

Civil Society And Social Theory

Andrew Arato and Jean Cohen

REDISCOVERING CIVIL SOCIETY

The aim of this essay is to vindicate a set of concepts which have been revived by contemporary social movements to articulate their projects of democratization, but which are open to the charge of being used merely ideologically, in order to promote certain forms of mobilization. In particular, we want to argue that the concept of civil society is more than a mere slogan. Indeed, if properly reconstructed, the concept can resolve several theoretical and practical problems confronted by contemporary analysis and social actors. We intend to show, moreover, that a reconstructed concept of civil society can clarify the possibilities and limits of projects for further democratizing formally democratic societies.

Social movements in the East and the West, the North and the South have come to rely on various interesting, albeit eclectic syntheses inherited from the history of the concept of civil society.¹ They presuppose (in different combinations) something like the Gramscian tripartite framework of civil society, state and economy, while preserving key aspects of the Marxian critique of bourgeois society. But they have also integrated liberal claims on behalf of individual rights, the stress of Hegel, Tocqueville and others on societal plurality, the emphasis of Durkheim on the component of social solidarity, and the defense of the public sphere and political participation stressed by Habermas and Arendt.²

We intend to demonstrate the plausibility of a *modern* concept of civil society in light of these developments, despite what many analysts from Schmitt and Luhmann to Arendt and Koselleck have rightly shown to be the difficulties of applying any of the inherited versions of the concept to contemporary institutions and forms of action.³ Moreover, we shall show that our reconstruction can yield an immanent, self-limiting utopia of democratization, without which the projects of social movements cannot avoid a self-destructing fundamentalism at best.

THE RECONSTRUCTION OF CIVIL SOCIETY

Anyone who wants to utilize the concept of civil society faces a double task. First, one must demonstrate the continued normative and empirical relevance of the concept to modern social conditions. Second, one must account for the negative dimensions of contemporary civil societies while showing that these are only part of the story, not the whole. We think that the recent work of Jürgen Habermas makes a major contribution in both respects.⁴ We shall therefore reconstruct the concept of civil society on the basis of Habermas's development of a dualistic social theory that differentiates the logics of system and life-world.

Habermas himself does not offer a theory of civil society.⁵ But his analytical distinction between the logics of system and life-world allows us to situate civil society within a general theoretical framework which permits the most comprehensive analysis of the various dynamics of contemporary western societies. On the one hand, the framework allows one to articulate the positive side of the achievements of modern civil society without closing off the possibility of an immanent critique of its specific institutional configurations. On the other hand, the dualistic framework can account for the negative side of modernity analysed by so many critics. Indeed, the distinction between system and life-world shows that the totalization of either the positive or the negative perspectives involves one-sided and ideological formulations. Finally, the dualistic framework allows for the articulation of a "self-limiting utopia" of society that avoids fundamentalist interpretations. It thus vindicates the normative promise associated with the concept of civil society ever since Aristotle, that has been revived today, Foucault and Luhmann notwithstanding, by contemporary collective actors.⁶

Habermas's thesis that there are *two* subsystems differentiated out from the life-world implies a model that corresponds to a tri-partite framework of the Gramscian type. One can, without much difficulty, identify the state and the economy with the two media-steered subsystems. The concept of system integration is a good first approximation of the mechanisms by which the capitalist economy and the modern bureaucratic administration coordinate action. Moreover, the concept of the social integration of a life-world through the interpretive understanding of a normatively secured, communicatively reproduced consensus outlines at least the space in which a hermeneutically derived concept of civil society can be located. Yet it is not self-evident that

the concept of the life-world can be translated into that of civil society. On the contrary, these concepts seem to operate on two very different categorical levels.

Nevertheless, Habermas's concept of the life-world has two distinct dimensions which, if adequately differentiated and clarified, allow us to pinpoint the exact place of civil society within the overall framework.⁷ On the one hand, the life-world refers to the reservoir of implicitly known traditions and taken-for-granted background assumptions which are embedded in language and culture, and drawn upon by individuals in their everyday lives. On the other hand, the life-world, according to Habermas, has three distinct structural components: "culture", "society" and "personality". To the degree to which actors mutually understand and agree on their situation, they share a cultural tradition. Insofar as they coordinate their action through inter-subjectively recognized norms, they act as members of a solidary social group. As individuals grow up within a cultural tradition and participate in group life, they internalize value orientations, acquire generalized action competencies, and develop individual and social identities. The reproduction of both dimensions for the life-world involves communicative processes of cultural transmission, social integration, and socialization. But—this is the main point for us—the structural differentiation of the life-world (an aspect of the modernization process) occurs through the emergence of institutions specialized in the reproduction of traditions, solidarities and identities. It is this institutional dimension of the life-world that best corresponds to our concept of civil society.

Of course, *every* society develops institutions which assure the transmission of culture, integration and socialization. *Civil* societies, whatever their form, presuppose a juridical structure, a constitution, that articulates the principles underlying their internal organization. Within the context of a *modernized* life-world (see below), however, civil society exists *only* where there is a juridical guarantee of the reproduction of the various spheres in the form of *sets of rights*. Why? The differentiation of the modern state and the capitalist economy is not only a complementary condition of the structures of a modernized life-world. The power and expansion of these spheres or subsystems also make the structures of this modern life-world singularly unstable and precarious. While the uncoupling of state and economy from the life-world is the pre-condition of that unburdening from constraints of time without which communicative action coordination is impossible, their logic can

penetrate and distort the reproduction of cultural, social and socializing institutions. These institutions can be stabilized only on the basis of new forms of juridification, i.e., *rights*, which constitute the terrain of civil society, when accompanied by an appropriately modern form of political culture that valorizes societal self-organization and publicity. In this context, we can isolate three complexes of rights: those concerning cultural reproduction (freedoms of thought, press, speech, communication); those insuring social integration (freedom of association, assembly); and those securing socialization (protection of privacy, intimacy, inviolability of the person). For the moment, we are not concerned with the relationship of these complexes with other rights which mediate between civil society and either the capitalist economy (rights of property, contract, labour) or the modern bureaucratic state (political rights of citizens, welfare rights of clients).

