* was Plato's first step toward a comprehensive theory of the state. It rested on the claim that individual interest can never provide a sufficient foundation for a happy, just, or civilized life. Legitimate power, authority, and knowledge exist only for the welfare of those for whose sake they are exercised. Just as a doctor's craft lies in curing disease and a captain's authority is exercised on behalf of his crew, "no ruler, in so far as he is acting as ruler, will study or enjoin what is for his own interest. All that he says and does will be said and done with a view to what is good and proper for the subject for whom he practices his art."<sup>3</sup> Political power

exists to serve the welfare of the city and its citizens. Civil society can be comprehended only in relation to the organizing principles of the state.

Plato knew that people lived in different spheres of association that have their own intrinsic organizing logic. It was important for him to understand each—but only because he wanted to arrive at a comprehensive understanding of the whole. Like the human body or the crew of a ship, civil society is composed of different elements with particular characteristics and roles; indeed, the division of labor based on natural aptitudes lies at the heart of Plato's theory of justice, politics, and civil society. Guided by the master virtue of reason, justice enables each part to contribute to the welfare of the whole by doing that for which its nature has suited it—whether in family life, friendships, or political affairs. Plato's is a functional theory; the welfare of the soul, of the body, and of the state depends on the balanced harmony that results when their constituent elements discharge their proper functions. He always investigated these reciprocal relationships, for “without justice men cannot act together at all.”<sup>4</sup> Understanding the division of labor and the consequent relations of subordination and guidance is essential for justice and health.

For Plato, the task of political theory was to address the twin problems of corruption and decay. He was sure of their source. “Does not the worst evil for a state arise from anything that tends to rend it asunder and destroy its unity, while nothing does it more good than whatever tends to bind it together and make it one?” he asked.<sup>5</sup> The persistent search for unity drove his understanding of the state and civil society and lay behind his famous claim that political disease is caused by the same forces that make individuals sick. If justice is balance and health, then injustice is strife and disorder. All disturbances can be traced to the inability of the state's constituent parts to function according to their natures and to the consequent disruption of the health of the whole. Just as wickedness stems from ignorance, so the corruption afflicting Athens originated in division. If “injustice is like disease and means that this natural order is inverted,”<sup>6</sup> it follows that political theory should seek to discover the principles that could organize civil society into a coherent whole.

Unity was as important for the soul as it was for the state. Plato was guided by the Socratic dictum that the happy man will orient himself

according to his knowledge of life's ultimate purposes. "The Good" denotes what is worthy of pursuit for its own sake rather than for the sake of any subsidiary or consequent advantages it might bring. Plato's bitter dispute with the sophists was driven by his conviction that they prostituted knowledge by reducing it to a set of narrow skills for the pursuit of personal advantage. Elevating private interest over the common good encouraged the anarchical forces that were weakening Athens, but the sophists were only one element of a larger problem. The *Republic* was organized around Plato's attempt to contain the centrifugal tendencies that constituted the city's crisis. The unity he sought required that private interests and passions be brought under conscious control. The desire for too much honor, wealth, and other legitimate goals caused social, political, and psychic conflict, and Plato's ascetic sense of stability required that all "luxurious excess" be eliminated.<sup>7</sup> The private interests that often animated the action of rich and poor will always erode the ties that hold civil society together: "The one produces luxury and idleness, the other low standards of conduct and workmanship; and both have a subversive tendency."<sup>8</sup> Nothing was more dangerous to the unity Plato sought than the anarchy caused by concern for self.

And this disunion comes about when the words "mine" and "not mine," "another's" and "not another's" are not applied to the same things throughout the community. The best ordered state will be the one in which the largest number of persons use these terms in the same sense, and which accordingly most nearly resembles a single person. When one of us hurts his finger, the whole extent of those bodily connections which are gathered up in the soul and unified by its ruling elements is made aware of it and all share as a whole in the pain of the suffering part; hence we say that the man has a pain in his finger. The same thing is true of the pain or pleasure felt when any other part of the person suffers or is relieved.<sup>9</sup>

Unless it is nipped in the bud, concern for self will spread from the city's leadership to the general population, for "diversity, inequality, and disharmony will beget, as they always must, enmity and civil war. Such, everywhere, is the birth and lineage of civil strife."<sup>10</sup> Plato was certain that ambition, greed, and competition were constant threats to civil society because it was difficult to control private appetites with external



sanctions in the absence of shared commitments. Force was important, but in the end civil society rested on patterns of thought. Unhealthy states were like diseased souls because their lack of balance orients them toward individual purposes and thus renders them indifferent to the common good. Private strivings stand behind all diseased personalities and political formations because they cripple the master virtue of reason and precipitate psychic breakdown and civil war. The glue that holds the soul and civil society together is supplied by the integrative power of reason, which discerns the single truth that organizes the world. Strong, effective leadership could counteract the centrifugal force of the very diversity Plato had initially recognized because it could root civil society in an ethical totality: “For the moment, we are constructing, as we believe, the state which will be happy as a whole, not trying to secure the well-being of a select few.”<sup>11</sup> Civil society fused truth, beauty, and goodness with knowledge, power, and the state. Plato’s drive to unify all aspects of human experience around an unvarying Good drove him to the first systematic defense of state censorship. Founded on a recognition of diversity and a sophisticated understanding of the division of labor, his civil society ended with a frozen unity and a silent stability.

Such an orientation had important institutional ramifications. Leadership was reserved to “those who, when we look at the whole course of their lives, are found to be full of zeal to do whatever they believe is for the good of the commonwealth and never willing to act against its interest.”<sup>12</sup> If absolute ethical knowledge could be located in a few highly trained experts, then democracy stood condemned by its mediocrity, permissiveness, and disorder. At the same time, anyone could become a leader, even women, a feature of Plato’s thinking that often surprises first-time readers. In a true meritocracy, political leadership represented the self-sacrificing union of power with knowledge. The famous “myth of the cave” made it clear that the philosopher-king has to be forced to assume power against his will. But legitimate political authority required more than training and knowledge.

Plato’s communism, reserved for the *Republic*’s leadership, was motivated by his conviction that property, the family, and other institutions of private life always tend to establish a pole of particular interest and draw the leaders away from the objective interests of the whole. The guardians would own no private property beyond the barest necessities,

have no permanent family attachments, receive their food from their fellow citizens, eat in common, and live the ascetic life of soldiers. If civic corruption began with the pull of individual interest, the guardians could have no private life. Those who organized and defended civil society would not be part of it:

This manner of life will be their salvation and make them the saviors of the commonwealth. If ever they should come to possess land of their own and houses and money, they will give up their guardianship for the management of their farms and households and become tyrants at enmity with their fellow citizens instead of allies. And so they will pass all their lives in hating and being hated, plotting and being plotted against, in much greater fear of their enemies at home than of any foreign foe, and fast heading for the destruction that will soon overwhelm their country with themselves.<sup>13</sup>

For all his emphasis on unity, Plato knew that civil society coordinates the activities of people with different skills and aptitudes. An articulated understanding of the division of labor lies at the center of his political and psychological theories and informs his epistemology as well. But diversity, different spheres, and the division of labor only identified the problem. That which comes into being and passes away does not constitute the truth. The indeterminate, changing, and mortal world of sensible things is the outward manifestation of the eternal and unchanging Forms, knowledge of which is the key to peace and justice. Civil society can live up to its ethical potential only if it is organized on the same invariant basis as the Forms. Most people might be content to live among the shadows of the cave, but leadership requires an understanding that moral potential cannot be reduced to pleasure. Politics is not about coordinating particular self-serving activities or resolving conflicts of interest but setting the conditions where individuals are oriented toward the general and where the universal can be discerned in the particular, for “the law is not concerned to make any one class specially happy, but to ensure the welfare of the commonwealth as a whole. By persuasion or constraint it will unite the citizens in harmony, making them share whatever benefits each class can contribute to the common good; and

its purpose in forming men of that spirit was not that each should be left to go his own way, but that they should be instrumental in binding the community into one.”<sup>14</sup>

Plato tried to provide a counterweight for the centrifugal pull of different interests with a public philosophy that would ground politics in moral wisdom and the good life. But the *Republic*'s breadth turned out to be the cure that killed the patient. People move in different spheres and civil society is a composite of different functions, but this seemed to make it all the more important that Plato provide an invariant center for public life. His drive toward unity rested on a single Good that effectively erased his great insight that a coherent public life composed of different elements required an integrative moral purpose. His insistence that civil society could be held together by moral principles buttressed by political power assumed that social organization was defined within a set of distinctly political boundaries, but it was left to his greatest student to develop a more nuanced conception of civil society even as he agreed that politics was “the master science of the Good.”

### The Mixed Polity

Born in 384 BCE, Aristotle spent twenty years as a student in Plato's Academy but concluded that it was impossible to conceptually unify all aspects of Being. Every intellectual synthesis was necessarily incomplete because different realms of thought and life are governed by their own particular logics. As important as this insight would be for classical theories of civil society, it was easier for Aristotle to proclaim than to implement. Living in the final years of an independent Athenian city-state, one of humanity's most encyclopedic intellectuals remained attached to a relatively limited aristocratic view of public life and was never able to accommodate his thinking to the comparatively vast scope of a Macedonian world-empire.

The very first paragraph of his *Politics* established Aristotle's understanding that people live in different kinds of associations—and his equally important observation that politics is the most comprehensive of them all. Less finished levels of organization have their own logic but can be fully comprehended only in relation to the more complete levels

to which they contribute. His classic view that all subsidiary affiliations find their culmination in the state framed his orientation toward civil society as the politically organized community:

Observation shows us, first, that every polis or state is a species of association, and, secondly, that all associations are instituted for the purpose of attaining some good—for all men do all their acts with a view to achieving something which is, in their view, a good. We may therefore hold . . . that all associations aim at some good; and we may also hold that the particular association which is the most sovereign of all, and includes all the rest, will pursue this aim most, and will thus be directed to the most sovereign of all goods. This most sovereign and inclusive association is the polis, as it is called, or the political association.<sup>15</sup>

Aristotle shared Plato's understanding that human bonds are rooted in material need and that the division of labor rests at the heart of civil society. Since it was the basic productive unit of the ancient world, the household was the foundation of Aristotle's state. Several families compose a village. Both spheres of organization were constituted by the particular ends or purposes around which they were organized. But the core of classical political philosophy was its ability to theorize the whole, and Aristotle knew that lower forms of association could be comprehended only in terms of the more complete totality of which they were a part. He spent relatively little time analyzing these subsidiary spheres, and it soon became clear that his real interest was the city. Man has to eat before he can do anything else, but his ultimate purpose cannot be reduced to food.

Aristotle's teleological method led him to regard the polis as the most inclusive and sovereign of all human associations because it aims at the most inclusive and sovereign of all human ends. The family and the village exist for the sake of "mere life," but the polis exists for the sake of the "good life" and is the consummation of human moral development.<sup>16</sup> If the state was preceded by the family and the village in time, it is prior to them in nature because their moral potentiality is consummated in it.<sup>17</sup> The self-sufficient moral life of the polis is the final end point that is implied in all other forms of organization, which are private because they are organized around particular needs and individual interests. "Man

is thus intended to be a part of a political whole, and there is therefore an immanent impulse in all men towards an association of this order,” Aristotle asserted. “Man, when perfected, is the best of animals; but if he is isolated from law and justice he is the worst of all.”<sup>18</sup>

Man can realize his unique capacity for ethical life through political deliberation and public action, but the state is not the only sphere in which this faculty can be expressed. If Plato had sought to tightly organize all spheres of civil society, Aristotle was far more prepared to admit the intrinsic if limited potential of subsidiary levels of organization. The household and village are spheres of moral action, but their range is restricted because they are constituted by necessity, private strivings, and inequality. Necessary but insufficient conditions for the fully moral life of the self-sufficient man, subordinate spheres of activity cannot provide moral freedom and autonomy by themselves. But they help set the conditions for the full realization of human potential and thus share in the ethical content of the polis. Aristotle’s famous, and often misunderstood, characterization of man as a political animal “by nature” should not be taken to mean that people were “naturally” drawn to political association. Indeed, his recognition that people live in different associations for different purposes expressed his understanding that subsidiary organizations and connections fulfill essential human needs because they make possible the achievement of distinct human purposes. Rather, the dictum that “man is by nature a political animal” has to be understood in the teleological sense that Aristotle intended: that man becomes most completely human and fulfills his nature in political association and action.

Plato could never have agreed with Aristotle’s contention that the household was constituted by three sets of legitimate moral relations—those of the master and slave, husband and wife, and parents and children. The art of household management, *oikonomia*, was a contradictory network of private necessity and mutual dependency that nevertheless served a moral purpose and contributed to the fuller measure of human development. Aristotle’s description of it as the art of managing slaves and exercising marital and paternal authority expressed the classical view of the family as the domain of free, propertied Athenian males. But this did not erase its standing as a moral association. The authority exercised in the family contributed to the moral development of those on

whose behalf it was directed. Even though private relations of necessity and inequality structured it, the household served the moral purposes of its members even as it achieved its full potential only in relation to the public life of the city.

Its important role in Greek economic life notwithstanding, Aristotle's slavery was neither a racial category nor a factor of production but largely a system of household service.<sup>19</sup> Slaves and masters were bound together in a network of mutual dependency that reached deeper than the domestic incompetence or laziness of the rich. Slaves contribute to the development of masters by releasing them from domestic labor, and masters contribute to the development of slaves by providing them with moral guidance and rational deliberation. Slavery is a relationship of naturally ruling elements with the element that is naturally ruled, to the benefit and for the preservation of both. Everything depends on both parties recognizing and accepting the role they play: "The part and the whole, like the body and the soul, have an identical interest; and the slave is part of the master, in the sense of being a living but separate part of his body. There is thus a community of interest, and a relation of friendship, between master and slave, when both of them naturally merit the position in which they stand. But the reverse is true and there is a conflict of interest and enmity, when matters are otherwise and slavery rests merely on legal sanction and superior *power*."<sup>20</sup>

Like slavery, marital and parental authority are relations of necessity and inequality that link unequal people in mutually beneficial relations and hence serve a real if limited moral purpose. The moral superiority of the husband over the wife and of parents over children ultimately served the development of all. Even so, the ethical potential of the household was limited. Since it existed for the sake of supporting life, nothing could issue from "household maintenance" beyond itself. Limited by the conditions of a natural economy, the private sphere was oriented toward the production of subsistence and was not involved in sale or exchange. "It is impossible to live without means of subsistence," Aristotle knew, and if the family was a productive unit it followed that exchange played little or no role in household relations because everything was held in common, production was for use, and hardly any surplus was generated.<sup>21</sup> Exchange became a factor only in the village and initially took the form of simple barter, but it soon became possible to accumulate more than was

needed for subsistence. The consequences were extremely troubling, and Aristotle shared Plato's concern that individual accumulation and private profit could subvert civil society.

Markets have been part of human life for a long time but have come to dominate social affairs only recently. A complicated set of expectations and institutions have shaped human social organization for thousands of years, and they were primarily noneconomic in character. Norms of reciprocity, redistribution, solidarity, and dependence organized the production and distribution of life's necessities in precapitalist societies. Markets played a restricted role and were not sufficiently developed to organize social life on their own. There was neither the possibility nor the need for extensive trade and hence no possibility of asserting the existence of distinctly economic motives. An independent set of economic institutions could not arise in such conditions, and it was difficult to theorize economic activity apart from the historical practices and institutions of a community whose most basic organization was understood in noneconomic terms.

The economy was "embedded" in social organization in that economic affairs were not distinguished from other relations and economic activity was not carried on for purely "economic" reasons. Humans provided for their basic needs through religious and kinship institutions that could not be understood primarily, or even largely, as "economic" in character. Economic affairs were fundamental to organized subsistence societies, of course, but they would not acquire their apparent independence and visibility until the eighteenth century gave rise to a distinctly modern disposition to pursue economic gain for its own sake and to theorize economic transactions as a distinct sphere of human activity. Until then, neither the material development of civil society nor the associated corpus of theoretical work about it permitted a sharp distinction between "economic" and other institutions or values.<sup>22</sup> This is why classical theories of civil society understood it as a commonwealth organized by political power.

Barter between distant centers tends to generate increasingly extensive relations of exchange that soon require money, and Aristotle knew how corrosive this could be. Once money makes possible the exchange of commodities over long distances and the accumulation of wealth, retail trade for profit becomes unavoidable. Acquiring money would



replace satisfying needs as the purpose of exchange, and Aristotle's suspicion of commerce and trade was based on his fear that there were no natural limits to the amount of money that could be accumulated.<sup>23</sup> The pursuit of wealth for its own sake would become the goal of "economic" activity that threatened to break free from the constraints of a pre-market moral order. This fear is what drove Aristotle's famous and influential condemnation of usury and profit. The art of household management was properly limited by the immediate needs of the family, but the pursuit of wealth encourages people to stray from "natural" arts of acquisition and forms of wealth derived directly from nature and oriented to the needs of the household. Commerce and trade separated the acquisition of wealth from its moral purpose of providing subsistence. "It is the business of nature to furnish subsistence for each being brought into the world," and the pursuit of gain distorted the moral potential of human activity because it threatened to subordinate all virtues to its own imperative:

Because enjoyment depends on the possession of a superfluity, men address themselves to the art which produces the superfluity necessary to enjoyment; and if they cannot get what they want by the use of that art—i.e. the art of acquisition—they attempt to do so by other means, using each and every capacity in a way not consonant with its nature. The proper function of courage, for example, is not to produce money but to give confidence. The same is true of military and medical ability: neither has the function of producing money: the one has the function of producing victory, and the other than of producing health. But those of whom we are speaking turn all such capacities into forms of the art of acquisition, as though to make money were the one aim and everything else must contribute to that aim.<sup>24</sup>

Aristotle's suspicion of commerce was fed by an additional concern. All acquisition from exchange—and this included profit as well as usury—is unnatural because it is made "at the expense of other men."<sup>25</sup> Money came into being as a means of exchange; it was not meant to be a store of value, and its acquisition severs the appropriate relationship between activity and reward. It makes a just distribution of wealth impossible and elevates private desire to a dangerous position of com-

mand. Money is morally dangerous because it overwhelms other spheres of activity and subjects them to a totalizing logic that is foreign to theirs.

Aristotle's denunciation of economic activity for gain and his defense of production for use expressed the core of Greek political thought. The tendency to divorce economic motives from the social relations in which they were embedded could be remedied only by insisting on the morally redemptive character of politics. Unlike commerce and trade, politics does not deny the logic of subordinate spheres. Aristotle's teleology allowed him to theorize it as the moral consummation of all the partial levels of human activity.

As ready as he was to take account of diverse loyalties and manifold associations, then, Aristotle was not prepared to take things too far. The elevation of private interest that lay at the heart of exchange, money, profit, and usury would destroy the increasingly fragile equilibrium on which he rested his hopes for the deliberative public life of the commonwealth. His household was a sphere of slavery, patriarchy, and parental authority constituted by relations of domination and inequality. But it served a moral purpose insofar as it was concerned with the welfare of human beings. Even if it cannot be as inclusive a sphere of moral action as the polis, its moral standing was derived from its teleological connection to a more comprehensive association. These considerations precipitated Aristotle's important critique of Plato's theory of the state—a critique that led to a new way of conceptualizing civil society.

Aristotle was convinced that Plato's drive to impose unity on civil society would destroy the possibility of political association. The polis is not like the elements it comprises. Individuals and households are unitary moral phenomena, but "the polis is composed of a *number* of men; it is also composed of different *kinds* of men, for similars cannot bring it into existence."<sup>26</sup> Plato's failure to understand this came from Socrates:

The object which Socrates assumes as his premise is contained in the principle that "the greatest possible unity of the whole polis is the supreme good." Yet it is obvious that a polis which goes on and on, and becomes more and more of a unity, will eventually cease to be a polis at all. A polis by its nature is some sort of aggregation: i.e. it has the quality of including a large number of its members. If it becomes more of a unit,

it will first become a household instead of a polis, and then an individual instead of a household; for we should all call the household more of a unit than the polis, and the individual more of a unit than the household. It follows that, even if we could, we ought not to achieve this object; it would be the destruction of the polis.<sup>27</sup>

The polis is the only category within which the public life of citizens outside the family can be comprehended, but Plato failed to understand what makes it so special. People move in different spheres and cannot be expected to uniformly agree about what is theirs and not theirs. The individual and the household might rest on a high degree of material and moral unity, but the polis “necessarily requires a difference of capacities among its members, which enables them to serve as complements to one another, and to attain a higher and better life by the mutual exchange of their different services.” Plato did not pursue the implications of his insight that the state rests on the division of labor, for “a real unity, such as a polis, must be made up of elements which differ in kind.”<sup>28</sup>

Plato denied private property and family life to the *Republic's* guardians because he feared that *any* expression of particular interest would limit the leadership's ability to organize civil society. Aristotle was as suspicious as his teacher of the pursuit of gain for its own sake but was convinced that no public purpose would be served by eliminating private life altogether. A modest measure of ownership could strengthen civil society if it could be put to public use. “When everyone has his own separate sphere of interest,” he suggested in terms that would have horrified Plato, “there will not be the same ground for quarrels; and the amount of interest will increase, because each man will feel that he is applying himself to what is his own.”<sup>29</sup> Private concerns are not, in and of themselves, fatally corrosive of public life. An “excess of self-love” is the problem, and the solution is not to eliminate the natural human desire for privacy but to civilize it through education and turn it toward the public good. Plato had gone too far: “It is true that unity is to some extent necessary, alike in a household and a polis; but total unity is not. There is a point at which a polis, by advancing in unity, will cease to be a polis: there is another point, short of that, at which it may still remain a polis, but will none the less come near to losing its essence, and will thus be a worse polis.”<sup>30</sup>

So Aristotle's mixed state was based on the unitary household, just as the public rested on the private and the general was rooted in the particular. The family was a private realm of necessity, but it made possible the free public life of deliberation and action. Citizens are the basic elements of civil society and the state, but they will differ from one another because of their roots in the private sphere of necessity and particularity. Plato regarded difference as a source of weakness, but Aristotle saw it as a source of strength. The solidarity of civil society can only be one of diversity: "A polis or state belongs to the order of 'compounds,' in the same way as all other things which form a single 'whole,' but a 'whole' composed, none the less, of a number of different parts."<sup>31</sup>

If the polis is a unity of unlike elements, it follows that there is no single excellence common to all citizens. Plato had conflated state and individual, public and private, politics and psychology on the foundation of the Socratic dictum that "virtue" is an undifferentiated unity that will always generate a determinate course of action. Aristotle's suggestion that there are different virtues appropriate to different situations struck at the heart of Plato's notion of civil society and theory of the state. His famous definition of the citizen emphasized conscious public activity and moral self-determination: "The citizen in the strict sense is best defined by the one criterion, 'a man who shares in the administration of justice and the holding of office.'"<sup>32</sup> The citizen lives according to rules he makes for the welfare of the community as a whole. The purpose of the polis is living *well*, not just living; the state exists in order to promote goodness and is the only association of its kind. Citizenship is a moral category and is determined by more than birth, residence, and common obedience to law.

Civil society may comprise unlike elements that move in spheres appropriate to their nature, but Aristotle was as aware as Plato was of the dangers of private judgment and interest even if he was willing to recognize them as the basis of unity and public life. People come together for a variety of reasons, but it is possible to rank them and arrive at a method of classifying different kinds of associations. Necessity forces us to live in households but the search for the "good life" draws us to politics and is the commonality Plato sought to mechanically impose; it is "the chief end, both for the community as a whole and for each of us individually."<sup>33</sup> The distinction Aristotle drew between healthy and perverted

constitutions was between those directed toward the common good and those directed toward the welfare of their ruling authority.

People enter into all sorts of different associations, but a universal standard can be derived because the common good is more than the sum of all private interests and can be objectively determined: “Those constitutions which consider the common interest are *right* constitutions, judged by the standards of absolute justice. Those constitutions which consider only the personal interest of the rulers are all *wrong* constitutions, or *perversions* of the right forms.”<sup>34</sup> The standards of “absolute justice” are accessible to most people if they use their reason, and this insight enabled Aristotle to arrive at his celebrated classification of states. If the common good links the three healthy forms of monarchy, aristocracy, and “polity,” private interest and class advantage is common to the perversions: “Tyranny is government by a single person directed to the interest of that person; Oligarchy is directed to the interest of the well-to-do; Democracy is directed to the interest of the poorer classes. None of the three is directed to the advantage of the whole body of citizens.”<sup>35</sup> Plato’s notion that injustice was strife occasioned by concern for self found its institutional expression in Aristotle’s scheme of political classification. Ever the reformer, Aristotle sought a constitutional framework that could support civiness.

All civil societies comprise different families, classes, occupations, circumstances of birth, and orders of merit. Anticipating Cicero, Montesquieu, and Madison, Aristotle went beyond Plato and suggested that mixed constitutions could be strong only if they recognized the plurality inherent in social life: “A properly mixed ‘polity’ should look as if it contained both democratic and oligarchical elements—and as if it contained neither. It should owe its stability to its intrinsic strength, and not to external support; and its intrinsic strength should be derived from the fact, not that a majority are in favor of its continuance . . . but rather that there is no single section in all the state which would favor a change to a different constitution.”<sup>36</sup> A strong and durable polity will be based on the middle class and its property and will combine the wisdom of aristocracy with the strength of democracy. Only moderation can tame excess and turn diversity into strength through a mixed constitution.

“In all states,” Aristotle said, “there may be distinguished three parts, or classes, of the citizen-body—the very rich; the very poor; and the

middle class which forms the mean. Now it is admitted, as a general principle, that moderation and the mean are always best. We may therefore conclude that in the ownership of all gifts of fortune a middle condition will be the best.”<sup>37</sup> The rich and the poor are likely to be driven by their greed, fear, and insecurity. The rich know only how to rule and the poor only how to obey, but the middle class is likely to have fewer enemies than either of its associates. Amenable to reason, discipline, and moderation, it is likely to be less violent, ambitious, or covetous than other classes. A healthy state requires citizens who know how to rule and obey at the same time, and this knowledge is most appropriate to those whose moderate economic station makes it possible for peers and friends to practice the disinterested politics of virtue: “A state aims at being, as far as it can be, a society composed of equals and peers [who, as such, can be friends and associates]; and the middle class, more than any other, has this sort of composition. It follows that a state which is based on the middle class is bound to be the best constituted in respect of the elements [i.e., equals and peers] of which, on our view, a state is naturally composed.”<sup>38</sup> A healthy state is a mixed polity based on the middle class and combining rich and poor.

Such polities are less prone to sedition and revolution because they can protect the greedy rich and the grasping poor from one another. Quarrels among the notables should be suppressed, tax burdens should be constantly adjusted, and the constitution should be enforced. But great care should be taken to avoid the root cause of political degeneration: “The most important rule of all, in all types of constitution, is that provision should be made—not only by law, but also by the general system of economy—to prevent the magistrates from being able to use their office for their own gain.”<sup>39</sup> Healthy political structures protect different classes from one another and guard against degenerate forms based on particularity, suspicion, privilege, greed, and violence.

Plato failed to understand that private interest is a permanent part of the human condition. People form different associations because they seek some advantage for themselves or because they have to provide for life’s necessities. Aristotle knew that even narrow communities aim at some good for their members: “But all these communities seem to be encompassed by the community that is the state; for the political community does not aim at the advantage of the moment, but what is

advantageous for the whole of life.”<sup>40</sup> Deliberation recognized multiplicity and carried Aristotle beyond Plato. Civil society was the politically constituted community that organized separate spheres of life in the state and permitted them to express the full measure of their ethical potential in the process. Plato’s mechanical desire for unity drove him to suppress the consequences of the division of labor that nevertheless sat at the heart of his theory of the state. Aristotle tried to organize different spheres in the common life of the polis. Both men agreed that membership in a political society encompassed a life of collective involvement and that the state expressed the common moral life of the community. Politics was the “master science of the Good” because it moderated the impact of individual interest with the generality of common concerns.

Aristotle’s understanding of a differentiated civil society was considerably more sophisticated than that of Plato, but his theory of citizenship was heavily influenced by the aristocratic sensibilities of his youth. The free man in the polis engages in debate and deliberation with his friends and peers. A network of face-to-face public interactions is a morally uplifting and personally fulfilling project. A benevolent and dispassionate orientation toward the public good will permit propertied men to attend to public matters free of corrupting material considerations. Such a view could not survive the passing of Athens’s aristocratic republicanism, even if its echoes can be found in contemporary theories of civil society.

### Civil Society and the *Res Publica*

It is one of the more prophetic coincidences of history that Aristotle died just as the independent Greek city-states were disappearing. His optimism about man’s capacity for self-government soon yielded to the pervasive skepticism about politics that characterized Hellenistic thought. The Greek sense that man could create the conditions of his own moral life was soon in full retreat. As its overarching framework for public action dissolved, a new sense that private affairs offered protection from a threatening outside world often assumed a religious coloration. Doctrines of self-sufficiency, authenticity, and individual well-being provided the foundations for theories of individual autonomy, moral equality, and personal rectitude. Addressing themselves to

a disintegrating world, the Cynics, Epicureans, and early Stoics drove Aristotle's politicized notion of the "good life" inward.

They were all convinced that the classical search for recognition and glory could not constitute civil society in the absence of autonomous ethical action rooted in private notions of honor and integrity. Late Stoicism would develop the norms of self-control, kindness, devotion to duty, and public service that came to play such an important part in Roman thought. When married to universal reason's ability to discover the law of nature, it would become a secular religion suited to the requirements of a bureaucratic world-empire. In the immediate aftermath of the collapse of the Macedonian Empire, however, Hellenistic doctrines of personal salvation developed independently of political forms and action.

The attack on the political community was initially expressed as a philosophy of resignation, self-reliance, and retreat. Self-sufficiency and authenticity replaced citizenship and public action. Epicurus declared that blind nature cannot guide human conduct and dismissed ancient religions and political formations as the arbitrary products of convention. Man can lead a "natural" life only if he rids himself of his accumulated superstitions, assumptions, and gods. The individual desire for happiness is the only dependable anchor in a chaotic and indifferent universe. It requires in the first instance that pain be avoided. Since irritation and distress flow from the unavoidable connections we are forced to have with others, disengagement and withdrawal became the prerequisites of a moral life now defined by autonomy and authenticity. Civil society and politics are no longer the source of ethical development, and the self is not disclosed in public activity. Man has an inner life that is independent of political associations and determinations. We are on our own.

Civil society comprises isolated atoms whose capricious interactions provide no natural basis for association. All public entanglements are strictly conventional and can be justified only if they mitigate pain and remove some of the barriers to happiness. Since there are no objective standards by which felicity can be determined, Hellenistic civil society was seen as an artifice whose maintenance of public order would facilitate the private search for individual well-being. An indifferent universe requires that the individual take care of himself. In a radical restatement



of Aristotle's notion of self-sufficiency, Epictetus declared that freedom is a condition of the soul that understands what it cannot do and has learned how to reduce its social connections to the barest minimum. The true self lies within and must be sought in private. The best way to avoid pain is to avoid the social entanglements and personal dependencies that cause it. "We must free ourselves," advised Epicurus, "from the prison of affairs and politics."<sup>41</sup>

Such a pessimistic doctrine of withdrawal could not serve the ideological needs of a confident and expanding Rome, and late Stoicism began to assert a correspondence between the rational universe and the requirements of a moral life. "Living according to nature" no longer meant detachment but signified that men shared in the same divine reason that orders the universe. The fire that lights the world lives as a spark in each individual and allows one to achieve one's proper ends, for reason directs everything toward self-fulfillment. If the Epicureans and Cynics had sought perfection by withdrawing from the world, some Stoics identified with nature while others retreated into an ethic of private edification. Even Seneca modified the earlier hostility to social connections in his recognition that privacy required a public life and that civil society could be strengthened by withdrawal: "We must retire more within ourselves, for intercourse with those of different disposition throws into disorder that which is well arranged, awakens low, ignoble passions, and causes that to ulcerate which is still weak in the mind and not yet entirely healed. These things must be mingled and alternated, namely, solitude and society. The former will cause us to have a desire for men, the latter for ourselves, and the one will be a remedy for the other: solitude will heal our hatred of the crowd, and the crowd will heal our hatred of solitude."<sup>42</sup>

Seneca's individualism did not necessarily conflict with a more politicized understanding that a universal world-state constituted by reason can counter the divisiveness of self-interest and overcome the narrowness of the here and now. It also laid the basis for the first systematic view of human solidarity and universal brotherhood. All the Stoics agreed that man is a rational creature made for social life. The whole universe is a civic community in which everything alive shares in a harmonious unity organized by reason. Human commonality could now be expressed as brotherhood in reason and common membership in

a universal civil society that would wash away artificial social distinctions. “If the power of thought is universal among mankind,” asserted Marcus Aurelius, “so likewise is the possession of reason, making us rational creatures. It follows, therefore, that this reason speaks no less universally to us all with its ‘thou shalt’ or ‘thou shalt not.’ So then there is a world-law; which in turn means that we are all fellow-citizens and share a common citizenship, and that the world is a single city. Is there any other common citizenship that can be claimed by all humanity? And it is from this world-polity that mind, reason, and law themselves derive. If not, whence else?”<sup>43</sup>

The late Stoic ideal of a universal civil society organized by reason presumed a much wider moral equality than had been possible in the restricted environment of the city-state. For all his erudition, Aristotle’s theory of citizenship had never included women, slaves, children, resident aliens, or people living outside Athens. Hellenistic theories of natural law could fix one’s place in the universal order of things. Self-interest is a mortal enemy of reason, Marcus Aurelius declared, and universal animating principles can transcend the limitations of mortality by fixing attention on the single source that all the products of creation share.<sup>44</sup> Stoicism tried to develop an integrated notion of a unified world-community that was built on subordinate affiliations and transcended their limitations. “My own nature is a rational and civic one,” observed the Stoic emperor. “I have a city and I have a country; as Marcus I have Rome, and as a human being I have the universe; and consequently, what is beneficial to these communities is the sole good for me.”<sup>45</sup>

If the Stoics recognized that people lived in a wide variety of associations, surely the most compelling of them was Rome itself. As the Republic entered into the protracted crisis that marked its decline, a permanent civil war accompanied an endless series of foreign confrontations. Class conflict, slave rebellions, mutinies, assassinations, conspiracies, and intensifying economic exploitation sapped the strength of republican institutions as powerful warlords organized private armies to support their ambitions. Street fighting, periodic riots, widening inequality, unprecedented urban squalor, and a numbing crisis of agriculture sparked demands for public works, democratic government, land reform, and other measures to alleviate the misery of the poor. As the aristocracy shattered into an unstable mass of competing and suspicious

cliques, Rome became a predatory war machine run by and for a narrow oligarchy.

Born in 106 BCE, Marcus Tullius Cicero tried desperately to arrest the final collapse of the Republic and witnessed the rise and fall of Julius Caesar. Philosophically skeptical, attracted to the Stoic ideal of self-sufficient wisdom, and embodying the conservative republican aristocracy's orientation to disinterested public service, he greatly enriched classical conceptions of civil society. Hostile to corrupt aristocrats and grasping popular movements alike, he defended the authority of the Senate and resisted all calls for social, economic, and political reforms. Politically active throughout his life, he tried to embody the Stoic republican virtues of generosity, farsightedness, honesty, and dedication to the public good in a succession of high offices, powerful speeches, and influential writings.

Rooting justice in the Stoic conception of nature rather than in Epicurean utility, Cicero declared it the foundation of organized human life and law. Natural-law theory always tended to identify civil society with the benefits of civilization, and Cicero's was no exception. He shared Lucretius's conviction that the fatal malady of pre-Republic Rome was the endless and lawless competition for power and glory that reduced politics to assassination, forgery, theft, and war. Private judgment, ambition, appetite, and desire had come close to destroying civilized life then and were threatening the Republic now. The *res publica* was the "people's possession" and denoted the *populus* considered as a whole—"an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good."<sup>46</sup> Civil society was an organization of political power that made civilization possible. Justice was its basic organizing principle. If Plato's civil society rested on the division of labor and Aristotle's was constituted by different natural and moral capacities, Cicero based civil society on the universal human capacity to share in the right reason that is consonant with nature, exists independently of human history, and orders the universe. The chaos inherent in a world of particular interests and private judgments could be overcome by organizing civil society according to universal principles.<sup>47</sup> Reason could order the complicated relationship between public and private matters, and Cicero echoed Socrates's words to Crito and Pericles's speech to the citizens of Athens as he declared that

our country has not given us birth and education without expecting to receive some sustenance, as it were, from us in return; nor has it been merely to serve our convenience that she has granted to our leisure a safe refuge and for our moments of repose a calm retreat: on the contrary, she has given us these advantages so that she may appropriate to her own use the greater and more important part of our courage, our talents, and our wisdom, leaving to us for our own private uses only so much as may be left after his needs have been satisfied.<sup>48</sup>

Cicero's attempt to halt the lawless slide into chaos led him to declare that civil society originates in a "social spirit" that nature has implanted in man. Animated by this innate sociability and informed by reason, people are drawn to associate with one another. But sentiment alone would not be enough to establish a durable social bond. Laws and institutions were also necessary. Private property could protect citizens against tyranny and the state against corruption. Security of possession was an indispensable condition of public life because it protected aristocratic autonomy and liberty. Cicero was bitterly opposed to any agrarian law aiming at expropriating and sharing the wealth, but he also wanted to protect the poor against the predatory and violent rich. There is a "natural" limit to wealth beyond which it can serve no socially useful purpose, he declared. The only justification for private property is that it be used,<sup>49</sup> and he echoed Aristotle's misgivings about purely economic motives when he warned that "great-heartedness and heroism, and courtesy, and justice, and generosity, are far more in conformity with nature than self-indulgence, or wealth, or even life itself. But to despise this latter category of things, to attach no importance to them in comparison with the common good, really does need a heroic and lofty heart."<sup>50</sup>

His defense of property illustrated Cicero's characteristically Roman respect for privacy. At the same time, he shared the classical suspicion that separate spheres could be dangerous. The pursuit of one's interests at the expense of another tends to erode the fabric of organized life. Like Aristotle, he feared it would open the door to corruption and disaster because it severs the principle of utility from its moral and political foundation and threatens to make it an independent force. Economic impulses always press to subordinate other spheres of life to the logic of individual advantage and can never be understood as an au-

onomous sphere of activity with its own rules. The rational principle that organizes nature generates moral rules that restrain individualism and make civil society possible. Private interests are inevitable in social man, but “to take something away from someone else—to profit from another’s loss—is more unnatural than death, or destitution, or pain, or any other physical or external blow. To begin with, this strikes at the root of human society and fellowship. For if we each of us propose to rob or injure one another for our personal gain, then we are clearly going to demolish what is more emphatically nature’s creation than anything else in the whole world: namely, the link that unites every human being with every other.”<sup>51</sup>

Cicero’s protest against both rapacious exploitation and economic redistribution underscored the central role of political institutions. As important as reason and right thinking were, ancient republican ideals and moral exhortations alone would not convince individuals to forego a measure of self-interest in the name of the common good. It was clear to him that “everyone ought to have the same purpose: to identify the interest of each with the interest of all. Once men grab for themselves, human society will completely collapse”—but formal institutions were necessary.<sup>52</sup>

A mixed constitution could give political expression to economic differences while mitigating their disintegrative potential. The propensity of the magistrate, the aristocracy, and the commons to encroach on the liberties of one another could be limited through appropriate institutional safeguards that would create a balanced and flexible equilibrium of class forces. The enormous influence that Cicero exerted on the Enlightenment’s constitutionalism was expressed in his warning that “unless there is in the State an even balance of rights, duties, and functions, so that the magistrates have enough power, the counsels of the eminent citizens enough influence, and the people enough liberty, this kind of government cannot be safe from revolution.”<sup>53</sup> A mixed constitution would avoid tyranny and mob rule by providing institutional expression to the principles of monarchy, aristocracy, and democracy. Drawing on Aristotle’s moderate aristocratic constitutionalism, Cicero sought a political arrangement that would balance the interests of the propertied few with those of the propertyless many. Decay and corruption could be arrested if economic conflicts were prevented from assuming a political form.

Cicero's mixed constitution did not hold the interests of all classes in equal balance. Reflecting his conservative politics and the importance of property in his conception of civil society, he located the Senate at the heart of state power. Balanced by the "people's tribunes," Cicero knew that the Senate represented the interests of the aristocracy and trusted that it could prevent the further degeneration of the Republic. Machiavelli, Montesquieu, and Madison would be heavily influenced by his desire to organize civil society around the inherited property and political wisdom that could enable those of moderate wealth to protect the very rich and the very poor from one another. Proportionate equality reflected Cicero's view that individual interests are not of equal worth and recognized at the same time that stability requires the protection of all. In the end, his civil society depended on a set of political arrangements that fused elements of monarchy, aristocracy, and democracy. It would reflect the distribution of economic power and make it possible for unequal classes to live in peace at the same time, for "just as the music of harps and flutes or in the voices of singers a certain harmony of the different tones must be preserved, the interruption or violation of which is intolerable to trained ears, and as this perfect agreement and harmony is produced by the proportionate blending of unlike tones, so also is a State made harmonious by agreement among dissimilar elements, brought about by a fair and reasonable blending together of the upper, middle, and lower classes, just as if they were musical tones."<sup>54</sup>

By making justice independent of the private judgments of individuals and locating it at the center of the "people's business," Cicero enriched the classic tradition of conceptualizing civil society in political terms. More than a convention of self-interested men who seek to avoid the painful consequences of living alone, civil society is a natural institution and its political expression is the most inclusive and important association to which individuals belong. Its foundation will always be justice informed by reason understood as the common good, and all legitimate state formations are founded on this first principle. Political corruption means that civil society has ceased to exist: "For what is a State except an association or partnership in justice?"<sup>55</sup>

Cicero's attempt to preserve the Republic, safeguard aristocratic property, and strengthen senatorial authority ultimately failed because the constant military campaigns and domestic instability of an expand-

ing empire led in the direction of centralized leadership. Julius Caesar proved to be the grave digger of the Republic, and the assassinations of both men within a year of each other signaled the passage to empire as it redefined the Roman sense of civil society. The *pax Augusta* temporarily ended foreign wars of conquest, held the aristocracy and its Senate in check, and tried to separate politics from interest through a bureaucratized legal system. The notion of the *res publica*, the “common good” implied in the Roman idea of the commonwealth, had signified a civil society of peasants and soldiers who protected the Republic and reaped most of its benefits. But imperial expansion transformed Rome into a vast cosmopolitan city in which a bloc of magnates and financiers confronted an ocean of proletarians, subjects, and slaves. The rights and liberties of the commons had always been the foundation of the city’s greatness, and if it was hoped that *imperium* would organize political life based on natural reason and equity, it also concentrated enormous power in Emperor Augustus’s hands. The Republic had attempted to establish a system of checks and balances in which particular institutions would represent all social classes and the military would be neutralized. Augustus’s evident desire to limit the Senate’s prerogatives and the growing importance of his Praetorian Guard would prove more damaging over the long run than the immediate problems they were designed to solve.

Even so, the Roman order claimed to represent a finality and universality to which alternative systems of private and public life could not pretend. Amid the wreckage of empires founded on tyranny and exploitation, it claimed to stand for the rational and genuinely “political” ties that transcended boundaries of class, religion, and nationality. The legal apparatus that began to take shape during Augustus’s reign initially defined the rights and privileges of Roman citizenship, but as time went on and political power became concentrated it gave expression to a legally recognized private realm that stood alongside the public orientation of the polis and the republic. The Roman notion of the *res publica* soon implied the existence of a *res privata* as a correlative sphere. Constituted by family and property and protected by a network of rights, it marked the area of intimate associations and particular interests. Private law regulated the relations between individuals, provided legal expression to the family and property, governed the inheritance of

property, and established a legally recognized zone of private life that was profoundly important to later understandings of civil society. The individual was now separated into a private person and a public citizen. Religion gradually became a private matter even as it continued to be an affair of state. So long as citizens rendered appropriate worship to Rome's gods in public they were increasingly free to worship any gods they desired in private. It was said that Roman public law stopped at the citizen's doorstep and if the Republic literally belonged to "the people," then private rights, property, family, and religion came to constitute a measure of citizenship. The public law that defined common interests, specified civic duties, and regulated the relations between citizens and the state addressed itself to criminal affairs, public institutions, and state officials. If the state was the "property" of the citizens, however, the *populus* comprised the male citizen heads of households. The Romans were no more able than were the Greeks to escape their limitations, but they contributed a profoundly important view of civil society as a sphere of reason, justice, participation, and rights that sought a universal understanding of citizenship even as it recognized a powerful private center of gravity.

Plato's vision of a political leader who would unite knowledge with power seemed to find its realization in the imperial claim that the divine emperor embodied the state and the people at the same time. Even if the Augustan system was ultimately unable to protect Rome from internal decay and external threat, it did continue the classical effort to rescue humanity from barbarism and secure the possibility of a politically organized civilization. The transition from polis to republic to empire described a man-made civil society where reason and civilization would be safe. It was exactly this hope against which the Fathers of the Church, and Saint Augustine most importantly, set themselves.



## Civil Society and the Christian Commonwealth

The collapse of Roman civilization, which Edward Gibbon attributed to the triumph of barbarism and Christianity, weakened the classical understanding of civil society as a politically organized community. Its disintegration introduced a dualism into Western thought that made it impossible to theorize politics as the sphere of man's highest values for hundreds of years. While the Eastern Empire endured with a centralized state backed by the Byzantine Church, the Germanic conquerors made personal and tribal custom the basis of political life in the West. Given the economic and political decentralization of the Dark Ages, no consolidated political organs would develop for some time. The region slowly reorganized itself as a structure of tribally based territorial kingdoms rather than as a reconstituted universal empire, which now existed in memories of Rome and in the reality of Constantinople.

Christianity supplied the West with whatever social and ideological unity it had during the millennium that followed the fall of Rome. It did so by providing the basis for a common spiritual fellowship and by articulating a theory of the state and civil society as a Christian Commonwealth. Religion had been subordinated to the requirements of the political order in Greece and Rome, but it assumed a stronger independent standing for much of the Middle Ages. Religion and an increasingly centralized Church provided whatever legitimacy state structures had. Even so, the period's tendency to theorize politics in religious terms resulted in notions of a fused community that made it impossible to understand civil society in terms of classical political categories. But the effort to articulate a unified theory of human affairs could not last forever. The end of medieval Europe's attempt to organize its politics on a spiritual basis came when corrosive markets, stronger kings, opportunistic princes, and more assertive local bodies made it impossible for theology to provide the overarching framework within which philosophy, science, politics, and other activities were conducted. By the end of the period a

more purely political conception of the state was beginning to emerge, a development that accompanied an equally secular conception of civil society now organized in economic terms.

The theoretical transition from the classical world to the Middle Ages can be summarized as the passage from an ideal of self-sufficiency to a glorification of dependence. Greek thinkers had thought ethics and politics resulted from the rational action of enlightened men who aimed at a life of moral autonomy and public recognition. Virtue was not a revealed truth and external demands did not set the standard for human belief or conduct. People were fully capable of organizing civil society in accordance with moral principles they developed for themselves. Aristotle's sense that citizenship combined reasoned deliberation, prudent legislation, and voluntary obedience was the culmination of this point of view.

Early Christianity had been relatively indifferent to matters of state, regarding them as passing concerns that would be quickly washed away. But as it became clear that Christians would have to wait for the coming of God's Kingdom, ecclesiastical authorities were compelled to make their peace with the world. The lengthy process by which the Church came to terms with the empire also saw it develop a justification of coercive political power and a set of guidelines for its use that would locate the Church at the center of civil society. The doctrine of Original Sin would lead many of the Fathers of the Church to conclude that the state was a God-given consequence of man's fallen nature. Under the guidance of the Church, it could play an important role in universal history by correcting human error. If the Greeks concluded that politics is natural to man, the Church located it alongside war, slavery, and property as a purely conventional result of failure. The late Roman notion of the sacred monarchy, one of the last attempts to reconstruct the imperial order with the aid of notions derived from the pagan East, was definitively abandoned.

But this did not signal a return to the humanism of the Greek polis and the Roman Republic, which had recognized religion as one of several requirements of organized civil societies. Now a large area of human life was placed outside the *res publica*, for the injunction to "render unto Caesar" also implied that much had to be rendered unto God. The fusion of Church and state that followed Constantine's conversion transformed the political community into a partial institution as it had been

under the pagan emperors, with the only difference that it now openly proclaimed itself a Christian state. Caesaropapism gave renewed legitimacy to political institutions. Power could now be used for spiritual and temporal purposes. Keeping the peace, defending the Church, and enforcing theological orthodoxy became affairs of state. Power was freely brought to bear against the heresies that populated the world of the early Church, and an energetic Christianity gradually became the vital principle of political cohesion. It was not long before thinkers turned to the elaboration of a specifically Christian theory of civil society. A critique of the Greco-Roman past developed alongside it.

The Church regarded classicism as a pagan error precisely because it looked “outside” for its creative and moving principle. The conviction that man could organize a fully moral life with his own resources was a dangerous illusion and a prideful error. Just as the necessity for individual choice sits at the heart of Augustine’s theology of the Fall and its accompanying doctrine of Original Sin, so the early Church identified the Trinity as the creative and moving principle to which fallen man owes ultimate obedience. The only impediment to human understanding is rooted in the barriers we impose on ourselves through deliberate blindness and stubborn refusal. Augustine knew a good deal about both, and his deep skepticism about the work of man drove his theology of the redemptive power of grace and established him as the most important theologian of the early Church.

### Pride, Faith, and the State

Augustine began writing *The City of God* in 413, three years after Alaric and his Goths sacked Rome. Addressing himself to the Eternal City’s sophisticated intelligentsia, he denied the popular claim that recent disasters came from neglecting ancient rites. Christianity was not responsible for the fall of Rome, he insisted; if anything, the weakness of the newly Christianized empire resulted from her toleration of paganism, heresy, and immorality. Augustine’s defense of the Church soon broadened into the first systematic Christian theory of history and civil society. He provided a running commentary on scriptural narratives and linked the rise, progress, and destiny of the Church in the world to the creation, fall, and redemption of humankind. In the process he mounted

a powerful attack on the secular claim that one could discover in nature and reason the moral rules for the conduct of human life and defended Christianity against the pagan charge that it was little more than an Eastern superstition. The humanistic veneration of science and reason yielded to the unrelenting emphasis on faith and grace that characterizes mature Augustinianism.

A persistent sense of human weakness rests at the center of its understanding of civil society. Humankind is too depraved to draw moral values for itself. All durable standards of truth, beauty, goodness, and meaning are derived from the mysterious working of the Holy Spirit. History is the record of God's presence in man's affairs and its meaning is to be found not in any product of the human mind but in the revelation of Christ. The Greeks and Romans had thought that speech, deliberation, and action in a politically organized civil society established the grounding for human happiness. Augustine now proposed faith, Scripture, and the Church. Only Christian principles can constitute the foundation for the conduct of politics and the organization of civil society.

But there was still something valuable to be learned from the history of Rome, for God had made a mighty empire for a reason. An all-embracing and obsessive love of praise had driven her citizens' enormous accomplishments. "Glory they most ardently loved; for it they wished to live, for it they did not hesitate to die. Every other desire was repressed by the strength of their passion for that one thing," Augustine observed. "That eagerness for praise and desire for glory, then, was that which accomplished those many wonderful things, laudable, doubtless, and glorious according to human judgement."<sup>1</sup> Manichean, Neoplatonist, sinner, convert, bishop, theologian, controversialist, and judge, Augustine had thought long and hard about matters of spirit and flesh. He had a healthy respect for the empire's accomplishments. But the same search for glory that drove Rome to unheard-of heights of power was simultaneously the Achilles' heel that brought it down.

Pagan worldliness stood in stark contrast to the possibilities opened up by the presence of Christ in human history. Since the Fall of Adam, the human race has been divided into two great "cities," spiritual embodiments of the two powers that have contended for supremacy in God's creation. Belief and unbelief are locked in timeless struggle and intermingled throughout the world. They are not completely expressed by any

particular institution but are represented in the world by parallel hierarchies of loyalty. One city serves the Devil and his demons, while the other serves God and the angels. One city represents the instability and conflict that accompanies the affairs of the flesh, while the other represents the unity and peace that comes from God. One city embodies the divisions and particularities of man's desires, while the other embodies the oneness and universality of God's love. Inextricably mixed in both secular affairs and the Church, these two realms constitute distinct and related spheres of human action. The City of Man and the City of God are condemned to coexist until the end of the world. Their relationship constitutes all human societies and organizes the whole of human history:

Accordingly, two cities have been formed by two loves: the earthly by the love of self, even to the contempt of God; the heavenly by the love of God, even to the contempt of self. The former, in a word, glories in itself, the latter in the Lord. For the one seeks glory from men; but the greatest glory of the other is God, the witness of conscience. The one lifts up its head in its own glory; the other says to God, "Thou art my glory, and the lifter up of mine head." In the one, the princes and the nations it subdues are ruled by the love of ruling; in the other, the princes and the subjects serve one another in love, the latter obeying, while the former take thought for all. The one delights in its own strength, represented in the persons of its rulers; the other says to its God, "I will love Thee, O Lord, my strength."<sup>2</sup>

Augustine knew that Rome was dying but was convinced that her history taught eternal lessons. Both the City of Man and Rome originated in a fratricide whose roots lie deep within fallen man. The twin crimes of Cain and Romulus cannot be understood apart from the jealousy, lust for possessions, and drive to dominate that characterize all men. Constituted and defined by egoism, pride, and willfulness, the *civitas terrena* is rooted in murder and disorder. Its principal spheres—household, city, empire—can never be the grounding of moral life.<sup>3</sup> The best we can do is arrange a workable interplay between their conflicting demands.<sup>4</sup> The City of Man is the realm of perpetual struggle, conflict, and war.

If the classical tradition had established that civil society depends on justice, Augustine's denial that any permanent good could result from

the work of man struck at the heart of Greek and Roman optimism. Rome was never a true republic because it was never founded on justice. A prideful drive for glory and dominion made it impossible to understand that all good comes from God. Augustine's attack on Cicero was a thoroughgoing demolition of Roman optimism. Where proper worship is absent there can be no true people, commonwealth, or civil society. "I grant," he said, "there was a republic of a certain kind, and certainly much better administered by the more ancient Romans than by their modern representatives. But the fact is, true justice has no existence save in that republic whose founder and ruler is Christ, if at least any choose to call this a republic; and indeed we cannot deny that it is the people's weal."<sup>5</sup> How can people be capable of justice if they serve impure demons and wicked spirits?<sup>6</sup> Augustine went so far as to use Cicero against the classical tradition. "For how," he asked, "can there be right where there is no justice?"

Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms? The band itself is made up of men; it is ruled by the authority of a prince, it is knit together by the pact of the confederacy; the booty is divided by the law agreed on. . . . Indeed, that was an apt and true reply which was given to Alexander the Great by a pirate who had been seized. For when that king had asked the man what he meant by keeping hostile possession of the sea, he answered with bold pride, "What thou meanest by seizing the whole earth; but because I do it with a petty ship, I am called a robber, whilst thou who dost it with a great fleet are styled emperor."<sup>7</sup>

Augustine's famous equation of lawless states with bands of robbers and corrupt emperors with pirates derived from his deeper critique of the classical tradition. Man will never be able to organize peaceful and moral social relations by himself. The most important "goods" of the earthly city will always be conditional and elusive because of the unbalanced appetites that drive the discordant wills in society. No man can be exempted from the physical needs of the flesh, but the fallen members of the earthly city make a profound error by regarding them as sufficient in themselves. Human pride makes the affairs of the world into a closed system that it mistakenly imagines can be attained by human effort.

Division and strife will always mark the earthly city, for Cain's envy and Romulus's pride represent the twin evils into which unaided man must inevitably fall.<sup>8</sup> To live for the flesh is to take the part for the whole, but it is difficult for prideful man to acknowledge his need for and dependence on God. The crimes that lie at the heart of political life explain his history of conflict. The Romans organized the greatest empire in history, but even vast wealth and foreign conquest could not relieve it of pervasive division and malady. The empire's history was that of humankind. A destructive scramble for wealth and power, constant insecurity and mutual fear, civil war, rebellion, sedition, and servitude mark the life of man. The institutions of the earthly city have no sustained moral content. Redemption can come only with the "love of God, even to the contempt of self," which the presence of Christian faith and the Roman Church make possible for the first time in history.

Augustine endlessly taught that the failure of pagan classicism lay in its prideful inability to acknowledge that God is the only source of justice. The glory and honor the Greeks and Romans valued depended on the praise and admiration of other men, and this infected classical notions of civil society with the fatal germ of pride. Aristotle's comprehensive moral project of a politically organized and self-governing civil society had faded from view: "For there is nothing so social by nature, so unsocial by its corruption, as this race."<sup>9</sup>

People's inclinations are disastrous, man always prone to error. Without powerful external pressure there is no way to combat sin, so "sweet" is it to fallen man. The fraternity and concord that prevailed in Eden have been shattered, and the natural law that regulated civil society has all but disappeared from the heart. Under these circumstances, coercion is an essential condition of moral action in a world populated by sinful men.

Augustine was preoccupied by a pervasive sense of the need for restraint and looked for a mechanism that could defend a fatally flawed civil society from the constant threat of disintegration. Purely spiritual pressure cannot keep man from sin, for its source lies deep in his very nature. Even his greatest achievements have been possible only because a "straitjacket" of unremitting harshness has kept him from his own worst desires. Since most men are unredeemed and will remain so until the end of the world, some institutional structure must introduce

a measure of peace, order, and stability into the conflict and chaos that would otherwise make life impossible. Augustine shared Plato's appreciation of balance and agreed that "the blessedness of a community and of an individual flow from the same source: for a community is nothing else than a harmonious collection of individuals."<sup>10</sup> The state was a restricted sphere with a narrow range of motion and a diminished set of responsibilities.

The central features of civil society—war, property, slavery, and the state—are caused by and serve as remedies for sin. All are structured by an inequality between men that was not a feature of the natural order, since God intended for rational man to have dominion over the irrational beasts and not over his own kind. But sin introduced hierarchy into human history and simultaneously made it possible for the institutions of civil society to have a remedial influence.<sup>11</sup> Augustine transformed classical civil society, which had served the Greeks and Romans as the arena of public debate and moral action, into a coercive mechanism that serves God's purposes by punishing error and hopefully making sin less likely. Even if it cannot touch the heart, it forces depraved and fratricidal man to act *as if* he cares about his brothers.

The peace that the state maintains makes it possible for men to live and work together, but it is a peace founded on violence and fear rather than on a shared commitment to a common moral project: "To be innocent, we must not only do harm to no man but also restrain him from sin or punish his sin, so that either the man himself who is punished may profit from his experience, or others be warned by his example."<sup>12</sup> The state exists to protect institutions that have no independent moral standing but are necessary for civilized human life. Its primary task is helping the Church exercise its teaching, converting, and saving ministry. In reconciling the state to the Church and explaining how inequality and violence could serve God's purposes, Augustine crafted the first comprehensive Christian theory of obligation and offered kings the support of an increasingly powerful Church. In demonstrating how state violence in the service of Christ could be used to deter man from error, he was also the first philosopher of the Inquisition.

But even if a political organization is dedicated to Christian ends, headed by Christian princes, organized by Christian law, and administered in a Christian manner, it can never substitute for the redemp-



tive power of grace. The political order is peripheral at best. If it serves God's purposes, it does so indirectly by punishing sin and defending the Church. Born of sin, the state is an instrument for regulating the "exterior" man but cannot touch the deep springs of weakness that lead to error. The coercion it brings to bear can correct error by instilling fear and thus making the commission of sin less likely, but the roots of a fully moral life lie elsewhere.

A "realist" about human frailty and state power, Augustine delegated to the Church ultimate responsibility for civil society. It provided a measure of safety in a chaotic world ruled by demonic power. Such a view was common enough in the early years of organized Christianity, but Augustine's unique contribution was to make the Church the heart of a new universal community. His views took shape in the context of his important struggle against the Donatist heresy.

Echoing a tendency as old as the earliest Christian communities, the Donatists viewed the message of Jesus as a radical alternative to the corruption that surrounded them. The Church had to be pure in its relation to God and the world. Its rites were a precise and invariant code of rules that would establish the correct relationship between man and God. As the only body in the world in which the Spirit lived, it had to be an unblemished example of holy innocence, ritual purity, and meritorious suffering. The sacraments link man and God and must be administered by intermediaries who have proven their righteousness.

Augustine countered that the Spirit exists independently of the quality of its human agents. The sacraments rest on Christ's promises and ordinances, and the Church's rites do not depend on the inner state of those who deliver or receive them. The Donatists' notion that the Church was a collection of the chosen who had to preserve their identity against the temptations of an unclean world was too sectarian, passive, and defensive and would make a Universal Church impossible. Augustine's claim that the sacraments were independent of history would provide the Church with an indispensable source of legitimacy, for its bureaucratic power came to rest on its claim that Jesus gave control of the sacraments to Peter and all his papal descendants. For the moment, he formulated a more general argument. Christianity cannot isolate itself from the world and rest content with guarding a static alliance between itself and God. Man must not interpose willful caution between his history and the impera-

tive demands of a purposeful universe. It is no longer sufficient that the Church defend itself. More is at stake than the purity of isolated Christian communities, and truth now has a powerful ally in the state. A universal Christian civil society will expand until it encompasses the whole world. Augustine's famous saying, "Love, and do what thou wilt," justified the use of state compulsion in defense of the Church and announced that the entry of Christ into human history has changed everything.

The "true Church" is the body of Christ, and the tangible Church that lives in the imperfect City of Man is a shadow of perfection. The Christian is fated to coexist with evil, and the Church is his only dependable defense against sin. If the Donatists regarded it as a refuge from the world, Augustine believed that its destiny was to become coextensive with human society as a whole. In alliance with the state, it could serve God's purpose by absorbing, transforming, and directing the bonds that connected men whose essential brotherhood had been lost to sin. It was a microcosm of God's desire to reunite a divided and estranged humanity that he had initially fashioned from one man. Augustine's civil society organized by the Church replaced Aristotle's polis and Cicero's republic. Faith and grace supplanted reason and public action.

