Civil Society in comparative perspective
2—
Conceptual History and Theoretical Synthesis

A Sketch of Early Modern Conceptual History

Present-day political models that use the concept of civil society not only contradict one another but are also relatively poor in categories. Furthermore, their links to a rich tradition of interpretation are not clear. Since this tradition is not thematized, the differences between the new versions of the concept and their historical predecessors are also left unexplored. Thus, a theoretical scheme inherited from the past (or even several pasts) is simply assumed, but not demonstrated, to be adequate to modern conditions.

In our view, a conceptual history of the term "civil society" is an important way to begin to address these tasks. Such a history should, first of all, deepen and extend the relevant categorical frameworks in use today. Second, it should allow us to distinguish premodern and modern layers in the concept, indicating what versions have become questionable and inadequate today. While conceptual history cannot remove the contradictions among contemporary usages, it can help us see what is at stake in these contradictions and what options have become, at least historically speaking, implausible. Finally, a conceptual history can help root the usages of a concept of civil society in a political culture whose motivational power has not yet been exhausted: the political culture of the age of the democratic revolutions. Conversely, the revival of the concept today helps validate this particular political culture.

The first version of the concept of civil society appears in Aristotle under the heading of politike koinonia, political society/community. It is this term the Latins translated as societas civilis. The concept represented the definition of the polis, understood as the telos of the human being as a political animal, zoon politikon. Politike koinonia was defined as a public ethical-political community of free and equal citizens under a legally defined system of rule. Law itself, however, was seen as the expression of an ethos, a common set of norms and values defining not only political procedures but also a substantive form of life based on a developed catalogue of preferred virtues and forms of interaction. ¹ Today we can symbolically represent our distance from the Greeks by pointing to the absence of a series of distinctions and oppositions in the concept of politike koinonia. First of all, the Aristotelian notion did not allow for our distinction between state and society. The polis-oikos duality may seem to indicate the contrary, but the oikos, household, was understood primarily as a residual category, the natural background of the polis. Politike koinonia was logically only one koinonia among many (including perhaps the oikos, but more generally all forms of human association from occupational groupings to groupings of friends, etc.); it was more deeply understood as the all-encompassing social system with nothing except natural relations outside of it.² Thus, there could be no question of the polis and the oikos representing two systems of (different) social or political relations. First, the oikos was not a legal entity: It was regulated not by law but by the despotic rule or domination of its head. Second, the plurality of households represented no system: They related to one another (in theory) only through the polis; indeed, through their heads they were in the polis. Economic relations beyond the household were considered merely supplementary and, beyond a maximum point, pathological.³

The resulting concept of politike koinonia was paradoxical. It indicated one koinonia among many and, at the same time, the whole, a whole with parts outside itself. The paradox could be resolved because of the absence of a second distinction: that between society and community. Koinonia in general denoted all forms of association irrespective of the level of solidarity, intimacy, or intensity of interaction. In the case of politike koinonia, this allowed for a conception that already presupposed the existence of a plurality of forms of interaction, association, and group life; hence, something of our concept of "society." Yet plurality and differentiation
were dramatically integrated in a model that presupposed a single, homogeneous, organized solidary body of citizens capable of totally unified action—closer to our notion of community, a "community of societies." In theory at least, politike koinonia was a unique collectivity, a unified organization with a single set of goals that were derivable from the common ethos. The participation of all citizens "in ruling and being ruled" represented a relatively small problem in theory, given this assumption of a shared set of goals based on a single form of life. 4

There is hardly any doubt about the idealized nature of the Aristotelian conception.5 But what is important for us is that it was this conception that entered into the tradition of political philosophy. We leave to the side the first Roman translations of politike koinonia as societas civilis, because, as far as we can tell, here the concept played only a minor role. More important were the medieval Latin adaptations following the translations of Aristotle by William of Moerbeke and Leonardo Bruni. While some of the earlier utilizations by Albertus Magnus and Thomas Aquinas tended to restrict societas civilis to the medieval city-state (as the closest available equivalent of the ancient polis),6 such a prudent use of the concept could not be maintained for long, perhaps because the Greek notion also referred to the overarching level of sovereignty. Only in Italy, however, did city-states approach the status of full sovereignty, and even here only in fact and not in law. As a result, when the Greek conception was more generally utilized, the feudal order of fragmented sovereign units (patrimonial rulers, corporate bodies, towns, etc.) as well as medieval kingship and empire, all came to be described in different sources as societas civilis sive res publica.7 Unnoticed, this usage introduced a level of pluralization into the concept that could now hardly be unified under the idea of an organized, collective body, the notion of respublica Christiana notwithstanding.

A second important shift, one of dualization, occurred when the concurrent revival of monarchical autonomy and public law favored the adaptation (however implausible) of the ancient idea of republic

(with which societas civilis was identified) to the Ständestaat that balanced the new powers of the prince with that of the organized, corporate estates that assembled all those having power and status in feudal society. The dualism here was, however, as Otto Brunner has tirelessly insisted, 8 not between state and society: Civil or political society was understood as a type of state dualistically organized with the "prince" on one side and "land" or "people" or "nation" on the other, with the latter terms denoting the privileged estates. If we accept Marx's 1843 judgment that the old corporate society was immediately political, then the history of the concept of civil society before absolutism belongs at least in this sense to the fundamental pattern established by the Greek prototype of politike koinonia, despite enormous differences among the social formations in question.

The development toward absolutism represents the watershed between traditional and modern meanings of "civil society." We see the reasons for this in two well-known and complementary developments. First, the development of princely authority from the primus inter pares of a plurality of power holders (classical feudalism) and the senior partner of a dualistic system of authority (Ständestaat) to the monopolistic holder of the legitimate means of violence laid the foundations of the modern state. Second, the depoliticization of the former power holders, the estates and corporate bodies, did not destroy their organized and corporate status. Instead, it produced a veritable society of orders. To be sure, the transition to a duality of state and nonpolitical society could be and was indeed achieved by other, at times complementary, routes: the emergence of autonomous religious bodies tolerated by a more secular state (North America)9 as well as the rise of new forms of private economic activity outside the policies of the mercantile state (Great Britain). In our opinion, however, the shift from the corporate entities of the Ständestaat to those of the depoliticized society of orders was not only historically prior but was also more important, for the European continent at least. Before the absolutist state could disorganize and level its corporate rivals in the name of the universal status of the subject of the
state, a countermovement already began to reorganize "society" against the state through associations and forms of public life that may have drawn on the resources of estate independence, religious dissent, and economic entrepreneurship but that embodied new egalitarian and secular principles of organization. There is no doubt, at least as far as we are concerned, that the "society" of the Enlightenment, constituting a new form of public life, was the prototype of the early modern concept of civil society.

Of course, political philosophy that sought to preserve the identification of civil and political society did not immediately register the emergence of a new form of societal public sphere. Three or four alternatives were developed. First, one could try to continue, as did Jean Bodin, in spite of decisive historical changes best registered by himself, the ständestaatliche conception of res publica sive societas civilis sive societas politicus. Reapplied to the constellation of absolute monarchy and society of orders, this conception falsified the new type of duality now in formation, a duality Bodin otherwise defended. Nevertheless, the model persisted into the German eighteenth century.

Second, one could identify the modern state itself with the commonwealth or civil/political society. This was the option of Hobbes, who of course believed that sovereign power supplied the only "social" bond of naturally unsocial yet rational individuals. In Hobbes's theory, the social contract creates a state, not society. The fusion of society is accomplished only by the power of the state. While Hobbes merely came close to the Greek view that construed the concept of a political society as an undivided system of power, he soon came to realize that the ancient concept relied on a notion of moralized law rooted in ethos, rather than positive law limited only to enactment or command. Thus the later construction in the Leviathan more or less left out the whole concept of civil society (i.e., the normative idea of free and equal citizens comprising the body politic). Nevertheless, the identification of state and civil society is preserved down to our own day in some Anglo-American literature.

The third option involved a breaking up of the old formula societas civilis sive politicus sive respublica by retaining the identity of political and civil society but distinguishing both from the state. Locke's specification of the product of the social contract as "political or civil society" seems to continue on the path of the early Hobbes, representing no break with the tradition. At first sight, his conception even includes an apparent identification of the body politic with government. However, does clearly seek to differentiate between "government" and "society." He distinguishes between surrendering power to society and to the government "whom society hath set up over itself" and even more emphatically (unlike Hobbes) between the "dissolution of the society" and "the dissolution of the government." Characteristically, however, in this context Locke stays close to the ancient concept when he speaks of the "one politic society" in terms of "the agreement to incorporate and act as one body." This ability to become and to act as one body is still assigned to the legislative power of government. The dissolution of the legislative power is proposed as the end of a society, but Locke inconsistently assigns the possibility of providing for a new legislature to the same society when the legislature is dissolved, or even when it acts contrary to its trust.

Montesquieu's conception was more historically sensitive. It united the eighteenth-century notion of two contracts (social and governmental) with the Roman law distinction of civil and public law (here "political law"). Whereas political law regulates the relationship of governors and governed, civil law regulates the relations of members of society to one another. Accordingly, Montesquieu, following the Italian writer Gravina, distinguishes between government (l'état politique) and society (l'état civil). Montesquieu's conception of society appears under a shifting terminology. In the context of monarchical government (which represents the modern state for him!) it meant, alternatively, the "intermediate powers," "the political communities," or
"societies or communities" inherited from the epoch of estate dualism. 19

Thus, Montesquieu's antiabsolutist strategy relied more on a society constituted by a hierarchic traditional society, one that he wished to depoliticize, than even Locke's notion of political society, which contained at least the notion of an initial equality of status. With regard to the Enlightenment conception, Montesquieu anticipated, however inconsistently, the differentiation, for polemical reasons, of state and society, while Locke redefined the notion of society itself in terms of the idea of formal equality derived from

universal natural law. Despite the ideological features of their conceptions (in Montesquieu's case, still expressing the world view of privileged but depoliticized orders; in Locke's, that of a new status order increasingly based on private property), these two philosophers provided important conceptual preparation for the modern redefinition of civil society. Their constructions pointed beyond the ideological limits of the original presentations.

It was Hegel who synthesized much of late-eighteenth-century thought on the subject, in effect weaving together the somewhat divergent strands of "national" development. It would, however, be erroneous to credit Hegel alone with redefining the concept of civil society. 20 Before turning to his synthesis and its fate, then, we pause to note some of these other contributors.

(1) The conception we have referred to as the Enlightenment notion of "society" (as contrasted with the state) rapidly developed beyond its origins in Locke and Montesquieu. Paradoxically, the new notion often coexisted with the more traditional identification of civil and political society with the state, as in the case of Rousseau (and then Kant). 21 In France, these two trends both shared in the growing opposition to both societal pluralism, in the sense of group or collective rights identified with social orders, and monarchical absolutism. Thus, one might say that, as the polemical conception of "society against the state" was fashioned in the salons, coffeehouses, lodges, and clubs of the time, 22 both the rhetoric of antiabsolutism (Montesquieu) and opposition to privilege (Voltaire) were united in a single conception of a (civil) society opposed to a state whose components were formally equal, autonomous individuals as the sole repositories of rights. This conception fully came into its own in a series of revolutionary conceptions of natural law. Thomas Paine's Common Sense, the various American bills of rights, and the French Declaration of the Rights of Man and Citizen clearly juxtapose an individualistic, egalitarian society to government (even a constitutional state!), with the society becoming the sole source of legitimate authority. 23

(2) In England after the Glorious Revolution, Locke's ambiguous separation of society from government was slowly eroded. What counted as "society" was now organized as a state that involved a gradual fusion between parliamentary representation and the executive. 24 The term "society" as distinct from "the state" came to be reserved for high or polite society, a custodian of manners and influence, but not of any kind of political project. In general, the term "civil society" preserved its traditional identification with political society or the state. A new component was added to this identification by the thinkers of the Scottish enlightenment—Ferguson, Hume, and Smith, among others—who came to understand the essential feature of civil or "civilized" society, not in its political organization but in the organization of material civilization. Here a new identification (or reduction) was already being prepared: that of civil and economic society, reversing the old Aristotelian exclusion of the economic from politike koinonia. 25

(3) The French and British conceptions had a strong influence in Germany, in the works of Kant, Fichte, and a whole series of lesser figures. A certain intellectual conservatism, however, in political as well as intellectual history, also played a historically important role in Germany in preparing the way for Hegel's theory. We have in mind the preservation of the Montesquieuian stress on intermediate bodies or powers in the notion of a neuständische Gesellschaft in which
Stände or estates (in particular, der bürgerlicher Stand) would be based on occupational mobility and merit, rather than birth and inheritance, as well as a form of a constitutionalism that represented a modernization rather than the abolition of the dualism of the Ständestaat.26 Nevertheless, the attempt to modernize the notion of estates was overshadowed by the influence of Kant's redefinition of civil society as based on universal human rights beyond all particularistic legal and political orders. In Kant's philosophy of history, a universal civil society based on the rule of law was postulated as the telos of human development. Kant explicitly rejected (in the spirit of the French Revolution) any compromise with the corporate and estate powers of the absolutist era.27 Instead of the old concept, Kant and then Fichte put forward the notion of a citizen society, staatsbürgerlicher Gesellschaft, which they interpreted in the spirit of the French Declaration of 1789.28 In Fichte especially, according to Manfred Riedel, two specifically modern notions appear for the first time: the sharp separation of state and society, and the understanding of society itself in individualist and universalist terms. In making this shift, the young Fichte moved from liberalism to radical democracy.

The two strands of the German discussion of civil society—the universalism of Kant and Fichte and the pluralism of more the conservative line of thought—come together in Hegel. But Hegel also brought other strands into his great synthesis: in particular, the Scottish notion of civilized or economic society. While Hegel's conception of civil society may not be the first modern one, we do believe that his is the first modern theory of civil society. Moreover, the theoretical inspiration of Hegel's synthesis is in our view not yet exhausted. Despite some views to the contrary (Riedel, Luhmann), we shall argue that several important theoretical traditions that emerged after Hegel, with or without conscious reference to him, continued to move within the terms of analysis that he has brought together. For this reason, we would like to present Hegel not in the context of a conceptual history that analyzes the hermeneutic structure of our concepts but rather as the most important theoretical forerunner of several later approaches that have preserved their potential to provide more global, intellectual orientation even in our own time.

Hegel's Synthesis

All strands of the history of the conception of civil society so far presented meet in Hegel's Rechtspolitik. He is the representative theorist of civil society because of the synthetic character of his work and, even more, because he was both first and most successful in unfolding the concept as a theory of a highly differentiated and complex social order.

It is by now a commonplace that Hegel attempted to unite, in a scheme that was to be both prescriptive and descriptive, a conception of ancient ethos with one of the modern freedom of the individual. But it should also be stressed that in his conception, the modern state did, could, or at least should also reconcile dimensions of the ancient, homogeneous, unified political society with the late medieval plurality of autonomous social bodies. The ancient republican dimension in his conception, drawn from Aristotle and other classical thinkers, was to rest on the twin pillars of ethical life (ethos or Sittlichkeit) and public freedom. The medieval dimension drawn from Montesquieu and a whole series of German sources involved a renewed stress on intermediate bodies in the face of the modern state. 29 The specifically modern component was to rest on three major features. First, Hegel took over from the natural-law tradition and from Kant the universalist definition of the individual as the bearer of rights and the agent of moral conscience. Second, he generalized the Enlightenment distinction between state and civil society in a manner that also involved their interpenetration. Third, he took over from Ferguson and the new discipline of political economy the stress on civil society as the locus and carrier of material civilization. Astonishingly, he succeeded in building all these elements into a unified framework, albeit one that was not free of antinomies.

One contradiction that permeates Hegel's work is that between systematic philosophy and social
theory. This is expressed politically as the antinomy of statist and antistatist positions running through both the doctrine of civil society and that of the state.\textsuperscript{30} Hegel's social theory presents modern society both as a world of alienation and as an open-ended search for social integration. His philosophical system, conversely, pronounces that this quest has ended in the modern state. It is never entirely clear, though, whether he means a possible and desirable, or a not yet existent but necessary, or an already existing state. But even in the weakest version of this argument, when he identifies the possible and desirable form of the state with a modernizing and constitutional version of a bureaucratic monarchy, the statist implications of Hegel's system building become clear. Yet, at the same time, Hegel's recurring arguments against monarchical absolutism and revolutionary republicanism revive an antistatist stress on intermediary bodies limiting bureaucratic sovereignty and providing a locus for public freedom. This trend in his thought is compatible only with the repeated implicit (and nowhere systematized) denial that the search for social integration can end in institutions like "our modern states," which can only provide citizens with "a limited part in the business of the state."\textsuperscript{31}

The contradiction runs through Hegel's analysis of civil society in the form of two interrelated questions: (1) Is Sittlichkeit or ethical life possible only as inherited and unquestioned ethos to which individual subjects must conform in order to be consistent with their very identity, or is it possible to think of ethical life in a truly modern form, permitting and even requiring its own questioning and criticism as well as a plurality of normatively valued forms of life? (2) Is civil society to be conceived as Sittlichkeit or Antisittlichkeit or as a dynamic combination of both "moments"?

The two questions are of course deeply related and may indeed be ultimately the same. To answer them, we must begin with some of the basic categories of the Rechtsphilosophie. Hegel differentiated objective spirit (objektiver Geist), rationally reconstructed intersubjective structures of meaning ("spirit") embodied in institutions ("objective"), in three dimensions: abstract right, morality, and Sittlichkeit (ethical life). The differentiation among them is not so much that of contents (though these do get progressively richer as we move through the three levels) but among three levels of moral argumentation. Abstract right represents a form of argument on the basis of dogmatically assumed first principles, as in natural-rights theories. Morality, a level clearly referring to Kantian ethics, represents the self-reflection of the solitary moral subject as the proposed foundation for a universalist practical argumentation. Finally, Sittlichkeit represents a form of practical reason that, through self-reflection, is to raise the normative content and logic of inherited institutions and traditions to a universal level. Only Sittlichkeit allows the exploration of normative questions (including "rights" and "morality") on the level of concrete, historically emergent institutions and practices that represent, at least in Hegel's view of the modern world, the institutionalization or actualization of freedom.\textsuperscript{32} Ethical life is itself differentiated in a way (entirely unique to Hegel) that combines the two dualities of oikos/polis and state/society in the three-part framework of family, civil society, and state.\textsuperscript{33} Civil society (bürglerliche Gesellschaft) is defined variously, but most revealingly as ethical life or substance "in its bifurcation (Entzweigung) and appearance (Erscheinung)."\textsuperscript{34}

To understand this definition of civil society, we must examine the notion of Sittlichkeit more closely. Charles Taylor is surely on solid foundations in at least one dimension of Hegel's text when he interprets the content of this notion "as the norms of a society's public life . . . sustained by our action, and yet as already there."\textsuperscript{35} According to Taylor, "in Sittlichkeit there is no gap between what ought to be and what is, between Sollen and Sein."\textsuperscript{36} Hegel's overall scheme repeatedly stresses the total identity of the (rational) will of the subject with laws and institutions,\textsuperscript{37} making any clash between particular and universal will, subject and object, right
and duty, impossible or at least irrational. 38

Taylor is on less solid ground when he interprets Moralität and Sittlichkeit merely in the form of opposition. Modern ethical life as Hegel unfolds it is distinguished from all ancient ethos because it contains the other two ethical dimensions—rights and universalist morality—on a higher, i.e., an institutionalized, level. Indeed, according to Hegel, an institutional space is created for private morality that should not become "matter for positive legislation." 39 On this basis, Hegel could have gone on to recognize the possibility of institutionalized conflict between theory and practice, norms and actuality, as the greatest achievement of the modern world. That he did not do so allows Taylor to interpret him primarily as an "ancient," entirely against Hegel's own intentions. Of course, Taylor focuses on only the main strand of Hegel's conception, not the antinomic whole. Hegel's own definition of Sittlichkeit involves a greater stress on its production and reproduction through self-conscious action. 40 Are the bases of such action to be found in Sittlichkeit alone, or in Moralität as well, or at least, for the modern world, in a form of ethical life that has incorporated morality, along with the tension between is and ought? When we say that Sittlichkeit, as the norms of a society's public life, is already there, Hegel's authority takes us only so far as to register the institutional existence of the norms in question, possibly in forms of discourse only, or as legitimations and ideologies. Their often "counterfactual" character is noted by Hegel himself, for example, in the case of the principles and practice of positive law. Unfortunately, Hegel did not discover that modern civil society is characterized by the conflict not only of moralities (which he at times seemed to note) but also of the normative conceptions of politics itself. Thus he did not see that it was possible to establish a new form of Sittlichkeit containing a plurality of forms of life; this would make consensus possible only on the level of procedures, but even such a consensus can lead to some shared substantive premises and even a common identity. He certainly does admit the possibility of conflict between institutionalized norm, the actual basis of moral opposition, and the practice of institutions. Primarily for this reason, his thought and the social world he describes are open to immanent critique.

Because of the internal division of its institutional sphere, civil society is the framework par excellence where the tension between is and ought emerges. Our aim is to show that this division hardly disappears in Hegel's theory even in the state sphere, which is supposed to be the one in which all antinomies are reconciled. 41 Although Hegel periodically implies that no actually existing state should be considered already rational, he nevertheless holds that ethical (sittliche) substance defined in terms of the identity of rational self-reflection and actualized institutions is the "wirkliche Geist einer Familie und eines Volks." 42 The absence of civil society and the presence of the family and the state, the latter only as people, are the notable features of this definition of Sittlichkeit. Consistently enough, civil society reappears in the next paragraph only as an "abstract" and "external" version of Sittlichkeit. 43 The section on the transition between the family and civil society speaks of "the disappearance of ethical life" and its reemergence only as a "world of ethical appearance." 44 Hegel goes on to speak of civil society "as a system of ethical life lost in its extremes." 45

Thus civil society is a level of Sittlichkeit where the oppositions of ought/is, subject/object, right/duty, and even rational/actual would all reappear. But it would not be difficult to argue that this level of Sittlichkeit is its very antithesis, a Gegen- or Antisittlichkeit. 46 Much of Hegel's discussion of civil society emphasizes the disintegration of the supposedly natural form of ethical life represented by the family in a world of egotism and alienation. Nevertheless, when he speaks of the ethical roots of the state, he speaks of the family and the corporation, the latter "planted in civil society." 47 Here is the real sense of seeing civil society as the "bifurcation of ethical life," as both Sittlichkeit and Antisittlichkeit, where the unity of substantial ethical life (according to
Hegel's final judgment on civil society) is attained only in appearance.

By following Hegel's unfolding of the categories of civil society from the system of needs and system of laws to the police (general authority) and corporations, and even beyond to the estate assembly and public opinion, we gain a depiction of modern society as a dialectic of Sittlichkeit and Antisittlichkeit. Only the illusions of sys-

tem building put an end to this movement in the (highly inconsistent) depiction of the state as fully realized but no longer naturally given ethical life. 48

We should stop to consider the great importance of a two-sided understanding of Hegel's concept of civil society. If we were to interpret it only as alienation, social integration would have to be conceived exclusively on the levels of family and state. In relation to civil society, then, the prescriptive or critical dimensions of the theory would come to the fore, but a transcendent version of critique49 would have to take the form of romantic communalism, with face-to-face relations as its normative standard, or of statism, whose self-legitimation could take various republican or nationalist forms. If civil society were interpreted exclusively in terms of the forms of social integration that emerge here, however, the descriptive and tendentially conformist elements of the theory would come forward, and the negative aspects of bourgeois civil society that Hegel was one of the first to point out in detail would be lost from view. The richness and power of Hegel's social theory lies precisely in his avoiding both a transcendent critique of civil society and an apology for bourgeois society.

Many interpreters of Hegel see the integration of modern society as a series of mediations between civil society and the state. However, this way of putting the issue is already a hostage to the statist dimension in Hegel's thought. If we are not to accept from the outset that the only important line of thought in Hegel assumes the state (but which element of the state?) as the highest, most complete and universal level of social integration, the issue of mediation should be put differently. On a more abstract level, it should already be clear that mediation is between Antisittlichkeit and Sittlichkeit. On a more concrete level, however, it is the distance between private and public that is to be mediated, if we understand the former as the vanishing point where the social integration of the family is dissolved before the mediations characteristic of civil society begin. Thus it is our thesis that the mediation of Antisittlichkeit and Sittlichkeit culminates in a notion of public life that Hegel only inconsistently identified with state authority.50

After Marx's early critique of Hegel's philosophy of the state, little would be left of this identification, except for the small detail of the role of statism, in the critiques of the capitalist market economy in the next century and a half, including those by Marx's own followers. 51 In both Hegel's and Marx's work, however, the statist trend is in a powerful tension with antistatist options.

As any reader of Hobbes knows, the road to statism is prepared by the identification of society outside the state with egotistic competition and conflict. Such is also the outcome of the well-known Marxian identification of civil and bourgeois society.52 The traditional German translation of societas civilis as bürgerliche Gesellschaft is not the only basis of this theoretical move. Hegel himself repeatedly identifies bürgerlich as bourgeois,53 and nowhere does he use the adjectival form in the classical sense of Bürger or citoyen. When he states that individuals as Bürger of civil society, the "external state,"54 are private persons,55 he participates in a fundamental shift in the concept of civil society away from the original meaning of citizen society. At the same time, if the bourgeois were to be understood as homo oeconomicus, then clearly it would represent only one dimension of what Hegel defines as the subject of civil society, the concrete person.56 Of course, the latter is first defined as "a totality of needs and a mixture of natural necessity and arbitrary will (Willkür)." But this is only Hegel's starting point: The system of needs is the first level of civil society. As the argument proceeds through the next levels—"the administration of law" and "general authority and corporation"—we encounter the
concrete person again under new headings: legal person, client of general authority, and
association member.\(^57\) It is only on the level of the system of needs, the description of which
Hegel derives from political economy,\(^58\) that a radical depiction of civil society as
Antisittlichkeit is consistently upheld. For example, when Hegel defines civil society as a
system of Sittlichkeit "split in its extremes and lost,"\(^59\) he has in mind a condition where
egoistic individualism—one extreme—is integrated by means of an abstract generality
(universal interdependence)—the other extreme—that is entirely foreign to the will of
individuals. Accordingly, civil society as "an achievement of the modern world"\(^60\) involves
the creation of a new type of market economy that integrates the "arbitrary wills" of
self-interested economic subjects by means of an objective and "external" process that
achieves a universal result unintended and unantici-
pated by the participants.\(^61\) This objective process can be reconstructed by a science specific to
the modern world, namely political economy, that Hegel regards as being entirely parallel to the
sciences of nature.\(^62\)

Hegel's model of integration on the level of the system of needs takes off from Adam Smith's
description of the self-regulating market as an invisible hand linking self-interest and public
welfare. But his arguments are less economic than sociological, even if the tremendous process of
economic growth implied by the modern market economy underlies the whole thesis.\(^63\) He sees
three levels of integration in this context: needs, work, and "estates." Needs in modern society
become more and more abstract in the form of money, which makes everyone's needs
commensurable. It is monetarization that makes the general recognition and satisfaction of needs
possible. Hegel also sees the underside of the process: The abstraction of needs allows for their
tremendous expansion. And the result of the limitless expansion of needs can only be great luxury
and extravagance alongside permanent want, i.e., the inability of some to satisfy even basic
needs.\(^64\) Work in modern society mediates particularity and universality through the process of
value creation (the particular work of the individual creating products that are commensurable
with the products of all others) and the division of labor, leading to the "dependence of men on
one another and their reciprocal relation."\(^65\) Again Hegel sees the underside of the process, this
time in "the dependence and distress of the class" that is tied to forms of increasingly one-sided
and restricted work that "entail inability to feel and enjoy the broader freedoms and especially the
intellectual (geistigen) benefits of civil society."\(^66\) Finally, Hegel has a theory of stratification
according to which the differentiated social strata of civil society that he still calls Stände (estates or orders) integrate individuals as members of "one of the moments of civil society" with its own
rectitude and status honor (Standesehre).\(^67\)

Hegel insists that his estates are modern, and that individuals become part of them freely, through
their own achievement, rather than ascriptively.\(^68\) Nevertheless, it is clear that he has only
partially discovered the specifically modern principle of stratification, namely socioeconomic
class.\(^69\) The working class, to which (as

Avineri showed) he restricts the new term class (Klasse), is not included in his scheme of
agricultural, business, and universal (i.e., bureaucratic) estates.\(^70\) This is a serious omission,
especially because Hegel claims that his estates correspond to economic differentiation. In fact,
however, he did not discover the specifically modern form of stratification based on
socioeconomic divisions of interest and lines of conflict because he did not adequately distinguish
between differentiation and integration. Thus, his theoretical instruments failed him when he
confronted an increasingly differentiated class, the victim of poverty and the alienation of labor,
that he therefore (as it turned out wrongly) considered only as being unable to integrate into, and
unable to contribute to the integration of, civil society.

Strictly speaking, integration through estates does not belong to the level of the "system of
needs," where integration is the function of objective, unwilling processes. This is shown by the fact that the analysis simply duplicates what Hegel elsewhere assigns to the family (the agricultural class), to the corporation (the business class), and to the general authority (the class of civil servants). It is only what Hegel considers the underside of this process of the emergence of new, nonascriptive status groups that belongs to the socioeconomic level of his analysis. Accordingly, the working class represents a form of inequality produced by civil society in which the absence of inheritance and otherwise unearned income, as well as a specific form of life, makes estate membership inaccessible and exposes individuals to the hazards of economic contingencies beyond their control.

Taken together, need, labor, and differentiation achieve a level of universality in civil society only at great social cost. Hegel is acutely conscious of this even if he does not and cannot notice the level of the corresponding potential of conflict. Unlike some political economists he knew (in particular, Ricardo), he did not readily thematize the problem of conflict in relation to the working class, perhaps because of his belief that estates (i.e., new types of status groups) alone constituted the modern principle of stratification. Nevertheless, he did understand the "system integration" of civil society to be highly unstable, though he did not pose this issue in terms of action-theoretic categories. Even so, more than any political economist, he understood that social integration must occur outside the system of needs in order for the market economy itself to function. Unlike early modern political philosophers in the natural-law tradition, however, he does not confine this level of integration to the exercise of sovereign power, to the sphere of the state, or to the family, another possible choice. It was in conscious opposition to these theoretical options that he developed a theory of social integration that constituted one of the founding acts of modern sociology, or at least of the paradigm developed by Durkheim, Parsons, and Habermas, among others.

Hegel's theory of social integration moves through six steps: legal framework (Rechtspflege); general authority (Polizei); corporation; the (bureaucratic) executive; the estate assembly or legislature; and public opinion. While the first three of these are developed as parts of the theory of civil society, and the second three belong to the theory of the state, or rather constitutional law, the argument turns out to be essentially continuous. We should perhaps think of these as two lines of argument, even if Hegel's movement back and forth between them is so constructed as to avoid the appearance of such differentiation. It is this double argument concerning social integration on which we shall concentrate.

As we have shown, the system of needs in Hegel's theory is itself integrated, but in a manner that is "external" (outside of will and consciousness), incomplete (less than fully universalist), and self-contradictory. Integration beyond the system of needs operates according to two different logics: the logic of state intervention into society, and that of the generation of societal solidarity, collective identity, and public will within civil society itself. Through most of the text, the unfolding of the two logics can be clearly differentiated: One series—universal estate, general authority, crown, executive—expresses the line of state intervention; another—estates, corporation, estate assembly, public opinion—follows that of the autonomous generation of solidarity and identity.

Only in the "administration of law" is it difficult to separate the two lines of argument. In Hegel's exposition, this level represents the possibility of the universally (or at least generally) valid resolution of the clash of particulars in civil society. The overcoming of Gegensittlichkeit as the division of particular and universal begins here, but in a form that is capable of generating only a limited collective identity. The legal person identifies with the collective only in the form of abstract obligations. Hegel not only recognizes the noneconomic presuppositions of economy in the modern sense, in the law of property and contract, but he also sees that their implications go far beyond the economy. In
particular, the publication of the legal code and, even more, the publicity of legal proceedings are changes of universal significance and validity that make possible the emergence of a universalist sense of justice.\textsuperscript{80} This argument becomes fully intelligible in the context of Hegel's understanding of the concept of the public (Öffentlichkeit) that goes beyond the Roman law dichotomy of public and private. We shall analyze this concept in detail below, but here we simply stress that Hegel sees a functional relation between modern law and the system of needs: Each is necessary for the emergence and reproduction of the other. He also insists, however, that the institutionalization of subjective right and objective law protects the freedom and dignity of modern subjects in a way that private persons rather than isolated individuals brought together in a public process can mutually recognize.\textsuperscript{81} To Hegel, the institutionalization of right as law requires both state action (he strongly prefers statutory codification to precedent-based adjudication\textsuperscript{82}) and autonomous cultural processes. He is neither a legal positivist nor a natural-law theorist nor even a historicist. For Hegel, universal rights have more than just a historically restricted validity even if they emerge in cultural development and can be universally recognized only through a process of education (Bildung) that has become possible in civil society.\textsuperscript{83}

Universal rights do not, however, attain objective existence without being posited as law (gesetzt als Gesetz), which involves legislation, codification, and administration by public authority (öffentliche Macht). Without autonomous cultural processes that create them, rights cannot acquire validity or recognition. But without the various necessary acts of the state and its organs, neither true definition nor a systematic relation to other rights is possible.\textsuperscript{84} Only the combination of the two yields obligatory force. Hegel wisely recognizes the possible discrepancy of the two moments,\textsuperscript{85} cultural and political, "between the content of the law and the principle of rightness."\textsuperscript{86} Yet within the analysis of law, he can offer only some formal and procedural requirements that legislators and judges should not violate, in particular the requirement of publicity and the formal generality of law. Presumably he expects a closer fit between the principle of right and positive law regarding substantive legal rules through the ability of the other institutional mediations of his theory to create law.

Integration through the State

Hegel cannot maintain the complementarity between societal and statist strategies of social integration beyond his analysis of the administration of law. From this point on in the argument,\textsuperscript{87} the two types of strategies become identified with different institutional complexes. The statist trend in Hegel's thought, anticipating Marx and especially Marxism, is clearly connected to the notion of civil society as Gegensittlichkeit, rooted in the analysis of the system of needs.\textsuperscript{88} The pathological consequences of the system of needs, involving extremes of wealth and poverty, want and luxury, as well as a severe threat to the humanity and very existence of the class of direct labor, call for measures that allow Hegel to anticipate features of the modern welfare state.\textsuperscript{89} In particular, a state bureaucracy (the universal class, the class of civil servants) is called upon to deal with the dysfunctional consequences of the system of needs, in two forms.

(1) The universal estate is called upon as the key mechanism to deal with the antagonism of estates. Here the analysis suffers from a lack of reference to the class. Hegel knows to be both the product of the modern economic order and the most endangered by it. Nevertheless, the assumption that estates produce both integration within strata and antagonism between strata does represent an important opening to a sociology of conflict. In this context, Hegel maintains that the status-honor and economic condition of the estate of civil service imply that particular or "private interest finds its satisfaction in its work for the universal."\textsuperscript{90} The salaried condition of the official, the requirement for open access to offices, and the limits against turning offices into
private patrimonies all inhibit the formation of the sort of self-interested, closed estate that characterized most traditional bureaucracies. The education of the public servant makes the idea of public service conscious and deliberate. Thus, according to Hegel, the universal estate is in a unique position to resolve the antagonism of estates.

There is no need to repeat Marx's brilliant 1843 critique of the pretensions of Hegel's view of the universal estate, which pinpointed its particular interests and status consciousness. Hegel managed to delude himself on this score partly because of the statist strain in his thought, and partly because he did not see any reason to consider the social antagonism implied by the existence of the "class of direct labor." Being incapable of intraclass integration, workers in this view do not seem to be capable of interclass conflict. The dysfunctional consequence of the plight of this class is seen in the existence of an anomic mass, the Pöbel, whose integration requires measures that aim at individuals (i.e., clients) rather than integrated groups. But with the poorest stratum removed from the field of analysis, the idea that the bureaucracy represents a general interest needs to be reconciled only with the interests of the landed classes.

Hegel's discussion of civil servants takes place in two sections of his analysis: those on the system of needs of civil society and the executive of the state. This is justified by the fact that the bureaucracy is both a social stratum and a state institution. But Hegel's theoretical decision disguises the fact that this estate differs from others in two respects. First, it is constituted by the state and not by the societal division of labor. Second, in the state the bureaucracy finds its institutional place in the executive rather than in the estate assembly. Thus, Hegel's argument concerning the fortunate double meaning of the German term Stände, referring both to social orders and to a deliberative assembly, does not apply. By calling the bureaucracy a Stand, Hegel misses the opportunity to discover the second, primarily modern, form of stratification whose constitutive principle is political power. Even more importantly, he disguises the statist principle of the form of social integration under consideration.

The way the bureaucracy is to accomplish the integration of antagonistic estates reveals at least some of the consequences. The state executive or political bureaucracy has the role of "subsuming the particular under the universal" by applying the laws. Hegel accepts the parliamentary assumption that an estate assembly is capable of generating a public and general will. But he believes that in civil society all the particular interests will reappear, and that for this reason outside the state sphere proper the bureaucracy must be the agent of universality. The fact that he feels compelled to admit that the authority of local communities (Gemeinden) and corporations is needed as a "barrier against the intrusion of subjective caprice into the power entrusted to the civil servant" shows, though, that Hegel is aware that reality can be quite different from his idealized depiction. Presenting the bureaucracy as an estate of civil society is thus not only a way of disguising the actual level of state intervention he advocates but is also away of deflecting the responsibility for dysfunctional or even authoritarian intervention from the state to a social group and to the subjective caprice of its members.

(2) The model of integration through state intervention is further developed in the theory of police or general authority (Polizei or allgemeine Macht). Unfortunately, the modern term "police" does not cover Hegel's meaning here. In accordance with earlier absolutist usage, he means more than the prevention of crime and tort and the maintenance of public order. However, Hegel also uses the term "general authority" in senses not covered by the section on the Polizei. Thus, it may be best simply to list his actual uses of this concept: surveillance (linked to crime and tort), intervention in the economy in the form of price controls and regulation of major industrial branches, and public welfare in the form of education, charity, public works, and founding of colonies.

The idea behind linking these apparently diverse areas is not quite coherent. The functioning of
the system of needs is linked in Hegel's conception to two rather different factors: a centrifugal dysfunctionality based on the subjective caprice and carelessness of individuals, and systematically induced effects largely based on worldwide competition and the division of labor. The police represent state penetration into civil society to serve the interests of justice and order by compensating for both of these phenomena without eliminating their basic causes, which lie in the dynamism of the system of needs. As a result, the centrifugal and anomic consequences of conflict are diminished but not entirely done away with. "Crime prevention" and the punishment of criminals do not eliminate crime but keep it within tolerable limits. Provisions for social welfare and public education do not abolish conflict and alienation, but they can prevent the decline of the class of labor to the status of a rabble (Pöbel). In these cases and also in the case of price and production controls, the goal Hegel espouses is compensation for the dysfunctional side effects of the new type of market economy, a core dimension of modern civil society. The details of his analysis do not always make clear whether he is defending precapitalist forms of paternalist intervention or anticipating features of a modern welfare state. The general conception, however, involves reactive compensation for the effects of a genuine market system more than proactive, statist substitution for market functions.

The statist feature of the doctrine of the police lies elsewhere. Hegel does not systematically distinguish between state intervention in the form of economic steering (e.g., price controls in a system of market prices) and intervention in noneconomic spheres of life (e.g., surveillance). While from the point of view of market dysfunction, each of these measures represents post facto compensation, surveillance and other forms of social control are proactive from the point of view of noneconomic forms of life, substituting, as Tocqueville noted, statized relations for horizontal social ties. 101 A similar proactive character can be noted in the roles of general authority dealing with trusteeship and education.102 The problem, of course, is not that Hegel hopes to prevent orphans and the children of the poor from falling into poverty, but that he defines the remedies in terms of a "right" of society as a whole rather than the rights of the individuals, families, and communities concerned. Once again Hegel replaces horizontal social interaction and solidarity by vertical ties based on state paternalism. Even if it were true that civil society destroys the family ties that protected individuals in premodern society, the idea of the general authority (the state) "taking over the role of the family for the poor"103 is a mystification of measures that do not produce but replace social solidarity.

Social Integration through Civil Society

Hegel does not claim that on this level the state produces a thoroughgoing unification of society. Moreover, the kind of universality it achieves here amounts to a form of "external" imposition and control. 104 In civil society we encounter the state only in the form of externality, and the metaphor of civil society as "universal family" is entirely misplaced in the theory of the police or general authority. This metaphor belongs instead to the second strand of Hegel's conception of social integration, the solidaristic strand that runs from the family to the corporation, the estate assembly, and public opinion. But, since Hegel (wrongly) considers the integrating role of the family to be negated in civil society,105 the corporation becomes the starting point of the self-integration of civil society. As in the case of the police and the estates, one can legitimately question whether Hegel's theory of the corporation revives a premodern form of social life or anticipates a postliberal form of social integration. We shall return to this question, noting here only that Hegel was both harshly critical of the revolutionary and liberal attacks on the old corporate entities and in favor of a form of corporate organization significantly different from that of the old regime.106 Indeed, he proposed and defended a version of the corporation that was open to entry and exit, that was based on no ascriptive or hereditary principle, that was voluntary and not all-inclusive, and that did not imply any suspension of the individual rights of members with respect to the corporate body. Unlike the case of a modern union, however, both employers and employees would be
members of
corporations in the economic sphere. Moreover, Hegel does not restrict corporate organization
to that sphere: Learned bodies, churches, and local councils are also included in the concept.107

The primary functions of the corporation in Hegel's theory are socialization and education. The
business association in particular is meant to combine vocational training with training for
citizenship. Thus all of corporate life, assuming the already mentioned modernization of its
structure, helps to overcome the gap civil society produces between bourgeois and citizen by
educating individuals to internalize the common good and develop civic
virtue. In the process, solidarities are expected to develop that would affect the motivational
structure of individuals, substituting collective concerns and identifications for egoistic ones. In
this context, Hegel's problem was the same as Rousseau's, namely, how to move from the
particular to the general, given modern individuality. But his answer is significantly different,
because Hegel did not believe that the reality of the modern large-scale state or of a modern civil
society with a dynamic system of needs could or should be imagined away, or that individuals
who are entirely egotistical in private life can attain the general in the political sphere. In his view,
generality can be attained only through a series of steps that incorporate something of the public
spirit in what is juridically the private sphere. The corporations that Rousseau, his natural-law
philosophical forebears, and his revolutionary republican successors sought to banish from social
life, replace the particularity in Hegel's theory with a limited form of generality on a level where
resocialization is actually possible.

While the corporation represents a crucial step in the development of the strand of Hegel's
thought that stresses the self-integration of society, the antinomy of his political position is
nevertheless visible in it. Like Montesquieu before him and Tocqueville after him, he sought an
intermediate level of power between individual and state; he feared the powerlessness of atomized
subjects and sought to control the potential arbitrariness of the state bureaucracy. 108 But at the
same time, in line with his doctrine of the state, he wants to defend a model of socialization
that will make the transition to a state-centered patriotism plausible. In this context, Hegel's aim is
to provide a smooth transition based in everyday life from the Geist of the corporation as the
schoolhouse of patriotism to the Geist of the state where patriotism is to achieve its full
"universality."109 Much depends, of course, on whether the conception of the state implied here
is based on a public, parliamentary generation of
identity or a bureaucratic-monarchic imposition of unity. But since the antinomy is not resolved on
the level of the state, the role of the corporation in political education
also becomes ambiguous. This, in turn, affects the the relation of the corporation to the general
authority; as Heiman shows, Hegel was never able to decide between a medievalist doctrine
involving
corporate independence and legal personality and a Roman law conception stressing state control
and oversight. 110

Whatever the ambiguities of Hegel's corporate doctrine, the different center of gravity here when
compared to the concept of the police cannot be overlooked. Both police and corporation are at
times identified as the individual's second family. They also share some functional assignments,
such as education. Furthermore, the normative justifications produced for each are equally
convincing. The corporation is a second family small and determinate enough in its purpose to
allow genuine participation by its members. These members, however, include only a part of the
population; while it appears general with regard to its members, the corporation inevitably
represents a particular interest with respect to other groups and those not "incorporated."

Nevertheless, the corporation is capable of creating internal motivations, and it does not depend
on external sanctions guaranteeing compliance. On the other hand, the regulation of the police is
universalist and ought not to allow the formation of particular clusters of interests. However, the
activity of the police does rely on external sanction, involves no participation of those concerned,
and
does not lead to the formation of autonomous motivation.

As the comparison of police and corporation shows, statism in Hegel's thought is linked not
only to some kind of political opportunism but also to the idea of universality, without which no
modern conception of justice is possible. Hegel has good reasons not to make a definitive
normative choice between police and corporation, between abstract universality and substantial
particularity. These moments are sundered in civil society, and it is Hegel's thesis that they can
be reunited only in the state. It would be only on this level that the corporation, as the second
ethical root of the state (after the family), would achieve its universality.

Our reconstruction of Hegel challenges interpretations suggesting that the antinomies of civil
society are resolved on the supposedly higher level of the state. Instead, we would argue that it is
more fruitful to interpret Hegel's thought as dualistic or antinomic on both levels. What we
crudely label as "statist" and "solidaristic" trends in his thought appear in the analysis of both
civil society and state. Accordingly, the doctrine of the state itself can be analyzed in
terms of these two trends. Thus, it would be a mistake to oppose to the statist dimension of
Hegel's thought a quasi-liberal conception according to which civil society, as opposed to
the state, is the only source of genuine norms. Such a view would be all the less defensible
because of the unavoidable element of particularism attached to the important intermediary
bodies of civil society. Thus, the transition to a key norm of modernity—universality—cannot
occur without some participation of state institutions. Even if we were to note that the protection
of the individual rights of members can be written into the charters of modern corporations, the
establishment of universal rights as positive law presupposes, as we have seen, the activity of the
state. But which dimension of the state? The question we must consider is whether, in Hegel's
theory, the estate assembly and public opinion or the executive bureaucracy and public
administration is the locus and source of the highest level of social integration and will formation.

In Hegel's conception, we should recall, the police represent the penetration of the state into civil
society. Analogously, the estates assembly represents a penetration
of civil society into the state. However, the civil society represented in the state through the estate
assembly is already organized; to Hegel the presence of an atomized civil society in the state
would be most regrettable. According to the free but convincing translation of Knox:

  The circles of association in civil society are already communities. To picture these
communities as once more breaking up into a mere conglomeration of individuals as
soon they enter the field of politics, i.e., the field of the highest concrete universality, is
eo ipso to hold civil and political life apart from one another and as it were to hang the
latter in air, because its basis could then only be the abstract individuality of caprice
and opinion. 111

This conception directly links the estates and corporations of civil society with the assembly of
estates. While Hegel at first stresses the link of estates to the legislature, as indicated by the
German term Stände, the more important theoretical foundation of the assembly is in fact the
corporation, the existence of which is the only real evidence provided for the claim that
organization and community are possible in an otherwise atomized civil society. The deputies of
civil society are "the deputies of the various corporations." 112 Earlier, this statement is limited
and expanded. Atavistically, the agricultural estate (suddenly meaning only the nobility) is to be
directly present, as in the assemblies of the Ständestaat. The business estate, on the other hand, is
represented by the deputies of associations, communities, and corporations (Genossenschaften,
Gemeinden, Korporationen), which are all incorporated forms of association. Hegel does not
even feel the need to indicate and justify his exclusion from political life of the one class, direct
labor, that is supposedly totally disorganized. 113 More important than the conformist and
conservative elements in his thought, however, are his reasons for recommending his particular
version of representative government. According to Hegel, when civil society elects its political
deputies, it "is not dispersed into atomistic units, collected to perform only a single and temporary act, and kept together for a moment and no longer." Rather, in the process of deliberating and choosing deputies, the associations and assemblies of social life acquire a connection to politics in the same act that gives politics a foundation in organized social life. It is precisely at this level, at the point where civil society and the state interpenetrate, that Hegel rediscovers and integrates, without explicitly saying so, the ancient topos of political society.

The estate assembly has the role of completing the job begun by the corporation, but on a societywide level of generality that he (and especially his English translator) often refers to as "universality." This job is to bring public affairs and, even more, public identity into existence. Again parallel to the doctrine of the corporation, the legislature is regarded as a mediating organ, this time between the government (Regierung) and the people, differentiated as individuals and associations. The former is thus prevented from becoming tyrannical and the latter from becoming a mere aggregate, a mass with an unorganized and therefore dangerous opinion. Hegel of course stresses the role of the estate assembly in legislation and even constitution making, but his main interest throughout is in the constitution of the agent of legislation and, even more, its proper medium. The category of publicity indicates that only the genuine representatives of the public are legitimately entitled to make the laws. The laws they enact are to be considered legitimate only if the procedures of public deliberation are rigorously followed. Since Hegel insists on genuine and unconstrained discussion and deliberation, he emphatically rejects the imperative mandate, the principle of the traditional Ständestaat. The assembly must be "a living body in which all members deliberate in common and reciprocally instruct and convince one another."

Hegel's vehement insistence on genuine publicity in the legislature (as well as the courts) has other important grounds. He wishes to promote knowledge of public business in society and (however inconsistently) to make the estate assembly susceptible to the influence of public opinion. Quite like Tocqueville, Hegel is ambivalent concerning public opinion. Defined as "the formal, subjective freedom of individuals to express their own judgments, opinions, and recommendations concerning general affairs whenever collectively manifested," public opinion is internally contradictory and "deserves as much to be respected as despised (geachtet als verachtet)." Respect is due because of a hidden strain of rationality that is, however, buried and inaccessible to public opinion's interest itself because of its concrete, empirical form of expression. Interpreting public opinion is thus the role of intellectual and political elites. In order to promote the formation of public opinion, Hegel supports extensive freedom of public communication (especially speech and press), and he worries only slightly about possible excesses. Indeed, he believes that the genuine publicity of legislative debates has a good chance of transforming public opinion and eliminating its shallow and arbitrary components, rendering it harmless in the process. Nevertheless, it is also implied here that the debates of the assembly can transform public opinion precisely to the extent that its essential content and elements of rationality are raised to a higher level. In this sense, not only does the political public of the legislature control public opinion (Hegel's stress), but a prepolitical public sphere plays an important role in constituting public life in the political sense.

The concept of public opinion developed by Hegel is not free of the antinomies of his political thought. The statist trend in this context is expressed in the concern to control and disempower public opinion in order to make it compatible with the management of the state. The solidaristic trend, on the other hand, involves the raising of public opinion to a higher level of rationality in a parliamentary framework between state and society, itself exposed to the controls of publicity. From the first point of view, public
opinion is ultimately a threat, and the proper relationship to it on the part of political (including parliamentary) elites is manipulative. From the second point of view, public opinion is the condition of possibility of political public life, and the proper relationship to it on the part of elites would have to be one of public dialogue in which truth would be an open question to be decided by the more convincing arguments rather than the a priori possession of one of the sides. The public sphere of the estate assembly plays a role in enlightening and educating public opinion precisely because truth here is not known in advance but rather emerges during the debate itself, along with the virtues that can serve as examples to the larger audience. One trend in Hegel's thought implies that in those states where the life of the legislature is genuinely public the structure of public opinion will itself change: "What is now supposed to be valid gains its validity no longer through force, even less habit and custom, but by insight and argument (Einsicht und Gründe)." At other times, however, the dialogue model of rational political deliberation is restricted to the parliamentary public sphere. In these contexts, the statist trend in Hegel's thought, supported by the false analogy between the search for scientific truth and the attainment of normative truth in politics, stops him from extending the model to the public sphere as a whole.

At issue here, as well as in Hegel's political theory as a whole, is the ultimate locus and nature of public freedom. We accept the interpretation according to which Hegel sought to develop a political doctrine in terms of a whole series of mediations that relativize the Roman law distinction between private and public law. But we accept it with two reservations.

First, we see the mediations as two distinct series: civil servants/police/executive/crown, and estates/corporation/estate assembly/public opinion. The two express the conflicting trends in Hegel's thought. Indeed, the very manner in which they mediate the spheres regulated by private and public law is significantly different in each case. The first series involves public law categories taking on both private and public roles. The second indicates private law entities developing structures of publicity and taking on public functions rooted in these structures. This second pattern is the same as the model in which constitutional rights constitute the public law rights of private subjects. Once these two patterns are separated, however, the meaning of the public sphere in Hegel becomes uncertain. Is its primary paradigm that of public authority or that of public communication? And if he maintains both paradigms, what is to be their relationship?

Second, we do not accept the implicit identification of state and public presupposed by the interpretation, or the idea that each succeeding step in Hegel's exposition represents (even in terms of his own argument) an unambiguously higher level of public life than the one before. For Hegel, undoubtedly the highest purpose of public life is to generate a rational universal identity that he equates with the patriotic ethos of the state. What remains unclear is whether the generation of this ethos is assigned to a state sphere dominated by the executive and linked only to the projections of the state into civil society, or to a sphere dominated by a legislature drawing on autonomous societal resources such as the corporation and public opinion. The issue cannot be decided if we stress the problem of mediating between private and public realms alone—most categories of Hegel's theory of Sittlichkeit, beginning with the system of needs, provide such mediations. But it can be decided if we link the process of generating a modern, rational collective identity to the concept of public freedom that Hegel repeatedly uses in this context, that is, to a process that allows the effective participation of individuals in the free shaping of the meaning of a "we." Obviously, public freedom is quite a bit more than the kind of freedom available to the agents of the system of needs, who cannot participate in the formation of any collective identity whatsoever. But Hegel also registers serious doubts about whether the modern state as such can be the locus of public freedom, doubts that run completely contrary to the statist strain in his thought.

We should note once again that, while Hegel nowhere systematizes a conception of the public
sphere (Öffentlichkeit), the categories of public authority, public freedom, public spirit, public opinion, and publicity play key roles in his work. Let us recall Ilting's thesis that the Philosophy of Right seeks above all to synthesize the negative freedom of modern liberalism and the positive freedom of ancient republican thought. The categories of the public sphere represent important ways in which republicanism could be sustained in Hegel's thought after his supposed conservative turn. But even here there is an essential difference with ancient republicanism. Instead of restricting the formation of public freedom to a single social level—political society—Hegel works out a modern republican theory in which a whole series of levels have key roles to play, including the public rights of private persons, the publicity of legal processes, the public life of the corporation, and the interaction between public opinion and the public deliberation of the legislature. Not all of these processes have a public political purpose. Yet they are the stages of learning leading to the formation of public identity. What is common to all of them is the free public participation of those concerned in the formation of decisions. 128 The public purpose of the acts of the police, at times identified as general (allgemeine) and even public (öffentlich) power, is beyond doubt for Hegel. The same is true of the acts of the executive and, in a Rechtsstaat, of the crown as well. Yet in these cases Hegel speaks neither of the formation of public spirit nor of the actualization of public freedom. In fact, it has been noticed that Hegel's most explicit discussion of public freedom juxtaposes the corporation, belonging to civil society, to the modern state:

In our modern states (modernen Staaten) citizens have only a restricted part in the general (allgemeinen) business of the state; yet it is essential to provide men—ethical entities—with activity of general character over and above their private business. This general activity which the modern state does not always provide is found in the corporation.129

In this passage Hegel not only registers the tension between the modern state and public life but identifies a different locus for public freedom than did classical antiquity. The corporations are, in his words, "the pillars of public freedom (öffentlichen Freiheit)."130 Yet for Hegel the public freedom possible in the corporation, involving a relatively high level of participation, cannot be primary in society as a whole. Pelczynski and others are surely right when they argue that Hegel believed that he had proved that "the [modern] state is the actuality of concrete freedom."131 This argument is supported, in general, by the greater universality of the estate assembly, this veritable corporation of corporations, over the inevitably particularistic societal associations. But it also disguises the reality of the modern state as a hierarchy of offices, as the monopolistic possessor of the means of violence, and as a compulsory association. By reversing the sociologically obvious hierarchy of the modern state, making the legislature primary and the executive secondary, Hegel is constructing a legitimation both in the sense of counterfactually justifying a structure of authority and in the sense of establishing a set of normative claims open to critique. These critical potentials come into view, for example, when the assembly from which the normative claims of state are drawn is depicted as its penetration by civil society.

Hegel, the peerless social theorist of his time, was clearly aware of the sociology of the modern state. We are fortunate to have at our disposal Ilting's careful reconstruction of Hegel's turn from an earlier conception stressing the freedom of the citizen in the state to one stressing the freedom of the state. 132 The shift may well have had independent intellectual motivations, which were then reinforced by Hegel's reaction to the reactionary Karlsbad decrees. Hegel knew and rejected both absolutist and revolutionary statism, as so much of the Rechtspolitik demonstrates. Is it too farfetched to assume that a reactionary turn in Prussian politics made him realize (as did Tocqueville soon after) that features of two supposedly aberrant versions of the modern state belonged to its ideal type instead? If this were so, the shift to institutions of civil society as the
pillars of public freedom would be logical and also indispensable from the point of view of strengthening this dimension in the parliamentary institutions of the state. Thus, Hegel in his mature text not only restricted the possibility of the citizen's freedom in the state but also expanded, in Ilting's words, the liberties (Freiheitsrechte) of civil society into rights of participation (Teilnehmerrechte).

The most obvious objection to our reading of Hegel would be that he himself did not admit and, for systematic reasons, would have rejected the idea of two unreconciled strands in his thought. We are not particularly concerned with this criticism (in any case, it is refuted by Ilting's reconstruction) or with the systematic aims of Hegel's work. We are interested only in rebuilding Hegel's conception around what may well be a subtextual antinomy in his political philosophy so that we can trace a new theory of civil society back to the institutionally most elaborated conception from which we can still learn. Thus, a more serious objection to our reconstruction would insist, as did the young Marx in 1843, that the dimensions we bring into special relief represent elements in Hegel's thought that are not modern, in contrast to the modernity of his conception of the system of needs, on the one side, and the bureaucracy, on the other. In this reading, Hegel's "corporation" is an attempt to save medieval corporate doctrine; his estate assembly, the institutions of the Ständestaat; his notion of public opinion, the early bourgeois public sphere; and perhaps the very idea of public freedom, the ancient city-states. Accordingly, if we are to look for the modernity of Hegel's social theory, we would do better to focus on the critical aspects of his depiction of the capitalist economy (Lukács) or his anticipation of the welfare state (Avineri).

Of course, each interpreter favorable to Hegel tries to interpret him through a specific conception, and even to enlist his alliance. The theory of civil society we are trying to develop is no exception to this rule. Nevertheless, we believe, in the context of both subsequent social and intellectual history, that the categories we stress were not mere atavisms in Hegel's time and have become even less so in the postliberal (and now also the poststatist) epoch. In this context, the history of social theory offers an important, if hardly conclusive, proof. While the theory of the system of needs was fruitfully developed by the Marxian tradition, and the theory of bureaucracy became a cornerstone of the works of Weber and his followers, the idea of civil society as the central terrain of social integration and public freedom was to become just as fruitful in a line of theoretical development that had its beginnings in Tocqueville, its continuation in Durkheim, in English, French, and American pluralism, and in Gramsci, and its culmination in Parsons and Habermas. In our opinion, this tradition of interpretation has shown at the very least that the basic categories of Hegel's Rechtsphilosophie can be thoroughly translated into modern terms. If we are to believe the testimony of social actors East and West, North and South, such reconstructed terms of analysis have not yet exhausted their critical and constructive potential.
INTRODUCTION

I
The general idea of the Social Contract, which has haunted the generations (it was current in the days of Plato, during the fourth century B.C., and it still flutters in the pages of Herbert Spencer’s *The Man versus the State* at the end of the nineteenth century of our era), may be criticized on various grounds. The critic may urge that it was mechanical, and not organic, in its interpretation of political life; juristic, and not ethical, in its rationale of political obligation; *a priori*, and not historical, in its explanation of political society and political authority. The criticisms have their justice. The theory of the Social Contract could flourish only in an age, or ‘climate,’ of thought in which the historical sense (the legacy left by the Romantic movement to the historians of the nineteenth century) was still imperfect and undeveloped. But if it was unhistorical, the theory was still historic — and historic in more than one sense. Not only could it show a long and continuous history, from the days of the struggles of Popes and Emperors at the end of the eleventh century: it had also been a factor in the process of historic causation — a factor making for freedom, whether it was applied, as it was by the Huguenots after 1570, to defend the cause of religious liberty, or employed, as it was by the English Whigs in 1688 and afterwards, to buttress the cause of civil liberty. Historic continuity, religious belief, and legal argument could all be pleaded in its favor; and if it were judged by its fruits, on a pragmatic test of truth, it could bring to the bar of judgment a record of rich achievement. Even if there had never been a contract, men actually behaved ‘as if’ there had been such a thing; and behaving and acting in terms of quasi-contract — or what the lawyers call ‘contract implied in law,’ an idea which may be extended to cover the case of ‘contract implied in government’ — they made those terms of
quasi-contract serve good and admirable purposes. The theory of the Social Contract might be mechanical, juristic, and a priori. But it was none the less a way of expressing two fundamental ideas or values to which the human mind will always cling — the value of Liberty, or the idea that will, not force, is the basis of government, and the value of Justice, or the idea that right, not might, is the basis of all political society and of every system of political order.1

Sir Robert Filmer, in the Patriarcha, speaks of the theory of contract as ‘first hatched in the schools, and fostered by all succeeding papists for good divinity.’ There is warrant for his view. Manegold, a papalist pamphleteer who wrote about A.D. 1080, already held that ‘if in any wise the king transgresses the contract by virtue of which he is chosen, he absolves the people from the obligation of submission.’ But it is in the writings of St. Thomas Aquinas that the theory of Contract is finally hatched (circa A.D. 1250). ‘St. Thomas,’ Lord Acton once wrote, ‘had a very large element of political liberalism.’ That very large element of political liberalism was based on a conflation of three sources — the teaching of the Bible, the doctrines of Roman Law, and the principles of Aristotle’s Politics. The Bible taught that the powers that be are ordained of God; but it also taught that David made a covenant with his people. It was the doctrine of Roman Law that quod principi placuit legis habet vigorem; but it was also the doctrine of Roman Law that the reason why this was so was that ‘the people, by the Lex Regia passed in regard to his authority, confers upon him and into his hands all its authority and power.’ 2 The principles of Aristotle’s Politics might seem to favor a monarchy of the one best man; but they also favored a clear distinction between the king and the tyrant, and they endorsed the right of the masses not only to elect the magistrate but also to call him to account. Here was material for a

1. The writer would refer, in this connection, to the argument in his Political Thought in England from 1848 to 1914 (pp. 165–6), and to Professor Buckland’s criticism of that argument in Some Reflections on Jurisprudence (pp. 63–6).

2. We have to remember that in the theory of Roman Law any lex must proceed from the people: lex est quod populus Romanus . . . constituebat.
INTRODUCTION

balanced view; and the view of St. Thomas is balanced accordingly. He draws a distinction between three ideas of authority — the idea of its principium; the idea of its modus; and the idea of its exercitium. On the basis of this distinction he argues (1) that the principium or essential substance of authority is ordained of God, but (2) that its modus or constitutional form (be it monarchy, aristocracy, democracy, or a mixed form) is determined by the people, and (3) that its exercitium or actual enjoyment is conferred — and as it is conferred may also be withdrawn — by the people. Developing the third proposition he writes, in the De Regimine Principum, that government is instituted by the community, and may be revoked or limited by the community if it be tyrannical; and he even adds that a tyrannical ruler meruit . . . quod ei pactum a subditis non reservetur.

This general view became the general property of the Middle Ages; and it descended from the Middle Ages to Hooker, and through Hooker to Locke. (It is for this reason that 'the identity of the first Whig' has been discovered in St. Thomas.) The view accorded well with the conditions and 'climate' of the Middle Ages. On the one hand it suited the temper, and the general system of ideas, of feudal society. Feudalism generally was a system of contract, under which each man could say to his lord, 'I will be to you faithful and true . . . on condition that you keep me as I am willing to deserve, and all that fulfil that our agreement was, when I to you submitted and chose your will.' 3 It was part of this general system of contract that the feudal king, at his coronation, entered into an implicit contract with his feudatories, when he exchanged a coronation oath, pledging him on his side to good government, for their reciprocal oath of homage and fealty. On the other hand the contractual view also suited the temper and the system of ideas of the medieval clergy. It imposed a limit on secular government: it was a guarantee of the rights of the clergy and of libertas ecclesiae; and the right of the people

to deprive the king of authority for breach of contract could supplement (as it could also be supplemented by) the right of the Pope to deprive the king, by excommunication, of the divinely given principium of authority for offenses against its Giver. We may add that a prevalent belief in the ultimate sovereignty of Natural Law formed an atmosphere of ideas favorable to the contractual view. If there was Natural Law, there must also be natural rights; if there were any limitations imposed on natural rights, those limitations must be due to a voluntary contract made by the possessors of such rights; and if the question were raised, ‘What is the sanction of such a contract?’, the answer could readily be given, ‘The sanction is Natural Law.’ There was always a close and intimate connection between the idea of Social Contract and the idea of Natural Law; and the connection is particularly evident in the theory of Locke.

When it passed from the Middle Ages into the thought of the sixteenth century (and of the first half of the seventeenth), the theory of the Social Contract continued to show a large clerical tinge. In an age of religious struggles it became the theory of minority confessions, serving to justify their resistance against any government which sought to impose the religion of the majority. In this way it could equally serve the cause of minority Calvinism or the cause of minority Romanism, and indeed it was equally adopted by both. Sir Robert Filmer noted, in a pithy apophthegm, that ‘Cardinal Bellarmine and Calvin both look asquint this way.’ Either side, it is true, professed to be primarily and essentially a believer in the divine ordainment of the powers that be; and either side sought to attribute to the other, and to disclaim for itself, the audacious radicalism of championing resistance and buttressing it by a doctrine of contract. But both sides, in the last resort, and when it came to the pinch of oppression, were equally contractarian. On the Calvinist side there is Languet, defending the cause of the French Huguenots in the Vindiciae contra Tyrannos of 1581 (a work translated and printed in English in the significant year 1648, and afterwards reprinted
in the no less significant year 1689); and there is also the German Althusius, expounding the genius of Dutch Calvinism—and, with it, a theory of contract—in his *Politica methodice digesta* of 1605. On the Catholic side there is the Jesuit Suarez, developing a subtle and scholarly theory of contract in his *Tractatus de Legibus* of 1611; there is the Jesuit Mariana, a more radical contractarian (who was ready to allow to the individual the right of tyrannicide), in his *De Rege et Regis Institutione* of 1599; and still more radical, and even more ready to allow the right of tyrannicide, there are the French Catholic theorists of the League which opposed the right of succession of the Protestant Henry of Navarre. In the age of the Wars of Religion and down to the Peace of Westphalia in 1648, the Social Contract was a weapon of religion—religion, it is true, which was mixed and confused with politics, but which was essentially struggling, in the midst of all the confusion, to vindicate the cardinal rights of religious liberty.

A new age ensued in the century which lies between the publication of Hobbes's *Leviathan* in 1651 and the publication of Rousseau's *Du Contrat Social* in 1762. This is the great age of the doctrine of the Social Contract; the age of a purer and less turbulent philosophy of political principles, expressed by thinkers of the order of Hobbes, Spinoza, Locke, and Rousseau; the age in which the general background of Natural Law (which always stands behind the doctrine of the Social Contract) is firmly constructed and systematically illuminated by the thinkers of the great School of Natural Law, which runs from Grotius and Pufendorf to Fichte and Kant. Here, and before we turn to the specific theories of the Social Contract advanced by Locke and Rousseau, we may pause to consider the general nature and the general implications of the doctrine. Hitherto we have been concerned with the genesis of the idea. We must now consider it analytically, resolving it

4. The writer would refer to his translation of Gierke's *Natural Law and the Theory of Society*, and to pp. xli–I of the translator's introduction. Space here forbids any attempt to give an account of the School of Natural Law; but the proper understanding of Locke and Rousseau demands a knowledge of the theory of that School.
INTRODUCTION

into its elements, and noticing, as we do so, that the elements are mixed.

In effect, the idea of the Social Contract is composed of two ideas, which, if they are closely connected, must also be distinguished. There is the idea of the contract of government, the *pacte de gouvernement*, the *Herrschaftsvertrag*. There is the idea of the contract of society, the *pacte d'association*, the *Gesellschaftsvertrag*. The theory of a contract of government is a theory that the State, *in the sense of the government*, is based on a contract between ruler and subjects. It is possible to stop at this point, as many thinkers did; but if we continue to reflect, we shall begin to see that though we have come to a stopping-point we have not yet reached the stopping-place. The theory of a contract of government really postulates, as a prior condition, the theory of a contract of society. There must already be something in the nature of an organized community — in other words, a potential body of subjects, already cohering in virtue of a common social will, as well as a potential ruler, ready to assume the burden of government in agreement with that will — before there can be any contract between ruler and subjects. We must therefore hold, if we are thinking in terms of contract, that besides the contract of government, and prior to the contract of government, there is also a contract of society, a social contract proper (in the strict sense of the word 'social'); and we must conclude that the State, *in the sense of a political community, and as an organized society*, is based on a social contract — or rather on myriads of such contracts — between each and every member of that community or society. We shall therefore say that the contract of government creates *potestas*, but only *potestas*; we shall say that the contract of society creates *societas* itself; and we shall recognize that *societas* is greater than *potestas*, or at any rate prior to *potestas*.

It is on the contract of government that the medieval schoolmen, and most of the Catholic and Calvinist theorists of the latter half of the sixteenth and the early years of the seventeenth century (not all — Althusius and Suarez both went
deeper, and they both recognized that the idea of contract was double), laid an exclusive emphasis. It is on the contract of society that Locke and Rousseau, like Hobbes, laid all their emphasis; and we may even say that none of the three (though there are peculiarities in the theory of Hobbes which may qualify the statement) was concerned with the contract of government. Indeed it is obvious that while we can hardly believe in a contract of government without believing, at any rate implicitly, in a contract of society, it is possible to believe in the second without believing in the first. The community once formed by a contract of society may be self-governing, without any distinction of rulers and subject, and therefore without any possibility of their making a contract with one another. This was the theory of Rousseau. Again the community, once it is formed, may appoint a 'fiduciary' or trustee government with which it makes no contract, but which it may dismiss for breach of trust on its own interpretation of the nature of the trust. This was the theory of Locke. Finally the community, once it is formed, may empty itself of every right and every power into a sovereign Leviathan, which makes no contract with it and is therefore subject to none of the limits of a contract of government. This, we may say, was the theory of Hobbes.5

Some few words may be added, in conclusion of this section of the argument, about the present bearing and contemporary value of the idea of contract. (1) Society is not constituted, and never was constituted, on any basis of contract. Society is an all-purposes association — 'in all science . . . in all art . . . in every virtue and in all perfection' — which transcends

5. On the other hand we have to notice (1) that in the theory of Hobbes every subject covenants with every other, in one and the same act, to form a society and to obey a government, and a subject will therefore break a sort of contract of government (not with the ruler, but with other subjects) if he refuses to obey; (2) that in the theory of Hobbes, as it eventually develops, the ruler is bound to give protection to the lives of his subjects, and if he fails to do so they may rebel — so that after all there is an implicit contract between ruler and subjects, which the ruler himself may break. (These are the peculiarities in the theory of Hobbes which qualify the statement that he was not concerned with the idea of a contract of government.)
the notion of law, and has grown and exists of itself. In the strict sense of the word ‘social,’ there is not, and never has been, a social contract. (2) On the other hand, the State, as distinct from society, may fairly be conceived in terms of contract; and we may regard it as constituted on the basis of contract — though seldom (except after revolutions, or, again, in the case of federations) created by an act of contract. The State, as such, is a legal association, constituted by the action of its members in making a constitution (such action sometimes, as in Great Britain, being along a line of time, rather than at a point of time) and therein and thereby contracting themselves into a body politic. The constitution of a State is the articles of a contract which constitutes the State. From this point of view we may speak, if not of a social, at any rate of a ‘political contract,’ expressed in the articles of the constitution, whether those articles have been gradually formed or have been precipitated in a single act. But (3) there is no need in our time to invoke or apply the idea of a ‘governmental contract,’ by which one part of the State, called the ruler or rulers, has convenanted with another, called the subjects. The one political contract — which unites us all (rulers and subjects alike) in terms of the constitution, and under the constitution, according to our respective capacities as defined in the constitution — this one contract is enough, and it is the only contract. In days when government was still held to be \textit{sui generis}, and to stand over against subjects as something of a separate order, it was natural to think that there was, or should be, a contract between them which fixed their mutual limits. Today the government is not \textit{sui generis}; it is just a part of the legal association, as the body of general citizens is equally a part; and its rights and duties are fixed, like those of the citizens generally, under and by the one and only contract of the constitution.\footnote{The ideas here summarily stated may (it is hoped) be developed and explained by the writer in a work on \textit{Political Terms and Values} based on his Cambridge lectures.}
INTRODUCTION

II

Somerset is one of the old and essential English counties; and the clothing industry of Somerset is an old and honourable industry. It was in Somerset, and from a family engaged in the cloth trade, that John Locke was born, three hundred years ago to-day. He began his life about the time when John Hampden was contesting the legitimacy of ship-money; he ended it in the year in which John Churchill was winning the battle of Blenheim, when the Bill of Rights and the Act of Settlement had been securely written in our Statute-book. It was the good but well-deserved fortune of this modest Englishman, one of the incarnations of the judgematical good sense of his country, to become the accredited prophet of a not ignoble cause — the cause of Civil and Religious Liberty, to which many a good glass of port was drunk in the course of the eighteenth century. It was a cause which Milton and Sidney had preached before him; but the perspicacity of his thought, and the appeal of a style which was all the more convincing because it was unpretending and unadorned, combined with the circumstances of his life and the conjuncture of the times to give him finally the national ear. For fifteen years he lived in close association with Shaftesbury, the fiery founder of the Whig Party; for another five, which were spent in voluntary exile, he lived in Holland, among the liberal or 'Remonstrant' Dutch Calvinists, and in the company of Huguenot refugees who had fled there from France in 1685. When William of Orange landed in England, in November, 1688, Locke soon followed; and in the course of 1690 there appeared from his pen three works which have become a part of the English heritage. One was a Letter on Toleration, which had, indeed, appeared in Latin a year before from a Dutch printing press; another was the Two Treatises on Government; a third was the Essay on the Human Understanding. Add to these two other works, which appeared during the next few years — one on Education, and another on the Reasonableness of Christianity — and the bequest of Locke to English thought has been enumerated. It was a rich and various bequest. It touched religion, both in its practice and in its principles; it touched, and

7. The first two paragraphs of this section are reprinted from an article contributed by the writer to The Times on 29 August 1932 — the tercentenary of Locke's birth. The reader is also referred to an article on John Locke in The Times Literary Supplement of 25 August 1932.
perhaps it touched most particularly, politics; it touched the theory of knowledge and the principles of metaphysics; it touched, and it affected for long years to come, the methods of instruction of the young.

It was the political theory of Locke which affected the nation at large most deeply. Nor did it only affect England. It penetrated into France, and passed through Rousseau into the French Revolution; it penetrated into the North American Colonies, and passed through Samuel Adams and Thomas Jefferson into the American Declaration of Independence. We are generally prone to think of Locke as the exponent of the Social Contract. It would be more just to think of him as the exponent of the sovereignty of Natural Law. He put into plain English, and he dressed in an English dress of sober grey cloth, doctrines which ultimately go back to the Porch and the Stoic teachers of antiquity. There is, he taught, a Natural Law rooted and grounded in the reasonable nature of man; there are Natural Rights, existing in virtue of such law, among which the right of property, in things with which men have mixed their labour, is cardinal; and finally there is a natural system of government, under which all political power is a trust for the benefit of the people (to ensure their living by natural law, and in the enjoyment of natural rights), and the people themselves are at once the creators and the beneficiaries of that trust. These may sound abstract doctrines; but abstract doctrines can form a creed, and a political creed can fire and inspire a political party. The doctrines of Locke became the creed of a great party, and of a succession of great statesmen (for the Whigs, with all their defects, deserve that appellation) who between 1688 and 1832 worked out a system of Parliamentary Government that may justly be called the great contribution of England to Europe, and, beyond Europe, to other continents.

The beginning of the reflections on government which eventually appeared in the Two Treatises of 1690 may be dated as early as 1667, when Locke, who was a physician as well as a philosopher, and a physician before he became a philosopher, was first associated through his profession with the Earl of Shaftesbury. It was in this way that he acquired some practical experience of politics and a sense of political realities. He served under his patron as secretary of the
INTRODUCTION

Board or Council of Trade (1673–5), and was thus immersed in problems of colonial administration; and he drafted a constitution for Carolina (of which Shaftesbury was one of the ‘lords proprietors’) which combined the fine principle of toleration with an express acquiescence in Negro slavery. But the period of the definite germination of the *Two Treatises* may be said to begin about 1679. Locke was still associated with Shaftesbury, and lived occasionally with him at Thanet House, in Aldersgate, where he had made his headquarters in order to keep in touch with his Whig friends in the City of London. But it was a troubled time — the time of the agitation for the Exclusion Bill, of Petitioners and Abhorrers, and of generally inflamed tempers — and Shaftesbury had become ‘a daring pilot in extremity.’ Locke thought it wise to spend most of his time in Oxford, where he had long been a senior student of Christ Church. (He had been educated at Westminster, destined to become the great Whig school, and he had followed the natural course — still followed by Westminster scholars today — which led from Westminster to Christ Church.) The Oxford of those days, like England generally, was much agitated by political problems which ran up into high questions of theory; and indeed the University, in July 1633, solemnly burned in the Bodleian quadrangle a number of books on political theory. It was at this time that Locke may have studied Hooker’s *Ecclesiastical Polity* and thus begun to follow the line of thought which runs back to St. Thomas Aquinas, and beyond him to Aristotle.