To be sure, the discourse of rights has been accused of being purely ideological and, even worse, the carrier of statist penetration and control of populations. The classical Marxian objection is that formal rights are merely the ideological reflex of capitalist property and exchange relations. And yet, clearly only some rights have an individualist structure and not all of them can be reduced to property rights. The typically anarchist objection (raised by Foucault) is that rights are simply the product of the will of the sovereign state, articulated through the medium of positive law and facilitating the surveillance of all aspects of society. No one can bind the state to respect its own legality; whenever it does so, its own interests must require it. But, while the state is the agency of the legalization of rights, it is neither their source nor the basis of their validity. Rights begin as claims asserted by groups and individuals in the public spaces of an emerging civil society. They can be guaranteed by positive law but are not equivalent to law nor derivable from it; in the domain of rights, law secures and stabilizes what has been achieved autonomously by social actors in society. Universal rights, then, must be seen as the organizing principle of a modern civil society whose most dynamic institution is its public sphere.

Here we can only summarize the theoretical gains from reconstructing the concept of civil society through the use of the concept of a life-world differentiated from the economic and state systems. We shall do so in four short points.

1. Beyond Traditional Civil Society

Habermas's concept of the life-world allows for a conceptualization of civil society that is not equal to the global framework of the civil system. Civil society is a dimension of the life-world, institutionally secured by rights and, of course, distinct from, but presupposing, the differentiated spheres of economy and state. Moreover, the thesis of the modernization of the life-world points beyond those interpretations that either make unacceptable concessions to the traditional version of civil society (Hegel, Parsons) or reduce it to a purely individualistic, privatized and/or class version of capitalist or bourgeois society (liberalism, Marx).⁸ A modernized life-world involves the communicative opening up of the sacred core of traditions, norms and authority to processes of questioning and discursive adjudication. It entails the replacement of a conventionally-based normative consensus by one that is reflexive, post-conventional, and grounded in open processes of communication. Thus, when linked to the concept of the life-world, the paradigm of communication does not construe modernization as equivalent to the dissolution of all tradition, only of a *traditionalistic relationship to tradition*. In uncovering the communicative infrastructure and rationality potential of the life-world, Habermas moreover, provides the theoretical tools for showing that the dissolution of traditional forms of solidarity or authority need not result automatically in the emergence of a one-dimensional society pervaded only by strategically acting individuals devoid of resources for autonomous solidarity or meaning. On the contrary, the modernization of the life world and of civil society constitutes the cultural and institutional precondition for the emergence of rational and solidary collective identities and autonomous actors who develop the capacity to, and responsibility for interpreting and lending significance.

The dualistic social theory of Habermas thus provides an answer to both Parsons and Luhmann. The communicative rationalization of the life-world implies that a *gemeinschaftliche* coordination of social action (normative action based on unquestioned standards—Parsons) can have modern substitutes. This insight allows Habermas to turn the Parsonian concept of "societal community" (or civil society) away from its strategic pole of interpretation (based on the notion of influence as the steering mechanism), while putting its traditionalist pole into the context of the possible modernization of tradition itself.⁹ A new, reflexive relation to tradition becomes conceivable. Equally important, the differentiation of the components of the life-world implies the end of

a unified corporate organization of society and the dissolution of an all encompassing ethos or *Sittlichkeit*, without destroying the possibility or need for social integration (Luhmann).¹⁰

Such reflexive and critical relations to tradition presuppose cultural modernization: the differentiation of the cultural spheres into sets of institutions specialized around cognitive-instrumental, aesthetic-expressive and moral-practical values (Weber). Cultural modernization in this sense makes possible the development of post-traditional, post-conventional egalitarian and democratic forms of association, publicity, solidarity and identity. In civil societies situated in a modernized world, a plurality of actors can rely on a horizon of mutually presupposed meanings and norms and participate, if need be, in their redefinition or renegotiation. Only on such a cultural basis is the replacement of a traditional by a post-traditional civil society conceivable.

2. The Negativity of Modern Civil Society

It goes without saying that Habermas by no means maintains that these potentials of cultural modernity, or civil society, have anywhere been adequately realized. Modernization in the West has proceeded according to a *selective pattern* that distorted the potentials of civil society.¹¹ Indeed, the contrast he draws between a potentially non-selective and actually selective pattern of modernization allows him to combine the diametrically opposed assessments of contemporary civil society (eg. the positions of Parsons and Foucault) as alternatives *within* modernity. In more concrete terms, Habermas maintains that the rationalization of the life-world with respect to the realization of cultural potentials in the aesthetic and moral/practical domains has been blocked to a significant extent. The rationalization of the economic and administrative subsystems and the preponderant weight given to their reproductive imperatives has proceeded at the *expense* of the rationalization of civil society. The resulting gap between the expert cultures involved in the differentiated value spheres of scientific knowledge, art and morality, and the general public leads to the cultural impoverishment of a life-world whose traditional substance has been eroded. However, contrary to the all-too-popular Weberian thesis,¹² *it is not cultural modernity, per se, but its selective institutionalization and resulting cultural impoverishment that is problematic.*

The one-sided institutionalization of the cognitive-instrumental potential of cultural rationalization (initially in scientific communities, and

later in the two subsystems) further prepares the ground for the penetration of the media of money and power into action areas of civil society which require integration through communicative processes. Acting subjects become subordinated to the imperatives of apparatuses which have become autonomous and substitutes for communicative interaction. But the distinction between system and life-world, between state, economy and civil society, allows Habermas to show that *it is not the emergence of differentiated political and economic subsystems and their internal coordination through system integration that produces the "loss of freedom", but, rather, the penetration of an already modernized life-world by their logic and selective pattern of institutionalization.* Habermas calls this penetration the "reification" or "colonization" of the life-world.

The discussion of the negative dimension of a selectively rationalized, partly colonized and insufficiently modern civil society implies that the existing version of civil society is only *one* logically possible path of institutionalizing the potentials of cultural modernity.¹³ At issue is not merely the fact of differentiation, but the relation between the terms of the system/life-world model. Societal modernization *always* involves the replacement of some aspects of social integration by system integration.¹⁴ But Habermas distinguishes between the effects of the differentiation of the subsystems out of a *traditionally structured* life-world, and those resulting from the penetration of steering mechanisms into a life world that has *begun to modernize*.

