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What Is Civil Society?

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“Civil Society” as a term of analysis

- The term has been used in different and sometimes contradictory ways over the centuries
- One must be careful when using it to specify what one means
- It is a term of sociological/political analysis, such as the terms “government” and “state,” and its history helps us to understand its significance

“Civil Society” Has a History

- Like many modern institutions, it arose in the re-emerging urban orders of Europe
- It drew on the tradition of democratic government -- government by the *demos*, that was pioneered in Greece
- But it adapted and evolved to new conditions that encouraged deliberation and voluntary cooperation, which replaced tribalism, political tyranny, and absolutism

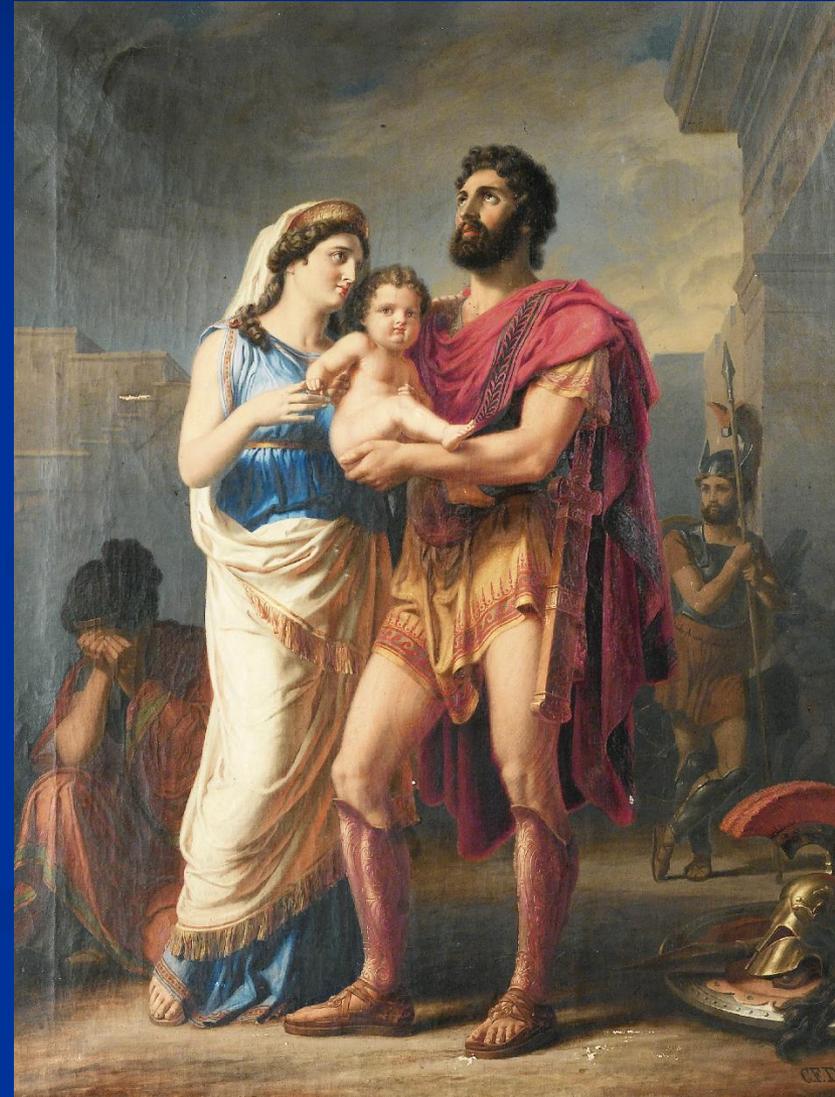
“Civil Society” Has a History

- Civil societies are not the natural or equilibrium state of mankind .
 - That was one of the many errors of the invasion of Iraq – that all that had to be done was to remove an obstacle and the country would transform itself into Oregon or Belgium.
- Civil societies are achievements and, while they may be robust, they are not infinitely so.
- Civil societies need constant renewal of their intellectual and moral foundations.
- Let’s start with a look into their origins of civil societies, starting with the idea of *freedom*.

