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2. Concepts and Analytical Framework

As argued described in the first chapter, the EU policy of strengthening the role of civil society in development is based on two questionable assumptions. The first one considers civil society as a pro-democracy force. The second one is the premise that state and civil society are willing to consider each other as partners in development. This chapter will examine these assumptions more in depth from a theoretical point of view.

The civil society discourse shows that at times several contesting meanings are attributed to civil society. Depending on the relations with the state, civil society is assigned different roles. Moreover, civil society is presented as a network of organisations seemingly having the same interests, while in reality there might be competing views and interests among parts of civil society depending on their relations with the state and the society. Since the civil society discourse is rooted in Western, mainly European history, the broader international validity is open for discussion.

The aim of this chapter is to discuss the concepts of civil society and the state in their relationship in a theoretical perspective. The concept civil society focuses on what the roots of the civil society discourse are, what civil society is, what civil society does or is supposed to do, as well as how it relates to the general concepts of state and society. Regarding the concept of 'state' the focus is on the origin of the modern state as well as what the main views on the modern state are, its nature and its characteristics. In the context of the developing world, some prudence seems appropriate in applying these concepts. By doing so, we can provide concluding remarks about the EU assumptions regarding civil society as a pro-democracy force, as well as the presumed willingness of state and civil society to consider each other as partner in development.

2.1 Conceptualising Civil Society

Since the 1980s, the concept civil society has gained significance in social and political science. The reality that forces, other than those controlling the market or the state, could shape or reshape social, economic and political relations in and between societies had been neglected prior to this period. The activities of dissidents against the authoritarian states in Latin America at the time and especially the fall of communism in Eastern Europe, gave the concept of civil society importance in academic as well as governmental and non-governmental policy-making

circles, which led to its re-emergence in political theory. The idea of civil society originates in Western, mainly European, political philosophy and is closely linked to developing state-society relations in the context of societies transforming from feudal and agrarian towards industrialised and capitalist society. In this process, as a consequence of changed state-society relations, states acquired new roles.[1]

If society is defined as the whole of social relations of a community of people living in a certain geographical area, then the state is seen as dealing with the political relations between people; the private sector with the economic relations and the civil society with social relations that are not solely based on private interests. The concept civil society, as we will discuss, is used in a variety of ways for a variety of purposes, functioning as a pragmatic rather than theoretical notion. Often, civil society is defined by indicating what it is not: it is neither the state nor the market.[2] Or as White indicates, "[i]t is often used loosely to mean either society as opposed to the state or, more precisely, as an intermediate sphere of social organisation or association between the basic units of society – families and firms – and the state."[3] While being part of the private sector, civil society is mostly considered as functioning not for profit. Moreover, civil society is often described as a space or zone of voluntary associative life beyond the family, but separated from state and market.[4] Most contemporary scholars seem to agree on the essential characteristics of civil society as formulated by Diamond: "[c]ivil society is the realm of organised social life that is open, voluntary, (largely) self-generating, at least partially self-supporting, autonomous from the state and bound by a legal order or a set of shared rules. It is distinct from society in general in that it involves citizens acting collectively in a public sphere to express their interests, passions, preferences and ideas, to exchange information, to achieve collective goals, to make demands on the state, to improve the structure and functioning of the state and to hold state officials accountable."[5] This might be considered as the ideal type of civil society; however the reality is more complex. White suggests distinguishing between civil society in its ideal form, which embodies qualities such as separation and autonomy from the state as well as its voluntary character of associating, and civil society in the empirical world with associations, which embody these principles in varying degrees.[6] In practice, the empirical and normative

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[1] Bruyn, 2005: Appendix B. 26; Salam, 2002: 2.
[2] Salam, 2002: 3.
[3] White, 2004: 8.
[4] Hawthorne, 2005: 82.
[5] Diamond, 1999: 221; Salam, 2002: 68; Gilbraith, 2005: 2.
[6] White, 2004: 11.

ideas are combined in discussing the role of civil society related to social transformation and development. Edwards formulates the complexity of the concept as follows: "[c]ivil society is simultaneously a goal to aim for, a means to achieve it and a framework for engaging with each other about ends and means."[7] Glasius indicates that a middle ground between these two conceptions could be to consider civil society as an empirical category with normative traits.[8]

Origins of Normative Connotations of Civil Society

As Glasius notes[9], the normative traits attributed to civil society reflect a number of different and sometimes contradictory connotations and functions, stemming from the diverse Western intellectual history. They include: civil society as social capital, civil society as citizens active in public affairs, civil society as nonviolent, civil society as fostering public debate and civil society as counter-hegemony. These normative traits can also be negative such as the uncivil society and civil society protecting the interests of dominant social groups. The concept civil society, defined in a more precise manner, originates from the 18th century Scottish Enlightenment.[10] Political philosophers Hume and Locke see their society developing towards communities of people living together among whom interest, generates the most important social bonds, rather than kinship or ethnicity.[11] In their view, each individual is free by nature; however, in order for them to live peacefully together, each individual should give up some of their own liberty to ensure the liberty of others. This could be considered a kind of social contract, i.e. the civil society, based upon laws under which the individuals voluntarily placed themselves. In this case, the people with the task of ensuring the social contract entrust the state.[12] Ferguson used the concept of civil society to stress that men, at that time excluding women, need to take interest in the government of their society and not only focus on accumulating wealth and other activities of self-interest. In his opinion, civil society referred to the interaction between social groups in a non-violent way.[13] Both Locke and Ferguson associate civil society with social cooperation between people based on rational self-interest; an attitude they consider present in all human societies.[14] While Locke stresses the political aspect of civil society[15], Ferguson

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[7] Edwards, 2005: 6.
[8] Glasius, 2002: 4.
[9] Ibid., 2010: 1.
[10] Thomson, 1997: 1.
[11] Ibid.
[12] Rooy, 1998: 9; Locke, 2005: 256 and 257 Paragraph 96; Hume, 2005: 325-331.
[13] Glasius, 2002: 1.
[14] Layton, 2006: 3.
[15] Locke, 2005: 256-258.

emphasises the social and cultural aspect. Locke attributes to civil society the characteristic of non-violent ways of conflict resolution. Ferguson focuses more on the attitude of groups of people who become active in public affairs for a common good, rather than solely following their self-interest.[16] Both refer to an attitude of civility, that is, a willingness to cooperate with others. In the 19th century, the economy, as a sphere of human relations and activity, grew in importance and the direct influence or grip of the state, as well as the groups controlling it reduced. Civil society was considered a good force able to protect the individual against the power of the state. As De Tocqueville argued when studying 19th century US social relations, civil society enables individuals to enact their rights, even against the state. In his opinion, civil society acts as a protective filter for the individual.[17] The meaning of watchdog or counterforce to the state was ascribed to civil society. This perceived attribute is closely related to a broader debate on state-society relations, which is central to liberal and liberal- democratic thinking. The question of how to ensure the sovereignty of the state but protect the rights of individuals has been at the core of debates among political philosophers like Locke and James Mill. They focus on the risks of absolutist power, which would be represented by the state and government. The ruler could develop into someone who does not work for the general interest and could use his authority to foster private interests. Here, Locke makes a distinction between the state and the government. Those people ruling the state remain accountable to the people. In the end, the sovereignty remains with the people, who hold the power to select their rulers, as well as the ability to control the activities of the rulers through election of delegates in a parliament. Consequently, not only the government but also the state itself is premised on the utility to achieve the goals for which they are created. The focus is on the need to establish political institutions and regulations, giving the individual the right to elect and to be elected as political leaders. As viewed by Locke, whose notion of the state becomes a core element of European Liberalism, "[t]he state exists to safeguard rights and liberties of citizens who are ultimately the best judges of their own interests. Accordingly, the state must be restricted in scope and constrained, in order to ensure the maximum of freedom of every citizen."[18] Montesquieu goes a step further by developing a system of checks and balances, the *trias politica*, where state power should be shared by a number of institutions: the executive (the monarch), the legislative

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[16] Varty, 2007: 36 and 37. Quote from A. Ferguson: "An Essay on the history of civil society." (Ed. Famina Oz-Salzberger, 1995: 207). "It is' reserved for man to consult, to persuade, to oppose, to kindle in the society of his fellow-creatures, and to lose the sense of his personal interest or safety, in the ardour of his friendships and oppositions'."
[17] Chandhoke, 1995: 151.
[18] Held, 1983: 13; Mill, 2005: 441.

(the parliament) and the judiciary (independent courts). These three authorities are supposed to remain balanced, each exercising a check on the other two. Montesquieu's expectation was that such a division of authority would lead to moderate, rational legislation and would promote and secure freedom.[19] While the idea of a parliamentary democracy opened the door for individual citizens to elect or to be elected, it did not provide a satisfactory answer with respect to the protection of individual rights and liberties. How is it possible to protect such rights against arbitrary and self-interested interventions by the state and/or against opinions and interests of the political majority? This was the core issue for John Stuart Mills, an 18th century British philosopher. He believed social and political interference in the lives of individual citizens is only allowed when the individual liberty of one person could harm the other.[20] The independent judiciary has to protect the rights of citizens in relation to the state as well as in relation to other citizens. As Kaldor writes[21], the concept of civil society in modern Western political thought is closely related to the coming to existence of a specific kind of state, namely one that guarantees individual rights and is based on a type of social contract between rulers and ruled. In this line of reasoning, civil society and state are so closely interlinked that they are in unity: "[a] civil society was a society where individuals come together to make a social contract and the outcome of that contract is expressed in the rule of law and the existence of a state, which is also subject to law."[22] As indicated, the issue of accountability of the state to the people is central in ensuring that at the end the sovereignty stays in the hands of the people and not the rulers. The state's accountability is a core concept in today's development policies and cooperation on good governance. Accountability, in the words of Peruzzotti, refers to: "[…] an institutional framework of authorization of political power which ensures the responsiveness and accountability of those authorized agents."[23] It is connected to the ability to ensure that public officials are answerable for their behaviour; they are forced to inform and explain their decision-making with the possibility of sanctioned for those decisions. Furthermore, those who ask for accountability have the authority to demand answers and if necessary to enforce it. Peruzzotti makes a distinction between two complementary forms of accountability: legal and political. The first refers to a "set of institutional mechanisms aimed at ensuring that the actions of public officials are legally and constitutionally framed."[24] Elements of such systems are separation of powers, recognition of

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[19] Schulze, 1996: 75.
[20] Held, 1983: 18.
[21] Kaldor, 2003: 7.
[22] Ibid.
[23] Peruzzotti, 2006: 45.
[24] Ibid.

fundamental rights and a system of checks and balances, all meant to curb arbitrariness of state power. The second form of accountability refers to responsiveness of governmental policies to preferences of the electorate; thus, citizens have the means through elections to punish an unresponsive or irresponsible government.[25] In the context of a broad view on democracy, political accountability of the state is not only ensured by the electoral process, but through a process of continued monitoring. Hence, civil society could play an important role as watchdog or even as counterforce. In this regard, civil society could play a role in fostering the public debate, an attribute tied to the earlier mentioned connotation of civil society as an entity of citizens active in public affairs. Civil society is seen as equal to the public sphere or space, in which through media and in other ways citizens exchange views and formulate proposals for the public interest.

The above-mentioned normative meanings of civil society have retained their importance in today's civil society discourse. However, the liberal vision is not beyond question. It presupposes that civil society, as the embodiment of private initiative, has the capacity and a vision of working for the public interest and not only for private and specific group interests. In this way, the negative side of self-interest and egoistic actions of profit seeking individuals has been largely overlooked. This is considered by critics of the Liberal view on civil society an expression of an uncivil society. Civil society might be protecting the interests of specific groups, instead of working for the public interest. Scholars in the 19th century such as Hegel and Marx were concerned about the negative social consequences of the developing capitalist economy and society. Hegel considered civil society as a much broader entity than the economy alone. He indicated that civil society consists of various elements that are not necessarily in harmony, or have the same identity. In Hegel's "Philosophy of Right"[26], these self-interested actions could undermine the sense of communal feeling and responsibility and become a source or force of destruction of civil society. In fact, Hegel calls for creating a counter balance against this development, which leaves the individual with little protection against state or the tyranny of the mob. Paradoxically, he argues that through mediating institutions, the state should provide home to people who had lost their ties with traditional support structures of communal life based on traditional norms and values.[27] The individual can act through these intermediate institutions with the state in order to protect their interest. These intermediate institutions, which Hegel

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[25] Ibid., 45 and 46.
[26] Hegel, 2005: 392-397.
[27] Chandhoke, 1995: 120 and 121.