But two books had recently appeared in 1680 which would whet reflections on politics. One was a reprint of Philip Hunton’s *Treatise of Monarchy*, which had originally appeared in 1643. Some scholars have thought that Locke’s opinions were largely formed by this *Treatise*; and in any case Hunton (a member of Wadham College) had been considered by Sir Robert Filmer as worthy of being bracketed for attack with Hobbes and Milton and Grotius in his *Observations concerning the Original of Government*, first published in 1652. The other book which appeared in 1680 was a posthumous work of Filmer himself — the famous *Patriarcha*, to which Locke
afterwards devoted the first of the *Two Treatises of Government* which were germinating during this period of his life.8

At this point, in 1684, Locke was deprived of his senior studentship by the Dean of Christ Church, Dr. Fell, acting under pressure from Lord Sunderland, one of Charles II's Secretaries of State. He retired to Holland, the home of toleration and the free printing press; and there, as has already been noticed, he forgathered with the more liberal of the Dutch Calvinists and with the Huguenots who flocked into the country after the Revocation of the Edict of Nantes. In this company he could steep his mind again in the great traditions of Puritanism — natural law; individual rights; the State limited by fundamentals; toleration for the conscience of man. He had been bred in Puritanism (a strong force in the county of Somerset); and while he was living in Holland (1684–9) *antiquam exquisivit matrem*. When he wrote the *Two Treatises*, finished the long-meditated *Essay on the Human Understanding*, and composed the first *Letter on Toleration* (to which others were subsequently added) — all during his period of residence in Holland —

he had in him the great Puritan sense of the supreme importance of the individual soul; the Puritan feeling for the soul's right to determine its own relations to God, and to enjoy, at the least, toleration from the State and from all authority in so doing; the Puritan instinct for setting bounds to the State — 'thus far, and no farther'; the Puritan echo of the plea of Antigone when she cites the higher law, which is the law of Nature and God, against the edicts of Creon. True, these nobler elements were mixed in Locke, as they were mixed in the nonconformity of the English middle class, with ignobler things. The sacred right of property was somehow included among the sanctities; and an individualism based on religion was made to trail clouds of ingloriousness. That is the penalty of

8. Quoted from the article in *The Times Literary Supplement* mentioned above. It may be added here that the First Treatise, 'in which the false principles and foundation of Sir Robert Filmer and his followers are detected and overthrown,' is not reprinted in this volume. The reader will find only the Second Treatise, entitled 'an Essay concerning the true original, extent and end of Civil Government.'
making the solitary individual the pivot of all your thought. It was a penalty paid not only in England, but also in America. The Declaration of Independence, with its initial appeal to 'the Laws of Nature and of Nature's God,' shows one side of Locke, who lived in American thought in 1776 even more than he lived in England. The deep sense of property evident in American thought, including even property in the person of others, showed another. The two sides had already been conjoined in Locke's draft of a constitution, for Carolina. The figure of the Individual — seated on his desert pillar — this, in brief, is the symbol with which we are left, alike by the Essay and the Two Treatises. In the Essay, as Professor Alexander has said, 'knowledge, as Locke conceives it, is part of the life-history of an individual.' In the Treatises, as he has also said, 'the body politic is an aggregate of consenting individuals.' Thought, in its march, has now left behind the Individual on his desert pillar. But it is perhaps not amiss to look back. There is no peril of our being turned into a pillar of salt if we do so, and we need not fear. On the contrary we may even hope. In these crowded and gregarious days of community we may recover by such retrospect something of the salt savour of life — some sense that individual personality is after all the unique intrinsic value we know upon this earth. It may be that there is too much salt in Locke's philosophy. If it be so, the centuries have added their qualifications and antidotes.®

In bui'ling his political philosophy Locke starts, like Hobbes, from the conception of a state of nature, in which men are living as equal and separate units. But whereas in Hobbes each unit claims a natural right (which is more properly a natural power or potentia) to do as he likes irrespective of others, in Locke each unit recognizes limitations on his own will, especially the two limitations of a right of property, vested in his fellow-units, and of a right of punishment of transgressors of natural law, vested in each and all (§ 7). There is a right of property, because each man has property in his person, and therefore in his labor, and therefore in the things with which he has inextricably mixed his labor (§ 27). Thus Locke placates the propertied classes among the Whigs, arguing for a

9. Quoted from the same article.
natural and inherent right of property, not created by the recognition and guarantee of a community, but existing before the community; whereas Hobbes — really more radical (and similar, in this respect, to Rousseau) — holds that property, like all other rights of the subject, is the creation of government, and subject, as such, to the control of its creator. Again there is also a right of punishment — indeed there is a double right: 'there are two distinct rights, the one of punishing the crime, for restraint and preventing the like offence, which . . . is in everybody, the other of taking reparation, which belongs only to the injured party' (§ 11). Such a right of punishment is the necessary corollary of the right of property; but the difficulty of such a pre-political condition as Locke describes is that it is really political. Locke's state of nature, with its régime of recognized rights, is already a political society.

He seeks to meet this difficulty, and to distinguish the state of nature from a state of organized society, by noting the imperfections present in a state of nature. When men are judges in their own case, as in such a state they are, three imperfections ensue — partial judgments; inadequate force for the execution of judgments; and variety in the judgments passed by different men in similar cases. There are therefore three things needed to remedy these imperfections — a judicature to administer law impartially; an executive to enforce the decisions of the judicature; and a legislature to lay down a uniform rule of judgment (§§ 124-6). In order to secure these remedies, men 'give up every one his single power of punishing [not, as Hobbes argued, all their powers, and certainly not their power over property] to be exercised by such alone as shall be appointed to it amongst them [that is to say, an executive], and by such rules as the community, or those authorized by them to that purpose, shall agree on [in other words, a legislature, composed either of the people itself or of its representatives]' (§ 127). But while Hobbes had conceived of the contract of surrender, by which a society is formed, as one with the institution of government, Locke distinguishes two separate acts. By the first, men having 'consented to make one
community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest' (§ 95). By the second, 'the majority' resolve 'upon the placing of the supreme power, which is the legislative' (§ 132); and here we may note Locke's exaltation — somewhat qualified, as will presently appear, in his later argument — of the supremacy of the legislative power. But from the first he regards the legislative, even if it be the supreme power, as 'limited to the public good of the society' (§ 132). It is 'only a fiduciary power to act for certain ends,' and 'there remains still in the people a supreme power [another and higher 'supreme power'] to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them' (§ 149).

Here, in the conception of trust, Locke is drawing on the English law of equity, as he had previously drawn (and generally draws) on the different and yet cognate idea of a general Law of Nature. But before we pursue the idea of trust, there is something to be said about Locke's general conception of the powers of government — not only the legislative, but also the other powers. We have seen that his account of the imperfections of the state of nature suggests three remedies for those imperfections, and that these three remedies would appear to be an executive, a judicial, and a legislative power. Actually, however, he proceeds to argue in terms of two powers rather than three. These two are (1) the legislative, and (2) the executive, which would seem to include the judicial and to be mainly concerned with the internal problem of dispensing justice under the laws promulgated by the legislative. He notes of the former that 'there is no need that the legislative should be always in being,' and of the latter that 'it is necessary there should be a power always in being which should see to the execution of the laws'; and he concludes that on this ground — the discontinuity of the one, and the continuity of the other — 'the legislative and the executive power come

10. Locke's enunciation of the majority principle and his defense of that principle in §§ 96-9 is a notable, if imperfect, study of a fundamental problem.
INTRODUCTION

often to be separated’ (§§ 143–4). But Locke has a third power still to produce (so that, in the event, he speaks after all in terms of three powers); and he calls this power by the name of the ‘federative’ — in other words the power that makes foederarum, or treaties, and is thus concerned with external relations. We must not, however, lay too much stress on this new distinction which produces a ‘federative’ power in addition to the executive. These two powers, ‘though . . . really distinct in themselves . . . are hardly to be separated,’ and ‘are almost always united.’ We may thus come to two conclusions about Locke’s conception of the powers of governments. The first is that though, like Montesquieu, he speaks of three powers, his three powers (the legislative, executive, and ‘federative’) are different from the three powers distinguished by Montesquieu; and it was Montesquieu who first established the executive, legislative, and judicial powers as the current classification. The second is that though Locke incidentally speaks of the legislative and the executive as ‘coming often to be separated,’ he does not emphasize their separation (and still less that of the judicial power); and he generally seems to regard sovereignty — so far as he has any theory of sovereignty (a problem still to be discussed) — as something unitary.

We may now return to the conception of trust, and to its bearing on Locke’s general theory of contract. Early in 1689 — the year before the publication of the Two Treatises — even the House of Lords, as a part of the Convention Parliament, had agreed by 55 votes to 46 that there was an original contract between the king and the people; and the practical consequences drawn from that premise had been (1) the parliamentary deposition (euphemistically termed ‘abdication’) of the king, (2) a vacancy of the throne, and (3) the parliamentary institution of a new king — or, more exactly, of a new king and queen (William and Mary) reigning conjointly. Locke accepted and justified the consequences; but he did not accept the premise. He did not, like Parliament, think in terms

11. This would appear to be as far as Locke goes in the direction of any doctrine of ‘separation of powers.’
INTRODUCTION

of a contract of government: he thought in terms of a contract of society, followed by the creation of a fiduciary sovereign under and by a trust-deed. It may be argued that the notion of trust implies a contract; and it may be urged in support of the argument that trust is the *mandatum* of Roman law, and that *mandatum*, in Roman law, is a form of consensual contract. If this argument were accepted, there would be two contracts in Locke — a formal contract of society and a later consensual contract of government. But this is not really Locke's view; nor is it a view which can be properly drawn from the English conception of trust, which may be like, but is not the same as, the Roman conception of *mandatum*. Trust implies three parties — the creator of the trust, or trustor; the trustee; and the beneficiary of the trust. *Vis-à-vis* the trustor, a trustee may be said to enter into a contract that he will undertake an obligation towards a third party; but *vis-à-vis* that third party (the beneficiary of the trust) the trustee does not enter into a contract — he simply accepts an obligation, and accepts it unilaterally. If we now apply the conception of trust to politics and political theory, we must notice that here there are only two parties — the community, which is both trustor and beneficiary of the trust; and the government, which is trustee. As trustor, the community may be said to enter into a contract with the trustee — that is to say, with the government; as beneficiary — and Locke regards it principally as beneficiary — it enters into no contract. From this point of view, the government makes no contract with the community for which it is trustee; it accepts an obligation, and it accepts it unilaterally, knowing the bounds set by the trust and by the law of God and Nature which stands behind the trust (§ 142).

Political trusteeship accordingly means a burden of obligation; its most prominent aspect is liability for abuse, or even neglect, of the powers held in trust — a liability which extends to removal for action contrary to the trust (§ 149). The trust-conception of government — not only adopted in Locke's theory, but also accepted in parliamentary practice afterwards ('in the course of the eighteenth century it became
a parliamentary commonplace that all political power is a trust') \(^ {12} \) — is thus more unfavorable to government than the conception of an original contract between government and the people. Contract implies an agreement between two independent parties, each of which has rights of its own, and each of which surrenders some of those rights for a consideration received. The trustee, in regard to the beneficiary, is not such an independent party. There is no mutual surrender of rights for mutual receipt of consideration. The trustee has duties and not rights as against the beneficiary; the beneficiary has rights and not duties as regards the trustee. We may thus conclude that Locke dismisses the notion of a contract of government because it is too favorable to government, which would thereby be recognized as an independent party confronting the community — whereas, in his view, it only exists in, through, and for the community. Hobbes, on the other hand, though he too dismisses the notion of a contract of government, does so for an opposite reason: because it is too favorable to the community, which would thereby be recognized as an independent party confronting Leviathan, whereas, in his view, it only exists in and through Leviathan. (Even Hobbes, however, could hardly say that the community existed for Leviathan — on the contrary he said, or implied, the opposite — and here his argument begins to swirl among rapids.) \(^ {13} \)

Three other elements in the theory of Locke may be noted in conclusion of the argument.

1. He believes that the people become a corporate body through their own association, and of themselves: 'when any number of men have so consented to make one community or government, they are thereby presently incorporated,' and can thenceforth act by the majority principle (§ 95). Hobbes, on the contrary, holds that a corporate body can only be formed in the person of the sovereign, who, by receiving into

\(^ {12} \) Maitland, Introduction to Gierke's *Political Theories of the Middle Age*, p. xxxvi. The reader is referred to the general argument of pp. xxviii–xxxvii of Maitland's Introduction, and to the essay on 'Trust and Corporation' in the volume of his *Selected Essays*.

\(^ {13} \) See above, p. xiii, note 5.
his person all the persons (that is to say the rights, or rather the powers) of his subjects, first makes them one person or body politic in himself. Locke regards the incorporation of a society as something internal, and as consisting in the voluntary coherence of its members; Hobbes regards it as something external, and as consisting in the cohesive force applied by the head to the members. For Hobbes, there can be no corporation apart from the head; for Locke, there can be a corporate society even without a trustee. There is some warrant in the statute book after 1689 for Locke's view. 'The Public,' apart from the king and without the king, is treated in law as a corporate body responsible for the national debt. The king, as Charles II had shown at the time of the Stop of the Exchequer (1672), was not a punctual debtor; and though he might be trustee for the community, the community itself commended itself most as a responsible body to anxious creditors. The community, under the style of 'the Public,' accordingly becomes enough of a corporation to borrow from its members and pay them their interest; it even enters into financial transactions with the East India Company.  

2. On the other hand, Locke has no clear view of the nature or residence of sovereignty. He speaks at one time of the supreme power of the people, or in other words the community; he speaks at another of the supreme power of the legislative — which may, it is true, be the community, but may also be a body of representatives appointed by the community; and in still another context he remarks that 'where . . . the executive is vested in a single person who has also a share in the legislative, then that single person, in a very tolerable sense, may also be called the supreme power' (§ 151). 'Under which king, Bezonian,' one is tempted to ask — community; legislative; or single person? Locke has no certain answer. His thought turns less on sovereignty than on the rights of the individual and the limits set by those rights to the sovereign, whoever he may be. Behind these rights, as their
stay and pillar, stands the majesty of Natural Law; and we may almost say that the ultimate control, or final sovereign, is neither the legislative nor even the community behind the legislative, but a system of Natural Law upholding natural rights. When the community acts, in the last resort, in some rare and great event of oppression, as master of its own fate, it acts in the name, and on behalf, of this final majesty.

3. There is, however, an anticipation in Locke’s *Second Treatise* of Rousseau’s idea of the permanent and permanently acting sovereignty of the community. In one passage, already quoted, he speaks of the rules of law agreed on *either* by the community *or* by those authorized by them to that purpose (§127); and in another and more explicit passage he suggests that ‘the majority having . . . the whole power of the community naturally in them, may employ all that power in making laws for the community . . . and executing those laws by officers of their own appointing; and then the form of the government is a perfect democracy’ (§132). But though he attains the idea of the permanent and permanently acting sovereignty of the community, Locke does not press the idea. He stands on the whole for the Whig grandees, entrenched in the House of Lords and influencing the House of Commons. He leaves the supreme power in the hands of the king in parliament (but it is to be a reformed parliament, and in §§157–8 he has a notable passage on the crying need of parliamentary reform); and he conceives the ultimate power of the community (or shall we say ‘penultimate,’ remembering that Natural Law is the last and farthest ultimate?) as only emerging when the legislative has to be removed or altered for acting contrary to the trust (§149) — when government is dissolved, and the people are at liberty to provide for themselves (§220) — when supreme power ‘upon the forfeiture of their rulers . . . reverts to the society, and the people have a right to act as supreme’ (§243). It is ‘rarely, rarely’ that the will of the community acts — only on those rare occasions when government is dissolved and revolution requires its remedy. Bosanquet has justly argued in his *Philosophical*
Theory of the State, \(^{15}\) that though Locke attains the conception of the sovereignty of a general will, the will is general, but not actual. Similarly — but also conversely — though Hobbes attains the conception for a moment (in his version of the original contract of society), he throws it overboard as soon as it is attained, and plumps for a will — the will of Leviathan — which is actual, but not general. Rousseau may be said to attempt a reconciliation, by arguing for a general will which is as actual as the will of Leviathan is for Hobbes, and as general as the will of the community is for Locke. But did he succeed in his attempt?

III

Rousseau was not a philosopher — at any rate in the sense in which Hobbes, Locke, and Hume were philosophers. He was rather a littérateur of genius and an acute sensibility, who drew ideas from the surrounding air by the magnet of his intuition, and proceeded to make himself their incomparable exponent. Nor had he acquired, as Locke had acquired through his association with Shaftesbury, any practical experience of political affairs, except what he drew from his observation of the affairs of Geneva. He was an à priori theorist; and belonging to the age of the Encyclopédie he could theorize readily in many fields. He adorned and illuminated (or dazzled) the field of political theory with a large number of writings. The greatest was the *Du Contrat Social* of 1762; but it had been preceded by the *Discours sur l’Égalité* of 1755, by the ‘Économie politique’ (an article in the *Encyclopédie*) of the same year, and by two brief treatises of the year 1756 which analyze and criticize the international schemes of the Abbé de Saint-Pierre; and as it had had three predecessors, so it was followed by three successors — the last four of the *Lettres Écrites de la Montagne* (dealing partly with criticisms of the *Contrat Social*, but mainly with the constitutional problems raised by the action of the Genevan Government against himself and his writings), which appeared in 1764, the *Projet de Constitution pour la*
INTRODUCTION

Corse of 1765, and the Considérations sur le Gouvernement de Pologne published posthumously in 1782 but written some ten years earlier.16

In the volume of his writings, and still more in the appeal of his style, Rousseau transcended Locke. Writing in French, the universal language of the eighteenth century, he appealed, as Locke never did, to a European public. In independence of thought, in power of philosophic reflection, and in maturity of judgment, he was inferior to Locke. He drew, in the main, on the current theory of the School of Natural Law, as it had been expounded in the seventeenth century by Grotius and Pufendorf, and as it was being expounded, in his own time, by two Swiss writers — Jacques Jean Burlamaqui (sometime member of the Council of State at Geneva) who published in 1747 his Principes du Droit Naturel and whose Principes du Droit Politique was published posthumously in 1751, and Emmerich de Vattel, of Neuchâtel, who published in 1758 his Le Droit des gens, ou Principes de la Loi Naturelle. It is in terms of the current theory of the School of Natural Law that Rousseau should properly be interpreted. It is true that at points — and those of the first importance — he departed from that theory. But it is also true that he was, in the main, its literary exponent; and it is also true that his very language and terminology are those of the School of Natural Law. When he writes, for instance, of the contract of society as producing un corps moral et collectif, he is reproducing the corpus morale collectivum of the Latin original from the authors of the School of Natural Law who wrote in Latin.17

The authors of the School of Natural Law had made their subject include three several branches of theory — a theory of society; a theory of the State; and a theory of the relations of States, or, in other words, a theory of international law and relations. Generally, it was the last of these branches of theory

16. The Political Writings of Jean-Jacques Rousseau, by C. E. Vaughan (Cambridge University Press, 1915), is a full edition of all the works mentioned, with introductions and notes.
17. See the writer's translation of Gierke's Natural Law and the Theory of Society, p. 324, n. 197, and also the Introduction, pp. xliii–vi.
which principally engaged their attention. But Vattel, if he devoted three of the four books of his treatise to 'the nation considered in its relation to others,' devoted the first of the four to 'the nation considered in itself,' by which he meant a theory of the State and of society generally. Rousseau would appear to have intended to follow the same design. The four books which now form the Du Contrat Social were intended, like Vattel's first book, to contain an account of 'the nation considered in itself'; but they were to be followed, as we learn from a concluding sentence, by an account of 'the nation considered in its relation to others,' or, in other words, by a theory of le droit des gens. 'After laying down the true principles of droit politique,' Rousseau wrote, 'and attempting to establish the State on its basis, it will remain for us to consolidate it by its external relations, and that will comprise le droit des gens.' But he found the theme too vast; and his treatise Du Contrat Social is a propylaeum which leads into nothing further.18

We may thus attach Rousseau to the School of Natural Law; but we must also dissociate him from it. It is a significant thing that the first draft of the Contrat Social contained a long chapter, originally entitled 'Du droit naturel et de la Société générale,' which was meant to refute the idea of natural law. It is also a significant thing, and suggestive of an oscillating mind, that the whole of this chapter is omitted in the final draft and the printed version. Where did Rousseau actually stand in regard to the idea of natural law? He hardly knew. On the one hand he needed it — for how could there be a legal thing like a contract of society unless there were a natural law in terms and under the sanction of which a contract could be made? — and he also found it in his authorities. On the other hand he disliked it; and he felt in his bones that the nation

18. In his Confessions Rousseau speaks of having conceived the design of a general work on Institutions politiques (external as well as internal?) as early as 1744, when he was a secretary to the French Ambassador in Venice, and of having detached the Contrat Social from what he had written of this work and 'resolved to burn all the rest.' See C. E. Vaughan's edition, vol. ii, pp. 1-2, and vol. i, p. 438, n. 1.
made law, and not law the nation. How can we solve the an­
tinomy?

The truth is that Rousseau was a romantic caught in the

toils of a classical conception (if the idea of natural law may be
called classical), in which he had dressed himself but in which
he did not believe. He is two things in one, and he may be
said both to belong and not to belong to the School of Natural
Law.

On the one hand he has the individualism of that school, and he
has also its universalism. He believes in the free individual, who is
everywhere born free; he believes in a universal system of *droit poli-
tique*, which rests on a ubiquitous basis of individual liberty. If he
had followed this line of belief to its ultimate conclusion, he would
have been a votary of the natural rights of man and an apostle of
undiluted liberalism. But there is another side to his teaching — a
side which is at once very different, and, in its ultimate influence,
far more important. The final sovereign of Rousseau is not an in-
dividual or a body of individuals. The final norm of social life is
not a body of Natural Law, issuing in a system of natural rights,
which proceeds from the reason of the individual, and is everywhere
the same because that reason is everywhere identical. The sovereign
of which he speaks is a ‘moral person,’ and the final norm is the
‘general will’ of that person. Now it is true that *persona moralis* was
a term of art in the School of Natural Law, by which it was used
to signify the nature of a corporate body as a ‘person’ which was
something other than a physical person; and it is also true that the
idea of the will of *omnes ut universi*, as distinct from the will of
*omnes ut singuli*, was an idea also current in that school.19 But it is
equally true that the ‘moral person’ and ‘general will’ of Rousseau
are ideas which transcend the limits of natural-law thought. Rous-
seau was a romantic before Romanticism; and he prepared the way
for the new style of German thought which was to divinize the
Folk-person and to historicize law as the expression in time of the
general will or consciousness of right which proceeds from that
person. Hegelianism and the Historical School of Law can find
their nutriment in him, as he himself found his nutriment in the

19. Here again, in the distinction of *volonté de tous* and *volonté générale*, as well
as in the use of the term *corps moral et collectif*, Rousseau reproduces in French
what had been said in Latin before him.
School of Natural Law; and while the springs of the past flow into his teaching, the springs of the future also issue from it.20

This was the general setting, and the general influence, of the *Contrat Social*. A book so Janus-like can easily be interpreted in opposite senses. For a long time, and by most thinkers (as well as by the general public), it was interpreted as a paean on individualism. Its first sentence was a sufficient cue: ‘man was born free, and everywhere he is in chains.’ (But read only a few pages farther, and you will find, at the end of the first paragraph of the eighth chapter, that ‘man ought to bless without ceasing the happy moment’ — the moment of the social contract — which snatched him forever from the state of nature in which he was born, and ‘turned a stupid and limited animal into an intelligent being and a man.’ The pendulum swings rapidly.) But there were other excuses than a cursory reading of the opening words of the *Contrat Social* to justify this line of interpretation. Though the argument of the *Contrat Social*, if studied more closely, shows a rapid transition from an initial individualism towards collectivism, the earlier discourse on the *Origin and Foundations of Inequality*, which was written for, but failed to win, a prize offered by the Academy of Dijon, was more of a single piece, more purely a gospel of return to nature, and more of a paean on individualism. But it is not what Rousseau wrote before the *Contrat Social* — it is rather what followed after, in the days of the French Revolution — which explains the individualistic and emotional explanation of the philosophy of the *Contrat Social*, as a gospel of return to nature and the natural rights of man. It was easy to interpret the revolutionary *Déclaration des Droits de l’Homme et du Citoyen*, first drafted in 1789, as a doctrine suckled on the milk of Rousseau; and when that was once done, it was easy to take the converse step, and to interpret Rousseau in the light of the *Déclaration*, on the principle that he could best be known by the fruits supposed to be his. Actually, the influence of Rousseau’s teaching on the French Revolution was far less

20 Quoted from the writer’s introduction to his translation of Gierke’s *Natural Law and the Theory of Society*, p. xlv.
made law, and not law the nation. How can we solve the antinomy?

The truth is that Rousseau was a romantic caught in the toils of a classical conception (if the idea of natural law may be called classical), in which he had dressed himself but in which he did not believe. He is two things in one, and he may be said both to belong and not to belong to the School of Natural Law.

On the one hand he has the individualism of that school, and he has also its universalism. He believes in the free individual, who is everywhere born free; he believes in a universal system of droit politique, which rests on a ubiquitous basis of individual liberty. If he had followed this line of belief to its ultimate conclusion, he would have been a votary of the natural rights of man and an apostle of undiluted liberalism. But there is another side to his teaching — a side which is at once very different, and, in its ultimate influence, far more important. The final sovereign of Rousseau is not an individual or a body of individuals. The final norm of social life is not a body of Natural Law, issuing in a system of natural rights, which proceeds from the reason of the individual, and is everywhere the same because that reason is everywhere identical. The sovereign of which he speaks is a ‘moral person,’ and the final norm is the ‘general will’ of that person. Now it is true that persona moralis was a term of art in the School of Natural Law, by which it was used to signify the nature of a corporate body as a ‘person’ which was something other than a physical person; and it is also true that the idea of the will of omnes ut universi, as distinct from the will of omnes ut singuli, was an idea also current in that school. But it is equally true that the ‘moral person’ and ‘general will’ of Rousseau are ideas which transcend the limits of natural-law thought. Rousseau was a romantic before Romanticism; and he prepared the way for the new style of German thought which was to divinize the Folk-person and to historicize law as the expression in time of the general will or consciousness of right which proceeds from that person. Hegelianism and the Historical School of Law can find their nutriment in him, as he himself found his nutriment in the

19. Here again, in the distinction of volonté de tous and volonté générale, as well as in the use of the term corps moral et collectif, Rousseau reproduces in French what had been said in Latin before him.
This was the general setting, and the general influence, of the *Contrat Social*. A book so Janus-like can easily be interpreted in opposite senses. For a long time, and by most thinkers (as well as by the general public), it was interpreted as a paean on individualism. Its first sentence was a sufficient cue: ‘man was born free, and everywhere he is in chains.’ (But read only a few pages farther, and you will find, at the end of the first paragraph of the eighth chapter, that ‘man ought to bless without ceasing the happy moment’ — the moment of the social contract — which snatched him forever from the state of nature in which he was born, and ‘turned a stupid and limited animal into an intelligent being and a man.’ The pendulum swings rapidly.) But there were other excuses than a cursory reading of the opening words of the *Contrat Social* to justify this line of interpretation. Though the argument of the *Contrat Social*, if studied more closely, shows a rapid transition from an initial individualism towards collectivism, the earlier discourse on the *Origin and Foundations of Inequality*, which was written for, but failed to win, a prize offered by the Academy of Dijon, was more of a single piece, more purely a gospel of return to nature, and more of a paean on individualism. But it is not what Rousseau wrote before the *Contrat Social* — it is rather what followed after, in the days of the French Revolution — which explains the individualistic and emotional explanation of the philosophy of the *Contrat Social*, as a gospel of return to nature and the natural rights of man. It was easy to interpret the revolutionary *Déclaration des Droits de l’Homme et du Citoyen*, first drafted in 1789, as a doctrine suckled on the milk of Rousseau; and when that was once done, it was easy to take the converse step, and to interpret Rousseau in the light of the *Declaration*, on the principle that he could best be known by the fruits supposed to be his. Actually, the influence of Rousseau’s teaching on the French Revolution was far less

20. Quoted from the writer’s introduction to his translation of Gierke’s *Natural Law and the Theory of Society*, p. xlv.
INTRODUCTION

than it has been supposed to be. Actually, too, his philosophy is far less a philosophy congenial to the France of 1789; and far more a philosophy congenial to the Germany of twenty and thirty years later (the Germany of Fichte and Hegel), than its individualist interpreters guessed. In effect, the philosophy of the Contrat Social is a 'philosophy of the bridge.' It marks the transition from natural law to an idealization of the national state. It may begin with Locke. But it ends by going back to the idealization of the Polis proclaimed in Plato's Republic (that, and not 'a return to nature,' is the real return of Rousseau), and in that act of going back to Plato it also goes forward into the future and becomes the praeparatio evangelii Hegeliani.

Three propositions may be advanced about the theory implicit in Rousseau's Contrat Social. In the first place, he regards the State as a progressive force which lifts man gradually upward from his primitive condition. Far from suggesting any return to a state of nature, he holds that the state of nature was unstable and became intolerable. The need of self-preservation dictated a contract, formed by the free will of all; and the society so created resulted in the establishment of justice and the attainment of a higher (because rational and self-conscious) morality. He believes in the miracle of the true State, rationally constructed and continuing to act by rational self-control — the miracle that turns a stupid and limited animal into an intelligent being. The State which he attacks — and he does attack the State — is only the perverted or despotic State, irrational because it is not the expression and organ of a free rational will.

The second proposition, which follows on the first, is that Rousseau is not a sentimentalist of nature, but the austere rationalist of political society. He objects to a patriarchal theory of the State, as he objects to a theory which bases it on force, because neither supplies a rational basis for political obligation. The only basis of the State which he will admit is the rational basis of a reasonable will. So far we may applaud his theory; but we may add that he would have escaped from
a mist of confusion, and avoided the inexplicable miracle of a sudden contractual emergence from a primitive and stupid condition into a civilized blaze of enlightenment, if he had stopped to draw a distinction between society and the State. The society of the nation is a given fact of historical evolution, not created by any contract of society, but simply there. The State based on that society may be, or may become at a given moment of time (as France sought to do in 1789), the result of a creative act performed by the members of the society, acting through some assembly or convention for the purpose of making a constitution under which, and in terms of which, they are resolved to live for the future as a legal association. In that case, and in that sense, a sort of contract may be said to underlie the State; but there is none which underlies the nation or the fact of national society.

The third proposition, which supplements and elucidates the second, is that Rousseau refuses to base the State on mere will, and insists that it must be based on a will of a particular quality — a general will directed to the attainment of the general good. When he speaks of this general will, or volonté générale, he uses the adjective to indicate the quality of the 'object' sought, and not the quantity of the 'subjects' or persons by whom it is sought. He rejects the mere will of all (omnes ut singuli); he argues for a will of a general intention (the will of omnes ut universi), which, far from being felt or expressed by all, may have to be expressed by a single man — the 'legislator' — who grasps its demand. The distinction here drawn between the will of all and the general will is, as we have already noticed, a distinction current among the writers of the School of Natural Law. But it receives a new edge in the theory of Rousseau; and it becomes in his hand a keen two-edged sword which seems to defend democracy (and primary democracy at that), but ends by arming Leviathan. Was not the Napoleon of the Code an admirable 'legislator'? We touch at this point on a cardinal difficulty in Rousseau's thought. He wants to use his two-edged sword in defense of

primary democracy, with no representatives, without any parties, and within the confines of the small State which primary democracy demands. He rejects representative government, or parliamentary democracy. But he only does so to find in the issue that he has rejected democracy itself. The unguided democracy of a primary assembly without any parties is a souverain fainéant. A ‘mayor of the palace’ must be provided; and we are left in the issue with Pepin of Heristal acting as ‘legislator’ for the souverain.

Rousseau belonged by origin to the city-state of Geneva, to whose ‘magnificent, most honoured, and sovereign seigneurs’ he dedicated his Discours sur l’Égalité. The free institutions and the civic life of Geneva affected his thought. We may almost say that they Hellenized his views into a belief in primary democracy, making him at once the votary of the contemporary Swiss canton and the apostle of the ancient civic republics of Athens and Sparta. We may also say, in another phrase, that they hypostatized his abstract idea of a sovereign general will, and turned it into a mundane matter of government by a primary assembly. There is much to be said in favor of the idea of the general will, taken in and by itself. The problem is the translation of the idea; its application in actual life; the discovery of the organ through which it acts. It is here that Rousseau sails into troubled waters; and it is here that we have to study the tacks and shifts of his thought.

We must begin our study with his version of the contract. He is like Hobbes in that he postulates the entire surrender of himself by each individual in the moment of the contract: he is unlike in that he regards each individual as surrendering himself to no man, but ‘alienating himself with all his rights to the whole community’ (1, c. 6). All, in the sense of all the individuals surrendering, form the état; all, in the sense of the community to which surrender is made, form the souverain; and all are thus, at one and the same time, a passive body of subjects and an active body of sovereigns. Here Rousseau enunciates his famous paradox, ‘Each, giving himself to all gives himself to nobody’: in other words, each gives himself
to himself, and each is still his own master. The paradox con­ceals a paralogism. I surrender all myself — and I surrender it all to 999 others as well as myself: I only receive a fraction of the sovereignty of the community; and ultimately I must reflect that if I am the thousandth part of a tyrant, I am also the whole of a slave. Leviathan is still Leviathan, even when he is corporate.

There is a further difference, however, between the Leviathan of Hobbes and the Leviathan of Rousseau, over and above the difference that the one Leviathan is a sole person and the other a community of persons. The Leviathan of Hobbes is at once a legislative and an executive, uniting all the powers. The community which forms Rousseau's Leviathan is purely a legislative, confining itself to the generalities of legislation. For particular acts of authority the community institutes a gouvernement, an intermediary body for the execution of the laws which it makes, standing between itself as souverain and itself in its capacity of état (III, c. 1). This government, however, is only a temporary and limited commission: while the sovereign community exists of itself, and its sovereignty is inalienable and indivisible, the government exists by grace of the sovereign, and its power can be resumed or divided at will by the sovereign. There is thus no contract of government for Rousseau; he will only recognize the one contract of society: 'there is only one contract in the State, that of association, and it excludes all others' (III, c. 16).

But though the community may thus alienate executive power to a commission (temporarily, and subject to the resumption or division of such power as it may will), it never alienates legislative power to representatives. That would be to alienate sovereignty, which is impossible. Here Rousseau differs fundamentally from Locke, who, if he had envisaged the possibility of the community acting itself as legislative, had also assumed that it would normally act through its representatives. Rousseau dismisses with a cavalier gesture any idea of parliamentary democracy: representation is derived from the iniquitous and absurd system of feudal government; rep-
representatives in counsel are like mercenaries in war; the English
people thinks it is free, and deceives itself greatly — it is only
free during a general election (III, c. 15). Banishing parlia-
mentary democracy, he accordingly preaches the doctrine of a
primary legislative, sovereign over an executive which serves
as its commissaire.

There is an old lesson of politics — the principle of balance
(John Stuart Mill could even call it the principle of antago-

nism) — which teaches us that, in actual life, States need a
strong executive as well as a strong legislative. There is also
another lesson of politics — perhaps more recent, but cer-
tainly no less important — which teaches us that a strong ex-
ecutive and a strong legislative must not simply confront one
another, on a system of division of powers, but must also co-
operate with one another, in a system of reciprocity and mu-
tual confidence. Rousseau paid little heed to the first of these
lessons; and we can hardly blame him (after all he was writing
in 1762, and a developed cabinet system of reciprocity between
the executive and the legislative power still lay in the future)
for not thinking of the second. He was hardly concerned with
practical necessities; he was hot in pursuit of the logical sym-
metry of an ideal scheme of popular sovereignty. We may
therefore limit our criticism to an inquiry into its logic. Was
it, after all, symmetrical; and was it a consistent scheme?

On his scheme the generality was to be the sovereign body,
in the capacity of a legislative; and the reason was that the
generality, and only the generality, could be trusted to will a
general will, and to rise superior to particular and sectional
interests. Was this a well-founded trust? Hardly; for when his
journey begins the traveler finds that he has to traverse ranges
— and they are somewhat mountainous ranges — of logical

22. This attitude to English parliamentarianism was inherited, or at any rate
shared, by Kant and Hegel. Kant regarded the English constitution as an
oligarchy, with parliament acting not only as legislative but also, through its
ministers, as executive — and that in the interests of a party, or even of
individuals. Hegel regarded parliament as an institution of die bürgersiche
Gesellschaft — bourgeois or tradesmen society — concerned to advance par-
ticular interests, and therefore inferior to a monarch who stood above the
play of society.
introduction

difficulty. In the first place he has to distinguish a real general will from a mere will of all — the will of a true collectivity from a mere aggregate of wills. How is this to be done? Rousseau answers, 'By the presence or absence of party-lines in voting' (II, c. 3). If party is present, and a great clique carries the day, the general good will be sacrificed; if there are no parties, and each individual votes individually, the individual selfishnesses in voting will cancel one another, and the general good will be the residuum. In an age which still interpreted party as faction (the age, for example, of Bolingbroke and the theory of the superiority of la patrie to le parti) this was perhaps a natural view; and yet it is hardly logical to argue that individualism in voting is the royal road which leads to collectivism in decision. Party, after all, is a necessary means of precipitating in a set form a program of the general good, and of realizing that program in the strength of concerted action; and Burke was wiser than Rousseau when he argued at the end of his pamphlet on The Present Discontents (published eight years after the Contrat Social) that party was 'a body of men united for promoting . . . the national interest upon some particular principle.' The true freedom of the citizen consists in the citizens' choice; and where is the citizen's choice unless there are alternative programs, presented by different parties, between which choice can be made? It is not the absence, but the presence, of party — if party is only organized as a body of opinion about the national interest and the general good, and not corrupted into a sum of personal interests — which is the true criterion of the existence of a general will.

In the second place — and here we reach another range of logical difficulty — the question arises whether the whole people, if it be set to legislate for itself, can ever discover for itself the general good which, ex hypothesi, it really wishes to enact. To distil the requirements of the general good in an actual measure of legislation is something which requires both an intellectual effort of sustained reflection (or, better, sustained discussion) and a moral effort of abstinence from private and sinister interests: it will not come of itself, through
the automatic cancellation of private interests by one another. Rousseau himself is aware of the necessity of distillation; but he will not trust representatives to do this necessary work. He accordingly introduces a wise legislator — antique in idea, but contemporary history has shown us that he may be terribly modern in practice — as a *deus ex machina* to tell the people what they ought to will. 'Of itself, the people always wishes the good; of itself, it does not always see it' (II, c. 6). Here emerges the 'leader' and 'guide . . .' Here too, as we have already noticed, the sword of Rousseau turns round in his hand, and shows its other edge.

In effect, and in the last resort, Rousseau is a totalitarian. We need not exaggerate the importance of the 'legislator' to arrive at this result. Omit the legislator altogether: the result is still there. Imagine Rousseau a perfect democrat: his perfect democracy is still a multiple autocrat. He leaves no safeguard against the omnipotence of the *souverain*. It is significant that the *Contrat Social* ends with the suggestion of religious persecution. The man who has publicly acknowledged the articles of the civil faith, which it belongs to the sovereign to determine, and who has then acted as if he did not believe in those articles — *qu'il soit puni de mort*. Rousseau was so far from believing in *les droits de l'homme* that he went to the other extreme. He was so convinced that it was enough for the individual to enjoy political rights (as a fraction of the collectivity) that he forgot the necessity of his enjoying the rights of 'civil and religious liberty.' The English Whigs and their philosopher Locke, with all their faults, were wiser in their generation.

There is still a third range of logical difficulty, less terrible than the second, but still sufficiently formidable. How can the great state of modern times reconcile its size to a primary legislative? Rousseau himself realized that this theory suited only the small community, such as Greece had known and Switzerland still knew; and he would have reconciled it to the greater size of the modern state either by advocating a movable metropolis, if a state had many towns, or by suggesting some system
INTRODUCTION

of federalism. The suggestion of federalism remained merely a suggestion: the advocacy of a movable metropolis may remind us of an early phase in the history of Trade Unionism (described in the first chapter, entitled 'Primitive Democracy,' of the Webbs' book on Industrial Democracy), when trade union branches in different towns were made in rotation the 'governing branch' of the whole of that union for a fixed period. The phase soon passed; and the later development of Trade Unionism admirably shows (though sometimes with lapses back to 'the primitive') the impracticability of Rousseauism, and the need of representative institutions in any large society which seeks to follow the arduous path of true self-government.

Here we may leave the Contrat Social. One may say of it, in an old medieval distich,

Hic liber est in quo quaerit sua dogmata quisque,
    Invenit et pariter dogmata quisque sua.

You can find your own dogmas in Rousseau, whether you belong to the Left (and especially to the left of the Left) or whether you belong to the Right (and especially to the right of the Right). The only dogmas which it is difficult to find are those of the Center — the Center to which the English Whigs, whom a later generation called Liberals, have really always belonged, though they have always professed to belong to the Left. There is no comfort for the Center in all the shot fabric of Rousseau's book. That is why it is natural, and even permissible, to prefer the hodden gray of Locke's cloth to the brilliant but parti-colored silk of Rousseau . . . Yet what a magic has style — above all when the language is French. It makes the tour of the world, and it carries with it everywhere the ideas which it has adorned. It is curious to reflect what would have happened to Rousseau's ideas if they

23. Federalism is only mentioned in a single sentence of the Contrat Social, but there is a story that Rousseau wrote sixteen chapters on the subject, which he entrusted in manuscript to a friend who destroyed them at the beginning of the French Revolution. See Vaughan's edition of The Political Writings of Rousseau, vol. i, pp. 95–102, and vol. ii, pp. 133–6.
had been given, about 1760, to an English writer in Cambridge, or a German writer in the University of Halle, and he had been told to express them to the best of his ability. Would the English writer have set the Cam on fire — let alone the Thames? Or the German the Saale — let alone the Rhine?

IV

Locke and Rousseau, if in different ways and different degrees, accepted the idea of the social contract: Hume, more historically minded, and more conservative in his convictions, was its critic. His skeptical intellect led him to approach political theories — the theory of divine right as well as the theory of social contract, but more especially the latter — with a touch of acid realism, which was mingled with a half-ironical suavity. 'There is something,' he seems to say, 'in your different theories; but less, much less, than you think.'

The essay 'Of the original contract' was first published (along with an essay 'Of passive obedience' and a suggestive essay 'Of national characters') in the new edition of Essays Moral and Political which appeared in 1748. It starts from the proposition that the theory of divine right and that of original contract are both the constructions of a party — a proposition which implies that they were built by the English Whigs and Tories, and built in the course of the last hundred years. The proposition may be disputed. Both theories have a wider range than England; and both go back to the Middle Ages, or even earlier. When Hume ends his essay by noting that 'scarce any man, till very lately, ever imagined that government was founded on compact,' and makes this an argument for concluding that 'it is certain that it cannot, in general, have any such foundation,' he is on erroneous ground.

Leaving this error on one side, we may proceed to ask what sort of contract Hume has in his mind. It would appear to be the contract of government, and not the contract of society — the original contract between the king and the people which had been approved by the Convention Parliament in 1689. It
is a contract 'by which the subjects have tacitly reserved the power of resisting their sovereign, whenever they find themselves aggrieved by that authority with which they have, for certain purposes, voluntarily entrusted him.' This theory of contract stands opposed to the other theory which makes authority a divine commission — not a popular trust — and, as such, sacred and inviolate. Both theories, to Hume, have some truth; but neither is wholly true. He has little to say of the theory of divine right, except that, by the same logic by which it covers the sovereign power, it must equally cover every petty jurisdiction, and 'a constable, therefore, no less than a king, acts by a divine commission.' His real theme is the theory of original contract; and here he allows that government, 'if we trace it to its first origin in the woods and deserts,' certainly originated in consent — but he equally denies that in the world of today it exists by consent. The original contract has long been obliterated by a thousand changes of government: almost all governments now existing are founded on usurpation, or conquest, or both. There may still be some rare disorderly popular elections of government; if there are, they are to be deprecated; and in any case the English Revolution of 1688 was not one of them — 'it was only the majority of seven hundred who determined that change [in Hume's view, merely a change of the succession] for near ten millions.' The most that can be allowed is that the consent of the people is one just foundation of government; but 'it has very seldom had place in any degree, and never almost in its full extent.' To suppose all government based on consent is to suppose 'all men possessed of so perfect an understanding as always to know their own interests' — 'but this state of perfection is likewise much superior to human nature.' And if you take refuge in the argument that at any rate there is tacit consent, or implied consent, and support your argument by saying that a man gives such consent merely by staying in a country when he could leave it if he so desired — well, the answer is that there is no consent, of any sort, unless there is freedom of choice, and there is ac-
tually no such freedom. Why, you cannot even emigrate without permission if the prince chooses so to ordain.

Hitherto the argument of Hume has rested on an appeal to the evidence of history and the observation of facts. In the second part of the essay he attempts a more philosophical refutation of the idea of contract. Distinguishing the moral duties to which we are instinctively impelled (such as pity for the unfortunate) from those to which we are impelled by a sense of obligation ‘when we consider the necessities of human society,’ he proceeds to consider three duties which belong to the latter category. There is justice, or a regard to the property of others; there is fidelity, or the observance of promises; there is the political or civil duty of allegiance. These duties flow, he argues, and flow independently, from the sense of obligation imposed by the necessities of human society. Why base allegiance on fidelity, as the contractarians do when they refer the duties of subjects (and with them the duties of sovereigns) to the foundation of observance of promises supposed to be expressed in a contract? We must keep allegiance and fidelity separate. ‘The obligation to allegiance being of like force and authority with the obligation to fidelity, we gain nothing by resolving the one into the other. The general interests or necessities of society are sufficient to establish both.’

The answer which Hume thus gives to the problem of political obligation may be briefly summarized. ‘Obey the powers that be. It is true that they are ordained by usurpation, or force, or both; but you must none the less pay them obedience for the simple reason that society could not otherwise subsist.’ It is hardly a satisfactory answer. There is something, after all, in the idea of fidelity which goes deeper than the idea of allegiance, and which is really the basis of allegiance. There is such a thing (to use Burke’s phrase) as an ‘engagement or pact of the constitution,’ 24 which demands the fidelity both of rulers and subjects; under which both equally stand; and to which both are equally bound. What is the proof of this en-

24. The reader is referred to the argument at the end of the first section, pp. xiii–xiv.
gagement or pact? Well, there is one sort of proof which Hume himself is bound, upon his own showing, to admit. He ends the essay 'Of original contract' by 'an appeal to general opinion.' 'In all questions with regard to morals,' he writes, 'there is really no other standard by which any controversy can be decided.' What then was the general opinion of Hume's own country (if, like him, we may confine our view within the four seas) about the problem of political obligation? Surely it was in his day, as it had been before his day and continued to be after his day, an opinion that obligation was not unilateral; that it embraced both sovereign and subject in a common pact or engagement; that both, in a word, were equally bound by the law of the constitution. The opinion is as old as Magna Carta: it is also as recent as the most recent theory of the sovereignty of the constitution — the constitution which, in its essence, may be called the political contract.

Here we may leave the idea of contract. Historians have not loved the idea; they know the records of history, and they do not believe that there ever was such a thing. Lawyers have not loved the idea: they know what actual contracts are, how lawyers draft them and courts enforce them, and they do not believe that the social contract is anything more than a sham — a quasi or an als ob. Where historians and lawyers are agreed, a mere layman may think it wise to be silent. And yet there must be some 'soul of truth' in so old and inveterate an idea,

Would men observingly distil it out.

Perhaps enough has already been said, in the course of the argument, to suggest where this soul of truth may be sought. Meanwhile it is not inapposite — though it may also be a mere offering on the altar of pragmatism — to end by recurring to the good service which the doctrine of contract (and the doctrine of natural law which is behind it, or above it) has rendered to the cause of liberty, and to the general cause of political progress. Its fruits do not prove its truth. But they deserve to be remembered. The English Revolution of 1688
was cradled in contract, and the American Revolution of 1776 had the same ancestry. In both the idea of contract can plead some title to have contributed to the cause of liberty. It may seem more paradoxical — perhaps purely paradoxical — to argue that the idea of contract has contributed to the cause of political progress. Is not a deed of contract a dead hand on political development, and is not a belief in ‘historical growth’ the true philosophy for the progressive? Perhaps we may answer that things are not always what they seem. A deed, if we conceive it broadly enough, may be a beckoning hand to progress rather than a dead hand on development. The idea of an original contract and a deed of political association may have its restrictive side. This was the argument of Tom Paine when he opened the Rights of Man by denouncing Burke for seeking to lay the dead hand of 1689 on the living present of 1791, and for saying as it were to the Convention Parliament and its antique notion of contract, ‘O Parliament, live for ever.’ But the idea of contract and the deed has also its constructive side. It implies that political development is not an automatic growth; that it springs from human will, and the act and deed of men; and that it must continue to spring from, and must even be accelerated by, the same creative force. It may be a paradox, but it is also a truth, that those who cling to the idea of growth may sometimes oppose a new growth, having only too much of the historic sense — and equally that those who cling to the idea of an original deed of creation may often encourage reform and progress, even though (or perhaps because) they have little of the sense of historic growth.

E. B.

NOTE. One half of this volume is a new translation of Rousseau’s Du Contrat Social. Locke’s Second Treatise and Hume’s Essay (the texts of which have been carefully checked with the original editions) are added as English counterparts and complements. The writer of the Introduction would venture to suggest that the collocation may furnish the reader with an admirable exercise in thought. He would also draw the reader’s attention to the clarity of Mr. Hopkins’s translation, which seems to him to provide a version faithful not only to Rousseau’s thought, but also to his style.
CHAPTER 7

Of the Omnipotence of the Majority in the United States and Its Effects

a. Hervé de Tocqueville:

Before beginning the notes on this chapter, I want to make two general reflections:

1. Isn’t there a kind of contradiction between this chapter and the last paragraph of page 3 of the second volume, where the author expresses himself this way: “In the United States, as in all countries where the people rule, the majority governs in the name of the people. This majority is composed principally of a mass of men who, either by taste or by interest, sincerely desire the good of the country; agitating around this quite peaceful mass, parties work to draw it toward them and gain its support”? 

2. I do not know if this chapter is well placed in the book. In one of the preceding chapters, entitled Of the Right of Association, the author says, p. 67: “In our time, the right of association has become a guarantee against the tyranny of the majority.”

The logical order of ideas demands that the disadvantages be cited before the remedy. I observe, moreover, that the author must revise the sentence I have just transcribed and make it less absolute, if he does not want it to harm singularly the effect of the chapter on omnipotence (YTC, CIIIb, 1, pp. 81–83).

It seems that the idea of the tyranny of the majority is mentioned for the first time on the occasion of a conversation with Sparks, 29 September 1831 (non-alphabetic notebooks 1 and 2, YTC, BIIa, and Voyage, OC, V, 1, p. 96). John Stuart Mill, following Tocqueville, will take up this expression again and use it in his famous essay On Liberty. Nonetheless, as Joseph Hamburger points out (“Mill and Tocqueville on Liberty,” in John M. Robson and M. Laine, eds., James and John Stuart Mill. Papers of the Centenary Conference, Toronto: University of Toronto Press, 1976, pp. 111–25), if Mill uses the term, the consequences he derives from it are quite far removed from those of Tocqueville. H. O. Pappe as well is skeptical about the possible influence of Tocqueville on Mill (“Mill and Tocqueville,” Journal of the History of Ideas 25, no. 2 (1964): 217–44).

Ludovic, the protagonist in Marie, also insists on the sway of opinion in America (1, pp. 165, 172–74, and 203).
Natural strength of the majority in democracies.—Most of the American constitutions have artificially increased this natural strength.—How.—Binding mandates.—Moral dominion of the majority.—Opinion about its infallibility.—Respect for its rights.—What augments it in the United States.

The very essence of democratic governments is that the dominion of the majority be absolute; for, in democracies, nothing outside of the majority can offer resistance.

Most of the American constitutions have also sought to augment this natural strength of the majority artificially.¹

Of all political powers, the legislature is the one that most willingly obeys the majority. The Americans have wanted the members of the legislature to be named directly by the people, and for a very short term, in order to force them to submit not only to the general views, but also to the daily passions of their constituents.

They have taken the members of the two houses from the same classes and named them in the same way; in this way, the movements of the legislative body are almost as rapid and no less irresistible than those of a single assembly.²

₁. We have seen, at the time of the examination of the federal Constitution, that the law-makers of the Union made contrary efforts.³ The result of these efforts was to make the federal government more independent in its sphere than the government of the states. But the federal government is scarcely in charge of anything except foreign affairs; the state governments really run American society.

². So in democratic republics the majority forms a true power. And after it, the body that represents it. The political body that best represents the majority is the legislature. To augment the prerogatives of this body is to augment the power of the majority.

Nonetheless, this power of the majority can be moderated in its exercise by the efforts of the law-maker. The authors of the federal Constitution worked in this direction. They sought to hinder the march of the majority. In the individual states, one tried hard, in contrast, to make the march of the majority more rapid and more irresistible.⁴ (YTC, CVh, 5, p. 14).

³. Hervé de Tocqueville: “If this is so, we do not see clearly why the American constitutions created two houses; it is probable that there is something too absolute in the author’s phrasing” (YTC, CIIIb, 1, p. 83).
Within the legislature thus constituted, the Americans gathered together nearly the entire government.

At the same time that the law increased the strength of powers that were naturally strong, it weakened more and more those that were naturally weak. It gave to the representatives of the executive power neither stability nor independence; and, by subjecting them completely to the caprices of the legislature, it took from them the little influence that the nature of democratic government would have allowed them to exercise.

In several states, the law delivered the judicial power to election by the majority; and in all, it made the existence of the judicial power dependent, in a way, on the legislative power, by leaving to the representatives the right to fix the salaries of judges annually.

Customs have gone still further than the laws.

In the United States, a custom is spreading more and more that will end by making the guarantees of representative government empty; it happens very frequently that the voters, while naming a deputy, trace a plan of conduct for him and impose on him a certain number of definite obligations from which he cannot deviate in any way. Except for the tumult, it is as if the majority itself deliberated in the public square.

Several particular circumstances in America also tend to make the power of the majority not only predominant, but irresistible.

The moral dominion of the majority is based in part on the idea that there is more enlightenment and wisdom in many men combined than in one man alone, more in the number than in the choice of legislators. It is the theory of equality applied to minds. This doctrine attacks the pride of...
man in its last refuge. Consequently the minority admits it with difficulty and gets used to it only with time. Like all powers, and perhaps more than any other, the power of the majority thus needs to last in order to seem legitimate. When it is beginning to be established, it makes itself obeyed by force; only after living under its laws for a long time do you begin to respect it.

The idea that the right to govern society belongs to the majority because of its enlightenment was carried to the soil of the United States by the first inhabitants. This idea, which alone would be enough to create a free people, has today passed into the mores, and you find it in the least habits of life.

The French, under the old monarchy, held as a given that the king could do no wrong; and when he happened to do something wrong, they thought that the fault was with his advisors. This facilitated obedience marvelously. You could murmur against the law, without ceasing to love and respect the law-maker. Americans have the same opinion about the majority.

The moral dominion of the majority is based as well on the principle that the interests of the greatest number must be preferred to those of the few. Now, it is easily understood that the respect professed for this right of the greatest number naturally increases or decreases depending on the state of the parties. When a nation is divided among several great irreconcilable interests, the privilege of the majority is often unrecognized, because it becomes too painful to submit to it.

If a class of citizens existed in America that the legislator worked to strip of certain exclusive advantages, held for centuries, and that he wanted to bring down from an elevated position and restore to the ranks of the multitude, it is probable that the minority would not easily submit to his laws.

But since the United States was populated by men equal to each other,

f. Hervé de Tocqueville: “I do not know why Alexis applies to the old monarchy the principle that the king could do no wrong. The Charter of 1814 and that of 1830 have this principle as a basis” (YTC, CIIIb, 1, p. 83).
no natural and permanent dissidence is yet found among the interests of the various inhabitants.8

There is such a social state in which the members of the minority cannot hope to attract the majority because to do so it would be necessary to abandon the very object of the struggle that the minority wages against the majority. An aristocracy, for example, cannot become a majority while preserving its exclusive privileges, and it cannot allow its privileges to slip away without ceasing to be an aristocracy. [In these countries, it is almost impossible for the moral power of the majority ever to succeed in being recognized by all.]

In the United States, political questions cannot be posed in as general and absolute a way, and all parties are ready to recognize the rights of the

g. Majority./

The moral dominion of the majority is established with more difficulty than another because it is based upon ideas of equality shocking to many minds that have not become accustomed to it.

Like all other empires, it is lost by abuse. Tyranny of the majority leads to appeals by minorities to physical force. From that, confusion, anarchy and the despotism of one man. The American republics, far from raising the fear of anarchy at the present moment, raise only the fear of despotism of the majority; anarchy will come only as a consequence of this tyranny.

There is such a social state in which the minorities can never become majorities, without losing enormously or even ceasing to be. In these countries, the dominion of the majority can only be established with great difficulty and can only be maintained with even more difficulty. France in this case./

In America, the dominion of the majority will be overturned not because it lacks strength, but wisdom. The government is centralized in such a way that the governing majority is omnipotent. It will lack not physical force, but moral force. In all power exercised by the people, there is something variable, something of scant wisdom.

I would like someone to explain to me what is meant when this banal phrase is put forth: that an entire people cannot completely go beyond the limits of reason.

It is undoubtedly rare for an entire people to go beyond those limits. But what generally does the will of the people mean? A majority, but what is a majority taken as a whole if not an individual who has opinions and, most often, interests contrary to another individual called the minority?

Now, if you admit that an individual vested with omnipotence can abuse it against his adversaries, why would you not admit the same thing for the majority? As for me, I see only God who can be vested with omnipotence without disadvantage (YTC, CVj, 2, pp. 2–3).
majority, because all hope one day to be able to exercise those rights to their profit.

So in the United States the majority has an immense power in fact and a power of opinion almost as great; and once the majority has formed on a question, there is, so to speak, no obstacle that can, I will not say stop, but even slow its course and leave time for the majority to hear the cries of those whom it crushes as it goes.

The consequences of this state of affairs are harmful and dangerous for the future.

How the Omnipotence of the Majority in America Increases the Legislative and Administrative Instability That Is Natural to Democracies

I spoke previously of the vices that are natural to the government of democracy; there is not one of them that does not grow at the same time as the power of the majority.

And, to begin with the most obvious of all.

Administrative instability is an evil inherent in democratic government, because it is in the nature of democracies to bring new men to power. But this evil is greater or lesser depending on the power and the means of action granted to the legislator.

In America sovereign power is handed over to the authority that makes the laws. That authority can rapidly and irresistibly abandon itself to each of its desires, and every year it is given other representatives. That is to say, what has been adopted is precisely the combination that most favors dem-

h. The manuscript says: “. . . very harmful and highly dangerous for the future.”
ocratic instability and that allows democracy to apply its changeable will to the most important objects. [We have seen under the National Assembly and the Convention how, by granting omnipotence to the legislative body, the natural instability of law in republics increased more. These extreme consequences of a bad principle cannot recur in the same way in America because American society is not in revolution as French society then was and because there has been a long apprenticeship in liberty in America.]

America today is, therefore, the country in the world where laws have the shortest duration. Nearly all the American constitutions have been amended during the last thirty years. So, during this period, there is no American state that has not modified the principle of its laws.

As for the laws themselves, it is sufficient to glance at the archives of the different states of the Union to be persuaded that in America the activity of the legislator never flags. Not that the American democracy is by nature more unstable than another, but in the formation of the laws, it has been given the means to follow the natural instability of its inclinations.

The omnipotence of the majority and the rapid and absolute manner in which its will is executed in the United States not only make the law unstable, but also exercise the same influence on the execution of the law and on the action of public administration.

Since the majority is the only power important to please, the works that it undertakes are ardently supported; but from the moment when its ar-

---

j. In this place in the manuscript three paragraphs are found that Tocqueville will later add to chapter V of this second part. (It concerns the passage that begins with: “Many Americans consider . . .” and that concludes with the citation of Number 73 of the Federalist, pp. 155–56.)

k. To the side: “#The omnipotence of the majority is not the first cause of the evil, but it infinitely increases it.”

2. The legislative acts promulgated in the state of Massachusetts alone, from 1780 to today, already fill three thick volumes. It must be noted as well that the collection of which I speak was revised in 1823, and that many former or pointless laws were discarded. Now, the state of Massachusetts, which is no more populated than one of our departments, can pass for the most stable state in the entire Union, and the one that puts the most coherence and wisdom into its enterprises.
tention goes elsewhere, all efforts cease; whereas in the free States of Europe, in which administrative power has an independent existence and an assured position, the will of the legislator continues to be executed, even when he is occupied by other objects.

In America, much more zeal and activity is brought to certain improvements than is done elsewhere.

In Europe, an infinitely smaller, but more sustained social force is applied to the same things.

[I saw some striking examples of what I am advancing in a matter that I had particular occasion to examine in the United States.]

Several years ago some religious men undertook to improve the condition of prisons. The public was roused by their voice, and the regeneration of criminals became a popular undertaking.

Then new prisons arose. For the first time, the idea of reforming the guilty penetrated the jail at the same time as the idea of punishing him. But the happy revolution that the public joined with so much fervor and that the simultaneous efforts of citizens made irresistible could not be accomplished in one moment.

Alongside some new penitentiaries, the development of which was hastened by the desire of the majority, the old prisons still existed and continued to house a great number of the guilty. The latter seemed to become more unhealthy and more corrupting as the new ones became more reforming and healthier. This double effect is easily understood: the majority, preoccupied by the idea of founding the new establishment, had forgotten the one that already existed. By each person averting his eyes from the object that no longer attracted the regard of the master, supervision had ceased. At first the salutary bonds of discipline were seen to relax and then, soon after, to break. And alongside the prison, lasting monument of the mildness and enlightenment of our time, was found a dungeon that recalled the barbarism of the Middle Ages.

[In France, it would be very difficult to find prisons as good and as bad as in the United States.]
I regard as impious and detestable this maxim that in matters of government the majority of a people has the right to do anything, and yet I consider that the will of the majority is the origin of all powers. Do I contradict myself?

A general law exists that has been made, or at least adopted, not only by the majority of such or such people, but by the majority of all men. This law is justice.

So justice forms the limit of the right of each people [to command].

A nation is like a jury charged with representing universal society and with applying justice, which is its law. Should the jury, which represents society, have more power than the very society whose laws it applies²?

So when I refuse to obey an unjust law, I am not denying the right of the majority to command; I am only appealing from the sovereignty of the people to the sovereignty of the human race.
There are men who are not afraid to say that, in objects that concern only itself, a people could not go entirely beyond the limits of justice and reason, and that we should not be afraid, therefore, to give all power to the majority that represents a people. But that is the language of a slave.

So what is a majority taken as a whole, if not an individual who has opinions and, most often, interests contrary to another individual called the minority. Now, if you admit that an individual vested with omnipotence can abuse it against his adversaries, why would you not admit the same thing for the majority? Have men, by gathering together, changed character? By becoming stronger, have they become more patient in the face of obstacles? As for me, I cannot believe it; and the power to do everything that I refuse to any one of my fellows, I will never grant to several.

Not that I believe that, to preserve liberty, several principles can be mixed together in the same government, in a way that truly opposes them to each other.

The government called mixed has always seemed to me a chimera. Truly

3. No one would want to maintain that a people is not able to abuse strength vis-à-vis another people. Now, parties are like small nations within a large one; in relation to each other, they are like foreigners. If you agree that a nation can be tyrannical toward another nation, how can you deny that a party can be so toward another party?

o. Democracy.

Tyranny of democracy. Confusion of all powers in the hands of the assemblies. Weakness of the executive power to react against these assemblies of which it is only an instrument. See very curious article of the Federalist on this subject, p. 213 [No. 48 (ed.)]; id., p. 205 [No. 46 (ed.)]; id., p. 224 [No. 51 (ed.)].

Moreover, that is a required result of the rule of democracy. There is strength only in the people; there can only be strength in the constitutional power that represents the people.

In America the executive and judicial powers are absolutely dependent upon the legislative power. It fixes their salaries in general, modifies their organization; and nothing is provided for them to be able to resist its encroachments [word in English in the original (ed.)]. Federalist, p. 205 [No. 46 (ed.)].

Necessity of taking measures to avoid the abuse of all powers, even those that seem most legitimate. Federalist, p. 223 [No. 51 (ed.)] (YTC, CVb, pp. 25–26).
speaking, there is no mixed government (in the sense that is given to this term), because, in each society, you eventually discover a principle of action that dominates all the others.

England of the last century, which was particularly cited as an example of this sort of government, was an essentially aristocratic State, although some large elements of democracy were found within it; for the laws and the mores there were established in such a way that eventually the aristocracy would always predominate and lead public affairs as it willed.

The error arose because, seeing the interests of the great constantly in conflict with those of the people, only the struggle was considered, instead of paying attention to the result of this struggle, which was the important point. When a society truly comes to have a mixed government, that is a government equally divided among contrary principles, it enters into revolution or dissolves.  

So I think that a social power superior to all others must always be placed somewhere, but I believe liberty is in danger when this power encounters no obstacle that can check its course and give it time to moderate itself.

Omnipotence in itself seems to me something bad and dangerous. Its
exercise seems to me beyond the power of man, whoever he may be; and I see only God who can, without danger, be all powerful, because his wisdom and his justice are always equal to his power. So there is no authority on earth so respectable in itself, or vested with a right so sacred, that I would want to allow it to act without control or to dominate without obstacles. So when I see the right and the ability to do everything granted to whatever power, whether called people or king, democracy or aristocracy, whether exercised in a monarchy or a republic, I say: the seed of tyranny is there and I try to go and live under other laws.

What I most criticize about democratic government as it has been organized in the United States, is not its weaknesses as many people in Europe claim, but on the contrary, its irresistible strength.\(^1\) And what repels me the

---

\(^1\) How democracy leads to tyranny and will succeed in destroying liberty in America. See the beautiful theory presented on this point in the *Federalist*, p. 225 [No. 51 (ed.)]. It is not because powers are not concentrated; it is because they are too concentrated that the American republics will perish. The tyranny of one man will appear more tolerable than the tyranny of the majority.

"A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first. [1 (ed.)] Scruple not to assert that, in the American governments, too little attention has been paid to the last. The federal Constitution avoids this error." *Federalist*, p. 268 [No. 62 (ed.)].

Tendency of republics to make the executive power only a passive agent, without any strength whatsoever, *id.*, p. 207 [No. 47 (ed.)] (YTC, CVb, p. 26).
most in America is not the extreme liberty that reigns there; it is the slight guarantee against tyranny that is found.\textsuperscript{4}

When a man or a party suffers from an injustice in the United States, to whom do you want them to appeal? To public opinion? That is what forms the majority. To the legislative body? It represents the majority and blindly obeys it. To the executive power? It is named by the majority and serves it as a passive instrument. To the police? The police are nothing other than the majority under arms. To the jury? The jury is the majority vested with the right to deliver judgments. The judges themselves, in certain states, are elected by the majority. However iniquitous or unreasonable the measure that strikes you may be, you must therefore submit to it [or flee. <What is that if not the very soul of tyranny under the forms of liberty?>].\textsuperscript{4}

\textsuperscript{u} “\textsuperscript{\#}It is very much easier to contest a principle than its consequences. You easily prove to a king that he does not have the right to sacrifice the interest of the State to his own, but when the majority oppresses you, you are forced to recognize its right before attacking the use of that right\textsuperscript{4}.” (YTC, CVh, 4, p. 81).

\textsuperscript{4. In Baltimore, at the time of the War of 1812, a striking example was seen of the excesses to which the despotism of the majority can lead. At this time the war was very popular in Baltimore. A newspaper that was strongly against the war aroused the indignation of the inhabitants by its conduct. The people gathered, broke the presses, and attacked the newspaper office. Some wanted to call the militia, but it did not answer the call. In order to save the unfortunate journalists, who were threatened by the public furor, it was decided to put them in jail, like criminals. This precaution was useless; during the night, the people gathered again; the magistrates were unable to get the militia to come; the prison was forced open; one of the journalists was killed on the spot; the others were left for dead; the guilty, brought before a jury, were acquitted.

I said one day to an inhabitant of Pennsylvania: “Please explain to me why, in a state founded by Quakers and renowned for its tolerance, emancipated Negroes are not allowed to exercise the rights of citizens. They pay taxes; isn’t it just that they vote?”—“Don’t insult us, be answered, by thinking that our legislators have committed such a gross act of injustice and intolerance.”—“So, among you, Blacks have the right to vote?”—“Undoubtedly.”—“Then, how come at the polling place this morning, I did not see a single one in the crowd?”—“This is not the fault of the law,” the American said to me; “Negroes, it is true, have the right to present themselves at elections, but they abstain voluntarily it seems.”—“That is very modest of them.”—“Oh! it isn’t that they refuse to go, but they are afraid that they will be mistreated there. Among us, it sometimes happens that the law lacks force when the majority does not support it. Now, the majority is imbued with the greatest prejudices against Negroes, and magistrates do not feel they have the strength to guarantee to the latter the rights that the legislator has conferred.”—“What! the majority which has the privilege of making the law, also wants to have that of disobeying the law?”

\textsuperscript{v} Mr. Cruse, editor of a newspaper in Baltimore, told this anecdote to Tocqueville
Suppose, in contrast, a legislative body composed in such a way that it represents the majority, without necessarily being the slave of the majority’s passions; an executive power that has a strength of its own; and a judicial power independent of the two other powers; you will still have a democratic government, but there will no longer be hardly any chances for tyranny.

[[If the effects of this tyranny are not felt more in America, it is because America is a new country where political passions are still not very deep and where so vast a field for human activity is presented that interests are rarely opposed to each other.]]

I am not saying that at the present time in America tyranny is frequently practiced; I am saying that no guarantee against tyranny is found there, and that the causes for the mildness of government must be sought in circumstances and in mores, rather than in laws.\(^w\)

**Effects of the Omnipotence of the Majority on the Arbitrariness of American Public Officials**

*Liberty that American law leaves to officials within the circle that it draws.—Their power.*

Arbitrariness must be carefully distinguished from tyranny. Tyranny can be exercised by means of the law itself, and then it is not arbitrary; arbitrariness can be exercised in the interests of the governed, and then it is not tyrannical.\(^x\)

\(^w\) The omnipotence of the majority seems to me the most serious disadvantage attached to democratic governments and the source of their greatest dangers (YTC, CVh, 4, p. 81).

\(^x\) Arbitrariness must be carefully distinguished from tyranny, and tyranny from arbitrariness. Arbitrariness can be not tyrannical, and tyranny can be not arbitrary. In the United States there is almost never arbitrariness, but sometimes there is tyranny."

To the side: "When Louis XIV regulated by himself and with sovereign power the...

Tyranny usually makes use of arbitrariness, but if necessary it knows how to do without it.

In the United States, the omnipotence of the majority, at the same time that it favors the legal despotism of the legislator, also favors the arbitrariness of the magistrate. Because the majority has absolute control over making the law and supervising its execution, and has equal control over those governing and those governed, it regards public officials as its passive agents and willingly relies on them to take care of serving its designs. So the majority does not enter in advance into the details of the duties of public officials and scarcely takes the trouble to define their rights. It treats them as a master would treat his servants, if, having their behavior always in view, he could direct or correct their conduct at every moment.

In general, the law leaves American officials much more free than ours within the circle that is drawn around them. Sometimes the majority even allows them to go outside of this circle. Guaranteed by the opinion of the greatest number and strong because of their support, they then dare things that a European, accustomed to the spectacle of arbitrariness, still finds astonishing. In this way, habits being formed within liberty that, one day, will be able to become destructive to it.

Of the Power Exercised by the Majority in America over Thought

In the United States, when the majority has irrevocably settled on a question, it is no longer discussed.—Why.—Moral power that the majority exercises over thought.—Democratic republics immaterialize despotism.

When you come to examine how thought is exercised in the United States, you notice very clearly to what extent the power of the majority surpasses all the powers that we know in Europe.
Thought is an invisible and almost imperceptible power that scoffs at all tyrannies [that scoffs amid chains and executioners. [You could say of it what Malherbe said of death: it does not stop at the gates of the Louvre any more than at the door of the poor man]]. Today, the most absolute sovereigns of Europe cannot prevent certain ideas hostile to their authority from circulating silently within their States and even within their courts. It is not the same in America; as long as the majority is uncertain, people speak; but as soon as the majority has irrevocably decided, everyone is silent, and friends as well as enemies then seem to climb on board together. The reason for this is simple. There is no monarch so absolute that he can gather in his hands all of society’s forces and vanquish opposition in the way that a majority vested with the right to make and execute laws can [at will, vested with the right and the force].

A king, moreover, has only a physical power that acts on deeds and cannot reach wills; but the majority is vested with a strength simultaneously physical and moral, which acts on the will as well as on actions and which at the same time prevents the deed and the desire to do it.

I know of no country where, in general, there reigns less independence of mind and true freedom of discussion than in America.

There is no religious or political theory that may not be freely preached in the constitutional States of Europe and that does not penetrate into the others [[and I do not know of] ≠ a European people so powerful and so strong that it is not forced from time to time to hear hard truths. It is not this way in America. ≠ ]; for there is no country in Europe so subject to a single power that someone who wants to speak the truth does not find some support capable of insuring him against the results of his independence. If he has the misfortune to live under an absolute government, he often has the people for him; if he lives in a free country, he can find shelter, as needed, behind royal authority. The aristocratic part of society sustains him in democratic countries, and democracy in the others. But within a democracy organized as that of the United States, only a single power

\[y.\] In *Consolation à Monsieur Du Périer, gentilhomme d’Aix-en-Provence, sur la mort de sa fille.*
is found, a single element of strength and success, and nothing outside of it.\(^2\)

In America, the majority draws a formidable circle around thought. Within these limits, the writer is free; but woe to him if he dares to go beyond them. It isn’t that he has to fear an auto-da-fé, but he is exposed to all types of distasteful things and to everyday persecutions. A political career is closed to him; he has offended the only power that has the ability to open it to him. Everything is denied him, even glory. Before publishing his opinions, he believed he had some partisans; it seems to him that he has them no longer, now that he has revealed himself to all; for those who censure him speak openly, and those who think as he does, without having his courage, keep quiet and distance themselves. He gives in; finally, under the daily effort, he yields and returns to silence, as though he felt remorse for having told the truth.

Chains and executioners, those are the crude instruments formerly used by tyranny; but today civilization has perfected even despotism itself, which seemed however to have nothing more to learn.

Princes had, so to speak, materialized violence; the democratic republics of today have made violence as entirely intellectual as the human will that it wants to constrain. Under the absolute government of one man, despotism, to reach the soul, crudely struck the body; and the soul, escaping from these blows, rose gloriously above it; but in democratic republics, tyranny does not proceed in this way; it leaves the body alone and goes right to the soul. The master no longer says: You will think like me or die; he says: You are free not to think as I do; your life, your goods, everything remains with you; but from this day on you are a stranger among us. You will keep your privileges as a citizen, but they will become useless to you. If you aspire to be the choice of your fellow citizens, they will not choose you, and if you ask only for their esteem, they will still pretend to refuse it to you. You will remain among men, but you will lose your rights to humanity. When you approach your fellows, they will flee from you like an impure being. And those who believe in your innocence, even they will

\(^z\) In the margin: "<#Base circumlocutions of the Federalists.#>"
abandon you, for people would flee from them in turn. Go in peace; I spare your life, but I leave you a life worse than death.

Absolute monarchies had dishonored despotism. Let us be careful that democratic republics do not rehabilitate it, and that, while making despotism heavier for some, they do not, in the eyes of the greatest number, remove its odious aspect and its degrading character.

Among the proudest nations of the Old World, books have been published that intended faithfully to portray the vices and absurdities of their contemporaries. La Bruyère lived at the palace of Louis XIV when he composed his chapter on the great, and Molière criticized the court in the plays that he had performed before the courtiers. But the dominating power in the United States does not understand being played in this way. The slightest reproach wounds it; the smallest biting truth shocks it, and everything from the forms of its language to its most solid virtues must be praised. No writer, no matter how famous, can escape this obligation to heap praise upon his fellow citizens. So the majority lives in perpetual self-adoration; only foreigners or experience can bring certain truths to the ears of Americans.

If America has not yet had great writers, we do not have to look elsewhere for the reasons: literary genius does not exist without freedom of the mind, and there is no freedom of the mind in America.a

The Inquisition was never able to prevent the circulation in Spain of books opposed to the religion of the greatest number. The dominion of the majority does better in the United States: it has removed even the thought of publishing such books. Unbelievers are found in America, but unbelief finds, so to speak, no organ there.b

a. Cf. chapter XIII of the first part of the third volume.

b. The ideas of this paragraph were suggested to Tocqueville by a doctor in Baltimore, Mr. Stuart (non-alphabetic notebooks 2 and 3, YTC, BIIa, and Voyage, OC, V, 1, p. 115).

A note on a slip of paper attests to Tocqueville’s dissatisfaction concerning this part of the chapter:

I have put two distinct ideas within the same expressions, which is a great defect./

That tyranny in America acts directly on the soul and does not torment the body results from two causes:
You see governments that strive to protect morals by condemning the authors of licentious books. In the United States, no one is condemned for this kind of work; but no one is tempted to write them. It is not that all citizens have pure morals, but the majority is steady in its morals.

Here, the use of power is undoubtedly good. I am, consequently, speaking only about the power itself. This irresistible power is an unremitting fact, and its good usage is only an accident. [Doesn’t the majority in Paris acquire a taste for the filth that sullies our theatres daily?]