Such a conception of a Christian Commonwealth tended to break down the barriers between the sacred and the profane, between the spiritual sanctions exercised by the Church and the coercive ones administered by the emperor. Gone was the old attitude of antipathy to the state, an inappropriate remnant of the Age of Persecution. The Donatists claimed immunity from the civil obligations of an inherently evil political apparatus, but Augustine laid the basis for later theories of divine right when he demanded that rulers serve God as kings because the state is a natural necessity backed by divine power. As hostile as he was to the classical tradition of self-reliance, then, Augustine preserved a truncated moment of its nod to secular authority. But he was a theologian above all, and his orientation toward the state was part of a coherent worldview organized around the power of faith and the meaning of revelation. Fallen man needed more than spiritual sanctions to keep him from evil, and the Church would have to call on the state for assistance against schismatics, heretics, pagans, and Jews.

Augustine always adhered to the standard Christian emphasis on free will and agreed that the final act of faith must be uncoerced and spon-

taneous. But God's purposes could be served by procedures that people might not freely choose for themselves and might not want. The corrective process of teaching, learning, and disciplining can be imposed on the individual, even against his will, to prepare the soul for Christ and the Church. Man needs the whip of fear and the shackle of constraint in his battle with sin. After all, the Old Testament God had not hesitated to visit a series of calamities and disasters on his chosen people in order to turn them from their prideful errors. If coercion had played an essential role in the history of Israel, it could be equally important to the progress of the Church. At all times it would be administered by the state. The Church's hands must remain clean.

The sophisticated pagan skeptics of the late empire could never accept Christianity's exorbitant claim to be the only path to salvation, universal knowledge, and truth. Such an assertion made no sense to them, and the great Porphyry had objected that it was deeply contrary to human nature. Polytheisms are often more tolerant than are monotheisms because they are disposed to recognize that different civilizations have distinct histories and gods. But Augustine regarded Christianity as the natural and true religion of the entire human race, the only way to reestablish the relationship between God and man that had been ruptured by sin. *The City of God* was now an outline of universal history. An independent civil society was out of the question. The general collapse of the human race means that no man could raise himself up by his own efforts. God alone decides the fate of man, and only the Church can explain how justice is served by the suffering of innocent babies. As well run as the Roman Republic and Empire had been, true justice could not exist there. It has no existence except in that republic whose founder and ruler is Christ. The Universal Church will organize the Universal Community and safeguard its Universal Knowledge, for "the actual possession of the happiness of this life, without the hope of what is beyond, is but a false happiness and profound misery. For the true blessings of the soul are not now enjoyed; for that is no true wisdom which does not direct all its prudent observations, manly actions, virtuous self-restraint, and just arrangements, to that end in which God shall be all and all in a secure eternity and perfect peace."<sup>13</sup>

Augustine never articulated a comprehensive theory of the relationship between Church and state, but he deepened Paul's political ac-

comodationism and laid the foundations for a profoundly important Christian theory of political obligation and civil society. His lip service to free will notwithstanding, his relentless insistence that all the works of man carried the stain of Original Sin was a serious burden for later theologians because it systematically denigrated the here and now. If the love of God enters men through the undeserved action of the Holy Spirit, there was little room for man's genuinely free response to the gift of grace. If God alone is the source of every human movement toward good, then the works of man always stand in the shadow of sin. Man can order his temporal affairs in the profane world only because God provides him with the opportunity to train and discipline his soul. The life of Christ and the gift of the Church, Augustine repeatedly declared, do not do away with civil society but fulfill and complete it. Human history is the dialectic of good and evil, the love of God and the love of man. It is now possible for Church and state to unite and contribute to the salvation of fallen man. The grace of God has made it possible to use profane power in the defense of truth and redemption. Such a view came to rest in a theory of civil society that destroyed the very category it proposed to make whole. For all his criticism of paganism, Augustine shared Plato's problem even as he laid the foundation of a distinctly Christian theory of civil society.

### The Christian Commonwealth

Augustine's attempt to turn the fusion of state and Church toward God had to be refined because the Christianization of the empire was accompanied by its disintegration. The slow development of "Christendom" encouraged early medieval thinkers to develop an overarching structure within whose boundaries they could comprehend the relations between different peoples and different spheres. The division of labor between the official ecclesiastical structure of the Church (the *sacerdotium*) and the secular officials of empire and kingdom (*imperium* and *regnum*) described shifting lines of authority between the complementary spheres of a single Christian Commonwealth.

The theory of the "two swords," developed by patristic writers and solidified after the fifth century by Pope Gelasius I, implied a dual organization and control of civil society in the interests of the two great

classes of values whose conservation was central to God's relationship with man. Each was said to correspond to the two large bodies of human needs, and it was Gelasius himself who described "the two powers by which this world is chiefly ruled" as those of pope and emperor. Spiritual interests and matters of salvation were properly the affair of the Church, while temporal matters involved order, peace, and justice and were the province of civil government. The Gelasian doctrine of the "two swords" described a pair of independent but intertwined spheres of human affairs administered by twin Christian hierarchies whose separate jurisdictions merged in a single purpose. The state existed to give order to public affairs. The Church existed to provide moral guidance to all humankind. Each power was to be supreme within its own sphere, although it was generally assumed that in case of a clash the spiritual power of the Church should prevail.

The notion of a universal Christian Commonwealth was the dominant legacy that the Church Fathers and Augustine passed on to the Middle Ages. The Gelasian attempt to delineate different spheres of ecclesiastical and political authority established the standard agenda that political philosophers would follow for hundreds of years, although its own vagueness and a series of jurisdictional disputes between Church and state could not prevent serious clashes. If Gelasianism implied a certain differentiation between Church and state, it also presupposed a single Christian civil society. All ecclesiastical philosophy of the High Middle Ages sought to integrate, organize, unify, systematize, and reconcile. Politics, economics, science, ethics, and art remained under the controlling influence of theology, and no independent developments in these areas would be possible until the Reformation and the Renaissance broke the unity of medieval Christian thought.

In the short run the dominant tendency was toward a fusion of Church and state, symbolized by Charlemagne's famous coronation at the hands of Pope Leo in 800. The central claim of most medieval political and ethical thinking was that a single Christian ideal could be applied to the manifold conditions of life. This generated its characteristic drive to treat every form of human organization as both an organic unity in its own right and as a manifestation of a single higher purpose whose ultimate meaning could be explained only by the Church. The defining premise was that of a uniform whole that expressed the compound and

articulated character of God's creation. The universal order of all things presupposes a divinely instituted harmony that pervades the whole and every part of it. The universe is an integrated and articulated organism, all of whose components share in its essential nature and constitute a replica of the universal whole. Every human individual and association is a microcosm in which the macrocosm is expressed. All created things are simultaneously themselves and images of God.

The essence of God is a unity that existed before plurality and created order out of chaos. All existence is ordered in grades, each rank receiving meaning from above and transmitting it below. Every entity in the universe occupies its assigned place and every link between them corresponds to a divine decree. Differentiated inequality marks the created world, and both existence and merit issue from above in a "great chain of being."<sup>14</sup>

Harmony and justice on earth require that man understand his place in God's creation. The medieval notion of a uniform and articulated social organism necessitated a theory of membership that assigned to each individual his proper place and task within a larger unity he did not create. A single uniform organism implies an integrated union of the like and unlike, a balance of contrasts and differences in rank, estate, profession, and political power. Every individual, group, guild, or estate occupies a definite place within an order that stretches from the lowliest individual to the supreme single whole. If faith was not enough, meaning could be explained by a Church whose ecclesiastical authority was always backed by the state's sword.

It was Augustine who transmitted to the Middle Ages the Greek idea that every created part had its own definite place in a universal order of things while it simultaneously expresses its own order, constitution, and end. This hierarchical view of a compound universe reflected the character of medieval society and ultimately provided a powerful defense of the existing order. Its complex array of ranks, estates, guilds, and professions could be explained only by locating it in a larger structure of a divinely created universe. Medieval political thought gave rise to an involved corporate theory of intermediate bodies but located them all within the oneness of God. The continuing drive to think in terms of the most comprehensive levels of association made it impossible to develop a theory of civil society that could stand independent of theology. The

Greeks had tried to organize everything around the polis, and medieval writers centered their thinking around God's organization of the cosmos.<sup>15</sup> Their similar commitment to a comprehensive theory of social life was at least as important as their differing accounts of its character. Medieval theory's preoccupation with unity and order was rooted in its attempt to justify aristocratic power amid the decentralization, differentiation, and corporatism of medieval society.

An acceptance of hierarchy did not preclude considerable local activity, and complicated networks of social interaction involved a wide range of people throughout the period. Personal status, class conflict, custom, hierarchy, and voluntary cooperation structured the debates about the rights and duties of collectivities that were a permanent feature of medieval affairs. A decentralized and rural social order provided limited opportunities for general political activity, but medieval society was structured by complex relations between a variety of groups. Such a society was thoroughly penetrated by Christian norms, and complicated forces helped shape relations in a social order that shared a single religious orientation.<sup>16</sup> The development of medieval society was partly constituted by a tug of war between its centralizing and fragmenting tendencies.

On one hand, the increasing power of the Roman papacy and an accompanying series of twelfth-century theological innovations began to consolidate the unity of the medieval Church and facilitated its role in forging a unified Christian civil society. Three specifically medieval dogmas—those of the universal episcopate of the pope, the superiority of the spiritual power over the temporal, and the granting of grace through the seven sacraments—expressed the Church's claim to independence from and superiority to the state. An ecclesiastically organized civilization marked the ascendancy of the Universal Church's claim to incarnate the morally uniform principle of an entire social order.<sup>17</sup> The consolidation of the Church was paralleled by similar developments in the political sphere, and it was not long before kings began to challenge Church claims of absolute supremacy.

If centralization and claims to universality marked one important aspect of medieval life, powerful economic forces were also fragmenting social organization and driving toward a collection of small, self-sufficient agricultural communities. Periodic collapses of trade and

commerce existed in a contradictory relation to the increasingly insistent claims of centralized ecclesiastical and secular bureaucracies. Kings tended to see themselves as sitting on top of a pyramid of personal loyalties rather than being a monarch of the Roman or Byzantine variety. The only agent of solidarity was the general sense that everyone belonged to a Christian Commonwealth, but there were many ways of expressing what this meant.

The period's fragmented agricultural economy could never generate an integral theory of the state that stood apart from theology. Rural life fostered networks of personal relationships, strengthened sentiments of local solidarity in the organization of social life, and developed a powerful ethic of personal dependence and mutual help. Patriarchal authority and subordination, comradeship and mutual contact, and loyalty and respect helped structure social life in the absence of powerful markets and centralizing states. No secular central power could organize social life on a widespread basis, no claims of temporal sovereignty could challenge those of the Church for some time, and no formal body of public law could compete with the claims of priests and bishops. Religious influence and values penetrated every nook and cranny of medieval life. Independent organizations or ideals that could claim loyalty apart from or in opposition to the Church did not exist in sufficient strength to generate viable centers of autonomous theory or practice.<sup>18</sup> The controversies of the period were not really between Church and state as two distinct powers but rather between two branches of one and the same Christian civil society. The thoroughgoing conflation of religion and politics allowed for little more than structured disputes about how a unified Christian social order should be organized and whose authority should govern its separate spheres. Under the circumstances, it was impossible to generate a theory of civil society that could stand outside the strictures of the Church.

The nature of medieval life also made it difficult. Even as they contested with each other for leadership of Christendom, the centralizing Church and state had to deal with their local particularisms. Popes were always engaged with bishops who were anxious to preserve their centers of power against the intrusive claims of the Roman authorities, and kings were always constrained by the demands of local princes, autonomous guilds, and independent towns. The political influence



of local authority was strong throughout the Middle Ages. Talk of a unified Christian body politic coexisted with a complicated and often-incoherent structure of local privilege and custom. Even as the papacy and the secular monarchs pressed hard for administrative coherence and centralization, they had to consult and compromise with their dependent populations and local bodies. Monastic chapters, Church orders, trading guilds, communal and civic councils, universities, and corporations proliferated within medieval society, and they always tried to protect their hard-won autonomy. Their success in doing so formed a powerful if temporary barrier to further centralization. In the Church there was little contradiction between the pope's roles as feudal overlord and public head of the ecclesiastical community. In the state there was little contradiction between the king's roles as feudal overlord and public head of the political community. Sovereignty was complicated and dispersed; each baron, corporation, or order was sovereign in his sphere, even if popes and kings struggled over who was going to guide the community as a whole.

The famous eleventh-century contest between Pope Gregory VII and Holy Roman Emperor Henry IV helped define many of the issues that preoccupied medieval thinkers. Strengthened by the great Cluny reform movement's demand for a spiritual Church that was independent of secular authorities, Pope Nicholas II had established a College of Cardinals in 1059 and invested it with exclusive authority to elect subsequent popes. Although secular rulers continued to have considerable indirect influence in Church affairs, Nicholas's successor, Alexander II, was the first pope elected solely by the new body.

It was Alexander's successor, Gregory VII, who translated long-standing Church demands for independence into the famous "investiture controversy." Strongly influenced by Cluny's strict view of clerical life while he had been Cardinal Hildebrand, Gregory broadened its program of moral regeneration and papal centralization. His demand for "freedom for the Church" required the end of lay investiture—the selection and appointment of Church officials by secular authority. From now on, he declared in 1075, any layperson who presumed to invest bishops and abbots with the symbols of authority faced excommunication. Immediately Henry IV in the Holy Roman Empire, William the Conqueror in England, and Philip I in France protested.

The strongest reaction came from Germany, particularly dependent on churchmen for the administrative tasks of government and competing with the Papal States for control of northern Italy. Gregory's decree had raised the question of the proper role of a Christian monarch in a unified Christian civil society. Did the king have ultimate jurisdiction over all his subjects, or did some of them answer to a papacy whose creation of the College of Cardinals had announced its independence of the kings? Henry now found himself ordered by the pope to secularize the empire—but anyone could see that Gregory's edict was only a first step toward the ultimate assumption of authority over all of Christendom by a resurgent papacy.

An increasingly bitter exchange of letters ensued. Gregory accused Henry of lack of respect for the Church and informed him that disobeying the pope was disobeying God. The territorial princes, eager to see the emperor weakened, supported Rome. Henry responded by declaring Gregory deposed in a famous letter that began "Henry King not by usurpation, but by the pious ordination of God, to Hildebrand, not now Pope, but false monk." In ironic opposition to the princes, the German bishops were brought together at Worms and proclaimed their support for Henry and independence from Rome. Gregory answered by excommunicating them and the emperor and releasing Henry's subjects from their vows of allegiance. By Christmas 1076 the clergy was supporting the emperor and the great nobles were siding with the pope.

The ensuing revolt of the princes forced Henry to come to terms with Gregory. In the most dramatic event of the High Middle Ages, he traveled to the pope's castle retreat at Canossa and stood barefoot in the snow for three days in January 1077. Gregory's absolution marked the high point of papal power, but the investiture controversy dragged on for another fifty years until the Concordat of Worms allowed for papal investiture of bishops in the presence of lay rulers. If members of the clergy now received their office and attendant power exclusively from ecclesiastical authorities, kings were still free to influence them with grants of land and other worldly goods. Papal authority was strengthened somewhat, but the Concordat's major effect was to adjust the relationship between the secular and religious branches of a unified Christian civil society in a way that strengthened local princes and accelerated the division and weakness of the empire.

In the short run, Gregory's victory over Henry encouraged Rome to assert its exclusive jurisdiction over Christendom. As the Church continued to centralize its organization and theology, the papal party effectively abandoned the Gelasian compromise and demanded that all political arrangements be regarded as part and parcel of ecclesiastical organization. God may have willed the separation of the two spheres and sanctioned the secular state, but it is only by the mediation of the Church that the temporal power possesses divine sanction and mandate. Rooted in sin and defined by violence, the state needs the hallowing authority of the Church. The general theory of the Gregorian Church was that the emperor and all other secular rulers derive their offices mediately from God but immediately from the pope, who acts as God's regent because he was given both swords by Jesus through Peter. The pope retains the temporal sword but gives it over to kings and princes on condition that they use it in the service and under the direction of the Church. The legitimacy the Church imparts requires the subordination of the state to the ecclesiastical order in all respects and at all times.

Faced with the claims of an aggressive papacy, the imperial party tended to rest content with traditional Gelasianism and argued that the Church and state were parallel and coordinate bodies. William of Occam, Marsilius of Padua, and other thinkers would later claim an independent standing for temporal power that does not depend on the sanction of the pope. Other theorists would concede a certain measure of independence to the Church but remained content to demand that it limit itself to purely spiritual matters. In the end, most acknowledged that the supremacy of the spiritual over the temporal meant that the Church would predominate in most cases of conflict with a Christian king.

But monarchical and papal centralization forced medieval theorists to move away from the claim that the state was little more than a coercive remedy for sin. This made possible a more sophisticated understanding of an increasingly complex civil society. The recovery of Aristotle in the thirteenth century made it possible to regard politics as something more than the unfortunate reminder of error that exists only because of the debased nature of the human race. For the first time since the fall of Rome, it became possible to suspect that political society might be a positive—if limited—good in its own right. The exclusive focus on a unified religious-political commonwealth slowly yielded to a consider-

ation of the ethical possibilities afforded by secular political activity in a differentiated Christian civil society.

The work of Thomas Aquinas is one of the turning points in this formidable project. By the time he arrived in Paris to study with Albertus Magnus in 1245, the influx of Arabian-Aristotelian science was arousing a sharp reaction within the Church. Christian believers were confronted with the rigorous demands of scientific rationalism. At the same time, the increasing importance of urban centers and the slow spread of markets were pressing against the traditional contempt for the world that had dominated Christian thinking since Augustine. Aquinas's effort to create a comprehensive Christian theology demanded that reason be made the companion of revelation and that natural law be integrated into Catholic morality. All human institutions and spheres of activity were subordinated to a Christian standard of life that suffused a graded and hierarchical civil society. Different ranks served one another in a structure held together by an absolute and binding law of reason derived from nature. Thomas's theory of a universal Christian civilization married a recognition of the manifold differences immanent in God's creation to an Aristotelian hierarchy of ends that stressed progress toward a divine ideal and tended to downplay the Augustinian implications of the Fall. The uniform theory that resulted did not suppose that the Church had different foundations from other institutions of the world, but Thomas considered separate problems from the standpoint of a single set of fundamental ethical principles. Christian civil society was now an organism composed of different groups and estates within and outside the Church, all united in their common love of God and driven by their shared goal of fulfillment expressed as salvation.

The effort to find a place for reason implied that the moral standing of human affairs was not erased by revelation. The existence of higher values does not deny that subordinate spheres have a determinate part to play and may be organized by forms of understanding appropriate to them. It followed that neither sin nor salvation obliterates the works of man. Aquinas followed Aristotle in deriving the state from human nature, and in doing so he developed a powerful justification for civil society. No longer an institution appointed by God as a response to and remedy for sin, it is an expression of man's nature and serves God in a directly positive sense. Within the limits of a Christian worldview,

Thomas was ready to attempt a reconciliation between the classical and Christian notions of the political community. He agreed with “the Philosopher” that the polity is the highest and most comprehensive of all human associations formed by human reason:

Now since human reason has to order not only the things that are used by man but also men themselves, who are ruled by reason, it proceeds in either case from the simple to the complex: in the case of the things used by man when, for example, it builds a ship out of wood and a house out of wood and stones: in the case of men themselves when, for example, it orders many men so as to form a certain society. And since among these societies there are various degrees and orders, the highest is that of the city, which is ordered to the satisfaction of all the needs of human life. Hence of all the human societies this one is the most perfect. And because the things used by man are ordered to man as to their end, which is superior to the means, that whole which is the city is therefore necessarily superior to all the other wholes that may be known and constituted by human reason.<sup>19</sup>

At the level from which it derived its ultimate meaning, civil society was expressed as Aristotle’s political life of the “city.” The political order is the highest form of human association because it is the work of reason, aims at the satisfaction of human needs, and makes possible a life lived well. Thomas’s important recognition of plurality and difference was always contained within the boundaries of his Christianized Aristotelianism. His rescue of reason from Augustine enabled him to restore politics to a theoretical prominence it had not occupied for centuries. Since the city is “the most important of the things that can be constituted by human reason, for all the other human societies are ordered to it,” political science is the most noble and important of all the practical sciences and must direct the others “inasmuch as it is concerned with the highest and perfect good in human affairs.”<sup>20</sup> It follows that the many subsidiary forms of human association that dotted the medieval landscape culminated in the polity, for

the whole is naturally prior to the parts of matter, even though the parts are prior in the order of generation. But individual men are related to the

whole city as are the parts of man to man. For, just as a hand or a foot cannot exist without a man, so too one man cannot live self-sufficiently by himself when separated from the city.

Now if it should happen that someone is unable to participate in civil society because of his depravity, he is worse than a man and is, as it were, a beast. If, on the other hand, he does not need anyone and is, as it were, self-sufficient, he is better than a man, for he is, as it were, a god. It remains true, therefore, from what has been said, that the city is by nature prior to one man.<sup>21</sup>

Thomas opened up the possibility that politics could serve general moral purposes. Social and political matters, he asserted, are fundamental to the human condition *as such* and can no longer be understood as unfortunate consequences of the Fall. It followed that civil society is natural to man. *Even if he had never sinned*, there would be some need for coordinated activity directed toward the common good. Just as “it is natural for man to live in the society of many, it is necessary that there exist among men some means by which the group may be governed. For where there are many men together and each one is looking after his own interest, the multitude would be broken up and scattered unless there were also an agency to take care of what appertains to the common weal.”<sup>22</sup> Man is given reason by God to guide his actions, and it is his reason—not his sin—that leads him to live with other men in a political association.<sup>23</sup>

Far from reflecting God’s disappointment and serving as an instrument for divine wrath, civil society is now a necessary condition for freedom. Sin explains slavery, injustice, war, penal law, and the other strictly punitive features of temporal life. But it cannot explain the political community, which is rooted in man’s nature and serves ends higher than those served by coercion. Even a pagan or non-Christian state has a certain ethical content, a position that Augustine’s denunciation of such states as the work of sin made impossible. Political Thomism moved politics away from Augustine’s unitary notion of a Church-ordered economy of redemption. To the extent that it was now a function of man’s nature, politics was part of the economy of creation; it would have been necessary even if man had not sinned and made redemption necessary. Augustinian tradition held that civil society was entirely

conventional and necessarily bound up with the Church, but Thomas's conception allowed it a limited independence.

For all his distance from Augustine, Thomas was a theologian and could not get too close to Aristotle. The Thomistic state was more noble than Augustine's partial remedy for sin, but it had to be subsumed to God's plan for the human race as revealed by the Church. All stages of human history and all forms of human social organization depend on man's relationship to God if they are to fulfill their potential. Thomas tried to liberate reason from the requirements of faith, but he ended by making it the faculty that allows man a limited ability to understand and participate in the workings of God's eternal law. His important differences with Augustine could not obscure their fundamental agreement that man's own efforts cannot be a sufficient condition for the good life. There might be many states and spheres of human activity, but there was only one Church. Thomas was working within well-understood limits, and in the end he had to regard civil society as part of a hierarchy that was ultimately subordinate to Rome. The full revival of the classical heritage would have to wait for theorists who were willing to directly confront Church authority from the outside.

### Early Fractures

Aquinas's incomplete compromise notwithstanding, the tendency to transform the *regnum* from a branch of the Christian Commonwealth into the autonomous corporate body of the state continued. It had always found a powerful antagonist in the papacy's claims for general supervision, but the tides of history were beginning to turn against Rome. Dante Alighieri took an important step toward a conception of civil society that did not depend on the authority of the Church, but it was Marsilius of Padua's claim that all the interests of the community could be contained within the boundaries of the secular state that directly anticipated modern theories of civil society.

Dante worked within the limits of Gelasianism's two spheres, but his immediate concern was restoring a civic peace that had been disrupted by Church meddling in Italian affairs and papal claims of immunity from state authority. He held them responsible for undermining the balance that had defined the contours of a reasonably peaceful civil society.

Dante looked to a powerful unitary monarchy to represent God's universal empire and assume exclusive responsibility for temporal affairs. Only a sovereign who has everything can institute justice, for he will not be tempted to turn the state toward his own private purposes.

His Gelasianism notwithstanding, Dante was interested in considerably more than the standard debate about Church and state. Man pursues many goals and lives in a variety of associations but needs peace to live a decent life at any level. Only a single government can help him realize the ethical potential of all his subsidiary temporal associations.<sup>24</sup> The world-government Dante sought "must be understood in the sense that it governs mankind on the basis of what all have in common and that by a common law it leads all toward peace."<sup>25</sup> Only a single directing will can make sense of the diversity of human goals. The monarch serves God because only he can "hold the human race subject to a single system of approvals and disapprovals."<sup>26</sup>

Since emperor and pope represent irreducible and "different species of power," it follows that the emperor's temporal authority comes directly from God rather than through the mediation of the Church.<sup>27</sup> The head of state is independent of the Church, for "the authority for temporal world-government must come directly, without intermediary, from the universal Fount of authority, which, though it flows pure from a single spring, spills over into many channels out of the abundance of its goodness."<sup>28</sup> But Dante knew the limits of his argument. As much as he desired to establish a single comprehensive political structure with no temporal superior, his universal empire could not comprehend every detail of human life. Different associations have their own characteristics and require their own laws. The king rules over individuals, households, cities, and states, but each has its own nature and purpose and must be organized accordingly. If "mankind can be ruled by a single supreme ruler or world-governor," it is no less true that "not every little regulation for every city could come directly from the world-government, for even municipal regulations are sometimes defective and need amendment . . . nations, states, and cities have their own internal concerns which require special laws."<sup>29</sup>

Dante's effort to derive a single integrating principle which could comprehend plurality led to his theory of world-government, a "function for the whole of mankind as an organized multitude which cannot



be achieved by any single man, or family, or neighborhood, or city, or state.”<sup>30</sup> But this anticipation of the future applied only to worldly matters. The temporal and religious spheres would have to coexist. Man aspires to two beatitudes—one on earth and the other in heaven. The former is accessible through the moral and intellectual virtues and is the province of secular power, while the latter comes through theology and is rightfully the province of ecclesiastical authority. In true Gelasian fashion, Dante believed that the two parallel lines of organization ultimately answer to God but not to each other.<sup>31</sup> Temporal affairs could be contained within the single overarching framework of the state. Religious matters were the affair of the church.

Dante had powerful antagonists, for the Gelasian settlement was coming under increasing pressure from Rome throughout the thirteenth century. Popes like Innocent III and Innocent IV continued to exalt papal power and claim jurisdiction over an ever-widening area of secular life, but it was Boniface VIII’s celebrated *Unam Sanctum* of 1302 that advanced the most extravagant argument for papal authority. Responding to the efforts of Edward I of England and Philip the Fair of France to tax Church estates, Boniface proclaimed that the Church could not be limited by the state in any respect. The most extreme medieval assertion of papal supremacy, *Unam Sanctum* asserted that there is no salvation outside the Roman church and that “every human creature” was “subject to the Roman pontiff.” Boniface accepted the two spheres in theory but insisted that, if the temporal sword is wielded by the state, it can be legitimate only in subordination to the judgment of the Church. The spiritual power is the judge of the temporal and can be judged by only God. Civil society is the creation of the Church.

Boniface’s formulation represented the high point of the medieval ecclesiastical polity and had been directly influenced by Giles of Rome. Written in 1301, “On Ecclesiastical Power” admitted the existence of the two powers and acknowledged that the Church should not wield the sword. But even if the state organizes the affairs of the world, the Church has unlimited and ultimate jurisdiction over all things on earth because it is the final guardian of the meaning of Christ’s life.<sup>32</sup> The Church was claiming the full measure of power and jurisdiction over all areas of civil society. It was clear to Giles and Boniface that “earthly power and rule must obey and serve the spiritual power and rule . . . because it is more

particular, and because it disposes and prepares the materials, and because this earthly power does not come so close to what is best or attain it so perfectly as the other.”<sup>33</sup> The temporal power serves the spiritual as the lower serves the higher and the particular serves the universal. If the Greeks and Romans worked with a politicized notion of the universal and thought of civil society as a politically organized community, Giles’s medieval Christian Commonwealth rested on a religious and ecclesiastical vision.

In the end, these theoretical disputes were decided as they often are: by political power and the sword. Philip responded to Boniface’s claim by sending soldiers to arrest him. Boniface’s subsequent death threw the dispute back to the College of Cardinals, which responded to heavy French pressure by electing a pope who promptly removed his court to Avignon and began the century-long “Babylonian Captivity” of the Church. The papacy’s claims also aroused serious theoretical objections, and the Dominican John of Paris countered with a defense of the emperor’s independent power. The Church may be a universal community, but autonomous political associations existed before Christ. They are rooted in human nature, which was created by God and is endowed with an autonomous moral standing. Civil society is a natural community, has always been a quality of settled peoples, and is essential to the well-being of man. Government does not derive its authority from, and need not answer to, the Church. It follows that ecclesiastical organization cannot serve a model for the state. All priests may be subject to a single master in the pope, but the diversity in human affairs and the existence of private property explains why people live under a variety of political forms.<sup>34</sup> John was willing to accept a portion of Boniface’s claims but was not prepared to take them to the pope’s conclusion. Spiritual authority may be higher than that of the state because of the higher goal at which it aims, but this does not mean that one power answers to another on earth: “If the priest is superior to the ruler in dignity and absolutely speaking, nevertheless it is not necessary that he be superior to him in all things.”<sup>35</sup> Even if the Christian king of France is subject to the spiritual power of the pope because he is a Christian, this does not mean that he is subject to the pope’s temporal power because he is a king.

No matter how coherent these arguments sounded, the medieval relationship between Church and state was always fluid. Much of the

ambiguity was a function of the ever-shifting relationship between the two spheres, but the inherent uncertainties of the theories themselves also played an important role. Gelasianism was the bedrock of all the arguments of the period, but it never pretended to solve the problem of boundaries between the two spheres of what everyone continued to recognize as a single Christian civil society. At best it provided a general framework within which Church and state could debate their responsibilities, powers, and relationships. The argument was eventually settled in favor of the national states because of economic and political developments rather than a newfound theoretical clarity.

Marsilius of Padua anticipated the end of the entire medieval tradition. Like Dante and others, he began by blaming the papacy for northern Italy's widespread corruption, factionalism, and violence. Indeed, the *Defensor Pacis* ("The Defender of the Peace") attempted to address the familiar evil of papal encroachments in the spiritual and temporal spheres and to trace their disastrous consequences for civic peace. But Marsilius went beyond Dante's concern with the requirements of universal order. He began with the most basic human needs and looked to the state to organize civil society so men could live with one another in peace. This orientation enabled him to mount the most effective argument against Rome that the Middle Ages ever produced.

Politically organized associations more extensive than the family, "civil communities" cannot become the perfect and self-sufficient communities God intended without peace.<sup>36</sup> Man lives two sorts of "good lives"—the temporal and earthly and the eternal and heavenly. Civil society is the home of the first and comprises the entire extent of man's life on earth.<sup>37</sup> Originally brought into existence for the sake of life, it is constituted by the adjudication of disputes, restraint and punishment of wrongdoers, protection of what is common, and promotion of the worship and honor of God.<sup>38</sup> The life of the Church is contained in and defined by the political institutions of a secular civil society.

The core of Rome's position was the pope's claim to be the ultimate guardian of the divinely ordained ends that govern the life of man. But Marsilius denied that external ends had any connection to political organization and insisted that they be replaced by more immediate concerns in shaping the affairs of the world. Civil society originates in the fundamental principle of human association, "that all men desire suf-

iciency of life and avoid the opposite.”<sup>39</sup> The requirements of stability and reason were the only criteria by which the affairs of the world could be ordered, and this meant that the Church was just another institution. Marsilius now saw a single secular sphere that subordinated the priestly function of civil society to the political requirements of the state. The priesthood is nothing more—or less—than an element of civil society. Since his goal was to limit the Church claims that had proven so disruptive to peace and Italian unity, Marsilius went on to develop a theory of republican government that recognized that “men came together to the civil community in order to attain what was beneficial and to avoid the opposite. Those matters, therefore, which can affect the benefit and harm of all ought to be known and heard by all, in order that they may be able to attain the beneficial and to avoid the opposite.”<sup>40</sup>

Marsilius recast the entire debate between the traditional spheres of the Christian Commonwealth by exploding the religious content of the category. His goals were broader than defending the prerogatives of the temporal sphere from Church interference. Before he subordinated Church to state, papal lawyers seemed to have the upper hand in their disputes with the defenders of secular government. If the salvation of man’s immortal soul ranked higher than material matters, and if Augustine’s Church represented God’s intervention in human history, it was difficult for imperial apologists to defend state prerogatives against papal claims of *plenitudo potestatis* in a Church-organized Christian civil society. Marsilius’s denial that there was any connection between the work of the state and that of the Church broke the medieval synthesis of a united Christendom of spirit and flesh. The priesthood can concern itself with divine matters and administer the sacraments as it chooses, but where matters touch the outward acts of men legitimate power belongs exclusively to the government. The state is the sovereign source of law, it defines and constitutes the Church, and it is to be obeyed because it is the expression of justice.

Marsilius’s work anticipated the end of Gelasianism and of the ecclesiastical civil society it tried to organize. In overturning the traditional notion of the two spheres and the two powers necessary to govern the Christian Commonwealth, it ruptured the central category within which Dante and John of Paris had tried to construct an opposition to papal claims of earthly power. A new logic of undivided sovereignty began to

form against the traditional medieval understanding of a theologically constituted sphere with dual responsibilities. Marsilius's theory of the state anticipated the fully secular theories of sovereignty whose appearance would bring the Middle Ages to a close. If civil society is composed of different spheres and tranquility requires that they be able to perform their activities in accordance with reason and their own natures, the papacy could no longer claim the power to organize public life. The spiritual truths proclaimed and guarded by the Church have no compelling force apart from the state's organizing and coercive power.

Marsilius's insistence that the Church be treated as a subsidiary organ of the state marked the beginning of the Christian Commonwealth's lengthy theoretical crisis. Augustine's state had been responsible for regulating the external man of flesh and sin, but the important work of ministering to fallen man's inner weakness had been reserved to the Church. Marsilius reversed the order of priorities and dealt a massive blow to medieval theories of universal knowledge and universal commonwealths. It was not long before sovereignty came to be located at a single secular point and the state would start to claim final authority over all intermediate corporations and individuals inhabiting a given geographical area. As the medieval notion of a theologically centered civil society came under pressure from developing markets and political structures, modern theories of sovereignty would redefine the state as the community that knows no superior. As the universal political and religious foundations of the first tradition of theory dissolved, a new set of categories developed within which modern civil society could be theorized.

## Civil Society and the Transition to Modernity

Transitional periods are never easy, and the passage to modernity was no exception. The disintegration of medieval religious, political, and economic life produced such chaos and instability that it became impossible to conceptualize a coherent theory of civil society. The old categories were plainly inadequate but new ones were not in place; though civil society could no longer be understood as a universal political or religious commonwealth, modern economic and political structures were still in their infancy. The growing power of national markets and national states had been eroding feudalism's hierarchical structure of grades, ranks, and statuses for some time before the devastating attacks of the Renaissance and Reformation. Understanding politics as the coercive arm of Christian civil society had generated a powerful principle of legitimacy, but the Christian Commonwealth was succumbing to Italian political chaos and German religious turmoil.<sup>1</sup> Its universal fabric could not accommodate itself to the autonomous political centers that were being prepared by the growth of markets, and eventually it was bound to collapse. Machiavelli's preoccupation with political corruption drove him to the civic virtues that had nourished Roman power, but his debt to the past made him unable to theorize civil society outside of familiar republican categories. Nevertheless, his secular approach to politics anticipated a distinctly modern understanding of state and society. The Vatican might still quote Innocent III or Boniface VII in support of its claim to world dominion or even refer back to Gelasius to buttress more limited assertions, but the relentless erosion of the old order was clear to all. Machiavelli's secular economy of power and the Reformation's liberated conscience anticipated a civil society organized around private interests and the maintenance of social and political peace. When Hobbes announced the birth of a new calculating individual operating in a civil society organized by state power, it would not be long before the medieval attempt to understand *sacerdotium* and

*regnum* as complementary jurisdictions within a single *res publica christiana* was in ruins.

Machiavelli incorporated elements of earlier attempts to achieve virtue and balance without the intervention of a timeless moral agent. The papal centralism whose consequences he deplored was matched by an equally rapid consolidation of royal absolutism throughout Western Europe. In both Church and state, the concentration of power came at the expense of the complex array of intermediate orders, monasteries, parliaments, cities, guilds, and estates that marked the landscape of late feudalism. Almost everywhere the medieval structure of corporations and representation was decaying and collapsing. More extensive markets, developed patterns of exchange, improved communications, and far-reaching means of transportation began to undermine the local monopolies that had supported medieval corporatism and federalism. The control of trade gradually escaped from local bodies and flowed toward the centralized royal bureaucracies that were arising to nurture and feed off it. A commercial bourgeoisie began to take shape, and its initial tendency was to seek alliances with the concentrated royal power that protected it from its aristocratic antagonists and simultaneously depended on it for tax revenue and loans. Monarchies learned how to exploit national resources, expand trade, wage war, and conduct foreign relations. Their bureaucracies moved to outflank or demolish intermediate institutions as they leveled the political field and extended their range of action.<sup>2</sup>

The consequences of this centralization were enormous. Political power had been widely dispersed during the late Middle Ages but was being consolidated in the hands of the king. The *sacerdotium* gradually vanished and papal supremacy came to mark a Church that was transformed from the organizer of Christendom into a junior partner of the state as religion began its slow retreat into the realm of private devotion. Absolute monarchies became the characteristic form of political organization throughout Western Europe, and the notion of a single point of secular sovereign power became a centerpiece of political thought.

Benefiting from its proximity to the Mediterranean, northern Italy was distinguished by advanced trading and commercial forces. But the rapid development of modern economic relations would not find political expression there until well into the nineteenth century. While unified monarchies developed rapidly in France, Spain, and England, Italy suf-

ferred from debilitating divisions. Like Dante, Marsilius, and many educated Italians of his day, Machiavelli blamed this on pervasive political corruption and a meddling Church that was too weak to unify the country on its own but strong enough to prevent anyone else from doing so.

Machiavelli was acutely aware that the Church's ancient claims could no longer provide a framework for political activity. Statecraft occupied an empty field that could not be organized by a general principle of legitimacy. Murder, deception, violence, and selfishness provided the only springs of action, and the "prince" stood alone with his strength, skill, and ambition. Raw power was the most important element of politics. Machiavelli looked to a creative leader and the ancient traditions of Roman civicness to clear away archaic institutions and set the conditions for a modernized theory of civil society.

Whether analyzing a principality or a republic, he was interested in the rise and decline of states and in the organizing potential of political power. He knew that important spheres of human activity stood outside of politics but regarded a renovated and strengthened state as the prerequisite to civilized life. Private matters of religion, family, economics, and morality were of interest to him only to the extent that they affected the ability of political figures to hold civil society together. This explains why he conceptualized the state as an organized political force that is supreme in its own territory, seeks maximum power in its relations with other states, and strives to control, regulate, and organize subsidiary spheres of life. *The Prince* proposed to examine the nature of power and the conditions of political activity in a chaotic environment where a principality had to be "a work of art."<sup>3</sup> But republics enjoyed a greater measure of stability and legitimacy than principalities, and *The Discourses* looked beyond the short-run political aims of leaders to ask how power could help preserve the civilized life of cities. Born of collapse and failure, Machiavelli's emphasis on politics anticipated some elements of modern theories of civil society even as it was rooted in ancient categories that were plainly inadequate to the tasks at hand.

## Virtue and Power

*The Prince* was perfectly suited to an unorganized environment composed of conflicting wills and animated by different interests. If rulers



lacked legitimacy and if persistent chaos made citizenship irrelevant, only power could hold human affairs together. Anticipating the new monarchs of Church and state, Machiavelli regarded the political innovator as the only force that could restore some integrity to public life in a profoundly corrupt age. He did pay some attention to private affairs but only to the extent that they affected the prince's ability to move freely. A durable political order rests on the goodwill of the population, and Machiavelli advised princes to respect peoples' private lives. The prince "must change neither their laws nor their taxes," be careful not to take liberties with women, and try to rule conquered cities through their own citizens and institutions. He must never forget the most important element of his subjects' private attachments, for "above all a prince must abstain from the property of others; because men sooner forget the death of their father than the loss of their patrimony."<sup>4</sup> Political skill might enable the prince to prevail against his rivals in the short run, but nothing can substitute for the "strong roots and ramifications" that can bring together the most effective combination of power and glory.<sup>5</sup> Success will quickly fade if it is not backed by popular support and organized through political institutions. Machiavelli knew that "if it is a prince who builds his power on the people, one who can command and is a man of courage, who does not despair in adversity, who does not fail to take precautions, and who wins general allegiance by his personal qualities and the institutions he establishes, he will never be let down by the people; and he will be found to have established his power securely."<sup>6</sup> A wise prince will establish institutions that can protect lives and property, respect different spheres of social organization, and help his subjects pursue their livelihoods:

A prince should also show his esteem for talent, actively encouraging able men, and honoring those who excel in their profession. Then he must encourage his citizens so that they can go peaceably about their business, whether it be trade or agriculture or any other human occupation. One man should not be afraid of improving his possessions, lest they be taken away from him, or another deterred by high taxes from starting a new business. Rather, the prince should be ready to reward men who want to do these things and those who endeavor in any way to increase the pros-

perity of their city or their state. As well as this, at suitable times of the year he should entertain the people with shows and festivities.<sup>7</sup>

Like Dante and Marsilius, Machiavelli was driven by his desire for security. Like them, he turned to politics to provide it. As important as it was to support a degree of autonomous social activity, everything depended on the political prescience and wisdom of the prince. In a corrupt environment, only the creative use of political power can substitute for the public spirit that had once made Rome great. *The Prince* provided practical advice for leadership in a corrupt age, but Machiavelli's heart was always with republican Rome. He looked for a more solid foundation of political health than the prince's activity and hoped that he had found it in Rome's mixed constitution and popular government. Under the right circumstances, a vibrant civic life can support freedom, stability, and prudent politics. If citizens can put the common interest above their own, they can save themselves and one another from private corruption. Convinced that his times needed lessons in political virtue, Machiavelli wrote *The Discourses* because of "the natural desire I have always had to labor, regardless of anything, on that which I believe to be for the common benefit of all."<sup>8</sup>

Rome had been riven by class conflict, but the Republic's free institutions and differentiated civil society made it possible to turn class division to the service of unity. Those who attributed its fall to persistent conflicts between aristocrats and plebs were mistakenly blaming the most important source of strength. Machiavelli's interpretation of history taught him the important lesson that "in every republic there are two different dispositions, that of the populace and that of the upper class and that all legislation favorable to liberty is brought about by the clash between them."<sup>9</sup> Social conflict cannot be eliminated but can be civilized with appropriate institutions, a vigorous public life, and creative leadership.<sup>10</sup> States fail when social conflict degenerates into political strife. But Machiavelli was confident that it could support liberty if political institutions could resolve the inevitable disputes that arise from class struggle or strivings for personal advantage. The key to Roman greatness was the ability to respond to conflict with laws and institutions that facilitated the political representation of different classes, preserved

their liberty and that of the city as a whole, and enlisted widespread civil support for the city's leadership. In an environment where rich and poor hated and feared each other, politics could organize civil society. The appointment of the popular tribunes, a result of rebellion against the aristocracy's predatory attempt to reduce the free plebs to servitude, was a perfect illustration of how a mixed constitution could shape political virtue from civic strife:

It was in this way that tribunes of the plebs came to be appointed, and their appointment did much to stabilize the form of government in this republic, for in its government all three estates now had a share. And so favored was it by fortune that, though the transition from Monarchy to Aristocracy and thence to Democracy, took place by the very stages and for the very reasons laid down earlier in this discourse, none the less the granting of authority to the aristocracy did not abolish altogether the royal estate, nor was the authority of the aristocracy wholly removed when the populace was granted a share in it. On the contrary, the blending of these estates made a perfect commonwealth; and . . . it was friction between the plebs and the senate that brought this perfection about.<sup>11</sup>

All states have a tendency to decay, and any Florentine could see how easily political corruption accompanied cultural brilliance. Here again Rome offered a cautionary tale. Strength enabled the acquisition of a vast empire. But success brought great wealth and economic polarization into the life of a republic once known for its prudence and virtue. For Machiavelli, the resulting disorder and corruption made free institutions and wise leadership more important than ever.<sup>12</sup> A healthy political structure could accommodate the interests of different social classes and retain the capacity for quick and decisive action. Machiavelli learned from Aristotle and Cicero that political health and civic stability required mixing the one, the few, and the many through a mixed constitution that combined the principles of monarchy, aristocracy, and democracy.<sup>13</sup> But it is not easy to maintain equilibrium during times of intense class conflict, and the Agrarian Law showed how destructive factional activity could be. The Republic's great lesson—the wise use of political power as an instrument for mitigating economic conflict—was ignored, and the results were fatal.

Plebeian pressure had led to the creation of the tribunate, but the plebs immediately began quarreling with the nobles and demanding a share of their honors and property. Machiavelli was convinced that the same political measures that had protected the Republic made matters worse: “This grew into a disease, which led to the dispute about the Agrarian Law and in the end caused the destruction of the republic.”<sup>14</sup> Passed under the pressure of plebeian greed, the law limited the extent of land owned and required that all war booty be divided up among the plebs. Its one-sidedness and evident partisanship struck so directly at the interests of the nobility that “it seemed to them that, in opposing the law, they were acting in the public interest.”<sup>15</sup> Existing institutions could not temper the partisanship of the plebs or the nobles, and before long the Republic was doomed. The Agrarian Law made inevitable that which it had been designed to prevent: “For by that time the power of its adversaries was twice as great, and, as a result, the mutual hatred existent between the plebs and the senate was so intense that it led to armed conflict and bloodshed, in which neither moderation nor respect for civic customs was shown. So that, the public magistrates being unable to find a remedy and none of the factions having any longer any confidence in them, recourse was had to private remedies, and each party began to look out for some chief to head and defend it.”<sup>16</sup> The plebs made Marius their consul and the nobility turned to Sulla; civil war allowed Caesar to take control of the Marian faction while Pompey became the head of Sulla’s. Eventually Caesar triumphed, became Rome’s first tyrant, and “the city never again recovered its liberties.”<sup>17</sup>

Enmity between the plebs and the nobles had been the condition of Roman freedom, but the Agrarian Law demonstrated how factionalism made it difficult for political institutions to adapt to changing circumstances. So long as the plebs had been willing to accept their poverty because they enjoyed political representation, “virtue was sought out no matter in whose house it dwelt. This way of life made riches less desirable.”<sup>18</sup> But the combination of aristocratic greed and plebeian insecurity doomed the Republic’s public institutions. In the end, it proved equally unable to defend the plebs from the rapacity of the rich and the rich from the insecure rage of the plebs. For Machiavelli the lesson of Rome’s fall was clear: “composite bodies” like mixed states and religious institutions can survive and prosper with wise leadership and a favorable

environment, but protracted economic conflict will weaken their ability to organize a healthy civil society. Properly managed with wise leadership, good laws, and strong institutions, class conflict can strengthen any state. But it always threatens to boil over into permanent hostility and destructive civil unrest. Rome taught Machiavelli that unbounded private interest is a deadly disease and that faction is its carrier. That lesson was not lost on James Madison, as we shall see.

Machiavelli's study of history convinced him that only citizenship can move people away from the concern with self that had brought down the greatest of ancient civilizations.<sup>19</sup> But it also taught him that weakened political institutions can lead to more harm than good. This is why Machiavelli looked to political power to organize civil society in a time of decay. Italy was torn apart; normal life was impossible in an environment of predatory wars and economic collapse. The virile orientation to the public good that had strengthened Rome had been overwhelmed by Christian effeminacy and the unscrupulous amorality of illegitimate power. No civil society could survive such a time, but

most marvelous of all is it to observe the greatness which Rome attained after freeing itself from its kings. The reason is easy to understand; for it is not the well-being of individuals that makes cities great, but the well-being of the community; and it is beyond question that it is only in republics that the common good is looked to properly in that all that promotes it is carried out; and, however much this or that private person may be the loser on this account, there are so many who benefit thereby that the common good can be realized in spite of those few who suffer in consequence.<sup>20</sup>

Machiavelli's greatness lay in his having achieved a thoroughly secular and modern point of view from which to assess human life. He rehabilitated an autonomous political sphere because he hoped it could organize civil society and spare Italy further decay. As important as his classical emphasis on political power was, however, he was partly constrained by categories inherited from the past. Times had changed. As attractive as it was, civic republicanism could not resuscitate civil society on its own. More was required, but it would have to wait for the dust to

settle from a far more devastating blow that shattered the notion of a religiously constituted universal Christendom.

### Civil Society and the Liberated Conscience

The German Reformation revolved around Martin Luther's articulation of a central role for inner experience that would limit the impact of the clergy's external ministrations. Its defense of an unassailable sphere of private life would also have a profound effect on modern notions of civil society. Indeed, it was Luther's early struggles against uncertainty and doubt that led him to embrace Paul's words that "the just shall live by faith" and answered his agonized question concerning why God would redeem the worthless. As it became a central element in his disputations with Rome, justification by faith would seek to downplay institutions, good works in the world, and the "church visible" as active elements in religious belief or determinate conditions for salvation: "The Word of God cannot be received and cherished by any works whatever but only by faith. Therefore it is clear that, as the soul needs only the Word of God for its life and righteousness, so it is justified by faith alone and not any works; for if it could be justified by anything else, it would not need the Word, and consequently it would not need faith."<sup>21</sup> God cannot be placated by external acts, for works do not touch the freedom or righteousness of the soul. Christ and Scripture provide the only legitimate mediations between the believer and the Holy Spirit. Such a position put Luther squarely at odds with a Church that regarded grace as an objective reality given through its sacraments, the gift through which man was presented as blameless and acceptable in the eyes of God. It had long been the case that Rome's control of the sacraments provided the organizational basis for its authority. Its interpretation of Jesus's words to Peter transferred to all participants in the "Petrine Succession" the power to loose and bind in heaven as on earth, a claim that reinforced Rome's insistence that the sacraments stood independently of the officiant because they were directly sanctioned by Christ acting through his Church. The Vatican insisted that Jesus was speaking to Peter as the first bishop of Rome. Luther countered that Jesus did not mean Peter the pope but Peter the man of faith.

His revolutionary assertion that the meaning of Scripture could be directly grasped by the average man struck at the heart of all ecclesiastical claims to legitimate power. Externals cannot bind the fullness of faith, he insisted. "Much is ascribed to faith, namely, that it alone can fulfill the law and justify without works."<sup>22</sup> The Church was a unity of equal believers in faith, and Luther turned his back on a Christendom that depended on ecclesiastical hierarchy and bureaucratic authority.

As the Reformation gathered strength, however, he was compelled to take account of political matters. What made him so important to modern theories of civil society was the way he conceptualized the autonomous conscience and specified the responsibilities of the state in a unified *corpus christianum* that still drew some of its inspiration from the past. Directing himself against papal claims to worldly power and authority, Luther wanted the Church to preach the gospel, administer the few sacraments that appeared directly in Scripture, and tend to the soul. The magistracy is concerned with the affairs of the body. The single and undivided rule of God is administered through spiritual and temporal governments. Such a view was common throughout the Middle Ages, but Luther's theology of the free Christian conscience took him toward a modern view of civil society. Reinforced by his early dependence on the German princes, his theological critique of Rome produced a powerful argument for a strengthened state and an autonomous understanding of Christian life in the world.

Grace cannot be encountered as the result of some sort of transaction in which man satisfies God by means of external acts. Neither popes, sacraments, laws, nor priests are necessary for salvation. Cult, ritual, and ceremonial acts of external obedience are not acceptable substitutes for integrity of heart and mind. The conscience is now the seat of faith. "Neither pope, nor bishop, nor anyone else, has the right to impose so much as a single syllable of obligation upon a Christian man without his consent."<sup>23</sup> Luther directly challenged the most basic claims of the sacramental church and denied that man could—or needed to—justify himself to God through works. Man cannot overcome his estrangement from God by his own action. Like Augustine, Luther insisted that more is needed than human effort.

His emphasis on conscience and faith did not eclipse the ancient Christian teaching that one must live one's life for the sake of others. It

was a matter of priorities. By themselves, good works have no effect on salvation. They have meaning only because they follow from faith; the good man will do good works, and the evil man will do evil works. Only faith can turn good works toward the glory of God rather than toward the wickedness of individual advantage.<sup>24</sup> “We do not, therefore, reject good works,” said Luther. “On the contrary, we cherish and teach them as much as possible. We do not condemn them for their own sake but on account of this godless addition to them and the perverse idea that righteousness is to be sought through them; for that makes them appear good outwardly, when in fact they are not good.”<sup>25</sup>

Luther initially hoped that the Church would reform itself, but it soon became clear that it could never accept the reduced role of works implied by his doctrine of faith. Driven by the implications of his theology, his notions of separate spheres of responsibility, and the political reality of the situation, he turned to secular power to heal the Church.<sup>26</sup> He was not the first reformer to do so and followed an old tradition when he called on the princes to end papal indulgences, the abuse of excommunication, masses for the dead, and other well-established practices against which he was beginning to turn his considerable polemical skill. The universities must be reformed, the doctrines of the schoolmen replaced by Scripture, and the German people freed from Roman extortion. He knew that matters of faith were not the responsibility of the princes. Only a General Council of the Church could address theological questions, but in its absence their responsibility for their subjects’ welfare obliged princes to lead the moral reform of the Church.

It was not long before Luther encountered the three core positions that protected all “Romanist” claims: the superiority of the spiritual power to the secular power, papal authority to interpret Scripture, and papal superiority to a General Council of the Church. He set out to demolish each of these three “walls” in turn; in so doing he explained the temporal responsibilities of princes and made his distinctive contribution to modern conceptions of civil society.

Rome’s assertions that spiritual affairs are superior to temporal matters in God’s order of creation had for centuries supported ecclesiastical claims to organize civil society. Luther denied all of them and helped establish the theological basis for separating Church and state, a vital step toward a modern theory of civil society. Christians have different



tasks in the world but all are equally members of the Church, he declared. A social division of labor does not imply a hierarchy of dignity or of salvation. All who have been baptized are equal members of the Christian community: “There is, at bottom, really no other difference between laymen, priests, princes, bishops, or, in Romanist terminology, between religious and secular, than that of office or occupation, and not that of Christian status.”<sup>27</sup> All Christians—priests, blacksmiths, farmers, bishops, shoemakers, and princes alike—have a responsibility to one another and to the community as a whole. A differentiated civil society does not touch the equality of believers. The secular order is crucial to the spiritual. Different areas of responsibility carry no implications of differences in moral worth.

It was particularly important for Luther that princes understand their duties with respect to the Church, for “secular Christian authorities should exercise their office freely and unhindered and without fear, whether it be pope, bishop, or priest with whom they are dealing.”<sup>28</sup> If religious authorities were incapable of saving the Church, then Christian princes would have to step forward. The conscience could not be touched by externals, yet God and the apostles made all Christians—including the Church—subject to the sword.<sup>29</sup>

If princes are as responsible for the health of the Church as other Christians, then papal claims of ultimate authority in the interpretation of Scripture cannot be sustained. The keys were given to the entire Christian community, and Luther’s notion that the Church is a “priesthood of all believers” conformed to the requirements of a community comprising free, equal, and autonomous consciences. For “each and all of us are priests because we all have the one faith, the one gospel, one and the same sacrament; why then should we not be entitled to taste or test, and to judge what is right or wrong in the faith?”<sup>30</sup>

Rome’s third “wall”—the superiority of the pope to a General Council of the Church—could not stand if the first two fell. Princes and emperors had convened councils in the past, Luther observed—including Constantine’s organization of the most important of all, the First Council of Nicaea. Popes can contradict Scripture and the Church can become infected by Satan. When this happens, they must be judged by all believers in a General Council. Princes are equal to other Christians, but the sword gives them a special responsibility to protect the Church:

“No one is so able to do this as the secular authorities, especially since they are also fellow Christians, fellow priests, similarly religious, and of similar authority in all respects. They should exercise their office and do their work without let or hindrance where it is necessary or advantageous to do so, for God has given them authority over every one.”<sup>31</sup> The limitations Luther imposed on ecclesiastical organization located power in a state whose proper mission was to purify and defend religion against the danger that threatened from Rome. In practical terms this boiled down to the demand that Protestant princes protect Protestant reformers from retribution. Princes were granted considerable responsibility for the welfare of civil society, now defined as the external relations of equal believers united in faith. The power of princes to determine the religious identity of their realms would be granted explicit recognition in the Treaty of Westphalia of 1648, a crucial step in the development of both the modern state system and civil society.

As the Reformation gathered momentum and his appeals to the princes widened in scope, Luther tended to blur the line between their secular and religious responsibilities. He wanted them to defend Germany against papal thievery, allow priests to marry, abolish masses for the dead, control interdicts and excommunications, end festival days and begging, force nobles and the rich to wear less ostentatious clothing, reform the universities, overthrow canon law, control commerce and trade, and expel the pope from political influence in Germany.<sup>32</sup> Drafted during the eventful summer of 1520, Luther’s appeal to the German princes politicized what had been a relatively contained theological dispute and helped stimulate a wave of national resentment against Rome. It was during this period that he invested the secular arm with considerable responsibility, explaining that “it is the part of those in authority to see to the good of their subjects.”<sup>33</sup> The autonomy of the Christian conscience now made the political sphere responsible for the health of civil society; it followed that “the pope should withdraw from temporal affairs” and “let temporal lords rule land and people, while he himself preaches and prays.”<sup>34</sup> Princes have been given the sword in order to curb evil, punish the wicked, and protect the good. The health of civil society demands that they exercise it.

But his plea to the princes did not mean that Luther was prepared to extend the equality of the priesthood of all believers into civil society. All

Christians might be equal in the eyes of God, but this does not require that they be equal on earth. The Peasant Rising of 1524–1525 forced him to distinguish between the freedom of the soul and that of the body as he condemned plebeian attempts to establish social equality through political means. He criticized the excesses of both landlords and peasants and urged them to settle their differences peacefully, but he made it clear that the worldly kingdom cannot exist without inequality. The equality of souls does not require the equality of bodies. This led Luther to reject peasant appeals for support against the nobility with the observation that they were

making Christian liberty an utterly carnal thing. Did not Abraham and other patriarchs have slaves? Read what St. Paul teaches about servants, who, at that time, were all slaves. Therefore this article is dead against the gospel. It is a piece of robbery by which every man takes from his lord the body, which has become his lord's property. For a slave can be a Christian, and have Christian liberty, in the same way that a prisoner or a sick man is a Christian, and yet not free. This article would make all men equal, and turn the spiritual kingdom of Christ into a worldly, external kingdom; and that is impossible. For a worldly kingdom cannot stand unless there is in it an inequality of persons, so that some are free, some imprisoned, some lords, some subjects, etc.<sup>35</sup>

Luther's claim that freedom was entirely a matter of conscience had fateful consequences. His dependence on the princes and faithfulness to the Pauline tradition of political accommodationism drove his assertion that subjects always owe their rulers the duty of obedience except where faith is directly compromised or an unjust war is waged: "Christians should be subject to the governing authorities and be ready to do every good work, not that they shall in this way be justified, since they already are righteous through faith, but that in the liberty of the Spirit they shall by so doing serve others and the authorities themselves and obey their will freely and out of love."<sup>36</sup> Obedience to constituted authority has nothing to do with salvation. The Christian should do what the secular power commands not because it is necessary for salvation or righteousness, but because it is important to show respect to rulers who maintain order and sustain faith. Much like Augustine, Luther was presiding over

a de facto alliance between Church and state that benefited both. Christian rulers now owed their subjects protection, particularly from Rome. Subjects owed their rulers obedience. This compromise may be costly in an unjust world, but one's future depends on the integrity of one's conscience. Faith would always enable a Christian to protect his soul no matter how difficult external circumstances might be. "Although tyrants do violence or injustice in making their demands, yet it will do no harm as long as they demand nothing contrary to God."<sup>37</sup> The sword exists to punish the wicked and protect the upright. If it is used in the service of evil, that is for God to judge.

Luther sought to avoid the obvious difficulties of this position by claiming that true Christians will spontaneously do everything the law demands and hence will not require the sting of coercion. State power is not necessary for those who are ruled by the Holy Spirit rather than the sword, so indifference can ease the impact of state violence: "And if all the world were composed of real Christians, that is, true believers, no prince, king, lord, sword, or law would be needed. For what were the use of them, since Christians have in their hearts the Holy Spirit, who instructs them and causes them to wrong no one, to love every one, willingly and cheerfully to suffer injustice and even death from every one. Where every wrong is suffered and every right is done, no quarrel, strife, trial, judge, penalty, law or sword is needed."<sup>38</sup> The Christian does not have to be coerced to live a life for the sake of his neighbors. His desire to do so is carried in his faith and written in his conscience.