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considers as part of civil society, consist of two categories, namely public authorities, such as courts, welfare agencies and the police which guarantee individual rights as well as associations, based on class and occupation which regulate and modify actions of individuals. By and large, Hegel's model has the characteristics of state corporatism, *avant la lettre*. Given the fact that civil society is very diverse in nature and that the different components might have opposite interests, he sees a need for supervision from the state to liberate civil society from disorder and corruption.[28] Marx sees civil society as an area of injustice, conflict and disorder, which he considers the result of the economic organisation of that society. The state however, reflects these conflicts of society and is thus part of the problem. The state "[i]s a product of society at a particular stage of development; it is the admission that this society has involved itself in insoluble self-contradiction and is left into irreconcilable antagonisms, which it is powerless to exercise. But in order that these antagonisms, classes with conflicting economic interests, shall not consume themselves and society in fruitless struggle, a power, apparently standing above society, has become necessary to moderate the conflict and keep it within the bounds of order; and this power, arisen out of society, but placing itself above it and increasingly alienating itself from it, is the state."[29] He shares Hegel's concern about the incivility of civil society and the need to restructure it. While Hegel is concerned with the stability of civil society being threatened by the poor and alienated masses of workers, Marx is primarily concerned by the situation of the workers themselves. The workers, according to Marx, are deprived of their means of production by the capitalist social relations and thus by forces in civil society itself, while at the same time their labour force is the basis of the wealth of the bourgeoisie.[30]

Gramsci, a 20th century politician and philosopher, is probably the most influential thinker with respect to civil society and its relation with the state. He argues that the state exercises its power in different forms and at different locations. The political power of the state (political society) is located where the coercive institutions of the state are located: in prisons, the judicial system, the armed forces and the police. However, the state has also ideological power. It is in civil society, through institutions in civil society, such as educational, cultural, religious ones, that the state enforces in a subtler and less visible way its control or hegemony over society. "Every state is ethical in as much as one of its most important functions is to raise the great mass of the population to a particular cultural and moral level, a level (or type) which corresponds to the

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[28] Abdelraham, 2000: 24.
[29] Marx, 1973: 18.
[30] Ibid., 105-123 on capital accumulation and the creation of an industrial reserve army.

needs of the productive forces for development, and hence to the interests of the ruling classes. The school as a positive educative function and the courts as a repressive and negative educative function are the most important State activities in this sense: but, in reality, a multitude of other so-called private initiatives and activities tend to the same end - initiatives and activities which form the apparatus of the political and cultural hegemony of the ruling classes."[31]

It is in civil society that the state finds acceptance and legitimacy for its policies and programmes. Legitimacy is much more than the passive acceptance of the power of the state. In fact, it is the creation of a state of mind of the individual in such a manner that it precludes open confrontation with the state and its apparatus.[32] Through acquiring legitimacy, the state and thus the ruling groups, guarantee themselves a social base, which facilitates an imposition on society in the form of hegemony. Civil society is the locus where different social classes and social groups express particular interests. Civil society is both the arena where the state strives to forge its legitimacy as well as a terrain of contestation. In Gramsci's vision, social classes and groups are kept together by a hegemonic ideology; this is the basic function of providing leadership. Hegemony means that the ruling group can rule with the consent of subordinated classes and social groups. This consent can be gained in two ways: by indoctrination through myriads of educational, religious and associational institutions and by co-optation, i.e. by giving economic concessions in order to ensure loyalty of subordinated groups.[33] In Gramsci's view, similar to that of Marx, to a large extent civil society reflects the visions of the hegemonic groups. For Marx, in describing civil society, the economics is the determining principle. For Gramsci however, it is the economic plus the ideological aspects that are important. He considers civil society to be cultural institutions, which on one hand could be instrumental to ruling groups (the bourgeois) by imposing their hegemony, but on the other, be a threat to these groups if civil society tries to change the social relations.[34] Gramsci envisions this as a process of negotiation. Civil society is thus also a terrain of contestation, where subaltern classes can challenge state power.

While early liberal thinkers and Marx see civil society primarily as the terrain of economic relations, Hegel broadens it to the whole of social relations. The liberal theorists regard civil society as the sphere of rights, individualism, property and the market. Marx and Gramsci

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[31] Gramsci, 1999: 526.
[32] Chandhoke, 1995: 148-150.
[33] Abdelrahman, 2000: 25 and 26.
[34] Glasius, 2002: 2.

recognise civil society's potential but consider it primarily as the essence of modern inhumanity, a place of unrestrained self-interest. Both liberal as well as other authors consider civil society as having the potential to contest the state and even be an uncivil society. Hegel, Marx and Gramsci all indicate that civil society should be controlled, guided and provided with good leadership[35], however, according to each, for different purposes. Some of the notions on civil society play an important role in contemporary debate on its characteristics, such as civil society as an interaction between social groups in a non-violent manner, as a positive force, but also civil society as an arena of competing interests, as well as a domain where the legitimacy of the rulers is forged and/or contested.

2.1.1 Civil Society Today: Contested Meanings

As indicated, the EU has chosen a broad definition of civil society, which includes both modern as well as traditional forms of civil society. According to White, such an approach has an advantage "[r]ather than to solve the problem of clarity it may make more practical sense to adopt an approach which comes to terms with its breadth. The main idea which is common to most current uses of the term is that of an intermediate associational realm between state and family populated by organisations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntary by members of society to protect or extend their interests or values."[36] While this may be true, there are nevertheless some problems linked to the use of the concept civil society, which deserve special attention.

Given the specific context of the West, mainly Europe, in which the origins of the civil society discourse are located, the question arises if the concept has broader international validity. It is important to keep in mind that, the above-mentioned political philosophers analysed the concept of civil society in a specific historical context, in which capitalism replaced feudalism.[37] Much of the discussion about civil society is focused on the presumed link with the development of capitalist modes of production in the West. Some authors, such as Gellner and Seligman argue that the emergence of a market economy is a precondition for the development of civil society.[38]

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[35] Chandhoke, 1995: 156 and 157.

[36] White, 2004: 10.

[37] Bruyn, 2005: Appendix B. 2.

[38] Seligman, 1997: 501, 503 and 505. Seligman argues that regarding civil society the notion of the autonomous individual is central. He links the idea of individualism to the development of market economies. He warns against the liberal use of the concept civil society. He refers to a refusal to recognize that voluntary organisations can also be uncivil and based on primordial and ascriptive principles of membership. Moreover, institutionalization of social

However, in other societies in the past or in the present, where capitalism was/is not yet the dominant form of production, there are also people who organise themselves in associations by interest. As a means of survival, cooperation between individuals as a social strategy can be found in all societies under different circumstances. People organise themselves on the basis of rational self-interest. There is evidence that the development of a market economy facilitates at least certain forms of civil society. Development of market economy needs the establishment of a legal system, which guarantees and protects the interests of investors and entrepreneurs, and might facilitate the establishment of business associations. However, these circumstances do not mean in themselves that other civil and political rights are protected or respected. Furthermore, the development of a market economy is not in itself a sufficient condition for the growth of a vibrant civil society, nor for democratisation. The case of communist-led countries such as the People's Republic of China as well as Vietnam is illustrative in this regard.

The aspect of voluntariness of participation or non-coerced collective action[39] as some say can be problematic in the less formal organisations. While membership of formally constituted civil society groups is a matter of free choice, this is less obvious in the case of faith or clan-based associations as well as in the case of mass organisations controlled by political parties.[40] If primordial relations in societies are still very strong, the social pressure on individuals to participate in religious or clan-based organisations can be very strong. The same can be said about mass organisations linked to the ruling party in the case of authoritarian regimes. Even if membership is not compulsory, there can be a lot of pressure on individuals to participate in these mass organisations, for instance in order to increase career opportunities.

The aspect civil can relate both to citizens or the public in general, as well as to being civilised. The problem with a broad definition, as Ottaway denotes, is that it can cover both human rights groups and terrorist groups.[41] The concept civil is mostly used in a normative manner. The focus in this line of thinking is on the aspect of civility; thus on values and norms.[42] It has to do with moderate behaviour based on internalised norms and values and giving precedence to the common good. The goal of social action is to work for such a society based on mutual trust,

movements implies in one or other way a role for the state and its legal, and coercive, apparatus (Gellner. 1994: 211). Civil society "is a society in which polity and economy are distinct, where polity is instrumental but can and does check extremes of individual interest, but where the state in turn is checked by institutions with an economic base; it relies on economic growth which, by requiring cognitive growth, makes ideological monopoly impossible."
[39] LSE, 2004: 1.
[40] Ottaway, 2008: 168.
[41] Ottaway, 2008: 167.
[42] Rooy, 1998: 12-15.

tolerance and cooperation. Civility is often correlated to the use of non-violent means to achieve goals. Civil society is the reflection of this normative goal; civil society equals good society. Voluntary action is regarded in this context also as an aspect of civility. The importance attached to voluntary action of citizens is partly a critique on and an answer to the presumed decline in social cohesion in Western, especially United States society, as a consequence of too much privatisation and individualism. Civility is interpreted as sharing positive values. Emphasis is given to the ability of associational life to foster civility in actions of citizens. Reference is made to a spirit of community, volunteerism and association, which can be mobilised in society. CSOs are seen both as generators of this spirit, as well as the result of this spirit. This social glue of society, called social capital in the words of its most important proponent Putnam, is described as "[t]he strength of family responsibilities, community voluntarism, selflessness, public or civic spirit."[43] However, this idea could be questioned if the normative traits of civil society are conceived only in terms of "[…] public spiritedness, social trust, non-violence and tolerance."[44] There might also be "[…] self-interested, narrow-minded, violent and fanatical manifestations of social interaction from civil society."[45] Should groups with extremist ideas be considered as part of civil society, such as certain Islamist groups? In terms of functions of civil society, a number of Islamist organisations have been very effective in delivering services to citizens. These organisations are in some cases linked to Islamist political parties and movements, which although adhering to democratic parliamentarian rules, aim to establish an Islamic state and are in its attitudes and statements intolerant towards secular groups and other religious denominations. Gilbraith summarises this discussion as follows: "[t]he question essentially is whether to include as legitimate actors within civil society all those organisations that adhere to the rules of the game or whether to exclude those that seek to change the rules when they have gained sufficient power."[46] Another issue is whether traditional or primordial based organisations should be considered part of civil society? Are community based NGOs part of civil society, or expressions of traditional kinship among families and tribe (*asabiye*) in a modern associational dress?[47]

Although civil society can be described as diverse organisational forms that exist outside the state and the market, this does not imply that civil society is completely autonomous from the

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[43] Ibid., 13.
[44] Glasius, 2002: 5.
[45] Ibid.
[46] Glasius, 2005: 5.
[47] Salam, 2002: 15. *Asabiya* refers to social solidarity in the context of a tribe or clan.

state. The state defines the legal space in which civil society is allowed to operate: specifically, state-society power relations affect the space in which civil society can operate. Governments try at times to influence NGOs that work in a particular field, by establishing GONGOs to promote governmental policies. Aside from overt repression in authoritarian states, governments have many possibilities to control civil society. By requesting the registration of CSOs the state can monitor and model civil society. Giving or denying access to government funding might be another way to influence the activities of CSOs. This has led to a wide perception that government funding would make CSOs vulnerable to government pressure. On the other hand, development and humanitarian relief organisations need substantial resources to run operational programmes[48] that also work in the interest of governments.