In the first case, the cost of capitalist and/or statist forms of modernization is the destruction of traditional forms of life and the development of economic and political institutions pervaded by domination.

But the gain, in addition to relative economic and administrative efficiency, is the opening of the life-world to modernization and the creation of a post-conventional culture of civil society. As indicated earlier, modernization involves not only the emergence of the economic and administrative subsystems, but also developments within the cultural and societal levels of the life-world. Indeed, the two processes presuppose each other. The life-world could not be modernized without the strategic unburdening of communicative action-coordination by the development of the two subsystems. In turn, they require institutional anchoring in a life-world that remains symbolically structured, communicatively coordinated, at least partly modernized, and socially integrated (*pace*

Luhmann). On the simplest level, the subject of private and public law is needed by an economy coordinated through money exchanges and a state administration organized through bureaucratically structured power relations. This "subject" can emerge only if the requisite cognitive and moral competencies and institutional structures are available in the life-world.¹⁵ Without these developments, a "fully modern", post-traditional—universalist, egalitarian and democratic—coordination of civil society would be impossible.

This development is evident in the relationship between the public and private spheres of a modernizing civil society, and the economy and state. Habermas maintains that the life-world reacts in a "characteristic way" to the emergence of the two subsystems out of its societal component. "In *civil society*, socially integrated spheres of action become formed into a public and private sphere, in opposition to the system-integrated action spheres of economy and state, which are related to each other in a complementary manner".¹⁶ The nuclear family, specialized in socialization, is the institutional core of the private sphere. These institutions facilitate the emergence of a public composed of private individuals able to enjoy culture and to develop public opinion necessary for their participation as associated individuals in social integration and, as citizens, in political life. Thus, to a certain extent, the internal differentiation of the institutions of civil society matches the differentiation of the two subsystems of economy and state.

In the case of the colonization of the life-world, the cost is the undermining of the communicative practice of an already (partly) modernized life-world and the blocking of the (further) modernization of civil society. It is a real question whether one can continue to consider unambiguous the gains (such as state-guaranteed security) in such a context. For institutions specialized in socialization, social integration and cultural transmission are increasingly functionalized to serve the imperatives of the uncontrolled and expanding subsystems. As the communicative coordination of action is replaced by the media of money and power, there will be more and more pathological consequences.¹⁷

The advantage of this framework over dichotomous models is that it allows for clarification of the structural interrelations among the key terms by severing the ideological one-to-one correlation of civil society with the private sphere (understood as the economy) and the state with the public. Instead, the three-part model yields *two* sets of public and

private dichotomies: one at the level of the subsystems (state/economy), one at the level of civil society (public opinion formation/family).¹⁸

The four dimensions of the system/life-world distinction are related through a series of "exchanges" made possible by the institutionalization of the media of money and power. This framework thus enables one to clearly distinguish between, for example, the institutions of one private sphere that are coordinated communicatively (family or friendship relations) and those of a different one that are coordinated primarily through steering mechanisms (the economy).¹⁹ The same holds true for the two analytically distinct "public" spheres. Accordingly, one can begin to conceptualize processes of deprivatization that do not *ipso facto* involve statization. One can also find an answer here to the fusion argument (Schmitt), by showing that state intervention in the economy does not necessarily entail the absorption or abolition of an autonomous civil society.

Finally, on the basis of this tripartite framework, Foucault's version of modernization can be put into its proper perspective. The colonization thesis, in short, provides a cogent *theoretical* account of the "negativity" of modern civil society *described* so penetratingly by Foucault, without confusing the negative side for the whole. For example, if, as is the case in late-capitalist welfare state systems, the subsystems penetrate the private sphere of the family and subordinate it to their imperatives, the role of the dependent *consumer* (with respect to economic requirements) comes to predominate over the roles of *worker* and autonomous *family member* or actor in civil society. If (with respect to administrative requirements of loyalty) system imperatives penetrate the public sphere, then the *citizen's* role becomes fragmented and neutralized, with the result that the burden of depoliticization must be borne by an overinflated *client* role rooted in the private sphere. (The explosion of entitlements claims and the "ungovernability thesis" have their locus here.) These structural transformations in the public and private spheres of civil society account for the pathological and reifying versions of individuality, privacy and citizenship in a selectively institutionalized, colonized modernity.

Habermas concretizes his analysis of the negativity of contemporary developments in his discussion of welfare state social policy, which is seen to involve the administrative penetration (through juridification) of areas of civil society previously exempt from such interference.²⁰ The

monetization and bureaucratization of social relations in civil society is a highly ambivalent process; while it creates a set of social rights and securities, it does this at the cost of (a) creating a new range of dependencies and (b) destroying existing solidarities and capacities for self-help and the communicative resolution of problems by actors themselves. For example, the administrative handling of care for the aged, of inter-familial relations, and of conflicts around schooling involves processes of *bureaucratization* and *individualization* that define the client solely as a strategic actor with specific private interests that can be dealt with on a one-to-one basis. But this involves a violent and painful abstraction of individuals from an existing social situation, damage to their self-esteem and to interpersonal relations. *Monetization* of these areas of life also has negative consequences. Retirement payments cannot compensate for the sense of purpose in life and self-esteem of an elderly individual who has been forced out of a job because of age. Finally, the *therapeutization* of everyday life fostered by the social services of welfare agencies contradicts the very goal of therapy—to achieve the autonomy and empowerment of the patient. As soon as administratively-based professionals claim expertise and exercise the legal power to enforce their claims, a cycle of dependency is created between the patient-client and the apparatus.

The dilemma in each case consists in the fact that welfare state intervention in the name of serving the needs of civil society fosters its disintegration and *blocks* its further rationalization. Foucault's description of the techniques of surveillance, individualization, discipline and control is thus explicitly accommodated in Habermas's analysis. Nevertheless, despite appearances, Habermas does not rejoin the Foucaultian (or, for that matter, the neo-conservative) critique of the welfare state. For him, legality, normativity, publicity, legitimacy, rights are not *only* the carriers or veils of disciplinary mechanisms. The colonization thesis accounts *only* for the negativity of modern civil society. From the standpoint of the system/life-world distinction, Habermas is able to point to the *two-sided character* of institutional developments in contemporary civil society, thereby revealing his framework to be the wider one. Indeed, with respect to the institutional analysis provided in *Theory of Communicative Action*, we want to argue that Habermas has taken a major step forward compared with his earlier formulations by providing room for an analysis of the dualistic character of some, although not all, of the core components of civil society.²¹ And yet we will show that the

institutional description is incomplete, and that the theoretical framework, in one key respect, is flawed.

