

CPS
SPECIAL ISSUE

FORUM

The State and Civil Society

Civil Society in Flux

Doreen Atkinson

Civic Associations

Thozamile Botha

Civil Society Apartheid and After

Khehla Shubane

Socialism, Democracy and Civil Society

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The Colonisation of Civil Society

Steven Friedman

May 1992

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THEORIA

A Journal of Studies in the Arts,
Humanities and Social Sciences

Number 79

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Published by the University of Natal Press
for the Faculties of Arts, Humanities and Social Science

ISSN 0040-5817

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About *Theoria*

Theoria, a scholarly, non-disciplinary journal in the humanities, arts and social sciences, is intended primarily to serve the purpose of encouraging reflection on, and engagement with, the more important intellectual currents and social, artistic and political events by which the contemporary world is configured. The compass of the journal is wide, and the editors believe that this purpose can be served in a variety of ways – ranging from recondite scholarly meditations on the early historical forces that gave shape to our world to sharp critical interventions in contemporary public debate. Thus, any matter of moment – whether it be the epistemological implications of new research in the neurosciences, the impact of post-modernist styles in architecture, new departures in philosophy or literary criticism or exploration of development strategies in southern Africa – will, in principle, be able to be addressed in the pages of *Theoria*.

The editors have, however, decided that although each issue may carry contributions in a diversity of fields, the contents of each issue will be largely dictated by one or more governing themes. In order to secure contributions in good time, these themes will be announced well in advance of publication.

The editors are, furthermore, of the view that the purposes to which the journal addresses itself will be best served if contributions take a variety of forms. In particular, we wish to encourage, in addition to 'conventional' articles, communications from readers designed to further debate around issues dealt with. Also, we hope to establish a review essay tradition in *Theoria* – in our view an important genre that has not been well served in South African journals – as well as a book review/book note section.

Note to Contributors

Contributions are invited both in response to advertised themes and on any topic within the general fields covered by *Theoria*. Contributors using word processor software are requested to submit two hard copies and a disk copy (any major word processing package will be accepted). The Harvard style of referencing is preferred. *Theoria* does not use footnotes; if contributors elect to use endnotes these must be included in a separate file. The authors of manuscripts not prepared on a word processor may be required to submit a disk copy if the article is accepted. It remains in the discretion of the journal's editors and referees to amend or reject manuscripts.

Subscriptions

Theoria is published twice a year.

Individuals: R20,00 inc. VAT; \$20 per annum

Institutions: R30,00 inc. VAT; \$30 per annum

All subscriptions and correspondence to:

The Secretary, University of Natal Press, P.O. Box 375,
Pietermaritzburg, 3200 South Africa

Typeset by the University of Natal Press
Printed by the Natal Witness

Editorial Note

Theoria 79 is a special issue devoted to the theme 'The State and Civil Society'. The question of the relationship between state and civil society has been central to the development of modern social and political theory, and has also featured significantly in the reflections on the nature of contemporary South African political and social relations; and this reflection has not been unconcerned with the articulation of political strategy and visions of new possible dispensations. The editors thought it appropriate that a publication such as *Theoria* should capture one moment in the reconstruction of this complex of issues, and we are especially thankful to Dr Doreen Atkinson of the Centre for Policy Studies, guest editor of this edition, for her work in compiling and editing this issue. The material contained in this edition was originally presented at a CPS seminar held in May 1991, and we should like to thank the CPS for the financial contribution which made the publication of this special issue possible.

Colin de Berri Webb

It is with great sadness and regret that we record the untimely passing of Professor Colin Webb, former deputy vice-chancellor and vice-principal of the University of Natal. Colin Webb had a long and constructive relationship with this journal, in his capacities as editor from 1962 to 1975 and later as a member of its board of editorial consultants. We should also like to register our appreciation of the warm, generous and enthusiastic support which at all times he gave us; we thus find it appropriate to dedicate *Theoria 79* to his memory. We should like to thank Professor Douglas Irvine for the tribute to Colin Webb which appears in this issue.

* * * * *

Theoria 80, currently in press, will focus on the tasks and challenges facing indigenous literatures, and the role of European and North American literature, in South Africa.

Theoria 81/2 will be a special double issue on the theme 'Our Catastrophic Century'. The choice of this theme seems appropriate as the twentieth century has been marked by the conjunction of extraordinary technological advances with catastrophes on a scale previously unimaginable. One need only mention the Holocaust, Stalinism, the two World Wars, Vietnam, starvation in Africa and elsewhere and world-wide environmental damage to register the magnitude of these catastrophes.

Thus we need to ask the question 'whatever happened to the promise of progress embodied in both the ideologies and programmes of modernization by which this century has been so decisively shaped?' Has the Enlightenment project failed? Have liberalism and socialism, the great universalizing and democratizing doctrines of modernity and bearers of the hope of a rational and free society, been exhausted? Has the 'steady march of progress' been halted by seemingly endless ethnic squabbles and the politics of virulent nationalisms? If so, why? Has the promise of freedom and justice, of human rights and dignity, been rendered hollow by the 'civilization of productivity' and 'culture of accumulation' so pivotal to modern capitalism? Which indeed is the villain of the piece – modern consumer capitalism or western modernity itself? In the light of this, what kind of 'order' is the 'new world order', ushered in after the collapse of East European state socialism, likely to be? Does it suggest the consolidation of some kind of capitalist rationality on a global scale? If not, what does it portend?

On another level, we need to ask whether the conceptual and theoretical apparatuses of the human sciences – sociology, economics and political science, for instance – are equal to the task of explaining these catastrophes. If so, how might they? If not, how might they be re-cast?

These, among many others, are the possible themes that contributors might address. Contributions should be received not later than 15 May 1993.

THE EDITORS

Colin de Berri Webb

In Memoriam

In an unusual but fitting gesture, the University of Natal closed for the day on Wednesday, 25 March, to honour the memory of its former deputy vice-chancellor and vice-principal, Colin Webb, who had died in Pietermaritzburg on the previous Sunday. He had retired from his position earlier in the month after battling against cancer for the past two years with great fortitude and grace. He leaves his wife Fleur and two adult sons, Jonathan and Nicholas.

Colin Webb was a versatile and socially conscious scholar and administrator, an admired public figure, whose imposing presence was always counterbalanced by his approachability, and whose humane intelligence and integrity informed all his work.

A distinguished historian, a Fellow of the Royal Historical Society, he inspired and shaped a new and still active school of studies in the history of Natal and Zululand as an author, a gifted teacher, and a meticulous supervisor of postgraduate research.

His own pioneering work included the indispensable *Guide to the Official Records of the Colony of Natal* (1965), and *A History of Natal* (1965, second edition 1987) written jointly with Edgar Brookes. This, now a standard authority, set the trend away from earlier eurocentric approaches. In the field of Zulu history itself, in collaboration with his colleague John Wright, he produced *A Zulu King Speaks* (1978) and four volumes of *The James Stuart Archive of Recorded Oral Evidence* (1976, 1979, 1982, 1987). At the time of his death a fifth volume was in preparation. In presenting and making accessible a wealth of African oral testimony, he and Wright opened a way into Natal's precolonial past for future historians of the region. This above all is his abiding monument.

* * * * *

Colin Webb was closely associated with *Theoria* for many years, as co-editor from 1962 to 1975, and then as editorial adviser from 1978 onwards. Four articles by him appeared in this journal. All continue to be of interest; but it was in the first, 'The Great Illusion', published in

Theoria II in 1957, that he struck a note which is particularly resonant at the present time, and might also serve as an epitaph for himself as an historian and as a man:

One of the great illusions which is powerful enough to have deceived successive generations of mankind is the belief that man himself by careful planning has it within his power to order the future in the way he desires. At least as far back as Classical times, men were drawing up plans which, when implemented, were intended to transform society; and succeeding generations of men have continued to do so. Very rarely have their blueprints produced results which have even approximated to what was intended or desired. Yet in South Africa today the illusion persists; and it is a dangerous illusion, for ours is a society in crisis . . .

The way out seems to lie in planning on the grand scale: in plans for the radical transformation of our society – through segregation of the races, through political reconstruction on ethnic lines, through total integration. The examples can be multiplied, but it matters little to list them all. What does matter is the illusion that any of these plans, if put into effect, will provide a lasting solution. Men can effectively influence the historical process in tiny fragments only, in small actions and deeds, and even then the result is rarely exactly what they had in mind . . .

That is the first point: no blueprint can produce a lasting solution to society's problems. At best it will produce small improvements, and even those improvements will, in many cases, not be the ones that were intended or anticipated. The second point is that the more radical a blueprint is (the more drastic the upheaval which is contemplated), the less likely it is to produce happy consequences, for its implementation will inevitably involve a large-scale sacrifice of existing human interests.

In the last resort, it is the individual in his own immediate environment who determines the course of history. When the historian grapples with the problems of process and change in history, he at last arrives at the irreducible: the individual human personality itself.

This is perhaps the greatest lesson that South Africans have to learn from the past. They, as individuals, are in their relations with others the starting-point of historical change and of a solution to the racial crisis. Like generations of men before them, they are deceiving themselves if they think that a lasting solution to society's problems can come from any source other than themselves.

It is a warning that no rapid solution is possible; that the race problem will continue, and that crises, perhaps tragic upheavals, will occur until accommodation has been reached on the level of individual relations – in fact, until race has ceased to be a distinction between people. Only then will there be no race problem. It is a warning, in other words, that history will run a course largely independent of men-made schemes, but dependent on human relations.

None of what I have said precludes political action. It does not preclude supporting one party and its programme in preference to another; it does not preclude opposing by every possible means a policy and a party which, in their disregard of human interests, have clearly proved themselves undesirable; it does not even preclude the drawing up of a blueprint for a better society, provided its limitations are understood. These are all types of action which may be effective for improvements in society. My warning is simply against the illusion that any of these things in themselves can be completely effective for lasting good. It is a warning against the illusion that a cause or a programme has greater value than respect for human life and personality.

The poet Blake was expressing an idea which the evidence of history confirms, when in *Jerusalem* he wrote:

‘He who would do good . . . must do it in minute particulars. General good is the plea of the scoundrel, hypocrite and flatterer.’

* * * * *

Colin Webb was born in Pretoria in 1930. Educated at Pretoria Boys’ High, he obtained his BA (Hons) degree from the University of the Witwatersrand, and his MA at Cambridge, where he was an Elsie Ballott scholar. He began his teaching career at the University of Natal in Durban in 1957, before moving to the Pietermaritzburg centre in 1962, where he spent 14 years as senior lecturer and associate professor in the Department of Historical and Political Studies. In 1976 he took up an appointment as King George V Professor of History and Head of the Department at the University of Cape Town, where he was also to serve as Dean of the Faculty of Arts.

In 1984 he moved back to the University of Natal, as deputy vice-chancellor and vice-principal in Durban. Four years later he returned to Pietermaritzburg under circumstances worth noting. When it became known that Professor Deneys Schreiner would be retiring as vice-principal in that centre, senior academics from a variety of faculties in Pietermaritzburg directed a formal petition to Colin Webb, asking him to make himself available for the post. Nothing could demonstrate more clearly the respect and indeed love felt for him by so many.

His sense of history and broad humanity made him exceptionally sensitive and imaginative as an administrator. One of his most significant initiatives as vice-principal in Pietermaritzburg was to establish the Alan Paton Centre for the study of the literature and politics of inter-group conciliation.

Colin Webb was deeply conscious of the challenges facing universities in South Africa. He insisted on the application of sound educational principles to the country's changing needs, the urgency of addressing the problems of the educationally disadvantaged while maintaining high academic standards, and the importance of academic freedom for a free and open society.

His wisdom was valued well beyond his own university, for example as a member of the educational and central sub-committees of the Buthelezi Commission, as Chairman of the Natal Educational Council, and as a member of the Academic Planning Committee of the Committee of University Principals.

His premature death is a loss to his family, to his colleagues, and to his friends. They will miss his warmth, his dramatic flair, his love of beauty, his good sense, his way with words, and his fine sense of humour.

Colin Webb's work is in many ways unfinished – but none would know better than an historian that such work must in the nature of things be carried on from generation to generation: the work for truth and justice and freedom, here in the universities and in the wider society.

Douglas Irvine

Editorial

An important debate around the nature of civil society, and its real and actual relationship with the state, is emerging in South Africa. The significance of this debate is not yet clear, for political discourse is always characterised by fads and fluctuations. However, the debate about civil society could not have emerged at a more crucial moment. South African politics is at present dominated by the momentous events surrounding CODESA, which has placed South Africa firmly on the path of constitutional change. One of the key questions faced by the CODESA delegates is the nature and limits of the state in a post-apartheid future. While deciding on the nature of the state, they are, *ipso facto*, debating the future of civil society.

This special issue of *Theoria* should be seen as a contribution to this key question. It is an attempt to take political discourse seriously, and to grasp the significance of a new concept even in the process of its emergence. It can serve at least two different functions. First, there is the more modest goal of clearing the conceptual undergrowth of the debate, by providing some indications on what 'civil society' has meant for earlier generations, and the different meanings it holds for contemporary South African political actors and thinkers. Second, and more contentiously, it could have the effect of shifting the debate in various directions. It may enhance the popularity of the concept; but it may also evoke unexpected and unexplored concerns as it touches sensitive political nerves.

What these essays systematically show is that the issue of 'civil society' is fundamentally controversial. Consequently, the papers differ greatly, in terms of assumptions, arguments and political preferences. They agree and disagree on key issues in unexpected ways. Together, they show that the issue of 'civil society' is certainly not a tidy one.

This special number is based on a seminar held at the Centre for Policy Studies on 30 May 1991. The seminar was unusual, for it attracted a wide variety of participants, representing a political spectrum that included libertarians, free market advocates, social democrats and socialists. The papers also reflect this diversity: at least two of the authors are political activists, while the others are involved in political research, urban planning and political philosophy.

This issue is divided into three main sections. The first is an introduction to the question of civil society and the state, arguing that the recent emphasis on civil society is a product of several distinct traditions of political thought.

The second section focuses on 'vertical' relationships, i.e. the relationship between citizens and the state. Several important questions are posed. Does a strong civil society require a strong state? Do liberation movements have an implicitly hegemonic approach to civil society? These political questions also pose a fundamental theoretical question: how does one distinguish conceptually between state and civil society, especially in the complex modern world? The third section therefore raises the question of the nature of governmental and political practice as they impinge on civil society.

The third section concentrates on what can be described as the 'horizontal' relations of society, namely the relationship between members of a society. This section introduces the debate about the nature and existence of civil society in South Africa. It focuses on the role of political parties and black civic associations in the liberation struggle in South Africa, and the relationship between organisations and the broader community in which they find themselves. The central question concerns the extent to which these organisations (especially in their present form) help or hinder the development of civil society.

The May 1991 workshop offered stimulating perspectives and critiques of all the papers. It was evident that the question of 'civil society' contained highly diverse political and theoretical dimensions which do not always dovetail neatly into a coherent philosophy. This is not surprising. Until 2 February 1990, all efforts were directed at dislodging the National Party from power, and most academics and activists were primarily concerned with analysing the sources and limits of its power. It is only in the last two years that the prospect of an alternative government has become more realistic, and that the quality of the future state has become an issue of concern.

The aim of this special number is to expose the broader public to contemporary trends in South African political thought, and not to constrain the debate by some kind of premature closure. The South African debate on civil society is still in its infancy.

Doreen Atkinson
GUEST EDITOR

State and Civil Society in Flux

Parameters of a Changing Debate*

Doreen Atkinson

The concept of 'civil society' has always been inextricably bound up with the concept of the 'state'. Since the emergence of modern European political philosophy in the 18th century, it has been accepted that the power of the state often varies inversely with that of civil society. An enlargement of the role of the state may occur at the expense of civil society; and the enhancement of civil society usually requires a rolling back of at least some of the functions and powers of the state. The fortunes of the two concepts must therefore be examined in conjunction with one another. However, their relationship has been highly complex, as deep disagreements exist about the very nature and purpose of both the state and civil society.

Not all political systems are characterised by states and civil societies. In feudal systems, for example, neither state nor civil society exist in a real sense. Under feudalism, political power is dispersed amongst local regional potentates, who are tied together in networks of personal loyalties and affiliations. The ordinary populace is bound into highly personalised relationships of obligation to feudal lords. In European feudalism, political and ideological coherence was provided mainly by the Roman Catholic Church, and the Papacy claimed an absolute authority without limit or question. The state as sovereign power had not yet taken shape. Nor had 'civil society', for there was no concept of a sphere of life in which individuals could go about their private business and social interactions without the binding glue of feudal obligations.

Modernity was associated, therefore, with two main developments. In the first place, the secular state had to detach itself from religious authority. The development of the state is associated with many diverse factors, such as the growth of cities, the expansion of trade, and the religious struggle of the sixteenth century which challenged the power of the Church for the first time. The formation of states meant that the locus of authority had shifted decisively; the sovereign state had inherited the papal prerogative.¹

The second main development was that the rise of powerful states produced increasingly strident claims for a measure of social

* I am indebted to Raphaël de Kadt for his useful comments.

autonomy against such overweening centres of power. The problem of maintaining a balance between a successfully functioning sovereign state and a fair degree of personal liberty has occupied the minds of political theorists and practitioners until today. Should there be limits to private activities at all? To what extent, if any, should the exercise of state power be conditional? And if so, conditional on what?

One way of formulating the problem emerged in the demand, during the French Revolution, for the classical triad of values, viz. *liberty, equality and fraternity*. These values usefully illustrate the problem of maintaining a successful balance between government power and the autonomy of civil society. In this paper, these three values will be used to analyse different conceptions of the state and civil society.

Analysing the state: three perspectives

Analysing the state has proved to be one of the most unresolved and unfinished dimensions of political theory. The modern state, as R.N. Berki wrote, is rather a baffling phenomenon. Its meaning and significance appears to derive from different cultural, political and developmental traditions.² It is worth considering different conceptions of the state, and the different ways in which these conceptions make place for the values of liberty, equality and fraternity. These distinctions are by no means final or definitive; in this article, they have been constructed with the main purpose of clarifying the state-civil society distinction. Three different views, viz. the instrumental, moral-purposive and oppressive conceptions of the state, have informed political thought.

The instrumental concept of the state

The first tradition is largely Anglo-Saxon, represented by Thomas Hobbes (*The Leviathan*, published in 1651), John Locke (*Two Treatises on Government*, 1689), Tom Paine (*The Rights of Man*, 1793), the utilitarians, such as John Stuart Mill (*On Liberty*, 1859), and finds its most dramatic contemporary expression in Thatcherism, although the notion of the welfare state is also compatible with this perspective.

According to this view, the state (or government – the terms are often used interchangeably) is simply an instrument or agent designed to serve the needs of the citizens. The needs of individuals are fundamental, and from this, the appropriate functions of state are derived. According to this approach, civil society is defined as the sphere of individual activity, and the onus is on the government to

justify its interventions in the sphere of civil society. Especially in Anglo cultures, historical developments have limited the powers of rulership and stressed the separateness of society from the state.³

Within the general instrumentalist approach to the state are wide disagreements about the most important functions which the state should perform. Different theorists have drawn attention to different governmental activities. Originally, the main function of the state was considered to be conflict-management. In the tradition of Hobbes and Locke, modern theorists have claimed that the state exists to adjust diverse interests arising out of society.⁴ Such theorists have employed a specific discourse of politics, in which terms such as 'conflict', 'interest', 'competition', 'adjustment', and 'security' have figured prominently. Locke, for example, maintained that it is only because people want to escape from chronic uncertainty and insecurity that they agree to political authority in the first place. The state exists to police certain rules of social interaction, and to provide security against external threats. Locke's view of governmental functions may be called minimalist or negative: 'It is the prevention of harm to existing rights or existing well-being, as contrasted with a positive function of adding to well-being or of adding new rights . . .'⁵ The state was seen essentially as a 'nightwatchman', protecting individuals from threats to life, limb, liberty and property.

Such a view of the state was very meaningful in the specific historical context of England of the 18th and 19th century. The rise of the instrumental perspective of the state coincided with the hey-day of capitalism, laissez-faire and individualism. The minimalist view of the instrumental state still continues, however, in the work of political thinkers such as Milton Friedman, Robert Nozick and of course, in Thatcherism.

However, the instrumental notion of the state has also moved beyond the minimalist state. During the twentieth century, the instrumentalist view of the state has legitimated further interventions in private life. The modern state intervenes extensively in civil society, by providing education, health, social services, and macro-economic stability. The instrumental view lives on in the notion of the 'expert state', directed by a technocratic elite shorn of any ideological enthusiasms. This elite can develop into a pragmatic corporatist state, in which bureaucrats, management experts, business elites and economists direct a centrally organized political, economic and administrative sphere.⁶ The modern state is a 'regulator, inspector, adviser, educator, and punisher of social life'.⁷ Such interventions in private life are extremely tempting for any government and for many citizens, for they make life much easier for ordinary people, even though at the cost of their autonomy over their own affairs.

All these perspectives of the state are still 'instrumentalist', since they are based on the notion that the state and its activities should ultimately be answerable to the needs and wishes of the people. In terms of this formulation, it is obviously very important to find out what the citizen really wants. The state should be accountable to the citizens. This notion has taken various forms, over the last three hundred years. According to the earlier exponents of the utilitarian view of the state, the state rested on the deliberate consent of all individuals, through the formation of a social contract, in which individuals renounced some of their autonomy in favour of a government which would protect their rights. More recent democratic doctrines have founded democratic conceptions of accountability on other theoretical foundations, such as the intrinsic benefits of political participation. From these positions has flowed an entire industry of studies of democracy. How should the state be held accountable? What procedures exist to reveal the consent of the populace? Which institutions of government are most suitable to reflect the views of the citizens? What franchise systems are appropriate? Is accountability the same as 'majority rule'? If so, what is the status of minorities? Is representative democracy enough, or should it be supplemented by more innovative forms of consultation?

It has become evident that the idea that the state should be accountable to the 'needs and wishes' of the populace in fact obscures a central ambiguity. Needs are not the same as wishes, for it is possible to argue that the citizen has needs of which he or she is unaware. Hence the issue of governmental accountability has never ceased to be controversial. How should we reconcile the principle of accountability with the claim that the government should, at least occasionally, override the wishes of individuals and groups for the sake of the greater social good? To return to the question of civil society: Should the government dutifully reflect the shifting moods of civil society? Or should the government have a measure of initiative, independent of the dynamics of civil society? Can the state (at least, on occasion) be a better judge regarding the public good than simply following the electoral principle of counting noses?

These issues hold important implications for the South African debate about the relationship between state and civil society. Thomas Hobbes, for example, maintained that the state should not operate within narrow limits. Since Hobbes assumed that people are intrinsically in competition with one another, the possibility of civil war is an ever-present abyss which we skirt daily. Peace is fragile, and is only achieved by transferring our power to a sovereign body. Government should be centralized and powerful, to prevent anarchy and popular turbulence. The importance of his view is that a strong

state is required to provide the preconditions for social coherence and civil society.

In terms of Hobbesian arguments, then, we may well claim that the imperatives of social coherence and nation-building in a country as internally divided as South Africa imply a strong and centralized state. Such attempts at producing social solidarity may well be at odds with the wishes of many individuals, who would prefer strong racial or class cleavages, or even secession from the broader South African polity.

The phenomenon of the welfare state also poses questions of accountability. The modern state is often tempted to take responsibility for individuals' welfare, *regardless of those individuals' preferences*. Since the modern state often emphasises citizens *needs*, rather than their *wishes*, it resorts to enforced taxation in order to provide compulsory social services such as education. The individual does not have much say in the matter. By justifying its actions on grounds other than the individual's *wishes*, the welfare state is already going beyond the limits of individualist instrumentalism.

In sum, the limits of the instrumental state are ambiguously drawn. The instrumental view of the state is based on the claim that the state exists to satisfy the needs and wishes of the citizens, but these concepts provide enormous temptations on the part of enthusiastic and well-meaning governments to encroach on the liberty of the individual. At an extreme, this trend produces a very different philosophy of the state – one in which *needs* are more important than *wishes*, and in which the state assumes a moral import of its own

The moral-purposive state

An alternative perspective on state-society relations has a more Continental origin. This has some roots in the thought of Jean-Jacques Rousseau (*The Social Contract*, 1762) and was developed extensively in the work of the German idealist philosophers (such as G. Hegel, *The Philosophy of Right*, 1821). The influence of Hegel should not be underestimated in modern thought. One commentator has written that 'All the great philosophical ideas of the past century had their beginnings in Hegel: the philosophies of Marx and Nietzsche, phenomenology, German existentialism, and psychoanalysis; it was he who started the attempt to explore the irrational and integrate it into an expanded reason which remains the task of our century'.⁸ This philosophical attempt to postulate a universal social rationality greater than that of individuals, has informed much of the Marxist tradition during this century, and the implications of this claim are worth considering in some detail.

For Hegel, the state should, ideally, represent human rationality in a

concrete form. The ideal state transcends and reconciles the separate wills of individuals. The common theme in theories of the moral-purposive state is that the individual's identity only makes sense if it is part of a broader collective consciousness. Fichte, for example, described the relation between state and individual in terms of an organic 'totality of civic relations'. Using the analogy of an organism, each particular part exists only because of its relations with the whole: 'In an organized body, each part continuously maintains the whole, and in maintaining it, maintains itself also. Similarly, the citizen with regard to the state'.⁹ Theorists of the moral-purposive state argue, therefore, that our very identity as social beings and citizens depends on the recognition granted each individual by his or her fellow citizens, and by the state.

