PART V

THE SPACES OF CIVIL SOCIETY

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CHAPTER 23

CIVIL SOCIETY AND GOVERNMENT

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Civil society and government have their own conceptual and institutional histories, and each of these histories has a foot in both political theory and social and political developments. New institutions, shifting boundaries, and novel interpenetrations of civil society and government are a constant, but sometimes these changes amount to transformative moments. One such moment came when perceptions of civil society shifted from negative to universally positive, and civil society came to be identified as a separate sphere from the economy and from government, cast as the terrain of genuine moral and social life. As a result, civil society often escapes the critical analyses that have been leveled at government. Civil society, not the state, is the bastion of utopianism in political thought today. This chapter surveys the shifting boundaries of civil society-government relations and underscores the potentially transformative move towards partnerships that reach into areas that were previously marked out as separate terrains.

1. Boundaries

Discussions of civil society and government pose difficult questions of boundary definition and boundary crossing. Assigning substantive purposes, designating the characteristics of their institutions, and identifying their shifting

boundaries pose many analytic challenges. Moreover, locating the boundaries between civil society and government inevitably reflects moral norms and political ideology, and has implications for law and public policy. In addressing these questions, we adopt the spatial metaphors that have become indispensable to thinking on this subject.

Viewed from the perspective of government, the state is the encompassing sphere, the higher ground, and the controlling institution. Government is the inclusive, putative authorized voice of citizens, and bears principal responsibility for activities that serve common purposes. By means of law and public policy, government creates the institutional framework, the space in which the groups and associations of civil society take shape and carry out their activities. Government assigns the elements of civil society legal status, rights, and responsibilities; it outlaws certain groups and criminalizes certain activities. Public law sets the terms of cooperation and the permissible terms of conflict within and between these groups and associations. By means of coercion and incentives, government cultivates, constrains, regulates, directs, and supports the entire range of institutions and associations that comprise social life. From this perspective, government is "prior" to civil society, and the elements of civil society are "secondary" or "intermediate" associations. In one formulation, government represents "the social union of social unions" (Rawls 1993, 322). As such, government must insure that the partial social unions of civil society are congruent with, or not dangerously in opposition to, the requirements of stable democracy, and towards that end enforce equal protection of the law and due process over and sometimes against civil society groups. From this perspective, the obligations of citizenship outweigh the obligations of association membership, and one task of government is to cultivate public, democratic norms and a commitment to public purposes. At the same time, in recognition of the fact that individuals and groups find their meaning in associations, and on the understanding that for some people membership has priority over citizenship, government should also attempt to minimize conflicts between the obligations of citizenship and the demands of membership, in particular the demands of religious faith (Rosenblum 2000).

Viewed from the perspective of civil society, associational life encompasses activities and commitments as various as are human needs and imaginations, extending far beyond the business of government and citizenship: "our interests, convictions, cultural, religious and sexual identities, status, salvation, exhibitions of competence, exhilarating rivalries" are played out in these partial associations (Post and Rosenblum 2002, 15; 3). From the perspective of members, these groups bear a resemblance to government insofar as they are "jurisgenerative." Whether they are conceived as voluntary associations or as ascriptive religious, cultural, or ethnic groups, they impose laws and obligations, assign members rights and benefits, decide on collective purposes, and do so by instituting their own structures of authority and forms of internal governance. Unlike government, however, associations are plural, partial, and particularist, and participation in these groups and

associations contrasts with singular democratic citizenship. They are partial in the sense that their membership is not inclusive, which is one reason why civil society is a terrain not only of myriad social differences but also of myriad inequalities. They are partial too in the sense that groups and associations do not occupy every moment or aspect of members' lives; men and women are also producers and consumers in the economy, family members, political actors, and citizens. Finally, associations are partial in that individuals typically belong to more than one group. They form multiple, diverse attachments over the course of a lifetime. Indeed, the possibility of "shifting involvements" and the "experience of pluralism" is a defining characteristic of life in civil society (Rosenblum 1998; Galston 2002).

This brief conceptual account brings us to the inescapable boundary question: what constraints should government impose on the formation, internal life, and activities of groups and associations, and what limits should it set to the authority that groups exercise over their own members and outsiders? In democratic theory there is general agreement that government cannot permit "greedy institutions" that take over every aspect of their members' lives or seriously inhibit their opportunity to exercise the rights and obligations of citizenship; the structure of exit must be deliberately constructed and enforced by law and made practicable by public provisions to meet the needs of those leaving closed communities (Warren 2009). Groups cannot, in classic Lockean terms, punish members (or outsiders) physically or by confiscating property. They cannot be permitted to act as private despotisms or to organize private armies. Less clear is the extent to which civil society is compatible with forms of pluralism that are closed and segmented such that society is composed of (often hostile) "pillars," or a collection of semisovereign ethnic, cultural, or religious communities, or some version of corporatism with fixed sectors.

In our view, some degree of fluidity, some mix of voluntary and ascriptive associations, must be present. "Escape from hereditary and ascriptive attachments (or their willing reaffirmation), the formation of new affiliations for every conceivable purpose, and shifting involvements among groups are essential aspects of liberty," Rosenblum writes (1998, 26). Exit from groups, if not costless, must be a real possibility. Where autonomy is accorded only to groups or subcommunities, and where government does not maintain personal legal rights and afford individual freedom of movement among partial associations, civil society as a conceptual entity hardly exists at all.

The boundary we have outlined, like every analytic approach to the subject, has normative and political implications. Government must be sufficiently strong and independent of civil society groups to maintain the conditions for pluralism and to insure that particularist and partial associations are not private despotisms. At the same time, civil society is inseparable from limited government and a degree of voluntarism and freedom of association. As members of groups and associations, men and women serve as countervailing forces against arbitrary or unlimited government intrusion on the internal lives, purposes, and organizational energy of groups; they must be on guard against even progressive, democratic colonization.

2. Civil Society and Government

The vision of civil society as an arena existing apart from, or antagonistic to, government propelled the concept's revival during the last years of the Cold War. In this capacity, theorists have frequently assigned to it two primary functions of particular importance to democratic viability. The first is as a sphere for popular resistance. The development of struggles against Soviet imperialism in Central and Eastern Europe led scholars and activists to develop its oppositional role as a "parallel polis" (Benda 1978), a site where some form of negative liberty might be distilled from an otherwise totalizing government hegemony. With open political opposition impossible, civil society came to be identified as an alternative source of struggle and solidarity. This image—the voice of an otherwise repressed mass bubbling up organically from below—became a feature of late-twentieth-century political theory, fueling efforts to make the concept portable to other parts of the world. In its role of empowering the powerless, civil society was also thought to perform a second, related function of organizing citizens for democratic participation. Political parties were only the most conspicuous vehicles for this task. Though a vast array of voluntary associations, groups might pool resources, fight for protection, and advance social policies. Particularly in the past, before they were given the vote, women and other marginalized social groups used associations to give themselves a voice that would not otherwise be possible through formal, political institutions (Kelley 2006). The voices of civil society spur popular discussion, turn the otherwise apathetic towards political participation, create democratic audiences, and demarcate deliberative spheres where policies, issues, and ideals may be affirmed or renegotiated.

As intermediaries between individuals and governments, voluntary associations may offer platforms for political participation, but this is not the limit of their function, nor need political advocacy, resistance, or agenda setting be their primary purpose. The ways in which group life intersects with political activity are neither clear nor predictable (Post and Rosenblum 2002, 18). Recent scholarship shows that in certain institutional, cultural, and historical contexts, civil society may have merely an auxiliary (Encarnación 2003) or even a negative (Berman 2003) role in democratization. Indeed in some circumstances, a once vibrant civil society may encourage an aversion to membership (Howard 2003, 124) or a "politics of antipolitics," with individuals living with their "backs toward the state" (Forment 2003, 438). That said, associations do provide a mechanism for political participation, raising crucial questions about the relationship between group membership and voice, the impact of unequal resources on political expression, and the multiple avenues by which organizations come to engage in political advocacy. Each of these areas reveals the complex and multivalent role that voluntary associations play; in finding their voice they simultaneously empower themselves politically and shape the identities of their members.

To begin, it should be plain that there is a direct relationship between associational membership and the voices that emerge from civil society. Thus, if

association is compelled or otherwise involuntary, its voice may not represent all or even most of its members, and altered membership may change the message and the messenger dramatically. In this way, involuntary or coerced membership in an association may represent a kind of compelled expression. While such a proposition is anathema to classical liberals, it must also be reconciled with the needs of certain groups such as labor unions, whose effectiveness depends on presenting a united front (Rosenblum 1998, 215).

Associational voice may be strongly impacted by direct governmental efforts. These efforts may aim at limiting voices that are deemed too powerful—exercising undue electoral influence, for example. It is precisely this question of influence that is at issue in the relationship between expressive participation and large aggregations of money. The discussion is often framed in terms of the corrosive or distorting influence that corporations or large nonprofit groups endowed with substantial resources are thought to have on the integrity of the political process (*Austin v. Michigan Chamber of Commerce* 660, 668). Such concerns had led to the curtailment of certain kinds of speech, particularly around electoral campaigns. Alternatively, government policy may aim at enhancing the resources and opportunities for civil society voices that might not otherwise be heard, with a view to promoting more equal and universal participation or improving public debate (Gutmann and Thompson 2004).

A third point involves the connection between individual and group viewpoints. As deliberative theorists remind us, neither member nor group preferences are prefixed or pregiven. Associations cannot, in short, be reduced to an aggregation of atomized opinions. Group self-understanding is variable, and internal dynamics are often unplanned. Both constitutional law and political theory have, at times, made the mistake of essentializing political voices. Juridical rulings have given priority to freedom for avowedly political associations, but in many cases, groups form without the intent of engaging in political expression, and it is only later that associations enter the political arena, after fluctuations in membership, the influence of outside events, or a confluence of other factors. Women's groups are a prime example. Often formed initially for the purpose of providing fellowship or advancing charitable works, by the 1970s and early 1980s some of these groups had adopted an explicitly feminist and highly politicized message (Evans and Boyte 1992). For many associations, political expression may only be a small component of their larger purpose or mission. A decision to take a public stance on an issue is, with few exceptions, not delineated in a group's constitution or other guiding materials.

But associational speech *is* a function of its composition, and for this reason it is important to clarify further what is meant by "voice." When associations "speak," their ideas do not float freely within an ethereal public sphere (Habermas [1962] 1989). Rather, voices are necessarily linked to particular individuals or groups. As a consequence, voice plays a central role in determining not only what we say in the abstract, but also how we are perceived by others and how we perceive ourselves—that is, how we become who we are. Even if membership regulations do not affect the objective content of a message therefore, they will surely influence its impact.

This conclusion points to a final connection between voice and membership. Associations and the expression they produce do not enter the world stillborn. Together, they create *influence*, serving, with or without intention, to convince, persuade, and otherwise affect persons and policies both inside and outside of themselves (Dworkin 1987, 10). The unpredictability of political voice on the part of associations whose core activities are only tangentially related to politics or advocacy, the close connection between voice and membership, and the vulnerability of both to government regulation or compelled association, lead us to suggest that a wide degree of latitude be afforded to groups to control their membership and affairs.

3. Civil Society as a School of Citizenship

Seeing associations as a resource for political participation, advocacy, protest, and resistance does not adequately take into account the citizenship functions of civil society groups. Claims for the positive moral effects of associational life are familiar, and in recent decades attention has turned to the role of civil society in reproducing democratic citizens. The perceived decline of democratic participation, the rise of personal identities defined as consumers as a result of market forces and popular culture, and egoism and atomism, combine to cast civil society as a democratizing antidote. For critical theorists, associations comprise a comparatively egalitarian public space for deliberation that clarifies and legitimizes public values (Baynes 2002). Others emphasize that when the internal governance of groups is democratic, members develop organizational skills, habits of decision making, and a sense of political efficacy. Those who see civil society groups as so-called schools of citizenship focus on an array of democratic dispositions and practices, shaped directly through education or indirectly through some "intangible hand" (Brennan and Pettit 2004).

Critics have tempered these judgments. First, as an empirical matter they observe the prevalence of uncivil society that challenges an indiscriminate faith in the democratizing potential of associational life. They point to groups and associations that are dedicated to advocating and enacting discrimination and other antidemocratic values; or are organized hierarchically or by charismatic leaders, have internal structures that are rigidly authoritarian, or recruit and exploit anomic members from the disconnected margins of society (Chambers and Kopstein 2001; Berman 2003; Armony 2004). Second, some of the largest and most effective civic associations are national-level organizations, professionally led and managed; they do not cultivate membership and if they do have members they fail to provide them with opportunities for acquiring democratic commitments or skills (Skocpol 2003). Third, instead of creating public identities and platforms for democratic deliberation, civil society pluralism can produce a sense of "impotence in the face of

impenetrable systemic complexity" (Habermas 1992, 453–6). Finally, school of citizenship arguments are vulnerable for often assuming—absent an articulated social dynamic and connecting structures—a "transmission belt" model that posits a spillover of democratic values, skills, and a sense of efficacy from associations into active participation in formal and informal democratic politics.

A principal caution against these accounts is that they often lead to a stringent "logic of congruence." The charge to reproduce citizens supports the idea that the internal lives and purposes of civil society groups should mirror the democratic values of equality and due process that (ideally) order public life. Advocates of a "seedbed of democracy" account of civil society propose that tutelary government should actively propagate and support groups that promote democratic practices and dispositions, and should outlaw or impose costs on those that advocate and enact ethnic, racial, or gender discrimination, deny members due process, or cultivate dispositions antagonistic to public values. The logic of congruence argues for "democracy all the way down," both as a matter of principle and as an empirical claim. In this view, congruence must be mandated by government, if not always coercively enforced. Principled justifications are given for such compelled association; for example, associations with social and networking objectives like the Boy Scouts should be required to admit gays as scout leaders. The caution here is plain: schools of citizenship thinking raises the prospect of government trespass across the boundary of civil society. In resolving tensions between citizenship and membership in favor of reproducing democratic citizens, the ecology of associational life may be interrupted (Rosenblum 1998). Adding to concern about the logic of congruence is the fact that it can be effected without direct public regulation and coercion, that is, by government acting as patron and enlisting civil society groups as partners, thus erasing the boundary of separate spheres.

4. Government as Patron

In accounts of civil society as the site of advocacy, participation, and resistance, and as the moralized terrain of voluntary cooperation and personal development, civil society is often represented as a spontaneous development that is independent of government (Post and Rosenblum 2002, 1). But government frequently provides more than just the infrastructure of public order and public services, the legal structure for forming organizations, and the parameters of civil and criminal law within which voluntary associations operate. Government is also a material patron, purchaser, funder, and partner in the presumptively beneficial activities of civil society groups.

Historians have documented the fact that governments have never been the sole provider of education and social needs, and that voluntary associations have not had the sole responsibility for caring for their members or communities (Novak

2009). In most societies, government recognition and direct and indirect support for associational activities is expanding, and the number of groups that benefit from public patronage continues to proliferate. Of course, the extent and methods of government support vary widely. In the United States, government provides financial support to civil society indirectly by awarding tax-exempt status and eligibility for tax-deductible charitable contributions to associations. Depending on the ideological baseline adopted, this is characterized as leaving civil society in its natural state, independent of government or as a public subsidy. In addition, government provides financial support for association activities directly through grants or vouchers that individuals can use for schooling and other services. Indeed, the most familiar area of government subsidy is education, where in the United States tax credits and vouchers underwrite school choice. Motivated by moral or religious duty and aimed at self-help for their communities, civic associations organize cultural events and create charities and mutual support networks to care for their own. Such groups have always been unequal in the resources their members can contribute and in their organizational capacity and leadership. Social and economic inequalities are replicated in civil society, and there is a class and race bias in associational life as well as in politics. Government subsidy and support for schools, mutual aid societies, and cultural institutions is potentially redistributive. It helps even poor groups provide services to their members, enabling "meat and potatoes multiculturalism" (Walzer 2004, 39). Apart from small, informal associations like private clubs, reading groups, or street corner churches, civil society groups increasingly depend on some form of public support, complementing and correcting both state and market failure in the provision of public goods and in the process encouraging volunteerism, collective responsibility, and cooperative provision. All the reasons for valuing pluralism and particularism generally operate to encourage a degree of government patronage, which benefits the self-chosen, self-directed purposes of associations.

Complicating this picture, however, are tensions between associational activities and public democratic norms of equality, inclusiveness, nondiscrimination, and due process. For strong advocates of the logic of congruence, it is the responsibility of government to democratize groups and liberalize their practices whether or not they receive public subsidy. Public funding lends added force to the argument: by subsidizing an association's nonprofit activity, government is seen as delivering the public message that it agrees with the association's broader purposes and practices. In this view, public support has symbolic and pedagogical as well as practical effects. Hence, public patronage of civil society raises the boundary question in acute form. Can religious groups subsidized by public funds be permitted to provide services only to coreligionists? Can they choose their constituency as they do their members? Do they violate laws prohibiting discrimination in hiring when they deny employment to workers of other faiths, or to gays because their doctrine declares homosexuality a violation of divine law? Similar questions arise for secular groups whose practices do not conform to norms of nondiscrimination or due process. Legislation in the United States requires government, and by extension public

accommodations, to afford nondiscrimination protections to workers and due process to all recipients of services. As more and more associations receive government support, they are liable to fall under the public action umbrella. For those solicitous of the pluralism and independence of civil society, the concern is that groups and associations are liable to become artifacts of public policy.

5. From Patron to Partner

Recent developments in the United States and elsewhere pose a more radical challenge to the boundaries we have been tracing: "third party government" (Salamon 1995). The range of activities described as government-civil society partnerships is exhaustive, from drug rehabilitation centers and housing to social welfare. The scale and scope of direct grants and contracts is remarkable, made more so by the fact that these collaborations extend to the core activities of government. In addition to subsidizing the independent social and charitable activities of civil society groups, government increasingly contracts with these groups for everything from corrections, welfare provision, education, and job training to basic public services and inherently governmental functions such as emergency relief and military training and logistics (Minow 2009).

Policies about partnerships vary across countries, of course. Some countries have competitive bidding among nonprofit groups for block grants to deliver services (Goodin 2003, 43), while others have historically organized their welfare states around religious "pillars," so that segmented pluralism is built into the provision of important services. Some governments reserve more activities for the public sector, though there is a general trend towards functional privatization (Verkuil 2009, 330–31). In the United States, the menu of arrangements by which associations supplement or substitute for direct government services is fluid. Indeed, "partnerships" is an inadequate description of this terrain, since the mix includes voluntary associations, contracts with for-profit enterprises, and private foundations (Minow 2003, 8). An example of this fluid mix is "charitable choice," instituted by the 1996 Welfare Reform Act, by which federal dollars go to an array of groups including religious associations that mix services with worship.

Influential rationales for such partnerships do not always propose that there are specific advantages to social provision by civil society groups. Rather, conservative ideologies of small government, a general loss of trust in government, and the perennial challenges of social provisioning, combine to argue for more devolution. From this standpoint, the services provided by civil society groups are the equivalent of those provided by government, but with the added advantages of cost-cutting, less government, and the presumed efficiency of a competitive market in services. Other advocates of government-civil society partnerships claim that the provision of services by civil society groups is better and more humane, not just less

costly or more efficient. For one thing, voluntary associations are seen as answers to political corruption. For another, these groups are said to be more creative, flexible, and responsive. Supporters have faith in the fine-grained knowledge and sensitivity that such groups exhibit when defining needs and serving their clients. Whereas recipients of public services are often demeaned and disrespected, voluntary associations are said to be more attentive to human dignity. Moreover, precisely because of their partial, particularist nature, pervasively religious groups and secular groups with strong moral or ideological commitments are said to do a better job at education or drug rehabilitation, for example, though the evidence for this proposition is contested (Glenn 2000; Wuthnow 2004).

Critics alert us to the potential moral and democratic tradeoffs of these developments. They raise questions from both directions: about the potentially deleterious consequences of partnerships for the values of pluralism and partial association on the one side, and for democratic responsibility on the other. The overarching concern is a lack of democratic deliberation about the appropriate division of labor between government and civil society. It is one thing for voluntary arrangements to supplement the public definition and provision of basic needs and services, and another for government to step back from these democratic responsibilities. Accountability is one concern, famously difficult to achieve even when activities are performed by public agencies, much less when they are the work of a wide array of dispersed associations. The reasons are plain. Legal assurances of public access to information do not always apply to private actors. Moreover, to the extent that government delegates public purposes to civil society groups, these activities may be buffered from due process and other constraints that govern direct state action (Metzger 2009, 292). In broad terms, the standard means of accountability do not apply to civil society groups. Associations are not subject to elections or the constraints of business enterprises, and are not responsible to voters or shareholders. Scholars have argued that civil society associations have developed their own, distinctive accountability regimes: they are constrained by their unique motivation and altruistic mission, and by reputational concerns. Nonprofit groups tend to develop networks with other associations that share their purposes and monitor their conduct (Goodin 2003). Government partnerships can weaken this accountability framework without effectively replacing it with another.

Oversight and accountability for outcomes is only one difficulty with partnerships from the standpoint of democracy. Diffusion frustrates deliberate democratic decision making when it comes to public provision, if only because innumerable subsidies, grants, and contracts obscure the character and dimensions of publicly mandated activities and services. Also from the government standpoint, there is concern that provision by particularist associations dilutes citizens' rights and benefits. Public funding of health care delivered through Catholic hospitals, for example, "affects the availability of reproductive services and assisted technology, abortion, counseling for persons who are HIV positive . . . and end-of-life choices" (Minow 2003, 13). Without alternative public providers or a plurality of civil society groups, individuals are necessarily directed to

particular religious or secular institutions for services. Pluralism and voluntarism—the promises of civil society—do not hold when government contracts with particular groups to address social needs.

Finally, there is the question of diminished government capacity as public activities and the definition of public objectives are transferred to civil society and for-profit groups. Partnerships can drain public agencies of expertise, management skills, and the ability to provide regular oversight. They reduce government's ability to undertake energetic action, mobilize resources, and define and address collective problems. And partnerships may be hard to reclaim, leading one scholar to propose an "antidevolution principle" (Verkuil 2009, 316).

A different set of considerations arises from the perspective of civil society. The chief concern is whether public purposes are displacing the plural, self-directed purposes of associations as these groups initiate or alter their activities in order to receive government grants and contracts. Originally designed to underwrite the charitable activities of churches and other voluntary associations, government contracts now provide not only incentives for certain activities but impose requirements for management, record-keeping, audits, and transparency. Associations, at least in theory, are required to meet public measures of performance and outcomes. They are moved directly or indirectly to adopt professional norms and to replace the work of members and donors with professional staff. These developments pose many challenges to associations that value privacy, hold themselves to different measures of success, and seek to fulfill nonstandard needs. Forces push in the direction of convergence towards bureaucracy or towards modeling activities after businesses or establishing their own for-profit enterprises. The growing popularity of social entrepreneurship captures this trend. The overriding concern is that large swaths of civil society will be colonized by government.

6. Conclusion

Insofar as public values follow public dollars, the latitude to opt out of government support is vital to avoid compromising the independent life of associations (Minow 2003, 142). That explains why some religious leaders in the United States have refused to participate in government-civil society partnerships. Associations may lose the will and capacity to engage in activities and provide goods that neither markets nor government take on, or can even imagine. At stake is the self-direction that is characteristic of civil society: expressing and enacting plural visions of value, articulating their own missions, agitating for their independent ideas about public democratic purposes, and acting as vocal critics of government. If one of the imperatives of separating civil society and government is the preservation of countervailing authority and power, do partnerships weaken that capacity? If one reason for the mix of partnerships is to divide and distribute power, are these increasingly complex

arrangements weakening this purpose? (Novak 2009, 33). Social scientists have the obligation to describe and explain, and political theorists to conceptualize and justify, the new contours of plural and partial civil society on the one hand and democratic capacity and control on the other. Is their increasing interpenetration irreversible, and if so why and with what effects? What boundaries remain, or should remain, and why? If we think that "the value of association is as encompassing as the value of liberty," we must continue to analyze, justify, and monitor the changing boundaries between civil society and government (Post and Rosenblum 2002, 3).

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CHAPTER 24

CIVIL SOCIETY AND CIVIL LIBERTIES

MARK SIDEL

The spaces of civil society provide the arenas in which "citizens engage with each other in the public sphere, argue and deliberate about the issues of the day, build consensus around the future direction of their societies, and participate in democracy, governance and dialogic politics" (Edwards 2009, 64). But the state governs those spaces, expanding and restricting them over time according to the interests, systems, parties, and individuals in power. In some countries, the mechanisms for such control rely solely on the raw exercise of state or party authority, but in most nations, the law is a key mechanism for regulating the spaces in which civil society functions. This chapter outlines some of the recent problems that civil societies have faced, both in dealing with their own liberties to operate and in representing and advocating for the broader liberties of citizens.

Democratic states, broadly defined, impose some constraints on the spaces, rights, and liberties of civil society and civil society organizations, but those constraints tend to be functional in nature. Democratic states may regulate widely on civil society, including such topics as the extent of advocacy activities by some kinds of civil society groups as a condition for providing them with tax incentives, or the extent to which organizations may engage in business activities without paying tax. Direct and highly controlling restraints on social and political advocacy by civil society organizations are less common in democratic states, and they tend to be couched in terms of restrictions applicable to individuals and groups throughout society rather than focused on a defined set of civil society, nonprofit, charitable or other groups. But there are times when the spaces, rights, and liberties of civil society groups are directly threatened in democratic societies, and such episodes can be serious. The destruction of nonprofit organizations in the United States and the

silencing of nonviolent advocacy under McCarthyism during the 1950s was one such moment, a time of exceptional challenge both for the organizations that came under attack and because of the chilling effect it exercised on a wide range of nonprofit, charitable, academic, advocacy and other groups throughout American society (Cole 2003). Some developments in the United States and the United Kingdom since September 11, 2001 also raise these concerns, particularly the overbroad regulation of terrorist financing, overseas grant making, and statutes that criminalize providing some kinds of support to or on behalf of groups that a government has defined as a "terrorist" organization.

Constraints on the space for civil society in democratic states have followed a pattern of broad restrictions on a wide range of organizations and direct restrictions on a small number of groups, with widening ripples of chilling effects on a broader range of associations and their activities. But in democratic states, civil society can fight back through the legal and policy process. In undemocratic states, the situation can be far more serious, because such states can raise and lower restrictions on civil society at their discretion, carefully calibrating the space accorded to different types of organization, the work they do, and the needs of the state or ruling party. China and Vietnam illustrate this pattern of strong, direct, highly discretionary, and widely encompassing restrictions in undemocratic states on the space and freedom accorded to civil society groups.

1. The Dangers of Prosecution and Overregulation: Restricting Civil Society in the United States

These themes have emerged with particular force since the September 11, 2001 terrorist attacks on the United States. Direct restrictions have been placed on the rights and freedom of action available to a relatively small group of civil society organizations through a highly contested process that, in one important case, has reached the U.S. Supreme Court, focused on the question of how laws can criminalize the provision of certain forms of support such as humanitarian assistance, political advocacy, or distributing literature to or on behalf of groups that a government has defined as a "terrorist" organization.[1] These restrictions and other steps taken by the U.S. government have, at times, had a chilling effect on some activities carried out by the nonprofit sector (Sidel 2008, 2009a).

For the vast majority of American nonprofits and foundations, the primary impact of counterterrorism law and policy since September 11 has been the need for enhanced information gathering on partner organizations, including checks against government watch lists and the collection of "nonterror certifications"; and the shifting of risks for compliance downwards to the recipients of funds or to local

affiliates of federated groups. For a minority of American organizations, however, counterterrorism law and policy has had an even greater effect. Some of the largest Muslim charities in the United States have been closed since 2001, their assets frozen, and in some cases the organizations and their leaders charged with material support for terrorism because of suspicion of their links with partner organizations in conflict areas overseas. The impact has also been felt directly by American public charities and foundations that work or make grants overseas, perhaps most acutely by organizations working in conflict areas where extremist groups and militant organizations operate. In a broad sense, the American nonprofit sector has sought to maintain its autonomy and vibrancy while agreeing and acceding to the government's interest in preventing nonprofit organizations from being conduits for terrorist finance or otherwise supporting terrorist organizations or their goals (Sidel 2009a; Guinane and Sazawal 2009).

The proscription and freezing of assets of several Muslim foundations on grounds of material support for terrorist organizations, and the attempt to promulgate new "voluntary" regulations governing the work of American organizations abroad, have been the most important regulatory actions in this area (Chesney 2005; Cole 2003; Crimm 2004). But the chilling effects of these measures went further than the letter of the law, as was their intent. These effects included the addition of unindicted "co-conspirator" organizations onto a government list that included many well-known and well-respected Muslim groups; civil actions against Muslim foundations; concerns in the American Muslim community about the impact of donating funds to organizations that might come under U.S. government scrutiny; and the impact of the Anti-Terrorist Financing Guidelines: Voluntary Best Practices for U.S.-based Charities that were issued by the U.S. Treasury in 2002.[2]

These guidelines provided a detailed range of new provisions for charitable and philanthropic organizations to use in their overseas giving that were intended to prevent the channeling or diversion of American funds to terrorist organizations or purposes. They included the collection of considerably more information about recipient organizations than is often available, the vetting of grantees, and the extensive review of their financial operations way beyond accepted voluntary sector norms. These guidelines were significant to the U.S. nonprofit sector because, although they were voluntary, nonprofit organizations faced considerable risks of being investigated and prosecuted for failing to carry out the required due diligence. In the words of Barnett Baron, Executive Vice President of the Asia Foundation, the 2002 treasury guidelines carried the danger of "setting potentially unachievable due diligence requirements for international grant-making, [and] subjecting international grant-makers to high but largely undefined levels of legal risk, [which] could have the effect of reducing the already low level of legitimate international grant making" (Baron 2004). Legitimate charities struggled to comply with the standards, while less professional or less well-intentioned groups could just ignore them.

However, measures with a narrow direct impact and a broad chilling effect can also spur opposition, and the guidelines did precisely that, provoking a widespread response by charities and foundations that were engaged in overseas giving who

demanded their withdrawal or substantial improvement, while also proposing their own Principles of International Charity, a new self-regulatory approach to ensuring that charitable funds did not find their way to terrorists.[3] Partly in response to that opposition, the U.S. Treasury revised its guidelines in 2005 and 2006, but these changes did not satisfy the nonprofit sector. In 2007 the Treasury Department added a "risk matrix" for charitable institutions to use in connection with their overseas giving, also without consulting civil society groups themselves.[4] By 2009, civil society and the Treasury Department were at an impasse, with nonprofits refusing to recognize the legitimacy of the Anti-Terrorist Financing Guidelines, and the Treasury refusing to allow the Principles of International Charity to supplant them. In 2010, the new administration of President Barack Obama quietly opened discussions with representatives of the American nonprofit sector in an attempt to begin bridging some of these policy differences.

In practice, however, nonprofit fundraising and program activities had already begun to narrow, in part in response to concerns over U.S. government policies. Increasingly, overseas giving institutions were moving to a risk-shifting and risk analysis perspective in their activities, in line with the approach of the treasury's guidelines. The impact of government regulation was felt by prominent American foundations that were already concerned about potential investigations of their grant making by the U.S. government. For them, the stakes were high. Several of these organizations, most prominently the Ford and Rockefeller Foundations, responded by shifting responsibility to their grantees for terrorism-related risks through new language in their grant contracts. Ford introduced new language in 2003 that required grantees to promise not to "promote or engage in violence, terrorism, bigotry or the destruction of any State, nor . . . make subgrants to any entity that engages in these activities." This new language prompted initial opposition from a group of elite universities and, for a time, from the American Civil Liberties Union who decided not to accept new funds from Ford (Sherman 2006; Sidel 2007). In 2007, a prominent Indian nongovernmental organization (NGO) also raised this issue with the Ford Foundation, requesting modification of the foundation's grant letter to restrict the very broad limitations to which it would have bound grantees.

In other cases, the American nonprofit sector has beaten back legal changes that would have restricted civil society advocacy and other activities. One example was an attempt in 2004 by the U.S. government agency that operates the Combined Federal Campaign (CFC), through which hundreds of thousands of federal employees donate to nonprofit organizations, requiring each nonprofit that receives CFC funds to investigate its own employees in order to certify that it "does not knowingly employ individuals or contribute funds to organizations found on the . . . terrorist related lists promulgated by the U.S. Government, the United Nations, or the European Union' (Combined Federal Campaign 2003). This new requirement ignited a firestorm of opposition from the wide range of groups that received CFC funding. Eventually the American Civil Liberties Union and a number of other organizations filed suit against the federal government to overturn the new

certification requirements (*New York Times* 2004; *Washington Post* 2004), and in November 2005 the federal government withdrew them (*New York Times* 2005).

The shifting of risk to recipient organizations goes even further than these examples suggest. In recent years, a number of local branches of the United Way in the United States have required that each nonprofit organization that receives funds—down to the smallest and most local charitable group—certifies that it complies with all anti-terrorist financing laws and regulations; that individuals or organizations that the organization works with are not on any government terrorism watch lists; and that no material support or resources are being provided to support or fund terrorism in any shape or form. In another example, it became clear in 2005 and 2006 that government surveillance of nonprofit organizations in the United States went far beyond the small number of Muslim charities and other groups that were suspected of direct terrorist ties. The American media revealed that the U.S. government had targeted a much broader swath of the nonprofit sector for observation. Hundreds of nonprofits have had their events monitored, their telephone calls logged, and their financial transactions examined by government agencies (*Washington Post* 2006).

In 2007, press reports indicated that the U.S. government was using software to search, track, and correlate donors to an undefined range of nonprofit organizations (*Los Angeles Times* 2007), and new reports emerged in 2007 and 2008 around government surveillance of nonprofits, particularly advocacy organizations, in several U.S. states. The *New York Times* and the New York Civil Liberties Union revealed in 2007 that the New York City Police Department had conducted surveillance on advocacy groups in at least thirteen states, as well as in Canada and Europe, before the 2004 Republican National Convention (*New York Times* 2007). In Maryland, the police and other security forces at the state and city level conducted surveillance on, and infiltrated, anti-war, anti-capital punishment and other nonprofit organizations in 2005 and 2006, with reports sent to "at least seven federal, state, and local law enforcement agencies" (ACLU of Maryland, 2008; Guinane and Sazawal 2009).

2. The Advantages of Quasi-Independent Regulation and Monitoring: Regulating Civil Society in the United Kingdom

British law also allows for the proscription of terrorist organizations and support for their meetings and other activities, bans fundraising and funding arrangements for "purposes of terrorism," and prohibits retention or control of "terrorist property," among other provisions (NCVO 2007). However, there are differences in the American and British approaches that offer useful lessons for the future in reducing the potential chilling effect of these restrictions on civil society. In particular,

Britain's approach to shutting off terrorist finance through charities relies in significant measure on charity regulators as "first responders," rather than simply shifting risks to recipients. The independent statutory regulator of charities in England and Wales is the Charity Commission, which has been at the forefront of charity-related terrorism financing investigations since before September 11, and which has played a key role in investigating, resolving, and where necessary collaborating in prosecuting ties between charities, terrorism and terrorist finance, while emphasizing the need for evidence and fairness in all such proceedings. The commission's central role was reaffirmed under the new Charities Act of 2006.

The Charity Commission's approach has been effective because of its wide investigatory and enforcement powers and its detailed understanding of developments in the U.K. charitable sector. In addition, the commission has had an array of means at its disposal to deal with failures to abide by the law, ranging from technical assistance and advice to, where needed, orders that can remove trustees, freeze funds, or close organizations, in partnership with security forces and prosecutors. Differences between the American and British approaches have emerged in several key cases. After the September 11 attacks, the U.S. government alleged that Interpal, a charity operating in both the United States and the United Kingdom, was supporting the political and/or violent activities of Hamas. After the U.S. government formally named Interpal as a "specially designated global terrorist" organization and proscribed its activities in the United States, the Charity Commission opened a formal inquiry and froze Interpal's accounts. The commission also requested "evidence to support the allegations made against Interpal" from the American government, but, according to a limited report from the commission, the U.S. government was "unable to provide evidence to support allegations made against Interpal within the agreed timescale." After the U.S. government failed to deliver the evidence, the commission decided that, "in the absence of any clear evidence showing Interpal had links to Hamas' political or violent militant activities," Interpal's accounts would be unfrozen and the commission's inquiry closed. Although the United States and the United Kingdom diverged publicly on Interpal, the inquiry also enabled the Charity Commission to reassert that it will "deal with any allegation of potential links between a charity and terrorist activity as an immediate priority . . . liais[ing] closely with relevant intelligence, security and law enforcement agencies to facilitate a thorough investigation." The Commission also re-emphasized that "as an independent statutory regulator the Commission will make its own decisions on the law and facts of the case" (Charity Commission 2003).

The July 2005 terrorist bombings in London and charges that other British-based charities were linked with terrorism brought renewed pressure to clamp down on terrorist networks and their financing. In February 2006, the then-chancellor of the exchequer, Gordon Brown, announced that the U.K. Government would review measures to combat the use of charities in terrorist finance and establish a new intelligence centre to investigate terrorist financing networks around the world and their impact on Great Britain (*The Guardian* 2006).

Increasingly, however, American officials and commentators were critical of the process-based British approach, calling the Charity Commission and other British institutions too lax (*New York Times* 2006). Sharper measures were announced in late 2006, when the British government said it would "use classified intelligence to freeze assets of those suspected of having links to terrorism," "allow law enforcement agencies to keep their sources of information secret after it is used to track down and freeze bank accounts," and seek pre-emptive authority to halt terrorist financing. These and other hardening moves came under criticism in a report from the National Council of Voluntary Organizations (NCVO) in early 2007 entitled Security and Civil Society (2007). The report called on the government to view charities as allies in the fight against terrorism rather than as adversaries and pointed out the fundamental sufficiency of the existing legal regime. It criticized the impact of some government actions in this arena on charitable activities in the United Kingdom and abroad, particularly with respect to Muslim organizations.

The Home Office and Treasury review of charities and terrorist finance was released in May 2007, and it called for tighter coordination between the Charity Commission and government agencies dealing with terrorism and terrorist finance, a move by the commission to undertake more prosecutions, increased funding for investigations rather than improved governance in the sector, and other measures.[5] The response from the NCVO on the potential impact of these measures on civil society was swift and critical: "By placing a veil of suspicion over all charities, the Government is in danger of damaging the trusted reputation of the voluntary sector and making people less likely to donate to good causes."[6] The Charity Commission's response, considered and drafted very carefully, described plans to accelerate its work on terrorist finance and to strengthen coordination with government agencies, but in ways that would avoid too deep a chilling effect on the sector: "The way we tackle the risk of terrorist abuse of charities falls squarely within our existing approach to regulation; we are uniquely placed to deal with abuse where it does occur, collaborate with other regulators and agencies and other parts of government and support trustees to protect their charities; when allegations of terrorist involvement or links with charities arise, we deal with them as a matter of priority. We will deal proactively, robustly, effectively and swiftly when we have evidence or serious suspicions of terrorist abuse involving charities; effective regulation involves putting a strong emphasis on giving support and guidance to charities to prevent problems and abuse occurring in the first place; we believe that the most effective way for the sector to minimize its exposure to the risk of terrorist abuse is through implementing strong governance arrangements, financial management and partner management" (Charity Commission 2008). The Charity Commission's firm actions against the misuse of charitable groups while maintaining its independence and advising the sector on effective measures to avoid involvement with terrorism and associated criminal penalties, have been a contrast to the harsher, broader, and arguably less effective policies of the United States.

3. The Imperative to Control: Restricting Civil Society in China and Vietnam

In democratic states, civil society can fight back. In undemocratic states, the situation is far more serious, because such states can raise and lower restrictions on civil society virtually at their discretion, carefully calibrating the space accorded different types of organization, the work that they do, and the needs of the state or ruling party. China and Vietnam illustrate this pattern of strong, direct, highly discretionary, and widely encompassing restrictions on the space and freedom accorded to civil society groups. The mechanisms used to impose such restrictions are clear, and they echo the use of measures already deployed in democratic and semidemocratic states.

These mechanisms include direct restrictions on registration and the status of civil society groups; broad and discretionary prohibitions on the purposes for which groups can be formed, often without grounds for appeal or any administrative or judicial process; broad government discretion to dissolve, terminate, or take over offending institutions and their assets, often without effective grounds for appeal or due process; limited tax incentives for civil society organizations and high levels of government discretion in implementing tax policy, including limitations on advocacy, representation, and other groups that the government disfavors; limitations on fundraising and foreign funding, particularly for advocacy, public interest, and other disfavored groups; high spending requirements and limitations on permitted investments; and discretionary requirements for organizational governance, including a plethora of required government approvals.

In China, civil society and its accompanying regulatory framework have become considerably more complex in recent years. The range of nonprofit, philanthropic, and other social organizations has expanded rapidly, as have their fields of activity. At the same time, the management of the emerging civil society sector by the Communist Party and state agencies remains exceptionally robust, highly discretionary and reactive, and extremely effective in controlling the organizations that the state seeks to control. Some social organizations are managed relatively lightly, including a significant number that provide social services or conduct other work that the state supports and that are not perceived as threats. But advocacy, religious, and policy-oriented groups are much more heavily managed and controlled by the authorities. In some cases, organizations have been closed and civil society activists have been detained, tried, and imprisoned for their activities.

The legal framework required to manage this highly differentiated process of state control has its origins in China's 1982 constitution and in an array of regulatory documents promulgated and enacted since the late 1980s. These documents regulate the full range of social organizations in China, including associations, often referred to as social organizations (*shehui tuanti*), foundations (*jijinhui*), civil nonenterprise institutions (*minban fei qiye danwei*), and quasi-governmental public

institution (*shiye danwei*). Under the Chinese Constitution, particularly Article 35, freedom of association is guaranteed, at least in textual form. In practice, however, laws, regulations, and policies belie that broad constitutional freedom. The party retains strong authority and wide discretion to control the registration, activities, governance, fundraising, and voice of each kind of civil society group. In particular, the government erects strong, high, and discretionary barriers to entry based in policy, practice, and regulation. Registration procedures are complex and cumbersome, with extensive documentation and approval requirements. Many social organizations therefore operate without formal registration, making them even more vulnerable to state discretion and control.

Broad prohibition clauses bar the registration of groups that are perceived to oppose the state and/or the party, or challenge traditional customs. Barriers to operational activities are detailed and can be raised or lowered by the authorities at their discretion, depending in large part on which specific organizations are regarded as "oppositional" or "contributory." But even for registered organizations that have no significant issues with the state, registration, reporting and other requirements can be quite burdensome, particularly for small organizations. The regulatory framework allows for significant government intervention and interference and state security forces intensively monitor organizations of particular sensitivity to the party and the state. The enforcement of such rules can quickly halt the activities of disfavored groups, which are usually advocacy and public interest organizations, and send a clear, chilling message to other organizations that social services and related activities are the favored work that civil society groups should undertake (ICNL 2010).

One recent example is the case of the Open Constitution Initiative (*Gongmeng*), which provided public interest and civil rights advocacy support to a range of citizens and organizations in Beijing, including the investigation of major scandals such as the distribution of tainted milk in which dozens of children died. When the Chinese government decided to close the Open Constitution Initiative in 2009, it began by using nonprofit tax regulations and leveled a fine of 1.42 million Chinese yuan against the organization for tax evasion. Then the Initiative was raided by the civil authority responsible for nonprofit organizations, the Beijing Civil Affairs Bureau, which formally closed the office, while the organization's leaders were detained by security forces.[7] This tripartite use of civil affairs, security, and tax authorities in a coordinated set of actions killed off an important advocacy organization within days, while also sending a strong message to other advocacy, public interest, and representational groups around China to be cautious in their activities (Chinese Human Rights Defenders 2009). Other forms of civil society activity can be dealt with in even more summary fashion, including through the detention or trial of persons who sign petitions calling for more rapid political reform (such as Charter 08),[8] or those who criticized corruption in the building of schools in Sichuan province, a contributing factor in the deaths of many children after the 2008 Wenchuan earthquake.[9]

A similar range of methods is used in Vietnam, where efforts to enact a national law on associations foundered in 2005 and 2006, partly because of concerns from the party and the government that such a law could codify more expansive rights for civil society groups that might eventually come to threaten party control (Sidel 2009b). What remains in place is a strict 2003 decree on the organization, operation, and management of associations that severely limits the organization and activities of civil society groups and provides the government with wide discretion to challenge organizations, especially those undertaking advocacy and public interest representation. That decree provides for a long and complex process of organizational formation (thereby discouraging most organizations from forming); broad prohibition clauses barring a wide range of activities and maintaining exceptionally wide party and government discretion over associations; highly detailed organizational requirements and approvals for a wide range of organizational changes including board and staff; restrictions on branches and on bank accounts; retention of the traditional "dual master" or "dual management" system of associational governance by the state in which groups are controlled both by specialized line ministries as well as by a dedicated agency; and limits on advocacy in relation to the party and government policies that restrict "advice and criticism [to] matters within the association's scope of activities." In short, the 2003 Decree on Associations is a document to retain state control and send a strong message to civil society groups: that they should not challenge the party or the state.

Attempts to relax these restrictions have thus far failed, initially during an abortive attempt to adopt a broader law on associations in 2005 and 2006. Concerned with the potential impact of the law, the widespread debate that was occurring at the time on civil society regulation, and the role of NGOs in the "color revolutions" of eastern and central Europe, the law's progress towards passage was shut down by the party in 2006 (Sidel and Vasavakul 2006). The government continued to use older regulations both as a weapon and a message to the wider array of newly formed charitable and nonprofit groups in Vietnam. In particular, in 2009 the government closed a policy advocacy group, the Vietnam Institute of Development Studies (VIDS), which had angered some in the party and in government for its wide-ranging discussions of development alternatives and its commentaries on government policy (BBC 2009).

This closure was accomplished by an administrative regulation directed specifically against the institute, but with the clear implication that a line had been crossed for others. To reinforce the point, a list was included in the administrative regulation prohibiting policy and advocacy work in economic policy, public policy, political issues, and a range of other sensitive areas. According to the decision, "organizations "may only conduct activities within the areas under the List promulgated with this Decision. If they have views (*phan bien*) on the line, guidelines, or policies of the party or the state those views must be provided to party or state agencies with jurisdiction over such issues, and may not be released publicly."[10]

4. Conclusion

Every society provides some form of regulation, some restrictions or constraints, on the role of civil society and its organizations. The space provided by the state can differ dramatically from country to country, and is obviously more restricted in nondemocratic regimes, but it will not do to discuss the constraints on civil society in one-party states alone. Every government restricts civil society to one degree or another, and even in more democratic states there are times when those restrictions can have a significant impact. The decade following September 11, 2001 was one such time, especially in the United States and the United Kingdom, where enhanced government regulation has directly inhibited the activities and operations of a small number of organizations, and had a chilling effect on civil society as a whole in terms of the range of activities and innovations that organizations and foundations have been willing to fund or undertake. Elsewhere, states deploy severe restrictions on the space available to nonprofits not only in times of crisis but on an ongoing basis, seeking to mold a civil society that serves the state's needs for social service provision while discouraging—and at times even seeking to eradicate—advocacy, public interest lobbying, and other challenging activities. Both paradigms are at work across the world, and both serve to restrict the spaces of civil society which are essential to the prospects of democracy and social justice.

What should governments do to strengthen the role of civil society organizations under the law, while also maintaining a level of regulation appropriate to prevent the use of such groups for terrorist purposes (or as participants in terrorism); for fraud, or for other goals that states rightfully find unacceptable? Democratic states need to avoid overly broad and overly limiting rules that seek to restrict, channel, or excessively regulate some forms of conduct (such as overseas grants, or fundraising in Muslim communities), in the hope that actual criminal violations, which are much more rare, will be deterred by such restrictions. Nonprofits and civil society organizations are not the enemy of the state. In nondemocratic states, governments are clearly and intentionally focused on restricting the role of civil society groups through legal and political means. Where feasible, outside donors, foundations, governments, and NGOs should work with such states to help them recognize the benefits of civil society and the importance of guaranteeing nonprofit groups the freedoms that many of these states already enshrine in their laws and constitutions. But opening up to a broader role for civil society—particularly for advocacy, representative, and policy-focused groups—is a lengthy process that depends primarily on domestic developments. Helping such states with carefully drafted laws and policies that achieve a workable and gradually expanding balance between rights and responsibilities may bear fruit even in restrictive contexts.