For analytical purposes, a distinction can be made between civil and political society. However, in practice, this distinction is blurred. While political parties seek direct political power because their aim is to govern, the political role of civil society is indirect. CSOs might seek to influence in an indirect way political decisions.[49] Civil society is seen by governments and intergovernmental and non-governmental aid providers as being dedicated to ensure and increase participation in decision-making of citizens, especially the most vulnerable and/or deprived groups in society. Moreover, as we will discuss, assistance by external donors may have the implicit or explicit goal to promote democratisation of the system of decision-making in states. In this sense civil society is clearly a political category.

Fowler provides an analytical framework for civil society research in which he situates civil society in relation to other actors, both at the national and international level. The framework is useful because it shows the complexity of relationships between state and society, including civil society at different levels. In his framework civil society is a political category and construct. The core of the framework is the relationship between a nation-state, citizenship and civic agency. The framework is built around the view that the attitude of active citizenship based on norms and values to do public work (civic agency) is not restricted to the domain of civil society itself. The domain of civil society consists of institutions, organisations and individuals. CSO is a container concept of which many types of organisations can form a part of, including NGOs. Social behaviour may however also be characterised by non-civic agency: "corruption, market collusion and cartels, discrimination, xenophobic exclusion, denial of rights, abuse of office,

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[48] Willets, 2006: 6.
[49] Ottaway, 2008: 169.

intolerant fundamentalism, vigilantism, insurgency and so on."[50] Both forms of social behaviour have influence on how states developed. However political systems, ruling elites and contending social forces as well as the governance itself by the state and its apparatus determine also the space for associational life.

Figure 2: Fowler's Analytical Framework
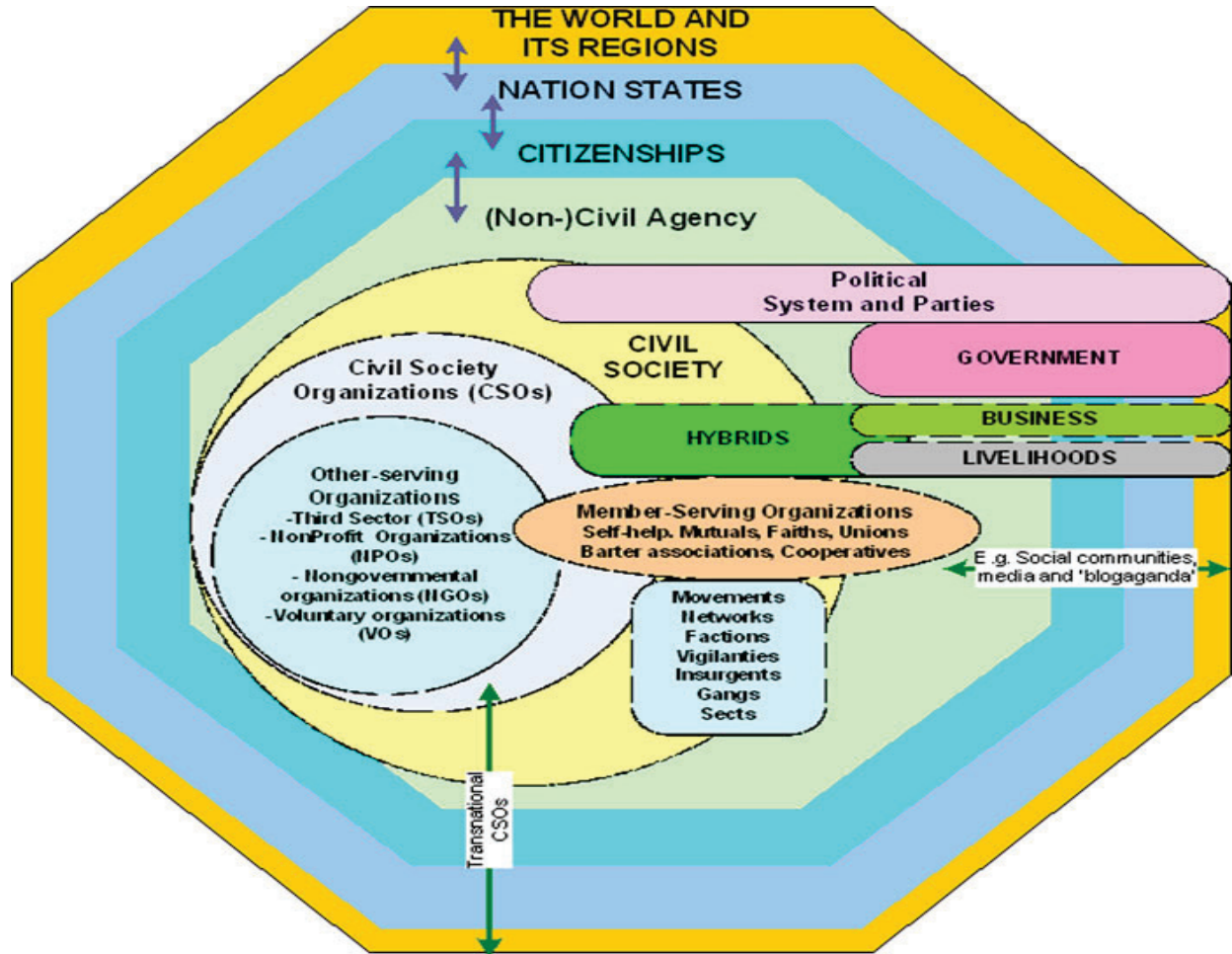
Source: Fowler, 2012: 13. "Measuring civil society: perspectives on Afro-Centrism".

2.1.2 Civil Society and Democratisation

Some of the earlier mentioned normative connotations or traits are implicitly or explicitly mentioned by donors as justifications for support to civil society as part of pro-democracy projects or programmes. A commonly accepted version of the civil society argument is to define

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[50] Fowler, 2012: 9.

civil society as a dense network of civil associations, which is said to promote stability and effectiveness of democratic polity through both effects of associations on citizen's habits and hearts and the ability of associations to mobilise citizens on behalf of public causes.[51]

The concept of civil society gains increased attention after the end of the Cold War. Democracy promoters are supportive of civil society, in the role which some advocacy organisations played during the political transformations in Latin America and Easter Europe, because these organisations gave people a voice. The reason to provide such support is predominantly pragmatic. This kind of support is easily acceptable for recipient governments than support to political parties. The latter could be seen as interference in internal affairs. As already discussed, there are also some theoretical arguments linking civil society to democracy, which can be perceived as problematic. Foley and Edwards discern two versions of the civil society argument linked to promoting democracy.[52] The first version focuses on the capacity of civil society to socialise participants into the "norms of generalized reciprocity and trust."[53] In the context of the development discourse, this argument translates into meaning that CSOs contribute to ownership of development strategies by all beneficiaries. Thus, civil society helps to increase participation of people and contribute to a sense of citizenship. The second line of argumentation linking civil society to democratic governance, stresses the civil society's independence of the state, for which reason civil society is capable to energise resistance to a tyrannical regime.[54] The civic dimension in promoting development gains importance in development thinking. Civil society is expected to play a key role in promoting democratic governance. Fowler notes that donors attribute the following significant functions to civil society:

- Provide space for the mobilisation, articulation and pursuit of interests by individuals and groups;

- Provide the institutional means for mediating between conflicting interests and social values;

- Give expression and direction to social, religious and cultural needs;

- Limit the inherent tendency of governments to expand their control;

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[51] Foley and Edwards, 1996: 38.
[52] Ibid., 39.
[53] Ibid., 41.
[54] Ibid., 39.

- Nurture the values of citizenship required for democracy in a modern nation-state.[55]

However, as Fowler observes, "[t]oo seldom is the point made that civil society is a messy arena of competing claims and interests between groups that do not necessarily like each other, as well as a place for mediation and collaboration."[56] Moreover, as indicated, civil society is not necessarily a pro-democracy force. It can also be dominated by apolitical, pro-government organisations, or even liberal organisations, that fulfill roles other than democratisation.[57] Civil society can be dominated by traditional, non-formal organisations based on primordial relations. A third normative notion of civil society linked to democratic governance is that civil society fosters public debate. As Glasius notes, this view relates to: "[c]ivil society is synonymous with the public sphere. In this context, through the media and venues of public debate such as town hall meetings, citizens debate with proposals for the public good, and through these deliberations better policy proposals are formulated, which inform formal politics."[58] Fowler considers civil society as the location from where legitimacy must be obtained if one is to talk of a democratic political system. Civil society is needed because of democratic deficiencies. It assumes citizen participation in social processes as well as a strong consciousness of being a citizen. Fowler considers civil society as a sphere where interest groups turn themselves into political parties, competing with the ruling elite.[59] This however presupposes that the ruling elite allows for a public space where an exchange of views can freely take place, in which dissident views can be expressed without repercussion. It assumes also that CSOs can have access to policy makers in order to exchange views. All three arguments are often combined in assistance programs for democratic governance. Civil society is tied in this manner to values such as democracy, civil and political liberties and to the idea of civility, which implies pluralism and tolerance.[60] Civil society, in this respect, involves citizens acting collectively in the public sphere where they express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state and hold state officials accountable.[61] These normative connotations are somewhat problematic and seem to depend on the specific context from which

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[55] Fowler, 1998: 8.

[56] Ibid.

[57] Hawthorne, 2005: 92-96.

[58] Glasius, 2010: 1 and 2.

[59] Jensen and Miszlivetz, 2005: 5. Quote of A. Fowler: strengthening civil society in transition economies; from concept to strategy: mapping an exit in a Maze of Mirrors." (1996).

[60] Salam, 2002: 3.

[61] Ibid. Quoting Larry Diamond (*Rethinking civil society. Toward democratic consolidation*. Journal of Democracy 5, no. 3, July 1994, 4-17.)

they derive. The link between civil society and democratisation is thus not self-evident from a theoretical point of view.

2.1.3 Forms of Civil Society

As mentioned, the difference between society at large and civil society is that the latter represents organised social life. Civil society can have many different forms. A main distinction is between traditional and modern civil society.[62] According to Ottaway, "[m]odern civil society, defined as a set of NGOs, has clear boundaries that separate it from the family and indeed from the rest of society as well as from the state. The expression 'members of civil society' does not refer to all citizens; rather to a small number of people who belong and very often work for such NGOs. Traditional civil society has no such clear boundaries, but fades into the larger society at one extreme and non-state forms of political authority on the other."[63] Sadiq al Azm makes a similar distinction between *mudjatama'a madani* and *mudjatama'a ahli* in the Arab context, which can best be translated with the German terms of *Gesellschaft* versus *Gemeinschaft*. *Gesellschaft* contains modern forms of civil society while *Gemeinschaft* contains traditional ones. The association of people in traditional civil society is based on primordial relations ascribed to it, "[y]ou are part of it, if you like it or not - while the modern forms of association are more based on individual choice, including profession based organisations."[64] In many developing countries, traditional forms of civil society are still prevailing, even in industrialised countries.[65] Based on a broad definition of civil society including both modern and traditional forms, different categories of civil society actors can be discerned. Kaldor for instance, differentiates between four distinct types of civil society actors: social movements, NGOs, social organisations and nationalist and/or religious groups.[66] The goals and methods used by CSOs to mobilise people differ substantially. In analysing Arab civil society, Hawthorne clarifies this distinction. She discerns five sectors: faith based (mostly Islamic) organisations whose common objective is upholding and propagating the faith through the provision of charitable and social services; non-governmental service organisations providing services to the public such as loans, education, vocational training and other community services on a not-for-profit basis; membership-based professional organisations such as labour unions and professional

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[62] Ottaway, 2008: 167-182.
[63] Ibid., 173.
[64] Interview 16: Sadiq Al Azm. 7 June 2009.
[65] Ottaway, 2008: 171.
[66] Kaldor, 2003: 12.

syndicates, chambers of commerce and the like; associations, whose main purpose is to foster solidarity and companionship such as mutual aid associations but that also serve as forums for socialising, conducting business and discussing politics within certain limits; and pro-democracy associations seeking democratic change through promotion of human rights and spreading of democratic concepts.[67]

2.1.4 Civil Society Organisations and NGOs

Prior to the civil society discourse between development scholars and practitioner, traceable back to about twenty years ago, NGOs are seen as the most important non-market and non-state development actors, the Third Sector. The growing importance development and democracy practitioners attach to the political aspects of development, expressed through the notions of good or democratic governance, as well as through the MDGs, led to an increased attention given to other non-market and non-state actors. Given the context of intergovernmental cooperation, the aim was to promote an enabling environment for participation of citizens in development planning and implementation. In addition to NGOs, this opened donor space for "[…] other entities such as faith-based groups, trade unions and professional associations, which were recognised as member-based constituencies of organised civil society with a developmental contribution to make."[68] In response to the framework of development cooperation, governments started to equate NGOs with CSOs. The latter were considered as valuable when supplementing or taking over state social development efforts. Governments remained however suspicious of non-service political functions, such as advocacy.[69] This resulted in what Ottaway called low end democratisation programs,[70] with activities and involvement of organisations not considered by the regime as a security threat. This approach to governance did not challenge structural problems in state-society relations such as an uneven distribution of power. As indicated, non-governmental organisations are often put on a par with civil society. An example of such a definition is the one given by Hudock: "NGOs are those organisations outside the realm of government and distinct from business community."[71] This is a narrow view of what civil society is, since it excludes a broad spectrum of organised forms of social life such as faith based groups, unions but also social movements.