3. The Institutional Doubleness and Alternatives of Civil Society

Despite the potentials for colonization in the contemporary situation, the whole of civil society cannot be reduced to its negativity. The institutions of a modernized life-world have resources of their own. Socialization in modern civil society leaves greater scope for the formation of post-conventional personality types. Modernized cultural forms set in motion discursive practices and expectations that cannot be kept away entirely from everyday life through selective institutionalization. As associations are transformed into bureaucratic organizations, new egalitarian and democratic associational forms tend to emerge. Moreover, blockages in the modernization of the life-world due to colonization are counterproductive also for the modern state and economy (loss of legitimacy, reduction of work ethic, etc.). To be sure, the net result of these trends has not been the reversal of reification. Instead, what reemerges is a *dualistic structure* of the institutions of civil society that yields a series of alternative potentials of further development.

Habermas assesses the doubleness of the institutions of contemporary civil society in the domains of legality, political and cultural publicity, and the family. First, in the domain of legalization, there is the alternative of law functioning solely as a *medium*, as a vehicle for the penetration of the life-world by money and power, or as an *institution* that secures and formalizes the normative accomplishments of the life-world. The development of legality up to the contemporary democratic welfare state involves both the modernization of civil society, its protection through rights, *and* its penetration by administrative agencies. It is in this double nature of law that one must locate the ambiguous character of the contemporary juridification of society. As a "medium", law functions as an organizational means, together with money and power, of constituting the structures of economy and administration such that they can be coordinated independently of direct communication. As an institution, on the other hand, law is "a social component of the life-world itself . . . on a continuum with ethical norms and communicatively formed spheres of action".²² Juridification in this sense plays a regulative rather than a constitutive role, serving to expand and give a binding form to communicatively coordinated spheres of action. This

empowering dimension of legal regulation conflicts with the authoritarian dimension of bureaucratic intervention carried by legalization itself. In this regard, Foucault's error is to have focused exclusively on the role of law, and even rights, as a medium, while dismissing its freedom-securing, empowering institutional moment as mere show. Contrary to Foucault, to reinforce the legalization of civil society in the second sense would involve stressing the regulative role of law and securing an autonomous, self-regulating, yet universalistic civil society, without increasing administrative penetration.

The institutional developments in the political and cultural public spheres and in the modern family are similarly dualistic. The principles of democratic legitimacy and representation imply the free discussion of all interests within the institutionalized public sphere (parliament) and the primacy of the life-world with respect to the two subsystems. But the uncoupling of the centralized public sphere from genuine participation leads to the exclusion of a wide range of interests and issues from general discussion. On the other hand, as the ambiguous welfare state policies reveal, the pressures of the life-world cannot simply be ignored by representative systems even in their present highly selective form of functioning. Here the positive option (which Habermas himself does not focus on) would be the further democratization of formal democracy.²³

In the domain of what used to be the literary public sphere, one cannot simply construe the development of the mass media as a purely negative sign of the commodification or administrative distortion of communication. To be sure, the possibility of social control increases with the top-to-bottom, centre-to-periphery model of mass communications. Yet, generalized forms of communication deprovincialize, expand and create new publics. Moreover, the technical development of the electronic media does not necessarily lead to centralization—as is now evident, it can involve, horizontal, creative and autonomous forms of media pluralism. Here, then, the alternatives are between the manipulative logic of the culture industry and the emergence of counter-publics and counter-cultures able to make use of the new media of communication in non-hierarchical ways.

Last, but hardly least, Habermas challenges the old Frankfurt school thesis (which he used to share) that the assumption of socialization by the schools and the mass media and the erosion of the property-based, middle class, patriarchal family destroys both the father's authority

and the ego-autonomy of the children. From the standpoint of the system/life-world distinction, the picture looks rather different. The freeing of the family from certain economic functions and the diversification of socialization agencies create the potential for egalitarian, inter-familial relations and liberalized socialization processes. The potential for communicative interaction in this sphere is thereby released. Of course, new sorts of conflicts and even pathologies do appear when these potentials are blocked. If the demands of the formally organized sub-systems, in which adults must participate, conflict with the capacities and expectations of those who have experienced the emancipatory socialization processes, severe strains occur. The institutional alternatives immanent in the family thus involve either its further replacement by other, functionalized socialization instances, or its re-traditionalization, or the substitution of egalitarian for patriarchal inter-familial relations, complemented by liberalized socialization processes.

We would like to add to Habermas's own list of alternatives within civil society the dual possibilities inherent in modern associational life. On the one side, the reduction of associational life to formal, bureaucratic and closed organizations (corporatist systems), on the other, the revitalization of voluntary associations through internally democratic, open and public forms of group life.²⁴ In our view, indeed, the resolution of all the alternatives in question in a democratic direction depends primarily on the outcome of this last alternative.

4. The Utopia of Civil Society

In an age when totalizing revolutionary utopias have been discredited, the dualistic model of civil society we have reconstructed avoids "soulless" reformism by allowing us to thematize an immanent, *self-limiting*, self-reflexive utopia of civil society. We can thereby link the project of self-limiting, radical democracy to some key institutional premises of modernity. The slogan "society against the state" has often been understood in a fundamentalist way to mean the generalization of participatory democratic decision-making, as the coordinating principle, to all spheres of social life, including the state and the economy. Indeed, the ideal of free voluntary association, democratically structured and communicatively coordinated has always informed the utopia of civil society, from Aristotle to Marx. But such a totalizing "democratic" utopia threatens the very basis of modernity (differentiation, efficiency). Moreover, it is not even desirable on a normative level, because it would involve such an overburdening of the democratic process,

thereby discrediting it and opening it to subversion by covert, unregulated strategic action.