NOTES

1. For more detailed information on this important case, *Holder v. Humanitarian Law Project*, see http://www.scotuswiki.com/index.php?title=Holder_v._Humanitarian_Law_Project.

2. For the revised version of the guidelines, see www.treas.gov/offices/enforcement/keyissues/protecting/charities-intro.shtml.

3. See the Principles of International Charity at www.independentsector.org/programs/gr/ CharityPrinciples.pdf.

4. For the treasury's risk matrix, see www.treas.gov/offices/enforcement/ofac/policy/charity_risk_matrix.pdf.

5. The Home Office and Treasury Review is available at www.homeoffice.gov.uk/documents/cons-2007-protectingcharities/Charities_consultation.pdf?view=Binary.

6. See NCVO, "Overstating the risk of terrorist abuse could damage trust in charities," available at http://politics.co.uk.

7. Among many newspaper and other reports on the Gongmeng closure, see Wong, 2009.

8. See, for example, articles in the *New York Times* on April 30 and December 24, 2009.

9. See *New York Times* 2010.

10. Decision 97 of the Prime Minister (97/2009/*QĐ*-TTg) Promulgating the List of Areas in which Individuals are Permitted to Form Science and Technology Organizations; Vietnamese text available at http://www.dost.hochiminhcity.gov.vn/web/data/vanban/151/97-2009-QD-TTg.pdf(passage translated by Mark Sidel).

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CHAPTER 25

CIVIL SOCIETY AND THE PUBLIC SPHERE

CRAIG CALHOUN

The value of a public sphere rooted in civil society rests on three core claims: first, that there are matters of concern important to all citizens and to the organization of their lives together; second, that through dialogue, debate, and cultural creativity, citizens might identify good approaches to these matters of public concern; and third, that states and other powerful organizations might be organized to serve the collective interests of ordinary people—the public—rather than state power as such, purely traditional values, or the personal interests of rulers and elites. These claims have become central to modern thinking about democracy and about politics, culture, and society more generally.

Theories of the public sphere developed alongside both the modern state with its powerful administrative apparatus and the modern capitalist economy with its equally powerful capacity to expand wealth but also inequalities, tendencies to crisis, and intensified exploitation of nature and people. The public sphere represented the possibility of subjecting each of these new forces to greater collective choice and guidance. New media for communication have been important to this project, starting with print and literacy and extending through newspapers and broadcast media to the Internet and beyond.

This approach to public communication grew partly on the basis of active public debate in the realms of science (Ezrahi 1990), religion (Zaret 2000), and literature (Habermas 1962; Hohendahl 1982). Debates in these other spheres demonstrated that the public use of reason could be effective and schooled citizens in the practices of public communication. At the same time, this emerging notion of society treated the happiness and prosperity of ordinary people as a legitimate public concern—unlike Greek thought, in which such matters were treated as mere private necessity.

Classical republican thought was influential, with its emphases on the moral obligation of citizens to provide public leadership and service, and on the importance of the public matters—*res publica*—that bound citizens to each other (Pocock 1975; Weintraub and Kumar 1997).

Thinking about public life was also transformed by the rise of what by the eighteenth century was called civil society. This meant society distinct from the state, organized ideally as a realm of liberty, with freedom of religion, association, business activity, conversation, and the press. The promise of civil society was that social life could be self-organizing, even in complex, large-scale societies, and that it could thereby be more free than if left to government officials or to technical experts. The idea of the public sphere was crucial to hopes for democracy. It connected civil society and the state through the principle that public understanding could inform the design and administration of state institutions to serve the interests of all citizens. Obviously these ideals are imperfectly realized, and some of these imperfections reflect tensions built into the very starting points of civil society thinking. As Hegel (1821) suggested, civil society reflects a struggle to reconcile individual self-interest with the achievement of an ethical community. And while the ideal of the public sphere holds that all participants speak as equals, the reality is that inequality and domination constantly distort collective communication.

1. Five Visions of Civil Society

The first and most basic notion of civil society comes from urban sociability. People interact, exchange goods or ideas, and form relationships, and especially in cities, they are sociable with strangers. Social life is not restricted to family and kin, or to neighbors, or to members of a single church. It reaches across the boundaries of different zones of private life to include those with whom there are no prior definitions of mutuality or dependency. A cousin you have not met is still family, but the person sitting next to you in the theater is very likely not. And during the early modern era there were more and more such public spaces where people mixed with each other—not just theaters but market places, coffee houses, streets, and squares. Urban life was basic to the Renaissance, along with a renewed engagement with classical culture which itself celebrated urban life: the Greek polis or Rome itself. But early modern cities quickly surpassed their classical forebears in the extent to which they brought strangers together. The London of Shakespeare and Elizabeth I was a vital node in networks of culture, finance, and markets for goods and the movement of people.

Medieval cities had traditions of self-governance, notably through guilds of craftsmen and merchants. They organized social life with some autonomy from the feudal hierarchy. Likewise, though they were hierarchical and associated with the church, medieval universities were generally urban sites of self-governance and sociability among strangers as they attracted students and scholars from different

regions. Perhaps most importantly, the idea of self-government by communication among approximate equals, with respect for expertise not just inherited rank, was basic to the republican ideals of thinkers like Machiavelli (1513). John Locke (1690) extended this idea of society forged by lateral communication—initially mainly among elites—beyond its urban roots. But cities remained vital exemplars of the capacity for social self-organization. They drew ever-larger populations of strangers, people of diverse backgrounds and occupations, into interaction that required only a minimum of formal governance.

On a second account, the significance of markets shifted from physical spaces of direct interaction to larger-scale systems of exchange. This remained compatible, however, with the idea that freedom is maximized and the collective good achieved by relying as much as possible on individual choices, minimizing the role of government, of large-scale organizations, and of collective action. Adam Smith (1776) famously championed this view, though recent invocations of his name commonly offer caricatures of his theory. Markets, he held, made social self-organization possible not only by advancing exchange, reconciling supply and demand, and connecting those with different assets and needs, but also by leading individuals to serve the collective welfare—the wealth of nations—by producing to meet needs as efficiently as possible, and selling at prices set by the effort of each to buy cheap and sell dear. Markets thus produced a moral benefit by creating a collective good out of even self-interested individual action; in Bernard de Mandeville's (1714) phrase, markets made private vices into public virtues. For Smith, however, this only worked so long as all market actors were truly individuals, subject to the conditioning of market forces. Both joint-stock corporations and trade unions should be banned as constraints on trade that undermined the morality and psychological conditioning of markets. Absent such distortions, markets offered the public benefits of both wealth and the circulation of goods. Moreover, for Smith markets demonstrated that civil society could be self-organizing and operate by its own implicit laws rather than state governance or intervention (though Smith recognized that states were crucial for a variety of purposes where markets performed poorly). However, although markets translated private choices in potential public benefits, they did not in themselves provide the mechanism for self-conscious public choices.

On a third account, civil society is a matter of collective choice, but not government. The collective good is best achieved by the direct action of ordinary people organized in groups and associations (Edwards 2009). Civil society, in this view, is a matter of churches, charities, voluntary associations, and self-help movements. It is an arena in which people can do things for themselves and meet the needs of their fellow citizens. Here, freedom is not limited to individual choices in relation to markets, but also realized in collective, voluntary efforts. Neighbors may form an association to provide mutual security—a neighborhood watch—or to manage collective resources such as park or recreation facilities. Residents of a town or a country may collect funds and volunteer labor for purposes that are public insofar as they aim to advance a broader good than the sum of their selfish interests—for example, by providing food for the poor, running a recycling program, or supporting a public

radio station. They may organize a social movement to try to persuade their fellow citizens that it would be in the public interest to take better care of the environment, or reduce poverty, or end a war. Of course, other citizens may believe the public interest lies in oil drilling not recycling, in the incentives that come with inequality, or in waging war. In this view, the essence of freedom lies in the right of people to form such self-organized efforts, with a presumption that where these are not in harmony with each other they will at least each be limited by respect for the others. What distinguishes civil society from the state in this view is pluralism and the absence of any master plan for progress.

A fourth view of civil society suggests that it is at best incomplete without a state to secure cohesion and provide a mechanism for concerted public action. While early theories of civil society generally emphasized its distinction from the state, most also saw the two as necessarily complementary and closely connected. The state gave society its form, even if civil society produced most of its internal web of relationships. The state offered laws that were enabling for civil society, providing a framework for the contracts central to market relationships and the judgments that balanced the agendas and interests of different actors in civil society—those who want more parks, for example, with those who want more housing or more job-creating industries. Some, notably Hegel, stressed the extent to which the state constituted society as an integrated whole, greater than the sum of its parts. This meant overcoming the "bifurcation" between family life, which he saw as guided by universal ethics but integrating only at the level of personal relations, and markets, which he recognized could be more general in their reach, but were based on particularistic self-interest. This distinction became basic to theories of social integration that contrasted the directly interpersonal relationships of family, community, and voluntary association to the impersonal and large-scale systems of market transactions. Without the state, on such a view, the market basis of civil society would always be disruptive to forms of social integration like the family, and would always be insulated from ethics by precisely the automatic, systemic character that Adam Smith celebrated as its invisible hand—good for generating wealth, but not social integration or justice.

The fifth view of civil society focuses on culture. A key eighteenth-century pioneer was Montesquieu (1748) who emphasized not just laws but the "spirit" that lay behind laws and mediated among the material conditions in different societies, the interests of individuals, and the institutions they formed. Montesquieu's specific ideas about how this mediation works are today followed less than his more general argument that laws and other conscious measures to organize social relations depend on the culture in which they are situated (Alexander 2006). At about the same time, David Hume (1739–40) developed an influential argument that keeping promises depends not just on good intentions—say at the moment a contract is signed—and cannot be explained simply by reference to nature (since human nature is all too compatible with evading obligations). Rather, promises and contracts are honored because failure to honor them is subject to widespread disapproval based not just on instrumental interests but on cultural traditions and norms. Moreover, the expectation of disapproval (or conversely respect as someone who

honors his obligations) is not just a matter of conscious calculation but internalized into habit. To say "I promise" is thus a performative action that is only intelligible against a background of common culture that both recognizes what a promise means and provides for appropriate reinforcement—which in turn makes promise-keeping habitual most of the time and prudent when people think consciously about it. Culture is thus crucial to the capacity for agreements among individuals that is important to other conceptions of civil society. Culture also links the members of a society. This need not mean only a lowest common denominator of cultural uniformity; it may mean overlapping fields of cultural participation. Common religion may connect speakers of different languages (or vice versa). A shared business culture may connect people from different political cultures or with different musical tastes and so forth. Importantly, culture is not simply a matter of inheritance but of continued creativity, and processes of reproduction incorporate novelty, allow some practices to fade, and shift patterns of meaning—as languages add and lose words and adapt to new contexts.

Smith's account of the market was complemented, for Hume and for Edmund Burke, by the notion that there was another kind of invisible hand of historical trial and error that preserved useful customs and let others fade. More radical thinkers like Rousseau challenged this idea of cultural selection just as Marx would challenge Smith's account of markets. But each held that relations of power and property both kept practices in place that were not conducive to the public good, and drove cultural change in ways that served specific interests. Antonio Gramsci (1929–35) made the analysis of hegemonic culture basic to a theory of civil society. Society is held together not only by markets, formal agreements, and the power of the state but by common culture that underwrites consent. As Gramsci suggested, of course, hegemonic culture can also be contested. Thinking about nature as resources to be exploited may be dominant in a capitalist society but it is not impossible for Christians to contest this by expounding a view of nature as a gift of God demanding stewardship. The very organization of civil society is also shaped by culture. As Benedict Anderson (1983) has shown, we would be less likely to conceive of society as "nation" absent representations in novels, in museums, and on maps. Charles Taylor (2004) calls attention to modern social imaginaries like voting that depend on a cultural notion of what actions mean and what to expect of others, or the market as it is represented in the news and treated as a kind of collective reality. Similarly, the place and even reality of a business corporation depends on its cultural recognition, not just on laws or contracts.

2. The Importance of the Public Sphere

Some eighteenth and nineteenth century writers argued that, contrary to Adam Smith and Edmund Burke, the visible hand of the state was better suited to providing public benefits than either the invisible hand of the market or cultural tradition

that changed only incrementally, and mostly unconsciously. Jeremy Bentham (1789) founded utilitarianism on the notion that the greatest good of the greatest number depended on wise laws effectively administered. While some laws should provide for the vitality and liberty of civil society—for example by guaranteeing freedom of the press—others should put state administration to work in improving society. Bentham was a pioneer in both prison and educational reform. Over the ensuing centuries, states have been called on to build highways, run schools and health care systems, and generally advance the welfare of citizens. But there is recurrent public debate over what should be managed by states and what by markets or charities.

The public sphere is crucial to identifying the public good and to shaping both public and private strategies for pursuing it. This is not a matter of critical argumentation alone; it is also a matter of public culture that is shaped by creative and communicative processes as well as debate. Environmental discourse, for example, addresses the market choices of individuals, nongovernmental organizations developing alternative energy sources, and government agencies—and it addresses each with mixtures of rational-critical debate, attempts to change culture through art, and demonstrations of solidarity and commitment. To engage such questions, individuals refer not only to their private interests but also to ideas about the public good.

The scope given to the public sphere is smallest in the market-centered idea of civil society. Choices are made by individuals and connect to each other through markets, which have their own logics like supply and demand. But though these are in principle individual decisions, they are nonetheless influenced by public communication, such as advertising, and by the tastes and customs of specific communities and social groups. Such social influences on decisions can extend to ideas of the public good, like buying environment-friendly products or avoiding pollution. Markets themselves operate on the basis of public institutions and public knowledge—for example, publishing their financial results so that investors can make informed decisions. Of course, there are various ways in which the government may intervene to try to make markets perform for the public good: forming a central bank to insure financial stability, for example, or passing laws making bribery illegal.

The public sphere is also important where civil society is seen mainly in terms of the direct action of citizens—organized informally in communities or more formally in voluntary associations. Public communication shapes which civil society organizations are formed, from health clinics to Girl Scout troops, and what issues they address, from poverty to the environment. Not only do issues go in or out of fashion, the very forms and strategies of civil society organizations are matters of public knowledge, circulating in the media and first-hand reports, and offering a repertoire of models to each new organizing effort. Public discussion is also vital to evaluating the extent to which different civil society organizations or social movements do in fact serve the public good.

Urban sociability and public culture each evoke a public life that is not specifically political. Urban public spaces anchor face-to-face interaction, and promote serendipitous contact—and simple visibility—among people of diverse backgrounds.

Many of Europe's cities, especially older ones, were distinctive in their pedestrian character and their scale. Both suburbanization and larger-scale urban designs have changed the character of public interaction. Sennett (1977) argues that where eighteenth- and nineteenth-century urban life was vibrant and highly varied, twentieth-century development often reduced occasions for interaction across lines of difference. Citizens retreated into both privacy and the conformity of mass culture. This has negative implications for democracy. As Mumford (1938, 483) wrote, "One of the difficulties in the way of political association is that we have not provided it with the necessary physical organs of existence: we have failed to provide the necessary sites, the necessary buildings, the necessary halls, rooms, meeting places." As directly interpersonal relations organize proportionately less of public life, mediations of various kinds become increasingly important (Thompson 1995). The nineteenth and early twentieth centuries were the heyday of great urban newspapers; since then, media that transcend locality have become increasingly important. First radio and then television fundamentally altered the public sphere. They contributed to a shift in what was publicly visible as well as in how public discourse was organized (Meyrowitz 1985). New media shared both information and emotionally powerful images widely. Critics charged broadcast media with debasing reason by substituting powerful images for sustained analysis, appealing to a lowest common denominator in audiences, blurring the lines between entertainment and critical discourse, and centralizing control over messages in the hands of a few corporations. At the same time, however, formations of public culture expanded dramatically, stretching across the boundaries of nation-states. With films, music, and new media, public culture is increasingly global, though no version of it is universal. Much of it is centrally consumed as entertainment, but some also puts issues like human rights or humanitarian emergencies onto the public agenda.

The public sphere takes on its most specifically political import when civil society is seen as centrally related to the state. Whether the issue is waging war or financing health care or strengthening education, public discussion is the way in which ordinary citizens gain knowledge, form opinions, and express them—potentially influencing the state. Obviously some of these citizens have more knowledge than others; some have access to media platforms that give them greater influence. And some citizens grow quickly bored by political arguments and change their TV channel. Public discourse reflects the inequalities of civil society, but it also, at least potentially, compensates for them. Its very openness is an invitation to all citizens and a recognition that the opinions and emotions of citizens matter. As Hannah Arendt emphasized, politics includes not just petty struggles over power but public action that forms enduring institutions like the U.S. Constitution. Affirming the classical republican tradition, she suggested that it was a strange trend that treated civil society first and foremost as a realm of freedom *from* politics rather than freedom *in* politics, "to understand by political freedom not a political phenomenon, but on the contrary, the more or less free range of non-political activities which a given body politic will permit and guarantee to those who constitute it" (1990, 30).

3. The Ideal of Publicness

Without a vital public sphere, civil society is not inherently democratic. Certainly civil society organizations are not always constituted in democratic ways. They are usually more accountable to those who pay for them and work in them than to the general public. Nor do civil society organizations always pursue the public good, even by their own potentially competing definitions. While some are philanthropic in the sense that they exist to provide benefits to those who are neither members nor backers, others focus on serving specific interests—those of business groups, for example, or those of neighborhoods that use private security services to maintain their exclusivity. Many, like private clubs, simply serve their members. Only some civil society organizations exist mainly to serve public purposes. These include social movements that campaign on broad agendas like equal rights for women; service organizations that provide benefits for strangers like soup kitchens or homeless shelters; political parties, charitable foundations, and public information services. Only some work primarily in public ways, however, making their internal operations transparent and open, and inviting strangers to join. Many organizations in civil society take on what they regard as public purposes but remain "in-groups" of people knit together by personal relationships. Publics, by contrasts, are forged in sociability and communication among strangers (Warner 2001).

The public sphere is public first and foremost because it is open to all, not only in the sense that all can see and hear but also that all can participate and have a voice. In any modern large-scale society, this means that the public sphere is a matter of communications and other connections among strangers as well as among those networked by old school ties, church membership, or community. One may talk about politics or issues like climate change inside the family, but this becomes a public conversation only when it is open to, and informed by, others. This may happen in face-to-face meetings but also by reading newspapers or websites, by writing a blog or calling a talk radio show. A protest march is part of public communication—it is an effort to make a statement and show that many people are behind it. So is a petition. But publicness is not just a matter of large numbers. It is a matter of openness. Writing an article in a small journal still counts: it is available to strangers and through them may inform further conversations.

Although openness is basic to the ideology and theory of the public sphere, various forms of exclusion are basic to actually existing publics. Gender exclusion has been widespread, even in the ostensible golden age of the public sphere (Landes 1988; Ryan 1992). A state religion may exclude nonbelievers from public life, or a secular public sphere may limit the expression of religious views in public. Workers were largely excluded from the classical public sphere that Habermas analyzed (Calhoun 2010). Immigrants may be in a similar position today. Those who are excluded, or who disagree with the dominant organization of the public sphere, often build their own media and networks of communication and with them a counterpublic. Workers created a proletarian public sphere (Negt and Kluge 1972). The women's movement

formed its own counterpublic and this enabled it to contest the terms of the hegemonic public sphere (Fraser 1992). Counterpublics challenge the apparent neutrality of more mainstream publics and reveal that hegemonic public culture reflects power relations, but as Warner (2001) suggests, claiming unfair treatment in the public sphere is a strategy, and one even powerful groups deploy.

Not all public communication is about weighty matters of politics or institutions. To the frustration of some, there may be more debate over the Academy Awards than over public policy. Such opinions may not matter much for the fate of democracy, but an open space in which to express and contest opinions does. Any effort to police the boundary between opinions that matter and those that don't potentially restricts the public sphere and political freedom. This is one reason why the United States and other constitutions protect free speech and freedom of expression as such, and why limits on such freedoms—say, to restrict public obscenity—are serious and consequential matters. Some have argued, for example, that because family matters are essentially private, issues like spousal violence should not be on the public agenda. This view has changed for some publics but not all.

Not only must it always be possible for people to raise new issues or challenge dominant opinions, it must be possible for people to gain the information they need for informed discussion. This lies behind arguments for transparency in government and business dealings, and also conflicts over censorship of the Internet, like that by the Chinese government. Chinese civil society is more and more active in response; and this brings greater public communication as well as state efforts to limit it (Yang 2009). Some matters of national security or trade secrets might legitimately by kept out of the public view, but for the public sphere to work effectively on behalf of democracy and citizens' rights to shape their own societies, it is important that information be accessible. A government that does not make it easy for citizens to get access to data it collects is trying to limit democracy by limiting public communication. Of course, the public sphere is limited not just by official secrets but also by lazy citizens. The ideal of publicness stresses active communication. In this sense it is at odds with reducing public opinion to the answers of separate individuals to questions on opinion polls (Splichal 2000). Charles Horton Cooley (1909) argued that this debased the notion of public opinion, which ought to be conceived as "no mere aggregate of individual opinions, but a genuine social product, a result of communication and reciprocal influence."

The public sphere matters most for democracy to the extent that it is able to identify and constitute agreement about the public good and motivate people to seek it together. On Habermas's account, public opinion matters because it is achieved by reasoned, critical debate. But how to ensure that communication would be rational and critical is unclear. Hannah Arendt (1958) theorized "public" in terms of creative action, the making of a world shared among citizens, and saw the founding of the United States as a crucial example. Habermas idealized eighteenth-century English parliamentarianism, newspapers, and coffee house conversation. He presented the public sphere as a realm of civil society in which private citizens could communicate openly about matters of public concern, transcending their

particular statuses and addressing the state without becoming part of it. Such idealization commonly underwrites narratives of decline. In Habermas's classic *Structural Transformation of the Public Sphere*, for example, nineteenth- and twentieth-century public discourse is analyzed in terms of the loss of rational-critical capacity that followed the expansion of scale and the rise of public relations management that incorporated the public into the realm of administered society. Schudson (1998) has accordingly cautioned against such golden age concepts, arguing that the ideal of the good citizen as an active participant in the public sphere has long been contrasted with the failings of actual citizens.

Walter Lippman (1960) famously argued that most of the time citizens failed to educate themselves in public debate, and the effusions of opinion called forth in times of excitement were not to be trusted. John Dewey (1927) defended the capacity for reason in large-scale communication, arguing that participating in public argument was itself educative. As Iris Marion Young (2000) argued, the inclusion of diverse people in public discourse is not only an entitlement of membership in a democratic polity but also a tool for improving the quality of that discourse. Yet Young also calls attention to the extent to which reliance on sophisticated reasoning in public debates privileges the sophisticated. And democratic participation in the public sphere is not only a matter of rational-critical argumentation but of opportunities to participate in shaping the formation of public culture.

Debates and institutions are public in their substance insofar as they extend beyond the simple sum of private interests to the fabric of shared concerns and interdependent processes that enable citizens to live together and pursue common projects. The topic can be banal. Traffic regulations, for example, affect each of us in our private efforts to get from home to work or to a stadium for a sports event. Where we drive our cars is primarily a matter of our private interests. But both the building of roads and the establishment of rules, including which side of the road to drive on, are matters of public interest. We cannot accomplish our private goals without public investments and public decisions; moreover, roads literally connect us to each other. In a democracy therefore, speed limits, fuel efficiency, and pollution controls are not merely technical decisions for transportation experts; they are matters of debate among citizens. The same goes for the infrastructure of communication in electronic media—or for that matter, whether to continue a war or create a national health care system.

In the nineteenth century, much political thought emphasized the fragility and limitations of the liberal democratic conception of the public. Tocqueville (1840, 1844), most famously, argued that the democratization of society tended to eliminate the *intermediary* public bodies that traditionally refined opinion and furnished individuals with a collective social identity outside the state. Engaged, politicized publics composed of distinct views and interests could be reshaped over time into mass publics—passive, conformist, and atomized before the state. Tocqueville's fear of the unmediated state would resonate with generations of critics of mass society. In a similar way, Arendt (1972, 232) suggested, also speaking of America, "since the country is too big for all of us to come together and determine our fate, we need a number of public spaces within it."

This issue comes even more clearly into the forefront as one considers civil society and the public sphere on a transnational scale. The globalization of civil society has created both connections among distant people and issues that cannot be resolved readily in national public spheres. Much of this is a matter of market structures that are seldom subjected to collective choice. Flows of goods, information, and people often linked global cities as much to each other as to their national hinterlands. More of public culture is transnational, and more voluntary organizations purse transnational agendas. Yet national states retain most of the capacity to act on public concerns, and they remain crucial arenas in which public discourse can influence public power.

4. Conclusion

A vibrant public sphere is the dimension of civil society most essential to democracy. It helps to constitute the *demos* itself—"the people"—as a collectivity able to guide its own future. The public sphere works by communication, combining cultural creativity, the selective appropriation of tradition, and reasoned debate to inform its members and potentially to influence states and other institutions. The public sphere is vibrant to the extent that engagement is lively, diverse, and innovative; its value is reduced when it is passive, or when it simply reacts to government actions or failures, or when mutually informing communication is sacrificed to the mere aggregation of private opinions.

Public communication does not simply flow in an undifferentiated fashion. Whether at a national or a transnational level, a public sphere is composed of multiple partially overlapping publics and counterpublics. These bring forward different conceptions of the public good and sometimes of the larger, inclusive public itself. They may be judged by their openness, creativity, or success in bringing reason to bear on public issues. The stakes lie in the double question of to what extent social life can be self-organizing, and to what extent social self-organization can be achieved by free human action. The public sphere is vital to that possible freedom, and to its exercise in pursuit of the public good.

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CHAPTER 26

CIVIL SOCIETY AND PUBLIC WORK

HARRY C. BOYTE

When civil society reappeared in democratic theory in the 1970s and 1980s, the concept of "space" was emblazoned on banners of sweeping social movements. Civil society formed a liberated zone from which to mount challenges to authoritarian governments—what Frances Hagopian called "the monster state"—in Eastern Europe, Latin America, Africa, Asia, and elsewhere. As Hagopian put it, "Horizontal solidarities in civil society challenged a corporatist state . . . in such a way that expanded the scope of freedom" (2006, 17). Today, civil society retains some of that aura of political freedom as a space for uncoerced civic agency in a world where manipulative techniques infiltrate every corner.

In continuing recognition of this history, theorists as diverse as Benjamin Barber and Jürgen Habermas see civil society as the citizen space. Barber, a powerful critic of "thin democracy" and an activist organizer of international connections among participatory democrats, created the definition of civic engagement that became dominant in the United States. Civil society, according to Barber (1995, 7), includes "those domains Americans occupy when they are engaged neither in government (voting, serving on juries, paying taxes) nor in commerce (working, producing, shopping, consuming)." His book *A Place for Us: How to Make Society Civil and Democracy Strong* (1998) developed this view, arguing that work is disappearing before the advance of technology and the market and proposing that the voluntary sector is the home for democracy. In this home, community service with civic reflection is the way to cultivate the identity of citizen as alternative to "producer" and "consumer." Barber also has strongly advocated for deliberative practices.

Habermas, a founding figure in deliberative democracy, has long sought to establish the theoretical grounds for a public sphere of communicative rationality rooted in civil society that separates deliberation from the entanglements of corporations and government bureaucracies (1998). In his view, civil society is "an open and inclusive network of overlapping, sub-cultural publics having fluid temporal, social and substantive boundaries." Though civil society is more vulnerable to inequalities than government, "it also is more open to new communicative insights" (1998, 307, 308).

In this chapter I argue that there are two very different ideas of civic agency embedded in the recent history of civil society, corresponding to different concepts of the citizen and civic education. They point towards very different approaches to change. The concept of civil society as a home for the deliberative citizen (and the related idea of volunteer service) has gained currency as an alternative to the rancor and fragmentation which are the stock-in-trade of public culture. In this usage, civil society is the place where people learn to be "civil," and in the process gain what is called "communicative power." As Fung and Wright (2001, 31) put it, "Through practice individuals might become better deliberators. By seeing that cooperation mediated through reasonable deliberation yields benefits not accessible through adversarial methods, participants might increase their disposition to be reasonable, and to transform narrowly self-interested preferences accordingly."

Deliberation is worthwhile, but the deliberative citizen is too narrow a conception of civic agency to make much change. Specifically, it cannot stem the metastasizing consumer culture which accompanies radical privatization. Deliberative theorists make the mistake of separating citizenship from work, or productive activity, paid or unpaid, that builds the common world as well as private goods. In so doing they remove from the civic animus its most important resource. In contrast, the concept of the citizen as a co-creator of democracy, understood as a way of life built through the public work of citizens, holds far more potential to challenge consumerism, to rebuild the commonwealth, and to develop robust civic identities. Public work, by which I mean sustained efforts by a mix of people who make the commons, or things of lasting civic value, puts the citizen at the center of public creation. As citizens create a commonwealth of public goods, they become a commonwealth of citizens. To take seriously developing the capacities of the citizen as co-creator requires theorizing the public dimensions of work, the capacities of civic agents to undertake it, and how and where they develop such capacities. Schools of civic agency understood as co-creative public work can be called "free spaces."

In this chapter, I outline the profound challenges that face democracy against the onslaught of a spreading consumer culture, detail the limits of civil society and the deliberative citizen, and argue that we need a different concept of civic agency and where it is developed.

1. Dismantling the Commonwealth

Commonwealth ideals once radiated across American politics and society (Boyte 1989), creating a vision of democracy as a way of life. In various formulations including the "cooperative commonwealth," the "maternal commonwealth," and the "commonwealth of freedom," the commonwealth was the idiom of choice for radicals and reformers, labor organizers, small farmers and business owners, suffragists and feminists, and those who struggled against racial bigotry and oppression. It challenged America in a prophetic voice to live up to its ideals.

An emphasis on the public dimensions of property drew from experiences of the "commons" such as grazing and pasture lands, streams, and forests for which whole communities had responsibilities, and in which they had rights of use. The commons also included public goods of general benefit built mainly through citizen labor, like schools, libraries, community centers, wells, roads, and bridges. For many immigrants, America represented a chance to recreate the commons that had been destroyed or privatized by elites in European societies (Bertoff 1982). Thus, Oscar and Mary Handlin used "commonwealth" to describe collaborative effort in Massachusetts: "For the farmers and seamen, for the fishermen, artisans and new merchants, commonwealth repeated the lessons they knew from the organization of churches and towns . . . the value of common action" (Handlin and Handlin 1969, 30). As the United States took shape after the American Revolution, the commonwealth approach continued in myriad forms of public work that was paid as well as unpaid.

Today, the attenuated qualities of the language of commonwealth make the term sound like a dusty museum piece. This declension highlights the erosions in civic life and in the civic identities of citizens. Consumer culture inculcates habits of what Barber calls "choice without consequence." As he put it, "Decades of privatization and marketization have obscured not only what it means to be a public . . . but also what it means to be free" (Barber 2006, 10). Studies document the damage wrought by the spread of the consumer culture into every corner of human experience. For instance, Susan Faludi describes the modern male condition in a consumer culture as like the "trapped housewife" of Betty Friedan (1963), experiencing an inchoate sense of lost identity and purpose hard even to name (1999). William Doherty details the spread of consumerism into marriages, transforming the concept of marriage as a life built over time in common, often through hardships and difficulties, into the idea of a search for consumer needs fulfillment (2001). Kerry Ann O'Meara (2007) has described the "striving culture" in higher education that turn students into customers and faculty into acquisitive awards-seekers. A recent World Bank study suggests that the utopian consumer images carried by the internet to rural youth in Thailand lure them away from supportive networks and communities into cities like Bangkok where they have few resources.[1] And as I have noted, "rural youth entering the cities with Playstation2 images of Laura Croft dancing in their heads may not be well equipped for the challenges that await them" (Boyte 2008, 212).

Habermas expresses concern about consumers' "privatistic retreat from the citizens' role" (1998, 78), but deliberative practices do little to halt the process. In fact, deliberation easily coexists with the consumer citizen, while separating those in government from their own citizenship. The problem is that civil society understood as the space of deliberative citizens severs the crucial connection between citizenship, and work.

2. The Deliberative Citizen of Civil Society

The western intellectual tradition of political theory conceives of public life as the democratization of aristocratic leisure, contrasting civic activity with work. As Barber (1998, 132) puts it, "To the Greeks, labor by itself defined only mere animal existence, while leisure was the condition for freedom, politics, and truly 'human' forms of being." Like the Greeks, Hannah Arendt (1958, 161–62) viewed work as part of the apolitical world. She saw "manual labor" as an undignified realm of necessity, "herd-like," while "work" was more creative and important, the activity of *homo faber*, or "man, the maker of things," the builder of the world. Yet Arendt still believed that work did not belong in the public arena of "deeds and action," and specifically of politics. She held that the worker's "public realm is the exchange market, where he can show the products of his hand and receive the esteem which is due him." Producers remained "private," or isolated: "*homo faber*, the builder of the world and the producer of things, can find his proper relationship to other people only by exchanging his products with theirs because these products themselves *are always produced in isolation*" (emphasis added). Arendt argues that the thought and manual art which produces craft—the creation of a "model" or idea in one's mind which one then reproduces through shaping materials of the world—necessarily requires isolation. Only apprentices and helpers are needed, she argued, in relations that are based on inequality.

Many civil society theorists follow Arendt in separating work from public life. Thus Cohen and Arato's *Civil Society and Political Theory* (1992, ix) took work off the map of civic engagement. Their book has democratic aspirations, but their idea of civil society, seeking to retain for the concept a critical edge, revised the classical notion of civil society as it descended from the Scottish Enlightenment and from Hegel, which *included* large institutions and commerce and *excluded* the family. Cohen and Arato argue for "a reconstruction [of the concept] involving a three-part model distinguishing civil society from both state and economy." They see this definition as the way to "underwrite the dramatic oppositional role of this concept under authoritarian regimes and to renew its critical potential under liberal democracies." Hence civil society becomes "a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the

family), the sphere of associations (especially voluntary associations), social movements, and forms of public communication."

Deliberative theorists draw on this map of civic space. Indeed, Habermas anticipated Cohen and Arato by decades in making a distinction between Greek democracy and contemporary circumstances in his classic work, *Transformation of the Public Sphere* ([1962] 1989). For the Greeks, public judgment was conveyed by the concept of *phronesis*, practical wisdom developed through public action around common issues in the space of public life. For Habermas ([1962] 1989, 52), the public sphere in the modern world is qualitatively different than that of the Greeks: "The theme of the modern (in contrast to the ancient) public sphere shifted from the properly political tasks of a citizenry acting in common (i.e., administration of law as regards internal affairs and military survival as regards external affairs) to the more properly civic tasks of a society engaged in critical public debate."

Habermas described a new deliberative role which emerged during the late eighteenth and nineteenth centuries in a vibrant urban culture of debate and discussion, formed in a new spatial environment of lecture halls, museums, public parks, theaters, meeting houses, opera houses, and cafes. In such social spaces, older hierarchical principles of deference and ascribed social status gave way to public principles of rational discourse. Emergent professional and business groups asserted claims to a more general social and political leadership. In such spaces, patterns of communication emerged that were characterized by norms of inclusivity, the give and take of argument, and a relatively horizontal experience of interaction. Arguments were judged by fit, by considerations of anticipated consequences, by excellence of logic and so forth, not mainly by the social status of the speaker. By the late eighteenth century or the beginning of the nineteenth (depending on the country), a public sphere grounded in civil society "was casting itself loose as a forum in which the private people, come together to form a public, readied themselves to compel public authority to legitimate itself before public opinion" (Habermas [1962] 1989, 25–26).

In the late nineteenth century, Habermas argued, the public sphere atrophied as the public began to break apart into myriad special interests. Technical and instrumental rationality replaced more interactive public dialogue. Technical rationality depends upon a prior assumption of what the ends entail—how problems are defined and what solutions are desirable—and concerns itself instead with the most efficient means to reach them. After *Transformation of the Public Sphere*, Habermas sought to sustain an enclave of "un-coercive interaction on the basis of communication free from domination" in theory and in practice (1971, 58). In this enclave he hoped to "locate a gentle, but obstinate, a never silent although seldom redeemed claim to reason, a claim that must be recognized de facto whenever and where ever there is to be consensual action" (1979, 97). But his map separates citizens from the work of actively building the commonwealth.

There is room for debate about the sharpness of distinctions between "communicative" and "practical" interests in Habermas's writings, but the general point is clear. In *Between Facts and Norms,* he argued that the capacity of civil society "to

solve problems on its own is limited. The basic function of the public sphere is to move problems to the formal system" of politics and law-making. In the spaces of civil society, the goal should be "influence," not "power." Citizen efforts require translation into formal structures to amount to much: "Just like social power, political influence based on public opinion can be transformed into political power only through [formally authorized] institutionalized procedures." The power of citizens is sharply circumscribed, and Habermas asserts that "the public opinion that is worked up via democratic procedures into communicative power cannot 'rule' of itself but can only point the use of administration power in specific directions" (1998, 359, 362, 363, 300).

Civil society in such terms is the site for citizens who in their civic identities are separated from the work of those in government, the economy, or the professions. Like liberalism, Habermas said, "discourse theory . . . respects the boundaries between 'state' and 'society' but it distinguishes civil society." In particular, civil society in his view is the "social basis of the autonomous public sphere," distinct both from the economic system of markets and productive activity and from government. The strength of civil society is that it resists totalizing, technocratic impulses operative elsewhere. But its limits are also sharply drawn: "The success of deliberative politics depends not on a collectively acting citizenry but on the institutionalization of the corresponding procedures and conditions of communication, as well as the interplay of institutionalized deliberative processes with informally developed public opinions." For Habermas, there are clear "no trespass" signs; "democratic movements emerging from civil society must give up holistic aspirations to a self-organizing society . . . civil society can have at most an indirect effect on the self-transformation of the political system." He argues that "administrative power" is qualitatively and unalterably different than the space of civil society, and that "the administrative power deployed for purposes of social planning and supervision is not a suitable mechanism for fostering emancipated forms of life. These . . . cannot be *brought about* through [state] intervention [italics in original]" (1998, 299, 307, 308, 298, 372).

Dynamics which put citizens in the role of discussants *about* the common world, rather than active makers *of* it, correspond to formal distinctions in modern societies in which politics "belong" to the state system. In this theoretical frame, citizens have come to be consumers of the commonwealth, not its creators, even if the process raises some concerns. Thus the recent focus on "governance, not government" incorporates deliberative practices as a way to make government more responsive and interactive with citizens. This was a main theme in Fung and Wright's design principles drawn from case studies in what they called "empowered deliberative democracy," or EDD (2001). It is a major emphasis in approaches to governance promoted by the World Bank and other foreign aid groups around the world.

Deliberation by itself puts the citizen in the position of consumer. Government's role is to deliver services. Civil servants see themselves as outside the citizenry. This is a widely shared viewpoint far beyond the ranks of theorists. As Paul Light (quoted in Boyte and Kari 1996, 195) puts it, "Departments and agencies have plenty of

advocates for doing things *for* citizens and *to* citizens, but there are almost no voices for seeing government workers as citizens themselves, working with other citizens." Politicians and government employees alike have psychologically removed themselves from being part of the citizenry. Yet deliberative and civil society theorists and others take conventional definitions of politics far too literally. Their arguments ignore the way "talk" is always connected to other processes of social reproduction. They slight the multiple ways in which constructions of the commonwealth can occur everywhere. Citizens need to be understood as at the center of the process if they are to care for a world created and shared in common. To offer an alternative to the deliberative citizen of civil society requires an alternative framework for thinking about civic spaces, the capacities and identities that are developed within them, and what it is that people do there.

3. Working the World in Public Ways

Cynthia Estlund (2000) has shown that work—understood as productive activity that makes things in the world—is a far more substantial way to bridge differences of "life worlds" than the search for truth and mutual understanding. She brings together a wealth of theoretical perspectives with a large body of social science research and examples from popular culture in order to remedy what she sees as the neglect of work and the workplace by communitarian and civil society theorists who focus on associational life.

Estlund makes a compelling case that, despite continuing patterns of hierarchy and discrimination, workplaces are still the only environments where most people are likely to have sustained encounters with people of differing racial, cultural, and ideological backgrounds. They also engage in such experiences with relative civility, and around practical, goal-directed tasks, making them relatively conducive to sustained experiences of collaboration. Her evidence shows that these features of work and workplaces enable people to develop enhanced respect for others, reduce their prejudices and stereotypes, build trust, develop civic skills, and create cross-group networks. Estlund observes that "it is not just the friendship potential of workplace relations that makes it a promising source of interracial contact." The work process itself "is generally cooperative and directed towards shared objectives; much of it is sustained, personal, informal, and one-to-one." Workplaces further democratic equality by "convening strangers from diverse backgrounds and inducing them to work together towards shared objectives under the aegis of the societally imposed equality principle" (2000, 25).

Estlund also shows how U.S. social movements such as union organizing efforts in the 1930s, the civil rights movement of the 1950s and 1960s, and the feminist movement of the 1970s and 1980s made the workplace more open and public. Thus, section seven of the Wagner Act, in part the product of New Deal reform and

organizing, created "a kind of rudimentary system of civil liberties within the workplace" which in turn allowed further organization and action by workers. The equal protection of the law provision, enshrining in words "the notion that people should not be segregated or subordinated on the basis of their race or certain other immutable traits" was the result of civil rights efforts (Estlund, 85). Though the effort is not completed, it furthers democratic purposes.

Paying attention to work and the workplace raises questions of power, change, public creation, and social movements that are absent from conventional civil society theory. In particular emphasizing work in its public dimensions and possibilities has potential to reunite civic processes with civic consequences.

4. Free Spaces and Co-Creation

Free spaces are the schools of democratic movements. The concept illuminates limits not only in deliberation but also in critical theory as conventionally developed. Modern critical theorists have posed the question of how can citizens, bemused by the socialization dynamics of modern capitalism, ever come to see themselves as other than free consumers, even though their apparent free choice itself functions to hide the oppressive relations of society? Karl Marx (1981–84) made the point about mystification—what he called false consciousness—in *The German Ideology*: "Thus, in imagination, individuals seem freer under the dominance of the bourgeoisie than before, because their conditions of life seem accidental: in reality, of course, they are less free, because they are more subject to the violence of things."

Prevailing intellectual fashions, updating such arguments in comparative and anticolonial terms and drawing on cultural theorists of power such as Frantz Fanon, Michel Foucault, and Claude Lévi-Strauss, focused on the ways in which cultural norms and practices operate in the spaces of everyday life to make oppressive assumptions seem normal and inevitable. Dominant cultural ideas, including those generated by the work of intellectuals themselves, shape, define, and circumscribe the life worlds and possibilities of ordinary people. For instance, the philosopher Rick Turner (Fluxman and Vale 2004) in South Africa observed how the apartheid system dramatized the "naturalization" of oppressive racial domination. Apartheid seemed self-evidently "the way things are" to whites and even to many blacks. Virtually every institution from family to church, from school to media, constantly reinforced white privilege and power.

Cultural theorists of power have brought important attention to previously invisible power dynamics. The problem is that when intellectuals develop a theory of what is to be done in response, they radically oversimplify the operations of cultural power. The result is a culturally estranged and alienated politics. Jean Paul Sartre's (Fluxman and Vale 2004) strategy of what he called "transcendence," or the act of standing outside prescribed roles and the commonplaces of culture with a

sharply critical eye, can be taken as emblematic of the general stance of critical scholars. This stance is widely hostile towards rooted institutions such as religious congregations, ethnicity, family, and ties to place, as well as to the broader cultural traditions and symbols that constitute a sense of peoplehood. The view of liberated consciousness as a process of radical separation from roots and traditions was vividly summarized by Stanley Aronowitz in his essay titled, appropriately enough, "The Working Class: A Break with the Past" (1974, 312–13). According to Aronowitz, all particular identities of "race and nationality and sex and skill and industry" are obstacles to the development of genuinely oppositional, radical consciousness.

In contrast, a generation of social historians concerned with the actual development of popular movements—how it is that ordinary people, steeped in experiences of subordination, develop the courage and confidence to assert themselves and to become civic agents of their lives, not simply victims of larger social forces—has produced a rendering of the roots of democratic movements far more nuanced than the views of alienated intellectuals. Social history draws attention to the conflicted, contradictory quality of community settings and cultural traditions, full of oppositional currents, democratic elements, and insurgent themes as well as hierarchical and oppressive ones. Social historians richly describe the ways in which powerless groups draw inspiration from cultural elements that critical intellectuals write off as part of a monochromatically oppressive system.

Sara Evans and I, building on such history, have combined ideas of public space and freedom for democratic self-organization and co-creation in the concept of "free spaces" (1986, 1992). Free spaces, rooted in everyday life settings, are places in which powerless people have a measure of autonomy for self-organization and engagement with alternative ideas, and they are also places where people come to see themselves as makers of culture and producers of the world, not simply its consumers. Free spaces are places where people learn political and civic skills. They are also culture-creating spaces where people generate new ways of looking at the world. In free spaces, people simultaneously draw upon and rework symbols, ideas, themes, and values in their traditions and the culture to challenge conventional beliefs.

Thus, for instance, the historian E. P. Thompson in *The Making of the English Working Class* (1966) described places such as taverns and sectarian churches in which working people found space for intellectual life and democratic self organizations, separate from the gentry and the crown. Evans and I argued that free spaces also lay at the base of every broad democratic movement in American history, from the African American freedom struggle to the populist Farmers' Alliances of the 1880s, from labor struggles of the 1930s to feminist movements and modern community organizing. Such democratic movements show how complex are the power relationships of culture within and across societies.

Subterranean spaces for political agency and culture-making can be found even in settings that seem overwhelmingly oppressive. Thus, for instance, African American slaves in the American south found such spaces for self-definition and for insurgent cultural alternatives to conventional views of American democracy in the

midst of extremely brutal circumstances. Christian religious services and practices were originally taught to slaves by slave owners in an effort to break their ties with their African roots and socialize them into passive, docile roles. Yet Christianity provided rich materials for strategies of everyday resistance (for instance, work songs and Gospel music) as well as far-ranging radical democratic visions of a transformed racial and political order. Martin Luther King and others built on this insurgent heritage to claim and transform definitions of American democracy, freedom, and citizenship.

Overlapping with civil society are qualities such as public space and freedom that are often found in voluntary and community settings. As the movements of the 1970s and 1980s illustrated, these can create seedbeds for democratic movements. In everyday community settings, people can find space for relatively uncoerced conversation, for self-organization, and for free intellectual life. Yet democratic movements arise to address patterns of power, not to find a home. Democratic movements subvert boundaries and cross categories. And they draw on the civic authority that comes from work.

5. Democratic Movements and the Commonwealth

Free spaces often find hospitable ground in the life of communities and voluntary associations. But their qualities of freedom for self-organization, political education, and public co-creation are not the singular properties of community or voluntary groups. Nor is "volunteerism" or "deliberation" the best way to describe action within such spaces. Broad democratic movements incubate in diverse settings which people own, that have a measure of autonomy from dominant power, and that also have a public quality connecting people's efforts to the sense that they are helping to build a larger world. The concept of free spaces does not so much refute the idea of civil society as show its sharp limitations. Free spaces dramatize the necessity of bringing work into the equation. Throughout American history, democratic movements gained public power by drawing out the public dimensions of work. Such movements argued that the powerless, helping to "build the commonwealth," merit full recognition as citizens.

This claim was the central theme in the African American freedom movement. The civil rights movement built on the authority derived from making work visible and testifying to its strength and endurance. Cristina Beltrán has shown how the claim that "illegals" were "building America" was central to immigrant demonstrations in 2006 which called for reform in immigration laws (Beltrán 2009). Similarly, in women's history, women used claims based on their civic work (challenging the distinction between paid and unpaid) as the foundation for suffrage. Thus, Francis Willard, leader of the largest voluntary association of women in the nineteenth

century, the Women's Christian Temperance Union, titled her book *The Work and Workers of the Women's Christian Temperance Union* (1972).

Free spaces reach beyond geographic communities through work and organizations associated with work. In the African American freedom struggle, for instance, groups like the Brotherhood of Sleeping Car Porters and community groups such as women's auxiliaries described in the study by Melinda Chateauwert, *Marching Together: Women of the Brotherhood of Sleeping Car Porters* (1997), sustained free spaces for political education and oppositional culture for generations. Free spaces are also foundations for the next wave of democracy-building.