But the children of God are compelled to live alongside the children of the world, and Luther's justification of state power really hinged on his recognition of a developing civil war within Christendom and on the presence of non-Christians, rather than on an Augustinian view of man as a creature of sin. The world has many non-Christians and people who, claiming to be Christians, are falsely so. Luther knew as well as Rome that the progress of religious reform in Germany depended on the princes. This explains his declaration that God created the state to supplement the commonwealth of Christians: "For this reason the two kingdoms must be sharply distinguished, and both be permitted to remain; the one to produce piety, the other to bring about external peace and prevent evil deeds; neither is sufficient in the world without the other."<sup>39</sup> Luther's intense hostility to papal claims of temporal power was

driven by a notion of a civil society in which coercion would compel obedience to the law from those lacking in faith. He never renounced his Augustinian roots: "For this reason God has ordained the two governments; the spiritual, which by the holy Spirit under Christ makes Christians and pious people, and the secular, which restrains the unchristian and wicked so that they must needs keep the peace outwardly, even against their will."<sup>40</sup> Augustine's sword still exists for the sake of the non-Christian. The Christian needs little more than the Gospel but will obey the state because its coercive power is made necessary by the moral weakness of others: "In this way, then, things are well balanced, and you satisfy at the same time God's kingdom inwardly and the kingdom of the world outwardly, at the same time suffer evil and injustice and yet punish evil and injustice, at the same time do not resist evil and yet resist it. For in the one case you consider yourself and what is yours, in the other you consider your neighbor and what is his."<sup>41</sup> The famous Lutheran distinction between the inner world of the free Christian conscience and the outer world of inequality and coercion would generate a political quietism whose twentieth-century consequences would be profound indeed.

But it also made possible a theory of civil society that was not intimately tied up with the welfare of the Church. Luther agreed with Paul that the Christian can serve God in his conscience and satisfy the world with his body. Christian compassion for the non-Christians in their midst drove his theory of obligation, but obedience served the godly as well. Christians are a minority in the world and need the protection of secular authority against the powerful and the wicked. Political power preserves order, protects property, executes the laws, looks after the poor, punishes evil, and makes civil society possible: "Therefore, should you see that there is a lack of hangmen, beadles, judges, lords, or princes, and find that you are qualified, you should offer your services and seek the place, that necessary government may by no means be despised and become inefficient or perish. For the world cannot and dare not dispense with it."<sup>42</sup> The Christian might need the state for the sake of the non-Christian, but Luther thought it indispensable to a life of faith and works alike.

His emphasis was always clear. Two spheres coexist in temporal affairs, the sphere of God under Christ and the sphere of the world under

the state. Each has its own laws and regulations. God establishes and sanctifies earthly authority because no kingdom can exist without law and coercion. But the scope of acceptable state activity is limited to protecting life, property, and other requirements of earthly life: "For over the soul God can and will let no one rule but Himself."<sup>43</sup> Belief and faith cannot be the subject of law, and the temporal power cannot presume to legislate on behalf of the soul. Even as he called on Protestant princes to defend Protestant reformers, Luther located affairs of conscience outside affairs of state: "Every man is responsible for his own faith, and he must see to it for himself that he believes rightly."<sup>44</sup> The church has no business with politics except to insist on obedience to the law, and the state has no business with the soul except to defend the conditions of proper worship. Neither has to exist at the expense of the other, for a healthy conscience and a vigorous state support each other: "Since, then, belief or unbelief is a matter of every one's conscience, and since this is no lessening of the secular power, the latter should be content and attend to its own affairs and permit men to believe one thing or another, as they are able and willing, and constrain no one by force."<sup>45</sup> Even the suppression of heresy is the affair of bishops rather than princes. The state has legitimate authority over the external interactions of men with one another. The private sphere of faith and belief lies outside its purview.<sup>46</sup>

An important step toward a secular theory of civil society was made possible by Luther's insistence on the autonomy of individual conscience. The "priesthood of all believers" was perfectly compatible with an autonomous civil society and a coercive political order so long as it was defined in terms of individual conscience and the equality of all souls before God. If the household, political life, and Church affairs constitute the three "orders of creation" of Christian existence, they need the political order because civil society cannot generate the power, domination, and authority that are necessary to the spiritual life of fallen man. The state protects equal Christian souls who are united in faith but live in an impure world. Luther located conscience at the center of Christian life, but he reserved great power to the state that sustained a civil society necessary for life even if it was impotent in matters of faith.

Luther's expulsion of politics from religion served to fortify it in the state, and his stress on the inwardness of religious experience provided a theological gloss to princely power. Civil society was a sphere of con-

flict and discord. It needs temporal rulers to maintain order. Christian liberty is now an inward matter of faith. In the end, however, the ebb and flow of the Reformation made matters of religious choice the province of individual belief and the will of the prince. In politics, obedience was the order of the day. In resting civil society on the coercive power of princes and the innermost voice of individual Christians, Luther drew paradoxical conclusions from his attempt to isolate faith from the tribulations of the world. Luther's Christian did not have to sanctify civil society through his own efforts. Although his separation of conscience from the world pointed toward the future, important elements of his thinking still moved in medieval channels. The subjective requirements of conscience drove a good deal of his understanding of a civil society shaped by the requirements of religious war. Thomas Hobbes would effect a decisive break with the past by entirely removing God from a civil society that now rested on a single point of political sovereignty, made civil war forever impossible, and protected the interests of a new sort of calculating individual.

### Sovereignty, Interest, and Civil Society

The 1648 Treaty of Westphalia ended the religious wars and codified the foundations of an international order populated by sovereign nation-states. Three years later Hobbes provided the theoretical underpinnings of the modern state system with a theory of sovereignty that rested on popular consent and broke with centuries of speculation about the requirements of legitimate rule. *Leviathan* was his momentous demonstration that civil society cannot exist in the absence of state power. His rigorous effort to reveal the "heart," "nerves," and "joints" of the body politic concluded that they had to be integrated into a single source of dominion if civil society was to be organized and domestic peace established. Only an "artificial man" animated by the "artificial soul" of sovereignty could bring the blessings of civilization to individuals whose collective dangers resulted from their equality and their desires. Alarmed at the English Revolution, the anarchical impact of private interests, and Luther's individual conscience, Hobbes sought refuge in a state that was coterminous with and constitutive of a civil society now conceived as a counterweight to an anarchical, chaotic sphere of self-interested activity.

The outline of the general theory is familiar enough. The pervasive insecurity to which a politically organized civil society offered a remedy was the unavoidable result of man's perpetual desire for power in the interest of self-protection. Driven by insecurity, man's hunger to accumulate power—"his present means, to obtain some future apparent good"<sup>47</sup>—chases him from one object to another, for attaining something is only a spur to attaining something else. A new calculating individual defines his private goals for himself in the absence of a "greatest good" to which all men will voluntarily orient themselves. Whether this unending desire to accumulate more arose from Hobbes's insight into the deepest roots of human nature or from the influence of a developing capitalist society,<sup>48</sup> he asserted that man is motivated by "a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death. And the cause of this is not always that a man hopes for a more intensive delight, than he has already attained to, or that he cannot be content with a moderate power: but because he cannot assure the power and means to live well, which he hath present, without the acquisition of more." He asserted that man is motivated by "a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death. And the cause of this, is not always that a man hopes for a more intensive delight, than he has already attained to, or that he cannot be content with a moderate power: but because he cannot assure the power and means to live well, which he hath present, without the acquisition of more."<sup>49</sup> The need to accumulate more and more power is intrinsic to the human condition and marks all man's action in the pre-political and pre-social condition that Hobbes, following the conventions of his day, called the "natural condition" of humankind.

When married to his assumption of human equality, this "desire of power after power" posed the threat of endless war unless it could be brought under control. The great paradox of human life is that our simple desire for security and our equal vulnerability to one another come together to produce an intolerable situation. Nature replaced sin and depravity as the cause of man's ruin and the turn toward the state. Equality, insecurity, and interest cause the war and competition that define our natural condition.<sup>50</sup> Where people desire the same objects and "there is no power able to over-awe them all," equal insecurity, equal capacities,



and equal desires produce permanent warfare. It is clear, said Hobbes, “that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man, against every man.”<sup>51</sup> The absence of a single coercive political authority forces people to rely on their own reason, judgment, and strength as they pursue their interests in competition with everyone else. Hobbes’s famous description of the consequences of this asocial and suspicious self-reliance bears repeating: “In such condition, there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing, such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.”<sup>52</sup>

Civil society is impossible without a “common power,” and the anarchy of man’s natural condition soon makes life itself impossible. The deep paradox is that each individual’s necessary reliance on his private reason quickly leads to an intolerable situation for everyone: “And consequently it is a Precept, or general rule of reason, *That every man, ought to endeavor Peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of War.* The first branch of which Rule containeth the first, and Fundamental Law of Nature; which is, *to seek Peace, and follow it.*”<sup>53</sup> Rational self-interest is the spring of individual action and collective survival. It stands at the center of man’s life in the state of nature, allows man to derive the “first law of nature,” and requires civil society. The passage from barbarism to civilization brings industry, agriculture, navigation, science, morality, and culture into human history.

But people cannot live in peace unless they are all willing to renounce their “right to all things” and be content with a limited degree of liberty. Such renunciation results from a calculation that the benefits of peace will outweigh the loss we incur when we no longer depend on our own wits or are the final judges in matters that involve us. Hobbes’s socialized reason replaced Christendom, authority, custom, the divine right of kings, raw power, and tradition as the underpinning of obligation.

Legitimate rule is no longer determined by religious authority, ecclesiastical bureaucracy, inherited wealth, custom, birth, claims of divine right, tradition, or property. In breaking with the established authorities whose political rule he paradoxically supported, Hobbes articulated indispensable elements of a theory of popular sovereignty.

Civil society is impossible unless promises can be kept and agreements respected. If people can safely anticipate that others will control themselves, they can all live with a measure of assurance that they will be safe. Only a single sovereign authority makes it possible to pursue justice and protect property: "Before the names of just, and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant; and to make good that propriety, which by mutual contract men acquire, in recompense of the universal right they abandon: and such power there is none before the erection of a commonwealth."<sup>54</sup>

Above all, Hobbes wanted to avoid the consequences of the unbridled pursuit of "felicity." Religious war and political revolution demonstrated that civil society was populated by individuals and their interests. The problem was how to arrange matters so people could pursue their interests in conditions of security and peace. Civil society required a set of rules established and enforced by constituted political authority.<sup>55</sup> Hobbes's general standard was a version of the Golden Rule: where there is a number of men, felicity cannot be attained unless each man acts so as not to do to others what he would not want done to him. This means that he must be prepared to surrender his natural right to pursue "felicity" as if he were the only person in the world. The only way to avoid ruinous anarchical competition and keep individual judgment under control is through a mutual and universal transfer of rights. But Hobbes knew that a contractual agreement between self-renouncing individuals runs counter to some of the most basic human passions—even if it is supported by reason and conditioned by the fear of violent death. Something was needed to stand behind the original covenant, and this "something" was the sword.

The decisive core of the state is the power to coerce, and Hobbes's politically organized civil society required compulsion over a wide expanse of human affairs. Man's desire for self-preservation requires a sovereign

authority that can establish the minimal conditions of social peace. This requires a power that can speak for the general interest and provide a counter to the dangerous anarchy that comes with the unbridled pursuit of private concerns. Whatever its particular institutional form, Hobbes's sovereign represents the public will and embodies the general interest. It does so precisely because it transcends the narrow, self-serving impulses of individual interest with something akin to the Greek notion of the "common good," now identified with safety and security. Civil society is made possible by sovereignty, is constituted by politics, and cannot exist apart from the state.

Hobbes's state of nature and subsequent social contract were hypothetical devices he used for purposes of argument and illustration.<sup>56</sup> But civil society was real and concrete for him. It was composed of palpable, clear, and identifiable individuals driven by their understandable desire for the material and cultural benefits of civilization. Hobbes's subject can live a decent private life only because of effective public power. This requires an "artificial man" who can summon overwhelming force to compel private interests to adhere to the conditions of public order. Equally vulnerable individuals create this sovereign power in a fictional agreement that marks man's exit from nature and the beginning of his maturity as a resident of a civil society. The renunciation of which Hobbes spoke is really a transfer of power from private individuals to a public sovereign, for man's natural drive to accumulate ever-increasing power and his equal vulnerability will quickly nullify all agreements unless they can be enforced. People are equal, insecure, and alone in the state of nature; their drive to protect themselves will always undermine any effort to control disintegration unless it is politically organized and enforced. No voluntary agreements between isolated, fearful, and competitive people can last in the absence of a coercive mechanism that can compel individuals to act as if they trusted one another. The binding cement of civil society is the fear of anarchy, and overcoming it with sovereign power is the political act that constitutes the state and civil society at the same instant.

An important element of Hobbes's civil society looked back to the old-fashioned political commonwealth, the formal expression of the ancient fusion of state and society. Established by an act of voluntary and permanent agreement, it is the single manifestation of a common

public will organized to make civil society possible. It supplants the primacy once enjoyed by particular interests and local institutions and is thus able to protect the public welfare precisely because it answers to no one outside its purview. It is the only instrument people have to protect themselves from the devastating consequences of their original freedom and equality. A civil society organized by sovereign state power makes it possible for a single source of public reason to replace the anarchy of many sources of private reason:

The only way to erect such a common power, as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort, as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly; is, to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will: which is as much to say, to appoint one man, or assembly of men, to bear their person; and every one to own, and acknowledge himself to be author of whatsoever he that so beareth their person, shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgements, to his judgement. This is more than consent, or concord; it is a real unity of them all, in one and the same person, made by covenant of every man with every man, in such manner, as if every man should say to every man, *I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner.* This done, the multitude so united in one person, is called a COMMON-WEALTH, in Latin CIVITAS.<sup>57</sup>

Civil society was established by an act of politics. There is no difference between law and morality, all authority is concentrated in the sovereign, and power constitutes the state and civil society alike. Whether it is composed of one man, a few, or many, the sovereign must have sufficient coercive power to organize civil society as an alternative to the chaotic sand heap of the state of nature. No one can be freed from subjection to the sovereign, for without it society disintegrates and men will be thrown back into the war of all against all. Self-preservation drives all

subjects to obey an overwhelming power that makes the rules governing social behavior, organizes the government, decides on all matters of controversy, represents the general interest over and against private ones, directs foreign relations, conducts war and peace, and exercises the other prerogatives of sovereignty that make it possible for subjects to have a private life in the first place. The organization of state power is the defining moment of civilized life. *Leviathan* relentlessly attacked Grotius's and Pufendorf's social contract theories, which suggested that civil society existed before states were organized. Hobbes's civil society is constituted and held together by state power.

*Leviathan* did not consider subordinate or intermediate bodies to any significant degree because the English Civil War demonstrated to Hobbes how dangerous they were. In political terms, he was opposed to anything that could weaken sovereign power. The "silence of the law" established a broad sphere of individual activity he wanted to protect, but he argued that subsidiary organizations exist only at the pleasure of the sovereign and only to the extent that they served social welfare. Bodies are "lawful" if they are recognized by the commonwealth and can represent a part of the whole only if the sovereign agrees, but such tolerance can never compromise the state's responsibility for the peace and defense of civil society.<sup>58</sup> He was equally opposed to any suggestions of a mixed constitution or a division of sovereignty. The sovereign must be able to act directly on individuals and their particular interests in all important matters. Unless there is a government—a tangible body of people with the power to enforce sovereign will—there is neither state nor society but only a "headless multitude." The sovereign's ability to reward and punish enables civil society to overcome the chaotic and disruptive effect of private strivings. All social authority is concentrated in the "mortal God," for no social body can exist apart from its constituted head. No significant distinction between the state and society existed for Hobbes. The disappearance of the state entailed the disintegration of society. Politics had overcome nature.

Civil society may require a strong state, but Hobbes knew that economics, science, arts, and letters also require respect for the private realm of individual desire and personal welfare. Civil society is both a sphere of collective public life and a sphere of self-interest. It is true that "the liberty of a subject, lieth therefore only in those things, which in

regulating their actions, the sovereign hath permitted,”<sup>59</sup> but the range of private activity turns out to be surprisingly broad. Hobbes identified a recognizable sphere of self-interested activity with which the state need not interfere unless civil order is threatened. John Locke would protect this sphere with a rights-based constitutional order to limit the scope of state action, but Hobbes made the important theoretical point. He was unwilling to invest the private sphere with the moral content that would characterize mature liberalism because his theory of the state was necessary for his theory of civil society. No “industry, culture of the earth, navigation, use of commodities, commodious building, knowledge of the face of the earth, account of time, arts, letters or society” was possible before the establishment of sovereign power. But it is equally true that these activities helped define the advantages of a civil society made possible by state action. Hobbes wanted to buttress the many benefits of civil society with the power of a prudent state. This left considerable room for private initiative and unregulated activity. Sovereign power exists to ensure internal peace and common defense against external foes. It does not exist to make all men the same but to enable them to pursue their separate desires in an orderly and predictable fashion: “For seeing there is no commonwealth in the world, wherein there be rules enough set down, for the regulating of all the actions, and words of men; as being a thing impossible; it followeth necessarily, that in all kinds of actions by the laws permitted, men have the liberty, of doing what their own reasons shall suggest, for the most profitable to themselves.”<sup>60</sup> A single source of power that can define and sanction public acts is necessary to sustain the multiple sources of local activity that define the universe of private strivings, particular judgments, and individual interests. Hobbes’s insistence that an indivisible center of state power made civil society possible should not obscure his equally important view that the grounding for any theory of sovereignty is the welfare and safety of its individual members. The state’s purpose is to protect the integrity of individual property and persons who seek “felicity,” and Hobbes often reminded his readers that rational people moved from the state of nature to civil society only because they expected that their individual interests would be so served. The Hobbesian theory of obligation anticipates that obedience to a sovereign authority will generate a larger measure of individual advantage than was possible in the state of nature. Almost

despite himself, Hobbes defined a state that rested on sovereign power and popular consensus. Civil society cannot be organized by force alone.

His rationalism enabled him to produce a theory of the state without bothering with tradition, revelation, the divine right of kings, canonical interpretation, or other elements of medieval theory's complicated apparatus. Man's "natural condition" of fear and isolation denied the possibility that individuals were naturally sociable. People will not spontaneously respect one another's rights unless it is in their interests to do so. Since any social contract can be exploded if a single person opts out, subjects will respect the covenants of social life only if a sovereign power can punish all instances of nonperformance without discrimination or exception. Individuals are socialized to act as if they trust one another by the fear of impartial and universal punishment. Hobbes had moved beyond the common medieval point of view that states should be obeyed because they represented some transcendent set of values.

Hobbes reduced the state to an instrument whose legitimacy rested on its ability to safeguard individual well-being. The unitary, organic Greek notion of the "good life" dropped out of political theory for the moment and was replaced by a notion of the common good understood as the sum of individual self-interests. The commonwealth was now an "artificial body" composed of a multitude of calculating private individuals whose defining desire is to pursue their interests in conditions of security and peace, a description dramatically conveyed by *Leviathan's* famous cover. The state protects the individual in the particularity of his private possessions; Hobbes had abandoned political theory's ancient preoccupation with shaping human nature and wanted little more than to protect an environment within which individuals could pursue their interests. His recognition of individual advantage marked him as a man of the future, as did his desire to control its corrosive effects.

But there were limits beyond which even he was unable to go. The Reformation had given theological shape to the view that the individual is his own judge, advocate, and administrator, but its assumption that truth was a subjective determination filled him with dread. Northern Europe was swarming with bickering Protestant sects that had grown up on the fertile soil of Reformation doctrines of private judgment, individual conscience, and the priesthood of all believers. Hobbes was fearful that this anarchic subjectivism could only undermine the unity

he believed essential to peace precisely *because* it was so powerfully connected to self-interest. One of the many popular doctrines he felt “repugnant to civil society” was that “whatever a man does against his conscience, is sin.”<sup>61</sup> The sovereign trumped the disintegrative effects of private judgment by establishing authority, meaning, duties, and morality. State power was organized because the state of nature fell apart when people became judges in their own cases. It made reason public and was indispensable to controlling the disastrous effects of the same individual interest it was established to protect.

The passage from the state of nature to civil society represented the abandonment of private reason and individual judgment as the standard of the common good, but Hobbes did not replace them with any integral theory of public welfare or general knowledge. His great achievement was to deduce sovereign political power from the collisions of a mass of unconnected and equal individuals. There are no long-term connections that link the atomized particles composing civil society beyond their own covenants. What ties do exist result from agreements into which rational and self-interested individuals freely enter. Each member of civil society is driven by his perceived interest. But interest can never be anything more than the public expression of private desire, and Hobbes’s orientation toward a political organization of social life anticipated the flowering of the liberal private sphere. Nothing had any general, universal status for him except the search for security and peace, and the only relation to which Hobbes paid any attention was that between sovereign and subject. All instances of private reason were fused into the sovereign, and since it defines the conditions of peace and stability it must have unlimited power to enforce both—even against the will of individual subjects. The social bond is the surrender of individual autonomy to the will of the sovereign, the only agency through which civil society can speak. But the sovereign’s *raison d’être* is peace and security, and for all his breadth of vision Hobbes anticipated classic liberalism’s inability to derive a theory of obligation that went deeper than individual interest. The “poisonous” doctrine “that every private man is judge of good and evil actions” characterized the state of nature precisely because there were no civil laws.<sup>62</sup> The authority of law comes from the sovereign’s will. “In the differences of private men, to declare, what is equity, what is justice, and what is moral virtue, and to make them binding, there



is need of the ordinances of sovereign power, and punishments to be ordained for such as shall break them,” for the reason of the “artificial man”—the commonwealth—replaces that of private persons.<sup>63</sup>

Hobbes was a transitional figure who looked back to the fused community and anticipated its dissolution. Equal vulnerability stood behind the constant competition that threatened to tear apart civil society. The problem was endemic to civilized life as such. Individual interests can never be fully satisfied, and Hobbes’s individual was an “owner” of himself in an atomized civil society instead of being a member of a larger community constituted by moral relations. Relations of ownership would come to define not only the content of human social interactions but also the nature of man as such. Civil society would come to be understood as an artificial network that existed to protect property and maintain an orderly system of production and exchange. In a universe of disconnected and self-regarding particularities, the “common good” could have no meaning except as the sum of individual desires pursued in conditions of order and stability. The concept did make it possible for man to exit from a barbaric state of nature, but human reason was no longer a capacity that integrated and harmonized. Now it fractured and divided because it had been yoked to the self-interested and competitive pursuit of individual desire. Politics represented coercion pure and simple and, while little more than a mechanism for providing security, it also made possible the blessings of civilization. The primacy of the public made possible a theoretically distinct sphere of private concerns, even if such a sphere existed only in embryo. In many ways Hobbes pre-figured the specifically bourgeois theory of state and society that would find further articulation in the work of John Locke and would culminate in Adam Smith.

But Hobbes was also working within older categories of thought, the most important example of which was his desire to retain elements of the ancient commonwealth. Medieval theorists had thought in theological terms, but Hobbes was a *political* thinker above all. Despite his recognition of interest and his evident desire to respect a measure of spontaneous activity in civil society, politics suffused public life and organized private affairs. Everything was made possible by sovereign power, there was no institutionalized distinction between the state and civil society, and Hobbes never developed a coherent theory that could

identify a sphere of nonpolitical public activity. State power was directly brought to bear on the individual subject, mediating institutions played no role in *Leviathan*, and there is little evidence that Hobbes would have shared liberalism's desire to limit public power with a structure of protected rights. Exploitation and coercion were still organized "extra-economically" to a great extent, and if Hobbes anticipated the later focus on interest he still believed that only sovereign power stood between civilization and barbarism.

Hobbes marked an end and a beginning. European society would begin to fracture soon enough, and the spread of markets would give rise to theories of an autonomous, protected, and self-regulating economic sphere apart from and morally superior to that of the state. Whether thought of as political or religious commonwealths, older notions of universal civil societies would soon be eclipsed by the logic of interest. Princely power, civic republicanism, and the liberated conscience could no longer serve as self-sufficient organizing principles of civil society. Hobbes articulated the decisive claim that the definition and pursuit of private goals requires a strong public power to constitute society and protect it at the same time. The rest would wait for John Locke and the Scots.



PART II

Civil Society and Modernity



## Civil Society and the Rise of “Economic Man”

Machiavelli broke with the Middle Ages when he subordinated faith to the interests of the prince and the civic republic. Luther's emphasis on the freedom of individual conscience reserved considerable power to political authorities responsible for organizing civil society around the external needs of a community of faith. Much the same was true of Hobbes's demonstration that civil society existed because of the activity of a single point of sovereign power and that it rested on the advantages that flowed to its individual members. For all three transitional figures, celestial forces were no longer necessary to apply the general standards that made possible the identification and pursuit of particular goals.

Political power mitigated the destructiveness of uncontrolled competition and made possible the many benefits of civilization that were not rooted in the immediate struggle for existence. Classical theorists placed far more emphasis on the state's role in organizing civil society than most medieval thinkers were prepared to do, but both traditions agreed that the essential distinction was between civilization and barbarism. Early modern theorists preserved this element of earlier traditions. For John Locke, civil society made it possible for people to organize a public life of freedom and prosperity. Echoing the views of many Enlightenment figures, Adam Ferguson's civil society developed ethical sentiments and cultivated virtue in a way that was impossible in “rude” societies. Far more aware of the economic determinations of civil society than most of his colleagues, Adam Smith was confident that it could be organized around individual advantage in such a way that the blessings of civilization would flow to all. Even as they provided the theoretical foundations for modern notions of the individual, democracy, and freedom, all three men articulated the characteristically modern claim that the material processes of social life were fast becoming the constitutive forces of civil society.

## Rights, Law, and Protected Spheres

Writing in defense of England’s Glorious Revolution, John Locke’s initial target was not Hobbes but the Court argument that sovereignty was a form of property that could be handed down from monarch to monarch, a position the Stuarts had long used in support of their claims to absolute power. The Crown’s position was derived from Robert Filmer’s attempt to base political power on paternal authority, but Locke went deeper and argued that the state’s unlimited power would undermine the very security it was designed to protect because it would make civil society impossible. Hobbes had failed to understand that self-preservation no longer required the commanding political power of a sovereign but could now be identified with the simple protection of property. His purely “political” theory did not grasp that economic forces could organize civil society if allowed to function in conditions of freedom and in the presence of a state with limited powers. As powerful as Hobbes’s state appeared to be, said Locke, it could not provide a sufficiently strong foundation for civil society.

Locke’s theory of property moved the discussion of civil society to an entirely new level. If citizenship could be based on ownership, rational individuals would have no interest in disorder as long as they were left to go about their business in peace. Some of this was prefigured by Hobbes, but Locke’s claim that legitimacy rested on the state’s ability to protect a set of pre-political natural rights took theories of civil society into new territory. Hobbes required obedience if the sovereign kept the peace, but Locke established an economically determined sphere of property, rights, and private desire that could now be theorized apart from the enforcement power of the state.

The earth had originally been given to all men to enjoy, and Locke began with the familiar position that everyone had a right to draw individual sustenance from what nature had to offer. This natural-law presumption of an original condition of common ownership framed his counterintuitive drive to anchor civil society in a natural right to private property and individual appropriation. “But I shall endeavor to shew,” he announced, “how men might come to have a *property* in several parts of that which God gave to mankind in common, and that without any express Compact of all the Commoners.”<sup>1</sup>

Locke’s explanation is familiar enough. The right to privately appropriate nature’s common gifts derived from natural freedom and individual property in one’s own person. Private appropriation of that part of nature with which one has mixed one’s labor is prior to and independent of organized social life. It is a right of man in nature, and Locke organized civil society around its protection because he knew better than Hobbes that property had become a necessary condition of human life. Freedom, labor, exchange, and property were present in the state of nature, and this allowed Locke to derive civil society from a sphere of human action that existed before the state. Natural rights rested at the heart of Locke’s anti-absolutist politics and were the source of a new understanding of private property that did not originate in consent.

Locke differed dramatically from Hobbes in describing the state of nature as a condition of “peace, good will, mutual assistance, and preservation.” Man’s natural condition is a state of “perfect freedom” to preserve oneself and “perfect equality” of power to do so. This led to an important conclusion: if men were rational, moral, and sociable before they move to civil society, then Hobbes’s absolutist state might not be necessary. It was individual interest that introduced “enmity, malice, violence, and mutual destruction” into an otherwise-peaceful state of nature that did not have a common authority to adjudicate private disputes.<sup>2</sup> Civil society and the state became necessary because the rupture of nature’s spontaneous “tye” gave every individual the right to punish every other individual.<sup>3</sup> People cannot be expected to be impartial judges in their own case, and this was the famous “inconvenience” that made civil society and the state necessary.<sup>4</sup> Locke’s civil society remedied the potentially fatal deficiency of the state of nature by removing executive power from self-serving individuals and making it public and impartial. Men are now social beings who are fully capable of living together without the binding force of Hobbes’s sovereign. Their inability to adequately protect their natural rights made civil society necessary, but it did not have to be constituted by “overawing” power.

As important as his break with Hobbes turned out to be, Locke agreed that civil society was formed by political power, “a *Right* of making Laws with Penalties of Death, and consequently all less Penalties, for the Regulating and Preserving of Property, and of employing the force of the Community, in the Execution of such Laws, and in the defence of the



Commonwealth from Foreign Injury, and all this only for the Publick Good.”<sup>5</sup> Made possible by a political act and constituted by the needs of property, civil society did not create any new rights; it merely registered the transfer to a common authority of the power that individuals had to protect themselves in the state of nature. Men formed civil society because the strength of their particular interests made it difficult to organize a common power “for the regulating and preserving of property.” The chief end of human association, in civil society as in the state of nature, is the defense of property—the abstract representation of individual freedom. But natural man is rational and the difficulties of the state of nature “makes him willing to quit this Condition, which however free, is full of fears and continual dangers: And ’tis not without reason, that he seeks out, and is willing to joyn in Society with others who are already united, or have a mind to unite for the mutual *Preservation* of their Lives, Liberties and Estates, which I call by the general name, *Property*.”<sup>6</sup> Locke gave a more general sweep to the understanding of property than did others, but there is no question he accorded “estates” at least the same level of protection as “lives” or “liberties.”

Classic liberalism’s important distinction between the state and civil society is present here, but modernity existed only in embryo. Like Hobbes, Locke was drawn to the model of a single politically constituted commonwealth. Civil society was made possible by the socialization of “that Power which every Man, having in the state of Nature, has given up into the hands of the Society, and therein to the Governours, whom the Society hath set over it self, with the express or tacit Trust, That it shall be employed for their good, and the preservation of their Property.”<sup>7</sup> The state and civil society are constituted by the same calculus of individual freedom and private choice. Both exist for the sake of private interests; without property, observed Locke, “the common is of no use.”<sup>8</sup> The same is true of the state, now conceived as an enforcement mechanism. The basis of human life in nature and civil society is property, and the state is now its protective organ: “The great and *chief end* therefore, of Mens uniting into Common-wealths, and putting themselves under Government, is the *Preservation of their Property*.”<sup>9</sup>

Natural law provided a complete and self-sufficient system of rights; the transition to civil society and the state made civilization possible by establishing an enforcement mechanism that could overcome the an-

archical pull of individual interest. The state corrected the defect of the state of nature because it is constituted by a common law, an agency that can render impartial judgments, and an enforcement power: "Those who are united into one Body, and have a common establish'd Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders *are in Civil Society* one with another: but those who have no such common Appeal, I mean on Earth, are still in the state of Nature, each being, where there is no other, Judge for himself, and Executioner; which is, as I have before shew'd it, the perfect *state of Nature*."<sup>10</sup> State power and the rule of law make possible the pursuit of interest in conditions of individual liberty and mutual security. Locke was sure he could base obligation on individual satisfaction and answer any political regime's most important question at the same time:

If Man in the State of Nature be so free, as has been said; If he be absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body, why will he part with his Freedom? Why will he give up this Empire, and subject himself to the Dominion and Controul of any other Power? To which 'tis obvious to Answer, that though in the state of Nature he hath such a right, yet the Enjoyment of it is very uncertain, and constantly exposed to the Invasion of others. For all being Kings as much as he, every Man his Equal, and the greater part no strict Observers of Equity and Justice, the enjoyment of the property he has in this state is very unsafe, very unsecure.<sup>11</sup>

Classical theories of civil society had organized themselves around some general notion of the common good. Locke's work tended to empty it of substantial public content because its purpose was protecting particular interests. Hobbes had laid the foundations of such a position, but Locke accorded interest considerable influence as he reduced the state to the enforcement functions of a civil society organized around property. His proposition that man is naturally sociable meant that the state did not have to be as powerful as Hobbes had claimed. But a comparatively benign view of the state of nature did not mean that civil society could be constituted by public concerns. Even if it was originally established by an act of cooperation, individual interest was always clear and compelling in Locke's thinking, while common matters were deriva-

tive, thin, and inconsequential. Much of this was shaped by the course of the English Revolution in which he was intimately involved. Like many other educated men of his day Locke had every reason to believe that aristocracies and absolute monarchs posed the most pressing threat to liberty, and there seemed to be ample evidence that the common good was substantially the same as the protection of private rights.

The priority Locke accorded to private interests—and to the rights that protect them—stands at the beginning of liberalism’s disposition to say that what is really important about people is the way they create and accumulate wealth. The sharp distinction Hobbes had drawn between man’s “natural condition” and the political order led to *Leviathan’s* emphasis on state power. In focusing attention on the economic processes of civil society, Locke took an important step away from the ancient claim that politics stood at the center of social organization. The limited liberal state and the rule of law would make it possible for rights-bearing individuals to pursue their competing interests without having to kill one another.

As striking as Locke’s political economy was, he was very much a man of his age. The decline of the embedded economy eroded the limits on the pursuit of interest that had protected precapitalist civil societies for centuries. Ancient principles of solidarity, justice, and morality had organized distribution in natural economies, where production had been driven by the needs of immediate consumption and markets had played only a marginal role. The development of production for exchange drove toward the disappearance of the embedded economy, the primacy of individual judgment, the reduction of social life to economic considerations, and a conception of politics as protective of a network of individual rights whose sum total was the common good. Market relations were penetrating everywhere and interest was fast becoming the central category of economic and political thought.<sup>12</sup> Public welfare no longer came from action intended to advance it. Natural law was subordinated to the logic of individual interest, private property, and the capitalist market.

But even as he took an important step toward an autonomous and self-regulating economy, Locke was unable to make a clean break with the past. He sought to retain important elements of natural law and did not reduce all social connections to market relations. Considerable ele-

ments of his thought still described politics as a defining component of civil society. The state was only beginning to separate out from society during his lifetime, and it was not yet possible to clearly isolate political power from the distribution of economic wealth and social influence. A fully modern liberal theory of civil society would have to wait.

It would be built on foundations laid by Hobbes and Locke. Modern social contract theory established a crucial theoretical link between civil society, state legitimacy, and public authority. Even as they differed about the physiognomy of power, Hobbes and Locke—and, later, Rousseau—would associate civil society with the political formations that were displacing medieval monarchies. Civil society would shelter civil people—that is, people who respected the rule of law, avoided violence, went about their private business, and accorded other people a minimum of respect and trust. A civil society would produce the individuals of bourgeois life who could participate in the market transactions that would come to constitute social affairs. Hobbes located civil society’s legitimacy in popular will and the pacifying capacity of its powerful state. Locke claimed that absolute monarchy was incompatible with civil society by definition and insisted that property provided a surer foundation for social life than did raw power. These disagreements notwithstanding, both men shared the view that the modern state was different from the interests or wills of rulers. The bourgeois individual with his private interests required a state that could protect him. Whether founded on Hobbes’s single point of sovereign power or Locke’s theory of natural rights, ideas about civil society that emerged from social contract theory constitute a vital step forward in theorizing the benefits of civilization.

A century separated Locke’s *Second Treatise* from Adam Smith’s epochal *Wealth of Nations*.<sup>13</sup> The Enlightenment was marked by the expansion of markets, a renewed emphasis on the benefits of civilization, and further steps toward a distinctly modern conception of civil society. Capitalism and liberalism began to take definite shape during this period, and when both received authoritative expression in Adam Smith’s political economy the conditions were set for a distinctly modern theory of civil society. Locke’s demonstration that property is derived from nature rather than from custom or privilege appealed to Enlightenment thinkers anxious to use natural law to undermine the authority of re-

vealed truth and established power. Almost all of them agreed that property is an indispensable condition for moral autonomy. Only property owners have the material resources to resist superstition and servility.

Before society came to be dominated by markets, it had been widely agreed that some entity external to the sphere of necessity would guarantee social order and civic peace. Classical theories of obligation were predicated on the need to transcend the divisions, rivalries, and insecurities of the struggle for survival. But the rapid growth of markets in commodities, labor, and land drove the near-universal eighteenth-century interest in the processes by which economic relationships could organize society without state compulsion. Enlightenment theorists replaced the Forms, God, sin, and nature with processes that were intrinsic to the social world. If property was both a natural right and a condition of moral independence, it followed that economic freedom rested at the heart of any proper social organization and that the state should guarantee maximum liberty to all individuals defined as free, self-interested proprietors. By the end of the period the ancient notion that the source of social order was external to civil society was in full retreat.

It appeared that scholasticism and theology had finally been expelled from political theory. Enlightenment ideas of perfectibility, progress, freedom, liberty, and reason accelerated the dissolution of ancient unities and gave rise to theories of civil society that rested on observed fact. The period’s “recovery of nerve” and certainty that moral man could use his reason to shape the social world and control nature was expressed in the philosophes’ fierce commitment to secularism, humanism, and internationalism.<sup>14</sup> Increased economic activity required and stimulated more knowledge about the world than could be contained within the old limits of medieval dogmatism and a natural economy dominated by production for immediate use. Battered by the Reformation and eroded by markets, the theologically centered unity of medieval Christendom was in an advanced state of decomposition and distinct spheres of intellectual activity were beginning to appear.

The rebellion against Cartesianism, “metaphysics,” and system building encouraged the demarcation of definite fields for unfettered investigation.<sup>15</sup> The foundation of modern natural and social science was laid with the claim that discrete activities had their own laws and logics even if their findings conflicted with Scripture. The growing professionaliza-

tion of the intellect was marked by the appearance of physics, chemistry, and psychology as identifiable disciplines, the separation of astronomy from astrology, and the liberation of literature, philosophy, and the social sciences from theology. The age of universal knowledge came to a close as the division of intellectual labor mimicked what was happening in society as a whole.

Dogma and ignorance were the great enemies of freedom. Directed against the claims of the Church, Enlightenment rationalism denied that any single set of convictions could claim a priori validity and fiercely defended an open spirit of scientific investigation. Toleration was the political counterpart to Enlightenment universalism, the only policy that could stimulate further progress in an increasingly varied and differentiated world. The first victim of this view was the old medieval account of a hierarchically ordered society with an external source of motion. The Enlightenment's pervasive individualism was rooted in the claim that each individual is responsible to himself because only he can know his interests. An open society would finally eliminate the arbitrariness fostered by superstition and respect the pluralism inherent in nature and civil society alike.

But individualism does not easily yield a durable theory of political obligation, and early Enlightenment thinkers were vulnerable to the charge that the autonomy of the rational person threatened solidarity and community. Adam Smith would attempt his famous reconciliation of private interest with public virtue toward the end of the period, but for the moment the needs of commerce prefigured the theoretical separation of public from private. Enlightenment thinkers often spoke of the "rule of law," and many of them pressed for the regularization and codification of often-brutal and arbitrary legal systems.<sup>16</sup> They tended to rely on a secularized version of natural law that was external to and independent of the private individuals whose self-interested drives constituted civil society. But the alliance between the centralizing, leveling monarchs and the nascent bourgeoisie had begun to break down, and Enlightenment thinkers were deeply hostile to absolutism. The independent power of the state was expressed as French absolutism and English parliamentarianism, and in both countries a formal apparatus of law and coercion began to stand apart from the personality of the monarch. Most eighteenth-century advocates of natural law sought to erect a bar-

rier to unrestrained power by arguing that a law of reason antedates and limits it. The Scots would try to demonstrate that an innate moral sense animated reason, informed nature, and constituted civil society at the same time.

### The Moral Foundations of Civil Society

One of the intellectual leaders of the eighteenth-century Scottish Enlightenment, Adam Ferguson wanted to limit arbitrary political power and attenuate the chaotic impact of private interest by basing civil society on a set of innate moral sentiments.<sup>17</sup> His work was part of a broader tendency to theorize civil society as a natural condition for moral development and intellectual progress instead of an artificial device for survival. Some Scottish Enlightenment thinkers thought they could find evidence of its naturalness in protective adult reactions to the helplessness of infants and a universal human inclination to live in social groups. Ferguson located the roots of human sociability in a general capacity to put oneself in another's place and see the world through another's eyes. This “fellow feeling” permits individuals to participate in the lives of others and makes moral judgment possible by reconciling individuality with a civil society constituted by shared ethical relations.

Hobbes and Locke thought of civil society as a contractually produced and politically guaranteed instrument of rational individuals who come together to attain some conscious purpose. But their emphasis on private strivings failed to provide a satisfactory explanation of social ties, for it was no secret that people are often driven by greed and selfishness. Ferguson articulated a moralist rebellion against the logic of individual interest. He rooted civil society in “love of mankind,” a quality that was dramatically different from the commercial interests some thinkers were placing at the center of human organization. “Affection, and force of mind, which are the band and strength of communities, were the inspiration of God, and original attributes in the nature of man,” he asserted, warning that self-interest alone cannot account for the full range of social connections.<sup>18</sup> He agreed with many of his contemporaries that the “care of subsistence is the principal spring of human action,” but it was clear to him that people form societies for reasons broader than survival.<sup>19</sup> Man is a moral creature above all, and instrumental reason

and individual advancement cannot provide a civilized life: "His fellow-creatures would be considered merely as they affected his interest. Profit or loss would serve to mark the event of every transaction, and the epithets *useful* or *detrimental* would serve to distinguish his mates in society, as they do the tree which bears plenty of fruit, from that which serves only to cumber the ground, or interrupt his view."<sup>20</sup>

"This," Ferguson insisted, "is not the history of our species." Addressing the "real" life of man in society, he observed that kindness, mutual aid, and benevolence are as characteristic of human interactions as are greed, cruelty, and callousness. Selfishness will drive people to live alone and in competition with their fellows, but natural sociability enables us to live with others, help them, and benefit from their disposition to do the same. Selfishness divides us from our fellows, but solidarity enables us to indulge "that habit of the soul by which we consider ourselves as but a part of some beloved community, and as but individual members of some society, whose general welfare is to us the supreme object of zeal, and the great rule of our conduct."<sup>21</sup> It can be found only "in a situation where the great sentiments of the heart are awakened; where the characters of men, not their situations and fortunes, are the principal distinction; where the anxieties of interest, or vanity, perish in the blaze of more vigorous emotions; and where the human soul, having felt and recognized its objects, like an animal who has tasted the blood of its prey, cannot descend to pursuits that leave its talents and its force unemployed."<sup>22</sup>

Ferguson was unwilling to base civil society on contract and refused to speculate about a pre-social or pre-political state of nature. It is senseless to look back to a time when man was without social bonds, for he was not a man. The "great sentiments" that form the basis of human sociability are innate. Civil society is the mode of existence for man; he was born in and for it and cannot be conceived outside it. Man's moral development and material welfare are realized in intimate connection with others, and there is no contradiction between individual self-interest and the moral welfare of the community.<sup>23</sup> "It would seem, therefore," wrote Ferguson, "to be the happiness of man, to make his social dispositions the ruling spring of his occupations, to state himself as the member of a community, for whose general good his heart may glow with an ardent zeal, to the suppression of those personal cares which are the



foundation of painful anxieties, fear, jealousy, and envy.”<sup>24</sup> The state of nature is not some far-off vanished Eden but here and now, taking shape wherever people live together. It is not necessary to explain man’s transition to civil society; man has always employed the moral power that nature gave him to forge associations with other men. Civil society is, and always has been, man’s habitat: “That condition is surely favorable to the nature of any being, in which his force is increased; and if courage be the gift of society to man, we have reason to consider his union with his species as the noblest part of his fortune. From this source are derived, not only the force, but the very existence of his happiest emotions; not only the better part, but almost the whole of his rational character.”<sup>25</sup>

But man’s moral and social history is paradoxical. Ferguson never tried to describe a pre-social stage of human life, but his typology of human association progressed from an original “rudeness” to various degrees of “polish.” The classical distinction between barbarism and civilization was still important. Rude people are naturally sociable but cannot develop ties beyond those of kinship because they live in conditions of poverty and subordination. A fully developed moral life cannot be established in such an environment, and the transition from rudeness to civil society was marked by the desire for security and individuals’ consequent reluctance to “commit every subject to public use.”<sup>26</sup> The moral possibilities of civil society have come with a heavy price. The accumulation of property has given rise to increasingly complex political institutions, and “the individual having now found a separate interest, the bands of society must become less firm, and domestic disorders more frequent. The members of any community, being distinguished among themselves by unequal shares in the distribution of property, the ground of a permanent and palpable subordination is laid.”<sup>27</sup>

Moral advance occurs in conditions of increasing inequality and is marked by intensifying dependence. The consequences were full of danger, and Ferguson worried that civil society might not be up to the challenge. Anticipating Rousseau’s famous words, he framed the contours of the problem: “He who first said, ‘I will appropriate this field; I will leave it to my heirs,’ did not perceive, that he was laying the foundation of civil laws and political establishments. He who first ranged himself under a leader, did not perceive, that he was setting the example of a permanent subordination, under the pretense of which, the rapacious were to seize

his possessions, and the arrogant to lay claim to his service."<sup>28</sup> Inequality signified that civil society was not an unadulterated moral advance over rudeness after all.

Locke knew that the unlimited appropriation of private property would produce economic and political inequality, but the vastly increased measure of prosperity and liberty in civil society seemed worth the price. Since Ferguson refused to locate civil society or the state in a contract, he believed that they were not always the result of conscious decision: "Every step and every movement of the multitude, even in what are termed enlightened ages, are made with equal blindness to the future; and nations stumble upon establishments, which are indeed the results of human action, but not the execution of any human design."<sup>29</sup> As powerfully attached to reason as any Enlightenment thinker, Ferguson also based civil society on the unintended results of human action: "No constitution is formed by concert, no government is copied from a plan."<sup>30</sup>

Indeed, the "law of unanticipated consequences" was one of Ferguson's important contributions to theories of civil society. It is important not to expect too much from deliberation and rationality, for a country's moral progress may come from the self-serving actions of people in securing their property, increasing commerce, or protecting their rights. Civil society is shaped by casual practices and habits as often as by explicit rules. The assumption of innate morality and sociability enabled Ferguson to use the theory of unintended consequences as an instrument of moral progress. "While they pursue in society different objects, or separate views," he observed, men "procure a wide distribution of power, and by a species of chance, arrive at a posture for civil engagements, more favorable to human nature than what human wisdom could ever calmly devise."<sup>31</sup>

If the law of unintended consequences could explain how self-serving activity can serve moral progress, Ferguson was not entirely convinced that economic improvement was an unmixed blessing. Too much civilization might be disastrous to civil society itself because of the fragmentation unleashed by individual interest and the division of labor. Unrestrained economic growth meant that "society is made to consist of parts, of which none is animated with the spirit of society itself."<sup>32</sup> Echoing ancient warnings about how destructive economic affairs could

be to the common moral life of civil society, Ferguson worried about the same individualism that was the wellspring of progress. As more people came to regard civil society as a setting for the accumulation of wealth, he feared that public life would be marked by intolerable levels of corruption, despotism, and apathy. His warnings were similar to those voiced by many of his predecessors and contemporaries: “The effects of such a constitution may be to immerse all orders of men in their separate pursuits of pleasure, which they may now enjoy with little disturbance; or of gain, which they may preserve without any attention to the commonwealth.”<sup>33</sup>

Ferguson’s fears led him to political institutions and the law of unanticipated consequences. He could not pretend that people were motivated by the same noble commitment to the public good that drove the Greeks. Too much time had passed. Venality and corruption rested at the heart of the commercial order he saw developing, and he had to lower his expectations. Perhaps innate sociability was not a sufficiently strong organizing principle for a modern civil society after all:

We must be contented to derive our freedom from a different source; to expect justice from the limits which are set to the powers of the magistrate, and to rely for protection on the laws which are made to secure the estate, and the person of the subject. We live in societies, where men must be rich, in order to be great; where pleasure itself is often pursued from vanity; where the desire of a supposed happiness serves to inflame the worst of passions, and is itself the foundation of misery; where public justice, like fetters applied to the body, may, without inspiring the sentiments of candor and equity, prevent the actual commission of crimes.<sup>34</sup>

Maybe Hobbes was right. Perhaps coercion could serve decency in a civil society whose commercial activity threatened to submerge moral life beneath its requirements of individual profit and loss. Ferguson still believed that “bands of affection” constitute the only basis of a durable social life, but he feared that moral ties could not withstand the pressure of markets. Civil society was becoming a mechanism for the creation of wealth rather than the grounding for moral and civic life. Separation and privacy had replaced community and publicity. Ferguson contented himself by saying that happiness “depends more on the degree in which

our minds are properly employed, than it does on the circumstances in which are destined to act, on the materials which are placed in our hands, or the tools with which we are furnished."<sup>35</sup> But he was suspicious of the market whose arrival he accepted, and his acute discomfort reflected his reliance on vague moral categories to gauge a future that was only dimly visible.

Ferguson stood at the edge of the full development of market society and anticipated what the arrival of capitalism might entail for the embedded moral community that served as his model of civil society. But he could not see the future with great clarity. Considerably more advanced in 1767 than it had been in Locke's day, the commodification of human relations was undermining the old civil society as it established the conditions for the new.<sup>36</sup> Ferguson was able to articulate some of the themes that would drive classical British political economy's understanding even as he sought to moralize Locke and revitalize ancient traditions of ethical life. But the penetration of capitalist social relations was still fairly restricted by modern standards, and it would take a man with far greater vision than he to produce the first fully modern theory of civil society.

### The Emergence of Bourgeois Civil Society

It was Adam Smith who first articulated a specifically bourgeois conception of civil society. His effort to integrate economic activity and market processes into a more general understanding of the anatomy of civilized life is a milestone in the development of modern thought. Taking note of the breakdown of mercantilism, the spread of markets, and the early appearance of large-scale industrial production, his work was a quantum leap over that of his predecessors and contemporaries. One of the classic texts of English political economy and philosophy, *The Wealth of Nations* was published in 1776 and lies at the heart of all modern theories of civil society.

The profusion of themes Smith covered reveals how incomplete the division of intellectual labor still was. But the eighteenth century was the century of political economists, and the ascendancy of economics over the other disciplines also reveals how far the division of labor had advanced. The inexorable spread of markets and their penetration into

social relations encouraged intellectuals to systematically address questions of taxes, labor, price, value, and the like. Population growth, tariffs, exports, and imports were central to debates about how to achieve a favorable balance of trade, establish the material conditions for modern civilization, and ensure the security and prosperity of the realm.<sup>37</sup>

Smith's attack on mercantilism crystallized his arguments against political regulation of economic affairs and anticipated modernity's conception of civil society as a market-organized sphere of private advantage that stands apart from the state. He disputed the orthodox view that the wealth of a nation can be reduced to the amount of gold or silver in its coffers, the bedrock mercantilist position that underlay its preference for the international market and trade surpluses. Since the supply of precious metals was limited, mercantilist economists assumed that the pursuit of national political power was a zero-sum game in which one nation's loss was another's gain. But Smith argued that the internal market was the foundation of national prosperity, advocated measures to stimulate consumption, and contended that mercantilism's interference with free trade worked against everyone's interests in the long run. He opposed the Corn Laws' stiff duties on imported grain, held that colonies should not be used as a source of gold and silver, and combated monopolies of all kinds. Taking note of the period's economic expansion, he pointed to the possibilities of a dynamic international economy in which the prosperity of each was the condition for the prosperity of all. The task of political economy and governmental policy was to provide sustenance for the population and revenue for the state so people could pursue their interests in conditions of peace and stability. Hobbes and Locke had said much the same of course, but Smith was able to build on a developed body of economic thought that had not been available a century earlier.

The French Physiocrats, preoccupied as they were with defending agriculture, helped drive the final nails into mercantilism's coffin. Quesnay viewed the economy as a system that functioned according to its own laws and was thus open to scientific investigation. Each individual works for others, said the Physiocrats, even if he imagines that he works for himself alone. The economic system is smooth, harmonious, and self-correcting; it follows that the closer a nation comes to organizing itself according to the laws of nature, the more stable and prosperous it will be.

The economist’s job is to demonstrate how to increase production and national wealth. The ideology of improvement was developing as rapidly as the markets it served, and the Physiocrats’ celebrated slogan—*laissez faire, laissez passer*—demanded that statesmen liberate their economies from the mercantilist protections that crippled individual initiative and social progress. Prices would find their natural levels, the division of labor would conform to the real distribution of talents, and free individuals would be able to pursue their interests in conditions of security. Whereas earlier projections had regarded politics as the source of stability, political economy was beginning to privilege economic processes.

Smith took his distance from some important Physiocratic positions but shared many of its criticisms of orthodox economic doctrine. Mercantilism was tied to the powerful royal bureaucracies of the period and was unable to conceive of, much less adapt to, the requirements of a self-regulating market. It was able to provide a credible explanation for the restrictive customs and rules of feudal guilds and towns but could not take into account the commercialization and commodification of land, labor, money, and objects of use. Smith was able to do what his predecessors could not. Indeed, the leading conception of *The Wealth of Nations*—the existence of a natural order and the benevolent effects of economic freedom—was neatly expressed in the opening section’s title claim that “produce is naturally distributed among the different ranks of the people.”<sup>38</sup> Smith’s celebrated analysis of the division of labor was a logical consequence of this initial assertion, and it culminated in a theory of civil society founded on self-interested economic activity supported by a sympathetic and active state.

Discussions of the division of labor go all the way back to Plato, and we have seen that Adam Ferguson had devoted considerable attention to the distribution of skills, resources, and wealth in the population. But Smith was special because he located the division of labor at the heart of civil society and connected it to the moral improvement that would accompany the unprecedented augmentation of human productivity.<sup>39</sup> The book’s very first sentence asserted that “the greatest improvement in the productive powers of labor, and the greater part of the skill, dexterity, and judgement with which it is anywhere directed, or applied, seem to have been the effects of the division of labor.”<sup>40</sup> Innate sociability and sympathy could not explain the fundamental relationships of civil society:

It is the great multiplication of the productions of all the different arts, in consequence of the division of labor, which occasions, in a well-governed society, that universal opulence which extends itself to the lowest ranks of the people. Every workman has a great quantity of his own work to dispose of beyond what he himself has occasion for, and every other workman being exactly in the same situation, he is enabled to exchange a great quantity of his own goods for a great quantity or, what comes to the same thing, for the price of a great quantity of theirs. He supplies them abundantly with what they have occasion for, and a general plenty diffuses itself through all the different ranks of society.<sup>41</sup>

Smith was not discovering something new, of course; his great achievement was to link the division of labor to markets and place it at the center of civil society. The material and moral progress that resulted meant “a workman, even of the lowest and poorest order, if he is frugal and industrious, may enjoy a greater share of the necessaries and conveniences of life than it is possible for any savage to acquire.”<sup>42</sup> Resting as they do on the division of labor, markets allow individuals to multiply their particular skills and regularize their mutual dependence. They organized the reciprocal interactions that Ferguson had tried to explain in moral terms. The exchange of quantities of labor replaced Ferguson’s “fellow feeling” as the glue of civil society. “Every man is rich or poor according to the degree in which he can afford to enjoy the necessaries, conveniences, and amusements of human life,” Smith explained. “But after the division of labor has once thoroughly taken place, it is but a very small part of these with which a man’s own labor can supply him. The far greater part of them he must derive from the labor of other people, and he must be rich or poor according to the quantity of that labor which he can command, or which he can afford to purchase.”<sup>43</sup>

Smith’s civil society is a market-organized network of mutual dependence. Its transfers of labor require a specifically modern sense of individual freedom. His classic expression of the labor theory of value was part of an extensive argument against long apprenticeships, corporations, guilds, and other restrictions on the development of a free market in labor:

The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable.

The patrimony of a poor man lies in the strength and dexterity of his hands; and to hinder him from employing this strength and dexterity in what manner he thinks proper without injury to his neighbor, is a plain violation of this most sacred property. It is a manifest encroachment upon the just liberty both of the workman, and of those who might be disposed to employ him. As it hinders the one from working at what he thinks proper, so it hinders the other from employing whom they think proper. To judge whether he is fit to be employed, may surely be trusted to the discretion of the employers whose interest it so much concerns.<sup>44</sup>

Now constituted by the division of labor and organized by markets, civil society transforms the exchanges of free individuals into the substance of a fully civilized life. The interactions of interest-pursuing individuals are translated by market mechanisms into a new social order that is now populated by landlords, wage earners, and capitalists. The old social estates are gone, replaced by the three characteristically modern social classes organized around agriculture, manufacture, and trade. Three components of production characterize the field of force of civil society—land, labor, and capital—and they yield three forms of reward: rent, wages, and profits. Smith’s complex tripartite analysis of civil society revealed the anatomy of “the wealth of nations.” Hobbes had identified human appetite as the motor of civil society’s economic activity and social motion, but it was Smith who supplied a precise explanation and a modern taxonomy. Civil society does not originate in consciousness, decisions, ingenuity, or reason; like Ferguson, Smith had no need of contract theory. The law of unintended consequences is incorporated in his famous description of the origin of civil society: “This division of labor, from which so many advantages are derived, is not originally the effect of any human wisdom, which foresees and intends that general opulence to which it gives occasion. It is the necessary, though very slow and gradual consequence of a certain propensity in human nature which has in view no such extensive utility: the propensity to truck, barter, and exchange one thing for another.”<sup>45</sup>

It did not matter to Smith whether this “propensity” was innate to human nature or resulted from man’s capacity for reason and speech. Whatever its source, he proclaimed it common to all men. Smith did not need to base a theory of obligation on contracts, but he agreed with



Hobbes and Locke on one essential claim: people get assistance from others only on the basis of mutual self-interest. Unlike Ferguson, he did not expect to form a durable social order by relying on some innate sense of brotherhood or morality: “It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages.”<sup>46</sup>

Hobbes had appealed to an external coercive force to overcome the chaotic drives of isolated and insecure individuals. Locke had substituted natural rights and the rule of law, and Ferguson had argued from a theory of moral sentiments. It fell to Adam Smith to fully articulate the claim that a self-regulating market is the permanent engine of economic progress and prosperity. He accomplished the task by grounding civil society on a basic human “propensity to truck, barter, and exchange.” Such a formulation obscured the fact that large-scale markets and their domination of society were recent developments, but it fully expressed the growing tendency to regard man’s individual and social life from the standpoint of economics. If a natural “propensity to truck, barter, and exchange” drives the development of markets, a no-less-natural “desire” explains the necessity to save and accumulate, for

the principle which prompts to save, is the desire of bettering our condition, a desire which, though generally calm and dispassionate, comes with us from the womb, and never leaves us till we go into the grave. In the whole interval which separates these two moments, there is scarce perhaps a single instant in which any man is so perfectly and completely satisfied with his situation, as to be without any wish of alteration or improvement, of any kind. An augmentation of fortune is the means by which the greater part of men propose and wish to better their condition. It is the means the most vulgar and the most obvious; and the most likely way of augmenting their fortune, is to save and accumulate some part of what they acquire, either regularly, or upon some extraordinary occasions. Though the principle of expense, therefore, prevails in almost all men upon some occasions, yet in the greater part of men, taking the whole course of their life at an average, the principle of frugality seems not only to predominate, but to predominate very greatly.<sup>47</sup>

Dissatisfaction with one's present condition stands behind the "desire of bettering our condition," and this dissatisfaction is a permanent feature of human life.<sup>48</sup> It is natural to men, present in us "from the womb," and stands as a crucial factor in moral and economic progress. Smith's initial position that people exchange because of necessity had evolved into a natural drive to acquire as much as possible. Ferguson's innate moral sentiments had been replaced by accumulation and abstinence.

*The Wealth of Nations* helped create a powerful economic and moral argument for the untrammelled pursuit of individual self-interest and announced the appearance of civil society organized around "economic man." It is difficult to overstate the importance of this development. We have seen the classic republican suspicion of such activity and its desire to balance it with some sort of conscious orientation toward common affairs. Smith's great achievement was to articulate a market-driven theory of civil society whose automatic operation made the pursuit of self-interest a condition of the public good. The law of unintended consequences had served Ferguson's effort to limit the impact of individual interest. Smith used it to opposite effect. No longer did selfishness coexist with sympathy, or greed with charity. The drive for wealth and economic advantage was now the force behind all human activity in civil society: "The consideration of his own private profit, is the sole motive which determines the owner of any capital to employ it either in agriculture, in manufactures, or in some particular branch of the wholesale or retail trade. The different quantities of productive labor which it may put into motion, and the different values which it may add to the annual produce of the land and labor of the society, according as it is employed in one or other of those different ways, never enter into his thoughts."<sup>49</sup>

The theory of unintended consequences enabled Smith to bridge the gap between individual motivation and systemic consequences. Reason played no role in regulating social life or balancing the relationship between individual interest and general good, private appetite and public welfare. Mutual dependence rooted in self-interest and manifested in a natural "propensity" to exchange gave rise to consequences that could not be foreseen by anyone. "Each individual," Smith tells us, "is continually exerting himself to find out the most advantageous employment for whatever capital he can command. It is his own advantage, indeed, and not that of the society, which he has in view. But the study of his own ad-

vantage naturally, or rather necessarily leads him to prefer that employment which is most advantageous to the society.”<sup>50</sup> Self-aggrandizing individuals are driven toward the home market because it is a more lucrative arena for accumulation than colonies or international trade. Prefigured by Ferguson, Smith’s famous “invisible hand” links private advantage to public welfare. Individual pursuit of self-interest provides “the wealth of nations.” Markets summarize private vices as public virtues. Modern civil society is born:

As every individual, therefore, endeavors as much as he can both to employ his capital in the support of domestic industry, and so to direct that industry that its produce may be of the greatest value, every individual necessarily labors to render the annual revenue of the society as great as he can. He generally, indeed, neither intends to promote the public interest, nor knows how much he is promoting it. By preferring the support of domestic to that of foreign industry, he intends only his own security; and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. Nor is it always the worse for the society that it was no part of it. By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it. I have never known much good done by those who affected to trade for the public good.<sup>51</sup>

Common concerns have been replaced by the invisible logic of the marketplace. Civil society is now a determinate sphere for the pursuit of wealth, different from the state and powered by its own laws of motion. Smith was not entirely sure that one could erase the gap between public and private by simply invoking the law of unanticipated consequences, but his work did provide a purely “economic” alternative to earlier theories of obligation that had attempted to link the part to the whole through politics, natural law, theology, or ethics.