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[67] Hawthorne, 2005: 85-89.
[68] Fowler and Biekart, 2011: 10.
[69] Ibid.
[70] Ottaway, 2003: 198.
[71] Hudock, 1999: 1.

Another equally narrow view on civil society is to consider CSOs as a sub-category of NGOs. For example, Blair defines a civil society organisation as being an NGO when one of its primary purposes is to influence public policy. Thus, in his opinion all CSOs are NGOs, but not all NGOs are CSOs.[72] However, many CSOs do not aim to advocate for a point of view, but solely provide charity. In the context of this research, NGOs are a specific type of CSOs; in this view, as expressed by the UNDP, CSOs cover a broad spectrum of organised social life. UNDP considers NGOs as being an important part of CSOs[73], next to other forms of organised social life. Most commonly, NGOs are understood as non-governmental, non-profit organisations with a professional staff active in the field of advocacy and/or providing services for a public goal. From this perspective NGOs are one of the civil society actors. Others question this view, especially if the NGOs are dependent on government funding to a large extent. Dependency on government funding might make these NGOs conform to donor policies. Van Rooy concludes "[t]he distinction between NGO and CSO is important because the policy and power implications are different. Rightly or wrongly, NGOs are often described in service-delivery roles, whereas CSOs are depicted as political agents."[74] Some intergovernmental organisations, like the EU, use the notion of NSA instead of CSOs. The notion of NSA, as used by the EU, is broader in meaning than CSOs; it also includes the private commercial sector. In most documents however, the EU stands by the concept CSOs.

Confusing NGOs with Civil Society?

Fowler's analytical framework[75], an onion model, portraits both the complexity of civil society itself as well as the complex relations between civil society and other organized groups of people in the context of states and the world. The model shows that civil society is not the whole of society; society is the entire web of social institutions. Civil society is part of it.[76] The model also visualizes that within civil society, CSOs form the broader category and NGOs are a subcategory. Differences between NGOs and civil society can be discerned in organisational forms as well as in attributed roles. The World Bank defines the organisational form of NGOs as follows: NGOs are professional, intermediary and non-profit organisations. As the World Bank

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[72] Blair, 1997: 24 and 25.
[73] UNDP, 2001: 1. Civil society in the view of UNDP constitutes a third sector, existing alongside and interacting with the state and profit-seeking firms. As UNDP rightly indicates "civil society is in practice an arena of both collaboration and contention whose configurations may vary according to national settings and history."
[74] Rooy, 1998: 35.
[75] Fowler, 2012: 13.
[76] Ottaway, 2008: 167.

indicates, NGOs are often considered intermediary organisations, which mean they do not directly work with, or include the target group whose interests and values they represent. Such organisations could focus on advocacy, including research for this purpose.[77] Finally, NGOs are legal entities. This aspect is important because NGOs can only be active if there is a specific legal environment, which allows them to operate; i.e. the state allows them to operate within the framework of certain regulations. It is likely that the World Bank does not mention this element since it is an intergovernmental organisation and therefore considers self-evident that NGOs have to be recognised by the state before they can function. Furthermore, intergovernmental organisations, such as the UN, can operate in different countries only within the limits of the cooperation agreements with the host government. In a country like Syria, there are a number of recognised and operational CSOs but only a few NGOs. The professional aspect mentioned in the World Bank definition of NGOs differentiates them from other legally operating CSOs. Charity organisations for instance, can be legal entities but are not necessarily NGOs if they work without professional staff. Grassroots organisations are CSOs but not necessary NGOs. If they are recognised and have a paid staff, it might be considered a NGO.

Donors and policy makers, governmental as well as non-governmental, often attribute different roles to NGOs and CSOs. They sometimes reduce the concept civil society to NGOs when supporting specific organisations and activities. NGOs are often described in service delivering roles, whereas CSOs are depicted as political agents.[78] Therefore, it is important to make a correct distinction between NGOs and CSOs because policy and power implications are different. As Robinson indicates, "[t]he developmental emphasis on institution-building and participatory development focuses attention on NGOs and local membership organisations, whereas a concern with democratization highlights the more political role played by civic organizations, such as trade unions, professional bodies and groups representing women, students and youth. The former emphasizes the role of civil society in service provision and programme implementation, whereas the latter addresses the contribution of civic organizations to the process of democratization and in holding governments to account for their policies and actions."[79] However, the reality is far more complex. Organisations may play both roles simultaneously and even in a contradictory manner.[80] CSOs such as trade unions and women and youth organisations can be effective partners in developmental initiatives, but are incapable

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[77] World Bank, 2005: 3.
[78] Rooy, 1998: 35.
[79] Ibid.
[80] Ibid., 36.

to play a role as a pro-democracy force. The latter could be the case in the context of authoritarian regimes controlling these CSOs. NGOs on the other hand, can be involved in developmental initiatives, which help target groups to organize themselves in such a way that they affect existing power relations, thus become a potential threat to the ruling elite. State society relations determine to a large extent the political space for CSOs, including NGOs, to act as political agents.

Governments, international governmental and non-governmental organisations, as well as civil society itself, often have different and on occasion opposing views with respect to the role of civil society. For that reason, it is important to analyse 'the language' of civil society. International aid organisations influence to a large extent the perception of what civil society is, because they determine which organisations are eligible for assistance, or should be consulted, when preparing an assistance strategy. Thus in practice, donors' civil society is an entity which is very different from the society at large or from the definition of civil society as the realm of voluntary organisations between the family and the state.[81] Moreover, recipient governments also try to influence the definition of civil society by imposing registration requirements. In this way, they can prevent establishment of organisations, which are considered as opposing and a possible threat to the ruling elite. In practice, donors mostly do not provide assistance to informal organisations. The translation of democracy assistance into concrete activities by aid agencies also raises questions. Donors, due to their own requirements and orientations, focus on those entities to which assistance could be provided easily. These entities are often urban based with minimal reach over the countryside, professional NGOs "without roots in the traditional society and the culture of their countries and highly dependent on outside funding."[82] While these organisations and their staff may be very committed pro-democracy activists, it raises questions about their capacity to influence their society. Since the 90s, it has become clear that the high expectations with respect to civil society's capacity to contribute to democratisation have not materialised. Authoritarian state prevailed not only in the Arab world, but it was also assessed that the role of civil society had been modest with respect to democratisation in large parts of Eastern Europe, especially in former Soviet Republics of Central Asia and in Russia. Moreover, post-democratic states in Eastern Europe, most notably in the Balkans and the former Soviet Union, also showed undemocratic governance. This led to academic reflections on the value of conventional analysis on democratisation and civil society.

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[81] Ottaway, 2008: 170.
[82] Ottaway, 2008: 180 and 181.

Kopecky argues that the high expectations and disappointments with civil society in post-communist Europe are misplaced. He names two reasons: one, the limited conception of civil society and second, the assessment of a vibrant civil society in terms of the numerical strength and organisational density of CSOs alone.[83] Amy Hawthorne, focusing on Western assistance programs designed to foster civil society as a pro-democracy force in the Arab World, also asks for realistic expectations both in terms of output as well as time. Moreover, in reflecting on US civil society aid, she points out that these programs have fundamental shortcomings not only in the way they were implemented but specifically because the "[a]id was based on a flawed vision of civil society, its weakness, and its role in democratisation."[84] Hawthorne refers to the reduction of civil society by the United States to those groups, which it considers politically acceptable – service NGOs and certain pro-democracy groups – in many cases, groups with not much political influence or deep roots within the society. Strengthening civil society with the aim of increasing political influence focuses on increasing the professionalism of these organisations. However, as Hawthorne observes, there is no "[…] proven direct link between stellar accounting procedures and staff management and influence as an agent of democratic change in an authoritarian setting."[85] Moreover, there is the problem of lack of autonomy of civil society groups due to restrictive legal frameworks and repressive measures. Fostering closer cooperation between NGOs and the government has no demonstrable effect on improving the environment for civil society. In fact, much of the disappointment of Western democracy promoters might be based on an incorrect view of civil society and its relation with the state. Civil society is put on par with pro-democracy groups.[86] This view ignores the fact that civil society often overwhelmingly consists of service NGOs and charities, as well as that many of these organisations do not aim to challenge the government.

The intergovernmental discourse on civil society, covering often opposing interests, is presented in functionalist language on civil society strengthening and democratising. This discourse can be found in policy documents as well as in cooperation agreements between aid-receiving states and international donors. The aim of civil society strengthening mentioned in these cooperation agreements is to arrive at a stage of democratic governance characterised by pluralism. The functionalist language conceals different and even clashing interests of state and civil society as well as among groups in the civil society itself. It also disguises inequalities in terms of power

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[83] Kopecky and Mudde, 2003: 2.
[84] Hawthorne, 2005: 102.
[85] Ibid., 103.
[86] Hawthorne, 2005: 102 and 103.

and means to attain goals between the state and civil society as well as among groups in civil society itself. It might be in the interest of cooperation partners to hide their intentions in neutral wordings. How to arrive at a situation of democratic governance is less clear. Should it go through strengthened cooperation between state, civil society and the private sector and prioritizing development and poverty alleviation first, or are respect for human rights and democracy conditional for future cooperation? Regarding these political requirements, Jensen and Mislivetz refer to the corruption of the concept by different players, mostly authorities, governments, transnational organisations and politicians, in "[…] whose interest on the one hand it is to keep the politically correct discourse moving ahead creating the impression of openness and readiness for change; but whose interest de facto lies somewhere else (if not in the complete opposite direction)."[87]

Another alienating aspect of the civil society discourse, as Seckinelgin points out, is that the normative or aspirational aspect of the concept of civil society has been de-linked in theoretical discussions and policy implementations from the specific, i.e. Western, context out of which it develops. He uses the metaphor analysis to indicate that the kind of civil society development donors' support, such as the World Bank, is a reflection of a specific type of social relations between state, market and civil society these donors want to establish in developing countries. The analysis concludes that institutions, like the World Bank, attempt to "[…] realign social relations within developing countries parallel to the Western Liberal model of social arrangements between state, market and the third sector."[88] The metaphor of civil society "[…] is referring to a particular form of civil society where governments are reluctant to take part in the social realm and is identifiable with the particular associational life in which individuated people need to re-establish social links."[89] As a consequence, Western donors target with their assistance those organisational forms, which reflect an organisational understanding of civil life resembling that of the West.[90] These organisations are however, not necessary the ones which are well rooted in the local society. Hawthorne makes a similar observation in her analysis of Western assistance to civil society in Arab countries: Western understanding of civil society "[i]s simultaneously too broad and too narrow."[91] The West has a too broad understanding because of unrealistic expectations that civil society is a democratic and democratizing force. The overly

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[87] Jensen and Miszlivetz, 2005: 3.
[88] Seckinelgin, 2002: Abstract.
[89] Ibid., 14.
[90] Seckinelgin, 2002: 11.
[91] Hawthorne, 2005: 97.

narrow understanding refers to the focus of the West on non-profit organisations and public interest groups that resemble Western organisations.[92] Western governmental aid donors tend to focus on those parts of civil society, which seem to best fit their views on how state society relations should develop and in addition are able to fulfill all the technical, financial and administrative requirements linked to the funding offer of donors. The latter administrative aspect refers to the requirement that the organisation has to have a legal status, it should be audible and have the ability to implement and monitor projects based on donor requirements.[93] In practice, these are registered, professionally led NGOs. This limited focus contains the risk to exclude other potential partners, which could contribute directly or indirectly to the democratisation of decision-making processes. Charity organisations could be supported to develop into organisations, which play a role in advocating interests of deprived groups in society. Women, children and consumer rights organisations also play an increasing role participating in decision-making. Western donors appear too optimistic about the pro-democracy potential of civil society. Firstly, because only a small portion of civil society is actively involved in human rights and democracy related issues. Secondly, in the context of authoritarian states such organisations are repressed. However, under certain circumstances, pro-democracy elements of civil society can play a role in a broader coalition of forces, which includes political parties.