6. Conclusion: The Democracy Movement of the Twenty-First Century

Commonwealth language has had particular power in the United States, where the concept of "commonwealth" has been widely used in democratic movements. But the commons, in fact, can be found in every society. Understanding of how common pool resources are sustained by citizen action and learning has advanced considerably through the theory-building of Elinor Ostrom and her colleagues at the Workshop in Political Theory and Policy Analysis, for which Ostrom shared the 2009 Nobel Prize in Economics (1990, 1999). Ostrom found that decentralized governance with high popular participation—what can be called productive activity that builds and takes care of the commonwealth—has key advantages in terms of efficiency, sustainability, and equity. These include the incorporation of local knowledge; greater involvement of those who are trustworthy and who respect principles of reciprocity; feedback on subtle changes in resources; better-adapted rules; lower enforcement costs; and redundancy, which decreases the likelihood of a system-wide failure. Ostrom argues persuasively for a mix of decentralized and general governance, what she calls "polycentric governance systems . . . where citizens are able to organize not just one but multiple governing authorities at different scales." Such mixed systems may be messy, but in studies of local economies, "messy polycentric systems significantly outperformed metropolitan areas served by a limited number of large-scale, unified governments" (Ostrom 1999, 37, 38, 40).

In shared governance a change in identifications and identities takes place. As people take care of the commons, they partly become the commonwealth they care for. There are multiple examples of growing attention to diverse forms of commons, from our common pool of knowledge to water resources, from public spaces to forests and fisheries.[2] The era of privatization requires a global movement to rebuild the commons, tied to skills, habits, and sensibilities of public work. Free spaces are the schools of such a movement. They are also the seedbeds of democratic hope.

NOTES

1. See http://www.digitaldivide.org/wp-content/uploads/2010/09/MBR2.0-broadband-Thailand-2015.pdf

2. The new commons movement is chronicled in websites such as On the Commons (www.onthecommons.org).

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CHAPTER 27

CIVIL SOCIETY IN THE DIGITAL AGE

ROBERTA G. LENTZ

A good deal of civil society action and deliberation, regardless of political persuasion, culture, or location, embodies what the celebrated theorist of everyday life Michel deCerteau once foretold: that "telecommunications practices have reorganized the speaking space." Though he was referring to the ordinary "oceans of communication" that surround us, deCertau noted how these oceanic waves and currents are amplified by electronic media such as telephones, radios, and televisions (1998, 252–53). Increasingly, we are witnessing how these speaking spaces now include electronic networks, both private and public, local, and translocal. The nodes, ties, and flows that characterize networks, both on- and offline (Barney 2004), augment and potentially redistribute communicative power. In their contemporary electronic online form, they enable millions of people worldwide to produce, distribute, exhibit, and exchange information, images, music, video, texts, talk, and data.

The many uses to which people and institutions now put these ever-expanding information, communication, and technology resources (ICTs) have led many digital enthusiasts to assume that increased access to new forms of communication provides a much-needed panacea for civic engagement and civil society empowerment in the twenty-first century: the "digital age" is upon us, and the so-called information society will inevitably reinvigorate democratic public spheres that can now be connected and animated electronically. Of course, such exaltations are not exactly new. Research and commentary about the role of ICTs in producing or reflecting social, cultural, economic, and political change has a very long history. Current configurations are only the most recent iteration of a series of moments that have celebrated new waves of technological innovation. At least since the 1950s with the advent of computing, scholarly, journalistic, business, and other forms of reportage have detailed the many ways in which technologies affect the workplace, personal interactions, and government processes. Each of these

contributions pours more evidence into a steady flow of discourse about the so-called communication revolution or the network society. In terms of civil society and ICTs, the residue of these discursive flows takes two primary forms. The first is a utopian sensibility that argues that the evolution and intermingling of computers, information, knowledge, networks, and, more recently, a powerful array of mobile communication technologies, have changed just about everything for the better—so much so that civil society groups should wholeheartedly embrace these technological changes. The second is a more discerning vision that counters the enthusiasts by showing how societies have not changed in fundamental ways, but have merely evolved and adapted to successive waves of technological innovation. Power relations remain embedded in historically dominant patterns and institutions, and inequalities persist despite increased opportunities for access to new electronic consumer products and services (Bucy 2004). To skeptics, these rigidities prevent ICTs from having any truly transformative effects on civil society or indeed society at large.

This chapter argues for a balanced response to these viewpoints since the potential for civil society in the digital age situates the most interesting questions and possibilities between these two poles of thinking. For those immersed in either a celebratory or a skeptical orientation towards digital communications, it is often difficult to appreciate fully the other's point of view. In part this is due to the fact that both positions offer powerful evidence to counter their contrarians' positions. What seems "true" depends on the specific context in view, and particularly on the level of access to, material capacity to purchase, and skills at using, any type of electronic communications resource (Warschauer 2004). With this caveat in mind, the chapter briefly reviews both utopian and skeptical claims, while acknowledging the role that context and resources play in deciding how civil society actors approach the use and governance of electronic media resources. I argue that civil society and ICTs stand in reciprocal relationship to each other: politics and communication go hand in hand. This is why attention to the role that ICTs play in political communication anchors much of contemporary discourse about civil society and ICTs. However, it is shortsighted to focus only on how electronic media are used instrumentally for different civic and political purposes because such an orientation gives short shrift to those actors and institutions that—often silently and in the background—continue to build, own, control, regulate, and oversee the use of electronic media tools, architecture, and systems (Bollier 2003). Therefore, communications policy and the governance of ICTs are key *civil society* issues. In fact they are the issues that will ultimately determine whether ICTs offer any transformative potential for civil society in the future.

1. Can New Technologies Transform Civil Society?

Advocates of a utopian sensibility claim that ICTs transform any number of things including notions of the self and human relationships; the design of corporate,

government, and civil society institutions; the configuration of occupations and the workplace; the dynamics of political representation and civil society organizing; the way government functions, and even the structure of entire economies and societies. Such enthusiasts advance an emancipatory rhetoric that suggests that new technologies not only empower those who use them in unique ways, but that they also transform the very contexts in which people act and are empowered. These claims are fueled by a beguiling mythology that seems to resurrect itself at the beginning of each new wave of innovation; it woos many into thinking that *this* "next" will be different from the ones that preceded it. *This* one will change everything; and it will be decisive. To the optimists, the discourse around each wave of innovation—computing in the 1960s, the Internet in the 1990s, and more recently, the fascination with social media like Facebook, Twitter, and other electronic media tools—pulses with a fervor that makes it difficult to sound the alarm about previous waves of "the new" that have already come and gone with few signs of real or significant *social* transformation. So what is it that sustains the notion that technologies alone have the capacity to revolutionize society, politics, and markets? What tantalizes so many newcomers to embrace such an optimistic discourse?

One part of the answer lies in the allure of enticing concepts that tempt even the most critical imaginations. Key examples include the notion of the "cyborg" from feminist theorist Donna Haraway (1990), the concept of "cyberspace" as expressed by science fiction writer William Gibson (2004), and extensions of these concepts in myriad other renderings that include "cybersociety" and the "virtual public sphere," as well as the "network society," the "knowledge society," the "blogosphere," and "convergence culture." One of the most compelling of these images related to *political* communication is the notion of an electromagnetic cyberspace. Similar to the ways in which Jürgen Habermas's (1991) notion of a democratic public sphere has been mobilized into a new norm in the study of democratic and political communications, the idea of cyberspace also depicts a vast landscape of imagined potential for social transformation. To many, electronic spaces like the Internet are, in themselves, agents of change: such spaces offer up the potential to transcend the limitations of identity, space, time, and even the nation- state. The many declarations of an already converged communications environment predict tectonic shifts that are destined to release new waves in the electronic oceans of communication. As in a real tsunami, we are advised to get out of the way of these disruptions, to expect that our lives will be forever transformed, and to anticipate that everything must therefore be rebuilt as a consequence. Such assertions, however, pay little attention to how such convergences actually come into being in the first place. Many simply assume that they are irreversible, and must be dealt with.

The sheer size of the celebratory literature on this topic is daunting. Clay Shirky (2008) is only one of the most recent and highly celebrated "digerati" prophets of the optimistic view who focuses on the transformative power of the Internet. Shirky writes and lectures about how important things like open source software, web economics and social computing are transforming social relationships, and therefore the nature of institutions and society overall. His enthusiasm about social media

and social networking tools such as blogs, corporate services like YouTube, and storage/replay technologies like podcasting, represents a contemporary version of the optimists' mythology (Li and Bernoff 2008). Clearly, social media do have civic and political effects, especially in reducing the transactions costs and increasing the speed and reach of information exchange—advantages that are extremely useful to civil society groups in their campaigns and fundraising. Social media make it convenient, for example, to contribute to nongovernmental organizations (NGOs) when responding to catastrophes like the 2010 Haitian earthquake, simply by texting a number that authorizes a withdrawal from a cell phone account (DeBrosse 2010). Technology certainly facilitated convenience voting during the 2008 United States Presidential elections for early and absentee voters (Leval and Marsico. 2008), and one-click access (which enables citizens to obtain information on public services and entitlements by calling a telephone number or visiting a website) are now features of many e-government portals in the United States, India, Brazil, and elsewhere (Peirce 2000).

Other examples of just-in-time electronic communications permeate practically every aspect of contemporary culture, at least in many higher-income societies: entertainment, healthcare, banking, education, transportation, and, as already noted, civil society activism. The recent film *Ten Tactics for Turning Information into Activism* tells the stories of twenty-five human rights advocates around the world who have successfully used information and digital technologies to create positive change.[1] The participatory potential of these technologies is celebrated through workshops, online seminars, symposia, and intensive courses for civil society groups where people can learn about new tools. For example, the New Organizing Institute (NOI) in the United States offers "webinars" focused on online organizing techniques. According to its website, the NOI is "the only progressive training program that integrates cutting-edge online organizing techniques, political technology, and field leadership. The Institute connects organizers to new organizing resources to enable them to support the progressive movement more effectively."[2] In addition, scholars, artists, educators, media makers, social movement organizers, journalists, and many others are gathering together to discuss the transformational potential of participatory forms of digital media production under the rubric of do-it-yourself, or DIY citizenship, and DIY media. Some of these new media practices are referred to as "tactical media," and their producers as "modders," "hacktivists," "prosumers," "remixers," and "user-generators."[3]

The discursive wave that was activated by the dot.com boom and wireless "adhocracies" in Helsinki and Tokyo during the 1990s (Rheingold 2003) also drew attention to dramatic personal stories that related how civil society activists were using ICTs to positive effect, to the drama and excitement, and often the conflict, that were involved in Belarusian "flash mobs," or rapid street-organizing in the color revolutions of eastern and central Europe, or Iranians using Twitter and text messaging to broadcast their opposition to rigged elections to an international audience in 2010. Adding to this enthusiasm were positive reviews about public journalism—the idea that ordinary citizens could help to reinvigorate the media by using

interactive technologies to supply news just-in-time to large corporations from powerful new storytellers like grassroots and citizen journalists, or digital reporters. The ordinary people that deCerteau talked about were now allegedly empowered to "speak truth to power" by using their personal blogs, online chat groups, email, and other low-cost and user-friendly tools of publishing.

Another compelling contemporary example of these benefits comes from Benkler (2007), who offers persuasive evidence of the economic value to society of collaborative production of information and culture. Benkler analyzes networked systems of production like Wikipedia, the Creative Commons, and the blogosphere and asserts that collaborative, participatory communication in the form of these and other freely available or low- to no-cost tools provides larger-scale social and economic benefits than do closed systems of copyrights, patents, and other forms of intellectual property. The free and open-source software movement is another example of collaborative production and alternatives to restrictive licensing regimes, one that works from a specific political commitment to the development of commons-oriented tools and resources which, many would claim, are the essence of civil society (Coleman 2009).

Yet the key to sustaining the vibrancy of these ordinary "oceans of communication" is a clear-eyed understanding of how the political economy of electronic media and their governance affect civil society's communicative potential. A balanced view of ICTs in the service of civil society recognizes that discourses about the digital age are arguments that must be critically examined in terms of their effects on real policy change. Merely applauding the use of new media without also examining how they are produced and governed gives short shrift to the capacity of civil society actors to change the ways in which ICTs evolve as tools that can enhance popular participation in decisions that affect everyday life. Therefore, it is important to temper expectations about whatever the next "new" electronic media tools and spaces of the moment might achieve.

2. Tempering Enthusiasm about Civil Society in the Digital Age

An equally important but much less visible literature reviews and critiques the emancipatory discourse of the digital age. May (2002), Mattelart (2003), Barney (2004), Webster (2006), and Hindman (2008), for example, take a much more cautious stance, arguing that claims of the "new" divert attention from, and may even occlude, consideration of the structural conditions that reinforce long-standing patterns of inequality, domination and control. Such critics assert that the transformational view of ICTs errs in its underappreciation of history and its overreliance on traditional notions of modernity, progress, and the ability of technology to

define and promote these things. In their view, critical perspectives on these issues provide a much more useful scaffolding on which to hang past, present, and future expectations about the promise of ICTs for civil society and civic and political engagement.

More than twenty years ago, Jennifer Slack questioned why another book on the information age was needed, adding in response that "the information age is a contested terrain: what it is—even *if* it is—how it is lived, how it is experienced, and how it is described differ remarkably…It is an ongoing articulation of political, economic, and ideological arrangements and relations.…descriptions of the information age are ideological, and ideology permeates what the information age is" (1987, 1–2). This conclusion is just as true today, and at least four major weaknesses of the enthusiasts' inclinations deserve particular attention. The first is technological determinism. Webster, for example, describes how proponents of digital-age discourse tend to focus on spectacular technological innovations and their transformative power as the "foundational elements of an information society." Those who proclaim that space and time have been completely transformed by symbolic interaction in cyberspace also advance, knowingly or unknowingly, this perspective, embodying a "genre of futurism.…full of dire wake up warnings, shallow analyses of the substantive realm, and the self-assurance that only the author has understood what most others have yet to comprehend" (2006, 7–8). Proponents of this discourse tend to overemphasize the changing value of information-related activities to economic productivity and social restructuring.

ICT enthusiasts tend to think that "the machines themselves, not the goals of progress, have come to play center stage.…Convenience, like progress, parades itself initially in fairly uncomplicated terms." Put simply, a better life means "having access to tools that help us save time, conquer space, [and] create comfort" (Slack and Wise 2005, 17, 28). Langdon Winner (1999, 43) defines this line of thinking as a belief that technology "is central to defining what culture is" and that technology itself drives cultural change. Winner also argues persuasively that artifacts actually embody politics rather than simply being instruments of them. He contends that "the things we call 'technologies' are ways of building order in our world," recalling Lewis Mumford's warning that both democratic and authoritarian tendencies are manufactured into the uses to which technologies are put by human beings: "What matters is not technology itself but the social or economic system in which it is embedded" (Winneer 1999, 32, 28), as is evident in contemporary examples of digital rights management (DRM), technologies that prevent the circumvention of locks on digital content distributed online.

The second weakness of uncritical techno-optimism is that it ignores the authoritarian tendencies and other problems that Mumford warned of, part of what Robins and Webster (2004, 65) call the "dark side of the information revolution." A key factor that gets lost in much of the hype about the digital age is the illusion that users control technology rather than being manipulated by it: being able to choose among a given plethora of electronic products and services that include cell phones, blogs, text messaging, pagers, personal data assistants, and high-technology

phones says little about the real and lasting outcomes that these choices have on empowerment and social relations. Communication technologies facilitate and enhance the exchange of information and support online environments in which civic ties and political beliefs can be created, strengthened and potentially reshaped. Yet the nature and direction of these ties and beliefs, and whether ICTs weaken or reinforce the Balkanization of social life that is such a feature of civic engagement offline, are contested issues on which the evidence is ambiguous (Shah, Kwak, and Holbert 2001; Galston 2003). Nevertheless, these are important questions to be answered if communications technologies are to fulfill their potential in building alliances for change that are broad and deep enough to be effective and sustainable beyond episodic protest events or advocacy campaigns (Fine 2006; Leadbeater 2008; Harkin 2010). Equally important are the choices that are *not* being made available by technology developers, engineers, policy makers who approve patents, and many other kinds of decision makers. People must have the choice to opt in, not just to opt out of, already proscribed forms of digitally mediated forms of interaction or self-disclosure. By linking consumer activism with activism on digital rights, new choices can also be made more widely available.

Third, the literature that perceives technology "as imposing its character on the rest of society" (May 2002, 13) overestimates the power of ICTs to dislocate and democratize states and markets. May identifies four common claims that are especially problematic: that ICTs create a social revolution, give birth to a new economy, transform politics, and further the supposed decline of the nation state. He emphasizes how oftentimes online communities are purported to be "independent of geography," so that their presence changes the "character of democratic accountability and participation" (May 2002, 15). Although shifts are certainly occurring in the manner of political activity, critics like May are more sanguine about their political efficacy, partly because of the state's continued role in undermining privacy and imposing censorship online. Therefore, the arguments that are often made by ICT enthusiasts about the impotence of the state in the face of globalized information networks need to be tempered, even if new technologies, as they do, enable civil society to confront the state more effectively. The decline of the state rhetoric renders government as merely an untrustworthy and residual actor that is out of date and out of touch with technological developments. Yet it will be government intervention in many cases that will address concerns about the "digital divide" (Warschauer 2004). Those who would like to have access to digital forms of communication as well as the capacity to use these tools in ways that enhance their well-being rely on state intervention to support the necessary enabling regulatory conditions such as affordable prices, consumer protection laws, interoperability among networks, and nondiscriminatory services. Public interest policy advocates across the globe are working to develop these conditions, but they encounter many obstacles along the way including weak institutional capacity and a lack of resources to sustain their policy-advocacy efforts; constantly shifting policy-making forums in which to direct these activities; and an inability to communicate to non-experts what is at stake with regard to digital rights.

Finally, and following from this third point, all ICTs depend on communication infrastructure resources in order to function that are either owned by corporations or regulated in some way by governments. These resources include the radiofrequency spectrum for anything that travels over the airwaves, telecommunication networks for anything that requires a telephone connection, satellite dishes with up- and down-links for video content, cable connections for cable content, and software codes that control the switching involved in internetworking services like the Internet. All of these resources entail some form of government involvement, whether in the form of hard or soft law, light or heavy regulation. For this reason, ICT enthusiasts need to give equal attention to the intricate and reciprocal relationship that exists between those who design, finance, build, maintain, and govern electronic communication infrastructures and tools, and those who seek to use these resources for political, economic, social, or cultural ends. No technology is neutral and therefore no policy related to technological design or regulation comes without costs as well as benefits. The Internet is a case in point, designed as a decentralized, open architecture system that now facilitates a wide variety of speakers and speech forms that include pro-democracy supporters, media fan clubs, hobbyists, student groups, and scholarly networks—as well as pornographers, human traffickers, and weapons dealers. Whose and which rights should be protected when online are important questions for the new forms of governance that are emerging in the digital age. This is why civil society needs to pay attention to communication infrastructure policy *making* as much as to the various uses to which new digital tools and services are applied.

3. Communication Infrastructure Policy is a Civil Society Issue

Communication policy can be defined as "the principles and procedures of action that govern the uses of communication resources" (Rodriguez et al. 2009, 1), and encompassing "broadcasting, telephones, computers, and telecommunications, Internet, freedom of government information, privacy, and intellectual property" (Mueller, Page, and Kuerbis 2004, 169). Yet while these media and telecommunication systems clearly enable or disable the expression of other freedoms, rights, and capabilities, scholars who specialize in the study of social movements and human rights advocacy have largely ignored the role that communication media actually play in social, political, and economic struggles (Downing 2008). As Mueller, Page, and Kuerbis note, "recent literatures on global civil society and social movements contain numerous allusions to the importance of information technology (IT) in enabling activism, [yet] almost none of this literature looks at communication and information policy as the object of activism" (2004, 170).[4]

This blind spot becomes especially problematic when civil society's interests in communications policy are subordinated to the desires of industry and government. For example, the surveillance of civil society by corporations in collaboration with the state is increasing via data retention laws through which governments demand the collection of customer data by telecommunications companies, including internet service providers or ISPs (Costanza-Chock 2004). Corporate and government filtering of online content has also emerged as a new form of censorship (Diebert et al. 2008), using intellectual property law to restrict online behavior such as downloading restricted content, invoking libel laws to create a chilling effect on online critiques of corporate behavior, and interfering with network traffic speeds or blocking access to certain websites.[5] These interventions question the transformative civic and political power of ICTs: "instruments do not necessarily make for new politics" as Barney (2004, 130) puts it. Therefore, new and more democratic forms of ICT governance and control are essential if the potential for civil society engagement and participation are to be realized in the future.

At the same time, a specific group of civil society scholars and activists are increasingly active in challenging the control that intellectual property policies exert over online communications through digital rights management and other instruments (Jorgensen, 2006). For example, the Global Consumer Dialog on Access to Knowledge and Communication Issues, a project of Consumers International, the global network of some 220 consumer organizations worldwide, "seeks to harness the collective voice and effectiveness of consumer groups working around the world and across issue sectors, to guarantee that consumer interests are adequately represented in national and global debates around intellectual property and communications rights, and thereby to serve as a catalyst for policy change, by putting pressure on governments and international organizations to develop more balanced IP and communications regimes."[6] This project is one of many collaborative projects launched since the turn of the century in 2000 by civil society organizations around the world to ensure that digital rights are designed to benefit citizens and consumers, and not just corporations. These rights include such things as rights to privacy, freedom of expression, and access to electronically stored educational and government information. Effective advocacy in this area of public policy necessarily involves understanding the ways in which a variety of rights regimes intersect, and possibly collide or contradict one another, especially human rights and consumer rights.

Two successive United Nations Summits in 2003 and 2005 captured this dilemma under the rubric of the World Summit on the Information Society (WSIS) and resulted in the formation of the United Nations Internet Governance Forum (IGF). As Raboy (2004, 225) summarizes, civil society involvement in both the UN's WSIS and IGF meetings and processes has influenced civil society's expectations about new forms of governance. The WSIS highlighted a range of questions about issues and processes that characterize the governance of communications at the start of the twenty-first century. Without having resolved all these questions, which include issues of how to structure civil society participation, legitimacy, and accountability, WSIS and other similar processes illustrate an emerging paradigm for global governance

generally, one in which information and communication issues are central and in which new actors, particularly global civil society, will have to be involved. Legal scholars such as Mueller (2002) and Zittrain (2008) have argued strongly for more, not less, attention to global governance issues, particularly those focused on the Internet.

4. Conclusion

In closing, this chapter has sought to emphasize the extent to which civil society deliberation and action in the twenty-first century both depend on, and are constrained by, electronic communication resources and their governance. The experiences of civil society actors in utilizing ICTs lie somewhere between the optimistic and skeptical perspectives. Associational life can obviously be enhanced by electronically networked communication; better communication and information transparency often make for richer democratic processes; and electronic public squares or spheres do provide spaces in which important civic and political work gets done. However, these spaces need to be recognized not just as something for civil society to use, but as something that civil society must work to preserve. This must include efforts to expand the adoption of open source software and its underlying philosophy, new frameworks for asserting civil society's rights in relation to electronic media, and policies that have the potential to sustain civil society media themselves as spaces and capacities that are relatively independent of governments and corporations—self-organized, community-based alternatives that are owned and managed by citizens, that are noncommercial and as open and participatory as possible (Hintz 2009).

Whether one thinks enthusiastically or skeptically about civil society in the digital age, or perhaps manages to balance elements of both perspectives, it is important to remember that "we are not the first generation to wonder at the rapid and extraordinary shifts…as a result of new forms of communication" (Marvin 1988, 1). Whatever advances technological innovations may provide, they never arrive without problems and inequalities that must be interrogated. In the inevitable delight that is certain to follow the arrival of the next new technology, it is important that civil society scholars and activists commit to a proper balance of expectations. The infrastructure policy of ICTs matters just as much as ICTs themselves in protecting and sustaining whatever is positive about electronic tools and spaces for civil society in any age.

NOTES

1. See http://thecoup.org/blog/10-tactics.
2. See http://www.neworganizing.com/about-us.
3. See http://diycitizenship.com.
4. A recent important exception is S. Milan (2009), "Stealing the Fire: A Study of Emancipatory Practices of Communication," available at http://www.eui.eu/Documents/

DepartmentsCentres/SPS/ResearchAndTeaching/ThesesDefended/THesesDefendedBioAbs2009/MilanPhDThesisAbstractAndBio.pdf.

5. See, for example, http://opennet.net/blog/2010/02/pakistan-blocks-youtube-videos, http://www.spiegel.de/international/europe/0,1518,druck-678508,00.html, and http://opennet.net/blog/2008/10/oni-affiliate-reveals-chinese-surveillance-skype-messages.

6. See http://a2knetwork.org/.

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CHAPTER 28

CIVIL SOCIETY AND PUBLIC JOURNALISM

CHARLES LEWIS

Centuries ago the great Italian astronomer Galileo Galilei wrote that "All truths are easy to understand once they are discovered; the point is to discover them." For people throughout the world, this has always been a formidable challenge, and it remains so today in the warp-speed, metamorphosing, multimedia Internet age of more than a hundred million websites, global search engines, instant messaging, and social networks. Facts are and must be the coin of the realm in a democracy, for government "of the people, by the people and for the people," to paraphrase Abraham Lincoln, requires and assumes an informed citizenry, at least to some extent. There can be no substitute for the truth about all the powers that be. On this point, Lincoln could not have been more emphatic: "I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts" (cited in Seldes 1985, 246).

And yet, regardless of the power of new media technologies, these "real facts" have proven to be ever more elusive to ascertain. In many nations including the world's oldest republic, there is a discernible pattern of laggard, inaccurate, and artificially sweetened information that distorts the political decision-making process, mutes popular dissent, and delays—sometimes fatally—the cold dawn of logic, reason, and reckoning that is so fundamental to an open democracy. The antidote to this problem is a vibrant and fearless civil society, including journalists and other watchdogs who provide citizens with correct, contemporaneous, and independent information about the decisions that affect their daily lives.

1. Defining Reality

Access to independent, accurate, and timely information by citizens is essential in order to hold any institution accountable. This is hardly a new notion—after all, freedoms of expression and information have long been recognized as universal human rights—but nonetheless it is often lost sight of. Throughout history, totalitarian regimes have restricted public access to information and further distorted popular perceptions of reality through disinformation. For example, in 146 B.C., on the northern coast of Africa, would the Carthaginians have agreed to relinquish their 200,000 individual weapons and 2,000 catapults to the Romans had they known that earlier the Roman Senate had secretly decided "to destroy Carthage for good" (Kiernan 2007)?

Secrecy, deception, and the abuse of power transcend time, geography, culture, language, and means of communication. The worst mass murderers in the twentieth century have had a common modus operandi, from Hitler's Third Reich to Josef Stalin's Soviet Union, and including Mao Tse Tung's Cultural Revolution (more accurately characterized as "China's Holocaust"), Pol Pot's Khmer Rouge "killing fields" in Cambodia, and "Hutu Power" in Rwanda. In this last case, the minority Tutsi population were demonized for weeks on the airwaves as *inyenzi* or "cockroaches" that needed to "disappear once and for all," and very soon thereafter, up to a million Tutsis were murdered within a few short months (Kiernan 2007, 536–8). Around the same time, in Bosnia, the Serbs described Islam as a "malignant disease" which would "infect" Europe, and their ethnic cleansing between 1991 and 1995 resulted in roughly 200,000 Muslim casualties (Kiernan 2007, 588–9). Most recently, in the first genocide of the twenty-first century in the Darfur region of Sudan, Arab Islamic Janjaweed militias, working in tandem with the Sudanese government, murdered hundreds of thousands of people and displaced millions more, with the brutality also spreading into Chad and the Central African Republic (Kiernan 2007, 594–6).

While the extent and predictability of human destruction certainly have varied, their enabling means have not. Those in power have always controlled the flow of information, corroding and corrupting its content using newspapers, radio, television, and other mass media to carefully consolidate their authority and cover their crimes in a thick veneer of fervent racialism or nationalism—and always with the specter of some kind of imminent public threat, what Hannah Arendt called "objective enemies" (Arendt 1951). Unfortunately, restricting and distorting information while also diverting the public's attention has not been the preserve of mass murderers and their regimes. Indeed, for those wielding power, whether in the private or the public sector, the increasingly sophisticated control of information is regarded as essential to achieving success, regardless of subject or policy or administration or country. Besides controlling the external message, strict discipline about internal information is also regarded as essential, severely limiting current and future access to potentially disadvantageous documents including calendars, memoranda, phone logs, and emails. In this 24/7, instantaneous, viral communications environment

concerning the most controversial, politically inconvenient subjects, mere delay is the simplest, most efficacious public relations tactic available.

There are astonishing financial profits to be made in delaying and distorting the truth when investment banks misrepresent their financial conditions, or when companies knowingly manufacture harmful products, as the tobacco, asbestos, lead, and other industries have been found to have done many years later. There are immediate electoral rewards for delaying and distorting the political truth, as U.S. President Lyndon Johnson did in 1964, secretly girding for a major war in Vietnam while publicly promising not to send more soldiers off to war; and as President Richard Nixon did in 1972, secretly authorizing a political "dirty tricks" operation inside the White House, that, among many other things, effectively derailed the campaign of his most formidable Democratic foe, Senator Edmund Muskie. Both incumbent presidents breezed to their election victories in those years.

In the case of the Vietnam War in which hundreds of thousands of lives were lost between 1962 and 1975, the public learned over a period of years—with inculpatory revelations still seeping out four decades later—that the rationale for direct U.S. involvement was always a lie (Alterman 2004). Instead of the United States being attacked in a remote part of the world known as the Gulf of Tonkin by the North Vietnamese in 1964—as the President had announced to the world, precipitating congressional passage six days later of the Gulf of Tonkin resolution that authorized nearly all of the carnage that followed—the United States government had been engaged for months in top secret intelligence-gathering activities in flagrant violation of North Vietnam's sovereign land, air space, and territorial waters, including consciously planned, aggressive military provocations against that country. Remarkably, the American people then or since have never directly been told the truth by their government about what really happened in that remote part of the world, years before 24-hour cable news, cell phone cameras, video recorders, and the Internet.

Many of those lies and distortions were officially documented in the Department of Defense's secret, voluminous history of the Vietnam War known as the Pentagon Papers, which were leaked to reporters and courageously published by the *New York Times*, the *Washington Post*, and other newspapers in June, 1971. Publishing the Pentagon Papers and the media's coverage of the Nixon Watergate scandal still represent U.S. history's high-water mark in the longstanding struggle between raw political power and democratic values. But even with those emblematic moments of an independent, skeptical press in the American experience, important information about those in power took years to become known to the public. As the then-executive editor of the *Washington Post*, Benjamin C. Bradlee, mused two decades later, "What might have happened had the truth emerged in 1963 instead of 1971?" (Bradlee 1990).

With the advent of the atomic age after the Second World War and the demonstrated capacity for nuclear annihilation on an unprecedented human scale, the inclinations of those in possession of previously unimaginable power to operate in secrecy and deception were exacerbated. According to historian Garry Wills, the

bomb "fostered an anxiety of continuing crisis, so that society was pervasively militarized. It redefined the government as a National Security State, with an apparatus of secrecy and executive control… The whole history of America since World War II caused an inertial rolling of power toward the executive branch… [and] the permanent emergency that has melded World War II with the Cold War and the Cold War with the war on terror" (Wills 2010, 237–8). Indeed, in a representative democracy such as the United States—in which by far the most extensive military operations, with no fewer than 761 bases around the world, are overseen by civilians led by the elected president who is also the commander-in-chief—national security and the political instinct to carefully calibrate and frame information to maximum public advantage are often melded together and eventually become indistinguishable (Hedges 2009, 144). As journalist Jacqueline Sharkey observed in her study of U.S. military restrictions on the news media over thirty years, from Vietnam to the military actions in Grenada, Panama, and the first Persian Gulf War in 1991, "Information-control policies designed to protect not military security but presidential approval ratings undermined… the right of the American people to receive unbiased, independent accounts of military conflicts, so they can pass judgment on the civilian and military leaders who took them to war" (Sharkey 1991, 40).

Each successive occupant of the White House has been more sophisticated and aggressive at controlling the message of his administration, technologically but also in terms of additional public relations money, personnel and outreach. For example, in its first term, the George W. Bush administration hired 376 additional public affairs officials to package information at an annual cost of $50 million (Brune 2005). Separately, $254 million was spent on "faux news" contracts, nearly double what the Clinton administration had spent during the preceding four years. Positive video news releases about administration policies were sent out to hundreds of commercial television stations and viewed by tens of millions of Americans, often with no on-air identification or disclosure (Barstow and Stein 2005). In March 2003, almost four decades after the Johnson administration had escalated the war in Vietnam under false pretenses, the Bush administration led the United States and several of its allies to war against Saddam Hussein's Iraq, also on the basis of erroneous information that it had methodically propagated. According to the Center for Public Integrity, in the two years following September 11, 2001, President George W. Bush and seven of his administration's top officials made at least 935 false statements about the national security threat posed by Iraq. The carefully orchestrated campaign about Iraq's supposed weapons of mass destruction effectively galvanized public opinion and, in the process, led the nation to war under decidedly false pretenses. The cumulative effect of these incorrect, bellicose statements—amplified by thousands of uncritical news stories and broadcasts—was immense. Much of the saturation media coverage provided additional, independent validation of the Bush administration's misstatements about Iraq (Lewis and Reading-smith 2008).

In addition, the *New York Times* discovered and reported years later that the Pentagon had quietly recruited seventy-five retired military officers to work as "independent," paid consultants and as radio and television analysts. They were

secretly coached about how to make the public case for war in Iraq on the air, and many of them also had significant, undisclosed financial ties to defense companies that were benefiting from the policies they were supposedly analyzing (Barstow 2008). The broadcast media essentially ignored these revelations, neither reporting on their own dubious use of such compromised, closely tethered talking heads nor apologizing to the public for the gross misrepresentations they involved. Considering that most national reporters and their news organizations were figuratively embedded in official propaganda and misleading statements, what might have happened, to paraphrase Bradlee's question, if the public had discovered the truth about the actual extent of the national security threat posed by Iraq in late 2002 instead of some years later? Two distant quagmires, and twenty years of large-scale bloodshed in wars in Vietnam and Iraq, might have been avoided if the American people had been better informed with real-time truth about the specious official statements, faulty logic, and muscular manipulations of public opinion and governmental decision-making processes.

One of the most epiphanic public comments from the period of President George W. Bush's war on terror was made by an unidentified White House official, revealing how information is managed and how the news media and the public itself are regarded by those in power: "[You journalists live] in what we call the reality-based community. [But] that's not the way the world really works anymore. We're an empire now, and when we act, we create our own reality…we're history's actors…and you, all of you, will be left to just study what we do" (Suskind 2004). And yet, as aggressive as the Bush administration may have been in attempting to define reality, the subsequent administration of President Barack Obama may be even more so. With sixty-nine people managing the media and the message (compared to fifty-two under Bush and forty-seven under Clinton), the Obama White House press operation (which includes for the first time an Office of New Media) is the largest, most technologically advanced and most centralized in U.S. history. Meanwhile, because of the economic disruptions that are afflicting the commercial media companies, today there are *fewer* reporters covering the White House, and those who are there each day may be less relevant than their predecessors, partly because they now have less and less time to do any original reporting. As Peter Baker, the White House reporter for the *New York Times*, has complained, "We are hostages to the non-stop, never-ending, file-it-now, get-on-the-Web, get-on-the-radio, get-on-TV media environment." All of which leads to the widespread perception among journalists such as *Vanity Fair*'s Michael Wolff, "These people in this White House are in greater control of the media than any administration before them" (Auletta 2010; Wolff 2009).[1]

Setting the agenda and circumventing the news media has been the goal of every recent U.S. president's outreach strategy. Sidestepping full, televised news conferences with professional journalists and choosing more easily controlled venues instead—such as selected public questions on the video-sharing website YouTube without the risk of follow-up—epitomizes the difference between the aura of accessibility and actual accountability in the new media age (Kurtz 2010). Controlling the message and the news media has become easier with the increasing ability of the

first Internet president and White House to get their carefully framed information out directly to the public via thousands of emails, blogs, and Tweets, not to mention using the electronic bully pulpit of numerous government, party and campaign websites; daily, televised White House press briefings; weekly radio addresses on YouTube; produced videos on Whitehouse.gov; official photos on the image and video-hosting website Flickr; and many more.

The realities of power in a 24/7 world are that now more than ever before, public perceptions and opinions are shaped in the first hours of any major event. Veteran journalist Hodding Carter, who served as assistant secretary of state for public affairs in the administration of Jimmy Carter, has observed that "if given three days without serious challenge, the government will have set the context for an event and can control public perception of that event" (Kovach and Rosenstiel 2007, 45). These new communications opportunities, set against the backdrop of economically emaciated media companies serving a thinner gruel of independently reported news (compared to the occasional "bisques" of yesteryear), illuminate just how difficult it is for ordinary citizens to get beyond talking points and their message, and to discover—indeed, decipher—important truths for themselves.

2. The News Media Crisis and the Decline of the Public Sphere

The work of independent journalists is of course essential to any ostensibly free society, and yet their working conditions have never been typical compared to those of other professions. Besides the risk of being murdered with impunity, with most democratic governments doing very little if anything until after it occurs, journalists also face another real punishment for their truth-telling: being sued for libel and defamation by multinational corporations, organized crime, or wealthy individuals. Of course, journalists and their news organizations should be held civilly liable for their conduct on the same basis as everyone else in society, but as a practical matter, defending frivolous, financially threatening litigation can take years, be exorbitantly expensive, and end implausibly if the jurisdiction is inhospitable to the public scrutiny of those in power. Even worse, out of 168 countries recently surveyed, 158 have criminal defamation laws, which, according to Agnès Callamard, executive director of the human rights organization Article 19, "through enforced silence and imprisonment, stifle, censor and suppress freedom of expression., Defamation, both civil and criminal, is one of the greatest threats to freedom of expression in the world today. It is a global problem that requires global action" (Article 19 2007). The daily reality in much of the world is that journalism that speaks "truth to power" can result in financial ruin, imprisonment, or death for a reporter.

But by far the most significant threat to independent journalism is economic. In recent years in North America, Europe, and Japan, commercial, for-profit

journalism has endured a difficult, historic transformation. Fundamentally, the relationship of classified and display advertising revenue to newspapers has been drastically disrupted by new online technologies and the simultaneous, declining interest of consumers in serious news. As a result, tens of thousands of journalists have been laid off in the United States, where the number of newspaper editorial staff fell by 33 percent between 1992 and 2009 (Downie Jr and Schudson 2009, 21–3). With the proliferation of online news sites and increasing broadband access, young adult citizens are increasingly getting their information digitally, via mobile phones and otherwise. The obvious result of this hollowing out process is that there are fewer people today to report, write, and edit original news stories about our infinitely more complex, dynamic world, and fewer journalists to hold those in power accountable. Put in perspective, at the same time as the historic shrinking of newspaper, radio, and television newsrooms across America over three decades from 1980, the number of public relations specialists and managers doubled from approximately 45,000 to 90,000 people. As Robert McChesney and John Nichols (2010, 49) have written, "Even as journalism shrinks, the 'news' will still exist. It will increasingly be provided by tens of thousands of well-paid and skilled PR specialists ready and determined to explain the world to the citizenry, in a manner that suits their corporate and government employers." The serious news and information void is also being filled increasingly by major nongovernment organizations (NGOs) specializing and implicitly or explicitly advocating in certain subject areas, such as the International Crisis Group, Global Integrity, Human Rights Watch, the Natural Resources Defense Council, and the Kaiser Health Foundation's Kaiser Health News. As the traditional, elite news organizations necessarily evolve from their condescending role as gatekeepers (deciding for the public what news is fit to print), the global nonjournalism, online marketplace of ideas, and information has exploded, though with widely varying quality and credibility of content.

Philip Meyer, professor emeritus at the University of North Carolina and author of two seminal books, *Precision Journalism* in 1973 and *The Vanishing Newspaper* in 2004, has written that "The hunter-gatherer model of journalism is no longer sufficient. Citizens can do their own hunting and gathering on the Internet. What they need is somebody to add value to that information by processing it—digesting it, organizing it, making it usable" (Meyer 2008). One of the most poignant and educative moments regarding the remarkable potential of citizen-journalists and hunter-gatherer collaboration occurred on July 7, 2005, when terrorist bombs exploded in the London subway. Within six hours, the British Broadcasting Corporation (BBC) had received more than 1,000 photographs, twenty video clips, 4,000 text messages, and 20,000 emails—all from citizens. For Richard Sambrook, the director of news there, it was a transformative illustration of the power and synergies of "crowdsourcing" when integrated with the editorial values and sensibilities of conventional journalism: "I believe that truth, accuracy, impartiality and diversity of opinion are strengthened by being open to a wider range of opinion and perspective, brought to us through the knowledge and understanding of our audience" (Sambrook 2005). Beyond the exigencies of breaking, daily news situations, the power and potential of

citizen muckraking, with or without collaboration with professional journalists, remains relatively unrealized—but it will inevitably evolve over time as part of a new ecosystem for journalism (CPI 2000).

3. A New Journalism Ecosystem

What appears to be evolving across the world in the United States, Canada, and in parts of Europe, Africa, Latin America, and Asia in direct response to the commercial news media meltdown is the beginning of a new investigative journalism ecosystem, in which some of the most ambitious reporting projects will increasingly emanate from the public realm rather than from private, commercial outlets. From Britain to South Africa, the Philippines to Peru, Australia to the United States, philanthropically supported publishing centers are being founded and staffed by professional reporters and editors who have either lost their jobs or might do so soon, disconcerted veterans who are excited to be doing major important reporting projects once again.[2] It should be noted that nonprofit journalism itself is hardly a new phenomenon. For example, some of the most venerable media institutions in the United States have long operated this way, including the Associated Press, National Public Radio, and the Public Broadcasting System; well-known periodicals such as *National Geographic*, *Consumer Reports*, *Mother Jones*, *Foreign Affairs*, and *Harper's*; and the *Christian Science Monitor* and numerous other newspapers.

What is new is the recent proliferation of specialized, nonprofit, investigative, and public service journalism publishers online, who in many cases are working closely in partnership with existing "legacy" media institutions. The commercial, for-profit companies have smaller news-gathering capacities and less money, and are desperately seeking serious news content at little or no cost. The investigative nonprofit organizations have plenty of high quality content but are desperately seeking "eyeballs"—online visitors, page views, and traffic—to their online news sites. The two groups help and need each other in a marriage of convenience, with the public as the prime beneficiary.

The Associated Press, created back in 1846, announced in 2009 that for the first time, it will make investigative stories from four nonprofit national news organizations—the Center for Investigative Reporting, the Center for Public Integrity, the Investigative Reporting Workshop, and ProPublica—available to its newspaper clients. The two oldest investigative reporting nonprofits in the United States, the Center for Investigative Reporting in California and the Center for Public Integrity in Washington, D.C., were separately created by journalists in 1977 and 1989. ProPublica, based in New York, and the Investigative Reporting Workshop at American University in Washington, D.C., were separately founded in 2008. All four organizations share their content in partnership with major national news media outlets, from the *New York Times* and the *Washington Post* and many other newspapers

to the television news programs such as *60 Minutes*, *Frontline*, and other major venues at CBS, NBC, ABC, CNN, and other broadcast and cable television outlets.

For example, the Center for Investigative Reporting, working with WNET and others, is reopening and investigating several cold cases from unsolved civil rights-era murders in the South, and separately has launched its California Watch project to investigate public issues in America's largest state, its stories being sold to more than three dozen news outlets. The Center for Public Integrity identified the top twenty-five subprime mortgage lenders in a "Who's Behind the Financial Meltdown?" series of stories in partnership with several major news organizations, and six months after the 2003 U.S. invasion of Iraq published *Windfalls of War*, an online posting of all war-related contracts in Iraq and Afghanistan and the political contributions of each contractor. Some of the best investigative reporting about federal stimulus spending amidst the recession of 2009 was carried out by ProPublica, and it has also partnered with the PBS program *Frontline* and the *New York Times* to investigate foreign bribery by the multinational company Siemens. The Investigative Reporting Workshop *BankTracker* project, in partnership with MSNBC.com, has been compiling and posting federal financial data and a troubled asset ratio analysis for every chartered bank in the United States; separately, the workshop is also coproducing television documentaries with *Frontline*, the first of which exposed unsafe working conditions inside regional airline carriers.[3] The AP announcement about collaborating with four nonprofit investigative centers came six months after the December 2008 statement by the Pulitzer Prize awards committee, declaring that the prestigious Pulitzer prizes, for the first time since their inception in 1917, could be awarded not just to newspapers, but other news organizations that publish only on the Internet, which are "primarily dedicated to original news reporting and coverage of ongoing stories," and that adhere to "the highest journalistic principles."[4] In 2010, ProPublica became the first of these investigative centers to win a Pulitzer prize, for a story published with the New York Times.

These historically significant developments are a direct response to the newspaper industry's financial crisis and the new nonprofit publishing environment. What does all this mean? It means that, in the foreseeable future, more and more investigative content from respected nonprofit news organizations will likely be included by the major media institutions in their news coverage offerings. Commercial and noncommercial news media organizations interested in investigative and other forms of public service journalism are increasingly collaborating and becoming intertwined with each other. A new way of doing in-depth journalism in the United States and elsewhere in the world is becoming increasingly common.

In recent years, as the quality and quantity of commercial news offerings have declined, local and national philanthropic foundations have recognized that a civic crisis of information exists. Between 2005 and mid-2009, at least 180 U.S. foundations spent nearly $128 million on news and information projects, half of that for investigative reporting by nonprofit centers. And these numbers do not include large-scale foundation and individual support given annually to public broadcasting (Schaffer 2009). What is most interesting is that before the fall of the Berlin Wall in

1989, there were only three nonprofit investigative reporting entities in the world; today there are literally dozens of them, and if professional membership and training organizations are included, the number is over forty (Kaplan 2007). In the United States, some nonprofit reporting centers are state-based, some are university-based, and some are both. In the latter case, college students collaborate with veteran journalists and the work is published in commercial or non-commercial outlets.

In 2009, twenty U.S. nonprofit news publishers came together for three days and issued the Pocantico Declaration, announcing that "We have hereby established, for the first time ever, an Investigative News Network."[5] Half of the groups represented had only begun since 2007. The new organization will likely grow to at least 50–100 nonprofit public service journalism organizations from around the world in the foreseeable future. It is unclear whether or not the network will evolve as one of the most important, online destinations for original, anthologized investigative reporting content, a mecca for editorial collaboration between news organizations across borders, or merely the first broad-based nonprofit news publishers association assisting organizations administratively and otherwise (Lewis 2009).

The global dimension and potential of this emerging ecosystem cannot be overstated. The Center for Public Integrity began the International Consortium of Investigative Journalism in 1997, containing 100 preeminent reporters from fifty countries on six continents who have produced cross-border content on everything from cigarette smuggling to the privatization of water, climate change lobbying around the world, and the proliferation of private military companies.(Lewis 2009) It was the first—and remains the only—working network of respected journalists who develop and publish international investigative stories about the most compelling public interest issues of the time. It will grow and, via the center's website, publish more frequently. Meanwhile, regional and subject-oriented reporting networks are also evolving in Latin America, the Middle East, Europe, and Africa. Another sign of the coalescing momentum for cross-border cooperation is the creation of the Global Investigative Journalism Network among different nonprofit investigative journalism organizations to support training and share information—but not to produce content—at international conferences. Six multi-day, multi-panel global conferences have been held in Copenhagen in 2001 and 2003, Amsterdam in 2005, Toronto in 2007, Lillehammer, Norway in 2008, and Geneva in 2010, cumulatively attended by more than 3,000 journalists from eighty-seven countries, with Kiev designated as the next conference site.[6]

4. Conclusion

Where all of this synergy and collaboration will lead, and whether new economic models can be created to help make this fragile ecosystem more financially sustainable, are unclear, but these developments are unprecedented and full of promise.

The American journalist A. J. Liebling once wrote that "freedom of the press is guaranteed only to those who own one."[7] For some of the boldest members of the current diaspora of immensely talented journalists with nowhere to work, starting a nonprofit, online news site is vastly more appealing than the bleaker specter of leaving the profession itself. The editorial freedom, excitement, and satisfaction of a journalist creating and running his or her own news organization are palpable—and the editorial, administrative, and financial management responsibilities are formidable. The ultimate winner, of course, is the public, supplied with independent, in-depth journalism that would not otherwise exist, in multimedia, infinitely more accessible forms.