Adam Smith is widely known as the theorist of the invisible hand and the self-correcting market. He certainly had every reason to believe that market societies were more efficient and fair than were mercantilist bureaucracies. The freer individuals are to make their own choices, the more

smoothly will the self-regulating character of markets assert itself through the apparent chaos of individual choice. A system of “natural liberty establishes itself of its own accord. Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man, or order of men.”<sup>52</sup> Civil society, the self-interested realm of freedom, production, and exchange, can correct itself automatically provided that political authorities do not interfere. Smith’s state had finally separated out from civil society, a theoretical reflection of the collapse of feudalism and the arrival of capitalism.

Popular belief to the contrary, though, Smith was not the theorist of the nineteenth century’s “night-watchman state.” Even as he expressed liberalism’s characteristic disposition to favor private desires over the public good and society over the state, the system of natural liberty still reserved three important tasks to politics. On the most basic level, the state must protect civil society from external danger. This requires an army that stands apart from the armed citizens of pre-market social orders. Its second task—“protecting, as far as possible, every member of the society from the injustice or oppression of every other member of it, or the duty of establishing an exact administration of justice”—requires a judicial apparatus to enforce contracts, protect property, and safeguard liberty. Smith feared that inequality might threaten social stability. Echoing Machiavelli but significantly less interested in republican solutions, Smith fell back on state-organized coercion and the rule of law:

The affluence of the rich excites the indignation of the poor, who are often both driven by want, and prompted by envy, to invade his possessions. It is only under the shelter of the civil magistrate that the owner of that valuable property, which is acquired by the labor of many years, or perhaps of many successive generations, can sleep a single night in security. He is at all times surrounded by unknown enemies, whom, though he never provoked, he can never appease, and from whose injustice he can be protected only by the powerful arm of the civil magistrate continually held up to chastise it. The acquisition of valuable and extensive property, therefore, necessarily requires the establishment of civil government. Where there is no property, or at least none that exceeds the value of two or three days labor, civil government is not so necessary.<sup>53</sup>

In the end, state power exists to protect property and inequality: "Civil government, so far as it is instituted for the security of property, is in reality instituted for the defense of the rich against the poor, or of those who have some property against those who have none at all."<sup>54</sup> But political authority is more than coercion. It has more "positive" tasks to undertake than raising an army and developing a legal and coercive apparatus: "The third and last duty of the sovereign or commonwealth is that of erecting and maintaining those public institutions and those public works, which, though they may be in the highest degree advantageous to a great society, are, however, of such a nature, that the profit could never repay the expense to an individual or small number of individuals, and which it, therefore, cannot be expected that any individual or small number of individuals should erect or maintain."<sup>55</sup> Even as he recognized the enormous creative power of markets, Smith reserved to the state the responsibility to provide "social goods" like roads, bridges, canals, mail, ambassadors, and consuls. In some respects, civil society was more extensive than the core institutions of the market. But Smith's recognition of public goods did not dilute his notion that a self-regulating market rested at the heart of civil society. Its needs and capacities defined the range of permissible state action.

Smith wanted a free market to organize society for many reasons, one of which was its impersonality. Ancient matters of wealth, status, family background, honor, and the like were irrelevant in the new market economy of production, consumption, profits, sales, and performance. Quite understandably, he regarded the market as the most objective, impartial, and fair mechanism for organizing social life. It did not make the irrational distinctions that had characterized earlier periods. The economic foundation of a promising future, it can organize the mutual exchange of equivalent quantities of labor only in conditions of freedom and the rule of law: "In general, if any branch of trade, or any division of labor, be advantageous to the public, the freer and more general the competition, it will always be the more so."<sup>56</sup> Like Locke, Smith believed that "commerce and manufactures gradually introduce order and good government, and with them, the liberty and scrutiny of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbors, and of servile dependency upon their superiors."<sup>57</sup> Under certain circumstances commerce could tame the state. A

political apparatus is indispensable to civil society, but it is a dangerous instrument. The market rewards individuals based on their contribution to prosperity, but the state is arbitrary, erratic, and partial by its very nature. Fundamentally parasitical on the productive body of civil society, its tendency to grow without limit would be devastating were it not for the market's ability to correct its inherent disposition to excess. Conditioned by bourgeois criticisms of residual aristocratic power and unproductive bureaucracies, Smith contrasted the decay of the old to the health of the new: “The uniform, constant, and uninterrupted effort of every man to better his condition, the principle from which public and national, as well as private opulence is originally derived, is frequently powerful enough to maintain the natural progress of things toward improvement, in spite both of the extravagance of government, and of the greatest errors of administration. Like the unknown principle of animal life, it frequently restores health and vigor to the constitution, in spite, not only of the disease, but of the absurd prescriptions of the doctor.”<sup>58</sup>

Despite his fears that a “profusion of government” could retard England's natural progress, Smith reserved important regulatory and productive functions to a state that was bound to grow as markets became more powerful. If its natural proclivities could be kept in check, the rule of law can assist the growth of markets:

Commerce and manufactures can seldom flourish long in any state which does not enjoy a regular administration of justice, in which the people do not feel themselves secure in the possession of their property, in which the faith of contracts is not supported by law, and in which the authority of the state is not supposed to be regularly employed in enforcing the payment of debts from all those who are able to pay. Commerce and manufactures, in short, can seldom flourish in any state in which there is not a certain degree of confidence in the justice of government.<sup>59</sup>

A vigorous state and the universal rule of law are central to a bourgeois civil society organized around individual advantage and private interest. It makes possible the stable set of expectations that sustain economic progress.

Smith is generally known as an enthusiastic supporter of market society, and indeed he was. But he was also a moralist and shared Adam Fer-

guson's reservations about the ideology of progress. He did not believe that the market could cure all social ills. The state was important, even if Smith limited it to protecting the market's outer boundaries, codifying its internal rules, and providing the necessary public goods that lay beyond its reach. He worried that commerce could make the rich soft, narrow, and corrupt and that inequality would make the poor vengeful and jealous. For all his interest in the possibilities of factory production, he viewed merchants with deep suspicion and insisted that a properly functioning market would maximize the material condition of those at the bottom of the economic ladder. But he also knew that the contradictory logic of civil society brutalized the direct producer and tended to undermine the conditions of social progress.<sup>60</sup> The paradoxical effects of economic progress and the division of labor meant that sharpened skills and enhanced productivity came with intellectual sclerosis and civic incapacity. “His dexterity at his own particular trade,” Smith said of the new worker, “seems to be acquired at the expense of his intellectual, social, and martial virtues. But in every improved and civilized society this is the state into which the laboring poor, that is, the great body of the people, must necessarily fall, unless government takes some pains to prevent it.”<sup>61</sup> His civic moralism always coexisted in an uneasy tension with his dedication to economic progress. For all his faith in natural freedom and markets, Smith knew that “every improved and civilized society” was built on the debasement of the direct producers. It was imperative that “government [take] some pains to prevent it.”

Even if Smith reserved an important role to the state, his work dramatically shifted the understanding of civil society away from its ancient moorings. A political economy of the division of labor, a network of self-interested actions, and a regime of economic liberty lay at the heart of his thinking. Like Locke, he helped establish the liberal argument that the activities of men in markets, rather than in politics, is the real glue of civil society. Public virtue now emerged from the unintended results of self-interested economic action rather than from politics. Its source was the private desires and appetites of self-regarding individuals rather than the traditional orientation toward the common good. Detaching public virtue from its earlier political framework had relocated it to a framework of social relationships that are determined by the market processes of a distinctly capitalist economy. The market that lies at the heart of

civil society is a self-correcting automatic network of independent and self-interested individuals whose connections to one another are their private choices. The old unities were finally collapsing, replaced by the different spheres and isolated individuals of modernity.

The state's formal separation from the economy could not conceal that it was an instrument of market society. Smith had no desire to pretend that either sphere stood on its own. The state's task was to provide external security and a domestic environment in which market forces could organize social life. At the same time, the state's basic structure and range of action were set by the requirements of the market. Smith's break with mercantilism signaled that close public control was no longer necessary to ensure the extensive production of commodities at reasonable prices. The guilds, families, and estates that had dominated production for so long were vanishing, supplanted by more modern forms of economic organization. It would not be necessary to organize economic life through politics; the productive processes of capitalism are rooted in the market, and public activity could not conceal liberalism's preference for a “strong society” and a “weak state.” As optimistic as he was, Smith had some reservations about the price that markets would extract but was not particularly worried about how it could be mitigated. It would take the shattering effects of the French Revolution and the new world of industrial production for the nineteenth century to generate a theory of civil society fully appropriate to modernity's economics and politics.



## Civil Society and the State

Classical notions of civil society recognized that social life was carried on in separate spheres, but theorists did not organize their thinking around individual interests. For the most part, the Greeks and Romans had situated private strivings in broader notions of citizenship. As the ancient world collapsed and Christianity directed itself toward faith and good works, medieval theorists sought to explain human actions in light of God's plan for the universe. All such efforts were suited to hierarchically organized natural economies in which economic life was constrained by other institutions and norms, production was undertaken primarily for reasons of subsistence, and personal gain was not a morally reputable guide to action.

The development of powerful markets in land, labor, and commodities undermined embedded economies and located individual interest at the center of theory and practice. Hobbes's view that a competitive civil society had to be constituted by sovereign power anticipated the disintegration of the traditional commonwealth. Locke identified interests with property and placed them at the center of civil society, but he did not know very much about markets and retained important elements of earlier traditions. The Scottish Enlightenment tried to regulate individual strivings with an innate moral sense, but Adam Smith's qualms about the market did not prevent him from expressing the period's general confidence that a social order populated by individual interest-maximizers could be organized by the "invisible hand." The coming of modernity saw liberalism begin to detach markets from states and recognize interest as the constitutive force of civil society.

But ancient concerns about the disintegrating impact of particularism would not go away. Neither markets nor states were as developed in the rest of Europe as in France or England, and it fell to German thinkers to reconceptualize the moral content of universality in light of the French Revolution. Immanuel Kant tried to inform ethical action with reason

and locate a public sphere at the heart of civil society. Hegel theorized the bureaucratic state as the highest moment of freedom in an effort to supersede the economically driven chaos of bourgeois civil society. Marx's critique of Hegel's theory of the state would culminate in the modern era's most powerful understanding of civil society as a problematic and undemocratic arena of egoistic competition.

### Civil Society and the Ethical Commonwealth

We have seen that moral sentiments and universal benevolence had rested at the heart of much Scottish Enlightenment theorizing about civil society and even played a role in explaining "the wealth of nations." But they came to grief in David Hume's devastating attack on natural law attempts to unify mental processes. Hume's assertion that reason and morality occupy different spheres and yield different sorts of understandings found expression in the famous distinction he drew between the "is" and the "ought." A strict boundary separates moral precepts rooted in "the sentiments and affections of mankind" from the truths revealed by reason.

How can the common good be conceptualized in such an environment? Hume answered that it cannot be revealed by moral reasoning and does not exist apart from the sum of individual goods. The rules by which civil society functions are not derived from the moral law of nature; they are "artifices," and civil society is nothing more than a conventional arrangement for the pursuit of private goals. Instrumental reason helps individuals identify their interests and points the way toward the most efficient path to their satisfaction. Experience and habit replace a priori morality and virtue as the criteria of truth. Men can be expected to follow ethical rules only if their immediate purposes are so served. No general good links individuals in any shared enterprise broader than the mutual pursuit of interest. Civil society is constituted by the external interactions of rational seekers after individual self-interest.

Immanuel Kant was the foremost philosopher of the Enlightenment, and his response to Hume began with the ancient contention that self-interest cannot supply an acceptable grounding for human life. Kant sought to base civil society on an intrinsic sense of moral duty that unites all men, but he also wanted to move past the weakness and na-

iveté of the Scots' theory of innate moral sentiments. His central claim—that the moral life of man can be lived only in a civil society founded on universal categories of right that are accessible to all—drew from his attempt to derive a universal ethic appropriate to people who are fully self-governing in moral matters.

To say that Kant was an Enlightenment thinker is to say that he dispensed with an external authority that constituted morality or instructed people about the requirements of action. The Middle Ages were over and the role of religion was increasingly confined to private matters of faith; Kant announced that man is morally free because he can know what is right without being told what is right. People are able to derive valid moral rules as requirements they impose on themselves. The Scots had said much the same but failed to recognize the extent to which moral obligations clash with powerful passions, prejudices, appetites, and desires. They had made things too easy; the deep meaning of ethical action, Kant knew, is to be found in how fiercely we resist controlling our behavior. But all is not lost. Even as individual interest drives toward anarchy, we have powerful motives to act as we know we should. The entire thrust of Kantian ethics was to derive a stable ethical foundation for civil society by basing it on the things we know we have to do just because they are right.

But how can people who are pulled by their particular interests make universally valid moral law? If morality dictates necessary acts that are independent of what the agent wants, what is to prevent a particular individual from exempting himself from a moral rule he finds inconvenient? Kant was convinced that a “moral metaphysic” could be derived from reason and used to generate a set of principles that stand on their own because they are independent of the vagaries of experience. But he knew that he had to answer *Leviathan* if he was to replace Hobbes's attempt to derive a “purely” political and instrumental theory of civil society with something more morally defensible.<sup>1</sup>

Kant's “critical philosophy” argued that there is a radical difference between the natural world of what is and the moral world of what ought to be. In this it echoed Hume's contention that morality cannot be derived from the chaos and mutability of experience. But people are able to make some systematic sense of the world all the same, and they do so because they can understand and use transcendent ideas which are not

derived from experience, whose objects are entirely hypothetical, and which have no empirical reality. 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.<sup>2</sup>

His great achievement resulted from his investigation of how the mind organizes the perceptions presented to it by the senses. The forms of order we use are not externally imposed; they are an aspect of the human mind *as such*, a fundamental capacity we all have to rationally structure our experience, understand patterns, reveal first principles, and arrive at moral laws. These laws are like the laws of nature and also originate outside the realm of experience; we can understand their a priori quality because our “practical reason” is governed by the same patterns that allow our “pure reason” to grasp the patterns of nature. Moral freedom is a possibility of the human condition because the rational will is determined by its own inner lawfulness. Even with the powerful pull of individual interest, moral law making is an intrinsic capacity of the human mind.

The advance from dependence to autonomy described humanity’s maturation toward moral freedom. “*Enlightenment is man’s emergence from his self-incurred immaturity*,” Kant announced. “*Immaturity is the inability to use one’s own understanding without the guidance of another. This immaturity is self-incurred if its cause is not lack of understanding, but lack of resolution and courage to use it without the guidance of another. The motto of enlightenment is therefore: Sapere aude! Have courage to use your own understanding!*”<sup>3</sup> Universal moral categories can rescue human life from the calculus of self-interest, and every person can derive them.

Freedom is a potential for independence from the necessity of the sensible world. If the will is completely determined by its own lawfulness, it is still limited because we are not God and cannot always know what is right with complete clarity. Kant knew that we have our own desires and goals, and he was aware that they insistently demand our attention. Private interest cannot be ignored or erased, for the human condition is marked by a continual tension between what we want to do and what we ought to do. But we have a powerful ally. Reason allows an insight into what the hypothetical perfectly rational agent would decide to do in any par-

ticular situation, and this constitutes the “ought” that must govern moral deliberations. It is well within the capacity of all people. Moral freedom is obedience to the moral laws of practical reason that the will gives itself. These considerations led Kant to the categorical imperative.

The guide to moral action appropriate to imperfectly rational agents, the categorical imperative supplies the only standard of judgment that a perfectly rational agent would choose: “So act that the maxim of your will could always hold at the same time as the principle giving universal law.”<sup>4</sup> We use it all the time. When we ask what would happen if everyone undertook a particular course of action, we express our membership in and responsibility to the human race as a whole. Recognizing that we live in a civil society full of people whose legitimate ends are worthy of respect *in their own right* makes one a “legislative member of a possible realm of ends.” There are moral limits to the ends we may pursue, and those limits are the morally defensible ends of the people with whom we share the world.

Kant was sure that organizing civil society around a community of ends was ethically better than constituting it according to the requirements of the market. He was equally convinced that treating people as ends in themselves is how we reconcile our particular goals with universal moral requirements. None of this should be a surprise, he said. People express their ethical concerns in real life as a set of self-imposed duties toward others that require determinate actions for no other reason than because they are right. Understanding duties in this way enables us to overcome the barbarism of using others as instruments for satisfying our private interests. 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.<sup>5</sup>

Civil society represented a set of possibilities appropriate to civilized people, and many commentators have noted that the categorical imperative is really a set of procedures. Indeed, Kant was a formalist and an intentionalist. He insisted that moral law cannot contain any “matter” or content, originating as it does in a determinate quality of mind. Moral law can only provide a way of dealing with what our senses present to the mind.

Morality could not be translated into any empirical reality, but if Kant refused to derive ethics from politics he certainly based his poli-

tics on ethics. An ethics of duty led to a politics of rights. The law must maximize people's opportunities to make their own decisions in conditions of freedom and must enable them to live by the choices they make. Kant insisted that moral autonomy and the demands of the categorical imperative require a protected space within which people can freely determine their own action. Freedom cannot be restricted to any particular element of the population but must be generally available to all. Protected by the rule of law, rights, and civil liberties, civil society reflects the common and equal moral capacity of all its members. But one's ability to live according to the choices one has made is deeply affected by economic and social matters, and later theorists justly took Kant to task for limiting that equality to the formal criteria of classical liberalism.

The Scots were too naïve, Kant thought. Enlightenment demands more than universal moral precepts and we cannot depend on the benevolence of others. Beneficent action is important and people engage in it all the time, but it cannot serve as the wellspring of justice or as the organizing foundation of civil society. Kant's central political concern was with the principles of legitimacy, and his procedural approach dictated an emphasis on how people develop the rules by which they choose to live. As we have seen, the content of those rules was not at issue, nor were any substantive factors that might shape peoples' ability to live according to duties they had elaborated for themselves. Only the fullest measure of public deliberation, discussion, and decision can yield moral rules that approach universal validity. People have a basic right to be subjected only to laws that are capable of receiving universal assent, and this requires publicness. Maturity demands the "freedom to make *public* use of one's reason in all matters" and can come to life only in the presence of others.<sup>6</sup> Kant regarded critical, independent thought as the most important weapon against dogma and authoritarianism. Publicity and rights would rescue reason from experience and allow it to serve moral development: "The *public use of man's reason must always* be free, and it alone can bring about enlightenment among men; the *private* use of reason may quite often be very narrowly restricted, however, without undue hindrance to the progress of enlightenment. By the public use of one's own reason I mean that use which anyone 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 a particular *civil* post or office with which he is entrusted.”<sup>7</sup>

As a characteristic of the soul, inner freedom means self-government understood as independence from opinion and dogma. As a quality of public life it requires a free sphere of thought and action that is immunized from outside interference. Always aware of the “radical evil” that lurked in the human heart, Kant knew that nature, feeling, and experience can serve morality only if integrated into a perspective broader than immediate desire. He looked to “critical reason” to bring universal moral standards to bear on particular arguments and individual experiences. Only in public can “the court of reason” overcome the limitations of immediate experience and free institutions serve enlightenment by making thought available to others. 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.<sup>8</sup> It would be clear before long, however, that liberal civil society was constituted by considerably more than thought. Kant was not able to adequately theorize the influence of power because the internal operations of civil society remained hidden.

In any event, the free use of critical reason does not guarantee agreement; it simply provides a set of rules for debate. A public sphere protected by laws and institutions can make disagreement serve enlightenment because debate can blunt the antisocial edge of individual interest: “The means which nature employs to bring about the development of innate capacities is that of antagonism within society, in so far as this antagonism becomes in the long run the cause of a law-governed social order.”<sup>9</sup> This “antagonism within society,” largely generated in dogma and commerce, is what Kant called man’s “unsocial sociability”—the contradiction between the human tendency to form civil societies and an accompanying resistance to doing so. Driven by a desire to live with others and a no less powerful drive to live alone, man’s problem is how to build a morally defensible public sphere that can serve freedom and respect autonomy.

Only the *Rechtsstaat*, the law-governed state, can reconcile individual moral autonomy with the requirements of public order. Reason requires that human relations be governed and public conflicts be settled according to the universal standards of the categorical imperative. Any rule of

conduct that allows one to live in freedom and simultaneously respects the freedom of all others has the standing of “right.” An ethically legitimate state will take the form of a republic, civil liberties, and the rule of law—the best institutional structure within which individuals can seek happiness and not impair others’ ability to do the same. Indeed, “the highest formal condition of all other external duties is the *right* of men *under coercive public laws* by which each can be given what is due to him and secured against attack from any others.” When applied in more general terms to the moral life of man in civil society, the categorical imperative requires a state: “*Right* is the restriction of each individual’s freedom so that it harmonizes with the freedom of everyone else (in so far as this is possible within the terms of a general law). And *public right* is the distinctive quality of the *external laws* which makes this harmony possible.” A measure of coercion is necessary for freedom. Civil society is constituted by “a relationship among *free* men who are subject to coercive laws, while they retain their freedom within the general union with their fellows.”<sup>10</sup> Kant’s republic of letters is a public sphere founded on the recognition that autonomy requires obedience.

A republic respects the equality and independence of all citizens, but Kant agreed with Hobbes that it must also subject them to the coercive command of law. Civil society is founded on participation and guarantees freedom from the will of others, but egocentric man is disposed to abuse his liberty and “requires a master to break his self-will and force him to obey a universally valid will under which everyone can be free.”<sup>11</sup> Kant expressed the equality of men as political subjects in terms that Hobbes would have understood. “No-one can coerce anyone,” he wrote, “else other than through the public law and its executor, the head of state”:

All right consists solely in the restriction of the freedom of others, with the qualification that their freedom can co-exist with my freedom within the terms of a general law; and public right in a commonwealth is simply a state of affairs regulated by a real legislation which conforms to this principle and is backed up by power, and under which a whole people can live as subjects in a lawful state. This is what we call a civil state, and it is characterized by equality in the effects and counter-effects of freely-willed actions which limit one another in accordance with the general law



of freedom. Thus the *birthright* of each individual in such a state (i.e. before he has performed any acts which can be judged in relation to right) is absolutely *equal* as regards his authority to coerce others to use their freedom in a way which harmonizes with his freedom.<sup>12</sup>

Freedom and authority describe man's ability to rule himself and take shape as a single sovereign will to which people voluntarily submit. A union of free men under law can serve justice if individuals are treated as ethical ends, citizens are their own lawgivers, and the moral rules under which people live are public and universal. This requires equality of opportunity, the right to vote, the rule of law, the separation of powers, and a constitutional government. As a sphere of moral life, "the civil state, regarded purely as a lawful state, is based on the following *a priori* principles:

1. The *freedom* of every member of society as a *human being*
2. The *equality* of every member with all the others as a subject
3. The *independence* of each member of a commonwealth as a citizen."<sup>13</sup>

The three *a priori* principles of freedom, equality, and autonomy do not originate in experience or history; they are the political equivalents of the moral requirements Kant had derived from the categorical imperative. Treating other people as moral ends in their own right, understanding that they cannot be means to our ends, and becoming a "legislative member of a possible realm of ends" can constitute civil society with a republic organized around respect for freedom, equality, and independence.<sup>14</sup> Kant's civil society requires a liberal public sphere that can reconcile individuality with universality and antagonism with membership through the institutions of a law-governed republic:

The greatest problem for the human species, the solution of which nature compels him to seek, is that of attaining a civil society which can administer justice universally. The highest purpose of man—i.e. the development of all natural capacities—can be fulfilled for mankind only in society, and nature intends that man should accomplish this, and indeed all his appointed ends, by his own efforts. This purpose can be fulfilled only in a society which has not only the greatest freedom, and therefore

a continual antagonism among its members, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others.<sup>15</sup>

There can be no freedom without law, no civil society without the state, and no peace without coercion. The antagonisms between people, based on their natural differences, manifested in their different interests, and exacerbated by economic competition, can assist humankind's moral growth if constrained by a state that forces free people to act in accordance with the moral duties they legislate for themselves. Kant's strong commitment to individual moral autonomy was paired with an equally strong commitment to the state, law, and obedience. A constitutional monarchy would protect civil society from democracy and despotism alike. Civil liberties could be reconciled with a political authority that administers the law impartially and universally. Adamantly opposed to revolutions despite his support for the French, Kant held that the traditional right of revolution would make the people the judges in their own case and implied a return to the original condition of humankind. Morality could not be served by the dissolution of civil society; only political reform and the gradual spread of republican institutions could facilitate moral progress and inaugurate an international regime of "perpetual peace." The constitutional state is a better guarantor of the moral law than any other institution because its organization recognizes the contradictory relationship between freedom and necessity.

Authority may be necessary for moral freedom, but Kant's notion that everyone is capable of moral judgment represented a radical break with prevailing ideas about the capacity of ordinary people. Even if they agreed that all people were capable of moral reasoning, earlier thinkers tended to see God as the author of all good and pictured man as an undependable and willful subject. Such a view had supported theories of civil society and the state from Augustine to Hobbes. Kant's contribution to modern theories of civil society consisted in his conception of a public life infused with moral purpose. Civil society represents the organization of man into a moral realm of ends and makes it possible for people to realize ethical life through duties they impose on themselves. Kant's "republic of letters" might have been based on an overly optimistic view about the potential of individual action, the capacity of formal

liberties, and the power of procedures, but his effort to ground a moral theory of civil society on a stronger foundation than competition and self-interest would deeply inform the work of Hegel and Marx. A powerful ethical critique of the market was present in embryo, and it would not be particularly difficult for subsequent thinkers to demonstrate that formal equality, republican institutions, and civil liberties were not sufficient to protect moral autonomy. Kant's formalism prevented him from probing deeply into the network of material relations that constituted civil society, and it fell to Hegel to move past his separation of the subjective and objective conditions of freedom and craft a theory of civil society that was simultaneously a theory of the state.

### The "Giant Broom"

An entire generation of theorists was transformed by the French Revolution's promise that civil society and the state could finally be organized on a rational basis. If social and political institutions could reflect the freedom and interest of the individual, the Revolution also marked the definitive appearance of the modern state, whose formal separation from economic processes would encourage the rapid development of civil society. Like all revolutions, construction proceeded in tandem with demolition. The emancipation of the individual required the destruction of the hierarchical and corporate structures that had shaped French life for centuries. Not all intermediate institutions disappeared, but those that were founded on birth and privilege did not survive the Revolution's "giant broom."<sup>16</sup>

The division of Frenchmen into three estates was abolished on the famous night of August 4, 1789, and formally ended by decree three months later. This struck directly at the fusion of state and society that had characterized medievalism. All citizens were declared equal without distinctions of birth. All special privileges of towns, cantons, provinces, regions, and principalities were abolished. The state was no longer the personal property of the monarch and his will was no longer the expression of sovereignty. From now on, declared the Constituent Assembly, the state would be at the service of its citizens. It would also act directly on them, since it was now the representative of the entire community

and the agent of universal values. Many of the intermediate bodies that had stood between it and the individual were abolished or transformed.

The abolition of feudal privilege directly affected the fortunes of the Church. With its property, courts, assemblies, autonomous financial institutions, tithes, and the like, the Church had been a “state within the state” for centuries. All these privileges disappeared and the Church began its long transformation into a spiritual institution. Religious orders, teaching and charitable congregations, the Order of Malta, ancient *collèges*, hospitals, and the like disappeared. Much Church property passed to the nation and members of the clergy were even state employees for a time.

The nobility did not have an articulated corporate expression like the Church, but it had been represented in the Estates General and provincial assemblies. It lost all its hereditary titles, coats of arms, privileges, and authority. Serfdom and personal manorial rights were ended without compensation and aristocratic courts disappeared. All formal distinctions between noble land and that of commoners were eliminated. Fiefs, customary rights, primogeniture, and other feudal privileges vanished. The Constituent Assembly’s elimination of the formal distinctions between nobles and commoners paved the way for the modern state of universal citizenship and uniform laws. At the same time, it stimulated the development of a modern civil society whose roots lay in property rather than in birth and which could be sustained by economic processes rather than by political power.

The political structure that emerged from the Revolution’s early events was a weakened and decentralized one, but the logic of France’s protracted emergency pushed toward centralization. The revolutionary state acted directly on its citizens at the expense of intermediate feudal institutions and ancient provincial dreams of autonomy and local control. It subjected the economy to political supervision throughout the long revolutionary crisis, but after Thermidor the centralized Jacobin structure collapsed and was replaced for a time by a liberal structure that released the economy from political guidance. But before long the Napoleonic Wars required further centralization. Bonaparte consolidated the rationalized state by organizing the relationship between the central government and local administrations, codifying a network of

uniform national laws, establishing a system of primary education, promoting a single national language, and initiating a uniform system of weights and measures. Waterloo brought Napoleon's dream of European empire to an end, but many of the Revolution's most far-reaching political advances remained in place. The Revolution's egalitarianism implied hostility to local centers of power. French identity became a matter of a single, centralized modern state in which all citizens were counted as members of the political community and intermediate associations were irrelevant to public affairs. The intermediate bodies that had limited state power were swept away and national unity achieved through centralized administrative uniformity, a national army, hostility to local particularism, and a single market with a uniform set of customs and tariffs. The chaotic diversity of feudalism and the prerogatives of personal power were gone. Democracy came with centralization, and the result was a modern bifurcation of spheres. Political liberties and foreign conquest could now be extended to an entire continent because citizenship was formally abstracted from the distribution of economic power and made a function of residence. The French Revolution was so powerful precisely because the state was no longer dependent on the wealth, status, and other "private" attributes of feudalism. The formal separation of politics from economics announced the appearance of modernity's universal state and particularistic civil society.

But the explicit separation of spheres could not hide their real interconnections. Ever since the French Revolution came to rest, many central concerns of modern political theory have been driven by the "real" relationship between the state and civil society. The formal separation between them has accelerated the substantive economic and social inequality of civil society, now seen as the sphere of private pleasure. But the foundations of economic exploitation appeared to lie outside the arena of politics and did not seem amenable to political solution. Civil society could freely develop as the realm of property and interest precisely because of legal and institutional barriers to political supervision. The market converted political equality into a condition of economic inequality and thus expressed the twin horns of the dilemma that gave rise to Hegel's theory of the state.

For the moment, political centralization, legal equality, and economic freedom were the Revolution's immediate results. The destruction of

old hierarchies and corporations made possible the development of the modern state and civil society. As profoundly important as they were, the Revolution's political accomplishments only established the terrain on which future democratic struggles would be conducted. Equality before the law brought a series of distinctly modern social problems into the open that could not emerge as long as they had been hidden behind feudal social and political relations. Few modern thinkers understood this as clearly as did Georg Wilhelm Friedrich Hegel.

### The "System of Needs"

The French Revolution seemed to have completed the Reformation by making the individual the self-reliant master of his life in the profane world as well as in spirit. It signaled that man's free rational activity could give concrete expression to the inner freedom announced by Luther. To a whole generation of German thinkers—one of whom was Kant—the Revolution marked the appearance of man as the autonomous subject of his own moral development. For the first time, it seemed, people could become free as they organized the world according to the requirements of reason.

Like Kant, Beethoven, Fichte, Schelling, and many others in his generation, Hegel recognized the Revolution as the dawn of a new era. But he was equally convinced that Kant had gone too far in his attempt to rescue reason from Hume—and this meant, paradoxically, that he had not been able to go far enough. His critique of Kant began with the claim that separating essence from appearance made ultimate reality opaque to human understanding and weakened reason's ability to contribute to freedom. Hegel began with Aristotle's conviction that reality is intelligible, that reason can discover the real nature of things, and that freedom is summarized in man's ability to order the world in accordance with his intentions.

Completed just before the Battle of Jena forced him to flee the university town with the manuscript in 1806, *The Phenomenology of Mind* attempted to do away with Kantian dualism and asserted that ultimate reality—*Geist*—is manifested in all its phenomenological appearances and can be understood by human reason in its progress through each of them. Aristotle's teleology had treated logos as a fixed given, but Hegel

viewed *Geist* as unfolding in all its manifestations and hence as discoverable in history. No universal can exist as an abstraction on its own, independent of the particularities that make it up. Spirit—*Geist*—is conscious activity. Kant was wrong, Hegel announced. The essence of things can become manifest 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.

This critique of Kant's "introversion" led Hegel to deny that the categorical imperative can furnish universal moral rules. All it can do is provide a standard for choosing between alternatives whose origins are external to the choosing will. Relegating ethics to the inner legislation of moral duty had left it without any concrete referent in the real world of social relations. The Kantian claim that nothing can be known "in its essence" limited reason's power and ended with the suggestion that the heart can know things the mind cannot grasp: "This self-styled 'philosophy' has expressly stated that 'truth itself cannot be known,' that that only is true which each individual allows to rise out of his heart, emotion, and inspiration, about ethical institutions, especially about the state, the government, and its constitution." The discovery of universal principles is humanity's ultimate achievement, and reason is what gives us knowledge of them. But Kant had denied the emancipatory possibilities of the mind and settled for less than he should have. The "quintessence of shallow thinking," Hegel suggested, "is to base philosophic science not on the development of thought and the concept but on immediate sense-perception and the play of fancy."<sup>17</sup>

Kant's abstract "formalism" led him to separate the moral absolute from concrete reality through his claim that morality cannot be translated into empirical reality. He had preserved the individual and an ethic but had no way of bringing the subjective and objective conditions of freedom together. Hegel was not willing to leave truth to chance by accepting Kant's implication that all authentic convictions have equal moral weight. He proposed to develop a metaphysics of absolute knowledge that fused essence and appearance. Freedom is not given by a "natural" structure of the self as Kant had claimed, but is created only in interaction with other individuals. The will can be independent of internal desire and external circumstance only in relation to other wills.

We are not born free, Hegel suggested. We become free, and we do so as we become conscious of our history as social beings.

Knowledge lies in Spirit, and reason enables us to discover it as we decipher the meaning of a history we have made. Man's progress through the Enlightenment and the French Revolution to "the moral life of the Spirit" is *Geist's* passage from consciousness through self-consciousness, reason, spirit, and religion to absolute knowledge. *Geist* comes to self-consciousness through the culmination of man's self-expression in history—through art, religion, and philosophy. Freedom has always existed. It is a matter of how we come to know it, and this is the purpose of reason. It can free us from the contingent and the false, for "it is only as thinking intelligence that the will is genuinely a will and free."<sup>18</sup> Freedom enables man to "be himself" as he becomes the conscious subject of his own history.

The world-historic importance of the French Revolution was that it raised freedom to the principal and conscious aim of society and state for the first time.<sup>19</sup> This breakthrough in thought was paralleled by a breakthrough in action. It is now possible for man to organize his life on the basis of his reason in conditions of freedom: "The right of individuals to be subjectively destined to freedom is fulfilled when they belong to an actual ethical order, because their conviction of their freedom finds its truth in such an objective order, and it is in an ethical order that they are actually in possession of their own essence or their own inner universality. When a father inquired about the best method of educating his son in ethical conduct, a Pythagorean replied: 'Make him a citizen of a state with good laws.'<sup>20</sup>

Freedom demands that man be able to act in accordance with the requirements of reason. For the first time in history, his ability to shape civil society now lies in his ability to apply the results of his free thought to the conditions of his life. Hegel announced the birth of man as the conscious subject of his own history and transcended Kant's categorical imperative as he did so. Freedom is a structure of interactions in the world in which the self-determination of each is a condition of the self-determination of others. Human history is the domain in which freedom comes into being as the summation of all practical relations. Its emancipatory content is to be found in the structures of human history.



Hegel's theory of freedom stands at the beginning of all modern theories that consider civil society apart from the state. It was he who first elaborated them as distinct spheres and put an end to earlier theoretical trends in the process. 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 men make moral choices. If *Geist* is revealed in history, freedom passes through the different historical moments of social life.

The family constitutes ethical life in its “natural” phase but must conceal it behind the screen of immediate personal relations and express it as a set of domestic duties. Its ethical limitations cannot be separated from its private purpose. It tends to suppress differences between its members because it is structured by love, altruism, and a concern for the whole. In case of conflict, the needs of others and of the whole must trump those of the individual. Each member must be ready to sacrifice for every other member; no family can exist for long if its members are driven by self-interest. The basis of its ethical life is mutual self-sacrifice, and family morality “consists in a feeling, a consciousness, and a will, not limited to individual personality and interest, but embracing the common interests of the members generally.”<sup>21</sup> The minimal condition of ethical life is family unity, but it is impermanent and dissolves as children reach maturity, differentiate themselves from their parents, and go out into the world to acquire property and form new families. Their subjectivity is soon expressed as the ownership of external things. Property becomes a condition of identity and freedom even as it dissolves the family by transforming its children into competing self-interested proprietors.<sup>22</sup>

Civil society is the “negation” of the essential but limited ethical moment of the family.<sup>23</sup> If the family is constituted by renunciation and unity, civil society is ethical life in competition and particularity. Its inhabitants act with their own interests in mind, are concerned with the satisfaction of their individual needs, and are continually driven to treat others as means to their own satisfaction. But if it violates the conditions of ethical life, civil society's mutual selfishness can still form the basis of an ethical association: “In civil society each member is his own end, everything else is nothing to him. But except in contact with others he can-

not attain the whole compass of his ends, and therefore these others are means to the end of the particular member.”<sup>24</sup> Whereas the family unites its members on the basis of their commonalities, civil society divides its members on the basis of their differences. Individuals are compelled to behave selfishly and instrumentally toward one another but they cannot help satisfying one another’s needs, advancing their mutual interests, and constructing a set of durable social relations: “In the course of the actual attainment of selfish ends . . . there is formed a system of complete interdependence, wherein the livelihood, happiness, and legal status of one man is interwoven with the livelihood, happiness, and rights of all. On this system, individual happiness, etc., depend, and only in this connected system are they actualized and secured.”<sup>25</sup> Hegel knew his Adam Smith. The invisible hand can turn selfishness into enlightenment and transform egoists into self-conscious and respected members of civil society: “By a dialectical advance, subjective self-seeking turns into the mediation of the particular through the universal, with the result that each man in earning, producing, and enjoying on his own account is *eo ipso* producing and earning for the enjoyment of everyone else.”<sup>26</sup>

Hegel’s civil society preserves the ethical moment of the family as it transcends the institution. Civil society is a higher sphere of ethical life because it can accommodate the differences that proved fatal to family life and is the unique creation of a modernity shaped by individuality and competition. “Civil society,” he observed, “is the [stage of] difference which intervenes between the family and the state.”<sup>27</sup> His was the first systematic effort to theorize a competitive sphere of self-interest in radical distinction from the state.

His standpoint was that of the isolated individual of the early nineteenth century who, emancipated from the “political” entanglements of feudalism, became “civil” in the modern—that is, economic—sense of the term: “The concrete person, who is himself the object of his particular aims, is, as a totality of wants and a mixture of caprice and physical necessity, *one* principle of civil society. But the particular person is essentially so *related* to other particular persons, that each establishes himself and finds satisfaction by means of the others and at the same time purely and simply by means of the form of universality, the second principle here.”<sup>28</sup> Inhabited by economic man, constituted by private concerns, and organized by the market, civil society thrives because

modernity is free from the particularisms, privileges, and inequalities of medievalism. For the first time, man can pursue his own interests and act for his own sake. A network of social relations standing apart from the state and rooted in individual interests, civil society links self-serving individuals to one another in an autonomous chain of social connections.<sup>29</sup> It is a sphere of moral freedom and individual interests. The progress of Spirit has become manifest in civil society as surely as it had in the family.

Civil society is a moment in freedom, but it is a limited and dangerous moment because it drives toward making itself the only determination for man. Acutely aware of the enormous power of market relations, Hegel knew that the appearance of bourgeois civil society was changing the world: "Civil society is . . . the tremendous power which draws men into itself and claims from them that they work for it, owe everything to it, and do everything by its means."<sup>30</sup> The political revolution in France and the economic transformation unleashed in England were altering the social fabric of the human condition as such. Civil society is the "system of needs," and Hegel had no doubt the market organized it. The French Revolution had freed the state from civil society but had also freed civil society from the state. The end of the embedded economy marked the appearance of the totalizing commodity form:

Originally the family is the subjective unit whose function it is to provide for the individual on his particular side by giving him either the means and the skill necessary to enable him to earn his living out of the resources of society, or else subsistence and maintenance in the event of his suffering a disability. But civil society tears the individual from his family ties, estranges the members of the family from one another, and recognizes them as self-subsistent persons. Further, for the paternal soil and the external inorganic resources of nature from which the individual formerly derived his livelihood, it substitutes its own soil and subjects the permanent existence of even the entire family to dependence on itself and to contingency. Thus the individual becomes a son of civil society which has as many claims upon him as he has rights against it.<sup>31</sup>

But civil society's liberation from political determinations proved to be dangerous in ways that nobody could have foreseen. It turns out

that civil society's totalizing power is also its fatal flaw. Any particular demand can be satisfied in the short run, but civil society constantly generates new ones. Its infinite multiplication of needs gives rise to the poverty that eventually paralyzes it. Civil society constantly breeds inequality, and Hegel's discovery that poverty is the great problem it poses but cannot solve precipitated his turn toward the state. Civil society's paradoxical motion leads it from choice, self-interest, and autonomy to isolation, dependence, and subservience. It creates "want and destitution" as part of its normal operation.<sup>32</sup> There is nothing natural about it, Adam Smith notwithstanding: "The need for greater comfort does not exactly arise within you directly; it is suggested to you by those who hope to make a profit from its creation."<sup>33</sup> Hegel was familiar with English and Scottish political economy, and his famous words about the inevitability of pauperism were rooted in the discovery that civil society produces fatal extremes of wealth and poverty:

When the standard of living of a large mass of people falls below a certain subsistence level—a level regulated automatically as the one necessary for a member of the society—and when there is a consequent loss of the sense of right and wrong, of honesty and the self-respect which makes a man insist on maintaining himself by his own work and effort, the result is the creation of a rabble of paupers. At the same time this brings with it, at the other end of the social scale, conditions which greatly facilitate the concentration of disproportionate wealth in a few hands.<sup>34</sup>

The "system of needs" is a state of mutual dependence. The individual's work can no longer guarantee him that his needs will be met. In the end, civil society is an alienated, unfree, and unjust sphere, for a power alien to the individual and over which he has no control determines whether his needs will be fulfilled. Transformed into the negation of freedom by its own dynamic, civil society generates a uniquely dangerous mass of politicized and alienated poor people: "A rabble is created only when there is joined to poverty a disposition of mind, an inner indignation against the rich, against society, against the government, etc." Earlier social orders had been able to defend themselves with arguments drawn from God or nature, but the French Revolution had closed that path: "Against nature man can claim no right, but once soci-

ety is established, poverty immediately takes the form of a wrong done to one class by another. The important question of how poverty is to be abolished is one of the most disturbing problems which agitate modern society.”<sup>35</sup> Poverty in Hegel’s civil society moved social theory past the political accomplishments of the French Revolution, for “despite an excess of wealth civil society is not rich enough, i.e. its own resources are insufficient to check excessive poverty and the creation of a penurious rabble.”<sup>36</sup>

Civil society’s inability to fully overcome the inequality it produces limits its ethical potential. Its basis in particularity and egoism undermines the formal possibilities of liberty. As long as a general anarchy of interests prevails, excessive wealth will go hand in hand with excessive poverty. They culminate in what Hegel called “barbarism,” a condition which exacerbates all the defects of nature and is the living negation of freedom: “Men are made unequal by nature, where inequality is in its element, and in civil society the right of particularity is so far from annulling this natural inequality that it produces it out of mind and raises it to an inequality of skill and resources, and even to one of moral and intellectual attainment.”<sup>37</sup> Civil society cannot overcome nature because the French Revolution did not go far enough. Freedom requires more than liberation from the constraints of feudalism; civil society cannot provide man with a self-determined ethical whole because its economic relations negate the possibilities of freedom in history. The anarchy of a sphere of self-serving proprietors means that a higher ethical category must be found from outside the market-driven logic of civil society.

Hegel’s “state” is the sphere of universality and integration that completes civil society’s necessity and particularity. It is the final realization of Spirit in history because it is founded on freedom instead of coercion.<sup>38</sup> Its strength rests not on force but on its ability to organize rights, freedom, and welfare into a coherent whole which serves freedom because it is not driven by interest, “nor is its fundamental essence the unconditional protection and guarantee of the life and property of members of the public as individuals. On the contrary, it is that higher unity which even lays claim to this very life and property and demands its sacrifice.”<sup>39</sup> The state is an ethical category because it reconciles civil society’s antagonisms and embraces humankind’s universal concerns in the broadest sense of the term.<sup>40</sup>

Individuals can be fully self-actualized and concretely free only if they are devoted to ends broader than their own immediate interests—indeed, beyond *anyone's* immediate interests. The rational unity of Hegel's state is the locus of man's highest collective ends and drives human history beyond civil society's calculus of self-interest. It provides meaning because it harmonizes particular interests and completes the march of Spirit in history by fulfilling man's rational nature through his social connections to others. The completion of the ethical moments of the family and civil society, the state fulfills because it stands apart. Its logic is different from that of civil society and its generality carries with it the objective requirements of moral progress:

If the state is confused with civil society, and if its specific end is laid down as the security and protection of property and personal freedom, then the interest of the individuals as such becomes the ultimate end of their association, and it follows that membership of the state is something optional. But the state's relation to the individual is quite different from this. Since the state is mind objectified, it is only as one of its members that the individual himself has objectivity, genuine individuality, and an ethical life. Unification pure and simple is the true content and aim of the individual, and the individual's destiny is the living of a universal life.<sup>41</sup>

The individual is fulfilled in the state because it makes possible “the rational life of self-conscious freedom, the system of the ethical world.”<sup>42</sup>

The state is more than a mechanism for keeping the peace, promoting the prince's interests, or protecting natural rights. It is not an artifice or convention but arises out of the very logic of civil society. The infinite multiplication of needs and the variety of ways in which individuals seek their own satisfaction “give rise to factors which are a common interest, and when one man occupies himself with these his work is at the same time done for all. The situation is productive too of contrivances and organizations which may be of use to the community as a whole. These universal activities and organizations of general utility call for the oversight and care of the public authority.”<sup>43</sup> The universality of the state is the culmination of man's ethical development because it is the living negation of civil society's antagonistic chaos. The elements of moder-

nity that make for free and rational association must be liberated from private interests and submitted to an organizing power which stands above civil society's competition and antagonism. The state is now an "independent and autonomous power" in which "the individuals are mere moments" in "the march of God in the world."<sup>44</sup> Its task of transcendence is the realization of a higher order of justice than that made possible by individual exchange.

The ethical moment of the state is prepared in the family and civil society, but a gulf separates the private needs and rights of individuals from the universal interests of the broader community.<sup>45</sup> The state rescues man by transforming civil society's dependence into interdependence. Its preservation of universality fulfills the ethical potential of civil society's individualism, guarantees autonomy, and safeguards freedom: "In contrast with the spheres of private rights and private welfare (the family and civil society), the state is from one point of view an external necessity and their higher authority; its nature is such that their laws and interests are subordinate to it and dependent on it. On the other hand, however, it is the end immanent within them, and its strength lies in the unity of its own universal end and aim with the particular interest of individuals, in the fact that individuals have duties to the state in proportion as they have rights against it."<sup>46</sup> The state makes the egoistic man of civil society fit for civilization:

The state is the actuality of concrete freedom. But concrete freedom consists in this, that personal individuality and its particular interests not only achieve their complete development and gain explicit recognition for their right (as they do in the sphere of the family and civil society) but, for one thing, they also pass over of their own accord into the interest of the universal, and, for another thing, they know and will the universal; they even recognize it as their own substantive mind; they take it as their end and aim and are active in its pursuit. The result is that the universal does not prevail or achieve completion except along with particular interests and through the co-operation of particular knowing and willing; and individuals likewise do not live as private persons for their own ends alone, but in the very act of willing these they will the universal in the light of the universal, and their activity is consciously aimed at none but the universal end.<sup>47</sup>

In the family, reason was hidden behind feeling and sentiment; in civil society, it appeared as an instrument of individual self-interest. Only in the state does reason become conscious of itself and serve human liberation by making it possible for man to structure his action in accordance with his understanding of the common good. Hegel was confident that he had made Kant's ethics real because he had made them social; a man "has rights as he has duties, and duties insofar as he has rights."<sup>48</sup> The state is the morally indispensable environment in which the individual can find freedom in conscious association with others. It provided Hegel with the social context that could ground Kant's subjective sense of moral duty and thus make man's moral life a true end in itself: "What the service of the state really requires is that men shall forgo the selfish and capricious satisfaction of their subjective ends; by this very sacrifice they acquire the right to find their satisfaction in, but only in, the dutiful discharge of their public functions. In this fact, so far as public business is concerned, there lies the link between universal and particular interests which constitutes both the concept of the state and its inner stability."<sup>49</sup> Only conscious public duty makes it possible for individual interest and egoism to serve universality and freedom. The state is the objective and necessary ethical sphere that is independent of all subjective wants, the inclusive sphere of conscious choice that transcends the family's biologic accident and civil society's arbitrary self-interest. Its universality allows it to guarantee freedom of personhood, moral subjectivity, family life, and social action. It preserves the family and civil society as it transcends them in commonality and universality. Civil society is made whole in the state because it is in the state that contradiction and conflict become resolved. The civil servants and bureaucrats of the modern state form the "universal class" who act on behalf of the public good, serve man's moral freedom, and transcend the parochial conflicts of the family's foundations in immediacy and civil society's in self-interest.

Hegel's important contributions to theories of civil society allowed him to conceive it in radically different terms than did his predecessors because of the presence of a market-constituted economic order comprising independent persons and their interests understood as distinct from the state. His civil society is fully identified with bourgeois life and rests on the market and its social relations. People are "bourgeois" in this civil society because they are oriented toward their private interests, but



even if its logic is different the state cannot exist apart from civil society. Hegel's World Spirit came to rest in the reactionary Prussian bureaucracy, but *The Philosophy of Right* was remarkably farsighted for having been written in 1821. The nineteenth-century economic explosion lay in the future, and Hegel was not able to mount a comprehensive critique of existing social relations. It was enough for him to understand how the market distorts the moral potential of individual needs. The reconciliation of these interests lay in a universal structure that could attenuate the destructiveness of civil society's market processes. The full force of Hegel's insight that egoism and particularity cannot constitute freedom could not yet rest on a solid analysis of industrial production. Providing such a grounding fell to Karl Marx, and he developed it as he came to terms with Hegel's theory of civil society and the state.

### The Politics of Social Revolution

It was his critique of Hegel's theory of civil society and the state that drove Marx toward 1848 and *The Communist Manifesto*. He began with the standard notion of a civil society organized around individual interest but soon encountered the limits of Hegel's attempt to theorize the state apart from the "system of needs." Even if civil society was constituted by necessity, competition, the division of labor, property, class, pauperism, and the like, Hegel had never brought political economy to bear on the production of social life. Marx came to understand Hegel's weakness early in his career, and his criticism yielded a materialist orientation that owed much to its statist roots even as it became grounded in the material processes of civil society.

Marx was not alone. European social theorists were beginning to raise "the social question" in light of the French Revolution's evident failure to eliminate economic inequality, and the wide variety of approaches testified to the newness and the importance of the problem. The assorted socialists, communists, democrats, republicans, and anarchists comprising the pre-Marxian Left disagreed about much, but they were all trying to understand a new set of social problems and economic forces that seemed impervious to a political solution.<sup>50</sup> Marx himself came to theoretical maturity during the 1840s, a period of rapid industrialization and political conflict which saw him reject Hegel's state as a false

universal and move toward a materialist critique of social conditions.<sup>51</sup> Whereas *The Philosophy of Right* terminated in the Prussian state, Marx's criticism of Hegel would take him to the negation and transcendence of civil society.

His early activity as a radical-democratic journalist quickly got him in trouble with the Prussian censors, and his first encounters with the state led him to question Hegel's hope that a selfless bureaucracy could articulate the public good. Arbitrary censorship and economic regulations favoring the already powerful made it impossible to conceptualize state power independently of civil society. Social "position" was supplanting "character" and "science" in a divided Germany, and the bureaucracy was becoming the weapon of "one party against another" instead of serving as "a law of the state promulgated for all its citizens."<sup>52</sup> Much of Marx's early development was driven by his growing suspicion that the state could not do the job Hegel had assigned it.

He decided that Hegel failed to understand the "real" relation between the state and civil society: "Family and civil society are the premises of the state; they are the genuinely active elements, but in speculative philosophy things are inverted."<sup>53</sup> Hegel's idealism had led him toward the integrative principle of the state, but Marx had learned an important lesson from his confrontation with the Prussian censors. "In the bureaucracy," he concluded, "the identity of state interest and particular private aim is established in such a way that *the state interest* becomes a *particular* private aim over against other private aims."<sup>54</sup> Civil society's network of particular material interests structured the state and seriously compromised its ability to serve as humankind's "ethical whole." The bureaucratic state could not be the agent of the universal ethical community. His move to a materialist analysis would change theories of the state and civil society forever.

The occasion for Marx's reconsideration was a dispute that had broken out within the German Left. The French Revolution had extended legal emancipation to the German areas administered by French law. The gains made by German Jews had been repealed after Waterloo, but by the early 1840s demands for equality were being raised in all the large towns of the Rhineland. In the course of the ensuing debate Bruno Bauer, a prominent Young Hegelian, staked out what seemed to be the most radical position on the matter: religious belief itself was the most

important obstacle to progress. The problems faced by German Jews could not be resolved with political equality. Only emancipation from *all* religion could protect German democracy from feudal reaction.

Marx suggested that Bauer was missing the forest for the trees and hence could not penetrate deeply enough to solve “the Jewish question.” Driving religion out of politics will not eliminate economic and political inequality, and it was clear to him that the criticism of the German state had to be broadened. The problem with the state was deeper than its arbitrariness and authoritarianism. There was something fundamentally wrong with all statist approaches to civil society. Freedom of religion was important but insufficient: “The division of the human being into a *public man* and a *private man*, the *displacement* of religion from the state into civil society, this is not a stage of political emancipation but its completion; this emancipation therefore neither abolishes the *real* religiousness of man, nor strives to do so.”<sup>55</sup> Underneath its apparent radicalism Bauer’s critique did not go far enough.

Marx’s crucial discovery that civil society itself had to be democratized deepened Hegel’s revelation of its totalizing power. The French Revolution had separated private affairs from politics and freed the state from civil society, but it simultaneously liberated civil society from the state. If public life now functions independently of property, class, religion, and the like, it is no less true that property, class, and religion are now free to develop independently of political influence. Their hold over man has not been weakened by their formal separation from politics; on the contrary, emptying civil society of direct political content has strengthened both spheres’ motive forces: “The consummation of the Christian state is the state which acknowledges itself as a state and disregards the religion of its members. The emancipation of the state from religion is not the emancipation of the real man from religion.”<sup>56</sup> Indeed, the separation of Church and state in America was the indispensable condition for its citizens’ unprecedented political freedom and their equally unprecedented subordination to religion.

As powerful as it was, then, the French Revolution had not touched the foundations of bourgeois civil society. It came to rest in the “rights of man” whose individuality encouraged people to pursue their private interest in isolation from, and in opposition to, all other competing members of civil society: “The right of man to liberty is based not on the

association of man with man, but on the separation of man from man. It is the *right* of this separation, the right of the *restricted* individual, withdrawn into himself.”<sup>57</sup> Given the power of newly liberated civil society’s pull toward private interest, the political revolution meant that “the *state* can free itself from a restriction without man being *really* free of this restriction, that the state can be a free *state* without man being a *free man*.”<sup>58</sup> Equality before the law, a secular political order, the right of divorce, and other political liberties were enormous accomplishments. But the limits of a formally democratic state only highlighted the importance of democratizing the civil society on which it rested.

Whereas Hegel theorized the state as freedom from the antagonisms of civil society, Marx’s materialism led him to criticize the state as part of a more general criticism of civil society. As important an advance as political emancipation had been, a regime based on the protection of individual rights was not a sufficient condition for emancipation. “The sole bond holding them together,” Marx said of civil society’s individuals, “is natural necessity, need and private interest, the preservation of their property and their egoistic selves.”<sup>59</sup> After all was said and done, the Revolution had established civil society as the basis of an entire social order and self-serving individuals as the basis of civil society: “Political emancipation was at the same time the emancipation of civil society from politics, from having even the *semblance* of a universal content. Feudal society was resolved into its basic element—*man*, but man as he really formed its basis—*egoistic* man. This *man*, the member of civil society, is thus the basis, the precondition, of the *political* state. He is recognized as such by this state in the rights of man.”<sup>60</sup>

A liberated bourgeois civil society fatally damaged Hegel’s hope that the state could provide a universal ethical category for human emancipation. Limiting emancipation to political freedom and legal equality did not go far enough: “Hence man was not freed from religion, he received freedom of religion. He was not freed from property, he received freedom of property. He was not freed from the egoism of business, he received freedom to engage in business.”<sup>61</sup> Hegel had correctly grasped the problem but, like Hobbes, his statism was too weak for the task at hand. Marx was able to solve the paradox by realizing that the rule of law could not eliminate pauperism because the market processes of civil society that give rise to inequality are beyond direct political remedy.

Marx concluded that Hegel's state was a false universal: "None of the so-called rights of man, therefore, go beyond egoistic man, beyond man as a member of civil society, that is, an individual drawn into himself, into the confines of his private interests and private caprice, and separated from the community."<sup>62</sup>

Marx's whole approach would be built on the important difference that separates "the radical revolution," which aims at "*general human emancipation*," from "the partial, the merely *political* revolution, the revolution which leaves the pillars of the house standing."<sup>63</sup> His crucial contribution was to make civil society itself the object of democratic activity. Liberation demands a comprehensive criticism and transformation of *all* existing relationships. Equality before the law and political revolution were yielding to social democracy and the transformation of civil society.

What is the agent of this "real, human emancipation"? Earlier democratic transformations had been led by a section of the population whose advanced position made it the embodiment of civil society's social relations. "No class of civil society can play this role," Marx observed, "without arousing a moment of enthusiasm in itself and in the masses, a moment in which it fraternizes and merges with society in general, becomes confused with it and is perceived and acknowledged as its *general representative*, a moment in which its demands and rights are truly the rights and demands of society itself; a moment in which it is truly the social head and the social heart. Only in the name of the general rights of society can a particular class lay claim to domination."<sup>64</sup> The bourgeoisie had been able to lead the struggle against feudalism because its demands for liberty and protection had acquired a general force across the entire social order. It had defended a young and still-vulnerable civil society against the *ancien régime*, but Marx was beginning to call the very foundations of that civil society into question. The struggle for "human emancipation" could be led by only that section of the population whose conditions placed it in opposition to the entire existing order. Where should one look to find an agent of German emancipation? Marx asked.

In the formation of a class with *radical* chains, a class of civil society which is not a class of civil society, an estate which is the dissolution of all

estates, a sphere which has a universal character by its universal suffering and claims no *particular right* because no *particular wrong* but *wrong generally* is perpetrated against it; which can no longer invoke a *historical* but only a *human* title; which does not stand in any one-sided antithesis to the consequences but in an all-round antithesis to the premises of the German state; a sphere, finally, which cannot emancipate itself without emancipating itself from all other spheres of society and thereby emancipating all other spheres of society, which, in a word, is the *complete loss of man* and hence can win itself only through the *complete rewinning of man*. This entire dissolution of society as a particular estate is the *proletariat*.<sup>65</sup>

Hegel had looked to the state to integrate civil society from the outside. Marx looked at the constitutive processes of civil society itself and found the universal class there. History's emancipatory class is the propertyless proletariat, the living negation of civil society even though its labor is the foundation on which the entire social order rests. Its appearance as the agent of emancipation signifies that democratizing bourgeois civil society is the same as abolishing it: "By proclaiming the *dissolution of the hitherto existing world order* the proletariat merely states the *secret of its own existence*, for it is in fact the dissolution of that world order. By demanding the *negation of private property*, the proletariat merely raises to the rank of a *principle of society* what society has made the principle of the *proletariat*, what, without its own cooperation, is already incorporated in it as the negative result of society."<sup>66</sup> The proletarian revolution is the negation of civil society and the consequent liberation of man, even if it was not yet clear what this might mean.

Marx's understanding of agency was dramatically different from that of his contemporaries on the European left. The proletariat was no longer the largest, poorest, or most hardworking section of the population. It was lack of property that made it the subversive agent without whom civil society cannot exist. Marx would later define it more precisely as the class that sells its labor power, but for the moment its universality lay in its negation of civil society: "The emancipation of the workers contains universal human emancipation—and it contains this, because the whole of human servitude is involved in the relation of the worker to production, and all relations of servitude are but modifications and

consequences of this relation.”<sup>67</sup> Every social relation can be understood in relation to the proletariat’s situation in civil society, the “real” grounding of history.<sup>68</sup>

By the time he and Engels wrote *The Communist Manifesto* in 1848, Marx had gone well beyond earlier theories. The criticism of Hegel’s state had become the criticism of bourgeois civil society. “Merely political” emancipation had yielded to social revolution. This is what the Tenth Thesis on Feuerbach meant when it observed that “the standpoint of the old materialism is *civil* society; the standpoint of the new is *human* society, or associated humanity.”<sup>69</sup> As powerful and comprehensive as the French Revolution had been, its demolition of feudalism was a precursor to a far more radical social revolution that will transform civil society *and* the state: “The condition for the emancipation of the working class is the abolition of all classes, just as the condition for the emancipation of the third estate, of the bourgeois order, was the abolition of all estates and all orders. The working class, in the course of its development, will substitute for the old civil society an association which will exclude classes and their antagonism, and there will be no more political power properly so-called, since political power is precisely the official recognition of antagonism in civil society.”<sup>70</sup>

Marx’s orientation toward concrete social conditions had been pulling him toward political economy since his earliest criticisms of Hegel. The more convinced he became that the state could not be comprehended apart from the material organization of civil society, the more important it was to understand the mediations between them. In one of his few instances of self-investigation that he penned later in life, he connected his misgivings about Hegel to the appearance of *Capital*:

The first work which I undertook to dispel the doubts assailing me was a critical re-examination of the Hegelian philosophy of law. . . . My inquiries led me to the conclusion that neither legal relations nor political forms could be comprehended whether by themselves or on the basis of a so-called general development of the human mind, but that on the contrary they originate in the material conditions of life, the totality of which Hegel, following the example of English and French thinkers of the eighteenth century, embraces within the term “civil society”; that the anatomy of this civil society, however, has to be sought in political economy.<sup>71</sup>

His earlier theoretical critique of Hegel had to be supplemented by concrete investigation.

