

# State and civil society: exploring the proper relationship



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A state is “ defined as distinct set of political institutions whose specific concern is with the organization of domination, in the name of the common interest, within a delimited territory” (Burnham, 2003).

What is important in defining a state is that it has the generally accepted right to exercise supreme power over its people. On the other hand, Walzer (1991) sees civil society as a collection of associations as it is “ the space of uncovered human association” whose members are free to enter or leave, to engage with or remain passive, as they please. However, the proper relationship between state and society is constantly debated because there are differing views on what an ideal state should look like. Ideally, there should be a “ symbiotic nature of the relationship between state and civil society... by enhancing the accountability, responsiveness, inclusiveness, and hence legitimacy of the regime, a vigorous, pluralistic civil society strengthens a democratic state and moves it toward consolidation” (Diamond, 1997). According to John Keane (1998), civil society and the state are distinct to each other because both are “ unworkable extremes,” where civil society is “ an ideal-typical category that both describes and envisages a complex and dynamic ensemble of legally protected nongovernmental institutions that tend to be nonviolent, self-reflexive, and permanently in tension with each other and with the state institutions that ‘ frame’, constrict, and enable their activities”. For Weber, he (2000) sees the state as “ a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory” (Weber, 2000, p.

). Weber considers that a meaningful state exists where it is considered the “ sole source of the right to use violence” and that “ the right to use physical

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force is ascribed to other institutions or to individuals only to the extent to which the state permits". For Marx and Engels, they preferred equality to liberty as a relationship of the state and civil society as "the executive of the modern state" is nothing "but a committee for managing the affairs of the bourgeoisie" ([1848] 1967, p. 44).

They therefore made the state, in countries such as Russia and China, responsible for every aspect of the lives of its citizens. That bred another sort of selfishness, as civil society left it to the state to look after their neighbours and the environment. Their only responsibility was to themselves within the tiny scope of freedom that was left in their lives. They eventually discovered that they had achieved neither liberty nor equality, and the regimes in most countries such as this have tumbled.

They have, however, left a sad legacy. Released from their chains, the people in places such as Russia and China have given free rein to their new freedoms but still without too much concern for others or for the wider society. Unfortunately, the state can no longer take care of these things in the way it used to. There is, as a result, a new vacuum of social concern and involvement in those countries.

De Tocqueville (1945) is thought to be the first major theorist to present civil society as an indispensable counterpart to a stable and vital democracy. However, the voluntary associations at the core of his notion of 'civil society' were quite distinct from the social entities envisaged by either Hegel or Marx, who took the term to involve the pursuit of material self-interest. It was the containment of such materialism within the confines of benevolent

voluntary institutions (which could be viewed as extensions of the family or as practical applications of religious faith) that inspired De Tocqueville.

Contrary to some recent literature, the De Toqueville's thoughts were neither pre-political (the institutions of local government figure prominently in his account of American democracy) nor sentimental (his strictures against social and intellectual conformity in small-town New England contrast with fashionable contemporary nostalgia).

What underpinned America's democratic political institutions for Tocqueville was the profusion of voluntary public associations which enabled isolated individuals to cooperate for collective purposes despite the absence of an aristocracy and the remoteness of the federal state. Tocqueville's conception viewed civil society and democracy as inherently linked, whereas for previous authors they were seen as disconnected and, indeed, potentially antagonistic. However, his aim was to explain American democracy, not to produce universal theory (Whitehead 2002, p. 1). In this regard, we can say that civil society is conceptualised to be a required element for democracy to work. While modern citizenship may assume the guise of universality, the same cannot necessarily be said for civil society, particularly if 'civility' is understood more as a behavioural characteristic than subjection to the rules of civil law.

Where this is the case, a substantial gap will remain between the universalistic conceptions of modern political society and the more restrictive and exacting notion of civil society. The grey areas between these two social forms may engender multiple variants of 'incivility'. The quality and stability of both contemporary neo-democracies and long-standing '  
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polyarchies' alike are likely to be affected by the solidity and structure of civil society. In Michael Walzer (1991) thoughts, " only a democratic state can create a democratic civil society; only a democratic civil society can sustain a democratic state.

The civility that makes democratic politics possible can only be learned in the associational networks; the roughly equal and widely dispersed capabilities that sustain the networks have to be fostered by the democratic state" . In viewing the relationship of the state and civil society, it is helpful to delve into the details of the role of the state to the civil society. The state must have capacity, autonomy and neutrality to work effectively for civil society. State Capacity Thinking about relations between the state and society leads naturally to questions of states' capacity to actually implement within society the rules they have decided on. This is a crucial part of the governance because no state has unlimited power to enact and enforce its laws.

For example, the United States in the 1920s attempted to outlaw the use of alcoholic beverages, but civil society's resistance to this rule was so successful that the state finally gave up and repealed the rule. Outlawing the use of marijuana in recent years has been similarly unsuccessful. Rondinelli (2003) revealed that state capacity " is a necessary condition to use the opportunities provided by globalization and to protect and promote the interests of vulnerable groups in society" (p. 8). As the state " plays a critical role in alleviating poverty, protecting the environment, promoting human rights and human security, and ensuring gender equity", these are all "

necessary conditions for spreading the benefits of global economic and social interaction more widely” (p.

8). **State Autonomy** The second element in the relationship between the state and society is the state’s autonomy from civil society. A state that lacks autonomy is vulnerable to special interests in society that can penetrate the state, using it to their advantage to the detriment of broader interests and the public interest as a whole. If the state is susceptible to such capture, then even though it has the capacity to implement its laws fully, it does not have the ability to form those laws as a coherent whole, serving the general interest. For example, the United States is often portrayed as weak in the sense of autonomy, though it is not weak in the earlier sense of capacity to enforce its laws.

Farm interests, gun owners, districts with powerful members of Congress, and many other such interests find it relatively easy to capture the power of the state to use on their own behalf (Shively, 2002). **State Neutrality** Michael Sandel (1996) said that “ the ideal of neutrality often reflects a voluntarist conception of human agency. Government must be neutral among conceptions of the good life in order to respect the capacity of persons to choose their values and relationships for themselves” (p. 92). However, neutrality, in full sense of its meaning, cannot be entirely be accomplished by the state. For example, state for the British civil society is not neutral because “ it supports particular ways of doing things economically, upholds a framework of general inequality in property and opportunity within its structure, and allows for ‘ unlimited accumulation’ of wealth on the part of

those people who have the property rights and economic agency” (Whitehead, 2007).

Conclusion Ideally, the proper relationship of the state and civil society should be symbiotic. This means that both should take the full advantage of the benefits they offer. However, this cannot be entirely accomplished because the state should exercise some laws that need to limit the rights and privileges of civil society. Hefner (1998) stated that “ civil freedoms are deeply dependent upon a civil state ..

. [and] civil society requires a state that is both strong and self-limiting” (p. 12). Thus, a symbiotic relationship of the state and civil society cannot work. In any democracy, a civil society is a pre-requisite. Being in a civil society, it requires practices of tolerance and abilities to work together, but that different groups will have different fundamental values is accepted.

In viewing the relationship of the state and civil society, it is helpful to delve into the details of the role of the state to the civil society. First, the state must have capacity to protect and serve civil society. Second, there must be autonomy between the state and civil society. Lastly, the state should practice some semblance of neutrality towards civil society.

In the end, it is the reciprocal relationship between state and civil society that is most important to emphasize because of the mutual impact of either is important for any state to thrive in a global context.