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The State, Civil Society, and Citizenship

by Richard Dagger

In order for the general will to be well expressed,” Rousseau declared in his Social Contract, “it is therefore important that there be no partial society in the State, and that each citizen give only his own opinion... If there are partial societies, their number must be multiplied and their inequality prevented...” (see Rousseau, 1978, p. 61). Rousseau’s preference for a body politic in which there are no “partial societies”—no factions or interest groups, that is—sometimes cited as evidence of the totalitarian implications of his political theory. For if nothing stands between the individual and the state, according to this charge, it is all too easy for the state to dominate and control all aspects of the individual’s life.

As a criticism of Rousseau’s intentions or wisdom, this charge is mistaken. Rousseau thought that a body politic would do better without “partial societies” only under certain limited conditions—notably a citizenry small enough for the sovereign people to meet and deliberate conveniently with one another. As a complaint about the attempt to eliminate the groups and associations that fall between the modern state and the individual, however, the criticism is fully justified. When fascism and communism have come to power in this century, the rulers have tried to smother “partial societies.” To the extent that they have succeeded, they have smothered freedom as well. This was obvious to the numbers of Solidarity and the other Central European opposition groups who struggled against communist regimes in the 1980s to make room for independent trade unions and other features of civil society (see Ash, 1990, pp. 147-8). It should now be obvious to everyone.

In large, modern societies, then, we should make the most of “partial societies” by encouraging the development of a vital civil society—a sphere of life that promotes freedom through private activity and the voluntary associations that serve as a buffer between individuals and the state. Indeed, the question is not whether civil society is a prerequisite for a good society, but what form it should take. With this in mind, I want to offer three observations about the proper form of civil society.

First, we should note that we owe the distinction between state and civil society to Hegel. Before his Philosophy of Right, “civil society” was simply another term for political association (see Riedel, 1984, ch. 6). In Hegel’s hands, however, “civil society” designated an area between domestic life and the fully political order—an area in which commerce regulated by contracts and governed by the rule of law could take place. In this sense civil society was, and continues to be, civilized society. It is distinct from the state because the activities of civil society are private—that is, concerned with the personal interests of the participants—but it is nevertheless dependent upon the state. For without the state to guarantee the rule of law, there could be no civil society.

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The second observation is that civil society presupposes a kind of equality. "Civil society overlaps with the concept of exchange," as Antony Black puts it, "which also connotes equality of status between parties" (see Black, 1984, p. 32). This equality of status implies an equal right to pursue one's interests within civil society—including a right to join with others for mutual benefit. When these interests come into conflict, the citizens may defend their rights and pursue their interests by going to court, where they are supposed to enjoy equal favor in the eyes of the law.

These two observations present a paradox. On the one hand, civil society is an intermediate realm, one that protects individuals against the overwhelming power of the state. On the other hand, civil society depends upon the state for its existence. My final observation adds a complication to this paradox.

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The complication is that civil society can, and often does, embrace forms of association that blur the boundaries between private and public activity. Churches, charities, and civic organizations such as the Kiwanis and Soroptimists provide clear examples of these associations. The best examples, though, are neighborhood associations and parent-teacher organizations, for they illustrate how the "private citizen" can work with agents of the state—municipal officials, school principals, and so on—in matters of public concern. And these examples are but a step short of jury duty, where the "private citizen" becomes, for a time, a public official.

If civil society stands between domestic life and the state, then, it need not stand as a barrier between the two. On the contrary, civil society can best promote the good society when it serves as an intermediary between the official business of government and the personal affairs of the individual. There is, to be sure, the risk that civil society will degenerate into factionalism or interest group liberalism as various groups compete to advance their interests by capturing or controlling some part of the government. The sense of community and of public purpose dwindle when this happens; cynicism sets in and apathy prevails as more and more people come to regard politics as the public pursuit of private interests. But steps can be taken to avoid or overcome this danger.

One step is to increase the number and enhance the strength of those groups, such as neighborhood associations, that connect the private and public aspects of citizenship. Involvement in organizations of this sort can improve communication between individuals and their government while fostering a better understanding of politics and a sense of civic responsibility. They cultivate a regard for the public good as they bring people into public life, in other words, thus providing a safeguard against cynicism and apathy.

A second step is to prevent any group or groups from gaining enough power to dominate everyone else. This is what Rousseau had in mind when, anticipating James Madison, he insisted that, if there are to be partial societies, then they must be numerous and roughly equal in power. In the United States, we have partial societies in great numbers, but they are far from equal. To achieve this rough equality, entrepreneurial opportunities must remain open, especially for the formation of cooperatives and small businesses. A more significant redistribution of wealth through taxation is also necessary, as are various measures designed to prevent money from exercising too great an influence on campaigns and elections. Public financing of elections is probably the best solution, but strict limits on expenditures for campaign advertising or even on the length of campaigns would also help. By contributing to a roughly equal distribution of power in civil society, such measures would also support the equal status—equality as citizens in the eyes of the law—that civil society presupposes.

Civil society can indeed promote the good society by serving as a buffer between the individual and the state. But this is not all that it can or should do. Civil society must also be civil in two senses of the word. First, it must promote civility in the sense of a decent regard for the rights and interests of others. This includes respect for the privacy and property of others so long as it is consistent with the equality under the law that all are supposed to enjoy as citizens. Then, second, civil society must promote civility in the sense of civic responsibility or virtue—of citizenship as an active concern for the public good. Through associations that join private life to public concerns, individuals must be encouraged to see how their interests connect with others, and thus to develop a sense of community. They must also see the state or government not as some remote and alien force, but as a partner in a common enterprise. For the irony is that civil society best protects us against the overwhelming power of the state when it makes the state familiar to us. The wall of separation may have its place, but it is not where state and civil society come together.

References


Richard Dagger teaches modern and contemporary political theory at Arizona State University. He has written on a variety of topics in legal and political philosophy, and is presently completing a book on the possibility of republican liberalism and preparing the second edition of a textbook, Political Ideologies and the Democratic Ideal, co-authored with Terence Ball.