As veteran journalists Bill Kovach and Tom Rosenstiel (2007, 255) observed, "Civilization has produced one idea more powerful than any other: the notion that people can govern themselves. And it has created a largely unarticulated theory of information to sustain that idea, called journalism. The two rise and fall together." Both ideas have evolved and been applied in various ways since the late eighteenth century throughout the world, and they will continue to be so. But neither can survive without the public's capacity to discover and understand the real-time truth about those who occupy positions of power. Civil societies must do everything they can to preserve and enlarge the public space for independent, investigative journalism in all of its evolving forms. For as Justice Hugo Black wrote in the historic Pentagon Papers Supreme Court decision, "Only a free and unrestrained press can effectively expose deception in government" (Kenworthy et al. 1971, 725).

NOTES

1. The White House staff numbers come from political scientist Martha Joynt Kumar, who has tracked presidents and the press for four decades. See http://marthakumar.com.

2. For a complete, updated, global list of nonprofit investigative news publishers, with vital organizational information and links, see "The New Journalism Ecosystem" at www.investigativereportingworkshop.org/ilab.

3. See www.cironline.org, www.publicintegrity.org, www.propublica.org, and www.investigativereportingworkshop.org.

4. See www.pulitzer.org/files/PressRelease2008PulitzerPrizes.pdf.

5. Available at http://cpublici.wordpress.com.

6. See www.globalinvestigativejournalism.org.

7. Liebling's well-known aphorism, among others, can be found at http://en.wikipedia.org/wiki/AJ_Liebling.

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CHAPTER 29

CIVIC KNOWLEDGE

PETER LEVINE

Civil society and knowledge are connected in three major ways. First, in order for a civil society to function well, its citizens must know certain things.[1] They must have skills ("know-how") plus facts or concepts ("knowledge that"), plus knowledge that enables them to negotiate their views of right and wrong. Second, civil society *generates* knowledge, including certain kinds of knowledge that cannot be produced by other sectors or institutions. For example, science cannot produce knowledge of what is right or good in the way that citizens can when they are organized appropriately in civil society. The relationship between civil society and knowledge is reciprocal, with each contributing to the other. Third, civil society plays an essential role in preserving and nurturing the institutions that produce valuable knowledge. Knowledge is a public good, because excluding people from its benefits is difficult and expensive once it has been produced. Generating and protecting any public good raises special challenges that civil society is well equipped to address. In short, civil society both requires and produces knowledge, and protects and strengthens the conditions under which knowledge as a public good is produced.

1. Civic Knowledge as Knowledge that All Citizens Should Have

The knowledge that citizens need to participate in civil society depends on what we consider the role of civil society to be, which depends in turn on fundamental normative commitments. The libertarian Loren Lomasky presumes that one must be

constrained by others' legitimate rights, but "how one comports oneself beyond that point is—if not exclusively, then predominantly—the agent's own business." In this view, civil society is the set of voluntary institutions and public forums in which people "advise, cajole, [and] remonstrate" with others to act well, given that they should be free to act as they wish (Lomasky 1999, 277–8).

In marked contrast, Henry Milner admires Nordic social democracies in which the state redistributes and regulates the economy to achieve equality of welfare. For Milner, civil society is the set of institutions that educate and motivate working-class people to press the state to redistribute welfare effectively and fairly. The state is the guarantor of justice, but an independent civil society is essential for holding the state accountable. In the Scandinavian model that he recommends, "an informed population supports policies that reinforce egalitarian outcomes" (Milner 2002, 10).

Once the normative purposes of civil society are settled, the levels and types of knowledge that citizens must possess for civil society to function become empirical questions. For example, Milner argues that citizens must have knowledge of political issues and processes. They must know where candidates or parties stand on issues and what tangible economic impact these positions will have. Such knowledge must be evenly distributed by social class, gender, race, and other demographic categories, or else participation will be unequal and democratic outcomes will be unjust. Civil society enters the picture mainly as the venue through which citizens gain political knowledge so that they can vote and otherwise influence public policy. For example, newspapers, labor unions, political parties, and social movements impart political information and ideas to their members.

Lomasky's account of civil society as a voluntary school of virtue suggests different knowledge requirements, emphasizing personal "good behavior" and the ability to teach it to others. Similarly writes Richard Madsen, "In the Confucian vision . . . human flourishing can occur only if social relations have a proper moral basis. This means that people have to learn to discern what is the right way to behave, and that for the most part they voluntarily act accordingly." Neither pure self-interest nor pervasive state coercion is compatible with flourishing. Thus "the Confucian project requires moral cultivation at all levels of society. This cultivation is to develop the mind-and-heart, an inextricable combination of mental and emotional faculties." Although the extended family provides some of the necessary education, leadership also requires experience in community organizations such as temple groups, theater associations, and guilds. "To fulfill the purposes of self-cultivation, these institutions would have to be seen as educational, in the broadest sense of the word" (Madsen 2002, 196–7). Note Madsen's use of the words "discern," "learn," "mental and emotional faculties," and "education." Clearly, the Confucian model makes strong demands on citizens' knowledge, but in a way that emphasizes moral reasoning and character more than facts about the formal political system.

In Islamic societies, the body of trained religious scholars (the *ulama*), claims legitimate influence independent of the state precisely because of the knowledge it possesses. The *ulama* is one important antecedent of Islamic civil society, with

knowledge an essential civic value. Secular intellectuals in Muslim societies have frequently contested the sole right of the *ulama* to influence public opinion. Today, as Masoud Kamali writes, "information technology is inclusive and increases the range of participants in discussions about Islamic values and practices and provides an opportunity to educate people who are not religious scholars to increasingly contribute to discussions" (Kamali 2001, 479). The vibrant blogosphere in countries like Egypt (where there were at least 1,400 blogs in 2007) reflects the growth of civil society (Radsch 2008), yet there is clear continuity with the classical Muslim idea that knowledgeable people should influence public opinion and the state.

In the United States, there is empirical evidence that certain values and skills are necessary, or at least helpful, to sustain a system that is moderately egalitarian, decentralized, and protective of minority rights. For example, Verba, Schlozman, and Brady (1995) argue that people need resources to participate in a political system that makes participation optional, and that these resources are unequally distributed, leading to inequitable outcomes. Among these resources are "civic skills," which include the ability to write a letter, attend a meeting and take part in its decisions, plan or chair a meeting, and give a presentation or speech. These skills can be understood as knowledge in the sense of "how-to," but they probably also depend on knowledge *of* specific topics. For example, one cannot write an effective political letter without understanding the political system and the issue that one wants to address.

Delli Carpini and Keeter (1996, 221, 224, 243, 253) find that knowledge of politics strongly predicts voter turnout, and knowledge of civil rights and political liberties correlates with tolerance. Thus, if a good civil society is one in which citizens tolerate one another and participate by voting, then knowledge of civil rights and politics are important preconditions. Nonpolitical civic participation, such as volunteering and belonging to associations, is not as clearly connected to knowledge, but research does show that residents who engage in their communities tend to seek information from high-quality news sources, such as daily newspapers. Obtaining information about current events probably provides relevant facts and motivations to participate in local volunteering efforts and associations; in turn, such participation encourages citizens to seek more information (Shah, McLeod, and Yoon 2001, 485).

Knowledge that is necessary for participation can be taught. For example, KidsVoting USA provides curricula, materials, and professional development for high school students and has been well evaluated. The program raises students' knowledge of politics (measured by current factual questions); reduces gaps in knowledge between the most and least knowledgeable students; and increases consistency between students' opinions on issues and their own voting behavior (Wackman and Meirick 2004; McDevitt and Kiousis 2004; McDevitt and Kiousis 2006). Perhaps the most intriguing result is that parents are more likely to discuss politics and current events if their children are enrolled in Kids Voting—a "trickle-up effect" (McDevitt, Kiousis, Wu, Losch, and Ripley 2003).

Kids Voting USA is a school curriculum, but institutions like newspapers and other news sources, labor unions, politically engaged religious congregations and

social movements also have educative functions. The same can be said of formal political processes, such as elections and trials. John Stewart Mill argued that jury service, municipal elections, and "the conduct of industrial and philanthropic enterprises by voluntary associations" were valuable because they taught adults civic knowledge—"strengthening their active faculties, exercising their judgment, and giving them a familiar knowledge of the subjects with which they are thus left to deal" (Mill 1956, 133–4). A recent controlled study of jury service in the United States found that participants became more engaged in other aspects of civic life such as voting—unless the jury failed to reach a verdict (Gastil, Deess, and Weiser 2002). The authors' explanation involved "efficacy": by participating in a weighty and successful civic act such as a jury trial, people become more confident about their own civic potential. But Mill may also be correct that civic engagement deepens knowledge that assists with civic engagement, especially if one includes strengthened faculties and better judgment as forms of knowledge.

Studies that use actions (such as voting) as the dependent variables ignore an important normative question: when is engagement good? After all, Mussolini and his allies had civic skills, knew a great deal about Italian politics and society, and had substantial political impact. Their example is consistent with the studies cited above that show strong links between knowledge and participation, but it does not demonstrate that participation is desirable. One might therefore add that citizens should know right from wrong and justice from injustice (and act consistently with that knowledge).

2. Civic Knowledge as Knowledge that Some Citizens Need

The argument thus far suggests that desirable forms of civic knowledge range from concrete civic skills (such as chairing a meeting), to a grasp of laws and rights, to awareness of current events, candidates, and ideologies, to moral knowledge or maturity that allows one to explore different interpretations of right and wrong. Historical, economic, scientific, and cultural knowledge are also valuable. For example, one cannot act effectively or responsibly on environmental issues without understanding biology, nor can one address racial tensions without knowing how they arose in history. These demands seem daunting, and surveys show that citizens in all the industrialized democracies are woefully ignorant of many important facts and concepts, but a division of labor can serve civil society, just as it serves a modern economy. Not everyone needs to know everything. In a pluralist society, individuals can specialize in particular issues—some working on environmental protection while others are concerned with spiritual matters or poverty. Moreover, civic associations have leaders as well as rank-and-file members, and the former need different knowledge to the latter.

Whereas the academic study of civic engagement investigates the knowledge that everyone needs, the field of leadership focuses on the more specialized skills and knowledge that individuals need when they assume leadership positions. Everyone should be able to vote, but only some people need to be able to negotiate with legislators. Everyone needs a general grasp of legal rights, but only some people need to know how to litigate. Everyone should be able to communicate effectively with strangers, but only some must be effective on national television. Furthermore, one's need for specialized factual knowledge rises as one becomes more influential within a movement. Members of environmental organizations need only a general commitment to policy, whereas leaders need to understand all the intricacies involved.

The leaders of successful social movements such as Mahatma Gandhi and Martin Luther King provide striking examples of skill and knowledge. The conventional view holds that the success of social movements depends on resources and conditions, not on the skills of those who lead them. But Peter Ackerman is one of several scholars who are revising that view, holding that strategic choices determine success and that leaders may either have or lack the skills to make good choices. Such skills are a form of knowledge (Ackerman 2007). Marshall Ganz holds that "mastery of specific skills—or how to strategize—is relevant, but so is access to local knowledge of the constituencies, opponents, and third parties with which one is interacting" (Ganz 2005, 220).

3. Civic Knowledge as Knowledge that a Civil Society Needs

No individual can absorb all the information and knowledge that is accumulated in a traditional town archive, the clipping file of a conventional newspaper, or the vault of a local museum—let alone the vast expanses of the World Wide Web. Yet civil society is better off when such information is extensive, accessible, and secure. To hold a democratic state accountable and to accomplish voluntary collaborative projects, citizens need the opportunity to find data, knowledge, ideas, and interpretations on matters of shared concern: "*I* don't need to use such information if *someone* in my community can use it when it is needed."

Ostrom and Hess note that knowledge encompasses discrete artifacts (such as books, articles, maps, databases, and web pages), facilities (such as universities, schools, libraries, computers, and laboratories), and ideas (such as concepts, interpretations, hypotheses, and findings) (Ostrom and Hess 2007, 47). Thomas Jefferson already realized that ideas are pure public goods, for "he who receives an idea from me, receives instruction himself without lessening mine; as he who lites his taper at mine, receives light without darkening me" (quoted in Lessig 1999, 132). Knowledge

artifacts and facilities are usually exclusive (my use of a computer terminal blocks yours), yet they can be shared—as Benjamin Franklin demonstrated when he founded the first public lending library.

The main challenges facing public goods are first, that individuals may not be motivated to produce things that benefit everyone (they can "free-ride" on others), and second, that individuals, firms, and governments may be tempted to privatize public goods for their own advantage. Today, many knowledge artifacts that once would have been exclusive can be digitized, posted online, and thereby turned into public goods. On the other hand, knowledge can be privatized and monetized, as when intellectual property is over-protected or when university-based research is influenced by corporate funding. It is also possible for knowledge to be underproduced, if there are insufficient incentives to develop and give it away. For example, too little research is conducted on diseases that affect the poorest people in the world.

Civic knowledge—knowledge of relevance to public or community issues—does not come into existence automatically, nor is it safe from antisocial behavior. The documents in a town archive, the reporting that fills a newspaper, and the artifacts in a local museum all take money and training to produce, catalog, and conserve. Once produced, these goods are fragile. They can literally decay, and they are subject to manipulation or inappropriate privatization. For example, access to state court decisions in the United States is provided exclusively by private firms, mainly the West Publishing Company and LEXIS/NEXIS. The public's interest in maintaining affordable and convenient access to public law would be undermined if these firms overcharged or provided poor quality information.

In 1998, with the Sonny Bono Copyright Term Extension Act, Congress extended most existing copyrights in the United States for 95 years. Congress thus granted monopoly ownership to works that had been created as long ago as 1903—requiring anyone who wanted to use these works to locate the copyright holder, seek permission, and pay whatever fee is demanded—and asserted a right to extend copyrights as frequently and for as long as it liked. In his dissenting opinion to the court decision that upheld this law, Supreme Court Justice Breyer wrote, "It threatens to interfere with efforts to preserve our Nation's historical and cultural heritage and efforts to use that heritage, say, to educate our Nation's children" (537 U.S. 26, 2003, 26). If Justice Breyer was correct, the Sonny Bono Act was an example of knowledge of civic value being turned from a public good into a private commodity by state power at the behest of private interests.

Given such threats, civil society can preserve and enhance civic knowledge by playing at least three roles. First, advocacy for policies that benefit the "knowledge commons" including the protection of free speech, appropriate copyright laws, public subsidies for libraries and archives, and public funds to digitize archives. Beneficial policies are public goods that often lose out to private interests that profit more tangibly from selfish policies. For example, everyone benefits from free access to historical texts, but a few companies profit much more substantially from their own copyrights. Independent, nonprofit associations can rectify this imbalance by

recruiting voters, activists, and donors to promote the public interest in government. The American Library Association, for example, has been a strong advocate for knowledge as a public good.

Second, the provision of direct services by civil society groups. Many valuable archives and collections are funded and run by private, voluntary associations and their own donors and volunteers. Although the state has a role in producing and collecting knowledge, a state monopoly would be dangerous. And third, education, broadly defined. People do not automatically acquire an understanding and appreciation of valuable civic knowledge, nor the skills necessary to produce and conserve such knowledge. Each generation must transmit to the next the skills, motivations, and understanding necessary to preserve the knowledge commons. Again, government-run schools may have a role in this educational process, but they should not monopolize it. A more pluralistic and independent education system depends on nonprofit associations that recruit and train people to be community historians, archivists, naturalists, artists, or documentary filmmakers.

4. Civic Knowledge as Knowledge that Civil Society Generates

Most knowledge is created collaboratively. Scientists and other scholars collaborate on research projects and build on prior studies. Many scientists and scholars work for nonprofit institutions, such as universities and museums, and discuss and collaborate within voluntary professional associations. Because science and scholarship are collaborative, voluntary, and supported by nonprofit institutions, one might conclude that almost all knowledge is generated by civil society.

But that broad account would obscure important distinctions. Some knowledge is created by people who play specialized, professional roles. Scientists, for example, typically hold advanced degrees, receive salaries for working in scarce and competitive research or teaching positions, undergo various kinds of formal review (from tenure hearings to human subject review boards), and use funds from grants or contracts to collect and analyze data. Their training, funding, obligations, and guild-like organization separate them from civil society as a whole.

The more relevant question is what kinds of knowledge *citizens* can create collaboratively, if one defines citizens as all members of a civil society? Civic knowledge, in this sense, should be distinguished from knowledge that people create when they hold specialized professional roles. Civic knowledge should also be distinguished from knowledge that individuals create and use privately. Three forms of citizen-created knowledge seem especially important. First, empirical information and analysis can be collected or generated collaboratively by people who are not paid or credentialed as researchers. This was always possible: amateur botanists,

genealogists, lexicographers, musicians, and many others contributed to the knowledge commons of the past. Yet the barriers to producing truly original and lasting work were high, and often amateurs invested substantial proportions of their time and energy to gain skills that made them comparable to paid professionals, and for that reason, they tended to be wealthy. Today's digital networks lower barriers to entry by making communication and publication extremely cheap, and by allowing large research projects to be broken into manageable parts.

Thus, for example, the *French Encyclopedia* of 1751–1772 was a major contribution to Enlightenment civil society. Not only did it contain knowledge as a public good, but it specifically expanded civil rights and liberties by promoting liberal positions contrary to absolute monarchism, the army, and the church. It had twenty-eight main authors, brilliant *philosophes* including Voltaire and Diderot, most of whom were amateurs in the sense that they were not paid to write—but they were a privileged and exceptional few. A new copy of the first edition cost about as much money as an unskilled laborer earned in sixteen months of work.[2] In contrast, Wikipedia, the online encyclopedia, has about 318 times more articles and roughly 85,000 active contributors, is completely free for anyone with Internet access, and expands freedom not because of a particular editorial commitment to liberal values, but because it is a massive, uncensored, public forum. Although it was set up for traditional encyclopedia articles, users now create live news pages as well. For example, the terrorist bombings in London in 2005 were tracked in real time on a Wikipedia page created within minutes of the first explosion (Shirky 2008, 116).

Wikipedia announces, "Visitors do not need specialized qualifications to contribute. Wikipedia's intent is to have articles that cover existing knowledge, not create new knowledge. This means that people of all ages and cultural and social backgrounds can write Wikipedia articles. Most of the articles can be edited by anyone with access to the Internet, simply by clicking the edit this page link. Anyone is welcome to add information, cross-references, or citations, as long as they do so within Wikipedia's editing policies and to an appropriate standard."[3]

Wikipedia is not evidently *better* than the *French Encyclopedia*: the former included many groundbreaking articles that changed disciplines and are still read today, whereas Wikipedia announces that its "intent [is not to] create new knowledge." But Wikipedia is a valuable resource that depends on citizen work. Like many other online tools and sites, it demonstrates that sheer numbers of people can generate useful knowledge that surpasses small numbers of experts. Another example would be search engines like Google that can identify material across an enormous range of topics, something that would be impossible for professional editors to achieve (Shirky 2008, 49).

A second form of knowledge that citizens can contribute is knowledge about their own needs, problems, goals, and interests. Democratic societies are supposed to pursue policies that people *want* (with appropriate regard for minorities as well as majorities). People know their own situations best; as John Dewey wrote, "The man who wears the shoe best knows where it pinches." In order to obtain just social outcomes, decision makers need to know what whole categories of people want and

need. This is not easy. Elections convey relatively little information because voters must choose from finite lists of candidates, parties, or referenda. Surveys, focus groups, ethnographies, and "willingness to pay" experiments are among the techniques used to glean information about what people want, but all these methods are subject to inadvertent bias by researchers and deliberate manipulation by the institutions that commission them. The latter problem is most evident in authoritarian regimes, which systematically distort evidence about what people want. As Clay Shirky (2008, 163) notes, people not only need to know things; they must also know that everyone else knows these things, and that everyone knows what everyone else knows. For example, communist East Germany fell apart not when everyone knew that its system had failed, but when everyone could see that everyone else knew the same thing. Transparent public knowledge is a precondition for popular action, and is what authoritarian governments try to block by suppressing freedom of association and speech. The same danger is not absent in liberal societies.

Thus it is essential that many citizens should freely express their own values, goals, and concerns. People express what they want in many forms, including private conversations, consumer choices, protests, letters, songs, prayers, and gifts. They may even express their wants by *refusing* to act: silent noncompliance and foot-dragging are traditional modes of resistance by poor people around the world (Scott 1990, 198). Civil society plays an essential role in translating private goals and preferences into public opinion that can—in a democratic and liberal state—influence major institutions. In the terminology of Jürgen Habermas (1985, 113–197) the "lifeworld" consists of our ordinary, shared values and commitments, which develop in the course of daily life and face-to-face human interaction. The "system" means the formal processes by which governments, corporations, and other powerful actors allocate goods and rights. In a legitimate society, public debate and discussion *improve* the tacit norms of the lifeworld by addressing conflicts within the society and encouraging people to justify their beliefs to their peers. The results of this discussion become explicit as "public opinion" and influence the system. In practical terms, this process requires civic institutions, ranging from the coffee houses and newspapers of the Enlightenment to the activist groups and online social networks of today (Habermas 1991). Some institutions of civil society arise to make explicit, public claims on behalf of their own members. Interest groups and activist lobbies are examples. Some institutions attempt to create more or less neutral forums for discussion—for example, the opinion page of a traditional metropolitan daily newspaper or a civic lecture series. And some institutions simply make manifest the existence of social groups that have a claim to be recognized. For example, the mission statement of HispanicMoslems.com is "to show the diversity of the Muslim community by educating Muslims and non-Muslims about Hispanic and Latino Muslims."[4] Since Hispanics are often presumed to be Christian, and Muslims are often presumed to come from the Middle East, Hispanic Muslims need an association to obtain recognition, which is a precondition for being included in public dialog and influencing public opinion (Warren 2000, 132).

Habermas's theoretical perspective provides the basis for making normative judgments. Civil society is most helpful for generating knowledge about what people want and need when it is diverse, free, equitable, and anchored in the authentic values of the lifeworld. It is threatened when the system—dominated by money, wealth, and strategic communication—"colonizes" it. When the system dominates, public opinion is not true knowledge of what people want, but the spurious result of money and power.

Knowing what people want is insufficient for good decision making; for decisions also involve negotiations about what is right and just. At least since Socrates, theorists have searched for a technique that would determine what one should do, given an accurate description of the context plus valid rules of moral inference. Two modern secular techniques for this purpose are utilitarianism and Kantianism. Utilitarianism states that the right thing to do is that which would maximize the totality of human welfare. Although predicting the impact of any policy on objective net welfare is methodologically complex, utilitarians have developed methods for estimating welfare impacts, especially economic cost/benefit analysis. In contrast, Kantianism states that the right thing to do is that which is consistent with a general rule, binding on all. John Rawls (2005) applied Kant's position to politics by arguing that what is just is what one would decide under a "veil of ignorance" about his or her own social situation.

Although quite different in content, these techniques share the hope that people need not debate moral issues endlessly or face perennial conflicts of values and interests. Instead, these techniques promise a right answer that can be known by an individual armed with adequate information and the correct method. But that hope has been widely assailed. Utilitarianism is a minority viewpoint among philosophers, who have attacked it for, among other things, ignoring rights and presuming that one can compare welfare among individuals. Kantianism also has its critics, and even most of its proponents concede that it will not generate concrete decisions in many cases. Kant himself wrote that we need the "power of judgment sharpened by experience" to tell us how to apply moral laws to particular cases (Kant 1991, ix), and Rawls insisted that reasoning under the veil of ignorance could determine only very general rules such as those found in national constitutions. Ordinary decisions require public deliberation (Rawls 2005, 212–254).

If there is no technique for determining justice, then there is no escape from a permanent discussion among people who differ in their interests, values, and principles. But that discussion can be conducted in ways that are better or worse. Proponents of deliberative democracy advocate that moral discussions should be as equitable and free as possible. Participants should genuinely seek what is right, which involves listening to other perspectives and being open to change, rather than strategically seeking goals that they held before entering the discussion. Such conversations are most likely to occur within the institutions of civil society, rather than in markets, bureaucracies, or private homes. Indeed, some have *defined* civil society as the "private (nonstate) 'space' in which individuals without official status

can communicate and attempt to persuade one another through argumentation and criticism about matters of general concern" (Cohen 1999, 55–85). In practice, public argumentation combines questions of abstract principle with expressions of personal and group identity and interest, because these matters cannot be sharply separated for human beings who are embodied creatures in specific cultural contexts.

Michael Sandel famously wrote that, "when politics goes well, we can know a good in common that we cannot know alone" (Sandel 1998, 183). Sandel argued that the characteristic knowledge that we must obtain together is moral knowledge, knowledge of the good. We need others to know it because moral judgments are heavily experiential, because any individual's perspective is biased and limited, and because there is no impartial algorithm or method that can identify the good for everyone involved.

5. Conclusion

Civic knowledge means the knowledge that people create, use, and preserve when they act as members of a civil society. A successful civil society requires a demanding range of these forms of knowledge, but fortunately, citizens can share the burdens that are involved in making and in using them. Because public issues and problems have moral dimensions, it is important for people to use knowledge deliberatively, in constructive and equitable discussions. The conditions that allow adequate levels of knowledge to be produced, shared, and applied do not arise automatically. The institutions and networks of civil society are also responsible for creating those conditions and protecting them against constant threats from both the market and the state.

NOTES

1. Here I define a "citizen" as a member of society, without assuming that they live in a nation-state or that citizenship is defined by legal rights.

2. The lowest subscription price was 546 francs (Watts 1958, 348). The market price of unskilled labor was 1.25 livres or francs per day (from the Global Price and Income History Group: http://www.iisg.nl/hpw/data.php#france).

3. See http://en.wikipedia.org/wiki/Wikipedia:About.

4. See http://hispanicmuslims.com/mission.html.

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PART VI

THE ACHIEVEMENTS OF CIVIL SOCIETY

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CHAPTER 30

CIVIL SOCIETY AND DEMOCRACY

MARK E. WARREN

The two decades leading up to the end of the twentieth century saw a remarkable growth in the numbers of regimes that conduct politics through competitive elections. As of 2009, 116 countries counted as electoral democracies—slightly down from the high of 123 counted in 2006, but considerably more than the 69 registered two decades before (Freedom House 2010). But competitive electoral systems, though necessary for democracy, are not sufficient. Many new democracies—countries that have adopted the institution of competitive elections—fail to produce governments that are representative and responsive to those who fall within their jurisdictions. Many of the established democracies suffer from deficits of trust and citizen disaffection, leaving decisions to be made by elites under pressure from well-organized interests.

Can electoral democracies be deepened in such a way that they function to produce governments that are representative of, and responsive to, those within their jurisdictions? To ask this question is to ask about the ways in which people self-organize, such that they can form their interests and opinions, convey them to governments, hold governments accountable, and engage in collective actions oriented towards common goods. Elections are necessary enabling institutions. But robust civil societies provide the contexts within which elections function democratically (Dahl 2000). Indeed, the correlation between robust civil societies and functioning democracies has been so striking that we have come to understand them as reinforcing one another (Cohen and Arato 1992; Putnam 1993; Edwards 2009).

Civil society, as I shall use the term here, is the domain of society organized through associative media, in contrast to organization through legally empowered administration (the core of state power and organization), or market transactions mediated by money (the core of economic power and organization) (Warren 2001;

see also Cohen and Arato 1992; Habermas 1996, ch. 8; cf. Alexander 2006). Civil society is the domain of purpose-built, normatively justified associations. It is for this reason that civil society is as much a core feature of democracy as are competitive elections: it is through association that people organize their interests, values, and opinions and act upon them, some directly—as in religious and sporting associations—and some indirectly, as representations that organize public opinion, mobilize votes and other forms of pressure, and function to define "the people" whom a state can represent, and to whom the formal institutions of democracy can respond (Urbinati and Warren 2008). No civil society, no "people"—which is why the twenty-six or so countries that Freedom House (2010) lists as "electoral democracies" but not as "free" fail to function democratically. They lack the political protections for association, speech, and conscience that enable the modes of self-organization necessary for democratic institutions to function.

These democratic functions of civil society are contingent rather than necessary. Famously, civil society appeared to be robust in Weimar Germany before the rise of the Nazis (Berman 1997). And on the heels of enthusiasm for civil society in the 1990s, scholars pointed out that many kinds of civil society organization are bad for democracy since they can cultivate hatred, violence, and sectarianism (Chambers and Kopstein 2001). Some kinds of association underwrite networks that aid and abet political corruption, support clientelist political arrangements, and provide additional political advantage those who are already possess the advantages of income and education (Warren 2008).

From the standpoint of democratic theory, can we sharpen our focus? Can we distinguish the kinds, dimensions, and functions of civil society that are likely to deepen democracy from those that are not? We can, but to do so we must develop less abstract conceptions of both democracy and civil society, a task that is addressed in section 1 of this chapter. Section 2 analyzes the potential contributions of civil society to democracy, while section 3 distinguishes features of associations that are likely to determine their democratic contributions. Section 4 introduces ecological considerations by framing the question in terms of the optimal mix of kinds of association from the perspective of democracy.

1. Democracy and the "All-Affected" Principle

The potential roles of civil society in deepening democracy come into sharpest focus when institutional definitions of democracy—say, as constituted by competitive elections—are subordinated to a normative conception that focuses on what democracies should accomplish. Democratic theorists increasingly converge on the view that democracy requires that *all those potentially affected by collective decisions have opportunities to affect these decisions in ways proportional to the potential effects*

(Goodin 2007; Habermas 1994; Young 2000). The institutions, organizations, and practices that comprise democracy, then, would be those that enable those who are potentially affected by collective decisions to have opportunities to influence them.

Democratic theorists increasingly opt for this generic, normative conception of democracy for two reasons. First, institutional definitions of democracy conflate ideals of what democracy should achieve with institutional means for achieving them, thus making it impossible to judge particular arrangements to be more or less democratic. Distinguishing an ideal of democracy from its typical institutions—say, kinds of electoral democracy or deliberative forums—allows us to judge these institutions to be more or less democratic.

The second reason for preferring a normative conception of democracy is that the sites of collective decision making in today's societies are now so diverse that traditional sites of democracy—particularly elections based on territorial constituencies—are only one kind among many (Rehfeld 2005; Saward 2006). Not only are individuals affected by multiple levels of governments, but also by other kinds of collectivities, including corporations, religious organizations, schools, and other kinds of organizations. Moreover, because modern societies involve extensive divisions of labor and extensive interdependencies in areas such as security, environment, and migration, individuals are subject to what James Bohman (2007) has termed "chains of affectedness" that are global in scope and extensive in time and space.

For democracy to have meaning under these circumstances, it should refer to individuals' means and capacities to exert influence on these chains of affectedness, should they decide to do so. And for *influence* to have meaning under these conditions, we must also think about multiple possibilities beyond the democratic exercise of voting for governments—which, although it will always remain a foundational element of democracy, cannot encompass the many ways in which individuals are affected by collectivities. Thus, if we are to identify the democratic possibilities entailed by the contemporary conditions of politics, we must also consider potential avenues of influence more generically and abstractly.

As a general matter, individual influence can vary in two dimensions. In one dimension, influence can be *directive* or *protective*. Influence is *directive* when individuals exercise influence over collective decisions, as when they vote or participate in a decision-making venue. Influence is *protective* when individuals have the power to resist harms generated by other collectivities, as when they protest against collective decisions made elsewhere, or exercise veto powers, or organize to escape the potentially damaging consequences of a collective arrangement. That is, democracy does not necessarily mean that everyone is involved in making collective decisions—that is an impossible image of democracy under contemporary circumstances. Democracy can also mean that individuals have the powers to resist harms to self-determination, producing what contemporary republicans call "nondomination" (Pettit 1997; Bohman 2007).

Individual influence can also vary from *directly exercised* to *representative*. Individuals directly influence decisions when they vote in referendums, or participate in a neighborhood organization. They exercise influence through *representatives* when

they vote for representatives, or join organizations that pressure, protest, sue, deliberate, or otherwise exercise influence on their behalf (Saward 2006). Because complex societies de-center sites of collective action, they open many new opportunities for direct democracy through civil society organizations (Warren 2002). At the same time, owing to the multiplication of influences in complex societies, most influences will be exercised through representatives—not simply elected representatives, but also interest and advocacy groups as well as other kinds of civil society actors.

In complex societies, then, *democracy* refers to the multiple means that individuals might use to affect collective decisions—not just voting, but also organization, advocacy, networking and deliberation, that may occur at multiple points in decision-making processes, from diffuse influences on public opinion to highly focused participatory inputs into specific decisions. And, indeed, in addition to the dramatic expansion of electoral democracy over the last three decades, we have also witnessed a rapid increase in social movements, interest groups, watchdog and oversight organizations, intensive media campaigns, network organizations, and new forms of direct action (Warren 2003; Rosanvallon 2008). Governments increasingly respond to these developments with the use of referendums, the devolution and de-concentration of decision making, new forms of network and collaborative governance, public deliberations and forms, stakeholder meetings, and other kinds of devices that often have little relationship to the institutions of electoral democracy (Warren 2009; Edwards 2009; Leighninger 2006).

Far from representing the failure of electoral institutions, the fact that much political work now takes place in other locations represents their success. Electoral institutions have had their most important impacts within constitutional regimes that protect and enable sites of collective organization, decision, and action within society. Over time, these kinds of arrangements disperse the powers and capacities for collective action, in this way transforming the very nature of governing from a sovereign centre. They reflect increasingly confident and capable citizenries, many with increasingly post-material sensibilities that include greater interests in self-government (Inglehart and Welzel 2005; Dalton 2007; Warren 2003). Some of the political responses to these trends, such as increasing reliance on processes of "governance"—partnerships between governments and civil society organizations—are incremental and experimental. Others are world-historical, such the European Union.

2. The Democratic Possibilities of Civil Society Associations

What all these developments have in common is that democracy has become ever more reliant on civil society for its realization. We can further specify these dependencies by classifying the potentially democratic effects of the associations in three

broad classes, distinguished by level of analysis (Warren 2001; Edwards 2009). First, democracies depend on *individuals* with capacities for democratic citizenship. In a democracy, individuals should be able to understand and articulate their interests and values, have enough information and education to relate their interests and values to sites of collective decision and organization, have the political capacities to participate in collective decisions, and possess the civic dispositions that enable them to do so in ways consistent with democratic ways of making decisions: persuasion and voting. As Tocqueville famously noted, the associations of civil society should serve as "schools of democracy" (Tocqueville 1969 vol. 2, 517): they may provide individuals with information, educate them, develop their sense of political efficacy, cultivate their capacities for negotiation and deliberation, and instill civic virtues such as toleration, trust, respect for others, and sense of reciprocity.

Second, democracies are inherently *public:* rules, reasons, and decisions are knowable by those affected by them. Civil societies function as the social infrastructure, as it were, of the public spheres from which collective decisions ultimately derive their legitimacy. In a democracy, legitimacy stems from two sources. The first source is inclusion: the legitimacy of decisions rests on responsiveness to those affected—if not in substance, then because the views incorporated into decisions have been considered and deliberated. The associations of civil society provide the conduits of representation though advocacy and by framing the interests, values, and voices of those potentially affected, thus forming articulate constituencies (Young 2000, ch. 5). The second source of democratic legitimacy is public deliberation itself, through which representations are transformed into discourses which form public opinion, such that decisions have a locus of considered argument and agreement (Habermas 1996). The associations of civil society underwrite deliberation by organizing and communicating information to publics, provoking public deliberation, and monitoring public officials and institutions. Sometimes these functions are served by groups that specialize in public discourse, such as think tanks and media-oriented groups. Often, however, they are consequences of groups pursuing their agendas through public advocacy (Urbinati 2000). In short, civil societies can deepen democracy by underwriting the public spheres that guide and legitimatize collective decisions.

Third, civil society associations serve *institutional* functions that are necessary for a democracy to work. The advocacy organizations of civil society serve representative functions between elections, linking public officials with constituents, and often forming constituencies that are not formally represented by territorially based electoral institutions (Urbinati and Warren 2008). Multilateral and multistate institutions such as the United Nations and the European Union now include civil society organizations as part of their representative structures, in part to represent interests—such as basic human rights—that are not well represented through member-state channels. The development of governance structures also provides conduits of inclusion. Civil society is itself a key site of collective decision and organization: all countries now deliver services through partnerships, contracts, and other forms of devolved and de-centered forms of governance (Leighninger 2006).

And last but not least, civil society organizations provide sites of alternative voices and opposition when interests, values, or voices are not included (Young 2000).

3. Theorizing the Democratic Capabilities of Civil Society Associations

Listing the many possible political functions of civil society underscores the point that democracies today are complex ecologies which have come to depend upon the multiple contributions of civil society. This same list, however, makes the point that no single kind of association can perform all of these functions, and indeed some will not perform any of them, and may even be harmful to democracy (Berman 1997; Chambers and Kopstein 2001; Chambers and Kymlicka 2002). How should we develop our expectations? Following earlier work (Warren 2001), I suggest three kinds of theoretical distinctions which, when taken together, identify the features of civil society associations most likely to affect their democratic functions.

a. Voluntariness

It is common to refer to the associations that populate civil society as *voluntary* associations (e.g., Salamon 2003). The reason is normative rather than descriptive: as a pure ideal type, associations are constituted by individuals who share purposes, and who chose to associate to advance these purposes. There is also a normative relationship between the voluntariness of associations and democracy: social relations that are *chosen* rather than imposed will manifest rather than limit self-government. The legitimacy of collective choice follows from the voluntariness of the association—a normative relationship fundamental to liberal contract theory from Locke through Rawls.

As an analytic matter, however, no association is entirely voluntary or involuntary. Rather, there are degrees of voluntariness that will depend upon an association's control over the resources that people need or want, including identity resources such as religion, ethnicity, and culture. The degree of voluntariness has implications for democracy in three ways. The first relates to the association itself: a purely voluntary association has low normative requirements for democracy internal to the association just because members are free to exit. Freedom to exit—higher degrees of voluntarism—is likely to produce associations with more homogeneous purposes. And the more homogeneous its purpose, the more able the association will be to pursue goals that depend upon solidarity. Common purposes help to build what Putnam (2000, 336–49) calls "bonding" social capital, as opposed to the weaker "bridging" social capital that is created by internally diverse associations that cross ethnic, religious, racial, regional, and other divides. Members are

better able to speak with one voice in the public sphere and represent positions or discourses within broad public conversations. Because voluntariness enhances solidarity, these associations are more likely to enable opposition to external sources of domination.

In contrast, associations with involuntary elements have potentials for exploitation and domination, as is evident in criminal and clientelist associations, and as is not uncommon in ethnic and religious associations too. Civil societies that are dense with these kinds of associations—as are many of the new electoral democracies—may function to reproduce social relations of power in ways that undermine the democratic effects of electoral institutions.

But involuntary associations can serve democracy in two other ways. First, from a normative perspective, the more involuntary an association is, the more democratic its internal decision making should be. Many common forms of association have involuntary elements, such as unions and workplaces, or residential communities and neighborhoods in which people have large sunk costs. Religious associations can be experienced as involuntary by those raised in the faith. These kinds of associations have the potential to serve a variety of democratic purposes, precisely because their involuntariness makes it difficult for them to externalize conflict. Members cannot "vote with their feet" (Hirschman 1970). For these reasons, involuntary associations must find ways of managing conflict. If they do so democratically, they can manage and protect against potential relations of domination, thus serving the goal of nondomination.

Second, to the extent that associations respond to their involuntary elements democratically with voice and votes, they are also likely to serve as schools of democracy, cultivating deliberative capacities, toleration, and political efficacy. In contrast, the more voluntary an association, the more likely it is to externalize conflict: members who are dissatisfied will often find exit to be easier than voice. Voluntary associations are subject to the dynamics of self-selection, which will create memberships that are more homogeneous in their purposes and social characteristics. They may be inclined to reinforce intolerance because they enable "enclave deliberation" in which members with similar opinions reinforce one another (Sunstein 2001).

b. Constitutive Media

The degree of voluntariness is only one of the features of civil society associations likely to determine their contributions to democracy. We can also distinguish associations along a second dimension—what I call their *constitutive media*. We need to know whether an association is primarily oriented towards (1) *social norms* such as shared identity or purpose, moral commitment, friendship, or other means of social solidarity; (2) *state power*, as are many kinds of advocacy and interest groups; or (3) *markets and money*, as are consumer cooperatives, social marketing associations, and labor unions. The medium towards which an association is primarily oriented—social norms, state power, or markets—determines much about the ways

an association reproduces its identity and pursues its goals, which in turn affect its contributions to democracy.

An example will indicate why this set of distinctions is important. Consider the ways in which associations manage conflict, which in turn affects several potential democratic functions, including serving as "schools of democracy" and as sites of devolved or de-concentrated public purposes. All other things being equal, associations held together by social norms such as hobby groups or religious associations will have high degrees of solidarity, which will improve capacities for collective action. But these same characteristics will make it difficult for such associations to manage internal conflict, since conflict typically damages social solidarity—the constitutive medium of the association. From a democratic perspective, it might be good for members of an association to discuss and deliberate principled disagreements and delicate issues. But even civil argument tends to threaten social bonds, and will tend towards the equally antipolitical responses of exit (in the case of voluntary associations), or repression for the sake of civility (in less voluntary associations). More generally, associations based on social solidarity alone will tend to be robust in identity formation, and have high capacities for generating bonding social capital and the capacities for collective action that follow. But they will be fragile with respect to conflict resolution—and thus serve as poor schools of democracy with respect to deliberation, negotiation, and bargaining (Mutz 2006).

In contrast, associations that are oriented towards markets (such as labor unions) or political structures (such as community development associations or political interest groups), will depend more on *interests in strategic goals* than on social norms and identities. A community development association has interest-based inducements to set aside differences of race, ethnicity, and religious affiliation so that the organization can do its job. Indeed, like legislative bodies, such associations may develop norms of courtesy in order to prevent social cleavages from incapacitating deliberation and decision making (Warren 2006). All other things being equal, associations that are oriented towards interest-based goals will unburden social solidarity, which will in turn increase their capacities for political deliberation and problem solving. To the extent that interests cross-cut identity-based cleavages, these kinds of associations may foster the civic virtues of tolerance and reciprocity, while weakening representations of identity-based claims in public spheres.

It also makes a difference whether an association is vested or not vested in its constitutive medium: groups seeking to pressure market-based actors or political structures from without will have an easier time identifying a cause—and going public—than groups that have access to resources which they must manage, compromise, or distribute. When the German green movement, for example, was debating whether to become a political party in the 1970s, they recognized the tradeoffs involved. Transforming their organization into a party might give them a greater influence over policy decisions. But as insiders with influence, they would compromise their ability to criticize and oppose policies based on clear principles and purposes, which would in turn weaken their popular base in the green social movement.

c. Purposes

The final set of distinctions that make a difference to the democratic functions of associations has to do with their purposes. In complex societies the purposes of association are highly diverse—the Internal Revenue Service in the United States uses over 600 classifications of 501(c)(3) nonprofits alone. Fortunately, the features of purposes likely to make a difference to an association's democratic functions are much simpler, the most important of which have to do with whether an association seeks goods that are inherently public, identity-based, or status-based (Warren 2001, ch. 5). Associations devoted to *public goods* are especially important to deepening democracy. Public goods are nonexcludable goods subject to free-ridership—goods such as security, environmental integrity, and public health which must be provided to everyone if they are provided to anyone. These goods can only be gained through collective action, and so people must be persuaded to contribute. So associations devoted to public goods will tend to cultivate civic virtues, underwrite deliberation, represent common discourses and ideals, and increase common capacities for collective action.

In contrast, associations devoted to *identity goods* such as religion and ethnicity are more ambiguous in their effects: some—particularly minorities—may seek recognition and thus increase civic virtues such as toleration. Others—particularly majorities—often highlight in-group/out-group distinctions in order to produce internal cohesion, but at the cost of generating intolerance and exclusion. Such groups may contribute to public debate and group representation, but they are unlikely to enhance civic virtues or political skills of deliberation. Associations devoted to *status goods*—private clubs and connoisseur groups, for example—are unlikely to contribute to publicly represented dynamics of exclusion, but they will also tend towards exclusive status-based connections that contribute very little at all to democracy.

4. Democratic Associational Ecologies

A comprehensive research agenda on civil society's contributions to deepening democracy would map a region or country's associational landscape using these kinds of distinctions. We are far from having such maps (cf. Salamon 2003; Powell and Steinberg 2006; Hodgkinson and Weitzman 1996), but even if we did have them, our theoretical expectations would not yet be sufficiently developed to address the question of how civil societies might deepen democracy, especially across different contexts. The analysis above makes the point that no single kind of association can address the full range of functions civil society must fulfill, while also suggesting theoretical distinctions that should enable us to predict the contributions of distinct associational types (Warren 2001). The next task is to identify the mixes, balances, and distributions of associational types will serve to deepen democracy along the individual, public, and institutional trajectories suggested above. What would comprise a *democratic*

associational ecology? To be sure, answering this question requires context-specific research into the mixes of associations that support or undermine democracy. But we can frame these research questions with several theoretical guidelines in mind.

a. Balance

A mix of associations that deepens democracy should be balanced: a political system needs the full range of potential contributions to function democratically. Imbalances may occur, for example, when civil society lacks interest-based associations to balance identity-based associations. Or, again, if a civil society is comprised primarily of associations that have vested interests in prevailing political or economic power structures—if most civil society associations are integrated into clientelist politics (as they are in many of the new electoral democracies), for example—civil society will tend to undermine democratic representation and public deliberation, and will certainly fail to provide citizens with means of oversight and accountability. Or, to take another possibility, if a civil society is comprised primarily of groups mobilized for opposition, the overall effect may be to create gridlock in government and undermine state capacities.

b. External and Internal and Checks on Associations

Certain kinds of civil society organizations are potential threats to democracy—particularly those which combine high capacities for collective action with narrowly focused interests or internally focused identities. Within authoritarian contexts, tribal or religious organizations may function as informal monitors and enforcers for governments. Associations populated by business people, for example, can serve to organize monopolies or oligopolies (as chambers of commerce have sometimes done in small U.S. towns), or as means for organizing the systematic corruption of a political system (as the Free Masons did in post-World War II Italy). Civil societies that deepen democracy will not lack such groups. But they are likely to have a mix of associations that check the potentials of such powerful groups to produce anti-democratic effects. A civil society with external checks on power will typically include, for example, citizens' watchdog groups, unions, associations of socially conscious investors, groups devoted to the provision of public goods, as well as a pluralism of identity-based groups. Of course, the mixes that provide such external checks typically depend on governments that protect pluralism, provide oversight of potential misuses of market power, and are relatively difficult for corrupting powers to penetrate—all reasons that democratic civil societies tend to be associated with the protections and supports of liberal-democratic regimes.

Other kinds of associations are subject to internal checks, so that even when they accumulate power they pose little risk to democracy. Internal checks are likely to be found within associations that combine lower exit with public purposes. Because associations with restricted exit will tend to internalize conflict, they will have inducements to manage conflict through processes that generate

accountability (Hirschman 1970). These inducements are likely to be strongest within associations that seek public or common goods, since such goods can only be achieved, typically, with public justifications. Examples of these kinds of associations include groups devoted to civic, environmental, poverty, health, and other public goods-related causes, some kinds of political parties, public corporatist bodies, universities, much of the mass media, self-help and cooperative economic networks, and many other kinds of groups with these characteristics. Thus, we should expect civil societies with high densities of these kinds of associations to have relatively sturdy democratic associational ecologies.

c. Individual Attachments

We also need to think about associational mixes from the perspective of the individual attachments that form citizens' dispositions and capacities. Just as a civil society should have a mix of associations that cover the full range of democratic functions, individuals should have attachments that, in aggregate, provide a full range of developmental effects. Here again, there will be associational kinds that are more likely to provide developmental effects that enhance civic virtues and deliberative capacities: on average, these will include associations with somewhat restricted exit, have some responsibilities for resource distribution, and are oriented towards public or common goods. Examples include groups focused on education, health, and community development, and labor unions engaged in social issues.