Effect of Tyranny of the Majority on the National Character of the Americans; Of the Courtier Spirit in the United States

Until now the effects of tyranny of the majority are felt on mores more than on the running of society. — They arrest the development of men of great character. — Democratic republics organized like those of the United States put the courtier spirit within reach of the greatest number. — Evidence of this spirit in the United States. — Why there is more patriotism among the people than among those who govern in their name.

The influence of what precedes is still felt only weakly in political society; but its harmful effects are already noticeable on the national character of the Americans. I think that the small number of outstanding men who appear today on the political stage must be attributed, above all, to the

1. Because it is exercised by a majority and not by a man. A man, never able to obtain the voluntary support of the mass, cannot inflict on his enemy the moral torment that arises from isolation and public scorn. He is forced to act directly in order to reach his enemy.

2. Because in fact mores have become milder and that despotism has been perfected and intellectualized.

This same note also exists in YTC, CVh, 3, p. 59; (the copyist indicates that the original is not in Tocqueville’s hand).
always increasing action of the despotism of the majority in the United States.

When the American Revolution broke out, outstanding men appeared in large number; then public opinion led and did not tyrannize over wills. The famous men of this period, freely joining the movement of minds, had a grandeur of their own; they shed their brilliance on the nation and did not derive it from the nation.

In absolute governments, the great who are near the throne flatter the passions of the master and willingly bow to his caprices. But the mass of the nation does not lend itself to servitude; it often submits out of weakness, habit or ignorance, sometimes out of love of royalty or the king. We have seen peoples take a type of pleasure or pride in sacrificing their will to that of the prince and, in this way, give a kind of independence of soul to the very act of obedience. Among these peoples much less degradation than misery is found. There is, moreover, a great difference between doing what you do not approve or pretending to approve what you do; the one is done by a weak man, but the other belongs only to the habits of a valet.

In free countries, in which each person is more or less called to give his opinion on matters of State; in democratic republics, in which public life is constantly mingled with private life, in which the sovereign is approachable from all sides, and in which it is only a matter of raising one’s voice to reach the sovereign’s ear, many more people are found who seek to bank on the sovereign’s weaknesses and to live at the expense of the sovereign’s passions, than in absolute monarchies. Not that men there are naturally worse than elsewhere, but temptation is stronger and is offered to more people at the same time. A much more general debasing of souls results.

Democratic republics put the courtier spirit within reach of the greatest number and make it penetrate into all classes at the same time. It is one of the principal reproaches that can be made against them.

c. The manuscript says “lackey.”
Hervé de Tocqueville: “Trivial expression that, moreover, attacks an entire class that at present is no less proud than another” (YTC, CHIIb, 1, p. 87).
That is true, above all, in democratic states organized like the American republics, in which the majority possesses such absolute and irresistible dominion, that, in a way, you must renounce your rights as a citizen and, so to speak, your position as a man when you want to deviate from the road marked out by the majority.

Among the immense crowd, in the United States, that pushes into a political career, I saw very few men who showed this virile candor, this manly independence of thought, that often distinguished Americans in former times and that, wherever it is found, forms the salient feature of great characters. At first view, you would say that in America minds have all been formed on the same model because they so exactly follow the same paths. Sometimes, it is true, the foreigner will encounter some Americans who deviate from the rigor of the formulas; these Americans happen to deplore the vice of the laws, the variableness of democracy and its lack of enlightenment; often they even go so far as to notice the defects that are spoiling the national character, and they indicate the measures that could be taken to correct those defects. But no one, except you, is listening to them; and you, to whom they confide these secret thoughts, you are only a passing foreigner. They willingly give you truths that are useless to you, and, coming into the public square, they use another language.

If these lines ever reach America, I am sure of two things: first, that readers will all raise their voices to condemn me; second, that many among them will absolve me deep down in their conscience.d

I have heard country spoken about in the United States. I have encountered true patriotism among the people; I have often searched in vain for these two things among those who lead the people. This is easily understood.

d. Democracy.

The greatest moral evil that results from the dominion of democracy is that it puts the courtier spirit within reach of everyone.

[In the margin: Here the character of courtiers.]

In democratic republics the number of courtiers is immense; the only difference from monarchies is that these are courtiers with bad taste.

The Americans have only two means to gain the truth, the voice of foreigners and experience (YTC, CVe, pp. 62–63).
by analogy: despotism depraves the one submitted to it much more than the one who imposes it. In absolute monarchies, the king often has great virtues; but the courtiers are always vile.

[What I blame democratic republics for is putting the courtier spirit within reach of such a large number.]

It is true that courtiers, in America, do not say: Sire and Your Majesty, a grand and capital difference; but they talk constantly about the natural enlightenment of their master. They do not raise the question of knowing which one of the virtues of the prince most merits adoration; for they assert that he possesses all virtues, without having acquired them and, so to speak, without wanting to do so. They do not give him their wives and daughters so that he would deign to elevate them to the rank of his mistresses; but by sacrificing their opinions to him, they prostitute themselves.

Moralists and philosophers in America are not forced to envelop their opinions in veils of allegory; but, before hazarding an annoying truth, they say: We know that we are speaking to a people too far above human weaknesses ever to lose control of itself. We would not use such language, if we did not address men whose virtues and enlightenment make them alone, among all others, worthy of remaining free.

How could those who flattered Louis XIV do better?

As for me, I believe that in all governments, whatever they are, baseness will attach itself to strength and flattery to power. And I know only one way to prevent men from degrading themselves: it is to grant to no one, with omnipotence, the sovereign power to debase them.
That the Greatest Danger to the American Republics Comes from the Omnipotence of the Majority

Democratic republics risk perishing by the bad use of their power, and not by powerlessness.—The government of the American republics more centralized and more energetic than that of the monarchies of Europe.—Danger that results.—Opinion of Madison and of Jefferson on this subject.

Governments usually perish by powerlessness or by tyranny. In the first case, power escapes from them; in the other, it is wrested from them.e

Many men, seeing democratic States fall into anarchy, have thought that government in these States was naturally weak and powerless. The truth is that, once war has flared up there among the parties, government loses its effect on society. But I do not think that the nature of a democratic power is to lack strength and resources; I believe, on the contrary, that it is almost always the abuse of its forces and the bad use of its resources that make it perish. Anarchy is almost always born out of its tyranny or its lack of skill, but not out of its powerlessness.

Stability must not be confused with strength, the greatness of something

---

e. Washington, 15 January 1832.

There are two ways for a government to perish:

1. By lack of power (like the first Union, for example).
2. By bad use of power, like all tyrannies.

It is by this last evil that the American republics will perish. The first mode is more rapid than the second. The latter is no less certain (YTC, BIIb, p. 13).

This note does not appear in YTC, CVe and has not been published in Voyage, OC, V. YTC, BIIb, and YTC, CVe are two different copies of the same original, but copy BIIb, which is later, contains texts that do not appear in the first copy.

f. The manuscript says “free States.”
with its duration. In democratic republics, the power that leads society is not stable, for it often changes hands and objectives. But, wherever it goes, its strength is nearly irresistible.

The government of the American republics seems to me as centralized and more energetic than that of the absolute monarchies of Europe. So I do not think that they will perish from weakness.

If liberty is ever lost in America, it will be necessary to lay the blame on the omnipotence of the majority that will have brought minorities to despair and will have forced them to appeal to physical force. Then you will see anarchy, but it will arrive as a consequence of despotism.

President James Madison expressed the same thoughts (see the Federalist, No 51.)

It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. [. . . (ed.) . . .] Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.

In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government

5. Power can be centralized in an assembly; then it is strong, but not stable. It can be centralized in a man; then it is less strong, but it is more stable.

6. It is useless, I think, to warn the reader that here, as in all the rest of the chapter, I am speaking, not about the federal government, but about the individual governments of each state that the majority leads despotically.

g. In the manuscript: “the strongest individuals.”
within such narrow limits would be displayed by such reiterated oppres-
sions of factious majorities that some power altogether independent of
the people would soon be called for by the voice of the very factions whose
misrule had proved the necessity of it.

[In another place he said: “[The] facility of lawmaking seems to be the
disease to which our government is most liable.”]

Jefferson also said: “The executive power, in our government, is not the
only, and perhaps not the principal object of my concern. The tyranny of
legislators is now and will be for many years to come the most formidable
danger. That of the executive power will come in its turn, but in a more
distant period.”

In this matter, I like to cite Jefferson in preference to all others, because
I consider him the most powerful apostle democracy has ever had.


French, but in the English Jefferson speaks about the “tyranny of the legislatures,” not
of the “legislators.”

j. Édouard de Tocqueville: “In this chapter, very well written moreover and of great
interest, you completely avoid the defect for which I reproached you in the notes for the
preceding chapter. Here you coldly judge democracy, without admiration and without
weakness; you tell the truth about it, all the while recognizing its qualities and its ad-
vantages” (YTC, CIIb, 1, p. 90).
The shift in function of the principle of publicity is based on a shift in function of the public sphere as a special realm. This shift can be clearly documented with regard to the transformation of the public sphere's preeminent institution, the press. On the one hand, to the extent that the press became commercialized, the threshold between the circulation of a commodity and the exchange of communications among the members of a public was leveled; within the private domain the clear line separating the public sphere from the private became blurred. On the other hand, however, to the extent that only certain political guarantees could safeguard the continued independence of its institutions, the public sphere ceased altogether to be exclusively a part of the private domain.¹

Developed out of the system of private correspondences and for a long time overshadowed by them the newspaper trade was initially organized in the form of small handicraft business. In this beginning phase its calculations were made in accord with the principle of a modest maximization of profit that did not overstep the traditional bounds of early capitalism. The publisher was interested in his enterprise purely as a business. His activity was confined essentially to the organization of the
flow of news and the collating of the news itself. As soon as the press developed from a business in pure news reporting to one involving ideologies and viewpoints, however, and the compiling of items of information encountered the competition of literary journalism, a new element—political in the broader sense—was joined to the economic one. Bücher captures the trend succinctly: "From mere institutions for the publication of news, the papers became also carriers and leaders of public opinion, and instruments in the arsenal of party politics. For the internal organization of the newspaper enterprise this had the consequence that a new function was inserted between the gathering and the publication of news: the editorial function. For the newspaper's publisher, however, this meant that he changed from being a merchant of news to being a dealer in public opinion."^2

The crucial turnabout, of course, had already occurred before the introduction of a special editorial function; it had begun with the "scholarly journals" on the continent and moral weeklies and political journals in Great Britain, as soon as individual authors availed themselves of the new instrument of the periodical press providing a hearing for their critical-rational reflections, pursued with pedagogical intent, by getting them into print. This second phase has been characterized as one of literary journalism. At this point the commercial purpose of such enterprises receded almost entirely into the background; indeed, violating all the rules of profitability, they often were money losers from the start. The pedagogical and later increasingly political impulse could be financed, so to speak, by bankruptcy. In Great Britain newspapers and journals of this sort frequently were the "hobbyhorses of the money-aristocracy"; on the continent they arose more often from the initiative of individual scholars and men of letters.

At first the latter bore the economic risk themselves. They procured material as they saw fit, paid their collaborators, and owned the journals whose issues represented for their publishers a continuous series of individual projects. Only gradually did the editors yield their entrepreneurial functions to publishers. This development explains the preeminent position of the editors who continued to be "editor" and "author" in one.
At that time (around the turn of the nineteenth century) the relationship between publisher and editor was not simply one of employer to employee; frequently the latter still shared in the profits. To be sure, the traditional type of newspaper entrepreneur survived right down to the nineteenth century, especially among old style dailies that stayed away from literary and political reflection and debate. Markus Dumont when he took over the *Kölische Zeitung* in 1805 was still author, editor, publisher, and printer all in one. But the competing periodical press of journalistically active men of letters led, wherever such enterprises were consolidated, to the establishment of specialized and independent editorships. In Germany Cotta led the way by good example. He appointed Posselt as the editor responsible for the *Neueste Weltkunde*; the publicist and economic functions were now divided between “editor” and publisher. In connection with this editorial autonomy, the institution of the lead article came to prevail during the first half of the nineteenth century even in the daily press. Yet Cotta’s example shows again how little, with the new form of editorial journalism, the profitability of the enterprise got the upper hand over its publicist intention, how little business outweighed conviction. His *Allgemeine Zeitung* remained a subsidized undertaking for decades, regardless of its significant influence. In the phase of the ascendancy of the public sphere as one with a political function, even the newspaper enterprises consolidated in the hands of publishers continued to give their editors the kind of freedom that in general characterized the communication of private people functioning as a public.

The publishers procured for the press a commercial basis without, however, commercializing it as such. A press that had evolved out of the public’s use of its reason and that had merely been an extension of its debate remained thoroughly an institution of this very public: effective in the mode of a transmitter and amplifier, no longer a mere vehicle for the transportation of information but not yet a medium for culture as an object of consumption. Prototypically this type of press can be observed in times of revolution, when the journals of the tiniest political groupings and associations mushroom—in Paris in the year 1789 every marginally prominent politician formed his
club, and every other founded his journal; between February and May alone 450 clubs and over 200 journals sprang up. As long as the mere existence of a press that critically-rationally debates political matters remained problematic, it was compelled to engage in continuous self-thematization: before the permanent legalization of the political public sphere, the appearance of a political journal and its survival was equivalent to involvement in the struggle over the range of freedom to be granted to public opinion and over publicity as a principle. To be sure, even the journals in the old style had been rigorously subject to censorship; but the resistance against these restrictions could never be carried on in their own columns as long as the journals exclusively provided news. The regulations of an authoritarian state degraded the press into a mere trade, subject like all other trades to police instructions and prohibitions. In contrast, the editorializing press as the institution of a discussing public was primarily concerned with asserting the latter’s critical function; therefore the capital for running the enterprise was only secondarily invested for the sake of a profitable return, if such a consideration played a role at all.

Only with the establishment of the bourgeois constitutional state and the legalization of a political public sphere was the press as a forum of rational-critical debate released from the pressure to take sides ideologically; now it could abandon its polemical stance and concentrate on the profit opportunities for a commercial business. In Great Britain, France, and the United States at about the same time (the 1830s) the way was paved for this sort of transition from a press that took ideological sides to one that was primarily a business. The advertising business put financial calculation on a whole new basis. In a situation of greatly lowered price per copy and a multiplied number of buyers, the publisher could count on selling a correspondingly growing portion of space in his paper for advertisements. Bucher’s well-known statement “that the paper assumes the character of an enterprise which produces advertising space as a commodity that is made marketable by means of an editorial section” refers to this third phase of development. These initial attempts at a modern commercial press gave back to the journal the unequivocal character of a private
commercial enterprise now, however—in contrast to the handicraft shops of the old "publishers"—on the level of the big business of advanced capitalism. Around the middle of the century a number of newspaper enterprises were already organized as stock companies.6

If at first, within a daily press that was primarily politically motivated, the reorganization of individual enterprises on an exclusively commercial basis still represented nothing more than a possibility for profitable investment, it would soon become a necessity for all editors. For the upgrading and perfection of the technical and organizational apparatus demanded an expansion of the capital basis, an increase of the commercial risks, and, necessarily, the subordination of entrepreneurial policy to the demands of business efficiency. Already in 1814 the Times was being printed on a new high-speed printing machine that after four and a half centuries replaced Gutenberg's wooden press. A generation later the invention of the telegraph revolutionized the organization of the whole news network.7 Not only the private economic interests of the individual enterprise gained in importance; the newspaper, as it developed into a capitalist undertaking, became enmeshed in a web of interests extraneous to business that sought to exercise influence upon it. The history of the big daily papers in the second half of the nineteenth century proves that the press itself became manipulable to the extent that it became commercialized. Ever since the marketing of the editorial section became interdependent with that of the advertising section, the press (until then an institution of private people insofar as they constituted a public) became an institution of certain participants in the public sphere in their capacity as private individuals; that is, it became the gate through which privileged private interests invaded the public sphere.

The relationship between publisher and editor changed correspondingly. Editorial activity had, under the pressure of the technically, advanced transmission of news, in any event already become specialized; once a literary activity, it had become a journalistic one.8 The selection of material became more important than the lead article; the processing and evaluation of news and its screening and organization more urgent than
the advocacy of a "line" through an effective literary presentation. Especially since the 1870s the tendency has become manifest: the rank and reputation of a newspaper are no longer primarily a function of its excellent publicists but of its talented publishers. The publisher appoints editors in the expectation that they will do as they are told in the private interest of a profit-oriented enterprise.\textsuperscript{9}

The publicist autonomy of the editor, incidentally, is painfully restricted even in the kind of press that does not submit to the laws of the market but serves primarily political goals—and thus is more closely related to the literary journalism of the journals cultivating rational-critical debates. For a while the political press indeed managed to preserve its individualistic style, even after parliamentary factions and parties had constituted themselves in Great Britain and France. A type of party press like the one that with Wirth's \emph{Deutsche Tribüne} entered upon the scene in Germany after the July revolution still held sway around the middle of the century. These publicists were not dependent on any one party or faction but were themselves politicians who around their paper rallied a parliamentary following. Nevertheless, the beginnings of a party-bound press controlled by political organizations go back to the first half of the century, at least in Great Britain and France. In Germany it evolved in the 1860s, first among the conservatives and then among the Social Democrats.\textsuperscript{10} The editor was subordinated to a supervisory committee instead of to a director of publishing—in either case he became an employee subject to directives.

Of course, the aspects of the structural transformation of the press that related to the sociology of business enterprise must not be considered in isolation from general tendencies toward concentration and centralization which prevailed here too. In the last quarter of the century the first great newspaper trusts were formed: Hearst in the United States, Northcliffe in Great Britain, and Ullstein and Mosse in Germany. This movement has advanced in our century, although unevenly.\textsuperscript{11} Technological development in the means of transmission of news (after the telegraph and the telephone came the wireless telegraph and telephone and shortwave and radio) has in part hastened and in part made possible the organizational unifi-
cation and economic interlocking of the press. The homoge-

genization of news services by monopolistically organized press
agencies was soon followed by the editorial homogenization
of smaller papers through the sharing of plates and the advent
of factories producing inserts. Matrices were first employed in
the Anglo-Saxon countries between 1870 and 1880; by the turn
of the century matrix presses also predominated on the con-
tinent. Usually this sort of technological unification went hand
in hand with organizational unifications in newspaper groups
or chains. Parochial papers in the predominantly rural areas
were in this way often also made economically dependent on
papers in cities nearby and were annexed by them in the form
of regional supplementary editorships.

Nevertheless the degree of economic concentration and tech-
nological-organizational coordination in the newspaper pub-
lishing industry seems small in comparison to the new media
of the twentieth century—film, radio, and television. Indeed,
their capital requirements seemed so gigantic and their publi-
cist power so threatening that in some countries the establish-
ment of these media was from the start under government
direction or under government control. Nothing characterized
the development of the press and of the more recent media
more conspicuously than these measures: they turned private
institutions of a public composed of private people into public
corporations (öffentliche Anstalten). The reaction of the state to
a power-penetrated public sphere that had come under the
influence of forces developed in society can already be studied
in relation to the history of the first telegraph bureaus. At first,
governments brought the agencies into indirect dependence
and bestowed on them a semiofficial status not, of course, by
eliminating their commercial character but by exploiting it.
Meanwhile, Reuters Ltd. is the property of the united British
press; however, the consent of the highest court that is required
for any change in its statutes lends it a certain public character.
The Agence France Press, grown after the Second World War
out of the Agence Havas, is a state enterprise whose director
general is appointed by the government. The Deutsche Presse-
agentur is a company with limited liability supported by news-
paper publishers, each holding at most a one-percent share of
the capital stock; the broadcasting corporations hold 10 percent, but they in turn are under public control. To be sure, newspaper and film industries have been left essentially under private control. But the fact remains that experiences with the tendencies of the press toward concentration gave enough cause to block the development of the "natural monopolies" of radio and television in the form of private business enterprises—as it nonetheless occurred in the United States. In Great Britain, France, and Germany these new media were organized into public or semipublic corporations, because otherwise their publicist function could not have been sufficiently protected from the encroachment of their capitalistic one.

Thus the original basis of the publicist institutions, at least in their most advanced sectors, became practically reversed. According to the liberal model of the public sphere, the institutions of the public engaged in rational-critical debate were protected from interference by public authority by virtue of their being in the hands of private people. To the extent that they were commercialized and underwent economic, technological, and organizational concentration, however, they have turned during the last hundred years into complexes of societal power, so that precisely their remaining in private hands in many ways threatened the critical functions of publicist institutions. In comparison with the press of the liberal era, the mass media have on the one hand attained an incomparably greater range and effectiveness—the sphere of the public realm itself has expanded correspondingly. On the other hand they have been moved ever further out of this sphere and reentered the once private sphere of commodity exchange. The more their effectiveness in terms of publicity increased, the more they became accessible to the pressure of certain private interests, whether individual or collective. Whereas formerly the press was able to limit itself to the transmission and amplification of the rational-critical debate of private people assembled into a public, now conversely this debate gets shaped by the mass media to begin with. In the course of the shift from a journalism of private men of letters to the public services of the mass media, the sphere of the public was altered by the influx of private interests that received privileged ex-
posure in it—although they were by no means *eo ipso* representative of the interests of private people as the public. The separation of public and private spheres implied that the competition between private interests was in principle left to the market as a regulating force and was kept outside the conflict of opinions. However, in the measure that the public sphere became a field for business advertising, private people as owners of private property had a direct effect on private people as the public. In this process, to be sure, the transformation of the public sphere into a medium of advertising was met halfway by the commercialization of the press. Conversely, however, the latter was also propelled by the needs of business advertising that independently emerged out of economic configurations.

The flooding of the public sphere with advertising publications is not explained by the liberalization of the market, although business advertising in the old style arose just about simultaneously with it. The incomparably greater efforts of scientifically directed marketing became necessary only as the degree of oligopolistic restriction of the market increased. Especially in the big industrial enterprise a conflict arose between technological and financial optimization, which strengthened the tendency toward so-called monopolistic competition. For to the degree to which the technical aggregates were adapted to mass production, the production process lost in elasticity—“Output can no longer be varied. . . . Output is dictated by the capacity of the unified machine process.”17 Hence a long-term sales strategy was required that ensured the relative stability of markets and market shares. Direct competition via pricing gave way increasingly to an indirect competition via the generation of markets with clienteles oriented to specific firms. The decreasing transparency of the market, usually regarded as the motive for expanded advertising,18 is in good part actually just the opposite, that is, its consequence. Competition via advertising that replaced competition via pricing is what above all created a confusing multiplicity of markets controlled by specific companies offering brand name products all the more difficult to compare with one another in terms of economic rationality the more their exchange value is codetermined by
the psychological manipulation of advertising. There is a transparent connection between the tendency toward capitalist big business and an oligopolistic restriction of the market, on the one hand; and, on the other, the proverbial soap operas, that is, a flood of advertisement which pervades the mass media's integration-oriented culture as a whole.\textsuperscript{19}

Business advertising, what in 1820 in France was first called \textit{réclame},\textsuperscript{20} is only a phenomenon of advanced capitalism, however much it has become for us today an obvious ingredient of a market economy. Indeed, it attained a scope worthy of mention only in the processes of concentration that mark industrial capitalism in the second half of the nineteenth century. "Up into the nineteenth century there exists a disinclination among the better companies even toward simple business advertisements'\textsuperscript{21}; they were considered disreputable. In the eighteenth century advertisements occupied only about one-twentieth of the space in the advertising or intelligence journals; furthermore, they concerned almost exclusively curiosities, that is, unusual commodities. Normal business was still largely face to face; competition relied mostly on propaganda by word of mouth.

Around the middle of the last century advertising agencies arose on the basis of business advertising; Ferdinand Hansenstein founded the first one in Germany in 1855. Close cooperation with the press often led to the sale of advertising space to big advertising agencies on a subscription basis, with the result that these agencies brought an important part of the press in general under their control. In the Federal Republic today over 2,000 firms work in advertising; since the depression their methods are constantly being perfected scientifically in accord with the latest information of economic, sociological, and psychological market research.\textsuperscript{22} Yet the advertising handled by these agencies amounts to only about a third of the total expenditure spent on this sort of thing in the entire economy. The other two-thirds are invested by enterprises directly, for the most part in external advertising; every larger business has its own advertising division for this purpose. In the Federal Republic in 1956 the total amount spent on advertising in the entire economy was estimated at about 3 billion
Deutschemarks, which is about 3 percent of all private expenditure.\(^{23}\) The year before it had already reached a share of 1.3 percent of the gross national product, while in Great Britain and the United States the comparable figures had already reached 1.9 percent and 2.3 percent.\(^{24}\) Expanded, of course, by the new media, the advertising agencies' activity is now as it was then confined to the design and placement of advertisements, especially in newspapers and illustrated magazines. Naturally, television commercials assume dominant importance in proportion to the proliferation of this means of communication in general and in relation to the kind of organizational structure. In 1957 in the Federal Republic at least half of the regular readers of daily papers also read the ads; 65 percent of the radio audience tuned into the programs specifically designed for advertising (Werbefunk), almost a third of them claiming that they listened to them daily.\(^{25}\) Whereas exposure to the mass media in general increased with a person's position in the stratification system, here this relationship was reversed; advertisements and radio commercials reached lower status groups more extensively and more frequently than higher ones. The trickling down of commodities formerly restricted to the higher strata attracted greater attention among those strata which, through their style of consumption, were trying to elevate themselves at least symbolically.

However, the advertising business not only used the existing publicist organs for its own purposes but also created its own papers, periodicals, and booklets. In 1955 in every fifth household in the Federal Republic there could be found at least one copy of the usual company catalogues (often expensively produced as illustrated brochures).\(^{26}\) Besides these another special species of publication emerged: at about the same time the number of in-house and customer magazines amounted to almost half of all the periodicals published for the West German market. The number of copies of these was more than a quarter of the total number of copies of all periodicals, a distribution more than twice that of all entertainment periodicals taken together.\(^{27}\) To this must be added the fact that this entertainment in itself—and surely not only that provided by periodicals—as well as the programs of the mass media, even
in their noncommercial portions, also stimulated consumption and channeled it into certain patterns. David Riesman considers it to be practically the essence of the means of mass entertainment that it raises consumers, beginning in childhood and constantly accompanying the grown-ups: "Today the future occupation of all moppets is to be skilled consumers." The culture of harmony infused into the masses per se invites its public to an exchange of opinion about articles of consumption and subjects it to the soft compulsion of constant consumption training.

Of course, even though it has become economically necessary, an invasion of advertising publications into the sphere of the public realm as such would not necessarily have led to its transformation. For instance, just as the daily newspapers roughly since the second third of the last century began to differentiate a classified section from the editorial one, so too a separation of the publicist functions (into a public rational-critical debate of private people as a public and a public presentation of either individual or collective private interests) could have left the public realm essentially untouched. However, such a public sphere as an element in the economic realm split off, as it were, from the political one—a public sphere independent in provenance of commercial advertising—never reached the point of crystallization. Rather, the publicist presentation of privileged private interests was fused from the very start with political interests. For at the time that the horizontal competition among the interests of commodity owners invaded the public sphere via advertising, capitalism's competitive basis as such had already been drawn into the conflict between the parties; and the vertical competition between class interests had also entered the arena of the public realm. In a phase of more or less unconcealed class antagonism, about the middle of the last century, the public sphere itself was torn between the "two nations"—and thus the public presentation of private interests eo ipso took on a political significance. Within such a public sphere large-scale advertising almost always also assumed the quality of being more than just business advertising—if only by the fact that it represented per se the most important factor in the financial calculations of the papers and journals and
even of the newer media to the degree that they operated on a commercial basis. However, economic advertisement achieved an awareness of its political character only in the practice of public relations.

This practice, like the term itself, hails from the United States. Its beginnings can be traced back to Ivy Lee, who developed “publicity techniques on a policy-making level” for the purpose of justifying big business, especially the Standard Oil Company and the Pennsylvania Railroad, then under attack by certain social reformers. Between the two World Wars some of the largest enterprises began to adjust their overall strategies also to considerations of public relations. In the United States this proved quite useful, particularly in the climate of national consensus that prevailed after the entry into the war in 1940. The new techniques diffused widely, including into Europe, only after the end of the war. In the advanced countries of the West they have come to dominate the public sphere during the last decade. They have become a key phenomenon for the diagnosis of that realm. "Opinion management" is distinguished from advertising by the fact that it expressly lays claim to the public sphere as one that plays a role in the political realm. Private advertisements are always directed to other private people insofar as they are consumers; the addressee of public relations is "public opinion," or the private citizens as the public and not directly as consumers. The sender of the message hides his business intentions in the role of someone interested in the public welfare. The influencing of consumers borrows its connotations from the classic idea of a public of private people putting their reason to use and exploits its legitimations for its own ends. The accepted functions of the public sphere are integrated into the competition of organized private interests.

Advertising limited itself by and large to the simple sales pitch. In contrast, opinion management with its "promotion" and "exploitation" goes beyond advertising; it invades the process of "public opinion" by systematically creating news events or exploiting events that attract attention. In doing so it sticks strictly with the psychology and techniques of the feature and
pictorial publicity connected with the mass media and with their well tested human interest topics: romance, religion, money, children, health, and animals. By means of a dramatic presentation of facts and calculated stereotypes it aims for a "reorientation of public opinion by the formation of new authorities or symbols which will have acceptance." Either public relations managers succeed in inserting suitable material into the channels of communication, or they arrange specific events in the public sphere that can be counted on to set the communications apparatus into motion; a textbook recommends twenty methods for this kind of "making or creating news."

If one adds the multitude of informations and instructions packaged as solid "documentation" with which the major "distribution centers" are supplied by public relations bureaus, then statements still fixated on the old separation—now serving as occupational ideology—of news reports from advertising appear squarely antiquated. Public relations fuses both: advertisement must absolutely not be recognizable as the self-presentation of a private interest. It bestows on its object the authority of an object of public interest about which—this is the illusion to be created—the public of critically reflecting private people freely forms its opinion. "Engineering of consent" is the central task, for only in the climate of such a consensus does "promotion to the 'public,' suggesting or urging acceptance or rejection of a person, product, organization, or idea," succeed. The awakened readiness of the consumers involves the false consciousness that as critically reflecting private people they contribute responsibly to public opinion.

On the other hand the consensus concerning behavior required by the public interest, or so it seems, actually has certain features of a staged "public opinion." Although public relations is supposed to stimulate, say, the sales of certain commodities, its effect always goes beyond this. Because publicity for specific products is generated indirectly via the detour of a feigned general interest, it creates and not only solidifies the profile of the brand and a clientele of consumers but mobilizes for the firm or branch or for an entire system a quasi-political credit, a respect of the kind one displays toward public authority.
The resulting consensus, of course, does not seriously have much in common with the final unanimity wrought by a time-consuming process of mutual enlightenment, for the “general interest” on the basis of which alone a rational agreement between publicly competing opinions could freely be reached has disappeared precisely to the extent that the publicist self-presentations of privileged private interests have adopted it for themselves. Simultaneously with the double condition of the restriction of the public to private people as members of civil society and the restriction of their rational-critical debate to the foundations of civil society as a sphere of private control, the old basis for a convergence of opinions has also collapsed. A new one is not brought about merely because the private interests inundating the public sphere hold on to its faked version. For the criteria of rationality are completely lacking in a consensus created by sophisticated opinion-molding services under the aegis of a sham public interest. Intelligent criticism of publicly discussed affairs gives way before a mood of conformity with publicly presented persons or personifications; consent coincides with good will evoked by publicity. Publicity once meant the exposure of political domination before the public use of reason; publicity now adds up the reactions of an uncommitted friendly disposition. In the measure that it is shaped by public relations, the public sphere of civil society again takes on feudal features. The “suppliers” display a showy pomp before customers ready to follow. Publicity imitates the kind of aura proper to the personal prestige and supernatural authority once bestowed by the kind of publicity involved in representation.

One may speak of a refeudalization of the public sphere in yet another, more exact sense. For the kind of integration of mass entertainment with advertising, which in the form of public relations already assumes a “political” character, subjects even the state itself to its code.36 Because private enterprises evoke in their customers the idea that in their consumption decisions they act in their capacity as citizens, the state has to “address” its citizens like consumers. As a result, public authority too competes for publicity.
21 The Transmuted Function of the Principle of Publicity

At the close of the 1920s the topic of public opinion was taken up by a congress of the German Sociological Society. On this occasion for the first time a phenomenon was authoritatively acknowledged that was symptomatic of the transmuted political function of the public sphere—the "journalistic activation" of offices, parties, and organizations. To be sure, Brinkmann constructed an ill-considered antithesis between the "free press" and the "official releases" of public and private bureaucracies ("with that relentless extension of its 'publicity' to every sphere of life, the modern newspaper itself has caused the rise of its adversary and perhaps even master of its own insatiable urge for information: the information bureaus and press release specialists that every center of activity exposed to publicity, or desirous of it, now considers requisite." This antithesis was ill considered because the public relations strategy of the bureaucracies, going far beyond the classical sorts of publications, availed themselves of the existing mass media and bolstered their position. Nevertheless, the observation as such is sound. Beside the great publicist institutions and in connection with them ("an apparatus that surely represents a maximum of publicity, but very little opinion") a second apparatus was established to meet the new publicity needs of the state and the special interest associations. ("We have there... another public opinion, which, to be sure, offers 'opinions' that are diverse and quite to the point, but which seeks to shape and hold sway over public opinion in a way that is essentially anything but 'public.'" The forms of purposive opinion management to which Brinkmann alluded here were of the sorts that "consciously deviate from the liberal ideal of publicity." The state bureaucracy borrowed them from the practice already made current by big private enterprises and interest-group associations; only in conjunction with these did the public administrations acquire their "publicist character" at all.

The increase in the power of the bureaucracy in the social-welfare state—not only in relation to the legislator but to the top of the executive itself—brought one aspect of its mounting autonomy into clear relief, although even in the liberal era
it never functioned as a pure organ of legislative implementation. The other aspect, the countervailing process of a transfer of power from the government to societal groups, remained less obtrusive; for within the newly acquired latitude for 'discretionary structuring,' in which the bureaucracy itself also became a producer, dealer, and distributor, the executive saw itself forced to act in a fashion that complemented and even partially replaced authoritarian government from above by an arrangement with the "public." This led partly to an unofficial participation of special-interest associations, partly to a routine transfer of some of the bureaucracy's tasks into their jurisdiction. Werner Weber observed that large jurisdictional areas were altogether taken away from the state bureaucracy and have become "components of an estate system of administration that functions alongside the state." But even where the state maintained or extended its administrative sovereignty, it had to "adapt" to the dynamics of a field of crisscrossing organized interests. Although agreements here were pursued and concluded outside the parliament, that is by circumventing the state's institutionalized public sphere, both sides nevertheless prepared them noisily and accompanied them glaringly by so-called publicity work. To the extent that state and society penetrated each other, the public sphere (and along with it the parliament, i.e., the public sphere established as an organ of the state) lost a number of its bridging functions. A continuous process of integration was accomplished in a different fashion. Correlative to a weakening of the position of the parliament was a strengthening of the transformers through which the state was infused into society (bureaucracy) and, in the opposite direction, through which society was infused into the state (special-interest associations and political parties). The publicity effort, however, a carefully managed display of public relations, showed that the public sphere (deprived, for the most part, of its original functions) under the patronage of administrations, special-interest associations, and parties was now made to contribute in a different fashion to the process of integrating state and society.

What made it possible within the political public sphere to resolve conflicts on the basis of relatively homogeneous inter-
ests and by means of relatively reasonable forms of deliberation, what alone made it possible to encase the parliamentary conflict settlements in a system of abstract and general laws with a claim to rationality and permanence, was a peculiar arrangement. The multitude of substantive decisions within a commercial society neutralized as a private sphere were mediated by the mechanism of the market and were in principle arrived at apolitically. Although limited to a framework of interests common to private people insofar as they owned property, the public was nonetheless kept free from the competition between individual private interests to such an extent that the decisions falling within the domain of political compromise could be handled by the procedures of rational political debate. However, as soon as private interests, collectively organized, were compelled to assume political form, the public sphere necessarily became an arena in which conflicts also had to be settled that transformed the structure of political compromise from the ground up. The public sphere was burdened with the tasks of settling conflicts of interest that could not be accommodated within the classical forms of parliamentary consensus and agreement; their settlements bore the marks of their origins in the sphere of the market. Compromise literally had to be haggled out, produced temporarily through pressure and counterpressure and supported directly only through the unstable equilibrium of a power constellation between state apparatus and interest groups. Political decisions were made within the new forms of "bargaining" that evolved alongside the older forms of the exercise of power: hierarchy and democracy. Admittedly, on the one hand the forum of the public sphere had been expanded. But on the other hand, because the balancing of interests continued to be linked to the liberal claim of this public sphere (which is to say, to legitimation in terms of the common welfare) without being able to fulfill it or to evade it entirely, the haggling out of compromises moved to extraparliamentary sites. This could occur formally by delegating jurisdictional competences of state organs to societal organizations or informally by de facto shifts in jurisdictions, either free from or contrary to regulations.

Wherever a relatively long lasting equilibration of interests
or even a "state of peace" between employers and employees (instead of compromises that result in successive waves of regulations) is not to be expected—as in the case of the central conflict of advanced capitalist society—the elimination of coercive state arbitration can create an autonomous domain for a quasi-political exercise of power on the part of conflicting social groups. On the one hand the two sides involved in collective bargaining then no longer act in the exercise of private autonomy; they act within the framework of the public sphere as an element in the political realm and hence are officially subject to the democratic demand for publicity. On the other hand the creation of collective bargaining regulations so shatters the forms of the old style public sphere (founded on trust in the power of reason) and the antagonism between interests which lies at its basis objectively affords so little chance for a legislation in accord with liberal criteria that these compromises are kept away from the procedure of parliamentary legislation and therefore remain altogether outside the realm of jurisdiction of the state's institutionalized public sphere.

This sort of official removal of jurisdictional competence for political compromise from the legislator to the circle of bureaucracies, special-interest associations, and parties is paralleled, to a far greater extent, by a factual divestiture. The increasing integration of the state with a society that is not already as such a political society required decisions in the form of temporary compromises between groups, which is to say, the direct exchange of particularist favors and compensations without detouring through institutionalized processes proper to the political public sphere. Consequently, special-interest associations and parties in principle remain private associations; many are not even organized in the form of bodies with legal standing and nevertheless participate in the filling of public positions. For they also carry out functions allotted to the political public sphere and stand under its claim of providing legitimacy to the pressure exerted by society upon state authority, making it more than a sheer relationship of force. In this way special-interest associations have in fact left the confines established by the statutes regulating the status of associations under civil law; their stated aim is the transfor-
mation of the private interests of many individuals into a common public interest, the credible representation and demonstration of the particular association's special interest as the general interest.\textsuperscript{48} In this enterprise special-interest associations have far-reaching political power at their disposal not in spite of but on account of their private character; especially, they can manipulate "public opinion" without themselves being controlled by it. For this is the result of the dual necessity of exercising social power, on the one hand, and of claiming legitimation before the traditional standards of a disintegrating public sphere, on the other. These organizations must obtain from a mediatized public an acclamatory consent, or at least benevolent passivity of a sort that entails no specific obligations, for a process of compromise formation that is largely a matter of organization-internal maneuvering but that requires public credit—whether to transform such consent into political pressure or, on the basis of this toleration, to neutralize political counterpressure.\textsuperscript{49}

Publicity work is aimed at strengthening the prestige of one's own position without making the matter on which a compromise is to be achieved itself a topic of public discussion. Organizations and functionaries display representation: "The special-interest associations under public law do not in fact want to act as legal persons, but as collective organizations; and the reason is, indeed, that these associations are interested not so much in their formal representation toward the outside (whereby this representation becomes independent from the association's internal life), but above all in the representative showing of their members in the public sphere."\textsuperscript{50} Representation, naturally, is less an element in the internal structure of the association than "an expression of its claim to publicity."\textsuperscript{51} Representative publicity of the old type is not thereby revived; but it still lends certain traits to a refeudalized public sphere of civil society whose characteristic feature, according to Schelsky's observation, is that the large-scale organizers in state and society "manage the propagation of their positions."\textsuperscript{52} The aura of personally represented authority returns as an aspect of publicity; to this extent modern publicity indeed has affinity with feudal publicity. Public relations do not genuinely concern public opinion
but opinion in the sense of reputation. The public sphere becomes the court before whose public prestige can be displayed—rather than in which public critical debate is carried on.

At one time publicity had to be gained in opposition to the secret politics of the monarchs; it sought to subject person or issue to rational-critical public debate and to render political decisions subject to review before the court of public opinion. Today, on the contrary, publicity is achieved with the help of the secret politics of interest groups; it earns public prestige for a person or issue and thereby renders it ready for acclamatory assent in a climate of nonpublic opinion. The very phrase “publicity work” betrays that a public sphere, which at one time was entailed by the position of the carriers of representation and was also safeguarded in its continuity through a firm traditional symbolism, must first be brought about deliberately and from case to case. Today occasions for identification have to be created—the public sphere has to be “made,” it is not “there” anymore. Altmann calls this appropriately enough the act of “communification.” The immediate effect of publicity is not exhausted by the decommercialized wooing effect of an aura of good will that produces a readiness to assent. Beyond influencing consumer decisions this publicity is now also useful for exerting political pressure because it mobilizes a potential of inarticulate readiness to assent that, if need be, can be translated into a plebiscitarily defined acclamation. The new public sphere still remains related to the one rooted in civil society insofar as the latter’s institutional forms of legitimation are still in force. Even staged publicity generates political efficacy only in the measure that it can credibly suggest or even cash in on a capital of potential voting decisions. This “cashing in,” to be sure, is then the task of the parties.

This functional transmutation pervades the entire public sphere in the political realm. Even the central relationship between the public, the parties, and the parliament is subject to it. The political public sphere of the liberal era received its imprint from the party run by dignitaries (Honoratiorenpartei), as Max Weber described it. Under the leadership of men of the church and professors, lawyers, doctors, teachers and phar-
macists, manufacturers and landowners, the educated and propertied circles founded local political clubs—occasional associations at first, voter associations held together solely by the delegates. The number of members who were professional politicians remained small, and their functions were at first subordinate; politics was an honorific avocation. The press, as the single permanent institution, was attached to this informal enterprise held together, and not in the large towns only, by associations in the proper sense, which met periodically for the purpose of bringing delegates to account. There was an unencumbered flow of communication between the local discussion centers and the sessions of the parliament. It was precisely the organizationally loose union of the "Fraktionspartei" (which existed practically only in the parliament) via the circle of dignitaries with the voters in the land that corresponded to the power-free flow of communication within a single public. The parity of the educated was not yet fundamentally called into question by the differentiation of areas of competence. The parties too understood themselves within this framework of the bourgeois public sphere as a "formation of opinions." As Rudolf Haym expressed it in his report on the German National Assembly, they had as their basis political opinions in their large-scale agglomeration. August Ludwig von Rochau claimed for the "party spirit" an objectivity of judgment that allegedly resisted mere (particular) interest. Treitschke, however, abandoned the thesis of a party of opinion: "Especially the interests of the social classes are far more closely joined to the party lines than the parties themselves care to admit." Finally, at the century's end were testimonies that forewent the illusion of neutrality as regards interests even with respect to the bourgeois parties. People like Friedrich Naumann demanded precisely a class party for the liberal camp, for "only a class conscious liberalism has the firmness to put up a good fight within the general class struggle as it prevails today for better or worse." In the meantime the structural transformation of the bourgeois public sphere had set in. The institutions of social-convivial interchange, which secured the coherence of the public making use of its reason, lost their power or utterly collapsed;
the development toward a commercial mass circulation press had its parallel in the reorganization of the parties run by dignitaries on a mass basis. The advent of equal citizenship rights for all altered the structure of parties. Since the middle of the last century loosely knit voter groups have increasingly given way to parties in the proper sense—organized supralocally and with a bureaucratic apparatus and aimed at the ideological integration and the political mobilization of the broad voting masses. In Great Britain Gladstone introduced the caucus system. With this buildup of an apparatus of professional politicians, organized more or less like a business enterprise and directed centrally, the local committees lost their importance. The parties were now confronted with the job of "integrating" the mass of the citizenry (no longer really "bourgeois"), with the help of new methods, for the purpose of getting their votes. The gathering of voters for the sake of bringing the local delegate to account had to make room for systematic propaganda. Now for the first time there emerged something like modern propaganda, from the very start with the Janus face of enlightenment and control; of information and advertising; of pedagogy and manipulation.\textsuperscript{59}

The interdependence of politically relevant events had increased. Along with its communal basis, the public sphere lost its place. It lost its clear boundary over against the private sphere on the one hand and the "world public" on the other; it lost its transparency and no longer admitted of a comprehensive view.\textsuperscript{60} There arose as an alternative to class parties,\textsuperscript{61} that "integration party" whose form was usually not clearly enough distinguished from them. It "took hold" of the voters temporarily and moved them to provide acclamation, without attempting to remedy their political immaturity.\textsuperscript{62} Today this kind of mass-based party trading on surface integration has become the dominant type. For such parties the decisive issue is who has control over the coercive and educational means for ostentatiously or manipulatively influencing the voting behavior of the population. The parties are instruments for the formation of an effective political will; they are not, however, in the hands of the public but in the hands of those who control the party apparatus. This changed relationship of the parties...
to the public on the one hand and to the parliament on the other can be symptomatically traced by reference to shifts in the status of delegates.

From the very start the rejection of the imperative mandate that had been typical for all kinds of representation in a society structured into estates was implied in the idea of parliamentarianism. As early as 1745 a delegate to the House of Commons declared: “By our constitution, after a gentleman is chosen, he is the representative, or, if you please, the attorney of the people of England”; a generation later this thesis was elaborated by Burke and Blackstone into the classic doctrine of the free mandate. In the formula of the delegate’s independence from directives, of the delegate who is responsible only to his conscience and to the people as a whole, it has made its way into all bourgeois constitutions. In the liberal constitutional state this ideology was complemented at least by a process of forming political will that passed through opinion formation on the part of a public making use of its reason. In this phase the free mandate meant, from a sociological point of view, not so much the independence of the representative as such; de facto, the delegate obviously was in far closer contact with his constituency than has been the case ever since. Instead, it was a guarantee of the parity in standing among all private people within the public engaged in rational-critical debate. To make sure that the parliament itself would remain part of this public and that the freedom of discussion would be safeguarded \textit{intra muros} as well as \textit{extra muros}, the measures taken to protect the independence of the delegate were not at all supposed to create a privileged status in relation to the rest of the public—representation in the sense of the kind of publicity that antedates bourgeois society—rather, they were only supposed to prevent the status of representative from becoming underprivileged because of delegation.

Of course, this direct mutual contact between the members of the public was lost in the degree that the parties, having become integral parts of a system of special-interest associations under public law, had to transmit and represent at any given time the interests of several such organizations that grew out of the private sphere into the public sphere. Today, as a rule,
they are neither class parties (like the old Social Democratic Party) nor interest groups themselves (in the style of the Bund für Heimatvertriebene und Entrechtete or BHE). Rather, it is precisely the interlocking of organized interests and their official translation into the political machinery that lends to the parties a paramount position before which the parliament is degraded to the status of a committee for the airing of party lines—and the member of parliament himself "to the status of an organizational-technical intermediary within the party, who has to obey its directives in case of conflict." According to an observation by Kirchheimer this development is linked to the diminishing parliamentary influence of lawyers: the advocate type gives way to that of the functionary. Besides the small group of those considered to be "minister material" and who accumulate leadership positions, a considerable number of party functionaries strictly speaking (apparatchiks, propaganda experts, etc.) and a mass of direct or indirect special-interest association representatives (corporate lawyers, lobbyists, specialists, etc.) get into the parliament. The individual delegate, while called upon to participate in the formation of majority decisions within his party, in the end decides in accordance with the party line. By enforcing the principle that in certain contexts minorities of delegates must make majority opinions their own, the party transforms the pressure toward ever renewed compromise between organized interests into a constraint enabling it to display external unity; de facto, the delegate receives an imperative mandate by his party. The parliament therefore tends to become a place where instruction-bound appointees meet to put their predetermined decisions on record. Carl Schmitt noted a similar trend in the Weimar Republic. The new status of the delegate is no longer characterized by participation in a public engaged in nonpartisan rational debate.

The parliament itself has correspondingly evolved away from a debating body; for the parliamentary rubber-stamping of resolutions haggled out behind closed doors not merely satisfies a formal requirement but serves to demonstrate party consensus toward the outside. The parliament no longer is an "assembly of wise men chosen as individual personalities by
privileged strata, who sought to convince each other through arguments in public discussion on the assumption that the subsequent decision reached by the majority would be what was true and right for the national welfare." Instead it has become the "public rostrum on which, before the entire nation (which through radio and television participates in a specific fashion in this sphere of publicity), the government and the parties carrying it present and justify to the nation their political program, while the opposition attacks this program with the same openness and develops its alternatives."\textsuperscript{70} Friesenhahn's description, to be sure, captures only one side of this process, namely the expansion of publicity as such, and not the transmutation of its function. Whereas the public nature of the deliberations was once supposed to ensure, and for a while actually did ensure, the continuity between pre-parliamentary and parliamentary discussion, that is, the unity of the public sphere and the public opinion crystallizing within it—in a word, parliamentary deliberation as both part and center of the public as a whole—it no longer accomplishes anything of the sort. Nor can it do so, for the structure of the public sphere itself, inside and outside of parliament, has been transformed:

Were one to see the sense of the radio and television transmissions of the Bundestag [i.e., the German Parliament] sessions in their providing the listener (or viewer) at the receiver with the opportunity for participation in the work of the elected representatives, then one would have to conclude that radio and television are not adequate for this purpose; that instead, by biasing and distorting the debates, they represent a disruption of parliamentary work. Just as deliberation proper has shifted from the full session into committees and party caucuses, so deliberation in parliament has become completely secondary to documentation.\textsuperscript{71}

Before the expanded public sphere the transactions themselves are stylized into a show. Publicity loses its critical function in favor of a staged display; even arguments are transmuted into symbols to which again one can not respond by arguing but only by identifying with them.

The transformation of the parliament's function brings the dubiousness of publicity as the organizational principle of the state order into full view. From a critical principle wielded by
the public, publicity has been transformed into a principle of managed integration (wielded by staging agencies—the administration, special-interest groups, and above all the parties). A consumer culture's distortion of publicity in the judicial realm matches the plebiscitary distortion of parliamentary publicity. For the trials in criminal court that are interesting enough to be documented and hawked by the mass media reverse the critical principle of publicity in an analogous manner; instead of serving the control of the jurisdictional process by the assembled citizens of the state, publicity increasingly serves the packaging of court proceedings for the mass culture of assembled consumers.

The strength of such tendencies can be gauged in terms of the revisionist endeavors they have called forth. Whereas in post-Napoleonic Germany publicity as the organizational principle of a liberal constitutional state found its first eloquent champions, and whereas at that time Welcker and Feuerbach advocated publicity in the parliament and in the judiciary in conjunction with a freely developing, critically debating political daily press, one is concerned today to shield parliamentary deliberations and judicial processes from a plebiscitary public. The Senior Council of the Bundestag has recommended that the sessions of the House no longer be directly transmitted; criminal lawyers and judges demand ever more urgently that every legal means be exhausted or, if these do not suffice, that the trial procedures be changed, for the sake of preventing radio and television reporting in the court room. In both cases the principle of publicity is to be reduced to guaranteeing "public accessibility to those bodily present." To be sure, proceedings are to continue to be open to the public; what is to be avoided is turning parliamentary documentation of internally haggled out resolutions into party grandstanding or criminal trials into show trials for the entertainment of consumers who, strictly speaking, are indifferent. The argument is directed against the plebiscitary deviations from the liberal model. Typical for this purpose is the distinction between public sphere and publicity, a distinction that Eberhard Schmitt would like to see preserved even for criminal trials involving "persons of contemporary significance":
Of what are we really deprived when we do not get to see pictures of defendants or witnesses in the press? There may be a legitimate interest on the part of the public to learn of the acts of which important personalities of our times are being accused, of the court's findings in this respect, and of the sentence. These are aspects that are important to know for opinion-forming citizens interested in public life, and that by means of reliable court reporting may also be brought to the attention of those not participating in the deliberations. But what kind of facial expressions defendants and witnesses exhibit when being questioned in the main hearing or at the time of sentencing is a matter of complete indifference for any legitimate interest in information. Only one caught up in the unhappy trend toward publicity that today tramples underfoot everything that a humane mentality naturally feels obligated to respect can here still speak of a legitimate need for information on the part of the public.73

It is quite clear that such reactive measures cannot contribute toward reinstating the public sphere in its original function. Any attempt at restoring the liberal public sphere through the reduction of its plebiscitarily expanded form will only serve to weaken even more the residual functions genuinely remaining within it.

Even today the constitution of the welfare-state mass democracy binds the activity of the organs of state to publicity, so that a permanent process of opinion and consensus formation can be influential at least as a freedom-guaranteeing corrective to the exercise of power and domination: "The manifestations of this process that are necessary for the survival of a free democracy, manifestations that consist in the generation of a public opinion concerning state activity in all its ramifications, may legitimately consist in power that is not at all legally sanctioned . . . , presuming that they too are fully public and that they publicly confront the power of the state itself that is obligated to act in public."74 The public sphere commandeered by societal organizations and that under the pressure of collective private interests has been drawn into the purview of power can perform functions of political critique and control, beyond mere participation in political compromises, only to the extent that it is itself radically subjected to the requirements of publicity, that is to say, that it again becomes a public sphere in the strict sense. Under the changed
conditions the intention of the classical demands for publicity can be protected from reactionary misdirection if, supplemented by unorthodox demands for publicity, publicity is also to be extended to institutions that until now have lived off the publicity of the other institutions rather than being themselves subject to the public's supervision: primarily to parties but also to politically influential mass media and special-interest associations under public law. These are all institutions of societal power centers whose actions are oriented to the state—private organizations of society that exercise public functions within the political order.

To be able to satisfy these functions in the sense of democratic opinion and consensus formation their inner structure must first be organized in accord with the principle of publicity and must institutionally permit an intraparty or intra-association democracy—to allow for unhampered communication and public rational-critical debate. In addition, by making the internal affairs of the parties and special-interest associations public, the linkage between such an intraorganizational public sphere and the public sphere of the entire public has to be assured. Finally, the activities of the organizations themselves—their pressure on the state apparatus and their use of power against one another, as well as the manifold relations of dependency and of economic intertwining—need a far-reaching publicity. This would include, for instance, requiring that the organizations provide the public with information concerning the source and deployment of their financial means. In Germany the constitution furnishes the means for extending such publicity requirements from the parties to the special-interest associations under public law as well, because under the constitutional protection of "the multi-party state's institutional freedom of public opinion" they too are legitimated to participate in national opinion and consensus formation. Even political journalism, like all institutions which through display and manipulation exercise a privileged influence in the public realm, should for its part be subject to the democratic demand for publicity. However this may appear from a legal perspective, from the vantage point of sociology such demands make the important dimension of a democratization of societal
organizations engaged in state-related activity a topic of discussion. Not only organs of state but all institutions that are publicistically influential in the political public sphere have been bound to publicity because the process in which societal power is transformed into political power is as much in need of criticism and control as the legitimate exercise of political domination over society. Institutionalized in the mass democracy of the social-welfare state no differently than in the bourgeois constitutional state, the idea of publicity (at one time the rationalization of domination in the medium of the critical public debate of private people) is today realizable only as a rationalization—limited, of course, because of the plurality of organized private interests—of the exercise of societal and political power under the mutual control of rival organizations themselves committed to publicity as regards both their internal structure and their interaction with one another and with the state.80

Only in proportion to advances in this kind of rationalization can there once again evolve a political public sphere as it once existed in the form of the bourgeois public of private people—that is to say, "... [a] society that, beyond the periodic or sporadic state-commandeered elections and referenda, has a real presence in a coherent and permanent process of integration."81 Of course, how much the political public sphere of the welfare state's mass democracy still lags behind in this dimension, or better, how little it has advanced in this respect, may be analyzed in relation to the public preparation of elections and to the electoral process itself. For the public sphere temporarily created and only intermittently mobilized for this purpose brings just that other publicity of public relations into ascendancy that organizations can all the more successfully install over the heads of the nonorganized public the more they themselves evade the democratic demand of publicity. The most recent election study shows "how advantageous it is for a party to have no members, but rather to come to life only at election time with the centralized freedom to manoeuver that characterizes an advertising firm existing for one purpose only: to carry out the advertising campaign."82 A process of public communication evolving in the medium of the parties and
organizations themselves obviously stands in an inverse relation to the staged and manipulative effectiveness of a publicity aimed at rendering the broad population (and especially the sector of it that is most indifferent as regards politics) infectiously ready for acclamation.

22 Manufactured Publicity and Nonpublic Opinion: The Voting Behavior of the Population

Citizens entitled to services relate to the state not primarily through political participation but by adopting a general attitude of demand—expecting to be provided for without actually wanting to fight for the necessary decisions. Their contact with the state occurs essentially in the rooms and anterooms of bureaucracies; it is unpolitical and indifferent, yet demanding. In a social-welfare state that above all administers, distributes, and provides, the "political" interests of citizens constantly subsumed under administrative acts are reduced primarily to claims specific to occupational branches. The effective representation of these claims, of course, requires that it be delegated to large organizations. Whatever is left over and above this to the initiative of personal decision is appropriated by the parties for an election organized as a vote. The extent to which the public sphere as an element in the political realm has disintegrated as a sphere of ongoing participation in a rational-critical debate concerning public authority is measured by the degree to which it has become a genuine publicist task for parties to generate periodically something like a public sphere to begin with. Election contests are no longer the outcome of a conflict of opinions that exists per se within the framework of an institutionally protected public sphere.

Nonetheless, the democratic arrangement of parliamentary elections continues to count on the liberal fictions of a public sphere in civil society. The expectations that still exercise a normative influence on the citizen's role as voter are a social-psychological mirror image of those conditions under which a public of rationally debating private people once assumed critical and legislative functions. It is expected that the voter, provided with a certain degree of knowledge and critical ca-
pacity, might take an interested part in public discussions so that he might help discover what can serve as the standard for right and just political action in rational form and with the general interest in mind.

In an essay entitled "Democratic Theory and Public Opinion" Berelson detailed the components of the voter's "personality structure": interest in public affairs; possession of information and knowledge; of stable political principles or moral standards; ability to observe accurately; engagement in communication and discussion; rational behavior; consideration of community interest. The sociological constituents of a political public sphere have here turned into psychological characteristics. However, if today the mass of the enfranchised population exhibits the democratic behavior patterns to the low degree found by many empirical investigations—even when measured in terms of such superficial criteria as the degree of political activity and initiative and of participation in discussions—then such deviation can only be understood sociologically in connection with the structural and functional transformation of the public sphere itself.

At first sight a remote connection between the voting public in the mass democracies of the social-welfare states, on the one hand, and the public of private people in the bourgeois constitutional states of the nineteenth century, on the other, does seem to exist. Ideally the vote was only the concluding act of a continuous controversy carried out publicly between argument and counterargument; entitled to vote were those who in any case had been admitted to the public sphere: the private people, that is to say, predominantly the heads of households from the urban bourgeois strata who were propertied and well educated. The social composition of the only public that was then entitled to vote is echoed today in that more active portion of a generally enfranchised population that makes use of its voting right. Males usually vote more frequently than females, married people more frequently than the unmarried, and those who belong to the higher status groups (who have a higher income and a higher level of education) more frequently than those belonging to the lower social strata. In this connection, moreover, it is interesting to note that businessmen
belonging to the commercial middle classes go to the polls in relatively large numbers. The fact that voter participation is highest in the age groups between thirty-five and fifty-five leads one to assume a strong influence both of the kind of occupation (as in the strata that succeeded the class of bourgeois private people) and of the involvement in relations of social labor through occupational activity per se. Even the participation in rational-critical public debate, at one time the informal condition for taking part in the vote, today seems still to correspond: members of private associations make use of their right to vote to a greater extent than the nonorganized citizens. Such characteristics of a liberal public sphere preserved in the voting behavior of the population can also be demonstrated in the flow of political communication investigated by Katz and Lazarsfeld. In contradistinction to a more horizontal, social stratum-specific spread of fashions and consumption habits in general, the stream of political opinion flows in a vertical direction, from the higher status groups down to the ones just below—the "opinion leader(s) in public affairs" are usually wealthier, better educated, and have a better social position than the groups influenced by them. On the other hand, it has been observed that these politically interested, informed, and active core strata of the public are themselves the least inclined to seriously submit their views to discussion. Precisely among the carriers of this two-tiered process of communication, mediated by these opinion leaders, an opinion once assumed often becomes fixed as a rigid habit. Even those opinions that do not have to bear public exposure do not evolve into a public opinion without the communication flow of a rationally debating public.

Even the well documented fact that those who engage in discussion more frequently (being relatively speaking the best informed) have a tendency to do no more than mutually confirm their ideas and at best to influence only the hesitant and less involved parties—shows how little they contribute to a process of public opinion. In addition the political discussions are for the most part confined to in-groups, to family, friends, and neighbors who generate a rather homogeneous climate of opinion anyway. On the other hand, those voters who fluctuate
between parties are recruited predominantly from the large reservoir of less interested, less informed, and apathetic citizens, to the extent that they are not altogether indifferent and do not ignore the election. Thus, as a rule, precisely those who are most decisively predisposed to avoid a public opinion formed by discussion are the ones most likely to be influenced in their views—but this time by the staged or manipulatively manufactured public sphere of the election campaign.

The dissolution of the voting constituency’s coherence as a public is betrayed in the peculiar immobilization of the larger part of the voters. Of course, the core constituency of one or the other party is composed of two quite distinct groups. On one side there is the small minority of those who with a certain justification may still be called “active” citizens, either members of parties and other social organizations, or unorganized but well informed and strongly involved voters who are usually also influential as opinion leaders. On the other side is the majority of citizens, who, of course, are equally rigid in their decisions, over whom the sands of day-to-day political controversies blow, so it seems, without leaving a trace. This fixation arises partly from the justified but stereotypically ingrained perception of group interests and partly from a layer of cultural common-sense assumptions, from deeply rooted attitudes and prejudices pertaining to experiences usually far in the past and transmitted over generations. Different age groups are guided by experiences specific to their generations; different denominational and ethnic groups by analogous ones. As a result volitional impulses totally heterogeneous in substance and often enough in competition with each other enter into voting decisions that are formally the same and all the more susceptible to being averaged into an illusory consensus as long as the latter’s undiscussed presuppositions remain removed from public communication. Between the immobilized blocks stand or fluctuate independent groups of voters composed, according to the findings of Janowitz, partly of compromisers and partly of those who are neutral, ambivalent, or apathetic; depending on how narrowly the criteria are defined, this group amounts to between a fourth and almost half of all those entitled to vote. To their number belong the nonvoters and the
so-called marginal voters who vote now for one, now for the other party and who at times cannot be mobilized at all: nonvoters and changers. The characterization of nonvoters as the worst informed and least firmly democratic group also holds true, with certain qualifications, for the bearers of the "floating vote": Independent voters tend to be those who know and care the least. Nonetheless, these enfranchised voters who are qualified to participate in the public opinion process are the target group for the election managers. Each party tries to draw as much as possible from this reservoir of the "undecided," not through enlightenment but through adaptation to the unpolitical consumer attitude that is especially prevalent in this group. Janowitz is quite right to ask "whether these efforts, which rely heavily on mass media and other promotional devices, do not represent a misuse of limited resources." In any case, campaign advertising also affects the other voter groups. Hence the connection between voter participation and an orientation toward programmatic goals is far weaker than that between voter participation and the successful generation of an appealing image of the leading candidates.

For the periodic staging, when elections come around, of a political public sphere fits smoothly into the constellation representing the decayed form of the bourgeois public sphere. Initially the integration culture concocted and propagated by the mass media, although unpolitical in its intention, itself represents a political ideology; a political program, or any staged announcement whatsoever, must indeed not enter into competition with it but must strive for concordance. The collapse of political ideology as diagnosed decades ago by Mannheim seems to be only one side of that process in reference to which Raymond Aron speaks of the *Fin de l'Age Idéologique* (End of the Ideological Age) altogether. The other side is that ideology accommodates itself to the form of the so-called consumer culture and fulfills, on a deeper level of consciousness, its old function, exerting pressure toward conformity with existing conditions. This false consciousness no longer consists of an internally harmonized nexus of ideas, as did the political ideologies of the nineteenth century, but of a nexus of modes of behavior. As a system of other-directed consumption habits
it takes a practical shape in the guise of a practice. To the extent that this involves consciousness, it is exhausted by the pseudo-realistic replication of the status quo as it appears on the surface:

Were one to compress into one sentence what the ideology of mass culture actually amounts to, one would have to present it as a parody of the statement, "Become what you are": as a glorifying reduplication and justification of the state of affairs that exists anyway, while foregoing all transcendence and critique. Inasmuch as the spirit that is active in society limits itself to providing people with no more than a replication of what constitutes the condition of their existence anyway, while at the same time proclaiming this way of life as its own norm, they become confirmed in their faithless belief in pure existence.97

Advertising is the other function that has been taken over by the mass media-dominated public sphere. Consequently the parties and their auxiliary organizations see themselves forced to influence voting decisions publicistically in a fashion that has its analogue in the way advertising pressure bears on buying decisions.98 There emerges the industry of political marketing. Party agitators and old style propagandists give way to advertising experts neutral in respect to party politics and employed to sell politics in an unpolitical way. Although this tendency has been visible for a long time, it prevailed only after the Second World War, with the scientific development of empirical techniques of market and opinion research. The resistance to this trend, which was broken in some parties only after several electoral setbacks,99 shows that election managers must not only take note of the disappearance of a genuine public sphere in the realm of politics but must in full consciousness promote it themselves. The temporarily manufactured political public sphere reproduces, albeit for different purposes, the sphere for which that integration culture prescribes the law; even the political realm is social-psychologically integrated into the realm of consumption.

The addressees of this kind of public sphere are the type of political consumers to whom Riesman gave the name "new indifferenters":

97. 
98. 
99.
they are not necessarily equivalent to the nonvoters: these indifferents may perform quite a few political chores, for a price or under pressure. Nor are they devoid of political opinions. . . . But . . . these political opinions are connected neither with direct political self-interest nor with clear emotional ties to politics. They resemble, rather, the peer-group exchange of consumption preferences, though unlike the latter, the preferences are seldom taken into the political market and translated into purchases of political commodities. For the indifferents do not believe that, by virtue of anything they do, know, or believe, they can buy a political package that will substantially improve their lives. And so, subject to occasional manipulations, they tend to view politics in most of its large-scale forms as if they were spectators.\textsuperscript{100}

The disintegration of the electorate as a public becomes manifest with the realization that press and radio, "deployed in the usual manner,"\textsuperscript{101} have practically no effect; within the framework of the manufactured public sphere the mass media are useful only as vehicles of advertising. The parties address themselves to the "people," de facto to that minority whose state of mind is symptomatically revealed, according to survey researchers, in terms of an average vocabulary of five hundred words.\textsuperscript{102} Together with the press the second classical instrument of opinion formation, the party meeting, also loses its significance. By now it has been learned that "used in the usual manner," it can at best serve the task of handing out slogans to a small troop of persons who are hard core loyalists to begin with. Party meetings too are useful only as advertising events in which those present may at most participate as unpaid supernumeraries for television coverage.

In the manipulated public sphere an acclamation-prone mood comes to predominate, an opinion climate instead of a public opinion. Especially manipulative are the social-psychologically calculated offers that appeal to unconscious inclinations and call forth predictable reactions without on the other hand placing any obligation whatever on the very persons who in this fashion secure plebiscitary agreement. The appeals, controlled according to carefully investigated and experimentally tested "psychological parameters," must progressively lose their connection with political program statements, not to mention issue-related arguments, the more they are effective as
symbols of identification. Their meaning is exhausted in the release of that kind of popularity "that in today's mass society replaces the direct relationship of the individual to politics." Hence the presentation of the leader or the leader's team plays a central role; they too need to be packaged and displayed in a way that makes them marketable. The popularity index is a government's measure of how much it has the nonpublic opinion of the population under its control or of how much publicity that can be translated into popularity its team of leaders must additionally obtain. Popularity is not as such identical with publicity, but it cannot be maintained in the long run without it. The mood it designates is a dependent variable of the temporarily manufactured publicity, although it is by no means dependent on it alone. It is not without reason that ruling parties, in order to survive at the polls, create objective causes, publicity vehicles in the form of genuine concessions to the expectations of the population—say, lowering the taxes on alcohol or cigarettes—to create an abundance of publicity. In order to adjust, however manipulatively, to the scientifically analyzed motives of the voters, it is at times also necessary to take measures, crystallization points of the denied publicity, that satisfy real needs. To that extent the manipulation of even the most inventive election managers has its natural limits. From this, of course, one should not simply draw the converse conclusion that "the better the motives of the voters are known, the more the 'government' is 'manipulated' by the 'people.'"

Certainly the publicist exploitation of given motives must also be accommodating to them; in this connection it may be necessary under certain circumstances to create opportunities for publicity in the form of obligations to satisfy the real needs of the voters. The narrower the "natural" limits of manipulation, the stronger the pressure not only to exploit scientifically analysed motives but to satisfy them as well. In this regard no unambiguous information is available as yet. Even if we hypothetically suppose that in a situation where the limits of manipulation are drawn very narrowly, the acclamation procedure within the framework of the periodically manufactured public sphere guarantees a far-reaching readiness on the part of the government to submit to nonpublic opinion, the con-
ditions for democratic opinion and consensus formation would not be fulfilled. For the offers made for the purposes of advertising psychology, no matter how much they may be objectively to the point, in such a case are not mediated by the will and consciousness but by the subconscious of the subjects. This kind of consensus formation would be more suited to the enlightened absolutism of an authoritarian welfare regime than to a democratic constitutional state committed to social rights: everything for the people, nothing by the people—not accidentally a statement stemming from the Prussia of Frederick II. Strictly speaking, not even welfare would be guaranteed by this procedure. For aside from the attitude of autonomy, a nonpublic opinion having an indirect influence would also lack the attribute of rationality as such. The satisfaction of even a well established motive of the broadest strata does not itself afford any guarantee that it would correspond to their objective interests. Publicity was, according to its very idea, a principle of democracy not just because anyone could in principle announce, with equal opportunity, his personal inclinations, wishes, and convictions—opinions; it could only be realized in the measure that these personal opinions could evolve through the rational-critical debate of a public into public opinion—opinion publique. For the guarantee of universal accessibility was understood only as the precondition that guaranteed the truth of a discourse and counter-discourse bound to the laws of logic.

The relationship between the manufactured public sphere and nonpublic opinion can be illustrated by some measures that influenced the elections for the German Bundestag in 1957 in favor of the parties in government. (We focus on this example of a manipulative use of the empirical results of survey research by a certain party only because of the availability of reliable documention, which is lacking with respect to other parties.) Four strategic measures were, for the most part, decisive for the publicity work of the party victorious in the electoral campaign. The image of the party leader that had so well stood the test of the Bundestag elections of 1953 had to be restyled to undercut potential apprehensiveness, especially relating to his age: he was presented in the midst of "his team." Next, the propaganda concentrated especially upon anxieties
The individual strategic measures were not evaluated with regard to their effectiveness, that is, the amount of acclamation captured; their relative importance is difficult to assess. It is easier to interpret their political content than their effectiveness as propaganda. The only binding obligation assumed by the parties in government was their consent prior to the election to the reform of the social security system. The opposition, to be sure, contributed its own share to the passing of the legislation; but as the Bundestag is identified by many voters with the federal government, the parties in government were in a better position to exploit it as a perfectly timed publicity opportunity.

Thus, on the one hand, even this method of political consensus formation ensures a kind of pressure of nonpublic opinion upon the government to satisfy the real needs of the population in order to avoid a risky loss of popularity. On the other hand, it prevents the formation of a public opinion in the strict sense. For inasmuch as important political decisions
are made for manipulative purposes (without, of course, for this reason being factually less consequential) and are introduced with consummate propagandistic skill as publicity vehicles into a public sphere manufactured for show, they remain removed \textit{qua political} decisions from both a public process of rational argumentation and the possibility of a plebiscitary vote of no confidence in the awareness of precisely defined alternatives. To stay with our example, the reform of social security during its preparatory phase was never systematically made into a topic of a process of public opinion formation, although it was thoroughly treated in the great daily press. Population surveys showed that the mass of the population associated no apposite ideas with the notion of dynamic retirement benefits; nor did such benefits afterward, as a central social-political problem, explicitly become an issue in the election campaign (only the indirect psychological effects could be utilized as the basis for propaganda geared to simplistic stereotypes of improvements in the standard of living). In this case too the public sphere as a show set up for purposes of manipulation and staged directly for the sake of that large minority of the "undecided" who normally determine the outcome of an election served a communication process between set symbols and given motives that was social-psychologically calculated and guided by advertising techniques. Even added together the votes resulting from all this did not amount to a public opinion, because two conditions were not fulfilled: informal opinions were not formed rationally, that is, in conscious grappling with cognitively accessible states of affairs (instead, the publicly presented symbols corresponded to unconscious processes whose mode of operation was concealed from the individuals); nor were they formed in discussion, in the pro and con of a public conversation (instead the reactions, although in many ways mediated by group opinions, remained private in the sense that they were not exposed to correction within the framework of a critically debating public). Thus a public of citizens that had disintegrated \textit{as} a public was reduced by publicist means to such a position that it could be claimed for the legitimation of political compromises without participating in effective decisions or being in the least capable of such participation.
The example of social security reform is informative in another respect as well, for social security is part of the complex of social-welfare-state protections against personal life-risks that were once left to private autonomy. The contradiction is obvious: a proliferation of the social conditions of private existence that are maintained and secured by public authority, and therefore ought to be clarified within the communication process of a politically autonomous public of citizens, that is, should be made a topic for public opinion. Although objectively greater demands are placed on this authority, it operates less as a public opinion giving a rational foundation to the exercise of political and social authority, the more it is generated for the purpose of an abstract vote that amounts to no more than an act of acclamation within a public sphere temporarily manufactured for show or manipulation.

23 The Political Public Sphere and the Transformation of the Liberal Constitutional State into a Social-Welfare State

The characteristic imbalance between those functions that the political public sphere actually fulfills today and those that, in the context of the changed relation between public sphere and private realm, might be expected of it in relation to the needs of a democratically organized society becomes palpable wherever the transformation of the liberal constitutional state into the so-called social-welfare state is explicitly legislated and, often enough, anticipated in its intention by the letter and spirit of constitutional institutions.

In the first modern constitutions subdivisions in the catalogues of basic rights were the very image of the liberal model of the bourgeois public sphere. They guaranteed society as a sphere of private autonomy. Confronting it stood a public authority limited to a few functions, and between the two, as it were, was the realm of private people assembled into a public who, as the citizenry, linked up the state with the needs of civil society according to the idea that in the medium of this public sphere political authority would be transformed into rational authority. On the assumption of the inherent justice of the market mechanism and the exchange of equivalents (insofar
as they implied equal opportunity for the acquisition of property and therewith independence and a voice in political affairs), it seemed that the general interest that was to yield the standard for gauging this kind of rationality would be guaranteed (within a society in which commodities could be freely exchanged) so long as the traffic of private people in the market and in the public sphere was emancipated from domination. As a sphere emancipated from domination all power relationships would be automatically neutralized within a society of small commodity traders.

The injunction-like character of the liberal basic rights corresponded to the following ideas: these rights protected from state interference and encroachment those areas that in principle were the preserve of private people acting in accord with the general rules of the legal system. With regard to their social function (as the framers of constitutions at that time had in mind), however, the basic rights had by no means only an exclusionary effect; according to the basis on which this political order was conceived they necessarily acted as positive guarantees of equal opportunity participation in the process of generating both societal wealth and public opinion. Within the system of a commercial society, as was taken for granted, equal opportunity for social recompense (via the market) and participation in political institutions (in the public sphere) could be assured only indirectly through the guarantee of liberties and securities over against the power concentrated in the state. The positive effect could be ensured only by way of efficacious prohibitions through constitutional rights. In contrast to the view that prevails among the jurists, therefore, it must be concluded that from a sociological perspective the constitution of the liberal constitutional state was from the beginning meant to order not only the state as such and in relation to society but the system of coexistence in society as a whole. The constitutionally determined public order, therefore, also comprised the order that was the object of private law. In consequence, the usual distinction between liberal guarantees of freedom and democratic guarantees of participation appeared in a different light. To be sure, *status negativus* and *status activus* were as clearly separated as the positions and
functions of *bourgeois* and *citoyen*, of private person and citizen in general. Yet when one approaches the two types of constitutional right sociologically, by reference to the original relationship between public and private spheres, their indissoluble connection becomes apparent. Status in both the public and private spheres (of civil society and family) was guaranteed in a negative fashion on the basis of a confidence that the public sphere and the market would function in the anticipated way as long as the autonomy of private people was assured in both spheres. Even the constitutionalization of the public sphere in the parliament as an organ of the state obviously did not obscure its origin in the private and autonomous affairs of the public. The right to vote too, directly formulated as a right of participation, was the automatic consequence of the protection, through exemption, of private dealings in the public sphere. Like the order of private law and, in general, the encasing of public order in a constitution, liberal human rights and democratic civil rights diverged in the theory and practice of bourgeois constitutional law only when the fictitious character of the social order hypothetically assumed to be at their basis became conscious and revealed its ambivalence to the bourgeoisie as it gradually actualized its rule.