*Capital* is Marx's definitive analysis of the social relations of bourgeois civil society. It begins by identifying the point of departure and "dominant moment" of capitalism as resting in production. Classical political economy had treated production, consumption, distribution, and exchange as separate processes, but Marx was convinced that any social order could be understood as a "mode of production." The chaos of the market made it appear that civil society was shaped by a variety of unrelated economic processes. Marx's insight meant that all social relations were moments of production, no matter how independent they seemed.<sup>72</sup> "But in bourgeois society," he wrote, "the commodity form of the product of labor—or the value form of the commodity—is the economic cell form."<sup>73</sup> The commodity form stands at the center of capitalism as a productive system, and *Capital* began at the beginning: "The wealth of those societies in which the capitalist mode of production prevails, presents itself as 'an immense accumulation of commodities,' its unit being a single commodity. Our investigation must therefore begin with the analysis of a commodity."<sup>74</sup>

If they are the "cell form" of civil society, commodities are more than simple articles of commerce. They are produced by people in historically defined circumstances and embody a specific set of social relations. To analyze a commodity is to uncover the social relations congealed in it, and Marx's celebrated discussion of the "fetishism of commodities" unmasked their social character. *Capital* revealed that a specific set of social relations are changing hands when commodities are being exchanged. The market mystifies these relations, and Marx set out to reveal what was hidden by the separation of the state from civil society:

Since the producers do not come into social contact with each other until they exchange their products, the specific social character of each producer's labor does not show itself except in the act of exchange. In other words, the labor of the individual asserts itself as a part of the labor of society, only by means of the relations which the act of exchange establishes directly between the products, and indirectly, through them, between the producers. To the latter, therefore, the relations connecting the labor of one individual with the rest appear, not as direct social relations between



individuals at work, but as what they really are, material relations between persons and social relations between things.<sup>75</sup>

If commodities embody social relations and the market creates and organizes class relations, it does so according to the logic of wage labor, commodity production and exchange, profit maximization, and capital accumulation. Ferguson, Smith, and Hegel had sensed how powerful the market could be, but Marx demonstrated how it continually drives toward the endless multiplication of human needs that Hegel had identified as civil society's Achilles' heel. Its apparent simplicity masks its unprecedented totalizing power. The commodity form provides the glue that holds together a society composed of asocial, interest-maximizing individuals. Ronald Reagan would certainly have been surprised if he had known that his famous homage to "the magic of the marketplace" was anticipated by Marxist sarcasm:

This sphere that we are deserting, within whose boundaries the sale and purchase of labor-power goes on, is in fact a very Eden of the innate rights of man. There alone rule Freedom, Equality, Property and Bentham. Freedom, because both buyer and seller of a commodity, say of labor-power, are constrained only by their own free will. They contract as free agents, and the agreement they come to, is but the form in which they give legal expression to their common will. Equality, because each enters into relation with the others, as with a simple owner of commodities, and they exchange equivalent for equivalent. Property, because each disposes only of what is his own. And Bentham, because each looks only to himself. The only force that brings them together and puts them in relation with each other, is the selfishness, the gain and the private interests of each. Each looks to himself only, and no one troubles himself about the rest, and just because they do so, do they all, in accordance with the pre-established harmony of all things, or under the auspices of an all-shrewd providence, work together to their mutual advantage, for the common weal and in the interest of all.<sup>76</sup>

Marx's early criticism of Hegel had demonstrated that the state is shaped by civil society rather than the other way around. Social transformation and the abolition of civil society marked the path to "human

emancipation,” but it was not clear how the proletariat could accomplish its task. If the material processes of civil society are dominant and the state is little more than an epiphenomenon, was there any role for politics in “real, practical” emancipation?

The formal separation between state and society had permitted the rapid development of market society and the accompanying democratizing of the political order. But Marx knew that, as important as the distinction was, it was more apparent than real. Capital ruled politically as well as economically, and *Capital's* account of enclosures, the factory laws, colonization, and the like left little doubt that state activity had been an indispensable condition for the expansion of civil society. The state may be an illusory community, but Marx appreciated the importance of politics very early in his career: “Every class which is aiming at domination, even when its domination, as is the case with the proletariat, leads to the abolition of the old form of society in its entirety and of domination in general, must first conquer political power in order to represent its interest as the general interest, which in the first moment it is forced to do.”<sup>77</sup> Nor was such a focus limited to a theory of revolution. Every effort to democratize civil society, from imposing democratic supervision on its market processes to severely curtailing or abolishing them, would require the application of state power. But the state itself had to be democratized, for the structure of political power expresses the way civil society is organized.

Their formal separation and Marx’s materialist criticism of Hegel notwithstanding, the struggle to abolish civil society would necessarily assume a political form: “Since the state is the form in which the individuals of a ruling class assert their common interests, and in which the whole civil society of an epoch is epitomized, it follows that all common institutions are set up with the help of the state and are given a political form.”<sup>78</sup> Marxism has always privileged political action in the effort to democratize civil society, and it has shared this orientation with most of the Left for a long time. Their different historical trajectories explain why liberalism and socialism conceive of the relationship between the state and civil society in such different ways, a dispute which lies behind much contemporary theory and practice.

The political revolutions that had accompanied the transition to capitalism generally broke out after more or less finished forms of bourgeois

civil society had slowly developed within the structures of feudalism. Wage labor, production for exchange, and the accumulation of capital had largely supplanted medieval property and production for use prior to feudalism's final political crises. This is why the fundamental task of bourgeois revolutions was breaking the political supremacy of the aristocracy. Since the basic structures of market relations were largely in place before political power passed to the bourgeoisie itself, its "open" revolution did little more than adjust a political structure to a largely transformed civil society.

But it is because the foundations of the socialist order are absent from bourgeois society and cannot be generated within the boundaries of private property that the transition to socialism differs so markedly from that of its predecessors. Marx always held that the social relations of a classless society cannot and do not grow up spontaneously within capitalist social relations but develop only as part of the democratization of civil society itself. The use of state power was central to his theory of revolution because he saw it as the indispensable condition for a transformation of civil society that begins before the social and material conditions for its completion are in place. Hegel had located the active motor, the "real home," the positive moment of historical development, in the state. Marx located the active motor, the "real home," the positive moment of bourgeois development, in civil society. This is why he ended with the seizure and use of state power as the precondition to social revolution. Its apparent "victory" was the proletarian revolution's beginning:

The first step in the revolution by the working class, is to raise the proletariat to the position of ruling class, to win the battle of democracy.

The working class will use its political supremacy to wrest, by degrees, all capital from the bourgeoisie, to centralize all instruments of production in the hands of the State, i.e., of the proletariat organized as the ruling class; and to increase the total of productive forces as rapidly as possible.

Of course, in the beginning, this cannot be effected except by means of despotic inroads on the rights of property, and on the conditions of bourgeois production; by means of measures, therefore, which appear economically insufficient and untenable, but which, in the course of the movement, outstrip themselves, necessitate further inroads upon the old

social order, and are unavoidable as a means of entirely revolutionizing the mode of production.<sup>79</sup>

Marx revealed civil society as a sphere of compulsion and reserved a central role to a powerful political apparatus to lead the attack on its social relations. Reducing the thrust of the commodity form would require state action in such areas as banking, labor, agriculture, communications, transportation, and education. A series of state interventions in civil society expressed the immediate political goals of the workers' movement and established the minimal conditions for its further development.<sup>80</sup> So would the more dramatic "abolition of the bourgeois relations of production, an abolition that can be effected only by a revolution."<sup>81</sup> The "ultimate results" of the workers' revolution may be social transformation, but its "immediate goal" is the seizure and use of state power: "Revolution in general—the *overthrow* of the existing power and *dissolution* of the old relationships—is a *political* act. But *socialism* cannot be realized without *revolution*. It needs this *political* act insofar as it needs *destruction* and *dissolution*. But where its *organizing activity* begins, where its *proper object*, its *soul*, comes to the fore—there socialism throws off the *political* cloak."<sup>82</sup> The connection between the politics of social revolution and the transformation of civil society revealed the contradictory imperatives of Marx's project:

When, in the course of development, class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, the public power will lose its political character. Political power, properly so called, is merely the organized power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organize itself as a class, if, by means of a revolution, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonisms and of classes generally, and will thereby have abolished its own supremacy as a class

In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all.<sup>83</sup>

Marx knew that the “when” of this summary statement would prove difficult. Using the state as a tool to mitigate the damage inflicted by the market might hold matters in abeyance for the short run, but a deep contradiction lies at the heart of his view that using state power against the market could democratize civil society. It has always been unclear just how this could be accomplished, and the history of twentieth-century communism furnishes precious little positive guidance. If the state would eventually “wither away” with the transformation of civil society as Engels famously claimed, how would this happen in the absence of individual interests and the rights that protect them? It was one thing to use the category of civil society as an analytic instrument for the study of capitalism. But Marxism is a theory of communism as much as a critique of capitalism, and it has been difficult to conceptualize the relation between state and civil society. Marx’s vision of communism was limited because he never specified just what “human emancipation” meant. It is clear that the communist free association of producers is incompatible with civil society’s alienation, powerlessness, and necessity. But “merely political” emancipation had allowed for the expression of civil society’s multitudinous interests, and social revolution seemed to imply that such interests would no longer drive individual action or social structure. This has not been a crushing problem for Marxism understood as a critique of capitalism, but it remains central to a more ambitious project that has yet to theorize a proletarian state or a postbourgeois society, much less organize them.

Fratricidal children of the Enlightenment, Marxism and liberalism share modernity’s theoretical differentiation between the state and civil society while retaining a sense of their connections. Marx accepted Hegel’s desire to overcome the distinction and kept his distance from liberal claims that a sharp distinction between the two spheres is a condition of freedom. He also brought one strand of modern theory to a temporary close. If economic processes and markets constituted civil society, it would not survive a socialist revolution. It was one thing to conceptualize a state that would moderate the effects of capitalism while preserving its basic structure and respecting civil society as a system of needs. But if abolishing inequality, poverty, and necessity required social revolution, then a powerful proletarian state had to act directly on a civil society by which it was no longer effectively constrained. In

the end, abolishing civil society would imply much more than abolishing the market that rested at its core. The implications of this dilemma rest at the heart of all contemporary politics—and not just those of the Left. But if “human emancipation” was not the issue, then civil society could be theorized as a mediating sphere of organization and association whose goal was to temper state power even as it left the market untouched and inequality unaddressed. It is to this second strand of modern thought that we now turn.

## Civil Society and Intermediate Organizations

When premodern theorists of civil society considered economic affairs, they almost always thought that commerce and trade were destructive of the bonds that held social life together. It was not until markets began to organize civil society in real life that it was possible to differentiate social or economic categories from political or religious ones. As we have seen, the first strand of modern thought concerning civil society conceptualized it as a market-organized sphere of necessity. Such a view came to a head with Marx and continues to drive the Left's critique of capitalism. Marx drew his understanding of civil society from Hegel's analysis of the "system of needs," and Hegel had infused the public sphere with a much stronger notion of power than Kant's "introversion" had made possible. Although they understood civil society in broad terms, Hegel and Marx agreed that class, production, interest, and competition lay at its core, and both men paid close attention to the processes by which it creates and distributes wealth.

But economics does not play a particularly important role in the second strand of modern thought. Rooted in aristocratic criticisms of royal absolutism, it describes civil society as an intermediate sphere of voluntary association and activity standing between the individual and the state. This view, which rests at the heart of much contemporary theory, is closely identified with the work of Alexis de Tocqueville, but its roots can be found in the Baron de Montesquieu's fear of modernity's centralizing monarchies, Jean-Jacques Rousseau's preference for an intimate, small-scale republic, and Edmund Burke's attack on the French Revolution. All three came together in Tocqueville's remarkably influential body of thought, whose antistatist thrust and disregard of the material processes of civil society help explain its contemporary popularity.

## The Aristocratic Republic

Born in 1689, Montesquieu belongs to the first generation of Enlightenment thinkers. The writings of Hobbes, Newton, and Locke were fresh and controversial, and the Glorious Revolution had provided a moderate alternative to Stuart absolutism. Like many of his contemporaries, Montesquieu was attracted to England because its tolerant and flexible social order seemed to have brought a century of upheaval to a close without having fallen into the extremes of despotism or anarchy. England had apparently accomplished everything that had been hoped for by proponents of balanced government since Aristotle's time. The division of society into the three estates of king, nobility, and people was mirrored in the institutions of Crown, Lords, and Commons. It appeared that the ancient dream of balancing monarchy, aristocracy, and democracy had been made concrete by combining the principles of the one, the few, and the many in a happy and judicious constitution. State and society were one, economic activity and political power mutually defining each other in an informal arrangement that worked to the benefit of all. The aristocracy had lost its dominant role but had not been destroyed, and its inherited property could still act as a buffer between the centralizing Crown and the unruly population.

Montesquieu's thinking took shape in a period dominated by the long struggle between aggressive French monarchies and aristocracies trying to retain their ancient privileges. Much more powerful than its English counterpart, the leveling Crown often enlisted the bourgeoisie and the people on its side by curbing the lords and subjecting aristocratic institutions to intense pressure. It tended to regard local privileges with hostility, and since the aristocracy's power rested on custom the kings often forged temporary alliances with a nascent bourgeoisie that stood to gain from uniform market relations. Montesquieu saw this developing, and his desire to protect the nobility's *parlements*, courts, estates, and other organizations stands behind his important contribution to the second branch of modern thought.

The aristocracy had always justified its social position by arguing that, since its power and property were independent of both the will of the monarch and the passions of the crowd, it was the only estate that could mediate between them. It tended to appeal to the king by warning



about the dangers of mob rule and to the people by invoking the threat of royal despotism. Montesquieu was not interested in natural law or the social contract; instead, he based his argument on a pragmatic notion of political virtue that could balance existing estates of the realm. England fascinated him throughout his life, and *The Spirit of the Laws* spoke for a whole generation of aristocratic thinkers who sought to apply British lessons to Continental conditions without relying on a priori assertions of natural rights whose existence could not be proven. Montesquieu's important contribution to modern theories of civil society is rooted in his defense of intermediate associations and his theory of a balanced constitution.

His political taxonomy followed ancient patterns. It distinguished between three forms of government: a republic, in which the people as a whole (democracy) or certain families (aristocracy) hold sovereign power; a monarchy, in which a prince holds power but exercises it according to established laws; and despotism, a lawless corruption of monarchy in which a prince governs alone according to his own whims or caprices. The important distinction was between monarchies and despotisms. A prince governs both forms, but stable monarchies are marked by intermediate institutions that make possible the rule of law and reflect the "spirit" of honor.

But despotisms are marked by an empty space between the sovereign and the people because the intermediate institutions that can deflect central power have been destroyed or tamed. Everyone becomes a slave of the royal will and submits to fear and lawless coercion. Despotism can best be described as monarchy without the aristocracy's intermediate bodies: "If you abolish the prerogatives of the lords, clergy, nobility, and towns in a monarchy, you will soon have a popular state or a despotic state."<sup>1</sup> Liberty requires that power be broken up and distributed by the institutions of an aristocratic republic. Modified to fit Montesquieu's critique of royal power, Aristotle and Cicero found a home in Enlightenment France: "Intermediate, subordinate, and dependent powers constitute the nature of a monarchical government, that is, of the government in which one alone governs by fundamental laws. I have said intermediate, subordinate, and dependent powers; indeed, in a monarchy, the prince is the source of all political and civil power. These fundamental laws necessarily assume mediate channels through which

power flows; for, if in the state there is only the momentary and capricious will of one alone, nothing can be fixed and consequently there is no fundamental law.”<sup>2</sup>

Intermediate bodies enable monarchies to forge mutually beneficial relationships between the king and the nobles.<sup>3</sup> At a time when civil society could not yet be theoretically distinguished from the economy or the state, “differences in rank, origin, and condition that are established in monarchical government often carry with them distinctions in the nature of men’s goods, and the laws regarding the constitution of this state can increase the number of these distinctions.”<sup>4</sup> A despot will always be unhappy with such a situation, but a wise monarch understands that preserving local privilege and social differences is essential to the health of the entire polity: “There must be privileges in governments where there are necessarily distinctions between persons. This further diminishes simplicity and produces a thousand exceptions.”<sup>5</sup> Distributing political power on the basis of status and wealth was the key to stability.

A monarch accepts the restrictions on his power imposed by a complex civil society, but a despot’s realm is uniform and flat: “Despotism is self-sufficient; everything around it is empty. Thus when travelers describe countries to us where despotism reigns, they rarely speak of civil laws.”<sup>6</sup> The despot is the private man elevated to public leadership; he cannot rule a stable kingdom because he knows only his own desires and cannot tolerate different centers of power. “The monarch, who knows each of his provinces, can set up various laws or permit different customs. But the despot knows nothing can attend to nothing; he must approach everything in a general way; he governs with a rigid will that is the same in all circumstances; all is flattened beneath his feet.”<sup>7</sup> Despotic power cannot be constrained by the “intermediate, subordinate, and dependent” associations whose roots lie outside the sphere of state action: “Just as the sea, which seems to want to cover the whole earth, is checked by the grasses and the smallest bits of gravel on the shore, so monarchs, whose power seems boundless, are checked by the slightest obstacles and submit their natural pride to supplication and prayer.”<sup>8</sup> Despotic leveling is the great enemy of liberty and stability because it attacks the hierarchies that undergird moderate and responsible rule:

Thus, when a man makes himself more absolute, his first thought is to simplify the laws. In these states he begins by being struck more by particular drawbacks than by the liberty of the subjects with which he is not concerned.

One can see that there must be at least as many formalities in republics as in monarchies. In both governments, formalities increase in proportion to the importance given to the honor, fortune, life, and liberty of the citizens.

Men are all equal in republican government; they are equal in despotic governments; in the former, it is because they are everything; in the latter, it is because they are nothing.<sup>9</sup>

Montesquieu defended the nobility's hereditary property and established privileges in the name of liberty. Despotism and democracy are twin threats to freedom because they are hostile to the tempering effect of aristocratic privilege. The only solution is to organize "a society of societies," a federation of intermediate bodies that can serve liberty by constraining both executive power and mob violence. The mixed state thus formed would combine the civic virtue of a republic with the external power of a monarchy and protect against internal decay and foreign conquest. It would be as difficult for an aspiring despot to consolidate power across a wide expanse of existing organizations as it would be to organize sedition from below. The bodies at the base of the "federal republic" structure the state by providing an alternative to the shapelessness of despotism and democracy. "This form of government," said Montesquieu, "is an agreement by which many political bodies consent to become citizens of the larger state that they want to form."<sup>10</sup> Aristotle and Cicero nodded their agreement from the past, Madison and Tocqueville from the future.

It was Montesquieu who first placed intermediate organizations at the center of a modern sense of civil society. Since neither royal goodwill nor popular decency can be a reliable foundation of stability, liberty requires "moderate governments" to curb ambition and power with the institutions of aristocratic privilege.<sup>11</sup> Civilization depends on the structure of the state in the last instance, and Montesquieu admired the English because he thought they had developed a system that preserved the material interests of the commons, the lords, and the king by bal-

ancing them against one another. Each order of the old regime could play a role in the new executive and legislative branches.<sup>12</sup> As essential as they were, however, secondary associations cannot safeguard liberty if they are unsupported by culture or unprotected by law. A substratum of “mores, manners, and received examples” work with a body of law to protect the integrity of civil society’s “intermediate, subordinate, and dependent” bodies from the will of the sovereign and the appetites of the mob. Intermediate organizations embedded in what later analysts would call a “civic culture” constitute Montesquieu’s civil society.<sup>13</sup>

It is no accident that England produced Adam Smith’s political economy, and it is equally understandable that modernity’s earliest theories of the state were developed in France. Alarmed by monarchy’s tendency to go over to despotism, Montesquieu tried to protect local privilege with a ramified structure of intermediate organizations and a mixed constitution. He admired the English combination of free political institutions and commercial activity. Commerce encourages frugality, peace, regularity, and planning—qualities essential to life in civil society. It creates centers of private power that work with political associations to moderate the arbitrariness of royal power. Taken together, aristocratic associations and commerce tend to create strong centers of interest that can resist central power and encourage peace and moderation.<sup>14</sup>

Montesquieu was not the first theorist of civil society to identify the interests of a particular class with those of the whole, and he could not have imagined that both the nobility and the monarchy would be swept away by a democratic revolution that drew sustenance from ancient notions of the unitary moral community. For the moment, other thinkers would not be so sure that the baron had correctly identified the conditions of social health. After all, his penchant for intermediate associations was caught up with the interests of the aristocracy. Perhaps another tradition could be brought to bear.

## Civil Society and Community

The Scottish Enlightenment’s claim that civil society rested on an innate moral sensibility implied that social and political institutions were to be evaluated in light of their effect on man’s capacity for ethical judgment and action. It was from the vantage point of a moralized civil society that

the Scots had assessed the impact of markets on social life, the responsibilities of the state, and the obligations of citizens. Suitably impressed with English liberty and Scottish moral economy, Montesquieu had tried to combine stability and virtue in a balanced constitution organized around aristocratic privilege.

Unwilling to protect the nobility, Jean-Jacques Rousseau built a moral theory of civil society whose root in community tried to adapt Roman virtue and Machiavellian republicanism to the spread of markets and the entrenched power of aristocrats and kings. His enormous impact on the French Revolution came from this fusion of the Scottish Enlightenment's individualistic moralism with the ancient commitment to disinterested public action organized around the common good. His entire worldview was animated by a simple but explosive claim: "Man is naturally good, and it is entirely by his institutions that he is made wicked." But if civil society makes men evil, it alone can rescue them. Operating well within the prevailing limits of social contract theory, Rousseau's analysis of civil society began with a description of a hypothetical state of nature. It was not important to him whether the state of nature ever "really" existed; like others, Rousseau used the category as a way of talking about civil society.

He populated the state of nature with isolated and amoral individuals whose mutual indifference meant that they could do each other neither harm nor good. Each man in the state of nature lived for himself and sought what was necessary for his self-preservation. In a peculiar way, their lack of social connections saved them. The pervasive insecurity that drove Hobbesian man into civil society was absent because people were not yet able to take account of others:

Wandering in the forests, without industry, without speech, without domicile, without war and without liaisons, with no need of his fellow-man, likewise with no desire to harm them, perhaps never even recognizing anyone individually, savage man, subject to few passions and self-sufficient, had only the sentiments and intellect suited to that state; he felt only his true needs, saw only what he believed he had an interest to see; and his intelligence made no more progress than his vanity. If by chance he made some discovery, he was all the less able to communicate it because he did not recognize even his own children. Art perished with

the inventor. There was neither education nor progress; the generations multiplied uselessly; and everyone always starting from the same point, centuries passed in all the crudeness of the first ages; the species was already old, and man remained ever a child.<sup>15</sup>

Rousseau wanted to establish a basis for social life that did not depend on something as immutable as social instinct or as arbitrary as self-interest, and he did not want to fall back on reason because its individualism seemed too insecure. He looked to human nature. There are two natural principles “anterior to reason,” he declared: “One interests us ardently in our well-being and our self-preservation, and the other inspires in us a natural repugnance to see any sensitive being perish or suffer, principally our fellow-men.”<sup>16</sup> His debt to the Scots shaped his view that a natural sense of sympathy is the foundation of man’s innate social disposition. It represents the social and moral potential of life in civil society, fulfills a state of nature composed of asocial and amoral men, tempers the potentially destructive effect of self-interest, and makes it possible for civil society to harmonize individual self-concern and the general interest. Natural man is prepared for civilization not by reason but because

pity is a natural sentiment which, moderating in each individual the activity of love of oneself, contributes to the mutual preservation of the entire species. It carries us without reflection to the aid of those whom we see suffer; in the state of nature, it takes the place of laws, morals, and virtue, with the advantage that no one is tempted to disobey its gentle voice; it will dissuade every robust savage from robbing a weak child or an infirm old man of his hard-won subsistence if he himself hopes to be able to find his own somewhere. Instead of that sublime maxim of reasoned justice, *Do unto others as you would have them do unto you*, it inspires all men with this other maxim of natural goodness, much less perfect but perhaps more useful than the preceding one: *Do what is good for you with the least possible harm to others*. In a word, it is in this natural sentiment, rather than in subtle arguments, that we must seek the cause of the repugnance every man would feel in doing evil, even independently of the maxims of education. Although it may behoove Socrates and minds of his stamp to acquire virtue through reason, the human race

would have perished long ago if its preservation had depended only on the reasonings of its members.<sup>17</sup>

“Man is born free, and everywhere he is in chains,” Rousseau famously proclaimed. He shared Hobbes’s and Locke’s distinction between a “state of nature” and civil society, but his differences with them about the nature of the social bond was an important one. It is not enough to unite individuals with Hobbes’s coercion and the threat of overwhelming force. Locke was also wrong; property is the root of inequality and cannot serve as a credible basis for human association. Individuals who are naturally free and potentially moral form civil society. It enables them to transcend their natural isolation by drawing on their desire for security and their disposition to sympathy. Anticipating Kant, who repeatedly acknowledged his debt to Rousseau, the Genevan asserted that civil society makes civilization possible because it rests on man’s capacity for autonomous moral judgment. “The social order is a sacred right that serves as a basis for all the others” because at bottom civil society is a moral association.<sup>18</sup>

Hobbes’s “scattered agglomeration” can become a fully human association only if personal dependence is overcome in a higher order of social and moral life.<sup>19</sup> Drawing on Plato and the Scots, Rousseau replaced Hobbes’s sovereign, Locke’s natural rights, and Montesquieu’s nobility with a moralized civil society that preserves autonomy by rooting it in a dense network of social interactions. If “the total alienation of each associate, with all his rights, to the whole community” is Rousseau’s famous formulation of the social bond, it is also the description of a civil society that alone can remedy the defects of the natural state. Authority has moral worth only when individuals do not experience it as an alien external coercive power but voluntarily subject themselves to it. If Locke’s man was fully formed before the transition to civil society, Rousseau’s savage became moral man *in* civil society. This required the renunciation of “natural independence” for something more enriching and secure, for the free personality can come into existence only in close proximity to others. Civil society substitutes internalized moral duty for blind nature and arbitrary coercion as the basis for human association. It makes possible a new, and properly human, moral order:

The passage from the state of nature to the civil state produces a remarkable change in man, by substituting justice for instinct in his behavior and giving his actions the morality they previously lacked. Only then, when the voice of duty replaces physical impulse and right replaces appetite, does man, who until that time only considered himself, find himself forced to act upon other principles and to consult his reason before heeding his inclinations. Although in this state he deprives himself of several advantages given him by nature, he gains such great ones, his faculties are exercised and developed, his ideas broadened, his feeling ennobled, and his whole soul elevated to such a point that if the abuses of this new condition did not often degrade him beneath the condition he left, he ought ceaselessly to bless the happy moment that tore him away from it forever, and that changed him from a stupid, limited animal into an intelligent being and a man.<sup>20</sup>

If civil society is the source of man's chains and his freedom, Rousseau found its paradoxical outline in each individual's acknowledgment of total dependence on a community of moral equals. This makes personal dependence a thing of the past and ushers in a reign of freedom: "As each gives himself to all, he gives himself to no one; and since there is no associate over whom one does not acquire the same right one grants him over oneself, one gains the equivalent of everything one loses, and more force to preserve what one has."<sup>21</sup> The moral bond between individual and community found expression in Rousseau's "general will" and expressed the old republican notion that the common good constitutes civil society by providing each individual with an inner sense of moral duty. Neither majority rule nor royal power, the general will is the political expression of the common good and provides the moral link between individual and community. It has to be constituted by something more durable than contracts and property. Rousseau was not particularly demanding about its form, thinking of it as any community guided by the general will and ruled by law. Every legitimate government is a republic in which "the public interest governs and the commonwealth really exists."<sup>22</sup> The important thing is his conviction that moral freedom cannot be exercised against others but can be realized only in and through a social life organized according to the objective requirements



of the general will: “For if some rights were left to private individuals, there would be no common superior who could judge between them and the public.”<sup>23</sup> In the absence of a compelling sense of shared moral duty, competition will always drive each individual to regard every other individual as his instrument and the strong will always reduce the weak to the personal dependence and poverty that make human life, civil society, and moral community impossible. Man has gained nothing by moving to civil society if the common interest is nothing more than a “social contract” by which all agree to follow their interests and stand out of the way so others can do the same. Grafting Hobbes’s state or Smith’s market onto the state of nature could not make for a moral life worthy of human beings. Classical liberalism’s instrumental reason was unfit for a decent human life.

Rousseau’s social contract was not designed to preserve natural man. It was designed to wrench him out of the state of nature and make him fully human. It established civil society as a moral association of individuals who participate fully in the political life of the community: “Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly, which receives from this very same act its unity, its common *self*, its life, and its will.”<sup>24</sup> Everyone has the capacity to be an independent moral agent, and Rousseau knew that every life is endowed with a special kind of value and dignity. Civil society makes it impossible for people to realize their full potential in its present corrupt state, and Rousseau shared Plato’s conviction that only an orientation toward universality can enable individuals to organize their unstable private interests. The general will protects individuals and the community from the narrow destructiveness of particularism, mistrust, intolerance, prejudice, and exclusion. It provides the mediations between individual and community that enable personal goals and common interests to serve one another. The objective interest of the political community rather than the summation of private wills or the vagaries of popular opinion, the general will is the foundation of Rousseau’s enormously influential political thought. It is what made him the favorite political philosopher of the French Revolution and anchored his standing among its participants. His insistence that membership in a political community made it possible for man to live the mature moral

life of an adult helps explain why he is one of the seminal thinkers of a French democratic tradition that embraces a powerful central state.

Rousseau's understanding of civil society summarized his attack on enlightened self-interest and the rational calculation of advantage. Civil society is more than an association whose value can be calculated by the range of opportunities for advantage it offers its individual members. Like other social contract theorists, Rousseau knew that people have their individual desires. The problem was keeping civil society from tearing itself to pieces, and this is why he sought to connect its individuals with the binding moral connections that forge an identity between part and whole. This is accomplished with a general will that achieves moral force when it transcends the pull of temporary advantage and is expressed politically. "It is not good for him who makes the laws to execute them, nor for the body of people to turn its attention away from general considerations to particular objects," Rousseau said. "Nothing is more dangerous than the influence of private interests on public affairs; and the abuse of laws by the government is a lesser evil than the corruption of the legislator, which is the inevitable result of private considerations."<sup>25</sup> Rousseau's attempt to marry Plato to Machiavelli enabled him to identify a fatal weakness in liberal theories of civil society: without a commitment to publicness and a political understanding of morality, market society was little better than Hobbes's war of all against all. Man's capacity for moral choice requires the constant presence and public activity of others. No wonder Kant found inspiration in Rousseau:

The better constituted the State, the more public affairs dominate private ones in the minds of the citizens. There is even less private business, because since the sum of common happiness furnishes a larger portion of each individual's happiness, the individual has less to seek through private efforts. In a well-run City, everyone rushes to assemblies. Under a bad government, no one likes to take even a step to go to them, because no one takes an interest in what it is done there, because it is predictable that the general will won't predominate, and finally because domestic concerns absorb everything. Good laws lead to the making of better ones; bad laws bring about worse ones. As soon as someone says "what do I care?" about the affairs of the State, the State should be considered lost.<sup>26</sup>

Rousseau's paradoxical attempt to guarantee personal independence by fusing it with objective social welfare precipitated his often-misunderstood claim that "the general will is always right and always tends toward the public utility."<sup>27</sup> Only the frank recognition of complete and compelling mutual dependence can create a moral community supported by the best traditions of civil republicanism. Rousseau's well-known fear that private concerns, factions, and partial associations would destroy civil society was rooted in his conviction that only a relatively small, unitary, and intimate community could provide the appropriate grounding for the politics of moral duty. The larger the state and the more interests civil society comprised, the more likely its individuals will orient themselves to their private concerns. Such a situation was profoundly troubling to him. Rousseau clearly and unambiguously articulated the classic republican view that private interests tend to drive against the general will and the common good. Public welfare cannot arise from any network of partial associations.<sup>28</sup>

Rousseau's hostility to factions and intermediate associations marked his decisive break with Montesquieu. The general will was the vehicle of independence and civilization precisely because it is general, extensive, and abstract. Neither it nor the law can address individual, particular cases. Uniformity makes morality possible, and Rousseau took his distance from Montesquieu's desire to protect local differences and aristocratic privilege. The general will and the political community are the highest expressions of civil society precisely because of their generality and comprehensiveness.

Rousseau articulated one of the most powerful challenges to the private concerns and partial associations of liberal theory and prerevolutionary French society. An Enlightenment enemy of the *ancien régime's* hierarchy, customs, and obscurantism, he was also a critic of his colleagues' single-minded reliance on reason and individual interest. "What will become of virtue when one must get rich at any price?" he asked. "Ancient thinkers incessantly talked about morals and virtue. Those of our time talk only of business and money."<sup>29</sup> Civil society civilizes man because it removes him from personal dependence on other men, and it does so by making him dependent on the abstract community. It is man's home precisely because "the general will, to be truly such, should be general in its object as well as in its essence; that it should come from

all to apply to all; and that it loses its natural rectitude when it is directed toward any individual, determinate object.”<sup>30</sup> Civil society’s mutualism, solidarity, reciprocity, and impersonal dependence provided the antidote to modernity’s instrumental reason and calculating efficiency. Such a view drove against partial associations, factions, and mediation. Rousseau echoed Montesquieu’s view that freedom was defined locally and knew that people had private interests, but he left an empty space between political authority and the citizen that he hoped to fill with the liberating chains of a moral community. Such a conception raised just as many questions as it addressed. Perhaps such a community was not enough. Perhaps the general will needed further determination.

### The Customs of Civil Society

Edmund Burke’s conservative attack on Rousseau and the French Revolution came from his fear that leveling, centralization, and equality could not help but destroy civil society.<sup>31</sup> Experience demonstrated to him that arbitrary schemes hatched in the brains of would-be saviors of humanity could not substitute for the active, living social forces that make up civil society. Disaster awaits any attempt to impose arbitrary ideological categories on a recalcitrant social structure. History and customs will win out in the end.

Attacking the theory and practice of democratic leveling and popular sovereignty, Burke attributed the Revolution’s violence to its assault on the creative and regenerative capacity of civil society. The best intentions in the world cannot create a new order. As soon as their recklessness took them outside the historical and customary limits of moderate reform, the French had no choice but to drift into an assault on civilization itself. The British, by contrast, had understood the power of custom and history, and the Glorious Revolution had respected the traditional customs, practices, and institutions from which all liberty comes.

If Montesquieu relied on the aristocracy to defend freedom and if Rousseau located civil society in a community, Burke looked to the past. History and usage establish a delicate balance between the elements of any constitution, and it was wise not to meddle: “The engagement and pact of society, which generally goes by the name of the constitution, forbids such invasion and such surrender. The constituent parts of a

state are obliged to hold their public faith with each other and with all those who derive any serious interest under their engagements, as much as the whole state is bound to keep its faith with separate communities. Otherwise competence and power would soon be confounded and no law be left but the will of a prevailing force.”<sup>32</sup> Montesquieu had identified a deep wellspring of liberty. Customs endure because they preserve a balance between the historically grounded elements of civil society. Prudence demands that history’s lessons be heeded.

Burke’s emphasis on the integrating power of custom explains why he was not particularly worried about faction or conflict. Social peace demands preserving existing centers of power. Having studied Montesquieu, he rebuked the French for abandoning the aristocratic institutions that had contained the masses and held the monarchy in check. They should have taken English events to heart and built on the foundations left them by their ancestors. With some modest modifications, the *ancien régime*’s political and social institutions were perfectly adequate instruments for the country: “Through that diversity of members and interests, general liberty had as many securities as there were separate views in the several orders, whilst, by pressing down the whole by the weight of a real monarchy, the separate parts would have been prevented from warping, and starting from their allotted places.”<sup>33</sup> Civil society is constituted by complementary relationships between social groups whose mutual compatibility has deep historical roots. History cannot be trampled underfoot or reshaped in the name of any ideology. Stability, order, tradition, custom, property, and religion constitute the foundations of any stable civil society. They are constituted and defended by the same intermediate institutions that Montesquieu had identified, Rousseau had ignored, and the Revolution had destroyed:

From Magna Charta to the Declaration of Right it has been the uniform policy of our constitution to claim and assert our liberties as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity—as an estate specially belonging to the people of this kingdom, without any reference whatever to any more general or prior right. By this means our constitution preserves a unity in so great a diversity of its parts. We have an inheritable crown, an inheritable peerage, and a

House of Commons and a people inheriting privileges, franchises, and liberties from a long line of ancestors.<sup>34</sup>

None of this was a monopoly of the English. “You had all these advantages in your ancient states,” Burke told the French, “but you chose to act as if you had never been molded into civil society and had everything to begin anew. You began ill, because you began by despising everything that belonged to you.”<sup>35</sup> The root of the error lay in the Revolution’s contempt for history and custom. Its leaders substituted abstract categories for the possibilities that existing institutions made available, and the results could only be disastrous. If they had taken the time to look around, the French would have seen that social leveling runs counter to nature and can only pervert the natural order of things; the “true moral equality of mankind” lies in a “protected, satisfied, laborious, and obedient people” understanding that hierarchy makes virtue possible. But the French have allowed themselves to be driven by “that monstrous fiction which, by inspiring false ideas and vain expectations into men destined to travel in the obscure walk of laborious life, serves only to aggravate and embitter that real inequality which it can never remove, and which the order of civil life establishes as much for the benefit of those whom it must leave in a humble state as those whom it is able to exalt to a condition more splendid, but not more happy.”<sup>36</sup> Civil society is constituted by inequality:

But now all is to be changed. All the pleasing illusions that made power gentle and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics the sentiments which beautify private society, are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be rudely torn off. All the superadded ideas, furnished from the wardrobe of a moral imagination, which the heart owns and the understanding ratifies as necessary to cover the defects of our naked, shivering nature, and to raise into dignity in our own estimation, are to be exploded as a ridiculous, absurd, and antiquated fashion.<sup>37</sup>

The Enlightenment was the issue. Its universalism and aggressiveness pitted it against the private privileges and public inequalities that

sustain civil society. If things go on as they are, warned Burke, “the commonwealth itself would, in a few generations, crumble away, be disconnected into the dust and powder of individuality, and at length dispersed to all the winds of heaven.”<sup>38</sup> Inequalities between different classes of men have received institutional expression for many years and must be respected by prudent leaders. Legislation must “furnish to each description such force as might protect it in the conflict caused by the diversity of interests that must exist and must contend in all complex society” because any attempt to impose a politically derived uniformity on a differentiated civil society is a prescription for disaster.<sup>39</sup> Only a frank recognition that inequality stabilizes social relations could enable France’s intermediate institutions to protect civil society from the Crown and the mob. No matter how much they needed reform, Burke said of the ancien régime’s *parlements* and courts, they embodied longevity and independence. Appointed by the monarch, they were largely outside his control because they sat for life and rested on aristocratic laws of inheritance. This independence meant that they could resist “arbitrary innovation” by protecting property, tradition, and stability against king and people.<sup>40</sup> If they had not been destroyed in the recklessness of revolution, they could have been “one of the balances and correctives to the evils of a light and unjust democracy.”<sup>41</sup> Montesquieu was right; differences in quality were more important than considerations of “substance and quantity.” Intermediate organizations could preserve civil society by defending its diverse roots.

Montesquieu had crafted his defense of intermediate organizations to limit the power of the king. Burke adapted it to attack the French Revolution in the name of custom, tradition, and local power. Rousseau’s civil society had politicized the Scottish concern with moral community by adding important elements from the ancient tradition of civic republicanism. It fell to Alexis de Tocqueville to adapt all three to modern conditions of democracy and equality. His theory of civil society as the non-state sphere of intermediate associations arose from his assessment of French history and American democracy. Founded on localism and the politics of interest, it stands with Marxism at the heart of all contemporary theories of civil society.

## American Lessons

“Among the novel objects that attracted my attention during my stay in the United States,” wrote Tocqueville in 1835, “nothing struck me more forcibly than the general equality of condition among the people.” Addressing himself to his fellow Frenchmen, the young aristocrat resolved to explain “the prodigious influence that this primary fact exercises on the whole course of society” because he was convinced that Europe was destined to be shaped by the same forces he discerned in America.<sup>42</sup> He was equally convinced that it was time to put the past to rest and understand the opportunities and dangers that economic equality presented in politics and civil society alike. “I soon perceived that the influence of this fact extends far beyond the political character and the laws of the country, and that it has no less effect on civil society than on the government,” he continued.<sup>43</sup> Explicitly locating civil society “beyond the political character and the laws of the country” and outside “the government,” Tocqueville would craft his influential understanding of it as a sphere of mediating organizations between the individual and the state. Montesquieu was adapted to postrevolutionary conditions of economic equality and political democracy.

The first thing that struck him was the weakness of the state. His explanation made one of the first distinctions between a “strong society, weak state” America and “strong state, weak society” Europe that has had such a powerful influence on contemporary theorizing. The lack of an entrenched feudal tradition and concomitant absence of an *ancien régime*, the scarcity of great cities and consequent importance of local municipalities, the relative absence of a bureaucracy and accompanying tradition of decentralization, geographical isolation, and the absence of a large standing army—all these factors, especially when combined with broad social equality, a culture of self-reliance, and a low level of class conflict, explained why America never developed the powerful state tradition that marked Continental history: “Nothing is more striking to a European traveler in the United States than the absence of what we call the government, or the administration. Written laws exist in America, and one sees the daily execution of them; but although everything moves regularly, the mover can nowhere be discovered. The hand that directs the social machine is invisible.”<sup>44</sup> Like Adam Smith, Tocqueville



wanted to identify “the hand.” Unlike Smith, he directed his attention away from the economy and toward culture. The consequences of his choice are still with us.

This orientation led him to his famous description of municipal life and its culmination in the town meeting. The “life and mainspring” of American liberty was “the intervention of the people in public affairs, the free voting of taxes, the responsibility of the agents of power, personal liberty, and trial by jury”—practices that exist only imperfectly in Europe but are “recognized and established by the laws of New England.”<sup>45</sup> The Americans had combined Athenian democracy and traditional republicanism in the towns, the first organized forms of political life in the New World. Tocqueville’s reading of Montesquieu informed his homage to local municipal institutions:

In New England, townships were completely and definitely constituted as early as 1650. The independence of the township was the nucleus around which the local interests, passions, rights, and duties collected and clung. It gave scope to the activity of a real political life, thoroughly democratic and republican. The colonies still recognized the supremacy of the mother country; monarchy was still the law of the state; but the republic was already established in every township.

The towns named their own magistrates of every kind, assessed themselves, and levied their own taxes. In the New England town the law of representation was not adopted; but the affairs of the community were discussed, as at Athens, in the marketplace, by a general assembly of the citizens.<sup>46</sup>

New England’s municipalities mediated between the people and broader political institutions by representing local interests.<sup>47</sup> Their strong links to the population provided institutionalized patterns of self-government, and their provincialism domesticated the democratic state. They were perfectly structured to channel and tame popular participation, for “the township, at the center 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.”<sup>48</sup> Local municipalities

could defend liberty without going over to democratic excess precisely because of their narrow horizons:

The native of New England is attached to his township because it is independent and free; his co-operation in its affairs ensures his attachment to its interests; the well-being it affords him secures his affection; and its welfare is the aim of his ambition and of his future exertions. He takes a part in every occurrence in the place; he practices the art of government in the small sphere within his reach; he accustoms himself to those forms without which liberty can only advance by revolutions; he imbibes their spirit; 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.<sup>49</sup>

The French Revolution's centralized state would never be appropriate in America because its love of regularity, predictability, and routine would shatter when grafted onto a vibrant culture of local activity. "However enlightened and skillful a central power may be," Tocqueville declared, "it cannot 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 impotence is disclosed."<sup>50</sup> The counterpoints to French centralism were strong local institutions supported by an individualistic and parochial culture that safeguarded liberty by constraining state power and keeping people close to home.

Local self-rule was perfectly suited to an American culture of self-reliance: "Everyone is the best judge of what concerns himself alone, and the most proper person to supply his own wants. The township and the county are therefore bound to take care of their special interests; the state governs, but does not execute the law."<sup>51</sup> Americans look to themselves and their neighbors and ask for public assistance only when private initiatives fail. Their tradition of localism, the habits that come with political freedom, and a culture of self-reliance made it easy for the intermediate organizations of American civil society to represent the population's concerns to the state. This made it unique: "In no country in the world has the principle of association been more successfully used

or applied to a greater multitude of objects than in America. Besides the permanent associations which are established by law under the names of townships, cities, and counties, a vast number of others are formed and maintained by the agency of private individuals.”<sup>52</sup>

Tocqueville’s notion of American civil society attached a profoundly individualistic people to the general welfare in conditions of widespread equality. His approach was radically different from that of Rousseau. Free institutions, the rule of law, and intermediate associations were essential if equality, democracy, and solidarity were to be reconciled: “Feelings and opinions are recruited, the heart is enlarged, and the human mind is developed only by the reciprocal influence of men 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.”<sup>53</sup> The American disposition to form voluntary organizations was radically different from Europe and avoided both state leveling and aristocratic privilege:

Americans of all ages, all conditions, and all dispositions constantly form associations. They have not only commercial and manufacturing companies, in which all take part, but associations of a thousand other kinds, religious, moral, serious, futile, funereal or restricted, enormous or diminutive. The Americans make associations to give entertainments, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries to the antipodes; in this manner they found hospitals, prisons, and schools. If it is proposed to inculcate some truth or foster some feeling by the encouragement of a great example, they form a society. Wherever at the head of some new undertaking you see the government in France, or a man of rank in England, in the United States you will be sure to find an association.<sup>54</sup>

Voluntary associations fuse personal interest and the common good, and this explains why Tocqueville was so impressed by Americans’ energy and intensity—especially when contrasted with Europeans’ love of routine, uniformity, and moderation. “In no country in the world do the citizens make such exertions for the common weal,” he wrote. “I know of no people who have established schools so numerous and efficacious, places of public worship better suited to the wants of the inhabitants,

or roads kept in better repair. Uniformity or permanence of design, the minute arrangement of details, and the perfection of administrative system must not be sought for in the United States; what we find there is the presence of a power which, if it is somewhat wild, is at least robust, and an existence checkered with accidents, indeed, but full of animation and effort.”<sup>55</sup> Echoing Montesquieu and Madison, Tocqueville hoped that civil society would serve liberty by diluting the influence of any single interest, weakening the majority, and guarding against the excesses of the very democracy that stimulated their appearance.<sup>56</sup> He drew on his observations to derive a general rule that could safeguard liberty in a democratic age:

There are no countries in which associations are more needed to prevent the despotism of faction or the arbitrary power of a prince than those which are democratically constituted. In aristocratic nations the body of the nobles and the wealthy are in themselves natural associations which check the abuses of power. 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.<sup>57</sup>

Tocqueville’s genius lay in his ability to contain equality, localism, and materialism in a greatly expanded notion of civil society. He attributed America’s focus on material wealth to its democratic social structure—the same root of her people’s unique propensity to associate. He also agreed with Locke, Montesquieu, and Madison that commerce could serve liberty by creating multiple centers of power in civil society: “I do not know if a single trading or manufacturing people can be cited, from the Tyrians down to the Florentines and the English, who were not a free people also. There is therefore a close bond and necessary relation between these two elements, freedom and productive industry.”<sup>58</sup> But the pursuit of wealth in American conditions could also divide. “When social conditions are equal,” he said, “every man is apt to live apart, centered in himself and forgetful of the public.”<sup>59</sup> Tocqueville was aware that the Americans were in uncharted waters. The prescribed legal and contractual codes, norms of social cohesion, hierarchical structures,

and habits of deference that had structured medieval society were irrelevant in America and disappearing from Europe. Burke's complaints notwithstanding, the Enlightenment had won. The members of a democratic commercial republic have no essential ties to one another; each being the equal of all, no one is obligated to anyone else except when his own interests are at stake. Tocqueville was all the more impressed with Americans because he knew that civil society is difficult to create out of such raw materials: "It must be acknowledged that equality, which brings great benefits into the world, nevertheless suggests to men . . . some very dangerous propensities. It tends to isolate them from one another, to concentrate every man's attention upon himself; and it lays open the soul to an inordinate love of material gratification."<sup>60</sup> Left to itself, equality produces a society of strangers: "Not only does democracy make every man forget his ancestors, but it 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."<sup>61</sup>

This made it all the more important that civil society provide the principles of association that are not spontaneously generated by politics or commerce. "The Americans have combated by free institutions the tendency of equality to keep men asunder, and they have subdued it," Tocqueville announced.<sup>62</sup> Voluntary association can stimulate citizen activity and connect individual interest to the welfare of the community. Local control over public matters brings the lessons of Athenian democracy and classic republicanism to the egalitarian conditions of modern life. Tocqueville's voluntary activity replaced Rousseau's moral community:

It is difficult to draw a man out of his own circle to interest him in the destiny of the state, because he does not clearly understand what influence the destiny of the state can have upon his own lot. But if it is proposed to make a road cross the end of his estate, he will see at a glance that there is a connection between this small public affair and his greatest private affairs; and he will discover, without its being shown to him, the close tie that unites private to general interest. Thus far more may be done by entrusting to the citizens the administration of minor affairs than by surrendering to them in the control of important ones, towards interest-

ing them in the public welfare and convincing them that they constantly stand in need of one another in order to provide for it. A brilliant achievement may win for you the favor of a people at one stroke; but to earn the love and respect of the population that surrounds you, a long succession of little services rendered and of obscure good deeds, a constant habit of kindness, and an established reputation for disinterestedness will be required. Local freedom, then, which leads a great number of citizens to value the affection of their neighbors and of their kindred, perpetually brings men together and forces them to help one another in spite of the propensities that sever them.<sup>63</sup>

The antistatist core of Tocqueville's preference for voluntary activity rests at the heart of much contemporary fascination with civil society, but for the moment his argument was a pragmatic one: "A government might perform the part of some of the largest American companies, and several states, members of the Union, have already attempted it; but what political power could ever carry on the vast multitude of lesser undertakings which the American citizens perform every day, with the assistance of the principle of association?" he asked. A more complicated and interdependent future would only intensify the problem: "It is easy to foresee that the time is drawing near when man will be less and less able to produce, by himself alone, the commonest necessities of life. The task of the governing power will therefore extend it every day. The more it stands in the place of associations, the more will individuals, losing the notion of combining together, require its assistance; these are causes and effects that unceasingly create each other. Will the administration of the country ultimately assume the management of all the manufactures which no single citizen is able to carry on?"<sup>64</sup> The lessons taught by American social structure, culture, and history could be generalized. Montesquieu's critique of royal despotism was never far from Tocqueville, and he drew on it to write a manifesto of civil society that sits at the center of almost all contemporary theorizing:

A government can no more be competent to keep alive and to renew the circulation of opinions and feelings among a great people than to manage all the speculations of productive industry. No sooner does a government attempt to go beyond its political sphere and enter upon this new track

than it exercises, even unintentionally, an insupportable tyranny; for a government can only dictate strict rules, the opinions which it favors are rigidly enforced, and it is never easy to discriminate between its advice and its commands. Worse still will be the case if the government really believes itself interested in preventing all circulation of ideas; it will then stand motionless and oppressed by the heaviness of voluntary torpor. Governments, therefore, should not be the only active powers; associations ought, in democratic nations, to stand in lieu of those powerful private individuals whom the equality of conditions has swept away.<sup>65</sup>

We are at the heart of Tocqueville's theory of civil society. The responsibilities of government must be limited to "its political sphere." Civil society is populated by voluntary associations that are oriented to the pursuit of private matters and are generally unconcerned with broad political or economic affairs. Strengthened by the peculiar American disposition to associate in pursuit of local interests, civil society replaces aristocrats with groups of equals and blunts the thrust of the democratic state. It is the essential condition of liberty and is America's answer to Europe's dilemma: "In democratic countries the science of association is the mother of science; the progress of all the rest depends on the progress it has made."<sup>66</sup>

Tocqueville was impressed by the New World's informality, energy, and creativity, worried about her capacity for statism, and feared that the rich network of intermediate associations, traditions of localism, and political freedom might not be enough to turn a commercial society's isolated individuals toward the common good. Even with their powerful attachment to local voluntarism, Americans had to learn the importance of tempering the French Revolution's universalism with the recognition of local inequalities: "The Americans hold that in every state the supreme power ought to emanate from the people; but when once that power is constituted, they can conceive, as it were, no limits to it, and they are ready to admit that it has the right to do whatever it pleases. They have not the slightest notion of peculiar privileges granted to cities, families, or persons; their minds appear never to have foreseen that it might be possible not to apply with strict uniformity the same laws to every part of the state and to all its inhabitants."<sup>67</sup> Civil society could also help a Europe that was finally sloughing off its ancient aristocratic

structures. “Many of these local authorities have already disappeared,” said Tocqueville. “All are speedily tending to disappear or fall into the most complete dependence. From one end of Europe to the other the privileges of the nobility, the liberties of cities, and the power of provincial bodies are either destroyed or are on the verge of destruction.” But this was not an unambiguous blessing, for the French Revolution’s tendency to destroy all the “secondary powers of government” is a real threat to liberty.<sup>68</sup> The contradictory logic of history meant that egalitarian America might help class-bound Europe preserve liberty by protecting local centers of privilege from the democratic state. Perhaps civil society could put some of the secondary benefits of feudalism to use:

I firmly believe that an aristocracy cannot again be founded in the world, but I think that private citizens, by combining together, may constitute bodies of great wealth, influence, and strength, corresponding to the persons of an aristocracy. By this means many of the greatest political advantages of an aristocracy would be obtained without its injustice or its dangers. An association for political, commercial, or manufacturing purposes, or even for those of science and literature, is a powerful and enlightened member of the community, which cannot be disposed of at pleasure or oppressed without remonstrance, and which, by saving its own rights against the encroachments of the government, saves the common liberties of the country.<sup>69</sup>

In an age when popular political power threatened liberty, civil society could protect freedom with inequality: “To lay down extensive but distinct and settled limits to the action of the government; to confer certain rights on private persons, and to secure to them the undisputed enjoyment of those rights; to enable individual man to maintain whatever independence, strength, and original power he still possesses; to raise him by the side of society at large, and uphold him in that position; these appear to me the main objects of legislators in the ages upon which we are now entering.”<sup>70</sup> The free institutions that protect localism and association do so by limiting the power of majorities with a measure of inequality.

America had managed the formidable task of “connecting the notion of right with that of private interest, which is the only immutable point



in the human heart.”<sup>71</sup> Finding a place for liberty, excellence, and virtue in the new conditions of equality, commerce, and democracy depended on the sorts of institutions the Americans had perfected: town meetings, freedom of the press, indirect elections, federalism, an independent judiciary, separation of Church and state, and a multitude of independent associations. Tocqueville hoped that the Americans could show Europe how to limit the democratic state by reserving considerable power to a civil society that could mediate between the isolated individuals of a commercial social order and an increasingly centralized and intrusive governmental apparatus.

Rousseau had given voice to ancient republican virtues of citizenship and community and articulated a revolutionary concept of civil society. Burke feared modernity’s leveling and sought stability in custom and inequality. Tocqueville’s ambivalence about the Revolution was reflected in his recognition that the *ancien régime* was yielding to the irresistible demands of equality and democracy, but he shared Montesquieu’s fear of central power and wanted to limit its scope with local institutions and voluntary associations. His civil society protected liberty because it was based on localism, particularism, and entrenched privilege. Relatively unconcerned about the internal dynamics of the economy, Tocqueville was able to leave the market out of his thinking because his assumptions about American equality of conditions effectively removed the economy from democratic criticism. Such an assertion was problematic enough even in 1830 but is impossible to maintain with a straight face more than a century and a half later. None of this would prevent some European intellectuals from turning to Tocqueville and his idealized America once again. They should have known better.

PART III

Civil Society in Contemporary Life



## Civil Society and the Crisis of Communism

The roots of the contemporary interest in civil society lie in the 1980s contention of some influential Eastern European intellectuals that the accelerating crisis of communism was “the revolt of civil society against the state.” Deeply hostile to the claims of self-described vanguard parties and to their bureaucratized version of politics, a dissident literature slowly took shape that identified “actual existing socialism” with a grasping and intrusive state apparatus, obsolete central planning of heavy industrial production, and pervasive repression of social initiatives originating outside the control of the party-state. Drawing from liberal constitutionalism, Tocqueville, and the Western literature on “totalitarianism,” early analysts developed a sustained critique of what they said was Marxism’s lack of limits, tendency to politicize everything, betrayal of democracy, and drive to direct or absorb any spontaneous activity arising from civil society. Rooted in broad popular desires for political democracy, the critique pointedly ignored economic matters and initially presented itself as a renovation of socialist thought. Its judgments were certainly not new, but they received considerable support from a deepening economic crisis and the Right’s political triumph in England and the United States. By the end of the decade its pervasive distrust of politics and the state had turned toward private property and the market. A broad consensus about why Soviet-style communism had collapsed soon developed, fortified by postmodern critiques of “grand narratives” that reflected the period’s general suspicion of comprehensive ideologies and politics. It came to a head in the hope that the end of the Cold War would give birth to a “global civil society” that could resuscitate democratic politics in an international system that might move beyond superpower rivalry, tension, and the threat of war. But optimistic hopes for a “new world order” came to an end because the international system remains structured by states. Indeed, the groups that constitute global civil society have been unable to mitigate the effects of economic crisis,

intensifying economic inequality, and the erosion of democracy. It turns out that the collapse of communism did not make big projects, comprehensive politics, or states irrelevant at all.

Since “actual existing socialism” had developed as a state-led strategy of economic growth and social organization, the dissident critique gravitated toward liberal theories of civil society that centered on constraining state power. Constitutionalist arguments for political rights, civil liberties, and the rule of law sought to define a sphere of public life free of arbitrary bureaucratic intervention. Autonomous voluntary organizations came to be seen as democratic sites of self-organization and important obstacles to the relentless expansion of the party-state. Liberal constitutionalism could provide an important measure of protection, but that turned out to be the only part of the solution to which the new theories of civil society addressed themselves.

Modern socialism, the Enlightenment twin of liberalism, has always rested on the extension of democracy into the economy. Understanding civil society as self-organization pure and simple tended to view the state as the chief obstacle to democracy and to leave the economy out of consideration. But if civil society was theorized as a chaotic sphere of production, interest, and inequality, then the internal dynamics of the economy could be subject to scrutiny. This is the orientation that has rested at the heart of all socialist theories of civil society. From the mild redistributive policies advocated by some to the full-blown abolition of the market preferred by others, equality and democracy seemed to require the use of state power to interfere with private property and the logic of commodification. Lenin’s hope that the deep contradictions of the transition to socialism could be managed politically became a general principle for twentieth-century communism. But questions of democracy have forced themselves to the center of socialist thought. Liberalism developed a theory of civil society because it wanted to democratize the state. Marxism developed a theory of the state because it wanted to democratize civil society. The twists and turns of history would bring them face-to-face in Eastern Europe.

## Antistatism and Totalitarianism

Marx's great project was his critical analysis of bourgeois civil society, and it is well-known that he spent relatively little time describing how he thought communism would be organized. But he did present a fairly coherent outline of the transition to socialism, and we have seen that it was driven by his expectation that the central structures of capitalism would continue to exist for some time after the workers' political "victory." His projection that the seizure of power would precede and make possible the transformation of civil society implied that a powerful political apparatus would play an important guiding and directing function. Exactly how this state could be sufficiently strong to accomplish its tasks and be accountable to the population at the same time was not very clear, but Marx certainly expected it to be actively supported by the overwhelming majority of the population. The unavoidable tension between it and a still-bourgeois civil society need not be fatal to social or political democracy under such conditions.

Lenin understood this, but the particular circumstances of the Russian Revolution would locate questions of political democracy at the heart of a society whose suffocating weakness made it singularly unable to satisfactorily address them. "We must now set about building a proletarian socialist state in Russia," he soberly told the members of the Petrograd Soviet immediately after the successful insurrection of October 25, 1917.<sup>1</sup> Once its political and institutional foundations were in place the social revolution could begin. But transforming civil society proved to be much more difficult than seizing state power. Things would have been difficult enough without the devastation of World War I, but the pressing need to defeat domestic counterrevolution and foreign intervention strengthened the forces of centralization and made it difficult to hold the party and state accountable to elements of the very civil society they were dedicated to transforming. The initial hope that a revolutionary state could be organized on the decentralized basis of direct democracy, workers' supervision, and Soviet power quickly yielded to the realization that a formidable political organ would be necessary for some time. The "withering away of the state" would have to wait at least until overt counterrevolution was defeated and economic modernization begun.<sup>2</sup>

Victory in the civil war only redrew the parameters of a crisis that would prove permanent. Lenin knew that the New Economic Policy's turn toward the market and its compromise with the middle peasants would encourage dangerous market forces to reassert themselves, but he was confident that consistent political leadership would turn capitalism to the advantage of socialism. He had often expressed the hope that the state-led transition to a stateless society would be comparatively rapid and easy, but as it became clear that revolutionary Russia stood alone he repeatedly turned to the vanguard party for help. Its virtual fusion with the state permitted the Bolshevik regime to organize a Red Army, neutralize the political opposition, and mobilize an exhausted population for reconstruction and social revolution. Lenin knew that his reliance on a monolithic party and state was full of danger, and he repeatedly warned his colleagues that only workers' supervision and control could turn the Revolution's inescapable centralism to the advantage of socialism. Bureaucracy cannot be avoided, he often acknowledged, but its damaging effects can be limited with continuous working-class supervision. By the end of his life he had become painfully aware that this would be considerably easier to proclaim in theory than to organize in practice.