In this sense, the state embodies a moral purpose in its own right. Only the state can embody certain moral values, such as justice, freedom and universality. For Hegel, 'the state is the actuality of concrete freedom', for it brings individuals' particular interests into a harmonious universal whole. The state is not an enemy of true freedom: indeed, it provides the legal and constitutional framework which guarantees individuals' liberty.¹⁰ Hence 'the law of the state, its fundamental rules defining acceptable and unacceptable conduct in a multiplicity of pursuits and relations, itself becomes *the* moral law . . . , which members of the association are enjoined to obey unconditionally'.¹¹ The state must therefore have a certain degree of autonomy. According to the Hegelian position, civil society as the sphere of individuals' private pursuits is very important, but the state (or social collective) should guide civil society and must be shaped in such a way that it complements the overriding purposes of the whole. For Hegel, this would be *true freedom*, as opposed to unbridled licence.

These views have had far-reaching influences on modern Marxism. Through the Marx-Lenin-Mao line, Hegelianism was put to revolutionary uses, on the grounds that the true interests of society were being pursued. The Hegelian view of the moral-purposive state found a home in Marxist attempts to transform capitalist society. Marxists have tended to regard the sphere of private activity in capitalist countries as deeply unjust and exploitative. Civil society did not represent liberty, but oppression, and hence a total remake of society was required, based on claims of a higher moral rationality. In 1917, the Leninist revolutionaries postulated a collective form of action which would overcome class exploitation and achieve a more just, classless society. In this process, they tended to assume that the interests of the party coincided with the true interests of society. They believed that a new order, based on true liberty, would be born.

In the more rarefied academic circles of Europe, Marxist theorists pursued the same theme of a trans-individual rationality. For example, Georg Lukacs attributed to class consciousness the role of the shaper of history, with the proletariat as the bearer of class consciousness, and the revolutionary Party as its 'conscience'.¹² For Lukacs, the proletariat held a historic mission as the liberator of society from capitalist oppression. Furthermore, the proletariat is no mere collection of individuals; instead, it is organically bound together by a shared social consciousness and moral purpose.

Similarly, the theorists of the German 'Frankfurt School' (such as Herbert Marcuse and Jurgen Habermas) also pursued the question of a true social rationality, and attempted to derive forms of thought, speech and political practice which would liberate us from the constraints of the existing capitalist and technocratic order.¹³

For Anglo-Saxon thinkers, however, such holist notions of 'universality' and 'the totality' have always appeared very ominous. If a state (or other form of collectivity) is in any way regarded as a locus of truth and virtue, and such a state has a monopoly of force, the state may well encroach on people's privacy. This does not necessarily mean that the theory is wrong; but its application in specific historical contexts may well produce totalitarian results not intended by Hegel or similar philosophers.

This problem has, indeed, emerged on various occasions. When political activists, such as Lenin and Mao Tse-Tung, postulated the historic importance of supra-individual entities, their ideas held drastic consequences for any conception of an independent civil society. In their thinking, Hegel's conception of the state as the repository of historical rationality was replaced by other institutions, most notably, the 'vanguard party' and later, the 'people's army'. For Lenin, a vanguardist Communist Party represented the true collective interests of the proletariat and peasants, and ultimately of society as a whole:

By educating the workers' Party, Marxism educates the vanguard of the proletariat which is capable of assuming power *of leading the whole people* to Socialism, of directing and organising the new order, of being the teacher, the guide, the leader of all the workers and exploited in the task of buiding up their social life without the bourgeoisie, and against the bourgeoisie . . .¹⁴

Similarly, for Mao Tse-Tung, the Party would transform the inchoate ideas of the masses into a quasi-mystical 'mass line', which was then re-propagated amongst the people.¹⁵ And during guerilla wars in China and Africa, liberation movements set themselves the task of social and economic transformation in liberated areas.

After the demise of Joseph Stalin, it became increasingly clear to

Western intellectuals that such notions of organic unity could lend themselves to totalitarianism. It was especially the vanguardist and transformative interpretations of the moral-purposive view that produced totalitarian political solutions. Once a collectivity, whether it be a State or Party, claimed to have a monopoly of truth and virtue, it seemed to be capable of terrible excesses. This tendency was deeply ironic, for Marxists usually regarded the state and the vanguard party as transitory phenomena, which would dissolve once a certain degree of material welfare and social harmony was reached. For Marxists, a genuinely humane, rational society would not require a state, and it would 'wither away' in due course. Their theoretical principles did not anticipate the extent of bureaucratic ossification which would cement ruling parties and states into place.

It is worth noting that the concept of supra-individual moral collectivities has not only given rise to left-wing attempts to transform society. While Hegel's thought lived on in the Marxist tradition, it also spawned a right-wing body of theory, which centered around German nationalism. In the late 19th century, authors such as Heinrich von Treitschke and Friedrich Nietzsche argued for the superiority of certain states and races. Under the Nazi regime, the notion of the moral collective was taken to its most ominous extreme. The development of fascism has not left South Africa untouched, as illustrated by certain currents of Verwoerdian nationalist thought, which postulated a collective *volksgees* in the Afrikaner community.¹⁶

The examples of left- and right-wing extremism do not imply that the moral-purposive view of the state necessarily leads to totalitarianism. The moral-purposive state cannot be simply equated with an unlimited, hegemonic, intrusive state. For Hegel, the existence of civil society was extremely important, for it was here that the individual could explore his or her own particular interests and talents. For our discussion about civil society, therefore, we need to note that the moral-purposive view of the state is not an inherent threat to civil society. In contrast to the instrumentalists, who maintain that the state exists to serve the private interests and welfare of individuals, the moral-purposive theorists believe that the state's moral imperatives are as important as those of private individuals. Even while a meaningful measure of individual choice is granted, it is still claimed that individual virtue is not enough; the health of the body politic is a separate and (possibly, depending on circumstances) an overriding consideration. In Hegel's view, the state cannot swallow up civil society; but it cannot leave civil society unguided either. However, such scruples have often been forgotten in the thought and actions of left-wing and right-wing advocates of the moral-purposive view of the state, and hence the question of limits to state power does not figure very prominently.

The oppressive state

It is worth asking why advocates of moral-purposive states entertained such idealistic and romantic expectations of the new orders they attempted to establish. Part of the answer lies in their extreme disillusionment with existing governments and political systems. During the last two centuries, modern capitalist countries have been governed by states which seemed inimical to the welfare of citizens. Hence a third perspective emphasises the *oppressive* nature of the state.

In social science and political philosophy, this oppressive state has been generally portrayed from a background of class analysis and historical materialism. Arising from economic inequalities and forms of exploitation, Marxists have identified the state as one of the mainstays of capitalist domination. The constraints of capitalist accumulation always defined the nature of the state, whether it was caused through the exchange of personnel between business and government, whether it was due to interest-group activity of business interests, or whether it was simply because the state had to conform to a capitalist order and thereby create a climate for profit-making. For Marxists, the state in capitalist society was fundamentally flawed, and could not be reformed. 'The struggles which resulted in new state services, laws and other important gains, were nearly always depicted in negative or functional terms as 'band-aids' for capitalism, irrelevant reforms, or merely forms of co-optation of the proletariat.'¹⁷ Hence the need for political change to be linked to social revolution.

The dislike of the state has also taken other forms. The anarchist strand in European political thought is a doctrine which posits a criticism of existing society, and a view of a desirable future society. Anarchists maintain that the government must die before freedom can live. Genuine freedom and order would not require governmental rule, since anarchists postulate a natural balance within society, based on voluntary co-operation between individuals.¹⁸ Not surprisingly, the anarchist impulse at the turn of the century was particularly strong in Russia, whose government was particularly ossified and corrupt; and Woodcock's history of anarchism notes that 'in the writings and lives of Bakunin, Kropotkin and Tolstoy, Russia probably contributed more than any other country to anarchist theory and even to the creation of an international anarchist movement'.¹⁹

The notion of individual alienation from and subjection to the might of the state has also been portrayed in many works of fiction. In George Orwell and Franz Kafka, for example, 'the lonely, suffering, rebellious, rule-defying, natural individual' faces a capricious and

malevolent state. This vocabulary of the state contains concepts such as oppression, solitude, distance, alienation, exposure, fear, incomprehension, resistance and revolt.²⁰

The nature of civil society: three views

With the emergence of the modern state, as well as modern attempts to make sense of this overbearing new phenomenon, the terms of political discourse altered substantially. From the seventeenth century, the concepts of civil society and the state became detached. Yet both entities were seen as intrinsically valuable, and it was attempted simultaneously to justify a specifically modern form of state, viz. a centralized constitutional state with final sovereignty and authority, and also to emphasize the importance of guarding against authoritarianism.²¹ While the state was valuable, it had to be held at arm's length.

The concept of 'civil society' can therefore not be analysed without also considering the notions of 'the state'. After Adam Smith, the concept of 'the economy' also achieved an importance of its own. These concepts, viz. 'the state', 'civil society', and 'the economy', invariably reflect one another in political discourse, but in unstable and confusing ways. It is not clear to what extent they are distinct or whether they overlap in some measure. This constellation of concepts forms an unstable triad, accorded different meanings by different intellectual traditions.

There are at least four ways in which the concept 'civil society' can be delineated. It is worth noting these differences, since they inform much of the writing in this volume:

- 1 First, for certain thinkers, '*civil society*' can be identified with the *economy*, to encompass the realm where private property, labour, class divisions and market relations are located. (This is a two-fold distinction). This was the original sense of the term 'civil society', introduced by Locke and Hobbes; they postulated that 'civil society' was the product of a 'social contract' which was established to protect individual rights – and most notably, individual *property rights*.
- 2 A second view includes the *economy* as part of civil society, but does not reduce the latter to the former. The main distinction is between the state and 'civil society' (defined as all non-state private and communal pursuits). This two-fold distinction informs Steve Friedman and Alf Stadler's articles in this volume.

- 3 A third view regards *civil society* as a sphere separate from both the state and the economy. This view is based on a three-fold distinction and characterises some of Mark Swilling's analyses, in which he defines 'civil society' as the 'voluntary, non-profit sector'.
- 4 A third view differentiates between 'civil society', the 'public sphere', the economy and the state. This fourfold distinction is employed by Khehla Shubane, and also informs some of Mark Swilling's views.

It is quite easy to get lost in this conceptual wilderness. Yet an awareness of the conceptual ambiguities is useful, for several reasons. First, it will help us to unpack the state-civil society relations, as delineated in the 'instrumental', 'moral-purposive' and 'oppressive' views of the state. Second, the new wave of political theory since the 1970s arose precisely from a growing unease with the typical equation of civil society and economy. Increasingly, theorists of all kinds of ideological origins are arguing for a civil society and a political sphere separate from both the state and the economy.

Thirdly, and fundamentally, the whole question of civil society has been important to political theorists, because of the deep need to reconcile several ethical values. This need, which is often largely unarticulated, concerns the simultaneous importance of the values *liberty, equality and fraternity*. At the time of the French Revolution, it was assumed that these values would be quite easy to reconcile, but the social experiments of the twentieth century have shown how difficult it is to assure liberty, without causing undue inequality; to achieve the freedom of the individual, without sacrificing fraternity (or a sense of communal belonging); and to achieve equality, but not through a loss of liberty and fraternity. The various conceptions of 'civil society' keep returning to these three core values, trying to reconcile them by recasting them and redefining their relations with one another. These definitional issues are important, because they form an important backdrop to the debate on civil society in South Africa. We can use our earlier three-fold theoretical scheme regarding the state in order to consider the ways in which 'civil society' is believed to satisfy our yearning for liberty, equality and fraternity.

The 'instrumental' state and individualist civil society

The notion of an instrumental state has usually been accompanied by an appreciation of some kind of egalitarianism and liberty in society. For Locke, for example, people are equal because they all have equal natural rights. They are also free, because they are obliged to respect

each other's lives, liberty and possessions. Only some rights are transferred to the government; other rights are retained, including the crucial right of self-preservation. The actions of the government are also limited to the consent of citizens.

A radical version of these ideas was expressed by Tom Paine. He claimed that there are fundamental similarities between human beings, and since there were originally no distinctions based on class or status, all individuals must have equal rights. In a political community, this egalitarianism remains. 'Every citizen is a member of the sovereignty, and as such, can acknowledge no personal subjection: and his obedience can only be to the laws'.²² In principle, people are free, and people are equal.

In this context, civil society is the sphere of individual rights and liberties. With an instrumental state to take care of the basic security needs, individuals are free to pursue their material and other interests. In fact, for John Stuart Mill, there were good moral reasons for defending the liberty of individuals, since liberty is a precondition for the achievement of virtues such as individuality, self-development, happiness and progress. Unless people's actions harmed others, they should engage in 'experiments in living' – although he did acknowledge that the state should intervene in the cases of the young, the mentally infirm, and others not capable of exercising their own judgement.²³

The essence of this view is an individualistic and atomistic view of society. Individuals are ensconced in a sphere of privacy, upon which all intrusions need to be justified. It is the notion of individual *rights* which determines the limits of government interference in people's lives. Because of this, their ownership of property (or lack of property) is not seen as a criterion for belonging to civil society. As long as everyone has the *right* to own and accumulate property, a certain kind of formal egalitarianism is guaranteed. This means that the concept of 'civil society' does not have to make nice distinctions between the economy (i.e. the sphere of property), private life, or the 'public sphere'. The notion of rights is broad enough to encompass all of these facets of life, and are collectively referred to as 'civil society'. The crucial distinction is between civil society and the state, and severe limits should be placed on it to prevent despotism or authoritarianism. This conception of civil society is compatible with either (1) or (2) listed earlier.

The notion of rights is a powerful concept in some respects, while giving rise to disturbing lacunae in other respects. It is powerful in preserving negative freedom, i.e. freedom from government (or other) constraints. It also guarantees at least a formal equality between members of society.

However, it is deficient on several grounds. On the one hand, while individual rights theory provides for individual liberty and formal equality, it is weak on providing for real material equality, or for fraternity. The concept of 'civil society' which flows from traditional rights theory tends, therefore, to blur the very real differentials in power, opportunities, and material resources in society. The principle of equal rights and individual liberty does not ensure genuine material equality; in fact, the constraints of poverty are so real for many people that even their liberty becomes largely academic. By lumping all citizens together in the inclusive concept of 'civil society', regardless of their actual social condition, important fault lines in society are obscured. It is this weakness which necessitates a consideration of our second and third conceptions of civil society – that associated with the oppressive and moral purposive views of the state.

The 'oppressive' state and exploitative civil society

For Marxist perspectives of civil society, the unequal system of property ownership is the crux of the issue. Ellen Meiksins Wood, for example, claims that the evolution of some notion of 'society', distinct from the body politic, was from the beginning tied up with the development of private property as a distinct and autonomous locus of social power. She even applies this claim to the society of ancient Rome, which gave private property a clear legal status, and therefore produced some major advances in the conceptual separation of state and society. She correctly points out the importance of the network of distinctively economic relations, including the market-place and the sphere of production, in the rights theorists' conceptions of civil society.²⁴

For Marx, the nature of civil society was directly shaped by the dynamics of production and commerce. For crude Marxists, the state as well as civil society were in some sense epiphenomena, less real than the economic structure from which they originated. This view approximates the three-fold distinction outlined in (3) outlined earlier. The implication was that exploitation and domination in the economic sphere would be reproduced at the level of the state and civil society. At the level of the state, it was believed that the 'capitalist state' existed solely to defend and reproduce the capitalist mode of production; at the level of civil society, 'the claim necessarily entails the subordination of political (and ideological) struggle to economic forms, and a sublimation of struggles around differing political axes to struggles based upon class'.²⁵ In fact, the argument went, the idea of a formal plurality of free and equal individuals tended to mask the processes through which capitalism secures inequality and unfree-

dom; under the guise of equal rights, the vast majority of people were driven towards a routinized, powerless and meaningless working life under the advanced division of labour. Beyond the misleading forms of civil society was the reality of class exploitation and conflict. It is a vision of civil society which provided neither liberty, nor equality, nor fraternity.

However, this interpretation of civil society also implied that the reform of the state or civil society would never be sufficient in order to achieve a humane society. Since exploitative social relations originated from the economy, it was economic relations that had to be fundamentally transformed. For Marxists, the concept of 'civil society' did not serve much purpose, as the real dynamic of history was located elsewhere.

At an extreme, structuralist Marxists such as Althusser and Poulantzas tended to regard the distinction between the state and civil society as so insignificant that they tended to collapse the terms into the concept of 'ideological state apparatuses' (i.e. the media, schools, churches and the family), whose roles were functionally to reproduce the capitalist mode of production. For Althusser, 'the populations of the capitalist states must realize that they already live under a dictatorship; that what they thought was private is in fact public; that what they believed to be public is in fact a tool of the state. All concepts of democracy, private life, civil rights, voluntary associations are simply false consciousness'.²⁶

A fundamental transformation of the mode of production would be a necessary condition for a genuinely free and humane society. The utopian aspects of Marx's writings conjure up a vision of a rational society, in which people would not be alienated from one another, or from their labour. People would be free and self-determining, co-operating rationally and spontaneously with their companions.²⁷ This vision animated the early generation of Marxist activists, especially in Russia and Germany. It was a vision which lent itself to romanticism and even anarchism. In short, it produced a moral-purposive view of the state, the vanguard Party, and civil society.

The moral-purposive state and virtuous civil society

As outlined in the first section, the notion of a moral-purposive state can be traced back to Hegel, Rousseau and even Plato. While Rousseau recognised the importance of liberty as a natural property of individuals, he recognised that individuals are intrinsically social, and can only be genuinely free or actualised if they identify with the collective. Rousseau's famous statement argued for the simultaneous importance of individual liberty and social relationships:

Whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence [on others] . . .²⁸

Similarly, for Hegel, liberty is not simply defined as an individual's freedom to do what he or she wants to; instead, true freedom implies a certain kind of mentality, an identification with the collective:

Ethical life reaches its highest form in the political sphere as an explicit, self-conscious, deliberate identification of citizens and office-holders with the welfare of the ethical community.²⁹

The strong point about these theories of civil society is that they emphasise the importance of relations *between* people, or what we may term the question of 'fraternity'. This notion is not as idealistic as it may appear; in fact, the entire phenomenological school of social analysis has been built on the powerful notion that human beings only exist in a meaningful sense to the extent that they are recognized by human collectivities. Instead of the atomistic conception of individuals, as portrayed by the rights-theorists, and in contrast to the conflictual social relations described by the Marxists, the moral-purposive view of the state is seen as the expression of social solidarity.

The notion becomes potentially dangerous, however, when the 'general will', the 'state', a class, the 'moral collective', or the 'Party' fails to accommodate individual diversity. Lenin, for example, in his arguments against 'economism', maintained that

Since there can be no talk of an independent ideology formulated by the working masses themselves in the process of their development, the only choice is – either bourgeois or socialist ideology. There is no middle course . . . Hence, our task, the task of Social-Democracy, is to combat spontaneity, to divert the working-class movement from this spontaneous, trade-unionist striving to come under the wing of the bourgeoisie, and to bring it under the wing of revolutionary Social-Democracy.³⁰

The practical import of such a style of politics began to be felt in the Soviet Union in the 1920s. For Bukharin, compulsion was justified:

Proletarian compulsion in all its forms, from institutions to compulsory labour, constitutes, as paradoxical as this may sound, a method of the formation of a new Communist humanity from the human material of the capitalist epoch.³¹

The willingness to contemplate coercion can be traced to at least one fundamental assumption: that the distinction between state and society is irrelevant to socialism. This assumption originated with Marx and Lenin, who believed that since the state is inherently a capitalist device for class domination, the state would 'whither away' under communism. In Engels' words,

The whole talk about the state should be dropped, especially since the commune, which was no longer a state in the proper sense of the word . . . The state is only a transitional institution which is used in the struggle, in the revolution, to hold down one's adversaries by force . . . As soon as it becomes possible to speak of freedom, the state as such ceases to exist . . .³²

Lenin not only envisaged the abolition of bourgeois parliamentarism, but also the gradual 'withering away' of all bureaucracy. Under a 'dictatorship of the proletariat', the state officials would simply carry out instructions as 'responsible, revocable, modestly paid foremen and accountants'.³³

The gradual shift from dictatorship of the proletariat to dictatorship of the Party in the Soviet Union was facilitated by three factors: the fact that the Party found power thrust into its hands; the growth of bureaucracy; and the lack of an effective workers' voice.³⁴ In the process, the exact opposite to Engels' expectations came true: society withered, and the state flourished. In the awesome task of transforming a backward feudal society into a sophisticated socialist one, the state had to penetrate all aspects of life. In the words of Bukharin,

The minutest cells of the labour apparatus must transform themselves into agents of the general process of organisation, which is systematically directed and led by the collective reason of the working class, which finds its material embodiment in the highest and most all-encompassing organisation, in its state apparatus. Thus the system of state capitalism dialectically transforms itself into its own inversion, into the state form of workers' socialism.³⁵

The urge to achieve substantive socialist equality was justified by the claim that it secured 'true' liberty – if the individual identified with the moral collective, then he or she would be truly free. Furthermore, the notion of collective political action satisfied the yearning for fraternity, to overcome the atomistic alienation and powerlessness which individuals faced in capitalist society. The notion of the moral-purposive state claimed to satisfy all three moral values, viz. liberty, equality and fraternity. But it unintentionally sacrificed individual liberty and social equality – and finally sacrificed civil society itself.

The problem which actual moral-purposive states (such as those in the erstwhile Soviet Union, Eastern Europe, and socialist states in Africa) posed for the concept of civil society, was that they had little appreciation of the need for *the institutionalisation of democratic politics*. They developed no formal criteria to determine whether institutions truly represented the general will, the interests of the proletariat, or the will of the masses. This contrasted with rights-theorists, who realised that proper institutions, with clearly defined procedures and limits, can provide a measure of protection of the freedom of the individual. The notion of a moral collective tends to drown out a sense of limits, whether in state activities, or in the demands it makes of individuals. Fraternity is exalted at the cost of liberty. In practice, the claims of the moral collective may produce an arrogant oligarchy which would wipe out all claims to equality as well. And finally, all this may prove self-defeating: in extreme cases, such as Stalin's Soviet Union, all remnants of fraternity were lost in a ruthless police state.

Consequently, the failures of capitalist civil society were recreated in socialist society. To the extent that radical writers perceived a loss of genuine equality, liberty and fraternity in capitalist society, they had postulated a moral collective will and a moral-purposive state to achieve these values. The attempt had failed in numerous countries, because democracy had not been adequately institutionalised; individual liberty had been dismissed as irrelevant and reactionary, and because civil society had not been cherished. In Western countries, the efforts by technocratic social-welfare governments to indulge in grand social engineering has also led to a disillusionment with what centralised bureaucracies can deliver. It is these difficulties which has led to new attention being accorded to 'civil society' in the late 20th Century.

Redrawing the boundaries

The impending collapse of socialism in Eastern Europe led to a far-reaching re-evaluation of the terms of Marxist intellectual discourse. It was the events in Poland in the early 1980s which dislodged the state as centrepiece of political theory. Instead, the Polish question illustrated how the conceptual debate surrounding 'the state' and 'civil society' could affect social struggles. For example, the Solidarity movement described its campaign as a battle of 'civil society against the state', and people discussed the Solidarity movement in terms of 'civil society' reconstituting itself. A new 'social contract' would be drawn up to create an autonomous sphere of 'civil society'.³⁶ Solidarity's efforts, and the uprisings against other

socialist governments, had a drastic consequence for political thought – the realization that the moral-purposeful state had not succeeded in establishing a united collective will in the cause of socialism.

These events contributed to the increasing tendency amongst radical writers to draw distinctions between the state, economy, civil society and the ‘public sphere’. The original insights of Marxist analysis have been combined with eclectic borrowings from other intellectual traditions, in order to synthesize a viable theory of democratic socialist politics. The relationship between economy, civil society and the state has been central to this endeavour. However, the new pluralism in socialist thought has inevitably meant the muddying of the theoretical waters. If ‘civil society’ and ‘the state’ are not tidily derived from economic structures or modes of production, what then are they, and what is their significance?

In the process of rethinking the problem, many authors are turning back to Antonio Gramsci. His conception of ‘civil society’ was an acknowledgement of the complexity of political power in the parliamentary or constitutional states of the West. He recognised that governmental power is not always used in openly coercive ways; it is diffused throughout society and its cultural practices. Introducing the concept of ‘hegemony’, Gramsci analysed the way in which the world view of the ruling class becomes so diffused that it forms the ‘common sense’ of the whole of society. The conflictual nature of society is obscured; and the proletariat remains unaware of the possibility of transforming it.

According to Gramsci, the sphere of civil society is therefore important in its own right. It contains the ensemble of cultural practices, ranging from religion, education, and labour practices to intellectual thought, natural science and folklore. Since these are sustained by the hegemonic world view of the ruling class, the working class must challenge the dominant class on this terrain. The proletariat must do more than struggle for its own narrow sectarian interests; it must be able to present itself as the guarantor of the interests of society as a whole. Active commitment was required from ‘organic’ proletarian intellectuals, to create cracks in the self-assured dominant view of the world, and to establish a counter-hegemony based on socialist principles.³⁷

Gramsci’s analysis decisively changed some of the original Marxist conceptual definitions. Whereas Marx used the expression ‘civil society’ to refer to the totality of economic relationships, Gramsci used it to refer to the cultural and social superstructure. Civil society was ‘the ensemble of organisms commonly called private’, that is, all the organisations and technical means which diffuse the ideological justification of the ruling class in all domains of culture.³⁸

But if 'civil society' is not the same thing as the economy, how then does it relate to the state? Although Gramsci's definition of the state is ambiguous, he is remembered for his distinction between state and civil society:

In Russia, the State was everything, civil society was primordial and gelatinous; in the West, there was a proper relationship between State and civil society, and when the State trembled a sturdy structure of civil society was at once revealed. The State was only an outer ditch, behind which there stood a powerful system of fortresses and earth works.³⁹

Thus, in contrast with the traditional Marxist view, as well as the Althusserian position, which tended to blur the distinction between state and civil society, the Gramscian perspective differentiates between them. The Gramscian view also distinguishes between civil society and economy, in contrast to the traditional view which regards the superstructure as closely derivative from the economic sphere.