Freedom in the Archaic World of the Mediterranean

*But it is not so much the pain to come of the
Trojans that troubles me.....
as troubles me the thought of you, when some
bronze-armoured
Achaian leads you off, taking away your
day of liberty,.....
But may I be dead and the piled earth hide
me under before I
hear you crying and know by this that they
drag you captive.*

ἀλλ' οὐ μοι Τρώων τόσσον μέλει ἄλγος ὀπίσω,....
ὅσσον σεῦ, ὅτε κέν τις Ἀχαιῶν
χαλκοχιτώνων
δακρυόεσσαν ἄγηται ἐλεύθερον ἦμαρ ἀπούρας:.....
ἀλλὰ με τεθνηῶτα χυτὴ κατὰ γαῖα
καλύπτοι
πρὶν γέ τι σῆς τε βοῆς σοῦ θ' ἐλκηθμοῖο πυθέσθαι.



A New System – Democracy -- Emerged in Greece in the Classical Period

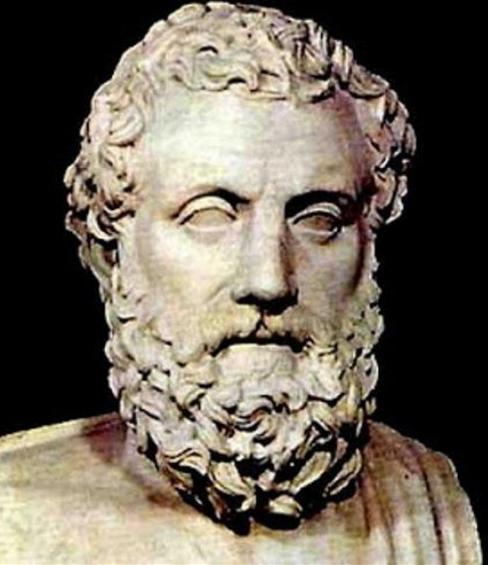


- “Democracy” was used to describe the Athenian polity after the Cleisthenic reforms of 508-507 BCE

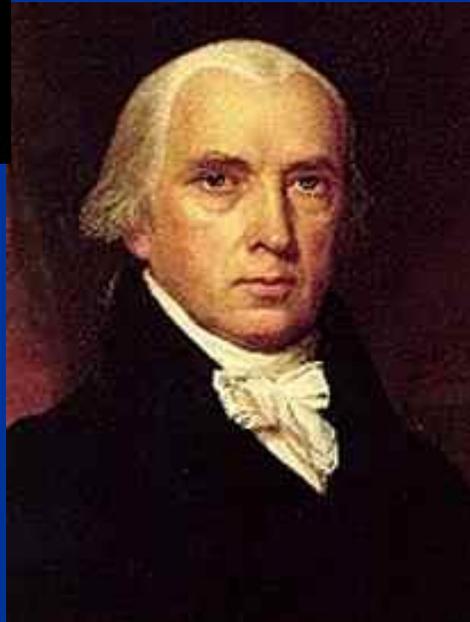
Athens as the Cauldron: Strife and the Kleisthenic Reforms

- In 510 the Athenians expelled the tyrant Hippias with the help of the Spartans; Isagoras the Athenian allied with the Spartans and expelled Kleisthenes, who called upon the people to rebel and expel the Spartans.
- In 507 Kleisthenes was elected to begin the democratic reformation of Athens.
- Kleisthenes instituted
 - A council of 500, based on
 - 10 tribes, constituted by 30 ridings and 139 villages, towns, and neighborhoods, known as demes, or demoi.
 - Each deme (demos) was assigned to a tribe, with 1/3 from the plains of Athens and environs, 1/3 from the mountains, and 1/3 from the coast
 - Isegoria – equal access to speech – was guaranteed

The Kleisthenic Reforms vs. Factional Domination



Kleisthenes



James Madison

- “the **CAUSES** of faction cannot be removed, and that relief is only to be sought in the means of controlling its **EFFECTS.**” ... “By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression.”