The EU attributes normative connotations to the concept CSO. Reference is made to the capacity of CSOs to organize people, which is considered as a sign of ownership of development strategies and the presumed capacity of CSOs to promote democracy, social justice and human rights. As will be pointed out in Chapter 6, the EU in practice cooperates with NGO type of organisations able to fulfill all kinds of legal and administrative criteria. In the context of Syria, with a heavily controlled civil society, this meant that EU's non-governmental implementing partners, in the context of the cooperation agreement with the Syrian government, were GONGOs. The EU uses the concept *Non State Actors* in order to describe a broad range of organisations active as civil society. It attributes characteristics like independence of the state, created voluntary by citizens with the aim to promote an issue and as far as the development sector is concerned, these organisations are not for profit. As we will elaborate in the coming chapters, the normative arguments used by the EU are in contradiction to using it to

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[92] Ibid., 97 and 98.
[93] Ottaway, 2008: 169 and 170.

justify its cooperation with civil society and the kind of organisations closely linked to the government with which the EU works in Syria.

2.1.5 Relevance of the Concept Civil Society in Development Cooperation Context

Both from a theoretical as well as policy point of view, the concept civil society, given the multitude of definitions and the normative aspects, might not be a useful concept after all. From a theoretical perspective, obviously, there is a lot of conceptual confusion. In practice, according to their interests and views on state-society relations, aid donors, governmental as well as non-governmental and recipient governments, determine which CSOs can receive funding. For reasons described, most of the funding for development related initiatives has gone through registered, non-governmental organisations. The civil society discourse by policy makers has meant to bring political issues to the development thinking, in the sense that civil society was expected to contribute to the democratisation of political systems. This idea has been tied to rethinking development assistance programmes since the mid-90s because of persistence of poverty in the developing world. In the view of the OECD/Development Assistance Committee (DAC) the principle of ownership of national development strategies implied that development "[p]rogrammes need to be based on agreement and commitment from developing country partners, through their own national goals and locally owned strategies. Ownership would also imply, in the view of the DAC, that development goals do not only reflect the preferences of developing country governments, but are the outcome of civil society involvement."[94]

The selective arguments used by these pro-democracy policy makers and donors have been the presumed capacity of civil society to increase participation of citizens and the presumed capacity to increase the accountability of governments. This has led to an official donor aid conditionality towards CSOs, which in turn has prompted to large extent a-political outcomes in the context of intergovernmental development cooperation. Preference has been given to Official Development Assistance support for CSOs to service delivery and public accountability functions, instead of supporting initiatives, which contribute to civic activism. Moreover, civil society has been expected to act as a willing partner of the government and eventually

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[94] Hout, 2007: 17.

compensate the anomalies of market and the state.[95] Civil society was not expected to question structural factors leading to unequal power relations.[96]

The civil society argument, as part of an approach to bring politics back into development thinking, is still a valid answer. Firstly, because civil society is an abstract concept used to describe a multitude of non-governmental organisations, which to a certain extent have some characteristics in common. As Van Rooy notes, it is an observable reality.[97] The core of this observable reality is that civil society refers to people who have organised themselves to strive in a voluntary manner for issues, which go beyond the mere private interest. The different manifestations of civil society both in organisational form, conflicting interests and different relations with the state, is part of this observable albeit confusing reality. Secondly, a broad approach to civil society increases awareness of the existence of other forces in civil society in addition to pro-democracy advocacy groups that can contribute to democratisation, as well as groups, which act in support to authoritarian forms of state-society relations. Such an approach also increases the attention towards other formations within civil society, which can be agents of democratisation apart from NGOs. The extent to which groups within civil society are willing and able to play a role as pro-democracy force has to be studied within the concrete context of state-society relations of specific countries.

2.2 Conceptualising the State

As indicated in paragraph 2.1, the views on civil society and its role are rooted in Western history of political philosophy and are closely related to views on the state. This conceptualization of state society relations is in the framework of development thinking and programming uncritically exported to other regions. However the history and context of state society relations in these countries differs substantially. The next paragraphs will discuss from a theoretical and comparative angle the concept of state, its origins, characteristics as well as its relation to society.

The origin of states is linked to the need of people living in a certain geographical area to create or impose a social order to regulate their social relations and protect their interests against

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[95] Fowler and Biekart, 2011: 11.
[96] Ibid., 4.
[97] Rooy, 1998: 30.

internal or external threats.[98] States serve two basic interests, namely (re)distributing goods and providing safety. While there are several theories on the origin of the state, the two most common are: the state is enforced by a group of people on others and the state is the outcome of consent between people.[99] As Sicher indicates, none of these theories provides in itself a sufficient explanation for the existence of a social order; nevertheless, there are important elements to bear in mind, which might be seen as necessary, but not sufficient, conditions for the continuation of social order.[100] A supplementary motivation besides mutuality of interests or value consensus between people for the coming to existence of states might be the feeling of being part of a community. A strong communal feeling may be an additional reason why people are willing to surrender some individual autonomy to a central ruling authority. A specific form of communal feeling is that of belonging to the same nation. Gellner indicated that nation is not a static concept; it is a process of group formation and maintenance in which on the one hand will, voluntary adherence and identification, loyalty, solidarity play a role and on the other hand fear, coercion and compulsion.[101] Some factors can facilitate the process of nation building such as living in the same territory and speaking the same language. Other factors may play a role in bringing about social cohesion or division such as religion, ethnicity and clan. In any case, there should be an agreement based on a desire to live together. In addition, a nation is not the same as a race. All modern nations are ethnically mixed.[102] A core notion when talking about a nation is a shared culture of people. Culture can be considered as the whole of ideas, signs and associations and ways of behaving and communication shared by a group of people. If this shared culture is accompanied by loyalty and solidarity, translated in the recognition of certain mutual rights and duties vis-à-vis each other, we might speak of a nation.[103] Schulze formulates the concept of nation as follows: "[a] nation can be seen as an extended community with a peculiar sense of kinship, sustained by an awareness of the sacrifices it has made in the past and sacrifices the nation is prepared to make in the future. A nation is thus a state of mind. Nations are founded on national awareness."[104] The conditions that tend to generate feelings of

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[98] Sicher, 1991: 3 and 4.

[99] Cohen, 1968: 22-28. Cohen discerns the coercion or force theory, the consent or interest theory and the value consensus theory of social order. See also Sicher, 1981: 132. A specific form of value consensus theory is the divine theory where a religion provides a holistic view of the world that contains a political ideology and a social contract. Another form of value consensus theory is the patriarchal theory. This theory explains the state's authority as the simple extension of that of the traditional clan or tribal chiefs.

[100] Sicher, 1991: 131.

[101] Gellner, 1983: 53.

[102] Schulze, 1996: 97 and 98.

[103] Gellner, 1983: 6 and 7.

[104] Schulze, 1996: 97 and 98.

nationality are most often the same as those that urge the formation of the state. Having said this, Sicher stipulates that the sentiments are not identical. Not all groups of people with a strong feeling of nationality seek political unification. Besides, existing as a nation does not inevitably mean living under the same state, as the example of the Kurds shows. The other way around can also happen; people without a strong sense of nationality derived from common ethnicity, language, religion, culture, historical circumstance and other factors that bring people together, may nevertheless be inclined to create a state. A reason may simply be the need for security, which a central political authority can provide, perhaps in preventing inter-communal strife.[105] Basic characteristics of a state are that there is a specific land area with which the political community identifies itself and over which it has gained control. In addition, the political community has given the state the monopoly to use force. It can deeply affect the life of citizens. States impose rules and values with the aim of ensuring social and political stability. However, states can also act as agents of social and political change. The absolutist role of the state can also be extended for instance, in collecting taxes, defining crime, punishing disobedience, controlling education, etc. The notion of the state is generally understood as government acting through a specific type of organisation: "[a] body of persons authorised to make and to enforce rules binding on everyone who comes under their jurisdiction, to settle disputes arising between them, to organise their defence against external enemies and to impose taxes or other economic contributions upon them, not to mention the multifarious new functions, which the state has undertaken in the present century."[106]

The state is thus the most important institution of political society. Society can contain societal organisations that act as extensions or partners of the state while other societal organisations may have different, even conflicting, values and goals than the state and its social alliances. These contending social forces influence the effectiveness and efficiency of state actions. These societal organisations, both partners as well as opponents, can become so influential that the state has to take account of the interests of these groups. State-society relations can deeply influence the outcome of policies of the state as well as interventions of donors.

Contemporary Traditions in State Theory

In Western political theory on the modern state, two traditions or approaches can be discerned. The first approach looks at the character of rule of the state or the nature of its output. The

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[105] Sicher, 1991: 135 and 136.
[106] Mair, 1977: 12.

political reasoning of Marx is the basis of this approach. The second approach focuses on how the state operates. This line of thinking is rooted in the work of Weber. Both theoretical approaches on the modern state provide analytical tools for the analysis of states. However, analysis of state development in non-Western context shows certain limitations of using the above-mentioned approaches, which originate from a specific historical context.

Focus on the Nature of the State

The Marxist approach is based on the idea that relations between citizens cannot be seen separate from their economic position. Basically, individuals do not have an equal position in society. Marx divided society based on the position of people in economic classes. The criteria he used were to be or not to be in control over the means to produce capital. Those individuals controlling the means of production can impose themselves on other persons only in position to sell their labour force. The state is not considered as a neutral entity but instead as an instrument in the hands of the owners of the means of production to protect and foster their interests.[107] The state is regarded as a superstructure that develops on the foundations of economic and social relations.[108] In his earlier work, Marx discussed the relationship between class and state and the extent to which people in control of the state were able to use their position as an independent source of power. He introduced the notion of relative autonomy of the state, on which he did not build on in his later works. Analysing the rise to power of Louis Napoleon Bonaparte in France during 1848-1852, he focused on the way power accumulated in the hands of vast state institutions, such as the executive, at the expense of civil society and the political representatives of the political class. He was of the opinion that the state could retain a degree of power independent of the bourgeoisie, i.e., the dominant class.[109] Marx considered the state institutions on the one hand as a parasitic body on civil society but on the other hand, as an autonomous source of power. The state can have this autonomy over society because the process of political decision making is often a complex one, involving different social forces. In the end however, the state remains dependent on society, especially on the groups that control and own the productive process. The state continues to be dependent on the economic resources that economic organisations create: a situation which becomes manifest in times of

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[107] Marx, 1973: 20.
[108] Held, 1983: 28.
[109] Marx, 1973: 178 and 179; Leftwich, 1993: 56.

economic crisis. Thus, the overall policies of the state must be in line with those of the traders and manufacturers.[110]

Focus on the Operational Aspects of the State

This line of thinking on the state has been influenced by ideas of Weber, who examined the way the modern state operates. Central in his thinking on the modern state, is the character of the authority of the modern state and the role of the state bureaucracy. The modern state differs from the patrimonial authority, which he found in some pre-capitalist societies, where a "[…] chief rules through his personal administration and military staff."[111] Subsequently, bureaucracy in the modern state is fundamentally different from patrimonial bureaucracies: "[m]odern bureaucracy is distinguished by a characteristic which makes its inescapability much more absolute than theirs, namely rational, technical specialisation and training."[112] "Just as so-called progress towards capitalism has been the unequivocal criterion of economic modernisation since the Middle Ages, so the equally unequivocal criterion for the modernization of the state has been progress towards a bureaucratic officialdom based on recruitment, salary, pension, promotion, professional training, firmly established areas of responsibility, the keeping of files, hierarchical structures of superiority and subordination."[113]