The Gramscian position appeals to modern radicals, for it recognizes the importance of social institutions in their own right. However, it was only since the 1970s that radical writers developed an appreciation of civil liberties and democratic processes in capitalist society. The perceived task is now to develop a conception of true empowerment, effective rights, and democracy. The weaknesses of capitalist society, viz. substantive inequalities, alienation, lack of fraternity, still need to be overcome, but not by an ambitiously moral-purposive state.

Three consequences follow from this:

- a) A new anti-statism in political theory;
- b) A re-evaluation of the content of civil society, especially regarding the relationship between capital and voluntary associations; and
- c) The renewed appreciation of the role of rights and political practice.

These themes can also be traced in the South African debate, as evident in this volume of essays.

Anti-statism and civil society

The events in Eastern Europe, and the bureaucratic stagnation associated with the welfare state in the West, have led to a reconsideration of the role of the state. Even the heirs of the moral-purposive views of the state have amended their notion of the limitless power of the capitalist state. It has been recognized that the state does not function unambiguously in the interests of a single

class, that it contains different interests within itself, and it has an emancipatory as well as a repressive potential.

However, the internal divisions within the state did not imply that it was fragile. There were slim prospects of it withering away in modern society:

The belief that political alienation originates in the division of state and civil society had to be abandoned and the aspiration to 'overcome' political differences through establishing the identity of state and civil society vigorously resisted as both utopian and extremely dangerous.⁴⁰

Modern authors have recognized the importance of a vibrant civil society. The state should be clearly institutionalized, and it should be clearly differentiated from civil society. Yet it is not enough to place limits on the state; civil society itself has to be nourished and strengthened.

The disillusionment with the state, whether 'capitalist' or 'socialist', pervades modern political philosophy. Both capitalism and conventional socialism have lapsed into conservative statism. As Peter Hain argued, in the context of the United Kingdom,

The alternative is for socialists to reject statism and embrace a radical new approach, involving decentralization of power and resources through state policies designed to mesh in with a wider grass roots strategy for socialist mobilization. Unless this is done, it will not be possible to obtain the popular mandate necessary for a radical, reforming Labour government to succeed.⁴¹

This anti-statist sentiment is yet another attempt to reconcile the problematic trio of virtues, viz. liberty, equality, fraternity. It is an argument for 'true' liberty: 'No emancipation is possible in the modern world, without a strong civil society that can strengthen the public sphere and can provide a haven from and a center of resistance to the Behemoth state'.⁴² It is an argument for more genuine equality, more genuine than the formally equal rights guaranteed under capitalism, or the drab material equality enforced under statist socialism. Finally, it is an argument for more effective fraternity, in contrast to the individualization, bureaucratic alienation and stigmas suffered by people in modern societies. These arguments are powerfully made in this volume by Mark Swilling and Thozamile Botha.

Yet this position is not without its difficulties. It can easily be assumed that the strengthening of civil society should entail the weakening of the state. Various authors do not find this credible. Toqueville, for example, maintained that the problem of securing

political equality with freedom cannot be solved by abolishing political institutions.⁴³ Active and strong state institutions are both necessary and desirable conditions of democratic freedom and equality. This issue is addressed later in this volume, notably by Alf Stadler and Khehla Shubane.

Similarly, Boris Frankel insists that the state and civil society are not opposites; what are indeed opposites, however, are civil society and hegemonic political parties. The Polish movement, Solidarity, gained control of all state-owned enterprises and cultural institutions in the name of 'civil society'. Their real target was not the state, but the Party.⁴⁴ In this volume, Thozamile Botha argues for non-partisan civic associations in black townships; Steve Friedman warns of the hegemonic heritage of the Charterist tradition in South Africa, and Khehla Shubane's contribution discusses the delicate problem of the relationship between associational life and the liberation movements, in the context of modern South African politics. For both Friedman and Shubane, South African civil society is underdeveloped, so that community organisations face the danger of being sucked into hegemonic political blocs.

Associational life and the role of capital

Increasingly, it has been felt that neither capitalism nor socialism has addressed the core issue: the restructuring of social *power relations* in ways which would nourish values such as liberty, equality and fraternity. The anti-statist sentiment is therefore associated with pleas for decentralization, diffusion of power, and the nurturing of non-state forms of associational life. Much of central governmental power should be devolved to local and neighbourhood level, so that ordinary citizens can have easier access to decision-making processes. Citizens should be effectively empowered, especially through collective action and solidarity in pursuit of shared goals.

This concern is not new; it contains echoes from both the instrumental and moral-purposive views of the state. Paine, Hegel, and especially de Tocqueville defended the role of all kinds of civil association, such as scientific and literary circles, schools, publishers, inns, manufacturing enterprises, religious organizations, municipal associations and independent households. These would serve as barriers against political despotism, social unfreedom, inequality, and alienation.⁴⁵

Yet the heritage of socialist anxieties about social inequality remains. The blossoming of associational life does not guarantee that certain sectors of civil society would not dominate others. The most obvious problem is the presence of big corporations, often with preferential access to the state. By blurring the distinction between

civil society and economy, we run the risk of losing sight of the very real power differentials originating in the market, the workplace and the stock exchange. 'The danger lies in the fact that the totalizing logic and the coercive power of capitalism becomes invisible, when the whole social system of capitalism is reduced to one set of institutions and relations among many others, on a conceptual par with households or voluntary associations.'⁴⁶

Yet it is perfectly clear that the moral-purposive solution to social imperfections simply will not do. The world's experience of messianic Parties, Movements and States has highlighted the dangers of producing worse forms of domination than those already existent. Even E. M. Wood, who has subjected the new 'cult of civil society' to stringent criticism, admits that

[A]ll socialists, Marxist or otherwise, must uphold civil liberties . . . , principles of legality, freedom of speech and association, and the protection of a 'non-state' sphere against incursions by the state. We must acknowledge that some institutional protections of this kind are necessary *conditions* of any democracy, even though we may not accept the *identification* of democracy with, or its confinement to, the formal safeguards of 'liberalism' . . .⁴⁷

The problem is finding practical ways of reconciling civil liberties with social restructuring and empowerment. In the old-fashioned language of the French Revolution, we need to reconcile individual liberty with meaningful equality.

One's interpretation of the problem largely depends on whether one sees civil society as intrinsically unequal and oppressive. What are the implications of forms of oppression in the family, in gender relations, in the workplace, in racist and homophobic attitudes? Can they be remedied by judicious political action, organizational mobilisation, or the development of new political cultures? Can formal rights be transformed into real empowerment?

Presenting one answer to this question, Pierson argues that 'bourgeois' rights and freedoms have been of enormous value to popular political movements. They have constrained the more coercive elements of class rule.⁴⁸ In contrast, Ellen Wood expressed her doubts:

. . . [T]hese oppressions are treated as *dysfunctions* in civil society. In principle, [civil society theorists claim] coercion belongs to the state while civil society is where freedom is rooted, and human emancipation, according to these arguments, consists in the autonomy of civil society, its expansion and enrichment, its liberation from the state, and its protection by formal democracy. What tends to disappear from view, again, are the relations of exploitation and domination which irreducibly *constitute* civil

society, not as some alien and correctible disorder but as its very essence . . .⁴⁹

In South Africa, the problem is particularly acute, because there is a well-developed formal business sector, sharing the cities with economically stunted black townships and even more deprived informal shack areas. This problem is addressed by Mark Swilling's contribution to this volume, wherein he nevertheless offers a more optimistic view of the possibilities offered by civil society, than that of Ellen Meiksins Wood. However, the class-based critique of the concept of civil society is likely to remain powerful amongst leftist South African intellectuals in future.

Redefining political practice: the role of the 'public sphere'

A key question in this debate is the nature and effectiveness of political action. In fact, a fundamental shift is taking place in the conception of politics, held by theorists as well as activists. Once again, Solidarity in Poland contributed greatly to this shift. They criticised the traditional indifference or hostility of classical Marxists towards forms of political activity such as parliamentarism, negative rights, freedom of speech and press, political pluralism, and 'above all, those institutions of small-scale public participation which are to mediate between the individual and the representatives of political power'.⁵⁰ They rejected the assumption that the articulation of specific interests by a particular social group automatically implied a claim for control of the state. Any attempts to achieve monolithic control of the state would lead to totalitarianism: 'A concept of politics as identical with the issue of the possession of state power must of course abolish politics as activity and replace it with politics as apparatus'.⁵¹ The difficulty with Marxism is that it has given relatively little attention to an alternative notion of politics – in the sense of 'the processes of practical, discursive will-formation'.⁵²

Solidarity's understanding of politics was very different from that of classical Marxists. Instead of a bid to take over the state in order to restructure it along moral-purposive lines, they backed off from the state. They advanced a concept of politics that was not about power but about representation and diversity: 'The creation of the elements of civil society in its own way redefines the proper role and powers of the state, in the sense of reducing these to the representative and administrative functions that it possesses in democratic theory and practice'.⁵³

Increasingly, it is recognised by radical writers that space must exist for politics as a 'sphere for the negotiation of legitimately competing programmes and practices'; and this implies that viable

representative institutions should be maintained.⁵⁴ An important theme in this regard is the institutionalisation of democracy, both within organisations, as is argued by Steve Friedman in this volume, and within the state, as argued by Khehla Shubane.

A related issue is the importance of rights, as argued by Doreen Atkinson in this volume. It is only through a 'rights culture' that social solidarity (or fraternity) can be achieved without sacrificing individual liberty and diversity. In practice, however, the efficacy of rights is not always guaranteed. Rights do not exercise themselves; effective rights depend on knowledgeable, motivated, and organised individuals. Will the notion of rights be sufficient to protect the poor, the weak and the unorganised from the domination of powerful business and other sectors? Is the state responsible for enhancing people's understanding of their rights, and for empowering them? How should the government intervene to protect people's rights? Does civil society need the state to protect it, or conversely, does it need to be protected from the state? The problem of reconciling individual liberty and effective equality emerges once again.

The notion of the 'public sphere' has developed in response to these concerns. In this regard, the writings of Jurgen Habermas have been highly influential. Originally, he wrote, the 'classical' public sphere was conceived of as the means of mediating relations between society and the state. It consisted of a set of institutions which guaranteed (formally) equal access of all citizens to a critical and discursive process in which public authority would be subject to the scrutiny of the public. As capitalism developed during the 19th century, this realm of freedom was crowded out by the massive mobilisation of large conflicting interests. The growth of large-scale public and private bureaucracies and mass parties had led to a 're-feudalisation' of the public sphere. The modern state is increasingly characterized by corporatism, in which comfortable compromises are reached between the state and large organisations. The manipulative strategies of 'publicity' and 'public relations' have displaced any genuinely discursive, authentic and critical public opinion.⁵⁵

Habermas' work is especially significant for its emphasis on free and rational discourse. What is necessary, he claimed, is the development of forms of communication free from distortion and domination. Modern society had become largely technocratic; and this could only be subjected to human rationality if adequate public controls were developed.⁵⁶ Hannah Arendt contributed to this perspective, by pointing to specific forms of political action that should be nourished. For Arendt, genuine power (as opposed to force or coercion) grows out of the process of reconciliation of interests and beliefs, and the achievement of voluntary and deliberate co-operation.

For Arendt and Habermas, liberty and fraternity can only be reconciled if social diversity is allowed to flourish, and social interests are reconciled through debate and negotiation. These issues are further explored in this volume, in the contribution by Doreen Atkinson.

Yet the notion of the 'public sphere' is not free from ambiguity. One problem is the postulated relationship between the public sphere, civil society and the state. How should 'the public sphere' be delimited? In what way would the formal representative organs of government interact with the public sphere? Do they overlap, or is there tension between them?

And what is the relationship between the public sphere and civil society? Is the 'public sphere' primarily the sphere of political parties and specifically political organisations? Can any other organisations and associations enter the 'public sphere' when they debate issues relating to government? Is the 'public sphere' a set of institutions, or a type of activity? This issue is touched upon by Mark Swilling in this volume, who argues for the need to separate the concepts of 'civil society' and 'public sphere'.

The underlying fear, in this regard, is that the associations of civil society will be swallowed up by powerful political parties. Having a vibrant multi-party democracy is not enough. Especially in a society divided into large ethnic and ideological blocs, the danger exists that hegemonic political parties will draw civic associations, trade unions, cultural organisations and other entities into their shadow. The impressive degree of concern about this issue in South Africa is reflected in three of the papers, in this volume, viz. those of Thozamile Botha, Steve Friedman and Khehla Shubane.

A final issue of political practice concerns the internal structure of the associations which constitute civil society. It would not contribute to liberty if the plurality of groups in civil society were, in fact, internally autocratic and intolerant. The paper by Steven Friedman discusses this question, most notably in relation to civic associations.

Conclusion

The dubious success of experiments with socialism in Eastern Europe and the Soviet Union, together with dissatisfaction with the performance of welfare states in the West, have pushed political theory to a new level. There is a new appreciation of the need to reconcile genuine forms of liberty, equality and fraternity. Individual rights have to be made truly effective; marginal groups must be empowered; material resources need to be creatively redistributed; and alienation from the bureaucratic state needs to be overcome.

No longer will the assumptions and doctrines of our three 'classical' kinds of states, viz. instrumental, oppressive and moral-purposeful states, satisfy the needs of the new generation of political thinkers and activists. The kind of state which is now being debated often appears to be characterised more by pragmatism than by anything else. Implicitly, it is being recognised that states can simultaneously be instrumental (protecting individuals' interests), have moral purposes, and have oppressive dimensions. States do not have an intrinsic character as good or bad. It all depends on how ordinary people engage with one another in civil society, the public sphere, and in government. The argument for a vibrant civil society is, in fact, an argument for people to have a new kind of control over their own lives.

A new pragmatism characterises debates about the state. Bert Rockman has written of the 'intermediary state', in which the state pragmatically operates to reconcile and influence social interests.⁵⁷ The modern state is no longer that of classical liberalism, he writes, in which the only independent function of the state is the impartial umpiring of social interests. Nor is it comparable to the command socialism model in which no independent social organisation exists. It is time to leave a significant measure of initiative to the associations and organizations of civil society. The energies of society may work much better if they remain pluralistic and diverse, than if they are harnessed by a hegemonic 'State' or 'Party'.

But much work still needs to be done. For one thing, the link between state authority and the social fabric is so tightly woven in practice that it is difficult to see where one ends and the other begins. 'The state appears as a network of institutions, deeply embedded within a constellation of ancillary institutions associated with society and the economic system'.⁵⁸ The importance of civil society is widely recognised; but it remains very difficult to conceptualise its relations with the state.

For another, it is quite clear that the 'rise of civil society' will not automatically resolve the ideals of individual liberty, significant social equality, and meaningful community relations (or fraternity). Many issues still need to be debated fully – such as the relationship between the big corporations and other associations; between associations and mass political parties; the achievement of a genuine culture of rights and liberties; the achievement of a genuine 'public sphere; the internal structure of the associations of civil society.

The South Africa of the early 1990s has moved rapidly to an appreciation of the questions. Our situation is much more daunting than that of Western or Eastern Europe. Not only do we have to 'civilise' a large and powerful state, but we have to face the task of

nation-building at the same time. This produces a chronic dilemma: will a robust civil society not leave the state too weak to pursue one of its most urgent tasks, viz. the task of nation-building? Is South African society stable enough to handle the unfettered expressions of sectoral interests?

South Africa is also plagued by extreme differentials in wealth and institutional resources. What will happen to the poor and marginalised, if powerful sectors muscle in on the public sphere? Will civil society cater adequately for the informal sector?

In short, we must learn from the lessons of the West and the East. We should also avoid the temptation to seize the naive idealism of either the instrumental or the moral-purposive visions of the state; and we should avoid the one-dimensional diagnoses of our situation, offered by the oppressive view of the state. The lessons and the examples from elsewhere in the world must be taken seriously. However, we should work to develop our own debate on civil society, by asking uncomfortable questions that are pertinent to our own situation. The reconciliation of liberty, equality and fraternity is not a simple matter. If it can be done at all, it will be done in different ways in different places. There are many ways to skin a cat.

This volume does not contain answers. It merely provides perspectives, which compete with one another in some respects, but in others, share similar assumptions. We anticipate that the essays in this volume will be vehemently disputed in some quarters. Such a happy state of affairs should be welcomed – after all, diversity and disagreement are the hallmarks of civil society itself.

NOTES

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3. B. A. Rockman, 'Minding the state – or a state of mind?', in *Comparative Political Studies* (vol. 23, no. 1, 1990), p. 48.
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5. D. Raphael, *Problems of Political Philosophy* (London: Macmillan, 1976), p. 46.
6. B. A. Rockman, 'Minding the state – or a state of mind?' (1990), p. 41.
7. J. Keane, 'Despotism and democracy', in J. Keane (ed), *Civil Society and the State* (London: Verso, 1988), p. 58.
8. M. Merieau-Ponty, *Sense and Non-Sense*, quoted in D. McLellan in *Marxism after Marx* (London: Macmillan, 1980), p. 280. Emphasis added.
9. From *The Foundations of Natural Law*, quoted in E. Kedourie, *Nationalism* (London: Hutchinson, 1985), p. 40.
10. R. S. Peters, 'Hegel and the nation-state', in D. Thomson (ed), *Political Thinkers* (Harmondsworth: Penguin, 1985), p. 132.
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12. D. McLellan, *Marxism after Marx* (1979), p. 160.
13. D. McLellan, *Marxism after Marx* (1979), pp. 268, 273.
14. V. I. Lenin, *Selected Works*, vol. 2, p. 322; Quoted in D. McLellan, *Marxism after Marx* (1979), p. 99.
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33. From Lenin, *Selected Works* (1968); Quoted in D. McLellan, *Marxism after Marx* (1979), p. 99.
34. D. McLellan, *Marxism after Marx* (1979), p. 100.
35. From *Economics of the Transformation Period* (1971); Quoted in D. McLellan, *Marxism after Marx* (1979), p. 117.
36. B. Frankel, *Beyond the State?* (1983), p. 27.
37. D. McLellan, *Marxism after Marx* (1979), p. 187.
38. D. McLellan, *Marxism after Marx* (1979), p. 188.
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48. C. Pierson, 'Marxism, democracy and public sphere' (1989), p. 38.
49. E. M. Wood, 'The uses and abuses of "civil society"' (1990), p. 74. Emphasis in original.
50. A. J. Polan, *Lenin and the End of Politics* (1984), p. 5.
51. A. J. Polan, *Lenin and the End of Politics* (1984), p. 3.
52. C. Pierson, 'Marxism, democracy and public sphere', (1989), p. 38.
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54. C. Pierson, 'Marxism, democracy and public sphere' (1989), p. 39.
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‘Strong States Make for a Strong Civil Society’

Alf Stadler

The threshold of humanity is the threshold of citizenship, and the citizen is only a citizen through the state. (Paul Ricoeur, summarising the Aristotelean model).

In a previous paper¹, I argued that a strong, autonomous state was the necessary condition for resisting control by particular interests, preserving the integrity of political structures from corruption and patron-clientelism, and curbing the development of authoritarian and arbitrary systems of government.

It was suggested that only a strong state could establish the conditions for a liberal democratic state, let alone the social democratic state, capable of supplying the infra-structure of welfare necessary to generate the conditions for a stable democracy within the next generation.

It was insisted that a strong state was the antithesis of the arbitrary, repressive and corrupt state: it was the authoritative state, corresponding to Gramsci's notion of the hegemonic state.

I would argue that in essence the same case can be made for the relationship between the state and civil society. In the contemporary world, only a strong and authoritative state can effectively make the ‘productive’ interventions in the economy necessary to generate the conditions for accumulation. Only the state can effectively supply the welfare goods and services which simultaneously contribute to the productive functions and legitimise the social order.

But the state's potential contribution to a strong civil society goes far beyond these functions which historically have links with authoritarian governments in the Bismarckian as well as in liberal and social-democratic traditions of state intervention.

The state is a necessary actor in forging the elements of contemporary citizenship. Following the line of argument which was initiated this century by T.H. Marshall (an argument which can be traced back to Aristotle), King and Waldron suggest that citizenship in contemporary societies requires economic security:

... if we are going to have universal citizenship, in a political sense, for our society, then we should do it properly and see to it that *everyone* is put in the socio-economic position that we have reason to believe citizens ought to be in. In other words, if we take the idea of universal suffrage seriously, then we should not be content simply to give everyone a vote: we should set about the task of giving them the economic security which, on the arguments we have been considering, is the necessary precondition for citizenship.²

Conversely, of course, the development of the state's authority requires the development of the institutions of civil society. Stated in these terms, the argument looks circular, but this circularity points to the indivisibility of citizenship and civility. The terms have closely similar roots, and have been used interchangeably to refer to the virtues required to participate responsibly in the common affairs of a community.

For all their other differences, liberals and Marxists share certain stereotypes about the state. The greater the power of the state, the greater its capacity to undermine the spontaneity and voluntarism of 'civil society', limiting its autonomy and the logics of its institutions. Instead, the state legislates and coerces the behaviour of the actors in this sphere to replicate its logics and reinforce its interests. If this argument is accepted, there is an inverse relationship between the power of the state and the autonomy and spontaneity of civil society.

Anglo-Saxon ideas about civil society are deeply rooted in seventeenth century theories about the social contract, in which individuals living either happily (for Locke) or unhappily (for Hobbes) in a state of nature contracted with one another, or with a magistrate, to enter civil society. The individualism which lies at the core of these theories makes possible false antinomies between the area of regulation and the area of freedom. (Among the antecedents of liberal thought, only Hobbes understood the necessity for there to be a strong coercive power to constitute a *civil* society. But for Hobbes the sole function of the state was to enforce the contracts entered into between individuals.)

Marx's conceptions of the state and society ran parallel to liberal ones, except that he substituted classes for individuals.³ The state's relationship to civil society is analogous to the relationship between capital and labour in Marx's economic theory. As owners appropriate surpluses from producers, so too the state extracts resources – taxes, functionalities and so on – from civil society. The state returns some benefits to civil society, distributing them in a skewed fashion across the classes, but appropriates a 'political profit' for itself, the accumulation of which provides the motive for political leaders and state functionaries to pursue state power.

Like the economic theory, the political theory postulates an unequal exchange legitimised by an ideology which fetishises the state. The distinction between producers and capitalists in the economic theory is replicated in the distinction between a producing and repressed civil society, and an unproductive and repressive state system.

It is possible to make formal distinctions between the state and civil society, but it is difficult to ascribe exclusive characteristics to each of these spheres.

There is no exclusive feature of action or behaviour which can convincingly point to consistent distinctions between the state and civil society. There are no arguments which convincingly point to normative or ethical distinctions: both occupy the public realm and actors and both claim legitimacy on the grounds of the general interests which they serve. There are no functionally distinctive social arenas: Politics happens in civil society; the state undertakes economic activities.

Politics is perhaps the most creative and innovative activity in which (wo)men can be involved. It is also the supreme arena for risk-taking. And for that reason too, security is the essential prerequisite for participation; otherwise politicians would be indistinguishable from punters at the race-course – risk-taking is not the same as gambling.

Pace the neo-liberals, the greater security individuals or a groups enjoy, the greater the risks they can rationally take. The more widely the benefits of security are spread in a society, the larger the group will be which may rationally take risks. This is the main case for linking welfare with responsible democratic participation.

The creativity of 'les grandes politique' is a feature of most of the interesting areas of public service, including the much-maligned 'bureaucratic' activities, if we include in these activities (as we logically ought to do) such things as judicial decision-making, not to mention less rule-bound areas of state activity such as diplomacy or warfare.

Conversely, the sphere of civil society cannot be neatly labelled as the arena of spontaneity, creativity and productivity. Economic activity is often so constrained by the need to make profit or by the need for action to be accountable that it often leads to dull and repetitive decision-making. In any case it is Weber's 'bezitsklassen' whose interests prevail in the boardrooms as often as his 'bewerbsklassen'.

Just as the state is viewed as the arena of coercion and oppression, so too is the market often taken as typifying the arena in which choices are spontaneously formed by individuals. But of course there is nothing spontaneous about the institution of the market: it needs to be

constituted through very specific juridical mechanisms, such as those creating individual rights to own and dispose of property, and the construction of markets has always created a massive crisis for the pre-capitalist formations subjected to its corrosive power. Nor is there much that is voluntary about remaining in the market, for except in very specific circumstances, exiting from it involves the economic equivalent of suicide. Nor is there scope for free and spontaneous action in the market place which disregards the rules for market survival.

Comparably, in the politics of civil society, to refuse to join a party, and an important party at that, is to be consigned to a state of civic inconsequence. Not to join the union involves the loss of status implied in 'freeriding'.

Can the elements of 'security' be supplied within civil society, that is, outside of the state? The answer is not easy because the question has two quite distinctive dimensions, an economic one and an ethical one, which pose two quite separate problems.

The first is whether private suppliers of security can provide it at the same cost or less than public suppliers. The answer is not clear: as Heald has suggested, no convincing case has been made one way or another.⁴

The second question bears more directly on the problem of citizenship: do public suppliers of security contribute more meaningfully to civility. Here the question is more problematic. But there is a growing body of scholarly opinion, based on studies of the effects of new conservative policies, which suggests that it is the public supply which generates, and the private supply which undermines, the formation of civic virtue.⁵

NOTES

1. A. W. Stadler, 'The conditions for democracy in South Africa', *Transformation*, (vol. 11, 1990), pp. 40–57. The argument about the relationship between the state and civil society was adapted from Robert Fatton's excellent work on the state in Africa, 'Bringing the ruling class back in: class state and hegemony in Africa', *Comparative Politics*, (vol. 20, no. 3, April 1988).
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3. Victor Perez-Diaz, *State, Bureaucracy and Civil Society: a Critical Discussion of the Political Theory of Karl Marx*, (Macmillan, 1978), especially chapter 4.
4. David Heald, *Public Expenditure: its Defence and Reform*. Robertson, (Oxford, 1983), especially chapter 13.
5. Two recent papers suggest this may be the case: David Holbrook's apparently sentimental appraisal of the British National Health Service: 'The health service: a triumph of democracy', *The Political Quarterly*, (vol. 61, no. 1, January-March 1990), pp. 93–7; and Peter Self's 'What's wrong with government? the problem of public choice', *The Political Quarterly*, (vol. 61, no. 1, 1990), pp. 23–5.