■ James Madison

Key Greek Concepts that Prepared the Way for Equal Liberty

- **Isonomia** – equal laws, equality before the law, the rule of law
- **Isegoria** – equal speech, freedom of speech
- **Isokratia** – equal power, one man (as in male), one vote
- *Democratic* values were undergirded by *equality*, but for the idea of a *society of free and equal people*, the Greeks had to face a challenge from outside the world of the Greek polities: the Persian Empire.

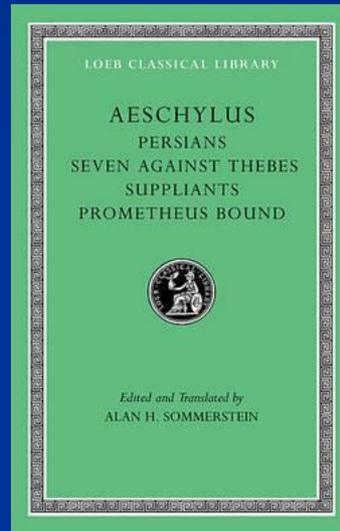
Greek Freedom Against the Persian Invasions of Greece

- First Invasion – under Darius – and Battle of Marathon, 490 B.C.E.
- Second Invasion – under Xerxes – and Battles of Thermopylae and Salamis, 480 B.C.E., and Plataea and Mycale, 479 B.C.E.



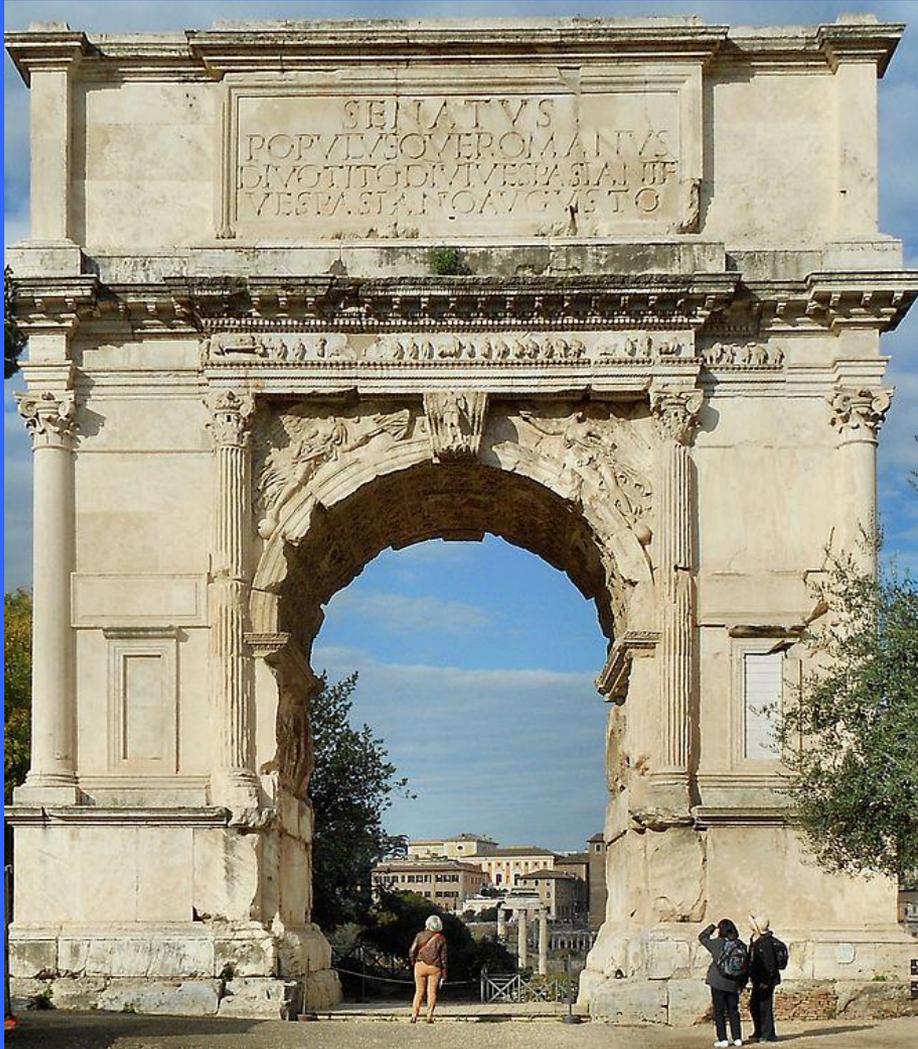
The Aiming of the Play of Aeschylus Defense of Athens and Political Power