As opposed to this, the self-limiting utopia of radical democracy based on the dualistic model of civil society would open up "...the utopian horizon of a civil society, in which the formally organized spheres of action of the bourgeois (economy and state apparatus) constitute the foundations for the post-traditional life-world of *l'homme* (private sphere) and *citoyen* (public sphere)".²⁵ The institutional anchoring of this utopian conception is based on the consolidation of the modern state and modern market economy, to which the life-world reacts in a "characteristic way".²⁶ As indicated earlier, the carving out of a non-state public sphere and a non-economic private sphere expresses both this reaction and the need of the subsystems to secure institutional grounding in a modern life-world.

To be sure, the attempt to entirely functionalize public and private spheres to serve the needs of state and economy began almost simultaneously with their emergence. Nevertheless, it is never fully successful; the normative utopian claims of civil society are never dissolved fully. The *utopian horizon of civil society* consists in the preservation of the boundaries between the different subsystems and the life-world, along with the influence of normative considerations, based on the reproductive imperatives of the life-world, over the formally organized spheres of action. Life-world contexts, freed from system imperatives, could then be opened up to allow for the replacement, when relevant, of traditionally secured norms by communicatively achieved ones. Traditional forms of social integration and solidarity (corporate communities) could be replaced by associational forms open in principle to communicative (and democratic) coordination. Expressed in terms of the potentials of cultural modernity, the utopian model of a post-traditional, modern civil society would entail the full rationalization of all the institutions involved in the reproduction of culture (art, morality, science), their autonomy from one another, and the enrichment of the communicative practices of everyday life by these achievements. The *self-limiting* aspect of this utopia refers to the restriction of the communicative coordination of action to the institutional core of civil society itself and, thus, to an *indirect* influence on other spheres, instead of attempting to totalize this communicative organizing principle to all of society's steering mechanisms.

THE POLITICS OF CIVIL SOCIETY

What is the potential for the dynamic realization of the positive alternatives of civil society? It must be noted that Habermas's analysis of new social movements in *Theory of Communicative Action* does not link them to the positive side of contemporary civil society. He focusses only on the defensive reactions to the negative side of its institutions. Habermas thus interprets the new movements as a particularistic and defensive reaction to the penetration of the social life by the economy and state. He does not see them playing any role in furthering the rationalization of the life-world, which in any case would also imply an offensive strategy. We believe that it is the absence of a key category of civil society, that of association, that leads Habermas to an implicit acceptance of a breakdown model of the rise of social movements and their resulting defensive strategy. Without a (revised) concept of voluntary association, both within the institutional analysis of civil society and with respect to the dynamics of social movement mobilization, collective action can only appear as reactions to normative disintegration or other types of dislocation accompanying modernization. The bases of non-traditional solidarities both within and across groups cannot be adequately understood, while the utopia of civil society loses its immanence.

Only in his most recent political writings has Habermas begun to revise this assessment and to link movements to the positive potentials of the institutions of contemporary civil society. In a series of articles and essays written between 1981-85, Habermas has recognized the offensive side of social movements:²⁷ their contestation of the negative aspects and their role in the *fulfillment* of the positive potential of civil society. Accordingly, the revival of the emancipatory promise of the early modern public sphere is depicted in terms of a plurality of associations oriented to the reconstruction of democratic public life on all societal levels. Movements are construed as the dynamic factor in the creation and expansion of public spaces in civil society. Finally, Habermas (several years after the most advanced East-central European formulations) formulates a programme of self-limiting, radical democracy. His greatest difficulty, however, is in constructing a position that would involve some kind of control over the functionally differentiated subsystems (state and economy) even by democratized societal associations and publics. It is not at all clear, on the basis of the system/life-world distinction, how movements can accomplish anything more than the further development

of political culture or new identities.

These difficulties bring us to the heart of our project of reconstructing, theoretically and practically, civil society. It is our contention that the translation of the relevant dimensions of the life-world as "civil society" is needed to make sense of the double political task of self-limiting, radical democracy: the acquisition of influence by publics on the state and economy, and the institutionalization of the gains of movements within the life-world. Three antinomies express the difficulty faced by Habermas and all those who would use his abstract theory for such a project. First, there is an antinomy *within* new social movements between "fundamentalisms of the great refusal" and "innovative combinations of power and intelligent self-limitation".²⁸ The second antinomy is *between* grass-roots associations in the life-world and organizations capable of influencing state and economic systems, but only at the cost of bureaucratization (i.e. penetration by the medium of power). The third antinomy exists between the social and the political, and between the institutions of the life-world and those of the state and the economy.

Our distinctive political position is best presented in terms of an attempt to provide a preliminary resolution of these antinomies. We have already amply documented our own view of the antinomy in the self-understanding and projects of contemporary movements.²⁹ We have also argued that a higher level of self-reflection, rooted in a dialogue between theory and its movement addressees, has the potential of reinforcing identities and strategies based on self-limiting radical democracy. In the case of an abstract theory such as that of Habermas, the dialogue requires a series of bridging concepts like those offered by our theory of civil society.

A more serious issue is presented by the next two antinomies. How can movements resist the Micheisian iron law of oligarchy? Would they not themselves reproduce the organizational structures determined by power and money the moment they attempted to influence the subsystems of state and economy? Can the movement's form survive the step over the boundaries of the life-world and influence structures coordinated through means other than normative or communicative interaction, without succumbing to the pressure for self-instrumentalization? In short, can they move forward without giving up the life-world/system distinction that seems to abandon the ultimately most powerful spheres to system rationality?