The transformation of the liberal constitutional state in the direction of a state committed to social rights must be comprehended by reference to this point of departure, for certainly it is characterized by continuity rather than by a break with the liberal traditions. The constitutional social-welfare state (*sozialer Rechtsstaat*) was distinguished from the liberal one not to the extent “that a state constitution emerged which also claims to anchor, with legally binding force, the constitution of societal organizations in certain basic principles”¹¹⁰; instead, matters were reversed. The social-welfare state was compelled to shape social conditions to continue the legal tradition of the liberal state, because the latter too wanted to ensure an overall legal order comprising both state and society. As soon as the state itself came to the fore as the bearer of the societal order, it had to go beyond the negative determinations of liberal basic rights and draw upon a positive directive notion as to how “justice” was to be realized through the interventions that char-
acterize the social-welfare state. As we have seen, the liberal constitutional state’s concept of law was so hollow in its two elements—the equality-guaranteeing universality and rightness (in the sense of justice-guaranteeing truth)—that the fulfilling of its formal criteria no longer sufficed for an adequate normative regulation of the new material.\textsuperscript{111} Substantive guarantees subjecting compromises between interests to the programmatic rules of \textit{jusititia distributiva} had to replace formal ones. Thus the distribution of increases in the gross national product became ever more a proper concern of political authorities. The special-interest associations under public law wrestled with the legislative and executive branches over the key in accord with which the distribution was to proceed. Thus the state charged with social obligations (\textit{sozialpflichtig}) had to watch out that the negotiated balance of interests stayed inside the framework of the general interest. H. P. Ipsen accordingly interpreted the constitution’s welfare-state clause as a definition of the state’s goal.\textsuperscript{112} With this clause more was posited than just a constitutional recognition of some existing legal institutions in the area of social welfare—there remained “as the normative effect of the constitutional mandate for a state committed to social rights . . . the obligation of all state organs to ensure through legislation, administration, and judicial decisions the adaptation of such legal institutions in the area of social welfare to the ongoing demands.”\textsuperscript{113}

Somewhat similar programmatic statements hold good for the other Western democracies; and wherever they are not encased in the constitution, they have by now become valid as a kind of political convention. In some cases the traditional catalogues of basic rights have also been expanded in accordance with a program of social welfare, prototypically in the Weimar Constitution.\textsuperscript{114} Today basic social rights to welfare are found, apart from the liquidated French Constitution of 1946, in the United Nations Declaration of Human Rights of December 10, 1948.\textsuperscript{115} They ensure a share in social services and participation in political institutions: “The freedom secured through demarcation is related to a state that sets limits to itself, that does not interfere with the individual’s situation in society, whatever it happens to be. . . . Participation as a right
and claim implies an active, allotting, distributing, providing state that does not leave the individual at the mercy of his situation in society, but comes to his aid by offering support. This is the state committed to social rights." This contrast, of course, abstracts from the historical continuity (judged in terms of their social functions) between liberal basic rights and social rights to welfare.

To be sure, in accord with the concept of law proper to the constitutional state, the guarantees of basic rights rest on the demarcation of the private sphere and of a public sphere operative in the political realm not directly subject to interference by public authority; the institutional guarantees concerning property and family serve this purpose as well. They are, however, supplemented by basic social rights only because the positive consequences resulting from the interdictions no longer come about "automatically"; because the demarcation of realms exempted from invasion by the state is no longer honored, through the "accommodating response" of immanent societal mechanisms, with anything that comes even close to equal opportunity in the sharing of social recompenses and in participating in political institutions; these become now explicitly ensured by the state. Only in this way can the political order remain faithful today, under the conditions of a public sphere that itself has been structurally transformed, to that idea of a public sphere as an element in the political realm once invested in the institutions of the bourgeois constitutional state.

This dialectic can be shown with special clarity in the case of the liberal basic rights which, even if their original formulations have been preserved in the currently valid constitutions, have to shift their normative meaning to remain true to their own intention. The very reality that corresponds to a constitution altered in the direction of a social-welfare state causes one to reflect as to what extent these liberal constitutional rights, originally formulated and conceived as exclusionary rights over against state authority, should now be reconceived as participatory rights, since they pertain to a democratic and constitutional state committed to social rights. . . . [The constitution] is aimed at extending the idea of a substantively democratic constitutional state (which means especially
the principle of equality and its combination with the notion of participation in the idea of self-determination) to the entire economic and social order and thereby giving real content to the ideal of the concept of the state committed to social rights.\textsuperscript{117}

First of all it has to be demonstrated with regard to those basic rights guaranteeing the effectiveness of a public sphere in the political realm (such as freedom of speech and opinion, freedom of association and assembly, and freedom of the press) that in their application to the factual state of the structurally transformed public sphere they must no longer be interpreted merely as injunctions but positively, as guarantees of participation, if they are to fulfill their original function in a meaningful way. Since the publicist institutions themselves have become a societal force that can be employed both to grant a privileged status to (or to boycott) the private interests flooding into the public sphere and to mediatize all merely individual opinions, the formation of a public opinion in the strict sense is not effectively secured by the mere fact that anyone can freely utter his opinion and put out a newspaper. The public is no longer one composed of persons formally and materially on equal footing. Pushing the interpretation of the social function of the freedom of private opinion to its logical conclusion, Ridder\textsuperscript{118} arrived at the formulation of a "freedom of public opinion" aimed at providing citizens with the equal opportunity to participate in the process of public communication to begin with. Correspondingly, he complemented the classical freedom of the press of private people with the institutional commitment of publicist organs to the basic order of the democratic and constitutional state committed to social rights: "It is obvious that freedom of the press cannot be specified in a negative fashion as individual or collective freedom from government interference. What matters before everything else is the public mission of the political press for the sake of which freedoms are subsequently guaranteed."\textsuperscript{119} Free expression of opinion by the press can no longer be regarded as part of the traditional expression of opinion by individuals as private people.\textsuperscript{120} Equal access to the public sphere is provided to all other private people only through the state's guarantee of active interference to this end (\textit{Gestaltungsgarantie}); a mere guarantee that the state
will refrain from intrusion is not longer sufficient for this purpose.\textsuperscript{121}

In an analogous way the freedoms of assembly and association change their character. Insofar as they are big, bureaucratized organizations, parties and special-interest associations under public law enjoy an oligopoly of the publicistically effective and politically relevant formation of assemblies and associations. Hence here too freedom of assembly and association needs a guarantee of active promotion (\textit{Gestaltungsgarantie}), which can be effective in assuring citizen participation in the political realm's public sphere only by obligating the organization to fulfill a certain task and to structure its internal order accordingly. To this obligation corresponds the guarantee of certain claims that find expression in the so-called party privilege.\textsuperscript{122}

The other group of basic rights which, with the institutional guarantee of private property as its core, confirms the basic liberties of private law and also ensures free choice of occupation, work place, and place of training can no longer be understood as a guarantee of a private sphere based on competitive capitalism. In part these rights take on the character of participatory rights, insofar as they must already be understood (in conjunction with a principle of equality interpreted in a substantive sense) as guarantees of social claims such as an occupational position corresponding to one's performance or an apprenticeship or education corresponding to one's capability. In part they are restricted by other guarantees of the state committed to social rights, so that they lose the character of an area in principle protected from interference. So, for instance, free control over private property finds its limits not only in the social proviso of its compatibility with the interests of society as a whole or in the socialist proviso of its possible transference, in the name of the general interest, into collective property; the social guarantees embedded especially in the legislation concerning work, landlord-tenant relations, and housing construction directly place limits on the liberal guarantee of property.

Even the basic rights that protect the integrity of the family's interior domain and the status of personal freedom (life, lib-
The Transformation of the Public Sphere's Political Function

property, and shelter), together with a substantively interpreted right to free personal development, lose the merely injunction-like character that made them prototypical in the transition from the ancient status-group privileges to civil freedoms. For under the conditions of an industrial society constituted as a social-welfare state the securing of these legal provisions cannot be accomplished by defensive and exemptive measures, or rather can be attained only if these in turn are supported by participatory rights, by guaranteed claims to benefits. The development of personal freedom in a private sphere that has de facto shrunk down to the circle of family and leisure time is itself in need of a status publicly guaranteed through democratic participation—instead of a basis in private property that formerly was adequately protected by liberal exemptionism.

Of course, private autonomy is then only possible as something derivative; the social rights to security, recompense, and free development, reinterpreted within a state committed to social rights, are also no longer grounded in a constitutionality (Rechtsstaatlichkeit) stabilized per se by the interest of bourgeois commerce. Instead they are based on the integration of the interests of all organizations that act in a state-related fashion, an integration that according to the prescribed ideal of a state committed to social rights is always to be achieved democratically: "Only from this viewpoint is it possible to reconcile with each other the safeguards of individual rights, protected by impartial judicial decision, and the substantively interpreted idea of equality before the law." In this connection, Abendroth suggests that the real alternative is not

whether one wishes to bring about full freedom for each individual to make his own economic and social decisions or his subjection to the planning power of a state that democratically represents society, but rather whether one subjects the great mass of society's members to the power—formally private (and hence oriented toward particular interests, not toward the common good)—of those members of the society who control the society's decisive positions of economic power, or whether one removes the planning that is necessary and unavoidable for social production and social life from the haphazardness of the private dispositions of small groups and places it under the collective control of those who participate in the communal process of production as members of a society whose highest decision making
The Structural Transformation of the Public Sphere

unit is the state. In both cases the predictability of legal decisions about the consequences of private dispositions by the society's members is restricted. But in the case of the planning measures of a democratic state committed to social rights this predictability is maintained not in every particular, to be sure, but certainly along general lines and can be made tolerable through regularized procedures and, if warranted, through payment of damages. Within an organization of society irrevocably shot through with oligopolies and monopolies, in contrast, it is subject (on account of private decisions) to changes in scenario that from the individual's point of view are completely accidental. . . . Consequently, the economically weaker members of society are repeatedly exposed to changes in social position for which there are no compensations of any kind. In reality, therefore, the influence of law is not weakened but strengthened when the realm of the publicly controlled sphere is expanded relative to that which formerly was purely a domain of private law.124

Forsthoft is admittedly justified in indicating that even the social-welfare state (Sozialstaat), as the constitution of a bourgeois society, remains in principle a state financed by taxation (Steueraaat) and does not per se normatively posit its transformation into a society under state tutelage (Staatsgesellschaft). The social-welfare state, like the liberal one, rests upon the specific foundation of a demarcation of the sovereign right to taxation from the constitutionally granted protection of property: "It is thereby possible to interfere via the right to levy taxes with income and wealth in a fashion which, if it were directed . . . with equal intensity against property, would be qualified as expropriation and would trigger claims to compensation."125 In the course of the development toward a state committed to social rights, of course, the qualitative difference between interference with income and wealth, on the one hand, and with the control over property on the other is reduced to one of degree, so that taxation can become the instrument for the control of private property. But the state based on taxation would definitely pass over into a society under state tutelage only when all social power that was sufficiently relevant politically was also subjected to democratic control. The model that Abendroth contrasts with the bourgeois public sphere, according to which the direction and administration of all processes of social reproduction are subordinate to a public formation
of opinion and will on the part of the citizenry, therefore points up merely the goal of a direction of development—whereby at first not the goal as such but the dimension of development itself is characteristic of the transformation of the bourgeois constitutional state into a social-welfare state.

To the extent that state and society penetrate each other and bring forth a middle sphere of semipublic, semiprivate relationships ordered by social legislation still emerging, the constitutional tenets of a private sphere that precedes the state and of a public sphere that connects society with the state and thus has a function in the political realm are changed in their significance (as regards their sociological import and actual constitutional function) by virtue of a concurrent set of constitutional norms. For what can no longer be vouchsafed indirectly by means of exemption is now in need of being positively granted: a share in social benefits and participation in the institutions of the political realm's public sphere. The legitimate scope of this participation has to be expanded simultaneously to the degree to which this participation is to become effective. Hence societal organizations are active in a state-related fashion in the public sphere of the political realm, be it indirectly through parties or directly in interplay with public administration. In part these are economic associations in the narrower sense that now collectively organize those formerly individual interests of owners operating out of their original private autonomy; in part they are mass organizations that by means of the collective representation of their interests in the public sphere have to obtain and defend a private status granted to them by social legislation. In other words, they have to obtain and defend private autonomy by means of political autonomy. Together with the politically influential representatives of cultural and religious forces this competition of organized private interests in the face of the "neomercantilism" of an interventionist administration leads to a "refeudalization" of society insofar as, with the linking of public and private realms, not only certain functions in the sphere of commerce and social labor are taken over by political authorities but conversely political functions are taken over by societal powers.

Consequently, this refeudalization also reaches into the po-
The structural transformation of the public sphere itself. Here organizations strive for political compromises with the state and with one another, as much as possible to the exclusion of the public; in this process, however, they have to procure plebiscitary agreement from a mediatized public by means of a display of staged or manipulated publicity. In opposition to this factual trend toward the weakening of the public sphere as a principle stands the redefinition of the functions of constitutional rights by a state committed to social rights and, in general, the transformation of the liberal constitutional state into a social-welfare state. The mandate of publicity is extended from the organs of the state to all organizations acting in state-related fashion. In the measure that this is realized, a no longer intact public of private people dealing with each other individually would be replaced by a public of organized private people. Only such a public could, under today's conditions, participate effectively in a process of public communication via the channels of the public spheres internal to parties and special-interest associations and on the basis of an affirmation of publicity as regards the negotiations of organizations with the state and with one another. The formation of political compromises would have to be legitimated by reference to this process.

The political public sphere of the social-welfare state is marked by two competing tendencies. Insofar as it represents the collapse of the public sphere of civil society, it makes room for a staged and manipulative publicity displayed by organizations over the heads of a mediatized public. On the other hand, to the degree to which it preserves the continuity with the liberal constitutional state, the social-welfare state clings to the mandate of a political public sphere according to which the public is to set in motion a critical process of public communication through the very organizations that mediatize it. In the constitutional reality of the social-welfare state this form of critical publicity is in conflict with publicity merely staged for manipulative ends. The extent to which the former type prevails gauges the degree of democratization of an industrial society constituted as a social-welfare state—namely, the rationalization of the exercise of social and political authority. The state committed to social rights has abandoned the fiction of the liberal constitutional state that with its establishment as an organ of state
the public sphere had actually become a reality in the realm of politics. From the very start, indeed, the parliament was rent by the contradiction of being an institution opposing all political authority and yet established as an "authority" itself. In contrast, publicity operating under the conditions of a social-welfare state must conceive of itself as a self-generating process. Gradually it has to establish itself in competition with that other tendency which, within an immensely expanded public sphere, turns the principle of publicity against itself and thereby reduces its critical efficacy.

Naturally, the question of the degree to which the forces active in the political public sphere can effectively be subjugated to the democratic mandate of publicity—and to what extent it is thus possible to achieve the rationalization of political domination and social authority to which the social-welfare state lays claim—ultimately leads back to the problem which from the very beginning was implicit in the idea of the bourgeois public sphere. The notion of society as liberalism's ambivalent conception made evident had supposed the objective possibility of reducing structural conflicts of interest and bureaucratic decisions to a minimum. One aspect of the problem is technical, the other can be reduced to an economic one. Today more than ever the extent to which a public sphere effective in the political realm can be realized in accord with its critical intentions depends on the possibility of resolving these problems. Here I would like to confine myself to two provisional remarks.

With the mounting bureaucratization of the administration in state and society it seems to be inherent in the nature of the case that the expertise of highly specialized experts would necessarily be removed from supervision by rationally debating bodies. Max Weber analyzed this tendency with respect to the inevitably precarious relationship between the parliament and the executive. Against this, however, it must be taken into account that in the meantime a partner equal to the administration has grown within the administration itself: "The control of the state's political bureaucracy today is possible only by means of society's political bureaucracy, in the parties and pressure groups (Interessenverbände). Of course, the latter them-
selves would have to be subject to a control within the frame­work of their intraorganizational spheres. Inasmuch as this is a matter of the technical aspect within one and the same organization, it should not be impossible on structural grounds to arrive at an appropriate relationship between bureaucratic decisions and a quasi-parliamentary deliberation by means of a process of public communication.130

To be sure, this problem does not present itself today as primarily technical. The disappearance of publicity inside large organizations, both in state and society, and even more their flight from publicity in their dealings with one another results from the unresolved plurality of competing interests; this plurality in any event makes it doubtful whether there can ever emerge a general interest of the kind to which a public opinion could refer as a criterion. A structurally ineradicable antagonism of interests would set narrow boundaries for a public sphere reorganized by the social-welfare state to fulfill its critical function. Neutralization of social power and rationalization of political domination in the medium of public discussion indeed presuppose now as they did in the past a possible consensus, that is, the possibility of an objective agreement among competing interests in accord with universal and binding criteria.131 Otherwise the power relation between pressure and counterpressure, however publicly exercised, creates at best an unstable equilibrium of interests supported by temporary power constellations that in principle is devoid of rationality according to the standard of a universal interest.

In our day, nevertheless, two tendencies are clearly visible which could add a new twist to the problem. On the basis of the high (and ever higher) level of forces of production, industrially advanced societies have attained an expansion of social wealth in the face of which it is not unrealistic to assume that the continuing and increasing plurality of interests may lose the antagonistic edge of competing needs to the extent that the possibility of mutual satisfaction comes within reach. Accordingly, the general interest consists in quickly bringing about the conditions of an "affluent society" which renders moot an equilibrium of interests dictated by the scarcity of means.132 On the other hand, the technical means of destruc-
tion increase along with the technical means of satisfying needs. Harnessed by the military, a potential for self-annihilation on a global scale has called forth risks so total that in relation to them divergent interests can be relativized without difficulty. The as yet unconquered state of nature in international relations has become so threatening for everybody that its specific negation articulates the universal interest with great precision. Kant argued that "perpetual peace" had to be established in a "cosmopolitan order."133

Be that as it may, the two conditions for a public sphere to be effective in the political realm—the objectively possible minimizing of bureaucratic decisions and a relativizing of structural conflicts of interest according to the standard of a universal interest everyone can acknowledge—can today no longer be disqualified as simply utopian. The dimension of the democratization of industrial societies constituted as social-welfare states is not limited from the outset by an impenetrability and indissolubility (whether theoretically demonstrable or empirically verifiable) of irrational relations of social power and political domination. The outcome of the struggle between a critical publicity and one that is merely staged for manipulative purposes remains open; the ascendency of publicity regarding the exercise and balance of political power mandated by the social-welfare state over publicity merely staged for the purpose of acclamation is by no means certain.134 But unlike the idea of the bourgeois public sphere during the period of its liberal development, it cannot be denounced as an ideology. If anything, it brings the dialectic of that idea, which had been degraded into an ideology, to its conclusion.
A Democratic Paradox?

ROBERT A. DAHL

In many of the oldest and most stable democratic countries, citizens possess little confidence in some key democratic institutions. Yet most citizens continue to believe in the desirability of democracy.

Let me offer some of the most telling evidence for this paradox.

- In his study of the four southern European democracies, Leonardo Morlino found a discrepancy between the low levels of satisfaction with “the way democracy works” and the high levels of belief in the view that democracy is preferable to any other regime.¹
- More recently, Hans-Dieter Klingemann has shown that in the most highly democratic countries, including those both of older creation and of newer vintage, a very high proportion of citizens support democracy as an ideal form of government. Yet with few exceptions, only a minority of citizens in these countries have much confidence in the performance of their governments.²

² Among nine countries with democratic governments over forty years, the mean support for democracy in 1996 was 88 percent, ranging from 75 percent in Finland to 93 percent in West Germany, Norway, and Sweden. Among thirteen democratic systems less than forty years in duration, support averaged 86 percent, ranging from 78 percent in Brazil to 95 percent in Croatia. In contrast, among the older democracies only 32 percent of the citizens on average rated the performance of their governments highly. Except for Norway (70 percent) only a minority of citizens ranked the performance of their governments as “high,” ranging from 46 percent in Switzerland to 12 percent in Japan. “Performance” on a 13-point scale that combined “performance of the system for governing,” “performance of people in national office,” “confidence in parliament,” and “confidence in government.” “Mapping Political Support in the 1990s: A Global Analysis” in Pippa Norris, Critical Citizens, Global Support for Democratic Governance (Oxford, UK: Oxford University Press, 1999), tables 2.7, 2.8, and 2.9, 46–49.
• Contrary to some previous work indicating that rather low levels of confidence in government performance have been a steady state, a forthcoming multi-authored work on the trilateral democracies presents impressive evidence showing that in a disturbing number of the advanced democratic countries citizens’ confidence in several major democratic institutions has undergone a significant decline since the 1980s or earlier. In these countries, citizens have significantly less confidence, for example, in the extent to which politicians and parliaments care about their opinions. On a scale of confidence in five public institutions, in the early 1990s confidence had dropped significantly from the previous decade in all but two of seventeen countries. The causes of the decline are by no means clear and may well vary in different countries.

Yet as in the other work I just mentioned, these studies of the trilateral democracies show that the decline in confidence in political institutions has not been accompanied by a decline in confidence in democracy. On the contrary, despite their disdain for some key democratic political institutions, citizens in these countries continue to express high levels of support for democracy as a system. What are we to make of this paradox? And what does it mean for the future?

Understanding the paradox: What do people mean by democracy? Why do they value it? If people in democratic countries continue to express their support for democracy, what is it exactly that they wish to support? What do they value about a democratic system? How can people who seem to have little regard for actual democratic institutions and leaders nonetheless strongly approve of democracy as the best system of government?

It is ironical, if not downright shocking, that amid the enormous amount of survey data about democratic institutions, political participation, attitudes, ideologies, beliefs, and what-not, we have astoundingly little evidence in answer to a seemingly simple question: When people say they support democracy,

3 These are the seventeen Trilateral Democracies described in the 1975 report of the Trilateral Commission.


5 Ibid., “Introduction: What’s Troubling the Trilateral Democracies?” tables 1.1, 40, and 1.2, 45.

6 In North Ireland and France the small decline was not statistically significant. In the Netherlands it was significant at p<.05, in the others at p<.01. See ibid., Kenneth Newton and Pippa Norris, “Confidence in Public Institutions: Faith, Culture, or Performance,” table 3.3., 92.

7 Although a decline in “social capital” may account for the decline in confidence in some countries, as Robert Putnam has suggested, Susan Pharr argues convincingly that in Japan the decline is primarily a result of citizens’ perception of official corruption. That may also be true in Italy, France, and Germany. See ibid., “Officials’ Misconduct and Public Distrust: Japan and the Trilateral Democracies,” 255ff.
what is it that they wish to support? So far as I am aware, the evidence is sparse on the ground.

*A theoretical digression: Two dimensions of democracy.* Before examining such evidence as I have been able to find, let me call attention to certain aspects of democracy both as an ideal and as a set of actual practices and institutions. Sometimes we conceive of democracy as an ideal, goal, aim, or standard, one that is perhaps unachievable but nonetheless highly relevant not only for classifying and judging political systems (for example, as democratic or nondemocratic, more democratic or less democratic, moving toward greater democracy or toward a decline in democracy), but also for fashioning strategies of democratization, designing appropriate political institutions, and so on. At other times, however, we judge actual systems to be democratic, even though they fall short, probably far short, of the ideal, as when we say that the United States, France, and Sweden, for example, are democracies. It is possible, though we cannot be altogether certain, that many citizens think of democracy in both ways: as an ideal to be attained and also as an actually existing government exemplified, at least in important ways, in their own political system.

Although no model of democracy can claim universal acceptability, it is useful to consider ideal democracy as a political system that might be designed for members of an association who were willing to treat one another, for political purposes, as political equals. Although the members of the association might, and almost certainly would, view one another as unequal in other respects, if they were to assume that all of them possess equal rights to participate fully in making the policies, rules, laws, or other decisions that they are then expected (or required) to obey, then an association of political equals formed to govern a state would ideally have to satisfy several criteria. To save time and because I have described them elsewhere, I shall omit them here.8

As we all know, democratic ideals are too demanding to be fully achieved in the actual world of human society. So we need to ask: Under the imperfect conditions of the real world, what political institutions would be necessary in order to achieve democratic goals so far as may be possible in governing an actual state? And by an actual state, I mean as we generally do today, a state capable of governing a large-scale unit of the magnitude of a country in our present world.

Most of us will agree, I imagine, that the minimal set of political institutions necessary for modern representative, democratic government to exist in a political unit the size of a country is pretty much equivalent to the half dozen or so that I have sometimes called polyarchy. Again, I’ll omit describing them here.

The point I do want to make, however, is this: If I reflect on the ideal criteria and the political institutions they require for large-scale democratic govern-

ment in the actual world of human societies, I seem to detect at least two dimensions. I am going to call them the first and second dimensions of democracy.

As to the first dimension, each criterion and each political institution presupposes the existence of an enforceable set of rights and opportunities that citizens may choose to exercise and act on. The criteria of ideal democracy imply, for example, a right held by citizens to have one’s vote counted equally. So, too, the political institutions of actual democracy all imply as necessary to them certain rights and opportunities. They imply a complex body of enforceable rights and opportunities: to participate in electing representatives; to freedom of expression, inquiry, discussion, and deliberation in the widest sense; to form associations with others for inquiry and political action; rights and opportunities to citizenship; and more. These rights and opportunities are not merely abstract moral obligations. In order for the basic democratic institutions to exist in actuality, the necessary rights and opportunities must also exist, not simply on paper but as effective rights and opportunities that are enforceable and enforced by law and practice. A country without these necessary rights and opportunities would as a consequence also lack the fundamental political institutions required for democracy.

But having rights and opportunities is not strictly equivalent to using them. That I possess the right to discuss politics freely with my fellow citizens does not necessarily mean that I will actually engage in political discussion. I may even choose not to vote—as a great many American and Swiss citizens do. The second dimension of democracy, then, is actual participation in political life. Obviously this second dimension is important. The continuing existence of a democratic order would seem to require that citizens, or at least some of them, sometimes do actually participate in political life by exercising their rights and act on the opportunities guaranteed to them.

Yet it is an all too common mistake to interpret democracy as if it were embodied only in its second dimension, to see democracy simply as a matter of political participation, and to assume that if some people in democratic countries say they value democracy it must be because they receive enjoyment or satisfaction from actually participating in political life. And if it turns out that they do not particularly enjoy participating in political life and do not engage much in it, then it might seem to follow that they do not care much about democracy.

As should be obvious by now, to view democracy in this fashion is simply wrong. It is wrong because it ignores what may well be the most important element of democracy, its first dimension. In short, this mistaken view overlooks the fundamental political rights and opportunities that, both as an ideal and an actuality, are intrinsic elements of democracy.

What do surveys show?

Nearly a half-century of surveys provides overwhelming evidence that citizens do not put much value on actually participating themselves in political life. If
democracy were to consist only of its second dimension, a majority of citizens in democratic countries would give it at best their weak support and at worst none at all. For some years now, surveys have revealed over and over again that few citizens in any democratic country participate in political life in ways other than voting, or perhaps occasionally signing a petition. With most people, even discussing politics is by no means a frequent event. Yet the fact that many citizens do not take full advantage of all the rights and opportunities provided by a democratic system should not be interpreted to mean that they are indifferent to their possession of these rights and opportunities. When so many people in democratic countries say they value democracy, might they not value it primarily for its first dimension, not the second?

Lamentably, it is precisely on this question that the plentiful flow of survey evidence diminishes to a trickle. Luckily, this trickle consists of several surveys in West Germany and the Netherlands. When respondents in those countries were asked to indicate the necessary characteristics of democracy, the results were striking. To an overwhelming proportion of people, the necessary features were precisely those of the first dimension. What is more, for whatever it may be worth, a survey taken in East Germany in 1990 showed that respondents identified the same characteristics.10

But if this is what people mean by democracy, it is a small and entirely permissible move to conclude that when citizens in these countries, and probably elsewhere, indicate that they support “democracy,” what they have in mind are the values and institutions of the first dimension.

If that is so, then we have here the explanation of our paradox. Although a majority of citizens in most democratic countries may view participating in political life as neither very urgent nor particularly rewarding, and though many may be dissatisfied with the way their government works, overwhelming majorities of citizens do value the rights and opportunities their democratic system of government provides to them. To be sure, they may choose not to exercise their rights and seize their opportunities very often. Yet their views are definitely not internally inconsistent.

Dissatisfaction with the way their government works might in the long run weaken the confidence of some citizens in the value of the first dimension of democracy and thus weaken their support for democracy. Other citizens may

---


10 On Germany see Dieter Fuchs, Giovanna Guidorossi, and Palle Svensson, “Support for the Democratic System” in ibid., 321–351, table 331, 331; on the Netherlands, see Jacques Thomassen, “Support for Democratic Values,” ibid., 384–416, table 13.1, 385. If I may be allowed a personal reference at this point, the authors who report the German results remark that “the responses reproduce almost exactly the basic institutions of polyarchy which, according to Dahl (1989) are the necessary requirements for a democratic system.” (p. 332)
conclude that they will simply have to participate more actively in political life in order to mend the defects they see in the operation of their democratic government.

They are less likely to do so, however, unless they possess some idea of plausible remedies and solutions. Has not the time arrived when political scientists, constitutional lawyers, and others who are concerned about the future of democracy should take up this challenge and look for feasible ways of remedying the defects that so many citizens see in the way their governments operate?*

* This article is adapted from a paper that was originally presented at an October 1999 conference in Uppsala, Sweden, on “The Future of Democracy.”
DEFINITION OF THE TERM

Republican and democratic theorists from Rousseau onwards have either urged or assumed that a proper system of government must provide opportunities for political participation by the ordinary citizen. The opportunity to vote in periodic competitive elections is the minimum condition that a governmental system must satisfy to qualify as democratic, and most liberal theorists, indeed most political scientists, have believed that further opportunities and forms of political participation are highly desirable. The concept of political participation is not nearly as complex as the concept of representation, is not currently contestable, and can be easily illustrated by example, in the form of a list of the main forms of participation open to citizens in the modern democratic state. Before giving this list, however, a word about definition will be helpful.

Participation is an activity, that of taking part with others in some social process, game, sport or joint endeavour. The social dimension is essential to the term; Robinson Crusoe did not participate in anything, because he was alone. Political participation is participation in the process of government, and the case for political participation is essentially a case for substantial numbers of private citizens (as distinct from public officials or elected politicians) to play a part in the process by which political leaders are chosen and/or government policies are shaped and implemented.

It must be emphasized that participation is an activity, as distinct from an attitude. In their celebrated study of *The Civic Culture* Almond and Verba characterized the American political culture as a ‘participant civic culture’, largely on the basis that Americans had a stronger belief than the citizens of the four other countries studied in the importance of citizen participation in political life and in their competence to play a meaningful role (Almond and Verba 1965: 313–15). This is exactly what could be expected in view of the long-standing American belief in popular sovereignty, already discussed in Chapter 7. However, belief in the virtue and probable effectiveness of political participation is not the same as participation itself, as is shown by the
fact that turnout figures for voting in American national elections are much lower than the equivalent figures in most other democracies. The figures are 30–35 per cent in mid-term congressional elections, compared with 75–85 per cent in most parliamentary elections in Europe.

The main forms of political participation can easily be listed, and are as follows:

1 voting in local or national elections
2 voting in referendums
3 canvassing or otherwise campaigning in elections
4 active membership of a political party
5 active membership of a pressure group
6 taking part in political demonstrations, industrial strikes with political objectives, rent strikes in public housing, and similar activities aimed at changing public policy
7 various forms of civil disobedience, such as refusing to pay taxes or obey a conscription order
8 membership of government advisory committees
9 membership of consumers’ councils for publicly owned industries
10 client involvement in the implementation of social policies
11 various forms of community action, such as those concerned with housing or environmental issues in the locality.

JUSTIFYING POLITICAL PARTICIPATION

Although participation is a behavioural concept, it is one with strong normative overtones. Very few people think political participation is a bad thing. Many commend it as one of the factors in the success of western democratic systems, and, being broadly content with the systems, are broadly content with the level and character of public participation in them. Many others believe that democracy would be enhanced in quality and perhaps improved in efficiency if the level of participation were increased, either through existing channels or through additional ones that ought to be established.

To some extent participation can be justified in terms of the functional requirements of any system of government, whether democratic or not. Those who wield political power, whether this be at local or national level, will be likely to do so more effectively if they are well informed about the problems, needs and attitudes of the citizens and community they govern. Dictatorships are apt to rely for this kind of information on government agents of one kind or another, from municipal clerks to secret police, but this inevitably involves the danger that the agents will tell the rulers what they think the latter want to hear, or what the agents think will benefit their own career prospects. It is better, in the sense of more
efficient, if there are open channels of communication through which private citizens or freely elected representatives can pass relevant information to decision makers.

Another general point is that the existence of channels for public participation in the political process is likely to increase the propensity for citizens to comply voluntarily with governmental rules and orders. If people have had the opportunity to play some part in the selection of public officials, to communicate their views on public issues, and to exert pressure on decision makers, they are more likely to accept that governmental decisions are legitimate, even if disliked, than would be the case if citizens did not have such opportunities. It was this kind of argument that led European monarchs to establish parliamentary bodies in the first place, way back in the thirteenth century in the English case, in the hope of increasing the probability that taxes levied by the national government would actually be collected. In some modern dictatorships, such as Hitler’s Germany or the Soviet Union, mass membership in the ruling party was encouraged as a way of mobilizing support for government policies. To socialize young people into accepting the legitimacy of the regime, mass movements for children and teenagers were also created, such as the Hitler Youth movement in Germany and the Little Octobrists in the Soviet Union. A belief in the advantages of widespread political participation is not confined to democratic regimes.

A commitment to democratic principles supplements these basic arguments with others. It is part of the definition of democracy, and fundamental to all democratic theories, that private citizens should have the opportunity to vote in elections, to organize political parties and pressure groups, and to give public expression to their views on political issues without fear of reprisals if their views happen to be unpopular with the government of the day. Beyond this basic normative commitment, there are several arguments by democratic theorists about mass participation in the political process, some in favour of increased participation and some against it. These are rather varied in character and have been divided by scholars into the two categories of instrumental arguments, in terms of the benefits or dangers to the system that mass participation can bring, and developmental arguments, in terms of the benefits or costs to individual citizens (see Parry 1972: Chapter 1). In what follows I shall outline the main arguments in these two categories, though without using the terms ‘instrumental’ and ‘developmental’, which can create problems.

ARGUMENTS IN TERMS OF THE POLITICAL SYSTEM

The majority of empirical political scientists who have studied political participation in democratic states in the post-war period have been broadly content with the level of participation as sufficient to meet the requirements of the system, though some of them have noted that the level achieved falls
short of that assumed by a good deal of democratic theory. In 1954 this point was made rather forcibly by three American political sociologists who had conducted an elaborate survey of public opinion and voting behaviour in the 1948 presidential election. They reported that the voters had not shown a great deal of interest in or knowledge of the political issues involved in the election, that there had been little meaningful discussion or debate of these issues, and that it seemed to be true of many voters that their political preferences were akin to cultural tastes rather than being the outcome of rational calculations (Berelson et al. 1954: 307–11).

These scholars observed that in these respects the electors failed to behave in the way that much popular democratic theory then took for granted. However, they thought that this implied a fault in the theory, which focused too much on the supposed virtues of the individual citizen and not enough on the requirements of the democratic system as a whole. They asserted that American democracy was working, ‘perhaps even more vigorously and effectively than ever’ (Berelson et al. 1954: 312). One of the conditions for its success was the existence of cross-cutting cleavages in society, so that there was a partial but not a complete correlation between social characteristics and political preferences; a situation that provided for more stability and consensus than would exist if there were a complete correlation (Berelson et al. 1954: 318–20). Another condition was the existence of a certain amount of political apathy. ‘Extreme interest goes with extreme partisanship and might culminate in rigid fanaticism that could destroy democratic processes if generalized throughout the community’, whereas ‘low interest provides manouvring room for political shifts’ and compromises (Berelson et al. 1954: 314). A somewhat similar line of argument was developed by a British scholar in an article entitled ‘In defence of apathy’ (Morris-Jones 1954). The overall thrust of the argument was that populist theories of democracy involved unnecessary and unrealistic assumptions about the political interest, knowledge and rationality of the average citizen; and that they should be replaced by more pragmatic theories based on empirical evidence about the requirements of democratic systems.

The snag about this argument, in the view of critics, is that it ignores the existence of a strong social bias in the practice of political participation. Repeated surveys have shown a clear correlation between education, income and social status on the one hand and the tendency to vote and join pressure groups on the other. The poor and the badly educated, who might be thought to have most to gain from political reforms, are generally the most apathetic and the least active in politics. (For a comprehensive summary of evidence on this, see Milbrath 1965.) This bias means, it is said, that the system cannot be regarded as fully democratic.

What could be done to minimize this bias? One tactic, clearly, would be to make voting compulsory, as it has been for many years in Australia, Belgium and Italy. This provision is not the subject of much controversy in
these countries, where the sanctions are so minimal as to be insignificant, but the existence of the rule pushes turnout in national elections to over 90 per cent of the electorate. In view of the exceptionally low turnout figures for national elections in the United States, one might expect American critics of a radical disposition to recommend the adoption of compulsory voting, but my search of the literature has not revealed any examples of this.

Another recommendation that Americans in favour of higher political participation might be expected to make, but have not made, is that the political parties should follow the example of many European parties in developing mass memberships, with branches in every town and intensive programmes of local meetings and social activities. The British Conservative Party and the German Social Democratic Party have both had memberships of over a million, and all have intensive activities that make the American (and Canadian) parties seem, in comparison, like empty shells. In many electoral districts in Britain, for instance, the Conservative Party has local branches that organize regular meetings and a programme of social activities. In some industrial areas Conservative Clubs have bars, billiards tables, darts teams and the like, whereas suburban constituency associations may hold whist drives, sherry parties and similar fund-raising events. Both parties are heavily into the publishing business, producing a stream of booklets, pamphlets and discussion papers on policy issues. The parties have discussion groups, ideological pressure groups and youth movements. One consequence of all this activity is the communication of opinions between rank-and-file members and parliamentary leaders; another is to reduce the dependence of the parties on corporate or union donations; yet another is that during election campaigns each party can call on an army of voluntary workers, making paid helpers unnecessary.

Having been a participant/observer in elections in four English-speaking countries, my judgement is that the level of public discussion of political issues is appreciably higher in Australia, which has compulsory voting, and Britain, which has parties with mass memberships, than it is in the United States or Canada, which have neither. However, this is only one observer’s judgement and other factors are also relevant, such as the greater ideological gap between the Australian and British parties than between the North American parties and the sharper character of television interviews in the former countries.

As noted, the critics (mainly American) who are not content with current levels of political participation have not advocated either of these developments. Instead, they have favoured changing the system in other ways. Thus, Bachrach has argued in favour of industrial democracy. He accepts that ‘participation in key political decisions on the national level must remain extremely limited’ (Bachrach 1969: 95), and believes that the way to make the United States a more democratic society is to make the managers of large corporations accountable to the workers by law. Bachrach is
surprisingly sceptical about the political abilities of the average citizen, saying that ‘the illiberal and anti-democratic propensity of the common man is an undesirable fact that must be faced’ (Bachrach 1969: 105). His proposal is to educate the factory worker by involving him in ‘the solution of concrete problems affecting himself and his immediate community’, which in modern America is ‘the factory community’ (Bachrach 1969: 103). He has no proposals to improve the participation of the majority of adult Americans, who do not work in factories.

A similar line has been taken by Carole Pateman, who argues that ‘for a democratic polity to exist it is necessary for a participatory society to exist’ (Pateman 1970: 43), and claims that if industrial workers were given some share in decision making at their place of work this would improve their sense of political efficacy and make it more likely that they would also participate, and participate well, in the process by which the country is governed. ‘The existence of a participatory society’, she says, ‘would mean that [the ordinary man] was better able to assess the performance of representatives at the national level, better equipped to take decisions of national scope when the opportunity arose to do so’ (Pateman 1970: 110).

A balanced discussion of participatory democracy is provided in a book with that title by Cook and Morgan (1971). They draw a useful distinction between co-determination, in which amateurs join with professionals in decision-making bodies, and self-determination, in which groups of amateurs take decisions themselves. Examples of co-determination include student-faculty committees in universities and government advisory committees of all kinds. Examples of self-determination include Israeli kibbutzim and ‘some of the community-action programmes in the War on Poverty’ (Cook and Morgan 1971: 5). They suggest that the best way to break the ‘iron law of oligarchy’ (to be discussed in Chapter 14) is:

\[
\text{to shift towards non-elitist decision-making units. Hence workers should participate directly in making and applying rules on working conditions, wages and similar matters; and racial or ethnic minorities should be maximally involved in decisions regarding their housing, schools, welfare payments and the like.}
\]

(Cook and Morgan 1971: 14)

The implication of their discussion is that co-determination is preferable to self-determination, in that it ensures that specialized information and expertise are available to decision makers.

There are also arguments against participatory democracy. One is that groups of amateur politicians may lend themselves to manipulation by demagogues or by ideological factions. It has frequently been observed that this was the case among student groups at the time of student revolts in the late
1960s and early 1970s, when New Left activists effectively dominated the scene although they were often in a minority among the student bodies as a whole. Open participation may mean domination by those with strong ideological motivations who are willing to give their time to it, but who would not necessarily be able to win a competitive election. Moreover, normal representative institutions have rules of order that protect all parties to the debate, but this is not always the case when decisions are taken at mass meetings (see Cook and Morgan 1971: 30–1).

Another possible argument is that elected representatives and appointed officials can probably bargain and compromise over issues more easily than citizen groups can (Cook and Morgan 1971: 34). Being full-time professionals in the game of politics teaches people to accept the realities of political life, which frequently involve compromise and partial defeat. Amateurs may not be so flexible.

Another possible argument is that mass participation may mean that a spontaneous group can effectively nullify a decision by the elected body responsible for decision making. When Columbia University decided in 1968 to build a gymnasium on the edge of Harlem, this decision was ratified more than once by the elected representatives of the citizens of Harlem. However, a sizeable group of non-elected black students at Columbia decided that it would not be good for Harlem and created a crisis ending in violence. Henry Kissinger’s comment on this was that it was ‘government by a process of private nullification, which has never been especially good news for democracy’.

While the arguments against wider citizen participation in politics are mostly rather conservative, there is also a radical argument to the effect that many forms of participation tend to co-opt people into the system and thus blunt the edge of protest. Writing about community problems, John Dearlove has said this:

[Participation] can force, or educate, the participants to gain an awareness of governmental problems and policies and this will not only inhibit the public from pressing for solutions to their own problems, but will also enable the authorities to legitimize their decisions with the stamp of public approval.

(quoted Richardson 1983: 59)

The East London Claimants’ Union, a group representing people on welfare, has declared that:

any of this ‘participation’ would be a sell-out to the system and an attempt on the part of the establishment to absorb our militancy. To the establishment, participation merely means that a few of us will help ‘them’ to make decisions about us.

(quoted Richardson 1983: 59)
There is a good deal of force in this argument. K. C. Wheare (1955), writing about the vast number of advisory committees established by British government departments, observed that there was a risk that ‘all those who might influence and guide public opinion may be captured by the departments, placed on their committees, and so won over to the official side from the start’ (Wheare 1955: 66). My own study of the role of the regional consumer councils attached to the British gas and electricity boards (then under public ownership) revealed that ‘they are more effective in bringing the excuses of the authorities to the attention of the public than in bringing the complaints of the public to the attention of the authorities’ (Birch 1959: 162). The general point (as suggested in Chapter 8) is that all channels of communication between the public and the government are or quickly become two-way channels, which can be used by both sides.

One of the conceptual lessons that may be learned from this very brief sketch of some of the arguments that have been made about political participation in recent years is the need for clarity about the forms of participation. While the general definition of the term is not problematic, it has to be accepted that it is an omnibus term. There is a world of practical difference between enhanced participation through the existing processes of representative government, participation in new institutions to be added to the existing system, participation in spontaneous demonstrations, boycotts and other forms of direct action, and participation in social and industrial institutions that may influence political behaviour but is not directly political in itself. There are also significant distinctions to be drawn between co-determination and self-determination, as already mentioned, and between participation in policy-making processes and participation in the implementation of policy. It follows that a general commitment to more widespread citizen participation in politics, while being an entirely reasonable commitment for democrats to have, does not in itself constitute a programme for reform. It is essential for critics of the existing pattern of institutions and behaviour to be specific about the changes they would like to see.

ARGUMENTS IN TERMS OF THE INDIVIDUAL

There is a basic difference of opinion here between theorists who regard political participation as a cost that the individual participant has to incur in order to secure benefits, and those who regard participation as a beneficial activity in itself. Theorists of the former type can be regarded as descend-ants of Jeremy Bentham and James Mill, the British Utilitarians who viewed the political arena as a kind of market-place in which individuals constantly attempted to maximize the benefits and minimize the losses they could secure from the political process. The assumptions of the theory included individual selfishness, in the sense that each participant would be motivated by the desire to protect or enhance his own personal interests, and individual
rationality, in the sense that each participant could be expected to make a rational calculation of probable gains and losses before acting.

Academic economists have adopted these assumptions regarding economic behaviour in a free-market economy and have built up an impressive body of theory based upon axioms about behaviour and models indicating the reactions that could be expected to follow various stipulated changes, such as variations in the rate of interest or the overall level of purchasing power or the distribution of incomes. Since the late 1950s, a number of political scientists or political economists have tried to apply the same kind of logic to political behaviour.

The leader in this enterprise was Anthony Downs, whose book *An Economic Theory of Democracy* was published in 1957, and one of his most influential successors was Mancur Olson, whose book on *The Logic of Collective Action* appeared in 1965. Downs raised a basic question about the reasons why people participate in politics by voting. Given that the act of voting requires some expenditure of time and energy, the decision to vote could be justified only by some calculation of the probable benefit to the individual voter. It must therefore depend on the perceived difference between the policies of the competing parties, in so far as they might affect the voter, the perceived expectation that the choice of an individual candidate would determine which party emerged victorious in the overall result, and the perceived expectation that the vote of the individual voter would determine the result of the election in that district. As Brian Barry has pointed out, the chances of a single vote determining the result in any sizeable electoral district are so small that the logical decision for the great majority of electors would be not to bother to vote. This kind of analysis therefore points to a puzzle about voting behaviour in democracies (Barry 1970: 14–15).

There are various possible answers to the paradox of why most people in most democracies do actually turn out to vote in national elections. One, suggested by Riker and Ordeshook, is that people get rewards from voting other than an expected material benefit from the result. They get emotional satisfaction from such considerations as performing their civic duty, ‘affirming allegiance to the political system’, ‘affirming a partisan preference’, and so forth (Riker and Ordeshook 1968: 28). This is undoubtedly true, but it seems to undermine the value of the economic approach to the problem. These are psychological or emotional satisfactions, not calculated prospects of personal gain. Barry’s comment on this is pertinent: ‘It may well be that both the costs and the . . . benefits of voting are so low that it is simply not worth being rational about it. Thus habit, self-expression, duty and other things have plenty of room to make themselves felt’ (Barry 1970: 23).

Olson’s book deals with activities that involve a higher cost, in so far as participation can be regarded as a cost. He discusses membership of trade unions and other pressure groups, where the member has to pay
subscriptions and, if he is active, to give much more time to the organization than is involved in casting a vote on election day. In so far as these organizations provide benefits to a whole category of people, whether or not they are members, it follows (according to Olson’s argument) that there is no direct incentive for potential beneficiaries to incur the costs of joining and working for the group. They will benefit anyway, and it is not likely, in any sizeable group, that one extra member will make a significant difference to the outcome. The economic logic of the situation encourages people to become ‘free riders’ rather than participants (see Olson 1965).

This is undoubtedly true, and it explains why trade unions are so keen to impose a closed shop, or a union shop, in industrial plants. They want to force workers to join their union, or at any rate a union, because they understand that the costs of membership would otherwise keep some potential members out. It also explains why many unions emphasize the selective benefits that they provide to members, but not to other workers, such as information, representation in case of grievances, pay while on strike, and in some cases pension plans or health and accident insurance schemes (see Barry 1970: 27). This argument applies not only to unions but also to other pressure groups. Motorists’ organizations would not be nearly so large and well financed if they appealed only on the grounds of their activities as pressure groups, without offering selective services in the form of emergency towing and repairs in the case of breakdowns. The British National Trust would not be so large and successful if it appealed only as an environmental pressure group, without offering selective benefits to members in the form of free admission to stately homes and gardens. Olson’s theory about free riders has more explanatory value than Downs’s theory about voting, because the costs of group membership are significantly higher than the cost of voting.

Olson’s theory does not, however, explain everything about participation in organized groups. As Barry has pointed out, it does not explain why union membership is much higher in some periods than in others (Barry 1970: 29) or in some countries than in others. The proportion of workers belonging to a union is, for instance, over twice as high in Britain, Australia and Germany as it is in the United States or France. These variations cannot be explained in individualistic terms of selective benefits offered to union members, but only in more collective, sociological terms like feelings of class solidarity, a belief in collective action, and so forth. The very marked recent growth in environmental groups in most advanced industrial societies, or of groups for and against abortion in North America, cannot be explained in terms of individual calculations of costs and potential benefits, but only in terms of ideological and moral commitments and an altruistic readiness to spend time in pursuit of general causes believed
to be worthy and important. Then again, others would say that participation in such organizations does not involve a cost at all, except in very narrow financial terms, for the activity is enjoyable and rewarding for members.

This brings us to the other point of view about the effects of political participation for the individual, namely that it is likely to be beneficial. Theorists who take this viewpoint point out that it alleviates, or would alleviate, the sense of isolation or even alienation that many people feel in modern industrial society, a sense that the growth of automation in industry and the growing use of computers in office work can only increase. It has been said that:

the complexity of modern society’s division of labour tends to isolate men from a sense of moral responsibility for the ultimate consequences of their actions . . . Participatory democracy may be able to contribute to meeting the psychological and ethical problem of relating personal conduct to social consequences.

(Cook and Morgan 1971: 15)

A similar line of argument is that increased participation is likely to increase the feelings of political efficacy that ordinary citizens have, so that increased confidence that their actions can have an effect on public policy will lead them to a greater sense of control over their communal lives and will have a knock-on effect, greater participation in one sphere of activity leading to greater participation in other spheres. This was Carole Pateman’s main argument for the introduction of workers’ control in industry, as developed in her 1970 book. However, in an article published in 1980 she reports in a very disillusioned way about the experience of workers’ control in Yugoslavia. Studies published since her book had revealed that the social bias so conspicuous in political participation in capitalist America was found also in socialist Yugoslavia. Skilled and better-educated workers were more likely to become members of workers’ councils than unskilled workers, and participation in these councils was seen ‘as a technocratic activity, based on skills and expertise, rather than as a matter for political commitment’ (Pateman 1980: 91).

Pateman believes rather passionately that this is wrong. In this article she draws attention thirty times, in the space of forty-six pages, to the correlation between social and economic status and political participation, which she believes should be unacceptable to democratic theorists. Now, a writer as talented as Pateman does not say the same thing thirty times in a single article by accident; she wrote in this way to ram the point home, because she believes that its significance is too often overlooked. In taking the view that she does, Pateman seems to be following the example of the logical positivists (to be discussed in Chapter 16), who argued strongly that experience and empirical evidence could not in themselves lead to value judgements.
This was expressed in a phrase that became famous in the immediate post-war years: ‘an “is” cannot produce an “ought”’. In Pateman’s view, the argument of political sociologists that our democratic values should be modified to bring them into line with the empirical evidence about political behaviour is an argument that can only lead to the defence of the status quo. If democratic values demand mass participation in decision making plus social equality in that participation, then those values should be re-affirmed despite all evidence that in the contemporary world most citizens do not want to participate actively (that is, beyond voting) and that those who do tend to be drawn from the ranks of the more skilled, the better educated and the more affluent. It is a tenable viewpoint, even though it may lead those who hold such values into a certain state of frustration when considering the empirical evidence.

Robert Dahl is also a believer in workers’ control in industry. In 1970 he claimed that American democracy would be more complete if all employees in business enterprises were given the power to control those enterprises, employing expert managers to conduct day-to-day management where this seemed appropriate. He argues that representative government in a sizeable community suffers from the remoteness of decision makers from the ordinary citizen (Dahl 1970: 142) and that self-management at work would compensate for that. It would be desirable, he says, even if it were to result in a slight loss of productive efficiency in the enterprise, for this would be balanced by the value of ‘democratic participation and control, as good both intrinsically and in their consequences for self-development and human satisfaction’ (Dahl 1970: 132).

In 1985 Dahl reaffirmed this view, claiming not only that employee control of business enterprises would reduce feelings of alienation in the workplace but also that it would contribute ‘to the values of justice and democracy’ in society and ‘improve the quality of democracy in the government of the state by transforming us into better citizens’ (Dahl 1985: 93, 94). He went so far as to say that citizens of the modern state had not only a right to participate in democratic forms of government but also a right to participate in the management of the firms in which they worked (see Dahl 1985: 111–35).

In reviewing reports on the results of various American experiments with workers’ participation in management, Dahl had to admit that the evidence was mixed. In some firms the experiment had led to increased feelings of satisfaction and political efficacy while in others it had led to increased alienation from work and disenchantment with the idea of participation (Dahl 1985: 96–8). The evidence from Yugoslavia was discouraging, and he quoted a Yugoslav scholar’s conclusion that for participants in workers’ councils ‘the direct experience with self-management has been so frustrating that their sense of alienation has become even greater’ (Dahl 1985: 97). Nevertheless, Dahl remained optimistic, saying that American and Yugoslav
experiments were still young and that a hundred years of experience with self-management might bring about a truly beneficial modification of attitudes (Dahl 1985: 98).

SOME DEVELOPMENTS IN PRACTICE

In the late 1960s there was much talk on both sides of the Atlantic of the desirability of wider participation in the governmental process, and in Britain the government sponsored a nationwide survey of public attitudes to this question. This survey did not reveal a sizeable public demand for change, however. When people were asked to say what they would like to see done to improve things in their region, only 3 per cent spontaneously said that they would like more say for people in the area as against central government, compared with 21 per cent who wanted better roads, 20 per cent who wanted better leisure facilities and 20 per cent who wanted more economic development. Of the fourteen types of improvement mentioned, more local democracy was in fact the least popular (see Birch 1977: 153–6).

However, in practice there have been developments in Britain and elsewhere that have involved wider participation in the political process, and it seems appropriate to conclude this chapter by mentioning them.

In Britain there has been a significant growth in the participation of clients (or, as some would say, consumers) in the implementation of social policies. The last decades of the century saw the establishment of local community health councils all over the country and ‘patients’ participation groups’ in a number of areas, and of associations of tenants in municipal housing who have to be consulted under the provisions of the Housing Act of 1980 (see Richardson 1983: Chapter 3). Parents are now commonly members of school governing bodies and many schools have pupils on their governing bodies also. The Education Reform Act of 1988 made it possible for schools to opt out of municipal or county control and become self-managing if a majority of parents approve of this move. Under the legislation on race relations, every sizeable community with ethnic minorities now has a community relations forum containing representatives of the minorities. A major survey showed that in 1997 ‘some 85 per cent of English local authorities had undertaken public meetings or issued consultative documents’, that ‘88 per cent of authorities had undertaken service satisfaction surveys’, that ‘47 per cent had used focus groups’, and that about a third had interactive websites (Wilson 1999: 250).

A very different type of growth in political participation has been seen in the increased prevalence of various types of direct action by groups protesting against some aspect of government policy. Trade unions boycotted the Industrial Relations Court established in 1971. Anti-nuclear groups have blockaded nuclear bases. Environmentalists and local property owners have held up plans for highway construction by obstructing public inquiries. In
1990 tens of thousands of citizens refused to pay the new poll tax (replacing municipal property taxes), the revolts against which contributed to the downfall of Margaret Thatcher as prime minister. In the 1990s, members of animal welfare groups blockaded ports to prevent the export of live calves to the continent, and several road improvements were blocked by radical environmentalists (see Doherty 1999). Like them or not, these are all forms of political participation by ordinary citizens.

In the United States in the same period the parties, and particularly the Democratic Party, became weaker, electoral turnout declined, but there was an increase in the number and vitality of single-issue pressure groups. It is a matter of dispute whether this is healthy or unhealthy in terms of the democratic process as a whole, but the development lends support to the arguments advanced by pluralists like Truman (1951) and Dahl (1985) about the significance of latent political groups that might become actual groups when new issues get on to the agenda.

Another development has been the marked increase in the use of the initiative and referendum to change state laws in the twenty-three states, mainly in the west, that allow for these procedures. The campaign for the initiative and referendum began in the Populist Movement of the 1880s and 1890s, was successful in many western states in the first two decades of the twentieth century, but did not lead to extensive changes in state laws until the 1970s. The most dramatic change was the adoption in 1978 of Proposition 13 in California, a proposal to cut property taxes by more than half. This was passed by a two-to-one majority and more Californians voted on the question than voted in ‘any of the candidate contests on the same ballot’ (Schmidt 1989: 132). The tendency was widespread and between 1970 and 1986 there were 158 statewide initiatives passed by voters in 22 states and the District of Columbia (Schmidt 1989: 287–94). This is clearly a move towards participatory democracy, though not one that has been universally applauded by academics who favour wider participation in politics.

In Europe also there has been an increasing use of referendums. Swiss voters have decided that their country should join the IMF and the World Bank but should stay out of the UN and the European Union, as well as reaching many decisions on domestic matters. Italy and the Irish Republic have both held referendums that authorized the enactment of divorce laws. In 1992 Denmark and France held referendums on whether their governments should ratify the Maastricht Treaty, and in 1997 the British government conducted referendums on its proposal to create a Scottish Parliament and a Welsh Assembly. In 1999 voters in Northern Ireland and the Irish Republic were invited to endorse the agreement that had been reached to end terrorist violence about the government of Northern Ireland.

In 2005 voters in France and the Netherlands decided to reject the draft constitution for the European Union that had been advocated as essential for the enlarged EU.
It seems fair to say that there has been a secular trend towards greater political participation in modern democracies. However, it also seems fair to say that the forms of increased participation have been very varied, have not always been predicted by political scientists, and have not always been welcomed by liberals. Although political participation is fairly easy to define, the arguments about it are complex and somewhat contradictory.
Public and Private in Political Thought

ROUSSEAU, SMITH, AND SOME CONTEMPORARIES

The concepts of public and private, like the idea of civil society, associational life, or the public sphere, are, at present, undergoing a minor renaissance and are the subject of innumerable books, essays, conferences, and symposia. They are not, however, new concepts or new ideas and have in fact been integrated into the work of anthropologists, political scientists, and sociologists for some time. From Hannah Arendt’s *The Human Condition* (1958) through Charles Maier’s influential volume on *Changing Boundaries of Public and Private* (1987) and down to the appearance in English of Jurgen Habermas’s *The Structural Transformation of the Public Sphere* (1989, which played a major role in refocusing scholarly interest in this direction), the concepts of public and private have been gaining saliency and prestige in scholarly circles. The recently edited volume by Jeff Weintraub and Krishan Kumar, *Public and Private in Thought and Practice: Perspectives on a Grand Dichotomy* (1997), is ample evidence of the new awareness scholars in different disciplines are bringing to this subject.

Given this extensive interest and the frequency with which these terms appear, not only in scholarly books and articles, but in popular debates as well, it is interesting to note that the ideas of public and private are surprisingly undertheorized concepts within the field of sociology. This situation is quite the reverse of the current interest in the issue of public and private found in political science or anthropology, where these concepts have been subjected to rigorous scrutiny and debate. In neither case is this interest surprising. Liberal political theory rests, after all, on the separation between public and private realms—and indeed lives; and from Karl Marx and Benjamin Constant in the nineteenth century down to recent debates between communitarians and liberals over the definition of the public good, the issue of public and private—their boundaries, content, interpenetration, and so on—have been the subject of intense interest and debate. In recent years, this debate has been joined by feminist scholars who, like many theorists of republican democracy (such as Quentin Skinner), are offering a critique of the liberal distinction between home and market (private and public spheres) and challenging the classical liberal distinction between public and private realms.
Moreover, the current interest in civil society and the idea of the public sphere—sparked by the events of 1989 in Eastern Europe and, to some extent, by Habermas’s *Structural Transformation of the Public Sphere*—have led to renewed interest in the very idea of public and private, its historical, comparative, and analytic dimensions. All these factors, together with the current debates on privatization and the role of the public sector in the organization of the polity and collective life, feminist critiques of the “patriarchal” project hidden at the heart of the modern liberal vision, struggles over the multiculturalist agenda and what have been termed “political correctness,” have contributed to a sophisticated and highly articulate attempt to theorize the issues of public and private in the fields of political science, political philosophy, and public policy.

In a similar vein, these issues of public and private have, for some time now, played an important role within the discipline of anthropology, where the encounter with other cultures has led ethnographers to explore the similarities and differences of these categories across different cultural contexts. In this realm, the work done by Jane Schneider on the structuring of gender relations in North African and Middle Eastern communities, or the research by Leslie Haviland and John B. Haviland on privacy in a Mexican village are but a few examples of the continuing interest of anthropology in understanding the dynamics of public and private in different societies.

Given this situation, it is somewhat surprising to find that there has not yet been any synthetic attempt to theorize the issues of public and private; that is, to unite the different perspectives and definitions currently being propounded in political philosophy, anthropology, or feminist theory into a comprehensive statement. Such a statement should be able to provide a classificatory scheme that would hold across cultures and historical epochs and so allow for further inquiry into the uniqueness and specificity of different forms (and ideologies) of public and private in different cultural settings. In a sense, such a project should be the concern of sociology, which has, however, shied away from any such attempt. This reticence is surprising not only given the increasing saliency of the terms in both popular and academic discourse, but also—and even more importantly—given the very diverse and sometimes opposing meanings and definitions attributed by different theorists to these concepts.

One glaring example of this type of divergence among existing perspectives can be found in Hannah Arendt’s very conception of public and private, which in her reading begin to disappear in modernity with the “rise of the social,” a concept which in her usage subsumes the very distinction that had previously existed (in antiquity, for example) between public and private. This very compelling account stands in contradiction to that of most other theorists, from Marx and Constant down to Habermas, all of whom see in the eighteenth century and the beginnings of modern capitalist cul-
ture the very origins or emergence of that distinction between public and private realms whose demise Arendt posits in the selfsame period.

Or, to take yet another example, Norberto Bobbio’s now classic piece on “Public and Private/The Great Dichotomy,” where he classifies these concepts in relational terms of inequality versus equality and of relations between the parts and the whole versus relations among parts. His scheme would appear somewhat as follows:

<table>
<thead>
<tr>
<th>PUBLIC</th>
<th>PRIVATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>unequal</td>
<td>equal</td>
</tr>
<tr>
<td>relations between:</td>
<td>relations between:</td>
</tr>
<tr>
<td>parts and whole</td>
<td>parts</td>
</tr>
<tr>
<td>God</td>
<td>brothers</td>
</tr>
<tr>
<td>State</td>
<td>kin</td>
</tr>
<tr>
<td>family</td>
<td>friends</td>
</tr>
<tr>
<td></td>
<td>citizens</td>
</tr>
<tr>
<td></td>
<td>enemies</td>
</tr>
</tbody>
</table>

Here we have the beginnings of a fascinating cross-cutting categorization but one laden with problems as soon as we leave the field of political philosophy and enter the minutia of daily life. Thus, relations between God and man, while certainly unequal and pertaining to the relations of the part to the whole, are also often defined within the privacy of conscience and in many circumstances the privacy of a home or other secluded space (at least since the Protestant Reformation—a point we will have occasion to return to often in our analysis). So too the family, in modernity, has entered into the private realm as the State has penetrated into the regulation of private lives and agendas. On the other side of the balance, the relation between brothers is characterized by equality only in some cultures and not in others (primogeniture being a good example of the inequality reigning between brothers). In tribal societies kin systems may be ordered according to principles of equality or hierarchy, and one does not take analytic preference over the other. Friendship, too, as an informal relation between equals is a most modern phenomenon with vast variations across cultures and historical periods. What does remain of Bobbio’s definitions is the crucial (somewhat Hegelian) and thought-provoking identification of public with the relation between the parts and the whole, and the private with the relations among the parts.

Such a definition is indeed tantalizing in its implications not least in the sphere of trust and its relation to issues of social solidarity. For example, we have already stressed the need to distinguish between trust in its
“pristine” form and as an institutionalized model of generalized exchange. We have also seen how this distinction bears on the relations between the public and the private realms: how in modern societies the realization of trust in its “pristine” form is seen as the preserve of the private realm (what Bobbio defines as the one of relations among the parts) as opposed to its institutionalized expression in the public realm (where the relations of the parts to the whole are articulated). By supplementing our own insight with those of Bobbio we thus begin to appreciate the problem of maintaining social solidarity, or associational life, in societies where the principled articulation of its unconditionalities is reserved for the private and not the public spheres. It becomes manifest (or rather exists as potential) in the relations among the parts and not in the relations between the parts and the whole. In different ways this is the tension that we shall be exploring in this section of our inquiry.

We will begin with a brief inquiry into two traditions of political thought whose moral imperatives bear directly on these two very different realms of public and private and have, consequently, over the past two hundred years, posited the one or the other set of relations as constitutive of the Public Good. Thus before entering into more analytic dimensions of the public/private issue as they turn on matters of confidence and trust, we think it wise to explore first certain aspects of their role in political or moral philosophy. For the argument that I wish to develop is that if we explore the two political traditions of what I will call for brevity’s sake “civic virtue” and “civil society” respectively, we can find two very different visions of public and private as sources of virtue and morality. Ultimately these two political visions privilege two very different sets of relations—those between the parts and the whole and those among the parts—as constitutive of the very terms of mutuality and of the moral order, essentially as I will argue, of trust.

These two traditions represent what are, basically contrasting models of citizenship and so, what are ultimately contrasting visions of the social good. Indeed, many of the current debates over citizenship in the West as in the East, whether of a highly principled nature (e.g., the liberal-communitarian debate) or inherently practical (over multiculturalism, language instruction in schools in some North Atlantic communities, the status of Russian minorities in the Baltic states, or the status of ethnic minorities throughout Eastern and East Central Europe), are rooted in principles that derive from these two political traditions principles that tend, as I shall argue, to privilege different conceptions of trust as aspects of the public and private realms respectively.

To some extent, this insight is not terribly new. In fact Benjamin Constant’s 1819 speech given at the Athenée Royal on “De la liberté des anciens comparée à celle des modernes” is precisely an explication of some
salient differences between the traditions of civic virtue and civil society, though not expressly presented in those terms. Given the tenacity of current debates in political theory (and their oft-times polemical character) as well as the much more critical practical challenges facing societies in both Eastern Europe and the West at the end of the twentieth century, it may not be imprudent to review some of this territory once again and attempt to isolate those areas of convergence and, perhaps more importantly, of divergence, in these two traditions within whose contrasting desiderata our own ideas of the social good are so deeply rooted.

Both civil society and civic virtue are concerned, as is all political theory, with defining relations between the individual and the social, and positing this relationship in normative as well as descriptive terms. Both are firmly rooted in the intellectual traditions of Western Europe, in the doctrines of natural law, the political philosophies and images of ancient Greece and Republican Rome. Both played a considerable role in the early modern era when with the breakdown of the feudal order and the universal Catholic Church a new basis was sought for the organization of society. Both continued in different (and often interwoven) forms into the eighteenth—and to an extent into the nineteenth—century among different thinkers, making it difficult (and in the space of this chapter, impossible) to give a full history of these terms. What is possible is the abstraction of some of the core analytic ideas which more or less defined the respective traditions in their different attitudes toward the social good. Both are concerned with providing the foundations of what could be termed a “moral community” as the foundation of social life. And in both traditions the idea of “virtue” is seen as central to the existence of this moral community.

Similarly, both are concerned with the forces of “corruption” threatening this moral community, forces posited in strikingly similar terms of luxury, envy, avarice, and what we would term the growing differentiation of society (and, by the end of the eighteenth century the growth of the market and ties of pure, instrumental exchange between social actors). Similarities notwithstanding, there are important differences, both historical and analytical in nature, and both are to some extent related.

Civil society was more an Anglo-American tradition embodied most saliently in thinkers such as Francis Hutcheson, John Millar, Hugh Blair, Adam Ferguson, and Adam Smith, whom we identify with the Scottish Enlightenment. By contrast, the tradition of civic virtue would seem more continental in nature, our immediate associations running from Machiavelli through Jean-Jacques Rousseau (though the importance of civic virtue in England among “neo-Harringtonians” and as an influence on colonial culture in the decades of independence is critical). The civic virtue tradition was more immediately rooted in the political philosophy of ancient Greece and Rome and in this sense more “backward looking.” Taking the
ancient city-state as a model of republican virtue, it sought (and in some sense still seeks) to return to that definition of citizenship embodied in the Athenian polis or Roman republic. It thus seeks to return to a definition of man as citizen where, following Aristotle, man’s (and now presumably woman’s) telos was to be found in and only in the sphere of political activity.

This concept of man as the “complete citizen” or what can be alternatively rendered as the “totalization” of man as citizen was far from that tradition of social thought that we associate with the idea of civil society, as least as it developed in the eighteenth century among the Scottish moralists. While recognizing the virtue of ancient republican government, these thinkers were more sensitive to the irremediable nature of historical change, and their thought was, consequently, more attuned to positing a new foundation for reciprocity, mutuality, and cooperation (and so, ultimately for virtue) and less to a return to a form of social organization whose efficacy in the support of virtue in eighteenth-century commercial society was increasingly in doubt.

In some sense, these latter assumptions of the Scottish moralists would seem to have been vindicated by the passage of time, for, by the last third of the eighteenth century and more definitely in the early nineteenth century—insofar as we can distinguish between both traditions—the civil society tradition begins to take the place of the civic virtue tradition. This becomes clearer as the nineteenth century progresses and the ideas of civil society are in some sense institutionalized within the growing struggles over citizenship.

These historical differences, however, can serve as no more than an introduction to what are the crucial differences between both traditions. And our interest, fed as it is more by current concerns and less by a purely theoretical interest in the history of ideas, must thus focus on what are the crucial analytic differences between these two traditions in their vision of human endeavor within society.

These differences turn on what are essentially different definitions of virtue, or, in somewhat broader terms, different conceptions of the moral order. In more sociological terms these can be expressed as different conceptions of solidarity where the moral sense is a function of public or private morality respectively (in the civic virtue and civil society traditions). We need only recall Durkheim’s analysis and comparison of repressive and restitutive law as characteristic of mechanical and organic solidarity to apprehend the immediate parallels with the very different moral visions represented by these two political traditions.

In the civic virtue tradition from Aristotle (man’s telos in polis) through Machiavelli, the neo-Harringtonian (fear of corruption in the eighteenth
century), Rousseau (surrender of all natural liberty to community), and even into Hannah Arendt’s philosophical vision (where human realization can only be in the participatory light of the public realm), the moral idea is a public one. It is defined by the conscience collective or, to use Rousseau’s famous expression, the volonté générale. Morality, or the stuff of virtue, is less a private attribute and more a public or communal enterprise. It is realized by the active (and continual) participation of collective members in communal affairs and can, following Machiavelli, be abstracted and removed from all elements of private morality. With Rousseau, “virtue” is succinctly defined as the “conformity of the particular wills with the general will.” This is congruent with his overall moral vision where what is regulated and subjected to authority is not only man’s “actions” but also his “will.”

The sovereign authority in question is not that of the despot but of the community, that community constituted, as Rousseau explains in *The Social Contract*, by “the total alienation of each associate together with all his rights to the community.” That community where “each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole” (emphasis mine) is not only a model of that type of solidarity which Durkheim termed mechanical, but is, in essence, a model of citizenship which most closely approximates the ideal society in the civic virtue tradition.

Rousseau describes, then, a community of a totally unmediated relation between the parts and the whole, where “private interests” and “partial associations” are condemned and where the relation “of the members to one another” are “as unimportant” and the relation of the member “to the body as a whole” are “as important as possible”, a moral community where what is moral is precisely the community. Once we have abandoned a transcendent morality (and if we remain unenticed by utilitarian theory), we have few choices but to follow Durkheim’s strictures on the communal nature of all morality. I note this only for the purpose of keeping a crucial distinction in mind—that between community as the source of morality (a sociological truism) and the notion of community as morality (to put it somewhat starkly). The latter idea is at the heart of the civic virtue tradition, where a community of virtue (to use a more emic term) is one in which the social good is defined solely by the subjugation of the private self to the public realm.

We are now entering somewhat tricky ground, for the boundaries, indeed the very definition of the public and private, are not only continually changing but, in the eighteenth century, are only beginning to emerge as a distinction worthy of thought. Thus, before discussing the other distinctive characteristics of the civic virtue tradition (which, I would maintain,
follow from this defining trait), it may be wise to contrast its very public character with that of the civil society tradition as exemplified by the Scottish moralists. For, in the civil society tradition, especially as it differentiates itself from civic virtue (in the second half of the eighteenth century), the moral basis of society becomes more and more a *private* ideal. This private idea (and ideal) of virtue stands in such marked contrast to the public character of virtue in the former tradition as to exemplify what is, as noted above, a fundamentally different model of citizenship and of the social good. In fact, the move from virtue as an attribute of the public sphere to one of private morality was a crucial development in the making of modern liberal individualism and its models of order. It is, as such, worthy of our attention. The juxtaposition of these two traditions, moreover, will aid in our understanding of each in its own right.

The tradition of civil society is, as I have argued elsewhere, first and foremost an ethical edifice. From Anthony Shaftesbury’s *Characteristics of Men, Morals, Opinions, Times* (1711) through Francis Hutcheson’s *Inquiry Into the Origins of Beauty and Virtue* (1725), Adam Ferguson’s *An Essay on the History of Civil Society* (1767), and until the 1790 edition of Adam Smith’s *The Theory of Moral Sentiments*, it is concerned with positing the moral sense or a “universal determination to benevolence in mankind” as a fundamental given of human nature. It was this moral sense that assured mutuality, compassion, empathy, and so a basis for human interaction beyond the calculus of pure exchange. In Adam Ferguson’s words:

> If it be true that men are united by instinct, that they act in society from affections of kindness and friendship, it if be true, that even prior to acquaintance and habitude, men, as such, are commonly to each other objects of attention and to some degree of regard . . . it should seem that . . . the foundations of a moral apprehension are sufficiently laid and the sense of a right which we maintain for ourselves is by a movement of humanity and candor extended to our fellow creatures. [Consequently, Ferguson goes on to note] Mankind, we are told, are devoted to interest, and this, in all commercial nations, is undoubtedly true: But it does not follow, that they are, by their natural dispositions, averse to society and mutual affection . . . human felicity does not consist in the indulgences of animal appetite, but in those of a benevolent heart; not in fortune or interest but in contempt of this very object, in the courage and freedom which arise from this contempt, joined to a resolute choice of conduct, directed to the good of mankind, or to the good of that particular society to which the party belongs.

The definition and conceptualization of this moral sense was different among the different thinkers of the Scottish Enlightenment. Shaftesbury’s “natural affections,” which discerns “the amicable and the admirable,” is
not the same as Ferguson’s “moral sentiment” or “principle of affection to mankind.” Nor were either of these as developed philosophically as Adam Smith’s principle of “sympathy and approbation” which for him provided the driving force of “all the toil and bustle of the world . . . the end of avarice and ambition, of the pursuit of wealth.” They are all, however (with the partial exception of Smith, whom we will discuss in greater depth), strikingly similar in positing an innate moral sense whose existence is both independent of reason and a function of individual (moral) psychology. The “conscience” that the thinkers of eighteenth-century Edinburgh and Glasgow were struggling toward was one of individual mores rather than public commitments. It was rooted in the individual self rather than in a social being. If for Rousseau the moral sense in the form of the _volonté générale_ can be said to arise sui generis out of society, for the thinkers of the civil society tradition, it also exists sui generis and beyond reduction to other interests, reasons, and passions. Yet in struggling to posit an autonomous grounding to moral facts they had recourse not to the social, but to the individual self as guarantor of the moral order.

The idea of civil society maintained elements of the civic virtue tradition, that is, of the communal locus of individual life (especially when we consider the later development of liberal theory and “methodological individualism”). The ideas of “vanity” for Ferguson and “approbation” for Smith play this role and provide the basis for natural sympathy and moral affections upon which moral community is predicated. Both posited what we have termed earlier an “interactive” self whose existence is social in nature and constituted by the refraction of our actions in the eyes of the other. Both link us to the social whole as we become who we are through the other’s perception of us (a sort of Meadian social self _avant la lettre_). Yet, crucially here the communal or social “other” is internalized in the self, which remains inviolate though not abstracted from community. This, however, is very different from—if not diametrically opposed to—the classical tradition which saw the individual as human only within the polis and through activity in the public realm (and which, in ancient Rome, even saw the intimate activity of procreation as a fulfillment of civic duties) or Rousseau’s ideal where only the replacement of the individual personality by a “corporate and collective body” with its own communal identity, life, and will can guarantee civic virtue, and human realization.

Interestingly, both models are to act for the protection of moral, communal ties against corrupting influences and against, in Rousseau’s terms, the “cheapening of virtue,” but whereas the first achieves this by rooting communal virtues in individual selves, the second seeks to achieve this by restricting individual virtue to the public realm. A good example of this difference, as well as of the fact that the principals involved were well
aware of this difference, can be found in the question posed to the Edinburgh Belles Lettres Society in the early 1760s—"Whether the Character of Cato or that of Atticus is most excellent?" i.e., public or private man. From this followed the true residency of virtue, which for the literati of Edinburgh society was to be found in Atticus’s role as a virtuous individual, impartial and sympathetic observer of the public realm.28

This emphasis on private morality as a guarantee of public welfare was a common feature of eighteenth-century thinking on civil society, especially in Scotland where it was propounded by such thinkers as Hugh Blair and the Moderate Preachers, enjoined in such publications as the Edinburgh Magazine or the Caledonian Mercury, and debated in such societies as the Mirror Club and the Parthenon Society.29 Thus it was precisely in those social organizations of the public realm (where civil society is today, somewhat nostalgically, seen to reside) that argument was most forcefully presented for the necessary foundation of public order on private morality.