In contrast, identity-based groups, exclusive social clubs, fundamentalist religious and ethnic groups, and business pressure groups, though perhaps important for the representative ecology of a democracy, also tend towards internal homogeneity of purpose, and so will lack one or more of the developmental experiences necessary for democratic citizenship. In associational ecologies in which individuals belong to these kinds of groups without complementary experiences, patterns of membership may produce rigid social cleavages which militate against political negotiation and deliberation. It is for this reason that activists seeking to move societies torn by ethnic or religious cleavages towards democracy will advocate forms of association focused on concrete projects such as community development: these kinds of associations cross-cut, and thus moderate, identity-based cleavages (Saunders 1999). Societies in which cleavages follow tribal, ethnic, or religious lines do not lack civil society associations, but they lack the kinds of associations that produce democratic citizens.

d. Distributions of Attachments

Finally, *who* benefits from associational attachments also makes a difference: joiners will gain from advantages conveyed by social capital in ways that non-joiners will not. Thus, even if the mixes of associations in a society are balanced and checked in ways that favor democracy, it is still possible for patterns of associational attachments to mirror common resource advantages and

disadvantages. In the United States, for example, many of the same factors that predict political participation—particularly education and income—also predict associational attachments, meaning that those who benefit from education and income also benefit from the distribution of social capital (Verba et. al. 1995; Pew Research Center 1997). A democracy should seek to cultivate association among the least advantaged, in part because association *in itself* is a precursor to democratic empowerment—moving a society closer to instantiating the all-affected principle (Warren MR 2001).

5. Conclusion

Democracy is a normatively ambitious goal: it requires that those affected by decisions have opportunities to influence them. Though ambitious, this democratic norm encompasses the increasingly common moral intuition that societies should maximize individual self-development and self-direction by altering power structures in favor of inclusion and voice. Yet under contemporary conditions of politics—scale, complexity, and pluralism—it is impossible to conceive of this ideal without the multitudinous sites of organization, experience, direction, and decision offered by civil society associations in the public sphere. Civil society is not only about *deepening* democracy: it is now impossible to *imagine* a democracy without the multiple effects of civil society on individual development, public deliberation and representation, and sites of organization and collective action. That said, none of these functions are necessary to civil society as such. Rather, they follow from democratic associational ecologies that are comprised of those kinds of associations whose characteristics incline them towards democratic effects.

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CHAPTER 31

CIVIL SOCIETY AND POVERTY

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DAVID HULME

The 1990s witnessed many changes as the Cold War ended and globalization deepened. Two of these changes are especially important for this chapter. First, the evolution of a global consensus that extreme poverty had to be tackled, and second, the belief that civil society should be a major player in this task by mobilizing communities, delivering services, and shaping policies. Yet the growing international interest in poverty reduction results mainly from the efforts of aid agencies rather than a self-sustaining social movement on poverty. The absence of committed leadership and the breadth and vagueness of the concept of poverty make it difficult to create the sharp messages that are required for large-scale social and political mobilization.

This chapter explores the achievements of civil society in the area of poverty reduction. Since both civil society and poverty are contested concepts, analyzing their relationship is difficult, but we argue that civil society organizations can promote poverty reduction by pushing for macro-level structural changes through advocacy, lobbying the government for policy change at the national level, and providing effective services directly to the poor at the grassroots. Success depends on the ways in which civil society groups integrate these three approaches together in different political contexts, since certain strategy mixes succeed in one context and fail in others. In Bangladesh, for example, the success of advocacy and policy change has been minimal due to the nature of that country's governance, while direct service provision has yielded significant results.

1. Civil Society and Poverty

Most of the literature on civil society and poverty reduction focuses on nongovernmental organizations (NGOs). Sometimes an NGO can act as an umbrella organization that works with pre-existing community groups, acting as a facilitator and providing technical support. Elsewhere, NGOs create community groups such as microfinance and women's groups to help the poor organize themselves and express their needs, though the sustainability of such imposed community groups is questionable. The very idea of poverty reduction seems to be associated with elite- and middle-class attempts to establish NGOs to help the poor, though faith-based organizations, religious communities, informal groups, cooperatives, recreational, and cultural organizations also play their roles. For example, mosque committees in Islamic cultures and temple and burial committees in Buddhism provide services and assistance to the poor. Unfortunately, these services are rarely documented except in a small number of ethnographic studies. Therefore, this chapter is focused on NGOs.

As for defining poverty, "there are heated debates about 'what' poverty is—a lack of income, a failure to meet basic needs, a set of multi-dimensional capability deprivations or an abrogation of human rights. These are not mere semantics as the way one envisions poverty has profound implications for the types of actions one believes are needed to eradicate or reduce it" (Hulme 2010, 37). Definitions of global poverty range from the narrow income concept of one U.S. dollar per day to the broader capability approach of enlarging people's freedoms and enhancing their human development. This chapter argues that in addition to using objective measures, subjective methods including the voices of the poor themselves should be used to evaluate the achievements of civil society in reducing global poverty on both its income and capability dimensions.

In terms of global trends, poverty in the developing world has declined as the number of people living on less than $1.25 a day in 2005 prices decreased from 1.9 billion (or 52 percent of total global population) in 1981 to 1.4 billion (or 25 percent) in 2005 (Chen and Ravallion 2009; Ravallion 2009). However, it is hard to tie the actions of NGOs to this decline because so many different national and subnational experiences underlie these figures. For example China, with a limited civil society, succeeded in reducing poverty effectively in the 2000s; while in Africa, a range of stronger NGO communities did not achieve much success, partly due to the difficult political contexts in which they operated. In contrast, NGOs in Bangladesh have played a major role in reducing poverty. The headcount poverty index in Bangladesh dropped from 52 percent in 1983–84 to 40 percent in 2000 (Hossain, Sen, and Rahman 2000). Some of this decline is clearly attributable to the efforts of the Bangladesh Rural Advancement Committee (BRAC), the Grameen Bank, and other NGOs. One might also argue that poverty reduction was a result of trade policy and growth in the private sector, but Sen and Hulme (2006) demonstrate that almost 25 to 30 million Bangladeshis have hardly benefited at all from the growth of

the formal economy in Bangladesh—hence the importance of NGO efforts to reach the poorest. The impact of the 2008–09 financial crisis on the world's poor is still to be confirmed, though it is estimated that between 55 and 90 million more people live in extreme poverty as a result (United Nations 2009).

In assessing the role of NGOs in poverty reduction, one can examine four main dimensions: their structure, the space in which they operate, the values they advocate, and their impact on policymaking (Anheier 2004, 29–32). The focus of this chapter is on the values and impact of NGOs—that is, their ability to advocate for values that promote equity and their role in giving voice to the poor, in lobbying policymakers, and in expanding poverty-related service provision. This task is difficult because empirical studies yield ambiguous results. For example, NGOs often succeed in extending services to the poor and in improving their livelihoods; but the long-term social, economic, and political impacts of these projects are questionable. Nevertheless, it is possible to collate the available evidence along three approaches to poverty reduction by NGOs, namely: pushing for structural and social change via advocacy, lobbying the government for pro-poor reforms and changing government policy, and providing for basic needs via service delivery.

2. NGO Advocacy for Global Poverty Reduction

In recent years the success of well-mobilized campaigns around debt cancellation, landmines, and fair trade has demonstrated the role that advocacy can play in promoting anti-poverty policies internationally. Coates and David (2002, 530) argue that "advocacy work has become the latest enthusiasm for most agencies involved in international aid and development." The use of advocacy work at all levels by NGOs is due to a number of factors. First, their understanding of poverty and deprivation has deepened as they have come to realize that despite decades of foreign aid, the deeper causes of poverty have yet to be tackled. Secondly, the context in which they operate has changed as a result of the growing size and capacity of NGOs in the South. As a result, "Southern NGOs and social movements have become more assertive in challenging power structures within their own countries and increasingly at the international level" through active advocacy campaigns (Coates and David 2002, 531). Thirdly, the role of Northern NGOs is shifting in the light of this development, making new and more effective advocacy campaigns possible in the form of coalitions of different organizations working across local, national, and international levels—Jubilee 2000, the global campaign for debt cancellation, is a good example (Edwards and Gaventa 2000).

However, have these campaigns had any impact on poverty reduction? Answering this question is difficult because the changes resulting from advocacy are nonlinear and long-term. Advocacy depends on cooperation, which is why its

impact cannot be assessed by focusing on one organization alone, and attribution is almost impossible above the project level, especially because most of the forces acting on poverty are not controlled by NGOs or are susceptible to advocacy strategies. But there are certainly examples of NGOs that are using advocacy to change poverty policies and reshape patterns of aid and investment in a positive direction. Take, for example, the case of Shack Dwellers International or SDI.

SDI was established in 1996 as an international network of organizations from eleven countries representing more than one million of the urban poor, mostly women, to advocate for their rights and end coercive means of slum clearance. However, SDI does not occupy the leadership of the network; instead it plays a supportive role in monitoring public policy, mobilizing members, and creating new information resources through settlement surveys and the mapping of slums. SDI develops "leadership amongst the urban poor so that they themselves can lead the negotiations with the state and its agencies to extend and obtain entitlements" (Patel, Burra, and D'Cruz 2001, 47). Its main activities focus on building and strengthening community-based organizations of the urban poor and helping them to find and implement community-led solutions to housing and livelihood problems. The network uses saving-and-credit schemes to help members with housing loans, nurtures social capital, and supports them in their negotiations with local authorities and central governments, especially over security-of-tenure and the provision of adequate housing and infrastructure (Batliwala 2002, 403–404; Patel, Burra, and D'Cruz 2001, 47).

SDI's success has been well documented in the literature and is demonstrated in its growing size, its widespread impact on the lives of its members, and its ability to successfully advocate for change in housing and urban development policies at local, national, and international levels, including the investment policies of the World Bank (Patel, Bolnick, and Mitlin 2001; Mitlin and Satterthwaite 2004b, 288; Batliwala 2002, 407). Its success is due to at least four reasons. First, SDI enjoys high levels of legitimacy through representation because of its democratic nature, strong internal accountability systems and the constant reinvention of its relationships with grassroots actors (Edwards 2001, 148; Batliwala 2002, 406). Secondly, SDI has gained wide international recognition and has become a partner with the United Nations Centre for Human Settlements (Habitat) and the Global Campaign for Secure Tenure, but its main focus is on responding effectively to the specific needs of the urban poor in each locality (Patel Burra, and D'Cruz 2001, 52; Satterthwaite 2001, 135–138; Edwards 2001, 149). Thirdly, SDI's success is due to the use of knowledge and research to support its advocacy activities, knowledge that "is conceived as embedded in the lives and experiences of the poor themselves" (McFarlane 2006, 294). Fourth, SDI has created an empowering mindset among its members that encourages them to fight for their rights, making "community-based organizations the leading force in the struggle against poverty, with NGOs playing a supportive role, helping link people's organizations with mainstream governmental or private institutions, and acting as researchers and fundraisers" (Patel, Burra, and D'Cruz 2001, 48). The case of SDI thus demonstrates the importance of international partnerships, mutual learning,

knowledge exchange, and community empowerment as strategies through which NGOs can promote poverty reduction through advocacy.

Advocacy movements bring the poor's struggles to public attention, spread the "politics of hope" and inspire the poor and disenfranchised by showing that change is possible. Rather than conventional approaches to advocacy in which NGOs generate campaigns on behalf of the poor, the success of SDI and others like it shows that effective advocacy rests on strengthening the bargaining power of the poor themselves to defend their rights and enhance their capacity for organization and collective action. As Mitlin and Satterthwaite (2004b, 282) explain, "poverty-reduction requires more than an official recognition of the poor's needs. It has to include strengthening an accountable people's movement that is able to renegotiate the relationship between the urban poor and the state (its political and bureaucratic apparatus at district, city and higher levels), and also between the urban poor and other stakeholders." One of the challenges that NGOs face is their reluctance to accept that groups of the poor often develop as alternatives to professionally driven solutions. It is therefore essential that when operating in the advocacy domain, NGOs view their role mainly as supporters and facilitators and do not "take on what individuals and community organizations can do on their own" (Mitlin and Satterthwaite 2004b, 283). NGO advocacy can best help the poor not by speaking on their behalf, but by helping them to express their voices, articulate their needs and defend their rights effectively.

3. Changing Government Policy

NGOs can influence government to adopt pro-poor reforms through a number of strategies. First, by monitoring the allocation of government resources in favor of the poor—for example, by calling for participatory and gender-based budgeting. Second, by facilitating public debate around poverty-related problems so as to influence policy design, build new alliances, gain new supporters, and encourage policymakers to establish programs that address these problems. For example, in Peru indigenous peoples have the right of prior consent before economic activities take place on their lands as a result of the efforts of indigenous peoples' movements and their NGO partners (Bebbington et al. 2009, 11). Many NGOs work with local governments to gain acceptability, and use a nonconfrontational approach to ensure that their suggestions are listened to (Mitlin and Satterthwaite 2004b, 286). Therefore, NGOs operating in this domain are also usually pragmatic and seek to cooperate with political parties who have a pro-poor agenda. Through partnerships with state agencies and by establishing a supportive institutional environment, NGOs can successfully scale up their initiatives to ensure their sustainability and reach.

The success of NGOs in affecting government policy depends on a number of factors, including the political context and the role of external actors in the formulation of

poverty reduction strategies, and the policy capacities of NGOs themselves. The participation of NGOs in policy processes can become tokenistic because "although NGOs are working effectively to deliver services and care to poor and vulnerable groups…they lack the structures and mechanisms to work at the policy level" (Hughes and Atampugre 2005, 13). To improve their performance in the domain of policy change, it is therefore important to build NGO capacity to understand policy processes, access information more effectively, and improve their monitoring and evaluation skills. To effectively lobby government for policy reforms, it is also necessary that NGOs build partnerships and bridge the gaps that often exist between their staff, local communities, and policymakers, and form stronger alliances with other organizations in civil society (Hughes and Atampugre 2005, 19).

As an example of these processes at work, take NGO participation in Poverty Reduction Strategy Papers (PRSPs). Endorsed in September 1999, PRSPs are "policy documents produced by borrower countries outlining the economic, social and structural programmes to reduce poverty, to be implemented over a three-year period" (Stewart and Wang 2003, 4). Although NGOs were mainly invited to participate in the PRSP process, they have tried to use these spaces to lobby for pro-poor reforms. In Bolivia, for example, the central government initiated a "national dialogue" and linked it to the PRSP process. As a result, nationwide consultations took place at the municipal, departmental, and national levels focusing on the provision of services to the poor in the first PRSP and on the importance of employment, productivity and commodity chains in the second (Molenaers and Renard 2002, 5–7; Curran 2005, 4–5).

Bolivian NGOs faced a number of challenges in using the PRSP process as an effective space to lobby for policy change due to the limited time frame of the process, the limited information available, the language in which the PRSPs were written, the lack of state commitment, the limited organizational capacities of NGOs, and their failure to form a unified front (Stewart and Wang 2003, 12–14; Surkin 2005). In many cases, NGOs were excluded from the design of frameworks and merely participated in "precooked" proposals for policy change (Stewart and Wang 2003, 15, Fraser 2005, 326; Curran 2005, 5; Eberlei 2007, 13). As a result, the consultation process raised expectations and led to frustration and social unrest when the state failed to meet them. NGOs expressed their frustration by sending a formal petition to the government expressing their disapproval of the PRSP document (Curran 2005, 4–9).

Nevertheless, there are two significant achievements of NGO participation in the PRSP process in Bolivia. The first is the establishment of a "social control mechanism" which allows NGOs to monitor the allocation and implementation of debt relief funds, and to follow up on the implementation and reformulation of the PRSP. The second is the Law of National Dialogue, which institutionalized NGO participation in policy formulation at the local level (Curran 2005, 8–9; Molenaers and Renard 2002, 8). NGO participation in these deliberative processes gradually "turned their attitude from 'Protesta' (protest) into 'Propuesta' (proposal)" (Molenaers and Renard 2002, 8). The PRSP process was therefore an entry point through which NGOs pushed the development process forward in a pro-poor direction.

4. Service Delivery to the Poor

Rahman (2006) argues that "the NGO sector as a whole has shifted away from its initial focus on promoting political mobilization and accountable government, to the apolitical delivery of basic services" (Rahman 2006, 451). NGOs face problems because the services they provide are often unsustainable due to their dependence on external funding, the difficulties of going to scale, and their inability to recover costs through user charges. Evaluating the performance of sixteen NGO projects in the area of rural poverty reduction, Robinson (1992) concludes that "three-quarters of the projects were successful and had an impact in alleviating poverty" (Robinson 1992, 30), but NGOs faced a number of limitations on their service delivery projects including their inability to reach the poorest (Robinson 1992, 30–34). Effective service delivery requires an integrated approach whereby NGOs work with community groups to improve their conditions while nurturing their relationship with local government (Mitlin and Satterthwaite 2004a, 18). Otherwise NGO service provision may undermine government responsibility to provide adequate and efficient services to the poor (Collier 2000, 122), leading to a "franchise state" in which crucial public services are run by private programs (Rahman 2006, 455).

When these positive conditions are met, NGO service provision can be extremely effective in both the short and the longer terms. In their mapping of South African social movements, for example, Mitlin and Mogaladi (2009) point out that these movements were concerned with solving concrete problems related to poverty reduction, such as shelter, human rights, labor, gender, and the environment. To address these problems, they focused mainly on service delivery, especially the restoration of land to those who have been evicted (Mitlin and Mogaladi 2009, 21–22). NGOs contribute to urban poverty reduction by "often fulfilling the role that government agencies should provide—for instance, provision of water, waste removal, healthcare or the support of centres that assist particular groups (such as centres for street children)" (Mitlin and Satterthwaite 2004a, 18). In general terms then, the role of NGOs in service delivery should be complementary to the government and supportive to local communities. NGOs operating in this domain should emphasize the long-term effects of their projects by asking "how will this have to work in the future, after we leave?" (Collier 2000, 121). The answer to this question is crucial not only for the continuity of the services provided, but also for the sustainability of their poverty-reducing impacts on targeted communities. The case of the Bangladesh Rural Advancement Committee (BRAC) demonstrates how an NGO can successfully and sustainably provide a comprehensive package of services to the poor and even to the poorest.

Many NGOs help the poor directly through service provision, but BRAC occupies a particularly important position as "the developing world's largest NGO in terms of the scale and diversity of its intervention" (Chowdhury and Bhuiya 2004, 371). Founded as a charitable organization in 1972 to help in Bangladesh's reconstruction after the country's liberation war, its humanitarian efforts were later expanded

to provide more permanent solutions to the problems of vulnerable groups (Lovell 1992, 23; Chowdhury Mahmoud, and Abed 1991, 4; Rahman 2006, 454). BRAC's development strategy stresses the importance of empowerment and conscientization, encourages participation and self-reliance, and adopts sustainable and people-centered approaches with a special emphasis on women and the poorest (Stiles 2002, 842; Lovell 1992, 24–33). This organization is worth careful examination because "it turns standard notions about development, business, poverty alleviation, and management on their head. And it confronts the idea that the drivers of development in poor countries must inevitably come from abroad" (Smilie 2009, 3).

Through its innovative services in education, health, agriculture, and income generation, BRAC has succeeded in bringing about lasting change in the lives of millions of poor people (Hulme and Moore 2010; Mustafa et al. 1996; Husain 1998). Four million children (70 percent of them girls) have graduated from its Non-Formal Primary Education program (NFPE) (Lovell 1992, 48–50), and "its extensive network of schools . . . provide[s] more non-formal education than the government" (Stiles 2002, 843). Millions benefit from BRAC's innovative community-based health care services and BRAC cooperates with the government to improve the national health system, with an emphasis on women's health and child survival programs (Lovell 1992, 58; Afsana and Rashid 2001, 79; Streefland and Chowdhury 1990, 263). BRAC also helps the poor through rigorous research that enhances the productivity of their enterprises, for example through new systems of chick rearing, poultry vaccination, and improved cattle breeding (Smilie 2009, 3). BRAC's poverty reduction program depends on creating an enabling environment for the poor by promoting gender equity and human rights; enhancing the poor's access to education, health care, housing, adequate technology, minimum income, and employment; and ensuring their entitlement to food and assets (Chowdhury and Bhuiya 2004, 373–376). Through the Rural Development Program, BRAC nurtures the entrepreneurial capabilities of the poor, while its Rural Credit Project serves the graduates of this program and helps them not simply by extending credit, but also by encouraging their collective activities (Chowdhury Mahmoud, and Abed 1991, 11). Its microcredit schemes have made loans totaling more than $1 billion.

BRAC's most important contribution to poverty reduction is the Income Generation for Vulnerable Group Development Program, which aims at using "a combination of food aid, savings and training in activities with low capital requirements as a means of enabling the marginalized to climb the ladder out of ultra-poverty" (Halder and Mosely 2004, 387). The program has been very effective in reaching the ultra-poor and has successfully "deepened the outreach of its poverty-reduction activity and achieved impressive results" (Matin and Hulme 2003, 647). Although BRAC's main focus is on service delivery, it is "gradually moving beyond a 'supply side' approach, concentrating on the delivery of services or development projects, to a 'demand side' emphasis, helping communities articulate their preferences and concerns so as to become active participants in the development process" (Clark 1995, 593). The main reason for BRAC's unprecedented achievement in reducing poverty is the diversity and complementarity of its activities, which do not

depend only on micro-credit, but use different paths to reduce poverty and vulnerability through income generation, asset building, and addressing immediate consumption needs (Matin, Hulme, and Rutherford 2002, 286–287). BRAC's comprehensive programs, innovative service delivery projects, empowerment strategies, people-centered approach, and focus on the poorest are the main reasons for its remarkable success in poverty reduction.

5. Synergies and Lessons Learned

Each of the three strategies reviewed in brief above interacts with the others. For example, service delivery can create the necessary knowledge base for advocacy and policy change, since NGOs will be in a better position to collect the information required to advocate for pro-poor policies. However, when they operate in service delivery mode, NGOs also need to be careful not to adopt an exclusively needs-based approach that neglects the poor's human rights, and fails to challenge the structures and policies that brought about these deprivations in the first place. Given these mutually reinforcing linkages, an integrative and collaborative approach is the best way for NGOs to use the data and experience they gain through service provision to call for wider policy changes in favor of the poor and advocate for structural transformations that can help sustain these gains over time. NGOs can also focus on building the local organizational capacity of the poor, strengthening their ability "to work together, organize themselves, and mobilize resources to solve problems of common interest. Organized communities are more likely to have their voices heard and their demands met" (Narayan 2002, vii). But these strategy mixes are also dependent on the nature of the political environment in which NGOs operate, especially the effectiveness of the state.

The experiences reviewed in this chapter demonstrate that the success of NGOs in promoting poverty reduction is dependent on a number of factors. First, the quality of the relationships between NGOs and the poor is crucial: "the extent of success also depends upon the extent to which such organizations have resources or decision-making powers that can support urban poor groups, and on the space given by such organizations to urban poor groups in defining priorities and developing responses—or, more fundamentally . . . in actually conceptualizing participation" (Mitlin and Satterthwaite 2004b, 289).

Second, poverty is multidimensional, and therefore requires the adoption of a multifaceted strategy. For example, to address inadequate incomes, NGOs need to provide the poor with relevant training and the skills required to access better-paid jobs, widen their possibilities for self-production, extend the safety net through public works programs, and lobby for policy change in the provision of better and cheaper services. Inadequate and unstable assets can be addressed through emergency and asset building credit schemes, nurturing social capital for communal

access to resources, and improving the poor's access to housing, health, and education. To overcome the problem of inadequate shelter, NGOs can help the poor to access new land and reduce building costs in addition to lobbying government to legalize informal settlements. Deteriorating infrastructure and social services can be addressed by increasing the capacity of local governments. The poor lack security, which is why NGOs need to lobby for the establishment of social safety nets, especially for the most vulnerable groups. Finally, through advocacy and policy reforms, NGOs can also protect the rights of the poor, enhance their bargaining power and help them overcome their lack of political voice.

Third, NGOs must personify the values they stand for. While calling for democracy, development, and social justice, NGOs need to demonstrate that their organizations adopt these values in their own activities and in their relationships with grassroots groups. Their role should be one of facilitating community-led solutions to ensure the sustainability of poverty reduction efforts. Fourth, the success of NGOs in tackling poverty depends on their adoption of an integrated approach that combines elements from all three strategies into a mutually supportive mix that is appropriate and effective in each context, combining practical and strategic actions by focusing on concrete, short-term solutions while also addressing the long-term dynamics that perpetuate poverty. Finally, knowledge and mutual learning are crucial for enhancing the effectiveness of NGO roles in poverty reduction. Knowledge helps NGOs not only to design more effective poverty reduction policies but also to enhance their bargaining power and credibility when calling for pro-poor reforms.

6. Conclusion

Although NGO achievements in the field of poverty reduction are not always easy to identify, it is clear that their efforts can help to disseminate a "politics of hope" and an empowering mindset that inspires the poor and helps them to voice their demands. NGOs should not lead this process, but they can act as facilitators in ways that leave enough space for the poor to articulate their own needs. If NGOs are to play a more effective role in poverty reduction, they need to overcome a number of limitations. First, they need to move away from a needs-based to an integrative approach that respects the rights of the poor and helps them to improve their living conditions in sustainable ways. Service delivery programs managed by NGOs should not replace government services, but rather complement and strengthen them—as is the case with BRAC.

Secondly, successful advocacy for the rights of poor people is based on adequate knowledge and deep understanding of their needs, context, and demands. Third, the impact of NGOs on policy change is limited so long as they maintain a competitive and mistrustful relationship with their governments. NGOs need not only to cooperate

with government, but also to coordinate their own activities and thus create a unified front that can lobby for sustainable pro-poor national policies. To do so, they need to build their own capacities and improve the skills required to engage in policy dialogues, work with grassroots organizations, and develop and articulate credible alternative policy choices that can help to improve the lives of the poor.

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CHAPTER 32

CIVIL SOCIETY AND PEACE

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Civil society has come to play a central role in the post-Cold War peace and peace-building agendas, mirroring its trajectory in the fields of development and democracy. As many have noted however, civil society is both a normative concept and one that can be empirically observed (Howell and Pearce 2001). The associational content of this concept can be valued but it can also be counted. Associations can become part of policy and practice, categorized, and funded. The problem arises when the normative and empirical aspects of civil society are elided in an effort to create a neutral tool for application across different contexts. In this process, civil society becomes used as a collective noun, aggregating multiple and diverse forms of associational life and assuming that what "it" *ought to* be is the same as what "it" *is*. In fact any claim to universality is difficult to sustain given the origins of this concept in the Western Enlightenment, and can easily become vacated of meaning, as Colas (1997, 39–40) has pointed out: "devoid of context, no longer linked to a particular period or a precise doctrine, gushing out of everyone's mouth at once, 'civil society' acceded at the end of the 1980s to a sort of empty universality. Now that it has become a label for all sorts of goods, and in certain cases even a mask for intellectual emptiness, 'civil society' allows people to speak without knowing what they are saying, which in turn helps them to avoid arguing with each other."

Despite these strictures, this chapter argues that the concept of civil society is significant for peace and peace-building, and that it is most useful when articulating the importance, and defending the possibility, of public disagreement and discussion when constructing shared ideas of the good society. Its normative power lies not in the specific values which different traditions attach to the concept, but in the general value of aspiring to such a society created through the contested values of what "good" actually means. Potentially, civil society has a deep affinity with "peace," another important idea that is often treated in uncontroversial terms as simply "the absence of war." If, on the other hand, peace is conceptualized as a highly

complex idea that pertains to the human endeavor of building conditions in which societies can live without violence, it is evident that, like civil society, peace is a site of disagreement as well as the capacity to reach agreements themselves. Peace is "an activity of cultivating the process of agreeing" (Cox 1986, 12).

The first section of this chapter argues that civil society is conceptually relevant precisely because it concerns a plurality of visions that are articulated in a plurality of ways, all of which ultimately contribute to the peaceful interactions of human beings. However, this argument must not be confused with empirically observable patterns of associational life that do not necessarily point in this direction at all, in fact quite often the opposite. Distinctions between the "civil" and the "uncivil" therefore need to be explored and, it is argued, retained. The affinity of civil society with peace and peace-building becomes clear only if this distinction is clearly understood. A commitment to nonviolent forms of human interaction, for instance, must surely define a boundary for the idea of civil society if it is to be meaningful to understandings of human progress. Section 2 focuses on these key distinctions. Section 3 makes the case for maintaining an explicitly normative, but not hegemonic or homogenous understanding of civil society which aspires to distinguish itself from an uncivil "Other" by exploring the contribution of associations to peace-building in practice. Recognizing the legitimacy and significance of associational dynamics outside of the state has been of vital—though controversial—importance in efforts to build new norms for peace in the world, counter violent actors, and build peaceful outcomes after peace agreements. Civil society is therefore a vital conceptual source of agreement-building around such norms.

1. Civil Society and Peace: A Natural Affinity?

It is frequently argued that civil society and democracy reinforce each other. Is this also true of peace? What is it about the normative reading of civil society which makes this a pertinent question? A good starting point for this discussion is to clarify what "civil" might refer to. Dictionary definitions of "civil," from the Latin *civis* or "citizen," contain three main meanings: polite or courteous; concerned with the law in noncriminal cases; and ordinary, as in not military or religious. All three definitions point to the assumption that certain kinds of human relationships counter strife and bad behavior, and create a milieu of positive sociability that is independent of the forces of coercion and religious authority. There are also echoes of ancient Greek ideas about virtue here, and of the duties that good citizens share with one another. The Aristotelian version of these ideas added the participation of the citizen into the picture as "one who is entitled to share in deliberative or judicial office" (Aristotle, 1981, 87). The Greek *polis* was itself a response to war and the need

for villages to come together for mutual protection and to overcome dissension between families or clans.

The first meaning of civil refers to polite or courteous behavior. During the Western Enlightenment, this idea became associated with an emergent ideal of "civility." At the time, however, this ideal developed in the context of an early-expansionist Europe and its efforts to distinguish itself from the "uncivilized Other" of the worlds it encountered. Adam Ferguson wrote that "the epithets of *civilized* or of polished properly refer to 'modern nations,' which differ from '*barbarous or rude*' nations principally because of their discretionary use of violence" (quoted in Keane 1996, 20). The emergent European civil society was counterposed in this way to the "barbarian" and the "savage" of the so-called new worlds. In the 1930s, Norberto Elias explored the civilizing process in Europe in terms of how Western societies, which in the early Middle Ages were ruled by numerous smaller and greater warriors, became the "internally more or less pacified but outwardly embattled societies that we call States" (Elias 2000, xii). He connected this process in Europe to both the formation of states and the diminishing of intra-elite violence. As the nobility lost their war functions, so economic and social interdependencies emerged and manners of social interaction were refined among elites. This culture filtered through to other social groups and, as the institutions which enforced the state's monopoly of power become more effective, greater levels of security in social life generated stronger social interdependencies. Martin Elsner (2001) has traced the decline in elite violence which ensued, and the rise of economic incentives to reduce violence and support an effective state monopoly over its use. A long-term decline in adult and male-on-male violence was accompanied by a "cultural model of the conduct of life, reinforced and reproduced through social institutions" (Elsner 2008, 301). While levels of homicide and interpersonal violence did decline in Europe, they did not disappear.

A parallel process witnessed the rise of organizations and movements against different forms of violence, from the abolition of slavery in the nineteenth century to organized campaigns against domestic violence and child abuse in the late twentieth century and beyond. Voluntary associations have played a very important role in de-sanctioning different forms of violence in these ways, and a strong case can be made that "empirical" civil society, and not just the state, has contributed greatly to the task of peace-building, understood as the process of building the conditions in which people can live without violence. Equally, the notion that the state unambiguously limits violence by persuading society of its right to monopolize its use has proven to be highly problematic. States themselves have been responsible for acts of extreme violence in their attempts to put down revolts, preserve elite rule or ethnic domination, and pacify populations.

A second meaning of civil lies in its association with the rule of law, and in particular with noncriminal disputes. At its origins, civil society referred to that form of association which upholds and promotes the regulatory mechanisms which enable citizenship to be a meaningful exercise, and which protect individuals from arbitrary acts of force. Eighteenth-century Europe was locked into a very limited

understanding of citizenship and the law, which in practice were highly skewed towards the protection of property and wealthy white men. It was through the actions of new associations, forged first of all in the workplaces of the industrializing world, that emergent ideas of civil and political rights were democratized in a struggle which lasted into the twentieth century, and which continues in many parts of the world today. This initial struggle in Europe expanded from male workers in trade unions to associations which represented other sectors of society such as women, and black and ethnic minorities. However, it was not these mobilizations per se which articulated the idea of civil society. Rather, it was the way in which the interests of particular groups were defended, not *against* other groups, but in the name of deepening democracy and the rule of law for all. The democratizing and regulating character of empirical civil society has contributed to the diminishing of arbitrary state violence in Europe and elsewhere. Human and civil rights groups, and legal reform organizations, have made a huge contribution to the reduction of violence and to peaceful social interactions, as well as to democratization per se.

The third meaning of civil refers to the "ordinary" arena outside of the state, and originally constructed around autonomy from military and religious power. This came to be a very important dimension of the concept of civil society at its birth—as an arena which would tame absolutism and despotism—as well as its rebirth in the late twentieth century in the course of challenges to authoritarian, totalitarian, and militaristic states. Here, the normative concept of civil conjures up the participation of everyday citizens in seeking freedom from arbitrary authority and other forms of coercion, an idea echoed in the peace movements that have organized against militarization and the weapons of war, as well as against war itself, over at least the last one hundred years.

What does this discussion tell us about civil society? As a normative concept, civil society focuses attention on all the violence-reducing, civil, and civilizing components of human interaction. At the very least, it suggests a prima facie case for a connection with peace. However, its claim to some form of universality and relevance across cultures and societies is seriously undermined by its association with the particularities of the Enlightenment and the project of Western liberalism. Elias was not, in fact, suggesting that the Western trajectory was superior to others, or that it was complete, even though the discussion often seems to point to such claims. Ernest Gellner, for example, explicitly argued against the idea that ritual-based and communal groups belong in a conceptualization of civil society: "Whatever Civil Society turns out to be it is clearly something which is to be contrasted with both successful and unsuccessful *Ummas*, and also with ritual-pervaded cousinly republics, not to mention, of course, outright dictatorships or patrimonial societies" (Gellner 1994, 43). Instead Gellner turned to "modular man," who combines individualism and egalitarianism and is able to move into and out of his chosen social bonds without societal sanction, while still being able to construct effective social cohesion against the state.

Gellner's thinking is also relevant to the affinity between civil society and peace. When "modular man" is emancipated in the way Gellner suggests, the individual pursuit of self-interest, which was unleashed simultaneously with the rise of the

market economy, generates new forms of competition and conflict in society as the moral bonds of communities of neighbors and kinship are loosened. Liberalism has not dealt very well with the conflict, antagonism, and radical disagreement that result (Mouffe 2005), in particular with group as opposed to individual claims to rights (Kymlicka 1995), but nor has it been very good in cultivating agreement, particularly moral agreement, as Alasdair MacIntyre (2007) has argued. In liberal thinking, civil society is seen as the way in which societies hold together in such contexts by reconciling the pursuit of individual self interest with the notion that society must be more than a set of individuals, but not, crucially, by building the common good.

It was not inevitable that liberal views of civil society would dominate. A parallel and very powerful idea of civil society emerged around cooperation and mutualism (Black 1984). While such ideas were eventually marginalized, they have been kept alive in various understandings of societal self-organization such as cooperatives, and in political ideas such as anarchism and some forms of socialism to this day. This suggests an alternative thread, even in the West, to the liberal concept of civil society—one which stresses a different set of values to individual freedom as negative freedom, of protection against the despotisms of either the state or the majority, and of values which promote the pursuit of the common good.

Although both understandings of civil society potentially contribute to the human project of civility, rule-bound governance and freedom from oppression—these providing a framework which enable people to live without violence—it is this other thread in civil society thinking which points to the components of the concept which aspire to promote the interests of all rather than those of the self-interested individual or advantaged groups of individuals, and thus construct the conditions for people to live without violence. The contesting values which flow through the civil society debate are precisely the reason why one version of this concept cannot be privileged over all the others. However, civil society does offer a means for addressing these competing values through the associational dynamics that operate independently from the state, the market, and the family, *so long as* they are embedded in the ultimate value of pursuing shared norms as a necessary goal. Peace is precisely such a goal—universal in its aspiration, but deeply contested in its content.

2. Civil Society and Violence

The adjective "civil" can be attached to war or it can be attached to society, and the fact that many forms of associational life are rarely civil in the senses discussed above highlights the need to distinguish the normative aspects of civil society from empirical realities. Of course, the empirical must also be used to explore the normative potential of a concept. From his historical studies, Michael Mann has drawn the conclusion that "civil society may be evil":

> In *civil society* theory, democracy, peace and tolerance are said to result when individuals are engaged in vibrant, dense social relations provided by voluntary institutions, which protect them from the manipulations of state elites (Putnam 1993, 2000). This is naïve. Radical ethno-nationalists often succeed precisely because their civil society networks are denser and more mobilizing than those of their more moderate rivals. This was true of the Nazis . . . and we see later that it was also true of Serb, Croat and Hutu nationalists. Civil Society may be evil" (Mann 2005, 21),

There is no doubt that people associate for multiple purposes including violence, and there is ample evidence that associations have been the means by which violent purposes and uncivil actions have been nurtured in pursuit of revolutionary, nationalist, and fascist goals. After 1925, the extreme Right in Germany permeated the associational culture of "bourgeois and workers," which had been predominantly liberal or socialist before 1914. In other words, "the Nazis conquered German civil society from within" (Ludwig Hoffman 2006, 83). Associational life has to be studied empirically to comprehend these processes. However, this vital empirical work should not be confused with the normative ideal which the concept of civil society has represented in its many metamorphoses in political sociology and philosophy. Therefore, we must unpack what it is that makes civil society "civil" as much as that which makes it "evil."

Social bonds exist in all societal contexts and are part of our humanity. In western liberal discourse, civil society contrasts the senses of belonging and identity that are fixed at birth with those of free association and the search for new identities in different associational modalities. In so doing, liberalism leads naturally to ideas about emancipated individualism and the capacity for independent and critical social action. At the same time, it seeks to distinguish itself from the bonds of solidarity and belonging which characterize societies which have not embraced the project of modernity, or which find themselves caught up in this project but at a disadvantage. The appeal of the liberal concept of civil society is that it emphasizes cross-cutting interests, so moving people closer to a less sectarian world view. The danger is that it dismisses all other bonds as unable to contribute to this process by their very nature, although they may in fact be a source of civility and peaceful interaction because they are based on alternative values to liberalism which may be more robust in promoting cooperation and solidarity.

Ethnic heterogeneity is correlated in statistical analyses with an increased possibility of civil war and violence (Hegre, Ellingsen, Gates, and Gleditsch 2001). However, particularistic solidarities are not inevitably a source of violence or solely a source of "cousinly ritual," as Gellner expressed it. They can provide precisely the kind of solidarities which protect people from adversity, as well as underpinning the cooperative values that are important to a more positive view of peace. Some particularistic groups may tend to look inward, precisely because the outside world is hostile in some way, or because they are protective of time-honored hierarchies. Others are hybrids, seeking to support their own group while engaging with the wider world. Overall, it may not be the mode of associational life that really matters (as Gellner implied) but the values which lie behind it.

During the 1990s and 2000s, it became commonplace for participants at civil society conferences to remind people that the bombers who blew up a federal building in Oklahoma City in 1995 were members of American bowling clubs, undermining the argument that only primordial ties generate violence as well as Putnam's emphasis on the positive social capital that bowling clubs supposedly generate (Putnam 2000). However, it should be pointed out that the Oklahoma bombers were not acting to defend their bowling club, and it was not the bowling club per se which generated the bombers. Timothy McVeigh, the driving force behind the bombing, was a disturbed ex-soldier. His mother had left his father at the age of ten; he was bullied as a child and fascinated by guns; and he was deeply affected by his experiences in the first Gulf war (BBC News 2001). McVeigh emerged out of the socializing process of a particular subculture in the United States, and today there are many forms of violence in the West that reflect an ongoing, unresolved tension between the way people fashion their individual life journeys and their interdependencies, which are replete with inequality, discrimination, and competition. High levels of violence are strongly correlated with high levels of inequality (Wilkinson and Pickett 2009). Individualistic forms of sociability can also generate conflict and violence.

From the forgoing, it is clear that civil society cannot be about every kind of social bonds or the trust that they generate, since trust can form among people who embark on acts of extreme violence. In fact all forms of sociability can generate the trust which Putnam and others have done so much to link with civil society. Therefore, trust can be used for adverse purposes too, as Putnam himself came to acknowledge: "Al Qaeda, for instance, is an excellent example of social capital, enabling its participants to accomplish goals they could not accomplish without that network" (2007, 138). So what is it about the nature of social bonds that strengthens the relationship of civil society to peace?

This question is often addressed in terms of the kinds of social capital that are generated through associational interactions. "Bonding" social capital is contrasted with "bridging" social capital, with the former bringing together people who are alike and the latter bringing together those who differ in some important way. Putnam (2007) suggests that these two forms of social capital are often erroneously counterposed to each other, as if high levels of bonding can never be compatible with high levels of bridging, but this depends on the values at stake. Civil society can diminish violence and build the kind of trust associated with peace only when it actively contributes to the conditions for nonviolence, encourages nonviolent forms of social interaction, and promotes processes for imagining and constructing the common good across social and other divides. This was the conclusion of Ahutosh Varshney's (2002) important study of ethnic conflict and civic life in northern India. Cross-communal civic life played a vital role in ensuring that triggers to conflict amongst Hindus and Muslims did not erupt into extreme violence in some cities in the region, but did erupt where similar civic interactions were absent. Such civic values do not necessarily translate into either bonding or bridging. Instead they are anchored in building certain kinds of human interactions and relationships. It is in this sense that Karstedt (2006, 58), in an essay on the relationship between democracy and violence, argues that it is universalistic

bonds that matter when exploring this relationship—not an empty universality but one which explicitly promotes inclusionary and egalitarian values: "The associational bonds that develop within civil society provide mechanisms of outreach and generalized cooperation that can counterbalance individualistic practices…Trust relationships are produced through universal bonds and the inclusionary mechanisms of democracy, with democratic institutions as equally strong providers and enforcers of these bonds. These vital social bonds are endangered by processes like social inequality and ethnic and religious divisions that factionalize society."

Civil society as a normative concept is not "evil," since it contains the potential for building peaceful societies. However, empirical associations do not inevitably contribute to either peace or violence. It is only by building distinctions into the concept that we can enable civil society to be an impetus to peace-thinking and a stimulant to peace-building in practice. The concept must encourage us to imagine the possibility of peace as a common good, and a worthwhile goal. This runs the risk of constructing "uncivil" society as a dichotomous Other to its apparently benign "civil" sibling, and the real world is not usually so clear-cut. Nuance and complexity have to be invoked, and a lot of discussion and intellectual effort invested in deciding precisely what makes civil society civil in different contexts. However, by insisting on the distinction between civil and uncivil, attention is drawn to the danger of evacuating civil society of its content. Civil society must be invested of meaning, not emptied through particular experiences that masquerade as a universalizing discourse, or through a failure to give it a clear normative direction. The civil dimensions of the concept emerge clearly when examined in the light of their potential opposites. Therefore, civil society is worth retaining as a value-laden ideal, at least until something better replaces it. This is because it highlights the civil and nonviolent values that are essential to a project like peace-building. In this sense also, civil society provides a tool with intellectual and normative precision that can be used against states that oppress and repress civil society organisations in the name of their legitimate monopoly of violence. A normative conceptualization of civil society challenges such abuses morally and enables civil society organisations to offer justified resistance in the world as it is.

3. Civil Society and Peace-Building

Can civil society as a normative ideal illuminate the practice of peace-building? The complexity underlying the norm-building aspects of empirical civil society has already been acknowledged, but recognition of such complexity has rarely accompanied efforts to harness civil society for peace-building at the end of the twentieth and the beginning of the twenty-first centuries. Instead, peace-building became associated with what has been called the "liberal peace" (Paris1997; Richmond 2005), a partial vision based on neoliberal market values which many believe to have introduced new sources of division and competition into fragile societies recovering

from prolonged war and violence. This has led many to abandon civil society as an ideal, precisely because it became associated with this vision. But rather than abandoning the concept completely, I argue that it should be retained and its normative content revitalized to embrace the contingent possibilities that empirical civil society participation in peace-building implies.

In 1992, in the wake of the end of the Cold War and in a moment of renewed optimism, the then-United Nations Secretary General, Boutros Boutros Ghali, outlined his "agenda for peace," in which post-conflict peace-building became a core element of international action. This new agenda coincided with the revival of civil society ideas in Eastern Europe and elsewhere. Peace thinkers such as John Paul Lederach (1997) were influential in drawing attention to the importance of civil society actors in ensuring that peace processes did not only involve armed parties at war. An unprecedented explosion of activity ensued among civil society organizations, many of which emerged with a dedicated portfolio of activities and interest in peace-building, encouraged by the international donor community.

As these activities began to be scrutinized and evaluated, however, they were often found to be wanting. As well as theoretical critiques of the entire enterprise, there were many specific criticisms of concrete practice in particular countries and contexts (Belloni 2001; Orjuela 2003; Pouligny 2005; Pearce 1999; Pearce 2005). Pouligny (2005, 499–500) sums up the arguments of these critiques as follows:

> Ultimately, most outsiders tend to reduce the main characteristics and richness of any civil society: its diversity. In our frequent quest for homogeneity, we tend to seek a "consensus" or a "common view"; however, this does not exist in any society, and certainly not in a post-war period. A so-called common belief is neither necessary nor even desirable for remedying the real problem: a long contradictory process of defining a new social contract. Historians and sociologists have shown us that such processes rarely unfold in sanctified harmony but are rather the outcome of successive negotiations or, indeed, of concrete struggles. Neither can they result from "dogmatic voluntarism" alone. Yet, most donors and agencies continue to believe in such a process, as shown by the creation and sponsoring of a countless number of consortiums and platforms—not to mention the multiplication of coordination meetings of all kinds that, amongst other consequences, justify the complaints of leaders of local organizations that they no longer have time to actually work!

Rather than facilitating activities in each context that supported civil society actors to open up new spaces, build relationships in and across society, and advocate to the state, these actors have been drawn into implementing particular models of peace by the availability and steering effects of funding. For example, a three-year study of civil society and peace-building by Paffenholz (2009, 2010) took a functional view of civil society's role in peace-building in order to put more empirical flesh on this critical debate. It identified seven such functions: protection, monitoring, advocacy, socialization, social cohesion, facilitation, and service delivery. It also used a wide definition of civil society which included traditional and clan groups as well as professional associations, clubs, and nongovernmental organizations (NGOs), but its

understanding of peace-building was quite narrowly focused on the five to ten years after the end of large-scale organized violence. The study took a more measured view of the contributions of civil society organizations in such contexts than the overly optimistic claims of the donors, specifying the phases and moments in which civil society actors, as opposed to other actors, can play a positive role. It represents a new generation of efforts to understand the empirical potential of civil society organizations in particular contexts and moments of postwar recovery, and argues that they can indeed play a significant role alongside other actors. In this way, the study and others like it help to redeem the relationship between civil society and peace-building, demonstrating with precision the positive roles that some civil society organizations play while criticizing others which, for example, remain elite-based and distant from the main body of society, offering apolitical solutions to deeply political problems.

In Guatemala, for example, donor funding poured into the country in the wake of the Peace Accords of 1996, creating a well-funded sector of urban-based NGOs. Some of these NGOs became effective advocates for security sector reform and human rights protection, but with limited connections to the mostly indigenous and impoverished rural dwellers who had borne the brunt of army massacres during the country's protracted civil war (Howell and Pearce 2001). The state itself was increasingly undermined from within by criminal and parallel powers, and was unable to implement the reforms proposed by civil society organizations. Yet on the margins of donor funding circles, people did not stop organizing to protect their communities from mining companies, demand land reform, and promote the rights of indigenous women, for example. Some NGOs did manage to retain their roots in these struggles, enabling them to survive the subsequent decline in donor funding, albeit with difficulty.