Here we can only address these questions briefly. If one focusses on any given association or movement grouping, the Michelsian dilemma seems unavoidable. Contemporary theories of social movements reflect this; they seem to be divided between the stress on either organization and strategy or on identity. Nevertheless, we think that the uncovering of civil society as the deepest basis of the radical democratic challenge helps resolve at least part of this difficulty. Accordingly, we conceive of the "victory" of movements not as the complete achievement of their substantive goals or their self-perpetuation as movements but, rather, as the democratization of the *values, norms, institutions, social identities* rooted ultimately in a political culture. In this context, the category of "rights" again becomes important. If one conceives the achievement of movements in terms of the institutionalization of rights (as we have defined them), the disappearance of a social movement either because of its organizational transformation or its absorption into newly created cultural identities does not mean the end of the context of the generation and constitution of social movements. The rights achieved by movements not only stabilize the boundaries between life-world, state and economy; they are also the conditions of possibility of the emergence of new associations, assemblies and movements. The classical rights achieved by the democratic revolution and the workers' movement have already functioned in this way vis-à-vis later civil rights and other movements. To be sure, practice and theory have yet to formulate the new rights appropriate to the current challenge to both the state and economy by contemporary movements. The historical inventory of rights gives little guidance here, precisely because, in the past, movement challenges were restricted to either state or economy.

The achievement of rights and the transformation of political culture do indicate how "thresholds of limitation" can be established to block the colonization of the life-world. They do not help, however, with the establishment of "sensors" capable of indirectly influencing the operation of the steering media.³⁰ The third antinomy appears the most intractable. Self-limiting radicalism is often interpreted to mean the abandonment of all projects of democratization of the state or the economy. In our view, this is the mistaken path taken by otherwise very insightful post-Marxists such as Andre Gorz. This path is mistaken because without the further democratization of state and economy the autonomous institutions of civil society, no matter how internally democratic, would be extremely vulnerable to the far more powerful organi-

zations of the two subsystems. Consequently, fundamentalist programs of de-differentiation would be permanently on the agenda of movements. Habermas himself, because of his distinction between system and life-world, has often been accused of delivering the economy and the state over to the powers that be, and of begging the question: How can democratic will-formation in civil society attain even indirect influence over functional subsystems which are "self-referentially closed" and, hence, "immune to direct intervention"?

Such formulations, and Habermas's own tendency to self-misinterpretation notwithstanding, critics of the system/life-world duality conflate the level of analysis of coordinating mechanisms, the institutional level, and both of these with the analysis of various types of action (strategic, instrumental, communicative, normative, etc.).³¹ We propose, in reply, a set of distinctions that goes beyond Habermas's analysis of the system/life-world duality, which we nevertheless continue to accept on the abstract-analytical level. We are thus able to show that there is no theoretical reason for ruling out the influence of communicative and democratic impulses from civil society on the state or the economy.

Let us explain. The abstract categories of system and life-world indicate only where the *weight of coordination* lies in a given institutional framework. Cultural, social, and personality-reproducing institutions have their centre of gravity in communicative/normative forms of action-coordination. Normatively speaking, this allows us (and Habermas) to speak of decolonization on the basis of the immanent possibilities within such institutions. *But we go further, by insisting on the possibility of democratizing political and economic institutions.* Here, to be sure, the centre of gravity of the coordinating mechanisms (in a modern society) is and must be on the level of steering performance through the media of money and power, i.e. system rationality. But that does not preclude the possibility of introducing communicative action into state or economic institutions. All types of action can and do occur in societal institutions—not even the market economy can be understood exclusively in terms of instrumental or strategic calculations. Moreover, the theory of civil society traditionally contained a "vertical" dimension, usually in the form of parliaments, that mediates between state and society. The normatively desirable project of introducing economic democracy (on the workshop level) or further democratizing these "vertical" institutions (including neo-corporatist arrangements) must be

tempered, certainly, by the necessity of keeping intact the self-regulation of steering systems. But the mere existence (however inadequate) of parliaments, of forms of co-determination and collective bargaining indicate that publics can be constructed even *within* the institutions which are primarily system-steered. Institutions which must be *coordinated* communicatively come under the heading of "civil society", whereas those which must be *steered* by money and/or power come under the institutional level of system. Neither dimension ought to be conceived of as "self-referentially closed" for both are open to democratization (albeit to different extents). Moreover, both can be "colonized" by the functional imperatives of the steering mechanisms, and thus distorted by the logic of reification and domination. The contemporary capitalist control of the sphere of production, and the elitist model of democracy operative today are examples of colonization of economic and political *institutions* by the functional requirements of the two steering mechanisms and the interests of domination and exploitation. Finally, the locus of a particular institution in civil society or in the media-steered subsystems depends on its organization and purpose. For example, if a university were to be totally functionalized to serve the economic needs of vocational training, it would migrate from civil society to the level coordinated primarily by the media, even if internally, a good deal of democratic communicative interaction were to obtain in decision making among peers (faculty, student groups etc.).

This rather rough sketch shows that the political issue is how to introduce public spaces into state and economic institutions (without abolishing mechanisms of steering or strategic/instrumental action) by establishing a continuity with a network of societal communication consisting of public spheres, associations, and movements. Here one could debate, for example, the determination of preferences among economic and political choices, keeping in mind the needs articulated in societal publics. However, self-limitation would mean that the debate over how much and which forms of democratization are desirable in economic and state institutions must grant in each case the necessities of system maintenance. Such is the meaning of democratization that complements Habermas's idea of decolonization. Correspondingly, the elimination or pure instrumentalization of political and economic participation constitutes the form of unfreedom that is the counterpart to the colonization of any institution.

The contemporary crises of the welfare state brings some urgency to

these questions. Historically, the creation of democratic and rule-of-law states involved not only the creation of rights defending society against the state and guarantees of political participation for societal actors. It also strengthened the institutional forms of the capitalist market economy that were and still are pervaded by domination. The establishment of welfare states, on the other hand, involved not only the securing of worker, consumer and other rights, but also the strengthening of the modern administrative state, which was never a neutral agency for the use of societal subjects. Indeed, the unprecedented role of the state in welfare capitalist systems, and the fact that it shares steering functions with the capitalist market economy, accounts for the self-conception of the new movements as "society-strengthening" with respect to both subsystems. As a result of important historical learning experiences, victory is no longer seen as the inclusion in state power (reform) or in smashing the state (revolution) but, among the most reflective segments of the movements, as the rebuilding of civil society and the controlling of the market economy and the bureaucratic state.