In slightly different terms, and if we think back to the tradition of civic virtue, “sociability” (or, with Adam Smith, “interactive sympathy”) can be said to replace “virtue” as the foundation of moral community. This is at one and the same time a more differentiated and sophisticated theory of the moral community and rests on a very different conception of the social enterprise. Put more strikingly and remaining with Adam Smith, whose psychology is perhaps the most sophisticated within the civil society tradition, the idea of conscience as the internal impartial spectator takes the place, as it were, of the volonté générale since virtue is defined as that which is approved by the impartial spectator.

This juxtaposition of the internal, impartial spectator against the idea of the volonté générale is, I would claim, the very heart of the issue at hand and adds both a historical specificity and analytic sophistication to our prior contrast of private and public conceptions of virtue. For while subjection to the volonté générale is a rational act that guarantees (public) virtue by the suppression of all partial (private) interest (through, we may add, the creation of a new corps collectif), the idea of the impartial observer is but an individual (psychological) mechanism through which, for Smith, the workings of mutual sympathy progressed.30 Smith, it should be noted, did not share with Hutcheson, Ferguson, and others the idea that “sympathy” or “mutual sympathy” was a particular type of emotion, irreducible to any other—a psychological datum, as it were.

Rather, he saw sympathy as a function of that practical virtue termed “propriety” which was assessed by the “impartial spectator.” Without entering here into Smith’s complex and subtle psychology of interactive emotions, it is sufficient to point out that “propriety” (and so the workings of sympathy) turn on the idea of the impartial spectator, conceived as impar-
tial, informed, and sharing in the common standards of the community. Through assuming the position of the impartial spectator, we judge both our own conduct and that of others. In Smith’s words:

We endeavor to examine our own conduct as we imagine any other fair and impartial spectator would examine it. If, upon placing ourselves in his situation, we thoroughly enter into all the passions and motives which influenced it, we approve of it, by sympathy with the approbation of this supposed equitable judge.

If otherwise, we enter into his disapprobation and condemn it.31

This exercise both aids us in bringing our own passions in line with acceptable common standards, (propriety) tempering the intensity of our own felt experience to fit common standards and more importantly, creates an independent moral standpoint detached from any given social morality.

The idea of propriety as a standard to judge both our own actions and those of others is, for Smith, rooted in “the eyes of a third party,” that impartial spectator, “the great inmate of the breast” who “judges impartially” between conflicting interests.32 As Smith advises us when assessing our interests in opposition to those of our fellows:

Before we can make any proper comparison of opposing interests, we must change our position. We must view them from neither our own place nor yet from his, neither with our own eyes nor yet with his, but from the place and with the eyes of a third person, who has no particular connection with either, and who judges impartially between us.33

As convincingly argued by Knud Haakonssen, it is the continual search for this neutral third-party position, for the standards of this impartial spectator, that makes social life possible, in that it provides the foundation for a morality higher than the changing whims of any given set of social mores.34

It is with this insight that Smith breaks with both the preceding tradition of civil society, with its naive anthropology and notions of an innate sympathy, as well as with any attachment to collective norms and mores (what may perhaps be termed today, in the language of republican citizenship, the “latent community”) upon which the civic virtue tradition is based. For in revising the sixth (1790) edition of *The Theory of Moral Sentiments*, Smith abandoned his idea of a harmonious society in which public opinion can be seen as a guide to moral action (or virtue) and proposed in its stead a psychological mechanism for the development of an internal conscience. As the “man within the breast” takes the place of the man outside—or public opinion—as the source of virtue, a new foundation is posited for the pursuit of the social good. In the move from the first to the sixth edition of *The Theory of Moral Sentiments*, the impartial spectator is internalized, removed from any facile identification with public opinion, and virtue casts off its moorings in the public sphere.35 While men are, in this reading, still
social beings, what permits sociability is not the dissolution of self (in the *volonté générale*) but the constitution of self through that higher morality imparted by the impartial, internal spectator (higher, that is, than the mere motive of recognition and approval on the part of “high society,” a motive that Smith was to view with increasing apprehension through the closing decades of the eighteenth century).  

Here then, I submit, we have a very different model of virtue, of social mutuality, and of the common good than that presented in the different thinkers whom we associate with the traditions of civic virtue. In that tradition, the public good is one which overrides all private goods and rests, ultimately, on the overcoming of self-interest for public concerns. This is not simple public-spiritedness, but rather a vision of humankind that sees in the public arena the only possibility to realize and fulfill the self-identity of the private citizen. By contrast, the ethical idea in the civil society tradition is a private one, realized within the hearts, minds, and acts of exchange of individual social actors. To be sure, after Hume’s critique of the Scottish Enlightenment view of reason, it became increasingly difficult to posit an innate propensity toward mutuality and sympathy among humans, as had stood so well for the likes of Shaftesbury, Hutcheson, and Ferguson.  

In the works of Adam Smith, however, a new prop is added to the armature of civil society which was not only more sophisticated and supple, but also served to ground interactive sympathy in individual virtue (specifically, by the final edition of *The Theory of Moral Sentiments*, in that of self-command). These differences between the two traditions of political thought can be outlined—somewhat schematically—as found in the table on page 115.

From these fundamental distinctions on what may be termed the nature of virtue other distinctions follow. They are, I believe, of less analytic importance than the prior distinctions noted (and of less relevance to current concerns), and so we shall summarize them rather than submit them to analysis.

a. Attitude toward the “distinction of talents.”

The civil society tradition has a more moderate (or perhaps ambivalent) attitude toward the processes of social differentiation. On the one hand, social differentiation is seen as leading toward civility and the civilizing process; this is as true of Ferguson as of Smith. On the other hand, when it is too great and is combined with too enlarged a territory, producing the loss of a small community (and of face-to-face interaction), it is viewed as a source of corruption. In Ferguson’s telling words:

[The] separation of the professions, while it seems to promise improvement of skill, and is actually the cause of why the productions of every art become more perfect as commerce advances; yet in its termination and ultimate effects, serves,
Civil Society | Civic Virtue
--- | ---
Realm of Virtue | private | public
Definition of Virtue | moral sentiments; natural sympathy, attention, and approbation | shared community
Mechanisms of Virtue | impartial spectator | volonté générale
Model of Self | divided (and so), reflexive (relatively differentiated) | constituted by conscience collective (relatively undifferentiated)
Orientation of Self | inward | outward


In some measure to break the bonds of society, to substitute mere forms and rules of art in place of ingenuity and to withdraw individuals from the common scene of occupation, on which the sentiments of the heart and the mind are most happily employed. . . . In proportion as territory is extended, its parts lose their relative importance to the whole. Its inhabitants cease to perceive their connection with the state and are seldom united in the execution of any national, or of any sanctious designs. . . . It is even remarkable, that the enlargement of territory, by rendering the individual of less consequence to the public, and less able to intrude with his counsel actually tends to reduce national affairs within a narrow compass, as well as to diminish the numbers who are consulted in legislation or in other matters of government.  

Within the civic virtue tradition (especially with Rousseau), social differentiation is also seen as the source of corruption, perhaps the major source, and for Rousseau virtue is indeed the only alternative to the falseness of life that this had led to. It is, for Rousseau, the distinction of talents which as a function of life in society is the cause of inequality and the loss of virtue. We should note too that the tradition of civic virtue is in fact predicated on the idea of the city, a “closed” society or community of nonanonymous individuals for whom mutual trust and responsibility presupposes mutual acquaintance.

b. Source of corruption.
This has been viewed very differently by different thinkers, especially within the civic virtue tradition, which is historically older. Yet, to a great extent the source (in addition to the very differentiation of society noted
above) of corruption is seen as rooted in external factors (this was very much the case in eighteenth-century England and America). In its most classical form (ancient and medieval), this external force took the form of *fortuna*, whose influence on human affairs could be mitigated only by the possession (or pursuit) of *virtu*. In the civil society tradition there is a greater appreciation of internal corrupting influences—internal to society and, even more, internal to the individual. This is perhaps most evident in Adam Smith’s increasing ambivalence to wealth and to “our disposition to admire, and consequently to imitate, the rich and the great,” which is for him “the great and most universal cause of the corruption of our moral sentiments.” Thus the problem of *fortuna* gives way to the problem of market ties, the pursuit of particular interests, and, ever so much more interestingly with Adam Smith, the corruption of individual conscience. The concern with particular interests, cupidity, and the problem of wealth is also present in the civic virtue tradition, especially with Rousseau, but note an important difference: the problem exists at analytically different levels in both traditions. For Rousseau it is a constitutive (I am almost tempted to call it an ontological problem) of our very being in society that can be overcome only by the pursuit of virtue through submission to the general will. In Rousseau’s words: “All the inequality which now prevails owes its strength and growth to the development of our faculties and the advance of the human mind, and becomes at last permanent and legitimate by the establishment of property and laws.” In the civil society tradition, the problem of particular interests is more “tactical”; it becomes a problem only when it takes an extreme form, and covetousness is a threat only when it is unmediated by conscience and the workings of the internal, impartial spectator. Particularity, privateness, and the individual have, as we have seen, a validity in this tradition—as individual/private/particular—that they lack in Rousseau and in the whole tradition of civic virtue of which he is a part.

More “etically,” more sociologically, with more historical hindsight and with an eye to current concerns (in both the West and the East), we must query the moral basis of social solidarity in both traditions: what keeps society civil and/or virtuous, as the case may be? The ramifications of this question on the current debates between universalists and communitarians, on advocates of liberal or republican versions of citizenship, and, more crucially, on the current political situation in many parts of the world should be clear.

For the debate over liberal or republican versions of citizenship is, in many respects, nothing but a contemporary reformulation of the contrasting visions of citizenship, of the individual and of the public good contained in the two traditions of political thought we have been discussing. Liberal (or what Charles Taylor has called “procedural”) theory views society as an assortment of morally autonomous individuals, each with his and
her own concept of the good life, with the function of society being limited to ensuring the legal equality of these individuals through a procedurally just (or fair) process of democratic decision-making in the public sphere.\textsuperscript{46} It is concerned with ensuring the continued operation of universally valid principles of justice (or right) rather than with imposing any particular moral vision on the individual social actors who make up society.

Republican versions of citizenship posit, by contrast, a conception of society as a “moral community” engaged in the pursuit of a common good, whose ontological status is prior to that of any individual member. In this reading, the terms of selfhood no less than those of community are transformed, since—following Sandel’s critique of Rawls—there can exist no “radically situated” or “unencumbered” self free from the morally binding and constituting ties of a particular community.\textsuperscript{47} Even without further explication, it is not difficult to hear the (slightly modified) echoes of Smith and Rousseau resonating in these different positions across two hundred years.

However, what is debated in highly principled terms at Harvard, McGill, or Princeton is, in other parts of the world, a subject for less civil and studied debate. Throughout Eastern and East Central Europe, in Hungary, Slovakia, the Baltic States, the Czech Republic and elsewhere, the emergent civic polities are all struggling to define new principles of social organization and solidarity along a fault line of what can roughly be termed the principles of either a “demos” or an “ethnos,” principles that draw on either of the two models we have been analyzing.\textsuperscript{48}

As was tellingly argued in a recent article by Yoav Peled on the terms of citizenship in contemporary Israel, any given polity may be defined not solely by its acceptance of one or the other of these models, but—and especially in ethnically heterogeneous societies—by a mixture of both: and so by differential definitions of the terms of mutuality and solidarity, as well as the obligations and rights of citizenship of different ethnic groups within society.\textsuperscript{49}

Of great importance to this debate (regardless of whether it is carried out in the West, East, or Middle East), therefore, are those terms of solidarity or membership which inhere to the different models of political theory and so of citizenship represented by the traditions under discussion. This draws on the different conceptions of self and society represented by both traditions. And if, for the liberal-individualist (or universalist) tradition which emerges out of the idea of civil society, the model of solidarity is one of acts of exchange between morally autonomous and agentic individuals, for the communitarian tradition, or that of republican citizenship, it is one most often rooted in primordial or ascriptive criteria. This is so even in Sandel’s description of individuals “as members of \textit{this} family or community or nation or people, as bearers of \textit{this} history, as sons and daughters of \textit{that}
revolution, as citizens of this republic” (emphasis mine), to whom, it may
be added, I owe “allegiances” and “obligations” that go beyond those that
“justice requires or even permits.”\footnote{Note, then, not only the particular condi-
tions within which every self is situated, but also the overwhelmingly
primordial or ascriptive nature of that condition.

This, I would venture, is the real problem not just with the idea of repub-
lican citizenship, but with all traditions of political thought rooted in the
traditions of civic virtue, especially when viewed as an ongoing concern
and disconnected from military exploits (courage being seen, not surpris-
ingly, as an essential component of civic virtue). For despite its very strong
affective elements, seemingly cogent solutions to some of the pervasive
problems of citizenship as we know it today, and strong appeal both in the
past and the present, articulation of a model of civic virtue free from pri-
modial referents is virtually impossible. Indeed, the (albeit halting and
partial) development of universal principles of citizenship following the
French Revolution may thus go some way in explaining the gradual re-
placement of this strand of social thought by ideas stemming from the tra-
dition of civil society.

Not surprisingly, the consistent articulation of a model of solidarity
based solely on the principles of political virtue posed a continual problem
to thinkers working within this tradition. In the early modern period, this
was evinced in the problematic interrelation of “providence” and fortuna,
“grace” and virtu—relationships explored most fully by Pocock, who
stressed the pervasive difficulty of how virtu could succeed unaided by
prophetic grace.\footnote{We may note that the only actual example of “insti-
tutionalized” virtu is in eighteenth-century America where—and this is cru-

This is a key point, for if we remove the affective commitment engendered
by either revolutionary upheavals or foreign wars and if we accept the exis-
tence of highly differentiated societies where the nonmediated existence of
the citizen in the polis is no longer possible (and if we discount the totalitar-
ian implications of a public will), what remains to provide basis for virtue?
The fact that this problem was solved only—and only partially—in eigh-
teenth-century America is of great importance. For there, lacking an ascrip-
tive or primordial conception of the community (notions which—as we
have seen in the Sandel quote above—remain important for republican
conceptions of citizenship), an “ideological community” was constituted;
it was one that owed much to preexisting Puritan traditions of the commu-
nity of believers, that is, to some secularized idea of a community of
grace.\footnote{How virtu can be institutionalized without such a referent remains
an open but critical question—ultimately, I would claim, undoing the ideal
of civic virtue. Here a necessary clarification must be made. This is a prob-
lem (or more properly an insurmountable problem) only when we (norma-}
tively) reject a primordially defined basis for the political community—
that is, when virtue is to be effected solely by the participation in shared
political institutions. Indeed, among contemporaries, the only one to posit
this ideal (in a somewhat utopian fashion) was Arendt. All others, includ-
ing contemporary accounts of republican citizenship, maintain the element
of ascriptive membership as a necessary component of the civic virtue tra-
dition (the early modern version of which, for Rousseau and others, was
that of a small community of shared history, interaction, etc.). Why or
whether this need be so is another matter, ultimately depending on one’s
own philosophical anthropology. Yet historically and theoretically, the
construction of a binding “tradition” and so of a community (moral or oth-
erwise) existing over time, without some referent to primordial “givens,”
has proved a fruitless enterprise. Again, the partial exception is the
United States, and more particularly eighteenth-century America, where
the primordial element was replaced, though only partially, with a “trans-
cendent” grounding of political institutions in a polity of grace and the
traditions of the community of saints. Without either of these principles as
supports of virtue, the constitution of a moral community (one based, let us
say, solely on the principles of participatory politics) has proved untenable.

Interestingly enough, the idea of civil society as it developed in the sec-
ond half of the eighteenth-century in Scotland arose out of a need to posit
a model of solidarity and mutuality freed from primordial attributes. The
failure of the Jacobite uprisings of 1715 and 1745 and the memories of the
battle of Culloden in 1746 were all telling reminders of the inadequacy of
existing national (or ethnic) solidarities as foundations for political identity
in the increasingly differentiated and interlocking commercial economies
of eighteenth-century Scotland and England. Thus, from Ferguson to
Smith we find a new “universal” and increasingly “individualistically”
deﬁned basis for the construction of communal life: what ultimately would
emerge as the basis of liberal-individualistic principles of citizenship.

The models of solidarity and mutuality contained in this ideal carried
with them, however, their own set of contradictions that were somewhat
different in nature from those studied above in the civic virtue tradition.
Ultimately, as we know, the idea of civil society came to rest on the idea of
the autonomous, moral, and agentic individual as standing at the founda-
tion of the social order. (Hegel and Marx rejected this outcome but in so
doing also rejected the idea of civil society as an ethical ideal and, in their
different ways, went quite beyond it.) This idea of the moral individual
became the basis of liberal political beliefs and, as such, was institutional-
ized within liberal-democratic polities. In the process of institutionaliza-
tion the earlier and rather labile concepts of mutuality and, by implication,
civic equality between individuals were replaced with formal, legal, and, to
different extents, in different countries, economic guarantees. These are, in
effect, the attributes of citizenship as developed by T. H. Marshall, extending and formalizing, as it were, the mutuality of the autonomous individual in different realms of shared, public life. Current concerns over entitlement can be viewed as the continuation of this process in different realms.

The developmental logic of this process, however, is paradoxical. For the more the relations between individuals are defined by abstract, legalistic, and formal criteria (what Giddens calls “abstract systems”), the less the public realm can be defined by a shared solidarity based on concrete ties of history, ideas, love, care, and friendship. As the public space of interaction is increasingly defined by the workings of an abstract, rationality (what Weber would term “instrumental” rationality), the less the concrete concerns for mutuality and trust are realized (or perhaps seen to be realized) in the public realm. One consequence of this is the increased difficulty of re-presenting social life in terms of the public sphere and (most salient perhaps in the United States), the positing of sometimes private, sometimes simply particular, entities and interests as public concerns—as actually defining the public good. In fact, I would hazard the claim that the whole emphasis on multiculturalism, on the maintenance of (often ethnic) group solidarities in contrast with the prior ideology of the “melting pot” (based on the ideology of the individual as moral absolute), is part of this dynamic.

In short, as a shared public sphere recedes from the affective grasp of the citizenry (through its very formalization and increased institutionalization) the particular and often the private are posited in its stead as an alternative mode of symbolizing society. The renaissance of arguments based on the “republican” conception of citizenship by Sandel, MacIntyre, and others is rooted in the selfsame dynamic as these somewhat less theoretically principled developments.

We are thus left with the problem of how to articulate citizenship in terms of participation in the public realm (virtue tradition, republican citizenship) without stressing primordial, ascriptive elements of communal identity. (How, for example, could we even begin to discuss a “latent community”—that favorite expression of the Western republican citizenship tradition—of the Danube nations without Jews?) In slightly different terms we are left with the problem of the maintenance of virtue—but through the conceptual and institutional venues as presented in the civil society tradition. How then to provide a definition of virtue which, while maintaining the moral suasion of the civic virtue tradition, would root it in individual selves and in the organizational mechanisms of interaction that we have come to associate with the tradition of civil society?

In slightly different terms and as will, I believe, by now be clear to the reader, we are left with the problem of generalized trust which, as hinted at in the previous chapter, is precisely what the conflict between liberals and
communitarians, proponents of the civil society and civic virtue traditions, has come down to. Let us then attempt to bring together both perspectives—those drawing on our analysis of trust and those rooted in this (albeit brief) history of political thought.

The crux of the issue—the historical (and to some extent contemporary) debate over models of virtue—is, as we have seen, its residence in the public or private realm respectively. Virtue here is taken to be that model of social solidarity—what Durkheim termed the precontractual—at work in society. This becomes clear when we translate virtue into the contemporary idea of citizenship and the different types of rights and obligations envisioned in either model.

What is the meaning of the precontractual? In current scholarship it is understood as the principles of generalized exchange or unconditionalities in society which regulate the workings of the market. It is, as we have seen and in S. N. Eisenstadt’s terms, those “limits to the free exchange of resources in social interaction and the concomitant structuring of the flow of resources in such a way that differs from free (i.e., market or power) exchange.”

This structuring takes different forms, primary among which are the creation of Public Goods and the public distribution of private goods, both allocate resources according to criteria other than those of pure market exchange. It is these principles that provide that “symbolic credit” upon which all interaction (even the most instrumental) turns—supplying that “social capital” that Coleman, Arrow, and others have seen as central to economic well-being.

The principles upon which these unconditionalities are founded can be many: they can be predicated on ascriptive ties of kinship or the familiarity of dense social networks (as for example among RCAs), or they can be based with Durkheim on a civic consciousness predicated on the mutual recognition of the agency and autonomy of the individual as the source of the moral order. This latter model, we recall, was that posited by Durkheim as at the heart of modern, organic forms of the conscience collective.

What Durkheim posited and what has in fact come (to a different extent) to characterize the terms of solidarity in the West has been the positing of the individual agent and his—and increasingly her—autonomy as that unconditional principle of generalized exchange that regulates and structures the flow of resources in society. This has been manifest in myriad and contradictory forms. First among these was the very development of contract law and the freeing of the contract from restrictions and encumbrances in the heyday of laissez-faire capitalism, privileging the autonomy and freedom of choice of the contracting parties. But it is also manifest in the wealth of entitlements that today do in fact restrict the very workings of contract (minimum-wage regulations, child-labor laws, even affirmative-action criteria).
Recall now the seeming contradiction referred to earlier: how the growing institutionalization of the idea of the individual as source of the moral order led to restrictions on the autonomy and freedom of individual agents (as parties to contract). Thus, the very process of institutionalization, of, in other words, the concrete organization of the division of labor on the basis of society’s unconditionalities or principles of generalized exchange, has led to the currently perceived tension between the noncontractual forms of relations posited by the communitarian tradition and the types of encumbrances and restrictions placed on the contract in the liberal tradition—*in the name of the very same set of principles*: those predicated on the idea of the individual as source of the moral order. The communitarian tradition privileges and attempts to integrate the “pristine” form of these relations into the public realm while the liberal tradition values, and, in some cases apotheosizes, its institutional expression.

Here a word of clarification is in order; for some may object that I have only been able to develop the foregoing analysis by imputing to communitarianism a concern with the individual actor that does not really reflect its thought at all and is rather the preserve of the liberal tradition alone. This argument must, however, be rejected out of hand. For if we are to see the individual as something beyond a simple bundle of infinite desires, that is, as one imbued with agency and able to make, in Charles Taylor’s terms, “strong evaluations,” endowed with what Philip Selznick has called “moral competency,” then we must admit that the agentic individual has stood at the core of the classical republican tradition since its inception. Indeed agency itself and, crucially, the mutual recognition of agency are at the heart of those very noncontractual relations posited by the communitarian tradition—in fact, must be so, or else there can be no meaning to such social bonds and relations. Contrariwise, contractual relations can be seen as those where agency is severely circumscribed by formal rules, regulations, imposition of sanctions, and the whole web of systemic injunctions in the fulfillment of role obligations and expectations. They are characterized less by trust than by the threat of sanctions (trust, as we have seen, is only meaningful where agency is operating).

The problem, however, is one of the arena where this agency is effected, and again I would claim we come to the problem of institutionalization. For, as we know now, in contemporary societies that social arena where agency is most recognized and consequently trust in its “pristine” form (as unconditionality) seen to reside is not in the market place, mall, stock exchange, or other public space but in the private realm of friendship or love relations.

In a sense both communitarian and liberal positions recognize this fact but value it differently. The liberal position—at its principled extreme—accepts this as the cost of the modern division of labor and is content to let
the chips fall where they may. That is to say, the liberal position is content to let the public realm (that defines the relations between the parts and the whole) be defined solely by the institutionalized workings of society’s unconditionalities, preserving for the private sphere its most valorized “pristine” articulation. The republican and communitarian traditions (though they cannot in truth be so blithely equated) are less willing to accept this principled distinction between the two realms. (Nor were the early proponents of the civil society tradition who, with Ferguson, mourned the loss of that particular form of solidarity whose passing was occasioned by the modern division of labor.) What was lost and what contemporary republicans attempt to reintroduce into the public realm are precisely those forms of what we have defined as familiarity (see Sandel quote above), which they see as a necessary precondition for the existence of trust (and indeed that agency upon which trust rests).

In some sense, then, they wish to reintroduce an element of “pristine” trust into the public sphere but can do so only by reformulating trust in terms of familiarity. (There can be some rather nasty unintended consequences from this move into the political realm because it may be perceived as legitimizing particular backward-looking political groupings and movements. This is not our concern at the moment, nor should responsibility for such groups be placed at the door of communitarian thinkers.) My own position is that when one stands back from the current political fray and analyzes the situation with some measure of objectivity, one comes to understand that the contradiction between public and private (between virtue and civility, between communitarian and liberal) is but a mirror of the contradiction between the realm where our principled unconditionalities are symbolized and legitimated and the realm of their institutionalized workings. The issue then is not one of voting for Democrats or Republicans nor of supporting a communitarian agenda or a liberal platform. The issue is one of institutionalization, of an inexorable process that always involves a transformation of the ethical principles upon which it was founded—a process that also relegates its intestine debates to the dustbin of history. (Who today studies the debates between Armenian and strict Calvinists over the terms of sanctification and regeneration in Congregational theology?)

Agency remains and with it the idea of the autonomous individual around whom the private realm is defined. To this individual and the constitutive terms of agency we must now turn.
Still the Century of Corporatism?*

Philippe C. Schmitter

The twentieth century will be the century of corporatism just as the nineteenth was the century of liberalism . . .

Mihaïl Manoïlesco

Until recently, Manoïlesco’s confident prediction could easily be dismissed as yet another example of the ideological bias, wishful thinking and overinflated rhetoric of the thirties, an événementielle response to a peculiar environment and period.¹ With the subsequent defeat of fascism and National Socialism, the spectre of corporatism no longer seemed to haunt the European scene so fatally. For a while, the concept itself was virtually retired from the active lexicon of politics, although it was left on behavioral exhibit, so to speak, in such museums of atavistic political practice as Portugal and Spain.

Lately, however, the spectre is back amongst us—verbally at least—haunting the concerns of contemporary social scientists with increasing frequency and in multiple guises. Almost forty years to the day when Manoïlesco declared that “the ineluctable course of fate involves the transformation of all the social and political institutions of our times in a corporatist direction,”² perhaps we should again take his prediction seriously and inquire whether we might still be in the century of corporatism—but only just becoming aware of it.

The purposes of this essay are to explore various usages of the concept of corporatism, to suggest an operational definition of it as a distinctive, modern system of interest representation, to discuss the utility of distinguishing subtypes of corporatist development and practice and, finally, to set forth some general hypotheses “explaining” the probable context of its emergence and persistence.

* An International Affairs Fellowship from the Council on Foreign Relations (New York) for the academic year 1973-74 and the generous infrastructural support of the European Center of the Carnegie Endowment for International Peace have made this research possible. Specifically I would like to thank Ms. Barbara Bishop of the European Center for having deciphered my handwriting and prepared a legible manuscript.


² Ibid., p. 7.
The first step, I propose, is to rescue the concept of corporatism from various usages of it which have crept into the literature and which seem (to me) to do more to dissipate or to disguise than to enhance its utility. On the one hand, it has become such a vaguely bounded phenomenon that, like clientelism, it can be found everywhere and, hence, is nowhere very distinctive; on the other hand, it has been so narrowly attached to a single political culture, regime-type or macrosocietal configuration that it becomes, at best, uniquely descriptive rather than comparatively analytic.

Undoubtedly, the most difficult task is to strip the concept of its pejorative tone and implication. This is made all the more difficult by the fact that—unlike the thirties—there are very few regimes today who overtly and proudly advertise themselves as corporatist. It, therefore, becomes a tempting game to unveil and denounce as corporatist practices which regimes are condoning or promoting under other labels, such as “participation,” “collaborative planning,” “mixed representation,” and “permanent consultation.” On the other hand, if corporatism is left to mean simply “interest-group behavior or systems I do not like” and/or used synonymously with such epithets as “fascist” and “repressive,” then it can become of little or no utility for purposes of systematic comparison. This is not to say that those who use the concept must somehow be enjoined from uttering evaluative statements or even from expressing strong normative reactions to its role or consequences. I have now studied several corporatist systems and come openly to quite firm personal judgments about each of them. But, I hope that those who disagree on its desirability can at least arrive at some common prior agreement as to the empirical referents which identify its basic structure and behavior. They then can dispute the costs and benefits and the intrinsic “goods” and “bads” it produces.

In my work I have found it useful to consider corporatism as a system of interest and/or attitude representation, a particular modal or ideal-typical institutional arrangement for linking the associatively organized interests of civil society with the decisional structures of the state. As such it is one of several possible modern configurations of interest representation, of which pluralism is perhaps the best-known and most frequently acknowledged alternative—but more about that below.
Restricting the concept, so to speak, to refer only to a specific concrete set of institutional practices or structures involving the representation (or misrepresentation) of empirically observable group interests has a number of important implications. These sharply differentiate my preferred usage from those of several others who have recently employed the same conceptual label.

First, by defining corporatism in terms of its praxis, the concept is liberated from its employment in any particular ideology or system of ideas. While, as will become manifest in later sections of this essay, I am quite interested in the arguments put forth by particular proponents of modern or neocorporatism, my reading of its use in the recent history of ideas suggests that an extraordinary variety of theorists, ideologues and activists have advocated it for widely divergent motives, interests and reasons.

These range from such romantic, organic theorists of the state as Friedrich Schlegel, Adam von Müller, G. W. Friedrich Hegel and Rudolf Kjellen; to the pre-Marxist, protosocialists Sismondi, Saint-Simon and Proudhon; to the Social Christian, ethically traditionalist thought of Wilhelm von Ketteler, Karl von Vogelsang, the Marquis de la Tour de Pin, Albert de Mun and, of course, Popes Leo XIII and Pius XI; to the fascist authoritarianism of Giuseppe Bottai, Guido Bortolotto, Giuseppe Papi and Francesco Vito; to the secular modernizing nationalism of a Mihail Manolesco; to the radical (in the French sense) bourgeois solidarism of Léon Duguit, Joseph-Paul Boncour, Georges Renard and Emile Durkheim; to the mystical universalism of an Ottmar Spann; to the internationalist functionalism of Giuseppe de Michelis and David Mitrany; to the reactionary, pseudo-Catholic integralism of Charles Maurras, Oliveira Salazar, Marcello Caetano and Jean Brèthe de la Gressaye; to the technocratic, procapitalist reformism of Walter Rathenau, Lord Keynes and A. A. Berle, Jr.; to the anticapitalist syndicalism of Georges Sorel, Sergio Panunzio, Ugo Spirito, Edmondo Rossoni, Enrico Corradini and Gregor Strasser; to the guild socialism of G.D.H. Cole, the early Harold Laski, S. G. Hobson and Ramiro de Maeztu; to the communitarianism

---

3 For an example of such a definition by ideology, see James Malloy, "Authoritarianism, Corporatism and Mobilization in Peru," elsewhere in this volume. Also Howard Wiarda, "The Portuguese Corporative System: Basic Structures and Current Functions" (Paper prepared for the Conference Group on Modern Portugal, Durham, N.H., Oct. 10-14, 1973). In both cases the authors were heavily, if not exclusively, influenced by "Social Christian" versions of corporatist thought.
or bourgeois socialism of a François Perroux or an Henri de Man—not to mention such contemporary advocates as Bernard Crick, W. H. Ferry, Pierre Mendes-France and David Apter.

All of these—and the list is by no means complete nor are the above groupings by any means sharply distinctive—have converged upon the advocacy of an institutional relationship between the systems of authoritative decision-making and interest representation which can be considered as generically corporatist by my praxiological definition (and frequently defined as such by the authors themselves), although they conceived of this arrangement as involving radically different structures of power and influence, as benefiting quite distinct social classes, and as promoting diametrically opposite public policies.

A French student of corporatism described the situation quite well when he said:

The army of corporatists is so disparate that one is led to think that the word, corporation, itself is like a label placed on a whole batch of bottles which are then distributed among diverse producers each of whom fills them with the drink of his choice. The consumer has to look carefully.

The situation is even further confused by the fact that many contemporary theorists, ideologues and activists are peddling the same drink under yet other labels.

Not only is corporatism defined as an ideology (or worse as a weltanschauung) difficult to pin down to a central set of values or beliefs and even more difficult to associate with the aspirations or interests of a specific social group, but virtually all detailed empirical inquiries of corporatist praxis have shown its performance and behavior to be at considerable variance—if not diametrically opposed—to the beliefs manifestly advanced by its verbal defenders. As another French scholar of the forties (himself an advocate of corporatism à sa manière) observed, "The reality of existing corporatisms is, without a doubt, infinitely less seductive than the doctrine." Contemporary conceptualizations of corporatism based

---

4 To this article I have appended a working bibliography of some 100 titles which seem important to an understanding of the ideological and praxiological bases of corporatism up to and including the interwar period.


exclusively on the stated motives and goals of actors or their apologists tend only to obfuscate this "less than seductive" reality in praxis.

In short, I find there is simply too much normative variety and behavioral hypocrisy in the use of the corporatist ideological label to make it a useful operational instrument for comparative analysis.

Nor do I find it very productive to consider corporatism to be an exclusive part or a distinctive product of a particular political culture, especially one linked to some geographically circumscribed area such as the Iberian Peninsula or the Mediterranean. This approach to corporatism not only runs up against the usual (and in my view, well-founded) criticisms raised against most, if not all, political-cultural "explanations"—especially against those based on impressionistic evidence and circular reasoning—but also fails


10 Such reasoning has been particularly prevalent among Anglo-Saxon students of Latin America where, from the start, these area specialists seem to have drawn the following syllogism: "Latin Americans behave differently from North Americans; Latin America was colonized by Spain and Portugal; North America by Great Britain; Latin Americans are Catholics, North Americans are predominantly Protestant; ergo, Latin Americans behave differently from North Americans because of their Catholic-Iberian heritage!"

The few systematically comparative studies of attitudes which have included both Latin and North American samples have generally concluded that once one controls for education, class, center-periphery residence, age, etc., residual differences that could be assigned specifically to culture are statistically
completely to explain why similar configurations and behavior in interest politics have emerged and persist in a great variety of cultural settings, stretching from Northern Europe, across the Mediterranean to such exotic places as Turkey, Iran, Thailand, Indonesia and Taiwan, to name but a few. This form of pseudoexplanation also cannot contribute much to answering the question of why, even within the presumed homeland of such an ethos, that is, the Iberian Peninsula and its "fragments," corporatism has waxed and waned during different historical periods. Are we to believe that political culture is a sort of "spigot variable" which gets turned on every once in a while to produce a different system of functional representation? Also we might ask, why do societies supposedly sharing the same general ethos exhibit such wide diversity in interest-group values, practices and consequences? By all empirically available standards, Spain is more Catholic than Portugal, Colombia more so than Brazil, yet in each case it is the latter which has by far the more corporatist system. At best, then, culturalist arguments must be heavily supplemented to account for such embarrassing deviations in outcome.

Finally, since those who have advanced such an explanation also tend to place a great deal of emphasis on ideology (occasionally even accepting word for fact), we might wonder why the major ideologues of corporatism have not come from this part of the world. A quick glance at the admittedly incomplete bibliography attached to this essay will show that the intellectual origins of corporatism are predominately German, Belgian, French and Austrian and, secondarily and belatedly, English, Italian and Rumanian. Those who advocated corporatism in the Iberian and Latin American areas unabashedly and unashamedly imported their ideas from abroad. Modern, nonmedieval, corporatism was diffused to the Iberian-Mediterranean area, not created within it.11

11 It is also worth mentioning that many, if not most, of the theorists of modern corporatism have not been Catholics. Many were in fact militantly secular. Even those who most publicly claimed to be inspired by "Social Christian" ideals, such as Salazar and Dollfuss, followed a much more bureaucratic, statist and authoritarian praxis. Also worth stressing is that among "Social Christians" or more broadly, progressive Catholics, not all by any means advocated corporatism. Such prominent figures as Jacques Maritain and Emmanuel Mounier opposed it. See Henri Guitton, Le Catholicisme Social (Paris, 1945).

Also worth mentioning is that corporatism has been considered quite
Another tendency which has cropped up in recent discussions of corporatism is to define or, better, submerge it into some wider political configuration such as “the organic state” or “the authoritarian regime.”12 The “organic state” concept runs up against many of the criticisms of definitional vagueness, lack of potential empirical specificity and circularity of argument leveled above at the political cultural approach. More importantly, it fails to take into account the historical fact that many “organically conceived” states were not composed of corporatist subunits, but built upon a great variety of “organs” ranging from the curies and phratries of Fustel de Coulange’s ancient city,13 to the “metallic” orders of moral excellence in Plato’s ideal polity,14 to the three to five estate systems of various anciens régimes,15 to the phalanges of Fourier,16 to the régions of Robert LaFont,17 even to the autonomous, plural communities of Percival and Paul Goodman or Gar Alperovitz.18 If one accepts that a special characteristic of modern corporatism (this in both ideology and practice) concerns the role of functional interest associations, then it is but one of many possible structural units, for example, familial, territorial-communitarian, moral, religious, “productionist,” etc., which may go into the establishment of an “organic state.” Emphasizing that macrocharacteristic does little to specify concrete relations of authority, influence and representation, except to differentiate them from equally vague notions of the “mechanical state.”

compatible with many non-Catholic, non-Iberian cultures. See, for example, Samuel H. Beer, British Politics in the Collectivist Age (New York, 1969) and Thomas Anton, “Policy-Making and Political Culture in Sweden,” Scandinavian Political Studies IV (Oslo, 1969), 88-102.


In subsequent conversations with this author, Linz has advanced and defended the idea of an “organic state model” as the appropriate framework for the discussion of corporatism. See also the essay cited above (fn. 3) by James Malloy in this volume.


14 Plato, Laws 5-6.

15 Emile Lousse, Organização e representação corporativas (Lisbon, 1952), a translation of his La Société d’Ancien Régime (Bruxelles, 1943).

16 F. Charles Fourier, Théories de l’Unité Unité Universelle (1822) and Le Nouveau Monde industriel et sociétaire (1829).


The relation of corporatism in interest politics to a specific global type of political regime is a much more complicated (and, in my view, interesting) issue. For reasons which will, I hope, become apparent in the course of this essay I have found it more useful to define it as a concrete, observable general system of interest representation which is "compatible" with several different regime-types, i.e., with different party systems, varieties of ruling ideology, levels of political mobilization, varying scopes of public policy, etc. Then I will endeavor to specify distinct subtypes of corporatist representation which seem to have at least an elective affinity for, if not to be essential defining elements of, specific regime-types during specific periods of their development.¹⁹

Yet another tendency in the revived discussion of corporatism which differs from that proposed here is that which submerges the concept, not in some wider concept of regional political culture, state form or regime-type, but in some marcosocietal characteristic such as the presence of visual stigmata,²⁰ or the existence of religiously, ideologically or linguistically determined zuilen lager, or Familles spirituelles.²¹ Here the problem is simply that stigmatized or pillared societies exhibit quite different degrees of corporatism in the sense used herein and that, vice versa, many heavily corporatized systems of interest representation exist in societies which have no marked visual stigmatization or pillared social and cultural structures. Sweden is no less corporatized because it lacks both


dimensions; Belgium no more so because it suffers from both. These are interesting and salient dimensions of societies, in and by themselves, but they do not seem to bear any close association with the phenomenon upon which I recommend we focus our attention with the concept of corporatism.

In the present state of nominalistic anarchy prevailing in the discipline, it is absurd to pretend that scholars will somehow "rally" to a particular conceptualization, spurn alternative uses of the term, and, henceforth, agree to disagree on the basis of a common lexical definition. About all one can expect from an introductory discussion such as this may be to gain a few recruits for a more specific and bounded use of the concept of corporatism, and to warn the reader that a great deal of what has recently been written about corporatism and of what will subsequently be discussed in this essay may be of no mutual relevance at all.

II

Having rejected a series of alternative usages of the concept of corporatism and expressed a preference for a more empirically bounded specification which focuses on a set of relatively directly observable, institutionally distinctive traits involving the actual practice of interest representation, it is now incumbent upon me to produce such a conceptual specification:

Corporatism can be defined as a system of interest representation in which the constituent units are organized into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representa-
tional monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports.  

Obviously, such an elaborate definition is an ideal-type description, a heuristic and logicoanalytical construct composed of a considerable variety of theoretically or hypothetically interrelated components. No empirically extant system of interest representation may perfectly reproduce all these dimensions, although two which I have studied in some detail (Brazil and Portugal) come rather close. While the whole gestalt or syndrome is not directly

---

24 At this point it is perhaps worth repeating that this constructed definition does not correspond to any of the ones advanced by specifically corporatist theorists. Moreover, it ignores a number of institutional and behavioral dimensions they tended to stress. For example, it does not specify the existence of singular associations (corporations) grouping both employers and workers. (These rarely exist and where they have been formally established—Portugal, Spain and Italy—they do not function as units.) Nor does it say anything about the presence of a higher council or parliament composed of functional or professional representatives. (Many polities which are not otherwise very corporatist, France or Weimar Germany, have such a Conseil Economique et Social or Wirtschaftsrat; many heavily corporatist countries which do have them, e.g., Portugal, do not grant them decisional authority.) Nor does the definition suggest that corporatist associations will be the only constituent units of the polity—completely displacing territorial entities, parties and movements. (In all existing corporatist systems, parties and territorial subdivisions continue to exist and various youth and religious movements may not only be tolerated but encouraged.) These institutional aspects as well as the more important behavioral issues of how and who would form the unique and hierarchical associations, what would be their degree of autonomy from state control and whether the whole scheme really could bring about class harmony and constitute a tertium genus between communism and capitalism were the subject of extensive debate and considerable fragmentation among corporatist ideologues.

The ideological definition closest to my analytical one is Mihail Manolesco's: "The corporation is a collective and public organization composed of the totality of persons (physical or juridical) fulfilling together the same national function and having as its goal that of assuring the exercise of that function by rules of law imposed at least upon its members" (Le Siècle du Corporatisme, p. 176).

25 Actually, the concept is more "a constructed type" than an ideal type. The former has been defined as: "a purposive, combination, and (sometimes) accentuation of a set of criteria with empirical referents that serves as a basis for comparison of empirical cases" (John C. McKinnes, Constructive Typology and Social Theory [New York, 1966], p. 9).

STILL THE CENTURY OF CORPORATISM?

accessible to measurement, its postulated components can be easily assessed, if not immediately quantified. Such detailed inquiry into the extent to which a given system of representation is limited in number of component units, compulsory in membership, noncompetitive between compartmentalized sectors, hierarchically ordered in internal structure, recognized or certified in some de jure or de facto way by the state, successful in exercising a representational monopoly within functionally determined categories and subject to formal or informal controls on leadership selection and interest articulation will not only enable us to distinguish what type of interest system it belongs to, but may help us gauge the extent to which these multiple dimensions are empirically as well as logically interrelated. It is, of course, quite conceivable at this early stage in research into these matters that what I have found to be a set of interrelated institutional practices coalescing into a distinctive, highly covariant and resistant modem system of interest representation may be quite limited in its scope of applicability, for example, only to Iranian authoritarian regimes, or restricted to only one subtype of corporatism, such as ones "artificially" established from above by the state.

One purpose in developing this elaborate general model beyond that of describing the behavior of a certain number of political systems which have interested me, is to offer to the political analyst an explicit alternative to the paradigm of interest politics which has heretofore completely dominated the discipline of modem political science: pluralism. While a considerable number and wide variety of scholars have proposed an alternative or contrasting model of modern representative association-state relations, Most of them merely mourn the passing or degeneration of pluralism and have even gone so far as to suggest that it may no longer be of much utility in describing the likely structure and behavior of interest-group systems in contemporary developing politics, and while some have even gone so far as to suggest that it may no longer be of much utility when applied to the practices of advanced industrial polities, few if any of these scholars have proposed an alternative to the paradigm of interest politics which has heretofore completely dominated the discipline of the North American political science: pluralism. The closely associated liberal democratic regime-type may be of little utility in describing the likely structure and behavior of interest-group systems in contemporary developing politics, and while the closely associated liberal democratic regime-type may be of little utility in describing the likely structure and behavior of interest-group systems in contemporary developing politics, the closely associated liberal democratic regime-type may be of little utility in describing the likely structure and behavior of interest-group systems in contemporary developing politics. For example, Henry Kariel (ed.), Frontiers of Democratic Theory (New York, 1970), and his, The Decline of American Pluralism (Stanford, 1961); also Grant McConnell, Private Power and American Democracy (New York, 1966).
ical democracy,"^{28} or its periodic bouleversement by spontaneous social movements.\textsuperscript{29}

Pluralism and corporatism share a number of basic assumptions, as would almost any realistic model of modern interest politics: (1) the growing importance of formal associational units of representation; (2) the persistence and expansion of functionally differentiated and potentially conflicting interests; (3) the burgeoning role of permanent administrative staffs, of specialized information, of technical expertise and, consequently, of entrenched oligarchy; (4) the decline in the importance of territorial and partisan representation; and (5) the secular trend toward expansion in the scope of public policy and interpenetration of private and public decision arenas. Nevertheless, despite this wide area of mutual agreement, pluralism differs markedly from corporatism as an ideal-typical response to these facts of modern political life.

Pluralism can be defined as a system of interest representation in which the constituent units are organized into an unspecified number of multiple, voluntary, competitive, nonhierarchically ordered and self-determined (as to type or scope of interest) categories which are not specially licensed, recognized, subsidized, created or otherwise controlled in leadership selection or interest articulation by the state and which do not exercise a monopoly of representational activity within their respective categories.

Practitioners of corporatism and of pluralism would heartily agree with James Madison that "among the numerous advantages promised by a well-constructed union, none deserves to be more accurately developed than its tendency to break and control (my emphasis) the violence of faction." They would also agree that "giving to every citizen the same opinions, the same passions and the same interests . . . is as impracticable as [suppressing them altogether — PCS] would be unwise." Where the two practitioners would begin to diverge is with Madison's further assertion that "it is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good." Corporatists, basing their faith either on the superior wisdom of an authoritarian leader or the enlightened foresight of technocratic planners, believe that such a public unity can be found


\textsuperscript{29} Theodore Lowi, \textit{The Politics of Disorder} (New York, 1971).
and kept. Their “scheme of representation,” to use Madison’s felicitous phrase, instead of extending the “number of citizens” and the “sphere of interests” would compress them into a fixed set of verticalized categories each representing the interdependent functions of an organic whole. Madison’s metaphor was more mechanistic, and more dynamic. Hence, he was less sanguine about limiting and ordering the sources of faction—whether from above by imposition or from below by elimination. Corporatists of whatever stripe express confidence that an “enlightened statesman” (or an “enlightened state”) can co-opt, control or coordinate not only those “most frivolous and fanciful distinctions [which] have been sufficient to kindle unfriendly passions and excite their most violent conflicts,” but also that “most common and durable source of faction ... the various and unequal distribution of property.”

In short, both pluralists and corporatists recognize, accept and attempt to cope with the growing structural differentiation and interest diversity of the modern polity, but they offer opposing political remedies and divergent images of the institutional form that such a modern system of interest representation will take. The former suggest spontaneous formation, numerical proliferation, horizontal extension and competitive interaction; the latter advocate controlled emergence, quantitative limitation, vertical stratification and complementary interdependence. Pluralists place their faith in the shifting balance of mechanically intersecting forces; corporatists appeal to the functional adjustment of an organically interdependent whole.

While time and space limitations prevent me from developing the idea further, I suspect that these two contrasting but not diametrically opposed syndromes do not by any means exhaust the possible alternative system-types of modern interest representation.

For example, the Soviet experience suggests the existence of a “monist” model which could be defined as

a system of interest representation in which the constituent units are organized into a fixed number of singular, ideologically selective, noncompetitive, functionally differentiated and hierarchically ordered categories, created, subsidized and licensed by a single party and granted a representational role within that party and vis-à-vis the state in exchange for observing certain controls on their selection of leaders, articulation of demands and mobilization of support.

The quotations are all from *The Federalist Papers*, no. 10.
Much more difficult to specify in terms of the component dimensions we have been using for the other three because of its radical and utopian nature is the syndicalist alternative. Barely sketched in by a number of theorists (several of whom subsequently became corporatists), this projected model seems to reject or to seek to transform substantially many of the given characteristics of the modern political process—more or less accepted or even encouraged by the other three syndromes. Nevertheless, a brief description of its characteristics will be offered below, partly because it has emerged with increasing frequency (if not specificity) in recent discussions of participation and representation, and partly because it seems to round out in logical terms the combinatorial possibilities of the variables used to define the other three types.

Syndicalism could be defined as a system of interest aggregation (more than representation) in which the constituent units are an unlimited number of singular, voluntary, noncompetitive (or better hived-off) categories, not hierarchically ordered or functionally specialized, neither recognized, created nor licensed by state or party, nor controlled in their leadership selection or interest articulation by state or party, not exercising a representational monopoly but resolving their conflicts and “authoritatively allocating their values” autonomously without the interference of the state.

With this last definition-model we have moved some distance from our stated limited concern with specifying the characteristics of corporatism as a distinctive and self-sustaining system of interest representation, and not confusing it with a whole system of political domination. Nevertheless, this excursion has served to remind us that the process of capturing, organizing and articulating the demands of civil society as well as those of receiving, interpreting and even applying the “imperative coordinations” of the state is only part of the political process, and hence only intelligible in purpose and consequence when considered in relation to other political subsystems and whole regime configurations. This wider set of concerns, ironically, leads us to a consideration of possible subtypes of corporatism.

---

81 See especially the article by Gar Alperovitz and works cited therein (fn. 18), even though the author associates his proposals with the tradition of pluralism, rather than that of syndicalism. Also Jaroslav Vanek, *The Participatory Economy* (Ithaca, 1971).
III

To illustrate that the skeletal connotation of corporatism offered above accurately describes the system of interest representation of a large number of countries, including many whose global political systems differ markedly, would not be difficult—even at the existing lamentable state of our empirical knowledge. Hence, it has been argued and rather convincingly shown that Sweden, Switzerland, the Netherlands, Norway, Denmark, Austria, Spain, Portugal, Brazil, Chile, Peru, Greece, Mexico and Yugoslavia have, by and large, singular, noncom-


89 Schmitter, “Corporatist Interest Representation and Public Policy-Making in Portugal” (fn. 26).

90 Schmitter, *Interest Conflict and Political Change in Brazil* and “The Portugalization of Brazil?” (fn. 26).


92 Julio Cotler, “Bases del corporativismo en el Peru,” Sociedad y Politica, I, no. 2 (October, 1972), 3-12; also James Malloy (fn. 3).


95 International Labour Office, *Workers’ Management in Yugoslavia*
petitive, hierarchically ordered, sectorally compartmentalized, interest associations exercising representational monopolies and accepting (de jure or de facto) governmentally imposed or negotiated limitations on the type of leaders they elect and on the scope and intensity of demands they routinely make upon the state. As a result, such associations have attained "a quasi-legal status and a prescriptive right to speak for their segments of the population. They influence the process of government directly, bypassing the [parliament]. They are agents of authority. They deputize for the state in whole sectors of public life, and they have duties delegated to them that properly belong to the civil service." The summary above applies specifically to Sweden, but it is broadly descriptive of the countries cited above—and undoubtedly of many others yet to be investigated.

Such a demonstration of broad structural identity does have the virtue of debunking, if not divesting, some of these polities of the pluralist labels they have acquired—a prestigious title usually bestowed upon them for no better reason than the mere existence of a multitude of organized interests. It may also serve to call into question the relevance of many supposed properties associated with pluralism and assumed, therefore, to apply to these polities: competitiveness within sectors and, hence, accountability to members; cross-pressures and overlap and, hence, vacillation and moderation in demands; open competitiveness between interest sectors and, hence, incremental, split-the-difference solutions; penetration and


46 In an even wider range of polities, authors have suggested that parts, if not substantial portions, of the interest group universe can be described as "corporatized"; e.g., the United States: Grant McConnell (fn. 27); Theodore Lowi, The End of Liberalism (fn. 28), pp. 59-100; Great Britain: Samuel Beer (fn. 11); Western Germany: Ralf Dahrendorf, Society and Democracy in Germany (London, 1968); Canada: Robert Presthus, Elite Accommodation in Canadian Politics (New York, 1973); France: Suzanne Berger, "Corporate Organization: The Case of a French Rural Association" in J. Pennock and J. Chapman (eds.), Voluntary Associations (New York, 1969), pp. 263-84.

47 R. Huntford (fn. 22), p. 86.
subordination of political parties and, hence, broad aggregative party goals, low party discipline and absence of strong partisan ideologies; absence of stable hierarchies of organizational influence and, hence, irrelevance of class or ruling elite as political categories; low barriers of entry into the policy process and, hence, key roles assigned to "potential groups" and absence of systematic bias or exclusion; major importance attached to lobbying and, hence, concentration of attention upon parliament; assumption that policy initiatives are produced by group activity "from below" and, hence, passive roles assumed on the part of state executive and administrative bureaucracies; wide dispersion of political resources and, hence, neither omnipotent veto groups nor powerless marginal elements; and, finally, sheer multiplicity of interest and free associability ensuring spontaneous emergence of countervailing forces and, hence, a general tendency toward homeostasis or shifting equilibria. Corporatist systems may manage to acquire and sustain similar outcomes of demand moderation, negotiated solutions, leader accountability, "deideologization," inclusive participation, countervalence of power and homeostatic balance, but they do not do so through the processes which theorists and analysts of pluralism have emphasized. For example, in the studies I have conducted of one type of corporatism, I have found that such process features as preemption of issues; co-optation of leaders; vertical or sectoral policy compartmentalization; permanent institutionalization of access; "juridization" or legalization of group conflicts through labor and administrative courts; state technocratic planning and resource allocation; extensive development of functionally specialized, para-state agencies; political culture stressing formalism, consensus and continuous bargaining; symbiotic relation with clientelist and patronimalist practices in certain issue areas and regime levels; deliberate narrowing and encapsulation of "relevant publics"; periodic but systematic use of physical repression and anticipatory intimidation and, finally, the establishment of what Dahrendorf called a "cartel of anxiety" among restricted elites representing the apexes of the differentiated hierarchic "orders" or "corporations" contributed to the persistence and viability of those systems—even over protracted periods of economic and social change and when faced

48 These hypotheses about the functioning of pluralist systems are developed further and contrasted with corporatist ones in my "Inventory of Analytical Pluralist Propositions," unpublished MS, University of Chicago, 1971.
49 See the sources cited in fns. 19 & 26.
with acute, externally induced political crises. While comparisons of institutional longevity are difficult to make, there is no evidence I can see that corporatist systems of whatever type are less stable or shorter lived than pluralist ones. There is, however, very strong evidence that they function quite differently—if often to produce generally similar outcomes.

This delineation of an equally elaborate, alternative model to pluralism may seem to some to be in and by itself sufficient justification for this exercise, but most readers must be feeling some vague sense of incompleteness if not of acute discomfort. After all, Sweden is not Portugal and Switzerland is not Greece; and yet, there they are—ignominiously grouped together under the same rubric.

The reason for this latent (or in some cases already manifest) sense of dissatisfaction lies, no doubt, in the stretch of the conceptual distinction I have made between corporatism and pluralism. While this may be an indispensable preliminary step in classifying interest systems, especially given the ubiquity and prestige of the pluralist label, it is still one which, to use Sartori's expression, "does not travel well," or better, "travels too far too easily." If our research objective is not to make universalizing suprahistorical comparisons, but to explore middle-range hypotheses which are explicitly qualified as to cultural, historical and even geographical space, then we must proceed further, per genus et differentiam, in our taxonomic trip. We must, in short, develop the notion of possible subtypes of corporatist interest politics (just as, of course, we should with pluralist ones, although that will not be attempted here).50

That most original and stimulating of corporatist theorists, Mihail Manoîlesco, provided the key distinction between two different subtypes. The one he called corporatisme pur, in which the legitimacy and functioning of the state were primarily or exclusively dependent on the activity of singular, noncompetitive, hierarchically ordered representative "corporations." The second in contrast he called corporatisme subordonné, in which similarly structured "corporations" were created by and kept as auxiliary and dependent organs of the state which founded its legitimacy and effective func-

50 I am following here the advice (and occasionally the vocabulary) of Giovanni Sartori, "Concept Misformation in Comparative Politics," American Political Science Review LXIV, 4 (December, 1970), esp. pp. 1034-5.
tioning on other bases.\textsuperscript{51} This radical distinction is one which, as we shall see, involves not only the nature of power and influence relations but also the developmental pattern by which corporatism emerges, has been reiterated, expanded upon and discussed at great length by Portuguese corporatist theorists where the two subtypes were labelled \textit{corporativismo de associação} and \textit{corporativismo de Estado}.\textsuperscript{52} For our purposes we could label the former, autonomous and penetrative, as \textit{societal corporatism}; and the second, dependent and penetrated, as \textit{state corporatism}.

Some clues to the structural and behavioral elements which differentiate these two subtypes of corporatism can be found in our initial global connotation, or more specifically in what was deliberately not included in that definition.

(1) \textit{Limited number}: does not indicate whether established by processes of interassociational arrangement, by “political cartels” designed by existing participants to exclude newcomers, or by deliberate government restriction.

(2) \textit{Singular}: does not indicate whether the outcome of spontaneous co-optation or competitive elimination is by surviving associations, or by state-imposed eradication of multiple or parallel associations.

(3) \textit{Compulsory}: does not specify whether de facto through social pressure, contractual dues checkoff, provision of essential services and/or acquisition of private licensing capacity, or de jure through labor code or other officially decreed, exclusively conceded authority.

(4) \textit{Noncompetitive}: does not state whether the product of internal oligarchic tendencies or external, treaty-like, voluntary agreements among associations, or of the continuous interposition of state mediation, arbitration and repression.

(5) \textit{Hierarchically ordered}: does not indicate whether the outcome of intrinsic processes of bureaucratic extension and/or consolidation, or of state-decreed centralization and administrative dependence.

\textsuperscript{51} \textit{Le Siècle du Corporatisme}, p. 92. Manoilesco also noted the existence of “mixed corporatism” combining the two ideal-types.

\textsuperscript{52} João Manuel Cortez Pinto, \textit{A Corporação}, vol. I (Coimbra, 1955); also José Pires Cardoso, \textit{Questões Corporativas} (Lisbon, 1958).

A somewhat similar distinction, but one which placed primary emphasis on its role in furthering class collaboration by different means, is François Perroux’s between \textit{corporatisme lato sensu} and \textit{corporatisme stricto sensu} in \textit{Capitalisme et Communauté de Travail} (fn. 6), pp. 7-19.
(6) **Functionally differentiated**: does not specify whether arrived at through voluntaristic agreements on respective “turfs” and nonraiding provisions, or by state-established *enquadramento* (framing) of occupational-vocational categories.

(7) **Recognition by state**: does not differentiate between recognition granted as a matter of political necessity imposed from below upon public officials and that granted from above by the state as a condition for association formation and continuous operation.

(8) **Representational monopoly**: similar to above, does not distinguish between that which is independently conquered and that which is dependently conceded.

(9) **Controls on leadership selection and interest articulation**: does not suggest whether this is the product of a reciprocal consensus on procedure and/or goals, or of an asymmetric imposition by the “organized monopolists of legitimate violence.”

Through this exercise in intention—the further elaboration of properties which combine to form a global concept—we have constructed two quite distinctive subtypes. The first, involving all or most of the initial elements in the either/or dichotomies made above, corresponds ideally to what we have called societal corporatism. Empirically, it is best exemplified by the cases of Sweden, Switzerland, the Netherlands, Norway and Denmark, as well as by emergent properties which have been observed by scholars in such other, supposedly pluralist, systems as Great Britain, Western Germany, France, Canada, and the United States. The second type, described by the latter elements in each either/or distinction, coalesces into a subtype we have labelled state corporatist and this conforms historically to the cases of Portugal, Spain, Brazil, Chile, Peru, Mexico, and Greece—as well of course to the defunct experiences of Fascist Italy, Petainist France, National Socialist Germany\textsuperscript{53} and Austria under Dollfuss.

When viewed statically, descriptively, institutionally, these two subtypes exhibit a basic structural similarity, one which sets them apart from pluralist, monist or syndicalist systems of interest representation. When viewed in motion, however, they are revealed as

---

\textsuperscript{53} Actually, Nazi Germany is an ambiguous case. For an excellent analysis of the struggles involving competing conceptions of interest politics and the eventual demise of corporatist tendencies after 1936 in that polity, see Arthur Schweitzer, *Big Business in the Third Reich* (Bloomington, Indiana, 1964).
the products of very different political, social and economic processes, as the vehicles for very different power and influence relations, and as the purveyors of very different policy consequences. Societal corporatism is found imbedded in political systems with relatively autonomous, multilayered territorial units; open, competitive electoral processes and party systems; ideologically varied, coalitionally based executive authorities—even with highly "layered" or "pillared" political subcultures. State corporatism tends to be associated with political systems in which territorial subunits are tightly subordinated to central bureaucratic power; elections are nonexistent or plebiscitary; party systems are dominated or monopolized by a weak single party; executive authorities are ideologically exclusive and more narrowly recruited and are such that political subcultures based on class, ethnicity, language, or regionalism are repressed. Societal corporatism appears to be the concomitant, if not ineluctable, component of the postliberal, advanced capitalist, organized democratic welfare state; state corporatism seems to be a defining element of, if not structural necessity for, the antiliberal, delayed capitalist, authoritarian, neomercantilist state.

IV

Corporatism appears under two very different guises: the revolutionary and the evolutionary. It is either the product of a "new order" following from a fundamental overthrow of the political and economic institutions of a given country and created by force or special "collective spirit"; or the outcome of a natural evolution in economic and social ideas and events. In the latter case, corporatism then emerges as an aspect of a certain idée-force progressing along with the amplification and specification of the process of associational development, generating what one calls today in several democratic countries, "the corporative mystique."54

The Swiss author of these lines, himself rather caught up in "the corporative mystique" which swept his country in the 1930's, illustrates not only that theorists who contemplated the matter comparatively were well aware of the distinction between the two subtypes we have defined above, but were also quite conscious of the need for two essentially separate theories for explaining the emergence of modern corporatism. One of these would be more likely

to emphasize long-term trends and slow, incremental change, cultural and institutional continuity, gradual intellectual awareness and passive political acceptance; the other more likely would be forged out of immediate *conjuncture* and impending collapse, strong leadership and repressive action, architectonic vision and inflated rhetoric. In a nutshell, the origins of societal corporatism lie in the slow, almost imperceptible decay of advanced pluralism; the origins of state corporatism lie in the rapid, highly visible demise of nascent pluralism.

The task of constructing this set of dual theories is enormous given the apparently bewildering variety of contexts in which one type or the other of corporatism has emerged, and the frustrating absence of empirical studies on the historical dynamics of whatever type of interest group system. Complicating the task even further is the natural tendency to confuse this problem with the more general and clearly interrelated one of the causes of the erosion/collapse of liberal democracy and the advent/consolidation of authoritarian rule. Even if we focus specifically and exclusively on those factors which hypothetically affect changes in the system of interest representation, we must admit from the start that the best we can do is to identify some probabilistically necessary but clearly insufficient conditions. We can only try post factum to strip historical cases of their idiosyncrasies of personality and culture, of their accidents of good and bad fortune, of their immediate but superficial catalysts and precipitants in order to reveal the underlying elements of structural conduciveness which led (and may lead in the future) to such similar and yet different outcomes as societal and state corporatism. I hardly need to emphasize the preliminary and speculative nature of the following dual theories.

Nor should I have to stress that they may not contribute much to explaining specific occurrences or nonoccurrences. For example, why did the halting and tentative experiments in state corporatism by Sidónio Pais in Portugal (1917-18), Primo de Rivera in Spain (1923-30), Pangalos in Greece (1925) and José Uriburu in Argentina (1930-31) all fail to take hold when, ten to twelve years later,

---

55 Although I do not have them with me in my current voluntary exile, I do not recall that any of the case studies to be published shortly under the editorship of Juan Linz on "The Breakdown of Democracy" specifically concentrates on interest associations.

corporatism flourished in each case? Why did Sweden, Denmark, Switzerland and the Netherlands adopt internal "social peace" treaties between peak associations of employers and workers in the 1930’s and then move rapidly and incrementally toward generalized societal corporatism in the 1940’s and 1950’s, while other countries such as Finland, Norway and Belgium moved more hesitantly and fitfully, and still others such as France, Great Britain, Ireland and the United States have proven consistently more resistant to the blandishments of corporatism? I doubt whether the following speculations can answer such specific questions very satisfactorily.

Whatever reservations one may have about the degree of determination exercised by the structure and mode of production upon such political variables as individual attitudes, voting choice, party systems and ideological doctrines, inquiry into the origins of corporatism of either type leads one very quickly to the constraints, opportunities and contradictions placed upon political actors by the operation of the economic system. More specifically for the cases which have interested me, it leads to a consideration of the basic institutions of capitalism and the class structure of property and power engendered by it. Perhaps it is the directness of the linkage between the system of interest representation and these institutions of concentration of production and inequality of distribution, but the resultant situation is particularly "naked."

As a macrohypothesis, I suggest that the corporatization of interest representation is related to certain basic imperatives or needs of capitalism to reproduce the conditions for its existence and continually to accumulate further resources. Differences in the specific nature of these imperatives or needs at different stages in the institutional development and international context of capitalism, especially as they affect the pattern of conflicting class interests, account for the difference in origins between the societal and state forms of corporatism.

Summarizing, again in a nutshell, the decay of pluralism and its gradual displacement by societal corporatism can be traced primarily to the imperative necessity for a stable, bourgeois-dominant regime, due to processes of concentration of ownership, competition

---

57 Incompetence prevents me from even speculating about the tendencies toward corporatization which appears to exist among societies with a quite different system of economic exploitation, namely, bureaucratic-centralized socialism. For an initial treatment of these issues, see the excellent article by Janos (fn. 45) and the works discussed therein.
between national economies, expansion of the role of public policy and rationalization of decision-making within the state to associate or incorporate subordinate classes and status groups more closely within the political process.

As for the abrupt demise of incipient pluralism and its dramatic and forceful replacement by state corporatism, this seems closely associated with the necessity to enforce "social peace," not by co-opting and incorporating, but by repressing and excluding the autonomous articulation of subordinate class demands in a situation where the bourgeoisie is too weak, internally divided, externally dependent and/or short of resources to respond effectively and legitimately to these demands within the framework of the liberal democratic state.

Of course, to these general elements, one must add several other "overdeterminative" factors which combine with the former, making corporatism an increasingly likely outcome: (1) secular trends toward bureaucratization and oligarchy within interest associations; (2) prior rates of political mobilization and participation; (3) diffusion of foreign ideologies and institutional practices; (4) impact of international war and/or depression. Nevertheless, the core of my speculation about structural conduciveness rests on the problems generated by delayed, dependent capitalist development and non-hegemonic class relations in the case of state corporatism, and advanced, monopoly or concentrated capitalist development and collaborative class relations in the case of societal corporatism.

Turning to an explication of the advanced capitalism-societal corporatism relation, I shall be brief, partly because of my lesser familiarity with this side, partly because there exists a series of evocatively presented and excellently documented studies of the subject.

The first major theorist to perceive certain emergent imperatives of capitalism and to link them explicitly with corporatism was John Maynard (Lord) Keynes. In a startling essay published in 1926 entitled "The End of Laissez-Faire," Keynes first debunks the orthodox claims of liberalism:

It is not true that individuals possess a prescriptive "natural liberty" in their economic activities. There is no "compact" conferring perpetual rights on those who Have or those who Acquire. The world is not so governed from above that private and social
interest always coincide. It is not a correct deduction from the Principles of Economics that enlightened self-interest always operates in the public interest. Nor is it true that self-interest is enlightened; more often individuals acting separately to promote their own ends are too weak to attain even these. Experience does not show that individuals, when they make up a social unit, are always less clear-sighted than when they act separately.\footnote{58 John Maynard Keynes, Essays in Persuasion (London, 1952), p. 312. This essay was initially published as a separate pamphlet in 1926.}

Given these negative results (and sous-entendu a growing awareness of them among wider and wider publics exercising the liberal voluntaristic rights accorded them by the open franchise and free associability), the agenda and nonagenda (as Keynes called it) of the state must be modified. Or, as he put it more bluntly in another essay, “In the future, the Government will have to take on many duties which it has avoided in the past.”\footnote{59 Ibid., p. 331. The title of this essay, a speech delivered in 1925, is “Am I a Liberal?” Keynes’s answer was, “Yes, faute de mieux.”} The objective of this imperative policy expansion is to exercise “directive intelligence through some appropriate organ of action over the many intricacies of private business, yet . . . leave private initiative and enterprise unhindered.” More specifically, he noted the need for (1) “deliberate control of the currency and of credit by a central institution,” (2) “dissemination on a great scale of data relating to the business situations,” (3) “coordinated act(s) of intelligent judgement . . . as to the scale on which it is desirable that the community as a whole should save, the scale on which these savings should go abroad . . . and whether the present organization of the investment market distributes savings along the most nationally productive channels” and, finally, (4) “a considered national policy about what size of Population . . . is most expedient.”\footnote{60 Ibid., pp. 317-19.} For 1926, that was a prescient statement about the future role of the state in capitalist societies—even down to the itemized content and sequential ordering of the new policy agenda.

Despite the unorthodoxy of these suggestions for “improvements in the technique of modern capitalism,” Keynes wisely observed that “there is nothing in them which is seriously incompatible with what seems to me to be the essential characteristic of capitalism, namely the dependence upon an intense appeal to the money-making and money-loving instincts of individuals as the main motive.
force of the economic machine.” The reason for his confidence in their compatibility stems from the political instrumentality he advocated to bring about this policy revolution, namely, societal corporatism.

I believe that in many cases the ideal size for the unit of control and organization lies somewhere between the individual and the modern state. I suggest, therefore, that progress lies in the growth and recognition of semi-autonomous bodies within the state—bodies whose criterion of action within their own field is solely the public good as they understand it, and from whose deliberations motives of private advantage are excluded, though some place it may still be necessary to leave, until the ambit of men’s altruism grows wider, to the separate advantage of particular groups, classes, or faculties—bodies which in their ordinary course of affairs are mainly autonomous within their prescribed limitations, but are subject in the last resort to the sovereignty of democracy expressed through parliament. I propose a return, it may be said, towards medieval conceptions of separate autonomies.

While there is no evidence (that I know of) that Keynes’s slim pamphlet exerted a direct, blueprint-like, influence or even provoked a general intellectual awareness of the issues he raised, in or outside of Great Britain, the subsequent course of policy development in most developed Western nations confirmed his prognosis. The fundamental paradox involved has been excellently put by a Dutch scholar:

The more the private citizens succeed in organizing themselves into powerful combines and associations for the promoting of their manifold and often conflicting interests, the more they undermine the conditions that are essential to the actual functioning of the classical Liberalist concept of an automatically achieved equilibrium of freely competing societal forces. And the more this spontaneous harmonization proves to have little relation to reality, the more the government is impelled to interfere in order to secure a deliberately regulated and planned integration of interests.

---

61 Ibid., p. 319.
62 Ibid., pp. 313-14 (my emphasis).
63 The much later discussion of these issues in the United States was, as might be expected, even more privatistic and antistatist than that of Keynes. For a critical evaluation of this literature, see Hal Draper “Neo-corporatists and neo-reformers,” New Politics (Fall, 1961), pp. 87-106.
64 Kraemer (fn. 34), p. 83.
To this I would simply add another: the more the modern state comes to serve as the indispensable and authoritative guarantor of capitalism by expanding its regulative and integrative tasks, the more it finds that it needs the professional expertise, specialized information, prior aggregation of opinion, contractual capability and deferred participatory legitimacy which only singular, hierarchically ordered, consensually led representative monopolies can provide. To obtain these, the state will agree to devolve upon or share with these associations much of its newly acquired decisional authority, subject, as Keynes noted, "in the last resort to the sovereignty of democracy expressed through Parliament."

This osmotic process whereby the modern state and modern interest associations seek each other out leads, on the one hand, to even further extensions of public guarantees and equilibrations and, on the other, to even further concentration and hierarchic control within these private governments. The modalities are varied and range from direct government subsidies for associations, to official recognition of bona fide interlocuteurs, to devolved responsibilities for such public tasks as unemployment or accident insurance, to permanent membership in specialized advisory councils, to positions of control in joint public-private corporations, to informal, quasi-cabinet status, and finally to direct participation in authoritative decision-making through national economic and social councils. The sequence by which societal corporatism has crept into the polity probably varies considerably case by case, but to the extent that the Dutch pattern is representative, it shows a peculiar circular trend. There it began with local and sectoral level, jointly managed social insurance schemes (1913); then moved to abortive attempts at establishing Conciliation Boards (1919, 1923); to sectoral consultative bodies (1933); to public extensions of cartel decisions (1935) and labor-management agreements (1937), obligatorily covering nonmembers and nonparticipants; to sectoral licensing boards on investment (1938); to the reestablishment of a nationally coordinated wage determination board (1945); to indicative national planning (1945); then back to the establishment of specialized Product and Industrial Boards, along with an overall co-

65 A study which illustrates this particularly well in a nicely controlled cultural and developmental setting is Nils Evander, "Collective Bargaining and Incomes Policy in the Nordic Countries: A Comparative Analysis" (Paper prepared for delivery at the APSA Annual Meeting, New Orleans, Sept. 4-8, 1973).
ordinating agency, the Social and Economic Council (1950); then
down to the establishment of consultative councils in each in-
dividual enterprise (1950) and, finally, to the creation of a national
level, joint coordination council for social insurance (1959)—right
back where they started in 1913.66 The resultant pattern evolved
pragmatically and unevenly, not by the unfolding of some con-
certed, grand corporatist design. It moved up and down from
terprise to local to national level; back and forth from a concern
with specific goods and services (insurance, health, apprenticeship),
with specialized vertical production areas (metallurgy, electronics,
chemicals, retail commerce) and with broad horizontal sectors (in-
dustry, commerce, agriculture); and sideways from one issue area
to another (wages, prices, investment, indicative planning). While
the Netherlands' osmotic adaptation may be unique in many re-
spects, I suspect that a sequential plotting of measures of creeping
corporatism in other advanced capitalist societies would not be very
different.67

Thanks to the effort of Andrew Shonfield, it hardly seems neces-
sary to pursue these speculations much further. In his magisterial,
Modern Capitalism, he has demonstrated in great detail how, in
order to correct inherent defects linked to processes of internal con-
centration and external competition, the modern "positive" state
finds itself simultaneously attempting to foster full employment,
promote economic growth, prevent inflation, smooth out business
cycles, regulate working conditions, cover individual economic and
social risks and resolve labor conflicts. This drastic modification of
the governmental agenda/nonagenda has in turn led to (and is in
part the product of) a major change in the relationship between
interest associations and the public bureaucracy, as advocated and
predicted by Lord Keynes. Shonfield unhesitatingly labels this
formula as corporatist: "The major interest groups are brought to-
gether and encouraged to conclude a series of bargains about their

---

66 The work from which this primitive sequential account is drawn
[Kraemer (fn. 34), pp. 54-65] leaves off in 1958. No doubt further private-
public interpenetration has occurred since then.

67 Not all treatments of the emergence of societal corporatism place as
much emphasis as I do on the role of advanced capitalism and the imperative
transformations it forces on the modern state. Huntford (fn. 22), pp. 87 ff.,
for example, places most of his explanatory emphasis on the traditional agri-
cultural system of Sweden, the role of temperance societies and a particular type
of industrial settlement (bruk). Thomas J. Anton bases his argument on a
distinctive "Swedish policy-making style and elite culture" (fn. 11), pp. 92-99.
future behaviour, which will have the effect of moving economic events along the desired path. The plan indicates the general direction in which the interest groups, including the state in its various economic guises, have agreed that they want to go.\textsuperscript{68}

In postwar Western Europe, Shonfield finds this approach competing or combining with two others: (1) intellectualized, technocratic “indicative” planning, and (2) reinforced, direct economic control and ownership by the state. In a series of thoroughly researched and well-constructed case studies, he explores the extent to which this societally corporative approach has crept differentially into European policy processes, alone or in combination with the other two. In specific instances, he emphasizes general historical-institutional-legal variables,\textsuperscript{69} ideological residues,\textsuperscript{70} prior levels of voluntary associational consolidation and decision-making style,\textsuperscript{71} seriousness of demographic pressures and economic reconstruction,\textsuperscript{72} well-entrenched conceptions of role on the part of organized interests,\textsuperscript{73} as all providing a greater incentive for corporatization.

\textsuperscript{68} Andrew Shonfield, \textit{Modern Capitalism} (New York, 1965), p. 231. Shonfield goes on to remark: “It is curious how close this kind of thinking was to the corporatist theories of the earlier writers of Italian Fascism, who flourished in the 1920’s. Corporatism got its bad name, which has stuck to it, essentially because of its association with the one-party state” (p. 233).

\textsuperscript{69} “The corporatist form of organization seems to be almost second nature to the Austrians. It is not that they are undemocratic; they nearly all belong to their business and professional associations, their trade unions, their religious and other groups, indeed membership in some of them is compulsory. And the Government is in turn under legal compulsion to consult these organizations before it takes legislative or administrative action of certain specified kinds” (\textit{Ibid}, pp. 193-94).

\textsuperscript{70} “It is interesting to find the old corporatist ideal which was deeply embedded in Italian pre-war thinking—the ideal of a balanced and responsible economic group with quasi-sovereign powers administering itself—cropping up again in this new guise” (\textit{Ibid.}, p. 192).

\textsuperscript{71} “In Sweden there is a society in which interest groups are so strongly organized, their democratic basis so firm and their habit of bargaining with each one another independently of the government so well established . . . (yet) the Swedish Government still manages to act in a decisive fashion when circumstances require it . . . . It just happens that it is the Swedish way to treat the process of government as being in large part an extended dialogue between experts drawn from a variety of bodies, official and unofficial, whose views are expected to be merely tinged rather than finally shaped by those who pay their salaries” (\textit{Ibid.}, pp. 199-200).