- In promoting Athens as a naval power, Themistocles raised the importance of the thetes – the menials, who were rowers in the Athenian navy;
- One who fought at Marathon and possibly also at Salamis was Aeschylus



- In the Play “The Persians,” the Persian queen asks of the Greeks,
 - “Who commands them? Who is shepherd of their host?”
- To which the Chorus of Persian Elders responds,
 - “They are slaves to none, nor are they subject.”

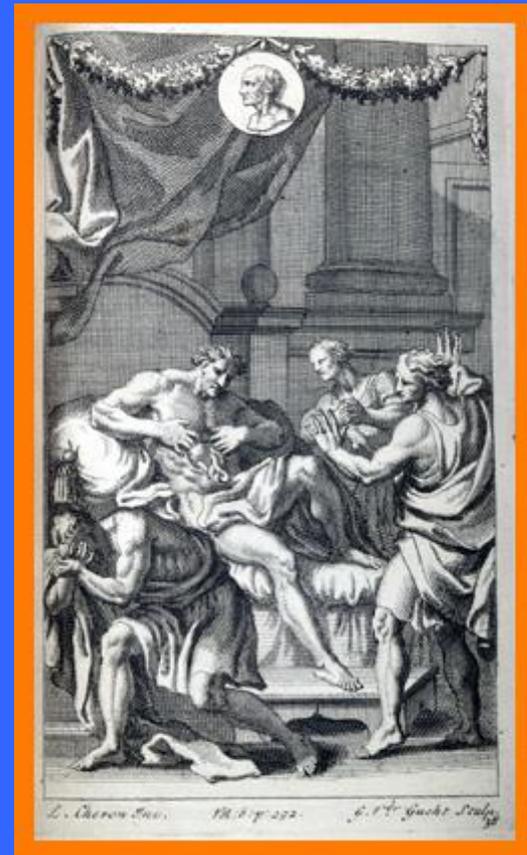
The Establishment of the Public Thing in Rome: SPQR, Senatus Populusque Romanus



- Overthrow ca. 510-509 B.C.E. of the Monarchy of Lucius Tarquinius Superbus and the establishment of a Republic
- The Constitution of the Republic entailed a rich body of laws and a complex array of different offices, each with powers and immunities (Consuls, Tribunes, Censors, etc., etc.), which made it difficult for a monarchy to be reestablished

The Republic Destroyed: Suicide of Cato the Younger, Last Free and Independent Man in Rome

46 B.C.E., after his defeat by Julius Caesar at the Battle of Thapsus, Cato commits suicide and becomes an inspiration to defenders of republican ideas based on consultation and the rule of law



An Empire Persisted, but Classical Civilization Did Come to an End



- New Rome, City of Constantine, founded 330
- Roman Legions Withdrawn from Britain (409-410)
- Last Roman Emperor in Rome Turfed Out by his general (Odoacer)
 - Flavius Momyllus
Romulus Augustus
(Augustulus) Triumphus