Civil Society in Apartheid and Post-Apartheid South Africa

Khehla Shubane

The possibility of change in South Africa has given rise to a lively debate on the role of civil society in constructing a post-apartheid democracy.¹ Events elsewhere, and specifically the re-emergence of civil society in the processes of transition in other parts of the world, have contributed to the growing interest in civil society in South Africa. A robust civil society is seen as a way to ensure responsive democracy in the post apartheid era.

Although interesting and crucial, this debate seems to have come rather early. The birth of a new political order in which all will enjoy a franchise still remains to be resolved. There exists no consensus on fundamental issues involved in transition other than on the need to move away from apartheid. It is, for instance, a matter of contention whether the country is irrevocably set on a path of non-racial democracy. The government is of the view that all measures against the country, like sanctions, be removed immediately because the process of normalising the political process has reached a point where it cannot be reversed. Radical opponents of the government are of the view that all measures imposed on South Africa be retained because the situation can still be reversed. Given these divergent views on the process of change it seems that it is crucial to focus on how the process, and more importantly, assumptions about it, should be guided towards building a consensus on major issues.

From the little that is known about the government's vision of a 'new South Africa', it seems that it is not prepared to negotiate itself out of power. It has, for example, failed to reveal a detailed view of the future. It would appear that its ideal is to retain power while simultaneously extending a vote to all. This vision of a new South Africa will undoubtedly constitute a marked improvement on the existing political arrangement in which over 70 per cent of the population is without a vote. It will not, however, usher in a fully-fledged democracy, but rather a political arrangement still structured by racial considerations.

Debating civil society

In general, by civil society, is meant that realm in society which comprises all those formations outside of the state, namely, the realm that is market-regulated, privately-controlled and voluntarily-organised.² Civil society, therefore, stands in contradistinction to the state.

Gramsci defines civil society more or less in the same way. In his view civil society refers to that sector in society in which the struggle for hegemony between the two fundamental classes takes place.³ The state, in contrast, is understood as a coercive institution which functions to secure the assent of the governed through coercion.

These two levels (civil society and the state) correspond on the one hand to the function of hegemony which the dominant group exercises throughout society and on the other hand to that of direct domination or command exercised through the state and juridical government.⁴

In the South African debate the term 'civil society' has generally been used to denote that sector in society in which there is a relative space within which individuals and groups can exercise democracy. One assumption is that civil society is a sphere of unfettered freedom.⁵

Implicit in these expositions of civil society is an assumption that there exists a social structure in which political citizenship is vested in all individuals: society is structured so that individuals can influence the policies adopted by the government. Put differently, democracy can only be improved by individuals who have access to political citizenship. Those without access to such citizenship must first strive to obtain it before they can improve its quality.

In colonial or quasi-colonial contexts where the consent of the colonised is secured through coercion, the concept of civil society holds limited relevance. Organisations of the disenfranchised, which emerge to represent various interests, do so in a context in which their compliance to the government of the day is largely a matter of coercion. In the same vein, Ellen Wood is concerned that the concept could be used '... to weaken our resistance to the coercions of capitalism'.⁶ She is concerned that the current explosion of the debate on civil society merely serves to hide the inherent injustices of capitalism and demobilises the left. Her view is important in so far as it reminds us that civil society is not a realm of unfettered freedom. It is also riven with inequalities and conflicts. It is therefore not a panacea which, if it functions well in a post apartheid future, will resolve all problems of the implementing democracy that we will encounter.

Civil society in apartheid South Africa

The existence or otherwise of a civil society among the disenfranchised communities in South African society is a moot point. It has been argued that present day South Africa is endowed with a robust civil society which must be defended and preserved to ensure a democratic outcome.⁷ According to this view, the many radical organisations which arose to oppose apartheid in the 1970s and 1980s are identified as constituting a civil society. The trade union movement, civic associations, youth groups, women's organisations and professional groups, many of which were affiliates of the United Democratic Front, are seen as crucial formations in civil society. An opposing view holds that these formations should not be viewed as part of civil society.⁸ They are rather part of the opposition, seeking to transform the current apartheid state. Once transformed, many of these groups may become the new functionaries of that future transformed state, thus forming part of the state rather than of civil society. In this sense these formations must be understood as part of the liberation movement.

The difficulty of coming to a common understanding about the existence or otherwise of civil society arises from the nature of the South African polity. This polity is based on the exclusion of a vast number of people from government institutions. In deciding whether or not a civil society does exist among the disenfranchised, the question is: can a people, already excluded from government institutions, ever be said to be in a position to form effective collectivities which operate outside of institutions from which they are in any case excluded? In posing this question it must be borne in mind that civil society contrasts with the state and it serves to distribute power to as many social institutions as possible. Such a diversification of power is seen as a mechanism to enhance the quality of democracy in society. It serves to check and counter the concentration of power in one institution.

The very idea of a modern society contains within itself the notion of a civil society. Any society with a state at any level of development must have some form of civil society. It is not this broad notion of civil society with which this article is concerned. As will be explained below, the focus is on a rather limited notion of civil society. It is civil society in its overtly political dimension which, it will be argued, has limited application, if any, in apartheid South Africa.

Put differently, independent formations which are intent on improving democracy by drawing the attention of government to the democratic and other related needs of society, do not exist among the disenfranchised. Existing organisations among the black people are primarily concerned with the acquisition of political citizenship. They

do not, for example, have any significant positive impact on the policies adopted by the government. Their relationship to government is invariably marked by antagonism. The influence which each exercises on the other is cast in conflictual terms. It is this relationship, structured by the nature of the South African polity, which lies at the root of the argument, advanced in this article, that in South Africa the level of conflict excludes a true civil society among the disenfranchised.

It is easy to appreciate why an institution like the family would constitute a part of civil society whatever the prevailing political arrangement might be. In this sense the disenfranchised do enjoy civil society. If, however, overtly political formations like trade unions, civic associations, etc. are considered, such formations are not as easy to locate. Rather, *they should be positioned within the liberation movement which projects itself as an alternative authority to the apartheid state.* In part, this is a result of the way in which South Africa was decolonised. Decolonisation left the black people in the same position, if not a worse position, than previously. In this sense the disenfranchised communities in South Africa should be seen as confronting similar problems to those of other African societies which emerged from colonial domination.

The notion of volition should, in my view, be central to the explanation of civil society. Groups and individuals who posit themselves in civil society must do so by choice and not by fiat. Those who are driven by the fact of their exclusion from participation in government to become active in formations outside of government can hardly be said to be promoting the interests of civil society. On the contrary, they often ally themselves to groups which set themselves up as an alternative authority to the existing exclusionary state. Such groups constitute liberation movements.

The absence, or limited vibrancy of civil society in many African countries must partly be explained by the nature of the groups which led them to independence. Liberation movements, by being both excluded from existing government institutions and by presenting themselves as an alternative 'state' to the colonial state, could not be said to be civil society formations, concerned with improving the quality of democracy. They were rather concerned primarily with ridding those countries of colonial domination and of transforming the state which would then be managed by those who led and participated in the liberation movements.

In the pursuit of liberation, the various interests of the colonially-dominated people were collapsed into a single, overriding endeavour. Thus arose the notion of liberation movements as authentic representatives of the people. This notion is not consonant with the plurality

which is inherent in the notion of civil society. All interests having been reduced into an overriding one which was expressed by the liberation movement, new formations were either shunned and ceased to exist or were incorporated into the liberation movement. Again, the autonomy which must be a characteristic of groups in civil society was done away with.

A key element in the argument advanced here is that there are *characteristics inherent to liberation movements which militate against the emergence of civil society*. This arises fundamentally from the structural limitations imposed by colonial domination and the exclusion of the dominated from the state. This leaves the colonially-dominated peoples no choice but to gravitate together in liberation movements and oppose their oppression.

Even after independence, the liberation movement has often been put forward as the sole, authentic, representative of the 'people'. This notion continues to deny the existence of a plurality of interests. Other factors also play a role in this, in particular the view that newly independent countries are better off with a single party state. There was also a widely-held belief, reinforced by international development agencies, that success in development projects depended on a single authority to manage development. With this view dominant at the time of decolonisation it is not surprising that a vibrant civil society stood little chance.

South Africa, although not dominated by a colonial master, is in very important respects yet to transcend its colonial origins. There is no disagreement about the historical origins of the South African state in colonialism. Many analysts assume, however, that colonialism ceased with the advent of the union of South Africa in 1910 which removed the nexus between the country and the then colonial power. This explanation neglects the issue of economic inequalities, and hence decolonisation was incomplete.⁹ As far as explaining the colonial problem from the point of view of the vast majority of the rest of the population, it has been most unpersuasive.

The decolonisation of South Africa involved the transference of political power from the colonialists to the white population. Institutions of self-rule subsequently designed for the black people under apartheid resembled those under colonialism. The bantustans, the maintenance of chieftainship, the various forms of local government for African townships, all resembled institutions of self-rule developed under colonial domination. Thus, for black South Africans, colonial domination never ceased but merely changed form. Full decolonisation should therefore be sought in the process of creating a new political order.

Civil society in a post-apartheid South Africa

Limitations which militate against the emergence of a civil society in apartheid South Africa can be overcome in a post apartheid South Africa and a vibrant civil society can be built. For this to happen, however, we must move beyond liberation-dominated politics and the structural limitations arising from colonialism. The second of these impediments could be resolved by decolonising South Africa in ways which benefit all. The dissolution of apartheid, the extension of a franchise to all, as well as extending to everyone the opportunities which have until now been available only to whites, should lay a sufficient basis for the historical completion of that process.

The first factor is more difficult to resolve. It is inherent in the very group, namely the liberation movement, which led society out of colonialism to a point where democratic transformation was possible. It seems it can be resolved only if the movement itself accepts that it arose as a result of specific historical circumstances and that once these change the liberation movement-style of politics must be allowed to lapse as well. If this is allowed by the leaders and members of the liberation movement, it should give rise to propitious conditions for the formation of political parties. These parties would, hopefully, be formed around the interests of their members and would seek election to government on the basis of those interests.

This would allow the prestige, which would inevitably become attached to the organisations which opposed apartheid, to accrue to several political parties, rather than to one group which can use it to maintain itself in power. Presumably the parties which will emerge will be made up of former members of the liberation movement who can all claim to have opposed apartheid. Thus, prestige which often accrues to the erstwhile liberation movement turned into a governing party is minimised as a factor influencing voter behaviour.

Favourable conditions for the formation of a variety of political parties will not, by themselves, lead to a vibrant civil society. They will nevertheless contribute to institutionalising the notion of *legitimate and loyal opposition* in politics and thus will contribute to legitimising plurality in society in general. If civil society is to contribute to enhancing democracy it will have to establish its independence from formations in government. This is not to argue that political parties are not themselves part of civil society. Their close relationship with the state and their potential for constituting the government makes them straddle two realms. However, the core of civil society must, in my view, be provided by formations whose commitment lies primarily with civil society.

Role of the state in the transition

Although civil society is distinct from the state, this does not imply that there exists a wall, cast in concrete, between the two institutions. There is not, in any society, a sector which lies outside of the reach of the state. The laws of the country, for instance, will be legislated by the government, an important state institution. It is this legislation which provides the framework within which civil society functions.

The state, therefore, by virtue of being the most powerful institution in society, has the wherewithal to so dominate society that it can prevent the emergence or dampen the vibrancy of civil society. The opposite is also true. The state can play a role in promoting civil society. This it can do by creating propitious conditions for civil society to exist with a minimum of interference, particularly from the state.

The lessons from Third World countries seem to suggest that weak states are likely to be the least accommodative of civil society. Civil society is seen by these governments as a threat rather than as necessary for the promotion of democracy. The single party system, as well as the attempt to subordinate all political formations to the party in power, is prevalent in African societies and it is, *inter alia*, attributable to the level of threat felt by weak governments. A strong state therefore appears to serve the interests of a robust civil society. By a strong state is meant a state with effective capacity. This does not need to be a bloated state which seeks a pervasive presence in all societal activities.

Nothing in the foregoing should be read as advocating an increased role for the state. Already the South African state is pervasive by international standards. So deeply has the state penetrated civil society that South Africa possibly stands alone in the world as a country which decreed against inter-racial marriage and which determined where individuals, according to race, would work, play, go to school, relax, etc. This intervention extended deep into the economy as well.

Given this extensive involvement in everyday life, the creation of a democracy must involve reducing the role of the state. This, however, will have to be done in such a way as to meet the needs of sections of the community that perceive their survival to lie in increased state involvement in the economy.

Sound economic performance in a developing country is made possible, *inter alia*, by an interventionist state. It is critical, however, that this intervention be of the right sort. It must aim to stimulate growth with equity. A clear cut definition of the substance of this

intervention is a complex task, partly because such intervention must always adapt to new circumstances.

Politically, however, the state must remain responsive to the different interests prevalent in society. One way this can be achieved is the creation of the conditions for societal interests to organise themselves to make inputs into the policy debate. In this way the state will not only be safeguarding plurality in the state itself but in the whole of society. Under such conditions civil society is likely to blossom and play a role in improving the quality of the democracy in a post apartheid society.

This means that the question of plurality should be taken as seriously by those in the negotiation process as are questions related to the economy. Plurality must also be understood, in its broadest sense, to apply to groups outside of state institutions. It must not be restricted to parties which seek to run for office. Civil society must be recognised as making a contribution to the quality of democracy. This should, therefore, be an incentive to those in power to encourage formations in civil society to function.

The state can always invoke its power to either limit or co-opt civil society. Those in control of the state can also be secure in the knowledge that it is so powerful that no interest in society can compete with it. Vibrant civil societies generally occur in societies with strong states which do not perceive anti-state actions, or pronouncements, as a threat to be met with force. The vibrancy of civil society seems to have a direct relation to the strength of the state: a strong state is not possible without a strong civil society. A weak state generally perceives opposition with the greatest suspicion, far more than most opposition groups justify.

In Africa things seems to be changing. The process towards political plurality, at least in government, is underway in a number of countries. In time, hopefully, this will translate into a more thorough-going plurality which will encompass civil society.

Conclusion

Civil society in its broadest sense, namely the right to voluntary association, exists in all societies. Families, clans, religious institutions and a host of other groups have been part of society for as long as states have been in existence.

The purpose of this essay has not been to challenge this notion of civil society. Instead, civil society in its political dimension has been the subject of discussion. The argument has rested on the view that a people already excluded by law from participation in government cannot then set themselves the task of organising civil society.

With the resolution of the colonial dynamic, however, civil society has not flourished in many former colonies. This has resulted from the approach of liberation movements which led their societies to freedom. On assuming the reigns of power many set themselves up as the only legitimate party in government. Thus the idea of multiplicity in political representation was done away with. Civil society suffocated in an atmosphere in which plurality was not tolerated.

It is still possible, however, to build a robust civil society in countries undergoing a transition from a colonial past. This can be done in South Africa by dissolving the liberation movement whose historical role will have been fulfilled with the advent of a new political order. This should then allow for the formation of political parties which represent the many interests in society and also contribute to competitive politics. It is under these circumstances that pluralism, which can contribute immensely to the emergence of civil society, is likely to be nurtured in a post apartheid future.

NOTES

1. For example, M. Swilling, 'Political transition, development and the role of civil society', *Africa Insight*, (vol. 20, no. 3, 1990). F. van Zyl Stabbert, 'The prospects for democracy in South Africa', *Idasa Annual Report*, (1990).
2. J. Keane, *The State and Democracy*, (London: Verso, 1988).
3. R. Simon, *Gramsci's Political Thought: an Introduction*, (London: Lawrence and Wishart, 1982), p. 69.
4. A. Gramsci, *Selections from the Prison Notebooks*. Q. Hoare & G. Nowell Smith (eds), (London: Lawrence and Wishart, 1971), p. 12.
5. M. Swilling, 'Political transition, development and the role of civil society', (1990).
6. E.M. Wood, 'Uses and abuses of "civil society"', in R. Milliband, L. Panitch and J. Saville (eds), *Socialist Register*, (London, Martin, 1990), p. 63.
7. M. Swilling, 'Political transition, development and the role of civil society', (1990).
8. K. Shubane, 'Black Local Authorities: contraction of control', in M. Swilling, R. Humphries & K. Shubane (eds), *The Apartheid City in Transition*, (Cape Town: Oxford University Press, 1991).
9. P. Hudson, 'Images of the future and strategies in the present: the Freedom Charter and the South African Left', in P. Frankel, N. Pines & M. Swilling, *State Resistance and Change in South Africa*, (Midrand: Southern Book Publishers, 1988), pp. 267-72.

Rights, Politics and Civil Society in South Africa

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In this paper, I will advance three arguments. First, that the questions concerning civil society are inherently normative, and centre on the moral dimensions of social life. In this context, the defence of civil society is primarily a question of developing civil, political and social *rights*.

Second, the state and civil society are not competing entities, but imply one another. They are opposite sides of the same coin. What we need to strive for is a *condition of civility*, which would encompass certain qualities in both the state and civil society, and produce certain relations between them. We need to build a general political culture which respects people's rights. This, in the South African context, implies two things:

- i. The need to build relationships between members of the society, in a bid to build a shared sense of community and citizenship, and
- ii. The need to 'civilise' the state.

Third, relations of civility, rights and citizenship all imply a style of *politics* not frequently seen in this country. In this context, I will argue for the importance of politics, diversity, and debate – within civil society as well as the state.

Civil society, citizenship and rights

The notion of civil society is a very modern one. In many earlier societies, rigid barriers of race, status and caste defined people's privileges. The modern nation-state is associated with the extension of equal rights of citizenship to all inhabitants of a specific political unit. This development marked a momentous change in social relations, for the notion of individual rights had little or no meaning before the advent of the nation-state. The notion of rights decisively affects the way in which governments can treat their subjects, and in which citizens can behave toward one another. As Dahrendorf puts it, 'The

search for a civil society, . . . is one for equal rights in a constitutional framework which domesticates power so that all can enjoy citizenship as a foundation of their life chances'.¹

The power of people's intuitive understanding of their rights (or lack thereof) should not be underestimated. People are essentially normative beings. They act in ways which they believe are socially appropriate, and they develop expectations about how they ought to be treated by others. Communities are not held together merely by power relations. Communities are held together by systems of rights and rightlessness, which are deeply embedded in people's consciousness.

There are civil rights and political rights. *Civil rights* include the basic elements of the rule of law, equality before the law and due process. These rights are 'civil', because they structure individuals' relations with one another, in non-governmental spheres of activity. For example, according to the doctrine of 'equality before the law', a rich person has the same legal obligations as a poor person. In terms of the doctrine of 'rule of law', no-one is above the law, and the law thereby constrains those who have power, wealth or status. Civil rights are quite compatible with unequal wealth or power, but as long as people actually exercise their civil rights, they prevent the translation of such inequalities into legal injustices.

In contrast, *political rights* include the franchise, freedom of association, and freedom of speech. These rights structure the individual's relationship with the state. Political rights imply limitations on the power of the state vis-a-vis the individual. For example, in terms of the notion of 'freedom of speech', the government cannot prevent even the lowliest members of society from speaking their mind. This concept of rights is very powerful, and has been described as 'rights as trumps'.² This means that an individual's right should (under normal circumstances, at least) override any justifications for disregarding rights, even when those justifications are made in terms of social welfare or efficiency.

In South Africa, formal civil and political rights are about to be extended to all inhabitants. This means that all formal barriers to political, economic and social entitlements will soon be removed.

It is important to note the significance of the addition of citizenship and rights to the debate on civil society. Rights do not offer equal wealth or equal opportunity. What they do offer is access to liberties and goods. The race for resources does not guarantee that everyone wins. But if rights are recognised, the race will be governed by proper rules, procedures, and protections to ensure that anyone can participate and no-one is tripped up by their competitors. The recognition of rights also entails respect for the diversity of people's motives and preferences.

In practice, the individual, the interest group, or the aggrieved minority, have to find ways to use their rights in order to become 'part of the game' – whether the game is political, economic or social. The recognition of rights does not eliminate either inequality or conflict. But it does change their quality. Dahrendorf refers to

... (T)hose shambolic urban marathons which paralyse large cities once a year. The chaos is not total; some start in front and try to win the race; some have just joined to have fun; many want to prove that they can do it. There are surprises and disappointments. *The important point is to be a part of the race.*³

The future political task is to make these formal rights *real* and effective. Institutions have to be designed to recognise these rights, educate people to exercise them, and to constrain those with power. In this way, people will have some kind of access or entitlement to material prosperity, by exercising their rights. Access to the business world, financial markets, job markets, educational institutions and land should be progressively extended to larger numbers of people.

For our purposes, we need to think how the state and civil society can evolve in ways that will include most, if not all, citizens of South Africa as effective participants in the marathon. How can everyone be included in the community of runners? And how can their rights, or life chances, be adequately recognised in the tumult of the marathon?

Institutions and a 'rights culture'

People's identity is constituted through their interaction with others. The important task at hand is to structure that interaction in ways that enhance the experience of common citizenship:

Individuals are not isolated, but rather are social individuals. That is, they express who they are and become who they want to be in large part through their relations with others. Moreover, many of their actions are such that they are essentially social; that is, they are joint actions which could not be carried out by individuals alone.⁴

Our very individuality is constituted by institutions – these institutions recognise us as certain kinds of people, such as students, tax-payers, parents, 'the deserving poor', adults, etc. Furthermore, when we participate in institutions, we participate in recognising and constituting other people's identities.⁵ We define them, categorise them, treat them in specific ways, choose to ignore them or take them seriously. In turn, our identities are recognised by others. This can have a decisive effect on our social and political conduct.

An important part of our identity we claim for ourselves and which is recognised by others, is our rights and obligations. Rights are fundamental in human experience, and are therefore fundamental in politics. Rights involve those very intuitive, basic assumptions which people have about their own worth and identity. We can almost say that our notions about what rights we have is identical to our notions as to what kind of people we are. For example, a person's sense of identity and worth is construed around her notions of appropriate behaviour to others and treatment by them, whether in the role of academic, mother, voter, activist or consumer. This is what constitutes identity and individuality.

Furthermore, a system of rights is never static. We are constantly defining and re-defining our obligations and entitlements. Rights are inherently related to social *interaction*. In fact, the terminology of rights is often misleading. People use the term to imply a 'thing', which a person has or does not have. Yet rights are only effective to the extent that they are *exercised*, in relation to others. The term 'rights' should possibly not be used as a noun at all.

In a modern society, we claim rights as individuals (as opposed, for example, to feudal societies, in which people had rights as serfs or as lords). The concept of individual rights denotes a certain kind of *social action* – the kind of action which intrinsically respects other people as equals.

We do not intrinsically have rights as individuals. We only have them because we exist in a modern society, and other people respect our rights. Let us take an example. 'Having a right to free speech' is meaningless if no-one recognises it. In fact, if I am constantly prevented from voicing my opinion (as many women often experience), I may begin to abandon any notion of having such a right at all. 'Having a right to speak' only makes sense to the extent that people respect my right to speak, and actively make room for me to speak (whether I choose to speak or not). Freedom of speech means nothing if I am alone on a desert island, or if I am constantly treated as if I do not have a legitimate right to speak. Exercising a right is inherently a social activity with people who understand and respect rights.

The implication is that political and social *practice* matters as much as the specific end states people would like to bring about. There is an important sense in which the *way* in which people act politically is as significant as the actual ends they achieve. Politics is about action, interaction, and the exercise of rights within a social context.

The project at hand is to think about civil society in such a way that we can conceive the fullest form of rights and citizenship appropriate to South African conditions – and then to derive the kinds of

institutional practices which would sustain these rights. Rights only make sense within the context of social institutions, ranging from the family to the university, the trade union and the government. Exercising my right to vote only makes sense in the context of a parliament, different political candidates, a meaningful choice between candidates, a voter's roll, and all the paraphernalia present on polling day. Exercising my right to speak only makes sense if there are appropriate mediums of communication, or if organisational procedures give people a meaningful opportunity to speak.

Only if institutions are characterised by *civility* can we produce a society of citizens in the full sense of the word.⁶ Ralf Dahrendorf defines the term 'civility' to refer to certain qualities that should apply to both the state and civil society. An ethos of civility, built around the concept of rights, will contain at least two important values.⁷ The first is the vague but powerful idea of human dignity: any treatment of other people, which does not recognise them as full members of the human community, is profoundly unjust. The second is the idea of political equality: the weaker members of a political community are entitled to the same concern and respect from their government as the more powerful.

If both civil society and the state recognise these fundamental values, it means that they will not be opponents; they will both participate in generating an ethos of civility for civil society to have any serious meaning at all.

In South Africa, the implementation of these values will probably be a long and confusing process. We need to spell out what civility should entail in a divided society such as ours. Civility can be elucidated under the headings of (1) community-building, which concerns the relationship between members of civil society, and (2) 'civilising the state', which revolves around the relationship between individuals and their government. Using a geometric analogy, the first relationship can be characterised as a 'horizontal' one, while the second can be described as 'vertical'.

The first dimension: building communities

Let us first explore the horizontal dimension of civility. South Africa is at present a very fragmented society and polity. Over the years, several quite distinct 'civil societies' have emerged, despite the fact that they are functionally related (at the workplace and in the market). These 'civil societies' must be knitted together into one integrated society.