\textsuperscript{72} “The remarkable willingness of the trade unions to collaborate actively in this policy of wage restraint is to be explained by their anxiety about the future supply of jobs for Dutchmen” (\textit{Ibid.}, p. 212).

\textsuperscript{73} “The general point is that German \textit{Verbände} have traditionally seen themselves as performing an important public role, as guardians of the long-term interests of the nation’s industries, and they continue to do so. The
Even more fascinating are his explanations of why certain European countries have resisted, or better, not so quickly or thoroughly succumbed to this approach. For France, he stresses the role of specialized training and corporate self-consciousness on the part of higher civil servants;\textsuperscript{74} for the United Kingdom, he finds the answer in "the traditional British view of the proper relationship between public and private power (in which) the two . . . are thought of as utterly distinct from one another," as well as resistance by industrialists to compulsory membership and jurisdiction.\textsuperscript{75}

In a brilliant discussion of the American paradox—"the Americans who, in the 1930's, acted as the precursors of the new capitalism, seemed to stall in their course just when the system was coming to fruition in the Western world—showing its full powers to provide the great gifts of economic growth, full employment, and social welfare"—Shonfield searches for the causes of this abortive attempt to encourage corporatist forms of policy-making during the early New Deal (1933-35). He finds them in the internally competitive, overlapping jurisdictions of the federal and state bureaucracies, the preferred leadership style of Roosevelt ("his penchant for the role of bargainer-in-chief, his evident delight in the exercise of a kind of administrative athleticism"), in the active, intrusive role of Congress in the administrative process, the juridical and legalistic imprint imposed on the American state by the special role which lawyers have played within it, and in the absence of a more professionalized, self-confident elite of civil servants.\textsuperscript{76} While Shonfield does carry his analysis into the mid-1960's, it is too bad that it stops before Lyndon Johnson and even more rapidly, Richard Nixon, who managed to transform this "arm's-length relationship with private enterprise" (as Shonfield describes it) into something more closely resembling the sort of "active huddle" which the NRA corporatists had advocated in the early thirties.\textsuperscript{77}

*Modern Capitalism* provides us with a veritable gold mine of interesting general hypotheses concerning the emergence of societal development one observes since the war is that the approach to problems of policy has become more consultative, with the emphasis on technical advice. Power and influence are still present; but the manner is different" (Ibid., p. 245).

\textsuperscript{74} Ibid., pp. 122 ff.
\textsuperscript{75} Ibid., p. 99; also pp. 231-33 for a more explicit contrast with the French tradition.
\textsuperscript{76} Ibid., pp. 298-329.
corporatism and specific, if somewhat ad hoc, subhypotheses explaining its differential role in contemporary Western polities and its emergent relations with other policy-mechanisms of advanced capitalist management. From my admittedly less knowledgeable vantage point, I would tend to emphasize a longer period of historical regress, for example, to include planning, rationing, mobilization and reconstruction measures taken during and following World War I and their impact upon subsequent "public policy paradigms." Add to these a more explicit discussion of certain political variables, such as degree of prior class consciousness and intensity of class antagonism, extent of prior party-interest association interpenetration (lager-type structures), ideological diffusion and international climate, plus prior rates of political mobilization and participation. Nevertheless, in our understanding of societal corporatism we are off to an impressive, if still speculative, start.

We are not so fortunately endowed at either the theoretico-deductive or the empirico-inductive level with respect to state corporatism. Of course, one reason is that there exists no companion volume to Modern Capitalism entitled Dependent or Derived Capitalism—not yet. But this lack of detailed comparative case studies or even good single country monographs is only part of the difficulty.

Theorists-apologists for state corporatism are usually not very helpful. This, not so much because they tended to be less perceptive and personally objective than, say, Lord Keynes, but because they were caught in a built-in contradiction between their subjective speculative task and the objective political function they were indirectly called upon to perform.

So, for example, there is scarcely a single state-corporatist theorist who does not proclaim his opposition to statism, his com-

---

78 Shonfield concentrates almost exclusively on the post-World War II period. Only in the case of the United States does he systematically probe further back. Is it just a coincidence that those European countries which were neutral in World War I moved more rapidly and thoroughly towards corporatization (except Austria), than the belligerents? Also worth exploring in greater detail are the diverse policy responses to the Great Depression—as our rapid sketch of the Netherlands illustrated.

mitment to decisional decentralization and his desire for eventual
associational autonomy. Nevertheless, our theorist is aware that
given the fragmented, ideologically charged and class-divided na-
ture of the political system he is operating within, singular, non-
conflictive, hierarchically ordered and functionally compartment-
talized associations are not likely to be spontaneously forthcoming.
He therefore advocates the temporary use of state authority to
establish these compulsory structures—and to remove voluntaristic,
competing ones—all, of course, in the name of national and/or
public interest. Other than some vaguely specified reference to the
eventual emergence of a “corporatist consciousness” (his equivalent
to the New Soviet Man), our theorist conveniently forgets to specify
the political mechanism by which the state’s authoritarian presence
can be made to “fade out,” leaving those imagined self-governing
agents of decentralized decision-making behind. Perhaps the most
obvious case of this praxiological hypocrisy has been Portugal, if
only because Oliveira Salazar so repeatedly and (apparently) sin-
cerely expressed his fervent opposition to statism or even to any
form of governmental economic intervention, while presiding over
the creation of one of the most overbureaucratized, minutely regu-
lated, centralized state apparatuses ever observed.

If such theorists can hardly be trusted with regard to the state,
then neither can one expect them to be entirely candid about
corporatism’s relation to capitalism and specific class interests. One
of their favorite themes—admittedly one which is today somewhat
less loudly proclaimed—is that corporatism from above constitutes
some sort of tertium genus between and distinct from either capital-
ism or socialism-communism. Hence, while they are often capable
decrying, in lurid and quite convincing terms, the inequitable
and rachitic performance of existing capitalist institutions (and of
conjuring up terrible visions of life under godless socialism), they
are obviously not very concerned with revealing how the forceful
implantation of corporatism acts as an instrument for rescuing and
consolidating capitalism rather than replacing it. Given the unan-

---

79 A partial exception would have to be entered for the Fascists: Bottai,
Bortolotto, Papi and Vito but not, for example, for Ugo Spirito who even went
so far as to suggest that corporazione should replace both private individuals
and the state as the basis for property and decision-making, thereby causing a
minor scandal at the 1932 Ferrara Congress on Corporatism. Capitalismo e
Corporatismo, 3rd ed. (Florence, 1934). Interestingly, Spirito’s works have
been recently reedited.
imous emphasis they place on functional interdependence and group harmony, we should hardly expect them to delve too deeply into the elements of class conflict, status antagonism and center-periphery tension that such an imposed system of interest representation is designed to suppress, if not overcome.

In short, as we attempt to put together speculatively some hypotheses as to the contexts in which this state corporatist response emerges and the possible range of variation and sequences of implantation it may encompass, we are not likely to get much help from its manifest theorists-apologists, as we did in the case of societal corporatism.

There is, fortunately, one interesting exception: Mihaïl Manoîlesco. Manoîlesco was a sort of Salazar manqué. A professor of political economy (although an engineer by training) and minister of commerce and industry for a short period in his native Rumania, he wrote *Le Siècle du Corporatisme* and its companion work, *Le Parti Unique*, after his political career had been cut short and published them in Paris. In the former he not only advanced his cosmic prediction about the ineluctable future of corporatism, but he supported his position with a complex, if schematic, argument—elements of which are strikingly modern.

First Manoîlesco asserts (other corporatist theorists to the contrary notwithstanding) that his conception of this system of interest representation—actually he presents it as a complete system of political domination—has nothing to do, institutionally or ideationally, with an imagined revival of Catholic or medieval practices. Not only does he doubt the existence of natural harmony in such ancien régimes, but he accepts as definitive and desirable the rupture performed by nineteenth-century liberalism and capitalist development. His argument, then, is rigorously secular and, in his view, both progressive and realistic, looking forward prospectively rather than backward nostalgically.

Second, Manoîlesco makes his case on materialist grounds. While convinced, like Durkheim, that properly constructed corpora-

---

80 For a brief description of his role in relation to Rumanian politics, see Andrew Janos, "The One-Party State and Social Mobilization: East Europe between the Wars" in S. Huntington and C. H. Moore, eds. (fn. 38), pp. 213-14.

81 In the following summary of his argument I will not cite specific page references, except in the case of direct quotes, since the elements of his position are frequently scattered rather widely and I have synthesized them freely. All quotes are from the 1936 edition (fn. 1).
tions would provide the answer to overcoming modern man's moral and spiritual malaise, integrating him into society through new communal bonds, the imperative forces leading to corporatization were to be found in the political economy of his time, in the nature of ownership, production and distribution of capitalism itself. In fact, at several reprises, Manoilescu approvingly cites Marx, although in general he regards him as a theorist of the past rather than the present century.

Third, Manoilescu denies that corporatism is merely a temporary defense mechanism for the mobilization and/or protection of class egoism which will somehow fade away when the conjunctural threat has passed. Rather, he presents it as a permanent institutional form, not intrinsically beholden to any social class or even to the maintenance of the status quo, capable of subduing particular interests to overriding national goals and eventually of transforming the capitalist basis of society itself.

In contemporary parlance, Manoilescu was a theorist of "external dependence." While he occasionally hints at essentially internal political conditions, for example, "premature" radicalization of the working class through ideological diffusion, fragmentation and loss of nerve on the part of the bourgeoisie, urban-rural tensions, decline of local and regional loyalties, that might contribute to provoking a corporatist response, its essential "reason for becoming" lies in the system of unequal international exchange.

Just as Marx's theory leads us to understand the social phenomena of the capitalist world and especially that of exploitation by classes, this theory of international exchange makes us understand the inequality between peoples and relations of exploiter and exploited that connect them.\(^{82}\)

Corporatism, as he understood and advocated it, is an institutional-political response to a particular process of transformation that the world political economy and its attendant system of international stratification is presently undergoing. Its "dominant cause" lies in the relations between peoples, rather than between classes within national units. In fact the latter are conditioned, if not determined, by the former. The entire spectrum of political forces has shifted: "The Nineteenth Century knew the economic solidarity of class.\(^{82}\)

The Twentieth will know the economic solidarity of nations.\textsuperscript{83}

According to Manoileșco, the dynamic element in this process of world economic transformation consists of a radical "national" demand for restructuring the international division of labor and its distribution of benefits. Peripheral capitalist nations are becoming increasingly aware of the disparity in returns generated by their exchange of raw materials and foodstuffs for the manufactured goods produced by the advanced, earlier developing economies and are beginning to implement new national economic policies, especially ones aiming at import-substituting industrialization and control of foreign trade. This diffusion of industrialization and policy techniques was greatly accelerated by World War I, but is an autonomous secular trend which can be expected to continue on throughout the century. In essence and embryo, Manoileșco anticipated the general arguments and even many of the specific points of what twenty years later came to be known as the ECLA (Economic Commission for Latin America of the United Nations) doctrine or, even later, the UNCTAD (United Nations Conference on Trade and Development) position.

To this, he added a second, more static observation: the end of territorial expansion. The twentieth century, he felt, would see the exhaustion of both open internal frontiers and manifest external imperialism. While he by no means could be credited with foreseeing the formal decolonialization of Africa and Asia (his perspective was strictly Eurocentric), he did see that the international system had in a physical sense filled out existing space. Borders and loyalties were becoming fixed; territoriality from being a variable had become a constant. Economic, social and political problems would have to be tackled and especially organized within constant, zero-sum parameters.

These compound changes in international relations—the collapse of the prewar liberal economic order, the rising demand for equality of benefit and status between nation-states, the definitive demarcation of territoriality — provided the materialistic (and speculative) foundations for Manoileșco’s ideology of defensive, nationalistic modernization from above. Each national unit, each state, must henceforth act exclusively as its own agent in its own interests and with its own resources, bargaining continually for survival and self-advantage in a dangerous and unstably equili-

\textsuperscript{83} Ibid., p. 35.
brated international system. Nineteenth-century assumptions about liberty and initiative in the pursuit of individual self-interest and the benevolent, self-corrective operation of free and competitive markets and political processes were no longer valid. As a consequence of these new tensions between central and peripheral capitalisms and between all autarkically minded nation-states, the twentieth century would impose new conceptions of justice and forms of political organization.

Corporatism, he argued, would be one of, if not the institutional response to these impératifs de l'époque. It alone would permit the state to fulfil the new functions which were being thrust upon public policy by external exigences. It would emerge first where those imperatives and tensions were the strongest, the southeastern and southern periphery of Europe, but once successful there, it would compel similar transformations in the organizational structure and policy practices of the earlier developing, liberal-pluralist systems.

But why corporatism? Why this particular set of sous-instruments de l'Etat as Manoîlesco unflinchingly called them? His arguments are multiple, if not equally convincing and consistent:

1) Such corporations would fill out a continuous hierarchy of authority, thereby providing the isolated and impotent individual with a set of well-defined intermediary ranks and loyalties “dragging him into society” à la Durkheim and offering the political system the means “to resolve from a unitary and logical point of view all the specialized problems posed by the complex relations between the individual and the state.”84 To do this, Manoîlesco noted, these new units of representation would have to be integral, not just cover economic interests as in Fascist Italy, but spiritual and moral ones as well.

2) The functional specialization of corporations would be “technologically self-determining” dividing the polity into vertical units of interest aggregation which in turn would enhance the role of technical expertise, depersonalize leadership and bring out naturally balanced interdependencies between issue areas. Most importantly and specifically, they would facilitate the expanding role of the state in national economic planning and international economic bargaining.

3) By devolving authority from the state to “neatly defined,”

84 Ibid., p. 74.
“never contradictory” and “preestablished” interest hierarchies, the state would be relieved of decisional and implementational responsibility over “nonessential” matters (welfare, health, etc.) and could then devote more attention and effort to such “essential” tasks as internal security, external defense, foreign affairs, and national propaganda. In addition,

The multiplication of economic, cultural, intellectual and social functions of the state and the plurality of sources of public power creates a new function (or gives greater scope to a function already existing in embryonic form) which is the function of arbitration and coordination of all national activities. . . . The imperatives of our time oblige the state to recognize these [conflicts of collective interests]; they even oblige it to solve them. And they make the state the most active and solicited of arbitrators . . . [Even more] the state must have [its own power of initiative]. It must anticipate these conflicts of interest; it must have the initiative over all general decisions facilitating the coordination of national activities. Initiative becomes a new function unknown by the individualist state and embracing all manifestations of national life.85

4) Corporatism through its compartmentalized vertical pillaring and internal hierarchy of authority would provide an antidote to the “spirit of class.” This latter, outmoded form of “horizontal consciousness” would be replaced by the new spirit of national solidarity and functionally interdependent organization.

Despite the fact that corporative consciousness is presently weak, it will always triumph in the end. Because in the limited world we are entering today, where solidarity and organization are imperatives for survival, there will be no place for artificial social differences. Or, differences of class are mostly artificial and temporary, linked to the exceptional circumstances of the nineteenth century.86

While Manoïlesco implies that this “benevolent” ninety-degree switch in the polarities of group consciousness would begin in the periphery and come as the result of, rather than the prerequisite for, the forceful implantation of state corporatism, he hints that it will

85 Ibid., p. 131. This is the same author who thirty pages before had claimed: “Between the corporatist conception of the state and the pure individualistic one, there is a certain coincidence in outcomes. Both systems result (aboutissent) in a minimal state”!! (p. 101).

86 Ibid., p. 107-8.
be subsequently transmitted to the center where its adoption will be more spontaneous and voluntary:

In Western Europe, the owning class and the working class will draw together, impelled by the common danger they both face equally of witnessing the collapse of the industrial superiority from which they have both benefited.87

Tactically speaking, Manoisesco observes that in the short run "the best way to vanquish the actual antagonism of classes is to recognize it," that is, to incorporate "separate but equal" (paritaire) representations of owners and workers within the same corporation, but in the long run it will no longer be necessary to provide even such a simulated equilibrium, given the projected disappearance of class identification.88

5) One reason Manoisesco was able to soft-pedal the coercive, authoritarian aspects of the transition to state corporatism was his belief that the twentieth century would see a major change in "the scales of moral and social values" held by citizens and subjects. The past century's ideals of individual equality and liberty would be replaced by new collective goals of social justice, based on differential rights and obligations according to the functional importance of one's role in society; and the goal of organization would replace consensual restrictions on mutual activity in return for security and higher productivity. Both of these new idoles de l'époque would, of course, have to be made compatible with and subordinate to the highest ideal of all, that "indisputable criterion," which Manoisesco exclaimed in a burst of totalitarian rhetoric to mean that: "All that conforms to the national interest is just; all that is contrary to that interest is unjust."89

As complex and suggestive (if schematic and deformed by wishful thinking) as these hypotheses may be, Manoisesco is much less explicit about the politics and the specific decisional sequence involved in the transition toward this new form of interest representation. Pure (read, societal) corporatism, he conceded three years later, can only be attained after the widespread development of "corporative consciousness" and such a high degree of national

87 Ibid., p. 108, fn. 1.
89 Ibid., p. 110.
integration that “old” and “artificial” class and partisan loyalties had been eradicated or, at least, severely eroded. This, he admits, is a long way off and, in the meantime, those “imperatives of the epoch” demand action, especially in the periphery. There, subordinate corporatism is the only answer: “It is natural that the corporations must be held in tutelage. The indicated tutor . . . is the single party . . . for a transitory period.”

In the present absence of comparative case studies, it is not easy to evaluate the merits of Manoilesco’s prototheory of the emergence of state corporatism, or to elaborate further upon it. In a very general way, there seems to be a correspondence between the context of peripheral, delayed-dependent capitalism; awareness of relative underdevelopment; resentment against inferior international status; desire for enhanced national economic and political autarky; extension of state control through regulatory policies, sectoral planning and public enterprise; emergence of a more professionalized and achievement-oriented situs of civil servants; and the forced corporatization of interest representation from above. Manoilesco’s belated remarks on the specific instrumentality responsible for this change have been less well confirmed. In no case was the single ruling party the primary or exclusive tutelary agent. Rather, state executive and administrative bodies tended to act directly in both establishing and subsequently controlling these new sous-instruments. The implantation of state corporatism, in fact, was compatible with a wide range of party contexts—from the no-party systems of Brazil, Greece and Austria, to the weak, reigning but not ruling, single-party systems of Spain and Portugal, to the strong monopolistic party systems of Fascist Italy and Nazi Germany.

On the surface, state corporatism was implanted much more dramatically, quickly, thoroughly and rationally than was the case with the hesitating, uneven, experimental, incremental, “creeping” pattern of its societal cousin. “Born at the stroke of the legislative baton,” as one French critic put it, overnight immense organizational hierarchies with sonorous names were created, covering all interest sectors and all levels of the polity with impressive symmetry of representative and equality of access. Subsequently, these monu-

---

ments of political architecture persisted for years virtually without juridical or formal modification.

However, detailed analyses\(^92\) have not only revealed the fictitious physical existence of many of these sonorous organizations and their marginal influence over public policy, but have also unmasked their pretense of class symmetry and equality of access. Moving ruthlessly to suppress all preexisting worker associations and to fill the resulting organizational vacuum as quickly as possible with the maximum number and most widely dispersed set of new compliant worker *sindicatos*, the state corporatists acted much more cautiously and "understandingly" with respect to producer and owner interests. Preexisting, voluntaristically supported associations were tolerated or incorporated with their leadership and functions intact; strategically placed elites were granted special organizational privileges and exemptions, for example, the right to form specialized national associations independent of the general sectoral hierarchies; rural landowners, except for those cultivating certain export crops, were left largely untouched, and associations for rural workers, where allowed to exist, were placed under their local control; no serious attempt was made to transform such preexistent, premodern corporations as the Church and the universities; corporatization of civil servants was expressly prohibited, as well as other forms of associability for this *situs*; finally, either no attempt was made to create "uniclass" peak associations of employers and workers (Brazil) or, where the attempt was belatedly made (Portugal), the resultant *corporações* have been run by and for employers. In short, what appear at first sight to be architectonic monuments of great scope, foresight and symmetry turn out upon closer inspection to be just about as limited, improvised and lopsided as those of their societally corporatist relatives.

Some of Manoïlesco's prototheoretical assumptions about the political functions and policy consequences of state corporatism seem to have been confirmed by its subsequent praxis. It has been associated with the extension of state control over export commodities, sectoral policies of import substitution and attempts to exert greater influence in international economic negotiations. While by no means successful in eradicating horizontal (class)

\(^92\) This and the following generalizations about the praxis of state corporatism draw on my case studies of Brazil and Portugal (fns. 19 & 26). The Italian Fascist case, however, does not appear to differ markedly. See Roland Sarti, *Fascism and Industrial Leadership in Italy, 1919-1940* (Berkeley, 1971).
forms of consciousness, its imposition of verticalized decisional hier-
archies and fragmented interest categories has definitely under-
mined the cohesion and capacity to act of the proletariat and even
of the bourgeoisie with respect to general policy issues. It has
advanced pari passu with an expansion in the role of technocratic
expertise and impersonal (if not to say faceless) leadership styles.
Most importantly, it has greatly advanced and facilitated verselb-
ständigte Macht der Executivgewalt, that “process whereby state
executive power becomes progressively more independent” from
accountability to organized social groups, that Marx so long ago
suggested was the crucial element in modern authoritarian rule.93

Otherwise, Manoïlesco’s specific functional hypotheses have
not stood up so well. Horizontal consciousness shows no sign of
disappearing no matter how suppressed. Class inequalities in access
and benefit have not been erased; they have been institutionalized
and augmented. The decision-making load on the state has not
been lightened but burdened by the proliferation of dependent
functional hierarchies; far from being freed to pursue bold and
innovative national policies, the corporate state has been trapped
in a fantastically complex network of fiscal prebends, sectoral
exemptions and entrenched privileges which ties it closely to a stale-
mated status quo. Popular demands for individual freedom and
equality have yet to give way to respect for organizational hierarchy
and acceptance of differential justice. Most striking, however, is
the total lack of confirmation in praxis of Manoïlesco’s assertion
of pious hope that corporatism from above would result in a secular
decline in the rate of profit, a devaluation of the role of entrepre-
neurial risk-taking, a diminution of the power of private property
and the emergence of a new social or collective mode of production
So far, state corporatism has produced the contrary and one rather
suspects it was always intended to do so.

V

“Kuppol!” said the Shah, shaking his head.
Khashdrahr blushed, and translated uneasily, apologetically.

93 The expression is from Marx’s The Eighteenth Brumaire. For a further
development of these ideas, see August Thalheimer “Über den Faschismus” in
O. Bauer et al., Faschismus und Kapitalismus (Frankfurt, 1967), pp. 19-38;
H. C. F. Mansilla, Faschismus und eindimensionale Gesellschaft (Neuwied u.
Berlin, 1971); and Nicos Poulantzas, Fascisme et dictature (Paris, 1970); also
my “The Portugalization of Brazil?” (fn. 19).
"Shah says, 'Communism.'"

"No, Kuppo!" said Halyard vehemently. "The government does not own the machines. They simply tax that part of industry's income that once went into labor, and redistribute it. Industry is privately owned and managed, and co-ordinated—to prevent the waste of competition—by a committee of leaders from private industry, not politicians. By eliminating human error through machinery, and needless competition through organization, we've raised the standard of living of the average man immensely."

Kurt Vonnegut, Jr.,
Player Piano (p.28)

If we accept Manoilesco's belief in centennial longevity and my hunch that it all began during and immediately after World War I, then we are presently right smack in the middle of the century of corporatism and hence condemned to live with it for another fifty or so years. Kurt Vonnegut's poetic imagination offers us the "comforting" thought that full corporatization will only come in the aftermath of a third major world war. Nevertheless, barring his vision of a future global conflagration precipitating further change, and adopting a more surprise-free scenario, we may question whether corporatism, state or societal, will manage to fill out its century.

State corporatism is everywhere revealing itself more and more costly to maintain through repressive measures and less and less capable of providing the accurate information, semivoluntaristic compliance and contractual complicity needed for managing the modern capitalist state. The obvious answer, an institutional shift from the imposed, exclusionist to the invited, inclusionist type of corporatism, has yet to be made peacefully and incrementally. But the transition to societal corporatism seems to depend very much on a liberal-pluralist past, involving the following: a history of autonomous organizational development; authenticity of representation; protracted encounters between classes and sectors which acquired distinct self-images and loyalties and, eventually, a measure of mutual respect; the presence of competitive party and parliamentary arenas to which wider appeals could be addressed; and, perhaps most importantly, on a previous pattern of relative noninterference by the state which only gradually came to expand its role—and then usually at the request of organized private interests.

Countries locked into state corporatism at an earlier stage of
development are likely to find it much more difficult to evolve toward such a consensual solution. There the established pattern is one of asymmetric dependence, unauthentic and fragmented representation, weak associational loyalties, suppressed or manipulated conflict, little mutual respect among groups, no effective means of appealing to wider publics and pervasive state bureaucratic control. Under these conditions, it is difficult to imagine a politically continuous transformation toward societal corporatism; rather, one suspects that the state-corporatist system must first degenerate into openly conflictful, multifaceted, uncontrolled interest politics—pluralism in other words—as appears to be happening in contemporary Spain.

Established, societally corporatist systems are also facing new tensions which they, too, seem incapable of resolving. They are being bombarded with demands for more direct and authentic forms of participation, undermining both the stability of their established internal hierarchies of authority and their claims to democratic legitimacy. More importantly, they are being bypassed with increasing frequency by broad social movements on the one side and specific spontaneous protest actions on the other. The very values and assumptions about society upon which corporatism ultimately rests, functional specialization and hierarchical organization, security and prévision, "productivism" and efficiency, economic growth and mass consumption as ends in themselves, are being called into question by these movements and actions. Here, the prospective associational answer is certainly not further societal corporatization, nor a reversion to past pluralism, nor even less a regression to state corporatism, but may be some experimentation with the sort of dispersed, nonspecialized, nonhierarchic, "hived-off," voluntaristic units, autonomously responsible for allocating their values and resolving their conflicts, an interest system which we earlier tentatively identified as syndicalist. Again, however, the

---

94 These conclusions about the difficulties inherent in the transformation from one type of corporatism to the other are based on the study I have conducted on Portuguese corporatism and are discussed more fully therein; see "Corporatist Interest Representation and Public Policy-Making in Portugal" (fn. 26).

95 These and other tensions and contradictions of advanced societal corporatism are explored in Christopher Wheeler, "The Decline of Deference: the Tension between Participation and Effectiveness in Organized Group Life in Sweden," unpublished MS, Beloit College, 1972. Also Ruin (fn. 22).
peaceful and incremental route to such a systemic transformation has yet to be found.

* * *

Marx once suggested that societies only recognized the problems they stood some chance of resolving. From this optimistic perspective, renewed awareness that we may still be in the century of corporatism should contribute to making it the shortest century on historical record.

The next century, that of syndicalism, already awaits its Lord Keynes or its Mihail Manoilescu!

A WORKING BIBLIOGRAPHY ON CORPORATISM:
ca. 1800-1950

The following is a list of approximately 100 works dealing with the doctrine and/or practice of modern, i.e., nonmedieval, corporatism up to and including the 1930's and 1940's.

I—Original works dealing primarily with the theory or doctrine of corporatism.

Marcello Caetano, *Lições de direito corporativo* (Lisbon, 1936).
Marcello Caetano, *O sistema corporativo* (Lisbon, 1938).
J. Pinto da Costa Leite (Lumbrales) *A doutrina corporativa em Portugal* (Lisbon, 1936).
Still the Century of Corporatism?

Otto Von Gierke, Deutsches Genossenschaftsrecht, 4 vols. (Berlin, 1868).
Maurice Hanriou, La Théorie de l’Institution et de la Fondation (Paris, 1925).
Harold Laski, Authority in the Modern State (New Haven, 1927).
Ramiro de Maeztu, La Crisis del Humanismo, 2nd ed. (Buenos Aires, 1951). Originally published as Authority, Liberty and Function in 1916.
Ramiro de Maeztu, Un Ideal Sindicalista (Madrid, 1953).
Henri de Man, Corporatisme et Socialisme (Bruxelles, 1935).
Albert de Mun, Ma vocation sociale (Paris, 1909).
—————, L’organisation corporative (Angers, 1935).
Sergio Panunzio, Stato nazionale e sindicati (Milan, 1924).
José Pires Cardoso, Questões Corporativas. Doutrina e factos (Lisbon, 1958).
A. Prins, La démocratie et le régime parlementaire, étude sur le régime corporatif et la représentation des intérêts, 2nd ed. (1887).
Walter Rathenau, La triple révolution (Paris, 1921).
Georges Renard, L’Institution (Paris, 1933).

Ugo Spirito, *Capitalismo e corporativismo*, 3rd ed. (Florence, 1934).


II.—Works discussing Corporatist theorists.

Hal Draper, “Neo-corporatists and Neo-formers,” *New Politics* (Fall, 1961), pp. 87-106.

III.—Works dealing primarily with the practice of corporatist institutions (often however heavily ideological):


Herman Finer, *Representative Government and a Parliament of Industry* (Westminster, 1923); especially pp. 3-34, 210-230.


Emile Lousse, *La société d'ancien régime* (Bruxelles, 1943).

Jean Malherbe, *Le corporatisme d'association en Suisse* (Lausanne, 1940).


Americans take great pride in their democratic accomplishments—and also worry about them more than any other people on earth. Changes since the 1960s preoccupy the worriers right now, and much discussion focuses on whether Americans are dropping out of voluntary associations or creating very different kinds of groups. This focus is hardly surprising, because the United States has long been known as a “nation of joiners,” as Arthur Schlesinger put it in a famous 1944 article.1 If participation in voluntary groups is no longer so prevalent, then late-twentieth-century America could be experiencing a worrisome sea change.

Schlesinger was writing in a well-worn vein. Visiting the fledgling U.S. republic way back in the 1830s, the French aristocrat Alexis de Tocqueville declared in words that have been quoted again and again that “Americans of all ages, all stations in life, and all types of dispositions are forever forming associations. . . . [I]f they want to proclaim a truth or propagate some feeling by the encouragement of great example, they form an association. . . . [A]t the head of any new undertaking, where in France you would find the government or in England some territorial magnate, in the United States you are sure to find an association.”2 In effect, Tocqueville described a nation of organizers as well as joiners. His Democracy in America portrayed voluntary groups
both as schools for active citizenship and as sources of leverage in relation to government.

Tocqueville put his finger on something enduringly central to America’s democratic vitality. To be sure, the nineteenth-century United States was the world’s first mass electoral democracy. By the 1830s, most white men, regardless of class, had gained the right to vote. And nineteenth-century American voters turned out at very high rates. Between 75 percent and 90 percent of those eligible to vote actually participated in incessant rounds of local, state, and national elections for most of the 1800s. Early mass suffrage, rather than anything about voluntary associations, might therefore seem to cement America’s place in the annals of democracy. During the twentieth century, however, Americans have come to vote much less than the citizens of many other nations, and U.S. political parties have done less and less to mobilize citizens into the political process. Nevertheless, until recently, membership in voluntary associations continued to offer millions of Americans pathways into community and public affairs.

In *The Civic Culture*, Gabriel Almond and Sidney Verba argued that the United States around 1960 was still an unusually participatory democracy, a nation where ordinary citizens were highly engaged in public affairs at both the local and national levels. Using survey data on the attitudes and self-reported behaviors of citizens of Germany, Britain, Italy, Mexico, and the United States, Almond and Verba’s analysis revealed that Americans were intensely involved in voluntary groups. American men around 1960 were more likely than European men to hold multiple memberships and participate actively as group officers or committee members, and American women were far more involved as members and activists than any other set of female citizens. American participation in voluntary associations carried a special civic punch, concluded Almond and Verba.

Why was this true? Almond and Verba speculated that U.S. voluntary groups might be organized in distinctive ways. But they could not pursue this line of reasoning with data from attitude surveys. Using historical, organizational, and institutional evidence, this chapter probes matters *The Civic Culture* left unresolved: What was special about U.S. voluntary associations? How could they foster a special degree and kind of popular democratic engagement? To investigate these issues is not mere antiquarianism. Recent changes in U.S. civic life come into sharp relief only in juxtaposition to prior patterns.
WHY AMERICAN ASSOCIATIONS WERE SPECIAL

The argument I will develop here is sufficiently new that it helps to state it boldly at the outset. From the era of Tocqueville’s *Democracy in America* through the time of *The Civic Culture*, influential voluntary groups in America took a characteristic form. Rarely were groups strictly local; yet broader groups were not just centered in national headquarters, either. Instead, translocal but locally rooted membership associations were at the core of classic civic America. Moral reform movements; farmers’ and workers’ associations; fraternal brotherhoods devoted to ritual, mutual aid, and service; independent women’s associations; veterans’ groups; and many ethnic and African-American associations—all were organized in this way. Historically, what made U.S. associationalism distinctive was the linking of thousands of local, face-to-face groups into powerful, translocally organized networks—many of which closely paralleled the local-state-national constitutional structure of the U.S. federal government, including its representative aspects.

Most classic U.S. voluntary groups recruited members across class lines. Of course there have been labor unions that recruited only among wage earners, as well as professional and business groups and other sorts of elite associations. But for decade after decade in U.S. civil life until recently, major voluntary associations involved considerable popular participation and mobilized people of different occupational and class backgrounds into the same or parallel groups. Local clubs or lodges offered countless leadership opportunities to average members, and even persons of nonelite background could move up ladders of organizational leadership into state and national positions. Because of their structure and cross-class patterns of recruitment, American associations served as schools for democratic citizenship, providing an unusually large number of citizens with chances for active participation and democratic leverage.

DATA ABOUT THE BIG PICTURE

In preparing to write this chapter, my goal has been to understand and characterize empirically the changing universe of voluntary groups across epochs of U.S. history, examining group changes in relationship to large-scale transformations in the economy, culture, and government and politics. Easier said than done. Formidable research obstacles stand
in the way of anyone who aims to probe the changing array of U.S. voluntary associations. There is no one place to go to look up the facts, no straightforward data set to analyze. And previous research is dismally disconnected. Some scholars have explored the associational life of particular communities, while others have traced individual organizations. From such partial studies it is very difficult to gain any sense of overall trends or causal processes. Consequently, this chapter draws from studies that map aggregate associational dynamics across long periods of time. Each individual study has its limitations, but the studies can be calibrated against each other and supplemented with other information.

The social historian Richard Brown tallies the spread of locally present churches and other voluntary associations in late colonial and early national America from 1760 to 1830. His data are about Massachusetts (including Maine, which was part of Massachusetts until 1820). Despite this geographical restriction, Brown’s work surveys many types of associations in places of all sizes. Most other scholarship on early American associations focuses primarily on the seaboard cities of Boston, New York, Philadelphia, and Charleston, biasing findings toward the most elite-dominated groups.

Moving forward in history, in their study “Association-Building in America, 1840–1940,” Gerald Gamm and Robert D. Putnam count numbers of churches and voluntary groups present in twenty-six cities of different sizes. The places in Gamm and Putnam’s project are spread across the United States and classified by their populations in 1890 into three size categories: five big cities (St. Louis, Boston, San Francisco, Milwaukee, and Denver), ten medium-sized cities, and eleven small cities. Data comes from official city directories published yearly to help people navigate their way within and among localities. Comparing some of these directories against other sources of information convinces me that they often leave out (or delay listing) labor unions or groups restricted to women or racial or ethnic minorities. Not surprisingly, groups of most interest to employed, mainstream men are the ones that appear soonest and most consistently in the directories. Still, we can learn about urban trends from this study.

This chapter also draws heavily upon the civic engagement project I am working on with a team of students. The core of this research has been an effort to discover all of the largest voluntary membership associations in U.S. history from 1790 to the present. Using a wide variety of directories, books by historians, and primary documentary sources, my associates and I found the names of many large voluntary associations apart from political parties and churches. Then we asked whether each
group ever (even briefly) enrolled 1 percent or more of American adults as members, according to whatever definition of membership that group used. If groups formally restrict membership to men or women, then 1 percent of the adult male or adult female population is the benchmark. But no other relaxations of the demanding size criterion have been made. Groups restricted to particular occupational, racial, or ethnic groups are included in our master list only if they enroll 1 percent of the entire U.S. adult population.

The list we have developed so far appears in Table 3-1, with groups listed chronologically in order of their founding (not according to the dates at which they crossed the 1 percent membership threshold). For each group on our master list, we are developing a complete quantitative and qualitative profile, gathering information on origins and development, membership, activities and resources, and relationships to government, political parties, and religious institutions. In this chapter, I present preliminary findings from this research.

How can we synthesize insights from diverse data sets? I have taken steps to calibrate the relationship between Gamm and Putnam’s data set and the set of very large associations documented in my own civic research. In one sense the Gamm and Putnam study is incommensurate with mine. About a third of all the groups Gamm and Putnam found in their twenty-six cities between 1840 and 1940 are religious congregations, a type of group not directly included in my project. But roughly another third of Gamm and Putnam’s groups are fraternal and veterans groups (and their female partners). Such groups also make up about two-fifths of the large membership associations included in Table 3-1. Translocal associations devoted to brotherhood rituals, mutual aid, and community influence were historically at the core of U.S. civil society. So it is not surprising that they are a large presence in both these studies.

Another way to situate the Gamm and Putnam data on locally present groups is to see what kinds of groups appear in the city directories they used. Elsewhere my colleagues and I report the results of an analysis of the thousands of locally present voluntary groups that appeared in directories around 1910 for the twenty-six cities examined by Gamm and Putnam. That date was chosen because Gamm and Putnam report that locally present voluntary groups were most numerous in relation to city populations about that time. We found that, on average, more than three-quarters of all locally present associations were church congregations, union locals, chapters connected to very large voluntary federations, or chapters of somewhat smaller national or regional voluntary federations. Only a small proportion of voluntary groups in early-twen-
## Table 3-1. Large Membership Associations in U.S. History

<table>
<thead>
<tr>
<th>Common name</th>
<th>Founding date</th>
<th>Ending date</th>
<th>National, state, and local units?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancient and Accepted Free Masons</td>
<td>1733</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Independent Order of Odd Fellows</td>
<td>1819</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>American Temperance Society</td>
<td>1826</td>
<td>1865</td>
<td>x</td>
</tr>
<tr>
<td>General Union for Promoting Observance of the Christian Sabbath</td>
<td>1828</td>
<td>1832</td>
<td></td>
</tr>
<tr>
<td>American Anti-Slavery Society</td>
<td>1833</td>
<td>1870</td>
<td>x</td>
</tr>
<tr>
<td>Improved Order of Red Man</td>
<td>1834</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Washingtonian Temperance Societies</td>
<td>1840</td>
<td>c. 1848</td>
<td></td>
</tr>
<tr>
<td>Order of the Sons of Temperance</td>
<td>1842</td>
<td>c. 1970</td>
<td>x</td>
</tr>
<tr>
<td>Independent Order of Good Templars</td>
<td>1851</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Young Men’s Christian Association (YMCA)</td>
<td>1851</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Junior Order of United American Mechanics</td>
<td>1853</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>National Teachers Association/</td>
<td>1857</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>National Education Association (NEA)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knights of Pythias</td>
<td>1864</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Grand Army of the Republic</td>
<td>1866</td>
<td>1956</td>
<td>x</td>
</tr>
<tr>
<td>Benevolent and Protective Order of Elks</td>
<td>1867</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patrons of Husbandry (National Grange)</td>
<td>1867</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Ancient Order of United Workmen</td>
<td>1868</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Order of the Eastern Star</td>
<td>1868</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Knights of Labor</td>
<td>1869</td>
<td>1917</td>
<td></td>
</tr>
<tr>
<td>National Rifle Association (NRA)</td>
<td>1871</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Ancient Arabic Order of the Nobles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of the Mystic Shrine</td>
<td>1872</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woman’s Christian Temperance Union</td>
<td>1874</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Royal Arcanum</td>
<td>1877</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Farmers’ Alliance</td>
<td>1877</td>
<td>1900</td>
<td>x</td>
</tr>
<tr>
<td>Maccabees</td>
<td>1878</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Christian Endeavor</td>
<td>1881</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>American Red Cross</td>
<td>1881</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knights of Columbus</td>
<td>1882</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Modern Woodmen of America</td>
<td>1883</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Colored Farmers’ National Alliance and Cooperative Union</td>
<td>1886</td>
<td>1892</td>
<td>x</td>
</tr>
<tr>
<td>American Federation of Labor/</td>
<td>1886</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AFL-CIO from 1955</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Protective Association</td>
<td>1887</td>
<td>c. 1911</td>
<td>x</td>
</tr>
<tr>
<td>Loyal Order of Moose</td>
<td>1888</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woman’s Missionary Union</td>
<td>1888</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Woodmen of the World</td>
<td>1890</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>National American Woman Suffrage Association</td>
<td>1890</td>
<td>1920</td>
<td>x</td>
</tr>
<tr>
<td>General Federation of Women’s Clubs</td>
<td>1890</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>American Bowling Congress</td>
<td>1895</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>
Table 3-1 (continued)

<table>
<thead>
<tr>
<th>Organization</th>
<th>Year(s)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Congress of Mothers/</td>
<td>1897</td>
<td>x</td>
</tr>
<tr>
<td>National Congress of Parents and Teachers (PTA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fraternal Order of Eagles</td>
<td>1898</td>
<td>x</td>
</tr>
<tr>
<td>German American National Alliance</td>
<td>1901 - 1918</td>
<td>x</td>
</tr>
<tr>
<td>Aid Association for Lutherans</td>
<td>1902</td>
<td></td>
</tr>
<tr>
<td>American Automobile Association (AAA)</td>
<td>1902</td>
<td>x</td>
</tr>
<tr>
<td>Boy Scouts of America</td>
<td>1910</td>
<td></td>
</tr>
<tr>
<td>Veterans of Foreign Wars of the</td>
<td>1913</td>
<td>x</td>
</tr>
<tr>
<td>United States (VFW)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ku Klux Klan (second) (KKK)</td>
<td>1915 - 1944</td>
<td>x</td>
</tr>
<tr>
<td>Women's International Bowling Congress</td>
<td>1916</td>
<td>x</td>
</tr>
<tr>
<td>American Legion</td>
<td>1919</td>
<td>x</td>
</tr>
<tr>
<td>American Farm Bureau Federation</td>
<td>1919</td>
<td>x</td>
</tr>
<tr>
<td>Old Age Revolving Pensions (Townsend movement)</td>
<td>1934 - 1953</td>
<td></td>
</tr>
<tr>
<td>Congress of Industrial Organizations (CIO)</td>
<td>1938</td>
<td>1955</td>
</tr>
<tr>
<td>National Foundation for Infantile Paralysis/March of Dimes</td>
<td>1938</td>
<td></td>
</tr>
<tr>
<td>Woman's Division of Christian Service/United Methodist Women</td>
<td>1939</td>
<td></td>
</tr>
<tr>
<td>American Association of Retired Persons (AARP)</td>
<td>1958</td>
<td></td>
</tr>
<tr>
<td>Greenpeace USA</td>
<td>1971</td>
<td></td>
</tr>
<tr>
<td>National Right to Life Committee (NRLC)</td>
<td>1973</td>
<td>x</td>
</tr>
<tr>
<td>Mothers Against Drunk Driving (MADD)</td>
<td>1980</td>
<td>x</td>
</tr>
<tr>
<td>Christian Coalition</td>
<td>1989</td>
<td>x</td>
</tr>
</tbody>
</table>

Source: Civic Engagement Project, Harvard University.

tieth-century U.S. cities were purely local groups, specific to a given city or county. Roughly half, in fact, were church congregations or parts of the very largest membership associations listed in Table 3-1—and such congregations and chapters of very large federations were the most stable groups, the voluntary associations most likely to persist over time.

The fact that most of the locally present groups tallied by Gamm and Putnam were parts of translocal associations makes sense in light of the central conclusion of this chapter: American civic history is a primarily story of federated association building, with local groups taking shape within broader movements and translocal organizational frameworks.

**VOLUNTARY ASSOCIATIONS IN EARLY AMERICA**

Much of what made the United States civically distinctive was emerging by the time Alexis de Tocqueville visited in the 1830s. The roots of Amer-
ican civic vitality lie at the intersection of contentious representative politics in a new republic, competitive religious evangelism in a country without any officially established religion, and the remarkable intensification of commerce and communication in an expanding nation, even as life for the vast majority still proceeded on farms or in very small towns.

The Story of Massachusetts and Maine

Richard Brown documents changing patterns of voluntary activity before and after the American Revolution—with the revolution understood as a process of political contention and institution building that stretched from the 1760s through the 1790s. As the thirteen American colonies rebelled against Britain and pulled themselves together into an independent, federal republic, they fashioned propitious institutional circumstances for a flourishing civil society, at once locally rooted and translocally interconnected.

In early America (as in many other developing countries, no doubt) a minimum threshold of small-town development was necessary before groups that people could choose to join were able to coexist with families and initially monopolistic churches and town meetings. Before truly voluntary groups could proliferate, Richard Brown argues, there had to be concentrations of two hundred to four hundred families, with at least 20 percent of the men in a total population of one thousand to two thousand persons engaged in nonagricultural occupations. But there was nothing automatic about this socioeconomic threshold, which was surpassed by dozens of places in Massachusetts/Maine well before the Revolution. Despite that, relatively few voluntary groups were created during colonial times. As Brown’s statistics show, prior to 1760 there were only a few dozen voluntary groups apart from churches in all of Massachusetts/Maine, and more than a third of them were located in Boston, the colony’s capital and its single substantial city.

The associational story changed dramatically once the American colonies aroused themselves to separate from Britain. Between “1760 and 1820... over 1,900 voluntary associations were created” throughout Massachusetts/Maine, and during “the 1820s at least seventy were founded each year.” This increase far outstripped population growth, and mostly occurred after 1790, as a wide variety of associations spread across Massachusetts and Maine. Charitable and missionary groups were part of the waves of foundings, along with political groups, lyceums, moral reform efforts, professional and trade associations, Masonic lodges, and new kinds of churches (chiefly Methodist and Baptist).
At first only a few of these groups, such as the Masons and most churches, were formally linked in translocal organizations. But many more spread through movements in which people in one locality modeled their efforts on similar undertakings elsewhere. Although women rarely organized separate translocal associations in this early period, recognizably similar female benevolent groups appeared in many towns, and the American Female Moral Reform Society, founded in New York City, eventually encompassed 445 auxiliaries across greater New England. Meanwhile, male promoters disseminated explicit models and instructions for founding and operating community associations. A prime example was Josiah Holbrook, who traveled, spoke, and published to promote lyceums, that is, voluntary community institutions intended to promote adult education, sponsor traveling lecturers, and support the emerging “common” public schools and their teachers. In 1826, Holbrook published guidelines for the establishment of lyceums, along with a detailed plan for local, county, state, and national lyceums, with all levels above the local to be based on representatives sent from below.

More striking than the sheer rate of increase of voluntary groups in Massachusetts/Maine was the geographical pattern of foundings. All kinds of voluntary groups in Boston increased more than 650 percent between 1760 and 1830, yet the rate of increase was 920 percent for the rest of Massachusetts/Maine. The picture is even more clear-cut when churches (as well as what Brown calls “profit-seeking” groups) are left aside. Nonchurch associational foundings in Boston went from 14 prior to 1760 to 121 between 1760 and 1830 (roughly a 760 percent increase). However, such foundings in the rest of Massachusetts/Maine went from 24 prior to 1760 to 1,281 more between 1760 and 1830—an explosive increase of more than 5,000 percent!

During and (especially) soon after the American Revolution, what Brown calls an “urban” pattern of society—involving choice of association and extralocal connections and awareness—encompassed people in and around even the tiniest places across Massachusetts and Maine. “In colonial America,” Brown notes, “urban society was a highly restricted phenomenon, limited to port towns that were also administrative centers,” places such as Boston, New York, Philadelphia, and (to a degree) Charleston. Urbanity penetrated parts of the hinterland only via elites “who were in touch with the [colonial] capital as an occupational necessity.” But by the 1830s, “urban society had developed a broad social and geographic base in the countryside,” as an amazing range of communities became home to a variety of voluntary associations and public institutions.
Localism and insularity were being challenged, if not actually destroyed. People remained bound to the old organizations of family, church, and town, but now they possessed additional ties. Sometimes the contact was direct, if they traveled to a meeting or convention or if outsiders came to them as part of a political campaign, lyceum, temperance or missionary association. More often, the contact was psychological, coming from memberships in countywide or statewide organization and the publications such activities produced.20

Going National
Although this transformation may have happened soonest and most intensively in the northeastern United States, similar changes soon spread across the expanding new nation and involved people from many backgrounds.21 By the time the Civil War broke out in 1861, the United States, despite its enormous contentiousness and regional and ethnic diversity, had developed a recognizably national civil society.

From the 1830s through the 1850s, lyceums spread from New England into the upper South and (especially) into the Midwest east of the Mississippi River.22 Vast moral crusades and temperance movements inspired the creation of thousands of interlinked local and state societies.23 To name only those temperance efforts that gained the most prominence prior to the Civil War, by 1834 the American Temperance Society claimed some 5,000 societies and 1 million members in the East and Midwest. The Washingtonian crusade, which reached out for working-class members and reformed “drunkards,” claimed some 6,000 members and 10,000 societies in the early 1840s. The Washingtonians were soon succeeded by the more institutionalized Order of the Sons of Temperance, which by 1860 was a truly continent-spanning federation boasting some 2,398 local divisions and 94,213 members spread across more than three dozen state divisions in the North, South, and across the Mississippi River into Iowa and California.24 By the 1850s, the Independent Order of Good Templars (IOGT) began its climb to national prominence. Open to women as well as men for both leadership and membership, by 1860 the IOGT claimed more than 50,000 members grouped into about 1,200 lodges spread across twenty states (including Alabama and Mississippi in the deep South).25

Fraternal orders also spanned the nation prior to the Civil War, despite the outburst of a temporary but fierce furor against Masons and other “secret societies” that peaked in the 1830s.26 From colonial times, Masonic lodges sank roots everywhere in America; local lodges were
founded immediately upon the arrival of military garrisons in each new territory, and new sovereign grand lodges were chartered just as each state joined the Union. The Masons were a relatively elite fraternal association, yet they were soon followed by other fraternal organizations involving many more working-class and white-collar Americans of various ethnic and racial backgrounds—sometimes joined together in the same groups, at other times enrolled in fraternal associations with parallel structures and purposes.

Destined to become the model for many subsequent brotherhood associations in the United States, the Independent Order of Odd Fellows (IOOF) was launched from Baltimore, Maryland, in 1819. Originally a British fraternal and mutual aid association, the Odd Fellows took an organizational step that the (basic) Masons never did. As American Odd Fellows broke away from the British Manchester Unity Odd Fellows, they created the U.S. IOOF as a fully three-tiered federal structure capped by a national-level sovereign grand lodge, formed from representatives sent from state-level grand lodges with jurisdiction over local lodges. Perfectly suited to U.S. conditions, this federated structure encouraged rapid growth. In 1830, American Odd Fellows met in 58 lodges spread across Maryland, Massachusetts, New York, Pennsylvania, and the District of Columbia. Over the next three decades, this fraternal organization, originally limited to the eastern seaboard, spread across the continent. By 1860, there were more than 170,000 U.S. Odd Fellows meeting in more than 3,000 local lodges in thirty-five states in all regions of the nation. As the author of the 1852 edition of The Odd-Fellow Text-Book proudly declared: “From town to town, from city to city, from state to state, has this Order spread, and thousands upon thousands of the best men of our nation have been gathered to its folds.” The Odd Fellows admitted only whites, yet, like the Masons, they built some bridges across religious denominations and across early Euro-American ethnic groups. Centered among native-born Protestants, the Masons accepted some Jews, and both Masons and Odd Fellows allowed German-speaking and other immigrant local lodges to organize within their predominantly English-speaking orders.

If not on such a spectacular scale as the Masons and the Odd Fellows, other U.S. fraternal organizations also made rapid headway prior to the Civil War. Claiming descent from societies of patriots at the time of the American Revolution, the racially and ethnically exclusionist Improved Order of Red Men (IORM) was founded in Baltimore in 1834. Red Men were white Christians who dressed up like Indians and dated their order from 1492, when Columbus arrived in America. By 1860 almost 10,000 of
them were meeting in ninety-four “tribes” spread across the “reservations” of Maryland, Pennsylvania, Virginia, Ohio, New Jersey, Missouri, Kentucky, Delaware, and the District of Columbia.\textsuperscript{33}

Not to be outdone, in 1836 Irish-Americans founded the American branch of the Ancient Order of Hibernians, which was organized in eight states of the East, South, and Midwest by 1861.\textsuperscript{34} During the 1840s, German-Americans in New York City launched the Order of the Sons of Hermann and the Order of Harugari, two (eventually transstate) beneficial and cultural federations dedicated to defending German culture and German-Americans from nativist attacks during widespread Know-Nothing agitations.\textsuperscript{35} What is more, German-Americans established their own Independent Order of Red Men in 1850, a fraternal group that met in federated “stamms” rather than “tribes.”\textsuperscript{36}

In addition to Germans and Irish, African-Americans were the other large U.S. minority. With the exception of some temperance orders, white-dominated U.S. voluntary associations shunned blacks as members. But African-Americans built vast orders of their own exactly paralleling the groups from which they were excluded. Prince Hall Masonry originated in 1775, when British Masons chartered a Negro Masonic lodge in Cambridge, Massachusetts.\textsuperscript{37} Even before the Civil War, free blacks spread this fraternal empire across eighteen states, including “most of the Atlantic coastal states as far south as Virginia, and many midwestern states . . . [and] Maryland, Virginia, and Louisiana, the centers of the free Negro population” of the South.\textsuperscript{38} In 1843, African-Americans in New York City under the leadership of seaman Peter Ogden launched the Grand United Order of Odd Fellows (again with the aid of a lodge charter from England). By the early 1860s, about 1,500 African-American Odd Fellows were meeting in about fifty lodges scattered across more than half a dozen Eastern states.\textsuperscript{39}

A final indication of early American associational vitality is also worth mentioning. Using a 1975 encyclopedia of national U.S. voluntary associations, sociologist Charles Green identified fourteen functional types of U.S. voluntary associations and inquired as to when each type first emerged. He found that groups representing twelve out of the fourteen types had already been created by Americans prior to 1850 (and groups of the remaining two types appeared before 1870).\textsuperscript{40} Examining possible causes for such early associational variety, Green concluded that “the growth rate in the number of types” of national voluntary associations paralleled the growth in the total population living in places with 2,500 or more inhabitants, and also paralleled the expansion of the proportion of all Americans living in such places. Like Richard Brown, in
short, but with a different kind of data, Green shows that early American associational differentiation was linked to elementary urbanization. Complex associational development preceded by many decades the emergence of huge metropolises and “large-scale commercial and industrial development.”

The Roots of a Dynamic Civil Society

What happened in early America? Why was civil society so sharply and precociously transformed, as communities of all sizes established voluntary groups with remarkable simultaneity—and many groups became linked in translocal organizations?

As Richard Brown argues, many aspects of the American breakaway from British imperial control fueled the growth of a democratic civil society. The Revolutionary War and subsequent struggles over a new U.S. Constitution disrupted taken-for-granted loyalties, brought geographically dispersed sets of Americans into contact with one another, and undermined prior city monopolies (during colonial times, for example, all Massachusetts print shops were based in Boston, but during the Revolution printers multiplied and dispersed to other parts of the region). Once victory and nationhood came, the ongoing political routines of the representative polity pulled Americans into broader, competitive involvements. Elections were held for statewide and national offices, and fledgling political parties competed for support, linking some citizens in each place to fellow Federalists or Jeffersonians elsewhere. In the wake of the American Revolution, ideals of active citizenship spread—encouraging popular mobilization, fueling a need for information, and spurring citizens to organize within and across localities.

Early America was also swept by the religious enthusiasms of the Second Great Awakening. Religious proselytizing started during late colonial times and accelerated during the early national period. Here it is important to underline that the United States—in contrast to most other countries of that time—had no governmentally established church monopoly. Under the Constitution and the Bill of Rights, competing denominations were free to preach and proselytize. This open, competitive situation for religion encouraged evangelical movements on a regional-to-national scale. Traveling evangelical organizers, especially Methodists and Baptists, spread out across the land.

Early Methodist circuit-riding clergy, above all, pioneered new methods of associational organization. Moving from place to place, they inspired local leaders to found and sustain new congregations, and then
tied those bodies together into federations espousing shared worldviews and moral purposes. As the Methodists spread their word and founded tens of thousands of local congregations in even the tiniest places, other religious denominations had to reach out and organize, too, lest they shrink and die.45 Through competitive emulation, a new model of association building spread across early America—one that assorted lay associations soon adopted.

Ready social communication allowed early Americans to create sustainable, interconnected groups. Widespread literacy and newspaper reading facilitated communication, argues Richard Brown, echoing Tocqueville’s observation that “[n]ewspapers make associations, and associations make newspapers. . . . [O]f all countries on earth, it is in America that one finds both the most associations and the most newspapers.”46 But Tocqueville did not appreciate all of the conditions that facilitated communication and hence association building. An active and centralized arm of the early U.S. national state—the postal service—played the key role in this development.

Prior to the American Revolution, the colonies had a rudimentary postal system comparable to that in many European countries, with larger cities loosely tied together, especially along the Atlantic coast. This changed soon after the founding of the republic, when Congress passed the Post Office Act of 1792, which “admitted newspapers into the mail on unusually favorable terms . . . prohibited public officers from using their control over the means of communication as a surveillance technique,” and “established a set of procedures that facilitated the extraordinarily rapid expansion of the postal network from the Atlantic seaboard into the transappalachian West.”47 By 1828, as historian Richard John points out, “the American postal system had almost twice as many offices as the postal system in Great Britain and over five times as many offices as the postal system in France. This translated into 74 post offices for every 100,000 inhabitants in comparison with 17 for Great Britain and 4 for France.”48 In the 1830s and 1840s, the system accounted for more than three-quarters of U.S. federal employees, and most of the 8,764 postal employees in 1831 and the 14,290 in 1841 were “part-time postmasters in villages and towns scattered throughout the countryside.”49

The postal network was shaped by U.S. government institutions. Congressional representation based in states and local districts gave members of the Senate and the House of Representatives a strong interest in subsidizing communication and transportation links into even the remotest areas of the growing nation—yet in a carefully calibrated way. Legislators wanted mail and news to be carried into even the smallest
communities, and they also wanted to be able to travel to and from the national capital. Hence, they subsidized stagecoach travel and set cheap postal rates. Postal rules also allowed for the free exchange of newspapers among editors, so that small newspapers could pick up copy from bigger ones. But at the same time, rate structures were fine-tuned to prevent eastern seaboard papers from outmarketing provincial news sheets.

To take advantage of postal subsidies, voluntary groups disseminated their messages in newspaper (and later magazine) format, greatly facilitating organization. One of the first great moral reform movements in America—briefly embodied between 1828 and 1832 in the General Union for Promoting the Observance of the Christian Sabbath—was devoted to trying to stop the opening of post offices and transportation of the mails on Sundays. Ironically, this movement depended on the very federal postal system it sought to challenge. It relied on the mail to spread tens of thousands of pamphlets and petitions to its potential followers. The same was true of other great voluntary crusades in the pre–Civil War era, including the temperance movements and the popular drive against slavery that helped to spark the Civil War.50

The Federal State as Civil Model

There was a final, equally crucial, way in which U.S. governing institutions influenced association building. The United States was put together by the Founding Fathers as a federal state, and the country had written constitutions that explicitly parceled out nested jurisdictions to administrative, representative, and judicial bodies at three (sometimes four) levels of sovereignty: the national government, state governments, and local governments (sometimes counties, too). From early national times, American civil associations began to imitate this local-state-national structure. Table 3-1 shows that more than two-thirds of all very large U.S. membership associations developed national-state-local federated structures that paralleled U.S. governing arrangements. Large and small translocal associations also produced detailed constitutions, regularly debated and modified. American voluntary associations had printed by-laws for each local unit, formal constitutions for each state association or grand lodge, and elaborately detailed constitutions for the national or supreme level of their group. Although it is not possible to provide a detailed analysis of such constitutions in this chapter, several points are worth making based on my reading of dozens of them. Associational constitutions often boasted of imitating the U.S. government’s representative features and functional divisions. Thus local associational units were empowered to elect officers and representatives to state bod-
ies, while local and/or state units sent representatives to national bodies—just as U.S. senators were originally appointed by state governments. Associations had elaborate rules for electing leaders and adjudicating disputes.

Associational constitutions also included explicit rules about the establishment of state and local units and the flow of members into them. Unlike fraternal groups in other nations, for example, U.S. fraternal associations required a potential member to apply to the lodge nearest his residence, or have its written permission to apply elsewhere. Traveling “brothers” had to have formal documentation from their local and state units to be admitted as visitors away from home. Just as Americans had to establish their voting rights in their local communities and states, so too did they have to establish their memberships in translocal associations through their home communities. American associations may have encouraged outward ties, but they did not allow rootless cosmopolitanism.

The national and state jurisdictions of fraternal associations maintained elaborate zoning rules. New local lodges were required to have the endorsement of previously chartered units in their vicinity, as well as the approval of the relevant state jurisdiction. The point of these rules was to embed members in local groups and—perhaps even more significantly—to manage the creation of local groups so as to avoid unnecessary fragmentation or duplication. State-level authorities encouraged would-be organizers of local units to meet and work together, rather than competing. They also ruled against applications for new local lodges if they thought there was not a sufficient pool of potential members in the area to sustain additional units.

These rules meant that during the earliest stages of the development of an associational network, local units were likely to be spread out, recruiting members across town lines. To attend early group meetings, Americans traveled amazing distances under poor transportation conditions. If and when an association matured and became very popular, then local units might be able to multiply—to the point where each town or village or urban neighborhood could hold conveniently located meetings. But new units could be added only with permission from higher authorities, and only when majorities in neighbor units approved. When associations went into decline, the process of contraction was similarly managed, allowing members of clubs or lodges that closed to join groups in neighboring areas or become at-large members of state associations. Classic American associations thus tended to be relatively cross-local in membership toward the beginning and the end of their life cycle, and most locally rooted at their height.
From the start, voluntary association building in America was as much a matter of regional social movements and translocal organizing efforts as it was a series of local undertakings. Local people took heart from regionally and nationally spread exemplars, and they valued formal connections to higher-level representative governing structures. Local group founders were at times recruited and inspired by traveling “agents” sent out from state and national headquarters. Even more frequently, perhaps, they came from the ranks of in-migrants, people newly arrived in particular towns or regions who aspired to found new lodges or clubs similar to those in which they had previously participated in their communities of origin. Either way, though, local founders had to proceed within explicitly institutionalized, “constitutional” rules of the game—rules that discouraged fragmentation even as they protected state and local sovereignty within the unified whole.

CIVIC AMERICA IN THE INDUSTRIAL ERA

If substantial waves of voluntary group formation occurred before 1861, scholars agree that even greater bursts gathered force after the Civil War—expanding some older associations and creating many new groups destined to persist through much or all of the twentieth century. What kinds of associations proliferated as the United States modernized, and what actors and processes shaped group emergence and expansion? Established wisdom in the social sciences might lead us to expect fundamentally new growth processes as America made the transition from a society of farms and small towns into a metropolitan, industrialized powerhouse. But in fact associational patterns first established prior to the Civil War were renewed during the century after that conflict.

The Limited Impact of Economic Modernization

Standard explanations for associational modernization focus on emerging actors responding to new stresses and opportunities offered by corporate industrialization and the growth of big cities. Scholars of a Marxist persuasion see industrialization and large-scale urbanization as motors of class differentiation and conflict. Workers are likely to form unions; capitalists may band together in business associations. Such organizations are likely to originate in big cities and then spread outward along lines of commerce and manufacturing activity. Associational innovation and expansion should follow lines of economic growth.
Other modernization theories posit different causal mechanisms. Durkheimians see voluntary associations as mechanisms of social integration, substituting in industrial societies for ties of family and neighborhood in preindustrial villages. One version of such reasoning appears in the historian Robert Wiebe’s influential synthesis, *The Search for Order, 1877–1920*.\(^{51}\) The key actors in Wiebe’s drama are rising “new middle class” professionals and businesspeople situated in expanding metropolitan centers. In “response” to the unsettling transformations of immigration and rapid population growth and urban concentration, these modernizing elites fashioned new professional and trade associations and social service groups. In Wiebe’s portrayal, the United States around 1900 was transformed from an agrarian society of “island communities” into an industrial nation knit together by corporations, bureaucracies, and relatively centralized associations led by managers and professionals.

Some data support Marxian and/or Durkheimian expectations about U.S. associational modernization. Translocal associations were mostly launched from the more industrialized states of the Northeast and Midwest, and such groups often spread into each state via the largest city or a highly commercialized region. Professionals, businessmen, and mobile workers such as railroad men were often the carriers of new associational ideas.

Occupationally based associations proliferated as well. Figure 3-1, borrowed from Gamm and Putnam, shows trends in the incidence of various kinds of associations per thousand population across twenty-six U.S. cities from 1840 to 1940. Clearly, labor unions increased sharply after 1880, and business groups proliferated, too, though more gradually. Gamm and Putnam’s counts are confirmed by listings of statewide groups in issues of the *Maine Register*.\(^{52}\) These yearly directories document a sharp increase of business and professional groups across the twentieth century, and especially from 1920 on. The numbers of such associations rose very steeply as ever narrower occupational and market segments organized themselves.

Elite “service groups”—chiefly Rotary Clubs, Exchange Clubs, and Lions Clubs—also spread across cities from the early through the mid-twentieth century.\(^{53}\) Such clubs accepted only a few leading people from each business or profession within the community (although “professions” could be defined very narrowly to expand membership). Some argue that elite service clubs replaced cross-class fraternal associations, because business and professional people grew tired of evening-long rituals, preferred shorter lunchtime meetings, and wanted to network
Figure 3-1 Densities of U.S. Voluntary Associations Listed in City Directories, 1840–1940

among themselves rather than reaffirm “brotherhood” with blue-collar wage earners and white-collar employees. But this cannot be the whole story, because as America industrialized, certain fraternal groups (such as the Masons) renewed themselves, while others (such as the Knights of Columbus, the Moose, the Elks, and the Eagles) grew to new prominence, with simplified rituals and new emphasis on community outreach.

Occupationally linked associations and elite service clubs were not the only kinds of groups that flourished between the Civil War and the mid-twentieth century. As Figure 3-1 displays, Gamm and Putnam document sharp increases in city directory listings of religious congregations, religiously connected associations, fraternal and sororal groups, and independent women’s groups from the mid-1800s until around 1900 or 1910. Extraordinarily steep increases are reported for fraternal and women’s groups in the late 1800s. Although Gamm and Putnam document dropoffs in the incidence of such listings after the turn of the century, the numbers of religious and fraternal groups per thousand population remained much higher than the incidence of occupationally linked groups through the end of the Gamm and Putnam data series in 1940.

Clearly, Marxian and Durkheimian arguments do not fully account for patterns of U.S. associational growth during the industrial era. Labor unions, business and professional groups, and other associations explicitly linked to corporate-industrial growth grew but did not become hegemonic, because long-standing kinds of membership associations also survived or renewed themselves. The universe of large U.S. associations was different by the mid-twentieth century than it had been a century before, but it remained kindred to the previous universe. Economic modernization added new kinds of associations to the mix, yet the sub-stratum of cross-class membership federations persisted.

There is a ready rejoinder to this argument: Modernizing America may have maintained a peculiar profile of associations—heavy with religious and moral associations, fraternal organizations, and veterans’ groups and auxiliaries. But maybe such groups grew in response to modernizing forces. However, statistical hypothesis testing by Gerald Gamm and Robert Putnam raises doubt about this rejoinder. Making maximal use of the variation across places and decades in their data about group listings in city directories, Gamm and Putnam test the notions that foreign immigration, inflows of domestic migrants, industrialization, and/or urban expansion explain why some of their cities experienced greater increases in numbers of associations than others.
They went into their research expecting that bigger, more industrial, northeastern cities might experience sharper increases of associational incidence, and that cities experiencing rapid inflows of migrants might also show disproportionately more associational growth. But Gamm and Putnam found very much the opposite.

Through 1910, associations proliferated beyond population growth across all twenty-six U.S. cities studied by Gamm and Putnam. Yet within this overall expansionary pattern, cities in the South and West added more associations per capita than those in the East, slower-growing cities developed more associations per capita than faster-growing cities, and small cities gained more associations per capita than medium-size cities, which in turn gained more than the largest cities. “The civic core was in the periphery,” Gamm and Putnam conclude, speculating that denizens of small- and medium-size cities may have created and maintained more associations because, in contrast to big-city dwellers around 1900, residents of small cities did not have access to “industrialized” modes of entertainment such as movies or amusement parks.56

With better data and analytical techniques, Gamm and Putnam recapitulate findings in Murray Hausknecht’s 1962 book The Joiners. Yet Hausknecht’s hypotheses about why associations were so prevalent in smaller American communities went beyond considerations of entertainment, raising the crucial issue of citizen leverage in democracy. “[V]oluntary associations may induce in the individual living in a small town a greater sense of ‘potency,” reasoned Hausknecht, “a sense that . . . ‘his vote counts.’ Some associations may be important for the community as a whole, and in a small town it is easier to get a feeling that this is so.”57 Hausknecht’s point takes on added significance when we recall that the vast majority of U.S. voluntary groups around 1900 were not merely local. They linked local people into state, regional, and national activities, as well as allowing them to meet close to home. Members of translocal associations could learn about and contribute to civic undertakings on a much broader scale than local units alone could have managed.

The entertainment value of groups in towns and small cities was more than local, too. Officers and members prized opportunities to travel to district, state, or national conventions. Important social and economic advantages likewise accrued to associations that managed to spread across many places. Insurance societies could spread economic risk by including people from various places. Perhaps most important, Americans, especially young men, changed residences frequently and
traveled constantly, so they were glad to find familiar groups in new places. People transferred memberships from place to place, founded new units if none already existed, and visited clubs or lodges when they arrived for business or pleasure. City and associational directories recorded the day(s) of the week or month when groups met, precisely so that visitors from out of town could make their way to meetings.

Bearing in mind that locally present associations were typically parts of translocal networks, we can better pinpoint the timing and causes of associational change. The Skocpol group data arrayed in Figure 3-2 highlight the periods when the (eventually) largest translocal membership associations were launched in unusual numbers. This figure also graphs the cumulation of large U.S. associations whose memberships had surpassed 1 percent of the adult population by the given date. As Figure 3-2 shows, disproportionate numbers of associations that would eventually have very large memberships were founded in the decades right after the Civil War. Gamm and Putnam’s study registers, in large part, the local proliferation of units connected to the new nation-spanning associations that came into being between 1860 and 1890. By the
second decade of the twentieth century, more than twenty large membership associations coexisted, and the vast majority were rooted in thousands of local groups spread across villages, towns, and cities of all sizes.

War and Political Contention as Motors
Social scientists typically presume that the “real” or “basic” causes of long-term social change are economic. But wars and political contention also shape societies and cultures. For modern American civil society, wars and periods of intense group contention brought more group foundings, growing memberships, and vital new undertakings.

America’s most ambitious and ultimately most successful associational launchings came at the end of the Civil War and during the next quarter century, and this same period brought amazing growth to membership federations already in place before 1861. This seems counterintuitive. By far the largest and most destructive U.S. war, the Civil War tore apart preexisting federations such as the Odd Fellows, the Sons of Temperance, and the Independent Order of Good Templars. It diverted adult energies and took millions of lives, leaving much of the South economically prostrate.

But the Civil War also spurred translocal associationalism. During the conflict, fraternal organizations such as the Masons and Odd Fellows attracted many new members among young men headed into or already in military service—perhaps because these brotherhoods had well-established methods for aiding members away from home. Immediately after the war’s end, moreover, divided U.S. membership federations quickly reunited. Voluntary federations were, after all, better positioned to reknit North-South ties than the regionally polarized political parties. During the war, the Odd Fellows left chairs for southern grand lodge representatives sitting symbolically empty at each of their national conventions, called the names of the absent state delegations, and mailed reports to those delegations. The southern grand lodge representatives returned to their waiting seats within months of the war’s end. It would take years longer to put the U.S. national government and political party system back together.

Throughout the later nineteenth century, most new American voluntary associations were launched from the Northeast and Midwest (and late in the century, some spread from the West). The defeated and economically distressed South was not a leader in postwar association launching, and memberships and numbers of local units lagged there as well. But the fact remains that, in the wake of the Civil War, American
association builders were determined to link North and South just as much as East and West. They thought in terms of national unity and regeneration, and worked hard to make this vision real. Most large-membership voluntary associations launched in the post–Civil War era took the form of local-state-national federations, and most spread their institutional networks across virtually all of the U.S. states within two to three decades after their founding.

For many association builders, the Civil War had an energizing and visionary effect, connecting them to one another and to a larger sense of purpose and possibility. During the conflict, men came together in great armies and women volunteered for war support or relief work. Connections were forged within states and across states, reinforcing the model of nested federalism as the best organizational way to get things done. As the war ended, the strengthened sense of national purpose and connections could be shifted, especially by the victorious northerners, toward bold efforts at nation building and sectional reconnection.

Destined to burgeon quickly into America’s third largest fraternal group, the Knights of Pythias was launched in 1864, during the war, by a federal clerk who devised a ritual about mutually sacrificial brotherhood inspired by the classical tale of the friendship of Damon and Pythias. Similarly, the Patrons of Husbandry (or Grange) was the inspiration of a U.S. Department of Agriculture official who, on a postwar inspection tour of the ravaged South, imagined the benefits of a nationwide fraternity for farm families. (Interestingly, Grange founder Oliver Kelley was able to open doors in the South by using his ties to fellow Masons.)

The creators of the American Red Cross were women and men who had run the Union war relief efforts of the U.S. Sanitary Commission and wanted to continue their efforts in new ways after the war. Former participants in the Sanitary Commission also helped to launch the leading national women’s association of the post–Civil War period, the Woman’s Christian Temperance Union (WCTU).

WCTU organizers were determined to create a nationwide association powerful enough to influence public opinion and government actions at all levels. Like other temperance groups right after the Civil War, the WCTU organizers were appalled by the drinking habits of ex-soldiers returning home and worried that federal taxes on liquor, which helped finance the war, had become entrenched. The only way to develop sufficient power to fight these evils, temperance people thought, was to create (or strengthen) federated voluntary organizations that paralleled the government itself and reached into every congressional district. During the 1880s, therefore, chief WCTU organizer
Frances Willard traveled through every U.S. state and visited hundreds of cities and towns. She visited the Far West and repeatedly toured the South, leaving in her wake new local and state unions throughout the nation.  

Further waves of association launching came in the later 1880s and 1890s. One late-century dynamic was the proliferation of fraternal groups aiming to provide insurance to members. Many never grew very large. Some were deliberately limited to potential memberships thought to be relatively healthy; others represented breakaways from previously established insurance orders (westerners frequently broke away from aging eastern orders); still others (such as the Order of the Iron Hall, 1881–91) represented little more than thinly disguised Ponzi schemes. Such “insurance fraternals” sometimes proved actuarially unsound and hence short-lived.

Another, more civically relevant dynamic grew out of fierce ethnic contention. The late 1880s and 1890s were a time of nativist agitation, as native-born American whites organized against recent immigrants and Catholics. In response, many ethnic-American federations were established. They served to unite local groups for self-defense and assertion of American credentials, and stimulated the further spread of local and state ethnic associations. In general, trends of associational creation reveal that periods of nativist agitation in U.S. history—the 1840s and 1850s, the 1890s, and the 1920s—were also periods when large numbers of ethnic-American groups were launched or expanded.

Tellingly, however, ethnic-American groups tended to structure themselves and operate very much like the Protestant- and native-born-dominated associations with which they were contending. Every group claimed to represent good Americans and godly people. Group badges and banners almost invariably featured U.S. flags (sometimes one U.S. flag crossed with the flag of the nation from which immigrants hailed), and group mottos championed similar patriotic and ethical values. Almost every association sought to spread local and state units within regional or national federations. U.S. membership associations, in short, may have championed diverse racial, ethnic, and religious group identities. But they did so in ways that fostered similar experiences and expressed shared American citizenship.

World War I was yet another period of concentrated associational launchings; twentieth-century giants such as the American Legion and the American Farm Bureau Federation emerged right at the end of that conflict, and so did many smaller associations. Perhaps more important, the First World War also proved an auspicious watershed for many pre-
viously established groups. But this was not true for all such organiza-
tions; identified with the foreign enemy, once vibrant and growing Ger-
man-American associations largely collapsed during World War I. After America entered the war in 1917, the approximately one-tenth of the U.S. population who was of German descent switched to non-ethnic-identified groups or relabeled existing groups in ostentatiously “American” ways.

As some groups suffered, many other voluntary associations burgeoned through close partnership with federal wartime mobilizations. In this way, the Red Cross and the Young Men’s Christian Association experienced explosions of membership, volunteering, and local chapter building. The Knights of Columbus cemented its Americanist credentials by providing social services for military personnel. During and soon after World War I, this Catholic fraternal federation used its new government partnership and legitimacy with the public to attract millions of members, gaining ground on Protestant rivals. Ever since, the Knights of Columbus has remained a leading American association.

The Twentieth Century
By the 1920s, the United States had become an industrial nation, and the data in Figure 3-2 document that about two dozen large-scale membership associations coexisted from then on. Of course, the mix of large associations changed over the decades. Some older groups (such as the Sons of Temperance, the IOGT, and the Grand Army of the Republic) declined or went out of existence. Others were never more than temporary blips on the radar screen, perhaps because they died after reform crusades (abortive, as in the case of the Knights of Labor, or successful, as in the case of the National American Woman Suffrage Association). Still other groups became briefly huge during periods of heightened ethnic or racial tension. Meanwhile, though, other groups emerged or flourished, often benefiting from junctures of welfare-state building as well as wartime mobilization.