And in Europe was replaced by other military, political, and legal institutions

- Feudalism was Primarily a System of Military Defense
- In Creation of Decentralized Systems of Defense, It Created New Kinds of Property Relations



New Forms of Governance Were Established

- Abbey of Cluny
 - Founded 910 as a Benedictine Order
 - Established a new organizational form that
 - Prohibited feudal land holdings
 - New form of discipline and governance



The Pax et Treuga Dei (Gottesfrieden) & Constitutio Pacis (Landfrieden) Movements

Reduced Violence

- The Church, which is becoming more and more prosperous, organized peace movements across Europe
- Priests and Bishops organize the population to take public oaths not to fight or engage in violence

The German Emperors seek to strengthen the Peace of God and to reduce violence

Emperor Henry IV in 1103 established the First Imperial Peace of Mainz to reinforce the Mainz Peace and Truce of God of 1085

The Gregorian Reformation – “Freedom of the Church” – Distinguished the Church from the State

- 1073 – The German monk Hildebrand becomes Pope Gregory VII
- 1075 -- Gregory Issues Dictates of the Pope
- 1077 – Emperor Henry IV asks forgiveness at Canossa





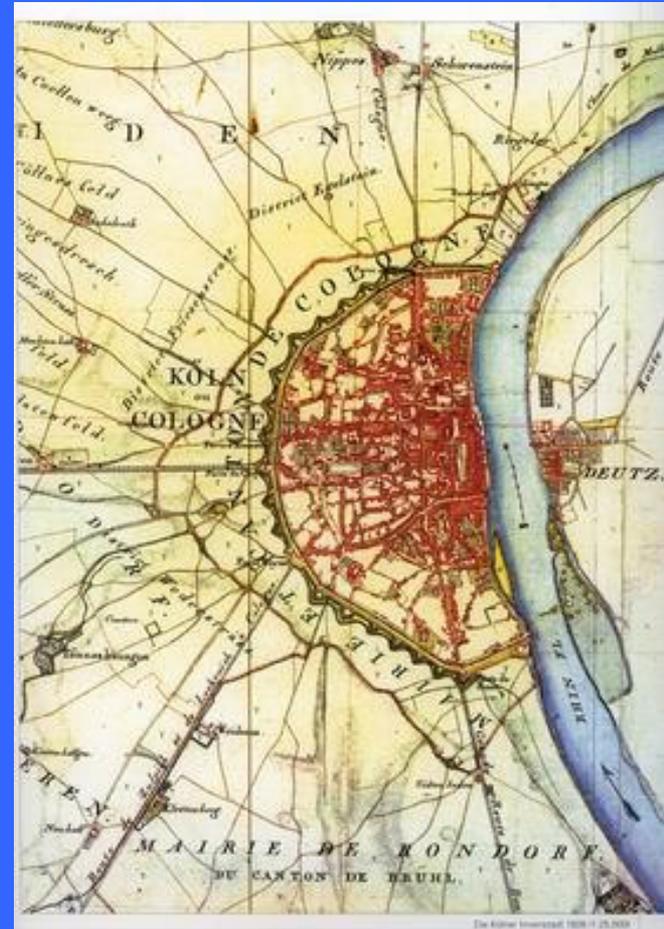
Rediscovery of Justinian's Codification of Roman Law (About 1080...)

*QUOD OMNES TANGIT AB OMNIBUS APPROBATUR
WHAT TOUCHES ALL MUST BE APPROVED OF BY
ALL*

*QUOD PRINCIPI PLACUIT LEGIS VIGOREM HABET
WHAT PLEASURES THE PRINCE HAS THE FORCE
OF LAW*

Civil Society Emerges Based on Free Association: Growth of Medieval “Communes”

- “Stadtluft macht frei, nach Ablaufe von Jahr und Tag.”
- “City air makes you free, after the lapse of a year and a day.”