Our reconstruction of the concept of civil society aims to defend these projects. Along with Habermas, we find both the neo-conservative return to the programme of property rights (along with retraditionalization of civil society minus democracy) and the welfare state loyalists' defense of the *existing* form of social rights (and their paternalist, clientelist underside) historically one-sided and normatively ambiguous. With Habermas, we stress instead the "reflexive continuation of the programme of the welfare state". This involves, first, the construction of a new type of civil society delimited by a partially new set of rights with communication rather than property rights as their core. As such, the autonomy of civil society from state and economy could be reestablished and the further modernization of civil society pursued. Secondly, "reflexive continuation" would involve the creation of forms of social control over state and economy (through the expansion of sets of representative institutions within and between them) that are compatible with a modernized life-world. The two steps presuppose each other: only an adequately defended, differentiated and organized civil society is capable of monitoring and influencing the outcomes of steering processes, but only a civil society capable of influencing the state and economy can help to maintain the structure of rights that are the *sine qua non* of its own existence. These two steps were always implicitly true, of course. But what is new is that civil society can no longer be

made autonomous by blindly strengthening one steering mechanism in the fight against the other. The reflexive continuation for the welfare state needs to be seen not only as the continuation of the project of the working class movement by other subjects, but also as the resumption of the project of the democratic revolutions which created modern civil society. Such is the meaning of an equally distanced and reflective relation to both modern economy and state.

The norms of the classical notion of civil society imply the project of democratization. Habermas's theory, without this concept, would help to thematize ultimately *only* necessary self-limitation (along with the democratization of political culture). The reconstruction of civil society in terms of the system/life-world duality or the translation of this duality into the categories of civil society can do both. Today, we know of no better theoretical interpretation of the self-limiting, radical democratic politics of Polish Solidarity and of key dimensions of the new social movements of the West.

NOTES

1. A. Arato and J. Cohen, *Civil Society and Democratic Theory* (MIT Press, forthcoming in 1989), Chapter I. Also see A. Arato, "Civil Society against the State: Poland 1980-1981", *Telos* 47 (Spring 1981); A. Arato, "Empire vs. Civil Society: Poland 1981-1982", *Telos* 50 (Winter 1981/82). Jean L. Cohen, "Strategy or Identity: New Theoretical Paradigms and Contemporary Social Movements", *Social Research* 52 (Winter 1985), pp. 663-716; A. Arato and Jean L. Cohen, "Social Movements, Civil Society and the Problem of Sovereignty", *Praxis International* 4, 5 (October 1985), pp. 266-283. For Southern European and Latin American comparisons see the four volumes (especially the last one) edited by O'Donnell, Schmitter and Whitehead, *Transitions from Authoritarian Rule* (Johns Hopkins University Press, Baltimore, 1986). The classical articles on the concept of civil society and its history are: Manfred Riedel, "Gesellschaft, bürgerliche" in *Geschichtliche Grundbegriffe* (Stuttgart, 1975); Jenő Szücs, "The Three Historical Regions of Europe" in J. Keane (ed.), *Civil Society and the State* (Verso Press, London, 1988); Niklas Luhmann, "Gesellschaft" in *Soziologische Aufklärung I* (Opladen, 1970); Norberto Bobbio, "Gramsci and the Concept of Civil Society" in Keane, *op. cit.*
2. The practical justification of precisely this theoretical ensemble could be provided on the basis of an interpretation of the discourse ethics of Apel, Habermas and Wellmer. We attempt this in A. Arato and Jean

- L. Cohen, "Discourse Ethics and Civil Society" (ms.), which is part of our already cited forthcoming book.
3. See our contribution to the forthcoming Habermas Festschrift edited by Honneth, McCarthy, Offe, and Wellmer (Suhrkamp, Verlag, 1989).
 4. Habermas, of course, reintroduced the concept of civil society in his study of one of its central categories: the public sphere. But in this study he also appropriated a version of Schmitt's argument involving state-society fusion by tracing out the decline of civil society. Later attempts to reconstruct key notions of the classical doctrine of politics like *praxis* and *techné* stressed the metatheoretical level. But as long as Habermas engaged in a reconstruction of historical materialism, he could not free himself from Marxian prejudices against civil society. It is our thesis that a fundamental break occurs in the two-volume work, *Theory of Communicative Action*. See Jürgen Habermas, *Die Strukturwandel der Öffentlichkeit* (6th ed., Neuwied, Berlin, 1974); *Theory of Communicative Action* (Vol. I, Boston, 1984) and *Theorie des kommunikativen Handelns* (Frankfurt-am-Main, 1981). See also, Jean L. Cohen, "Why More Political Theory?", *Telos* 40 (Summer 1979), pp. 70-94.
 5. *Theory of Communicative Action: Theorie des Kommunikativen Handelns*, *op. cit.* Habermas's development nevertheless provides the means of defending our theory of civil society. We can document this development in terms of the transformation of the theory of discourse ethics, which was initially a utopian model defining the ideal speech situation as the basis of a new, homogeneous form of life that tended to correspond to the institutions of a mono-organizational version of radical democracy (council communism). In part, under the influence of A. Wellmer, in the late seventies and early eighties, Habermas has transformed this conception in a pluralistic direction, making the (now only regulative) idea of discourse compatible with a plurality of forms of life, even a plurality of forms of democracy that is possible, we maintain, only on the ground of civil society. In the process, Habermas reduced the gulf between rational and empirical consensus and replaced the stress on post-modernity in his notion of emancipation by that of the completion of modernity. See "Discourse Ethics and Civil Society", Chapter One of *Civil Society and Democratic Theory*, *op. cit.*
 6. Ever since Aristotle, the normative thrust of the concept of civil society (*koinonia politike*) entailed a vision of an autonomous-domination-free association of peers who communicatively establish their goals and norms and who regulate their interaction according to standards of justice. The early modern version of civil society added to this (now, to be sure depoliticized conception) the principles of individual autonomy,