The problem of community-building is that it is not at all clear which groups of people can be considered to constitute a 'community

The question of urban citizenship may serve as an example. Citizenship of the towns and cities has always been unclear because black residents were subjected to the principle of temporary urban residence (after the Stallard Doctrine of 1922). Even within the urban black population, different categories of citizenship (and non-citizenship prevailed). Certain black residents were only allowed into the cities on the basis that they sold their labour; on the other hand, many blacks had section 10 rights which protected their right of residence in the cities. In the mid-1970s, black urban residence rights became even further eroded when the homeland policy caused many black people to lose their national citizenship – only to regain it ten years later.

The urban policies implemented since the 1920s have created different conceptions of rights, obligations and entitlements in the cities. For some local white leaders, it is clear that towns and townships have to be re-united into single non-racial cities; for more conservative whites, however, such an idea is anathema. Simultaneously, black civic associations are animated by an inclusive and populist definition of the community. The UDF, MDM and ANC-oriented township organisations have made strong claims for inclusive urban communities – to the extent that even homeland areas (such as Mdantsane) and semi-rural areas (such as Moutse) are being included in their conceptual delimitation of the cities. In fact, since many civic associations advocate the principle of urban residence as a qualification for citizenship (as opposed to property-ownership or participation in the local economy) it is even possible that many unemployed immigrants from neighbouring countries will qualify as full citizens in the urban polity.

The questions now being asked about urban policy fundamentally involve disputes about the nature and limits of 'urban communities'. Who is entitled to receive the money generated by the CBDs? Who has the right to decide how the city's revenue is distributed? Do new immigrants to the city, many of whom have never held a job there, have a right to decide how the city's money is spent? On the other hand, should the wealthy white suburbanites, who have had preferential access to local government finance for many decades, have a right to continue to voice their own interests in this regard? What are the rights of property-owners, vis-a-vis the homeless?

The question of community membership is both fundamental and problematic. It is fundamental because rights are inherently social, and only make sense within a context of community. At the best of times, the term 'community' is a slippery concept in the language of sociology and political science. 'In its most general form it implies a shared identity or common interest which may be based upon almost

any characteristic. We speak of the Catholic community or the black community; and in another context there is a community of chamber music enthusiasts'.⁸ Boundaries of communities are blurred and overlap, and they differ for different people.

The very definition of a city presupposes notions of citizenship (who belongs to the political community, i.e. the polity), and therefore implies notions of rights (who is entitled to what). It is in this way that we determine who are insiders and who are outsiders or foreigners to the community. Delimiting 'community' is extremely hazardous in South Africa today. Until now, whites liked to think that their cities consisted of white people only, while blacks lived in some kind of social and geographical no-mans-land. In response, blacks' demands for full inclusion in the urban polity have become ever more strident. To put it in the language of the French revolution: it is not simply values of equality and liberty that we now have to address, but that of *fraternity* as well. Who exactly are the citizens of (say) Johannesburg, and what does their citizenship really mean?

This is a very profound problem. Whites' reluctance to amalgamate town and township is only too painfully obvious. They regard the process with anxiety and resentment. Because of this, there is the constant suspicion on the part of black civic associations that they will be cheated of the full fruits of their struggle. The lack of an overarching 'city loyalty' means that people's membership of the city is of less symbolic significance than their membership of a political grouping or a race group. What is remarkable about South African cities is that there is very little middle ground, no established classes or groups with a shared civic commitment. For example, there are no shared rituals or symbols which provide some demonstration of civic unity. In most white towns, for example, black participation in town festivals is usually absent; the induction of a new mayor is purely a whites-only affair; and even desegregated facilities are often not utilized by all members of the community. To put two provocative examples: how many white urban residents are prepared to defend the *right* of blacks, especially the poor and homeless, to be part of the city, and to share its resources? How many urban black and white residents feel a sense of shared interests, which need to be defended against the economic rivalry or political encroachments of other cities?

This lack of urban civic unity is due to inherited racism, cultural differences, and material inequality. One way to address this problem is to consider the question of rights. We need to find ways in which members of the various communities in South Africa can experience each other as *rights-holders*. They also need to experience this in such a way that people begin to see that (many of) their rights are broadly compatible. In other words, to the extent that people from the different

racial and class groups have co-operative experiences and shared action, *where they collectively exercise their rights*, or find acceptable compromises between competing rights, they will feel secure in their own citizenship and unthreatened by that of others. At one level, white homeowners and black shackdwellers have conflicting interests; but effective political rights should be institutionalised in participative planning agencies which can creatively attempt to reconcile those interests.

The crucial question is how to create institutional practices, i.e. organised co-operative actions, where people can begin to comprehend their rights and then act on them. Social conflict is not inherently problematic and need not be eliminated. Dahrendorf maintains that conflict has a potential for progress – ‘but to be fruitful, conflict has to be domesticated by institutions’.⁹

Civilising the state

At the same time as building a sense of shared citizenship, we have to consider the ‘vertical’ relationship between the state and the citizens. In this section, I will argue that the defence of civil society against the state will not necessarily be achieved by weakening the state. It is the *nature* of the relationship between state and society which will protect civil society.

In a rights culture, the attitude of the government to its citizens will have to take account of at least two principles. First, living according to the precepts of a rights culture is not an effortless affair. ‘The institution of rights against the Government is not a gift of God, or an ancient ritual, or a national sport. It is a complex and troublesome practice, that makes the Government’s job of securing the general benefit more difficult and more expensive . . .’¹⁰ All kinds of new moral and practical quandaries will arise. For example, the principles of affirmative action and the right to civil disobedience will probably come to the fore, together with the complex arguments which they entail. Often people’s rights compete; for example, the right to speak and the right to be protected against defamation cannot always be easily reconciled. This means that governmental decision-making will be slow; and proper institutions to debate these issues will have to be created and made accessible to citizens. Rights are seldom clear-cut and uncontroversial. A culture of debate and argumentation is necessarily part of a rights culture.

Furthermore, the decisions taken with due regard to people’s rights are not necessarily the most practical or efficient courses of action. ‘There would be no point in the boast that we respect individual rights unless that involved some sacrifice, and the sacrifice in question must

be that we give up whatever marginal benefits our country would receive from overriding these rights when they prove inconvenient.¹¹

Nor should we imagine that the implementation of a rights culture is always popular. As Dworkin warns, with almost prophetic significance for South Africa, 'The existence of rights against the Government would be jeopardized if the Government were able to defeat such a right by appealing to the right of a democratic majority to work its will. A right against the Government must be a right to do something even when the majority thinks it would be wrong to do it, and even when the majority would be worse off for having it done . . .'¹² In South Africa, this claim is not a defence of white minority privilege; it is a recognition of the importance of rights in an indeterminate future, in which alliances may shift, interests may change, and new groups find themselves in the roles of minorities. Such an open-ended future implies that a culture of tolerance must be established, in which the rights of unpopular individuals or unfashionable minorities are respected – not because they have any specific significance or merits, but because they should enjoy the same rights as everyone else.

It is easy to flaunt the rhetoric of rights. In practice, however, sacrifices are often involved. To take rights seriously, and to put up with the frustrating practicalities of their exercise, citizens need to be quite clear why a culture of rights is maintained at all. For Dworkin, the rationale for rights involves the twin values of human dignity and political equality; in a divided country such as South Africa, we can add that community-building will require a people's shared experience as rights-holders. The ultimate value of a rights culture is a specific social ethos, a culture of civility in which the way in which things get done – the dignity with which individuals are treated – counts as much as *what* actually gets done.

Another implication of a rights culture for the relationship between government and citizen is that innovative measures may be required to ensure an *effective* exercise of rights. In a highly unequal society such as South Africa, the problem of extreme poverty must be addressed – not only for its own sake, but because poverty affects people's effective exercise of rights. The notion of rights is central to the problem of poverty. Structures of privileges and entitlements obstruct the distribution of resources and goods. 'Entitlements' are socially defined means of access, i.e. the entry tickets to citizenship, markets, jobs, the vote. 'Entitlements draw lines and constitute barriers',¹³ and determine people's life chances. Whereas increasing levels of material prosperity increase the stock of goods, their

equitable distribution depends on explicit or implicit *rights* and entitlements.

The reason for this is that the development of suitable social and governmental institutions is the main requirement before meaningful improvements will take place. We need to evolve institutions which can accommodate effective popular participation in both the legislative and executive activities of the government and which can protect individuals' participation in the economy and in social life.

This would mean a drastic change in the style of governing to which we are accustomed. For example, instead of a technician and exclusive planning process, a much greater level of popular participation could be activated. Citizens could express their interest in local matters by creating action groups formed either around a particular service or with a general concern for a very localised area. There are several different kinds of participation, including the following:

- 1 Neighbourhood action groups may seek to influence existing political processes by putting pressure on representatives and councillors;
- 2 Area-based neighbourhood councils can be established. Their functions need not be legally determined, and could include almost anything the residents are concerned about, including commenting on local plans, cleaning up the area, dealing with traffic problems, organising social events, protesting about bus routes and publishing newsletters¹⁴; and
- 3 Participation can be encouraged in the planning activities of the local municipal bureaucracy itself. Permanent negotiating forums can be established for each major function of local government. Interest groups, political parties and other institutions would be represented, alongside the officials from the departments concerned.

Associational life in civil society would be boosted by recognising the importance of interest groups. Bringing organisations closer to the distribution points of government resources, would encourage innovative individuals to form pressure groups and bargain for what they consider to be their entitlements. People would develop a more effective conception of their rights.

Participatory administration may also address the problem of social integration. It was said, above, that conflict can be fruitful, but only if it is domesticated by institutions. Institutions can provide safe spaces for conflicting interest groups to express their needs and accommodate them. *People need to become comfortable with the idea that the exercise of rights by others is not inherently threatening to their*

own rights. In addition, participatory planning would assist in distributing prosperity, because it would provide effective 'entitlements' to resources.

It is worth noting the importance of government in this process. Once again, we should not conceptualise civil society and the state as entities in conflict. In fact, the very way government acts can stimulate social groups to organise themselves in order to exercise their rights.

Achieving a culture of civility: the primacy of politics

For Hannah Arendt, politics is not about achieving the implementation of pre-designed ideal solutions. Instead, politics is about action and inter-action. We need to create public spaces, where people can see and be seen, acknowledge and be acknowledged by each other. Public spaces exist where people are gathered to listen to one another, such as parliaments, students' unions, workers' councils, university senates, boards of directors, or even tea-time gatherings. By speech, debate, discussion, persuasion and the exchange of views, people simultaneously sustain such a public space, and re-inforce their own and their companions' sense of being worthy participants with recognised rights. By participating in this process, citizens establish the reality of the shared world and build up their faith in one another.¹⁵

'Public spaces' may be very fragile. Their existence depends entirely upon the participants: they create and destroy it by what they say and how they say it. Encouraging others to speak will create such a space; whereas mocking other speakers, trivialising them, ignoring them and intimidating them will destroy it. Public spaces can never be fully institutionalised. Although formal devices such as rules, rituals, appointing a chairperson, and advertising meetings will help to create public spaces, it is ultimately the actual inter-action of people which provides its essence.¹⁶

Associated with public life is an ethos of civility. Qualities such as respect for human dignity, equality, impartiality, imagination, judgement and thought, are cultivated through constant participation in debate. Reason and debate thrives on difference and disagreement:

The commitment to a public way of life implies that a citizen values public life, is concerned about the world, places communal well-being above his own, finds joy and happiness in debating and acting together with his peers, respects them and their views, loves freedom, considers his dignity violated if decisions affecting him were made without his participation, takes sustained interest in his community's affairs, has the courage to act when necessary . . .¹⁷

It is significant that 'public space' is not limited to government and the conventional political sphere. It can occur in any locale where the participants gather in order to resolve social issues by means of genuine debate. However, according to Arendt, the public space provided by the political community – that is government, parliament, city councils and political parties – has a solidity and durability lacking in other organisations. The public space in the political community is the bulwark of public spaces in other areas and the source of their strength and vitality:

The political sphere sets the tone for the rest of the community, it nourishes public spaces in other areas of life, and provides them with a hospitable framework within which to grow and flourish. ... Politics is the dramatic and most tangible manifestation of the community's commitment to a public or participatory way of life . . .¹⁸

According to Arendt, if a community conducts its collective affairs publicly and fosters a vigorous public life, its members will develop a taste and passion for participating in smaller associations.

In the light of these arguments, let us consider the 'vertical problem' between citizens and government once again. In terms of Arendt's view, the state-civil society distinction loses much of its significance. Instead, we should distinguish between public/political activities and private activities, or, expressed differently, between those that engender debate and those that are aimed at other pursuits. *The crucial point is the nature of the action, and not the locale where it takes place.* Politics does not refer to the state as such, but to a particular manner of constituting it and conducting its affairs. Politics can take place in government, as well as in social and community organisations; similarly, non-political pursuits (such as promoting one's own material gain) often takes place in governmental settings. To strengthen civil society, we need not limit the state. What we need to do is to create a culture of civility and public life *in both the sphere of 'civil society' and the sphere of 'the state'*. We need to establish a culture of rights by opening the state to full popular participation and by creating a free and vibrant communal life. Politics is concerned with constructing a truly participatory polity and civil society.

We should also consider the problem of community integration from this perspective. For Arendt, a political community is 'organised political space', a common commitment to a political way of life. This can be formalised in a written constitution. It also requires its own territory, a 'home', where people can put down roots. A physical space allows a community to grow, experiment with political institutions and ways of life, and to regulate its membership. In

addition, a sense of community is engendered by some visible and identifiable manifestations, such as monuments, statues and commemorative buildings, which are deeply meaningful to the members of that community. In sum, genuine politics is a deeply communal activity – but based on individuality and difference, regulated by rights. It is only through people exercising their rights that communal life will be prevented from collapsing into totalitarianism.

Conclusion

It seems that the debate about civil society should not be reduced to a conflict between the imperatives of the state and the dynamics of civil society. Instead, we need to emphasise an overarching ethos of civility, which will encompass both the state and civil society. Such an ethos will be produced by meticulous attention to civil, political and social rights, exploration of the notion of citizenship and by developing public spheres where genuine politics can take place. In this way, we will simultaneously address the vertical relationship between state and citizen, as well as the horizontal relationships between citizens in an integrated community. Worrying about civil society is not appropriate; if we address our attention to rights and genuine political conduct – both in government and in communal life – then ‘civil society’ will look after itself.

NOTES

1. R. Dahrendorf, *The Modern Social Conflict: an Essay on the Politics of Liberty* (New York: Weidenfeld and Nicholson, 1988), p. 35.
2. As used by R. Dworkin, *Taking Rights Seriously* (London: Gerald Duckworth, 1977).
3. R. Dahrendorf, *The Modern Social Conflict* (1988), p. 44.
4. C. G. Gould, *Rethinking Democracy: Freedom and Social Co-operation in Politics* (Cambridge University Press, 1988), p. 49.
5. M. Frost, *Towards a Normative Theory of International Relations* (Cambridge University Press, 1986), p. 167.
6. R. Dahrendorf, *The Modern Social Conflict* (1988), p. 24.
7. G. Dworkin, *Taking Rights Seriously* (1977), p. 198.
8. N. Boaden *et. al.*, *Public Participation in Local Services* (London: Longman, 1982), p. 36.
9. R. Dahrendorf, *The Modern Social Conflict* (1988), p. xii.
10. R. Dworkin, *Taking Rights Seriously* (1977), p. 198.
11. R. Dworkin, *Taking Rights Seriously* (1977), p. 193.
12. R. Dworkin, *Taking Rights Seriously* (1977), p. 194.
13. R. Dahrendorf, *The Modern Social Conflict* (1988), p. ii.
14. N. Boaden *et. al.*, *Public Participation in Local Services* (1982), p. 47.
15. B. Parekh, *Hannah Arendt and the Search for a New Political Philosophy* (London: Macmillan, 1981), p. 96.
16. B. Parekh, *Hannah Arendt and the Search for a New Political Philosophy* (1981), p. 96.
17. B. Parekh, *Hannah Arendt and the Search for a New Political Philosophy* (1981), p. 139.
18. B. Parekh, *Hannah Arendt and the Search for a New Political Philosophy* (1981), p. 136.

Civic Associations as Autonomous Organs of Grassroots' Participation

Thozamile Botha

The unbanning of political organisations on 2 February 1990, the exploratory talks between the African National Congress (ANC) and the National Party (NP) government and, the repeal of some of the laws which constituted the main pillars of apartheid, have altered significantly the contours of the political map of South Africa. The ANC has emerged as an alternative centre of power around which the hope for the future lies. This new situation is a product of the relentless struggles and campaigns which have been and continue to be waged by the oppressed people within the borders of the country, the armed struggle which has been waged by the liberation movement and the support of the international anti-apartheid forces in pressuring and isolating the apartheid regime.

Since the unbanning of political organisations and the release of Nelson Mandela and other political leaders, the ANC and the NP government have been involved in exploratory talks which are expected to lead to serious constitutional negotiations. This situation has meant that the entire democratic political movement and sectors of civil society have had to pursue a new strategy by shifting rapidly from protest and confrontational politics to politics of transformation and reconstruction. The impact of this initial transitional stage has been more immediate and visible at the level of civic associations and black local authorities (BLAs). This is because of the specific campaigns which have been organised at the grassroots level in recent years.

Since 1988, the state has been forced to place firmly on its agenda the issue of single non-racial local authorities. The 'open city' campaign which gained momentum in 1988, especially around Cape Town, Port Elizabeth and Johannesburg called for desegregation of hospitals, schools, transport, housing and recreational facilities. In addition there has been an increased demand for non-racial residential land in urban areas.

Following the collapse of many BLAs, the state has been impelled to negotiate interim local structures with the civic associations which are virtually ruling the townships in some parts of the country.

However, the intensity of the repression prior to 2 February, almost eliminated the capacity of the civic associations for developing the necessary skills to understand the technical aspects of local government. They lack administrative, technical and management skills. These are the skills currently required in the process of local negotiations in order to translate the fighting slogans such as 'open city' and 'single tax base' into reality.

For the civic associations, the events after February 1990 have opened up new frontiers of struggle. Not only are they required to fill the vacuum left by the collapsing local authorities, they are also expected to deal with transformational issues which will impact on constitutional changes nationally. Essentially this new role played by civic associations implies a redefinition of their identity in the transition period and, probably, in post-apartheid South Africa.

But the real challenge facing the civics and the rest of the democratic political movement, especially the ANC and its allies, in this whole process is to ensure that the benefits of the many years of struggle will, in significant ways, accrue to the majority of the oppressed and exploited masses. Therefore the negotiation strategy even at the local level has become a site of struggle.

After 2 February 1990 civics renewed the campaign for the resignation of black councillors. In addition, there has been a call from the ANC and civics for the state to allow space for the creation of local elected interim assemblies to negotiate ways and means of restructuring the apartheid cities and towns in accordance with the principle of non-racialism. The Johannesburg/Soweto Metropolitan Chamber represents an agreement between, on the one hand, the Transvaal Provincial Administration (TPA), the Johannesburg City Council (JCC), the Soweto BLAs and, on the other, the Soweto People's Delegation (SPD). Although the Metropolitan Chamber is not elected, it is an example of what future interim assemblies might look like. In other areas, these interim local bodies include the white business sector as well.

However, a civic association is not only a collection of individuals; it also has within its fold (and liaises with) professional bodies: traders' associations, cultural clubs, schools, hospitals, clinics and old age homes. Furthermore it liaises with trade unions and parent/teacher/student associations on major campaigns in their localities. Although these sectoral organisations are not structurally accountable to civic associations, they are expected to consult with them on public projects. Similarly, where an initiative is taken by civic associations, they have to consult with specific interest groups before major decisions are taken. By virtue of their being able to organise across the political spectrum, civic associations are in a good position to mediate

the competing interests of organisations of civil society. In short, a civic association embodies competing interests of civil society while remaining free of state control and independent of political organisations. But it should be noted that civic associations are themselves a terrain of contest for political and ideological hegemony. It is for this reason this paper will argue that civic associations can only enjoy relative autonomy from political organisations.

We will return to this point about the autonomy of civic associations later. For now suffice it to say that the identity of such an association cannot be determined purely by the interests of a single political or ideological hegemony. The dominant political positions within a civic organisation may be altered by a shift in the balance of forces within a particular geographical area at any given conjuncture. In the post-February 1990 period this uncertainty as to the identity of civic associations has posed a dilemma.

The dilemma raised by the notion of autonomy has two aspects. The first aspect relates to whether civic associations are independent of the democratic political movement. The major question is: what is meant by autonomy? The second aspect is that civic associations, while campaigning for the resignation of councillors, increasingly participate in joint interim structures with the existing local, regional and provincial administrations. In some instances civic associations have had to take over collapsing councils. Can civic associations maintain their independence while working in these joint interim structures?

The main focus of this paper is to examine the thesis that civic associations are autonomous in relation to political movements and local authorities, that is, the state.

But given that civic associations are generally regarded as organisations of civil society it may be appropriate to first examine briefly what is meant by civil society in the South African context.

Civic associations as a component of civil society

This section examines the theoretical conceptions underpinning the relationship between civil society and political society.

Civil society can be conceptualised as the matrix of private organisations, standing outside of state structures and political parties, which embody different, often opposing, special interests and as the institutional arrangements which sustain the autonomy and the capacity of these organisations to act in furtherance of their interests.¹

The institutional base of civil society was eroded by state repression and coercion before 2 February 1990. However, civil society continued to exist with limited operational space. If the

intention of the state was to destroy it it certainly did not succeed. Having made this point we can now return to the relationship between civil society and politics.

But first we need to understand what characterises political society. In this dichotomy between political and civil society there is the temptation to conflate class factors with socio-cultural considerations. There are at least three ideal types of citizen awareness of, and potential influence on, the political process.

1. The *parochial citizen* has little or no awareness of politics or his or her relation to it.
2. The *subject citizen* is conscious of the output side of politics but has little influence on input.
3. The *participant citizen* is oriented to both political inputs and outputs.²

It can be argued that South African civil society also embodies these elements. Budde notes that while all political cultures are a mix of these three types of citizen, only the 'civic culture' blends and balances these elements in such a way that effective and stable democracy can be maintained. By implication the political society alone is unable to maintain a balance among these three types of citizen. If this set of categories is true for South Africa, is its 'civil culture' capable of blending and balancing the three elements? [By political society in this case we refer only to political parties and broad political forces excluding state institutions].³

However, returning to the civil/political society dichotomy, the argument that authoritarian societies are characterised by the absence of democratic procedures in political society is an interesting one.⁴ The absence of these democratic procedures leads to sectors of civil society constituting themselves politically.⁵ In this case, 'civil society' becomes fused with 'political culture', thus making the distinction between political and civil society quite difficult. But, in contrast to Shubane, I would not say that this leads to the abolition of civil society, instead the institutional interests of organisations of civil society become transformed in the context of political discourse. But this still does not explain how civil society can be differentiated from political society.

This issue is addressed by Professor Jakes Gerwel when he talks about the relative autonomy of civil society. His thesis has implications for the characterisation of South Africa's civil society both before and after 2 February 1990. He writes:

The relative autonomy of institutions of civil society and the meaning and the content of the concept 'autonomy' represent issues which are going to be central in our debate about building and establishing democracy in our society . . . At this stage . . . I merely wish to make the point that the argument for autonomy does not mean that the shaping, the making, the changing and remaking, the development, the operation and function of civil institutions (and that includes universities) are independent of, or divorced from, the political forces in that society. On the contrary it is exactly in its essential interconnectedness with those forces that the concept of autonomy assumes meaning.⁶

In essence, Gerwel argues that society has to be analysed in the context of both the concrete political environment and the historical development of the entire socio-economic setup. In the transition period, especially for purposes of reconstruction, the autonomy of civil society cannot be conceived of in absolute terms, it is relative.

For this purpose it should suffice to characterise 'relative autonomy' as implying the ability, within a democratic environment, of institutions and social forces to articulate their institutional interests and aspirations within generally accepted political, cultural and ethical boundaries. John Keane⁷ argues that civil society is inherently pluralist. This is so precisely because the ability of an organisation to achieve its ideal objectives is constrained by other competing institutional interests. Modern societies are characterised by a complex array of private institutions, professional bodies, business associations, trade unions, housing associations, residents' associations, burial societies and individuals. This host of private bodies is positioned between the political parties (or movements) and the state. But of crucial importance is that there exists an inter-connection between civil society, political society and ideology.

Organisations of civil society may or may not articulate their immediate institutional interests for various reasons. They may emphasise political issues at the expense of their institutional interests as was the case with some black trade unions. They may even associate with the state as has been demonstrated by the Dutch Reformed Church in South Africa. This need not mean that they abandon their own interests. These positions may change with time as civil society is susceptible to political, economic, cultural and ideological influences.

Therefore, there is no *a priori* truth that organisations in civil society will always support strategies or programmes of particular political social forces. This perhaps explains D. Omar's concern, expressed at the Western Cape Civic Association Conference, where he urged civic associations to make their members aware of what is 'happening and make a political stand and play a political role consistent with the interests of the working masses'.⁸

Wilton Mkwayi, addressing the same conference, elaborates on Omar's point. In fact, he clarifies the social identity of civic associations when he says:

We need civic associations to act independently in the interests of the communities they represent. But in the same way that trade union branches are stronger when they act together, so civic organisations are stronger when they unite.⁹

In this case the unity referred to is not just within the civic associations; it is also between them and the rest of the democratic movement seeking to advance their cause. If civic associations are comparable to trade unions it makes sense that they are concerned generally about their members. But their effect goes further than that, as Keane puts it 'they also nurture and powerfully deepen the local and particular freedoms'.¹⁰ This is necessary to strike a balance between the political and ideological objectives of the state, political parties and institutions of civil society.