Governance was provided by associations of craftsmen and merchants

- The medieval communes provided security, peace, and public goods, often through associations of guilds
- “The burghers were essentially a group of *homines pacis*—men of peace.”
 - *Medieval Cities: Their Origins and the Revival of Trade*, Henri Pirenne



Human Relations Progressed from “Status” to “Contract”

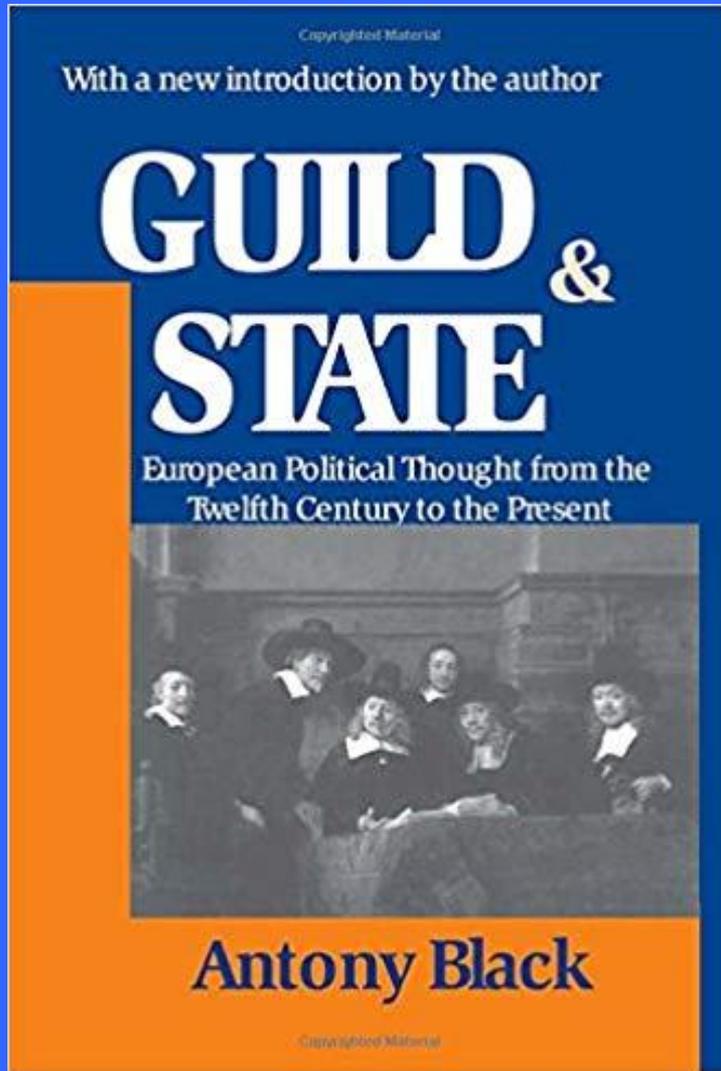
“The movement of the progressive societies has hitherto been a movement from status to contract.”

--Sir Henry Sumner Maine
Ancient Law (1861)



Emergence of Civil Society

- Latin – Civitas – gives us “civil,” as in a mode of behavior
- German – Burg – gives us Canterbury, Pittsburgh, Hillsborough, bürgerlich (German), “bourgeois” (thanks to the French appropriation of bürgerlich), and the “House of Burgesses”
- “The expression burgenses was at first used only if the city was not a civitas, and civitas was at first only the old episcopal seat (‘Bischofsstadt’).”
 - Hans Planitz, *Die Deutsche Stadt im Mittelalter: Von der Römerzeit bis zu den Zünfkämpfen*
- Burgensis and bürgerlich enter English via French as “bourgeois.”



“The crucial point about both guilds and communes was that here individuation and association went hand in hand. One achieved liberty by belonging to this kind of group. Citizens, merchants, and artisans pursued their own individual goals by banding together under oath.”