Lenin's death in 1924 did little to resolve the deep contradictions inherent in using a workers' state to transform a bourgeois civil society. Every one of the Revolution's goals seemed to require a strengthened central power and a party-led drive toward social mobilization and economic modernization. The important industrialization debates of the late 1920s occurred in the context of widespread agreement among the Soviet leadership that the capital for industry would have to come from the peasantry. The only question was the swiftness with which it would be extracted. Lenin had always recommended caution, patience, and the power of example in the effort to convince Russia's enormous and skeptical peasantry of the advantages of cooperation and collectivization. But socialist revolution had come to a devastated and besieged society whose leadership was now compelled to start at the very beginning: with the production of the means of production. In the end, Stalin won the complex political struggle with Bukharin and Trotsky by insisting that socialism could be built as an active alliance between the peasants and workers—and that neither class would be hurt. Once a policy of

land collectivization and rapid industrialization was agreed on, the state would take the lead.<sup>3</sup>

World War II and the subsequent confrontation with the United States only magnified the role of the state as heavy industry, permanent emergency, and military necessity came to characterize Soviet socialism. Its economy had rested on a war footing from the very beginning and relied on centralized planning, strict political control, and a determination to hold market forces in check. However it was understood, civil society became increasingly problematic under such conditions. If it was Tocqueville's sphere of independent non-state organizations, it seemed to have been entirely swallowed up by a party-state that was directing all its efforts toward social transformation. If it was the market-organized sphere of class, exploitation, and alienation, Soviet theorists proclaimed that it had largely disappeared by 1936. Either way, civil society did not figure prominently in socialist political theory for some time. This would make it particularly difficult to comprehend what was to transpire in Eastern Europe during the 1980s.

The problems only intensified as a modern economy began to take shape. Claims that the USSR had developed a "mature" socialism that was setting in place the material conditions for communism were belied by increasing bureaucratization, social stratification, and political demobilization. Generous social services stood alongside an authoritarian political structure and a command economy built around the requirements of iron and steel. As the society matured it became progressively more difficult to organize a planned economy by relying on continuous ideological mobilization and heroic examples from past industrialization, collectivization, and military campaigns.

The course of the Russian Revolution came to dominate progressive political thought for most of the century, but its appropriateness to advanced bourgeois civil societies remained an open question. The vicissitudes of history transformed it into the preeminent model of state-driven industrialization of underdeveloped societies that did not have deep traditions of political democracy. Marxist theory and its own experience had taught the Bolshevik leadership that a civil society that had not yet been fully transformed would spontaneously generate bourgeois impulses and counterrevolution, and it always regarded independent social initiatives with deep suspicion. Theory and practice came together



to reinforce the view that the state was the most dependable weapon in the struggle to remold a recalcitrant social order. The Revolution's critics had often described it as a Jacobin-inspired war against civil society and painted a dreary picture of a passive citizenry, a fractured and immobile civil society, and a powerful interventionist state. A full-scale theory of totalitarianism brought different strands of the analysis together.

As World War II's "grand alliance" with the Soviet Union yielded to hostility and the Cold War, a coherent anticommunist position solidified in the West. Basing much of their analysis on the traditional Anglo-American suspicion of the state, some intellectuals suggested that any effort to regulate civil society in the name of general interests was the first step toward despotism. Carl Friedrich and Zbigniew Brzezinski adapted elements of classical theory and modern liberalism in an influential Cold War portrayal of totalitarianism as a novel configuration of specific procedures, institutions, and processes.<sup>4</sup> Characterized by a relentless drive to enforce ideological unity, level social differences, and organize high levels of manipulated participation, totalitarianism is autocracy adapted to the conditions of twentieth-century mass industrial society. Its roots lay in the attempt to subject civil society's spontaneous drives to predetermined ends, an attempt that rests on an aggressive revolutionary ideology claiming jurisdiction over all aspects of human life and organized by a powerful party-state. Constantly seeking unanimity, a permanent ideological campaign backed by state-sanctioned terror penetrates everywhere. A revolution of unprecedented ambition is extended "to every nook and cranny of society. Thus change becomes the order of the day."<sup>5</sup> No social sphere can protect its autonomy from the relentless intrusion of a hyper-politicized revolutionary project to remold civil society and improve human nature. Highly refined instruments of rule make it possible to set goals that are more ambitious than earlier revolutionary projects—particularly when they are backed by a state monopoly of communications and the means of violence. For Brzezinski and Friedrich—and Cold War liberalism generally—fascism and communism were cousins.

The totalitarian state's unprecedented ability to persuade and punish helps it organize "a central control and direction of the entire economy through the bureaucratic coordination of formerly independent corporate entities, typically including most other associations and group

activities.”<sup>6</sup> Whether expressed as communist industrialization or fascist war, totalitarianism’s overweening ambition and ruthless aggressiveness crushes civil society’s autonomous spheres and intermediate organizations. Its logic drives it to extend its grasp, engulf ever-wider spheres, and penetrate everywhere. Aristotle, Montesquieu, Burke, and Tocqueville had warned that the inclination to erase distinctions and impose universal standards tends to wipe out the mediating bodies that protect the individual. For Friedrich and Brzezinski, modern totalitarianism’s *modus operandi* differs only in its agent. Fused with the state, the revolutionary party deploys a highly politicized bureaucracy and organizes a level of control that is without historical precedent. The all-powerful directing party-state that combines the power of ideology and the use of coercion is a defining feature of modern totalitarianism.

Friedrich and Brzezinski knew that economic planning had become a permanent feature of the twentieth century. They were not particularly bothered by planning; what worried them was communism’s project to transform civil society. The drive to politicize economic matters is inherent in modern autocracy as such and becomes a condition of its survival and growth: “Totalitarian planning is a necessary concomitant of the total revolution that these regimes set in motion—without it they would easily degenerate into anarchy—and it is this *political* quality that sets it apart from democratic economic planning.”<sup>7</sup> Friedrich and Brzezinski did not want to eviscerate the state as such because it could help maintain social cohesion, stimulate economic growth, and conduct the Cold War. Their version of planning was technocratic and apolitical, designed to serve democracy because it was organized by dispassionate and apolitical experts. But totalitarianism’s grandiose goals mean that it cannot respect the autonomous spheres that protect individual autonomy and private judgment. It can never leave well enough alone. When animated by a comprehensive ideology and organized by a militant party, the revolutionary state’s access to advanced techniques of mobilization, organization, persuasion, and coercion make it a particularly dangerous enemy of liberal civil society’s plurality and autonomy.

Totalitarianism’s unprecedented power notwithstanding, isolated “islands of resistance” did manage to hold out: “In spite of the efforts of the totalitarians to destroy all separate existences, there remain in these dictatorships some groups that manage to offer some resistance to totalitar-

ian rule. The family, the churches, the universities and other centers of technical knowledge, the writers and artists—each in response to the rationale of their being—must, if they are to survive, resist the total demands of the totalitarians.”<sup>8</sup> Some intermediate organs survived the totalitarian drive to convert them into instruments of the party-state. If such important institutions as families, churches, universities, and the arts managed to retain a measure of autonomy, perhaps totalitarianism was not so total after all. The undeniable development of alternative centers of power would later cause many Sovietologists to abandon “totalitarianism” altogether, but it remained a popular ideological category during the Cold War. Indeed, the classic model of a revolutionary party-state that penetrated, crushed, and reorganized a devastated civil society lay at the center of Hannah Arendt’s influential claim that totalitarianism is a specific feature of an unstable civil society and of the masses who inhabit it.<sup>9</sup> A half century of war, revolution, depression, and crisis led her to worry about the breakdown of the social bonds with which nineteenth-century class identifications had organized European civil society. Arendt’s analysis of totalitarianism relocated the threat to autonomy from Montesquieu’s despot to a particular form of modernity that negated the very possibility of civil society.

The disintegration of Europe heralded the appearance of those unique and pathological creations of modern life, mass man and mass society. Whereas civil society is marked by plurality and differentiation, mass society is empty because its atomized inhabitants are unconnected to one another or to any organizing institutions: “The chief characteristic of mass man is not brutality and backwardness, but his isolation and lack of normal social relationships.”<sup>10</sup> Totalitarianism, Arendt held, is the direct result of the entry of these rootless, classless masses into public life. Its basic unit is the lonely, marginalized, and angry individual whose search for stability and predictability makes him ready to overthrow civil society and participate in a frantic effort to create a new one. Alienated and isolated, deracinated mass man is as unable to articulate his own interests as he is to organize around them. He cannot act rationally because he has no ability to identify and act on any authentic interests. This is what accounts for the peculiar destructiveness of twentieth-century politics. Totalitarianism is so dangerous and unstable

because it “functions independently of all calculable action in terms of men and material, and is completely indifferent to national interest and the well-being of its people.”<sup>11</sup> It makes impossible a normal bourgeois civil society constituted by rational individuals who can pursue their particular interests because they are protected from others:

Totalitarian movements are possible wherever there are masses who for one reason or another have acquired the appetite for political organization. Masses are not held together by a consciousness of common interest and they lack that specific class articulateness which is expressed in determined, limited, and obtainable goals. The term masses applies only where we deal with people who either because of sheer numbers, or indifference, or a combination of both, cannot be integrated into any organization based on common interest, into political parties or municipal governments or professional associations or trade unions. Potentially, they exist in every country and form the majority of those large numbers of neutral, politically indifferent people who never join a party and hardly ever go to the polls.<sup>12</sup>

Economic crisis is particularly dangerous because it throws these rootless individuals together. It is because mass man does not understand his interests and cannot organize to pursue them that he can be mobilized around a program of social destruction, Arendt’s “new terrifying negative solidarity.”<sup>13</sup> Liberal social theory had always sought to tame politics by anchoring it to a calculus of localism and self-interest. The rise of movements that attempted to redress social and economic inequities with political remedies unnerved Arendt. Political participation that is not connected to the immediate pursuit of self-interest is a dangerous and uniquely characteristic feature of mass society.

Arendt’s analysis of totalitarianism’s reckless disposition to shatter tradition and remake civil society was remarkably similar to Burke’s attack on the French Revolution. She distinguished totalitarianism by its systematic suffocation of spontaneity. Its drive toward total domination, its claim that anything is possible, its tendency to erase all differences, and its propensity to treat “humanity” as if it were a single individual drives totalitarianism to eradicate independent contacts between people and the civil society that makes such contacts possible. Totalitarian

society is marked by political isolation and private loneliness, and the destruction of intermediate structures is what makes it so invasive. Less worried by economic inequality than by the rise of mass politics, Arendt transformed a social analysis into the nostalgic politics of moderation and authority.

Crafted by Western social science in the early years of the Cold War, the “totalitarianism” literature was adapted to conditions in Eastern Europe and played an important role in the rediscovery of civil society. The events of 1956 and 1968 led dissident intellectuals to conclude that “real existing socialism” could not be reformed from within and that both Marxist theory and communist practice required the systematic application of state power to “coerce” civil society. Many retained the liberal critique of mass society and concluded that a deep totalitarianism lurked at the heart of Marxism as such: “Far from promising the fusion of civil with political society, the Marxian perspective of unified man is more likely to engender, if put into practice, a cancerous growth of omnipotent bureaucracy, trying to shatter and paralyze civil society and leading the (rightly blamed) anonymity of public life to its extreme consequences.”<sup>14</sup> Others reassessed the Soviet industrialization and collectivization drives and contended that Stalinism was an inevitable outgrowth of Leninism. Still others used constitutionalist and pluralist categories to analyze social orders they continued to call “totalitarian,” even though the development of more articulated socialist societies were already encouraging some Western analysts to discard the notion altogether. In some cases the notion of power was simply redefined to save the category; instead of terror, midnight raids, and concentration camps, totalitarianism now meant “the ongoing capacity to limit all scope for independent action in every possible sphere of activity. In other words, it has nothing to do with the degree of violence or terror applied. Power remains ‘totalitarian’ even when the forms of repression are less visible (albeit still virtually present).”<sup>15</sup> Totalitarianism now described the unequal relation between an ideologically driven party-state and a fragmented civil society. The relentless penetration of politics into social life and the *étatisation* of the economy drove toward totalitarianism, even if overt terror had largely disappeared, the beginnings of autonomous spheres could be discerned, and a degree of pluralism was apparent in “mature” socialist societies. It was not long before the category became

incoherent. The more indiscriminate the use of “totalitarianism,” the weaker was its explanatory power.

But the label stuck. The gradual abandonment of the identity between totalitarianism and terror did not necessarily signal the abandonment of the concept. Totalitarianism may have been bureaucratized, but some observers thought it no less despotic. What passed for “socialism,” on this analysis, was little more than the state bureaucracy’s control over the productive apparatus.<sup>16</sup> The planning process was simply the instrument by which the surplus value produced by workers in state-owned enterprises was appropriated. A parasitical and self-serving “socialist bourgeoisie” had fortified its position with decisions that affected everyone, but its hostility to civil society prevented it from consulting anyone. Eastern European socialism had come to mean the “maximization of the objective resources under the total control of the apparatus.”<sup>17</sup>

A fundamental weakness was said to lurk at the heart of the entire socialist project. Some theorists and activists began to look to the market because it seemed clear to them that no bureaucracy can respond sufficiently quickly to the enormous mass of signals generated by complex social orders. A perpetual shortage of consumer goods is the inevitable consequence of the attempt to “organize social production in principle from one administrative center, developing it according to the corporate power interest of this unified apparatus and subordinating it to the principle of the maximal extension of the material basis of the domination of the apparatus over society.”<sup>18</sup> Unable to break with its suspicion of civil society, some said, the socialist state must drive to “disrupt all informal, spontaneous social connections and ties beyond the confines of the family.”<sup>19</sup> Modern totalitarianism was now a particular variant on an all-too-familiar phenomenon: “Political society means the primacy of the political state over the whole of societal life; society is an annex to the omnipotent state rather than a relatively independent entity.”<sup>20</sup> Marxism’s commitment to fuse state and civil society had been twisted into stifling civil society in the interests of a party-state apparatus whose separation from “the only authentic fountainhead of the relevant information: the individual and his autonomous associations” recalled Tocqueville.<sup>21</sup> The new totalitarianism renders the individual unable to articulate his needs, powerless to express himself in an organized way, and helpless before a bureaucracy that enriches itself through exploi-

tation of the workers, unnecessary shortages, and suffocating social control. Contrary to his fondest hopes, it was Tocqueville's *fears* about America that had been realized in Eastern Europe, where "there is an ongoing conflict between the state—claiming total power—and civil society. Society may have been shackled and no autonomous organization may be permitted, but its instinctual behavior stubbornly survives."<sup>22</sup> Freedom now requires liberal constitutionalism, the market, and Tocqueville to clear away the deadening, crushing, and empty conformity of "actual existing socialism."<sup>23</sup>

Many of the civil society theorizations that appeared in Eastern Europe during the 1980s were adaptations of earlier theories of totalitarianism. Some of them added important features of Tocqueville. Basing themselves on liberal constitutionalist principles, almost all agreed that the application of state power to shape civil society had to end.<sup>24</sup> Some thought that civil liberties and a revived civil society of intermediate associations could develop within the boundaries of "real existing socialism." Others were more skeptical. All agreed that the time had come to transcend the fundamental difference between Western and Eastern Europe: "On the one hand we have the 'self-evident' freedom of individuals and social groups, limited only by the freedom of other groups; on the other, we see a central power not attached to any group or class, to some extent separate from society proper, responsible for the whole of society. This is the modern state."<sup>25</sup> All the theories that emerged from the period aimed at weakening the bureaucratized party-state and making it more directly accountable to the self-organized formations of "civil society."

### Socialist Civil Society

The intense antistatistism that marked the early literature on civil society was a perfectly understandable reaction to the bureaucratic character of "real existing socialism." But it also developed in conditions of weakness and initially refrained from challenging the fundamental structures of Eastern European life. By the late 1970s it was picturing civil society as "a sphere of autonomous, ostensibly non-political, social activity, which did not seek to challenge the state's control over the main levers of power and, indeed, obtained its status through a tacit contract with

the authorities of the ruling party-state.”<sup>26</sup> Such a view implied that these societies could no longer be described as “totalitarian.” If the state had really organized social life to the extent required by the category, *any* sort of autonomous activity would have been impossible. The notion that the autonomous trade unions, new social movements, civic forums, human rights leagues, and other organs of a “socialist civil society” could reach an accommodation with the state implied that civil society could be theorized apart from direct state control and acknowledged that autonomous centers of power were developing in “mature” socialist societies.

Indeed, the usefulness of “totalitarianism” had become increasingly problematic. By the late 1960s two of its central claims—that individual social relationships were atomized beyond repair and that autonomous political and social life was impossible—were under sustained attack. The simplistic notion that independent interests could not be organized in socialist societies, that the Communist Party was a monolithic apparatus of arbitrary violence and bureaucratic indifference, and that the state exercised total control over every aspect of social and individual life was gradually abandoned. “Totalitarianism” gradually yielded to a much more pluralist model of the Soviet Union, and the atomized member of a politicized mass society slowly became a more mature citizen of a differentiated polity. Some scholars went so far as to reexamine elements of Stalinism and shed light on a surprising degree of non-state and non-party activity. “Civil society” was never dead in the Soviet Union on this account, even during High Stalinism. As “peaceful coexistence” replaced the unbridled hostility of the early Cold War, other analysts insisted that the Soviet Union was becoming like other modern societies and demonstrated that an increasingly open political culture was developing a degree of independence from the Communist Party. The state was certainly more active and intrusive than in the West and the party still confined public affairs within relatively narrow boundaries, but private life had not been eliminated and networks of civic associations were developing relatively freely. Khrushchev’s “goulash communism,” increasing interest in market socialism, and tentative openings to what would become known as “Eurocommunism” reflected and encouraged the differentiation of Soviet society. They gave rise to Western analyses organized around relations of compromise and negotiation between



centers of power that functioned with increasing independence from the party and the state. The uneasy coexistence between market reforms and orthodox political structures was said to be encouraging the sort of differentiation between economics and politics that characterized capitalist societies and liberal political theory. The state was becoming less able to direct an increasingly complicated social order and assert a single hierarchy of social goals. Intermediate organization and the clash of particular interests had come to socialism, courtesy of its complexity, differentiation, and turn toward the market.<sup>27</sup>

Elements of this analysis were extended to Eastern Europe as well. Some scholars argued that there was far more room for independent public activity in “actual existing” socialist societies than was generally supposed in the West and identified social forces that encouraged independent expression and organization. Education, urbanization, the spread of communications, foreign travel, and increasing wealth were creating centers of public and private power that enjoyed a measure of autonomy from the party-state. Important elements of official policy had the same effect. The general commitment to mass literacy and education, for example, stimulated the development of cultural and intellectual forms that were separate from—and tolerated by—official institutions. Independent expression was an unanticipated but not unwelcome by-product of a genuine commitment to extend culture to the population as a whole.<sup>28</sup> On a more general level, some analysts thought that a satisfied socialist bureaucracy that had given up the project of transforming civil society was able to tolerate a greater measure of spontaneous activity than had been possible earlier.

One of the earliest suggestions that elements of a “socialist civil society” were developing treated the intelligentsia as a class in its own right and traced its use of the bureaucratized party-state to emerge as the representative of the general interest. Industrialization, wealth, urbanization, social peace, education, and other undoubted accomplishments had brought an end to the Soviet Union’s earlier mobilizations and campaigns. Socialism now meant the prosaic coordination of different bureaucracies, a task that rewarded the technocratic elements of this new ruling stratum. Earlier efforts to politicize all areas of life were no longer necessary, desirable, or possible. The original revolutionary urge to reconstruct the civil society Marx had described and to create

a “new man” had decayed, but another sort of civil society was seen in the Tocquevillian stirrings of independent associations. Socialism now meant the everyday, mundane, and decidedly nonrevolutionary work of organization and management: “In the post-Stalin era politics no longer comes in through the citizen’s front door; the doorbell-ringing agitator has given way to the television screen. The total politicization of daily life has come to an end, and the sanctity of private life has been restored. Working hours are for working, not politics, and in your free time you can do what you like.”<sup>29</sup> On this reading, politics had retreated, the state’s goals had become modest and unremarkable, and a variety of clubs and associations were springing up to fill the gap created by the effective abandonment of an earlier commitment to transform civil society. Like his counterpart in Western societies, the citizen of bureaucratic socialism was increasingly privatized and depoliticized.

Events in Poland seemed to bear out a pluralist approach and to confirm earlier suspicions that a civil society of intermediate organizations was taking root. An energetic protest movement catalyzed earlier developments and concentrated them into Eastern Europe’s first coherent theory of civil society. The earlier decision not to collectivize agriculture, the considerable power of the Roman Catholic Church, the wide influence of the intelligentsia, and the 1968 failure of the Prague Spring’s effort to democratize socialist politics encouraged many intellectuals to turn their attention toward “society.” A series of workers’ demonstrations in 1970, the appearance of a human rights movement in the middle of the decade, and an increasingly effective alliance between disenchanting workers and dissident intellectuals led to a new strategy for an articulate and differentiated Polish opposition.<sup>30</sup>

Careful not to push things too far, its representatives were anxious not to appear politically subversive. Instead of directly attacking state power, the “self-organization of society” would seek to limit the party-state’s reach outside its “proper” sphere. Organizers turned their attention to trade unions, student groups, cultural associations, workers’ committees, samizdat publications, and the “flying university” as they sought to create an organized sphere of autonomous activity from below. A “self-limiting” movement would try to carve out a space for local activity but would be careful not to challenge the supremacy of the Polish United Workers’ Party or contest the socialist character of the economy. By the

late 1970s a variety of independent grassroots organizations were working to transform the relationship between the state and “civil society.”

It was not long before a pronounced antistatism began to characterize much of the accompanying literature. Drawing on classical liberalism’s awareness of the danger of concentrated and unaccountable political power, Eastern European theories of civil society began to suggest that democracy was inherently opposed to the logic of the modern socialist state. Some of its spokesmen doubtless imagined that the existing order and a “socialist civil society” could be accommodated, but they would soon be disabused of this hope. The dissident literature had taken shape as a protest against the arbitrariness and bureaucratization of everyday Polish life. It had been careful to avoid any suggestion that a renewed civil society would court the danger of restoring capitalism.

Adam Michnik had appealed to established centers of political power and accepted the party as the legitimate repository of political authority.<sup>31</sup> But the failure of earlier efforts to organize political reform required a new set of tactics that now emphasized careful organizing from below and the creation of permanent sites of contestation. The opposition’s goal was now “the rebirth of civic life in the difficult conditions of Poland.” Democracy was said to require the self-organization and expansion of “civil society,” and more than one theorist assumed that any such activity had to be oppositional. Poland would be marked by a more or less continuous conflict between the political regime and a “society” that would bring political democracy to socialism.<sup>32</sup> Earlier appeals to the state had not worked: “The only policy for dissidents in Eastern Europe is an unceasing struggle for reforms, in favor of evolution which will extend civil liberties and guarantee a respect for human rights.”<sup>33</sup> Civil society could serve as the seedbed for a constitutional revision of the socialist project. Invoking the Polish rebellion of 1956 and the Prague Spring’s 1968 desire to organize “socialism with a human face,” Michnik charted a pluralist strategy that owed as much to Tocqueville as to anyone and would prove very influential in the future course of events: “What distinguishes the opposition today from the two movements discussed above is the conviction that such a program of evolution should be addressed to independent public opinion and not just to the totalitarian authorities. Instead of acting as a prompter to the government, tell-

ing it how to improve itself, this program should tell society how to act. As far as the government is concerned, it can have no clearer counsel than that provided by the social pressure from below.”<sup>34</sup>

Almost all the participants in the Polish drama echoed Michnik’s claim that democracy required defending “civil society” from the state. They tried to avoid charges of subversion by insisting that the voluntary organizations of which they spoke did not imply capitalist restoration.<sup>35</sup> But the suggestion that civil society could be theorized as a non-state and non-market public sphere proved increasingly problematic, and it became unclear just what it consisted of. One syndicalist approach suggested that civil society comprised the “new social movements” that had arisen independently of the state, had no connection to the market, and could form the core of a “self-managing” society in the West as well as the East. Other participants adopted a classical Tocquevillian viewpoint and simply ignored the market. By the mid-1980s most spokesmen were suggesting that the democratic opposition burrow into “society” to carve out a sphere of activity that would be protected from politics. But the earlier hopes that a reformed civil society could coexist with a single-party state and a socialist economy gradually faded. The temporary compromise between Solidarity and the government articulated in the 1980 Gdańsk Agreement signified that “society” acknowledged the leading role of the party and had decided not to seek political power. “For the first time,” Michnik said, “organized authority was signing an accord with an organized society. The agreement marked the creation of labor unions independent of the state which vowed not to attempt to take over political power.” But everyone knew that the Gdańsk accords were temporary compromises between two antagonistic conceptions of civil society. The Church’s resistance to atheism, the villages’ resistance to collectivization, and the intelligentsia’s resistance to censorship had cleared the way for the workers to organize—for the moment, at least. “The essence of the spontaneously growing Independent and Self-governing Labor Union Solidarity,” wrote Michnik, “lay in the restoration of social ties, self-organization aimed at guaranteeing the defense of labor, civil, and national rights. For the first time in the history of communist rule in Poland ‘civil society’ was being restored, and it was reaching a compromise with the state.”<sup>36</sup> By the early 1980s the “self-

limiting revolution of civil society against the state” had confined itself to limiting arbitrary state power and had settled into an unstable coexistence with a weakened but hostile political apparatus.<sup>37</sup>

Events in the Soviet Union seemed to confirm that a civil society of autonomous organizations could grow in a socialist environment. Urbanization, the transformation of the countryside, widespread literacy and mass education, wider prosperity, declining interest in politics, the slow growth of an “underground” economy, the development of “horizontal” forms of communication, intensifying consumerism, and similar manifestations of a maturing social order led to a situation in which “the Communist party newspaper *Pravda* acknowledged the existence of more than 30,000 *neformaly*, grass-roots voluntary associations dedicated to various types of civic improvement.”<sup>38</sup> A popular trend of thought identified Gorbachev’s political reforms as an eleventh-hour attempt to “uncork” the energy of a vibrant civil society that had somehow developed in the conditions of a command economy and a one-party state but was constrained by a conservative and defensive bureaucracy. Like his counterparts in Eastern Europe, Gorbachev seems to have regarded political democracy as the first step in a socialist renewal that was soon indistinguishable from classic social democracy. He knew that it had become impossible to stimulate the further development of Soviet civil society without significantly loosening political controls, for the weakened Soviet state was increasingly unable to direct social and political developments. A “revolution from above” was no longer possible, and Gorbachev seemed genuinely committed to some sort of “socialist pluralism” that would rest on market reforms and the “liberation of civil society.” Buffeted by its own successes, hamstrung by its failures, and transformed by the evolution of electronically organized forces of production, Soviet society could no longer be organized on the basis of politically driven central planning. Glasnost could lead to perestroika, Gorbachev repeatedly suggested; democracy in politics could bring democracy in civil society.<sup>39</sup>

No matter how promising some developments appeared, it was soon clear that the intense hostility to the state which characterized Eastern European conceptions of democracy and civil society was bound to open the door to the market. It proved impossible to think of a “socialist civil society” apart from the logic of capitalism. Civil liberties and constitu-

tional protections are not inherently opposed to a planned economy and democratic supervision of the market, but the Eastern Europeans could not independently negotiate their way through the political and theoretical complexities of their immediate environment. In fairness to them, they were not alone. In any event, it was not long before their understanding of civil society proved incapable of living with “real existing socialism.”

### Reaching the Limits

Their initial goal of a pluralist socialism led dissidents to describe their project as the simple “self-organization of society.” But their commitment to a “self-limiting” process that would not directly challenge the prerogatives of the party-state faded as Eastern Europe’s crisis intensified. An increasingly explicit denial that any social grouping can represent universal interests led Michnik to assert that in Poland “a stability founded upon an agreement with the will of the party has nothing to do with a democratic equilibrium which is the result of a continuously renewed compromise between the various elements of society.”<sup>40</sup> His earlier call to turn away from the state was amplified in his suggestion that it was no longer a matter of forging a contract between a sovereign “society” and political authority, but “an agreement that society had to make with itself.”<sup>41</sup> All over the region, civil society was explicitly identified with the opposition. It might be possible to negotiate a momentary compromise between it and an increasingly illegitimate state, but the immediate task was to organize “an agreement of society with itself, independently of any agreement between society and state power.”<sup>42</sup> This meant that “society” would have to organize and prioritize “its” demands in such areas as housing, health care, and education. Sooner or later they would be presented to the state, but for the moment civil society meant an independent network of communications, education, and information. Just how it would debate, prioritize, and represent “its” demands in the absence of political institutions or even a coherent theory of politics remained to be seen. For the moment it was clear that a civil society of voluntary organizations had to resist the state while stopping short of openly contesting it.<sup>43</sup>

A distinctly liberal political theory soon followed. Much of it arose in reaction to the ruling parties’ demands that their “leading role” be

respected. Echoing a criticism that was as old as the Russian Revolution, Václav Havel now equated socialism with empty sloganeering, the wooden extension of political categories into areas where they did not belong, and meddling politicians with their intrusive bureaucracies. The only proper task of the state, he said, is to defend the institutional bases of a depoliticized, independent, pluralist, and self-organizing civil society. Anything else is a mortal threat to personal autonomy and social health. This trend of thought, which had been implicit in the civil society literature from the very beginning, would soon consider how personal autonomy could be protected by political democracy, civil liberty, and the rule of law.<sup>44</sup>

Some theorists suggested that the artificial origin of Eastern European socialism explained their countries' distorted social structures. World War II had interrupted their natural course of democratic capitalist development, and Yalta had imposed the USSR's state-led model on an environment to which it was ill suited. The imperatives of world politics had held this artificial structure in place for a long time, but Georg Konrad suggested that "society's internal dynamics were straining the limits of these institutions, which increasingly stifle economic growth, democratic impulses, and aspirations for personal autonomy."<sup>45</sup> The rest of Europe could no longer be ignored, and a healthy civil society required abandoning the Yalta settlement. If this required the dissolution of the Warsaw Pact and the unification of Europe, "antipolitics" would "put politics in its place and make sure it stays there, never overstepping its proper office of defending and refining the rules of the game of civil society. Antipolitics is the ethos of civil society, and civil society is the antithesis of military society."<sup>46</sup> Civil society's rebellion against socialism's hyper-politics now assigned to the state the traditional liberal responsibility of maintaining law and order, establishing the rule of law, and defending the institutions of market society: "Official quarters are gradually taking cognizance of reality in both economy and culture. They are also becoming aware of the real system of values, that of the market and of undirected popular opinion."<sup>47</sup>

It was not long before "antipolitics" generated a liberal theory of the state: "The state can be the protector of society and can serve to articulate its interests; indeed, those things are its business."<sup>48</sup> The only way to protect "society," safeguard individual autonomy, and control the party-

state's tendency to politicize everything was to abandon Marxism and reassert the old liberal distinction between the state and society: "The state drags countless matters, questions, and decisions into politics that have no business there—private matters and technical questions with which, in the last analysis, the state has nothing to do."<sup>49</sup> Havel reported that the plight of an alternative rock-and-roll band facing censorship led him to a more direct confrontation with the Czech regime, and other activists made the eminently reasonable point that a normal civil society requires that science, music, religion, and animal husbandry be freed from "the pathological bloat of the political state."<sup>50</sup> Not everything is amenable to political expression or solution. "I favor 'antipolitical politics,' that is, politics not as the technology of power and manipulation, of cybernetic rule over humans or as the art of the utilitarian, but politics as one of the ways of seeking and achieving meaningful lives, of protecting them and serving them," said Havel. "I favor politics as practical morality, as service to the truth, as essentially human and humanly measured care for our fellow humans."<sup>51</sup> A humanistic "antistatism" remained central to much of Eastern Europe's oppositional "civil society," but not all accounts of its potential were as vague as Havel's:

Because politics has flooded nearly every nook and cranny of our lives, I would like to see the flood recede. We ought to depoliticize our lives, free them from politics as from some contagious infection. We ought to free our simple everyday affairs from considerations of politics. I ask that the state do what it's supposed to do, and do it well. But it should not do things that are society's business, not the state's. So I would describe the democratic opposition as not a political but an antipolitical opposition, since its essential activity is to work for destatification.<sup>52</sup>

Konrad suggested that consolidating an autonomous private sphere would require a set of property rights and a serious opening to the market. If the state's task is "defending and refining the rules of the game of civil society," it would be neutral in the sense of classical liberalism. Many areas of public and private life would now be left open, undecided and unaddressed—but that meant that they would be determined by the market, increasingly seen as an impartial sphere of free choice, opportunity, and economic advance whose coercion could be ignored because



it did not originate in politics. The formal abandonment of economic redistribution followed as a matter of course: "All those who want to replace formal democracy with so-called substantive democracy, and thereby reunify state and society in a totalizing way, surrender democracy as such."<sup>53</sup>

It was not long before civil society's antistatist ideology of spontaneous self-organization, privacy, interest, and self-actualizing activity explicitly embraced the market and the liberal state. Its early theorists had ignored economic matters and were never asked to explain how a "self-limiting" sphere could fail to end with the full-scale introduction of capitalism. By the end of the 1980s they dropped the pretensions. "Sociologists link the return of civil society to the growing interest in the marketization of the bankrupt communist economies," declared one analysis. If "civil society has been the counterpart of liberalism understood as a pluralist system where individuals organize themselves outside the orbit of statal domination," then perhaps Tocqueville and Smith were not so far apart after all.<sup>54</sup>

A "self-organizing" and "self-limiting" civil society protected from the state by property rights and the rule of law would inevitably be organized by the market. Indeed, exchange relations were seen as just another sphere of civil society requiring benign protection from a limited constitutional state: "The term 'civil society' has a long history, but it has become prominent in the recent debates in Eastern Europe and the USSR over the future of socialist regimes. It is a way of connoting the separateness of certain social relations, especially those involving exchange, from those which characterize politics. Its users accept that social life is divided into separate spheres; its advocates accept that social life *ought* to be divided into separate spheres."<sup>55</sup> Command economies and one-party states disrupt the autonomy of these separate spheres so thoroughly that it becomes impossible to organize the pursuit of self-interest in the only sphere that really mattered. Political democracy and capitalism were now one and the same.

Liberal theories of civil society have held that the material foundation of freedom is private property and that civil society requires a legally protected system of individual property rights. It followed that the restoration of civil society in Eastern Europe "presupposes the transformation of collectivist property rights into private property rights, or the

restoration of private property rights over basic resources.”<sup>56</sup> But the restoration of market relations in Eastern Europe required considerable activity by a state that turned out to be just as interventionist as its socialist predecessor. Maybe the state was not such an inveterate enemy of liberty after all—provided that it nurtured the legal and material conditions for the development of markets and abandoned the totalitarian dream of subjecting the economy to democratic supervision.

“Civil society” in communist systems had been initially understood as an emerging sphere of autonomous association that required political and legal protection from a state before which it also stood as a democratic challenge. But it soon became clear that much more was implied than had been initially assumed. By the end of the 1980s events had outstripped the limitations of early projections. Now “the tasks assigned to civil society are substantially different: its role is to be constitutive and preservative of the liberal-democratic political systems and free-market economies that the new post-communist elites have so sonorously committed themselves to build.”<sup>57</sup> Civil society is “the realm of society, lying outside the institutionalized political and administrative mechanisms of the state and the state-regulated part of the economy, where people carry on their publicly oriented social and economic activities. What makes it ‘civil’ is the fact that it is the locus where citizens may freely organize themselves into smaller or larger groups and associations at various levels in order to pressurize the formal bodies of state authority into adopting policies consonant with their perceived interests.”<sup>58</sup> Tocqueville and Smith were happily reconciled.

But the discovery of the market as a self-regulating sphere of individual opportunity and social welfare that could combat the dead hand of an inefficient, hypocritical, and self-serving state bureaucracy proved to be a chimera. In the end, the fond hope that a “self-limiting” civil society could democratize communism without going over to capitalism could not move past a decidedly liberal approach. Couching their appeals in terms of “democracy,” the “public sphere,” “pluralism,” and the like, theorists failed to address the impact of the market and seem to have imagined that “civil society” could be reconstituted free of charge.

A “self-governing” civil society with no professional political parties, autonomous political bodies, or institutionalized political life was a fantasy from the very beginning. The civic associations, student leagues,

trade unions, and other voluntary groupings that played such a dramatic role in the late 1980s have been swept away; hopes of social, political, and economic renewal have dimmed; and economic inequality and social insecurity have accompanied the appropriation of the “self-limiting revolution” by traditional political formations. The links between liberal political theory and the capitalist market have been reasserted with a vengeance. Civil society could no more be theorized as an autonomous sphere in “real existing socialism” than it can in real existing capitalism.

Couched as it is in the liberal constitutionalist language of spontaneous voluntary organization, the new discourse of civil society is of only limited use in revealing what happened in Eastern Europe. It certainly illuminates some profound weaknesses of contemporary communism and sheds light on how mass movements were able to successfully confront the region’s party-states. But theories of civil society have fallen behind a social reality they helped bring about but cannot satisfactorily explain. Understandably weary of the bureaucratized public life that had come to characterize “real existing socialism,” they had been built on a suspicion of state power and universal claims. But their elevation of privacy, individual interest, and particularism also served to protect the economy from democratic scrutiny or supervision. It is not “civil society” that has been restored in Eastern Europe. It is *capitalism*.

The political triumph of the Anglo-American Right and the subsequent collapse of “real existing socialism” opened the way to a sustained attack on the welfare state. Initially conducted under the negative banner of antistatism, it was also framed as a more positive commitment to “civil society.” The two categories were intimately related. The Thatcher-Reagan program to roll back the set of social protections that had accompanied postwar capitalism’s “golden age” used much of the same language and many of the same ideas that were developing in Eastern Europe. But whereas the Czech and Polish dissidents built their critique from below, the English and Americans did so from above. Havel’s high-minded “antipolitics” was translated into the prosaic English of supply-side and trickle-down economics. Its rhetorical hostility to the government notwithstanding, conservatives did not hesitate to attack regulation, redistribution, and social welfare by using political power. Lady Thatcher’s claim that there was “no such thing as society” illustrated the dedication to the narrow, particular, and parochial that was

soon reflected in one of the most important theoretical tendencies of the period.

The popularity of postmodernism resulted from the same disenchantment with broad themes and “grand narratives” that had animated Eastern European “antipolitics.” Its radical critique of modernism in art, architecture, and other areas was soon adapted to the political requirements of a conservative period. A reaction to the state-organized horrors of World War II and the Cold War, its rejection of totality, its hostility to utopianism, and its suspicion of broad public action quickly became married to the hostility to politics that rested at the center of the conservative attack on the very idea of public supervision of economic processes. Postmodernism did stimulate democratic activity in a variety of areas and certainly encouraged public action by marginalized “others,” but its fascination with the local and its embrace of identity soon drove it into the very mainstream that it had initially contested. Its antipathy to comprehensive thought and broad public action transformed a radical criticism of conformity and tradition into a tool of subjectivism and particularism.

This tendency helped fuel the renewed interest in civil society that would prove as powerful in the capitalist West as it had been in the communist East. Postmodernism’s commitment to openness, uncertainty, flexibility, and change stimulated new developments in a variety of artistic and theoretical areas, and it defended diversity in terms that certainly deepened traditional American commitments to pluralism, tolerance, and formal equality. Its insight that the world is always unstable and incomplete encouraged an openness to alternative paths to knowledge that was often deeply innovative, democratic, and tolerant. Yet its skepticism carried it too far, for the insight that reality is a “social construction” made it difficult to recognize that the reality that is socially constructed is still real. Skepticism of received wisdom yielded too quickly to a rejection of reason and the claim that there were no truths, only positions. A deep cynicism lurked just below the surface of postmodernism’s refusal to make value judgments, and the famous Sokal affair demonstrated how thin was the line that separated its attack on instrumental reason from an embrace of outright obscurantism. It turned out that irony, playfulness, and subversion are no substitutes for politics and science. As the triumph of finance hollowed out the cores of industrialized

capitalist societies, the political consensus that had anchored Keynesian macroeconomic policy was systematically undermined. In the sort of ironic turn that postmodernism was so fond of celebrating, the material decenteredness of financialized, postindustrial society was mirrored in its own theoretical decenteredness. These twin tendencies reinforced the commitment to civil society that was finding its way from Prague, Warsaw, and Gdańsk to London, Washington, and New York. As the optimism of capitalism's "golden age" yielded to the pessimism of its long, slow decline, "Fordist" commitments to grand programs of social reform were abandoned.

Postmodernism turned out to be a child of defeat. Skepticism for the sake of it was no substitute for the optimism that had accompanied modernism's confident determination to make the world anew. Irony and posing could not improve the material conditions of life in the absence of big plans and a respect for the lessons of history. It was one thing to reject modernity's "grand narratives" and reduce knowledge to "discourse," but it was not long before all this seemed to be arguing in bad faith. Reducing questions of truth to crass material interests echoed the old criticisms of "vulgar Marxism" while rejecting the Left's foundational understanding that the roots of power are to be found in the material processes of social life. Embrace of the "post-material" lifestyle choices of affluent residents of advanced societies could not deliver social justice in face of a determined, politically organized upward distribution of wealth. The spontaneous social movements that postmodernism celebrated increasingly revolved around questions of culture, ignored the material concerns of working people, and elevated identity politics to the center of democratic thought and practice. If there are no fixed categories or stable sets of values and all conflicting "narratives" are equally constructed by power, then any chosen "identity" is open to continuous interrogation. If meaning and interpretation are always uncertain and arbitrary, then broad agreement about anything is impossible or, worse, inherently authoritarian. The big matters that have animated political activity for generations were dropped, for they inevitably raised the necessity of state activity in the organization of society. In the end, postmodernism's sophisticated critique of liberal ideology and modernist aesthetics was decidedly unhelpful when it came to the real, practical tasks of political life. Its

insightful attack on one-sidedness always carried with it the danger of tolerance for the sake of it. The great variety of postmodern political “positions” ranged from Baudrillard’s “antipolitics” to the more optimistic stance of Lyotard, Foucault, or Rorty that held out some hope for progress on a very local field of action. Although most postmodernists consider themselves on the political left, their deep suspicion of bureaucracy and the state mark their distance from the Marxism that often provided them with their first experience of organized political activity. They tend to be content with a politics that is not organized around grand plans for reconstruction or is centered on political parties and institutions but approaches social affairs as an experiment whose center of gravity is in a radical critique of existing conditions.

Much of this had been prefigured in the great year of 1968—and so had its political limits. Indeed, the first generation of postmodernist and poststructuralist theorists had come of age during the student movements of the sixties. It all seemed to come to a head in France. For a moment, it appeared that the period’s powerful democratic upsurge had closed the circle on the Great Revolution and raised questions of democracy in a way that could no longer be ignored. The *événements de mai* originated in student protests against the country’s notoriously authoritarian system of higher education and soon developed into a powerful critique of consumerism, bureaucracy, alienation, and tradition. It spread from the universities to high schools and working-class communities, where it generated a radical critique of postwar European capitalism and spawned a mind-boggling variety of festivals, demonstrations, celebrations, institutions, artistry, practices, and ideas. A wave of student strikes, building occupations, barricades, and street battles precipitated brutal responses from the *forces d’ordre*, and when workers began occupying factories the stage was set for a political crisis that brought the Fifth Republic to its knees. A huge general strike brought out two-thirds of the French work force and formed the basis of a “student-worker alliance” that seemed to promise the sort of decentered, anti-bureaucratic, spontaneous, and semi-anarchistic explosion of freedom that postmodernism would embrace. For a brief moment the movement seemed to spiral out of control as traditional workers’ organizations failed to contain their members’ enthusiasm and could not rescue the traditional language of institutionalized politics. The spontaneous movement had

taken France far beyond demands for different courses, more tolerant university administrators, higher wages, or improved working conditions. As the country slipped into chaos and President de Gaulle consulted with army leaders, wildly popular slogans like “It is forbidden to forbid” and “Be realistic, demand the impossible” testified to the severity of a crisis that had rapidly become a direct political threat. It was only when de Gaulle refused to resign, ordered workers to return to their jobs, dissolved the National Assembly, called new elections, and let it be known that the army was prepared to intervene that the crisis passed. The explosion of popular energy and the “politics of joy” could not overcome the power of established institutions.

The *événements de mai* were full of promise and danger. The promise lay in the momentary liberation of repressed desires and the possibility that a new constellation of political forces could express them. The danger was that a frontal attack on the deepest structures of state power might be defeated and that the established order might emerge stronger than ever. Student movements all over the world shared this dilemma as the 1960s drew to a close. Postmodernism was not alone in registering the disappointment that came with dashed hopes. Twenty years separated 1968 from the final crisis of Soviet-style communism, but the same disappointments accompanied apparent victory. As in Paris, the optimism that accompanied the collapse of European communism soon yielded to the disappointed recognition that triumphalism alone could not solve the insistent problems of capitalism. Nowhere was this truer than in theories of “global civil society.”

## Global Civil Society

Postmodernism’s celebration of disorder and chaos was a theoretical reflection of growing disorder in material reality. The disorder came as something of a surprise, for the collapse of the Soviet Union had led many to hope that the world would finally be organized along the lines of American capitalism and political democracy. Francis Fukuyama expressed the triumphalist mood with his now-famous claim that history had come to an end with the American model.<sup>59</sup> He was not alone. Margaret Thatcher had repeatedly insisted that “there is no alternative,” and the phrase lingered long after the Iron Lady left Downing Street.

From President George H. W. Bush's claim that a "new world order" was forming, to confident editorial predictions of a benign empire of liberty, many people hoped that Western victory in the Cold War would open a new chapter in world history. Political conflicts would be manageable, since democracies do not fight one another. Societies would be able to turn competition for resources into an era of universal peace. Ideological conflict would be swallowed up in the ocean of commodities that free markets promised. The drive to organize life through grand political projects would yield to a "thousand points of light" and local voluntarism. "Post-material" matters like poverty and inequality would be replaced by a new emphasis on lifestyle.

It did not turn out that way, of course. Although the costs were very high, the Cold War's bipolar system had delivered an important measure of stability and peace. A predictable set of agreements, informal understandings, organizations, alliances, and institutions structured the international system and kept the two superpowers at arm's length. There were no general conflicts and few direct confrontations, although there were plenty of proxy wars and residents of the poorer states paid a much higher price for superpower rivalry than did American or Soviet citizens. Relations were organized within well-understood and generally accepted boundaries.

But unipolar systems are less stable than bipolar ones, and it was not long before the slide toward general disorder began. Contemporary politics has been marked by the gradual, though unmistakable, failure of the institutions and understandings that structured the international system during the Cold War. The current drift toward anarchy and chaos shows no signs of abating. A period of intensifying economic inequality signals a more unstable future.

The international system is still populated by nation-states, and for many years an intricate network of treaties, alliances, institutions, and legal standards provided essential elements of stability in a system that was often marked by periods of intense political, economic, and ideological competition. The postwar settlement had created the United Nations and the Bretton Woods institutions to organize political and economic affairs. NATO, SEATO, the Warsaw Pact, and many bilateral agreements anchored political affairs, later supplemented by the institutions of the emerging European Community and a host of organizations



attached to the United Nations. The IMF, the World Bank, and the International Bank for Reconstruction and Development were succeeded by the World Trade Organization and multilateral economic institutions to provide a measure of coherence to international economic affairs. All were organized, funded, and recognized by states, which were sometimes willing to accept external limits on their behavior even as they also sought to use international institutions to further their own interests.

The system worked well and provided stability and peace at a potentially dangerous moment in history. But it has become less able to manage relations between states and, importantly, between states and non-state actors. This general tendency has been accelerated by the way some states have reacted to particular events. The terrorist attacks of September 11, 2001, precipitated an American lunge toward a unilateral reorganization of world affairs that had been in the works for years. It took explicit shape as the Bush administration subscribed to a neoconservative foreign policy and was expressed in its invasion and occupation of Iraq. The catastrophe that resulted only accelerated general disorder—precisely the opposite of the administration’s confident assertions that American military power would catalyze a new international regime of stability, prosperity, and peace. Instead, Washington’s failure to impose a *pax Americana* destabilized the Middle East, separated the United States from its allies, undermined the United Nations, violated international law, and squandered the goodwill that had flourished after 9/11. The “new American century” collapsed in a swamp of arrogance, overreach, incompetence, and a misplaced confidence in military power. Although the administration’s push for war was patently unjustified even by the clumsiest reading of objective reality or international law, widespread public opposition and confusion never stimulated an honest public debate about the issues at stake. None of the institutions of a vibrant civil society—voluntary organizations, an independent press, widespread civil liberties, and an institutional political opposition—were able to halt the Bush administration’s rush to war or produce the sort of informed debate about first principles that are supposed to characterize political democracy. “Global civil society” proved no more competent than did its domestic counterpart. In the end, the administration’s failure was quite its own, a result of its project to take advantage of a “unipolar moment.”<sup>60</sup>

The neoconservative contempt for the international agreements and organizations that undergird “global civil society” provided much of the backdrop for Washington’s official embrace of unilateralism. It was not long before political disaster was succeeded by economic implosion; indeed, the two defining events of contemporary politics were intimately related. The Iraq catastrophe was mirrored by the economic collapse of 2008 and the concomitant failure of the Bretton Woods institutions to contain the spread of the “contagion.” Just as the United Nations and other commitments were cat’s-paws in the hands of an administration determined to go to war, so the financial crisis developed with little concerted international counteraction.

Recent events make it difficult to believe that “global civil society” can have the pacifying and democratizing effects for which its more enthusiastic theoreticians hope. The Westphalian system is intact, if stressed. Non-state actors, international organizations, multinational corporations, groups of activists, and terrorist apparatuses must contend with states, and states must contend with them.

“Global civil society” became a popular theoretical category in the 1980s, at approximately the same historical moment that postmodernism became popular in political circles and the attack on the welfare state gained momentum in Britain and the United States. The collapse of Soviet-style communism reinforced the latent hostility to politics and antipathy to state action that was folded into all these theoretical tendencies. In the absence of widespread support for grand projects of social renewal or state-organized attempts to counteract market impulses, theorists embraced the local voluntarism of “global civil society” more out of necessity than conviction. But hope turned to disappointment as it became clear that intractable problems require broad, comprehensive action. As theory slowly turned to take account of reality, theories of “global civil society” were forced to adapt.

The 1648 Peace of Westphalia codified the international system’s core organizational principles. The governing unit would henceforth be the state with clear borders, sovereign control over what happened inside of those borders, legal equality with all other states, no interference in other states’ domestic affairs, and no international authority superior to it. Those principles continue to anchor international relations and, even though they were never universal, they have structured the steady con-

centration of power in the hands of political authorities that has marked world affairs for well over 350 years. There have been ebbs and flows in the degree and kind of authority that states are able to wield, and if globalization has weakened their power in some areas it has strengthened it in others. The political capacity to organize international economic affairs has been undermined but high levels of national spending on warfare guarantees that states will retain their military might for some time. The initial hope that “global civil society” could moderate these tendencies has withered as international voluntary organizations have had to take account of developments that they did not initiate and over which they have had little control.

As soon as Eastern Europe embraced capitalist markets and political democracy, commentators began talking about the possibility that a “global civil society” would arise to contest inequality, violence, arbitrariness, and prejudice. Born of the collapse of powerful state-centered models of social organization, global civil society was said to consist of a network of social movements, nongovernmental organizations, private voluntary groupings, independent advocacy groups, and similar associations that function in the middle ground between states and markets. Poland’s “rebellion of civil society against the state” was supposed to be a model for an international system that would now be characterized by an increasingly influential “third sector” serving democracy through activity that was independent of states and markets alike. Theoretical critiques of totalitarianism and authoritarianism came together in an emerging hope that the voluntary activity of independent non-state actors could accompany the transition to a new world of peace, tolerance, prosperity, and democracy. Much of this literature was produced just a few years after the collapse of Soviet and Eastern European state-centered models of social organization. Its weakness is tied up with the collapse of the triumphalist claims that globalization would knit the world together in an American-dominated regime of freedom and markets.

The problem is one of overenthusiasm. The International Red Cross, Doctors Without Borders, the International Campaign to Ban Landmines, Amnesty International, Greenpeace, the World Social Forum, and a host of other organizations certainly testify to the importance of

a vibrant international civil society. They have encouraged an important degree of cosmopolitan recognition of our common humanity, have extended democracy and improved the lives of countless people, and alerted states and citizens to our increasing interconnectedness. But they still operate in a world of states, they are effective to the extent that they can affect the behavior of states, and their influence depends on the degree to which they understand the importance of politics.

Michael Walzer was one of the early believers. He tried to give international content to American social science's embrace of pluralism with his suggestion that associational life is central both to civil society and to democracy. "The words 'civil society,'" he said in the aftermath of the collapse of the USSR, "name the space of uncoerced human associations and also the set of relational networks—formed for the sake of family, faith, interest, and ideology—that fill this space."<sup>61</sup> He rejected the classical Greek view that only the political community can provide the conditions for the good life, on the ground that it does not correspond to the way real people live in the real world. Popular control over the modern democratic state is minimal, and most people are not drawn to direct political activity. Marx's desire to democratize civil society was a romantic and unrealistic hope for a nonpolitical administrative apparatus that would regulate a postrevolutionary environment so people could do what they wanted without being constrained by scarcity or want. As for a "capitalist definition" that locates the good life in the marketplace and is organized around the primacy of individual choice, Walzer replies that it makes solidarity and community instrumental at best and almost impossible at worst. A vision of civil society that limits the state to an enforcement mechanism that defends rules of fairness is an insipid vision that cannot provide for the fullness of human potential. Given the inequality that markets produce, market-based notions of society certainly cannot be described as "civil."

Walzer wants to invigorate pluralist notions of civil society and invest them with a more robust view of political activity than one often finds. He is interested in theorizing a zone of activity that can reach across state boundaries, reinvigorate collective action on a cosmopolitan basis, and open the path to a mild sort of social democracy that would be compatible with American traditions. He wants to move beyond "singul-

lar” notions of the good life and account for the manifold ways people define their goals and act on them. No particular identity or association is preferred; Walzer’s pluralism leads him to think of global civil society as a zone of action by autonomous individuals in which they realize their nature as members of a community they have freely chosen: “The picture here is of people freely associating and communicating with one another, forming and reforming groups of all sorts, not for the sake of any particular formation—family, tribe, nation, religion, commune, brotherhood or sisterhood, interest group or ideological movement—but for the sake of sociability itself. For we are by nature social, before we are political or economic beings.”<sup>62</sup> No association, identity, or choice can be all absorbing. Communities and economies affect one another, and neither politics nor economics can provide a unitary grounding for global civil society.

But liberal pluralism is marked by its preference for indeterminacy and vagueness. “We require many settings so that we can live different kinds of good lives,” Walzer says—but he recognizes that pluralism is neither self-sustaining nor self-sufficient.<sup>63</sup> Its sphere of voluntary activity is always vulnerable to the inequality produced by unregulated markets, and a measure of political regulation is necessary to safeguard civil society’s autonomy. At the most minimal level,

families with working parents need state help in the form of publicly funded day care and effective public schools. National minorities need help in organizing and sustaining their own educational programs. Worker-owned companies and consumer cooperatives need state loans or loan guarantees; so do (even more) capitalist entrepreneurs and firms. Philanthropy and mutual aid, churches and private universities, depend upon tax exemptions. Labor unions need legal recognition and guarantees against “unfair labor practices,” and professional associations need state support for their licensing procedures. And across the entire range of association, individual men and women need to be protected against the power of officials, employers, experts, party bosses, factory foremen, directors, priests, parents, patrons; and small and weak groups need to be protected against large and powerful ones. For civil society, left to itself, generates radically unequal power relationships, which only state power can challenge.<sup>64</sup>

Walzer was directing his words at the Eastern European reformers who imagined that “civil society” could stand on its own without substantial political support. Even in an environment where there are no universally shared valued or ultimate ends, some sort of overarching public authority is necessary to impose a set of minimal public goals. “Only a democratic state can create a democratic civil society; only a democratic civil society can sustain a democratic state,” he said.<sup>65</sup> Walzer’s recognition of state efficacy distinguished him from other early theorists of “global civil society,” an illustration of how slippery the entire concept can be when adapted to a cosmopolitan ethos.

The same might be said of Mary Hawkesworth’s effort to confront the “gendered” nature of globalization and encourage the development of a global feminism. Building on Iris Marion Young’s notion that justice requires inclusion, Hawkesworth works at the intersection between states and global actors and has done important work to encourage and chronicle the development of women political participation. Women are increasingly active in a wide variety of state institutions, nongovernmental organizations, local voluntary associations, Internet campaigns, and transnational social movements. A focus on women in civil society has shed important light on how the “political worlds of women” have extended democracy and deepened our understanding of human rights. The interconnections between race, class, and gender have stimulated a great deal of research and political organization. Extending democracy “involves collective mobilization across multiple scales (grassroots, municipal, regional, national, transnational, international, and virtual) to create a different world order, a world more attuned to the possibilities for inclusive democratic practices and more equitable distributions of economic and political resources.”<sup>66</sup>

Part of the problem is that most theories of “global civil society” fail to agree on just what it comprises and do not share Walzer’s and Hawkesworth’s understanding of the importance of engaging state institutions and actors in any discussion of civil society’s democratizing impact. In a general conceptual statement, John Keane says that it “champions the political vision of a world founded on non-violent, legally sanctioned power-sharing arrangements among many different and interconnected forms of socio-economic life that are distinct from governmental institutions.”<sup>67</sup> But it is not clear who does the “sanctioning” and where its

“legality” comes from, if not from the governmental institutions from which it is distinct. Confident that global civil society is an emerging reality that can save the world from chaos, violence, war, and authoritarianism, Keane is reluctant to embrace Walzer’s political anchor. He is led to the sort of self-organizing conception that anarchism is fond of, and he is confident it will help us organize an “emerging planetary order” so that it serves civility, good manners, compromise, mutual respect, pluralism, peace, and cosmopolitanism. Both normative guide and emerging reality, Keane’s civil society is distinct from politics and

*refers to a dynamic non-governmental system of interconnected socio-economic institutions that straddle the whole earth, and that have complex effects that are felt in its four corners. It is an unfinished project that consists of sometimes thick, sometimes thinly stretched networks, pyramids and hub-and-spoke clusters of socio-economic institutions and actors who organize themselves across borders, with the deliberate aim of drawing the world together in new ways. These non-governmental institutions and actors tend to pluralize power and to problematize violence; consequently, their peaceful or “civil” effects are felt everywhere, here and there, far and wide, to and from local areas, through wider regions, to the planetary level itself.<sup>68</sup>*

Keane wants to move against the classical idea that civil society is structured by states and constituted by politics. His networks of spontaneously formed voluntary organizations organize themselves to deal with particular problems, and they constitute the foundations of an emerging global civil society by forcing governments to deal with problems of intellectual property, narcotics trafficking, labor conditions, prostitution, and other matters. Much of this transnational activity is initiated by economic actors in pursuit of their particular interests, but Keane believes that the unintended consequence of their individual drive for advantage will force them to establish contacts across national borders, engage in international philanthropy, encourage consumption everywhere, reduce violence, “thicken” communication networks, and thus contribute to a global order despite themselves—and all of this without very much political regulation. He is confident that a global world order is developing in an environment of international anarchy and in the absence of a global political order.

This emerging “cosmocracy” could be the first-ever world polity. Keane describes it as “a system of world-wide webs of interdependence—of actions and reactions at a distance, a complex *mélange* of networks of legal, governmental, police and military interdependence at world-wide distances.”<sup>69</sup> Willful and unintended political interference in the affairs of others is a constant feature of cosmocracy, a category that stands between the old Westphalian model of competing nation-states and a single world government. It is an ever-shifting and interlocking pattern of interconnections, some social, others economic, still others political, that is restructuring the world system as more and more areas are coming under legal regulation and supervision. Although there are powerful political and statist tendencies at work, much of cosmocracy is populated by non-state actors. It is a “compound form of government wrapped by law” and has contradictory effects on global civil society, strengthening it in some areas and weakening it in others. A global web of governing institutions is developing that, while clearly related to political structures, derive their field of action from outside politics. The institutional foundations of global civil society do not exist yet, and many features of international politics retard or distort its development. Secrecy, lack of accountability, corruption, incompetence, Washington’s global pretensions—all of these undermine cosmocracy and distort an emerging global civil society. Still, the task is clear: “It is obvious to many that a pressing constitutional agenda confronts both the actually existing cosmocracy and global civil society: the need to find the appropriate methods of enabling something like effective, publicly accountable government to develop on a global scale.”<sup>70</sup>

Keane’s weak sense of political determinants makes it difficult for him to theorize how an emerging global civil society can bring structure and order in an international environment that is steadily more unstable and disordered. Partly this is a definitional problem, for “among the appropriate norms of global civil society are flexibility and openness, the willingness to be humble and to respect others, self-organization, curiosity and experimentation, non-violence, peaceful networking across borders, a strong sense of responsibility for the fate of others, even long-distance responsibility for the fragile biosphere in which we and our offspring are condemned to dwell.”<sup>71</sup> We are left with a bloodless commitment to a sense of belonging and a consensus about norms that



is increasingly remote from the political realities of the international environment. The procedural structure and liberal content of Keane's global civil society make it difficult to theorize a democratic sphere that contains the Islamic State, sex trafficking, arms merchants, international anti-immigrant organizations, criminal gangs, and insistent creditor demands for austerity along with more admirable organizations and initiatives. Keane knows that, even as global civil society exists as a standard series of norms of decent behavior, it cannot regulate itself and is incapable of bringing peace to the world through its own efforts. He acknowledges the need for some political regulation, but the acknowledgment is a weak and grudging one. His global civil society looks a lot like pluralism and moderate behavior writ large. It is one thing to hold this idea as a normative goal, but it is quite another to suggest that it is a phenomenon in the process of formation when so much of international politics inclines in the opposite direction.