- social and moral plurality, and, of course, universality.
7. See Habermas's chart, *Theorie II*, pp. 182-228.
 8. We discuss these issues in greater depth in *Civil Society and Democratic Theory*, *op. cit.* By "the traditional version of civil society", we mean one that assumes that the differentiated institutions and various pluralities of civil society are normatively integrated through an overarching collective definition of the good and the just (*Sittlichkeit*-Hegel, Parsons) and/or through an overarching corporate organization of the whole society (Parsons' "societal community").
 9. This is the step beyond Parsons, whose concept of "societal community" allows only for the normative coordination of action and a conventional relation to standards.
 10. Luhmann, like many contemporary neo-communitarians, believes that the social integration of interaction through norms is possible only on the basis of a unified world-view or *Sittlichkeit*. Unlike contemporary neo-communitarians, however, he is convinced that modern differentiated societies preclude such forms of social integration and can only be integrated functionally.
 11. Indeed, Habermas presents us with an historical typology that shows how the processes of differentiation of system and life-world yielded a modernity burdened by its negativity. The analysis partially parallels works such as Karl Polanyi's *The Great Transformation* and Robert Nisbet's *In Search of Community*, but avoids the naive expectations of the former vis-a-vis the state and the innocence of the latter vis-a-vis the capitalist market economy. The historical changes of juridification are presented explicitly in terms of the concept of civil society. See *Theorie II*, pp. 524-531.
 12. Habermas's definition of cultural modernity as the decline of substantive and centred reason and the differentiation of the value sphere of art, science, and morality follows Weber. Weber attributes to this and to secularization the phenomena of the loss of meaning and the loss of freedom. Horkheimer and Adorno reproduce this assessment. See *Theory of Communicative Action I*, pp. 346-352.
 13. *Ibid*, pp. 221-223, 233.
 14. *Theorie II*, pp. 229-93.
 15. This involves changes in all the institutions of civil society responsible for cultural reproduction, social integration and personality development; see Habermas's discussion in *Theorie II*, pp. 229-294.
 16. *Ibid*, p. 471.
 17. *Ibid*, p. 488.
 18. Cf. N. Fraser, "What's Critical about Critical Theory? The Case of Habermas and Gender", *New German Critique*, *op. cit.*, p. 112. Fraser's

article suffers from misinterpretations common to many interpreters of Habermas's text. She mixes up the issue of analysis of action types with the different analytical level of the distinction between social and system coordination, between life-world and system. She also confuses the distinction between the modes of action-coordination (via communication or via media of money and power) with the differentiation between the symbolic and material reproduction of the life-world. The first error has no basis in Habermas—all forms of action can be found in institutions of the life-world and in those that are media steered: what distinguishes life-world and system is not the action types found there but the mode of action coordination. The second confusion is due to Habermas's own unnecessary tendency to link the system/life-world distinction with the symbolic/material reproduction distinction. Fraser wants to throw away the baby with the bath water by claiming there is nothing to the distinction between system and life-world. We fully disagree with this claim and with her corresponding critique of Habermas on the gender issue.

19. Of course, there are strategic action and power relations in both domains.
20. *Theorie II*, p. 530–531.
21. Jean L. Cohen, "Strategy or Identity: New Theoretical Paradigms and Contemporary Social Movements", pp. 663–715.
22. *Theorie II*, pp. 536–37.
23. This could include decentralization, new forms of representation such as functional representation, the democratization of neo-corporatist arrangements, and more public spaces in politically relevant arenas such as corporations.
24. The absence of the concept of association, both within the institutional analysis of civil society and with respect to social movements, leads Habermas to revive the classical breakdown thesis, which understands movements as mere reactions to normative disintegration or other dislocations accompanying modernization. See Jean L. Cohen, "Strategy or Identity", *op. cit.* This also leads to an almost exclusive focus on issues of democratic legitimacy at the expense of a concern with solidarity.
25. *Theorie II*, p. 485. Of course, in this context *l'homme* means humanity, not men.
26. *Ibid.*, p. 471.
27. Habermas, "Die Neue Unübersichtlichkeit" in *Die Neue Unübersichtlichkeit* (Frankfurt-am-Main, 1985), where this dimension is expressed in the more aggressive terms of the development of a new "cultural hegemony" (p. 153). On the development of the politics of Habermas's earlier theory, see Jean L. Cohen, "Why More Political

- Theory?", *op. cit.*; Jean L. Cohen, "Crisis Management and Social Movements", *Telos* 52 (Summer, 1982), pp. 21-40.
28. Habermas, "Die Neue Unübersichtlichkeit", *op. cit.*, p. 156.
29. Andrew Arato and Jean L. Cohen, "Social Movements, Civil Society and the Problem of Sovereignty", *op. cit.*, and Jean L. Cohen, "Strategy or Identity", *op. cit.*
30. Habermas, *Der Philosophische Diskurs der Moderne* (Frankfurt-am-Main, 1985), pp. 422-423.
31. See McCarthy, Fraser and Misgeld in *New German Critique* (Spring-Summer, 1985) a special issue on Habermas.

Critique of Anthropology

Volume VII, Nr. 3, Winter 1987/1988

John C. Barrett
FIELDS OF DISCOURSE
Reconstructing a Social Archaeology

Peter Rigby
PASTORALISM, EGALITARIANISM, AND THE STATE
The Eastern African Case

Carla Freeman
COLONIALISM AND THE FORMATION
OF GENDER HIERARCHIES IN KENYA
Review Article

Caroline White
WHY DO WORKERS BOTHER?
Paradoxes of Resistance in Two English Factories

Arnold Karasena
ONE WAY TO LIVE - *Photographic Essay*

Kurt H. Wolff
AUTHENTICITY IN LOMA AND OF 'LOMA'

Daniel F. Nugent
MEXICO'S RURAL POPULATIONS AND 'LA CRISIS'
Economic Crisis or Legitimation Crisis
Dispatch

John Gladhill
A NARRATIVE HISTORY - *Book Review*

Subscriptions

Three issues per year

	Dfl.	US\$	UK£
- students and unemployed	40.00	25.00	13.00
- full subscription	45.00	28.00	14.50
- institutions	90.00	56.00	29.00

Payment Instructions

- international money orders, eurocheques and other cheques should be made payable to LUNA, P.O. Box 6004, 1005 EA Amsterdam.

- all other transactions to:
Hollandse Koopmansbank, nr. 63.50 18.977
(bankgiro: 11.60.70).

or for G.B.-residents to:
Lloyds Bank Plc., 48/50 Minories, London
EC3N 1JE, England, for account no.: 04.14 065.

- payment should be made in Dutch guilders (Dfl.) or its US dollar, or English pound equivalent