The example of Guatemala highlights the need to distinguish between the roles of specific forms of organization at particular moments in time in enhancing the potential for fostering the conditions that encourage people to live without violence over the long term. Peace-building, at least in the sense discussed here, may be less about highly focused initiatives and more about contingent activities in the civil society arena which open up societies to competing ideas and values reflecting the complexity of the search for peace. They might involve challenges to the gender relationships and expectations of masculinity which perpetuate the male-on-male use of violence responsible for the vast majority of deaths and injuries in the world. They might question the assumption that violence in the private sphere is not a problem for the public policy arena. They might build space for new social actors or previously excluded and subordinated groups to feel part of the debate about the future of their society. They might question forms of wealth production, the distribution of resources, and the nature of security provision. They might, in other words, generate debate about the nature of the common good in any particular context. Enhancing our knowledge of civil society as a value-producing and value-contesting arena and how it transforms each society's understanding of the meaning of, and potential for, peace, could provide much sharper conceptual tools for recognizing when empirical civil society is truly able to move people in these directions. Such an unashamedly normative interpretation of civil society may challenge some of the liberal meanings attached to this

concept, but it would also move us towards a shared ethical and moral interpretation of peace-building. Civil society, like peace, could once again become part of the political world, in which societies move towards nonviolent ways of addressing their differences and building the conditions required to live without violence.

4. Conclusion

This chapter has argued that conceptually, civil society has an affinity with the idea of peace, since both revolve around the process of constructing the common good. Peace must be understood positively as the process of building the conditions for human beings to live without violence, as well as negatively—as the absence of war, for example. In this process, empirical distinctions must be made between those forms of sociability that promote violence and those that build peace, contrasting civil to uncivil society. Civil society can then be defined in terms of the values which correlate positively with the goal-directed activities of peace-building. Such ideas are complex, and the values involved require ongoing public debate and disagreement. Universality must be constructed through a complex process of conflict and contestation in empirical civil societies. There will be no guaranteed outcomes, but striving for an outcome is a goal in and of itself. In this task, the normative content of civil society—the shared norms of the "good society"—are essential to the project of a common humanity. They must be defended if we are to preserve the space and independence that are necessary for associational life to play its full part in peace-building effectively.

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CHAPTER 33

CIVIL SOCIETY AND POWER

JOHN GAVENTA

Can civil society transform power relations, and if so, how and under what conditions? These questions are not easily answered. Much depends on what one means by civil society and one's understanding of power, concepts on which there is little consensus. Even when agreement exists on the meanings of these concepts, further debates revolve around complex empirical issues: when is power transformed, and how do we know it when we see it? Generalizations around these questions are difficult and perhaps even dangerous, since civil society, power, and transformation are deeply embedded in specific social and political contexts, rooted in historical processes, and often dynamic and contested in theory and in practice.

Given these challenges, the goals of this chapter are limited. Section 1 briefly recounts the meanings of civil society and argues that each carries with it a parallel understanding of power and its components. Section 2 examines the changing forms and spaces of power, as well as the levels across which they occur, and explores some of their implications for civil society in practice. The third section of the chapter explores important, though inconclusive, empirical evidence of civil society's transformational role. Ultimately, the conclusion suggests, the issue must become more focused on questions of power for whom, civil society of what kinds, and which forms of transformation are desirable or desired.

1. Civil Society and Power

While there are multiple of definitions of civil society, three broad understandings stand out in the literature: civil society as a description of types of actors, as a public sphere or arena, and as a set of norms and values which promote a "good" or more

"civil" society (Edwards 2009). Each approach also carries with it a different set of assumptions and—implicitly or explicitly—a parallel approach to the understanding of power.

In the first of these definitions, civil society is a seen as a set of nonstate, often nonmarket actors, most commonly including grassroots and professional associations, nongovernmental organizations (NGOs), labor unions, churches, and social movements. The assumption is often that such civil society organizations will serve as a counterforce to the unchecked power of state or market actors. Such organizations are seen as agents of empowerment through which citizens develop their capacities to become aware of their rights and agency, mobilize to act, and pursue democratizing or social justice aims. While there are many examples of such roles in practice, the literature is also filled with examples of the opposite behavior—pointing to the role that civil society organizations may play in legitimating, rather than challenging the status quo, as well as to huge variations of power within and between civil society actors themselves (Bebbington, Hickey, and Mitlin 2007; Shutt 2009).

Despite these variations, understanding civil society as a set of actors fits neatly with an actor-oriented approach to the understanding and analysis of power. In this view, perhaps most famously articulated by Steven Lukes in his seminal work *Power: A Radical View* (1974), power may be understood as the power of *A* (one actor or set of actors) over *B* (another actor or set of actors). "To put the matter sharply," Lukes writes, "*A* may exercise power over *B* by getting him to do what he does not want to do, but he may also exercise power over him by influencing, shaping or determining his very wants" (1974, 23). From this perspective, understanding civil society's transformational role would involve, therefore, examining when civil society organizations and actors are able to shape or alter the actions, agendas, or norms of other actors, such as states and markets. Such an approach can also be used to examine the nature of power between and across civil society organizations, such as in debates on whether larger international NGOs dominate or crowd out smaller community-based associations, or how decisions are shaped within coalitions and social movements. Note also that while Lukes's approach is very actor-focused, it also includes the power of actors to shape norms and values.

The second definition of civil society focuses on its role as an arena, space, or sphere in which public action occurs. This approach draws heavily from other theorists in the tradition of Habermas, who examines the nature of deliberation in the public sphere, and from Gramsci, who saw civil society as an arena standing in tension with "political society," and which could be a force for hegemony and counter-hegemony. To discuss civil society as an arena immediately raises questions about how power shapes the nature of deliberation inside it, as well as the boundaries which surround it. Hayward (1998, 2), for example, challenges the actor-focused approach and argues for "de-facing power" by reconceptualizing it as "a network of social boundaries that constrain and enable action for all actors." She argues that freedom is the capacity to "to participate effectively in shaping the boundaries that define for them the field of what is possible" (1998, 12), drawing heavily on Foucault's

work that challenges the idea that "power is wielded by people or groups by way of 'episodic' or 'sovereign' acts of domination or coercion. Instead, Foucault sees power as dispersed and pervasive. 'Power is everywhere' and 'comes from everywhere,' so in this sense is neither an agency nor a structure" (Foucault 1998, 63, quoted by Pettit 2010). Rather, "it is a kind of 'metapower' or 'regime of truth' that pervades society, and which is in constant flux and negotiation." Power is also a form of ensuring conformity in society, as seen in Foucault's studies of prisons, schools, and mental hospitals where people learned to discipline themselves and behave according to established norms that are communicated through dominant forms of discourse. For Gramsci, civil society was an also arena where ideas and beliefs were shaped, especially through knowledge organizations such as the media, universities, and religious organizations, which in turn could both challenge dominant ideas in a counterhegemonic way and also "manufacture consent" and reproduce domination (Gramsci 1971).

In this approach, power is also linked to norms and values, but its key determinants are discourse, knowledge, and culture. Those who seek to understand civil society's role through this framework therefore focus on the nature of discourse and deliberation within and around the public sphere, as well as the nature of contestation inside it. For Chandhoke (2005, 3) for example, civil society, as distinct from society as a whole, "can be conceived as that part of society where people, as rights-bearing citizens, meet to discuss and enter into dialogue about the polity. It is in this sense that civil society is absolutely indispensable for democracy in its promise of an engaged citizenry." Chandhoke points out that the nature of deliberation within this arena may serve to re-enforce, as well as to challenge, established inequalities, a point developed by Cornwall and Coelho (2006), who interrogate in practice whether we can see participatory public spheres as "spaces of change." Others are even more skeptical about the possibility that civil society can transform power relations. Drawing on Foucault and others, for example, Lipschutz (2007, 225) argues that, far from being transformative of power, much of global civil society is "a central and vital element in an expanding global neo-liberal regime of governmentality. Global civil society is constituted out of social relations within that regime and…helps to legitimise, reproduce and sometimes transform *internally* that regime, its operation and its objectives."

The third definition of civil society as a set of values—including notions of solidarity and social capital, tolerance and respect for pluralism, courage and voluntarism—is heavily contested, with critics pointing to the "uncivil" aspects of some civil society associations, to growing intolerance, and to voluntarism and empowerment as neoliberal values which can serve to weaken state-based approaches to achieving the common good. This approach also carries with it a parallel understanding of power, understood in terms of the purposes for which it is used. One common understanding sees power as "oppressive" or as "power over" others. Others, however, see power as productive, as the power to bring about positive change, mutually constructed by multiple actors, and not a zero-sum game of winners and losers. This approach carries with it a focus on power *with* (similar to civil

society concepts of building horizontal power through associations, networks, and coalitions), and power *within,* in which power refers to a recognition of one's internalized sense of agency and empowerment. In this sense, civil society's role in transforming power relations may be seen not only in how it confronts negative "power over," but also in how it co-constructs a new society with others (Eyben et al. 2006; Rowlands 1997).

However, for many theorists of power, the norms and culture of the "new" or "good" society are themselves intertwined with and part of power, not separate from it. In exploring the relation between culture and power, Bourdieu, for example, develops the concept of *habitus,* meaning "the way society becomes deposited in persons in the form of lasting dispositions, or trained capacities and structured propensities to think, feel and act in determinate ways" (Wacquant 2005, 316, cited in Navarro 2006, 16). Actors and their practices are both shaped by and help to shape these dispositions. As Haugaard (2002, 229) summarizes, "in this sense power is both interpersonal and systemic. Because individuals exercise it over each other, power is negative, but equally, since strategy entails *habitus*, order and culture, is simultaneously positively constructive."

Hence, for each approach to civil society—as an actor, arena, and set of values—there are parallel ways to understand and analyze power. Each approach finds within it examples of civil society both as transformative of power and also as shaped by and constitutive of it. While these broad schools of thought are useful, more specific tools are required to analyze the workings of power in any given context.

2. The Changing Nature of Power and the Challenges for Civil Society

Whatever conceptual approach is deployed, it is clear that the nature and manifestations of power are changing, with strong implications for civil society. The rise of concepts of co-governance, which link states and societies in new forums (Ackerman 2004), or of public-private partnerships, social enterprise, and "philanthrocapitalism" (Edwards 2010), mean that neat divisions between civil society, market, and state begin to give way, leading to a focus on "networked governance" or networks of power rather than on single actors alone (Hajer and Wagenaar 2003). With the rise of global governance and new sites of authority, the analysis of power must also address the multitiered and multilayered spheres that are emerging, and their interactions, rather than focus on any single public sphere (Bererenskoetter and Williams 2007). And with the growth of knowledge and expertise, social media, and the internet as tools of "soft power" for winning "hearts and minds" (Lukes 2007), more attention must be paid to how values and cultures of power and powerlessness are

constructed and maintained, as well as resisted and challenged. As Beck (2005, 3–4) writes, "politics is no longer subject to the same boundaries as before, and is no longer tied solely to state actors and institutions, the result being that additional players, new roles, new resources, unfamiliar rules and new contradictions and conflicts appear on the scene. In the old game, each playing piece made one move only. This is no longer true of the new nameless game for power and domination."

In a long tradition of work on power and democracy, power is often understood in its visible forms, by focusing on who participates in, and benefits from, the shaping of decisions in public arenas. In an earlier work based on experience in an Appalachian valley where quiescence rather than voice seemed to be the response to high levels of inequality, I challenged that view, drawing upon Lukes's three "faces" or "dimensions" of power that sought to explain not only the visible, but also the hidden and invisible forms of power (Gaventa 1980). More recently, I have argued that these faces of power constitute but one continuum or dimension. When considered in relationship to civil society, power can also be understood in relation to the *spaces or arenas* of power from the claimed to the closed, as well as to the *levels* of power, from the local to the global. Linking these three dimensions of forms, levels, and spaces, one can construct a "power cube" in which power shapes and is shaped by each dimension, and in which power can simultaneously be used as a form of resistance as well as domination (Gaventa 2006).

This approach has already been used by civil society actors to analyze the possibilities and pathways for transforming power in their work (Participation, Power and Social Change Team 2010). While one can approach this task from any dimension of power, it is important to recognize that each dimension is only part of the picture, and is constantly interacting with the others. By understanding the interactive nature of power in this way, we can also begin to assess the transformative possibilities of civil society in challenging power, as well as how civil society itself is shaped by power relations of various kinds.

The first dimension of the power cube focuses on the forms of power, as they affect what voices and issues emerge and predominate in the public sphere. The first form (or what Lukes referred to as "face") of power refers to *visible* power and is closely linked to theories of how pluralist democracy is *supposed* to work. It may be seen, for example, through analyzing who wins and who loses in the public arena, such as town meetings, legislative councils, village councils, or other settings. Yet as power theorists confirm, power is rarely fully visible. Equally important are forms of *hidden* power which help to shape the public agenda, organizing some actors, issues, or values into the public arena and onto the agenda while discouraging or preventing the inclusion of others (Bachrach and Baratz 1962). As Schattschneider (1960, 105) put it: "whoever decides what the game is about decides who gets in the game." But even more insidious than the power to control the agenda through the suppression of voices and issues, argued Lukes (1974), is the power to keep issues from arising at all through the shaping of values and consensus, or the internalization of forms of powerlessness such that conflict does not arise in the first place—what we now know as *invisible* power (VeneKlassen and Miller 2002; Gaventa 2006).

These latter forms of power connect to Gramscian ideas of hegemony or to Foucault's understanding of how knowledge is used in disciplinary ways by shaping the boundaries and norms of public discourse.

For civil society actors and organizations that seek to promote transformation, each dimension of power has produced an array of political repertoires. Public arenas are full of interest groups, NGOs, professional associations, social movements, and others who use advocacy to debate, influence, and shape decisions on key public issues. Sometimes, such groups are critiqued for becoming more and more professionalized, encouraging a model of speaking *for* rather than *with* or *by* the people directly concerned. Other traditions have focused on mobilizing popular participation through people-based advocacy designed to challenge the hidden faces of power which keep certain voices or issues off the agenda (Clark et al. 2002). A third tradition has focused on challenging how power shapes ideas and socializes people to internalize a sense of powerlessness—as seen, for example, in the awareness-building and popular education work of Paulo Freire-inspired *conscientisation* programs or in feminist approaches that start at the personal level to build power "from within." Others have argued that only when all of these repertoires come together through advocacy, mobilization, and awareness-building does transformative change begin to occur.

While such approaches focus on the *forms* of power and how to challenge them, the second dimension of the cube looks at the *spaces* of power, at *where* as well as *how* power is made visible. As with the forms of power, one can think of a continuum of types of spaces. From the perspective of civil society actors, many decision-making spaces of the state and the market—and indeed of civil society actors themselves—remain highly closed, removed from public scrutiny and participation. At the other end of the spectrum are *claimed* or created spaces of engagement such as voluntary associations, social movements, and local debating or cultural groups, which ordinary people themselves create. Lying between these two positions are an increasing array of "invited," "cogovernance," or "hybrid" public spaces in which citizens engage states and markets through formal or informal consultative and decision-making mechanisms (Cornwall 2002).

Each of these types of spaces is filled with, and is reflective of, the power relations that surround them, and each is associated with distinct traditions of civil society action that try to challenge how power is manifested. Campaigns for greater transparency, freedom of information, and public accountability have tried to open up spaces that were previously closed, while other approaches have urged the responsible exercise of power within these campaigns themselves. At the other end of the spectrum a huge literature exists on the contribution of peoples' associations, social movements, and cultural groups to citizen empowerment, countering hegemonic ideas, and contesting power, as well as critiques of the forms of power and exclusion that develop within these spaces themselves. Increasingly, studies of hybrid public spaces are asking important questions about who participates and deliberates within them, what issues reach the agenda, and whether more participatory forms of governance which link civil society and the state in new ways lead to

different and more democratic outcomes than more elitist approaches (Spink et al. 2009). Here too growing evidence exists that transformational change comes not through a single strategy or in a single space, but through alliances and mechanisms which link "champions" on the inside of closed spaces with pressures from outside, a conclusion which challenges the notion that civil society mobilization by itself is a sufficient condition for progressive change (Green 2008; Gaventa and McGee 2010).

These *spaces* of power—from closed to "claimed"—are cross-cut by the different levels of power and the dynamics that exist between them, constituting the third dimension of the power cube (Gaventa 2007). A growing literature on global governance warns of the dangers of focusing only on the "local," or the "national" in a globalizing world, requiring consideration of the role of global or transnational civil society in emerging political regimes (Edwards and Gaventa 2001; Batliwala and Brown 2006). To some extent the debate on the levels and sites of power is not new. For many years, those concerned with this subject have argued about where power is located. Feminist scholars have challenged the focus by political science on the search for power in the public sphere, arguing for the primacy of power relations at the intimate or household level. Some argue that participatory practice must begin locally, because it is in the arenas of everyday life that people are able to resist power and construct their own voice. Others argue for the importance of the nation state and its role in mediating power relations, suggesting that the possibilities of local spaces often depend on the extent to which power is legitimated and regulated nationally. But for many, the study of power can no longer be focused only on one particular level or place. As Held and McGrew (2003, 11) write, for example, "the exclusive link between territory and political power has been broken. The contemporary era has witnessed layers of governance spreading within and across boundaries."

For scholars and activists concerned with change, this reconfiguration of political power also has enormous consequences. On the one hand, the globalization of power has created a vast array of political opportunities beyond the national level in which civil society actors can engage, by demanding greater transparency and accountability, participating in policy formulation and monitoring, and pressing for formal mechanisms for redress (Scholte 2002). But not only do these shifts open up broader possibilities for action by relatively powerless groups at any one level, they also create new opportunities through the interaction of the different levels themselves. Those seeking to act on local or national injustices may choose to confront those perceived to be responsible by acting at other levels of power, in order to exercise their voice and express their demands. Keck and Sikkink (1998, 13), for example, demonstrate how advocacy networks may employ a "boomerang pattern," in which "state A blocks redress to organizations within it; they activate networks, whose members pressure their own state and (if relevant) a third-party organization, which in turn pressure state A."

However, just as new levels and spaces bring opportunities for civil society actors to engage with and confront power relations, so they also raise new challenges

concerning civil society's own power and legitimacy. Increasingly in the civil society literature, questions are asked about representational issues such as "who speaks for whom" across boundaries, and about possible disconnections or tensions between civil society actors at the global, national, and local levels (Batliwala 2002; Van Rooy 2004). Demands for accountability among other state and nonstate actors have led to corresponding pressures for civil society organizations to strengthen their own accountability as well. Gaventa and Tandon (2010, 4) find that "for some citizens, there are new opportunities for participation in transnational processes of action, resulting in the emergence of a new sense of global citizenship and solidarity. Yet for many other ordinary citizens, changes in global authority may have the opposite effect, strengthening the layers and discourses of power that limit the possibilities for their local action, and constraining—or at least, not enabling—a sense of citizen agency." Much depends, they argue, on the forms of mobilization, the role of mediators, and the politics of knowledge that shape the possibilities and practices of citizenship in response to changes in the global landscape.

While looking at each dimension of power, it is equally important to understand the constant and dynamic interaction of these forms, spaces, and levels of power with each other. The spaces of power affect whose voice and knowledge are visible inside them, while mobilization across the levels of power can serve to strengthen certain voices in the public arena and create new forms of exclusion for others. To transform power fundamentally suggests that actors must be able to work across forms, spaces, and levels simultaneously ——a scope and range of action that few civil society organizations can accomplish alone. Ultimately, such an analysis suggests, a key challenge for civil society is how to develop more democratic and cross-cutting alliances which also address questions of representation and accountability. From this perspective, the power of civil society to foster change is deeply linked to how it engages with issues of its own power *within, with*, and *over* others.

3. The Transformative Potential of Civil Society

At least in the world of international development, there has been an implicit assumption over recent decades that greater participation by civil society actors will lead to outcomes that are positive. At the same time, the evidence surrounding this assumption, and the conditions under which it is correct, are mixed—with some arguing for the empirical virtues of civil society engagement and others stressing its risks and failures. In the larger literature on civil society and democracy one sees similar debates, with some pointing to the contributions of civil society to deepening democracy (e.g., Wainwright 2005), and others warning of the darker side of civic engagement. In attempting to shed light on these debates, Gaventa and Barrett

(2010) draw from one hundred case studies of citizen action across twenty countries to answer the following question: "What difference does citizen engagement make?" Using a meta-synthesis approach, they coded over 800 examples of citizen engagement in associations, social movements, and campaigns, or participatory forms of governance with the state, which produced both positive and negative outcomes. While the study does not focus on power per se, it provides a useful framework through which to explore how these forms of citizen action have contributed to broader processes of social and political change.

On the one hand, the study offers a fairly positive narrative. Of the 800 outcomes coded, 75 percent were considered "positive" in terms of their contribution to strengthening democracy and development. On the other hand, the study issues strong warnings about the risks of engagement; for every type of positive outcome, there are parallel or mirror images which can also be much more negative. The first important outcome of citizen engagement sounds almost tautological, but it confirms an argument long found in thinking on participation and democracy: citizen action serves to create "better citizens" (Pateman 1970). Engagement is itself a way of strengthening a sense of citizenship, and the knowledge and sense of awareness necessary to achieve and activate it. It can also strengthen the practices and efficacy of citizen participation through more effective action, the transfer of skills across issues and arenas, and the thickening of alliances and networks. These, the study argues, are not only "intermediate" outcomes, but they are also ends in and of themselves, and they help to measure the health of civil society and the dispositions and efficacy of the citizens who animate it. For example, Kabeer, Mahmud, and Castro (2010) explore the impact of membership in civil society organizations in Bangladesh and find clear evidence of how it helps to build awareness of rights and political capabilities among the citizenry—but also that it does not always do so. Much depends on the style of mobilization undertaken by the organizations themselves. Those that focused only on service delivery or the provision of micro credit, for example, were found to have little impact on political empowerment, whereas those that took a broader social mobilization approach were seen to bring about change in political and social as well as economic arenas.

In turn, greater awareness among citizens, coupled with stronger citizenship practices, can challenge the status quo more effectively, helping to contribute to the building of more responsive states which can deliver services, protect and extend human rights, and foster a culture of accountability. They can also contribute to a broader sense of inclusion among previously marginalized groups in society and—at least potentially—increase social cohesion across different communities. Strong examples may be seen, for example, in efforts by the Treatment Action Campaign in South Africa to challenge national policies as well as public norms on HIV/AIDS (Friedman 2010), and in the work of the freedom of information movement in India, which not only changed the law, but also helped to empower thousands of ordinary citizens to use the law for independent action (Baviskar 2010).

However, while providing compelling evidence of the positive outcomes of citizen engagement, the study also recognizes that such participation is not always used for positive purposes. It can lead to a sense of disempowerment and a reduced sense of agency, or to new knowledge dependencies, or to re-enforced exclusion due to new forms of awareness. Although engagement can contribute to strengthened practices of participation, at other times participation is perceived as meaningless, tokenistic, or manipulative. In other instances, it can contribute to new skills and alliances, but which are used for corrupt or other nonpositive ends, or are captured by elites, or raise new issues of accountability and representation. Participation can challenge state power but can also come up against bureaucratic "brick walls" and reprisals, including violence from state actors against those who challenge the status quo. And new spaces for civil society engagement can reinforce old hierarchies based on gender, caste, or ethnicity; and contribute to greater competition and conflict across groups who compete for recognition and resources in new ways.

4. Conclusion

As these findings make clear, civil society engagement is not in and of itself inherently transformative, though it has transformative potential. The studies from which they are taken go on to point to a number of factors that affect the degree to which this potential is realized. First, the nature and quality of mobilization and associational strategies matter greatly, not just the size or density of civil society organizations alone. Second, the ability to develop links and alliances with reformers inside the state and other institutions is critical, since civil society groups can rarely achieve major change alone. Third, changes in globalization, including the rise of new forms of communications and networking beyond borders, pose new opportunities for action, while also offering new barriers to inclusion. As section 2 concluded, the capacity to link action and activities across spaces, forms, and levels of power is necessary because transformation requires multidimensional and complex approaches to change, not a single magic bullet.

While these emerging lessons are important, more work is obviously needed. A key task for the future—for theorists and practitioners alike—is to move beyond simplistic debates about the "virtues" or "failures" of civil society. Through more rigorous empirical work, we need to develop higher-order and more nuanced theories of the ways in which states, markets, and civil societies interact in different regimes to explain differential outcomes. In turn, far more robust understandings are required of how concepts and practices of civil society intersect with theories and manifestations of power, and of how, and under what conditions, civil society actors, arenas, and values will transform, rather than reproduce, unjust and unequal power relations.

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CHAPTER 34

CIVIL SOCIETY AND THE MARKET

SIMON ZADEK

Encounters with business and the market have been woven throughout the history of civil society for at least three hundred years, but the pace and intensity of these encounters has increased dramatically since the fall of the Berlin Wall and the birth of corporate social responsibility in the late 1980s and early 1990s. Some see markets and civil society as natural allies, mutually dependent and working together to resolve social problems. Others see them as necessary antagonists, creating change out of conflict to avoid the co-optation that might strip them of their distinctive strengths and values. And a large and emerging middle ground finds inspiration in combining elements from both these views, celebrating the birth of new institutions that can no longer be categorized as belonging to one sector or the other. Can and does civil society transform markets, and if so how and to what long-term effect?

This chapter answers these questions by exploring three levels of effects of contemporary forms of civil society action on the behavior of market actors, and evaluating their social, environmental, and economic impacts. The *tactical* level of action concerns itself with the specific results of such efforts, such as a campaign against a corporation; the *strategic* level asks whether a more ambitious agenda and potential for change has been sacrificed in return for less substantive tactical successes; and the *systemic* level explores whether the underlying conditions for civil society action on market transformation are themselves shifting in the light of experience and broader global changes. If so, what are the implications of this shift? These three levels of action are woven through the analysis that follows, which begins by setting the debate in context and explaining the rise of "civil regulation," and then provides a brief summary of civil society's impact. Sections 3 and 4 explore new economic

and geopolitical developments that complicate and enrich the encounter between civil society and the market, and section 5 concludes by re-evaluating the results of these encounters in the light of these new developments.

1. Civil Society and the Market

Civil society has always sought to influence markets and reshape their impact (Korten 1995). Contemporary experience should be appreciated in that context, but it must also be explored for its specific forms and outcomes (Zadek 2007). Since the late 1980s, the landscape of civil society engagement with business has been transformed, with many more, and more diverse, civil society actors, more extensive and intimate engagement between what historically were often oppositional forces, and more complex civil society strategies and tactics designed to affect the drivers of change, from traditional public pressure through to codesign with business, and even coinvestment and coproduction of innovative products and processes with potential for more benign societal impacts. Changing geopolitics are playing an increasingly important role, with the growing presence of civil society and business actors from the South mixed in with the voices of their governments and their underlying political cultures and institutional arrangements.

If ever a field of practice was in rapid flux, it is the relationship between civil society and markets. With this flux have come profound disagreements over strategic options and their consequences. The professionalization of large parts of civil society has brought with it not only pragmatic compromises necessary to satisfy their need for resources, but also new patterns of social identity among practitioners and in their politics, values and lifestyles (Chambers 1993; Said 1996). Multibillion-dollar programs to address health and education, for example, can only be accessed or mobilized if engagement with business is preferred to tackling the more profound challenges that concern ownership, governance, and the institutionalized objectives of profit. And even where deals are struck and new standards set, old battle lines are reopened when basic rights have to be renegotiated in the light of new cadres of businesses that emerge from political cultures unafraid to reshape priorities or even fundamental norms as enshrined in international conventions.

Whether or not to engage with business is no longer a useful question. Engagement covers a diverse range of options, and nonengagement is an increasingly implausible proposition given the interdependence of civil society actions with market-based technologies, communications pathways, and sources of expertise and resources (Elkington and Hartigan 2009). Autonomy must be an objective requirement of engagement, but it can no longer be synonymous with complete independence or other framing conceptions of purity of approach or community. The sheer range of these approaches belies comprehensive treatment in a chapter of this length. Therefore, the emerging—and contentious—roles of civil society as

market actors themselves through procurement, ownership, and social enterprise, and their adoption of business-like institutional arrangements, processes, and cultures, are not considered here (Edwards 2010). My focus is on the successes and failures of civil society's attempts to shape markets through what has been called "civil regulation" (Zadek 2007).

2. The Successes and Failures of Civil Regulation

Civil regulation, the capacity of civil society to change market rules through direct pressure rather than the traditional route of lobbying for statutory changes, was born out of a particular moment in corporate development and broader political history (Vogel 2006). Neoliberal economic policies implemented during the 1980s undermined the social contract between business and Western societies, a fragmentation that was reinforced because the feared counterpoint of the Soviet Union could no longer be invoked (Gray 2000). At the same time, a rapid shift in the locus of economic value from production up the value chain towards the brand, marked out a period of remarkable success for Northern-based corporations across global markets, driven in particular by the ethos of privatization that opened markets up and at the same time further fractured the underlying social contract that was mediated by the state. Simultaneously, the rise of the Internet and the capacity of relatively resource-poor civil society organizations to mobilize media-friendly action was matched by the emergence of the first generation of multinational nongovernmental organizations (NGOs) such as Oxfam and the Worldwide Fund for Nature, which mirrored the rise of their corporate counterparts as had labor unions in the early development of industrial capitalism.

Civil regulation has largely relied on corporations' sense of brand vulnerability, which perhaps ironically increases in highly concentrated, oligopolistic markets.[1] In the second half of the 1990s, businesses increasingly yielded to civil society demands before stiffening their position because of concerns about brand damage and associated financial losses. Campaigning was founded on several iconic cases, including Shell's reversal of its decision to sink the Brent Spa Oil Platform in the North Sea in the face of a media-savvy Greenpeace campaign, and the anti-Nike sweatshop campaigns that, to some, demonstrated all that was wrong with globalization and capitalism in general (Zadek 2004). In some instances real damage was done by these actions, reinforcing the view for a time that campaigns of almost any form were a potentially lethal force. However, over the years this simplistic view has eroded with more experience of what does and does not count in practice, and as important, how best to inoculate the corporation against the force of civil society action. Nike still faces a steady stream of actions by anti-sweatshop campaigners, yet no longer

reacts with the same fear that marked their earlier responses. Today, British Petroteum (BP), once a leading corporate advocate of sustainability, feels it can walk away from civil society-business coalitions such as the U.S. Climate Action Partnership despite this being a "significant blow for the campaign to bring in carbon dioxide emissions controls in the U.S.," with little fear of redress from civil society.[2]

Several changes underpin this shift in behavior. Through experience, businesses have learned to distinguish where real brand threats exist. Competitive pressures have intensified, making it harder for businesses to make changes that, even in the short term, disadvantage them in the marketplace. And new, less campaign-vulnerable business leaders are emerging in the South, a point I return to below. The most significant change, however, has been the development of closer relationships between business and civil society. Across many fields, their relationship has evolved from their traditional roles as "poachers and gamekeepers" to one of "uncomfortable bedfellows." The Worldwide Fund for Nature has led the way in creating global partnerships with individual corporations, including high-profile agreements with the Coca Cola Company and the French cement giant Lafarge.[3] Labor activists have joined with their erstwhile corporate targets in forming international, multicompany initiatives such as the Ethical Trading Initiative and the Fair Labour Association.[4] Human rights activists and anticorruption groups have joined forces with mining companies in the Extractive Industries Transparency Initiative and the Voluntary Principles on Security and Human Rights.[5] And health activists sit together with the world's largest pharmaceutical companies through the Global Alliance for Vaccines Initiative and other multi-billion-dollar partnerships designed to deliver health services to poor communities.[6]

Today, there are hundreds of initiatives that together have created a "soft governance web," spread across every market and issue from nanotechnology to fish.[7] These initiatives have sought to reshape markets by blending voluntary rules for business to follow, public and private finance, and the combined competencies of civil society, business, and government in delivering innovative designs and implementation practices. Some of these initiatives have achieved significant market penetration. The Marine Stewardship Council, for example, covers 10 percent of the global wild fish catch, and the Equator Principles cover more than 80 percent of cross-border project investments.[8] Such collaborative ventures have influenced the broader political narrative about public policy and international development. For example, President Lula of Brazil signaled a new contract with business as part of his election campaign's attempts to bridge the traditional gap between the Working Party's historical constituencies and business, especially financial capital (Zadek 2006a).

Civil society has and does transform how business is done, of that there is no doubt. Just as black South Africans boycotted white businesses during apartheid, so Chinese consumers vilified and abandoned French-owned shops, at least temporarily, when French President Sarkozy met with the Dalai Lama in December 2008.[9] Nestle, Nike, McDonalds, and Shell have joined a long list of global businesses that

have visibly yielded to the perceived threat of damage to their cherished brand values created by targeted campaigns by community groups, environmental and human rights organizations, and labor unions. Such actions have clearly made a difference. Greater corporate transparency, new codes of conduct, a mainstream profession of social auditing that was considered exotic in the 1990s,[10] and collaboratively developed standards on everything from sustainable forestry to Internet privacy have shaped corporate practices and improved the lot of workers in global supply chains, communities located around mining operations, indigenous groups protecting their bio-homes, and endangered species from whales to tree frogs.[11] It is no longer possible to be a Western mainstream consumer brand and not commit to labor and environmental standards down one's global supply chain, just as it would be tough for any major Western financial institution funding major infrastructure projects not to sign up to the Equator Principles. In such senses, the basis on which business is done has been transformed, not merely the behavior of specific businesses that have been targeted by public campaigns. Progress has clearly been made through these new forms of collaborative governance (Slaughter 2005).

However, the disappointments have also been visible and troubling. An early casualty was the Global Alliance for Workers and Communities, which was closed down in 2004 after its main sponsors, the International Youth Foundation, Nike, Gap, and the World Bank, accepted that the initiative had failed to gain traction amongst the business, activist or development communities.[12] Far more disturbing was the effective collapse in 2006 of the much-vaunted Atlanta Agreement to secure child-free stitching of leather footballs in Sialkot, Pakistan. This turn of events was startling to many, if only because of the high-profile engagement of many international players in brokering and implementing the deal, notably the International Labor Organization (ILO), the Save the Children Fund, and the international labor movement. More generally, these new forms of collaborative governance, at least in their initial formulation, have succeeded in overcoming old impasses, but have only rarely generated the level of transformational change required to address the challenges at stake. Even those that addressed the roles of governments have had limited impact to date. This is obvious when it comes to corruption. Many anticorruption initiatives have emerged under pressure from civil society, governments, and sometimes business itself, including the Extractive Industry Transparency Initiative (EITI), the World Economic Forum-sponsored Partnership Against Corruption Initiative (PACI) and initiatives driven by single institutions such as Transparency International and the Soros-backed Revenue Watch Institute.[13] But corruption continues unabated. In Nigeria alone, an estimated $400 billion in oil revenues since the 1960s has been stolen by politicians and civil servants.[14]

Hence, one can also conclude that civil society has failed to transform the basis on which markets function, particularly the ways in which businesses profit from externalizing costs onto the shoulders of others. After two decades of global action on business accountability, the financial sector was still able to impose history's largest-ever exercise in taxation without representation during the crisis of 2009, destroying trillions of dollars of wealth in the process, accumulating trillions more

in public debt, and putting tens of millions of people out of work. Despite the weight of public anger that resulted, the U.S. government failed to impose meaningful regulation on those who caused these problems, thus accelerating an underlying shift of power from the North Atlantic to Asia and the Pacific. Similarly, a global climate deal was not forged in Copenhagen in 2010, mostly as a result of the actions of several thousand corporate lobbyists in Washington, D.C. who successfully buried what might have been the last opportunity for concerted action on climate management, in exchange for a few additional percentage points in share values and short-term profits (Gore 2008). Corporate capture of the regulatory process, at least in the United States, is self-evident, rendering virtually irrelevant any theory that conceives of the state as an effective gamekeeper.

In each of these cases, civil society was actively engaged, but proved largely irrelevant in practice. It is true that organizations such as Ceres that represent many civil society organizations and progressive businesses in the United States have succeeded in persuading the Securities and Exchange Commission to mandate that companies report publicly on material climate risks.[15] But while this is a significant milestone in the evolution of corporate disclosure and the place of the environment in risk management, the evidence from earlier, comparable developments in U.K. company law is that such successes do not readily translate into substantive changes in performance. The global climate negotiations themselves were certainly amplified, but arguably weakened by, the incoherence of civil society either as a serious professional lobbying force or as a street-level platform for protest.

3. The Rise of New Actors

Realigning business responsibilities in society is never easy. Old ways are deeply embedded in the fabric of markets and the psychology of those who create and lead them. But such "old ways" are now themselves subject to a different challenge that threatens to overturn the terms of the debate about civil society and market transformation. That challenge is provided by a new cadre of emerging economic and political powerhouses, notably (and perhaps in order of importance) China, India, Brazil, Russia, and South Africa.

Existing global businesses complain that emerging economy businesses are competing unfairly by ignoring social and environmental standards. Emerging economy businesses and governments in turn accuse the international media of bias, and argue that sustainability standards institutionalize an uneven playing field in favor of European and North American firms. Since such standards emerge in most cases from the threat or actuality of destructive actions against business by civil society organizations, the perception in the South is that they are in effect policed by Northern NGOs on behalf of multinationals in the North. The good news is that responsible leadership is far from being the preserve of the Northern

business community. The Brazilian body-care innovator, Natura, for example, the Indian conglomerate Tata, and South Africa's mining giant Anglo American are among a growing number of iconic emerging economy companies that match or exceed sustainability benchmarks set by the best practices of their Northern counterparts. The Global 100, a prestigious ranking of the world's one hundred most sustainable, publicly listed companies, includes twelve emerging economy companies in its list for 2010, up from zero in 2005.[16]

Leveraging such exemplary practices to the mainstream of the market requires generally accepted standards, the same challenge that drove campaigning NGOs to engage in the development of the first generation of sustainability standards in the 1990s. In this second round, the role of civil society in advancing such standards will be key, but this time faced by the growing importance of business communities in emerging economies. Civil society actors in Brazil and South Africa, for example, have extensive experience in sustainability standards. Post-apartheid South Africa has developed many voluntary social compacts between businesses, labor, civil society, and government, mainly focused on black empowerment, but also dealing with pervasive social and economic challenges such as HIV/AIDS. Similarly, Argentina and Brazil have advanced a raft of voluntary sustainability standards such as the Sustainable Soya Roundtable.[17]

Elsewhere the challenge for civil society is both greater and different. China, in particular, will be hugely influential for the next generation of business standards in international markets (Brautigam 2010). As one senior executive of a North American company based in Shanghai commented in 2010, "China is developing 10,000 new standards with every intention of placing them at the heart of tomorrow's global markets—the question is not whether these standards will be influential, but rather what will be in them."[18] Yet unlike in Brazil and South Africa, Chinese businesses and the Chinese government are both inexperienced in—and in the main resistant to—engaging with civil society actors in the development of such standards, let alone in their stewardship. There are exceptions: for example some Chinese companies have signed up to existing civil society-business partnership standards such as the Forest Stewardship Council and the Global Reporting Initiative, and China is an active participant in the development of the International Organization for Standardization (ISO)'s social responsibility standard (SR 26000). Yet as long as domestic experience of collaboration is weak, it is hard to imagine engagement with civil society becoming core to how China does business internationally.

Civil society's role in transforming markets is therefore further challenged by the growing economic power of the South. A new generation of global businesses may be less inclined to respond to civil regulation, especially if their domestic constituents (both governments and consumers) are less engaged or are actively disassociated with such issues. On the other hand, these profound geopolitical changes empower civil society to engage with a growing middle class in emerging economies in order to increase their interest and willingness to respond to the ethics of consumerism and employment choices. Recent public opinion polls of Chinese citizens

indicate the rise there of the ethical consumer. Some 98 percent of respondents to one independent survey said they were likely to be more loyal and motivated as employees if the company demonstrated a strong commitment to social responsibility, and 81 percent said they felt their choices as consumers could affect company behavior.[19]

4. Beyond the Business Case

The business case dimension of thinking has been the single most important driver behind mainstreaming the practice of corporate social responsibility, and lies at the heart of how civil society has sought to act directly in reshaping markets (Schmidheiny 1992). At its most straightforward, the business case describes a pragmatic need to convince corporations that it is in their narrow institutional interests to improve their social and environmental performance, even where relevant legislation is absent or unenforced. It is this approach that has allowed unlikely alliances to develop across a spectrum of players with diverse political views and interests, from the advocates of a free-market approach to those with a more radical change agenda (Klein 2002) However, much of the business case debate is misguided. The view that there is a stable relationship between, say, adhering to human rights and profitability is foolish. The much-vaunted positive impact of good corporate governance on business success is seriously overrated, or else poorly specified and understood (Zadek 2006b). There are many factors that mediate the relationships between context, drivers, enablers, and performance. Put simply, some businesses will work out how to make money from, say, improved environmental performance, while others will go bust in trying.

Civil society's business case approach has been predicated on the intensive accountability of most businesses, especially publicly listed companies, to shareholders with a predominantly financial interest. In its modern form this approach is associated with the failure of civil society in the 1970s and 1980s to successfully advocate for either renewed economic nationalization or a shift in international corporate governance towards more pluralistic accountability structures. In practice, there have been some gains in this latter respect, with extended trench warfare focused on definitions of materiality, public disclosure, and the rights of minority shareholders that has significantly increased accountability to nonfinancial shareholders in some countries, despite the resilience of the underlying Anglo Saxon model of fiduciary responsibility to financial capital.

However, this incremental, tactical approach to squeezing the last ounce of public good out of the Anglo Saxon model of corporate governance may come to be seen as a side-skirmish, or at least as an appetizer to more fundamental shifts that may accompany the growing importance of emerging economy businesses and governments. Core to this shift is the extensive role of the state in the ownership of economic assets in these countries. China's economy is dominated by state-owned

enterprises, and the bulk of their international investments, notably in natural resources, are undertaken by publicly directed enterprises. Venezuela and other countries that pursue what might be called the "Chavez doctrine" are also focused heavily on state ownership, though here through renationalization framed by a vibrant political populism. Similarly, Russia has experienced a major backlash against poorly executed, post-Soviet privatization, with its political leaders driving a "grab-back" under dubious legal circumstances, linked to a subsequent opaqueness in the effective control of state assets.

The energy sector, more generally, is swinging heavily towards public ownership internationally, with the historically dominant North Atlantic global energy players rapidly dropping down the rankings by revenue and the all-important measure of exploitation rights. Sovereign wealth funds, especially those of China and the Middle East, are another major driver of the reemergence of state ownership of economic assets. And of course there is the small matter of the renationalization by Northern governments of failing financial institutions, notably in the United States and the United Kingdom. While positioned as temporary ownership and probably accurately described as such, there is no doubt that the ideology of private ownership for the public good has been severely damaged, opening the door to new civic and political discourses and actions about market transformation.

State ownership in these diverse forms might be good or bad news for social progress and sustainable development. In principle the state represents the public interest and can and should behave with this principle in mind. Negatively, state-capture by the business community, or cruder forms of political and bureaucratic rent-seeking using state-owned assets, might compromise or completely undermine the progressive role of the state as an economic actor. With both options in play, the ways in which civil society can transform markets will need to be reinvented or at least continuously evolved. Some forms of civil regulation might still be possible so long as state-owned companies are pushed to observe basic financial requirements. But state protection might dilute the impact of these strategies, as was observed, for example, in the Brazilian state-owned company Petrobras's refusal to respond to civil society demands for health-related improvements to their retail energy products.[20] Conversely, more classical forms of civic and political action might prove more productive in shifting the behavior of state-owned enterprises and the markets they dominate, most obviously when such behavior can be turned into a major political—and eventually electoral—issue.

5. Conclusion

In its traditional form, civil regulation achieves incremental changes in business practices, but as it evolves in the changing context described above, it may be able to drive a wider redesign of economic institutions and how they are governed. Looked

at through the first lens, civil regulation describes a way for business to achieve a comfortable accommodation to a negotiated set of norms. But through the second, more speculative, lens, one can see the possibility of a relatively unplanned and uncoordinated dismantling of distinct spheres of market and nonmarket action, and indeed of the distinction between the public and private spheres themselves.

In terms of the three levels of action described at the outset of this chapter, civil society has unquestionably had an impact at the *tactical* level on business behavior and thereby on people and the environment. Thousands of companies have developed or adopted collaboratively developed codes of conduct, and these codes have impacted millions of their suppliers and tens, if not hundreds, of millions of people working in global supply chains, along with their families and communities. Furthermore, some of these voluntary initiatives have been embraced in statutes covering corporate governance and reporting, stock exchange listing requirements, and public procurement conditions.[21] In the area of climate and carbon, such initiatives have engaged from the outset with multilateral negotiations, and in the case of business and human rights, the United Nations is seeking to establish an international framework that would (to date, uniquely), span international law, national regulation, collaboratively developed standards, and individual company behavior.[22]

Strategic impacts are more difficult to assess since they must compare actual practice to alternative scenarios that did not come to pass. Large-scale opposition to the fundamentals of free-market capitalism, perhaps signaled in venues such as the World Trade Organization meetings in Seattle in 1999, have not prospered, at least in Europe and North America. Smaller, radical skirmishes such as attempts to establish a pluralistic model of corporate accountability in a renewed company law in the United Kingdom have floundered, and the larger trend towards economic renationalization has been reversed, or at least slowed down in some countries, by the global recession of the late 2000s. In Brazil, for example, President Lula has protected private ownership and promoted almost every aspect of liberalized markets, and in so doing has weakened labor unions and other countervailing civil society groups. Brazil's home-grown, and now internationalized World Social Forum has sought to represent the real economic alternative to neoliberalism, but in practice it has largely shown itself, at least to date, as having a fragile intellectual, political, and economic grounding and potential.

Ironically, the *systemic* future of market transformation may be driven by forces largely antagonistic to civil society itself. Despite the Brazilian experience highlighted above, the new generation of political leaders that is emerging from the South has strong views about the limited role of civil society and the heightened role of the state in the context of markets designed to support national agendas and political interests. The Copenhagen climate talks probably marked the last time that such leaders allow themselves to be implicated in so unruly and unproductive an enterprise that sought to integrate civil society into an intergovernmental process. This experience will challenge the security of future open-source engagements by civil society in addressing major societal issues, at least in their current forms. If there is a serious systemic alternative to Anglo Saxon style economics, it is more

likely to involve greater state control over, and engagement in, capital markets, and higher levels of state ownership and other less direct forms of control over economic assets.

Yet these directions, in some ways exactly what civil society has been calling for, are likely to come with a high price tag in terms of the erosion of human rights by more authoritarian states. They do not necessarily signify that markets will internalize social and environmental costs and benefits, and they are unlikely to empower civil society itself. Such a bittersweet scenario is not, of course, the only available future. Strategic gains could be forthcoming if the more engaged, collaborative pathways that have secured tactical successes could be eased into use in emerging nations, and these gains might eventually be converted into systemic change. After all, such approaches can be more effective modes of control than top-down models because of their flexibility, dynamism, and distributed responsibilities and investments, and this may make them attractive even to authoritarian and semiauthoritarian governments These features lie at the core of criticisms about their value as vehicles for radical change, and potentially constitute a source of strength in edging new political and economic elites to engage in the pursuit of improved livelihood strategies and the promotion of human rights. The dilemma of this pathway is most obvious for the human rights community, but can also be seen in other spheres (Sen 2000).

There are, then, a host of tactical, strategic, and systemic impacts and implications that emerge from the experience of civil society in seeking to shape business behavior and markets more broadly. Simply put, civil society engagement has delivered real and positive results, but it has not yet achieved the scale or depth of change required to lever a systemic impact, and even these potential systemic impacts may have effects that are unintended and possibly undesirable from a civil society point of view. Moreover, more of the same is unlikely to deliver better results, largely because conditions in the global economic context are changing so much. Therefore, civil society tactics and strategies must also evolve, rooted in a considered view of how civil society groups will function in a world with new and/or more extreme sustainability challenges, a clear need for business to be part of the solution and not merely not part of the problem, and a dramatic change in the cast of powerful political and economic interests that are seeking to shape tomorrow's agenda and how it might be advanced.

NOTES

1. "Ironic" in the sense that conventional economics holds that it is in these markets that the consumer surplus is most effectively captured by rent-seeking business, yet they have proved the most vulnerable to civil regulation, and have been the location of most modern innovations in the role of civil society in shaping changes in business behavior.