Mary Kaldor wants to theorize global civil society as an emerging reality that provides, in her words, "an answer to war."<sup>72</sup> Like Keane, she published her book during the high tide of postcommunist enthusiasm for an emerging global civil society. She was confident that "the end of the Cold War and growing global connectedness have undermined the territorial distinction between 'civil' and 'uncivil' societies, between the 'democratic' West and the 'non-democratic' East and South, and have called into question the traditional centralized war-making state. And these developments, in turn, have opened up new possibilities for political emancipation as well as new risks and greater insecurity."<sup>73</sup> The risks and insecurities have turned out to be greater than the possibilities because the linked phenomena of the fall of communism and the spread of capitalist world markets did not mean an end, or even a lessening, of international conflict and violence. Kaldor proposes the category of "global civil society" as a way of debating and organizing possible alternatives to conflict, but the absence of a world-state or of universal legal norms makes it difficult to support a claim that global civil society can do the job for which its theorists are hoping. She argues that the increasingly broad spread of humanitarian and human rights law, the establishment of the International Criminal Court, the expansion of international peacekeeping, and the like are bringing Kant's universal republic of letters closer in an environment marked by the rapid spread

of capitalist markets and social relations. If a cosmopolitan rule of law guaranteed by international treaties and institutions is in the process of formation, then overcoming the danger of war would be its primary accomplishment. "Global civil society," she says, "is about 'civilizing' or democratizing globalization, about the process through which groups, movements and individuals can demand a global rule of law, global justice and global empowerment."<sup>74</sup> Given the evidence of intensified state violence amid accelerating inequality and disorder, Kaldor's enthusiasm turns out to have been premature, her belief that "a genuinely free conversation, a rational critique dialogue, will favor the 'civilizing' option" more a hopeful wish than an objective reality.<sup>75</sup>

The same might be said of hopes that the Internet would serve as an alternate public sphere by allowing the individuals and groups of an emerging global civil society to organize independently of existing state institutions. The Arab Spring and Occupy Wall Street seemed to confirm predictions that a communicative zone independent of state control could provide the structure for a democratic public sphere that would empower individuals and groups without central mandate. Flash mobs, hit-and-run demonstrations, and the like seemed to testify to the democratic content of new forms of communication.<sup>76</sup> It appeared that wired young people were reshaping the public sphere and constructing a new area of democratic action that could operate with some degree of political independence.<sup>77</sup> It all seemed accurate enough, but only up to a point. All sorts of social movements and transnational organizations have been assisted by new forms of communication, but so have states. In the end, enthusiasm and cellphones could not overcome the state power of the Egyptian oligarchy or make up for the political incoherence of the Occupiers.

An ancient tradition holds that civil society exists in relation to the political community. Ever since 1648, that has come to mean the modern state. Most theories of global civil society acknowledge this, but they are also interested in theorizing a zone of public activity that can deepen democracy by constraining state power or making an end run around it. But global civil society is home to a variety of groups, many of which do not serve the goals of peaceful discourse, benign tolerance, moderate activity, or rational thinking that are so prized by its theorists. To conceive of global civil society as a civilizing force in an international environ-

ment populated by all sorts of malignant organizations is to substitute wishful thinking for an accurate assessment of the existing environment. It is one thing to think of these principles as normative categories by which to judge the contemporary environment, quite another to insist that they describe the real world.

None of this is to deny the good work that many global organizations do. It remains true, however, that the four organizations that have won the Nobel Peace Prize in the last ten years are all intergovernmental entities organized by states and would be barred from global civil society for that reason. The Organization for the Prohibition of Chemical Weapons (2013), the European Union (2012), the Intergovernmental Panel on Climate Change (2007), and the International Atomic Energy Agency (2005) have become indispensable agents of the civilizing, rational, peaceful hopes that animate theories of global civil society. It is true that state capacity has eroded significantly in important areas of global affairs. But it is equally true that the only agents powerful and legitimate enough to bring a semblance of order and stability are those very same states.

Egypt's experience of the Arab Spring is an instructive example of the dangers of overenthusiasm. As journalists focused on the confrontations between police and protesters in Cairo's Tahrir Square, they were rightfully impressed by the use of social media, the youthfulness of the participants, the spontaneity of the organizations that appeared, and the undoubted courage of what appeared to be an Arab version of Poland's "rebellion of civil society against the state." But the heroic days of popular democratic upsurge soon yielded to the prosaic politics of disagreement, organization, betrayal, and compromise. The crushing defeat of Egypt's revolution and the triumph of the old autocracy illustrated the depth of the old order's roots. As the army cemented its grip, insistent warnings about the anarchy of popular movements and the irresponsibility of "civil society" reappeared with a vengeance. By August 14, 2013, when more than seven hundred Muslim Brotherhood protesters were massacred, the stage had been set for the counterrevolution. It has only gotten worse since then.

Most of the hopeful talk of civil society's revolutionary power proved profoundly mistaken. The media badly exaggerated the extent to which the Internet, Facebook, Twitter, YouTube, and other forms of social media had supplanted old-fashioned political organization, armies, and

bureaucracies. The widespread failure to appreciate the difference between hope and reality made it more difficult to understand what was happening in Egypt than it should have been.

The same is true in other areas of international life. “Civil society” has long been a tool of American foreign policy, particularly in relation to countries with which Washington has serious policy differences. It has been used to weaken one-party governments in China, Iran, and Cuba for years—but the content of this category is specifically tailored to serve American foreign policy objectives. The Department of State’s website announces that a “Strategic Dialogue with Civil Society” was launched early in 2011, a continuation of earlier efforts that predate the fall of Soviet-style communism. “The Dialogue elevated the Department’s engagement with civil society alongside our cooperation with bilateral partners and underscores our commitment to protecting and defending civil society around the world,” it announced.<sup>78</sup> It would be difficult to imagine Washington putting much effort into “protecting and defending civil society” in Canada or Germany—or even Saudi Arabia or Honduras, authoritarian states with which Washington has long had cordial relations.

The lesson is not lost on regimes with which the United States has difficult relations. The Eastern European states complained frequently about American support for organizations that served Washington’s interest, and both the Cubans and the Iranians have done the same. After all, there is plenty of “civil society” in Iran—it is just not the sort of civil society with which Washington is comfortable. For its part, the Chinese Communist Party’s Central Committee has issued a series of warnings that have been circulated by its Central Office and have come to be known as “Document 9.” A “Communiqué on the Current State of the Ideological Sphere,” it takes note of Washington’s effort to promote civil society “in an attempt to dismantle the ruling party’s social foundation”:

Civil society is a socio-political theory that originated in the West. It holds that in the social sphere, individual rights are paramount and ought to be immune to obstruction by the state. For the past few years, the idea of civil society has been adopted by Western anti-China forces and used as a political tool. Additionally, some people with ulterior motives within China have begun to promote these ideas.

This is mainly expressed in the following ways:

Promoting civil society and Western-style theories of governance, they claim that building a civil society in China is a precondition for the protection of individual rights and forms the basis for the realization of constitutional democracy. Viewing civil society as a magic bullet for advancing social management at the local level, they have launched all kinds of so-called citizen's movements.

Advocates of civil society want to squeeze the Party out of leadership of the masses at the local level, even setting the Party against the masses, to the point that their advocacy is becoming a serious form of political opposition.<sup>79</sup>

The lesson is that global civil society simply cannot be theorized or understood apart from the basic facts of the international system in which it resides. The general failure to take account of the structure of politics leads to overinflated claims about what global civil society is and what it can accomplish. There is no doubt that some of its great achievements—the Ottawa Convention banning landmines, the establishment of ad hoc Yugoslavia and Rwanda war crimes tribunals, the Rome Statute setting up the International Criminal Court, and others—have improved the general character of international relations and performed important tasks in limiting the arbitrary exercise of state power. But they do not necessarily mean the establishment of an international rule of law or a democratic global civil society. The Ottawa Convention has been signed and ratified by 160 countries, but the list does not include the United States, Russia, China, India, Pakistan, or most countries in the Middle East. As for the Rome Statute, it has been signed and ratified by 123 countries—but once again, the United States, Russia, China, India, Pakistan, Israel, Egypt, and many others have refused to do so. Given the failure of some of the world's most powerful and influential countries to commit themselves to either of these institutions, it seems a bit premature to conclude that they are harbingers of a global civil society.

The nongovernmental organizations and issue groups that populate global civil society function more to structure and legitimate the behavior of states than to serve as a template for a new international system. For the most part, they are not connected to mass movements and are

not organized democratically. Indeed, they often serve as vehicles for different kinds of international elites to talk to other international elites about issues of common concern. These conversations often serve to make the world a more peaceful and rational place, this does not automatically follow just because these conversations are taking place. It also does not guarantee that they serve democracy. Global civil society generally does not speak with the authority of democratic sanction because its organizations tend to speak for themselves. Most of them are “single-issue advocacy groups,” and while the issues are often important ones, the total of global civil society’s activity is more a summation of individual initiatives rather than a new framework for global activism. Since it is not clear what global civil society does that is different from what states do, the best one can say is that utopian hopes for governance without governments are no substitute for a sober recognition of the realities of the international system.

Since global civil society is populated by organizations that do not share a common vision and do not work together to implement a comprehensive program, we are left with the central theoretical problem of liberal pluralism: how do you arrive at a notion of the general good by summarizing the self-interested actions of individuals? Liberalism has always had difficulty answering this question, and hopes that the market’s “invisible hand” or the state’s coercive apparatus would perform the necessary act of alchemy have always been subject to debate. Theories of global civil society face the same problem. They are no closer to an answer than were their predecessors.

Oxfam International is one of global civil society’s more admirable members. A global organization of “people against poverty,” it has done important work for a long time. But its efforts must be seen against the backdrop of the staggering concentration of wealth and power that has been developing for more than thirty years. Indeed, its American branch released a report in 2015 to the effect that the richest eighty-five people in the world have the same wealth as half the planet’s population. Titled “Wealth: Having It All and Wanting More,” the report describes the most important threat to democracy and welfare that has arisen in generations.<sup>80</sup> Dealing with the threat it poses is far beyond the capacity of global civil society—or of its theorists. It requires the broad, comprehensive public action that only states can muster. The paradoxical

task of mobilizing state action to reverse trends that have developed with considerable state support is the overwhelming requirement of our times. Ignoring the fact that states are the principal actors on the international stage does little to help us understand how cosmopolitanism, international human rights, or global civil society can serve democracy.

The Eastern European dissidents who deployed the language of civil society in their attack on the socialist state might be excused their failure to appreciate the looming danger of the capitalist market. Whatever combination of naïveté, desperation, and irresponsibility was at work, they had powerful antagonists to contend with, important allies to satisfy, and few indigenous sources of theoretical support or practical activity on which to draw. They may have honestly imagined that a reinvigorated “civil society” could coexist with a generous set of social benefits, but the iron logic of the market’s demands for austerity soon disabused them of their hopes.

Under the circumstances, it made sense that their civil society of liberal constitutionalism and intermediate associations had been aimed at the one-party bureaucratic state. “Actual existing socialism” had delivered an important measure of social welfare, but political democracy was quite another matter. This helps explain why the Eastern Europeans theorized civil society in liberal terms. Economic matters were mostly left aside, their unpleasant side effects to be addressed after the establishment of a “law-governed state” and the reunification of Europe. But there was a price to be paid, and it was not long before the bill came due. The hope that an energized population would be able to defend its public sphere faded as both the market and the states that extended and protected it were revealed as arenas of compulsion, inequality, and exclusion. By the mid-1990s the once-heady discourse of civil society was beginning to fade in Eastern Europe. Postmodernist skepticism and global civil society’s weakness illustrated how difficult it would be to address the danger to political democracy posed by historic levels of economic inequality.

## Civil Society and the United States

The triumphalism that accompanied the end of Soviet-style communism stimulated a decade of enthusiastic attention to civil society, but the attention had a sharp ideological edge and served a clear political purpose. As American politicians continued to retreat from earlier commitments to social welfare and economic redistribution, advocates of free markets looked to theories of civil society to support their demands that private citizens, voluntary organizations, charities, and other “points of light” do what the national government was increasingly unwilling to do. This position continues to be a very influential one. In one of the most thoroughly commercialized social orders in human history, civil society is supposed to limit the intrusive state, attenuate the ravages of the market, reinvigorate a moribund public sphere, rescue beleaguered families, and revitalize community life.

However recent this new American lexicon might appear, pluralist social science laid its foundations during the 1950s and 1960s. Its suggestion that democracy requires more than formal political structures and a set of protected rights tried to reveal the sources of Western stability and to articulate a credible alternative to communist “totalitarianism.” Pluralism’s central project was explaining how private interests can be organized and expressed without the destabilizing politics of social class. They are “aggregated” by interest groups, voluntary associations, political parties, and parliaments, and they are represented to appropriate governmental elites for adjudication and compromise. Intermediate bodies and overlapping forms of membership became a defining quality of “modernization” as intellectuals announced “the end of ideology” and explained how citizen apathy could enable elites to lead mass societies in conditions of social reform and political stability. A powerful consumer society was taking shape in the United States, and pluralism helped lower the temperature as it demonstrated how individual interests could serve social integration.



If contemporary theories of civil society are inspired by Tocqueville and the early pluralists, the environment in which they have developed is considerably more troubled and less celebratory than that of their forerunners. Deindustrialization, inequality, political paralysis, and a nagging sense of decline have led leaders and intellectuals to ask more of civil society than ever before. Pluralism's ideology of citizen apathy, elite direction, and bureaucratic expertise has yielded to a quieter, less confident, and more local point of view. Such a perspective has its blind side. Even if they are acutely aware of the dangers and opportunities of state power, contemporary theories find it as difficult to take account of the market as did their predecessors.

### Factions, Pluralism, and the Market Model

It all begins with James Madison. Like many educated people of his age, Madison knew his Greek and Roman history. Supremely attuned to the dangers of class conflict, his Tenth Federalist Paper articulated a solution to the problem of "faction" that enrolled civil society in the defense of liberty, property, stability, and inequality in a large democratic republic. Driven by a popular criticism of democracy and the realities of life in postrevolutionary America, Madison sought to address the popular assumption that democracies were possible only in small political units with relatively uniform populations. The problem was what to do about faction—"a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."<sup>1</sup> In acknowledging that faction has a material root in property, Madison suggested a way of managing class conflict that would become central to American social science in general and to pluralist theories of civil society in particular. Recognizing this root made it possible to turn division to the service of stability and good governance. People disagree about all sorts of things, but

the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those

who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary operations of the government.

Factions of minorities were not much of a problem. They can be easily tamed by majority rule, but majority factions presented a very different set of problems. Madison's attempt to manage their effects explains why the Constitution is an anti-majoritarian document. In a counterintuitive theoretical move, he mobilized diversity and geographic size to serve stability by suggesting that the easiest way to paralyze majorities was to encourage people to organize themselves. Given the diversity of the population, it would be very difficult to form stable majorities that could threaten the property of the rich. Madison's civil society could tame the democratic instability that had long plagued small polities:

The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

Federalist No. 10's emphasis was on dividing majorities, but Madison also followed Aristotle, Cicero, Machiavelli, and other classical republican authors in seeking structural ways to protect rich and poor from one

another. His plan to weaken the majority by encouraging the political expression of differences is one of the more ironic and effective features of what we know as Madisonianism. More than two centuries later, his effort to paralyze the majority's drive to impose limits on wealth's power helps explain why it has been so difficult to mobilize resistance to American plutocracy. Madison wanted to make it hard to organize broad support for various "improper or wicked projects." His structural solution to democracy's unruliness guarantees that it still is:

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy, but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

Moral appeals or religious sentiments would not be enough to protect property from majority factions. Madison knew the same history that had animated Cicero, Montesquieu, and Machiavelli. Civil society can serve liberty and stability only if definite political structures are in place to channel division in directions that will temper division and moderate conflict. Class conflict could serve progress if it was contained by durable political institutions. There are only two ways to do this, and Madison contended that the Constitution was the best available instrument to codify civil society's stabilizing potential: "Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control."

Federalist No. 10 is clear that the Constitution's important work was to redirect class conflict. The material basis of social life never escaped

Madison, but his pluralist successors are much more individualistic than he was. Heavily influenced by economic models and determined to avoid Marxist tools of analysis, American political science emerged from World War II focused on the individual actor as the only agent who can understand his interests and formulate a plan of action around them. The sum of individual decisions determined political activity in this scenario, and the political scientist David Truman stood at the beginning of pluralist efforts to understand how interest groups shaped state activity in a period of heightened demands on political systems. “In all societies of any degree of complexity,” he asserted early in the 1950s, “the individual is less affected directly by the society as a whole than through various of its subdivisions, or groups.” Understanding politics required an examination of the resulting mediations. Interest groups’ impact on “the governmental process” depended on their formal structure, internal politics, quality of leadership, and sources of cohesion.<sup>2</sup> The interest groups of which Truman spoke were less defined by property than had been true of Madison. They could be composed of any number of people organized around the same positions. Pluralism did not much care whether those interests were economic, cultural, political, religious, scientific, or anything else. All it cared about was how to organize the inevitable competition between groups who were out for themselves—whatever those “selves” might consist of. Neutral on content, pluralism was long on form.

Truman’s emphasis on the process by which nongovernmental actors affect public affairs moved him away from the descriptions of institutions and structures that had characterized much of American political science. Individuals are driven to political activity by private concerns “aggregated” by interest groups and presented to an open and permeable political system. Politics is about adjudicating disputes, and democracy requires a set of informal and legal procedures that guarantee access and equality. Power in civil society is widely distributed and decentralized, and institutional neutrality is required if all interests are to receive a fair hearing. Periodic elections, a free press, and civil liberties enable different elites to present a variety of positions to political leaders and engage in open debate.

Truman’s focus on individual interest and group behavior moved away from the broad, comprehensive concerns that have animated tra-

ditional political analysis. Like Tocqueville, pluralism located stability in the interactions of the local, immediate, and small. It explicitly sought to replace Marxism's politics of social class with the bargaining of competitive interest groups, hoping to pose a credible alternative to the Left's tendency to embrace big political projects and think of the state as an instrument of social transformation. Pluralism populated civil society with a multitude of interest groups that could tame popular passions and turn individual interest to the service of stability. "In developing a group interpretation of politics," Truman said, "we do not need to account for a totally inclusive interest, because one does not exist."<sup>3</sup> Public policy results from the interplay between interest group claims; access depends on their position in civil society, their internal organization, and the institutions toward which they direct their efforts. Understanding politics means understanding these complex interactions: "Whether we look at an individual citizen, at the executive secretary of a trade association, at a political party functionary, at a legislator, administrator, governor, or judge, we cannot describe his participation in the governmental institution, let alone account for it, except in terms of the interests with which he identifies himself and the groups with which he affiliates and with which he is confronted."<sup>4</sup>

Such an account relied on a market model to describe civil society and the state—but it is a market without the regulating device of Adam Smith's invisible hand. In its absence, Truman identified two regulatory devices that maintained political stability. The first was a complicated Madisonian structure of multiple memberships and overlapping loyalties. Social class no longer provided a single center of gravity to anchor individual and group interests, and the resulting dispersal weakened the force of any particular claim and limited the influence of any single group. The fact that people had a variety of often-competing interests spread public and private concerns over a wide area and made concentrated, focused activity difficult. Elites can operate relatively freely in such an environment because they are focused and will be only lightly restrained by civil society's diffuse network of interests.

But pluralism was not hostile to the state in principle, and Truman shared Madison's commitment to effective governance. If multiple affiliations and overlapping membership served stability, he warned, they could also result in paralysis: "We cannot account for an established

American political system without the second crucial element in our conception of the political process, the concept of the unorganized interest, or potential group.”<sup>5</sup> A widespread consensus underpins civil society’s interest groups and the formal mechanisms of state. “These widely held but unorganized interests are what we have previously called the ‘rules of the game’” and are guarded by elites; they can be summarized as adherence to the rule of law, respect for disagreement, an expectation that losers will not resort to violence after elections, and a modest social egalitarianism.<sup>6</sup> The turmoil of the 1960s and 1970s would drive consensual pluralism to the sidelines soon enough, but for the moment Truman was confident that he had discovered the two features of the American system’s adaptability and stability. His approach would dominate American social science, journalism, and political discourse for two decades:

It is thus multiple memberships in potential groups based on widely held and accepted interests that serve as a balance wheel in a going political system like that of the United States. . . . Without the notion of multiple memberships in potential groups it is literally impossible to account for the existence of a viable polity such as that in the United States or to develop a coherent conception of the political process. The strength of these widely held but largely unorganized interests explains the vigor with which propagandists for organized groups attempt to change other attitudes by invoking such interests. . . . In a relatively vigorous political system . . . these unorganized interests are dominant with sufficient frequency in the behavior of enough important segments of the society so that, despite ambiguity and other restrictions, both the activity and the methods of organized interest groups are kept within broad limits.<sup>7</sup>

Overlapping memberships and the “rules of the game” could cut across many fault lines in civil society and discourage the sort of class conflict whose divisive effects could be seen in Europe.<sup>8</sup> A “pathogenic” politics organized around class issues was always possible in the United States, but Truman echoed later pluralists’ confidence that disruption could be contained fairly easily. The “governmental process” was stable and, like the market mechanisms on which it was modeled, tended toward equilibrium. Echoing Madison’s reliance on representation and

indirect democracy, Truman insisted that pluralist democracy required that elites compete, that they obey the rules of the game, and that voters be free to choose between them. In an era of economic growth, political apathy, and ideological conformity, “the existence of the state, of the polity, depends on widespread, frequent recognition of and conformity to the claims of these unorganized interests and on activity condemning marked deviation from them.”<sup>9</sup> The Cold War made it important to focus on fundamentals and understand how civil society could serve political stability:

The strength of the unorganized “rules of the game” in the United States has been remarked by foreign observers from De Tocqueville to Myrdal. The latter, for example, speaks of them as being more “explicitly expressed” and “more widely understood and appreciated” in America than in other Western nations. The great political task now as in the past is to perpetuate a viable system by maintaining the conditions under which such widespread understanding and appreciation can exist. These conditions are not threatened by the existence of a multiplicity of organized groups so long as the “rules of the game” remain meaningful guides to action, meaningful in the sense that acceptance of them is associated with some minimal recognition of group claims. In the loss of such meanings lie the seeds of the whirlwind.<sup>10</sup>

Like Tocqueville, Truman looked to informal nonpolitical inclinations to ensure responsiveness and safeguard unity in a complex polity. Political equilibrium, economic expansion, and the Cold War were always pluralism’s central concerns, and by the middle of the 1960s Gabriel Almond and Sidney Verba had imaginatively applied survey techniques to describe how “political culture” could fortify Truman’s “rules of the game” and strengthen the already-powerful tendency in American political science to attribute system effectiveness and regime stability to nonpolitical factors. Early pluralism’s focus on interest groups testified to the newfound importance of sociology. Now an adapted anthropology was brought to bear. Democracy—still understood as a network of relations between elites and masses—required a determinate “political culture” whose roots could be found in “community life, social organiza-

tion, and upbringing of children” in addition to the formal institutions of state.<sup>11</sup>

Three different amalgams of psychological dispositions and levels of political activity framed the analysis. The “parochial” culture of the undeveloped “third world” was marked by low levels of interest, activity, and allegiance, while communism’s “subject” culture revealed high levels of political knowledge about governmental activity but was hobbled by a low sense of individual efficacy. But the Anglo-American “participant” culture featured high levels of political interest, activity, and sense of individual influence. Echoing the concerns that were driving academic analysis and U.S. foreign policy, Almond and Verba’s *Civic Culture* recommended a civil society that combined elements of all three to the “modernizing” nation-states of Asia, Africa, and Latin America. Economic progress and political development could best be managed by the open and flexible hybrid that had developed in England. Sharing pluralism’s approval of the creative power of elites, Almond and Verba attributed the victory of British parliamentarianism to the modernizing aristocrats, merchants, and ministers whose political culture had enabled Britain to move away from royal absolutism without risking the disruptiveness of mass politics or sacrificing her plural civil society. Moderate and sensible England stood as a model to the world:

What emerged was a third culture, neither traditional nor modern but partaking of both: a pluralistic culture based on communication and persuasion, a culture of consensus and diversity, a culture that permitted change but moderated it. This was the civic culture. With this civic culture already consolidated, the working classes could enter into politics and, in a process of trial and error, find the language in which to couch their demands and the means to make them effective. It was in this culture of diversity and consensualism, rationalism and traditionalism, that the structure of British democracy could develop: parliamentarism and representation, the aggregative political party and the responsible and neutral bureaucracy, the associational and bargaining interest groups, and the autonomous and neutral media of communication. English parliamentarism included the traditional and modern forces; the party system aggregated and combined them; the bureaucracy became responsible



to the new political forces; and the political parties, interest groups, and neutral media of communication meshed continuously with the diffuse interest groupings of the community and with its primary communications networks.<sup>12</sup>

Insurrections, Chartism, Diggers and Levellers, Cromwell, strikes, Ireland, enclosures, bloody repression—all these elements of British history were dwarfed by consensus and compromise in *The Civic Culture*. The media, bureaucracy, and state are neutral, class conflict disappears, and as soon as one learns the rules of the game one can become a productive citizen in a polity that grants political expression to all legitimate interests. Like many social scientists of the period, Almond and Verba shared Truman's worries that high levels of political activity might be politically destabilizing. Their composite "civic culture" combined participation with enough parochial and subject orientations to keep it within safe boundaries. "The nonparticipant, more traditional political orientations tend to limit the individual's commitment to politics and to make that commitment milder. In a sense, the subject and parochial orientations 'manage' or keep in place the participant political orientations," they observed. "The maintenance of these more traditional attitudes *and their fusion* with the participant orientations lead to a balanced political culture in which political activity, involvement, and rationality exist but are balanced by passivity, traditionality, and commitment to parochial values."<sup>13</sup> In a reversal of the classical understanding, democracy now depended on widespread apathy and nonparticipation.<sup>14</sup> The civic culture could pose an alternative to communism's political mobilization by limiting grand visions with local interests. Its dense networks of associations increase citizens' political influence, make them less vulnerable to mass demagoguery, and reduce the importance of politics by spreading interests over a wide public area. They are "the prime means by which the function of mediating between the individual and the state is performed," and they "help him avoid the dilemma of being either a parochial, cut off from political influence, or an isolated and powerless individual, manipulated and mobilized by the mass institutions of politics and government."<sup>15</sup> Civil society makes possible the sort of moderate political activity that reconciles localism with the large institutions of contemporary public life. Its members "are neither parochials, cut off

from politics, nor intensely partisan in ways that might lead to political fragmentation. And this balance, as we have said, is needed for a successful democracy: there must be involvement in politics if there is to be the sort of participation necessary for democratic decision-making; yet the involvement must not be so intense as to endanger stability.”<sup>16</sup> Civil society could provide a moderate anchor to public life in an unstable age by directing citizens’ attention away from grand matters of state:

This is not to say that politics is unimportant in Britain and America. Respondents report that it plays a significant role in their lives, it is of interest to the populace, it is a topic of conversation. It is all these things frequently . . . Yet politics is “kept in its place.” The values associated with it are subordinate in significant respects to more general social values, and these more general social values act to temper political controversy within the two nations. In this way, again, we have a “managed” or “balanced” involvement in politics: an involvement that is kept from challenging the integration and stability of the political system.<sup>17</sup>

Pluralism rested on interests generated outside politics. Almond and Verba’s “political culture” introduced a more nuanced and subtle treatment than earlier attention to the individual determination of interest. “Primary affiliations,” they asserted, “are important in the patterns of citizen influence—particularly if a diffuse set of social attitudes and interpersonal attitudes makes political matters less intense and divisive. Penetrated by primary group orientations and dispersed by a consensual political culture, public matters need not be driven by articulated principle and rational calculation.”<sup>18</sup> Almond and Verba had learned the lesson of totalitarianism: too much politics is dangerous. Alarmed by the mass politics of the 1930s, they sought to lower the temperature and modify the goals. It is best to think small, be ready to compromise, and not expect too much:

In sum, the most striking characteristic of the civic culture as it has been described in this volume is its mixed quality. It is a mixture in the first place of parochial, subject, and citizen orientations. The orientation of the parochial to primary relationships, the passive political orientation of the subject, the activity of the citizen, all merge within the civic culture. The

result is a set of political orientations that are managed or balanced. There is political activity, but not so much as to destroy governmental authority; there is involvement and commitment, but they are moderated; there is political cleavage, but it is held in check. Above all, the political orientations that make up the civic culture are closely related to general social and interpersonal orientations. Within the civic culture the norms of interpersonal relationships, of general trust and confidence in one's social environment, penetrate political attitudes and temper them. The mixture of attitudes found in the civic culture . . . "fits" the democratic political system. It is, in a number of ways, particularly appropriate for the mixed political system that is democracy.<sup>19</sup>

Pluralism sought to explain how civil society's interest groups translated individual concerns into political terms and helped formulate public policy. It tried to demonstrate that they "articulate" and represent the desires of actors who enjoyed equal opportunities to influence the positions of political elites. Multiple memberships and overlapping loyalties drive toward compromise and integration, and a moderate liberal democracy is best able to satisfy civil society's broad range of interests without large-scale political disruption. Oriented toward regime stability and state legitimacy, pluralists were interested in intermediate associations if they could help elites to lead and citizens to approve. Government must be authoritative and responsible, and this required citizens who felt influential but acted deferential. Civil society's intermediate associations were not a sphere of democratic action in their own right. They reinforced state legitimacy and helped it act in a Keynesian environment of Cold War, economic growth, and moderate social reform.

Pluralism was perfectly adapted to the politics of a contented postwar liberalism. Its organizing assumption was that private concerns of family, work, and consumption would absorb most citizens' energy. Public matters were marginal and secondary. A privatized consumerist "civic culture" reinforced social mobility, individual rights, moderation, regime effectiveness, and social order while holding participation in check and limiting the impact of ideology. In a period when American political science refused to theorize the state as a single coherent entity and spoke of "socioeconomic status" rather than social class, pluralism's approval of

a relatively uninformed and apathetic electorate was predicated on the view that local information and local interests drove voting.<sup>20</sup> Such an orientation made it difficult to explain why people would associate with one another for broad purposes at all.<sup>21</sup>

Social class disappeared from pluralist social science, even though it was clear that the interests that got organized, articulated, heard, and translated into policy were heavily influenced by economic considerations. But pluralism made it hard to see the connection between economic power and political influence. Its consumerist orientation toward politics—"who gets what, when, and how"—located the source of individual preferences and interests outside the political system. Its claim that the masses are held in check by their ignorance, apathy, and deference dovetailed with its assertion that elites are constrained by their internalized democratic values, the political system's institutions and periodic elections, and civil society's vigorous network of overlapping interest groups. Neither view would survive the revival of political life that characterized the late 1960s and early 1970s. The civil rights, antiwar, and other movements demonstrated that large numbers of people were perfectly capable of sustained democratic action, that elites were hostile as often as they were unreliable, and that existing political structures did not articulate all interests equally. Public life clearly added up to something more than the sum of individual interests, and many people were more than willing to act on the basis of big ideas. Political affairs were unfolding in a wider context than pluralism had anticipated.

Unlike later theorists, the early pluralists did not suggest that civil society could be theorized apart from the state or that its purpose was to constitute some sort of middle ground whose members could act on the basis of their local and particular interests. Their goal was to propose a model of political orientation that would disperse class conflict over a wide social and geographic expanse and help take the sting out of politics as it did so. Interests replaced parties, and factions replaced classes. The model was a smashing success for a United States that had come into its own as a world power. It was important to encourage people to public activity and enhance state legitimacy in the process. But too much activity might raise dangerous and divisive issues. Pluralism supplied a modest public ideology that did not try to do too much and served Washington's foreign and domestic policy as it did so. Its notion

of civil society was the perfect ideological reflection of the postwar society to which it was so closely attached.

### Hegemony and the Commodified Public Sphere

Pluralism's preference for moderation and caution came under sustained attack in the great upsurge of the 1960s. Social science was forced to modify its suspicion of political activity in light of the period's civil rights, antiwar, feminist, and associated movements. Many Western intellectuals were led to the work of Antonio Gramsci. An early leader of the Italian Communist Party who was imprisoned for years by the fascists, Gramsci had tried to chart a new direction for the Left following the failure of the post-World War I revolutionary offensive. European capitalism had survived a deep economic crisis, a devastating world war, the Russian Revolution, the defection of significant elements of the intelligentsia, and important proletarian uprisings. Gramsci wanted to know why, and the notion of "hegemony" associated with him signaled a new focus on ideological and cultural matters that sparked an important superstructural theorization of civil society.

Gramsci began by tracing Leninism to the relatively undeveloped circumstances of Russian civil society. "In Russia," he observed, "the State was everything, civil society was primordial and gelatinous."<sup>22</sup> The relative openness and fluidity of the environment made possible a frontal attack on a state that was unprotected by strongly rooted social structures. The Russian autocracy was vulnerable because of its relative autonomy, and it followed that the class struggle in the East would be a "war of maneuver." But it was a mistake to assume that the Russian pattern of revolution would be the same everywhere. The West had a far more complex and solid apparatus of bourgeois class rule and a frontal attack on the state *à la russe* was not possible. A long and difficult "war of position" will be necessary because the state and civil society were stronger and more articulated than had been the case in the first wave of revolution. In the West, said Gramsci, "there was a proper relation between State and civil society, and when the State trembled a sturdy structure of civil society was at once revealed."<sup>23</sup>

It followed that Western activists would not be served by a single-minded focus on the state. Gramsci's influential theory of "hegemony"

suggested that the strong states and civil societies of Western Europe created different situations from those prevailing in the East. Since a powerful set of norms and institutions characterized bourgeois rule in advanced capitalist systems, Western Marxists had to pay serious attention to the culture and ideology that supported capitalism. Coercion was always important, but Gramsci believed that a “hegemonic” system of bourgeois rule had developed that enjoyed a high degree of support from all social classes. It followed that the tasks facing the Western Left were far more complex than the relatively straightforward tasks that the Russian revolutionaries had confronted: “The massive structures of the modern democracies, both as State organizations, and as complexes of associations in civil society, constitute for the art of politics as it were the ‘trenches’ and the permanent fortifications of the front in the war of position; they merely render ‘partial’ the element of movement which before used to be ‘the whole’ of war, etc.”<sup>24</sup>

Gramsci wanted to emphasize the role of ideology and accord it at least equal standing with state-organized coercion. A stratified consensual structure had arisen in advanced capitalist civil societies. It showed itself to be very fluid, flexible, and effective. “Hegemony” presupposed a certain measure of consent, incorporation, and collaboration. Institutions such as the family, property relations, and law interacted with the informal norms that governed marriage, work, and free time to produce a bourgeois civil society that organized a significant degree of consensus. None of this was new to Marxism, of course; Lenin had always insisted on the importance of ideological struggle, and the mass parties of the Second and Third Internationals had developed such a complex array of labor institutions and social practices that it was possible to talk of “a proletarian civil society” and “a state within the state.” Their clubs, bars, newspapers, schools, publishing houses, comic books, camps, ethnic federations, and women’s groups certainly provided many sites from which to wage a “counter-hegemonic” ideological struggle. Nevertheless, representative democracies were different from tsarist autocracies. Europe had developed a broad expression of bourgeois class rule, and this meant that the course of events in Russia would not provide a universal template for Western communism: “The former had fallen at once, but unprecedented struggles had then ensued; in the case of the latter, the struggles would take place ‘beforehand.’ The question, therefore, was

whether civil society resists before or after the attempt to seize power; where the latter takes place, etc.”<sup>25</sup> The proletariat has to be prepared for a long war of position within the boundaries of capitalism, a struggle that would be similar to the bourgeoisie’s protracted fight against medievalism.<sup>26</sup> Only after such a struggle was won could the seizure of power have the support of the population, and therefore could socialism be built with the ease Marx had anticipated. If a still-untransformed civil society bedeviled Russia’s communists after the relatively easy seizure of state power, Gramsci expected the more difficult early prospects for Western communists to put them in a much stronger position after their political victory.

Identifying civil society as the sphere in which hegemony is organized did not ignore the role of direct compulsion and domination. Gramsci wanted to highlight the importance of ideology and seems to have considered the state’s task as combining hegemony and coercion, persuasion and force, consent and dictatorship. The state “in its integral meaning” was “dictatorship + hegemony,” a formulation that illustrated the importance of superstructural matters.<sup>27</sup> Consent was an indispensable element of bourgeois power in Europe, and Gramsci thought it essential that communists pay serious attention to the role that political democracy and a ramified civil society had played in organizing a stable pattern of bourgeois domination. Direct force, domination, and the coercive institutions of “political society” are supplemented by the ideological hegemony the bourgeoisie exercises over national life through the schools, private associations, churches, and other institutions of its “civil society.” Far from an autonomous sphere of voluntary association, then, Gramsci’s civil society is as constituted by market relations as any other sphere of capitalist society. His major impact was to broaden, and soften, Marxism’s notion of civil society by making it a sphere of ethical, ideological, and political contention. Civil society is important in forming public opinion, and public opinion matters because ideology matters.

Gramsci’s interest in culture and ideology proved prescient. As interwar Europe lurched from crisis to crisis, more theorists began to wonder how it managed to survive. Max Horkheimer, Theodor Adorno, and their colleagues in the Frankfurt School turned their attention to an increasingly monopolistic, uniform, and dominant bourgeois culture that

was developing with the technology of mass production and had become capable of structuring society as a whole.<sup>28</sup> All spontaneity was swallowed up by the market's drive to dominate, and alternatives were erased by the triumph of a "culture industry" that presented a vast array of ideological commodities to passive consumers. If the proletariat had been unable to successfully resist fascism, Horkheimer and Adorno saw little hope in the aftermath of World War II. Written in 1948, their coauthored volume *Dialectic of Enlightenment* contended that the "normal" relationships between civil society and the state were being transformed because a structure of irresponsible and unaccountable bureaucratic power was acquiring the ability to weave all areas of public life into a seamless web of domination all the more powerful because it was so enthusiastically embraced. A "totally administered society" mocked the Enlightenment by subordinating people to a modernity that stripped them of their capacity to make normative judgments—or even to realize that there were normative judgments to be made. A postwar consumer society stimulated the rapid growth of a conformist and profit-driven "culture industry" that sought the lowest common denominator for its products, washed everything out, penetrated every sphere of civil society, and eroded the ability to conceive of alternatives to the existing order. New forms of technology and novel methods of organizing production were transforming modern civilization, and powerful techniques of advertising were serving its mass markets. Everything these new social forces did was turned to the production and sale of commodities. The new methods of social control were so effective precisely *because* they relied on consent. In an environment where everything can be bought and sold, ideology incorporated opposition and supplanted the direct application of coercive power to ensure conformity and strengthen domination. As the culture industry became more sophisticated, entertainment made oppression enjoyable precisely because it eliminated the cultural standards used to supply a vantage point for resistance.

Horkheimer and Adorno extended Gramsci's work by focusing attention on the increasingly independent capacity of culture and ideology to organize civil society. Herbert Marcuse's *One-Dimensional Man* brought their work to a new level in a powerful critique of civil society that enjoyed extraordinary influence during the tumultuous decade that followed its appearance in 1966. Advanced industrial society, it announced,



has achieved new heights of integrating and absorbing the potential for resistance. Marcuse agreed with Horkheimer and Adorno that the Enlightenment project of turning nature to the production of commodities was the problem: “As the project unfolds, it shapes the entire universe of discourse and action, intellectual and material culture. In the medium of technology, culture, politics, and the economy merge into an omnipresent system which swallows up or repulses all alternatives. The productivity and growth potential of this system stabilize the society and contain technical progress within the framework of domination. Technological rationality has become political rationality.”<sup>29</sup> Organized around the commodity form, instrumental reason, and bureaucracy, advanced industrial society systematically converts new technology from a tool of liberation into an instrument of domination. Alternatives are integrated, potential sources of opposition are absorbed, and the emancipatory power of thought atrophies. Whereas earlier ages put civil liberties, speech, thought, reason, and conscience to subversive and liberating use, advanced industrial society uses them to refine the existing order. As alternatives vanish, nonconformity becomes increasingly difficult. Technical means triumph over normative ends, and reason now demands adaptation to oppression instead of struggle against it. Just when domination, exploitation, and injustice have been intensified, Marcuse said, the culture industry makes resistance almost impossible by rendering it invisible.

The new methods of social control are so powerful precisely because they operate below the level of consciousness. The culture industry engulfs the private and public spheres and subjects both to the same integrating, normalizing logic. No sphere is safe. Politics and culture become unified in a seamless web of numbing domination and entertaining oppression: “If mass communications blend together harmoniously and often unnoticeably art, politics, religion, and philosophy with commercials, they bring these realms of culture to their common denominator—the commodity form. The music of the soul is also the music of salesmanship. Exchange value, not true worth count. On it centers the rationality of the status quo, and all alien rationality is bent to it.”<sup>30</sup> Contemporary civil society’s “happy consciousness” regards that which exists as that which must exist. In an environment where everything can be bought or sold, all certainties vanish with the ceaseless production of new fads and new

scandals. Entertainment and conformity rule. If Hegel thought that the “unhappy consciousness” was the engine of freedom that made it possible to imagine the new, Marcuse knew that the culture industry integrates and reconciles the residents of advanced societies with the happy consciousness of consumerism and conformity. Subjectivity became the center of gravity of a suburban civilization that was predicated on ownership, had elevated the “American way of life” to the center of human achievements, and prized individualism for its own sake. Marcuse warned about the “closing of the political universe” that was so central to the triumph of affluence and satisfaction.

But all was not lost. Unlike Horkheimer and Adorno, for whom the Enlightenment’s domination of nature and instrumental rationality culminated in Stalinism and Auschwitz, Marcuse discerned emancipatory possibilities in contemporary life. Suburban conformity covered up a subterranean world of frustration, dashed dreams, alcoholism, boredom, anxiety, loneliness, and Miltown, the world’s first widely prescribed tranquilizer. It is no mistake that “mother’s little helper” accounted for one-third of all drug prescriptions by 1954 and was immortalized in song by the Rolling Stones a dozen years later. For all its homogeneity and material success, something was badly wrong in suburban America. Marcuse took this as a sign of the times. If the proletariat has been largely incorporated and is no longer the privileged agent of classical Marxism, “marginal groups” like women, people of color, students, and the colonized can provide a critical perspective and subversive drive that could rescue the possibility of emancipation and revive the working class. Indeed, his ability to reclaim the liberating core of critical theory explains Marcuse’s enormous popularity during the upheavals of the 1960s and 1970s.<sup>31</sup> Hopeful that they would act as “catalysts” and spur the working class to action, Marcuse inspired a whole generation to do battle with “post-material” issues like racism, sexism, prejudice, exploitation, everyday violence, and unjustified war. But his efforts were always threatened by a commodification that had become such a powerful force that more cautious theorists shared his concerns.

Richard Sennett located the corruption of the public in a childish and narcissistic drive for “intimacy” that extended earlier analyses of ideology. As civil society becomes increasingly commodified, alienation and loneliness become insupportable: “In private we seek out not a prin-

ciple but a reflection, that of what our psyches are, what is authentic in our feelings. We have tried to make the fact of being in private, alone with ourselves and with family and intimate friends, an end in itself.” A commodified and self-absorbed civil society makes impossible that which it proclaims as the purpose of life: “Each person’s self has become his principal burden; to know oneself has become an end, instead of a means through which one knows the world. And precisely because we are so self-absorbed, it is extremely difficult for us to arrive at a private principle, to give any clear account to ourselves or to others of what our personalities are. The reason is that, the more privatized the psyche, the less it is stimulated, and the more difficult it is for us to feel or express feeling.”<sup>32</sup>

Sennett’s “intimate society” empties private life of its ability to nourish and saps its capacity to address matters of common concern. The modern notion that the intimate is a matter of general public importance has given rise to a pervasively narcissistic culture that cannot articulate what is properly within the realm of the self—and, more important, what is outside. Debilitating self-absorption means it cannot keep private what is genuinely private, a failure that renders it equally unable to appreciate what is public. Authenticity and self-disclosure cannot constitute a meaningful public life, said Sennett; to locate all meaning within the self makes it difficult to work with strangers for common purposes. If knowing others and being known by them becomes the *raison d’être* of social life, it is then impossible to understand the ancient truth that authentic public life depends on an important measure of anonymity:

The obsession with persons at the expense of more impersonal social relations is like a filter which discolors our rational understanding of society; it obscures the continuing importance of class in advanced industrial societies; it leads us to believe community is an act of mutual self-disclosure and to undervalue the community relations of strangers, particularly those which occur in cities. Ironically, this psychological vision also inhibits the development of basic personality strengths, like respect for the privacy of others, or the comprehension that, because every self is in some measure a cabinet of horrors, civilized relations between selves can only proceed to the extent that nasty little secrets of desire, greed, or envy are kept locked up.<sup>33</sup>

The ancient notion of publicness implied that meaningful contact with strangers was different from the intimate, private sphere of family and friends. But the important moral content of a public life lived among strangers is lost as the pursuit of personal experience and feeling becomes the purpose of public as well as private life: "In an intimate society, all social phenomena, no matter how impersonal in structure, are converted into matters of personality in order to have a meaning."<sup>34</sup> Sennett's intimate society is characterized by the search for authenticity, the notion that social life must be organized around the search for openness and honesty, the narcissistic concern with the self, and the claim that isolation, loneliness, and alienation are the most important problems of modern life. Intimacy is so harmful because it makes it difficult to even think about changing existing conditions. The personal is not the political, he insisted. On the contrary, public life consists of strangers who cooperate in constructing the common good *without ceasing to be strangers*. The intimate society makes such a life impossible: "The reigning belief today is that closeness between persons is a moral good. The reigning aspiration today is to develop individual personality through experiences of closeness and warmth with others. The reigning myth today is that the evils of society can be understood as evils of impersonality, alienation, and coldness. The sum of these three is an ideology of intimacy: social relationships of all kinds are real, believable, and authentic the closer they approach the inner psychological concerns of each person. This ideology transmutes political categories into psychological categories."<sup>35</sup>

Sennett revealed the bitter irony of an intimate society that makes civility impossible. The intimate society is a rude society, for civility is "the activity which protects people from each other and yet allows them to enjoy each other's company."<sup>36</sup> Living with people does not require getting to "know" them or making sure that they "know" you. Confusing the two burdens others with oneself, falsely identifies sociability with self-centeredness, and substitutes intrusive selfishness for a genuine concern with the welfare of others. It creates people whose true incivility consists in their need for others only to the extent that they can talk about themselves. "Civility exists," Sennett observed, "when a person does not make himself a burden to others."<sup>37</sup>

Sennett's *Fall of Public Man* is a remarkably prescient criticism of the notion that a civil society organized around community and intimacy

provides a fit alternative to modernity's alienation and loneliness. The logic of local defense against an invasive outside world ignores humanity's experience that people grow when they experience new things and new people. The intimate society is a symptom of the same disease it purports to cure: "Love of the ghetto, especially the middle-class ghetto, denies the person a chance to enrich his perceptions, his experience, and learn that most valuable of human lessons, the ability to call the established conditions of his life into question."<sup>38</sup> The defense of local interests will always degenerate into a self-satisfied ideology of exclusion that denies the possibilities that come only when the autonomy of strangers is respected and prized. The deep meaning of social life is found when one joins with others in a common endeavor without having to "know" them. Civil society is not a tribe.

### Strategies of Renewal

Because individualistic categories cannot provide a sufficiently rich account of social life, Robert Bellah and his associates were convinced that American history furnished the answer to Sennett's dilemma. People are not nearly as self-created as it seems: "We have never been, and still are not, a collection of private individuals who, except for a conscious contract to create a minimal government, have nothing in common. Our lives make sense in a thousand ways, most of which we are unaware of, because of traditions that are centuries, if not millennia, old. It is these traditions that help us to know that it does make a difference who we are and how we treat one another."<sup>39</sup>

Modern communitarians are trying to contend with the impact of a relentlessly totalizing economy and a leveling bureaucratic state, both of which constantly sweep away established customs and transform social connections. They share this concern with the Frankfurt School, but their emphasis on the local and the small drives them in a different direction. Their turn toward tradition and community marks a conservative strain in their recognition that "the commercial dynamism at the heart of the ideal of personal success . . . undermines community involvement. . . . The rules of the competitive market, not the practices of the town meeting or the fellowship of the church, are the real arbiters of living."<sup>40</sup> But Bellah knows that the answer does not lie in a roman-

tic return to the past. The small-town virtues of a vanished era cannot provide democratic content to a modern civil society that is framed by mighty economic forces and a powerful state, but tradition can help. Perhaps “the biblical and republican traditions that the small town once embodied can be reappropriated in ways that respond to our present need” for a satisfying conception of community without falling into a reactionary and romantic nostalgia.<sup>41</sup>

Bellah worries that Americans find it hard to identify contemporary society’s invisible sources of power and domination. Much of this can be attributed to the power of the culture industry and to liberalism’s unconcern with coercion that lies outside politics, but an updated pluralism might fortify civil society: “A conception of society composed of widely different, but independent, groups might generate a language of the common good that could adjudicate between conflicting wants and interests, thus taking the pressure off the overstrained logic of individual rights. But such a conception would require coming to terms with the invisible complexity that Americans prefer to avoid.”<sup>42</sup> A new “social ecology” might craft a communitarian and republican vision of commonality out of the discordant language of individual rights and private advantage. If individuals cannot live by exchange alone, local interests can be combined with powerful traditions of voluntary association to anchor a civil society that attenuates the chaos of individual interest and the market. In the end, Bellah is back where so many contemporary theories of civil society begin: with republican ideals and a pluralistic civic culture.

So is Michael Sandel, who agrees with Bellah’s critique of individualism but situates it in a Rousseauist and Tocquevillian discussion of American intellectual history. “Democracy’s discontent,” Sandel believes, is rooted in individualistic liberalism’s failure to address the loss of self-government and erosion of community that mark contemporary American life. Because it cannot explain how individual interests can be formed or articulated apart from social life, its notion of an “unencumbered self” dissolves into empty formalism. Many things we believe and practice do not originate in conscious individual choice but from our connections to the communities that shape our thinking. We are bound by many choices we never made, Sandel believes, and they often serve the interests of freedom. A public philosophy that can support

self-government and strengthen community cannot rest on the fiction of autonomous individual choice and personal interest.

Like Bellah, Sandel looks backward and finds its source in an American vision of civil society that predated the “procedural republic” of contemporary life. Before the 1930s transition to Keynesianism’s economic growth, mass consumption, distributive justice, and a bureaucratic state, the country’s reigning public philosophy rested on “the idea that liberty depends on sharing in self-government.”<sup>43</sup> A tradition of civic republicanism required citizens who thought in wider terms than immediate self-interest. Such a tradition did not fully survive the twin pressure of modern commerce and the modern state, but Sandel believes that its remnants offer a defense against anonymity and powerlessness: “The most promising alternative to the sovereign state is not a one-world community based on the solidarity of mankind, but a multiplicity of communities and political bodies—some more, some less extensive than nations—among which sovereignty is dispersed.”<sup>44</sup> Sandel beats a familiar retreat to multiple local identities because he has little faith in comprehensive political action: “If the nation cannot summon more than a minimal commonality, it is unlikely that the global community can do better, at least on its own. A more promising basis for democratic politics that reaches beyond nations is a revitalized civic life nourished in the more particular communities we inhabit. In the age of NAFTA, the politics of community matter more, not less. People will not pledge allegiance to vast and distant entities, whatever their importance, unless those institutions are somehow connected to political arrangements that reflect the identity of the participants.”<sup>45</sup>

For Sandel, the institutions of civil society—schools, workplaces, churches and synagogues, trade unions and social movements—are the new sites of democratic activity in a postmodern environment of multiple loyalties, multiple identities, and multiple selves. Dispersion, particularity, and identity anchor a public philosophy that can address the loss of self-government and the erosion of community.<sup>46</sup> Less hostile to the state than other theorists of civil society, communitarians want to protect its ability to nurture communities by insulating it from interest group bargaining. The frustrated “civic aspirations” that are roiling American politics can be addressed only by directly engaging the substantive moral concerns used to animate the republican tradition. An

affirmative state can advance a common good that is greater than pluralism's pull of private interest.

The political scientist Robert Putnam's important effort to explain the deep sources of democracy in northern Italy was directly aimed at an American audience. Like much of the pluralist and communitarian literature, Putnam is interested in regime effectiveness, which depends on a developed civil society of intermediate associations and a civic culture. "Some regions of Italy," he reports, "are blessed with vibrant networks and norms of civic engagement, while others are cursed with vertically structured politics, a social life of fragmentation and isolation, and a culture of distrust. These differences in civic life turn out to play a key role in explaining institutional success."<sup>47</sup> Active participation in public affairs, widespread political equality, norms of solidarity, trust, and tolerance, and a thick structure of associations with multiple memberships correlate with one another and are consistently higher in the industrialized northern and central regions than in the more rural and undeveloped southern region. Northern Italians are active participants in public affairs, read the newspapers regularly, and vote often. They tend to be satisfied with local political bodies and leaders, have egalitarian and tolerant attitudes, and are likely to be in labor unions, think and talk about public matters, and feel politically influential.

Putnam believes that a thousand years of decentralized government helps explain the vitality of northern Italy's "civic community." The evolution of medieval communes into commercial republics established a pattern of autonomous local institutions that supports the highly developed civic life of the present. The Church was just one institution among many, secular and lay associations were everywhere, a system of public finance was in place, public administration was well developed, independent schools were functioning, and political power was highly dispersed. The three foundations of mercantile capitalism—money, markets, and law—had a powerful effect in organizing northern life. In the South, on the contrary, a strong centralizing monarchy organized life from above, stifled local initiatives, and prevented the development of local traditions of civicness. Hierarchical social relations, an antidemocratic Catholic Church, and a powerful landed aristocracy also inhibited local possibilities of self-government. The South's traditions of inequality and personal dependence persist to this day. Echoing Tocqueville's



*Democracy in America* and Almond and Verba's *Civic Culture*, Putnam found that "regions with many civic associations, many newspaper readers, many issue-oriented voters, and few patron-client networks seem to nourish more effective governments."<sup>48</sup>

These findings contradict an implicit communitarian assumption that civic life and republican norms will have greater effect in small, intimate communities with potent premodern norms of universal solidarity than in modern rational societies organized around the individual pursuit of self-interest. It is not true, Putnam suggests, that civic communities are atavisms that cannot survive modernity's large, impersonal bureaucratic structures. Fears of mass society notwithstanding, the most civic regions of Italy are also the most modern: "Modernization need not signal the demise of the civic community."<sup>49</sup> At the same time, Putnam knows that the North's complex civil society cannot be entirely explained by history alone. Like the pluralists, he fall back on a nonpolitical quality he calls "social capital" — "features of social organizations, such as trust, norms, and networks, that can improve the efficiency of society by facilitating coordinated actions."<sup>50</sup> Though Italians inherited this social capital from the past, it facilitates collective public action and enhances the effectiveness of local political bodies in the present. Political and economic forces play a small role in shaping Putnam's civil society; social capital is its operative principle. A healthy civil society is full of such nonpolitical civic associations as choral groups and soccer leagues: "This is one lesson gleaned from our research: *Social context and history profoundly condition the effectiveness of institutions.* Where the regional soil is fertile, the regions draw sustenance from regional traditions, but where the soil is poor, the new institutions are stunted. Effective and responsive institutions depend, in the language of civic humanism, on republican virtues and practices. Tocqueville was right: Democratic government is strengthened, not weakened, when it faces a vigorous civil society."<sup>51</sup>

If a tradition of "civicness" sustains Italian democracy, the same might be true of other polities. Bellah and Sandel articulate communitarian fears about a fraying American social order, and Putnam has tried to provide an explanation that does not rely on moralistic nostalgia. But the language of decline is the same, for he has extended his analysis of Italy to the United States and finds that "declining social capital" is threatening the foundations of American civil society and democracy

alike. An earlier generation of social scientists was more than willing to demonstrate how apathy and disengagement freed elites and generated stability. Like Bellah, Sandel, and other communitarians, however, Putnam wants more participation:

Many students of the new democracies that have emerged over the past decade and a half have emphasized the importance of a strong and active civil society to the consolidation of democracy. Especially with regard to the postcommunist countries, scholars and democratic activists alike have lamented the absence or obliteration of traditions of independent civic engagement and a widespread tendency toward passive reliance on the state. To those concerned with the weakness of civil societies in the developing or postcommunist world, the advanced Western democracies and above all the United States have typically been taken as models to be emulated. There is striking evidence, however, that the vibrancy of American civil society has notably declined over the past several decades.<sup>52</sup>

American civil society is weakening, Putnam believes, because its social capital is declining. People are voting and participating in other political activities less than they used to despite higher levels of education. It is well-known that they trust the government less than in earlier periods. But the decline is not limited to politics. Church attendance and church-related activity are down, labor unions have been shrinking, parent-teacher associations are less important than they used to be, membership in civic and fraternal organizations has dropped, family bonds are fraying, people socialize with their neighbors less than they used to, and Americans are “bowling alone.” Even if organizations like the Sierra Club and the American Association of Retired Persons have grown, the vast majority of their members are passive and unconnected to one another. Membership in support and self-help groups is up, but Putnam agrees with Sennett that such organizations do little more than enable people to talk about themselves in the presence of others. Total associational membership and activity in the United States has fallen “significantly” despite rising educational levels, an older population, and other factors that might be expected to reinforce the famous American propensity to associate.

Why? Increased mobility, suburbanization, the entry of large numbers of women into the workforce, heightened pressures of time and

money, white flight, and other factors do not explain the erosion of social capital and decline in civic engagement. Putnam found that older Americans tend to be more engaged and trusting than do the young, but they do not become so as they age. If we want to understand why social capital is declining, he concludes, we have to ask not how old people are, but when they were young. The data register “a powerful reduction in civic engagement among Americans who came of age in the decades after World War II, as well as some modest additional disengagement that affected all cohorts during the 1980s.”<sup>53</sup> A “long civic generation” of people born before the 1930s has yielded to later generations that are significantly less involved. People are bowling alone because of something that happened in the 1940s and 1950s rather than in the 1960s and 1970s. Putnam thinks he knows the villain. The generation that watched a lot of television while young is the generation that is disengaged. Television’s privatization, fragmentation, and demobilization are to blame for “the strange disappearance of civic America.”

His focus on “social capital” signals Putnam’s relative lack of interest in the political and economic roots of civic decline, something he shares with other theories of civil society. But state activity has interacted with powerful economic trends to produce the very patterns of association and disengagement he illuminated. The decline of American labor unions cannot be explained without understanding the influence of state “right to work” laws, the Taft-Hartley Act, Ronald Reagan, and federal law permitting the hiring of “full-time replacement workers” in the event of strikes. Like many contemporary theorists of civil society, Putnam treats “social capital” as an informal set of norms that arises and declines in a sphere largely unaffected by the state or the market. Political, economic, religious, and other forces powerfully influenced the propensity to associate that Tocqueville discovered in the New World. The Second Great Awakening, periodic elections, newspapers, public schools, a national post office—all had an enormous impact on the formation of the voluntary organizations that impressed him, which operate as an independent sphere in so much contemporary theorizing. Many of the civic organizations that the prevailing consensus imagines were grassroots responses to local conditions were actually organized and stimulated by the state. Wars, political parties, regulatory agencies, and other distinctly political phenomena helped form organizations like

the American Legion, the American Farm Bureau Federation, and the National PTA. The assumption that some sort of autonomous local volunteerism is the lifeblood of a healthy democratic order ignores much of the historical record. “On the contrary,” observes Theda Skocpol, “U.S. civic associations were encouraged by the American Revolution, the Civil War, the New Deal, and World Wars I and II; and until recently they were fostered by the institutional patterns of U.S. federalism, legislatures, competitive elections, and locally rooted political parties.”<sup>54</sup> A long tradition of state activity has created, worked with, and strengthened the local and voluntary organizations that make up civil society. Federal money for social services is often channeled through local bodies like Catholic Charities, the Red Cross, and the Salvation Army. The National PTA and the American Legion long pushed for social programs that were later incorporated in the program of a developing welfare state. Aid to Families with Dependent Children, Social Security, and the GI Bill were organized after decades of pressure and relied on civil society’s organizations to administer and expand them after they had been put in place.<sup>55</sup> “Civicness” and “social capital” cannot explain civil society apart from the influence of state building, political action, and economic trends. Indeed, the sort of civil society Putnam describes might strengthen *any* regime’s effectiveness; after all, northern Italy has seen monarchist, fascist, republican, socialist, and communist governments. Civil society may be generally linked to institutional capability in general rather than to any particular state formation—and this weakness results from Putnam’s failure to consider how it is constituted by politics and economics.<sup>56</sup>

As for the United States, Putnam’s suggestion that the “long civic generation” of the 1950s and 1960s organized the voluntary organizations that make democracy work pays little attention to *what kinds* of organizations characterized the period. If this was the era of PTAs and bowling leagues, it was no less the period of White Citizens’ Councils and the Mafia. The presence of many organizations might be a sign of healthy civic life, but any nostalgia about a golden age of volunteerism should be tempered by a consideration of political and economic verities. After all, Putnam’s healthy civil society was built on the systematic confinement of women in the home, the construction of the mass consumer culture that so worried Marcuse, institutionalized racial segre-

gation throughout American society, McCarthyism, and a suffocating ideological uniformity—just to name a few of its elements. If American civil society is in as much trouble as Putnam suggests, the villain has to be more than television.