The modern state emerged first in Europe during the transformation from agrarian to industrial states. Then the core role and function of the modern state was "[…] to promote, organize and protect and sustain this economic and social transformation to industrialism and beyond into the post-industrial era."[114] According to Weber, the major characteristic of modern society and capitalism is bureaucratic rationalisation. He considered the state bureaucracy as the most superior form of organisation in society.[115] He recognised that state officials could acquire considerable power as a consequence of their expertise and access to (confidential) information. This situation can create certain autonomy of the state. According to Weber, the bureaucratic state, together with parliamentary government and a party system, would provide the best obstacle to usurpation of state power by officials.[116] This view is at the core of the ideal typical definition of the modern state, characterized by "[…] a set of political apparatus, distinct

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[110] Held, 1983: 27 and 28; Marx, 1973: 179.
[111] Leftwich, 1993: 56.
[112] Weber, 1994: 156.
[113] Ibid., 145 and 146.
[114] Leftwich, 2008: 215.
[115] Aron, 1967: 219 and 220.
[116] Held, 1983: 38.

from both rulers and ruled, with supreme jurisdiction over a demarcated area, backed by a claim to monopoly of coercive power and enjoying legitimacy as a result of a minimum level of supporter loyalty from their citizens."[117] In the Weberian sense, a bureaucracy has several structural traits. It is a permanent organisation in which many individuals co-operate, each performing a specialised function. He considers the impersonality and thus the performance of a specific role, as essential to the nature of the bureaucracy. Every bureaucrat works according to established rules and on the basis of a fixed remuneration. This means, the bureaucracy must have resources of its own to maintain the organisation. Apart from the specialised activities of the state, the centralised character of the administration is connected to the development of the modern state. Weber links the need to centralise to the size of the territories, the number of inhabitants, growth in complexity and size of the administrative tasks. This leads to a specialisation and professionalisation of tasks, founded on a legal authority. He uses the term bureaucracy to describe complex organisations. As Gellner emphasizes, these functions or tasks represent a specialisation, which makes the state as organisation distinct from other organisations. The state constitutes one highly unique and important elaboration of the social division of labour. However, not every specialisation makes a state; the state is the specialisation and concentration of order maintenance. The state, in Gellner's terms, is an institution or set of institutions particularly concerned with the enforcement of order. "The state exists where specialised order-enforcing agencies, such as police forces and courts, have separated out of the rest of social life. They are the state."[118]

The ideas of Marx and/or Weber are reflected in the work of more recent theorists on the state. Offe is of the opinion that although the state has to act to demands of the capitalist system, it has also to take into account demands of other social forces.[119] The state and groups in power can feel the need to take these social pressures into consideration because neglecting them might undermine their power position. Access to the state by different social forces can be accommodated by the creation of state linked institutions in which the policy debate with the government can take place. States should not just be seen as arenas of contending social forces, according to Skocpol, but as sets of organisations claiming control over territories and people-organisations with resources of money, people, violence and expertise at their disposal. Moreover, Skocpol was of the impression that the question of state capacity to take autonomous

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[117] Leftwich, 2008: 214. Leftwich refers to Held, McGrew, Goldblatt and Peraton, 1995: 45.
[118] Gellner, 1983: 4.
[119] Abdelrahman, 2000: 18.

actions should be studied more in depth. Autonomous actions should be understood as coherent actions, not simply reflecting social demands, "[…] pursuing lines of policy making not reducible to class, interest group or majoritarian demands."[120] Finally, Skocpol raised attention for the indirect effects of state structures and actions on patterns of politics. States matter in this respect "[…] because their organisational configurations, along with their overall patterns of activity, affect political culture, encourage some kind of group formation and collective political actions (but not others), and make possible the raising of certain political issues (but not others)."[121] In short, state-society relations cannot be explained as a simple reflection of dominant interests in society.

State and Political Society

The modern state deals with the whole of political relations between people. The state is however, not necessarily equal to political society; political society is broader. It includes all those institutions and actors that participate or try to influence political decision-making, including political parties, political leaders but also CSOs. Sicher defines the state as: "[…] the corporate structure, coextensive with a political society, which is the locus of supreme political authority, and which can command an effective force monopoly to answer compliance with its decisions."[122] White, in his definition of the state, includes the institutions of the state, which relate the state to society and vice versa. The state, in the modern sense is the apparatus "[o]f administrative, judicial, legislative and military organizations, and political society which refers to a range of institutions and actors which mediate and channel the relationships between civil society and the state. Two crucial elements of political society are political parties and political leaders, which can act to strengthen or weaken the democratic or authoritarian potential of a given configuration of civil society."[123]

The state, central in political society, formally defines the public space in which groups in society can be active. The political system determines the extent to which the governor is accountable to the governed and therefore indicates if and to what extent, the ruled have influence on the choice of the rulers, the aims to be achieved by the rulers and the policies/methods used to

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[120] Skocpol, 2008: 110.

[121] Ibid., 111. She refers to T. Skocpol, 1985. 'Bringing the state back in: Strategies of analysis in current research,' in P. Evans, D. Rueschemeyer & T. Skocpol, eds., "Bringing the State Back In". Cambridge.

[122] Sicher, 1991: 9.

[123] White, 2004: 12. The quote is from Stepan. Rethinking military politics: Brazil and the Southern Cone; 1988: 3 and 4.

reach these aims. Two ideal typical political systems can be discerned: the authoritarian and the democratic political system. In an authoritarian political system, the governor determines in extremes on his own the way society is ruled, which organisations have to be created for this purpose and to which areas of societal relations his ruling extends. The government (i.e., the ruler) is the state; the sovereignty is with the state and thus with the absolute ruler. In a democratic political system on the other hand, it is the governed, who themselves decide in the end how and if necessary by whom, by what kind of organisations, for which aims and with what kind of methods they are to be governed. The governor and those who work for him remain accountable to the governed; therefore the sovereignty remains with the people.

While Marx based power relations between people and thus their capability to control the state on their economic position, other authors such as Weber, differentiated with respect to sources of power, which as a result affecting the nature of the state. As already indicated, as Marx used it, the term *class* is one-dimensional and refers only to the repartition of economic chances. The term *social class*[124] is broader; it not only contains the economic division of chances but also the (often related but not in a deterministic way) social one. The issue of distribution of power is more complex and broader than only the economic dimension. Marx's analysis, important in itself, does not provide a sufficient answer to the question why certain groups of people are in power and others not. Power relations are multidimensional[125], other factors such as status, education, occupational position, caste, religion, ethnicity, age and gender also play a role in determining social relations and the relative power position of the individual or group. Thus a combination of economic, social and cultural and in specific cases even other characteristics, are perhaps helpful in describing different social groups in a society as well as their relative power position. In Weber's opinion, status groups, political parties and nation states are at least as significant. Furthermore, sentiments of group solidarity, ethnic community, power prestige or nationalism are vital to the creation of political power in the modern age.[126]

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[124] Elias, 1971: 160 and 161.
[125] Elias, 1971: 159.
[126] Held, 1983: 38.

2.2.1 State-Civil Society Relations

Three theoretical frameworks can be discerned within the theory as well as policy frameworks, regarding the role of civil society in the broader context of state-society relations: a functionalist, a corporatist and a pluralist approach.[127]

The functionalist approach regards society as made up of the whole of interdependent organisations. The focus is on the functions civil society performs, or can perform, in the development of society. The primary importance of civil society is found in its ability to perform certain tasks and its specific knowledge and capacities of importance for the development process of society. The role of civil society is described in apolitical terms as a carrier of expertise, contributing to the quality of governments' decisions. Strengthening civil society's capacities is also described in terms of increasing expertise, skills, efficiency, etc.

In the pluralist point of view, there are many centres of power involved in an endless process of political bargaining. Civil society consists of numerous groups representing different interests such as business organisations, labour unions, parties, ethnic groups, religious organisations, professional associations, student organisations, advocacy groups, etc.[128] These groups do not have equal access to resources, but many groups have some advantage which can be used to make a political impact. There are ample competing interests, thus it is difficult to determine what the public or general interest is. Political outcomes are often the result of mediating and adjudicating by the government and ultimately its executive.[129] Promoting good governance aims to establish a process of political bargaining through a democratic approach. The requirements for democratic pluralism are: a government system based on a transparent decision-making process, a system based on procedures allowing expression of diverse opinions to decision-makers and accountability by the decision-makers for the decisions taken. Pluralism envisions an autonomous civil society with multiple, competitive groups. Adherents of pluralism assume that interest associations develop free from state interference and that civil society is free to express its interests. The state's role is considered to be one of an observer and impartial referee, enforcing rules that protect individual liberties, such as freedom of expression.[130] Public policy is seen as the outcome of a process of bargaining and pressure of organised groups. Held noted that pluralism is a political model, which might be helpful to

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[127] The three theoretical frameworks are based on Willets, 2006 a: 6-11.
[128] Held, 1983: 40.
[129] Held, 1983: 40.
[130] Kubicek, 2000: 13.

describe state-society relations in Western liberal democracies with a capitalist economy.[131] As indicated, this political model has become combined with the promotion of a market economy, the dominant model of the official aid system. This pluralist view has had its critics. The most important being that although there might be many power centres, this in itself does not mean that governments deal with them equally. Much depends on the relative power position of the interest group. Moreover, governments' flexibility to act in ways interest groups might want is restricted by economic requirements. More specifically, the interests of the private sector have to be protected because they are sources of capital accumulation and the most important contributor to economic growth and job creation.

The idea of pluralism is often contrasted with that of corporatism. Corporatism is a concept describing the state's efforts to penetrate and control civil society. Corporatist arrangements can be found in welfare states with a parliamentary democracy of the advanced capitalist model as well as in more authoritarian states. The function as well as form of corporatism however differs completely. Kubicek defines corporatism as: "[a] non-representative form of interest representation in which officially sanctioned groups have guaranteed access to the process of policy formation and implementation but are subject from control from above."[132] In this sense, the function of corporatism is interest representation and is one form of interest representation among several different ones, pluralism being the most identifiable.[133] Depending on the form of corporatism, the role of the state differs substantially. The corporatism of the welfare state refers to the negotiation and consultation process, which takes place in an institutionalised manner between representatives of independent workers and employers organisations and/or the state about policy formulation and implementation. This process contributes to social stability and facilitates the expansion of public policy. Here the state negotiates with interest groups, provides licenses and incorporates them in the policy-making process.[134] This form of corporatism is called societal corporatism or neo-corporatism. The neo-corporatist approach to civil society is based on the belief that, the government, in close cooperation with different interest groups including civil society, should rule society. The government would profit from the support of members of the different interest groups. In return, the government would protect their essential concerns. There is a link to functionalism, in the sense that corporatism is based on functional representation. Yet corporatism, unlike functionalism, acknowledges conflicts because of

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[131] Held, 1983: 41.
[132] Kubicek, 2000: 20.
[133] Migdal, 2001: 207.
[134] Migdal, 2001: 208.

opposing interests. The government is seen as the focal point for the political resolution of conflicts. The assumption in good governance policies of partnerships and dialogue between government, civil society and private interests fits in this approach of state civil society relations.