---Antony Black,

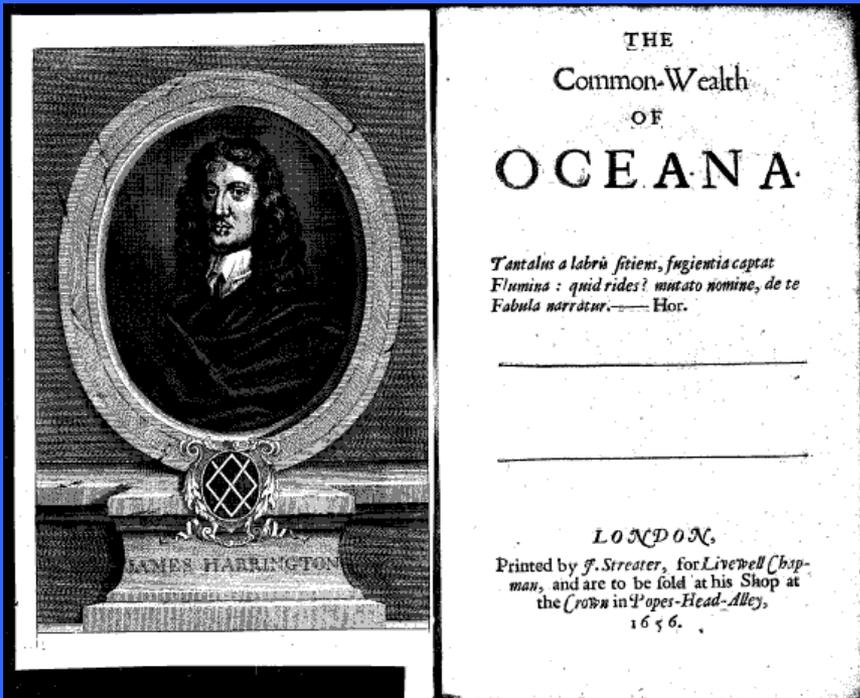
Civil Societies Distinguished from Slave, Feudal, and Totalitarian Orders

- Rather than distinguishing “civil” parts of society or of a social order from “uncivil” parts, the term **civil society distinguished civil societies from other forms of human association**, such as relationships based on caste, slavery, feudalism, or – in the modern age -- totalitarianism.
- The rights of burghers/citizens that made possible such a society came to be known as *civil rights* – the rights needed to live in a civil society.

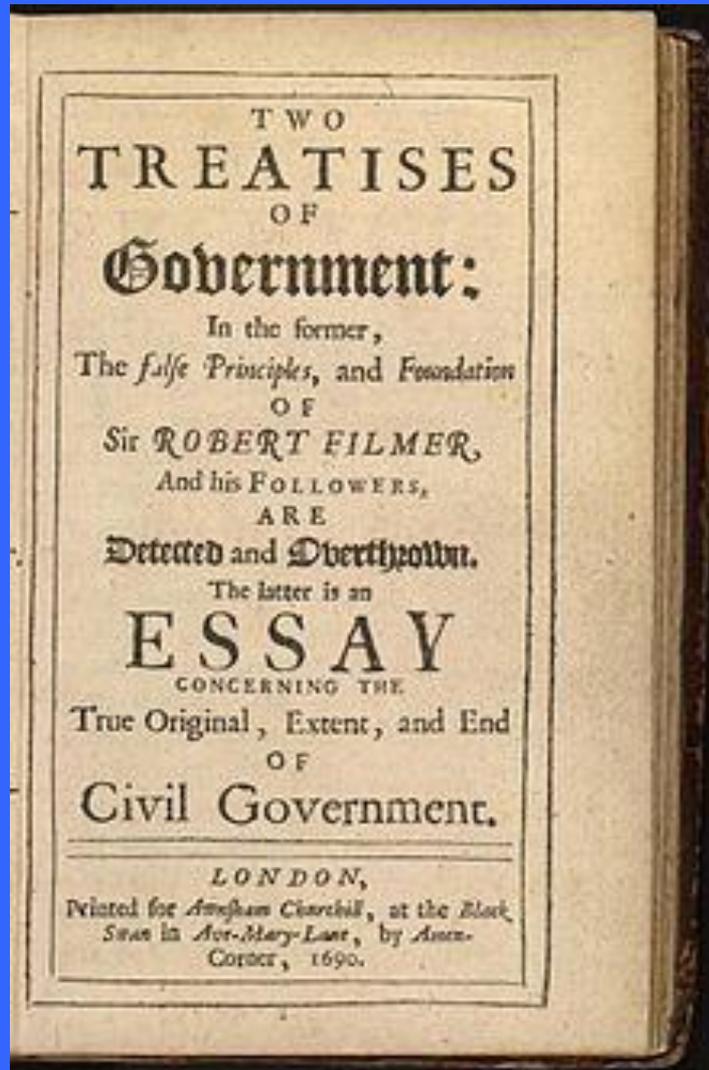
The rule of law – of procedures and not commands – is central to a civil society