2. See the *Financial Times*, February 16, 2010. Available at http://blogs.ft.com/energy-source/2010/02/16/conocos-leave-from-uscap-underlines-congress-failure-to-act/.
3. See http://wwf.panda.org/what_we_do/how_we_work/businesses/corporate_support/business_partners.
4. See http://www.isealalliance.org/.
5. See http://www.voluntaryprinciples.org/.
6. See http://www.gavialliance.org/.
7. See www.iseal.org.
8. See Litovsky et al. (2008).
9. See http://www.dalailama.com/news/post/287-sarkozy-defies-china-with-dalai-lama-talks.
10. See the early path-breaking cases in Zadek et al. (1997).
11. See the reviews in Rochlin, Zadek, and Forstater (2008) and Zadek (2008).
12. See Radovich (2006).
13. See http://www.unglobalcompact.org/aboutthegc/thetenprinciples/anti-corruption.html.
14. See http://www.financialpost.com/news-sectors/energy/story.html?id=1856051.
15. See the Securities and Exchange Commission 17 CFR parts 211, 231, and 241 [Release Nos. 33-9106; 34-61469; FR-82] Commission Guidance Regarding Disclosure Related to Climate Change (www.sec.gov/rules/interp/2010/33-9106.pdf).
16. See http://www.global100.org/.
17. See http://www.responsiblesoy.org/.
18. From a personal discussion with the author.
19. See http://www.nationalgeographic.com/greendex/.
20. See http://www.ethos.org.br/DesktopDefault.aspx?TabID=3715&Lang=pt-BR&Alias=Ethos&itemEvenID=5069.
21. See http://www.isealalliance.org/.
22. See http://www.business-humanrights.org/SpecialRepPortal/Home.

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PART VII

SUPPORTING CIVIL SOCIETY

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CHAPTER 35

CIVIL SOCIETY AND INSTITUTIONAL PHILANTHROPY

WILLIAM A. SCHAMBRA
KRISTA L. SHAFFER

Institutional philanthropy—by which we mean the universe of substantial, professionally staffed private foundations—is an outgrowth of civil society, yet it behaves as if it were somehow ashamed of its civil society origins. Indeed, if America's largest foundations were to have their way, they would dramatically alter the essential attributes of America's civic life. Given that American philanthropy is influential as a model in other countries too, these developments may also affect the health of civil society elsewhere. How did we arrive at this state of affairs and what can be done to change it? These are the questions we explore in this chapter.

1. Alexis de Tocqueville, Decentralized Administration, and Local Voluntary Associations

Any discussion of American civil society must begin with Alexis de Tocqueville's *Democracy in America*, published in two volumes in 1835 and 1840. As many historians have noted, Tocqueville's description of the reality of American civic life at the

beginning of the nineteenth century is not altogether historically accurate. To take Tocqueville seriously today, many scholars maintain, is a mistake—an exercise in nostalgia for a cozy, tightly knit community life that in fact only existed in Tocqueville's imagination, and that at any rate certainly does not exist today. But this is fundamentally to misunderstand the point of his account. It was never intended to be a Baedeker's guide to America, but rather a work of political philosophy. He meant to describe a radical and, to many, disturbing new political and social phenomenon, the spread of democracy around the world. America happened to be the nation where democracy had achieved its most advanced development. More to the point, and in spite of dire prognostications, America had managed to establish a temperate, self-controlled, orderly, liberal democracy. Tocqueville wished to distill from this experience the principles and practices that had brought out the best in democracy and suppressed the worst, so that other nations might similarly benefit. His account of American life, with what may seem to be its many omissions and exaggerations, is drawn with that pedagogical purpose in mind.

For Tocqueville, as for the American founding fathers, modern liberal democracy introduced the element of individualism into every aspect of national life. While this had produced a hitherto unimaginable degree of human freedom and prosperity, it also posed certain dangers. Individualism could turn humans into narrow-minded, petty, materialistic atoms of self-interest. It "disposed each citizen to isolate himself from the mass of his fellow." In individualistic democracies, "each man is thrown back on himself alone, and there is the danger that he may be shut up in the solitude of his own heart" ([1835] 2000, 482–4). If this was the prime danger posed by modern democracy, though, Americans had happily discovered a way to counteract it, according to Tocqueville. In this land, he found, individualism was moderated or attenuated by a series of devices, foremost among them administrative decentralization and voluntary association, that had in common a single principle: they compelled the individual to assume responsibility for a small portion of the public business—business that affects her immediate self-interest and is therefore important to her, but that nonetheless forces her to interact with others and thus gradually to see beyond her immediate self-interest to a larger common good.

Administrative decentralization is one of the most important tools for forging a responsible citizenry. Always a powerful tradition in America, local government had its roots in the New England town meeting. Even after the Union had been formed, though, Tocqueville notes, "the lawgivers of America did not suppose that a general representation of the whole nation would suffice" to ward off the dangerous tendencies of individualism; "they thought it also right to give each part of the land its own political life so that there would be an infinite number of occasions for the citizens to act together and so that every day they should feel that they depended on one another" ([1835] 2000, 486–7). Citizenly obligation can grow, however, only when it is immediately, tangibly clear to the individual that public matters affect his or her personal well-being: "It is difficult to force a man out of himself and get him to take an interest in the affairs of the whole state." In the regime of self-interest, public involvement and therefore social obligations are achieved only when the citizen

experiences, in a concrete way, the connection between private interest and public affairs. Once the individual enters the public realm to deal with the question of the "road past his property," he is forced to act together with others, and "as soon as common affairs are treated in common, each man notices that he is not as independent of his fellows as he used to suppose and that to get their help he must often offer his aid to them" ([1835] 2000, 486). By dint of working for the good of his fellow citizens, he in the end acquires a habit and taste for serving them" ([1835] 2000, 488).

The voluntary associations of civil society operate in much the same way as administrative decentralization to produce a sense of citizenly obligation in the democratic individual. As the familiar Tocqueville quote puts it, "Americans of all ages, all stations of life, and all types of dispositions are forever forming associations" ([1835] 2000, 489). Typically, associations are formed to meet immediate, concrete problems that have a tangible bearing on individual self-interest: "If some obstacle blocks the public road halting the circulation of traffic, the neighbors at once form a deliberative body; this improvised assembly produces an executive authority which remedies the trouble" ([1835] 2000, 180–1). As citizens associate, "pursuing in common the objects of common desire," they have become accustomed to considering the interests of others, as well as their own self-interest; "feelings and ideas are renewed, the heart enlarged, and the understanding developed . . . by the reciprocal action of men upon one another" in associations ([1835] 2000, 491).

Decentralization and voluntary association characterized American political and social life for much of the first century of independence. The boundaries between public and private were by no means as clearly drawn as they were later, with much of the public's work—healing the sick, educating the young, caring for the poor—being done voluntarily or contractually by private groups. Because everyday political life was very much left to everyday citizens, the results were often inelegant, amateurish, duplicative, wasteful, and rooted in what may have seemed the incredibly diverse, peculiar, and irrational moral and spiritual beliefs of America's local communities. But this vast range of activity drew in and engaged productively and peacefully the full range of Americans—from the wealthy few, who formed philanthropies and private organizations to guard their interests once they had been excluded from public office by various populist movements, to women, poor farmers and laborers, despised religious sects, free blacks, and immigrants, who formed their own charities, burial societies, insurance companies, and cooperatives to look after their own interests (Hall 1982; Hall 1992, 140–206; McCarthy 2003).

2. The Rise of Scientific Philanthropy

While this immense outpouring of democratic energies in civil society would have been gratifying to Tocqueville, it was entirely inadequate to meet the needs of the nation as it approached the twentieth century, according to the American progressive

movement. In its view, powerful new economic and technological developments—the development of factory production, mass markets, railroads, telegraph, and telephone—had shattered the old boundaries of what historian Robert Wiebe aptly called our "island communities," and rendered obsolete Tocqueville's decentralized, voluntary approach to public problems (1966, xiii, 4).

The everyday common sense of the citizen that had sufficed to understand public affairs on the local, community scale could not grasp the new technological interrelatedness that characterized public life. Citizens could only see the superficial, immediate manifestations of social problems—their symptoms—and could not understand their underlying root causes. That understanding depended on the new natural sciences that were revolutionizing medicine, public health, and agriculture, plus the new sciences of society that were explicitly based on their example. The professional social scientist—the economist, sociologist, psychologist, and political scientist—now had a critical role to play because, as Thomas Haskell points out, "it was largely through his explanatory prowess that men might learn to understand their complex situation, and largely through his predictive ability that men might cooperatively control society's future" (1977, 14). In Herbert Croly's formulation, "in the more complex, the more fluid, and the more highly energized, equipped, and differentiated society of today," the "cohesive element" would be "the completest social record," which could be only assembled by social science experts "using social knowledge in the interest of valid social purposes" (1915, 370).

Tocqueville's notion that *local*, voluntary action was essential to overcoming democratic individualism came to be seen as equally antiquated. Professionals believed that ordinary citizens were capable of only base self-interest, whereas those trained in the abstract, objective techniques of science, by virtue of their professional training and commitment to service, were alone able to transcend petty considerations and grasp the larger public interest, and lead the less enlightened closer to it. These new leaders would summon citizens out of the constraints of local communities and into a much grander and more compelling form of unity or oneness, now at the level of the nation as a whole. The great, national community would evoke a self-denying devotion to the "national idea" from the American people, a far-flung community of millions in which citizens nonetheless would be linked tightly by bonds of compassion, fellow-feeling, and neighborliness. In Croly's words, there would be a "subordination of the individual to the demand of a dominant and constructive national purpose." A citizen would begin to "think first of the State and next of himself," and "individuals of all kinds will find their most edifying individual opportunities in serving their country." Indeed, America would come to be bound together by a "religion of human brotherhood," which "can be realized only through the loving-kindness which individuals feel . . . particularly toward their fellow-countrymen" (1909, 23, 406, 418, 453). As if taking aim squarely at Tocqueville's understanding of civil society, the sociologist Edward Alsworth Ross summed it up this way: America needed to transcend its fragmentation into "thousands of local groups sewed up in separatist dogmas and dead to most of the feelings which thrill the rest of society." This would be accomplished by the "widest possible diffusion of

secular knowledge" among the many, which "narrows the power of the fanatic or the false prophet to gain a following." Meanwhile, university training for the elite would "[rear] up a type of leader who will draw men together with unifying thoughts, instead of dividing them, as does the sect-founder" (1921, 422).

The first large American foundations—Carnegie, Rockefeller, and Russell Sage—understood themselves to be instruments of this American progressive project. They were established, as had been the business corporations that produced their corpus, by "modern businessmen committed to notions of rationality, organization, and efficiency," who had become accustomed to subsuming smaller, less efficient units into nation-spanning enterprises with grand ambitions. So their new foundations were national in scope, established in perpetuity, and dedicated to the general welfare of mankind. The founders "were also imbued with the ethic of modern science." A "more scientific and businesslike approach" to problems, they believed, "was to attack the root causes of social dysfunction directly," which could be determined by "the scientific investigation of social and physical well-being" (Karl and Katz 1981, 236–270). Indeed, the essential self-understanding of the new foundations was that they would be, in John D. Rockefeller's description, "constantly in search for finalities—a search for cause, an attempt to cure the evils at their source" (Rockefeller 1913, 177). By contrast, Tocqueville's local communities could only understand and modestly ameliorate the symptoms of underlying problems.

The new foundations aimed their resources overwhelmingly at the generation and teaching of the new sciences of physical and social root causes, especially in modern research universities and institutes of public policy research. At the same time, they funded the rationalization, standardization, and modernization of the elite professions based on the new sciences, and the establishment of institutions that would insure their influence on public policy. Russell Sage, for example, was instrumental in converting social work from a local, community-based charitable activity into a genuine profession, reflecting foundation official Robert de Forest's conviction that, while social work must care for needy families, "the most effective work is to strike at those conditions which made these families needy, and so far as possible, to remove them" (Hammack and Wheeler 1994, 11). Mary Van Kleeck, director of the foundation's Department of Industrial Studies, believed that "the world *can* be controlled, if we release intellect" (Sealander 1997, 39).

Much of the Carnegie Corporation's work was similarly designed to establish uniform national standards in education, to insure that only the best were drawn into the new trans-local elites. Although the explicit function of the Carnegie Foundation for the Advancement of Teaching was to fund a pension fund for private college teachers, in fact, as first president Henry S. Pritchett noted, its scope "as a centralizing and standardizing influence in American education promises to outweigh in importance the primary purpose of the fund" (Lagemann 1983). Carnegie was behind the early efforts to standardize and rationalize the measurement of academic progress in high school, and to develop rigorous tests for admission to college and graduate school. Through a series of surveys of various professions, the most famous of which is the Flexner Report on medical education, the Carnegie

philanthropies sought to centralize and standardize the bodies of thought and practice essential to modern organization.

The Rockefeller Foundation committed itself not only to medical and public health measures like the Rockefeller Institute for Medical Research and the Rockefeller Sanitary Commission for the Eradication of Hookworm Disease (Ettling 1981), but also to a wide range of activities to develop and promote the social sciences in research universities and think tanks. Rockefeller's newly funded University of Chicago boasted a strong emphasis on the social sciences, linked directly to practical application in public policy by a Rockefeller-funded building near the campus that, at one time, housed twenty-two of the leading agencies of public policy and public administration. Rockefeller was also the primary funder of the agencies that would coordinate and centralize research in public policy like the Social Science Research Council and the National Bureau of Economic Research. As a Rockefeller mission statement put in the 1920s, its funding was designed to "increase the body of knowledge which in the hands of competent social technicians may be expected in time to result in substantial social control" (Fisher 1983, 208).

The work of the large foundations was designed not only to withdraw authority from citizens who had only imperfect and constrained understandings of social causality and put it in the hands of experts who could penetrate to root causes in their analysis. It was also designed to erect professional licensing and accreditation barriers so that the new elites could be cleansed of any taint of the old irrational, parochial views nourished within small, isolated communities. The reform of medical education through the Flexner Report, for example, meant the closing of scores of medical schools that, although deficient by scientific standards, drew the poor and marginalized into medical practice. The number of medical schools serving African Americans, for instance, fell from eight to two after the report. But Flexner "had little patience for the arguments of those who warned that closing marginal schools would close medicine to poor boys and members of minorities, and opposed offering fellowships on the basis of financial need" (Sealander 232). Carnegie's work in professionalizing the legal profession was in part a response to complaints like that voiced by Harlan Fiske Stone, dean of Columbia Law School, that "the deterioration of the bar" has been a result of the "lowering of the average by the influx to the bar of greater numbers of the unfit," especially the foreign born (Lagemann 77).

Lagemann's comment about Carnegie's critics could apply to all the major national foundations: "critics saw a peril" because they believed the foundations were "supporting nationalism at the expense of localism ('provincialism'), universalism in standards at the expense of pluralism, expert participation in standard making at the expense of lay participation, and private authority in policy making at the expense of public authority" (1983, 180). The critics had a powerful argument. In fact, the new foundations were dedicated to the proposition that significant power should be wielded by professionally trained national elites rather than the untrained, amateurish local communities so important to Tocqueville's account of American democracy, or by those contaminated by their influences.

3. Foundations and Government: Collaboration and Oversight

Throughout the twentieth century, the national elites who had been launched from the universities and think tanks funded by foundations increasingly wielded their power from the commanding heights of the federal government itself, as it expanded its reach over significant aspects of American life through Franklin Roosevelt's New Deal and Lyndon Johnson's Great Society. This meant that, by comparison, even the largest foundations played ever smaller roles in public policy, but since this trend towards centralized national administration had been propelled by its own expert professionals, philanthropy was content simply to seek a role for itself in the interstices of federal activity. It became the goal of the most sophisticated foundations to fund demonstration projects and trial interventions that, if proven successful, could then be passed on for "scaling up" through more substantial federal funding.

The most successful example of such demonstration and scaling up came with the Ford Foundation's Grey Areas project in the early 1960s, which became the basis of Johnson's community action notion in his War on Poverty. Interestingly, this was also the most significant instance of a major foundations flirting with the notion that citizens might be able to make a valuable contribution to solving public problems after all. Embedded in these approaches was the idea that the poor should have some say in the manner of delivery of services to their neighborhoods. But the orientation was still emphatically towards delivery of services by professionals, the coordination and effectiveness of which might be enhanced by community input. According to Francis Fox Piven, the aim was a "reorganization of services to procure rational, planned collaboration" (1967, 95). The far more radical notion that citizens in low-income areas might be consulted about what they considered problems, and that outside agencies should shape their assistance around solutions defined and organized by the community, was never considered. Writing about Philadelphia's experiment in community action drawn up by academics at Temple University, Charles Silberman pointed out that "the notion that citizens conceivably might want to speak for themselves obviously never occurred to the academicians, government officials, and 'civic leaders' who drew up the documents" (1964, 353).

Given that the Ford Foundation's venture into community action never departed very far from the model of professional service delivery, it is ironic that it managed to discredit the notion of active civic engagement in public policy for some time to come, only reaffirming the need for distance between the planning experts and planned-for citizens (Moynihan 1969). It also drew unwanted attention from Congress, which led to a tightening up of standards and procedures in philanthropy.[1] The result of both this flirtation with community empowerment and pressure from Congress was that foundations focused more and more on increasing the professionalism of their own internal management and grant-making processes, with

less and less patience for the amateurish and slipshod projects brought to them by neighborhood nonprofits.[2]

4. The New Wave of Philanthropy and Its Impact

In spite of this history, wave upon wave of new philanthropists have arrived on the scene and, after cursory examination, announced, as if for the very first time, that philanthropy lacks rigor and expertise, and desperately needs a major infusion of rationalization, professionalization, and outcomes orientation (Edwards 2010). Many recent donors have entrepreneurial backgrounds in new technologies, and are confident that their business experience has given them peculiar and unprecedented insight about the need to solve problems, rather than simply treat their symptoms. They are either oblivious to, or unimpressed by, a full century of boastful discourse in philanthropy that surrounds its embrace of scientific solutions over the halting, disjointed, and superficial fumblings of charity.

In a typical pronouncement, Charles Bronfman and Jeffrey Solomon (2010, 23) write that until now, philanthropy was about "power, expectation, influence and yes, ego. It was rarely about impact." But now, apparently for the first time, "donors have sought to make a difference. . . . they are ready to make use of the sophisticated management instruments they have developed in their business life to achieve greater performance in this new, more challenging arena. . . . they give purposefully, think strategically, and rely on measurements and regular monitoring." Paul Brest, president of the Hewlett Foundation, and Hal Harvey similarly argue that rigorous thinking and strategizing is what has been missing from philanthropy. Their 2008 volume, *Money Well Spent*, argues that the central task of a truly strategic philanthropy is "designing and then implementing a plan commensurate with the resources committed to it." Then, in language that could have come straight out of a Rockefeller Foundation annual report in the 1920s, they add that "this, in turn, requires an empirical, evidence-based understanding of the external world in which the plan will operate." At the heart of effective philanthropy, they suggest, is constructing a "theory of change . . . an analysis of the causal chain that links your philanthropic interventions to the goals you want to achieve." Greater attention to scientific and logical rigor by foundation strategists will finally convert mere charity to truly effective philanthropy (2008, 7, 47–48).

As institutional philanthropy turns ever more to the need to shake up its own internal strategizing, planning, and measuring, the inevitable result is even further denigration of whatever thoughts and plans might occur to citizens who are organized in grassroots nonprofits. Indeed, many foundations proceed as if little or nothing of worth had been accomplished prior to the introduction of the newest techniques of planning and management. As David Hunter notes in *The End of Charity*, "there is virtually no credible evidence that most nonprofit organizations actually produce any

social value." Furthermore, we "cannot rely on direct service nonprofits to fix themselves without a serious push." Only the nonprofit sector's funders can "take the lead in building a strong, effective and efficient nonprofit sector" (2009, 72). Many donors are clearly eager to become more directive about how nonprofits should behave. "Nonprofits should be run just a crisply as for-profits," insist Bronfman and Solomon. "Meetings should start on time and end on time too. They should not be social gatherings that drag on endlessly for no purpose. A nonprofit isn't a church either. It should not fall for a charismatic leader who gives the operation a charged-up, religious feeling—and loses sight of what it is actually created to do" (2010, 18).

Whether from philanthropy's initial enthrallment with social science or its more recent infatuation with business management, the long-term trend in the field has been to create ever more distance between the everyday citizen in his or her local nonprofit and the centralized, technocratic professional management of the modern foundation. Although organized within, and directing its funding towards, the institutions of civil society, philanthropy has become complicit in the disparagement of what Tocqueville regarded as civil society's primary task: the inculcation of democratic engagement in problem-solving and the development of community-mindedness. Nonprofits' meetings often are "social gatherings that drag on endlessly" (Bronfman and Solomon 2010, 18) for precisely that critical democratic purpose. As John McKnight notes about the larger problem of professionalization in modern society, "When the capacity to define the problem becomes a professional prerogative, citizens no longer exist. The prerogative removes the citizen as problem-definer, much less problem-solver. It translates political functions into technical and technological problems" (1995, 48).

5. Conclusion: What Should Foundations Do?

Were institutional philanthropy interested in a unique and immensely powerful role in American public life, it would stop denigrating civil society associations and attend to the alarming deficits in democratic engagement that it had a hand in producing (Gibson 2006). It would turn its attention to nourishing and supporting the Tocquevillian institutions of self-government. Building squarely on Tocqueville's insights, foundations might redirect funding to programs that originate with the views of citizens at the grassroots, with their understanding of the problems they face, and how they wish to go about addressing them.[3] Solutions tailored by citizens who actually live with problems are more likely to be effective for their own neighborhoods. Community ownership insures that these approaches will be supported and sustained over the long haul, rather than provoking the sort of resistance that often greets programs designed by remote experts and parachuted into neighborhoods, as had happened with the Great Society's community action program. Perhaps most

important, the process of formulating and proposing solutions to their own problems cultivates in citizens the skills essential to democratic self-governance—the ability at first to endure, but finally perhaps to relish, the messy, gritty process of deliberating, arguing, and compromising demanded by American democracy's conviction that all citizens are to be treated with dignity and respect.

Tocquevillian or civic renewal philanthropy would reach out quietly but actively into the communities it wishes to assist, harvesting "street wisdom" about which groups genuinely capture a community's self-understanding of its problems (Somerville 2008). Such groups will more than likely have duct tape on their industrial carpeting and water stains on their ceilings. They will not be able to draft clever, eye-catching fundraising brochures or grant proposals. They will not have sophisticated accounting systems, or be able to lay out a schedule of measurable outcomes. They will not speak the language of the social sciences, but more often than not, the language of sin and spiritual redemption. They will not be staffed by well-paid credentialed experts, but rather by volunteers whose chief credential is that they themselves have managed to overcome the problem they are now helping others to confront. No matter what is stated in the group's formal charter, it will minister to whatever needs present themselves at the door, even if it means being accused of inefficiency or mission drift. In this spirit, each person is treated not as an inadequately self-aware bundle of pathologies, but rather as a unique individual, a citizen possessed of a soul demanding a respectful, humane response to the entire person.

This approach turns completely on its head the still-entrenched orthodoxy of institutional philanthropy. Indeed, it looks suspiciously like charity—the antiquated, discredited approach which nonetheless honored and ministered personally to the each individual. Charity does indeed deal with "mere symptoms" because they are what people themselves consider important, rather than with root causes visible only to experts who can "see through" the client. Because civic renewal philanthropy tackles social problems individual by individual, neighborhood by neighborhood, and because it relies on individuals and neighborhoods to define and solve their own problems, this approach calls for a degree of humility and surrender of control that will not appeal to professional experts.

Isn't this too humble a task for philanthropy? Isn't it an abject retreat from the promise of social science to get at the root causes of social problems once and for all? Do we have to revert to mere charity? Consider, though, that after almost a century of spending billions of dollars in root-cause philanthropy, it is difficult to name a single social problem whose roots philanthropy has reached. Meanwhile, everyday citizens have continued to form countless community associations to tackle their own problems in their own ways, usually in the form of neighbors caring for and nurturing each other directly and personally (McKnight 1995). One could look at this and see mere charity, or one could see vigorous civic engagement in self-governance. Tocqueville clearly saw the latter. On this modest, practical, local civic activity, he placed his highest hopes for the survival of the American experiment in democracy. Foundations supporting such activity need hardly be ashamed of helping to rebuild popular self-governance at the grassroots.

NOTES

1. The specific activities of the Ford Foundation that aroused Congressional ire are discussed briefly in Fleishman (2009, 325–26) and Reeves (1970, 20–22), and more thoroughly in Smith and Chiechi (1974, 43).

2. For more on the professionalization of foundations after the Tax Reform Act of 1969, see Frumkin (2006, 100–24), as well as the brief overviews in Hammack (2006, 80–82) and Abramson and McCarthy (2002, 343–44).

3. Examples of effective grassroots groups and the people who help fund them can be found in Woodson (1998) and Elliott (2004). For further, more policy-oriented background on supporting Tocquevillian institutions of self-government, as well as some examples, see Goldsmith (2002).

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CHAPTER 36

CIVIL SOCIETY AND GRASSROOTS PHILANTHROPY

G. ALBERT RUESGA

The term "grassroots" is a powerful metaphor for many funders and activists in the field of philanthropy, and is often counterposed with ideas of top-down or elite-driven funding. The grassroots suggest the ground beneath our feet, something that is both anchored and anchoring. They are close to the earth, elemental, and connote a direct relationship with the sources of being and truth. They are rugged and hardy, and able over time to cover the wounds inflicted on the planet. The grassroots are also, ironically, something frequently trampled over and taken for granted, the universe of average or ordinary citizens and, in the parlance of philanthropy, members of "communities in need." As such, the grassroots have been both the subject and the object of a significant amount of individual and institutional giving to strengthen civil society in all of its guises.

Not surprisingly then, the term grassroots draws us immediately into a contested space, occupied by publics who have a vague but serviceable idea of what the term might mean and by individuals whose livelihoods depend on its precise interpretation, for funding streams may wend their way to those whose work embraces one definition of the term but not another. Some argue, for example, that a nongovernmental organization (NGO) ceases to be grassroots when it is no longer led by those directly affected by the problems the organization seeks to address. Others claim that when an association of ordinary citizens becomes formally chartered or incorporated, it leaves the realm of the grassroots and enters a world of professionalized activity that is inevitably more aligned with the purposes of society's elites.

While most people are not so demanding about the meaning of the term, a certain laxness about its use has led to an inflation of its meaning over time. As one commentator expressed it, "the rhetoric of resident engagement and community is now so banal as to render much of it meaningless" (Traynor 2002, 6). This has been the fate of many terms in currency in the world of philanthropy, including "social justice" and "social entrepreneur," not to mention the technical lexicon of formal evaluation methods and metrics that is much in vogue.[1] Therefore, some precision is important.

Many controversies surround the theory and practice of grassroots philanthropy. While some doubt that grassroots philanthropy can ever lead to significant social change, others argue that it is the only kind of philanthropy that ever has. Other debates relate to the engagement of ordinary citizens in efforts for social change. To what degree should these efforts be controlled by those who themselves are affected by problems rather than by trained professionals? Since poor people have direct knowledge of what it is like to live in poverty, can and should they be the prime movers in shaping programs that aim to change their condition? This chapter reviews these questions, suggests some ways to work through the thorny issues they raise, and advocates a critical stance on the assumptions that often surround the notion of grassroots giving.

1. What Is Grassroots Philanthropy and Why Is It Important?

What makes a special kind of philanthropy necessary or desirable? The motivations for practicing grassroots philanthropy are many. Some see support for the grassroots as a good thing in and of itself. Helping to build a sense of community, enhancing a community's ability to address local concerns, and promoting a high level of civic engagement by ordinary people—these are all valuable, their proponents argue, whether or not they lead to specific outcomes such as higher birth weights or longer life expectancies. In most cases, however, funders see grassroots philanthropy as an essential, or at least an important, element of some broader theory of change—as a means to achieve specific social, economic, and political ends established, ultimately, by the donor.

If one thinks of philanthropy as the giving of time and money to activities of public benefit, three major strands of grassroots philanthropy can be identified. First, there is top-down support for activities that benefit the grassroots in some way. In this category of grassroots philanthropy, those directly affected by a problem are not involved in making funding decisions that are aimed at its resolution. A funder might, for example, make a well-intentioned effort to end homelessness without consulting the homeless in any way. This is philanthropy *to* the grassroots. A second approach includes support for activities that benefit the grassroots but

also involve members of affected populations in grant-making decisions and/or the design, implementation, and evaluation of grant-making programs—at least to some degree. Some funders see meaningful citizen participation as the key to effective grant making, while others retain a greater measure of control, arguing that a division of labor between trained professionals and community residents yields better outcomes. This is philanthropy *with* the grassroots.

Third, grassroots philanthropy can mean the giving of time, money, and other forms of support *by* ordinary citizens to one another and to the collective activities of their own communities, defined either by geography, identity, or interest. The support of these givers is important to the health of many NGOs and other civil society groups and has played a critical role in many social change efforts. This is philanthropy *by* and *from* the grassroots. In many instances, funders are happy to provide support *to* the grassroots but not so eager to share control over decisions *with* affected communities or to cede ground to efforts supported by philanthropy *from* the grassroots. This ambivalence towards authentic citizen participation is characteristic of foundations and has many sources that are explored in brief below. It constitutes a central tension in debates about civil society and philanthropy.

Grassroots philanthropy is sometimes conflated with support for community-based organizations—a kind of NGO characterized by its rootedness in, and service to, a particular neighborhood or geographically defined community. While it is true that many community-based organizations are likely to have an accurate view of the concerns and aspirations of local residents, they are not necessarily resident-led or resident-staffed, and their goals and methods might put them at odds with the people they aim to serve. Grassroots Grantmakers, a U.S.-based association of funders, defines grassroots philanthropy as "a place-based grant-making approach that focuses on strengthening and connecting resident-led organizations and their leaders in urban neighborhoods and rural communities. Typically, it is aimed at strengthening the capacity of people who come together to improve their communities through projects and activities that they initiate and manage."[2] Grant makers who use this approach employ a number of methods to address local priorities, including small grants programs for organizations that might not otherwise qualify for funding, the sponsoring of community gatherings, the use of leadership programs to help develop and strengthen local leaders, and the provision of technical assistance and training to community-based groups.

It is worth noting that grassroots philanthropy has sometimes been characterized not by the nature of the recipients or the kind of work supported, but by the *style* of giving. Bill Somerville (2008, 25), for example, urges philanthropists to leave their offices so they can identify "outstanding people doing important work" more effectively. In this view, grassroots philanthropists should minimize bureaucracy and get out into the field in order to interact more freely with those who are making change happen on the ground. Of course these change makers might or might not be ordinary citizens or members of communities in need, and they might not be part of the grassroots defined in other ways. What is more important is that

philanthropists of all shades move closer to the places where community needs meet institutional responses.

Given these diverse characterizations, it is easy to see why grassroots philanthropy is of interest to theorists and practitioners who care about the health and vigor of civil society. In its different manifestations, it appears to offer a promising route to supporting the engagement of citizens in voluntary action and public processes, thereby helping them to construct their visions of the good society (Edwards 2009). Grassroots philanthropy has proven to be a flexible tool in supporting the associational life of communities, helping funders to advance the common good, and shaping the content and character of the public sphere. However, given the substantial differences that exist between philanthropy *to*, *with*, and *from* the grassroots, one might expect these approaches to exhibit a range of strengths and weaknesses in relation to their ability to enhance civil society and civic engagement, with the authenticity of citizen control and direction (or at least their involvement and participation) as one key variable.

2. Philanthropy *to* the Grassroots

In philanthropy *to* the grassroots, ordinary citizens function primarily as beneficiaries. They are the objects of a donor's largesse, and often the clients served by funded activities. In this form of philanthropy, the role of impacted communities is to cooperate and, ideally, to be grateful. This holding of ordinary citizens at arm's length does not necessarily imply a lack of respect for the dignity or well-being of communities in need. For institutional funders who practice philanthropy to the grassroots, there may be any number of barriers to meaningful citizen participation, including limited staff resources and a lack of expertise in working with grassroots communities. In some cases a donor might enhance the grassroots character of his or her interventions by supporting only those groups and projects that are designed, managed, and evaluated by impacted communities.

There are some who opt to provide philanthropy to the grassroots simply because they wish to cut out the intermediaries that can skew relationships between donors and the objects of their generosity. Such funders prefer that their money goes directly to those affected by a problem rather than helping to pay the salaries of NGO staff members and other professionals. The Child Support Grants program of the Frank Buttle Trust in the United Kingdom, for example, accepts applications from social workers, health visitors, and others who work directly with low-income families. Grants awarded by the trust are used exclusively to provide necessities such as clothes, beds, bedding, and other essential household items.[3] Elsewhere, the choice to cut out the middle man may have less altruistic motivations. The November 13, 2009 issue of the *New York Times*, for example, reported that the United States was using small grants given directly to villagers in Afghanistan

as part of a counterinsurgency strategy "aimed at drawing people away from the Taliban and building popular support for the Western-backed government by showing that it can make a difference in people's lives" (Tavernise 2009). In these situations there is no effort to deny the purely instrumental character of giving. While this is giving to the grassroots, it is clearly not *for* the grassroots but rather for the purpose of making a tactical or strategic gain in a broader geopolitical game.

It is important to note that philanthropy to the grassroots is championed by both conservative and liberal funders. In the U.S. context, for example, one of the goals of progressive philanthropists is to amplify the voices of those who are marginalized in society and empower citizens to become more engaged in the political processes that affect their lives, thus enabling them to address deeper issues of social and political injustice. These funders understand that in order to achieve significant social change, political action from above must meet agitation from below. This kind of "pincer" effect was much in evidence during the American civil rights struggles of the 1950s and 1960s, when sweeping legislative changes were insufficient and large numbers of ordinary people took to the streets to ensure that the new laws would be enforced (Levy 1998). It is clear, however, that a commitment to the goal of empowerment does not necessarily translate into the sharing of philanthropic decision-making. The Greater New Orleans Foundation's Community IMPACT Program,[4] for example, aims to help the poorest of the poor in the metropolitan New Orleans region by awarding grants to organizations that empower ordinary citizens. The program was designed in consultation with representatives from the region's NGOs, but it does not currently involve community residents in program leadership or grant decisions.

In a similar fashion, though arguing from a different ideological base, some so-called small government conservatives in the United States see grassroots philanthropy as a means of strengthening communities—both ordinary citizens *and* elites—against the intrusions of powerful, centralized governments intent on over-regulating markets, sanctioning allegedly immoral behavior, and illegitimately redistributing wealth through taxation. The Lynde and Harry Bradley Foundation, for example, supports projects that "seek to reinvigorate and re-empower the traditional, local institutions—families, schools, churches, and neighborhoods—that provide training in, and room for, the exercise of citizenship, pass on everyday morality to the next generation, and cultivate personal character."[5] The foundation also funds projects that "encourage decentralization of power and accountability away from centralized, bureaucratic, national institutions back to the states, localities, and revitalized mediating structures where citizenship is more fully realized." When set against a large and allegedly intrusive central government, just about any community of interest can claim the mantle of grassroots. This has been the case, for example, with the conservative Tea Party movement in the United States. Although championed by members of the political elite such as Sarah Palin and former congressman Tom Tancredo, the Tea Party movement characterizes itself as a "national collaborative grassroots effort" committed to exposing the "bankrupt liberal agenda" of President Barack Obama's administration and the Democratically controlled 111th Congress.[6]

How effective is philanthropy to the grassroots? While one can construct many plausible theories of change that lead from the funding of grassroots efforts to transformed societies, there is little documented evidence that philanthropy *to* the grassroots—at least as practiced by institutional funders—has ever played a determining role in securing deep-rooted social change. This may be due to a simple lack of evidence, given that the real efficacy of grassroots philanthropy of any kind has been so poorly researched, including its supposed impact on the strengthening of civil society. Most information is sketchy and/or anecdotal, and until recently there was no central repository even for program evaluations conducted and published by foundations in the United States.[7] But much depends on how one defines the goals of these kinds of intervention: while they may not have achieved large-scale gains in empowerment or poverty reduction, they have certainly brought concrete benefits to some communities and drawn others into the public policy process.

3. Philanthropy *with* the Grassroots

Partnerships with the grassroots, in which members of the community are involved in the decision-making structures of philanthropy, help funders to ensure that their efforts are rooted in the concerns of the people they wish to serve. By working with the grassroots they can avoid perpetrating yet another well-meaning but ultimately destructive intrusion into the lives of those who are most marginalized. Philanthropy with the grassroots can also bring significant benefits to funders themselves if the design and evaluation of programs are cogenerated and comanaged. According to the U.S. affinity group Grassroots Grantmakers, this approach can develop "new relationships and perspectives that inform other program areas, increased credibility as an entity that has deep knowledge and understanding about its community, and opportunities to create new partnerships with donors, local governments, and other philanthropies. Grassroots grant-making is a strategy that contributes to a funder's capacity to serve as a community leader, demonstrates its commitment to community accountability, and underscores the funding organization's unique position in its community."[8] One funder describes the building of relationships with neighborhood residents in these terms: "This is ground zero for kids and communities. It is where they are spending their time. Their relationships are here. The people who care for them are here" (Saasta and Senty 2009, 13). Thus, partnering with the grassroots can help funders to ensure that their actions are rooted in "the soil of people's hard necessities," to quote Senator Albert Jeremiah Beveridge, who is credited with coining the term grassroots (Safire 2008, 289). This, in turn, can lead to better and more sustained outcomes.

The Community Foundation for Northern Ireland, for example, has had significant experience developing participatory structures within its grant-making processes. As part of its work in the European Union Peace and Reconciliation

Program, it instituted seven committees to provide advice on grant decisions, one of which was made up of representatives of the victims of political violence in the province (Kilmurray 2009, 5). Kilmurray notes that these participatory structures have helped community-based activists to increase "their understanding of the quandaries of decision-making [about grants], an understanding that they, in turn, were able to relay to their local community and group constituencies. It has built the information and skills base of those involved, but most importantly of all in our divided society, it facilitated networking and the building of relationships" (Kilmurray 2009, 6). Or take the Fondo Centroamericano de Mujeres (FCAM) which has a program called Ola Joven (or "young wave") that focuses on groups led by young women aged sixteen to thirty. This program makes use of participatory evaluation and grant-making approaches. Funds are distributed through a process in which applicants are invited to vote on proposal summaries. In keeping with this spirit, grantees evaluate one another and themselves throughout the year using FCAM's evaluation tools.[9]

These success stories aside, a number of practitioners in the field of grassroots philanthropy have noted that efforts to strengthen civil society will be resident-led only up to the moment at which the funder decides that facilitators, trainers, and other professionals are required, at which point a grassroots project will begin to lose its bottom-up character. Along these same lines, when funders identify leadership in a neighborhood they will often look for people who can act as their proxies in carrying forward the funders' agendas—people who can be counted on, in other words, to share their values and behave accordingly. In these cases, grassroots philanthropy provides an illusion of democracy, but an unbridged gulf remains between the community and the funder. One might call this philanthropy in bad faith, when funders unconsciously use their partnerships with the grassroots as a fig leaf to cover their own intentions. In describing its Rebuilding Communities Initiative, for example, the U.S.-based Annie E. Casey Foundation laid out two apparently contradictory objectives (Traynor 2002). One of these was to "place residents at the center of the community-building effort," meaning that residents would be tasked with defining the change agenda. But at the same time, participating communities were required "to identify, reach out to, and involve traditionally disenfranchised constituents within their target areas," as well as "demonstrate that their…change agenda [addressed] systemic changes at the community level" (2002, 6). Participants were also asked to "[transform] the range of community-building activities in a given community into some form of collective agenda and action for change" (2002, 14).

In these cases, the culture of professionalized philanthropic activity clashes with the cultures of grassroots communities. One could, perhaps, make some headway in understanding the dynamics of these cultural clashes if the sociology and anthropology of philanthropy were better understood. Unfortunately, most of the information available about the cultures of individual and institutional givers comes from first-hand accounts by practitioners, occasionally published in articles and blogs but frequently communicated only in hallway conversations at conferences about philanthropy. As important, Kuhn's (1962) famous dictum reminds us that

there are no theory-neutral observations in science. This principle applies *mutatis mutandis* to philanthropy: when funders make an effort to take their cues from the community, they will often be selective about who they listen to and, even after listening, what they decide to act on. In subtle and not so subtle ways, funders apply their own filters to what they hear. They look and listen for confirmation of their theories of social change but ignore information that might prompt too violent a reorganization of their world views. The listening tours that philanthropists like to conduct in the communities they support often conclude, after significant investments of time and money, that the poor are "just like us"—that they want a good education for their children, decent and affordable housing, quality health care, and meaningful, well-paying jobs. This much is uncontroversial, but problems arise when philanthropists begin to draw additional conclusions that are not rooted in the diverse, lived realities of communities.

In 1992, the Boston Foundation, for example, conducted a series of "community roundtables" under the aegis of its Persistent Poverty Project. It convened a forty-three-member Strategy Development Group representing a wide array of constituencies to study the problem of intergenerational poverty in Boston. According to Charlotte Kahn, the project director, "Through this process of 'deep listening' to the community and to one another, the Group concluded that we need a new broad-based approach to eradicating persistent poverty, one that turns conventional anti-poverty practice on its head. At its heart, this approach seeks to end poverty by building community. It calls for a fundamental shift from servicing low-income communities' deficits—treating the poor as 'clients'—to investing in their strengths as colleagues, neighbors, and citizens."[10] According to this paradigm, those who want to help the poor can do so most effectively by encouraging them to act on their own behalf. By investing in their strengths as colleagues, neighbors, and citizens, the poor would be empowered and encouraged to do such things as join their neighborhood councils, serve on commissions, and take more time to petition elected officials. Yet how many low-income citizens would forego a stronger social safety net for the vagaries of political activism? Would a larger or different sample of low-income people have led to the same conclusion? Many who work closely with poor communities in the U.S. context (or who have been poor themselves) have first-hand experience of mothers and fathers who are exhausted from working double shifts and dealing with the other daily challenges of living in poverty. Having already cooked an evening meal after a long day at work and given quality time to their children, how many people of limited means have sufficient energy to lead the charge at their town council meeting? As with the "noble savages" of eighteenth-century sentimentalism, the danger is that ordinary citizens become screens on which funders project idealized versions of themselves, backed up by closely held theories of social change in which the realities of the working poor are submerged.

One of the advantages of philanthropy *with* the grassroots is that the strengths and weaknesses of funders and communities can be harmonized in order to cogenerate a larger impact—an impact that is not limited by a wholesale reliance on the ideas and resources of either philanthropy or the grassroots itself. The poor, it might

be argued, do not necessarily have any greater knowledge of how to change their underlying conditions than anyone else, while professionals from outside the community may have a clearer picture of how power and privilege are created, preserved, and brokered in particular sociopolitical contexts. Funders in Chicago, for example, expressed the issue in this way: "Sometimes a place-based strategy is not effective when broader forces are affecting an area…How do you understand that organizing is local but, if it's not connected to something larger, it can miss the mark? Small grants can isolate or work against larger systemic change if they simply stay small and don't link to the issues that drive what is happening in that community" (Saasta and Senty 2009, 36). Rather than err on the side of the philanthropist or rely overmuch on purely local knowledge, perhaps the best way forward is simply to acknowledge the tensions that exist and support a division of labor between funders and the community. People of good will who come together to effect social change will come from many walks of life and bring with them different skills and perspectives, all of them critical to social change efforts.

4. Philanthropy *from* the Grassroots

Funding *by* and *from* the grassroots holds a special kind of promise. While the amounts contributed might be small when compared to some of the sums awarded by institutional funders, one can expect a high level of buy-in from members of a community who give of their own time and money to address issues that directly affect their lives. Examples from the United States include the individual contributions that made women's suffrage possible and the church collection plates that fueled the civil rights movement in the 1950s. In 2007, fully 74.8 percent of charitable contributions in the United States (a total of $229 billion) came from individuals, and only 17.7 percent came from foundations and corporations.[11] About a third of individual giving went to religious institutions, followed by education (14.1 percent), human services (9.7 percent), and health (7.6 percent). In 2007, some 61.3 million people volunteered in the United States, providing a total of 8.1 billion hours of service or 34.7 hours per resident.[12]

This outpouring of time, treasure, and talent by ordinary citizens is, of course, a global phenomenon, but its forms and motivations vary significantly from one context to another. In Mozambique, Namibia, South Africa, and Zimbabwe, for example, Susan Wilkinson-Maposa and her colleagues (2006) have demonstrated that giving among and between poor people is a much larger phenomenon than anticipated even though roughly 20 million people in southern Africa live below the poverty line of $1 a day, according to the United Nations Development Program's *Human Development Report*.[13] There are no natural cognates for the word "philanthropy" in the languages of these contexts, and even the concept of philanthropy itself fails to resonate given its monetary connotations and the fact that it typically

implies that one person is the giver and another the recipient. Giving by the poor in these countries, the study found, is marked by a high degree of reciprocity. To get around these challenges, Wilkinson-Maposa and her colleagues used the term "help" instead of "philanthropy," and their findings call into question some of the assumptions often made about philanthropy by and from the grassroots. The poor, it turns out, are very active givers, but the archetype of the philanthropic act—a donor motivated by altruism and generosity to bestow his or her largesse on a grateful supplicant—is not instantiated in the Southern African contexts that were studied. According to these researchers, "help is not always, nor necessarily, a 'free' choice. Such behaviour can be driven by social duty as well as by a deep moral obligation emanating from a shared identity premised on a common humanity. My humanity is tainted if your humanity is not recognised and assisted when in need" (Wilkinson-Maposa 2006, xi).

In her book *Enrique's Journey*, journalist Sonia Nazario chronicles the odyssey of a young Honduran boy who faces unimaginable dangers to reconnect with his mother in the United States (Nazario 2006). Unable to feed her children, Enrique's mother had left Honduras eleven years earlier to find work in America. Enrique makes his way north, as many migrants do, by clinging to the tops and sides of freight trains. It's a dangerous journey. The trains travel through some of the poorest stretches of Mexico and Central America, and yet it is common for the people who live along the tracks to throw small bundles to the migrants as they pass by: "Families throw sweaters, tortillas, bread, and plastic bottles filled with lemonade. A baker, his hands coated with flour, throws his extra loaves. A seamstress throws bags filled with sandwiches . . . A stooped woman, María Luisa Mora Martín, more than a hundred years old, who was reduced to eating the bark of her plantain tree during the Mexican Revolution, forces her knotted hands to fill bags with tortillas, beans, and salsa so her daughter, Soledad Vásquez, seventy, can run down a rocky slope and heave them onto a train" (Nazario 2006, 105). These acts of kindness come at significant cost to the givers described in Nazario's book, and underscore the powerful motivations that often fuel giving by and from the grassroots.

It should be noted that grassroots giving is not always an individual affair. "Giving circles," for example, constitute a form of participatory philanthropy that has gained increasing visibility and support. In this form of giving, ordinary citizens typically pool their funds and meet with one another over a period of time to learn about issues and, ultimately, award grants collectively. A survey undertaken in 2006 identified 160 giving circles in the United States alone, involving 11,700 donors who raised more than $88 million for community needs (Bearman 2007). These largely self-organized groups support a wide array of causes and include a disproportionately higher number of women, younger people, and other "nontraditional" philanthropists. Giving circles provide an especially promising route to building and strengthening civil society. They bring citizens together to contribute to the common good, and they provide a structure through which people of modest means can participate in more formal giving.

5. Conclusion: Does Grassroots Philanthropy Really Make a Difference?

The paucity of research and data available leave many unanswered questions about grassroots philanthropy. Has it been, as some suspect, the key to fueling important social movements that have transformed societies? Or has it been a secondary influence, especially when its goals and methods have been dictated by society's elites? For those who aim to strengthen civil society, can infusions of money from outside a community really create lasting "ties that bind"? Or does a newly minted sense of social cohesion typically dissolve when the donors disappear? Certainly, local victories have been achieved with help from philanthropy here and there, but do these largely unconnected efforts add up to more than the sum of their parts? And what of those cases where grassroots philanthropy may have been counterproductive by weakening civil society and fueling intergroup divisions?

Part of the answer to these questions lies in the form and content of philanthropy to, with and by the grassroots. While poor people's giving to each other may in some contexts be a matter of sheer survival, a significant number of grassroots donors aim to generate social changes that—because they are defined and directed by the poor themselves—may have a broader and deeper impact than can be owned and sustained over time. In philanthropy to and with the grassroots, elite interpretations and institutional norms often clash with the cultures and priorities of ordinary citizens, but many of these donors act in good faith and have a genuine desire to reduce the dissonance between their work and the aspirations of the communities they aim to serve. Horror stories certainly exist,[14] but they do not invalidate the many acts of human goodness that have been attempted under the rubric of grassroots philanthropy. Going further, one can also look to these skirmishes as opportunities to model the kinds of relationships and interactions that are more likely to make philanthropy a handmaiden of broader social transformation. After all, a strong civil society is as much a container for healthy disagreement as a foundation for shared visions of the good.