Today’s conservatives claim that the growth of modern social provi-
sion has crowded out voluntary efforts. But many of America’s mem-
bership associations pressed for public social programs in the first place, and then prospered by helping government deliver benefits or services to millions of people. The Grand Army of the Republic grew along with generous state and national provision for Union military veterans and survivors. The Grange and American Farm Bureau Federation were just as closely involved with public programs to aid farmers. Independent women’s associations—including the WCTU, the General Federa-
tion of Women’s Clubs, and the National Congress of Mothers (later the PTA)—were closely involved with local, state, and national efforts to help mothers, children, and families. The Fraternal Order of Eagles and the Townsend movement pressed for federal benefits for the elderly, and more recent associations of retirees have grown along with the resulting public programs. Labor unions needed the U.S. government’s help to establish themselves fully, and in turn became supporters of New Deal economic and social programs. And the American Legion championed the nation’s most generous social program for young families, the G.I. Bill of 1944. From the Civil War through the post–World War II era, voluntary membership associations have complemented the U.S. version of the modern welfare state.

Labor unions (including industrial as well as craft workers) finally gained a substantial foothold in U.S. civil society during the 1930s and 1940s. Yet this same period was stressful for other large groups. To cope with fiscal shortfalls as memberships aged, fraternal associations that had narrowly specialized in insurance frequently merged, died, or were absorbed by profit-making companies. Socially oriented fraternal organizations also declined. Americans could not afford dues during the Great Depression, and then they concentrated on mobilizing for a war abroad. Some associations experienced an irrevocable decline in this era. The Odd Fellows, for example, one of the nation’s oldest fraternal groups, revived only slightly after 1945, and then continued to fade.

Yet a number of preexisting membership groups, including fraternal organizations, revived after World War II. Despite shrinkage since the 1960s, the Masons remain, to this day, on the list of groups enrolling more than 1 percent of American adults, and the Eastern Star remains a very large group predominantly enrolling women. More telling, when data are examined beyond the end of Gamm and Putnam’s series in 1940, many U.S. associations launched from the 1850s through 1920 turn out to have prospered across much of the first two-thirds of the twentieth century. These include fraternal groups such as the Elks, the Moose, the Eagles, and the Knights of Columbus (as well as the Masons and the Eastern Star); veterans’ associations such as the Veterans of Foreign Wars and the American Legion; a variety of church-connected associations; male and female bowling federations; the American Federation of Labor (which united with the Congress of Industrial Organizations in 1955 to become the AFL-CIO); and community-oriented groups such as the Red Cross, the Boy Scouts, the YMCA, and the National Congress of Parents and Teachers (PTA). As late as the 1960s and 1970s, many of these associations were still growing, as were hundreds of smaller feder-
ated membership groups with the same ways of doing things. World War II, like previous major wars, reenergized many American membership groups.

Taken together, a modernized set of federated membership associations formed the integument of post–World War II civil society for ordinary Americans. Most membership federations had local groups that met weekly, biweekly, or monthly, and new officers were periodically elected at every level of group governance. Except for the unions and farm groups, membership associations included men or women from a considerable range of occupational and social backgrounds. All popularly rooted groups structured two-way interactions between leaders and led, and between local and supralocal activists. The continuing vital involvement of millions of men and women with a remarkable range of membership associations surely influenced the answers U.S. citizens gave to Almond and Verba’s survey, allowing Americans to emerge as the most participatory group of citizens discussed in *The Civic Culture*.

**CIVIC AMERICA TRANSFORMED**

History may explain why Almond and Verba found Americans to be strong civic participants around 1960, but in another sense the civic world these authors celebrated may now be “history.” The American associational universe that so entranced observers from Tocqueville to Almond and Verba has been revolutionized during the last third of the twentieth century. A version of the professionally focused “modernization” that Robert Wiebe mistakenly argued triumphed early in this century has finally taken hold at the end.

About three-quarters of the large membership voluntary federations listed in Table 3-1 still exist, yet most of the surviving older associations soldier on with shrunken networks and dwindling, aging memberships. The PTA and the General Federation of Women’s Clubs, the Masons and the Elks, and the great veterans’ federations and their women’s auxiliaries are no longer “where the action is” in U.S. society or politics. The once-hefty labor unions have declined, from enrolling more than a third of the labor force in the 1950s to less than a sixth now. Meanwhile, new waves of national associational launchings have dwarfed in sheer volume even the waves that occurred after the Civil War. In 1959, *The Encyclopedia of Associations* listed almost 6,000 national associations in the United States; the number grew to more than 10,000 by 1970, to nearly 15,000 by 1980, and to almost 23,000 in 1990 before stabilizing at about that level.
thereafter. In these recent launchings, a different type of group predominates: the professionally led advocacy group.

True, a few new membership federations rooted in local- and state-level face-to-face meetings have been created in recent times, particularly right-wing associations such as the National Right to Life Committee and the Christian Coalition. Also, some very old membership federations have recently grown enormously, notably the National Rifle Association, on the conservative side of the partisan spectrum, and the National Education Association, on the liberal end of the spectrum. But very few large-membership groups have been launched or revivified since the 1950s—especially not multipurpose groups that span class and partisan divides and combine local and translocal activities. Recently growing groups have narrower missions, and either no members at all or else thin memberships based on computer-directed mailings to individual constituents who send checks in the mail. The biggest of all is the American Association of Retired Persons, which was founded in 1958 and grew rapidly in the 1970s and 1980s. Most new professionally led advocacy groups are much smaller—often amounting to little more than headquarters operations in Washington, D.C., or New York City.

The recent American “advocacy explosion,” as political scientist Jeffrey Berry aptly calls it, includes several components. The civil rights struggles of the mid-1950s and 1960s enfranchised southern blacks and spawned new organizations devoting to advancing opportunities for African-Americans. In the aftermath of this democratic watershed, additional “rights revolutions” gave new, organized voice to feminists, homosexuals, and a plethora of racial and ethnic minorities. Rights movements started as grassroots efforts from below, but many subsequently evolved into professionally led advocacy or social service organizations. Sociologist Debra Minkoff documents that groups acting on behalf of women and racial or ethnic minorities burgeoned sixfold between 1955 and 1985, from less than 100 to nearly 700. During the 1970s and 1980s, moreover, the mix of groups shifted sharply from cultural, protest, and service associations toward policy advocacy groups and service providers also engaged in advocacy. In contrast to earlier ethnic associations and female partner groups, contemporary rights-advocacy groups aim to highlight what makes their constituencies special and different from other Americans.

Another watershed has been the proliferation of public interest advocacy groups, which seek to shape public opinion and influence legislation on behalf of causes ranging from environmental protection (for example, the Sierra Club and the Environmental Defense Fund) to the
well-being of poor children (the Children’s Defense Fund), getting big money out of politics (Common Cause), and cutting public entitlements (the Concord Coalition). Public interest groups markedly proliferated in the 1970s, and at first the expansion was decidedly liberal. But more recently conservative advocacy groups have gained ground. Some public interest causes, such as the environmental movement taken as a whole, include local activities and face-to-face membership groups as well as lobbying arms in Washington, D.C. But most do not (and even the environmental movement has become more professionally directed over time). Equally important, cause groups usually rely on check writers skewed toward the upper end of the U.S. income distribution.

The final wave of the recent U.S. associational explosion was, in a sense, a response to the previous two. Trade and professional interests could not sit idly by while supporters of various rights movements and public interest efforts were organized. During the 1970s and 1980s, thousands of business and professional advocacy groups organized anew, or opened offices in Washington. The members of these associations are often other organizations, not individual citizens. Following legal changes in the mid-1970s, business and professional advocates reinforced their lobbying efforts by forming political action committees to channel contributions to electoral candidates.

Why Has It Happened?
Why are so many staff-led associations flourishing in late-twentieth-century U.S. civic life? A few hypotheses can be suggested. Some scholars point to changes in communications media, arguing that the rise of television and computer-directed mailings makes it possible for professionals in centralized offices to recruit mailing-list members, or conduct associational affairs without members or elected leaders. Certainly such changes—which have swept through both electoral politics and associational life—have made it possible for professionally run, thin-membership advocacy groups to operate. But the development of new federated membership groups such as the Christian Coalition and the recent resurgence of the AFL-CIO union movement show that new technologies do not rigidly determine group operations. If the leadership will is there, new technologies can energize multiply tiered membership groups.

Another factor, surely, has been the willingness of wealthy patrons and tax-exempt U.S. foundations to channel grants to advocacy groups, freeing them from the dependence on membership dues as a principal
funding source that characterized many influential U.S. voluntary associations prior to the 1960s. When association builders could not be leaders without recruiting self-renewing mass memberships, they had incentives to travel around the country, hold face-to-face meetings, and recruit and encourage intermediate leaders who could carry on the work of member recruitment and retention. Nowadays, it makes more sense for leaders in New York City or Washington, D.C., to prepare mass mailings or write grant applications to foundations.

Transformations in gender identities and class relationships surely matter as well. Most large U.S. voluntary associations (founded or growing) from the 1800s through the 1950s were cross-class, single-gender affairs. In most of these associations, business and professional people joined together with white-collar folks and perhaps with more privileged farmers and craft or industrial workers. Yet it was usually men or women, not both together, who formed and led these cross-class and transregional associations, especially in the eras between the Civil War and the 1950s. Segregated male and female roles offered broad, encompassing identities through which hundreds of thousands or millions of Americans could band together across regional and class lines. Male military veterans and better-educated women outside the paid labor force were key leaders of voluntary federations. Both kinds of people were resourceful, socially respected, and spread out geographically.

But these conditions have disappeared during the last third of the twentieth century. Cohorts of males coming of age in the last third of the century are much less likely to have served in the military. What is more, America’s bitter experiences during the war in Vietnam broke the continuity of young male identification with martial brotherliness. A sharp divide was created between World War II veterans and their sons, whereas previous generations of American sons seem to have idealized their fathers’ experiences from the Civil War through World War I. This break in “manly traditions” occurred just as the feminist revolution and the accelerating entry of wives and mothers into the paid labor force forced the renegotiation of gender identities and the redivision of labor between husbands and wives.

Meanwhile, things have changed for educated American women. College-educated U.S. men have always tended to crowd into metropolitan centers, but in past eras better-educated women went everywhere to teach school, then got married and had to stop teaching. Thus well-educated married homemakers were to be found in every community across all states, and they became mainstays of voluntary life everywhere. But
now better-educated women pursue nationally oriented careers, have less time for associations without occupational links, and crowd into the same cosmopolitan centers as do educated career men.

By the 1970s the United States had developed a very large professional-managerial upper middle class, full of men and women who see themselves as specialized experts rather than as “trustees of community.”91 Elites like this are more oriented to giving money to staff-led national advocacy organizations than they are to climbing the local-state-national leadership ladders of traditional membership voluntary associations. Metropolis-centered “modernization” has finally arrived, and the new civic world is dominated by professionals and managers as well as business elites.

American government and politics have changed, too. The U.S. federal government has not become steadily bigger as a taxer and social spender. But federal regulatory activity has vastly expanded since the 1960s, and activities in Washington have become much more professionalized. Congressional staffs grew and committees became more numerous and decentralized, offering many more sites of possible influence over legislation or administrative implementation. Seizing such opportunities, staff-level advocacy and lobbying groups took much of the action away from more cumbersome popularly based voluntary federations. All the more so, given that congressional representatives were increasingly seeking reelection with the aid of pollsters and media consultants and advertisements on television, eschewing the reliance they had formerly placed on voluntary federations as lifelines to voters in their districts. Ordinary citizens are less and less likely to be mobilized into parties or civic groups; instead, the wealthier among them are repeatedly asked to write checks.92

All in all, the very model of what counts as effective organization in U.S. politics and civic life has changed very sharply. No longer do most leaders and citizens think of building, or working through, nationwide federations that link face-to-face groups into state and national networks. If a new cause arises, entrepreneurs think of opening a national office, raising funds through direct mail, and hiring pollsters and media consultants. Polls are used to measure disaggregated public opinion, even as advocacy groups emit press releases about hot-button issues, hire lobbyists to deal with government—and engage in incessant fund-raising to pay for all of the above. Organizational leaders have little time to discuss things with groups of members. Members are a nonlucrative distraction.
So What?
Some would argue that the transformations I have just described are for the best. Why mourn the decline of huge membership federations that were often racially exclusive or gender-segregated? Broad-gauged membership groups tried to do so many different kinds of things at once—from community service to recreation and national policy advocacy—that they may not have done any one thing optimally. Arguably, too, their policy efforts did not add up to “the public interest.” As time went on, groups such as the American Legion, the unions, and the American Farm Bureau Federation seemed to become aligned with partial and self-interested causes.

New forms of group activity have their advantages, the argument continues. Americans today, especially young people, have little time to attend ritualistic meetings. They are better-educated and want flexible individual options. Maybe an associational world of small, intimate support groups, combined with lots of national offices to which checks can be sent in support of selected causes, is preferable for Americans today.

Valid as some of these points may be, they overlook valuable aspects of the old civic America that are not being reproduced or reinvented. America’s new civic world of professionally led advocacy groups is very oligarchical. Arguably, the wealthiest and best-educated Americans are much more privileged in this new civic world than their (less numerous) counterparts were in the traditional world of cross-class membership federations. Of course, better-educated and wealthier men, and women married to them, have always been on top. But in the past they had to interact with citizens of middling means and prospects. Average Americans also had chances to participate and work their way up in associations that built bridges across classes and places, between local and translocal affairs. Now the bridges are eroding. Ordinary citizens have fewer venues for membership in associations with real clout. Meanwhile, the most powerful Americans are interacting—and arguing—almost exclusively with one another.

Perhaps the United States had a unique pattern of state and society from the nineteenth through the mid-twentieth century. Not only was America the world’s first manhood democracy and the first nation in the world to establish mass public education, but it also had a uniquely balanced civic life, in which markets expanded but could not subsume civil society, and governments at multiple levels deliberately and indirectly encouraged federated voluntary associations. In classic civic America, millions of ordinary men and women could interact with one another,
participate in groups side by side with the more privileged, and exercise influence in both community and national affairs. The poorest were left out, but many others were included. National elites had to pay attention to the values and interests of millions of ordinary Americans.

Now that old civic America is coming to an end. And for all that the post-1960s United States is more racially inclusive and gender-integrated, it remains to be seen whether the emerging civic world of professionally dominated associations without members can sustain or renew the vitality of American democracy.
20 years of social turnovers have been left in the past. Georgia today is far not the same country it was in the beginning of the transformation. All that could be built or destroyed proceeding from those preconditions which have developed in the beginning of the path, have been built and destroyed. However, practically none of the initial goals has been achieved. As practice has shown, the majority of formal institutions hastily erected on the basis of debris of ancient regime have turned out to lack the firm basis. Time to search for the new horizons of development has come. The major problem, which should have been achieved first of all still exists - the social contract.
The social contract is not a mere abstraction from philosophy area. It is a name for a value orientation, legitimizing occurrence and functioning of certain rules of behavior and institutions - whatever these rules are: constitutionally fixed laws or socially accepted norms. The same way as freedom legitimizes competition, the social contract gives strength to the institutions of cooperation. This cooperation is built on a principle of shared responsibility, limiting freedom of action of participants. Freedom without responsibility is a freedom without power. As the last years have shown, having acquired their freedom, Post-Soviet societies couldn’t reach the power; in the absence of power they have gradually lost their freedom.

In the absence of social contract, political vector of struggle for freedom has been directed against the state power, putting individuals in the confrontation to the state along the one-dimensional continuum, on the ends of which were freedom and submission. The balance of powers between the state and the aggregated potential of the society in Georgia, however, oscillated for several times from one pole to another. Strengthening of the society has led to the state power weakening and on the contrary, state strengthening in recent years occurs at the expense of weakening of a society and abolition of its rights and freedoms. The cooperation based on mutual responsibility could lead to the simultaneous strengthening of both sides, state and society, but it has appeared to be a hardly attainable goal. Uncontrollable rivalry, competition and as a result - dissociation and antagonism have become defining patterns of behavior, both for the society, and the political leaders.

One cannot say that the weakness of the society has resulted from its passivity. Georgia cannot complain on a lack of political activity neither at the level of ordinary citizens nor at the level of political leaders. Tensions between the society and the state have periodically reached the heat point resulting in mass protests, and even revolutions. However between these two levels there is a so-called “bottleneck”. Soon after disintegration of the Soviet Union Richard Rose has compared structure of Post-Soviet political activity to a hour-glass: high activity at the level of society and at the state level, but weak relation between these two.¹ For the last period this “bottleneck” hasn’t disappeared, more likely, it has become steadier. Presence of “bottleneck” is indicative for rupture between rational interests and normative settings of actors, in other words it indicates absence of certain institutions. Rupture between rational interests and standard settings always existed in Georgia, but it has reached its extreme expression in recent years when the so-called “democrats” forge elections, “liberals” undermine principles of a fair market competition, and the former civil activists usurp institutes of a civil society.

Long-term balancing between chaos and dictatorship, freedom and submission, prevailing over all other aspects of the political agenda in Georgia has been predetermined not only by initial preconditions of transformation process, but also by erroneous understanding of what should have been undertaken first of all for transition to a new level of public relations. Political struggles have got so considerably antagonistic one-dimensional character substantially as a result of the erroneous plan of democratization. Too hastily political competition, typical for the majoritarian democracies and serving for regulation of political conflicts of absolutely different type,

---

has been declared to be that very institution which should have led to democracy. Attempts to solve problems requiring cooperation by means of those institutions which promote competition have only strengthened polarization, subsequently transforming into dictatorship. A competition under the conditions of the social contract is very different kind of rational action than the antagonism ensuing from «prisoner's dilemma»; these two lead to very divergent consequences.

The social contract means
the mutual veto right

Proclaiming democracy is not enough in order to give people the real power. For the people to become a source of sovereignty it should possess capacity to create the collective power which is distinct from a majority rule. This power doesn't belong to anybody particularly, and it is not the privilege of “many”. Each citizen possesses a share of this power; however this share “works” only upon integration with other shares. The power arises from a unification of all or doesn't arise at all. Thereby each member of a society has the certain veto on all the others - he can refuse to the others regarding his consent to any decision and therefore block possibility of its acceptance. The principle of power sharing limits a spectrum of possible actions to certain frameworks - all is admissible except that which harms another.

The veto right sounds ominously as an interdiction limiting a personal freedom and contradicting the democracy principles. Actually the veto protects rights of everyone - it limits a majority rule and accordingly prevents totalitarianism. Each individual in a society imposes the certain veto on behavior of the people around - without permitting them to offend, humiliate or in any way to discriminate him. Public norms in this aspect can be either strong or weak - however they always exist. The political system stands upon the balance of the veto actors - centers of power, capable to block activities of other actors. The mutual right of veto protects minority from arbitrariness of the majority. In the conditions of the right of veto, games of politics consider interests of everyone, and not just of the majority.

The veto right creates frameworks in which the freedom of action further becomes possible. It generates constitutional norms and coordinated rules of the game, setting border between freedoms and obligations of citizens. Thereby it regulates mutual relations of state and the society, without dictatorship. It establishes “fair” game rules, generates “games of fairness” which outline borders of an admissibility of action, both in the politics and in economy.

Unless society has a perception of shared power and responsibility, the space between the individual and the state rests empty and belongs to nobody. This emptiness is particularly well manifested in those areas where there is a necessity of collective action. So, for example, in rural areas, what one may observe, is powerlessness rather than freedom. Today, as before, sphere of a private responsibility of an individual, who still waits for resolution of local problems from any authorities, does not go beyond a gate of a private court yard.

Another sphere of collective action where the absence of shared power made its destructive influence, is a public media space. Emptiness of public virtual space is not
as salient as in the case of rural communities, at first sight it looks like a freedom of speech. However, even then when the public space is not controlled by the government, being neutral, it remains as arena of struggle without the rules, permitting any lie, propagation and manipulation. It becomes jammed with words and actions which have no sense, responsibility and belong to nobody. While in a case when the society declares its right to the public space, this space isn’t empty - it becomes common. It is used by individuals sharing (to a certain limit) responsibility for what occurs in it.

The veto right cannot extend over all types of activities - otherwise the society turns motionless and loses freedom. Therefore it is necessary to provide constant renewal and correction of the social contract, negotiation of boundary between permissible and prohibited, freedom and responsibility, mutual relations of the individual and society. All this occurs within the framework of a civil society. The civil society, thus, arises as system of institutions of the self-restriction, creating conditions for cooperation independent from the state. Due to these very institutions the civil society acquires power necessary for finding not only an autonomy from the state, but also to influence upon it. With the purpose to swim between Scylla of dictatorship and Charybdis of chaos the society should limit freedom of the individual. Setting balance between freedom and self-restriction is the very routine work of the civil society - the work which the Post-Soviet citizens dislike so much, as any feeble efforts of external restriction goes against their basic instincts.

The society is civil only when it doesn’t feel itself powerless

The political activity having structure of an hourglass, presence of a “bottleneck” between a society and the state indicates that the society is one of, but not the major and the more so not a unique source of power. More likely, it is, or tries to be, a pole in such confrontation, in which the other pole it cannot control.

It is a well-known fact that the political activity and high mobilization of a society unnecessarily means the presence of civil society. It is important to look at the nature of mobilization as well. Positive mobilization is directed on consolidation of resources for achievement of a specific goal within the existing institutional settings, whereas the negative - on antagonistic confrontation against the source of the power which is beyond the sphere of influence. In the first case we are dealing with competition alternating with cooperation, and in the second - competition and cooperation do not alternate - they have different partners: internal and external. A competition on the basis of equal access to the power and struggle against external threats are as far from one another as civil and mass societies. It is not accidental that political leaders, who aspire to keep the power in the conditions of high mobilization of the society, often seek to direct this mobilization against the external enemy, supporting nationalism and xenophobia. Constructing a civil society on the basis of a long-term, but ineffectual mobilization is dangerous - such mobilization inevitably acquires features of the negative one.

However, division into external and internal is not a given reality, it is more likely a part of political process. The distinction between negative and positive mobilization is mostly set by ideologies, or more likely by the mix of empirical and ideological evaluative judgments. In the absence of the social contract, in other words in the

Civil society or civil war?
absence of possibility to set a veto upon the dishonest actions of the opponents, two sides of a conflict lose trust to each other and turn out to be incapable neither of a competition, nor of cooperation as long as both are interfaced with the unpredictable risks. The presence of unpredictable risks finally leads to chaos - to a condition when nobody wishes to cooperate with anybody - because of high risk to be deceived in the expectations. This very condition of chaos characterizes the present-day Georgian society that is a consequence of a long-term experience of negative mobilization along several various lines of confrontation.

In spite of the fact that contradictions which generate an inequality and break the social contract in Georgia are numerous, all of them have one source - inability of the society to subordinate all existing sources of power upon the conditions of social contract. Stronger party constantly aspires to rely on privileges as a means of predominance over the weak party, unilaterally ignoring protests of the opponents. There are several sources of such privileges, but majors of them are - the Soviet heritage, geopolitical situation and globalization.

Unlike capitalist societies in which the main social inequality is generated by the inequality in economic wealth, in the Soviet society individuals first of all were drawing privileges from access to the state offices. A bureaucratic pyramid of power privileges though has been formally destroyed at the legislation level, it almost has not weakened in the Post-Soviet time. Each subsequent government - and there were several, replaced one by one during the last decades, appropriated these privileges immediately as soon as they got access to them, thereby breaking formally established equalities and freedoms of citizens. Rule of law was supposed to be implemented by these very actors for whom it represented irrational restriction of own power. The state, thus, was and is a side of the conflict, a source of power upon which the society cannot put a veto on so far, having subordinated it under the constitutional and legislative restrictions. The state as an external source of power still remains the main challenge for the society formation in the relation to which it applies a method of negative mobilization when it generates enough resources for this purpose.

It is noteworthy that during the entire transition period this problem was simply understood as a democracy problem. It was supposed that these are general elections that create channels of influence of the society over the state. This vision, however, turned to be quite superficial. Actually formal institutions of majoritarian representation could constrain, but not strengthen possibility to achieve the social contract. Only in the case when political cleavages are drawn by socially and economically conditioned inequalities, the state can develop into the legal arbitrator of conflicts. In the case of Post-Soviet societies where the state office by its own means more than any other social characteristic of an individual, majoritarian elections acquire absolutely different meaning - this is a possibility to take vengeance, nemesis, in the case when hubristic power goes too far in its infringement of public commitments.

The other direction of tensions has been generated by globalization and exit of Georgia from the Soviet space; along this vector a source of privileges being beyond control of the society was the West. Suddenness and speed of the transformations which have captured all areas of life have made effect of culture shock in the society. Having passed from one informational and civilizational space into another, the country has subjected its citizens to such risks which were uneasy to overcome for even the most successful individuals, not to mention the entire society as a mass. Depreciation of the cultural capital existing before and purely external sources of formation of the
new have generated inequalities and xenophobia, fundamentalistic religious moods and shared by large masses sense of being the second-rate citizens. Unfortunately, aspiration of the West to help the country in its transformations, and also inflow of the western investments have created additional external factors weakening virtual borders of mutual responsibility and abating potential possibility of achieving of social contract.

The economic inequalities, as it was shown by various polls, are not, somehow paradoxically, the considerable factors of political confrontation. On the background of growing social stratification, poverty and unemployment this is either a problem or a symptom of trouble, rather than the positive factor. Radically neoliberal and libertarian governmental policies haven’t at all led to a fair competition and healthy market economy. Absence of fair competition in business, as well as combination of selective (by sectors) economic growth with growth of unemployment and complete decline of agriculture, apparently are consequences of joint influence of two power centers - the state and the external capital.

Finally, the most catastrophic direction of tensions for Georgia passes along the borders of ethnic and territorial conflicts. In this respect confrontation between Georgian nationalism leaning against the privilege of the majority and external support of secessionism - from Russia has created almost invincible barriers between the conflict parties.

**Power sharing as an institutional direction of development**

All the above mentioned conflicts can develop in future in either direction, and it is extremely difficult to predict it. However, if one agrees that social relations and politics are first of all things that occur in heads of individuals, and not things that exist objectively and are given by the historical reality, it becomes obvious that change of a paradigm of institutional development from democracy (as the government of majority) to the social contract (as power sharing) can contribute to improvement of a situation.

The social contract first of all implies institutionalization of mutual restrictions and obligations at the level of public values and standard norms of behavior and rules of game - and in this regard is a task of a civil society. Proceeding from the aforesaid, one could list some basic directions of such contract - the list is not completely exhaustive, however sufficient to understand all difficulties and long-term duration of such program. First of all, this is sharing of power with the minority in exchange for refusal of separatism. It is also a secular state in exchange for banning usage of foreign support in political struggles. Prohibition on the usage of the state power for acquiring political advantages over competitors under the threat of public ostracism, and finally - freedom of enterprise in exchange for social responsibility of business. No external factors, whether it is support of democracy or protection of the West or hope to have new leaders and a mysterious transformation of the state will not serve as a substitute to the social contract.
Post-communist Europe presents a deep irony for scholars of civil society. On the one hand, the region is the source of the revitalization of the term “civil society” itself. Indeed, had it not been for Solidarnosc, the Polish opposition movement that mobilized ten million people, and the subsequent “people’s revolutions” throughout Eastern Europe and some of the former Soviet Union, the term civil society would almost certainly not have become so widely used by academics or policy makers. On the other hand, post-communist Europe is an area of the democratic world where contemporary civil society is particularly weak. A closer look at the region shows that shortly after the “revolutionary” moment had passed, people left the streets and their civic organizations, leaving their societies largely passive and depoliticized.

Although historical precedents are important for understanding most social phenomena, they are vital for making sense of civil society in post-communist Europe. One simply cannot understand why so few post-communist citizens participate in the public sphere without grappling with the communist past and its combination with the post-communist present. This chapter takes a historical approach to civil society in the post-communist region, showing how the social legacies of communism have adapted and persisted, and how they may even have been reinforced by post-communist developments and experiences. It also addresses the growing differences across the region between countries that are democratic and those that are increasingly authoritarian, and also between countries that have now joined the European Union and those that remain firmly on the outside. The
chapter then raises a broader set of questions about the applicability of the concept of civil society to nondemocratic countries and contexts. It makes the argument that communist and post-communist experiences with civil society show the need to distinguish between *types* of civil society—in particular “oppositional” and “democratic” forms—since otherwise it would make little sense for the strong civil society of the late communist era to have dissipated so quickly after the onset of democratization. Finally, the chapter concludes by assessing the implications of the weakness of post-communist civil society for democracy in the region. It argues that while the weakness of civil society certainly does not portend democracy’s demise, it does suggest that post-communist democracy will remain unsettled and somewhat troubled in the foreseeable future.

## 1. Post-Communist Civil Society in Comparative Perspective

In order to be able to evaluate the strength and quality of civil society in any given region, it is helpful—if not crucial—to begin with a larger comparative perspective. In *The Weakness of Civil Society in Post-Communist Europe* (Howard 2003), I provide an empirical baseline that shows that post-communist citizens have extremely low levels of membership and participation in voluntary organizations. Moreover, when compared to other regions and regime types in the world, variations among post-communist countries are relatively small. Within post-communist Europe, the similarity in levels of organizational membership is especially striking in light of the wide political, economic, and cultural differences that exist between countries.

The drawback of a cross-national measure of civil society is that it focuses on a thin definition and conceptualization of the concept, namely organizational membership. While this approach can be complemented by case studies that go into greater depth, the broad approach nonetheless yields important comparative findings. For example, an analysis of the thirty-one democratic and democratizing countries included in the 1995–97 World Values Survey (WVS) shows that post-communist countries have significantly lower levels of membership and participation than older democracies and post-authoritarian countries, and that these levels actually declined from 1990–91 to 1995–97 (Howard 2003, 62–73). In fact, the WVS shows that citizens in post-communist countries belong to an average of 0.91 organizations per person, exactly half of the 1.82 organizational memberships per person in post-authoritarian countries, and much less than the 2.39 in older democracies (Howard 2003, 80). Moreover, organizational membership in post-communist Europe was lower than in post-authoritarian countries across eight of the nine types of organization that were included in the WVS (the exception being labor unions, which represent a special case in the communist and post-communist context).
Subsequent surveys and studies have not contradicted this basic pattern. An analysis of the next wave of the WVS, conducted in 1999–2003, confirms the same significant distinction between post-communist countries and other regions and prior regime types (Valkov 2009). Moreover, a more rigorous regression analysis that controls for other possible alternative variables—including economic, political-institutional, and “civilizational” factors, as well as several individual-level variables that are central to the literature on political participation and civil society—shows that a country’s prior regime type (and in particular a prior communist experience) is the most significant and powerful variable for explaining organizational membership (Howard 2003, 81–90). These findings indicate the need for more in-depth consideration of the specific elements of that prior communist experience, in order to explain why post-communist countries have relatively low levels of organizational membership in comparison to older democracies and post-authoritarian countries. In short, in order to understand the common weakness of post-communist civil society, we need to take into consideration the common elements of the communist experience and its enduring legacy.

2. The Transformative Impact of Communist Institutions

Before turning to the contemporary period, it is critical to consider the transformative impact of the communist institutional system, which had a significant, decisive, and in many ways homogenizing effect on societies throughout the region. Prior to the establishment of the communist system—after World War I in Russia and in the early post-World War II period in Eastern Europe—the region consisted of a very diverse group of countries. In addition to having different religious faiths, having belonged to different historical empires, and having fought on different sides in both world wars, they had vastly different levels of industrialization and economic development, and different political traditions. By the 1950s, however, the communist leadership—enforced by the ruthless policies of “Moscow Center”—had succeeded in imposing and enforcing “replica regimes” that were characterized by the same institutional and ideological mechanisms throughout the Soviet bloc (Jowitt 1992). Although the communists certainly incorporated and reinforced pre-existing historical tendencies, over the next thirty years the “party of a new type” also succeeded in creating a “society of a new type.”

Ken Jowitt, one of the most astute and original scholars in the field of comparative communism, has argued convincingly that the distinguishing feature of what he calls “Leninist” regimes was the concept of “charismatic impersonalism.” In an essay written as far back as 1978 and reprinted in Jowitt (1992), he argued that just like the liberal societies of the West, communist societies were based on impersonal
institutions and norms, but their central and defining feature was the existence of the Communist Party as the locus and core of all social organization, whose authority was transcendent, unquestioned, and charismatic. Although the extent of that authority did vary somewhat across the communist bloc, and it diminished slightly over the decades of communist rule, the institutional charisma of the Communist Party remained a defining feature that distinguished Soviet-type regimes from other forms of nondemocratic rule.

Valerie Bunce (1999, 21–25) also provides a very useful synthesis of the various elements of the communist experience, which she refers to as having been “homogenizing,” by focusing on four central factors: 1) “the ideological mission of the ruling elite,” 2) “the construction . . . of a conjoined economic and political monopoly that rested in the hands of the Communist Party,” 3) “the fusion of not just the polity and the economy, but also the party and the state,” and 4) “the extraordinary institutional penetration of the state.” All four of these features existed in communist systems across the Soviet Union and Eastern Europe, with the partial exception of the more pluralist Yugoslavia and, to a lesser extent, Poland and Hungary. The fourth of Bunce’s elements is the most important for understanding contemporary post-communist civil society, because it involves the party-state’s attempt at complete penetration, surveillance, and control of all aspects of society. Unlike authoritarian regimes, which generally allow for the existence of independent social activities that are not directly threatening to the state (Linz and Stepan 1996), the party prevented “the existence of any associational life, political organizations, or social movements that existed separate from the party-state institutional web. As a consequence, mass publics were rendered dependent on the party-state for jobs, income, consumer goods, education, housing, health care, and social and geographic mobility” (Bunce 1999, 24).

Even further, the party actually attempted to supplant and supersede the very need for independent social activity by creating a dense institutional web of groups and organizations in which membership and participation were generally mandatory or coerced. Very few people could avoid this party-state control of the public sphere, since almost every child had to join the official youth organization, and almost every working adult belonged to the official trade union and to other mass organizations. Bunce (1999, 28) provides an evocative description of the “remarkably uniform set of experiences” of communist citizens: “Whether citizens engaged in political, economic, social, or cultural activities, they were controlled in what they could do by the party. Thus, the party did not just orchestrate elite recruitment, voting, attendance at rallies, and the content of the mass media. It also functioned in the economy as the only employer, the only defender of workers’ rights (through party-controlled unions), the only setter of production norms, and the only allocator of vacation time (while being the only builder and maintainer of vacation retreats). At the same time, the party allocated all goods and set all prices. Finally, it was the party (sometimes through enterprises) that was the sole distributor of housing, education, health care, transportation, and opportunities for leisure-time activities.”
In short, the Communist Party sought to monitor and control virtually every aspect of economic, political, and even social life, and this feature distinguished communism from other non-democratic authoritarian regimes. Another crucial element of the communist experience involves the peculiar social consequences of centralized economic planning. In an economic system with chronic shortages, only a few privileged people—usually elite members of the Communist Party who went shopping at special stores that had a full supply of western goods—could avoid the long lines, bland choices, and frequently missing necessities of daily life, from salt to toilet paper. The economic situation combined with Communist Party control of the public sphere in a mutually reinforcing relationship that constricted and sometimes reshaped the range of possibilities for thought and action. In other words, since the public sphere was so politicized, controlled, and monitored, and since valued goods and services were hard to acquire without connections or help, people developed common patterns of adaptive behavior.

The central characteristic of these social and behavioral patterns was the distinction between the public and private realms (Shlapentokh 1989; Kharkhordin 1999). As Jowitt (1992, 287) writes, restating his own argument from almost twenty years earlier, “the Leninist experience in Eastern Europe…reinforced the exclusive distinction and dichotomic antagonism between the official and private realms.” Bunce (1999, 30) adds that “Homogenization also encouraged individuals within socialist systems to divide their personalities into a public and conformist self, on the one hand, and a private and more rebellious self on the other—what was referred to in the East German setting as a Nischengesellschaft, or niche society.” With a public sphere that was entirely controlled by the Communist Party and its corollary organizational apparatus (including the secret police, trade unions, and many mass membership organizations), most communist citizens developed a cautious relationship to public and formal activities—recall Václav Havel’s (1985, 27–29) famous example of the greengrocer who posts the slogan “Workers of the World, Unite!” in his shop in order to show that “I am obedient and therefore have the right to be left in peace.”

Private relations, in contrast, became even more vibrant and meaningful, since people could only speak openly in front of others they knew and trusted, and also because connections took on an important role in the shortage economy, where people had to rely on their family, friends, and acquaintances in order to get things done, rather than going through official channels (Wedel 1986; Ledeneva 1998).

To summarize, the communist institutions that were established after 1917 in the Soviet Union and after World War II in Eastern Europe managed to reconfigure and homogenize an otherwise diverse set of peoples, even if not as originally intended. The result of the shortage economy and the Communist Party’s ruthless control of the public sphere was that citizens throughout communist Europe developed adaptive mechanisms of behavior, centered on private networks, which augmented the sharp distinction between the public and private spheres.
3. The Social Legacy of Communism and Its Impact on Post-Communist Civil Society

One might have thought that the disappearance of the communist system and its mass organizations would lead to an outpouring of public participation in new organizations that were truly voluntary and autonomous. This is indeed what many analysts expected, especially following the remarkable spontaneous mobilizations that brought about communism’s collapse between 1989 and 1991 (see, for example, Di Palma 1991 and Rau 1991). But, as it turns out, these new opportunities have not brought about an increase in participation.

The low levels of participation in civil society organizations in contemporary post-communist Europe can best be understood by taking into account the common elements of the communist experience, as well as the events since the collapse of that system. In particular, three important factors are common to the wide array of societies in post-communist Europe: 1) the legacy of mistrust of communist organizations; 2) the persistence of friendship networks; and 3) post-communist disappointment. Taken together, these three factors help to explain the lasting weakness of civil society in the region.

a. Mistrust of Organizations

As discussed above, one of the central features that distinguished communism from authoritarianism was the former’s extensive repression of autonomous pluralism. Unlike authoritarian regimes, however, which tolerated nonstate activities so long as they did not threaten the state or the military, communist regimes not only attempted to eliminate any form of independent group activity but they also supplanted it with an intricately organized system of state-controlled organizations, in which participation was often mandatory. As a result, one of the most striking features of state-socialist societies was the clear distinction between formal institutions and informal behaviors that people made use of in their everyday lives. Every communist country was intricately organized with an array of formal organizations in almost the same institutional forms, including youth groups, the Communist Party, trade unions, cultural federations, peasant and worker groups, women’s groups, and many others, as well as the less politicized (but still state-controlled) groups and organizations that ranged from sports clubs to book lover’s clubs. Most people were members of multiple organizations, but membership itself was often mandatory, coerced, or used for instrumental purposes. In other words—to an increasing degree over the lifespan of communist regimes, as the party lost the legitimacy and popular enthusiasm that it had generated in its earlier stages—people often joined because they had to, because they were told that they could face negative consequences if they did not join, or because joining and participating improved their career chances. Only in the case of less politicized
associations such as book clubs and sports clubs did people join for less coercive or instrumental reasons.

When they participated in quasi-mandatory organizations, most people did very little, aside from paying their small annual dues (which were usually deducted automatically from their salaries), attending a few compulsory meetings, and occasionally receiving some special benefits like vacation packages from the official trade union. Membership was mainly based on obligation, obedience, and external conformity, rather than on internal and voluntary initiatives. Due to this essentially negative experience with state-run organizations during the communist period, majorities of citizens throughout post-communist Europe continue to have a common sense of mistrust of organizations today.

As a direct legacy of the communist experience, most people in post-communist countries still therefore strongly mistrust and avoid any kind of formal organizations, even in newly free and democratic settings. Instead of drawing a clear distinction between the voluntary associations of today and the mass organizations of the communist past, most post-communist citizens view and evaluate organizations with a certain sense of continuity. The distinction they make is that previously they were essentially forced to join, while today they are free to choose not to join and not to participate.

b. The Persistence of Friendship Networks

The flip side of the public experience of communism—where membership in state-controlled organizations was more of a formality, born out of obligation and expediency rather than being deeply felt—was that relationships in the private sphere were extremely meaningful and genuine. Broadly speaking, there were two main reasons for this. First, because the formal and public sphere was highly politicized and also tightly controlled, people could only express themselves openly within close circles of trusted friends and family. Second, because of the shortage of available goods to buy, personal and social connections played an essential role in communist societies, whether used to obtain spare parts for fixing a car, or finding products that were rarely available in stores.

These two reasons also correspond to two different, although sometimes overlapping, types of private networks that existed in communist societies. The first encompassed how people socialized and with whom they spent their free time, and the second involved a more instrumental use of connections to acquire goods and services, and to get ahead in general (Ledeneva 1998). The first type of networks consisted primarily of a small number of close and trusted friends and family members, whereas the second included many distant acquaintances or people with whom one only interacted for the purpose of acquiring or receiving something in return. These two types of networks overlapped to the extent that close friends and family also helped each other instrumentally, but only rarely did instrumental acquaintances enter the small and trusted circle of close friends.
Today, long after the collapse of the system that had created and sustained this vibrant private sphere, networks of close friends and family remain extremely prominent and important throughout the post-communist region. These networks of instrumental connections, however, have changed to varying degrees across post-communist countries, since the market economy can eliminate the need to acquire goods and services through informal channels. Overall, however, unlike in many Western societies—where voluntary organizations have become a central part of social and political culture, and where people join organizations in order to meet new people and to expand their horizons through public activities—in post-communist societies, many people are still extremely invested in their own private circles. They simply feel no need, much less desire, to join and participate in organizations when they feel that, socially, they already have everything that they could need or want.

c. Post-Communist Disappointment

The third reason that helps to explain the particularly low levels of public participation in post-communist Europe is the widespread disappointment, and for some even disillusionment, with political and economic developments since the collapse of the state-socialist system. Although it is most pronounced among those people who were personally involved in the movements leading to the creation of a new institutional order, this third factor applies to the wider population as well. For most people throughout the former Soviet bloc, the years 1989–91 represent a unique, momentous, and fascinating time in their lives, when their world was changing rapidly and dramatically. Although they had many fears and uncertainties about where the changes would lead them, most people experienced at least a brief moment of genuine excitement, hope, and idealism during those times of rapid transformation. Moreover, they shared the belief that the end of Communist Party rule, the emergence of new democratic and market institutions, and at long last the freedom and right to speak freely, associate openly with others, and to travel beyond the “iron curtain,” would change their lives for the better (Rose 1995).

In the years since those dramatic times, however, many post-communist citizens feel that they have been let down, perhaps even cheated, by the new system that quickly replaced the old one. Even though a vast majority in every post-communist country does not want to go back in time, the political and economic systems that have since taken root seem to have disappointed most people, who had hoped and believed that a new political and economic system would live up to their ideals. This sense of disappointment has only increased demobilization and withdrawal from public activities in the years since the collapse of communism.

Although this chapter has presented a rather homogeneous picture of post-communist civil society, there is also a great deal of—and perhaps growing—diversity within the region. Leaving aside the countries of Central Asia and the Caucasus, which do not fit into the geographic definition of post-communist Europe, there is a significant divide between countries that have been steadily
democratizing since the demise of communism and those that have struggled with democracy (and in some cases have clearly become more authoritarian) over the past decade. This distinction was solidified and institutionalized in the enlargement process of the European Union (EU), which ten post-communist countries joined between 2004 and 2007. EU accession has not been a panacea for post-communist civil society. Nonetheless, there is clearly a greater need to distinguish between post-communist countries that have acceded and those that have not, even if the common social legacy of communism remains strong throughout the region.

4. Civil Society in Non-democratic Contexts

An important question in the comparative study of civil society—one that is raised when considering the post-communist cases, both comparatively and historically—is whether civil society does (or can) exist in nondemocratic and/or nonwestern countries. There are a variety of possible answers to this question, spanning from a very narrow to a quite broad conceptualization of civil society. A narrow view posits that civil society derives from the particular theoretical tradition and practical historical experience of the West. According to this position, civil society refers specifically to the kinds of voluntary organizations that emerged from the American and West European models, and in some sense, civil society can only exist in societies that share this historical background. In other words, civil society is viewed as an inherently western concept that arose out of a distinct historical experience, giving it a decidedly ethnocentric bias.

In contrast, a broad view of civil society—of the type that is generally stressed by anthropologists—argues that its conceptualization and measurement should be expanded from its narrow focus on voluntary organizations in democracies, so that it can treat all forms of social organization and practices as different manifestations of the same general phenomenon. According to this perspective, each country has its own civil society, and any cross-national variation lies in the form that civil society takes, rather than in its level or strength.

A third approach occupies the middle ground between these two positions. According to this view, civil society is not a universal concept that exists everywhere, but it does take shape in many different guises. Therefore, the original definition and empirical manifestation of civil society should not be diluted and/or stretched in order to fit contexts that are vastly different, since this may result in the mischaracterization of some of the most interesting and unique forms of political and social action in many countries by forcing them into the “civil society” mold. At the same time, however, unlike in the first and narrow view, this approach does not restrict the applicable empirical terrain to countries that are culturally or historically “western.” There is an actual substantive and practical basis for the study of civil society.
in nonwestern countries, even while still viewing it as a specifically western concept, since many of these societies have attempted over the past few decades to westernize and democratize. From this perspective, regime type is the crucial distinction, and what one might call “classical” civil society can only really exist within countries that have democratic institutions (regardless of their “western-ness”). This is not to say, however, that countries must be advanced liberal democracies in order for civil society to exist, but rather that they should meet the basic minimal criteria of procedural democracy. In other words, civil society is a legitimate, appropriate, and important object of exploration and analysis within countries that can be considered electoral democracies. But to extend the concept beyond those limits to various types of authoritarian regimes may risk lumping together too many different phenomena and forms of organization under one already beleaguered set of ideas.

This conclusion leads to an obvious rebuttal: what about Eastern Europe? Is it not true that civil society helped to lead to the collapse of communism? In some sense, the answer has to be “yes,” especially since events in Eastern Europe (and Poland in particular) led to the rebirth and widespread popularization of the term “civil society” itself. But at the same time, the East European example shows precisely why it is so important to distinguish between civil society in democratic regimes and civil society in other types of nondemocratic regimes, for in just a few short years—as discussed above—the countries of post-communist Europe went from being the midwife of the term to having some of the least participatory civil societies in the world. In other words, the oppositional civil society of the late 1980s was clearly very different from the democratic civil society of today. This important distinction suggests that scholars should avoid the temptation of lumping different kinds of civil society together, and at the very least, that they should take care to develop subcategories such as these in order to capture the distinctive dynamics that occur in different types of countries.

This debate is by no means resolved. As the comparative study of civil society continues to grow and expand (see, for example, Heinrich and Fioramonti 2007), and as more scholars develop empirical indices to measure the strength of both civil society and democracy, the concept of civil society will continue to be applied to a wide array of countries and contexts—perhaps with mixed results for those concerned with systematic and meaningful comparisons.

5. Conclusion: Implications for Post-Communist Democracy

The consistently low levels of participation in civil society organizations that mark out large parts of post-communist Europe yield a host of different—and often emotionally charged—interpretations about the prospects for democracy in the
region. On the one hand, the lack of engagement and participation by ordinary citizens can be viewed as indicative of the hollow, procedural, and formalistic character of post-communist democracy. Does democracy still mean “rule by the people” if “the people” choose not to participate in “ruling”? One could even argue that, with civic organizations lacking the active support of the population, such a hollow democracy will remain at risk of being toppled by hostile forces, whether based on nondemocratic historical traditions or on a new antidemocratic ideology.

On the other hand, a more optimistic interpretation would suggest that the absence of a vibrant civil society poses no obstacle to democracy and democratic stability. Indeed, political participation and trust in government are supposedly in decline throughout much of the world, as people withdraw from public activities in increasingly large numbers. Perhaps the post-communist present, having skipped or bypassed the “stage” of an active participatory democracy, actually resembles the democratic future of the rest of the world. Moreover, in terms of democratic stability, some argue that a strong and vibrant civil society can actually contribute to the breakdown of democracy (Berman 1997). If this is true, then democracy in post-communist Europe may actually be enhanced by the absence of citizen participation in voluntary organizations.

My own view of post-communist democracy differs from both these interpretations. Even if participation in voluntary organizations is declining in the older democracies, this does not mean that levels of organizational membership around the world are converging. More importantly, in terms of the breakdown or survival of democracy, I do not view post-communist democracy as doomed to collapse or failure, nor do I believe that the weakness of civil society is a good sign for the future of a healthy democracy. Instead, the weakness of civil society constitutes a distinctive element of post-communist democracy, a pattern that points to a qualitatively different relationship between citizens and the state, and one that may well persist throughout the region for at least several more decades.

REFERENCES


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). 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
millions 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 democra-
cies 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 strength-
ening parliamentary institutions, consolidating the rule of law, and electoral train-
ing. 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. 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-Amer-
icanism. 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 disor-
ganized 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, eco-
nomic 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 move-
ments 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 denounc-
ers 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 tar-
geting 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.

REFERENCES


The Burgeoning World of Civil Society Aid

Thomas Carothers and Marina Ottaway

U.S. aid aimed at promoting the development of civil society in other countries has increased dramatically in the past ten years. In the nearly one hundred countries in Latin America, Africa, Asia, the Middle East, Eastern Europe, and the former Soviet Union where the U.S. government is engaged in democracy assistance, civil society aid is almost everywhere part of the portfolio. The rise of civil society assistance is by no means strictly a U.S. government phenomenon. Many of the major private American, European, and Japanese foundations are deeply involved in this arena. In addition, all of the major bilateral donors engaged in democracy and governance work have begun to give attention to civil society development. A number of international institutions have taken up the topic as well. All around the world, one hears aid officials and aid recipients talking about civil society and its importance for democratization. Aid officials happily report that they have “got civil society talking to the government” or “developed civil society considerably.” Some aid recipients feel compelled to assure foreign visitors that they are “civil society representatives” and that the basic goal of their efforts is to “make civil society strong and independent.” A term that was scarcely used within the aid community ten years ago has become a ubiquitous concept in discussions and documents about democracy promotion worldwide.

At the same time, articles and books pour forth in great numbers from academia on the theory of civil society and the nature of its development. Definitional analysis dominates the discussion although more work
is now appearing on patterns of civil society development in transitional countries in different parts of the world, especially Eastern Europe and Latin America.

In the eyes of many donors and recipients, and even of many democratic theorists, the idea that civil society is always a positive force for democracy, indeed even the most important one, is unassailable. An active—"vibrant" is the adjective of choice—civil society is both the force that can hold governments accountable and the base upon which a truly democratic political culture can be built. There follows from this assumption the related idea that promoting civil society development is key to democracy-building.

This book takes a hard look at these assumptions about civil society and the burgeoning universe of civil society assistance. It very much accepts the idea that democracy requires continuous, active participation in public affairs by citizens organized in a great variety of interest groups, rather than simply the periodic casting of votes by unorganized individuals. It also shares the common assumption that democracy requires civically aware citizens who combine understanding of and confidence in the political system with a healthy skepticism about the performance and good faith of politicians. And it proceeds from the belief that it is valuable and important for democracy promoters to work from the bottom-up rather than just the top-down in developing and transitional societies. What some of the authors question is the assumption that the activities that go under the rubric of "civil society assistance" produce the kinds of far-reaching results that donors implicitly or explicitly promise by framing their aid in such sweeping terms. The problem is not simply that donors’ efforts are limited in scope and thus can have only a limited impact—this is unavoidable with any assistance program. Rather, the problem resides both in the conception of civil society that donors build into their assistance programs and the methods by which they implement such aid.

The Rise of Democracy Assistance

In the mid-1980s, the United States and many other wealthy, established democracies started sponsoring increasing amounts of what has come to be known as "democracy assistance": aid programs specifically de-
signed either to help nondemocratic countries become democratic or to help countries that have initiated democratic transitions consolidate their democratic systems. The U.S. government currently devotes more than $500 million annually to such activities, with a number of U.S. agencies (primarily the U.S. Agency for International Development—USAID) and U.S.-funded nongovernmental organizations (such as the National Endowment for Democracy, the Asia Foundation, and the Eurasia Foundation) responsible for developing and implementing suitable programs. Many other bilateral donors, including most of the major European countries as well as Canada, Australia, Japan, and others, have also moved into the democracy aid arena. A number of international institutions have followed suit, among them the United Nations, the Organization of American States, the Organization for Security and Cooperation in Europe, and others. In a relatively short period of time, democracy assistance has become an important part of development cooperation and of international relations generally.

Two main factors have prompted the democracy aid boom. The first is the global democratic trend itself. As democratic openings spread through Latin America and parts of Asia in the 1980s and then surged in Eastern Europe, the former Soviet Union, and sub-Saharan Africa at the start of the 1990s, the established democracies have sought to respond positively. Although the United States and most other OECD countries frequently maintain friendly relations with nondemocratic regimes, once a nondemocratic country experiences a democratic opening, the established democracies are inclined to support it. They do so out of both a generalized idealistic sense that democracy is the best political system and the belief that democratic regimes are likely to make better political and economic partners over the long run.

The second factor is the end of the Cold War. During the Cold War, efforts by the United States and other powerful democracies to influence the internal political evolution of other countries were often linked to security objectives. Aid agencies within the major Western donors shied away from politically oriented work, seeing it as a potentially dangerous domain for developmentalists. Within most developing countries, skepticism and resistance to externally sponsored political programs were understandably high, providing little fertile ground for such work. The end of the Cold War substantially lowered ideological tensions and barriers in many parts of the world and dramatically reduced the assump-
tion that any politically oriented aid was driven by underlying security concerns. Combined with the rapid increase in the number of democratic openings, the end of the Cold War thus greatly facilitated the rise of explicitly democracy-oriented aid efforts.

Civil society assistance was not a major component of democracy aid at the outset. In the first phase, which unfolded primarily from the mid-1980s to the early 1990s, donors concentrated on elections. The United States and other aid-giving countries underwrote countless election observer missions and election administration projects to support the many transitional elections occurring in the developing world and the former communist countries of Eastern Europe and the Soviet Union. In the second phase, donors added to their portfolio of democracy assistance the reform of major state institutions, especially judiciaries and legislatures, to help render them more competent, accountable, and representative. In the third phase, which arose in the mid-1990s, they began to focus on strengthening civil society. In the past five to seven years, civil society programs have mushroomed. In most countries attempting transitions to democracy, numerous donors are sponsoring programs explicitly labeled as “civil society assistance” with pro-democratic objectives. More broadly, the general notion that civil society development is critical to democratization has become a new mantra in both aid and diplomatic circles.

Why Civil Society Assistance?

What accounts for the burgeoning interest in civil society assistance as a way to promote democracy? Americans often explain their enthusiasm for the subject as a logical outcome of America’s own Tocquevillian tradition. With the long history of grassroots activism that so impressed the French visitor more than 150 years ago and continues to distinguish American democracy from that of Western European countries, Americans, it is argued, are naturally inclined to focus on civil society when they seek to promote democracy abroad. For the United States at least, civil society assistance is explained as a natural extrapolation of domestic experience.

Unfortunately, however, the facts do not support this explanation. Throughout the Cold War, American aid providers and policy-makers
were habitually averse to the idea of bottom-up development, fearing that grassroots political activity would veer into leftist political movements. In many countries the United States supported anticommunist “friendly tyrants” who harshly repressed populist movements. To the extent that the United States did try to encourage democratization in other countries, it was through the indirect method of promoting economic development, in the hope that economic growth would produce democratic change; or it was by supporting moderate political parties against the political extremes in highly polarized societies, such as in Central America in the 1980s.

The exception was in the communist world, where political activists were bound to oppose rather than to support leftist ideologies. In the 1980s in Poland, Czechoslovakia, Hungary, and to a lesser extent the Soviet Union, East Germany, and Bulgaria, emergent civil society groups heroically challenged communist rule. The United States backed such groups, sometimes financially and sometimes diplomatically. When the revolutions of 1989 arrived, civil society suddenly gained cachet in Eastern Europe as the key to democratization. The “lesson” of the fall of the Berlin Wall—that civil society could be a major force for democracy—was incorporated during the 1990s in the democratization programs implemented in many other parts of the world. U.S. civil society assistance should thus be seen as the product of particular historical developments and circumstances, rather than as an inevitable extension of America’s Tocquevillian tradition. The fact that many West European donors, who do not draw upon American-style Tocquevillian traditions, have gravitated to very much the same sort of civil society aid programs as the United States further casts doubt on the Tocqueville factor as a determining causal explanation.

In addition, initial experiences with other types of democracy aid and the political shortcomings of many unfolding democratic transitions also encouraged the United States and other donors to turn to civil society strengthening as a means of promoting democracy. Aid providers were able to help produce elections in transitional countries, but they soon found that elections in and of themselves were at most only a very preliminary step toward genuinely democratic societies. When they turned their attention to the reform of state institutions as a way to deepen fledgling democratic systems, they found such efforts much more daunting
than anticipated. Will to reform was often lacking at the top of such institutions among incumbents whose power was directly threatened. Even personnel at the middle and lower levels, ensconced in comfortable routines, often displayed little enthusiasm for change. More fundamentally, reform of government institutions was a large-scale undertaking that did not dovetail well with the limited funds available, an issue of particular importance to U.S. aid providers given the sharp cutbacks in U.S. foreign aid in the 1990s. A comprehensive program of judicial reform, for example, was far more than any donor could think of financing in any country. The assistance that USAID and most other donors were in a position to offer was often too modest to make a fundamental difference with major state institutions in transitional countries.

Civil society assistance appeared to address all these problems at the same time. As new organizations within transitional countries, civil society groups did not have interests vested in the old system and thus appeared to be by nature genuinely reform-oriented. They also seemed to be a potential source of pressure for reform that could reach entrenched power holders. The icing on the cake was that these organizations were also small enough that modest amounts of aid were significant to them. A $20,000 grant, ridiculously small if applied to judicial reform, could make all the difference for a struggling civil society organization in a poor country. Civil society assistance made a virtue out of necessity by providing a theoretical justification for the small-scale assistance dictated by many donor budgets.

In the United States, the arrival to power of the Clinton administration in early 1993, with a new set of political appointments to the senior ranks of USAID and the State Department, confirmed the emphasis on civil society. Although both the Reagan and Bush administrations had stressed at the rhetorical level that nongovernmental organizations (NGOs) were better vehicles than government agencies to tackle social and economic problems, when it came to democracy promotion they put the emphasis on government agencies. The political appointees who had occupied high positions within USAID before 1993 were not generally inclined toward a bottom-up approach to democratization, or to development generally. The Clinton appointees, in contrast, often came to government from the world of NGOs, were much less affected by the lingering wariness of citizen movements, and changed the emphasis of democracy assistance accordingly.
What Is Civil Society?

Although “civil society” has become a very familiar term, its meaning is still often elusive. Among political scientists and philosophers, an active debate has emerged in recent years over the definition of the term. These debates are not purely academic. On the contrary, each definition implies a different course donors should pursue in order to promote civil society and, through it, democracy. It is thus worth briefly reviewing some of the major points of the scholarly debate before turning to what aid providers and democracy promoters mean when they talk of civil society.

There exists a fair amount of scholarly consensus around a broad view of civil society as one of the basic elements of a society, alongside the state and the market. In this account, civil society is:

an intermediate associational realm between state and family populated by organizations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of the society to protect or extend their interests or values.¹

This associational realm is highly varied in most societies, being made up of groups that vary:

between “modern” interest groups such as trade unions or professional associations and “traditional” ascriptive organizations based on kinship, ethnicity, culture or region; between formal organizations and informal social networks based on patrimonial or clientelistic allegiances; between those institutions with specifically political roles as pressure or advocacy groups and those whose activities remain largely outside the political system; between legal or open associations and secret or illegal organizations such as the Freemasons, the Mafia or the Triads; between associations which accept the political status quo or those who seek to transform it by changing the political regime.²

In this view, civil society is not a normative concept: “there is no teleological virtue in the notion of civil society.”³ Moreover, civil society
does not play any simple well-defined role or maintain any one relationship with the state. It is largely autonomous of the state but may in parts overlap with or depend upon the state. Although parts of civil society may interact regularly with the state, others are remote from it. Understandably, this broad view of civil society has little appeal for donors, given that it points to an entity or sector too encompassing and inchoate, and insufficiently democratic to boot, for them to consider supporting.

Another influential alternative conception of civil society focuses less on the importance of specific types of organizations or associations than on the role that certain associations play in fostering norms of reciprocity and trust, or what Robert Putnam calls “social capital.” These norms provide the cultural pedestal on which democratic institutions are built. Putnam argues that citizen participation in chorus groups, bowling leagues, parent-teacher associations, and other civic groups generates “mutual reciprocity, the resolution of dilemmas of collective action, and the broadening of social identities,” all of which contribute directly and indirectly to social cohesion and democratization. This view of civil society also held little appeal for donors, particularly for USAID: with a limited amount of money, the need to produce visible results in a short time, and a critical press and an even more critical Congress ever alert to denounce waste of taxpayer money, USAID could hardly get in the business of setting up bowling leagues in the name of democracy.

A further issue that provokes disagreement in scholarly debates on civil society is the relationship of civil society to political society. A majority of writers hold that political society—that is, political parties and other groups that explicitly seek to gain political control of the state—is separate from civil society. Some, however, assert that the line between the two concepts is often not clear. Michael Foley and Bob Edwards argue, for example, that social movements and other explicitly political groups effectively play the pro-democratic role that civil society is thought to perform. “In short,” they assert, “decidedly political associations may play the roles attributed to civil associations in the civil society argument, and may play them better.” Some authors writing about non-Western societies have argued for the inclusion of political parties in civil society. Donors have chosen to consider civil and political society as separate realms because, as we shall see later, doing so helps defend
the claim that it is possible to support democracy without becoming involved in partisan politics or otherwise interfering unduly in the domestic politics of another country.

The view that has most influenced donors, especially in the U.S. government, is one according to which civil society consists only of voluntary associations that directly foster democracy and promote democratic consolidation. These are associations that specifically seek interaction with the state, whether to advocate interests of the citizens, to oppose nondemocratic behavior of the state, or to hold states accountable to citizens for their actions. Donors favor groups that interact with the state through advocacy work and those that do not explicitly compete for political office. In its purest form, this normative conception also insists that not only must a group actively promote democracy to be part of civil society but must also follow internal democratic procedures.

**Promoting Civil Society in Practice**

When they attempt to strengthen civil society as a means of promoting democracy, aid providers from the United States and most donor countries end up concentrating on a very narrow set of organizations: professionalized NGOs dedicated to advocacy or civic education work on public interest issues directly relating to democratization, such as election monitoring, voter education, governmental transparency, and political and civil rights generally. These are organizations set up along the lines of advocacy NGOs in the United States and other established democracies, with designated management, full-time staff, an office, and a charter or statement of mission. Some U.S. aid providers have taken to calling such organizations “democracy groups,” a term that rarely has much currency in the recipient countries themselves.

Many of these groups, though by no means all, have very small memberships and thus speak in the name of constituencies that have given them no mandate. Absent from most civil society assistance programs is the wide range of other types of organizations that typically make up civil society in most countries, from sports clubs and cultural associations to religious organizations and less formalized social networks. Such groups, which would undoubtedly be difficult to assist, often play im-
portant roles in political transitions. Media and trade unions do frequently receive support through democracy programs, but outside of the efforts specifically designated as civil society aid.

Following their initial surge of interest in this very narrow band of advocacy and civic education NGOs, donors have started broadening the scope of civil society programs that have a democratic focus. They increasingly reach NGOs whose advocacy work aims at social and economic issues rather than specifically political ones. These may include environmental groups, women’s organizations, indigenous people’s groups, tenants’ associations, business associations, and others. Additionally, they are shifting emphasis away from groups based in the capital cities of the recipient countries—which typically received much of the donors’ attention in the initial phase of civil society assistance—to more local groups operating in smaller cities, towns, or villages. But this broadening process has been slow and cautious, and in their democracy-oriented programs, donors continue supporting above all urban-based advocacy and civic education NGOs.

There are several reasons for this emphasis. To start with, advocacy and civic education are activities that seek to have a direct impact on political development. It is through advocacy work that NGOs perform some of the key pro-democratic roles of civil society—articulating citizens’ interests and disciplining the state. Civic education, usually involving efforts to teach people the basic principles and procedures of democracy, similarly connects directly to donors’ democratic goals. In addition, democracy promoters are attracted by the idea of nonpartisan civic engagement as a means of producing political change. This idea has appeal as a technocratic, peaceful, rationalistic mode of activity that permits external actors to have influence on the political life of other countries without explicitly “playing politics.” NGOs are attractive because they seek to perform many of the same roles as political parties—representing interests, building participation, and checking the state—not through ideological appeals and organized competition among different political groupings, but on the basis of nonpartisan civic engagement. Civil society actors, which supposedly seek to make their countries better by influencing government policies but not by seeking power, can thus appear to make up an antipolitical domain, a pristine realm in which a commitment to civic values and the public interest rules in place of traditional divisions, beliefs, and interests.
There is also a more mundane reason for donors’ preference for professionalized NGOs. These groups have, or can be trained to have, the administrative capabilities donors need for their own bureaucratic requirements. They can produce grant proposals (usually in English), budgets, accounting reports, project reports, and all the other documents donors ask of beneficiaries. In contrast, many other types of organizations within the civil societies of developing countries, especially informal associations, social movements, and other kinds of networks, are not set up to be administratively responsive to donor needs.

It should be noted that the civil society programs that are part of democracy aid are by no means the only donor-supported programs channeled through NGOs or civil society more broadly. Since the 1980s, donors have spent an increasing proportion of social and economic aid—in the areas of public health, population control, agriculture, poverty reduction, and small business development—through NGOs in the recipient countries. Such programs clearly have effects on the development of civil society in those countries, even though the programs are not designed explicitly with civil society development as an objective. As a result, there is considerable debate in the field whether NGOs whose work focuses mainly on economic development and social issues make as much a contribution to democracy as those that focus specifically on democracy. According to this argument, all NGOs promote participation, and thus empowerment, and this is the basis on which democracy can be built. We do not reject the idea that all activities that entail citizen participation help build social capital and thus have an indirect impact on democracy. Analytically, however, we find it more useful to differentiate between those NGOs donors treat as being directly engaged in democracy work and those that donors consider to be contributing only indirectly to democratization. In this book we thus focus on the civil society aid that is carried out explicitly as democracy-building work. We do not attempt a study of Western aid to NGOs generally. Nor do we try to assess the overall contribution that NGOs make in developing countries.

Taking Stock

This burgeoning world of civil society aid under the democracy rubric is freighted with high expectations. Democracy promoters wax enthusias-
tic about civil society, conveying a heady sense that they are “onto something” and that civil society is the key that will unlock the door to democratic consolidation in the many countries that have embarked upon democratic transitions. But the modest level of funding for civil society assistance, the inherent difficulty of intervening in countries that donors only partially understand and of changing the fabric of the society, and the continuing skepticism of even democratizing governments that NGOs have a legitimate role alongside elected officials all suggest that civil society assistance may not always live up to claims made about it. With the 1990s now over, and an increasing number of questions being raised about the health and the future of the “Third Wave” of democracy, it is a natural time to step back and take stock of this domain. This book seeks to do that. It aims to illuminate the underlying assumptions and expectations that donors bring to civil society assistance, the basic methods and forms of the aid programs themselves, and the kinds of impact they do and do not have.

The world of civil society aid has become too large to permit a systematic examination of the whole realm. Our approach instead is that of selective sampling, based on a regional comparative framework. We focus on five of the main regions that are recipients of civil society aid—the Middle East, Africa, Asia, Eastern Europe, and Latin America. For each region we present two chapters: a broad-ranging study of civil society aid to that region, written by a U.S. or West European researcher with hands-on experience in that region; and a country-specific study of civil society aid, written by a citizen of that country who has extensive experience as a civil society activist, a scholar of civil society development, or both.

The primary focus of the studies is U.S. government-funded civil society aid, the main source of which is USAID. Some of the chapters also examine European aid. Although we focus on U.S. aid, we do so because it is the most accessible to us, not because we believe it is unique or uniquely important. In fact the studies in this volume largely confirm our belief going in that the basic issues of conception, design, implementation, and impact relating to U.S. civil society aid are largely similar for almost all Western aid efforts explicitly directed at civil society development.

The chapters in this volume show that while USAID and other donors basically follow the same approach to civil society assistance everywhere,
civil society develops different characteristics in the various regions. History and culture, the characteristics of civil society organizations that existed before donors started their programs, and the presence or absence of civil society organizations other than those assisted by the donors create a context for donor programs that influence their outcome. Writing about Latin America, Michael Shifter refers to this phenomenon as the “civil society puzzle”—the challenge for the donors to reconcile a region’s tradition of civil society, the organizations that have emerged more recently to press for political change, and their own views of an effective, democratic civil society. The puzzle is solved relatively easily in Eastern Europe, where communist governments eliminated independent organizations and almost all civil society groups are new, as Kevin Quigley and Dan Petrescu show. But the puzzle is proving very difficult in other regions: in the Middle East, for example, donor-supported civil society organizations coexist uneasily with a vast array of Islamist organizations that are anathema to donors but enjoy a high level of popular support, as Mustapha Kamel Al-Sayyid and Imco Brouwer argue.

Another issue highlighted by a number of chapters is the fact that civil society assistance risks undermining the legitimacy of the very organizations it seeks to promote. Al-Sayyid, Christopher Landsberg, Marina Ottaway, and Carlos Basombrío point out that civil society organizations that accept donor support often come under suspicion or are seen as less legitimate and authentic than organizations that receive no external support. But such support can also play a critical role, as Basombrío and Landsberg argue, when government repression closes the political space and threatens the survival of independent organizations. Many of the studies also show that donors confront a challenge in adapting to the changing requirements of civil society as political circumstances change—both Eastern Europe and Africa provide interesting examples.

Several chapters, but above all those by Mary Racelis and Stephen Golub on Asia, raise the important issue of the contribution to democracy made by civil society organizations whose primary focus is socioeconomic development. This is particularly evident in the Philippines, where development NGOs have a presence everywhere, from Manila to the villages. These organizations have created a tradition of participation and activism that helped put an end to the Marcos regime and bring Corazon Aquino to power long before donors formally conceived of civil
society assistance as a means of promoting democracy. But Racelis also shows the limits of the political role of development NGOs, which have encountered scant success when they have deliberately sought to sway their members to vote for pro-democracy candidates. Development NGOs appear to create ample social capital that does not translate directly into political clout.

Several chapters also show the limitations of even pro-democracy NGOs as instruments for political change. Civil society organizations of the type favored by democracy promoters may be very important at times—Basombrío argues they are a last resort when political space is closing down—but they are no substitute for political parties or social movements. Organizations of civil society, Basombrío and Ottaway argue, are not representative organizations, so they can speak on behalf of people, but not for them. Petrescu also raises the issue whether the attempt to influence legislation by nonrepresentative advocacy organizations—an approach favored by USAID—is really democratic or is simply an imitation of a questionable U.S. practice that gives special interest groups the possibility of exercising inordinate influence.

In addition to these and other problems emerging from the concept of civil society that underlies assistance programs, all authors also point to numerous shortcomings of implementation. Quigley summarizes these problems well when he contrasts the lofty goals of the donors to the meager results they frequently achieve. Many of the authors denounce the slowness of the planning process, the excessive and at times arcane controls, the narrow conditions for eligibility that make it difficult in some countries to find suitable recipients, and the onerous reporting requirements. Several point to the donors’ facile assumption that their programs are encouraging political pluralism when in reality they are simply creating a plurality of organizations. Many of the articles also call for a rethinking of the relation between donor governments and organizations and the recipient NGOs, with the aim of increasing the autonomy of the latter.

This brief summary does not do justice to the array of issues raised by the individual chapters or to the range of attitudes toward civil society assistance on the part of the authors. We thus turn to the regional and country studies before returning to some more general issues in the concluding chapter of this volume.
Notes

2. Ibid. at 379–80.
Part One

Middle East
Georgia's ongoing struggle for a better future continued: democracy promotion through civil society development

Marina Muskhelishvili *, Gia Jorjoliani *

* Ivane Javakhishvili Tbilisi State University, Tbilisi, Georgia

Online Publication Date: 01 August 2009
Georgia’s ongoing struggle for a better future continued: democracy promotion through civil society development

Marina Muskheilshvili* and Gia Jorjoliani

Ivane Javakhishvili Tbilisi State University, Tbilisi, Georgia

(Received October 2008; final version received May 2009)

To provide long-term democracy development assistance, foreign actors need to develop a medium through which such assistance will be provided. The NGO community which emerged in Georgia in the 1990s fulfilled this function. It was envisaged as developing into a civil society, but turned out to be elitist and politicized. The role that the NGO community was able to play in Georgia’s democratization was weakened by the fact that the community was expected to be politically impartial and to achieve a political result at the same time. During the Rose Revolution, democracy promotion was channelled through the NGO community, and contributed to a change of power, but democracy did not follow. After the Rose Revolution, democracy promotion weakened. Despite the fact that a new wave of political protests during 2007–2008 provided another opportunity for Georgia to accomplish a democratic transition, foreign actors did not play the same role as they did before. The change in approach of the foreign actors can be explained not only by political considerations, but also by the fact that the international community had weak personal, organizational and ideological links with the new wave of the pro-democracy movement.

Keywords: democracy promotion; Georgia; civil society; non-governmental organizations; Rose Revolution

As Susan Stewart states in her introductory article: ‘Democracy promotion is defined to include activities engaged in by external actors to encourage the development of democracy within a given country’. Democracy promotion is furthermore understood as assistance which ‘recognizes the primary force for democratization is and must be internal to the country in question’. Taken together, these two statements reflect a possibility of latent conflict between the externality of democracy assistance and its internality, because the very essence of democracy is ‘government of the people, by the people, for the people’. When a democratization process has continued for a long period of time, as has happened in Georgia, and external actors continue to be engaged, this conflict may become especially visible.

*Corresponding author. Email: marinmus@yahoo.com
Assisting democratization from outside implies the constant political involvement of external actors in the internal political process of a given country, seemingly contradicting the concept of the sovereignty of ‘the people’. For this reason it is very important to understand how the means and goals of the democratization process interact, as well as the role of institutional and personal values and interests involved, and the extent to which often disappointing outcomes can be attributed to the institutional features of the activity itself. As the case of Georgia demonstrates, democracy promotion may aim to be impartial and to empower the local societies to struggle for democratic development, but in doing so it has to promote active citizens and politicians, who, in turn, have to act politically to achieve their goals.

In order to achieve meaningful insights into this complex interplay between external influences and the internal outcomes in the context of Georgia, we need to narrow our focus. The ‘democratization’ of Georgia is a process which has included many interlinked developments and is related to various policies addressing its different aspects. Taking into consideration the multidimensional character of the transformation (including political, economic, cultural and social changes), some further explanations are needed in order to avoid possible misunderstandings.

It is convenient to use the Freedom House criteria in order to trace the progress and regression of democracy in the world. These criteria form a continuum, which helps us to follow the dynamic of the changes, but does not provide a definite answer to the question of when one can say that a country is a democracy. Many post-Soviet countries hold periodic multiparty elections, accompanied by a certain level of civil rights and liberties, but real political equality between the ruling party and the opposition does not exist. This is the case in Georgia, for example, where changes in the ruling regime have taken place, but never by means of elections. According to the Freedom House criteria, Georgia is a partly free country, having a hybrid, or transitional, system of governance. During the last ten years its political rights and civil liberties scores have fluctuated insignificantly, improving from 4.4 to 3.3 in 2004 – immediately after the Rose Revolution, and deteriorating again from 3.3 to 4.4 in 2007. In 2008, the country was also removed from the electoral democracy list.

Limiting the definition of democracy to the core institutions of the electoral process is a mainstream approach in democratization studies, which helps to distinguish the development of democracy from other simultaneous transformations, such as modernization, market economy development, poverty reduction, etc. By following this line we narrow our study and leave out of its focus many international influences that deal with democracy only indirectly. However, for the purposes of this article, we narrow the notion of democracy promotion further. In the article, we focus upon not only ‘what’ is promoted, but also ‘how’ it is done. Consequently, we need to give names to different methods and to split support for democracy into several sub-categories.

The meaning of democracy promotion which will be utilized for the purpose of this study does not include several types of policies which fall into the category of
democracy promotion as defined in the introductory article by Susan Stewart. We focus on a bottom-up approach to democratization, developed and expanded in recent decades. We contrast it with two other areas of international influence – technical assistance (TA) for institutional transformation and regime legitimation.

We deem technical assistance to be support for democracy that is usually channelled through (recipient) state institutions. Examples of such activities include some policies of Technical Aid to the Commonwealth of Independent States (TACIS) in its initial stages of implementation, or of the European Neighbourhood Policy (ENP) in its current phase. In a broad sense, technical assistance supports democratic development and has significant input into the formation of newly emerging institutions of democracy or the strengthening of already established ones. Technical assistance (TA) to democracy development may be described as: (1) a democracy-crafting activity, provided by experts who have in mind a specific paradigm or institutional model that should be established through the proper institutional/legal design; and (2) an activity that is directed top-down through assistance to state actors in charge of legal and institutional reform. The top-down character of technical assistance helps us to distinguish it from the bottom-up activities as defined below.