As watchdogs and initiators, civic associations ensure that power does not reside only with the political parties and/or state organs; the people have to be empowered. Civic associations can only succeed in this task if they retain their relative autonomy from political organisations and the state. But the freedoms they cherish have to fall within broadly-negotiated political boundaries which are never static.

To test this theoretical analysis, the next section will empirically examine the relationship between civic associations and the democratic political movement beginning with the events preceding 2 February 1990.

Civic associations and the political movement

The events of the 1985–6 period, the early years of the State of Emergency, were ably summarised by Pallo Jordan as follows:

The epicentre of the revolt was Sebokeng, from whence it spread first to the Witwatersrand then to South Africa's industrial heartland, the Vaal Triangle. It reached its initial high point in November 1984, when a two day strike on the 5th and 6th involving 800 000 workers and 400 000 students brought industry to a stand still. After a brief down turn over Christmas, the revolt spread farther afield, first to the Eastern Cape, then in quick succession overtook all the major urban centres outside Natal. By the end of 1985 it was endemic. During the first six months of 1986 the pace quickened. In addition to a number of smaller industrial actions, three very successful stay-at-home strikes were waged. It was only after the military occupation of the townships that the pace slackened and the situation became relatively stabilised.¹¹

The uprisings of 1984 to 1986 throughout South Africa were sparked by the 'Koomhof Bills', which were drafted by the state in an attempt to entrench apartheid policies in African townships. One of the most contentious measures became the Black Local Authorities Act of 1982. In coloured areas, the state made preparation for the tricameral elections following the 1983 Constitution. Both political and civic bodies were mobilised to oppose these elections and the Bills.¹²

From the late 1970s, civic associations not only opposed community councils, they challenged the very laws upon which such bodies were founded. For example, in 1979 the Port Elizabeth Black Civic Organisation (PEBCO), (now the P.E. People's Civic Organisation), called for a single municipality for the city of Port Elizabeth and rejected the community councils (in charge of African townships) and the white municipalities (in charge of white local affairs). PEBCO's aims included a commitment to fight discriminatory legislation, to seek participation in all decision-making processes, to fight for African freehold rights and to resist attempts to deprive Africans of their citizenship. Thus it can be seen that from their inception civic associations tackled both local problems and issues with national political implications. In due course, local demands assumed a national dimension.

The second form of struggle which characterised civic activities from 1979, was the dialectical relationship between broad based political struggles and the workers' struggles at the point of production. Civic associations broadened their frontiers with campaigns in support of trade union strikes. The 1979 Ford workers' strike, the Cape Town red meat strike and the Fattis and Monis strike are early examples of the link between community struggles and strike actions. Civic associations took the view that the socio-economic problems facing workers in the community, *inter alia*, inability to pay rent, educate children, provide decent shelter, were the effects of the exploitative social relations of production. With the involvement of civic associations in labour struggles, it became relatively easy to take the economic struggle beyond the factory gates. Hence the broadening of the trade union frontiers of struggle beyond the boundaries of economism.

The economic frontier included stay-at-homes, consumer and rent boycotts, and workers' strikes. As Jordan¹³ puts it, the rent boycott became the chief detonator of local conflagrations. By 1986, it was estimated that in 54 townships an estimated 6 500 households were withholding rent. Rent was the main source of income for the BLAs. The boycott denied councillors access to the financial resources needed to run the townships, resulting in the collapse of many BLAs.

The situation was exacerbated by an ANC leaflet which called on people to: '... make the apartheid system more and more unworkable and the country less governable . . . to replace the collapsing government stooge councils with peoples' committees in every block which could become embryos of people's power'.¹⁴

In the spirit of rendering all state institutions unworkable the people forced BLA councillors to resign. There were effective rent boycotts combined with consumer boycotts the length and breadth of the country. The boycott strategy as stated above was designed to deny the puppet state institutions much needed resources. Describing the situation in Kagiso the *Sunday Star* stated that:

A Council administers the townships and though some members have resigned, it at least functions which cannot be said of a number of townships across the country. But the talk in the townships is that the people who are actually maintaining law and order in Kagiso and Munsieville are the 'comrades' and many residents, young and old alike, freely express gratitude for what they see as their sterling work.¹⁵

Furthermore, explaining the interconnectedness of the political, economic and community struggles, one Mamelodi civic activist said:

We want to make sure that we work closely with all other townships in Pretoria and the factories. . . . We need to start questioning how the factory is run, how profits are being shared, who owns the company.¹⁶

To start questioning how factories are run and how profits are shared not only suggests a dialectical link between the community struggles and the economic campaigns mentioned above, it also means that capital should be interested in the quality of life of its employees. It should contribute to their health care, education, housing and general welfare. But if the workers through the trade unions are not involved in the formulation of company policies and if the civic associations are not aware of the amount of tax which companies pay and which are used for providing social facilities, tension may ensue.

In line with the linkage strategy, the 1985 Eastern Cape consumer boycott was intended to compel the white business community to distance itself from the apartheid state policies. The cumulative effects of the black consumer boycott forced the Port Elizabeth Chamber of Commerce to pressure central government to release community leaders and to withdraw troops from the townships.

However, although the social forces behind the boycott of white commercial business were united in their purpose, motivations were different. For example, the black traders associations whose businesses were boosted by the boycott of the white commercial sector, joined the campaign for two reasons, viz, to serve the political

objectives of the democratic movement, and to advance their own sectional interests. In other words, the co-option of autonomy by the black traders to the political movement wittingly or unwittingly has been compensated for in economic terms.

Any institution of civil society which seeks to advance interests other than its own, may risk losing its natural constituency or grassroots support. As Swilling put it with respect to civic associations:

... once community organisations have created a mass base, this base needs to be sustained over time by winning, through struggle, short term gains that improve aspects of daily living. That is, real material concessions are required to demonstrate the benefits of collective action.¹⁷

The material demands made by civic associations include, in the short term, efficient delivery of services by the local authorities, protection of poor communities against state victimisation, efficient and affordable transport and availability of educational facilities. In rural areas, it includes agricultural land, dips, dams, roads and so forth. The long term demands cover the democratisation of all local institutions of state, the end to mass removals, access to building land, repeal of all discriminatory legislation and the establishment of a single non-racial municipality in each city or town with a single tax base. Historically, campaigns have been initiated by the political organisations, trade unions, civic associations and other grassroots organisations aligned with ANC policies.

After 2 February 1990, there has also been a noticeable shift towards political non-partisanship among civic associations following the unbanning of political organisations and the establishment of the ANC and Pan Africanist Congress (PAC) branches and regional structures. This is associated with a new emphasis on the political autonomy of civic associations. At the Mamelodi Civic Association Annual General Meeting in October 1990, the ANC, PAC, and Azanian Peoples' Organisation (AZAPO) shared the same platform at the invitation of the Mamelodi Civic Association. This was done in the spirit of maintaining neutrality.

The question of the autonomy of civic associations was again pertinently raised at the joint ANC and Centre for Development Studies (CDS) Conference on Local Government held in Johannesburg from 4-7 October 1990. According to the report of the conference, one delegate from the Transvaal questioned the rationale behind the ANC organising such a conference which had on its agenda the issue of negotiations at local level. The delegate could not

understand why, given the ANC's support for the autonomy of civic associations, it had not left the civic associations to organise such a conference themselves. In the same vein, the fact that ANC branches in some regions had been involved in meetings with local authorities without the participation of the local civic associations was also questioned. Concern regarding the relationship between the civic associations and ANC branches has been shared by other regions as well.

This reveals a dilemma facing the political movement. It signifies that, during the transition period, some of the relationships which were taken for granted before 2 February 1990 might undergo transformation.

Perhaps this explains why, in his address to the ANC Conference on Local Government, Comrade Walter Sisulu, member of the executive committee of the ANC said, 'We need to consider new forms of partnership between state, private sector and for lack of a better word, the community or non-government sector'.

Nevertheless, events will continue to impinge on organisations of civil society and the political movement – hence their autonomy cannot be absolutised. The notion that civic associations are autonomous of political organisations and state organs has to be seen in relative terms, which would be an outcome of negotiation between civic associations and other organisations of civil society, the political movements and the state. It is an autonomy which is determined by a configuration of factors internal and external to the specific institutions of civil society, at any given moment.

The relationship between civic associations and state institutions

Since 2 February 1990, areas of consensus among a number of non-government bodies, parastatals, local and provincial administrations and civic associations have emerged. This has become visible in the support for the establishment of single, non-racial municipalities. This consensus derives from a general recognition, as argued by David Schmidt,¹⁸ that South Africa's ability to build an effective non-racial democracy depends upon its ability to transform the cities.

But more importantly, the demand from civic associations, the United Democratic Front (UDF) and the ANC for the 'open city' or 'one city, one non-racial municipality' and, the pressure on local councillors to resign, has been gaining momentum. The 'open city' campaign entails the abolition of the Group Areas Act, deracialisation of all public facilities and residential areas, and the creation of 'local interim bodies' in the transition period. In many areas the rent boycott

and refusal to pay mortgages continue to cause problems for the local councillors and building societies respectively.

The call for a single non-racial local authority has been echoed by some white municipalities and parastatals. The Cape Municipal Association openly called for a system where all racial groups could vote for a single local authority.¹⁹ Eskom stated that electricity supply authorities can only provide electricity to townships in an adequate manner if they are structured across racial boundaries. The Urban Foundation in one of its policy documents state that 'the racial base of the [government] structures is at odds with the realities of emerging, economically integrated and growing cities.'²⁰

Local negotiations usually concern rent arrears, electricity provision and new ways of governing the city including the idea of a single tax base. The negotiation between the SPD and the TPA has been a landmark in this regard. It has been followed by a number of other local initiatives. Until the ANC/CDS Local Government Conference in October 1990 there was no agreed national framework for local negotiations.

In June 1990 the NP government presented the report of the Thornhill Committee for comments from local authorities and other concerned bodies. The state considered this as a framework for local negotiations. The report proposed negotiations by leaders of all races in each city for a new local government system. Towards this end, five options were put forward:

1. Racially separate municipalities. These will be allowed only if each municipality within the city is financially viable. If cities opt for separation, the white city will have to transfer some funds to black areas and some business areas will be included in the black municipality. Thus white areas which opt for segregation will not escape financial responsibility.
2. Local services committees. These are separate local authorities but with a joint 'services council' administrative body. This option is similar to the present Regional Services Council (RSC) system, but on a city-wide basis.
3. Neighbourhood committee system. This will be a common local authority made up of non-racial geographically-based neighbourhood management committees with a single tax base and administration. This is meant to allow richer communities some power to control their own affairs.
4. Majority rule municipalities. This refers to single municipalities elected on a common voters roll, which could be qualified by minority protection.
5. Other option. This would allow any combination of the above or any other local negotiated model.²¹

Following these recommendations, the state encouraged the town/city councils to consult with black community groupings on these options. The state strategy was meant, among other things, to separate local negotiations from the national constitutional arrangements in order to provide white communities an opportunity to opt out, thus protecting 'group rights'.

These proposals were systematically rejected by the UDF, ANC and the civic associations throughout the country. These organisations saw the regime as still trying to maintain apartheid through co-option strategies.

At the ANC/CDS Local Government Consultative Conference one delegate summarised the reasons for the rejection of the state strategy as follows:

1. The state seeks to defuse the political crisis at the local level which has been caused by the rejection of community councils and rural tribal authorities.
2. The state has been trying to defuse the financial crisis at the local level caused by the rent boycott.
3. The state has been trying to pre-empt negotiations at the national level by pressuring civic associations to enter into agreements about structures at the local level before anything has been concluded at the national level.
4. Negotiations at the local level would be to the state's advantage as our people are weak on technical issues.
5. The state is trying to introduce federalism as opposed to a unitary South Africa as suggested by the democratic political movement, the ANC in particular.²²

If the local negotiations went ahead without a clear national perspective there was a chance that white local authorities would take advantage of civic associations. National guidelines were needed on the following:

- definition of municipal/metropolitan boundaries;
- electoral system e.g. proportional representation;
- residential and agricultural land policies;
- the relationship between national, regional and local government; and
- financing of local authorities e.g. the tax system.

To make sure that even the poorly organised communities were protected against skilled municipal technocrats, the Local Government Consultative Conference recommended that negotiation be-

tween civic associations and the state bodies on the open city initiative should be at provincial or regional level. This Conference stressed the need for the creation of elected local interim bodies to work out the mechanisms of restructuring. This presupposed the dissolution of not only the BLAs but the white councils as well. To avoid collapse of services, the administrative staff should continue under the authority of the interim body during the transition period.

In the event of a BLA collapsing before the national guidelines were outlined or an interim body was set up, civic associations were given broad guide-lines as pre-conditions for taking over. Besides the need for the scrapping of all discriminatory legislation, it was also recommended that the civic associations should take effective action based on their judgement of the local situation. However, to do this civic associations would have to consult with the people they represented. Even more significant was the suggestion that civic associations should not simply adopt the institutions of the state. They would have to transform them politically, ideologically and culturally to serve the interests of the majority. In other words, state institutions would be democratised.

In the rural areas, it was felt that where traditional chiefs still existed and continued to enjoy the support of the local people, they had to be given space to operate. However, a need was expressed to separate state functions from traditional cultural activities. Because of the complexity of this issue, the conference felt more discussion was needed, which would include the National Council for Traditional Chiefs of South Africa (CONTRALESA), before any concrete recommendations could be made. The basic guiding principle was that there had to be a common measure of democracy throughout the country. The final local structure both in the rural and urban areas would be a product of negotiations.

It is against this background that the local joint interim structures which have been created by the civic associations, white councils, appointed administrators and provincial administrations should be viewed. These interim bodies are expected to be accountable across racial boundaries and to be guided by a democratically-constituted national assembly or interim structure. Before a national constituent or interim body is set up it is impossible to talk of a definitive local government structure.

Negotiations between civic associations and local authorities started long before the unbanning of political organisations. As far back as 1979 PEBCO sent a number of delegations to meet with the East Cape Administration Board to protest against rent increases, poor living conditions, the removal of Walmer township and so forth. However, PEBCO would not recognise the BLAs.

It has historically been the policy of civic associations to consult with state bodies while remaining outside of such structures. The SPD (Soweto People's Delegation) and the rest of the recently formed interim structures should be seen in this context.

The SPD was delegated by the people of Soweto to negotiate with the TPA (Transvaal Provincial Administration), the JCC (Johannesburg City Council) and the Soweto BLAs. Although initially the main issue on the agenda was the rent boycott, since 2 February 1990 the demands of the community have expanded to include:

1. The removal of racial local government structures and their replacement with a system of single tax base township and cities;
2. One person one vote municipal elections for non-racial municipalities;
3. All service charge arrears must be written off and the ownership of houses should be transferred to 'those who had paid for them';
4. All development schemes by the private and public sectors should have community participation.²³

In October 1990 the SPD agreed with the TPA, the JCC and three Soweto Local Authorities to form a Johannesburg/Soweto Metropolitan Chamber (MC). More concretely, the Soweto Accord agreed on interim tariffs, the writing off of the rent arrears and the stopping of the rent boycott. Unlike the earlier meetings which were only discussing delivery of services, the Chamber serves as an interim forum according to a draft constitution recommended by 22 local authorities and civic associations in the central Witwatersrand area. It will also investigate and formulate regional non-racial and democratic structures.

Cas Coovadia, the then Deputy General Secretary of the Civic Association of Southern Transvaal, said the formation of the MC was a result of the civic struggles waged over the years.²⁴ He warned however, that the MC should not be viewed as a policy making body, and it was not a model for a future non-racial local government. According to Coovadia, non-racial local government will only come through negotiations and discussions. This indicates that civic associations are not necessarily transforming themselves into local authorities but that they are seeking to ensure that democratic structures are established.

Associated with these interim structures is the campaign to force black councillors to resign. According to the TPA, there were only 390 councillors (out of 692) still serving in the Transvaal during 1990. 'Elected' administrators were given the task of running the affairs of

councils which became 'unofficial', i.e. failed to form a quorum due to resignations.²⁵

So far there are only two cases where civic associations have completely taken over a local authority, viz. Haarlem, a coloured reserve in the Western Cape and Alice, in the Ciskei. In both cases civic associations have appointed people within their own structures to run the councils while the civic association remains outside as a watchdog. These councils are accountable to the community through the civic structures. In essence, the civic associations have become 'local peoples' assemblies' where all issues affecting the community are discussed and the councillors are mandated to address them.

The ANC/CDS Local Government Conference in October 1990 explained the notion of 'local people's assemblies'. A local peoples assembly is an open forum 'convened by the civic associations and attended by all elected representatives of state institutions, community organisations, sectoral interest groups and service organisations'. According to the report, these assemblies should debate the policy proposals and programmes to be implemented in the community. Elected state representatives, through the assemblies, would be able to explain the extent of their adherence to the manifestoes that formed the basis of their election campaigns.

Although the report does not spell this out it can be assumed that the basic principles which will guide such an assembly will be enshrined in the proposed National Local Government Charter. The proposed Charter should include a set of principles to guide a democratic local authority and to ensure grassroots participation in decision making processes.

Although the idea of a local people's assembly may be new in South African community politics there are other forms of eliciting community views being employed. For example, following the Thornhill Committee Report, the Cape Town *ad hoc* Constitution Committee resolved to seek the responses of all the city stakeholders before it took decisions.²⁶ The interaction between the Council and different community groupings was based on certain basic premises such as:

1. Local government issues cannot be excised from the national negotiation process. Local constitutional negotiations should proceed within the parameters negotiated at the national level.
2. The City Council does not have the sole prerogative in determining the agenda or timetable of the process. Other stakeholders are equally important in determining the form and pace of the process.

All issues facing the future of the city are negotiable, including first principles such as the city's boundaries, constitutional structures, franchise qualifications and budgetary priorities. The Council consulted with an array of organisations including the Western Cape Civic Association, Ratepayers' Associations, Coloured Management Committees, the ANC, the PAC, AZAPO, the New Unity Movement, the Workers' Organisation for Socialist Action, the South African Municipal Workers Union (Western Cape), the Cape Town Chamber of Commerce and several other organisations. Each of these bodies were met separately to elicit their views on the issue of a single city. In its final recommendations the *ad hoc* Constitutional Committee took into account the collective views of these groups. From both talking to the officials of the Cape Town City Council and the Report of The Urban Foundation it has become clear that community involvement in decision making has become part of the culture of the Council.

But there are three weaknesses that can be detected in this approach. Firstly, consultation with individual organisations does not provide a formal forum where ideas can be exchanged openly and does not provide an opportunity for the community to bargain collectively with planners. Secondly, given that consultations take place with individual groupings, the risk of powerful and financially strong groups influencing decisions to the detriment of poor sectors of the community is high. Thirdly, the City Council might be able to meet only with the organised groupings and leave out a large number of people who are not organised.

In comparison, the notion of local people's assemblies reduces these risks as it enables both organised and unorganised groupings to have their case heard, in several ways; through the civic associations' mediation, and through ensuring wider representation at the level of local people's assemblies where the participation of less-organised groups would be encouraged.

In the rural areas it might be possible, through the local people's assemblies, to reconcile the interests of traditional structures of civil society (for example, traditional chiefs) with those of the civic associations and organs of state. These assemblies could help the council to reach quick decisions on prioritisation of needs against a backdrop of limited resources.

In this approach, the needs of the individuals and those of the groups which represent conflicting or contradictory class interests would have to be harmonised through a process of negotiation. The elected state representatives would have to put their policy suggestions before this forum before those policies could be considered for implementation. Negotiations should be aimed at reaching a point of

equilibrium on specific issues within a broad political and economic framework.

As these processes are likely to reduce the workload on the council, civic associations should be subsidised by the state to enable them to function professionally. Obviously, City Councils will also need technical advice from the community on certain policy areas. Therefore civic associations should have specialised committees in areas such as housing, welfare, planning, taxation and so forth. Organic service organisations, by which I mean those that are accountable to the community they serve, might be useful in this regard.

Conclusion

This analysis has attempted to draw a distinction between political parties (or politics in its narrow sense), the state and civil society. The analysis has shown that civic associations constitute part of the matrix of organisations of civil society. Yet, civic associations could also play the role of mediator between the competing interests of different organisations of civil society. The relationship between civic structures, on the one hand, and political organisations and state organs, on the other, remains a consultative one in which civic associations retain their relative autonomy. The specific form this relative autonomy takes at any given conjuncture has to be analysed in the context of the concrete historical and socio-economic environment.

Civic associations, like many organisations of civil society, should not take actions on behalf of the community without first fully consulting with all the bodies which are likely to be affected by such action. For example, negotiations on transport arrangements would have to involve all affected parties such as taxi associations, representatives of public transport, consumers, trade unions and all other interested groups.

While the individual group consultative approach has been acknowledged as one possible form of eliciting the views of the community, it has also been noted that it contains elements of exclusion. To avoid this problem, the notion of local people's assemblies has been proposed as a viable democratic forum where consultations and bargaining can take place between a cross section of interests. The assemblies would have to function within a broadly agreed socio-economic framework. However, the paper does not claim that local people's assemblies are capable of solving all problems of class and/or political domination. The forum provides an opportunity for the elected state officials to hear directly from the people what their needs are, and it gives the grassroots structures a

chance to question and put forward their own policy proposals. In this way it empowers people and it eliminates the possibility of exclusion.

NOTES

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5. M. Swilling, 'Participation in the political system', (1991). Also see Khehla Shubane's paper in this edition of *Theoria*.
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13. *Ibid.*
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Socialism, Democracy and Civil Society

The Case for Associational Socialism

Mark Swilling

Joe Slovo's article 'Has socialism failed?'¹ is a courageous and path breaking intervention that will mark the beginning of a thorough-going debate about South Africa's potential socialist future. It is however, only a beginning because it does not go far enough in its critique of authoritarian socialism. This is because Slovo has not made a clear distinction between the crisis of socialism and the crisis of statism.

If it can be demonstrated that socialism is not inherently statist, then the collapse of communist states does not necessarily represent a crisis of socialism. Instead, the demise of statism in Eastern Europe could make it possible to develop a non-statist and hence democratic conception of socialism. Only if we retain statist assumptions will socialism face an irredeemable crisis.

Marxists and social democrats have consistently identified the public good with the state. It is upon this simple couplet that the edifice of political theory is built. This identification has legitimised the actions of powerful élites in control of state power and has subordinated civil society.

In South Africa this identification is so subtle and so uncritically accepted that it makes it possible for the ANC to argue that the policy of nationalisation – i.e. state ownership – is derived from the clause in the Freedom Charter that says the wealth 'shall be transferred to the ownership of the people'. This jump from the 'people' to the state is only possible if 'the people' are synonymous with the state. The road from this to statism, history has proven, is a short one. Slovo, unfortunately, may have considerably lengthened this road, but he has not blown the key bridges.

To purge socialism of statism, it may be necessary to cease identifying the state with the public good; or, put less crudely, look elsewhere for the origins and constitution of citizenship. If this project is impossible both theoretically and practically, socialism will remain an inherently authoritarian doctrine.

Before proceeding, it must be pointed out that the New Right has come to the same conclusion as democratic socialists, i.e. that the state

can no longer be identified as the only source of the public good. And like democratic socialists they refer continuously to the need for an independent civil society. However, for them, anti-statism means leaving civil society to the mercy of the giant privately-controlled corporations who would like to deploy capital in the global village free of all social controls and constraints. This is not 'democratisation', it is the privatisation of authoritarianism that leaves civil society to the vagaries of the market and the power of private shareholders.

Classical liberal democratic theory was built on a fundamental strength and a critical weakness. Its strength was its acceptance of the right of a diverse set of interests to organise, associate and compete for public power. In other words, by institutionalising diversity, it created a democratic culture premised on pluralism. A culture of tolerance was premised on the morality that the greatest threat to democracy is the quest for certainty.

The weakness of liberal democratic theory, however, was to assume that only political life should be subjected to democratic rules and accountability. Economic relations were seen as private relations and not, therefore, in need of social control via socially-accepted rules enforced by the state and other public agencies. Out of this emerged the notion of the weak but accountable state coupled to powerful and unaccountable private economic power. In the end, the state regulated society and private capital exploited it.

The Marxist conception of socialism emerged out of the contradiction within liberal democracy between private power and public powerlessness. Socialism's overriding strength was its extension of the democratic principle to all spheres of society: political, economic, social, gender relations and, more recently, ecological.

To be a socialist today means, in essence, the acceptance of a conception of a society that believes that workers have a right to a say in how their workplaces are run, that patients can have a say in their health systems, students in their schools, senior citizens in their old age homes, women in their families, commuters in their buses, teachers in their universities, and of course, breathers of oxygen in their environment, and so forth.

But socialism's critical weakness was its reductionism. It assumed that all power relations were reducible to one single power relation, namely class. From this flowed the assumption that the elimination of competing class interests by the proletarian state would eliminate power and bring an end to politics and the state and usher in a classless utopia (i.e. communism).

This simple intellectual jump from reductionism to utopianism was driven by what liberal democrats had resolved would be nice but undesirable: the quest for permanent certainty. Seventy years of

socialism has brought home the devastating consequences of this mistake. To use Leszek Kolakowski's words: 'there is no reason to expect that this dream can ever become true except in the cruel form of despotism; and despotism is a desperate simulation of paradise'.²

In short, democratic theory accepted the uncertainty of pluralism but truncated the scope of democratic accountability. Socialist theory extended the scope of democracy but condoned the despotic consequences of utopianism by rejecting the uncertainty of diversity. This, in essence, is why democracy and socialism have come to contradict one another. If there is going to emerge a new democratic socialist alternative, it is going to have to be premised on the socialist conception of extended democratisation and the democratic acceptance of diversity, uncertainty and pluralism.

Starting first with the democratic component, it is possible to identify three elements of a democratic framework. First, democratic institutions and mechanisms will be required to guarantee the rights, liberties and entitlements of citizens. Second, maximum decentralisation and devolution of power must be effected. Third, an independent and robust civil society will be needed that is protected *from* the state and not just *by* the state.