In authoritarian states, a different form of corporatism can be discerned called state corporatism.[135] Interest groups are dependent on and penetrated by the state. The state creates, structures and guides social life. In case of single-party rule, the link between state and CSOs is made to a large extent by mass organisations tied to the party. Independent associations are forbidden, or at least subject to strict regulations, controlling their goals, activities, funding, foreign contacts and membership. Stefan, quoted by Kubicek, argues that: "[t]he degree of coercion and capacity to maintain corporatist institutions depends heavily on state resources, which ultimately give the state the means to buy off potential opposition."[136] Political theorists consider state corporatism related mostly to policies of the groups in power to exercise social control over society, preventing the mobilisation of social forces from below, which could threaten the existing order. In practice, state corporatist arrangements are found under fascist and/or authoritarian regimes.[137]

In what way has the above-mentioned conceptualisation of the state and state society relations been of influence on the EU good governance policies? Western thinking on state and state society relations has an impact on the assumptions on which EU democracy promotion policies are based in two ways: firstly, the idea that a state in order to be legitimate should be governed by and accountable to its people; secondly, the notion that successful developments requires strong relations between the state and broad segments of empowered citizens. Civil society is expected to play an important role in both attaining accountability of the state as well as in empowerment of citizens. It is expected of the state to be an impartial referee, framed by a system of checks and balances, enforcing rules and protecting individual liberties while being solicited by different interest groups seeking resources and support. However, whether the state is in fact impartial is, especially in Marxist tradition, questionable. The state might be an instrument in the hands of powerful societal elites to foster their interests and the state might also become an autonomous power base for certain state officials. Relations between state and groups in society might not have pluralist but instead have state corporatist characteristics. The EUs good governance policy ignores structural conditions in state society relations, which will

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[135] Kubicek, 2000: 21.
[136] Ibid., 25.
[137] Abdelrahman, 2000: 40.

make it very difficult to transit from authoritarian state society relations towards a liberal democratic system. The EUs good governance policy, as part of development cooperation with third countries, focuses on improvement of operational aspects of the functioning of the state. It assumes political will of partner countries, governments as well as societal forces, to work towards democratisation of the political system. Furthermore, this policy prescribes a state-society model, closely linked to the history of the development of Western nation states with market led economies, to other regions where state and nation formation is based on different dynamics.

2.2.2 State and State-Society Relations in the Developing World

Since the 1950s, especially since the beginning of the 1970s, the new states of the developing countries became object of study. The concepts of Marx and Weber on the state, presuppose advanced or advancing capitalist societies, in which the state and its bureaucratic apparatus are embedded. In most of these new states, there were neither strong state traditions, nor advancing capitalist systems. The borders were carved out by colonial powers, and the institutional structures and bureaucratic cultures were often created and imposed by these powers. The societies of these states were largely pre-capitalist in nature; there was virtually no entrepreneurial class. This meant that the role of the post-colonial state in the economy and in promoting economic development became substantive. The framework for understanding change at macro level – the configuration of institutional transformations in an entire society – in the 1960s and 1970s, were a dichotomy like modern versus traditional sectors and centre versus periphery.[138] The state was regarded, both in Western as well as Communist development models, as part of the centre from which modern values and procedures were spread into the traditional sector or periphery of society and thus a driving force behind social and political change. However, the developmental records of these new states remained meagre at least until the 1990s. Theoretical explanations were sought in external constraints and hostile influences of the world capitalist system and in internal factors, especially regarding the character of third world states. In his theory of the soft state, Myrdal explained the slow pace of Indian development at the end of the 1960s. He indicated that dominant classes shaped the state into an instrument that merely regulates and dispenses patronage.[139] Myrdal has a clearly society-centred approach. Others followed a much more state-centred approach and focussed

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[138] Migdal, 2001: 198.
[139] Leftwich, 1993: 58.

on the bureaucratic military apparatus, which the post-colonial state inherited from its predecessor and which controlled and subordinated the indigenous social classes.[140] This apparatus, which was initially imposed from abroad, expanded after independence in order to promote socio-economic development. The state apparatus enjoyed some autonomy due to its control over means of production and/or ability to act as mediator between competing interests of social groups.

The provenance of the modern state and its institutions in the developing countries differed from those of the Western world. As indicated, in the West the modern state emerged in the course of the significant transformation from agrarian to industrial society with its ideal typical characteristics of public institutions, sovereignty and hegemony, formal monopoly of violence and impartial bureaucracy. These modern states perform a crucial role in establishing institutional apparatus for the enhancement, management and maintenance of economic transformation and growth, whether market-oriented or state-planned. Most of the developing countries owe their existence, borders and institutional set up from the colonial era. The institutions of rule in the colonial period were mainly meant to control the area and to extract resources for the benefit of the colonial powers. These purposes shaped the kind of institutions of rule, as Leftwich argues, which in turn formed the foundations of the states after independence. This particular institutional setup, which depends considerably on deals between colonial rulers and local (traditional) powers, is a context in which patterns of patronage and patron-client relations are so pervasive, that it had a negative influence on the development of institutions from the modern state within these states.[141] Even though many countries establish formal democratic political institutions and allow for broadened possibilities to express political and civil rights, democracy has not consolidated. In fact, the institutions and enlarged sphere of civil and political rights formed a facade behind which authoritarian power relations continue to exist. Political decision-making remains to a large extent an opaque process due to structural problems. Many of these problems relate to the characteristics of state-society relations in developing countries. These countries face many structural problems such as weak democratic institutions, authoritarian traditions, socio-economic problems, ethic and/or religious conflicts, etc.[142] Most of the new states of decolonized Africa but also in other regions, were states without a nation. The borders of these new states were mostly decided upon by former colonial powers.

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[140] Ibid., 60 and 61. Leftwich refers to the views of authors such as Alavi and O'Donnell on the post-colonial state.
[141] Ibid., 2008: 218-221.
[142] Ottaway, 2003: 4.

The boundaries between community and state often did not coincide. The loyalty of people is based on primordial relations. Hyden notes, for contemporary Africa, that lineage orientation survives "[w]hether in politics or in the market place, it manifests itself through enduring bonds of family ties, restructuring of kinship relations, patron-client networks, and other forms of primary reciprocities founded upon affective and oftentimes highly moral criteria."[143] As a consequence, this community-centered orientation affects politics in Africa and possibly elsewhere in two ways. There is a tendency to rely on informal rather than on formal institutions as well as to disrespect formal rules associated with a higher authority such as the state. Important is that when the new nationalist leaders took charge of the state, they did it not as a "[…] corporative class, but as representatives of different ethnic group interests."[144] As a consequence, the state became an arena where conflicting interests had to be resolved. In this respect the state was weak, because it acted in response to society. Moreover, it is a society in transition, from a predominantly rural and community-based one into an industrialised and service-oriented urban society. The rural and community-based societies are often characterised by patriarchal relations. Patriarchal relations continue to exist next to relations based on other criteria such as education level or occupation. These patriarchal relations are often combined with primordial relations between people. The latter's relations are based on criteria of trust and solidarity. In practice, this is often membership of a territorial or kinship collective.[145] Patriarchal structures or relations can be described as follows: the dominance of the father (the Patriarch) is the centre around which the national as well as the natural family are organised. The relations between father and child, rulers and rules, are vertical. The same vertical relations exist between men and women. The Patriarch's will is in all settings absolute. Rule is based on forced consensus.[146] In the context of state-society relations' discourse, Weber calls this kind of ruling patrimonial. He describes patrimonial rule as traditional domination supported by an administration and a military force that are entirely personal instruments of the master (the Patriarch). Given the male domination in most of the traditional societies, the patrimonial rule has patriarchal characteristics. Leftwich noted that behind the facade of constitutionalism, "[t]here was a spreading pattern of clientelism and corruption which radiated out from the rulers and their cliques and which infected all levels and arenas of society."[147] This combination of a concentration of political power, systematic clientelism and particularistic use

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[143] Hyden, 2006: 55.
[144] Ibid., 56.
[145] Layton, 2006: 33.
[146] Sater, 2007: 14-16.
[147] Leftwich, 1993: 64.

of state resources on the one hand and the legal-rational domination of citizens by the institutions of the modern state on the other hand, is called neo-patrimonialism. This is a combination of two ideal types of domination described by Weber, namely patrimonial (a subtype of traditional domination) and legal-rational bureaucratic domination.[148] Hyden remarks, in relation to the African context, despite the disappearance of patrimonial systems, the norms associated with such systems survived among the leaders of the new nation states. The new element is that patrimonialism is backed by state resources of the modern state or by external donors. Moreover, individuals with state power were able to accumulate private wealth by virtue of their public office.[149] Hisham Sharabi developed a framework for state-centred state-society relations for the Arab world. He calls the modern state in the Arab world neo-patriarchal.[150] In a modern state with patriarchal relations in society (the neo-patriarchal states) the citizens are not only arbitrarily deprived of some of their basic rights; they are in fact virtual prisoners of the state. A characteristic of neo-patriarchal systems and structures is the system of patronage, for example the distribution of favours and protection. The patriarchal element, aside from the authoritarian aspect, is that the legitimacy of the leader is also based on his will and ability to care for his family or subjects. The Patriarch claims knowing what his family or subjects want. The patriarchal element is a cultural and at the same time socio-political phenomenon. Traditional patterns of gender relations and the typical forms of the exercise of power and authority within the family have produced patriarchal patterns of political authority. Some authors, explaining the persistence of the authoritarian character of the state in the Arab world, link patriarchal relations with the introduction of a modern and powerful state apparatus imported from Europe. Nonetheless, also in Europe patriarchal relations between rulers and ruled continued to exist when modern states come into existence.[151] A core feature of neo-patriarchal relations between state and society, as Sharabi indicates, consists of the distribution of favours and protection. Mediation is the central function of the patronage system, which "[…] secures the protection and material interests of the individual and the groups, including the lowest members of the group, strengthens the latter's sense of identity and cohesion."[152] The stability of this system is based on the fact that everyone involved in it gains: the supplicant, the one who bestows favours, as well as the go-in-between. The patron-client relationship while it is reciprocal, it is at the time unequal because the patron has control of, or access to, resources

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[148] Soest, 2010: 2.
[149] Hyden, 2006: 96.
[150] Waterbury, 1994: 31. See also Sater, 2007: 15.
[151] Schulze, 1996: 89. The author refers to developments in the German states of Brandenburg and Prussia.
[152] Sater, 2007: 15.

and opportunities, which he provides in return for loyalty, support, votes and respect.[153] Seeking mediation through the use of a go-in-between in order to get something done is not new, nor typical for Arab societies, although this practice, known as *wasta*, is traditionally strong within them.[154] However, if these patronage relations replace or severely undermine decision-making by state bureaucracy on the basis of the rule of law, it can render justice questionable and inefficiency inevitable. The citizens do not see state bureaucracies as impartial. There is an absence of democratic accountability. The consequence is that individual rights are not protected by the state and the interests of the powerful and the rich are favoured. As Leftwich notes, "[t]he rules defining the institutions of patronage are entirely at odds with the rules underpinning the modern state."[155] A state basing its relations with society on a patronage system and not the rule of law is an instrument in the hands of the power elite to maintain individuals and groups in society in a dependency relation. In such a context, the state does not provide individuals or groups of people either with justice nor protection. In addition, to the above-mentioned problem of public institutions under private control of the ruling elite, many states in the developing world face problems in establishing their hegemony and in maintaining sovereignty within their borders. At the local, regional and even national level, there might be powerful leaders or bosses such as clan, tribal and religious leaders but also entrepreneurs. Moreover, the legitimacy of the state, as Leftwich indicates, can be challenged by various groups of ethnic, religious, cultural or regional nature that do not want to be part of it, or by political adversaries who do not accept the regime.[156] While the institutions of the new state had penetrated everyday life of citizens of the new states, only few of them could be considered effective and efficient in implementing their development policies. Migdal assumed that the latter was only possible if the state was able to impose a tremendous social control on its citizens. In practice, the state was confronted with other social organisations, applying different rules in parts of society. State leaders might feel obliged in order to ensure political stability and their

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[153] Leftwich, 2008: 221.

[154] Cunningham and Sarayrah, 1993: 1 and 2. "*Wasata*, or *wasta*, means the middle, and is associated with the verb yatawassat, to steer conflicting parties toward a middle point, or compromise. Wasta refers to both the act and the person who mediates and intercedes. [...] The wasta seeks to achieve that which is assumed to be otherwise unattainable by the supplicant. In recent years, wasta as intercession has become prominent, particularly in seeking benefits from the government… Family is the traditional basis for intervening to resolve a dispute or to seek a benefit, and family loyalty remains the foundation of the wasta system in the contemporary Middle East. […] Other significant loyalties on which one may draw for wasta services include members of small ethnic or religious groups, political parties, or social clubs. […] However, blood relations constitute the underlying basis for loyalty, and wasta services are an important demonstration of this loyalty, strengthening family ties."