We have also left out of our definition of democracy promotion indirect international influences on democracy development that are especially important in a globalized world. The political opinions and public discourses of established democracies, articulated by political leaders, non-governmental organizations and media, may have great influence on local public opinion and thus legitimate or de-legitimate certain political arrangements and actions intentionally or unintentionally. For small countries like Georgia, having no experience of democratic governance, but willing to join the ‘Western world’, opinions emanating from this world may be an extremely important source of political legitimation. As an example, in Georgia the Organization for Security and Cooperation in Europe (OSCE) monitoring mission was very strict in evaluating the 2003 parliamentary elections, thus encouraging the general public to defend its political rights. By contrast, calling Georgia a ‘beacon of democracy’ the US President George Bush made it difficult for the Georgian opposition to prove that the post-revolutionary government was headed in the wrong direction. The evaluations by the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODHIR) monitoring mission of the flawed presidential and parliamentary elections of 2008 were quite critical but politically unimportant, as compared with the moderate statements by the mission issued immediately after the elections, which greatly reduced the momentum present in Georgian society to struggle for fair results. Organizations such as the OSCE (issuing electoral observation reports), the Venice Commission (evaluating compliance with constitutional arrangements) or Freedom House (scoring levels of freedom worldwide) play a significant role in public opinion formation. The opinion of these external ‘referees’ has, as stated before, an important influence on the formation of local public opinion and political processes. Regime legitimation, as we call it, provides
external sources of authority for governments, societies and individuals participating in a process of democratization. All this is not a direct part of democracy promotion as described below, but plays a major role on a par with democracy promotion and in a complex and quite contradictory interplay with it. The democracy promotion on which we focus here is a much more pro-active way of assisting local societies in their struggle for democracy.

This article, while addressing various aspects of the development of democracy, will concentrate mostly on the specific bottom-up form of democracy promotion which developed and evolved during the post-Soviet period in Georgia. Democracy promotion, according to our definition, is an activity that (1) aims at democratic development; (2) is provided globally, by foreign actors (governmental, intergovernmental and non-governmental); and (3) is channelled through so-called civil society organizations.

Democracy promotion aims at strengthening civil society as a necessary foundation for the development of democracy. It generally intends to foster civic engagement and the participatory capacity of the citizens in public affairs through association-building and the collective pursuit of common goals. In that sense, it reminds us of Toqueville who argued that one of the most important characteristics of American democracy was the fact that ‘Americans of all ages, all stations in life, and all types of dispositions are forever forming associations’. The declared values of the democracy promotion actors analysed here are liberal and pluralist. Thus, democracy promotion aims to overcome the above-mentioned conflict between the externality of support and the focus on the internal momentum for democratization. However, as we intend to demonstrate throughout this paper, democracy promotion has an internal logic which contradicts its declared goals and which makes it especially difficult to address them properly with usual democracy promotion methods. Being provided from the outside, democracy promotion efforts have to anchor themselves to specific agents within the local society. These agents are usually non-governmental organizations (NGOs), which have developed mainly as a result of democracy promotion. The agents need to be both impartial and politically active at the same time. Impartial because their sources of financing are external and because they are perceived as watchdogs, standing above partisan struggles for power, and politically active because they need to defend the very values and institutions around which the democratization process is centred – civil rights and political liberties – vis-à-vis a non-democratic regime. These two goals have shown themselves to be completely impossible to fulfil simultaneously without falling into an irresolvable conflict of interests. During the Rose Revolution, democracy promotion promoted regime change and created a cohort of NGO leaders who came to rule the country afterwards. During the later struggles for democracy in 2007–2008, democracy promotion did not promote regime change, and this time the local partners in democracy promotion activities were more inclined to take the side of the government. The article argues that the ability of external assistance to promote plural and participatory civil society is limited, which at least partly explains the inconsistent nature of democracy promotion efforts.
Establishing an NGO community through democracy promotion

In this section we describe how democracy promotion in its initial stages fostered the development of the NGO community in Georgia, and how this community failed to become an area of mass civic participation.

Democracy promotion in Georgia started around 1994–1995; at that time the most important actors of the sector – the Open Society Georgia Foundation (OSGF) and the Eurasia Foundation – were established. There were also several less important foundations beginning their work at that time, such as the Horizonti Foundation and the Friedrich-Ebert-Stiftung. Funding for NGO development was also allocated by the United States embassy, the European Union (EU), and other local and international donors.

By this time, the broad grassroots mass mobilization that had started during the perestroika period in Georgia and formed the bulk of the national independence movement had already run its course. Virtually the entire population of Georgia participated in the political transformation: on 9 April 1989, when a protest rally was violently dissolved by Russian troops; in the October 1999 elections, which brought Georgian President Zviad Gamsakhurdia to power and ended communist rule in Georgia; in the street protests against Gamsakhurdia, which were followed by his military defeat in 1992; and in the ethnic conflicts and civil war of 1992–1993. All of these events happened in an almost completely uninstitutionalized political environment, in which politics was ‘open to all’ – a situation which essentially disappeared following the gradual stabilization and institutionalization of the political process in 1994–1995. A group of politically active individuals entered the realm of official politics; among them was Zurab Jvania, who became a leader of the Citizens Union of Georgia, the political party established by Eduard Shevardnadze, which came to power after the 1995 elections. Nonetheless, there was still a significant number of people who were not on the political career track, yet did not consider their role in the country’s political transformation to be complete. These were the people who initially formed the bulk of the membership of emerging NGOs.

At the time when democracy promotion started, the basic formal institutions of democracy had also been established. They were defined by the Constitution of 1995, which framed the political system of the following period. At that time Georgia was just beginning to recover from a period of economic collapse and civil war. The local economy had been largely destroyed. The economic system was barely functioning. Confronted with a failed economy, the population was experiencing enormous material difficulties and problems adapting to the new circumstances. The ability to earn an income sufficient for basic subsistence became increasingly dependent on occasional activities, emerging from new market relations, rather than on traditional types of employment and regular professional affiliations.

During this period, donor organizations, such as the Open Society Georgia Foundation and the Eurasia Foundation, started to issue grants for
non-governmental civic activities. In order to receive such funding on a regular basis, Georgian activists had to establish formal organizations with bank accounts, organizational structures and membership. The financing opportunities stimulated the creation of an increasing number of such organizations, which began to compete with one another.\textsuperscript{18} The funding was very limited and the competition quite tough. As the economy at that time was undergoing major problems, with very high unemployment, the sector became dominated by those individuals who were actually employed full-time in their NGOs, rather than by those who considered their civic activities to be a voluntary activity carried out in addition to their private, income-generating work. A group of professional ‘NGO people’ emerged.

It is important to emphasize that there were two different ways to understand the NGO sector from the very beginning. Different ways of understanding concerned the political and social role of the sector within the society, and eventually led to lasting divisions within it. Those who manned the newly emerging sector broadly shared the perception that democratization in Georgia was ‘unfinished’. They considered the existing situation a transition stage towards democracy and struggled for further transformation. Possessing experience with participation in a previous cycle of transformation, they continued to focus on the fight for liberal values and human rights, democracy, institutional development, and ‘pro-western’ reform. In doing so, they considered the remainder of society as the object, rather than the subject, of their activities. They saw their role as ‘leading’ society, rather than representing it. A broadly shared ‘avant-gardist’ feeling emerged within the sector, placing NGOs in the role of the ‘vanguard’ of democratization, rather than in the role of institutions representing the views or interests of various (and thus plural) strata of the population.\textsuperscript{19} It should also be mentioned that such an approach was not specific to this particular group of activists, but was widespread in the political culture, originating to a great extent from the Soviet legacy of political leadership by the ‘vanguard’ Communist party.

The duality of possible meanings attached to the term ‘NGO community’ did not go unnoticed by the community itself. Debates over self-perception within the community have occurred from time to time, questioning the most formative perception of the sector, which considered itself a civil society in its initial stages of development. The opponents of this mainstream questioned the applicability of the very notion of ‘civil society’ to the NGO community, claiming that the western tradition of civil society refers to a public space in which society represents itself vis-à-vis the state.\textsuperscript{20} This view represents civil society as an ‘open’ society, in the sense that it is oriented towards open-ended discussions and debates concerning various goals and scenarios of further individual and collective development.\textsuperscript{21} Open-endedness and diversity are important and basic elements, but they did not play a formative role in the Georgian NGO community. Despite the diversity of emerging NGOs, as well as the broadly financed democracy promotion attempts aiming at increasing their representative and participatory functions, the mainstream of the sector, at least until the Rose Revolution, remained ideologically
monolithic and closed, representing only one side of these debates. Its critical stances were directed towards opponents outside of the sector, and served to position it as somehow distinguished from the rest of society, thereby creating the impression that civil society should be understood as a part of society, rather than as a society itself. Later on the media started to label statements of the leading NGOs as an ‘opinion of the NGO community’. This paved the way for its further politicization.

Keeping in mind the criteria of mass voluntary inclusion, representative capacity, openness, and self-sustainability that were assumed by donor organizations, one can argue that democracy promotion efforts directed at civil society development did not achieve their goals in the case of Georgia. The failure of democracy promotion activities directed towards community mobilization, the development of civic solidarity and the evolution of local democracy demonstrates this. Several observations can help both to illustrate and to explain the failure of grant-issuing donors, such as the OSGF, to attain their stated or implied goals.

Democracy promotion efforts were never directed towards those organizational structures and networks of society in which the bulk of the ‘civic-minded’ public was involved before and during perestroika. Instead, democracy promotion was oriented towards newly emerging NGOs that were structurally innovative. Those institutions that traditionally should also be considered under the umbrella of ‘civil society’ – universities, churches, research institutions, and other social networks – were left out of democracy promotion activities, probably because their formal structures had remained untouched since the Soviet era. These kinds of organizations served in Soviet times as an important basis for the then ‘shadow’ civil society, which was a direct participant in and organizer of civic movements during perestroika. Since they failed to support the existing basis for civil society development, democracy promotion actors failed to provide ‘society’ with direct backing; rather, they started ‘from scratch’, thus weakening the participatory and representative potential of already existing networks.

Furthermore, the above-mentioned foundations, when issuing grants to the NGO community, did not take into consideration the low level of institutional trust existing in a post-Soviet society. The very fact that democracy promotion had to be channelled through formal organizations did not correspond to the local traditional political culture. ‘Public reasoning’ was widespread, but it was not linked to organizational membership. So, as the general public did not show interest in voluntary participation and membership, the intended democratic organizational structure of NGOs (mass voluntary participation) was never achieved. Mass voluntary civic institutions have not developed. Furthermore, because the organizations attracted only ‘democrats’, with a specific political discourse, while the remaining ‘reasoning public’ was left out of the new institutional establishment, the new institutions actually restricted the free flow and exchange of ideas and values within the society.

The very fact that the sources of funding and the agenda-setting for NGO development were provided externally may be considered an important institutional
framework, within which the achievement of representative capacity for NGOs became problematic. Funding provided by democracy promotion actors was usually linked to the specific values and agendas promoted by the recipient organization. The society itself had no proper access to the agenda-setting process. But even more important is the fact that the agenda for democracy promotion was itself oriented towards democracy promotion as a ‘project’. This means that at this stage of democracy promotion the emerging NGOs were not considered an already functioning civil society, but rather an instrument for democracy development and civil society promotion. So, in effect, the NGOs did not promote ‘freedom of speech for everybody’; instead they promoted ‘freedom of speech for those who promote freedom of speech’. This became obvious after the Rose Revolution, when the decline of media freedom in the country could be partly attributed to the same people who had previously promoted it.25

One can thus say that democracy promotion efforts resulted in the bottom-up emergence of a new type of social organization in Georgia; the nature and the role of these organizations were vanguardist and elitist, rather than representative of the expectations of the wider society. This organizational innovation was significant and had a long-lasting effect on the processes of democratic transformation.

Democracy promotion actors foster a pro-democracy political discourse

Despite the shortcomings described in the previous section, the newly established NGO community played an important role in the political landscape of Georgia, especially in framing the political agenda. A ‘pro-democracy’ public discourse was broadly supported and developed by means of what we call democracy promotion, and the NGO community had a significant part in it. Being organized and equipped with the necessary resources, the NGOs, more than any other segment of the population, could lobby for the values they promoted; NGO workshops, press conferences, and publications constituted an important source of information for the media. A pro-democracy public discourse was not the only outcome of democracy promotion activities in Georgia, as will become clear below, but it may be considered as its most important achievement.

In spite of the fact that existing rights and freedoms facilitated the rapid growth of the NGO sector, quite soon it became obvious that there was a gap between democracy promotion priorities and expectations on the one hand and real developments on the other. As mentioned above, mass public voluntary participation and financial self-sustainability of NGOs proved to be unrealistic goals. The most successful NGOs were backed by increasingly professional NGO activists, who needed to be reimbursed for their work and found full-time employment in these organizations. The leading organizations began to develop more and more elaborate projects, and their employees acquired new professional skills: fluency in English; computer literacy; and managerial and communicative skills relevant to internationally-based networks.26
At this stage (approximately 1999–2001), leading foundations, such as the OSGF and the Eurasia Foundation, altered their initial policies. The main reason for the change appeared to be the cost-effectiveness of the funds spent. Since new grassroots activist organizations were less skilled and experienced and had fewer resources than the already established leaders in the sector, support for the former became more restricted. Grant amounts for individual projects increased, and these grants were distributed mostly among leading organizations, which, in turn, provided training and leadership for the weak and emerging entities. Think tanks, policy analysis-oriented advocacy and legal drafting activities became more and more welcome. At the same time, attempts were made to support interest-based and community-based NGO development, but this initiative did not produce any significant institutionally sustainable results.

Support for independent media also took on new forms. Assistance provided to the journalist community as a whole became less important compared with direct financial support for the most ‘democratic’ media, namely the television channel Rustavi 2, which became the leader of public opinion formation. The channel had direct links to both the NGO community leaders and the ‘democratic’ political leaders (for example Zurab Jvania, Chairman of the Parliament), who provided it with political patronage.

During these years the political situation in the country was changing. The 1999 parliamentary and 2000 presidential elections marked the beginning of a new stage of political struggle. The main goal of the struggle was to obtain power after President Shevardnadze’s term in office expired in 2005. The young generation of political leaders within the ruling party started to dissociate themselves from the president and to strengthen their own political careers. Internal struggles within the ruling party increased, splitting it and placing its components – the government (Shevardnadze) and the parliament (Jvania, Saakashvili) – on opposing sides. This struggle restricted even more the already limited ability of the government to make progress through reforms. Due to high levels of corruption and ineffectiveness, as well as the overall stagnation of governmental activities, parliamentary leaders were in a good position to mobilize public support. In doing so they actively sought support from the international community, the NGO community and leading media. Prior to the Rose Revolution three actors – the parliamentary opposition (Jvania, Saakashvili), the ‘NGO community’, and Rustavi 2 – visibly became allies. In this alliance the so-called ‘NGO community’ (a term coined by the media), which achieved a degree of visibility and political influence unprecedented in other post-Soviet countries in its lobbying efforts for the further democratization of the political system, played an important ideological role. The overall political agenda was oriented towards further democratization, and the NGO community provided evidence of this, as well as advice, support, and links to the Western world. This agenda was originally strongly backed by public opinion, on which the ‘reformers’ (Saakashvili, Jvania) founded their further political struggle for power.
Regime change with the support of democracy promotion

Having started as a grassroots activity and eventually becoming the leader of public opinion, the ‘pro-democracy’ movement followed this logic of upward mobility and finished up by gaining political power.

Starting from the year 2000 the government was on the defensive, providing no real solutions to existing social problems. Shevardnadze was not able to achieve any meaningful progress towards democracy and good governance. Neither was he inclined to promote significant changes in any other area. Democracy promotion and technical assistance activities, aiming at various reforms, had a very limited influence on governance.35

Strong public discontent with Shevardnadze’s rule was based on real economic difficulties experienced by the population. Issues such as unemployment and poverty topped the list of problems reported by individuals in sociological surveys (and continue to do so).36 Trust in political institutions had fallen to an extreme low. From 2000 to 2003 trust in the president declined, while trust in mass media sharply increased, as did trust in the parliament.37 At the core of this transformation of public perceptions stands a public discourse supplied by Rustavi 2. This television channel managed to become the unchallenged leader of public opinion, with a pro-democracy and pro-western value orientation.38 Politically this channel was in sharp opposition to Shevardnadze, promoting Ivania, Saakashvili and the leaders of the ‘NGO community’ as a democratic alternative.

During this same period democracy promotion activities themselves began to be transformed once more. Thus, in 2000, a Coalition of Democratic States was established to promote and protect democracy worldwide. It started in Warsaw, Poland, where over 100 governments agreed on a Warsaw Declaration, which committed them to build a ‘Community of Democracies as an association of democratic states dedicated to strengthening democratic values and institutions at home and abroad’.39 On the basis of this declaration the Open Society Institute started an international project in 2001, entitled the Democracy Coalition Project.

The Democracy Coalition Project envisaged that ‘watchdog’ coalitions of NGOs would be established in democratizing countries to put pressure on the governments of these countries for more democracy. Such a coalition was launched in Georgia in 2002. When it dissolved in 2003 due to a lack of internal unity, its functions shifted directly to the OSGF. This initiative, as well as other democracy promotion activities, increasingly concentrated on the approaching 2003 parliamentary elections. The International Society for Fair Elections and Democracy (ISFED) (also known in Georgia as ‘Fair elections’), along with a community of embassies, European structures, the United States Agency for International Development (USAID), the National Democratic Institute (NDI), and virtually the entire international community represented in Georgia, coordinated their efforts, which were directed towards promoting fairness in these elections. In the spring the OSGF announced a new policy of democracy promotion. Its project ‘Kmara’ (the Georgian word for ‘enough’), which was officially designed to
support fair elections, immediately brought students to the streets, demanding ‘enough’ and calling on Shevardnadze to resign. The Serbian experience was taught as a successful example for the NGO community and for selected political leaders of the opposition to follow. Democracy promotion assistance for fair elections thus took the form of a political struggle against the existing regime.

Similar to the other colour revolutions, the Rose Revolution, as the regime change in 2003 is called, was closely linked to problems with the quality of elections, which were at the core of democracy promotion activities. Warnings about possible fraud in the parliamentary elections of 2 November 2003 dominated public political discourse prior to the event and contributed to the sense of protest developing within the society. Election day was rather chaotic, as many voters could not locate their names on the voting lists; after the election, the official results appeared to be different from the outcomes of the parallel vote tabulation, conducted by Fair Elections. The political parties led by Jvania, Burjanadze and Saakashvili, as well as the NGO activists and their supporters, started street protests in order to protect their votes. The protests reached their peak on 22 November, when the newly elected parliament gathered in the parliamentary building for its first meeting. During the opening speech, delivered by Shevardnadze, the mob, led by Saakashvili, rushed into the building. Later on the protesting crowd also occupied the State Chancellery building and forced the government out. Within two days president Shevardnadze had resigned.

Thus one can say that the third and final stage of democracy promotion before the Rose Revolution involved a political campaign focusing on the struggle for political power. The desired result was achieved: Saakashvili, Jvania, and the leaders of the ‘NGO community’ took over the political leadership of the country. In addition to Saakashvili and Jvania, the leaders of the OSGF-funded non-governmental ‘Kmara’ project also acquired a large degree of political influence after the Rose Revolution. They received a number of high official positions as well: ministerial posts, parliamentary seats, and key positions in several sectors especially important for democracy development.

The political results of the Rose Revolution in Georgian political discourses were interpreted in three different ways. According to one very popular perception, ‘the Americans’, instead of promoting democracy in Georgia, simply brought to power those leaders most suitable for them. Supporters of this perception suggest that democracy promotion activities simply formed a facade for other considerations, which became the principal ones before and during the Rose Revolution. According to the second interpretation, an ‘electoral revolution’ was believed to be the only way to bring about systemic change, since the existing political system did not provide an opportunity for fair elections. The third version assumes that the revolutionary change of power was not planned, but simply happened as a logical result of excessively strong pressure on government, which turned out to be too weak, rather than (as democracy promotion policy designers had supposed) too strong.

The very fact that three different interpretations of the same event exist indicates that the various actors involved might have been driven by differing and
non-transparent agendas, and were only exploiting the pro-democracy discourse for their own, opportunistic purposes. In such a case, the lack of transparency of intentions and the hidden sources of actions cause problems with regard to the outcomes of democracy promotion. The democracy promotion policy failed to legitimize itself in a transparent way, and as a result was evaluated by a large share of the population as achieving political gains for some, instead of resulting in justice for everybody. These perceptions significantly undermined trust in democracy promotion activities and in the corresponding actors, and contributed to the growth of anti-globalist and anti-American visions in a later period.44

**Democracy failed, democracy promotion weakened**

The regime change brought about by the Rose Revolution resulted in many controversial changes in governance (see below); however, it failed to address underlying problems and to improve the political system. Civil society once again started to mobilize, but this time mobilization occurred for the most part outside the NGO community and without the assistance of donor organizations.

Immediately after the Rose Revolution its leader, Mikheil Saakashvili, began to consolidate power in his hands. The term of the existing but already illegitimate parliament was prolonged until spring 2004, and in response to strong psychological pressure by the new president (elected in January 2004), it adopted amendments to the Constitution of 1995 which weakened the parliament and transformed the formally presidential republic into a political system ‘... characterized by a significant expansion of the president’s powers and the absence of the system of checks and balances. This resulted in the distorted presidential/semi-presidential systems that are sometimes referred to as super-presidentialist or absolute presidentialist.’45

Gradually, after the Rose Revolution, formal and informal political power became strictly centralized and concentrated in the hands of the president. Formally, the 2004 amendments to the Georgian constitution, the 2004 Law on the Status of Adjara, and the Law on Self-government, adopted in 2005, created a new legal framework, in which both the horizontal and the vertical distribution of powers were undermined. Further reform of the judiciary also placed this traditionally weak branch of power under the direct influence of the president. After the suspicious death of Prime Minister Zurab Jvania, no significant political leaders remained in power who could effectively exercise any independence from Saakashvili.46 One novel feature of the political climate was the emergence of political prisoners.47 The political discourse of the new leaders became extremely aggressive and intolerant toward their political opponents – echoing an established tradition of labelling opponents as ‘people’s enemies’.48 Informally, the legacy of party-state rule was partly restored and legitimated through the mass renovation of the state bureaucracy, political patronage for economic actors, and public propaganda.

Soon after the Rose Revolution, a new redistribution of property began. For this purpose, criminal acquisitions were widely carried out. These did not lead to court trials, but rather to pressure on businesspeople to negotiate their
freedom in exchange for property. Under the umbrella of a declared war against organized crime and corruption, more and more citizens suffered the loss of their freedom and even their lives in the absence of proper control over the police forces. Jails became overcrowded, meaning that no rights protection was provided for the growing number of prisoners.

At the same time the Rose Revolution helped to bring a new generation of young leaders into the government and to overcome the difficulties associated with ‘democratic policy-making’ – a process which usually slows down many reforms. The young generation (Saakashvili, Jvania, Burdjanadze and their allies) that came to power after the Rose Revolution initially managed to increase the speed of decision-making and improve the quality of governance. This was represented first of all by the collection of fiscal revenues, improved budget management, a number of neoliberal economic reforms and policies, and general success in ensuring the ongoing nature of governmental reforms and the continuous functioning of the government. Compared with the previously inefficient performance of the government, one can say that post-revolutionary stability was transformed into dynamic changes which created a new state of affairs, ensuring that developments occurred in a highly ‘activist’ way, even if the direction of changes was arguably overly neoliberal.

It is important to understand that the decline of democracy in post-revolutionary governance was not caused only by populist and arbitrary rule. Democratic norms of governance were undermined first of all by the ideological – neoliberal and even libertarian – stances which underpinned the new reformist strategies, making the representative capacity of the political system less important. The increasing influence of exogenous factors on the country’s economic development (foreign direct investment, international aid, liberalization of trade) meant that the government aimed to reduce the social obligations of the state and societal influences on it. The reform of self-government and regional government illustrates this decline. This reform aimed at improving criteria to ensure effectiveness and efficiency in local performance. As a result of these criteria, in 2005–2006 local self-government on the village and town levels was abolished, and later elected bodies’ (Sakrebulo) activities at the district level were placed under the supervision of regional governors, who were subordinated to the central government. In some cases the state even encroached upon the property rights of its citizens in order to sell their property to foreign investors. The policies brought rapid improvements in some economic areas, such as banking and construction, but left the bulk of the population outside these spheres, allowing them to fall into the ‘black holes’ of underdevelopment.

After the Rose Revolution, both western media and donor organizations seemed to believe that the goal of democratization had been achieved. It would appear that after the Rose Revolution the international community changed its priorities and downgraded democratic development from its position as a top issue. Good governance seemed to become more urgent than democracy. As Georgia was (and is) experiencing enormous difficulties in economic development, which have led to
widespread poverty and unemployment, other problems came to the fore – the restructuring of many sectors and issues of territorial integrity, to name but two. Many new projects and initiatives, funded by both US and European partners, addressed these problems.\(^58\)

The pro-western orientation of the new authorities also made a difference to democracy promotion. The direct dialogue among the US, the EU and the Georgian government concerning the further integration of Georgia into international structures suggested that further democratization could be achieved from the top down by the new authorities.\(^59\) Mediating structures (NGOs, media) between the external supporters and the government were no longer needed, since the government itself had become open to direct communication with donor organizations. Technical assistance could thus be more effective than democracy promotion. At the same time, the main NGO actors which had previously been supported by democracy promotion efforts joined the new regime. The leadership of many of the above-mentioned foundations appeared to be supporting rather than monitoring Saakashvili.\(^60\) As a result, subtle forms of censorship within these foundations emerged, which meant that funding was directed to less outspoken organizations that were not as inclined to adopt an opposing stance. The civic ethics of the NGO community suffered even more than before from political considerations. Thus it is not surprising that the most visible and important new development in democracy promotion soon after the Rose Revolution was the following: before the Rose Revolution, the most outspoken and radical opponents of the government were at the same time the best-funded NGOs; after the Rose Revolution, those NGOs which continued to criticize the government openly and publicly experienced difficulties with funding, while those who received sufficient funding avoided articulating critical views in public.

Later on, however, the enthusiasm of the international community for the new government decreased. The need for active pressure from the outside by society again became obvious. Democracy promotion funding continued, but its actors did not produce a new pro-democracy public discourse. What is more, despite the obvious drift of the government away from democracy, and a strong demand for democracy emanating from society, political support from the US in particular remained with Saakashvili.\(^61\)

After the Rose Revolution, the NGO community started to transform. Part of its leadership continued to be allied with Saakashvili and Rustavi 2 (taking control over public broadcasting as well). While pretending to retain a neutral, expert position, they shared a kind of ‘liberal elitist’ stance, and were inclined to prioritize liberal autocracy over populist democracy. On the other hand, a number of NGOs preferred to continue acting as watchdog organizations. They were still openly appealing to a broader public when advocating for more democracy and human rights. The above-mentioned ‘elitist’ grouping on the one hand and the watchdog organizations on the other constituted two ideological poles in the public image of the NGO community. Later on, during the 2007–2008 political crises, the leaders of the ‘elitist’ grouping (the remaining Rose Revolution
activists) had to give up their ‘neutrality’ by openly supporting Saakshvili’s government, while the bulk of the remaining NGO community went into opposition. After the 2008 elections, the ‘elitists’ received a couple of ministerial posts and parliamentary seats from the National Movement’s proportional list.

However, taking this development into account is not sufficient for understanding the post-revolutionary climate in Georgian society. Even more important was that newly emerging grassroots activities, which began after the Rose Revolution and culminated in mass public protests in 2007 and 2008, had almost nothing to do with democracy promotion. The interest-based groups within society, which were advocating against government policies in many fields, obtained almost no support from the international community, which remained anchored primarily to its already established allies. Starting with associations of university professors and finishing with petty traders, these new grassroots activists emerged and disappeared almost unnoticed by the so-called ‘civil society’ and democracy promotion efforts.62

The irony of the situation is that the emerging social movements represented those very basic democratic considerations which were supposed to be promoted by the ‘civil society development’ project represented by democracy promotion. Essentially they tried to promote the private interests of their members, such as property rights, labour rights, autonomy from state encroachment, and equal access to the media. The problems that were of primary concern to their members represented the most fundamental liberal values necessary for vibrant civil society development. Yet communication and mutual trust between these movements on the one hand, and the local NGO community and grant-issuing agencies on the other, were almost completely absent.

A new wave of social protests

After the Rose Revolution, in 2007–2008, Georgian society made another attempt to accomplish the democratic transition. This attempt failed to succeed in terms of both regime change and system transformation. This time the NGO community did not play a significant role, as many of the former Rose Revolution leaders took the side of the government. External support for democracy development in this phase was also very moderate.

Despite the fact that during the first years after the Rose Revolution Georgian society seemed optimistic about the future and on the whole satisfied with the course of development, this attitude gradually eroded, as more and more social groups suffered directly or indirectly from the actions of the new authorities.63 Although this emerging discontent had obvious economic reasons, such as growing unemployment, poverty and inequality, many of the public protests came about due to the violation of ethical and legal norms by the ruling party. The authorities encroached upon the spheres of almost all civil society institutions: universities, sports organizations, and professional unions.64 Even the leadership of student self-government within the universities fell into the hands of National
Movement supporters. Working in public administration increasingly went hand in hand with loyalty to the ruling party, and much of this administration became directly or indirectly involved in the political campaigns of the National Movement during the local elections in 2006 (and later in the presidential and parliamentary elections of 2008). Public spending directed towards various social needs – from renovation of infrastructure to social protection – was used for pro-governmental propaganda purposes, constituting a continuous electoral campaign in support of the National Movement.65

Initially, following the Rose Revolution almost all broadcast media were concentrated under the direct or indirect control of the state authorities. Gradually, however, the number of those voicing opposition started to grow. The only significant independent channel, Imedi, which was at first loyal to the post-revolutionary government, began to air more and more critical information, becoming a leader of public opinion. The channel Rustavi 2, which broadcast strongly pro-governmental propaganda after the Rose Revolution, lost a significant degree of trust among the population.66 In contrast to the pre-revolutionary situation, when only one opinion – that of the opposition – dominated the public discourse, two centres of opinion formation emerged, dividing society into proponents and opponents of the authorities. Opposition parties formed a strong voice against the government. The absence of constructive dialogue among the political leaders reached its peak when the National Movement’s leadership refused to appear on Imedi, while the opposition boycotted Rustavi 2. The neutral ground between these two poles eroded more and more. The authorities and the society entered a new cycle of polarization.67

The emergence of a polarized pluralism, both poles of which insisted on their democratic legitimacy, indicated that the monistic project of democratization which had dominated public discourse before the Rose Revolution was giving way to a new reality. In 2003 the pro-democracy discourse was a ‘positive’ message in itself, merging democratic institutional reforms with the other aspects of pro-western development. In 2007–2008 it became ‘purely’ democratic, lacking a ‘positive’ appeal to some kind of developmental ideology, as the opposition refused to propose any political strategies other than improving the political system. The government, while failing to respond adequately to criticism based on liberal and constitutional considerations, increasingly insisted on its achievements in the economic area and its attempts to integrate with the Western world. The opposition once more called for democratic values, focusing this time on an appeal to fairness and justice, rather than on calls for development.68

In September 2007 societal discontent acquired a mobilizing momentum, following a television interview with former Defence Minister Irakli Okruashvili. In this interview he accused the government (and Saakashvili in particular) of a series of grave crimes.69 Instead of leading to the launch of an essential investigation into the truth of these accusations, this scandal was followed by Okruashvili’s arrest. These events spurred a spontaneous large-scale protest action, which was held in the centre of Tbilisi. Although the protest demonstrations, which were held in
front of the parliament building, were extremely well-attended, attracting more than 100,000 citizens, and the majority of the protesters were radically alienated from the government and expected Saakashvili’s immediate resignation, the opposition parties made relatively mild demands to the government. This time around the opposition was cautious and did not equate system change with the simple demand for Saakashvili’s resignation. Instead, it called for a more far-reaching change involving the transformation of Georgia into a parliamentary republic, and its slogan became ‘Georgia without a president’.

On 7 November 2007, the government dispersed the protest action by employing violent methods. The scale and type of force used were both unprecedented and unjustified. The attack against the protesters was crowned by the plundering of the opposition channel Imedi, during which technical equipment was destroyed, and later by the declaration of a state of emergency in the entire country. Simultaneously, the government announced accusations of high treason directed towards the opposition leaders. It was only due to active intervention by the international community that after the events of 7 November political tensions were channelled into considerably more civilized and non-repressive paths. On 8 November President Saakashvili declared that he would resign in the nearest future, and that extraordinary presidential elections would be scheduled for the beginning of January.

Despite the fact that mass demonstrations continued until the summer, the elections of 2008 (presidential in January and parliamentary in May) showed that democracy in Georgia had eroded since the Rose Revolution, and that the international community now faced a conflict in values between the goals of democracy promotion and the support of political stability in Georgia. These elections were by no means free and fair, and constituted an only slightly better alternative than an open resort to authoritarian rule. The result of approximately 53% of votes for Saakashvili, with which he won the presidential elections in the first round, created suspicion, since cases of stuffing ballots and rewriting summaries of protocols were registered in many precincts; a result of less than 50% would have required a second round of balloting, which the opposition hoped to win. Being unable to either change the regime or improve its quality through elections, the opposition movement gradually lost momentum. Since the opposition parties refused to consider the results of the presidential elections legitimate, and later on their demand for an equal opportunity to compete with the government in the parliamentary elections was ignored, the 2008 parliamentary elections did not play any significant role in altering the situation. By combining legal leverage, threats, and bribery of the electorate, the ruling party achieved an overwhelming majority of seats in the parliament. The main opposition parties refused to consider these results legitimate as well and abandoned their parliamentary mandates. Because the opposition refused to accept defeat in the presidential as well as in the parliamentary elections, and a large share of society welcomed this refusal by participating in mass post-electoral protest demonstrations, the political crisis of 2007 was not resolved by the elections of 2008.
In this period some democracy promotion was provided – focusing mostly on electoral observation by ISFED, the Georgian Young Lawyers Association and New Generation New Initiative – but this time the observation was done in a strictly non-politicized form. Donor organizations refused to finance any surveys, including exit polls, which had been used for political reasons during the Rose Revolution. Active opposition NGOs had no substantial funding this time around. Meanwhile, the government actively exploited its cooperation with western countries for electoral campaign purposes. Despite the fact that the OSCE/ODHIR observation mission issued very critical final reports, listing many electoral violations, these reports appeared quite late and did not play any significant political role, in contrast to immediate post-election statements by the mission saying that ‘the election was in essence consistent with most OSCE and Council of Europe commitments and standards for democratic elections’. All this made for a significant contrast with the Rose Revolution, when democracy promotion and regime legitimation played a quite different role.

This time the foreign actors chose a far more cautious strategy. On the one hand they managed to curb the government when it went too far towards open autocracy. With strong international involvement and mediation, the political crisis in 2007 was channelled into the form of extraordinary presidential elections that followed the resignation of the president. On the other hand, when these elections were shown to have provided far from equal conditions for political competition, external actors refused to openly criticize the clear violations of democratic norms and values. Thus, the events of 2007–2008 demonstrated that regime legitimation may serve as a much more important political instrument in the hands of foreign actors than democracy promotion.

Conclusions

Democracy promotion, as defined above, is an activity directed towards the development of democracy through the strengthening of civil society. Democracy promotion strengthened the stances of pro-democracy actors in Georgia and legitimated their public activities. Financial assistance for civil society development created an NGO community with numerous actors, but failed to build a representative civil society which would be participatory and inclusive. By strengthening the pro-democracy discourse and the NGO community, it fostered mass mobilization against the political system and also created the leaders of this mobilization, who eventually entered the political realm on the Rose Revolution wave of protests.

Thus, during the Rose Revolution, democracy promotion played an important political role, but the revolution failed to bring an improvement within the realm of democracy. Its actors contributed to the overthrow of a non-democratic regime in 2003, but following the Rose Revolution the quality of democracy in Georgia decreased. During the later wave of social protests in 2007–2008, the role of democracy promotion actors was less significant than during the Rose Revolution.
Before the Rose Revolution, democracy promotion and other kinds of international support (such as regime legitimation and technical assistance) represented different aspects of one strategy, whereas after the Rose Revolution it became obvious that democracy promotion can be overshadowed by other strategies of the international community, such as regime legitimation.

The most cynical interpretation of the failure of democracy promotion would suggest that democracy promotion is a manipulative activity, subordinated to more specific political (or geopolitical) strategies; this would explain why it was active during the Rose Revolution but did not manage to defend democracy during the later developments, especially in 2007–2008. A different interpretation might assume that the various policies applied by democracy promotion actors in 2007–2008 resulted from the negative experience of the Rose Revolution, when regime change did not lead to democratic outcomes. In this case, changes in the approaches of external actors may be attributed to the presence of a learning process in the democracy promotion field, as is discussed by Stewart in the introductory paper of this special issue. Democracy promotion, as outlined there, is often criticized for having a ‘one-size-fits-all’ approach and for applying standard treatments, which ‘are not likely to produce standard effects’. In other words, an improvement in the approach of democracy promotion actors can result from the advice given by Larry Diamond that ‘democratic governance assistance priorities must fit the particular political conditions of the country, and this requires periodically an authoritative, shrewdly perceptive, and well-focused strategic assessment’.

If this explanation of the democracy promotion policies in 2007–2008 is close to reality, then their shortcomings may be attributed to the fact that democracy promotion carried out by foreign actors is institutionally non-democratic. Foreign actors, even when motivated by goodwill and willing to adjust their policies periodically with the assistance of the expert community, are not subjected to democratic scrutiny by local communities. Local communities, while having high expectations of the Western world as a supporter of their efforts to establish democracy, may simply not possess the means to convey their messages to the policy-makers engaged in democracy promotion. Therefore, however attractive the advice on ‘learning’ may be, it lacks a clear understanding of the internal institutional limitations of democracy promotion, which make this goal very difficult to achieve.

Such explanations fail to take into consideration the nature of democracy promotion, which essentially promotes very specific segments of society oriented towards a type of social development based on exogenous factors. In the Georgian case, the relevant local actors (NGO activists) both before and during the Rose Revolution were ‘pro-western’, neoliberal, English-speaking, competitive people possessing key skills in the spheres of information management and new media. With these attributes, they constituted a potential local basis for other international strategies as well. When, later on, other local actors involved in the democratization process emerged, who were more oriented towards endogenous factors of
development (being thus much closer to the very essence of democracy), democracy promotion found itself linked to those actors it had previously supported, who at this stage appeared to be on the other side of the barricades.

As Marshall McLuhan pointed out: ‘The medium is the message.’ By applying this saying to the specific case of democracy promotion, we intend to emphasize the internal interdependence of the method of communication by means of which democracy assistance is provided (international assistance directed towards the development of non-governmental organizations) and the outcomes of the activity. The ‘message’ of the activity is ‘democracy’, but to bring this message to the recipient society, democracy promotion has to develop the medium first of all. This medium appears to be elitist and politicized, linking recipient societies with the outside world, and thus promoting a form of globalist development which, in turn, creates political divisions in society. The selected medium fosters these divisions because it represents a certain part of the political spectrum, rather than remaining impartial and objective. The content of the activity (‘democracy’) and the method through which this activity is implemented combine to create a constellation which implies specific political biases.

In order to promote equality among the different political stances in society, actors in the realm of external democracy promotion should be subjected to mechanisms of democratic control by the local society. Only a strong society can free itself from the tyranny of an authoritarian political system while simultaneously remaining pluralistic. The extent to which such pluralism can be achieved through international democracy promotion, rather than through processes of local development, constitutes an open question.

Notes
3. The Gettysburg Address by Abraham Lincoln.
4. Freedom House applies a certain taxonomy to label countries with similar scores as having one or another political system, but this labelling does not reflect essential similarities and differences which could provide an answer to our question.
5. The system may also be described as a kind of dominant-power politics. See Carothers, ‘The End of Transitional Paradigm’.
8. Some TACIS projects were oriented towards democracy promotion, such as strengthening the parliament through the development of a parliamentary research service. Also, the European Neighborhood Policy Action plan includes strengthening the institutions of democracy and the rule of law as its first priority focus.
10. On external democracy legitimation see Jorjoliani, ‘Colour Revolutions’.
12. De Tocqueville, Democracy in America, 513–14; see also Putnam, Making Democracy Work, 89. Putnam’s work provides an example of convincing empirical research
and demonstrates the importance of a well-established civic communal tradition for the effective performance of the institutions of democracy.

13. The example of NGOs providing support for party development demonstrated this very clearly. Leaders of three local non-governmental organizations, which in 2005–2008 channelled funding for party system development, were awarded ministerial posts by the already openly non-democratic regime (Dmitri Shashkin, Director of the International Republican Institute in Georgia; Ghia Nodia, Head of the Caucasian Institute for Peace, Democracy and Development; Temur Iakobashvili, Executive Vice-President of the Georgian Foundation for Strategic and International Studies).


16. NB: The authors of this paper were part of these developments, and this statement, as well as many others in this article, stems both from their ‘participatory observation’ and from numerous discussions with other NGO leaders.


18. In 1997 over three thousand NGOs were already formally registered, although only a few of them actually functioned. Compare with only two formally registered in 1988. See UNDP, ‘Development Report: Georgia 1998’, 11.


20. For one such debate, see for example the round table discussion reported in CIPDD/CAP. ‘Public Image of Non-governmental Organizations in Georgia’.

21. Soros named his philanthropic organization the Open Society Foundation, in honour of Karl Popper, who considered society to be ‘open’ if its members base their decisions on collective deliberation and their intellectual capacity. Popper, *The Open Society and its Enemies.*

22. Such criteria were normally taken into consideration during the grant competitions for the NGOs. The NGOs were asked to indicate their membership in their grant proposals, as well as to describe the functioning of their internal organizational structures, how they envisage further sustainability of funding, that is through membership fees. Also, the non-partisan character of their activities was emphasized as a strict pre-condition for financing.

23. See also Muskheilishvili, ‘Globalization and the Transformation of Institutions’.

24. The intelligentsia was at the core of this movement. See Jorjoliani, ‘Georgian Intelligentsia Facing New Challenges’.

25. The leaders of the Liberty Institute, Giga Bokeria and Levan Ramishvili, were especially active in freedom of speech promotion before the Rose Revolution. After the Rose Revolution, in which they organized the ‘Kmara’ movement, they took the side of the government and were deeply involved in the reform of the Public Broadcasting Corporation of Georgia. Giga Bokeria, as one of the leaders of the National Movement, also shared responsibility for key political decisions directed against media freedom, such as the decision to close the opposition channel Imedi.

27. USAID, ‘Civil Society Assessment’.

28. Ibid: ‘The Team recommends that larger grants be made to a smaller number of NGOs whose focus is making local and national government more transparent and accountable.’

29. Among such initiatives one should mention the community-based mobilization initiative financed by USAID, as well as support for advocacy by interest groups related to the business sector.

30. Rustavi 2 gained a license to broadcast all over Georgia with the support of Zurab Jvania in 1997; since it provided incisive and dynamic coverage and was very critical of the authorities, it soon gained popularity among the population. The leaders of the Liberty Institute, Giga Bokeria and Levan Ramishvili, were closely linked to this channel.


32. On heightened political tensions in post-Soviet presidential systems during the last terms of presidents in power see Hale, ‘Presidentialism, Revolution and Democracy’.

33. Mikheil Saakashvili became a member of parliament in 1995 from the proportional list of Citizens Union of Georgia, and later a leader of the parliamentary majority, Minister of Justice, and Chairman of the Tbilisi Council. Both Jvania and Saakashvili gained a reputation as ‘reformers’ and had strong links to the leading NGOs. See Wheatley, ‘Georgia from National Awakening to Rose Revolution’, 147.

34. Already in the 1999 parliamentary elections, two NGO activists who had the support of Zurab Jvania, Vano Merabishvili and Zurab Adeishvili, were included in the proportional list of the Citizens Union of Georgia. They headed important parliamentary committees, participated in the Rose Revolution, and later became leading political figures in Saakashvili’s government.

35. For the general overview of the Shevardnadze regime before the Rose Revolution, see Wheatley, *Georgia from National Awakening to Rose Revolution*, 104–20, 129–33.

36. Various surveys, conducted by different researchers; one of the available sources for 2003–2008 is www.iri.org.ge (accessed June 30, 2009).

37. Compared data from the International Republican Institute (IRI) (www.iri.org.ge) and the ‘Living Conditions, Lifestyle and Health’ (LLH) project website (http://www.llh.at/).


40. See also Broers, ‘After the “Revolution”’.

41. For the official data compared with the parallel vote tabulation see Khutsishvili, *Civil Society and the Rose Revolution in Georgia*, 91.

42. For a more detailed account of the events and for the role of NGOs in them see Wheatley, *Georgia from National Awakening to Rose Revolution*, 181–90.

43. The most prominent of them were Giga Bokeria (Liberty Institute), who became a member of parliament and one of the leaders of the National Movement, Gigi Ugulava (Foundation Alpe), who became governor of one of the regions; Kakha Lomaia, the coordinator of the Democracy Coalition Project in Georgia and later the Executive Director of OSGF, who became Minister of Education and Science.

44. The most visible and radical representation of such feelings were ongoing protest manifestations in front of the OSGF office in 2005.

46. Zurab Jvania died suddenly in February 2005. This death was considered suspicious by both his family members and the opposition, who furthermore were not satisfied with its official investigation.

47. The most well-known case is that of Irakli Batiashvili, who was released from prison after the November 2007 events.

48. Both officials and Rustavi 2 spoke in the name of ‘the people’, while addressing opponents as ‘criminals’, ‘contra-revolutionaries’, etc.; for the nature of post-revolutionary political discourse see Muskhelishvili, ‘Constitutional Changes in Georgia’.


51. A further liberalization of the economy began, which included privatization of state property and sharp growth in foreign direct investments (FDI); the traffic police was reformed, and as a result petty corruption in it sharply decreased; petty corruption also decreased in other state agencies; consolidated budget revenues increased from 14.9% of GDP in 2003 to 34.8% of GDP in 2007 (Georgian Economic Trends Quarterly Review, May, 2008); infrastructure improvement and road renovation started, etc.

52. The Freedom House scores reflected this decline later, in 2008–2009. Public opinion was much more sensitive: responses to the question ‘Are you satisfied or dissatisfied with how democracy is developing in Georgia?’ gradually changed, with only 13% being ‘rather dissatisfied’ immediately after the Rose Revolution, while this same category reached 53% in September 2007. Data from www.iri.org.ge.

53. As an example, ‘small governance’ is named as one of the guiding principles in ‘Basic Data and Directions’, a document which outlined the medium-term governmental program for 2007–2010. Georgia was ranked as one of the countries with the most rapid liberal economic reforms by the World Bank benchmarking agency: Doing Business in 2007, http://www.doingbusiness.org (accessed June 30, 2009).

54. One well-known example is the case of a building on Tabukashvili Street, the inhabitants (owners) of which were turned out of their flats by the police by force.

55. This term is used by Manuel Castells. See Castells, ‘Information Technology’.

56. Taking into consideration that more than half of the population is considered to be agricultural employees, this statement is best of all demonstrated by the following statistics. While from 2002 until 2006 the real income of the population was increasing (by 6% per year on average) in urban areas, it was decreasing (by 3% per year on average) in rural areas (Ministry of Economic Development of Georgia, Food Security Situation). Foreign direct investments, while massive, accounted for almost nothing in the agricultural realm (Ministry Of Economic Development Of Georgia, Department Of Statistics). Labour productivity, which increased overall by almost 90% during the last 10 years, has increased by only 4.5% in the agricultural sector (Burkadze, ‘Structural Adjustments of the Georgian Agricultural Sector’).

57. This belief was most pointedly articulated by the US president George W. Bush in his well-known characterization of Georgia as a ‘beacon of democracy’.

58. In the framework of the Millenium Challenge Program, the ENP and other initiatives.
59. As an example, the EU rule of law mission ‘EUJUST THEMIS’ was launched in the beginning of 2004, and later reinforced with €4.65 million under the Rapid Reaction Mechanism (RRM) for measures to strengthen the rule of law and democratic processes in Georgia. ‘Since the so-called Rose Revolution (November 2003), the Government of Georgia has committed itself to democratic reforms with the aim of bringing Georgia closer to European standards’. See http://www.delgeo.ec.europa.eu/en/press/2jul2004.htm (accessed June 30, 2009).

60. An example is David Darchiashvili, OSGF Executive Director and later a member of parliament from the National Movement party list.

61. Support from the US was stronger than that of the EU; as an example the differences in approach towards awarding Georgia a membership action plan (MAP) for North Atlantic Treaty Organization (NATO) membership during the Bucharest NATO summit in April 2007 may be considered.

62. Both university professors and petty traders went on strike to protect their rights and to make their voices heard. They held numerous strikes, both in front of the parliament and around the university. The petty traders did not manage to institutionalize their activities, while the professors later initiated the creation of a ‘Georgian Academy’.

63. The responses to the question ‘Do you think that things in Georgia are going in the right or wrong direction?’ changed radically as a result of the Rose Revolution (from 85% – wrong and only 5% – right in August 2003, to 14% – wrong and 68% – right in December 2003). In 2004 the positive evaluations declined, and in March 2005 negative answers again prevailed (39% – wrong and 31% – right). Data from Georgian Opinion Research Business International (GORBI Gallup International).

64. This was done mostly by directly appointing or manipulatively promoting new leaders of these organizations.


67. This polarization later (in November 2007) manifested itself in mass rallies, which called on the President to resign. It is worth mentioning that the participants were much more radical than their leaders, who began by demanding parliamentary elections and had to shift towards more radical demands due to pressure from the demonstrators.

68. The opposition had been continuously criticized for failing to provide any positive messages to their supporters, both during the November events and later, during the 2008 presidential and parliamentary elections. The main demands of the opposition centered on human rights, media freedom, fair elections and constitutional guarantees for the deconcentration of power. Almost no economic, social or geopolitical initiatives, other than those identified with governmental policies, ever played any political role in this struggle.


70. This amount constitutes up to 5% of active voters in Georgia; typical voter turnout is less than two million.


72. On 7 November the High Representative for Foreign and Security Policy of the EU, Javier Solana, expressed his concern and sent to Tbilisi his special representative for the South Caucasus, Peter Semneby, who later led a process of mediation between
the government and the opposition, in which ambassadors and representatives from European countries and the US, as well as from the OSCE, the Council of Europe, and its Parliamentary Assembly were involved.


74. ‘The campaign was overshadowed by widespread allegations of intimidation and pressure, among others on public-sector employees and opposition activists, some of which were verified by the OSCE/ODIHR EOM. The distinction between State activities and the campaign of the ruling United National Movement (UNM) party candidate, Mikheil Saakashvili, was blurred. In addition, as referenced in a Post-Election Interim Report issued by the OSCE/ODIHR on 18 January, other aspects of the election process, notably vote count and tabulation procedures, as well as the post-election complaints and appeals process, further presented serious challenges to the fulfilment of some OSCE commitments’. See OSCE/ODIHR, ‘Extraordinary Presidential Elections’.


76. The statements were immediately supported by the US administration. As Sean McCormack, Spokesman of the State Department, stated, ‘We would like to congratulate the people of Georgia on an election that was conducted largely in accordance with international standards, as judged by the OSCE.’ ‘McCormack “it was a good election”’, Rustavi 2 news, January 8, 2008, http://rustavi2.com/news_text.php?id_news=24287&pg=1&im=main&ct=0&wth= (accessed June 30, 2009).

77. See for example Mitchell, ‘Democracy Bound’.


80. Cited in Stewart’s introductory paper in this special issue: Stewart, ‘Democracy Promotion Before and after the “Colour Revolutions”’.


Notes on contributors

Marina Muskhelishvili is Professor of Political Science at the Department of Social and Political Sciences, Ivane Javakhishvili Tbilisi State University, Georgia. She also works as a researcher at the Centre for Social Studies, Tbilisi, Georgia. Her research interests include the transformation of the political system and civil society development in Georgia. Her recent publications include ‘Globalization and the Transformation of Institutions and Discourses in Georgia’, in Anthropologues et économistes face à la globalisation [Anthropologists and Economists Facing Globalization], ed. Eveline Baumann et al. (L’Harmattan, 2008).

Gia Jorjoliani is Professor of Political Science at the Department of Social and Political Sciences, Ivane Javakhishvili Tbilisi State University, Georgia. He also heads the Centre for Social Studies, Tbilisi, Georgia. His research interests include democratization processes in Georgia. His recent publications include ‘Georgian politics 2008’, in Central Eurasia 2006 Analytical Annual (CA&CC Press, 2009).

Bibliography


M. Muskhelishvili and G. Jorjoliani


Globalization and the Transformation of Institutions and Discourses in Georgia

Marina Muskheilishvili

Introduction

Post-Soviet transformation of former communist space is usually referred to as “democratization.” However, such labeling is inaccurate and too narrow since the transformation not only involves changes of a political system, but entails other economic and cultural dimensions. Political, cultural and economic changes, according to Ronald Inglehart, tend to be closely linked to each other, creating specific patterns of development in which they correlate (Inglehart, 1997). That’s why the “democratization” taking place in the last decades of XXth century has been quite different from recent historic democratic developments. In terms of rapid post-industrial, informational, technological and other “post-developments,” globalization has caused, to a greater extent, the specificity of the outputs of the “democratization” process.

Normally, economic and cultural changes occurring in a society produce social cleavages that must be reconciled using politically democratic instruments. The economic dimension of transformation was shaped by a radical shift from a command economy to a market economy. Democratic institutions were introduced during this period, at a time before private property and private economic activity existed. This is why social and economic divisions and interests did not play a significant role in democratization, at least in its initial stages, contradictory to the classical historical analogs of democracy building. Such social groups as bourgeoisie or proletariat, that according to Barrington Moor or Dietrich Reishmaier, should play an important role in the establishment of a democracy, did not have any influence on the character or direction of the changes (Moore, 1966; Reishmaier, 1992). Even though this economic change produced sharp inequality between the richest and poorest strata of the population, till now this difference has not adequately been translated into political cleavages and divisions.

Along with the process of marketisation of an economy, political transformation was accompanied by a third dramatic change; namely the transformation, formation and opening - both internally and externally - of the public space, which was simultaneously transpiring under the influence of the globalization process. This process has its own logic and dynamics and has caused tremendous informational and cultural changes in society. Like economic transformation, informational and cultural changes originated within a homogeneous society and gradually contributed to the emergence of new social divisions, groups and relations that developed over a given period. It was this very process that produced the most significant social divisions and created the major political tensions of modern Georgia. The emergence of new “political classes” under the influence of globalization, attaches new meanings and character to the function and development of the institutions of democracy, and significantly contributed to the Rose Revolution and the events that followed it.

Bringing together the three interrelated transformations under one heading suggests the heading has a more prescriptive rather than descriptive character. Choosing one heading for several separate processes reflects an ideological nature of the dominant political perceptions of the period. The goal of the “democratic process” achieved a meaning of the signifier for the other two goals as well – rapid right-wing economic transformation and globalization. In effect,
political cleavages such as right-wing vs. left-wing, or globalist vs. traditionalist, etc. that should normally define the direction and scope of socio-economic and cultural changes, were not reconciled by the procedures of democracy. In Georgia, paradoxically, the dominant meaning of “democratization” became a continuation of the Soviet tradition of development (the one-dimensional, ideology-based line of the top down produced “progress”), rather than the movement towards a more liberal and pluralistic model of the political process. The leading actors in this process, the “democrats,” became both globalists and right-wing neo-liberals while the opposite standings (traditionalists, leftists) were de-legitimized as antidemocratic, rather than involved in equal political competition through procedural democracy. Thus, “democratization” has discursively reproduced the traditional division based on “legitimate” (correct) and “non legitimate” (wrong) political perceptions, rather than producing political pluralism. The post-revolutionary development of the political system in Georgia is to a greater extent influenced by this fate of political pluralism.

This paper is aimed at understanding the linkages between the two different aspects of post-Soviet transformation in Georgia – globalization (in a somehow vague meaning of this term) and democratization. These two interrelated processes are closely examined by focusing on the emergence of particular new institutions: Non-Governmental Organizations (NGOs). NGOs have been playing an increasingly important role in the process of democratization in Georgia. While NGOs have been perceived as elements of democratization, these organizations essentially operate as agents of globalization by nature. This paper is based on the observation of its author, who has been an active participant in this development over the last decade, and has studied these institutions within the context of their discursive meanings and actual functioning.

Transformation of Informational Space

The processes that took place in the West during the last decades of the 20th century are broadly referred as “post” developments. These same processes influenced the rest of the world, including the post-soviet space. Despite the similarities, the post-soviet processes also had their own unique features, many of which were characterized by the radical form they took. The “future shock”, as Alvin Toffler calls it, was accompanied by a “culture shock” that emerged concurrently in the region (Toffler, 1984).

The impact of globalization was particularly strong, given the fact that prior to “Perestroika,” the Soviet public space was not free at all. Moreover, it was isolated from the rest of the world. As soon as the space opened and the process of transformation was given the green light, the content of public information started to alter. However, the transformation did not just singly engage public information. The medium transformed and so did the structurally constructive element of communication – language. Various political, cultural and economic values, attitudes and lifestyles appeared to be linked to the various informational /communicative / linguistic environments. Despite the fact that there are many significant papers on economic and political aspects of the post-Soviet transformation, this aspect of transformation is often ignored. Thus, it seems relevant to touch upon the issue in this paper.

The Russian language had been the dominant element and basis for integrating the entire USSR. Proficiency in Russian was one of the essential components for social promotion. Within the republics, there were official local languages as well as the languages of ethnic minorities. Therefore, part of the Soviet population was bi-lingual, while some were tri-lingual. As Russian-
language based informational space was the chief media for official communist ideology and political agendas, local languages created important parallel political ideologies of ethnic nationalism, significantly defining the directions of political transformation after Perestroika, eventually leading to the emergence of National Independence Movements and evolution of new national entities.

The dissolution of the USSR and opening of the Soviet informational space, both internally and externally, was a starting point in the continuous process of complex interactions between the old and new informational spaces and languages. Discursive divisions of knowledge, understanding and meaning, happened to be closely linked to the language of communication.

Meanwhile, Georgian-language-based public and political space became dominant in Georgia. The rapid disappearance of Russian language from the official and political vernacular was a chief reason behind the high levels of migration of Russian-speaking minorities from Georgia in the first years after Perestroika. New state-building activities centered around a single-language space resulted caused discord in areas populated by minorities, who used local/Russian languages and became excluded from the new informational/linguistic communities. The borders that emerged across the new local informational communities politically divided them and often fostered violent conflicts between minorities, with the language issue frequently playing one of the most principal roles.

With the decline of the prestige and importance of the Russian language, English – the medium of globalized world communication (integration into informational space, global democratic and economic discourse) – became the language necessary for upward social promotion. Local public spaces became more and more influenced by a global agenda and values. New emerging economic relations proved to be mostly linked with the global economy and global environment.

Because English and other European languages did not play any role in day-to-day activities during Soviet times and were used more or less regularly by only a very narrow circle of specialists, proficiency in these languages was scarce and developed at a slow pace. In a society where proficiency in Russian language is still significant, it continues to play a much more important role in day-to-day communication than English, especially for communication between different ethnicities. However, there is already a significant difference between the linguistic skills of the older and younger generation, with the youth tending to have poorer Russian language skills. By distancing themselves from the old discourse/language, they also distance themselves from the past and tend to start everything from a “blank page.”

Following the emergence of new informational, political and economic institutions, the population began to learn and transform its strategies of living. However, such deeply rooted transformation has been slow and unequal. What has emerged is a corrupt gap, rife with corruption, between new institutions and old strategies.

As the USSR collapsed, large numbers of people lost their jobs and suddenly became extremely poor. The old economy collapsed and most of the population had to struggle for survival. A high percentage of the population was forced to leave Georgia in search of jobs, resulting in permanent or temporary migration. Most of these migrants went to Russia. According to surveys conducted in Georgia over the past several years, the two main problems the population systematically faced were poverty and unemployment. With the collapse of the old economy, professional skills, higher education diplomas, experience and qualifications became ‘rubbish’
and had no value. Meanwhile, the local economy languished and the standard means of living gradually became more dependent on acquiring new skills and adapting to a new working environment where English and computer proficiency have become more important than any other criteria.

Given the above described situation, English, Russian and Georgian language-based informational spaces appeared to support different dominant political values, thus acquiring the meaning of ideologies when competing with each other. Liberal discourse of human rights and a limited state has gradually become more dominant in the public space. This (which will be explained later) was mostly promoted by the non-governmental community. No other public discourse gained such strong public support, especially if one takes into consideration the fact that the old Soviet system was completely de-legitimized, predominately by the desire of independence. It was asserted that the Russian empire imposed communist rule on Georgia. “If not Russia, we would be Europeans.” This statement reflects the desire of Georgians to join the democratization discourse, with its globalist, neoliberal, rights-oriented agenda

Democratic, globalist and market values thus became the elements of one informational space. It was translated into Georgian public space by those social groups that had the most to benefit from it. As a result, it produced a discursive inequality of identity and value. Over time, this inequality had a certain effect: the universality of the discourse was questioned by the part of population that found the discourse was serving the political interests of its proponents, rather than society at large.

Political communication among social groups with different political standings is not an easy process. It becomes even more difficult when language/information differences occur. Having such a background, it is difficult to achieve mutual understanding, compromise or consensus. Culture shock, resulting by rapid transformation of the information space, produces divisions that tend to polarize society and centralize the political system. Internal legitimization of a political system, based on interactive strategies, becomes difficult, and produces strictly majoritarian settings, inclined to become over-constitutional, where the government dominates opponents in a quasi-dictatorial manner.

**NGO and democracy development support**

The emergence and evolution of a specific “non-governmental” sector (NGOs) very well represents the impact that globalization has made on the nature and direction of democratization.

Support for the creation and development of NGOs was based on international policies and funding from international NGOs and the international community whose aims were to develop democracy and civil society in the newly emerged states that grew out of the communist past. Western democracies, whose historical experience is one where civil society plays a vital role in democracy development, produced the concept that pluralist, vibrant and inclusive social actions assuming the form of civic organizations free of state influence, would promote and protect human rights, political liberties, universal values, as well as limit totalitarian and authoritarian aspects of state governance. Therefore, democratic development shall be stable and irreversible.

Local communities had to be supported in order to promote their “ownership” of democracy. These communities were expected to become subjects, rather than objects of development and democratization, actively involved in the governance of their countries.
This sector – the NGO - achieved significant influence and a wide scope of development in Georgia, although it happened differently than was originally envisaged. Now, after 12 years of NGO development, it is possible to better understand its novelty and essence.

The “Open Society Development” project, as it was called by the leading player of this sector - the Open Society Georgia Foundation (Soros network) - supported politically neutral, inclusive, open civic mass organizations that promoted the universal values of human rights and political liberties. At the first stage of its activities, the OSGF applied the following policies: no salaries or fees for NGO members; no support for politicians or political activities; mass voluntary inclusiveness and voluntary work promoted; and the internal democracy of NGO’s required.

Such assistance received an active response from one level of society as numerous civic organizations emerged competing for grants and proposing various projects. However, several years later, despite the rapid growth of the sector, it became obvious that the results of the policy did not necessarily correspond to the initial expectations. The leading organizations of the emerging sector were not able to attain mass participation and volunteering, nor could they retain sustainable funding from membership fees. The most successful NGO’s were backed by increasingly professional NGO activists, who needed to be reimbursed for their work and found full-time employment in these organizations. Competition among NGOs for funding produced a narrow circle of leading organizations which were more effective than others in spending limited resources. They were working out more and more elaborate projects, and becoming competitive on a professional rather than civic representation basis. Their professional skills - fluency in English, computer skills, managerial and communicative skills relevant to the internationally-based activities, knowledge of market economics and political science (new disciplines in the post-Soviet space) - became closely linked to the values they were aiming to promote.

At this stage, the international community started to amend its initial policy. Its support of the grassroots organizations had been reduced as these organizations were less competitive than the already established leaders. Salaries/fees for NGO members were permitted and achieved a significant level; grant amounts for individual projects increased and these grants were distributed mostly between established leaders of the sector. Think tanks, policy-research oriented advocacy and legal drafting activities became the mainstay of the sector. The sector achieved significant visibility and trust from the side of society.

This transformation also comprises the third and final stage of the developmental cycle. Because the policy-oriented activities of the sector had almost no influence on the quality of governance (Shevardnadze’s regime at that period had stagnated and implemented extremely conservative policies to survive), funding became openly political before the Rose Revolution, and the leading NGO community played a significant role in it. So, as we can see, the sector changed dynamically during that period, and so did the policy of international donor organizations and the structure of financing the NGO sector.

However, this transformation of a real situation that can now be best described in terms of a globalist social movement development (from grassroots initiatives to professional NGOs, concluding in politics), has never corresponded to the declared amendment of the initially anticipated institutional NGO model. Neither international donor organizations, nor the community itself has ever realized they drifted far away from it. While in reality they were knowledge-based, exclusive and politically active, NGOs were still claiming to be representative
and inclusive organizations. Formally, NGOs were still expected to be politically impartial, as they were fully dependant on the external sources of funding. In reality, the bulk of funding was provided to a narrow circle of politically engaged NGOs. This created a gap between the real situation and formal requirements. The gap has meant the existence of political corruption that, till now, has never been acknowledged by the NGO sector itself but has caused serious opposition among a certain segment of a society: the very fact that this politically homogenous and influential group has been funded from abroad was considered a serious violation of the political equality of the citizens of Georgia.

This does not mean that there were no social initiatives and feelings which could serve as a basis for a more heterogeneous and politically plural development of the sector. In fact, there exist various NGOs in Georgia that differ in their activities and civic orientations. Some of them are very exotic, and hardly civic. As an illustration, there is a small group of old communists, who in the nostalgia of old times gather in the memory of Josef Stalin. Others provide neutral public goods such as charity. But the term “non-governmental” in the public space (TV mostly) has been applied only to the most influential majority who have the most significant support from international organizations and donors. Unconventional NGOs have never enjoyed any significant political influence, resources or access to the media.

To better understand the types of organizations that developed in the third sector of Georgia, let us list institutional, social and discursive features characterizing them:

1. All of them are limited in size, with the number of members ranging from 3-20. Even though they are numerous, only an insignificant percentage of the population has membership in any of these NGOs. They have almost no volunteers and are staffed with full time and well-paid officers. They do not receive any significant income from membership fees; the dominant source of their income derives from foreign grants and assistance.

2. In recent years, there have been significant amounts of money spent on training, education and professional promotion of non-governmental activists. As a result, they accumulated a qualified labor resource. The social profile of NGOs is not representative of society. Instead, most members represent the social strata of “Georgian Yuppies” – young, professional, urban, competitive, English-speaking, computer skilled, normally with a western education or at least training, and the experience of working with foreigners. They hold positions in embassies, international organizations, companies and NGOs. Georgian Yuppies are normally globalists, neoliberals, are composed of the upper middle strata of the population and share essentially similar attitudes towards politics. Their incomes are much higher than the average income of society. In Georgia, the NGO sector has become a prestigious place for the employment of Yuppies. Furthermore, because NGOs not only advocated the values, identities and political interests of this social stratum, but mobilized it during the Rose Revolution as a political struggle, one can say this sector became a political party network of yuppies, as they fulfilled the functions typical of political parties.

3. The “old styled” organizations, typical of the Soviet system were very conservative, hierarchical and bureaucratic, created in line with the features of an industrial economy. Unlike these organizations, NGOs represent a model that is more appropriate for the informational economy. It is mobile, competitive, team-working, result-oriented and produces and reproduces knowledge which is the main resource and output of their business. If we consider them as a new sector of a local economy, one can say they represent a significant innovation, being progressive
in terms of global informational development and part of the developing global world. The
dynamics of their development and progress is incomparable to the former knowledge-producing
organizations, such as universities and scientific institutions, which were dependent to great
extent on tradition and history. According to the new rules of the game, distancing oneself from
traditions, traditional skills, ethics and knowledge, correlate more to opportunities for success.
Such a radical shift to the globalist innovation has defined the character/nature of the split
between the NGOs and “the other society.” NGO opponents tend to be critical from a
traditionalistic perspective.

4. “We are the civil society” – This is a common self-perception of NGO people that made
them the vanguard of democratization discourse in Georgia. The sector before the Rose
Revolution was firmly convinced that it was representing society as a whole. However,
representation does mean internal legitimation of discourse, produced by socially constructed
meanings and mutual understanding among local civic actors. This internal representative
capacity of NGOs proved to be extremely weak as their discourse was primary based on the
external sources of legitimation. The externality of the NGO discourse legitimation here should
be understood in two interlinked ways: first, it was liberal universalistic discourse, with the
imaginary “external observer” which decided “correct” judgment. Such a kind of legitimation is
free from the contextual limitations imposed by concrete society, in the frames of which the
discourse is placed. Second, the externality of the NGO discourse can be attributed to the factual
externality – its agenda, wording, terminology and meanings were transferred from the agenda,
wordings, terminology and meanings produced by donor organizations, based on the different
communicative informational English-language based environment. This external origin limited
capacity of the local “internalizing transformation” of them. Using the expression by Marshall
McLuhan, “The medium is the message”, one can say, that the NGOs themselves became the
message, whatever the content of values and priorities they were defending (McLuhan, 1984).

Post-Revolutionary transformation of the sector

In November 2003, Georgia experienced the “Rose Revolution”. The non-governmental sector
and media played the most important role in it.

Due to a number of reasons, the political regime headed by Shevardnadze became extremely
ineffective and unpopular by the end of 1990s. The regime was not a severe dictatorship, limiting
rights and freedoms of its citizens, as it was portrayed by the Rose Revolution. Rather, it was
simply doing nothing to protect these rights and freedoms or to react to the demands of the
population. Preparations for its dismissal started long before the Rose Revolution.

After the success of the Serbian case, when western-supported activists played a significant role
in the dismissal of Milosevich, the same model was applied in Georgia (and later in Ukraine).
Selected NGO leaders, as well as politicians (Mikheil Saakashvili among them) were sent to
Serbia to study the Serbian case. The youth movement “Kmara” (“Enough”), established by the
OSGF half a year before the revolution, was part of this model. Significant amounts of money
were directed for their support (0.5 mln USD from the OSGF alone, for the project “Kmara”).
After the revolution, most of these leaders and activists took posts in the new government:
several ministers, a number of top administrative posts and a large share of public offices were
appointed as a result of their activity during that period. The revolution wasn't only supported by
“revolutionary NGOs,” but most Georgian Yuppies as well. They were firmly convinced that it
would bring democracy to Georgia.
However, very soon after the revolution, this attitude was challenged and a split among the NGOs emerged. After the revolution, Saakashvili’s government took on an obviously more authoritarian direction, creating something like a “democradura” (more familiar in Latin American countries where regimes like the Georgian one are normally considered to be something between democracy and autocracy). Immediately after the revolution, the Georgian constitution was amended, securing the president with a strong concentration of power in his hands. Media and freedom of speech became limited and this process was accompanied by growing cases of various human rights and rule of law violations.

The society experienced even greater disappointment later, when the government started to apply reforms in various sectors. The reforms, often very detrimental for society, were designed within narrow circles and introduced without any public discussions, often without the participation of experts. The split among the government and society began to manifest itself and became deeper as more and more portions of the population were confronted with ongoing changes. Arrogant and often spontaneous policy making by authorities contrary to the declared democratic values of pre-revolutionary promises, combined with the growing neo-liberalism of its policies, disillusioned many segments of the population.

Thus, several trends took place. Some NGOs continued to support existing political development, with the understanding that the government is attempting to accomplish the goals of the revolution, but must overcome the reaction from the antagonistic or “backward” segments of the population. This is somehow a project of liberal authoritarianism; its supporters either have a very specific version of democracy in mind or openly neglect the importance of democracy. Such NGOs try to collaborate with the government and provide expertise for it, and/or take governmental posts when offered. For those NGOs, rapid results are more important than the means by which changes occur.

Another segment of NGOs believes the government of Mikheil Saakashvili has betrayed the values of the revolution and the project of democratization has not been instituted because of his opportunistic behavior. They endeavor to function in the old way without altering their agenda of human rights and rule of law. These NGOs seek to create coalitions or cooperate with opposition parties.

This split within the sector questions the pre-revolutionary “vanguard’s” role of the NGO community itself, because there cannot be two vanguards of democratization. There are signs of a possible ideological split between these two groupings, and this split may have a positive effect on the future of the sector – a collapse of the single dominant ideology may produce internal pluralism within the sector which will gradually increase its real representative capacity.

New trends: “Soros go home!” - “Young Patriots” - Intelligentsia protesting once again

The role of the non-governmental sector in Georgian politics during and after the revolution was so important that their opponents became convinced they had been disproportionately deprived of political influence by the NGOs. These feelings among portions of the population became increasingly articulated in sharp statements against this sector. They manifested into a permanent protest after George Soros’s visit to Georgia in 2005. Since then, an extremely traditionalist political group known as “Zviadists” has demanded the foundation to cease its activities at an
incessant protest rally in front of the OSGF building. The group is politically marginal and has no real influence on Georgian politics as the manner and the wording of the protest is highly
extremist. However, its very existence is significant. It indicates that the traditionalist and anti-
globalist feelings within society are inclined to be opposed to the newly created “civil society” rather than be represented within its settings. It also indicates a failure of the “open society” project to represent neutral and universal values, equally acceptable for every individual.

There are other social movements, outside of the established NGO community, which have emerged in recent years. The rapid changes that occurred soon after the revolution contravened the interests of employees of most state-funded organizations and agencies. First, the civil service was widely replaced with the young party members and NGO activists. Next came educational reform, local self-government reform and legal system reform. Other less significant reforms occurred also, which were forcibly imposed top-down, sharply influencing all these sectors. Most of these changes were accompanied by social protests concerning methods, direction, scope and partisan practices. The gap between the government and specific social interests became obvious.

The emergence of this gap, so shortly after massive popular support for the new authorities, forced the political leadership to react by implementing new social initiatives. These initiatives were shaped in a surprisingly Soviet, top-down method. In support of its activities, the ruling party, the National Movement, allocated part of the state budget to organize summer camps for the youth. These camps were used for party building, and brought youth into a new, party-based, Komsomol-styled organization, called “Young Patriots.” Very similar to the Russian prototype “Nashi,” the organization arranges expensive public events and serves as a tool of propaganda.

The split between the government and society caused the emergence of new social movements and organizations. Those who have been most affected by the top-down reforms are attempting to have an impact on this development by defending their work-places and labor rights. They have started to organize, speak out and file suits. These people are mostly employees of the educational system: university professors, academic institution personnel and lawyers. Reform-minded trade unions and other newly emerging organizations are seeking to affect governmental decisions and get access to media to promote their interests and values. The individuals involved in these activities are mostly anti-partisan and claim to have no intention in cooperating with any political party; that their interests are social, not political.

All of these new trends have one common feature - none are a part of the NGO sector. While they are normally parts of civil society (except perhaps for the top-down initiatives by the government like the “Young Patriots”), these movements are discursively considered as something linked to democracy very differently than the NGO sector: the notion of “democracy” based on civil society autonomy and activity, is not discursively associated with them.

Conclusion

In 2000, I participated in preparing a volume on democracy assessment in Georgia. My topic was political economy: I was looking for interests-based political development of liberal democracy and the conflict of interests which can be produced by social/interest group divisions (Muskhelishvili, 2002; 2). Such a conflict, I believed, could make policy-making less ideological and more pragmatic; it could create socially based political parties and separate democratic institutions from the other dimensions of development, and transform these institutions into tools
that can resolve conflicts produced by marketization and globalization. Because private property, market relations and economic freedoms were something new for the post-soviet space, while property rights and economic interests were still in an early stage of development, it was interesting to see how the new economic class of entrepreneurs had established itself first in a form of interest groups, and later in the form of full-fledged political parties. I believed that by pushing economic interests out from the shadow of a corruption-based economy to open public politics, positive influence on the economic and political health of Georgia would finally be achieved. I also envisaged that the next development would be the intensification and formation of new trade unions and articulation of labor-based interests, as opposed to the already established business ones.

However, soon after writing this paper, I realized that even though the factual information in my paper was accurate, I was wrong in principal. My mistake was that I had been looking for the type of a conflict that was fundamental in nineteenth century Europe. I later realized that a conflict between local entrepreneurs and labor, nor the interests of business, would ever become a leading social conflict in Georgia. Instead there exists another type of social conflict that has been developing over the past several years and was overlooked just because of its novelty. This conflict became transparent after the Rose Revolution, but has not yet achieved the stage of comprehensive reflection and articulation among the public. This conflict is based on patterns of globalization. Possessing these features, the conflict has emerged from the post-industrial informational context of the post-Soviet development of Georgia.

The new, emerging social strata, which has been struggling for more political and economic influence, and achieved significant success by means of the Rose Revolution, has no direct access to traditional forms of capital, yet has access to information and knowledge. This is a new social stratum that I referred to as “Georgian Yuppies” (Muskhelishvili, 2003) Before the Rose Revolution, Georgian Yuppies were separated from real life - state offices, local jobs and local industries were to some extent in the hands of the “old labor” (employees from the “other society”). Georgian Yuppies were kept out of these spheres of employment partly by the low salaries and partly by the extremely conservative approaches of leadership. The NGOs, which pretended to express the interests of the whole population, actually reflected political standings to this stratum of society. After the Rose Revolution, they took over the top managerial and political posts in the government, as well as other jobs in numerous spheres as the government rapidly provided increased salaries for them.

Losers of the new line of inequality are now tending to fight for their rights and new political profiles across social lines of division are becoming more and more salient. Part of the “other society” has clearly acquired an anti-globalist, xenophobic standpoint. Others are more oriented on leftist values of equality and solidarity, and promote the equality of human dignities (especially among global and local discourses) and opportunities in a somehow “third way” manner.

Subsequently, democratization through globalization has produced a new social division across the boundaries of inclusion-exclusion into the globalized world. One side of this social division developed its political/discursive representation in the form of NGOs. The other side of this division is now starting to organize itself from grassroots, against the existing NGOs rather than in their frame work. Radicalization of this division from both sides is partly caused by the difference in languages/discourses, which influences the mainstream of both sides. This radicalization fuels anti-globalist trends within the most numerous strata of society that is
comprised of the impoverished, unemployed and disqualified individuals who can endanger the future development of Georgia.

Bibliography