Donors who aim to address the root causes of social problems through their giving will likely find grassroots philanthropy an indispensable tool. Clearly, there are conceptual difficulties in identifying anything like "a" root cause of poverty, beyond the condition of having few resources. The phenomenon of poverty is part of a dynamic system of many parts, all interacting with each other in complicated ways. This complex system has no discernible root that can be pulled out of the ground as one might do with the root of a noxious weed. Nevertheless solutions to poverty and discrimination will surely evade us until we learn to draw more consistently from the wisdom and activism that are rooted in ordinary peoples' lived experience of the problems that concern them. In that sense, philanthropy "with, by, and from" the grassroots is likely to be an important element of efforts to build the capacities and connections that are required to address social problems successfully in the future.

NOTES

1. On issues related to the definition of social justice, see Ruesga and Puntenney (2010), available at www.p-sj.org. The vagueness of the term "social entrepreneur" has been frequently commented upon.

2. Compare http://www.grassrootsgrantmakers.org/page11805.cfm.

3. The Child Support Grants program is described on the Frank Buttle Trust website at http://www.buttletrust.org/grant_aid/applying_for_a_child_support_grant/.

4. Compare the Greater New Orleans Foundation website at http://www.gnof.org/programs/community-impact/overview/.

5. From the Lynde and Harry Bradley Foundation website, at http://www.bradleyfdn.org/program_interests.asp.

6. Compare http://taxdayteaparty.com/about/.

7. The U.S.-based Foundation Center has attempted to address this gap in our knowledge by collecting and publishing the program evaluations commissioned by grant makers. These are currently available in the "PubHub" section of the organization's website at http://foundationcenter.org/.

8. From the Grassroots Grantmakers website, at http://www.grassrootsgrantmakers.org/page11805.cfm.

9. This profile is based on information supplied by FCAM staff in interviews conducted by William Niedzwiecki. These interviews were conducted to prepare case study materials for an international conference hosted by the Working Group on Philanthropy for Social Justice and Peace. More information about this group is available at www.p-sj.org.

10. In an article titled "Rebuilding Boston," available at http://bostonreview.net/BR19.3/kahn.html. Archives of Persistent Poverty Project publications and other materials are available at http://www.library.neu.edu/archives/collect/findaids/m127find.htm.

11. See *Giving USA 2008*.

12. From the Corporation for National and Community Service's Volunteering in America website, at http://www.volunteeringinamerica.gov/national.

13. See http://hdr.undp.org/en/reports/global/hdr2005/.

14. See, for example, Draper (2005).

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CHAPTER 37

ASSISTING CIVIL SOCIETY AND PROMOTING DEMOCRACY

OMAR G. ENCARNACIÓN

In 2005, as part of its ambitious goal to transform Iraq into a "beacon of democracy" in the Middle East, the administration of George W. Bush sponsored the creation of a Ministry of Civil Society, a new addition to the architecture of the Iraqi state designed to complement other initiatives that included a new democratic constitution, liberalizing the economy, and granting some degree of home rule to minority communities. Although probably the only one of its kind in the world, the existence of an Iraqi ministry of civil society speaks volumes about the critical importance that U.S. officials have attached to civil society since the collapse of Communism in the early 1990s, a process which is credited with ushering in the view that civil society is the "oil" that greases the wheels of democracy (Bell 1989; Putnam 1993; Gellner 1994; Fukuyama 1995; Diamond 1999; Putnam 2001).

However, there are compelling reasons to believe that civil society could meet the same dispiriting fate that has been suffered by previous approaches to democracy promotion that were once heralded as a silver bullet (modernization theory comes rapidly to mind)—primarily because the embrace of this concept by the international development community, led by its largest and most influential member, the U.S. government, has been so uncritical and superficial. It is questionable whether a concept so closely identified with the West and its most transformative experiences—the Enlightenment, industrialization, and more generally, modernization—can be easily transported to the non-Western world. Civil society, at least in its liberal guise, appears to rest on social and economic transformations that cannot be created at will, however determined and well-financed the efforts may be.

A more serious problem is the impoverished view of civil society that animates democracy promotion, limited almost exclusively to nongovernmental organizations (NGOs) and especially to those that press for democratic freedoms. Although compelling, this view of civil society stands in striking contrast to the more expansive notions that inform academic discussions of the term, which emphasize a much broader universe of voluntary and nonpolitical organizations, social networks, and other forms of civic engagement. As presently conceived, civil society-based programs of democracy promotion may fall short of generating the pro-democratic virtues that scholars have attributed to a strong civil society, especially in nurturing the growth of a democratic public culture.

Finally, democracy promoters have erred in understanding the conditions under which civil society can be most effective in advancing democracy by neglecting the importance of the surrounding political environment. Broadly speaking, the international development community has banked on a strong civil society as a transformative political force capable of fixing the political system. But largely missing from this expectation is the possibility that under deteriorating political conditions, civil society can emerge as a foe rather than a friend of democracy, most likely by being hijacked by antidemocratic forces. In supporting civil society development at the expense of political institutionalization, democracy promotion may harm rather than advance the cause of democratization.

1. The Embrace of Civil Society

Two decades ago, the mention of civil society would have raised a quizzical eyebrow in discussions about democracy, but today the opposite is the case. This newfound affection for civil society was set in motion by the highly romanticized reading of the role of pro-democracy social movements in bringing about the demise of Communism. As noted by Carothers (2000, 19), "It was Czech, Hungarian, and Polish activists who wrapped themselves in the banner of civil society, endowing it with a heroic quality when the Berlin Wall fell." Notable among these activists were influential intellectuals such as Václav Havel in the former Czechoslovakia and Adam Michnik in Poland, whose writings depicted the collapse of Communism as a victory of civil society over a totalitarian state. From this era of post-Cold War exuberance emerged the view that civil society is "synonymous with empowered ordinary citizens and grassroots social movements working collectively from below toward forming a parallel democratic polis to that which represented the official Communist totalitarian system and party-state" (Encarnación 2002a, 117).

New academic theories of political development lent intellectual credibility to these ideas, and by the early 1990s, influential scholars such as Putnam (1993) were making the case for a strong civil society as the foundation for securing a viable and healthy democracy, an argument that borrowed generously from Alexis de

Tocqueville's views of voluntary associations as the bedrock of American democracy in the nineteenth century. In following this line of argument, Putnam placed civil society ahead of more conventional variables in determining the development of democracy, such as social and economic progress and political institutionalization. Using Putnam as a theoretical launching pad, other academics turned the concept of civil society into a magic cure for combating virtually all of society's ills, from corruption to poverty, and from ethnic conflict to mistrust in government (Fukuyama 1995; Gellner 1995; Diamond 1999).

No less impressive was the embrace of civil society by politicians from the left and the right, convinced that government alone could not solve all society's problems. Although the understanding of civil society among politicians has always been vague, the general discourse surrounding this concept has increasingly emphasized the core value of empowering the citizenry. For Hillary Rodham Clinton, grassroots movements and community leaders were the answer to the to failures of government in providing basic social functions such as education and child rearing, a point underscored in her bestselling book *It Takes a Village* (1996). For George W. Bush, private charities and religious organizations would improve the performance of government in the delivery of public services, a key assumption behind the agenda of "compassionate conservatism." Characterizations of civil society as the Zeitgeist of the post-Cold War era were not overstated (Carothers 2000).

2. Building the Infrastructure of Civil Society Assistance

The institutional infrastructure of U.S. civil society assistance that was prompted by this rising popularity was mostly developed under the presidency of William J. Clinton, who came into office in 1993, beginning a revival of democracy-promotion efforts as a central goal of U.S. foreign policy (Smith 1991).[1] Clinton successfully fought efforts by the U.S. Congress to shut down the National Endowment for Democracy (NED) that had been created by the Reagan administration in 1983 to fight the Soviet Union "in a war of ideas" (Carothers 1994, 123). For its critics, the NED was "a cold war relic that wastes taxpayers money on pork-barrel projects and political junkets abroad" (Carothers 1994, 125), but Clinton aimed to revive it and also created new government organizations to support his administration's emphasis on democracy promotion such as the Center for Democracy and Governance at the Agency for International Development (AID), and the State Department's Bureau for Democracy, Human Rights, and Labor. He also introduced a special assistant for democracy at the National Security Council.

In keeping with the fashions of the times, Clinton's post-Cold War democracy-promotion revival placed civil society development at the center of its mission. Throughout the 1990s, AID's civil society assistance budget skyrocketed from $56

million in 1991 to $231 million in 1999 (Carothers 1999, 50). This made spending on civil society AID's largest line item for democracy promotion between 1991 and 1999, exceeding the amount spent on the rule of law, governance, and elections and political processes. The post-communist world was the principal destination of this assistance, followed by Sub-Saharan Africa, Asia and the Middle East, and Latin America (Carothers 1999, 51). Private aid to civil society quickly followed suit, led by the Ford Foundation, the Rockefeller Brothers' Fund, and George Soros's Open Society Institute. Actual levels of private civil society funding are elusive, since although international philanthropies make transparency an intended goal of their civil society assistance, this is not a virtue they themselves regularly uphold (Quigley 1997).

Following in the footsteps of the United States, other leading Western democracies began to develop their own democracy-promotion institutions and programs, including Great Britain's Westminster Foundation for Democracy (WFD), which was created in 1992 to support the consolidation of democratic institutions and principles in developing countries, and the European Initiative for Democracy and Human Rights (EIDHR), launched by the European Union in 1994. Like their American counterparts, civil society assistance features prominently in these endeavors, representing something of a departure for European democracy aid which historically had focused on more overtly political operations such as strengthening parliamentary institutions, consolidating the rule of law, and electoral training. Multilateral lending agencies, whose concern for issues of governance has increased substantially in recent years, have also made civil society engagement and consultation a requirement throughout much of their operations. For example, World Bank-funded projects with a civil society component (mainly participation by NGOs) have risen steadily over the past two decades, increasing from 21 percent of total projects in 1990 to 72 percent in 2006 (World Bank 2010).

A more expansive approach to civil society developed under the presidency of George W. Bush, whose commitment to promoting democracy abroad among American presidents was exceeded perhaps only by that of Woodrow Wilson, the patron saint of American democracy promotion.[2] For President Bush, democracy promotion was deemed not just a good thing, but a very necessary one. In the wake of the terrorist attacks of September 11, 2001, the American government operated under the assumption that a lack of democracy in the Middle East posed a direct threat to the United States by turning the region into a center of radical anti-Americanism. This made democratizing the Muslim (and especially the Arab) world an imperative of American foreign policy, an approach epitomized by the invasion of Iraq in 2003. Announcing his view of democracy as the antidote to terrorism, President Bush (2003) noted that "the world has a clear interest in the spread of democratic values, because stable and free nations do not breed the ideologies of murder. They encourage the peaceful pursuit of a better life."

The Bush administration's flagship program of civil society assistance was the Middle East Partnership Initiative (MEPI), which according to the State Department was designed to "expand political participation, and strengthen civil society and the

rule of law." Since its inception in 2002, MEPI has contributed over $530 million to more than 600 projects in seventeen countries, and has continued under the administration of Barack H. Obama, even though the rhetoric of democracy promotion has been dramatically toned down. As articulated by Secretary of State Hillary Clinton during her Senate confirmation hearings in 2009, the Obama administration seeks to emphasize defense, diplomacy, and development, not democracy. Not surprisingly, perhaps, Obama's high-profile Cairo speech of that same year, which was intended to reset America's relationship with the Arab world, was notable for its modest references to democracy promotion, but faith in civil society remains high in American foreign policy circles as Clinton herself noted in 2009: "Building civil society and providing tangible services to people help result in stronger nations that share the goals of security, prosperity, peace, and progress."

3. A Questionable Export

Perhaps the most immediate concern raised by the adoption of civil society as a focus in democracy-promotion programs is whether the concept can be effectively exported outside of the social and economic milieu that gave it birth. Civil society is one of oldest ideas in political theory, but its conceptual maturity arrived in the eighteenth century, when the term began to acquire its traditional connotation as the realm of associational life that is voluntary, self-supporting, and self-regulating, outside of the family, the market and the state (Seligman 1991; Hall 1995; Walzer 1998). This is hardly accidental given the economic and social developments that were transforming Western Europe at the time, especially the rise of capitalism that had been triggered by the commercialization of agriculture and the advent of industrialization, which developed hand in hand with the emergence of chambers of commerce and charities, learned societies, and later, the development of political parties, trade unions, and other working class and mutual-interest organizations (Bermeo and Nord 2000). This new sphere of private associations launched the idea that civil society was essential for securing and protecting liberty by creating a buffer zone between the state and the citizenry that kept in check the state's inherent authoritarian tendencies.

It is questionable whether this kind of organic development, where economic and social progress nurtured the rise of independent social organizations, is available in many parts of the world where Western donors are investing in democracy promotion, especially in the Middle East. Capitalism has made significant inroads in this region, but has not lead to the kind of social and economic development that boosts civil society by strengthening society vis-à-vis the state. The peculiarities of development in the Middle East, such as state-led industrialization fueled by oil revenues, have increased the state's capacity to control society through the expansion of the military and the bureaucracy (Owen 1992). For a whole host of reasons,

including the failure of governments in the post-colonial era to efficiently manage the process of development, the bulk of the citizenry remains poor and uneducated, and the middle and working classes, where they exist, are relatively small and disorganized and hence severely limited in their capacity to affect politics. Labor unions, a primary component of civil society in the West, "remain either non-existent or are repressed by the state" (Abootalebi 1998, 47).

More recent developments, such as the advent of structural adjustment policies that were intended to liberalize the economy in the 1980s and 1990s, have weakened the state across the Middle East and have led to the rise of private associations of various purposes and sizes (Hawthorne 2005). In turn, these developments have given way to considerable hope for a breakthrough in civil society in the Middle East. But there are many reasons to be cautious about what this breakthrough might accomplish in terms of democratization. For one thing, "state financial and coercive power remains strong and far superior to the resources available to its social, economic and political opposition" (Abootalebi 1998, 46). Thus, it is not surprising that the challenge to the state posed by emerging civil society actors such as the Muslim Brotherhood in Egypt, Jordan, and Syria, has hardly been sufficient to push the state to change its domestic and foreign policies (Abootalebi 1998, 46).

More ominous is the fact that the fastest growing voluntary associations across the Middle East pose a real challenge to the rise of a liberal civil society. Arguably the brightest spot in the development of civil society in the Middle East in recent years is the so-called Islamic sector, the large network of "groups, associations, and movements whose common objective is upholding and propagating the faith of Islam" (Hawthorne 2005, 85). This outburst of associational activity is part of an Islamic resurgence in recent years, propelled in part by the desire to fill the void left behind by the failure of the state in areas such as healthcare, education, and housing, but the implications for democracy are hardly the ones that are usually associated with civil society. Some Islamic organizations are among the most vociferous denouncers of democracy as a corrupt liberal system, and they often use the services they provide to the public as a vehicle to spread antidemocratic views. As noted by Sheri Berman (2003), practical help is accompanied by a deeper message: "Islam is the way."

4. Contrasting Images of Civil Society

A second concern about democracy-promotion programs is whether they are targeting the most effective or potentially effective civil society organizations. When contemplating what matters most to democracy within the vast landscape of civil society associations, scholars and donor agencies see starkly different things. Although there is no consensus in the literature on civil society on what this term actually means, three definitions are generally emphasized: civil society as

associational life, as a kind of society (marked out by certain social norms), and as a space for citizen action and engagement (the public square or sphere: Edwards 2009). Among these definitions, the first is the most popular, owing largely to the influence of Robert Putnam and other neo-Tocquevilleans who see civic, and essentially nonpolitical, associations at the heart of civil society. Recreational associations like choral societies, hiking and bird-watching clubs, literacy circles, hunters' associations, Lions Clubs, and others, are Putnam's most praised manifestations of a healthy civic life.

Aid agency officials engaged in democracy promotion, however, have shown very little interest in supporting the organizations championed by Putnam, even as they cite his writings to legitimize their advocacy for civil society assistance. As noted by Carothers (1999, 213), "although U.S. aid providers have nothing against choral societies, sports clubs and other forms of civil association that do not do much advocacy work, they are not inclined to devote aid funds to them in the belief that such groups are a less likely direct route to strengthening democracy than advocacy organizations." Instead, it is the NGO world that has captured the imagination of democracy promotion.

For many donors, civil society and NGOs are virtually synonymous. According to USAID officials, civil society refers to "non-state organizations that can or have the potential to champion democratic/governance efforts" (Hansen 1996, 3), and it is in the expansion of NGOs that American officials see the most tangible evidence of the effectiveness of their support for civil society development (USAID 1999). The roots of "NGO-ization" extend beyond the reputation of NGOs as groups that are indispensable for advancing transparency in government, respect for human rights, and the consolidation of the rule of law. NGOs are also seen as uniquely suited to receive and manage foreign aid. In the view of the U.S. government and many other international agencies, NGOs are lean in their organizational structure, nimble in their programmatic capacities, impervious to corruption and scandal, and accountable for their spending. As such, NGOs not only alleviate fears among international donors about the potential mismanagement of public funds, but they also allow donors to play an important role in the domestic affairs of foreign countries while avoiding the charge of "playing politics" (Ottaway and Carothers 2000, 12).

Unfortunately, much appears to have been sacrificed by reducing civil society almost exclusively to NGOs. Among the many things that made Putnam's work on civil society so provocative (if not outright controversial) was the argument that civil society's main contribution to a democratic public life was not its advocacy work on behalf of democracy but rather the production of social capital, or a culture of trust, reciprocity, and collaboration. Without a rich endowment of social capital, Putnam argued, democracy would find it difficult to survive and much less thrive. He focused on voluntary associations for one very specific reason: only this type of association can serve as a school for democracy by enhancing the democratic capacities and skills of the citizenry, bringing people together in "horizontal relations of reciprocity and cooperation" (Putnam 1993, 88).[3]

Little in the constitution of NGOs suggests that they possess any automatic capacity to advance the production of social capital. Although NGOs come in all shapes and sizes, few bring large numbers of citizens into close and sustained interaction with each other. In reality, the structure of most NGOs mirrors the kind of social organizations that Putnam regards an antithetical to the formation of social capital. These organizations include those that are highly bureaucratized and/or institutionalized, and those that generally involve the citizenry in their endeavors in "vertical relations of authority and dependency," such as trade unions and religious organizations (Putnam 1993, 88).

The democratizing capacity of advocacy NGOs is further diminished, paradoxically enough, by their connections to international donors. The Ford Foundation's attempts to build women's organizations in post-communist Russia, for example, illustrate how foreign donors' support for NGOs can actually undermine both civil society and democracy (Henderson 2003). Unintentionally, the Foundation's endeavors resulted in the creation of an oligarchy of powerful and well-funded groups that on the whole, has not been conducive to democratic development. Those groups lucky enough to be rewarded with funding have found themselves isolated from Russian society by the resentment they have generated among others that were denied foreign funding. This is thought to have exacerbated the lack of social trust that is already a serious concern in Russian society. To make matters worse, foreign assistance has made the groups that were funded more dependent on their donors rather than on their domestic constituencies, thereby weakening their roots in Russian society and their connections to other social forces.

5. Ambiguities and Paradoxes in Civil Society and Democracy

The most distressing thing about the embrace of civil society by democracy-promotion advocates, however, is that it has ignored the many ambiguities and paradoxes that make civil society both a friend and a foe of democracy. Whether civil society helps or hinders democracy appears to depend not so much on the constitution of its individual components but rather on the nature and characteristics of the surrounding political environment, a point stressed by many critics of the civil society revival (Berman 1998; Bermeo and Nord 2000; Encarnación 2006). When political institutions are effective in channeling citizens' demands and enjoy broad popular legitimacy, civil society can be counted on to buttress democracy. But in the context of a failing political system, civil society, especially if it is large and expanding, can serve to undermine democracy. By and large, democracy promoters have ignored the dependent nature of civil society's political impact, firmly

believing that civil society is inherently democratic, and that its expansion is always an unmitigated blessing for democratic politics. Although appealing, this logic gets the sequence of political development backwards. Building a stable and legitimate political system that includes governments that are accountable, credible state agencies, and political parties firmly rooted in society, should always have priority over the development of civil society, whether this is understood as consisting of NGOs, voluntary associations, or social networks. Neither a well-functioning democracy nor a democratic associational landscape can be attained without a significant level of political institutionalization. Quite the contrary, as many societies have come to recognize, a civil society that thrives in the midst of failing political institutions can be a recipe for political disaster.

One of the clearest examples of this process at work is Weimar Germany. According to Berman (1997, 402), during the interwar era "Germans threw themselves into their clubs, voluntary associations and professional organizations out of frustration with the national government and political parties." But rather than serving to save the day for democracy, a stronger civil society became an essential element in democracy's breakdown by providing a ready-made base of support for Hitler's Nazi party in its conquest of German society. Ironically, democracy would have fared better under a less robust civil society. Berman (1997, 402) contends that had German civil society been weaker, "the Nazis would never had been able to capture so many citizens for their cause or eviscerate their opponents so swiftly."

A more recent drama about the perils posed by an invigorated civil society for democracy is playing itself out in Venezuela, where trade unions and business associations staged a civil society "coup" in 2002 that led to the temporary removal of Hugo Chávez from power, a democratically elected leader whose left-wing policies have upset the balance of power in Venezuelan politics dating back to the late 1950s. The U.S. government was quick to praise the actions of civil society groups in Venezuela as "a victory for democracy," before having to retract that statement with the following corrective: "defending democracy by undemocratic means destroys democracy" (Encarnación 2002b, 45). More embarrassing for U.S. officials were the persistent rumors that linked American civil society assistance to Venezuelan groups that were involved in the attempted coup. Just prior to the coup, the National Endowment for Democracy had stepped up its civil society assistance programs in Venezuela, quadrupling its budget to more than $877,000 (Marquis 2002).

6. Conclusion

Oddly enough, many of the criticisms highlighted in this chapter provide something of a roadmap for ensuring that the incorporation of civil society into democracy-promotion programs generates some positive results. The first lesson is not to neglect the prime importance of social and economic development in the

promotion of democracy. If we have learned one thing about democratization over the last fifty years it is that there is no better guarantee than an educated and prosperous citizenry for the rise of a democratic public culture. Secondly, democracy promoters should think beyond NGOs when conceiving of civil society. Despite the lack of a scholarly consensus on what civil society stands for, there is widespread agreement that for civil society to realize its pro-democratic virtues, it must serve the functions of bringing citizens together and building bridges across different social groups. For all of their talent and their skill, NGOs are generally constrained in their capacity to unify society. Indeed, what makes them so effective as democratic watchdogs—especially their focus on specific concerns such as corruption and human rights—can often make them polarizing in the public sphere.

Finally, the expectation that nurturing the development of civil society in isolation from the messiness, corruption, and partisanship of politics will bring about a democratic transformation of the polity is far from realistic, and may in fact be counterproductive. At some level, civil and political society must meld together to form the "good society" that makes democracy both possible and enduring. How to bring about this union in radically different settings is one of the main challenges facing civil society assistance and democracy promotion in the many years ahead.

NOTES

1. Clinton's devotion to expanding the community of democracies flowed from his belief that democracy is the source of international order, a view rooted in the classic international relations argument that sees the spread of democracy as the key to peace owing to the rarity of wars between democratic states (Doyle 1993).

2. Wilson launched multiple military interventions in Mexico, the Caribbean, and Central America between 1911 and 1921 under the pretext of "making the world safe for democracy" (Smith 1991).

3. Putnam has been criticized for ignoring the fact that social capital is something of a double-edged sword. Social trust can further democratization or be employed for undemocratic purposes (Levi 1996). Other critics of Putnam such as Berman (1997) have argued that malevolent civil society associations often do a better job at promoting trust and solidarity than benevolent ones.

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CHAPTER 38

CONCLUSION: CIVIL SOCIETY AS A NECESSARY AND NECESSARILY CONTESTED IDEA

MICHAEL EDWARDS

As is obvious from the contributions to this handbook, civil society is not a concept that yields to easy consensus, conclusion, or generalization. Context is all, and ideology is closer to the surface of many analyses than their authors might admit, especially around contentious issues such as civil society's normative content and significance, and its relationships with government and the market. These are issues on which even the small numbers of contributors who are represented here sometimes disagree. But wholesale agreement is not essential to the utility of any set of ideas, whether in theory or in practice. As a "necessarily contested concept," to use Michael Woolcock's description in chapter 16, it is enough that civil society continues to prove itself to be a useful and motivational device in advancing our understanding of key social and political issues, and in channeling energy into action. And on this test it succeeds admirably. One would be hard-put to explain the course of politics, democracy, social relations, and societal change without some reference to the ways in which citizens organize themselves for normative purposes, articulate and argue about their ideas, and fashion some sense of vision and direction for the future of the communities to which they belong. Ideas about civil society do not resolve the tension between society and the market that has animated scholarship and debate for a century or more, for no such absolute resolution is possible. But without competing visions of the good society, public spheres in which they can be developed and

solidified, and associations that create an infrastructure for collective action between the individual and the state, no democratic progress would be possible.

As the civil society literature is enriched by more non-Western and nonorthodox perspectives, the differences between schools of thought and their interpretations will grow, and many existing assumptions will be challenged much more deeply. This is surely a healthy development. It has always been somewhat ironic that ideas about collective action have been so influenced by thinkers in the United States—to many the home of individualism—and this tendency continues today with the rise of theories around social enterprise and "philanthrocapitalism" that treat civil society almost as a subset of the market. But as the U.S experience settles into a broader universe of knowledge shaped by ideas from China and the Arab world, Africa, and Latin America, this will change, and—though these societies may yet converge on a common pathway to the future—it is likely that much more attention will be paid to the distinctive characteristics they exhibit around issues of social identity, the role of the state, and other important matters. In addition, the ways in which different social groups understand and interpret these ideas should also find a more central position in the mainstream of civil society thinking, as Hilda Coffé and Catherine Bolzendahl enjoin us to do in their treatment of gender and citizenship in chapter 20. Many more layers of complexity and difference are waiting to be uncovered in the civil society debate.

Nevertheless, patterns do exist, some of which are anchored in common experiences of the challenges of capitalism and democracy and how civil society can help to meet them, and some of which are more superficial, perhaps even artificial, because they are generated by the fluctuating characteristics and preferences of donor support in places where civil society groups rely on outside assistance—for example, support to nongovernmental organizations (NGOs) that advocate for civil and political liberties, or to those that provide social and economic services to the poor, rather than to other expressions of associational life. These patterns indicate that there are forces acting both for and against indigenous articulations of civil society in both theory and in practice, and this is an important conclusion given that such articulations should have more chance of developing sustained and effective responses to the problems facing their communities. What is it, therefore, that underpins the achievements of civil society across so many different contexts, and what can be done to strengthen those achievements in the future?

1. The Changing Shape of Associational Life

In every context, the structure of associational life is an important influence over outcomes, though clearly there is no automatic "transmission belt" that links the forms, norms, and achievements of civil society together. Yet despite wide differences in history and culture, regime types, funding arrangements, and other significant factors, the

shape of associational life does seem to be changing in similar ways across the world, variously described as "professionalization," "NGO-ization," "hybridization," and the erosion of certain kinds of civic participation and engagement. The nonprofit sector has always an important component of associational life, but it seems to be increasingly dominant, especially in providing social services and advocating for change in public policy processes. By contrast, as Theda Skocpol shows for the United States in chapter 9, membership groups—and especially those that tie the interests of different communities together—have been declining for thirty years or more, and survey after survey shows a continuing fall in the proportion of respondents attending meetings, working on community projects, and reading newspapers from the early 1970s onwards.[1] In developing countries, NGOs already dominate the landscape of associational life (and are usually funded by foreign aid), even though most societies have their own rich traditions of organizing and debate, albeit in less formal ways. Using the analogy of civil society as an "ecosystem" introduced in chapter 1, it is clear that certain elements are being eroded and others strengthened, and that overall, greater homogeneity is being introduced into the forms of associational life. As in a real, biological ecosystem, this is bound to have significant effects over time.

Does this mean that civil society is in decline? In some ways and in some places, yes—though this decline may be offset, at least in part, by the rise of new forms of engagement, often based around social media and the Internet, and by new types of association such as social enterprise and social entrepreneurs, which Alex Nicholls sees as potentially revolutionary in chapter 7. As yet, it is unclear what the aggregate effects of these changes are going to be, but why are traditional forms of civic participation and activism under greater pressure? As Robert Putnam (2000) and others have tried to show for the United States, a myriad of factors are involved, ranging from structural changes in the economy and the workforce (which reduce the time available for voluntary activities), to rising factionalism in politics amid the "culture wars" of the last twenty years (which have destroyed bridges between different social groups), to the rise of more passive forms of media production and consumption, from television to Twitter. Widespread insecurity and inequality may be especially important, and are explored below. All these factors weaken large-scale, mass-based, bottom-up, cross-class, and multi-issue organizing and other forms of civic action.

But there are also more deliberate forces at work. Despite their stated support for democratization, donor agencies have consistently sought out and funded service delivery by NGOs, with some advocacy around the edges, ignoring or devaluing other roles and other expressions of associational life from burial societies to political-religious movements—despite the fact that such groups have stronger roots in their own constituencies and therefore more legitimacy and sticking power in terms of social action. The agenda of the "new public management" described by Steven Rathgeb Smith in chapter 3 has been a powerful force around the world in favoring more professional and/or bureaucratic civil society groups who can meet increased demands for reporting and accountability around public service and other contracts, a social and economic role that is welcomed by even authoritarian and semiauthoritarian regimes who are nervous about civil society's more political

activities. At a more basic level, the struggle between "neo-liberal" and "participatory" models of civil society painted by Evelina Dagnino for Latin America in chapter 10 is playing out across a much wider range of contexts, often being decided in favor of the nonprofit sector in substitution for the state—so much so that civil society and the social economy of nonprofit service provision are often conflated. Such a dangerously reductive approach strips civil society of much of its meaning and potential, and this is why changes in the structure of associational life are so important, especially if they are engineered from the outside.

As Alan Fowler points out in chapter 4, development NGOs are much less likely to act as carriers of alternative ideas and energies if they captured by the foreign aid system and its priorities, managed through technocracy, and distanced from domestic social movements and other civic and political actors who have more purchase over the drivers of development. Spaces for "public work," as Harry Boyte describes them in chapter 26, have been systematically eroded in the United States by a rising predilection for service-providing nonprofits, and when the language and practices of contracting replace those of trust and solidarity, one would expect the normative effects of associational life to be somewhat different. These effects might be mitigated by combining different forms and roles together in creative ways, as in the "social change organizations" described by Frances Kunreuther in chapter 5, or when churches and other faith-based groups integrate service delivery with advocacy and community organizing, but these remain unorthodox approaches (Minkoff 2002). Elsewhere, the changing shape of associational life may indeed be damaging to the broader prospects of civil society, and to the "democratic associational ecologies" that Mark Warren highlights in chapter 30 as the key to civil society's long-term political impact. As a number of contributors put it for the Middle East, India, Sub-Saharan Africa, and elsewhere, "more NGOs" do not a civil society make. In that case, what does?

2. Civil and Uncivil Society

A great deal of energy has been expended on defining "uncivil" society, perhaps because, once so defined, it might go away, or at least cease to complicate some models of civil society's normative content and significance. But as Clifford Bob points out in chapter 17, much, if not most of this effort is misguided. Persistent differences in norms and values are the reality of every human society, and inevitably they are expressed in, by, and through associations and the public sphere. Indeed, this is one of the prime purposes of public work and public deliberation—to provide spaces in which these differences can be aired and argued through to some sort of consensus. So rather than fretting in the abstract about which groups "qualify" for civil society membership, it is more productive to use conflict around different views as a pathway to the "good societies" that should emerge out of democratic negotiation. Writing about the Hindu nationalist Rashtriya Swayamsevak Sangh

(RSS) in India in chapter 14, which some would classify as a clearly "uncivil" movement, Neera Chandhoke concludes that "the only way in which such associations can be neutralized is through contestation in civil society itself."

As Donatella della Porta and Mario Diani point out in chapter 6, civil society theory and social movement theory have often been divided on the issue of conflicts over power and their value, and there is no doubt that this approach necessitates a celebration of diversity at a much deeper level, and a higher level of comfort with contestation, than have been present in much of the discussion to date—but it is the only way to advance civil society's *transformative* potential, since transformation implies the ability to break up and re-order power relations, norms, and values. As Jenny Pearce puts it in chapter 32, "the normative power of civil society lies not in the specific values which different traditions attach to the concept, but in the general value of aspiring to such a society, created through the contested values of what 'good' actually means." And even if these contestations take place in imperfect conditions of equality, nonviolence, and democracy in the deepest sense of that word, there is more of a chance that they will "bend towards justice" over the very long term, to paraphrase Martin Luther King's famous maxim, a point to which I turn next.

It is clear that successful, democratic negotiations of this kind require some boundaries—some norms and values of their own—since otherwise they would quickly break apart or be dominated by powerful interest groups, especially in settings where high levels of inequality and discrimination continue to exist. There are at least two ways of setting out these boundaries. The first is to insist on support for the "contested core conditions" of civil society that were described in chapter 1—those things without which no theory of civil society could function effectively in linking means and ends, even if some differences in interpretation continue to exist. Chief among these conditions are nonviolence and support for high levels of equality. A commitment to physical nonviolence ensures that no group can destroy absolutely the rights of others to participate, but it does not prevent the conflicts and contestations that are essential to a thriving civil society. "Peace is an activity of cultivating the process of agreeing," not simply the absence of war (Pearce, this volume), and to be effective and sustainable this "process of agreeing" must allow all voices to be heard. As Sally Kohn points out in chapter 19, and as many other contributors confirm, large-scale inequality impedes the functioning of civil society in all three of the definitions covered in this handbook—associational life, the good society, and the public sphere—and more particularly they also fracture the linkages that connect these three understandings together. Inequalities in associational life privilege civic and political participation by some groups over others, allowing them undue voice and influence in the public sphere and enabling them to skew collective visions of the good society towards their interests.

The second way of approaching the issue of civil society's normative boundaries is to focus on the connections that can be nurtured between the values of particular groups, and some larger set of norms that bind groups together in common cause, or at least in a common conversation about the shape of social progress. In times of war or national crisis this is obviously much easier, but the bonds of mutual

sacrifice that are often forged during episodes like this rarely linger long—which is one reason why observers in the United States often lament the passing of high levels of civic engagement during and after World War II that underpinned the GI Bill of 1944 and other landmark social achievements (Skocpol, this volume). In chapter 18, Nina Eliasoph tackles this issue by exploring the relationships between "civility" (defined as interaction that is respectful, tolerant and decent) and "civic-ness" (defined as a commitment to press for wider changes that extend these values throughout society). By strengthening the ties between civility and civic-ness through associational life and public work, she argues, civil society takes on a more transformative persona. In this task, face-to-face interaction is essential, since—like rocks in a stream—the sharp edges of their differences can be softened over time as people knock against each other in the rough and tumble of civic life. Unfortunately for the "techno-optimists" that Roberta Lentz reviews in chapter 27, this is not a task that can be achieved in cyberspace or by using social media.

In many ways religion and spirituality are linked together in similar fashion. As the contributions from Donald Miller and Claudia Horwitz both make clear (chapters 21 and 22), only when religion is connected to, and anchored in, transcendent experience and universal human values does it become potentially transformative, building on, but not being imprisoned by, the particularities of each faith tradition, mosque or church. There are clear echoes throughout this conversation of "the love that does justice," Martin Luther King's philosophy that shows how personal and social transformation are intimately linked together (Edwards and Sen 2000; Edwards and Post 2008). Civil society can be, but is not necessarily transformative of power, as John Gaventa puts it in chapter 33. What seems to make the difference is the explicit articulation of these linkages and their use in guiding behavior at all times—among individuals, groups, and eventually whole institutions. When this happens, the means and ends of civil society are united, and a "strong civil society" can foster "societies that are strong and civil" (Edwards 2009). In other words, when certain conditions are present, the forms, norms, and spaces of civil society connect with each other in common purpose. But what if these conditions are not met? What if inequality and other barriers to participation are rooted in civil society itself? Can threats to the public sphere be dealt with simply through more debate and deliberation?

3. Threats to the Public Sphere

Placing one's faith in the theories of Jürgen Habermas has become a standard response in the civil society debate to questions of moral pluralism and consensus making, and there is no doubt that the debate has improved greatly as a result. Without a range of overlapping public spheres and the processes that take place inside them, even a rich fabric of voluntary associations could achieve little in the aggregate. However, as many contributors to this handbook point out, Habermas

underestimates the forces that shape public spheres and interfere with their ability to generate democratic outcomes, and at a time of rising economic inequality across the world, increasing concentrations of corporate power, and continued political repression in many countries, these forces may be growing stronger. To imagine that one can strengthen civil society by eroding the things that people depend on to be active citizens makes little sense, yet inequalities and power relations of various kinds have often been ignored or devalued in discussions of civic life, perhaps because some have their origins in, or at least are mirrored by, voluntary associations themselves. This is why, contrary to much neo-Tocquevillean thinking, civil society cannot fix itself—and if it cannot fix itself then it is unlikely to be able to fix society as a whole. Confronting poverty, inequality, and discrimination requires action by states and markets too, but civil society cannot afford to be captured by these other institutions if it is to hold them accountable for their actions and fulfill its role as the carrier of different norms and values.

Inevitably then, civil society is forever positioned in a Janus-faced relationship with both government and business. On the one hand, equal protections must be anchored in the law and backed up by public policies and regulations, while the economy must be free to create jobs and expand the surpluses required for consumption and redistribution. This requires a stance of constructive engagement on the part of civic actors. On the other hand, without constant pressure and monitoring from civil society, neither governments nor businesses are likely to use their power in the public interest, and this necessitates a stance of critical distance, or at least independence. This is why some recent trends in civil society thinking and practice constitute both opportunities and threats, like the expansion of social enterprise and the rise of more overt forms of civil society organizing for political ends. The costs and benefits of these strategies must be carefully weighed to ensure that good intentions are not submerged by unintended consequences, and this requires a well-developed set of capacities that can help civic groups to come to informed decisions about strategy and tactics. In chapter 11, Marc Morjé Howard calls this a shift from "oppositional" to "democratic" civil society, and concludes that the weakness of associations and public engagement in post-Communist Europe can be attributed, at least in part, to a failure to make this transition.

Hence, the encounter between civil society and the market can foster both transformation and greater inequality, depending on the terms of this engagement, and on this question the contributors are divided. In chapters 7 and 34, Alex Nicholls and Simon Zadek argue strongly that closer relationships are positive, and indeed imperative, if civil society is to have more impact on poverty, injustice, and social needs. Sometimes these relationships will take the form of hybrid institutions, and at other times they will operate through what Zadek describes as "civil regulation"—or various forms of advocacy and co-governance that help to shape corporate activity. Taking a somewhat different view, John Ehrenberg concludes chapter 2 by stressing the paramount importance of economic democratization and democratic political action in addressing key structural problems in society. Civic traditions of voluntarism and localism are simply unable to cope with the rise of globalizing capitalism

and the power of large, multinational corporations, and, as Lisa Jordan points out in chapter 8, global civil society has not yet reached the point at which it can act as an effective counterweight to global markets. In terms of the balance of power in most contemporary settings, markets outrank civil society at almost every level, and public spheres have been further eroded by the privatization and commercialization of the media, knowledge production, and large parts of education. The civic knowledge that Peter Levine describes in chapter 29 is in increasingly short supply. These trends make the protection and expansion of public spaces even more important, despite the difficulties involved, a point strongly made by Craig Calhoun and Charles Lewis in chapters 25 and 28. At all costs, such spaces must not be captured by business or other concentrated private interests, and clearly governments have a major role to play in ensuring that this does not happen.

Unfortunately, relations between civil society and government are not moving in this direction in many parts of the world. Authoritarian and semiauthoritarian regimes continue to constrain, and in some cases actively repress, civil society, at least in its political manifestations, though as Jude Howell shows for China in chapter 13, such strategies can be quite sophisticated in carefully calibrating different spaces for nonprofit service provision and citizen advocacy at different times. Even in mature democracies, however, few governments are comfortable in actively promoting civil societies that are strong and independent enough to challenge their authority, especially after the events of September 11, 2001 and the ensuing war on terror which has exposed certain groups and activities to particular attention and interference. In chapters 23 and 24, Nancy Rosenblum, Charles Lesch, and Mark Sidel examine how to balance the rights and responsibilities of civil society in this context, highlighting the dangers of overregulation and advocating for approaches that are based on partnerships, mutual agreements, or "compacts" which protect zones of independent citizen action, even when large numbers of nonprofit groups are funded by government expenditure.

Whichever position one adopts, it is clear that the structure of the economy and the nature of the political regime are the most powerful factors in determining the shape and functioning of associations and the public sphere, including in settings where religion is sometimes assumed to be paramount—a point well-made by Eberhard Kienle in chapter 12 in relation to the supposed incompatibility between civil society and Islam. But if this is the case, where does this leave the growing industry of donor agencies, foundations and other institutions that aim to "build" or "strengthen" civil society by focusing on particular forms of association across radically different contexts?

4. Can Civil Society Be Nurtured?

Omar Encarnación opens his account of donor assistance in chapter 37 with the story of Iraq's first Ministry of Civil Society, a peculiar priority in a country lacking

basic security and services but not so strange given the influence of American democracy promoters after the deposition of Saddam Hussein's regime—who, not unnaturally, were no doubt enamored of Alexis de Tocqueville and his ideas. The point of this story goes beyond the obvious issues of sequencing and the dangers of inappropriate intervention, to pose more fundamental questions about the meaning of "civil society-building" at a much deeper level. If civil society means many different things and if these differences must be reconciled through dialogue and conflict over long periods of time, is there anything useful that can be done to accelerate the development of associations and public spaces in ways that are responsible, and to foster more interaction between them and with the state and the market in order to promote a more sustainable vision of the good society?

In many ways we know what *not* to do in answering this question, but we are much less clear about the alternatives. A forced march to civil society Western-style will do little to support the emergence of sustainable forms and norms in China, Africa, or the Middle East. An overemphasis on NGOs and service-delivery projects cannot change the civic and political cultures of India or Mississippi. And support for community media and public journalism won't, by itself, create a democratic public sphere. These are the priorities of most donor agencies and foundations, not because they are proven to be effective, but because they are easier to fund, report on, and manage. By contrast, the organic processes of civil society development are messy and unpredictable, and lie outside the control of the foreign aid system or philanthropy. As a result, even the more sophisticated efforts to nurture the ecosystems of associational life tend to short-circuit vital questions of culture, values, and politics, questions which do so much to determine the shape and functioning of civil society in all of its disguises. In his review of civil society in Sub-Saharan Africa in chapter 15, Ebenezer Obadare criticizes donor agencies for their tendency to substitute NGO capacity-building for the development of a "truly democratic political culture," echoing Encarnación's broader reservations about the sequencing of civil society assistance with political institutionalization. Leaving aside the question of whether these deeper and more overtly political tasks are amenable to outside assistance of any kind, these critics raise some very important points. Obviously context is important: as Solava Ibrahim and David Hulme emphasize in chapter 31, effective assistance to civil society poverty reduction efforts is not the same in India as it is in Bangladesh, where a much weaker state invites a larger role for NGOs in delivering basic social and economic services, ideally with some long-term impact on the claim-making capacities of citizens. But as a general conclusion, the priorities of civil society support have been inverted, with the least important factors receiving the most attention (like the number of NGOs), and the most important factors often being ignored—like indigenous expressions of associational life and their connections with political society, or at a more basic level, guarantees of human security.

In that case, what kinds of support would be more useful? In theoretical terms, though drawn from a wide range of empirical experiences explored in this handbook, the ideal would be a well articulated and inclusive ecosystem of locally supported voluntary associations, matched by a strong and democratically accountable state,

with a multiplicity of public spheres that enable full and equal participation in setting the rules of every game. A society like this, in which different institutions consolidate their relationships with each other at a pace appropriate to the context around a gradually expanding economic base, would allow civil society to evolve organically and sort through the problems that are often associated with external assistance. Clearly, this type of society does not exist anywhere, particularly in low-income countries, but by working backwards from this ideal it is easier to identify what can usefully be done, and when.

First of all, there is a choice to do as a little as possible and simply let things take their course—to do no harm, so to speak, in the knowledge that any intervention runs the risk of producing consequences that are unforeseen. In a field as complicated and contingent as civil society, this is an attractive proposition, but it is unnecessarily restrictive because it ignores the fact that the preconditions for civil society—like security, equality, and the space to organize and express opinions—are all things that can be influenced without pushing associations in one direction or another. Support to these preconditions is one of the most useful things that donors can do, though clearly it does not produce the kind of short-term, quantifiable results that are so popular with a new generation of philanthropists and international bureaucrats. Once equipped with these basic elements of human flourishing, people can build whatever kind of civil society suits their interests and agendas. But what else can be done?

In chapters 35 and 36, the contributors offer different perspectives on this question from the viewpoint of philanthropy, which has always been an important support to associations and the infrastructure of the public sphere, at least in the United States. William Schambra and Krista Shaffer argue strongly for a minimalist approach in which philanthropic institutions support the self-organizing processes that mark out civil society, especially at the local level, and stay away from grand designs and the scientific analysis of "root causes." Albert Ruesga offers a modification of this approach, based on the recognition that local associations struggle to deal with problems of a broader, structural nature and have no monopoly over wisdom, so that philanthropy "with" and "from" the grassroots can play an important role in strengthening and connecting movements and networks that are still driven by authentically popular initiatives. By building the independent capacities of a broad base of citizens to engage with each other and take collective action, philanthropy can support civil society to shape itself with a little more help along the way—not in the short-term, highly targeted, pseudoscientific way that is favored by technocrats, but gradually, over time, and directed by people's own interpretations of root causes and the strategies that are required to address them. Support for social groups who are disadvantaged in some way is especially important, since this helps to level the playing field for associational life and public interaction. To take a non-Western example from Myanmar, local organizations, with support from outside the country, have adopted a range of lower-profile tactics after the suppression of street protests in 2009 which seek to take advantage of small-scale political openings and build some of the

preconditions for longer term civil and political engagement, including the introduction of new ideas and training in basic organizational skills. Over time, there is some chance that these kinds of support will help to knit together a strong and sustainable fabric of civic life and interaction.[2]

5. Conclusion

There are no final words on civil society, because civil society is constantly being reinterpreted and recreated. This is particularly true at a time when emerging superpowers like China, India, and Brazil are entering and beginning to reshape global debates about politics and economics, often from the perspective of their own knowledge base and traditions which, in civil society terms, may differ markedly from the trajectories of North America and Europe, from where most civil society theory to date has emerged. In years to come, scholars and activists may be learning about civil society from the experiences of Kerala, Bolivia, and South Africa, and carrying these lessons back to California and London, as well as, one hopes, the other way around. The civil society debate will certainly be all the richer for it. Yet across very different contexts, as the contributions to this handbook show, civil society is most valuable as a set of concepts and practices when it is additional to, and not captured by, government and business—when it is seen and supported as its own distinctive creation rather than as the consequence of state or market failure.

As Ebenezer Obadare puts it in chapter 15, there has been much legitimate criticism of civil society ideas and assistance in Africa and elsewhere, but there is also a need to move "beyond the backlash" in order to focus on developing a body of scholarship that can yield more useful insights. This is only possible if the debate is pluralized and opened up to new and different perspectives. To do otherwise—to attempt to fix civil society in the context of one particular experience or interpretation—would be against the spirit of civil society itself. It is that challenge—blending widespread differences into a "geometry of human relations," as John Ehrenberg puts it in chapter 2—that will frame both the theory and practice of civil society long into the future.

NOTES

1. Data from the General Social Survey and the DDB Needham Life Survey is available at www.peterlevine.ws/mt/archives/2010/06/the-old-order-p.html, accessed August 22, 2010.

2. "Seeds of Hope in Burma," reprinted in the *Guardian Weekly* from the *Washington Post*, November 9, 2009 (no author given).

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