[155] Leftwich, 2008: 221.

[156] Ibid., 222.

own survival to accommodate potential contending forces in or outside the state. The state both at the level of central executive leadership, the leadership of state agencies as well as state officials at regional and local level, used different techniques to control potential power centres: "[c]o-optation, steering disproportionate amounts of state resources to them, absorption into the state organisation, intimidations and more."[157] In circumstances of fragmented social control, state leaders but also state representatives at regional and local levels, not only accommodate potential competing power centres, but also make deals with less powerful leaders of social organisations by using state resources in exchange of social stability. In the long run, this process may have unintended outcomes for the ruling elite: "[t]he bureaus of the state may become little more than the arenas for accommodations with other organizations. Their tentacles may be captured by those with very different rules and principles from those expressed in the state's legal code, and state resources may be used to strengthen the very forces they aimed to eliminate."[158]

As we will elaborate in the next chapter, the Syrian state and its relations with Syrian society are characterised by structural problems. The Syrian state was a state without a nation and in need of an identity. It was the outcome of decisions made in the 1920s by France and the UK to split up the Ottoman Empire in spheres of influence. The French colonial state was mainly an instrument of repression controlling Syrian society by divide and rule, using mistrust between ethnic and religious groups. The democratic facade created by the French at the time of independence soon collapsed as a consequence of power struggles between different sections of Syrian society. The authoritarian regime, which emerged at the beginning of the 1970s out of this struggle for power, was characterised on the one hand by its use of state institutions in a legal bureaucratic manner and if felt necessary through repression in order to penetrate and control society and on the other hand by shaping clientelist relations with powerful representatives from society by using informal, primordial and patriarchal ties. The Syrian authoritarian regime can thus be clearly considered as neo-patrimonial. This system, established by Hafez al-Assad in the 1970s has successfully overcome strong resistance from contending societal forces, not only by repression but also by its ability to reshape its relations with groups in Syrian society. The Syrian regime showed authoritarian resilience.

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[157] Migdal, 1988: 263 and 264.
[158] Migdal, 1988: 265 and 266.

2.2.3 Authoritarian Resilience

Groups controlling an authoritarian state might also need some legitimacy, or at least acceptance to justify their hegemony over society in order to remain in power. In an authoritarian context, ruling groups use several instruments in order to legitimise their hegemony. The most visible form is the use of force or threatening to use force. Order and security forces are given unrestrained powers by referring to internal or external enemies trying to undermine the safety of the society and thus the lives of ordinary citizens. A more sophisticated method to discipline their subjects that authoritarian regimes have at their disposal is a constant surveillance control. Wiktorowicz calls this constant surveillance the management of collective action.[159] This disciplinary power is derived from the capacity of the state bureaucracy to partition space into controllable units, which can be regulated and administered. By dictating when and where individuals are present and even their relations with one another, the state enhances its social control. The fact that individuals are constantly observed maintains disciplined individuals in their subjection.[160] The state bureaucracy can create specialised units charged with this task. Through these less visible bureaucratic practices, regimes can limit the scope of participation and activity of civil society. As pointed out, the sole use of force might be counterproductive to discipline their subjects in the long run because of the opposition it generates. Another way, as indicated above, is through the creation of corporatist organisations controlled by the state: hence, the state guides and structures social life. These corporatist organisations are one of the channels through which the ruling elites spread their vision or ideology legitimising their ruling.[161] In order to ensure the continuation of their ruling, it is important for the ruling elites that groups in society not only accept being dominated but that the dominated contribute to and participate in their domination, i.e. they believe in the validity of the authoritarian regime.[162] The ruling groups present their ruling as being of the best interest of the general public. Pratt calls this process the spread or creation of the culture of authoritarianism[163], or in the words of Gramsci, the legitimacy of coercion. Gramsci points to the "[s]eemingly autonomous institutions such as schools, media, social associations and practices such as ideological representations, which not only reflect but construct state power."[164] Thus, the ruling groups aim to get consent for their ruling through spreading their ideology via a myriad

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[159] Wiktorowicz, 2001: 19.
[160] Wiktorowicz, 2001: 20 and 21.
[161] Pratt, 2007: 11.
[162] Ibid., 10.
[163] Ibid., 9.
[164] Chandhoke, 1995: 55.

of educational, religious and associational institutions.[165] Ruling elites may try to broaden their social basis by taking into account the interests and tendencies of subordinated groups. This policy of co-optation can for instance be done through economic policies such as accommodating private entrepreneurs, or by subsidising basic goods and services of importance, specifically for lower income groups. Co-optation can also be created by allowing political participation of some social forces, only if they do not challenge the hegemony of the ruling elite in return for certain advantages provided by the state. A specific form of ensuring co-optation is the use of clientelist practices such as the patronage system described earlier. Personal relations between rulers and the ruled are used by the former to get loyalty, for example votes, and by the latter to get privileges, goods and services and forms of protection. Co-optation and clientelism can also occur in democratic political systems. These clientelist relations can take a specific form if they are embedded in patriarchal structures or relations.

It can be argued that state-society power relations are not one-dimensional, but have need to be interpreted by taking into account different interests within the ruling elite as well as other social forces in society. Depending on these interests and concrete issues, there might be partnership between parts of civil society and the ruling elite as well as confrontation between parts of civil society and the ruling elite. Thus, there might be convergence of interests between parts of civil society and groups within the ruling elite on the need for social and economic modernisation and divergence on the issue of opening up of the political system to other social forces and restoration of civil and political liberties of citizens. These ties may also explain why authoritarian political systems can be persistent. This issue is also of relevance in the context of this study. The question why civil society as a democratisation force remains weak in the Arab World brings attention to the relation between civil society and the state. Some scholars interpret the weakness of the civil society as a democratisation force in the Arab World primarily as the outcome of repression by the state. Others stress that the persistence of authoritarianism might be explained with the support provided by parts of society for the authoritarian state. In order to answer the above-mentioned question, it requires giving more attention to the existence of uncivil society, as well as the capacity of authoritarian states to adapt. In the Arab world, authoritarianism has maintained itself until the on-going revolt since 2010, despite the spread of market-led economic development, the growing number of CSOs as well as foreign support to civil society groups. While elsewhere in the world CSOs manage to play an important role in democratisation of the political system, this is not the case in the Arab World. What is the

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[165] Abdelrahman, 2000: 26.

reason for this exceptionalism? Arguments used to explain exceptionalism focus on culture, religion and historical factors in a context where rapid social changes take place due to accelerated population growth, inability of governments to keep up with promises to deliver services and social protection to its citizens as well as repression of political opposition.[166] Some authors stress the ability of authoritarian regimes to upgrade, renew and innovate their authoritarian ruling not only by threat of or use of force, but also by broadening or renewing consensus for their ruling among broad layers of population, including new layers such as an emerging entrepreneurial class. Heydemann describes the process of how regimes in the Arab world have dealt with pressures for political change and economic liberalisation. They develop strategies to contain and manage pressures for democratisation and in addition, explore opportunities which economic liberalisation might provide. They also understand that authoritarian governance might profit from administrative reforms; "[a]uthoritarian upgrading consists in other words, not in shutting down and closing off Arab societies from globalization and other forces of political, economic, and social change. Nor is it simply based on the willingness of Arab governments to repress opponents. Instead authoritarian upgrading involves reconfiguring authoritarian governance to accommodate and manage changing political, economic, and social conditions."[167] Authoritarian upgrading is the result of authoritarian learning by regimes from one another. Heydemann notes in this regard that China became a model of particular interest for Arab governments exploring ways to improve economic performance without losing political control.[168] Moreover, instead of presenting state-society and state-society power relations as a dichotomy, one should see the relationship in a more fluid manner. In this respect, the regime is not necessarily the sole source of authoritarianism and coercion. Parts of civil society might actually legitimise authoritarianism. Pratt in her study on democracy and authoritarianism in the Arab World argues that important parts of civil society supported the project of the authoritarian state modernizing society. Pratt sees it as a process, in which depending on the circumstances at a certain place in time, the support among people for authoritarian ruling can grow or decline. Authoritarianism is seen as a dynamic process. According to Pratt, authoritarianism is not only determined by the type of regime and the nature of political relations, but also by the complex of social relations, rooted in class, gender as well as in religious and ethnic differences.[169] Moreover, the regime is not necessary a unity. The

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[166] Salamé, 1994: 2 and 19.
[167] Heydemann, 2007: 1.
[168] Heydemann, 2007: 2.
[169] Pratt, 2007: 2.

regime can consist of groups or factions each attempting to impose their own views. They might try to make alliances with other groups in society. Groups and individuals in society, such as religious and tribal leaders, or entrepreneurs, might try to link up with the ruling elite in order to foster their personal and/or communal interests. Thus, the boundaries between the state and society can become blurred. The regime might also act as counterforce against authoritarianism in society. Contending social forces might try to impose themselves on the whole of society. Minorities in society might seek protection from the state, even though the state is authoritarian. In fact, authoritarianism of the state is deemed necessary by these groups in order to receive the necessary protection against authoritarian projects of the dominant majority in society.

In short, the geographic and historical origin of the concept of civil society is rooted in Western, mainly European context. The context, in which civil society with its different normative meanings develops, is one in which agrarian societies transforms into industrialised, feudal and absolutist states reshape into modern bureaucratic, guaranteeing individual rights. Good judgment should be exercised in making any generalisations based on the Western experience, about the role civil society could play in the development of non-Western societies.

While the concept of civil society is contested with regard to what civil society does or is supposed to do, civil society in its different forms can be considered as an empirical reality. The main functions attributed to civil society by scholars, policy makers and activists reflect different aspects and perceptions of this reality. There is no single civil society position or interest. Linking civil society explicitly to one of the mentioned moral or normative connotations contains a double risk. Such a step might suggest that civil society has a single unified interest or position on certain issues. Moreover, such approach could reduce civil society to a restricted group of organised people, with the risk of losing sight of the broader, complex social reality. Therefore, civil society cannot be considered by definition a pro-democracy force, although in concrete situations there may be groups within civil society striving for democratisation. The relations between civil and political society are blurred. Civil society can consist both of non-political organisations, as well as of organisations supporting democratic or authoritarian state society relations. Under an authoritarian regime, state-society relations are unequal in terms of power generating means. Contingent on the view of authoritarian rulers of the specific CSO, these can be oppressed, controlled and/or supported. Support by authoritarian regimes to CSOs might contribute to a limited political opening but does not necessarily translate into support for democratisation. This support can also be part of a strategy by authoritarian regimes to

consolidate authoritarian rule, by tying parts of civil society to the regime through corporatist structures and/or patriarchal as well as clientelist relations. Willingness from state and civil society to become partners in development cannot be assumed. Firstly, no single position and/or interest are shared by the whole of civil society. However, there exists a possibility for the state and certain CSOs to partner on specific issues. Secondly, especially in the context of authoritarian regimes, state-society power relations are very unequal. As a consequence, authoritarian states might simply select or create CSOs to perform certain tasks thus ensuring the status quo of the ruling party.

The theoretical discussion and western conceptualisation of civil society still has strong bearing on how the EU formulates its democratization policy. As this study explains, the EU's view on the role of civil society in promoting good governance is rooted in western political and philosophical thinking. The EU's view on civil society as a prodemocracy force is clearly normative, because it adds on to ideas about a democratic state: in a civil society, the citizens are for instance, actively involved in public debates and civil society is a counter-hegemonic force. The idea of state civil society partnerships refers to a specific kind of state: acting as a neutral mediating agent, guaranteeing individual rights and is based on a kind of social contract between ruler and the ruled. In fact, this notion reflects the model of western state-society relations based on a separation of powers, recognizing fundamental rights of citizens and a system of checks and balances. As indicated in this chapter, the character of states as well as of state-society relations in non-western states differ substantially from the ideal typical western liberal and liberal democratic notions. States are often authoritarian, even in the case of having formal democratic institutions, and provide instruments for rulers to accumulate wealth. State-society relations, as we will argue in the case of Syria, have often neo-patrimonial characteristics.