His refusal to address the structural determinants of associational life marks Putnam's more recent attempt to explain the collapse of upward mobility and the hollowing out of "the American dream."<sup>57</sup> His focus on social capital offered an explanation for social decline that permitted Democrats to talk about improving the life of ordinary Americans without endorsing new government programs or vigorously defending old ones during a ferocious right-wing assault on equality. Blaming television for social decline took the focus off public matters and economic trends and located it squarely in peoples' living rooms. That explanation played well enough during a conservative period, but times have changed. Economic inequality has accelerated so dramatically that it is no longer tenable to avert one's gaze and pretend that the American dream of self-determination and upward mobility is in trouble because people do not associate enough with one another.

When Putnam talks about the crisis facing "our kids," he wants to make it clear that "upper-class villains" are not to blame. He believes that the network of associations and personal relationships one develops is more important than money, race, gender, jobs, or class in shaping one's life chances. Thirty years of inequality, the influence of money in politics, deindustrialization, the crisis of student debt, the domineering role of finance, the continuing shame of institutional racism—these public factors play almost no role in Putnam's account of what happened to the youth of his hometown. Family dinners, going to church and playing on school teams doubtless contribute to strong communities and intact families. But no constellation of civic organizations and connections can substitute for Keynesian social programs, high rates of unionization, state-supported expansion of higher education, or the other public interventions that nurtured upward mobility during the "golden age" of American capitalism. Putnam is not alone in observing that upward mobility has stalled and that it is far more likely that young Americans will remain stuck where they are throughout their lives. But this problem cannot be addressed without considering the structure of the economy, the distribution of wealth, or the content of American politics.

The country's many crises are not due to our moral failings. They are economic and political, and they are systemic in nature.

The Tocquevillian cries of alarm about the state that mark so many recent theories of civil society assume that an autonomous sphere of families, voluntary associations, religious organizations, and the like constitute the true grounding of democratic politics. But democracy is conditioned by considerably more than intimacy, localism, and moralism. Powerful states and invasive markets constitute and penetrate a civil society whose ability to mediate depends as much on the environment in which it sits as on its own intrinsic strength. Thinking small will not yield a theory of civil society that can do what its proponents would like. In the end, the important questions of contemporary democratic theory are political ones. So are the answers.



## Conclusion

### *Pessimism, Activism, and Political Revival*

A good deal of American thinking about civil society locates democratic activity in the particular, the local, and the small. Individual theorists may differ about where the family belongs or whether the Enlightenment has run its course, but almost all agree that a healthy democracy requires many voluntary associations and a lot of local activity. At first glance, this makes sense. Greater engagement, deeper commitment, more participation, and heightened solidarity seem desirable in any social order—particularly one plagued by suffocating inequality, cheapened politics, and civic decline.

But a closer look might reveal why some reservations might be in order. Now it is civil society that is supposed to revive communities, train effective citizens, build habits of respect and cooperation, provide an alternative to self-interest, limit intrusive bureaucracies, and reinvigorate the public sphere. All of this is supposed to strengthen democracy in an environment with a host of problems that cry out for comprehensive solutions. But skepticism about the state and suspicion of broad political action make it almost impossible to even address them. A narrowed sense of public purpose and political possibility has been central to contemporary public life and thought for some time.

Popular thinking about civil society is tied to the general pessimism of an unhappy period. Three decades of deindustrialization and political reaction have come together in relentless attacks on the welfare state, static or declining standards of living for tens of millions of families, heightened levels of stress at work and home, unprecedented levels of cynicism about political institutions, and widespread contempt for public figures. Americans are in a decidedly sour and uncivil frame of mind. Intellectual and political elites earnestly promote local commitments and good manners, and it is easy to agree that life would be easier if more of us worked in



soup kitchens and fewer of us reached for a gun after being cut off on the highway. But moralizing clichés and less television will not be enough to reverse the civic disengagement of contemporary life or convince a withdrawn citizenry that public affairs can be conducted without numbing levels of hypocrisy and vulgarity. Much more is needed.

Categories derived from the face-to-face democracy of early nineteenth-century New England towns are not particularly helpful in these circumstances. They cannot furnish a credible model for public life in a highly commodified mass society marked by unprecedented levels of economic inequality. As important as they are, local voluntary activity and informal civic norms are too narrow to provide the broad orientation that the current environment urgently requires. The two other strands of thought we have been charting—the classical sense that civil society is the politically organized commonwealth and the view that it is the sphere of necessity, production, class, property, and competition—can shed important light on an idea that has considerably more to offer than the restricted terms of current discourse make possible.

Part of the problem is that civil society is a nebulous and elastic conception that does not easily lend itself to a great deal of precision. It is not enough to describe it as a mediating sphere of voluntary association supported by communitarian norms, for many organizations are destructive of civility and many local norms erode democracy. The Eastern Europeans understandably thought of civil society as a constitutional republic, but the liberal rule of law, formal equality, and civil liberties enjoy overwhelming popular support in the United States and conceptualizing it in Polish terms cannot shed much light on the problems of advanced capitalist social orders.

How should “civil society” be conceived, then? The most productive use of the term is to describe the social relations and structures that lie between the state and the market. Civil society delineates a sphere that is formally distinct from the body politic and state authority on one hand, and from the immediate pursuit of self-interest and the imperatives of the market on the other. Political activities, even when they are driven by the narrowest motives of individual gain, occur in an arena that addresses society’s broadest questions. Economic activities, even when they take shape in the most cosmopolitan international arenas, are organized around the pursuit of particular advantage. Civil society can be

found in the gray areas between these two spheres. Its voluntary associations, interest groups, and social movements always strive to maintain a measure of autonomy from the public affairs of politics and the private concerns of economics. At the same time, they are partially determined by the state and the market. Civil society is subject to the same contradictory imperatives of autonomy and determination that characterize all intermediate spheres.

A great deal of human activity takes place in civil society, and one might easily think of it as the domain in which “everyday life” is lived. A powerful tendency to think of such activities as freely chosen drives a good deal of current thinking. Much of what we do seems to have an intrinsic rhythm and logic that appears to be independent of routine political affairs or the ups and downs of economic cycles. But superficial appearances often conceal important misconceptions. What civil society “is” can be grasped only by looking carefully at what its constituent structures do, how they are organized, and what political and economic forces are at work—no matter how strenuously some theorists try to describe it as an autonomous sphere of democratic activity. Simply understanding it as a non-market, non-state sphere of voluntary public activity is not enough to help us make crucial distinctions between Putnam’s bowling leagues, soccer teams, and choral societies on the one hand and Greenpeace, the National Organization of Women, and the Ku Klux Klan on the other. If a strengthened civil society is as central to democratic theory and practice as its admirers so evidently desire, more is needed than claims of local authenticity.

None of this is to deny the importance of the thrust toward autonomy that drives all organizations. This has often served democracy well, and even as it has long recognized that civil society was ultimately constituted by state power liberal political theory still looks to intermediate groupings as a source of popular activity and a barrier to the thrust of central authority. But this formulation often obscures more than it reveals. Civil society can just as easily impede democracy as advance it, and the history of American segregation should give antistatist advocates of localism and community considerable pause. Nothing is automatic in political life, and it is important to avoid easy assumptions.

As is often the case, history and tradition can help us appreciate some of the complexities of civil society’s connection to political affairs.

Classical theorists conceptualized civil society as the state-organized counterpoint to particularism and the guarantor of civilization, but the development of national markets and national states led liberals and Marxists alike to think of it in terms of individual interest. Its important role in limiting state power has been as important to the former as it has been problematic for the latter. Secured by the rule of law, legal equality, and civil liberties, a civil society founded on property rights and freedom of association played a central role in the development of democratic theory. Most liberal thinkers are correct in recognizing that civil society could limit and diffuse arbitrary state power, but their assumption of economic equality freed them from the necessity of examining its connection to the market. Their contemporary followers do not have that luxury.

The two other traditions we have been following were not built on the parochialism, localism, and hostility to central authority that drives a good deal of American thinking. The classical view of civil society identified it with the politically organized commonwealth and regarded state power as the indispensable guarantor of civilization's benefits. When the Greeks distinguished themselves from barbarians, they expressed their conviction that living in political communities made human life possible. They were not alone in this, for all precapitalist notions of civil society rested on a political distinction between civilization and savagery. No matter how important it was in the order of things, social life was made possible by public power. Plato's organic state, Aristotle's deliberative polity, Augustine's Christian commonwealth, Aquinas's republic, Luther's sphere of obligation, Machiavelli's civic republic—none could be understood apart from state capacity. Plato fused political knowledge with power to organize his consolidated utopia, Aristotle's plural community was made possible by citizenship, Augustine's empire existed to protect the Church, Aquinas tried to infuse politics with the highest degree of Christian legitimacy, Luther called on the German princes to choose their subjects' religion, and Machiavelli knew that civilization rested on widely accepted republican principles. The classical tradition could not and did not develop an antistatist conception of civil society because it recognized that everyday life was made possible by organized political power.

The first branch of modern theory began to move away from the ancient identification of civil society with the commonwealth, but it

retained an important role for political affairs and state activity. As markets began to dissolve long-established embedded economies, liberal thinkers sought to limit the thrust of central power. They still assigned it protective and coordinating responsibilities with respect to a civil society of political liberty, economic growth, cultural development, and individual interests. In decisive contrast to a state of nature defined by antagonism and conflict, Hobbes's civil society—the everyday life of exchange, arts and letters, culture, and science—was made possible by the activity of a single point of sovereign power. Locke's crucial insight that man was naturally sociable and that the state was a conventional solution to the “inconveniences” of nature did not prevent him from seeing civil society as a politically protected sphere of individual rights and the rule of law that made possible a new regime of freedom and prosperity. Even Adam Smith, who came closest to identifying civil society with the market and leaned toward a starkly economic conception of human nature, reserved an essential role to a state that could moderate some of the damage that the unrestrained pursuit of advantage inflicted on social life and moral development.

If post-Hobbesian liberals accepted an important measure of state power, they also described civil society as a natural order. This is why Hegel's description of it as the sphere of selfishness, exploitation, and poverty was so important. Hegel looked to the state to overcome the chaotic destructiveness of modernity's “system of needs” because his civil society was an ensemble of social relations that stood in sharp distinction to political society. It was this understanding—and not, as often suggested, the dialectical method—that marked his contribution to Marx's view that civil society is a network of economic relations with a decisive influence in shaping the state. Marx transformed the liberal distinction between economics and politics into a revolutionary doctrine by identifying civil society as the problem to be solved instead of the solution to be found. This is what made it possible for him to pose the relationship between civil society and the state as the central problem of modern life.

It is no accident that liberalism and socialism, modernity's two great political traditions, share a similar understanding of civil society. Their important disagreements stem from what they want to do about it. Liberal thinkers crafted a theory of the state because they sought to liberate

civil society's market forces and social relations from medieval arbitrariness, while Marxism has always drawn its understanding of politics from ancient suspicions that unregulated markets could destroy the very possibility of civilized life.<sup>1</sup> Socialists seek to contain what liberals are disposed to liberate, but both children of the Enlightenment agree that civil society is largely constituted by state power and the social relations of the capitalist market.

Indeed, its political and economic determinations are crucial in any effort to understand what civil society "is." We have seen that attempts to explain regional differences in Italian "civicness" that fail to take state activity into account impute an internal coherence and autonomous logic to the category that neither theory nor the historical record supports. Political institutions have had a long history of recognizing and influencing *every* civil society's voluntary associations, interest groups, and social movements. The legal systems that define them, national tax policies that protect them, administrative procedures that organize them, judicial policies that police them—all these, and a good deal more, have a palpable impact on the habits, norms, and organizations that stand between political institutions and the market. State involvement in civil society goes considerably further than a series of interactions with an already-existing intermediate sphere. States often use civil society to further their own interests—whether they institutionalize the Hitler Youth, encourage the formation of veterans' organizations, establish a network of soccer leagues, or covertly assist a favored political tendency in a foreign country. Any civil society can be created, supported, manipulated, or repressed by any state, and it is profoundly misleading to try to conceptualize it apart from political power. The Eastern Europeans understandably theorized a sphere that would be independent of central authority, but this made them unable to grasp the danger that unrestrained market relations pose to intermediate formations. American thinking does not have to make the same mistake. Its shortsightedness can be better explained by its unthinking adoption of conservative ideological categories than by similarities between Poland and the United States. It is not enough to say that civil society serves democracy only if it sustains political opposition, for there are too many examples of state-supported associations that have served plurality, facilitated voluntary activity, and encouraged equality.

It is still true that civil society often serves democracy by checking state power. The history of “real existing socialism” furnishes many examples of how important a robust sphere of independent organizations can be, and the Mothers of the Plaza de Mayo need no lessons in how quickly an unaccountable state can turn criminally vicious. Amnesty International, the International Campaign to Ban Landmines, feminist organizations around the world, Black Lives Matter, the student groups who brought down Suharto, and the Zapatistas have all performed admirable service in contesting the claims of central power and enriching the public sphere. As always, theory needs to be informed by solid analysis of concrete conditions. Much depends on the nature of the state and the character of the associations, groups, and movements that populate civil society. People bowled, attended PTA meetings, and sang in choral groups in Jim Crow Mississippi and in New York City, but that does not mean that their civil societies were remotely similar. Everyday life was simply not the same in Nazi Germany as in Popular Front France, and if South Africans played rugby in conditions of apartheid it makes a world of difference that they now do so in conditions of freedom. The undoubted importance of voluntary activity and intermediate association cannot blind us to the overriding importance of broad and comprehensive political categories.

Since it is assumed that small units are structured more democratically than larger ones, it seems to follow that a society full of self-governing bodies is likely to be relatively open and permeable. Local associations require high levels of debate and participation among people whose intertwined interests generate powerful motives for compromise and agreement. Disagreements can be addressed on the basis of common history, shared understandings, and collective interests. Democracy requires a measure of autonomy for such deliberations and is best served if external influences are kept to a minimum. Individuals know their own needs better than officials who may have more than one issue to think about and whose distance encourages arbitrariness. And since local people have to live with the consequences of their actions, they have powerful reasons to exercise power responsibly.

There is much to recommend this view, but an important body of literature suggests that there may be more to these easy assumptions than meets the eye. Writing more than fifty years ago, Grant McConnell

was not so eager to agree that local associations necessarily serve liberty because they limit the state. Instead, he suggested that the uncommon degree of power wielded by its private groups is American democracy's greatest problem rather than its most important strength. "Far from providing guarantees of liberty, equality, and concern for the public interest, organization of political life by small constituencies tends to enforce conformity, to discriminate in favor of elites, and to eliminate public values from effective political consideration," he suggested. The true importance of local organizations lies in "the guarantee of stability and the enforcement of order rather than in support for the central values of a liberal society."<sup>2</sup> McConnell's *Private Power and American Democracy* is a classic of modern political inquiry because its attack on pluralism calls into question the core position of almost all contemporary theories of civil society.

All organizations try to strengthen themselves, preserve their internal unity, and enhance their capacity for action, but McConnell found that local bodies do not have automatic safeguards against abuse just because they are local. They are subject to the same conflicting imperatives that drive all associations. Guarantees of procedural rights, the presence of internal opposition, and formal limits on the power of leaders might strengthen internal democracy, but they must often yield to the requirements of organizational coherence and effectiveness.<sup>3</sup> McConnell went further and anticipated Sennett's critique of "intimacy" by suggesting that compulsion is easier to organize locally than in a more diverse, impersonal, and bureaucratized environment whose members do not "know" one another and are consequently harder to organize. "Impersonality is the guarantee of individual freedom characteristic of the large unit," he observed. "Impersonality means an avoidance of arbitrary official action, the following of prescribed procedure, conformance to established rules, and escape from bias whether for or against any individual."<sup>4</sup> Bureaucracy can limit arbitrariness and defend fair procedures and equal access as easily as it can stifle initiative and crush self-government. As always, much depends on the surrounding environment.

When he turned his attention to the wider implications of decentralization, McConnell found that local elites often used existing associations to buttress their own position.<sup>5</sup> Anticipating a dispute that still

rages across much of the West, he discovered that “preemption”—the doctrine that public land should be opened to the use of those living near it—was little more than a rationale for private gain at public expense that intensified already-existing inequality. The repeated demands that federal management of public land be handed to the states—all made in the name of local autonomy, bringing government closer to communities, strengthening secondary organizations, and benefiting from authentic knowledge—ended up turning it over to local cattlemen, the largest and most powerful of whom always benefited the most. The same was true of other federal agencies. In general, McConnell found that local groups were more homogeneous, more exclusive in terms of policy, and more reflective of the local distribution of power. Under such conditions, decentralization and local voluntarism strengthens inequality.<sup>6</sup> More is needed.

This “more” can only come from outside the logic of civil society. In a 1960s swipe at David Truman’s claim that all interests worth representing will find a voice, McConnell observed that “farm workers, Negroes, and the urban poor have not been included in the system of ‘pluralist’ representation so celebrated in recent years. However much these groups may be regarded as ‘potential interest groups,’ the important fact is that political organization for their protection within the pluralist framework can scarcely be said to exist. Such protection as they have had has come from the centralized features of the political order—parties, the national government, and the presidency.”<sup>7</sup> Martin Luther King and Cesar Chavez were well aware of the powerful institutional obstacles that still obstruct the organization and recognition of “potential” interests. The movements they headed could not have challenged entrenched local power without the support of federal law, national officials, and comprehensive institutions. The only force capable of directing national attention and adequate resources to these problems, McConnell rightly found, was the Johnson presidency.

*Private Power and American Democracy’s* core position stands in direct contradiction to the central assumptions of much contemporary democratic theory. Taken by itself, “civil society” can serve freedom or reinforce inequality. There is nothing inherent that drives it toward plurality, equality, or participation. Much depends on the character of the surrounding environment, and the presence or absence of strong



central power to offset the influence of local associations is at least as important as the character of those bodies themselves: “Fortunately, not all of American politics is based on this array of small constituencies. The party system, the Presidency and the national government as a whole represent opposing tendencies. To a very great degree, policies serving the values of liberty and equality are the achievements of these institutions. Public values generally must depend upon the creation of a national constituency.”<sup>8</sup> McConnell’s critique of pluralism highlights a central problem for many contemporary theories of civil society: their failure to recognize that “autonomy is the means of preserving established power.”<sup>9</sup>

Twenty years after *Private Power and American Democracy* was published, Jane Mansbridge’s pathbreaking examination of a New England town meeting reinforced McConnell’s reservations about the democratic capacity of local organizations. She found that the face-to-face structures so important to contemporary theory work well when a measure of common interest is clear to all—but this often comes at the expense of democratic representation and decision making. Like the Athenian polis of which Aristotle was so fond, local “unitary” democracies are often marked by a measure of economic equality. This is what leads them to make decisions with a consensual process that accords equal respect to all views and minimizes the effects of disagreement and conflict. Larger-scale “adversarial” systems, on the other hand, are organized around division and assume that democracy is about the management of contending purposes rather than the search for general interests. If unitary systems move through the presumption of a common good to consensus, adversarial ones move through the recognition of conflict to majority rule.

Stable democratic orders knit together elements of unitary and adversarial approaches, but Mansbridge found that this is not easy when civil society’s local associations drive toward consensus. Her examination of a New England town meeting revealed that “unitary procedures occasionally mask actual conflicts of interests, to the detriment of citizens who are already at a disadvantage.”<sup>10</sup> Public disagreement can disrupt customary social relations after town meetings are over, and this gave rise to a powerful disposition to informally arrange things beforehand and avoid hurt feelings. Those who were not known for holding strong

views or having a direct stake in a given issue often found themselves cut out of important information and at a disadvantage when the item came up for discussion and vote.<sup>11</sup> It was simply not true that deliberations were conducted without contamination from external sources of advantage. A group of individuals who already knew one another had considerable influence on the issues placed on the agenda and on the debates and discussions that followed. As dearly as Tocqueville admired it, Mansbridge found that the town meeting failed precisely because of what many theorists of civil society take to be its most democratic quality, its localism:

In this town meeting, as in many face-to-face democracies, the fears of making a fool of oneself, of losing control, of criticism, and of making enemies all contribute to the tension that arises in the settlement of disputes. The informal arrangements for the suppression of conflict that result tyrannize as well as protect. To preserve an atmosphere of agreement, the more powerful participants are likely to withhold information and to exert subtle pressures that often work ultimately to the disadvantage of the least powerful.

Such tyranny is not usually deliberate. Nor, although it generally works against the interests of the least powerful, is it always the tyranny of one stable group over another. . . . Participation in face-to-face democracies is not automatically therapeutic: it can make participants feel humiliated, frightened, and even more powerless than before. Joking, informality, avoiding public embarrassment, and downplaying disruptive issues help assuage these fears, but while setting an emotional tone conducive to democracy as friendship, these soothing measures further isolate the powerless.<sup>12</sup>

It was not just the desire to avoid open conflict that made it difficult to consider all points of view. Mansbridge also found a powerful tendency to assume that established residents and the wealthy were most capable of discovering and organizing the community's interest. They tended to be the ones who attended town meetings, were more effective public speakers, had more money, held "better" jobs, commanded more respect, and overwhelmingly were white and male. Their views tended to shape the discussion and eventual decision—whether it was reached through

“unitary” consensus or “adversarial” majority vote. The very thing that Tocqueville admired about town meetings—their local and informal consensual norms—often worked against his expectation that they represent the best traditions of American republicanism. None of this is to deny that there was considerable give-and-take at town meetings or that many people freely debated whether a new pump truck for the fire department was more important than were new teachers at the elementary school. The problems Mansbridge described were rooted in the nature of the small communities and the local organizations that play such an important role in theories of civil society.<sup>13</sup> Even if they forge a higher degree of cohesion and increased commitment to a common interest, local democracies do not protect individuals equally or facilitate the distribution of power in situations where interests collide. Pretending that interests correspond when they do not only makes things worse. “The evidence,” she reports, “points in two directions. The trappings of power appear to be more equally distributed between rich and poor in smaller units, suggesting that the interests of the poor should be more equally protected. But direct analysis of outcomes suggests that the interests of the poor are better protected in large units. I can only conclude that if one judges on adversary grounds, the claim that small units protect individual interests more equally than large ones has not been proven.”<sup>14</sup>

There may be something inherent to the logic of localism and community that renders problematic the easy identity between a vibrant civil society and democracy. Civil society can support authoritarianism as easily as it can advance freedom. McConnell’s structural critique and Mansbridge’s analysis of participation strongly suggest that civil society cannot attenuate the pull of private interests any more than it can overcome the inequities that come from their pursuit. Voluntary associations and face-to-face structures can be important to citizens’ lives even in modern conditions of large divided societies, but their democratic potential depends on a variety of internal and external factors that are not intrinsic to the category itself. It makes no sense to conceptualize these matters in moral terms. McConnell and Mansbridge demonstrated how civil society can reinforce already-existing distributions of power. In the best of circumstances, its intermediate associations are too weak to seriously contest economic inequality. In the worst of circumstances, they are actively strengthening it.

None of this is to denigrate the importance of civil society. But a measure of caution is required, particularly because unrestrained market forces have become the most active threat to political democracy *and* civil society in contemporary life. McConnell's and Mansbridge's warnings that intermediate association cannot be automatically theorized as a democratic sphere should alert us to the dangers of superficial analysis and easy assumptions. Their observations about how inequality can affect civil society are particularly important for the United States, since our recent history has been marked by the largest upward transfer of wealth in human history. In a country where the top 1 percent of the population has enjoyed almost all the recent increases in wealth, nearly half the families have lower real incomes today than in 1973. The numbers go on and on and all tell the same story of historic levels of material inequality. People may disagree about particular figures and how to interpret them, but it is no longer possible to deny the extent of the problem or fail to relate them to broader trends in the economy and politics.

The problem is not likely to be addressed without a change in the way we think about civil society and the state. Social inequality is getting worse and worse, political democracy is facing serious challenges, and it is particularly important to reexamine the easy trust that the self-organizing, self-policing, and self-limiting sphere of voluntary associations is an indispensable ingredient of "democracy in America." It has not been important to pay much attention to broad questions of distribution until recently, because it was easy to assume a level of economic equality and upward mobility that no longer exists. It is time to dispense with unexamined assumptions and recognize how much the world has changed.

More is required for a credible theory of civil society than lamentations about bad manners, nostalgia for vanished communities, and faith in a historical disposition to associate. Democracy certainly requires a vibrant civil society that encourages local voluntary activity and holds political authorities accountable, but much more is required. One of the best examples is the history of the civil rights movement, the single most important democratic initiative in this country's recent history. It had enormous practical consequences, for all the successor movements that have subjected political power to democratic supervision originated in the great struggle against Jim Crow. The movement drew strength from

the spontaneous actions of countless individuals, from Rosa Parks and the Greensboro Four to local leaders of the Student Nonviolent Coordinating Committee and Fannie Lou Hamer. Resistance to the South's system of legalized, state-enforced racial supremacy had been a permanent feature of the region's politics for decades, and important lessons had been learned long before the Montgomery bus boycott began to break the whole system wide open.

A stable set of black political and social institutions anchored the movement in local communities. Churches, schools, and families provided invaluable bases from which to organize, and their durability had been tested over many years of enforced oppression and unremitting violence. But it was always clear that Jim Crow could not be defeated without the active support of the national community. Local segregationist power was simply too strong, too violent, too hardened, too institutionalized, and too experienced to be challenged successfully. As tenacious as the Montgomery bus boycott was, it was a federal court that brought victory after more than a year. The struggle against bus segregation would not have begun had it not been for Montgomery's mass movement, but it was national authority that finally decided the matter.

This pattern was repeated all over the South, from the struggle to desegregate Central High School in Little Rock to the Freedom Rides, the admission of James Meredith to Ole Miss, and the passage of the Civil Rights Act of 1964 and of the Voting Rights Act a year later.<sup>15</sup> Even after decades of federal complicity with Jim Crow and national acceptance of racial apartheid in the South, the movement's leaders knew that they could not break the power of local segregation without the application of overwhelming, coercive power. In case after case, the movement's leadership sought federal intervention and in case after case they got it. Success rested on the movement's ability to sway public opinion and change federal policy.

So powerful was this lesson that it became part and parcel of routine organizational work. When he wrote his famous letter at the beginning of the climactic struggle with Bull Connor and the city of Birmingham, Martin Luther King distilled years of experience and thought into the observation that "never again can we afford to live with the narrow, provincial 'outside agitator' idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds."<sup>16</sup> Re-

calling countless broken promises and false starts, Dr. King reminded his readers that “we had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community.” Acknowledging that the movement sought to create a general crisis that would force political authorities to confront the radical evil and persistent violence at the very heart of local society, he summed up the movement’s political theology:

We who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

Dr. King was far too experienced, and the stakes in Birmingham were far too high, for him to trust the “light of human conscience” unless the “air of national opinion” backed it up. Getting the national government and federal courts to act was always the central imperative of a movement that defined citizenship in national terms. All the training in nonviolence, all the workshops, all the sophistication of local leaders, all the religious and ideological preparation, all the organizational centralism and theoretical clarity, all the bravery of local communities—*all of it* was directed to enlisting the assistance of national opinion and national institutions to break entrenched local power and bring democracy to the South. It was civil society that brought such powerful pressure to bear on Washington that a reluctant President Kennedy was forced to break with many years of American political history. But it is equally true that it was this break that opened the door to victory.

Democracy works only to the extent it is buttressed by a substantial measure of economic equality. Citizens’ ability to influence public life depends on their access to political resources. Time and money go a long way in determining political influence, and they help shape participation in civil society’s voluntary organizations. The meaning of democ-

racy is far larger than the presence or absence of a robust civil society. If the Oxfam International report discussed in chapter 7 is remotely accurate in its claim that the richest eighty-five people in the world own as much as the poorest half of humanity, then inequality has to be understood as a global problem of critical importance.<sup>17</sup>

Closer to home, thirty years of market domination and state retreat have badly undermined the American dream of a middle-class society with dependable upward mobility. Fueled by a powerful hostility to public supervision of market forces, American political development has steadily become more polarized, less competent, and more discredited in the eyes of its increasingly disengaged and cynical citizenry. A very real legitimation crisis has developed in direct proportion to the concentration of wealth. It is fueled by a powerful sense that the economic system is unfair and that there is no longer a stable connection between social contribution and reward, a development that threatens to turn economic inequity into a political and ideological crisis. Taxpayer-funded bailouts, failure to go after the bankers whose irresponsibility caused the most recent economic catastrophe, skyrocketing college tuition and staggering student debt, climate change denial, mass incarceration, unemployment, foreclosures, record corporate profits, homelessness, the undisguised power of Wall Street, obscene CEO salaries, *Citizens United*—recent American history offers a treasure chest of economic inequality, political corruption, and state incapacity. All of this reinforces the many warnings about the marriage of economic crisis and political corruption that have animated political theory for more than two thousand years.

Under these circumstances, it is more important than ever to distinguish between those theories of civil society that fortify the state in the service of equality from those that weaken the state in the service of inequality. There is no doubt that the upward redistribution of wealth has been aided by state action and inaction. But there is equally no doubt that vigorous and effective state supervision of the market can distribute wealth downward and enhance social welfare. The state can surely deliver injustice. It can just as surely deliver justice. Much depends on the political orientation and strength of important actors in civil society.

This makes it more essential than ever to move away from the reflexive hostility to the state that characterizes so much of the literature on civil society. It would be much more helpful if a civil society that

served democracy were conceptualized as one that actively combated economic inequality. Ever since the days of Plato and Aristotle we have known that one of the threats to democracy is a political system used to fortify the dominance of wealth. The structure of American national politics has aided the development of plutocracy. The permeability of public institutions that Madison celebrated opens politics to a variety of organized groups in civil society whose influence is a direct function of their wealth. The result is a system that becomes increasingly unrepresentative of the public and exposes citizens to increased danger and distress. As the state's ability to deal with major challenges is weakened, widespread distrust of public life intensifies. This starves the state of legitimacy and resources, contributes to its poor performance, and fuels public cynicism about the capacity of politics to provide for the general welfare. The vicious cycle of economic inequality, political power, and state weakness feeds a legitimation crisis that deepens every year. The most recent manifestations of this crisis are Occupy Wall Street, the Tea Party, and Donald Trump. There are bound to be more.

Much of the problem is rooted in a political structure predicated on the model of a "strong society and weak state." But much of it is ideological, rooted in the way people think. The fundamental issue of our time is how to manage markets to serve democracy. The state is the only institution that can do this, and it is incumbent on theorists and activists alike to recognize that this vital task is beyond the capacity of any initiative from civil society taken by itself. Recent history does not hold out much hope.

Occupy Wall Street burst on the national scene in New York's Zuccotti Park on September 17, 2011. Inspired by the Arab Spring and by powerful anti-austerity and anti-globalization movements in Spain, Portugal, Greece, Argentina, and Italy, OWS spread around the world with breathtaking speed. By October 9, protests were ongoing in over ninety-five cities across eighty-two countries and in over six hundred American communities. Driven by broad discontent and independent of existing political formations, OWS was a powerful protest against the last thirty years of unrestrained capitalism. The grievances were the same everywhere: economic collapse, reduced opportunities, bailouts for the few and austerity for the many, rampant political corruption, accelerating inequality and a thorough lack of confidence that existing institutions



could address any of these issues. In both form and content, Occupy was a global movement directed against a set of interrelated global phenomena. Driven by profound disenchantment and an unmistakable sense that the existing state of affairs was both illegitimate and unsupportable, Occupy protesters insisted that replicating the hierarchical structures of political leadership was antithetical to democracy. When this approach became coupled with a theoretical anarchism, the ground was set for a general indictment of American politics and a “prefiguration” of the future.

David Graeber, an American anarchist and activist, was one of the leaders of an OWS movement that prided itself on its commitment to ultra-democracy. He was instrumental in formulating its general orientation and subsequent direction. It originated from a deep conviction that that the country is well on the way to becoming an oligarchy disguised behind a façade of nominally democratic institutions; that participating in elections whose choices are shaped by money is futile; that a system founded on selfishness and individualism cannot address itself to general social problems and must be revolutionized root and branch; that renewal must come from outside the established political system and requires direct action and civil disobedience; and that an unholy alliance between a financialized economic system and a predatory political one is completely illegitimate. Occupy Wall Street ended the long silence that had accompanied the transformation of the country’s economy and politics. It marked the dramatic entry of civil society into public life and gave hope to many who had despaired about the steady development of American plutocracy. Graeber skillfully summarized what many of the youthful Occupiers said, and his indictment of American politics was rooted in much of the utopian hopefulness that marked OWS’s early days. His approach boiled down to three interrelated elements: a commitment to direct democracy, consensus, and “horizontalism,” a refusal to recognize the legitimacy of existing institutions and a consequent abstention from politics, and a claim that the movement’s task was to “prefigure” the changes to which it was committed.<sup>18</sup> His indictment summarized Occupy’s powerful challenge to the existing state of affairs. It also contained the seeds of the movement’s ultimate failure.

Its commitment to direct democracy led OWS to a rejection of hierarchy, authority, majority rule, and the organizing principles of almost

all political and social institutions. Process became the governing concern, a commitment to consensus overshadowing the necessity to make decisions, take positions, build a movement, and get things done. Elaborate procedures were invented to guarantee open access and thorough discussions of everything. The General Assembly, open mikes, Spokes Council, hand signals, and other innovations were borrowed from precursors in Spain, Greece, Argentina, and elsewhere, testifying both to the global nature of the movement and to the intensity of its commitment to “horizontalism.” Graeber was unyielding on this matter. “I am less interested in deciding what sort of economic system we should have in a free society than in creating the means by which people can make such decisions for themselves,” he said.<sup>19</sup> Consensus was an ironclad condition of legitimacy and boiled down to four “principles” that were supposed to guarantee that “everyone should be able to weigh in equally on a decision, and no one should be bound by a decision they detest”:

- Everyone who feels they have something relevant to say about a proposal ought to have their perspectives carefully considered
- Everyone who has strong concerns or objections should have these concerns taken into account and, if possible, addressed in the final form of the proposal
- Anyone who feels a proposal violates a fundamental principle shared by the group should have the opportunity to veto (“block”) that proposal
- No one should be forced to go along with a decision to which they did not consent.

There were few ideas about what a new world might look like beyond a general commitment to rethinking work and reimagining bureaucracy; indeed, the lack of a coherent vision was taken as a sign of the movement’s strength. The future can be created by the voluntary, spontaneous action of committed and principled actors. A core principle of anarchism, the idea that communities are inherently decent and that institutions deform peoples’ true nature animated OWS from the very beginning. But the commitment to process over content—or, rather, the notion that process *was* content—neglected the possibility that one can imagine a beautiful horizontal organization that operates on the basis of sexism, racism, or class privilege. Criticism of liberalism’s formalism

created an equally powerful formalism. Not many people knew what OWS wanted, but a lot of people knew how it worked.

How it worked was impressive enough for a time, but events soon outran OWS's obsession with purity. Jane Mansbridge had found that groups will tend to organize themselves informally and that preexisting centers of power and privilege will inevitably strengthen themselves in conditions of a formal commitment to leaderlessness. Her findings were not unprecedented. Jo Freeman had contributed a searching analysis of the early women's movement at a conference called by the Southern Female Rights Union in May 1970. Her discussion of "the tyranny of structurelessness" circulated for years and remains a seminal discussion of the damage done by a stubborn commitment to consensus for the sake of consensus. Some of the OWS leaders knew of the article, but Freeman's analysis of the phenomenon turned out to be as relevant now as it was then.

The women's movement's commitment to solidarity, consciousness raising, egalitarian openness, and mutual support was rooted in its rebellion against a sexist, institutionalized, and hierarchical social order that reflected male power and the accompanying women's powerlessness. The women's movement did carve out informal places for conversation and "sisterhood," but at some point it became necessary to get things done. That was when early strength set the stage for later weakness. According to Freeman, "The basic problems didn't appear until individual rap groups exhausted the virtues of consciousness-raising and decided they wanted to do something more specific. At this point they usually foundered because most groups were unwilling to change their structure when they changed their tasks. Women had thoroughly accepted the idea of 'structurelessness' without realizing the limitations of its uses. People would try to use the 'structureless' group and the informal conference for purposes for which they were unsuitable out of a blind belief that no other means could possibly be anything but oppressive."<sup>20</sup>

Like Mansbridge, Freeman argued that the absence of formal structure does not prevent an informal one that works to the advantage of the powerful and influential. Structurelessness can hide power from those who believe that preexisting hierarchies can be dissolved by a commitment to dissolving hierarchies. Every group organizes itself, said Freeman; the only important question is whether the rules by which these

tendencies operate are made explicit. Groups organize themselves when they pass from talk to action. Getting things done requires decisions. Decisions require organization, hierarchy, delegation, and responsibility. Unless groups are able to grasp this elementary fact of life, they will die. Their ideas might seep out into the general society, but they will do so despite their lack of structure, not because of it. The same disability that Freeman diagnosed in the women's movement came to afflict Occupy Wall Street:

The more unstructured a movement is, the less control it has over the directions in which it develops and the political actions in which it engages. This does not mean that its ideas do not spread. Given a certain amount of interest by the media and the appropriateness of social conditions, the ideas will still be diffused widely. But diffusion of ideas does not mean that they are implemented; it only means they are talked about. Insofar as they can be applied individually they may be acted upon; insofar as they require coordinated political power to be implemented, they will not be.<sup>21</sup>

If a movement is to become something other than a talking shop, it has to stop pretending that structurelessness and egalitarianism translate automatically into effectiveness, legitimacy, equality, and moral rectitude. Making decisions and taking positions do not have to mean oppression and dictatorship. There are ways to combine the strengths of local initiative and authoritative leadership. Movements that make a difference find them. The civil rights movement is the great example, but there are many others.

A refusal to recognize the legitimacy of existing political institutions was the second foundational OWS position. Direct action became the antidote to structures of power and domination, a way of releasing creative energy without the bureaucratic impediments created by organizations and institutions. Occupiers repeatedly insisted that the existing system is entirely illegitimate and that they answered only to a set of moral imperatives. The decision to not create any internal hierarchy and instead rely on a consensus-based direct democracy expressed a near-obsessive aversion to being “co-opted,” which soon came to mean engaging with existing institutions at all. General Assemblies, volunteer kitchens, donated libraries, endless meetings, media centers, clinics, and

the like expressed the ideals of mutual aid and self-organization that have long been central to anarchism. Voluntary organizations and spontaneous activity would counter the authoritarian tendencies of the state, bureaucracy, politics, ideology, and parties. Only a radical withdrawal from existing institutions can restore self-determination in a world deformed by inequality and injustice. Autonomous action to transform social relations from the bottom up focused on the power of example and the strength of the moral stance as ways of avoiding the trap of institutional politics. The only way to successfully confront a game whose rules are stacked is to work outside existing structures.

Occupy Wall Street raised the issue of inequality in a particularly compelling way. It was the first mass movement to do so in years, and many people who had despaired of any coherent response to plutocracy welcomed its appearance. But its anarchistic disdain for politics left intact the very phenomena against which it so dramatically ranged itself. Refusing to engage with institutions because it would mean recognizing the legitimacy of the existing state of affairs paralyzed the movement in a way that went far beyond its obsession with process. At the heart of OWS's problem was a refusal to recognize that the democratic state gives people the means to protest against it. All successful social movements understand the necessity of taking advantage of this opportunity lest they renounce the most effective way of changing the conditions that brought them into being in the first place. OWS was right in its critique of plutocracy: *economic inequality has become a general issue afflicting the entire society*. The irony is that its commitment to a moral posture meant it could not do anything serious about the issue beyond talking about it. The talk was important but amounted to far less than the revolutionary transformation that OWS claimed to personify.

There is no escaping politics because there is no escaping power and authority in modern life. The idea that people can live without them leads to a position that fighting for reforms within what exists is nothing more than prostitution. But political history teaches us that it is precisely the opposite: refusing to engage with the existing constellation of power in the name of ideological purity cannot help but drive people back into the arms of the status quo. A fundamental conceptual error was at the heart of OWS's self-imposed impotence. Contemporary inequality is the result of powerful economic trends that have been aided and abetted by

political power. Mistaking the source of the problem blinded OWS to a possible solution. In the end, all that was left was posture and talk.

Basing action on what is happening does not make one complicit with injustice. OWS was never as alone as it thought. There are many historical and theoretical lessons from which it could have drawn. The contemporary situation is but an updating of the fundamental struggle that has marked this country's history for more than a century. Attacks on the state's regulatory, redistributive, and welfare functions have been central to conservative politics since the great state-building period that started with Theodore Roosevelt. If one is serious about grappling with problems of inequality and redistribution, one must engage the modern state and give serious thought to how public supervision of the market can serve democracy.

There is a great difference between states, after all. To deny this, and to lump all states together as the single source of social illness, is to ignore the difference between the United States and Nazi Germany or between France and Pinochet's Chile. Democratic institutions matter. Occupy Wall Street did raise important issues about equity and democracy in a direct, urgent, and confrontational manner that resonated powerfully with millions of people. But more was required. In a radical reversal of its transformative potential, its antistatism led Occupy into a de facto alliance with the same elements that have been systematically dismantling American democracy for a generation. The 1 percent against whom it ranged itself are always probing to weaken the welfare state, hollow out its public functions, and paralyze its capacity to provide for the common good. In its unwitting way, OWS never really challenged this most basic feature of the past thirty-five years.

Its rhetorical abstention from institutions notwithstanding, OWS was drawn to politics despite itself because it raised an issue that affects the entire society. It was right that inequality has come to poison almost all aspects of American life. The comprehensiveness of this understanding, the dramatic way it was presented, and the enthusiasm with which it was greeted made Occupy a political movement despite itself, even if it hollowed out politics by reducing it to the processes and procedures of "horizontalism." Its inwardness led it to claim that presenting an egalitarian, inclusive, and democratic alternative to centralism, hierarchy, and bureaucracy was the whole point. This moral stance would stimulate

the formation of communitarian counterinstitutions that would precipitate fundamental changes in the social system by the power of example. “Prefiguration” claims to reject politics in principle, attempting reshape social relations by insisting that freedom means the ability to live the way one wants to live. But community is not the same as solidarity, and unanimity is not the requirement of authenticity. Richard Sennett reminds us that modern life brings together people who do not know one another, do not agree with one another about important matters, and do not need to do either—but who *can* act in indispensably supportive ways in public. This is the old-fashioned meaning of solidarity, and it is a perfectly good antidote to the alienation and powerlessness that so obsessed the Occupiers. Prefiguration asked people to think and act not on the basis of the real conditions of real peoples’ lives, but on a vision of an idealized future society. This sort of utopianism has always been part of democratic movements, but it becomes a serious force only when it is anchored to a practical engagement with the world. Renouncing strategy, building communities in public places, and refusing to have leaders is a far cry from the great victories of the civil rights movement. Occupy was more a noble gesture of defeat than an opening salvo of victory.

The tragedy is that Occupy was really on to something important. It crystallized a level of resistance that had been silently building for years, and when it broke out it changed the way people thought about inequality. It thrust fundamental questions of justice and equity onto the front burner of American politics, it mobilized many thousands of people to take to the streets, it dominated media coverage for a time, it kicked the Tea Party off the front pages, it forced people to confront what had been developing for an entire generation, and it had a dramatic effect on the way people thought about economics and politics. “We are the 99 percent” was a wonderful rallying cry, a protest against the concentration of wealth, and a reminder that what had been done could be undone. But the sorts of changes that Occupy demanded cannot be accomplished by serving as a moral example, refusing to have leaders, and renouncing political activity. The leadership of the civil rights movement understood the importance of seizing and holding the moral high ground, but that understanding was part of the political and strategic thinking that Occupy rejected in principle. Its proclamations of revolutionary changes notwithstanding, the sorts of things that Occupy demanded require the

application of force and coercion. The “1 percent” cannot be expected to give up their wealth and power just because the self-appointed spokespeople for the “99 percent” think they should. Moral indignation is a crucial element of successful movements but must be reinforced by the application of power. Power implies compulsion and force. Dr. King understood that the moral high ground became a material force because it was married to politics.

Occupy’s refusal to engage with tradition—any tradition—stemmed directly from its conviction that it was doing something radically new through its rejection of authority and power. The history of the labor and civil rights movements were discarded as vestiges of an authoritarian past, their incomplete projects an example of what happens when movements are co-opted by engaging with corrupt institutions. The result, according to the political scientist Gregory Zucker, could only be paralysis:

Calls for a position are met with replies that a position is not needed. The position is expressed through the mere spectacle of the occupation. Attempts to construct a position are met with suspicion. Every suggestion at a meeting is met with concerns of ideological cooptation. Increasingly, the activists have become less concerned with focusing their message than with attempting the wholesale reinvention of society. Positive arguments for why certain actions should be taken are grounded more in subjectivity than in objective conditions. The activists speak for a plurality without finding commonalities between the pluralities. No common interest can unite the disparate voices because a common interest is perceived as always exclusionary.<sup>22</sup>

The FBI and local police departments took a very dim view of OWS from the very beginning, intensively monitoring activists even before Zuccotti Park was occupied and coordinating the crackdown on several Occupy encampments. There was extensive discussion between the FBI, the Department of Homeland Security, local police departments, large corporations, and Wall Street firms. There is no question that Washington and corporate America were alarmed by OWS’s potential to cause major disruptions and that they took advantage of the movement’s weaknesses by moving aggressively against it. Systematic police



harassment, monitoring, and attack certainly played an important role in sealing the movement's fate, but OWS's own theoretical and structural shortcomings opened the door.<sup>23</sup>

"The process is the message," Occupiers repeatedly insisted. Strangely naïve despite his sophisticated indictment of American democracy, Graeber seems to have believed that OWS was revolutionary just because it said it was. Slavoj Žižek had warned against the danger of grandiosity when he visited Zuccotti Park and cautioned its residents, "Don't fall in love with yourselves." But his message did not lead the Occupiers to reexamine their enthusiasm for horizontal principles, ultra-democracy, and a radical rejection of everything that exists. It turned out these gestures were not enough. One does not fight against exploitation and inequality by hurling grand slogans of antiauthoritarianism at the state. One does it by organizing politically against exploitation and inequality. The campaigns for the eight-hour day, against child labor, for an end to Jim Crow—all of them fights against inequality—were conducted politically. They all applied coercion and force to compel employers and segregationists to do what they did not want to do. But if you believe, as Graeber seems to, that "in America, challenging the role of money in politics is by definition a revolutionary act," then you begin to sound a bit like Woody Allen's famous line that 80 percent of success is just showing up.<sup>24</sup> This might be true of show business, but it is emphatically not the case with politics. Democracy is not reducible to process. It is also about content, capacity, and getting things done. Occupy Wall Street was confrontational and indignant, but its refusal to engage in politics decisively limited its ability to address the issues that brought it in to being. Not so its nemesis.

The Tea Party was oriented toward politics from the very beginning, determined to organize a robust presence in the Republican Party and exercise a decisive influence in national affairs. Like Occupy, it was powered by rage about political corruption, the bailouts of the auto industry and banks, and the Bush administration's foreign policy failures. Unlike OWS, it regarded the Obama stimulus program and Affordable Care Act as insupportable attacks on liberty and democracy. Occupy has to be seen as belonging to a populist anticapitalist tradition, but the Tea Party comes out of an equally populist defense of property, individualism, and wealth. It is not animated by the culture wars but has turned its

attention to the nitty-gritty economic issues of wealth, regulation, and redistribution. Its spokespeople routinely describe their movement as part of the age-old American struggle against unaccountable state elites, but its populism has a decidedly right-wing bent.

Its political orientation has propelled the Tea Party to great success but has raised the same concerns about co-optation that so troubled OWS activists. Even as it began as a movement directed against political elites in both parties, the Tea Party soon became an attachment to the GOP and focused its attention on the Obama administration. It conceived itself as representing the great victims of American history, now identified as propertied white men besieged by parasitic freeloaders supported by a degenerate, cowardly government. But its rebellion against a corrupt political regime became more difficult to sustain as it careened from angry outsider to institutional insider. The successful co-optation of the Tea Party by the Republicans created problems for both, but important damage has been done to the image of the brave crusader riding in from civil society to redeem a civilization in danger and decline. Tea Party members of Congress cannot be reasonably portrayed as pitchfork-wielding revolutionaries when their unwavering assaults on any social welfare measures make them sound like they come from the ordinary American tradition of right-wing attacks on social welfare, the very idea of a public life, and any notion of collective responsibility for anything. Perhaps this ordinariness helps explain its political success. Unlike Occupy, the Tea Party has had a decisive effect on national politics. The Republican Party and the larger right-wing revival it helped power now dominates both houses of Congress, has amplified its long-standing assault on equality, has elected hundreds of state legislators who have rolled back social protections in dozens of states, and has been a decisive influence in attacking social welfare as a matter of principle. Oriented toward national politics from the beginning, the Tea Party never shared Occupy's belief that process was everything. It was always focused on results, and it got them.

The same is true of Spain's Podemos and Greece's Syriza, important examples of left-wing initiatives from civil society. Originating in mass-based anti-austerity movements, they have revitalized progressive politics in Europe precisely because they have refused to embrace Occupy's narcissism, have been able to move past the Arab Spring's spontaneity,

and have rejected the compromised politics of the institutional European Left. They originated in broad protest movements that contested evictions, bankruptcies, attacks on social welfare, deep-rooted corruption, and rampant inequality—the same issues that galvanized Occupy Wall Street. But Syriza and Podemos were directly inspired by radical political movements and governments in Venezuela, Bolivia, and Ecuador and have consciously sought to mobilize broad discontent into a national political project. They have a national strategy, they engage institutions forcefully and directly, they conduct consistent political agitation, and they seek to fortify, not weaken, the power of the national community to confront broad social challenges. Whether it be globalization or the European Community's austerity demands, they are direct responses to the hollowing out of state sovereignty. As they broadened social protest by politicizing and nationalizing initiatives from civil society, Podemos and Syriza evolved into modern party organizations capable of carrying out political struggle over the most elementary principles of modern democratic societies. It is precisely their orientation toward state power that marks their sophistication and effectiveness when compared to Occupy Wall Street and the organizations that are said to populate “global civil society.” They serve as yet another reminder that a refusal to engage with politics and institutions cannot reinvigorate democracy.

From Plato and Aristotle through Rousseau and Marx, classical political theory has told us that societies do not do very well under conditions of deep and persistent material inequality. They are unstable, arbitrary, violent, corrupt, illegitimate, and unjust—unfit places for a decent life worthy of free people. Productivity and abundance was supposed to solve the ancient problem of scarcity, reducing questions of economic justice to technical matters of distribution and organization. But it has not worked out that way because equality is not a matter of economics alone. First principles are at stake, and it is high time that political theory restore social justice to the central place it has occupied since the Greeks began thinking about public life. It is no longer possible to ignore the consequences of the past thirty-five years. Ideas need to be fleshed out, decisions have to be made, and equality must be placed at the center of contemporary thought and action.

Change does not come without outrage, indignation, anger, confrontation, moral fervor, utopian thinking—and new forms of organization

and mobilization. But it requires engagement with the world that exists, an understanding of how to work in it and outside of it, a commitment to using spontaneity and utopianism to strengthen organized political formations, and an ability to criticize and badger existing institutions while building new ones that can address the pressing needs of those who have been savaged for so long.

Enormous centers of consolidated power cannot fail to have a decisive effect on local activity, but moralistic approaches make it difficult to see the connections between broad economic trends and everyday life. The economy is not just another sphere of association like a book group, bowling league, or block association. It is a powerful set of social relations whose imperatives are penetrating and organizing ever-wider areas of public and private life. No conceivable combination of PTAs, soup kitchens, choral societies, or Girl Scouts can resist it. It is no longer possible to theorize civil society as a site of democratic activity and counterpoise it to an inherently coercive state without considering how capitalism's structural inequities constitute everyday life. Without redistributive state policy, civil society can only reflect and exacerbate already-existing economic inequities.

Coercion, exclusion, and inequality can be as constitutive of any civil society as self-determination, inclusion, and freedom. Nothing is written in stone or is true by definition; a "robust" civil society can serve all sorts of purposes, and the presence or absence of bowling leagues proves nothing by itself. Organizations of lung cancer survivors are not the same as the American Tobacco Institute, the Student Nonviolent Coordinating Committee was different from the White Citizens' Councils, and it makes no theoretical or political sense to lump the American Civil Liberties Union together with the Christian Coalition. Qualitative distinctions and political choices must be made.

More is involved here than the limits of positive thinking. The tendency to moralize about social problems is as old an American "habit of the heart" as Robert Bellah's primordial traditions of civic republicanism, but it is not particularly helpful when trying to account for the decline of civicness and political participation. There is something deeply authoritarian about the marriage of an antistatist discourse of moral decay and a vision of a virtuous civil society that changes citizens from carriers of rights to bearers of duties. Surely overworked families

are at least as credible an explanation for civic decline as watching a lot of television. Surely a more assertive labor movement that made a little trouble from time to time would do more to reinvigorate civil society than moralizing reproaches about individualism and laments about the bad habits of the poor. Promoting “common purpose” through a discourse of values can only reinforce the mistaken notion that social decay is a moral problem first and foremost and that a civic culture of correct orientations is its solution.

In the end, reviving civil society requires the breadth of thought and action that only politics can provide. It is simply not true that public purposes derive their strength from being anchored to personal, local, and immediate experience. Abstract principles and broad political ideals have always driven history’s most important movements for justice, equality, and democracy. They still matter, all the more so in an age that has precious little of either in its public life. This requires a willingness to recognize that the social totality shaping civil society is a sphere of inequality and conflict, and that revitalizing civil society requires heightened levels of political struggle over state policy rather than good manners and civil discourse.

Deepening inequality and gigantic concentrations of private power constitute a dangerous threat to democracy and civil society alike. Political, economic, and social affairs are as mutually dependent today as they have always been, no matter what claims are made about the autonomous logic of different spheres. Extending democracy to the economy, the state, *and* civil society is the central challenge of contemporary life. As always, this requires comprehensive political activity and theory that must begin with a serious understanding of how to use state power to advance social justice. Democratic theories and movements have understood this for two and a half thousand years. It is time we did the same.

## NOTES

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- 18 Troeltsch, *Social Teaching of the Christian Churches*, 1:201.

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## CHAPTER 7. CIVIL SOCIETY AND THE CRISIS OF COMMUNISM

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- 51 Havel, “Politics and Conscience,” 269.
- 52 Konrad, *Antipolitics* 229.
- 53 Agnes Heller, “On Formal Democracy,” in Keane, ed., *Civil Society and the State*, 131.
- 54 Vladimir Tismaneanu, “Epilogue,” in Tismaneanu, ed., *In Search of Civil Society*, 182.
- 55 Chandran Kukathas, David Lovell, and William Manley, “Introduction,” in Kukathas, Lovell, and Manley, eds., *Transition from Communism*, 6.
- 56 Laszlo Csapo, “The Implosion of Collectivist Societies,” in Kukathas, Lovell, and Manley, eds., *Transition from Communism*, 171–172.
- 57 Miller, “Civil Society in Communist Systems,” 8.
- 58 *Ibid.* See also T. H. Rigby, “The USSR: End of a Long, Dark Night,” in Miller, ed., *Development of Civil Society in Communist Systems*, 14.
- 59 Fukuyama, *End of History and the Last Man*.
- 60 Ehrenberg et al., eds., *Iraq Papers*.
- 61 Michael Walzer, “The Concept of Civil Society,” in Walzer, ed., *Towards a Global Civil Society*, 7.
- 62 *Ibid.*, 16.
- 63 *Ibid.*, 18.
- 64 *Ibid.*, 23.

- 65 *Ibid.*, 24.
- 66 Hawkesworth, *Political Worlds of Women*, 18–19
- 67 Keane, *Global Civil Society?*, xi–xii.
- 68 *Ibid.*, 8.
- 69 *Ibid.*, 97–98.
- 70 *Ibid.*, 122.
- 71 *Ibid.*, 137.
- 72 Kaldor, *Global Civil Society*.
- 73 *Ibid.*, 2.
- 74 *Ibid.*, 12.
- 75 *Ibid.*
- 76 See Bohman and Rehg, *Deliberative Democracy*.
- 77 See, for example, James Bohman, “Expanding Dialogue: The Internet, the Public Sphere, and Prospects for Transnational Democracy,” in Gripsrud et al., eds., *Idea of the Public Sphere*, 247–70.
- 78 “Strategic Dialogue with Civil Society,” *U.S. Department of State*, February 16, 2011, <http://www.state.gov/>.
- 79 “Document 9: A *ChinaFile* Translation,” *ChinaFile*, November 8, 2013, <http://www.chinafile.com/>.
- 80 “Wealth: Having It All and Wanting More,” *Oxfam International*, January 2015, <https://www.oxfam.org/>.

#### CHAPTER 8. CIVIL SOCIETY AND THE UNITED STATES

- 1 James Madison’s Federalist No. 10, published originally on November 22, 1787, is readily available online. See, e.g., <http://avalon.law.yale.edu/>.
- 2 Truman, *The Governmental Process*, viii–ix, 15.
- 3 *Ibid.*, 51.
- 4 *Ibid.*, 502.
- 5 *Ibid.*, 510–511.
- 6 *Ibid.*, 512.
- 7 *Ibid.*, 514.
- 8 *Ibid.*, 521–522.
- 9 *Ibid.*, 515.
- 10 *Ibid.*, 524.
- 11 Almond and Verba, *Civic Culture*, ix.
- 12 *Ibid.*, 6.
- 13 *Ibid.*, 30.
- 14 See Bachrach, *Theory of Democratic Elitism*.
- 15 Almond and Verba, *Civic Culture*, 245.
- 16 *Ibid.*, 240.
- 17 *Ibid.*, 241–242.
- 18 *Ibid.*, 339.
- 19 *Ibid.*, 360.

- 20 See Converse, Miller, and Stokes, *American Voter*.
- 21 See Key, *Public Opinion and American Democracy*; and Olson, *Logic of Collective Action*.
- 22 Gramsci, *Selections from the Prison Notebooks*, 238.
- 23 *Ibid.*
- 24 *Ibid.*, 243.
- 25 *Ibid.*, 236.
- 26 *Ibid.*, 5–23, 133.
- 27 *Ibid.*, 239. See also 262, 271.
- 28 Max Horkheimer, “The Culture Industry: Enlightenment as Mass Deception,” in Horkheimer and Adorno, *Dialectic of Enlightenment*, 120–167.
- 29 Marcuse, *One-Dimensional Man*, xvi.
- 30 *Ibid.*, 78.
- 31 Bronner, *Of Critical Theory and Its Theorists*.
- 32 Sennett, *Fall of Public Man*, 4.
- 33 *Ibid.*, 4–5.
- 34 *Ibid.*, 219.
- 35 *Ibid.*, 259.
- 36 *Ibid.*, 264.
- 37 *Ibid.*, 269.
- 38 *Ibid.*, 295.
- 39 Bellah et al., *Habits of the Heart*, 282.
- 40 *Ibid.*, 251.
- 41 *Ibid.*, 283.
- 42 *Ibid.*, 285.
- 43 *Ibid.*, 5.
- 44 *Ibid.*, 345.
- 45 *Ibid.*, 346.
- 46 *Ibid.*, 350. See Elshtain, *Democracy on Trial*, for a slightly different interpretation.
- 47 Putnam, *Making Democracy Work*, 15.
- 48 *Ibid.*, 99.
- 49 *Ibid.*, 115.
- 50 *Ibid.*, 167.
- 51 *Ibid.*, 182.
- 52 Putnam, “Bowling Alone,” 65.
- 53 Putnam, “Strange Disappearance of Civic America,” 45.
- 54 Skocpol, “Unravelling from Above,” 24.
- 55 *Ibid.*, 17–20.
- 56 See Tarrow, “Making Social Science Work across Space and Time.”
- 57 Putnam, *Our Kids*.

## CONCLUSION

- 1 See Polanyi, *Great Transformation*.
- 2 McConnell, *Private Power and American Democracy*, 6.
- 3 See McConnell, “Spirit of Private Governance.”
- 4 McConnell, *Private Power and American Democracy*, 107.
- 5 *Ibid.*, 154.
- 6 *Ibid.*, 349.
- 7 *Ibid.*
- 8 *Ibid.*, 8.
- 9 *Ibid.*, 294.
- 10 Mansbridge, *Beyond Adversary Democracy*, 35.
- 11 *Ibid.*, 68–70.
- 12 *Ibid.*, 70–71.
- 13 *Ibid.*, 118.
- 14 *Ibid.*, 280–281.
- 15 Every history of the civil rights movement makes this point. See, for example, Branch, *Parting the Waters*.
- 16 Martin Luther King’s “Letter from Birmingham Jail,” written on April 16, 1963, is readily available online. See, e.g., <http://www.africa.upenn.edu/>.
- 17 “Wealth: Having It All and Wanting More,” *Oxfam International*, January 2015, <https://www.oxfam.org/>.
- 18 Graeber, *Democracy Project*.
- 19 *Ibid.*, 284.
- 20 Jo Freeman, “The Tyranny of Structurelessness,” n.d., <http://www.jofreeman.com/>.
- 21 *Ibid.*
- 22 Zucker, “Occupy Wall Street and the Challenge of the ‘New.’”
- 23 See the 2012 report “Suppressing Protest: Human Rights Violations in the U.S. Response to Occupy Wall Street” from the Global Justice Clinic at the NYU School of Law and the Walter Leitner International Human Rights Clinic at the Fordham Law School, available online at <http://chrgj.org/>.
- 24 Graeber, *Democracy Project*, 111.



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