To construct an authoritative (as opposed to an authoritarian) state, the most important democratic mechanism is the separation of powers at central level, i.e. separation between judiciary, executive and legislature with the judiciary having the right to judicial review in terms of an entrenched Bill of Rights.

An independent (and possibly elected) judiciary, a democratically-elected legislature and an accountable executive should be the foundations for citizen equality, majority rule, parliamentary sovereignty, voluntary association, accountable representation, unrestricted political choice, honest apportionment of votes, public disclosure, alternation between incumbents and challengers, legislative scrutiny of executive actions, democratic control of the security forces and so forth.

Rights can be divided into individual and collective rights. Individual rights should include things like *habeas corpus*; sanctity of private home and correspondence; right to a fair trial; freedom of movement, speech and petition.

Collective rights should include things like freedom from punishment for expressions of collective dissent, freedom from censorship of means of communication, freedom to associate voluntarily with citizens with common interests, and the right to minority protection against the abuse of power by majority interests. Socio-economic entitlements are also invariably collective rights.

Decentralisation and devolution to regional and local government

is the only way of placing the power to govern in structures that local communities can relate to and hence participate in. Centralisation leaves power in the hands of bureaucrats with national plans, to politicians whose interests are tied to reproducing their positions and to capitalists who are more able to lobby national governments than any other major interest groups outside the state.

Although the new Right also supports decentralisation because this breaks up the only power in society capable of matching large-scale capitalist power, for a socialist decentralisation will have to be reconciled with redistribution. This is perfectly possible if we have a national taxation system that redistributes tax income via local authorities according to a predetermined formula that can be set and changed only at the national level.

Finally, there is the question of civil society. Civil society has emerged as the code word for the associational life of a society that exists somewhere between the individual actions of each person (what some might call the 'private realm') and the organisations and institutions constituted by the state (or 'public realm'). It is where everyday life is experienced, discussed, comprehended, contested and reproduced. This is where hegemony is built and contested.

The new right, liberal intellectuals and even sections of the liberation movement are of the view that civil society should include the profit-driven, shareholder-owned, industrial-commercial sector. This author is of the view that a truly 'civil society' is one where the ordinary everyday citizens who do not control the levers of political and economic power have access to locally-constituted voluntary associations that have the capacity, know-how and resources to influence and even determine the structure of power and the allocation of material resources.

In a word, building a civil society is about building 'voice' at grassroots level. This is very different to what states and corporations do: states plan, allocate and build political power; private corporations accumulate wealth for the shareholders and balance this out against servicing their customers. Neither of them has a vested interest in building 'voice'.

Instead of being dominated by private capital or state-controlled agencies, civil society in many societies is structured around social movements, community agencies and development organisations which mobilise collectivities and communities around immediate local interests. Not surprisingly, these increasingly powerful forms of social organisation have resulted in a rethink that has begun to suggest that civil society, and not the state, should be the guardian of the public good.

Given that the essence of a civil society is a robust, locally-

constituted voluntary sector, six conditions for the strengthening of voluntary associations can be identified:

Voluntary associations should not be constituted by the state, nor should they be dependent on the state for their material survival. In addition, they may have alliances with political parties, but they should not be the instruments of these parties.

Large-scale businesses with their nationally- and internationally-structured organisations should not be the initiators and primary funders of voluntary associations. They are, of course, also in the business of influencing associational life through communication and marketing. But these associations should not be the source of their power and this is why they cannot be defined as voluntary associations.

Voluntary associations must have the capacity to articulate the interests of their members. This means that they must have the organisational infrastructure and necessary skills to be able to articulate in every possible way the interests of their constituencies. This does not only mean through such methods as mass action, which is still one of the most important methods. It means being able to articulate interests in ways that can appeal in all possible social forums: on the streets, in mass meetings, in conferences, the media and in the corporate boardrooms of state and business agencies.

Voluntary associations must have the capacity to negotiate. In a society of free associations, being able to negotiate to achieve objectives and acquire resources becomes extremely important.

Voluntary associations must have the capacity to govern their members. The Freedom Charter says 'The people shall govern'. This is normally interpreted in a narrow sense as being the 'political party that is supported by the people' shall govern. This narrow classical liberal conception of governance must be replaced with the notion that governance includes government by non-government organisations that have members who receive services in return for support and/or money. Whatever the case, these organisations must be capable of 'governing' the members or constituencies they represent by finding ways of resolving conflict, meeting needs or providing services before the formal legal or delivery systems are requested to carry these burdens. If they cannot command a collective loyalty, then their capacity to represent and negotiate is limited.

Voluntary associations must be horizontally linked. If the inherent localism of voluntary associations leads to fragmentation, then civil society will be weak. It follows, therefore, that voluntary associations must be horizontally inter-connected through coalitions, federations or fronts whose primary purpose should be the strengthening of local organisations.

It is now time to return to socialism. For some, being a socialist means having a critique of capital and a belief in international revolution. In this paradigm, the cause and the cure are separated in time. The programme thus must, by definition, require people to make commitments now for something that may not be immediately realisable. What is missing is the basis for approaching the real world today. While a critique of capital in society is an indispensable starting point, the approach that is common amongst those who still hope for a future that is not dominated by capital contains the following seven basic principles:

Firstly, the accumulation of capital must not be left to privately-owned businesses. Non-state co-operative ventures are the alternative. Where, however, private interests retain control of investment, their organisations must be subjected to democratic controls of some sort. Given that the deployment of investment determines where people live, how much they earn, what skills they have, how far they travel to work, where they spend their leisure-time and in what conditions they bring up children, socialists simply do not accept that private interests have a right to make these decisions without accounting to society.

Secondly, socialists believe that collective (not necessarily state) ownership and co-operative organisation yields a greater set of all round benefits than private ownership and the authoritarian management practices that usually (but not always) characterise capitalist enterprises.

Thirdly, socialists seek to promote democratic decision-making at every level of society.

Fourthly, socialists do not agree with the free market. An unregulated market tends to allow élites with resources to accumulate economic, political, social, cultural and technical power in a way that disadvantages the majority in all these spheres. The market, therefore, needs to be regulated or, to use an increasingly popular phrase, the market needs to be socialised.

Fifthly, socialists are committed to the equalisation of opportunity. They do not accept the individualised explanation of inequalities. Because inequalities are socially determined, society has a duty, via affirmative action, to redress unequal access to opportunities.

Sixthly, socialists would argue that economic systems should be organised in a way that invests huge resources in skills training so that as many people as possible can acquire the skills needed to diversify responsibility for the management and organisation of society in all spheres.

Seventh, democratic institutions of government are required to ensure the accountability of the state to a society of free individuals

and associations, i.e. a society where freedom and the public good are not defined and constituted by the state.

Towards associationalism and the importance of the local

From a democratic socialist perspective the democratic and socialist points of departure outlined above complement rather than contradict one another.

More important than the theoretical convergence, however, is where practically this convergence takes place in space. If we mix together decentralisation (or devolution), the importance of civil society, the need to control capital, democratic decision-making, collective ownership, organisation and self-reliance, what emerges is the absolute centrality and importance of the local as opposed to the national in the definition of planning units.

As far as civil society is concerned, the strongest and freest associations are locally as opposed to regionally or nationally defined. Neighbourhood, work, school, church, family relationships, property, cultural identifications and leisure activities are all locally constrained. Not surprisingly, therefore, voluntary associations are strongest at the local level even though strong regional or national coalitions will be necessary to underwrite and support the coherence of the local.

The interface between the state and civil society is via local government. If this is weak, powerless and manipulated from above, democracy and localism as a positive force breaks down. If this occurs, then, as Africa has shown, society could come to be structured via vertical linkages between central and local points of power via undemocratic relationships such as patronage and corruption networks.

If local government is strong and voluntary associations have greater political access to these institutions than does national government, horizontally structured civil society formations can help stabilise and democratise the governmental system as a whole.

Investment capital can be nationally and even internationally mobile, but if there is any substance to the commitments to reversing de-industrialisation, then again the local level – the level of the enterprise – is where this can most effectively be achieved. In contemporary economics and business strategy forums, there is much talk of industrial districts or regional economies. These refer to local areas where the major political, economic and civil society stakeholders come together into development coalitions in order to plan industrial and development strategies.

Using the new technologies to enhance backward and forward

linkages between enterprises into co-operative supply and distribution networks, and by coupling community and/or employee needs and interests to investment strategies, it becomes theoretically possible to limit capital's spatial mobility, regulate the market and increase social control over investment and production. This in turn, should increase the magnitude of non-profit capital resources, enhance participation and build regional co-operative relations based on organised interests. For all this to work, however, democratic and responsive local governments will have to be at the centre of the process.

In short, the image of economic relations that emerges from this is of a tripartite relationship between voluntary associations, local government and capital in all its various capitalist and non-capitalist forms.

The role of the central state in regulating these relationships at local level will depend on who is in power. But if a democratic socialist party is in power, its obligation would be to assist civil society via the fiscus, legal framework and policy process. If this party is not in power, then it will have to struggle within the existing constitutional constraints to build these kinds of relationships from below.

In the final analysis, what this society needs above all else is the space to expand and harness all its creative energies. But if the old racial authoritarianism is replaced by a new populist authoritarianism, then all that will be initiated is a new era of stagnant, unimaginative, fear-driven uniformity that will drive us head-long into yet another – albeit more spectacular – African failure. If we are to resolve our problems, we will need all the energy and creativity that we can muster. Everything must be done to build an environment that will promote rather than retard this. The conceptual framework that has been proposed in this essay is simply a contribution to the debate about how this can be done.

NOTES

1. Joe Slovo. 'Has socialism failed?' *South African Labour Bulletin*, (vol.14, no.6 February 1990).
2. L. Kolakowski. 'The myth of human self-identity: unity of civil and political society in socialist thought', in L. Kolakowski and S. Hampshire (eds), *The Socialist Idea: a Re-appraisal*, (London: Quartet, 1977), p. 35.

Bonaparte at the Barricades

The Colonisation of Civil Society

Steven Friedman

In historical struggle one must distinguish the phrases and fancies of parties from their real organism and their real interests, their conception of themselves from reality. (Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte*).

To take slogans seriously is to understand – and misunderstand – politics. The arrival of a slogan often heralds an important shift in political thinking and strategy. But to take the slogans at face value is often to misunderstanding the meaning of the shift, for they may not say what they mean.

So it is with 'the independence of civil society', a phrase which has gripped the imagination of left-wing intellectuals and has become common currency in the broad African National Congress (ANC) camp.

On the surface, this is a major breakthrough for non-Marxist and non-populist views of democracy. Definitions of civil society differ, but from liberals such as Edward Shils to Marxists such as Antonio Gramsci,¹ there is at least agreement that it encompasses that web of private associations – from a trade union or employer association through to a neighbourhood stamp club – which, in liberal or social democratic theory, are guaranteed the right to organise, mobilise and, if they wish, to influence decisions free of state control. To argue for civil society's independence from the state is surely to argue for the freedom to associate and speak as well as for the right of the organised citizenry to influence, and check the power of, governments.

The insistence on civil society's independence in South Africa also seems to break with a powerful strain in resistance rhetoric, which has often submerged or denied the wide range of differing interests and values among the voteless – and within society as a whole. Society was divided into the 'oppressed' and 'oppressor' and the resistance movement claimed to speak for 'the people'. It followed that, once the movement seized control of the state, the 'people' would have done so too. It is a short step from this to the claim that those who oppose the movement or the state it controls in fact oppose 'the people'. The concern for 'civil society' challenges this claim, by appearing to

recognise that 'the people' is composed of groups with differing interests and values who require the right to organise and speak independently of the state, even if the state is benign.

'Civil society' rhetoric also seems to question another assumption: that control of the state by the 'people's' movement would automatically entail development for 'the people'. It recognises that there are limits to what the state can deliver to the 'people' – and that the 'people' are not an undifferentiated whole. If 'civil society' requires independence from the state, it does so surely because that state, even if it is controlled by the 'people's movement', cannot represent all the interests of all its followers, let alone all its citizens. In principle, it demands acceptance of the diversity and pluralism whose recognition is crucial to liberal or social democracy.

Yet the shift may not be as total as it seems. While the current enthusiasm for civil society's independence is an important advance, it may be neither as total nor as democratic as the rhetoric suggests. Regardless of their motives, the advocates of 'civil society' in the resistance camp may be preparing the way for its subjugation in a new guise. They may prepare the way for a civil society starved of resources and power, colonised by an élite with close affinities to the state. If Louis Bonaparte desired, according to Marx, to 'steal the whole of France to make a present of her to France', civil society's new rulers may rob it of power and influence in the name of guaranteeing that which it takes. A Bonapartism forged at the barricades may prove little different from that imposed from the corridors of power. To illustrate this, we must examine the origins of the current enthusiasm in South Africa for civil society – and its likely effect.

Why civil society?

Ours is not the only society in which the idea of 'civil society' is enjoying a rebirth on the left. In Europe, both East and West, a challenging body of left-wing literature has opened a debate on the need and preconditions for a strong civil society.

It is stimulated by disillusionment with the role of the state as a guardian of freedom and equality. It reflects not only a rejection of state socialism, but also of social democracy, whose perceived reliance on an overweening and impersonal state to redress inequalities is seen to have deprived citizens of power and to have reached its economic limits. The new champions of civil society in Europe argue for a socialism which is not only compatible with pluralist democracy, but broadens and deepens it by empowering citizens organised into social movements.

A full discussion of these writings is outside the scope of this paper. But these advocates of an independent civil society do not ignore or reject the state, they seek its democratisation; with some limitations, they also see a strong, pluralist and democratic state as a *necessary* condition for their brand of socialism. They also recognise pluralism within civil society; socialists, they suggest, must work within civil society, subject to pluralist democratic rules – they do not insist that the social movements which they support and seek to strengthen are civil society itself.² The importance of this for our debate will be discussed below.

These currents have also reached our shores. But they have been underpinned by an important local political dynamic which is crucial to an understanding of the ‘civil society’ debate.

Events since 2 February 1990 have forced a reassessment in the ‘Charterist’ camp. Tensions within it have illustrated that it cannot be seen as a unified, organic, whole. The ANC’s December 1990 conference confirmed tension between the patrician style of the previously-jailed and exiled leaders of the 1950s and the activists who developed constituencies during the 1980s; the former were accused of ignoring the principles of mandate and accountability which had developed inside the country. This raised fears that unacceptable compromises were being agreed ‘over the head’ of the movement. The demand for internal democracy stems from middle-level activists who seek to widen the circle of decision-makers within the movement, not necessarily to devolve decisions to the grassroots.

This tension raised two fears among some activists. The first was that a post-apartheid state would make compromises with established interests which would dilute the power of the popular movement in that state. The second was that a settlement between resistance movement leaders and the present state would exclude many or most of those who had built bases in the factories and townships. In this context, the demand for an independent civil society offers a means of holding to account a state which might fall short of expectations –and offers activists who fear exclusion a power base from which to influence events.

Parts of the resistance camp accept that compromises will be made, but see these as inevitable reflections of the balance of power. Mark Swilling argues that the post-settlement state will reflect an ‘historic compromise’ which will limit its capacity to initiate development; it will also inherit a bureaucracy which will impose limits on its ability to transform society.³ In this context, a ‘civil’ society is needed which will carry on the battle that the state will be partly prevented from waging. Civic and ANC activist Gugile Nkwinti stresses the need to continue building ‘people’s power’, but in ‘civil society’, rather than the state.⁴

For Marxists, a theoretical rationale for this strategy is offered by Gramsci, who argued that socialism needed to win 'hegemony' over 'civil society' rather than to simply capture the state if it was to transform society.⁵ His work is open to differing interpretations. For Western European Gramscians, 'hegemony' is achieved by 'winning consent' for a world view through pluralist political activity.⁶ For one South African Gramscian it is achieved by establishing 'ideological and organisational leadership of the institutions of civil society'.⁷ The two are not necessarily incompatible. But, read in context, they seem to suggest very different strategies. The first implies an attempt to build a 'leading' coalition which sets the agenda for society; interests and forces which do not share the coalition's view continue to organise independently and compete for influence. The second limits civil society to a narrow set of institutions and implies an attempt to take over or colonise other institutions outside the state in order to establish 'hegemony'.

Two points flow from this. The first is that *the diversity which resistance 'civil society' rhetoric recognises may be not that of society as a whole, but of the movement*: it is a demand not for the independence of all interests within society but for all those within the movement. The second is that *it may reflect not a retreat from the belief that the movement can transform society on behalf of the 'people' but an attempt to pursue it by other means*. The South African version of the Gramscian programme may seek not to establish leadership over civil society in competition with other organisations and interests, but to take them over to establish the 'hegemony' which cannot be won by control of the state. Evidence for this is offered by a closer look at some current arguments for civil society's independence.

Who or what is civil society?

Activist calls for an independent civil society, and writings by intellectual supporters of the idea, suggest that they do not use the term in the same way as those outside the movement.

For Keane, civil society is all those institutions which are 'privately controlled or voluntarily organised';⁸ for Shils it is a realm of 'individual and collective activities . . . which are . . . not directed by the state'; their actions are 'freely chosen' or 'performed in accordance with explicit agreement among the participants'. There are differences between these positions, but both see 'civil society' as the realm of the voluntary: by definition, its elements do not have to meet any criteria to qualify for membership.

Advocates of an independent 'civil society' in South Africa's

resistance camp may be offering a far more restricted view. For them, it seems, civil society means only *some* organisations – those which emerged during the 1970s and 1980s as part of the broad ‘Charterist’ camp. A national federation of civic associations is needed because ‘civil society’ needs a vehicle.¹⁰ The same reason is suggested for forming a similar organisation to the United Democratic Front (UDF). ‘Civil society’ is often defined as that array of ‘grassroots’ organisations which formed the UDF.

This tendency to see part of civil society as the whole receives theoretical justification from Mark Swilling, who suggests that organisations must pass a test before they qualify. They must, for example, be ‘independent of big capital’, an odd qualification since business, as an organised private interest, is by definition part of civil society. They must also be able to ‘govern their members’; and they must be able to negotiate.¹¹ These may all be criteria for a strong civic movement, but not for membership of civil society. In one article, Swilling goes further – he not only offers criteria for selecting civil society but offers a list of its ‘pillars’. The chosen appear to be united solely by their allegiance to the ANC camp. For example, ‘progressive’ professional bodies are members but other similar bodies are presumably not. The Kagiso Trust is a member, but similar agencies are not mentioned.¹²

This tendency to confuse the part with the whole is also evident in Swilling and other authors’ interpretation of conflict in the 1980s. For Swilling, the conflict between the ‘Mass Democratic Movement’ and the state is one between ‘civil society’ and ‘political society’: this implies that the movement is not *part* of civil society or *active* in it, it *is* civil society.

This version of civil society, in which a part presents itself as its embodiment, stems partly from an assumption that ‘social movements’ are civil society itself. British socialists such as Keane see the strengthening of social movements *within* civil society as a priority; authors such as Mark Swilling seem to see those movements as the whole of civil society.

But there is more at stake. That part appointed to represent the whole has indeed operated within civil society, but for a purpose. Civic associations and the UDF mobilised in civil society towards a specific end – the wresting of state power. They did this, moreover, on behalf of a specific political movement: Patrick Fitzgerald notes that the Congress tradition ‘extend(ed) and deepen(ed) civil’ society by forming the UDF.¹³

It is legitimate – and made political sense – for the Congress tradition to mobilise within civil society as part of its attempt to achieve state power. But it is equally legitimate to ask whether, if and

when that goal is achieved, its adjuncts in civil society are likely to check or reinforce the state power they have fought to win. Since one part of the movement may control the state and the other will speak for civil society, it may be appropriate to see the independent civil society currently on offer as a hegemonic power annexing civil society on behalf of the movement, not as a guarantee of its independence. The part of civil society favoured by activists and intellectuals in the ANC camp is presented as a strong check on the influence of political leaders and movements over civil society. Given its origins, it seems more accurate to see it as the means by which particular political camps extend their influence over this realm. Swilling, for example, sees his 'pillars' of civil society playing a vital role in implementing an ANC government's development strategy.¹⁴ This seems to imply that they are to be vehicles for a state programme, rather than a check on it.

This must be qualified. I have argued that the section of the resistance movement which seeks control over civil society may differ from that part which is likely to control the state. Given the analysis argued earlier, it is also possible that the part which speaks for 'civil society' will demand, and win, significant independence from the state. But this will be autonomy for a part of a single movement or tradition, not for civil society as a whole. And it could well be won at the expense of the rest of civil society.

The new hegemony?

Some current writing on 'civil society' seems to confirm that a part may seek hegemony over the whole by colonising, rather than competing with, other voluntary organisations and interests.

Patrick Fitzgerald lauds an ANC attempt to 'weave diverse interests into the overall tapestry of struggle', a tactic which he sees as Gramscian. He notes that the ANC has sought to win over churches, professional groups, cultural and sports groups.¹⁵ Again, this is legitimate political strategy. But the objective is clearly not to encourage the independence of these interests, but precisely the opposite. 'Deepening' civil society may mean here an attempt to strengthen not its diversity and independence, but its uniformity and commitment to a single world view – one which may control the state from which civil society seeks independence.

The desire for hegemony is sometimes more explicit – and less consistent with democratic theory. The May 1991 edition of *Work in Progress* reports that analysts close to the civic associations believe that the state's insistence on negotiating local government systems with all interests is a 'ploy' to 'fragment township opinion' and 'dilute

the voice of its main opponent', the civic associations. This assumes that the civic represents all of 'township opinion' (in which case why does the state have other interests to include?) and that an attempt to include all of civil society is an attempt to fragment it. The rights which a part of civil society demand are clearly to be exercised at the expense of those of the rest.

The same article suggests another type of hegemonic drive. One civic association, we are told, now seeks to 'foil' the state's attempt to 'bring independent parties into talks' by co-ordinating these parties into a joint negotiation bloc. So interests which a moment ago did not exist are revived, provided they join the bloc organised by civil society's 'true' voice. The independence of 'civil society' may be recognised, but independence *within* it is denied. Membership is, it appears, permitted to any interest willing to subordinate itself to the hegemon.

Again, a qualification is required. The formation of alliances in civil society is not hegemonic; it is an essential strategy for any interest or movement which seeks to assemble a majority behind its position. But, where diversity of opinion or interest is presented as a 'ploy' to divide a presumed will of the township which is not demonstrated (how do we know the civic association represents the township?), the hegemonic drive is strong: to be independent is to collude with the state against 'the people'. This is a return to the claim that a particular movement is the voice of the 'people' (or 'civil society'); given our history, is it fanciful to imagine that principle being applied throughout civil society in order to subordinate it to a particular view?

A similar hegemonic project may be revealed by the stated desire of ANC-aligned 'civil society' formations to recruit members of all political movements. This seems to move away from sectarian politics. But it may also reject pluralism. Again, the issues must be clarified. Many or most voluntary associations seek as many members as possible; this is a key to effectiveness. But the civic movement's present attempts to recruit those with different political loyalties is made in a context: one in which civic movement strategists have argued that they should have special access to local government or special local powers because this will ensure that councillors are accountable to the 'people'. This met the obvious objection by white authorities that civic associations are politically aligned and that special powers or access would grant a section of the 'community' privileges others did not enjoy. The attempt to recruit members of all movements may seek to justify special status for civic associations on the grounds that the latter are 'open to all'.

But what about those who choose not to join? What if members of

rival movements decide – as many seem to be doing – that civic associations are irrevocably part of one camp and that, such rivals should form their own organisation? Pluralism, which advocates of civil society espouse, insists that they enjoy that right and that the civic associations compete with their rivals for influence. The attempt to absorb opponents into a single organisation, rather than recognising their right to form rivals, may seek to deny the diversity which prompts the different interests, values and positions to organise in ‘civil society’. The effect may again be not to strengthen civil society but to absorb it into a hegemonic, colonising, front.

Independence from the state?

A glaring omission in the ‘civil society’ theories discussed here is that they give little attention to its relation to the state – beyond stressing its ‘independence’ from it.

This is hardly adequate unless we assume that the state and civil society occupy separate realms. But civil society does not exist totally outside the state. Liberals and socialists point out that a civil society free of state regulation is neither possible nor desirable. Shils notes that, while a free civil society ‘lays down limits on the actions of the state’, it is ‘not totally separate from the state’ for, if it were, it would not be ‘part of society’. The state, he notes, ‘lays down laws which set the outermost boundaries of the autonomy of . . . civil society’.¹⁶ Keane argues that ‘precisely because of its pluralism, and its lack of a guiding centre, a fully democratic civil society [one not regulated by the state] would be endangered permanently by poor co-ordination, disagreement, niggardliness and open conflict . . .’ The state’s role is not an unfortunate limit on free civil society, but a condition for it: ‘sovereign state power is an indispensable condition for the democratisation of civil society’.¹⁷

A civil society which is strong simply because the state leaves it alone is an impossibility. To proclaim, as Swilling does, that ‘it is time to separate the public good from the state’¹⁸ is to advocate a programme which states such as our own have pursued for years. This must be a rhetorical flourish since he does see a relationship between his part of ‘civil society’ and the state. He suggests that it must ‘relate to the state at local, regional and even national level’.¹⁹ But the nature of that relationship is not explained.

It is worth spelling out two possible consequences of simply denouncing ‘statism’ and demanding civil society’s ‘independence from the state’. The first is that it could be read to imply the

renunciation of the right to influence or claim resources from the state, which may be very attractive to a future state élite.

An example of a civil society which is 'independent' in this way may be Kenyatta's Kenya, which may offer a guide to the direction in which some current civil society theories could lead. There, local self-help or 'Harambee' organisations, established to fight for independence, were allocated a development role by the Kenyatta government. Since the state lacked resources, the government urged communities to develop themselves through Harambee projects. They were largely expected to initiate development on their own and the result, predictably, was a distinct limit on their capacity to improve their situation. The state offered to partly fund Harambee projects which had already been launched but no guaranteed criteria were spelled out for funding; it depended on the ability of the local MP to extract aid from the central government. The result was a 'client-patron' relationship in which aid for development depended either on the MP's connections or his ability to win the central government's favour.²⁰

Here, too, there is a strong possibility that a majority government faced with development demands it cannot meet might want a civil society independent of the state, provided that the state is also independent of civil society. The result would be a civil society denied resources and power which would largely insulate the state from pressures. This does not seem to be what current civil society advocates want, but might well be what a post-apartheid state prefers.

The fact that the ANC (or any other party or movement) has endorsed civil society's independence does not mean that it accepts its right to influence the new state. But the idea of a strong civil society implies the right and capacity of associations to influence state policy and, indeed, to compete for control over the state. Current civil society theorists are vague or silent on this point: but, until they address it, they leave the way open for the state to interpret civil society's demand for independence in ways which would weaken both civil society and popular participation in a post-apartheid state.

The second possible consequence is that the demand for civil society's independence may be interpreted as a demand for freedom from rules imposed by the state. Two examples illustrate the point. The first is a claim by an SA Communist Party official that township 'self-defence' units would strengthen an independent civil society by transferring some policing functions to it.²¹ The second is the view of civic movement strategists that civic associations ought to enjoy a guaranteed role in local government – without competing in elections. In both cases, a role normally played by the state is to be

transferred to elements of civil society. This is presumed to enrich or extend democracy.

It is likely to do precisely the opposite. There are two reasons why functions like these are carried out by states. The first is highlighted by Keane: 'the competing claims and conflicts of interest generated by civil society could be settled peacefully only by means of laws which are applied universally. Since universal laws cannot emerge spontaneously from civil society, their formulation, application and enforcement would require a legislature, a judiciary and a police force, which are vital components of the state apparatus'.²²

The demand for civil society's independence could, therefore, imply a wish to be freed of restraints imposed by universally-applied laws and the agencies who apply them. The rationale for these laws is that they prevent a part of society claiming rights or privileges which belong to the whole; if parts of civil society are exempt, or take over these functions, a part will be free to impose its will on the whole.

Another constraint imposed by the democratic state is the insistence that decisions which affect all may be taken only by those who prove that they are representative. By winning the votes of most citizens, national or local governments show that they enjoy the support of the majority and are entitled to govern the nation or city on their behalf. Once this principle is weakened or abrogated, and decision-making powers are transferred to those who have not passed this test, there is no way of establishing that decisions enjoy majority support – or that the minority retain the power to contest decisions. Some demands for civil society's independence could lead to results in which organisations who do not have to show representativeness gain the power to take decisions on behalf of the entire society or city. A part will gain powers not conferred by election by the whole.

The problem created when representativeness is not required or cannot be established is shown by the difficulties which face current attempts to negotiate development with 'communities'. In the absence of legitimate and representative local government, it is impossible to establish which organisations speak for which parts of the 'community'. Claims by groups to represent 'the (entire) community' may go untested and negotiated development becomes a vehicle not for ensuring that cities determine their own future, but that a part determines it on behalf of the whole. This is not only a problem for democratic theorists: development negotiated in this way may prompt violence as excluded parts of the 'community' react to attempts to freeze them out of development and its rewards. The problem can only be resolved by agreed tests of representativeness; while interim measures are possible, they will be stopgaps until local representatives are elected in competition with others. To demand independence

from representativeness, which can be established best in the state, is to atrophy, not enrich, democracy.

Civil society's (relative) independence from the state is only part of the requirement for a democratic order. The relation between civil society and the state is symbiotic. A state in which power is allocated through free competition for majority support and social activity is regulated by rules to which citizens freely agree is essential to a strong civil society; the rules protect its diversity and the right of its elements to organise. The state may also allocate the resources – education is an obvious example – which the parts of civil society need if they are to compete for influence on equal terms. And civil society's strength rests partly on a right to influence the state, subject to universally applied laws, endorsed by the majority.

Nor is it accurate to see civil society as a realm of freedom, the state as one of coercion. The democratic state is not an independent leviathan imposing its will on society; it is a necessary guardian of civil society's strength and autonomy. To ignore this is to relegate civil society to impotence – or to doom it to colonisation by those unwilling to submit themselves to the disciplines of a democratic order.

Towards civil society

If part of civil society is assumed to be the whole – or, at the very least, the 'pillar' of civil society – analysis of its strengths and weaknesses, and of what is required if a strong civil society is to emerge, is distorted in two ways.

Firstly, it is assumed that the institutions needed to defend a strong civil society already exist. Swilling insists that 'the foundations for a well organised, innovative, committed and decentralised civil society are already in place'.²³ As indicated above, activists who see former UDF affiliates as vehicles for civil society take a similar view: behind it lies an assumption that civic associations and similar organisations are already representative of civil society. Secondly, the path to a stronger, more independent, civil society, lies simply in strengthening these organisations: Swilling urges 'donor agencies' to make resources available to civic associations and their allies in order to strengthen civil society.²⁴ Unlike some civic movement representatives, he does not suggest that it is already strong enough to defend civil society's independence (although, in colonial fashion, he does suggest that the leaders of civil society's 'pillars' are cleverer than the rest of us)²⁵ – but the problem is skills and resources; if civic associations and their allies acquire these, a strong civil society is likely.

The problem is, alas, more formidable since the 'fundamentals' of a strong civil society are nowhere near in place. Of Swilling's list of 'pillars', only the union movement has demonstrated a representativeness, reflected in audited membership lists. While it would be folly to deny that civic associations are influential, their representativeness is not demonstrated: indeed, to this author's knowledge, no civic has ever released membership figures. The sole test of support to which civic associations have been subjected is the ability of those in the Transvaal to secure residents' compliance with rent boycott settlements and few, if any, have succeeded.

This may be a result of a lack of resources or skills. But it may also reflect a more fundamental problem. A feature of civil society is its diversity: it is made up of competing and conflicting interests. These may coalesce on symbolic issues, such as 'national liberation', but on other issues – housing policy, say – the diversity of interests is so central that an attempt to ignore it inevitably excludes some at the expense of others.²⁶ It is, therefore, impossible for an organisation to represent 'civil society'. This realm is fully represented only when all its different interests and values are independently represented; and it is strong enough to resist colonisation only when all of these independent organisations are strong enough not only to defend their independence but to compete for influence.

As long as civic associations or other organisations seek to represent the whole of civil society – or the 'community' – the representativeness they claim will be illusory. And, as long as interests which lie outside the civic constituency are un- or under-represented, the full range of interests within civil society will not be heard, nor will they be strong enough to resist colonisation. Interest organisation outside the workplace remains weak and pressure to identify with symbolic camps obstructs the emergence of that range of independent and diverse organisations which are the essence of a strong civil society. In a context in which many of our people – in the countryside, in shacks or hostels – are unable to organise independently or effectively to defend their interests, the fundamentals for a strong and representative civil society do not yet exist. Nor will they be created simply by strengthening that part of civil society which claims to speak on their behalf.

To assume that the elements of a strong civil society are in place is to obstruct its emergence, which depends partly on recognising the diversity which current 'civil society' rhetoric obscures.

It depends also on recognising that civil society cannot be strong, pluralist, or free until the state is that too: this is why socialists such as Keane see the democratisation of the state as a precondition for the freedom of civil society.²⁷ A South African democracy without a state

strong and democratic enough to secure voluntary assent is an impossibility. For democrats, the goal is a democratic state *and* civil society. It cannot be achieved by exalting a part over the whole.

NOTES

1. See A. Gramsci, *Selections from Prison Notebooks*, edited and translated by Hoare and Nowell Smith, (Lawrence and Wishart, 1971), and E. Shils, 'The virtue of civil society', in *Government and Opposition*, (vol. 26, no. 1, 1991).
2. See J. Keane, *Democracy and Civil Society*, (Verso, 1988); J. Keane, (ed), *Civil Society and the State*, (Verso, 1988) and S. Hall, 'The state and civil society', in *The State and Society*, (The Open University, 1984).
3. M. Swilling, 'Political transition, development and the role of civil society', *Africa Insight*, (vol. 20, no. 3, 1990).
4. *Work in Progress*, (no. 74, May 1991).
5. A. Gramsci, *Selections From Prison Notebooks*, (1971).
6. S. Hall, 'The state and civil society', (1984).
7. K. Von Holdt, 'Insurrection, negotiation and "War of position"', *SA Labour Bulletin*, (vol. 15, no. 3, September 1990).
8. J. Keane, *Civil Society and the State*, (1988).
9. E. Shils, 'The virtue of civil society', (1991).
10. *Work In Progress*, (no. 74, May 1991).
11. M. Swilling, 'Socialism, democracy and civil society: the case for associational socialism', included in this volume. (1992).
12. M. Swilling, 'Political transition, development and the role of civil society', (1990).
13. P. Fitzgerald, 'Democracy and civil society in South Africa: a response to Daryl Glaser', *Review of African Political Economy*, (vol. 49, Winter 1990).
14. M. Swilling, 'Political transition, development and the role of civil society', (1990).
15. P. Fitzgerald, 'Democracy and civil society in South Africa', (1990).
16. E. Shils, 'The virtues of civil society', (1991), p. 4.
17. J. Keane, *Democracy and Civil Society*, (1988), p. 22.
18. M. Swilling, 'Socialism, democracy and civil society', (1992).
19. *Ibid.*
20. J. Barkan, (ed). *Politics and Public Policy in Kenya and Tanzania*, (Praeger, 1984). This example is also based on a seminar given by Barkan at the Institute of International Affairs, University of the Witwatersrand, 5 June 1991. The interpretation is my own.
21. A presentation by Jeremy Cronin to a workshop convened by the Project for the Study of Violence, (University of the Witwatersrand, April 1991).
22. J. Keane, *Democracy and Civil Society*, (1988), p. 22.
23. M. Swilling, 'Political transition, development and the role of civil society', (1990).
24. *Ibid.*
25. *Ibid.*
26. This argument is based on, and assumes, my 'Another elephant? Prospects for a South African social contract', in Centre for Policy Studies. *Policy Issues and Actors*, (vol. 4, no. 1, 1991).
27. J. Keane, *Democracy and Civil Society*, (1988).

Quixote at the Windmills

Another Conspiracy Thesis from Steven Friedman

Mark Swilling

A litany of errors, terminological inexactitudes and conceptual distortions begin in the first two paragraphs of Steven Friedman's critique of my analysis of civil society.¹

He has mistaken the intellectual positions (what he calls 'slogans') of a few civic leaders and progressive intellectuals as the views of the African National Congress or 'ANC camp'. It is worthwhile stating for the record that the ANC is yet to formally adopt the notion of an 'independent civil society', and there is plenty of evidence that many of its branches actively oppose the notion in theory and in practice. One example is an article by Blade Nzimande in the ANC mouth-piece, *Mayibuye*. Furthermore, many non-ANC ideologues in the Azanian Peoples' Organisation (AZAPO) and Workers' Organisation for Socialist Action (WOSA) camps are saying what Friedman seems to think is an ANC invention.

Friedman ends his paper by offering what he deems to be the conditions for a strong civil society. These can be summarised as follows:

- a strong democratic state;
- proven representativeness of groups like civic associations;
- a diversity of interest group representation.

Because none of these exist, Friedman concludes that the 'fundamentals of a strong civil society are nowhere near in place'. Part of his argument rests on the assertion that civic associations are very weak and not the basis for a strong civil society. If this was true, how can the following be explained:

- the existence of about 220 000 civic associations countrywide, several regional civic federations and a uniform value system and organisational structure;
- the recognition accorded to civic associations by the state and development agencies;
- the far-reaching re-organisation of local government that civic associations are negotiating in some 90 localities country-wide;

- The conclusion reached by analysts from Latin America, Africa, North America and Eastern Europe that South African social movements are probably the most well organised and effective in the world.

While completely accepting Friedman's argument that civil society and social movements are not synonymous, I must reject his dismissal of the social movements. Without them, the wide ranging diversity of less action-oriented civil society formations (such as burial societies, stokvels, religious groups, sport associations, etc) would have no capable community-level leadership to articulate general positions and negotiate local power with authorities and resources with development agencies. But the more significant question to ask is why Friedman obliterates space for these movements in his understanding of civil society. The answer goes back to his idealised application of John Keane² to the South African context.

Friedman's uncritical application of Keane's views (which were written from within a stable liberal democratic context) to an authoritarian environment sends us into a trap. If we accept Keane's notion that a democratic state is an 'indispensable condition' for a strong civil society, then what happens if the state is not in reality democratic? What happens if the state is indeed a 'realm of coercion'? Does this mean there will be no civil society? Who, then, will fight for democracy? What Friedman would like us to accept is, in fact, the ANC's official ideology: the state will construct a democratic framework and will be the 'guardian of civil society's strength and autonomy'. This utopian liberal democratic conception of the state would like formations within civil society to surrender their right to be their own guardians. If this happens, the single most important force for democratisation in the society will be left too vulnerable to wage the struggles over democratic values and procedures that are to come.

Because Friedman claims that there is no democratic state, proven representativeness or political diversity, he concludes that civic associations do not qualify to be strong civil society formations. But another reading may be more appropriate. If it is accepted that civic associations are not simply agents of a liberation movement, then it follows that they emerged primarily to address problems for which the state was not taking responsibility. In these terms, they emerged precisely because there was *no* democratic state. To resolve this problem they participated in the struggle for a democratic state.

Friedman's historical mistake is to equate civic associations with the United Democratic Front (UDF) by arguing that they 'mobilised in civil society towards a specific end – the wresting of state power'.

Friedman has chosen to ignore the fact that civic associations began to emerge *before* the UDF was formed. A substantial body of research³ has demonstrated that most civic associations first emerged to articulate grassroots grievances about socio-economic conditions. The UDF *did* try to connect these civic associations to a national political project, but this does *not* explain why civic associations emerged, why they did what they did and the nature of their leadership structure. In short, the UDF and civic associations were completely different organisational forms and had very different objectives: the civic associations directed their organisational efforts at local community problems; the UDF mobilised on the national level on political matters.

But given this, even if civic associations *did* mobilise to wrest state power, why would this disqualify them from membership of civil society? Friedman's implication is that any leadership that talks about state power must be more interested in its own power than in reflecting the demands made by its constituency for political rights – this was the mistake that General Magnus Malan, the then Minister of Defence, made when he said that 'for the masses in SA, democracy is not a relevant factor'.⁴

It follows from this that Friedman is again incorrect to refer to the *origins* of civic associations to support his view that they are the colonial agents of the new rulers. If Friedman is correct, how does he explain the attempt by some ANC branches in Natal to close down civic associations? How does he explain attempts by certain ANC elements to stop civic associations from negotiating at local level? How does he explain the fact that certain individual Eastern Transvaal ANC elements tried to prevent the formation of a regional federation of civic associations in their region? Quite simply, these conflicts cannot be explained if we accept the view of some people in the liberation movement that portrayed every organisation that challenged apartheid as part of that movement. Ironically, this is precisely the view that Friedman would like us now to accept.

As far as representativeness is concerned, Friedman contradicts himself again. He would like civic associations to prove representativeness when there is no institutionalised framework equivalent to the one that applies to unions within which civic associations can operate. In other words, the rule of law that Friedman correctly argues is needed before representativeness can be *truly* tested is absent. So what should civic associations do in this anomalous context? Should they wait for this before acting? Many have, instead, developed their own very sophisticated procedural mechanisms for dealing with this problem. This includes paid membership, voting rights for members only and delegated representatives to annual general meetings

(AGMs) from branches or block committees according to membership size. But more importantly, civic associations are actively involved in negotiating a new local government system that will include the objective procedures for determining representativeness of formations like civic structures. (A system for white ratepayer associations is already in place).

In the meantime, civic representativeness is being tested through civil associations' ability to deliver at the negotiating table. If Friedman's view that they cannot deliver is correct, why are so many officials in local authorities, the Transvaal Provincial Administration (TPA), parastatals and developers spending so much time talking to civic leaders? The answer may not always be that civic associations *can* deliver, but it certainly is true to say that the answer lies in the fact that these agencies have concluded that *no one else* can deliver.

As for the diversity question, Friedman's ignorance of the 'pluralism within civic associations' debate leads him to another mistaken conspiratorial conclusion about the civic movement. If civic associations were actively recruiting members of non-ANC political parties in order to broaden their power bases then Friedman's contention that this is yet another colonising strategy may have some evidence to draw on. Civic associations, however, are not doing this. Instead, they are inviting the leaders of all political parties to come and address civic meetings. The keynote speakers that were invited to address the 1991 AGM of the Soweto Civic Association (SCA) that was held at the Soweto Teachers' College included leaders of ANC, Pan Africanist Congress (PAC), AZAPO, Civic Associations of the Southern Transvaal (CAST) and the Inkatha Freedom Party (IFP). What possible reason could the SCA leadership have for doing this other than to confirm its principled commitment to pluralism and independence? In other words, the SCA did not go out to recruit members of other parties, it invited party leaders to address its *own* members to *broaden their conception of politics*. This is now common practice amongst civic associations across the country. There are, for example, civic executive members in the Western Transvaal who are open card-carrying members of WOSA and the recently elected assistant secretary-general of CAST is an AZAPO member.

Furthermore, countless civic leaders have actively prevented criminally-inclined, politicised youths from breaking up political meetings organised by the PAC and IFP. If civic leaders had not done this in Alexandra, Wattville, Soweto, Vosloorus and the Vaal, bloodshed in the Pretoria-Witwatersrand-Vereeniging region would have been much worse than it has been. So how much more evidence does Friedman need to convince him that pluralism is real?

What's left is to point to the most striking omissions in Friedman's

list of conditions. He never once mentions the capacity of civic associations to get certain things done in a way no-one else can get things done. Nor does he realise their urgent need for resources. So if we follow Friedman, what we should strive for are civic associations that must (a) wait for a democratic state to provide a regulatory framework, (b) prove who they represent, and (c) accept that they are one of many interest groups. Their capacity to organise, get resources, achieve goals, mobilise pressure, negotiate and express policy positions is, therefore, irrelevant. This view of things, in short, is effectively a call for the disbanding of the civic movement as it is currently organised.

As for Friedman's claim that this new notion of an 'independent civil society' is a breakthrough for 'non-Marxist and non-populist views of democracy', he has failed to notify his audience that authors like myself (whom he would probably label as 'Marxist') have been saying this for a decade.⁵

'Non-Marxists' have never referred to their conception of democracy in these terms. Instead, liberals have talked about individual rights and the market. If Friedman is telling us that these are equivalent to 'civil society', then with some dismay we should note that even *he* has noted that civil society is above all else about the associational life of society, i.e. the sphere of existence between the individual and the formal relationships structured by the market and the state (or law). But given the liberal myopia when it comes to anything beyond the individual, Friedman's conflation of the two is unsurprising. There is a short step from liberal individualism to Thatcher's view that 'society does not exist' i.e. only individuals are real. The concepts 'civil society' and 'associationalism' have emerged in direct contradiction to this neo-conservative trend and its corollary in statism that also denied society its rights. Friedman, however, seems ignorant of these distinctions.

But to lead us down the road to the sacred asocial individual of the liberal imagination, Friedman takes us through the conspiratorial corridors that left-bashers have stalked for decades: he wants us to believe that an elaborate and sophisticated conspiracy has been concocted by the 'resistance camp' that consists of a completely new language aimed at seducing entire social movements into a suicidal capitulation to the 'new rulers' in the name of their 'independence'.

In essence, Friedman sees the conspiracy as stemming not from the top leadership of the ANC, but from the more radical internal leadership who want to (a) maintain their 'power bases' and (b) achieve radical transformation by colonising the institutions of civil society. On one level this is a neat moralistic sleight of hand to denigrate what, in completely different terms, could be seen as a

strategy to legitimise interest-based leaders seeking to compete with a different set of interests – a process Friedman correctly regards as the essence of pluralism. But more significantly, Friedman assumes that a special intellectual rationale has been concocted to support this new bid for power.

Friedman's contention that the notion of an 'independent civil society' could be attractive to a future undemocratic state completely contradicts why I and others have argued for an independent civil society. Independence is not necessary for its own sake: it is a means to achieving, amongst other things, a democracy by creating checks and balances. It is also necessary for development because voluntary associations must be free to organise people to participate in the development process. To suggest that this notion could help free the state from its responsibilities contradicts the very reason for the existence of an independent civil society in the first place.

To reinforce the image of the power-hungry civic association, Friedman refers to two totally marginal views concerning defence units and the role of civic associations in local government. If Friedman checked his evidence he would find out how marginal these views really are. On the other hand, however, a slightly different reading of the issues Friedman refers to is also possible:

- (a) crime can only be effectively combated when communities take responsibility for monitoring and reporting on crime and for settling certain conflicts before these come into the formal judicial system;
- (b) local government can only work if communities actively participate in local government programmes and legal requirements.

These are perfectly normal requirements for a stable society and civic associations are actively involved in both activities. To misrepresent these activities in the way that Friedman does to suit his argument is to undermine these stabilising activities.

Of course Friedman is correct to criticise civic associations that want to become local governments by claiming to represent the entire community. Many civic associations agree with Friedman, but go further than he does. Not only do they insist on – and directly participate in creating – democratically-elected local government to represent the communities, they also argue that civic structures should be 'watchdogs'. Why do they insist on this? Unlike Friedman, civic associations have an accurate perception that the electoral process, as Friedman depicts it, is not inherently democratic. Elections are governed by rules set by people with interests. The art of gerrymandering is a perfect example of the way elections can be 'rigged' to suit

certain interests. In addition, it is universal wisdom that the better off classes in society tend to use the democratic process far more effectively than the poor who do not have ready access to the media, resources and skills. Voter registration in the United States of America was a grassroots organising campaign precisely because the elected representatives were *not* representative of the whole community. So instead of masking unequal power relations with the myth of the elected representative, the civic movement wants to ensure that democracy and the electoral process do, in fact, result in what Friedman simplistically assumes will be the case.

Friedman's criticism of my use of civil society is correct in one important respect: I have mistakenly equated social movements with civil society. However, to then argue that this was a conscious intellectual justification of a bid to 'seek hegemony over the whole' is quite unwarranted. I am completely opposed in my writing and my actions to the colonisation of which Friedman is correctly critical. In particular, I agree with Friedman's criticism of civic associations that claim to represent all township interests and I am well known for this. What Friedman has omitted to say, however, is that CAST has argued in negotiations with the TPA that it does not see itself or its affiliates as the sole representative of township dwellers. I agree with this recognition that no single movement can represent the whole. This is why civic associations have insisted on wide representation in negotiating fora.

Friedman accepts that free and voluntary association is the defining feature of civil society formations. Although small-scale owner/manager businesses certainly fall into this category, it is highly questionable whether large-scale corporate-owned factories and offices involve people in their systems on a voluntary basis. Wage labour for incomes that cannot cover the cost of family reproduction is not a voluntary choice. It is in fact a daily experience of exploitation for thousands of workers. This is why unions have emerged to challenge these corporations. It may, therefore, be more useful to make a distinction between the voluntary sector and the economic/commercial sector. The commercial sector is driven primarily but not exclusively by the risk and investment of the private shareholders of the profit-oriented enterprises that make up this sector. In addition, they operate within a market framework that is hardly free and voluntary when it comes to labour. These enterprises, in turn, establish a range of non-productive institutions that produce, formulate and communicate the ideas, symbols and values that this sector supports and requires.

In contrast to the commercial sector, the voluntary sector is value-driven. Value-driven organisations are constituted to provide a

service of a social nature in return for revenue that does not generate a surplus for private shareholders or any individual member of the organisation. These value-driven organisations have mushroomed around the world for three reasons: withdrawal of the state from service provision, economic recession in the 1980s and the transitions to democracy since the early 1970s. It is in response to the global non-state and non-market effects of these organisations that 'civil society' has emerged as a *code word* to describe these social forces. It remains, however, a task for the future to interrogate its utility as a conceptual tool and as a basis for action. Unfortunately, Friedman's conspiracy thesis asks the wrong questions and takes us no further in this endeavour.

To conclude, Friedman neglects the importance of the current formations within civil society that have articulated an important, albeit partial, set of interests. The question is why he has made such an effort to do this. One answer may lie in his throw away line to the effect that business is part of civil society. Given the huge resources big business has at its disposal relative to all the other civil society formations, to simply state that it is just another member of civil society completely ignores the fact that big business could very easily become – to use Friedman's way of thinking – the new 'colonisers' of civil society. If this were to happen, then the struggle for a genuine democracy will have failed. The prevention of a privatised authoritarianism disguised by liberalism must be as important as the prevention of an authoritarian populism disguised by nationalism. But until Friedman's conspiratorial myopia dissolves, he is unlikely to appreciate the power of this challenge.

NOTES

1. See S. Friedman, 'Bonaparte at the Barricades', in this volume.
2. J. Keane, *Democracy and Civil Society* (London: Verso, 1988) and J. Keane (ed), *Civil Society and the State* (London: Verso, 1988).
3. For example, M. Swilling, 'The UDF and township revolt', in W. Cobbett & R. Cohen, *Popular Struggles in SA* (London: James Currey, 1988), M. Swilling, 'Beyond ungovernability: township politics and local level negotiations', *Policy Issues and Actors* (1988) and J. Seekings, 'Township resistance in the 1980s', in M. Swilling, R. Humphries & K. Shubane, (eds) *Apartheid City in Transition* (Cape Town: Oxford University Press, 1991).
4. Interview with H. Giliomee, 'In gesprek met Genl. Magnus Malan', *Die Suid Afrikaan* (Winter, 1986).
5. For example, M. Swilling, 'Living in the Interregnum: civics, reform and living in the socialist alternative in SA', *Third World Quarterly* (vol. 9, no. 2, April 1987).

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