- “Government (to define it *de jure* or according to ancient prudence) is an art whereby a civil society of men is instituted and preserved upon the foundation of common right or interest, or (to follow Aristotle and Livy) **it is the empire of laws and not of men.**”

– James Harrington



Civil Society Means Pluralistic and Peaceful Living Together



- “[t]he only way whereby any one divests himself of his Natural Liberty, and *puts on the bonds of Civil Society* is by agreeing with other Men to joyn and unite into a Community, for their comfortable, safe, and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it...”
– John Locke

Civil Societies Embrace Both Freedom and Law

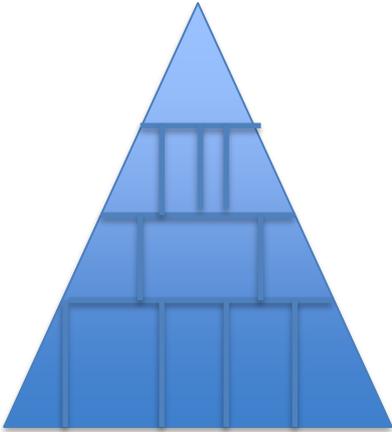
- “[T]he end of law is not to abolish or restrain, but to preserve and enlarge Freedom: where there is no Law, there is no Freedom. For Liberty is to be free from restraint and violence from others which cannot be, where there is no Law: But Freedom is not, as we are told, A Liberty for every Man to do what he lists: (For who could be free, when every other Man’s Humour might domineer over him?) But a Liberty to dispose, and order, as he lists, his Person, Actions, Possessions, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely follow his own.”

Relations of Civil Society to the State

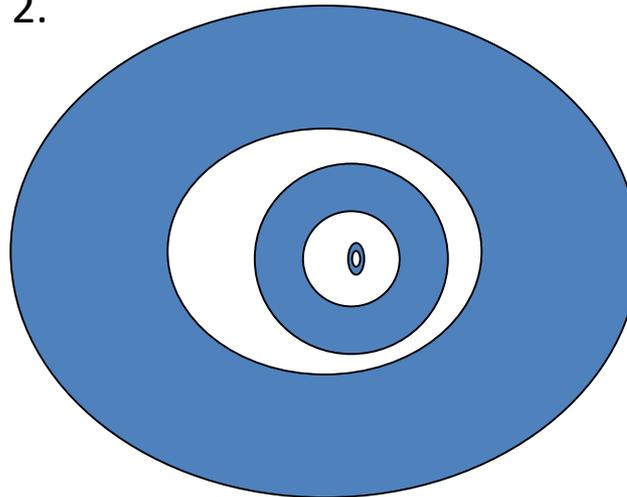
- The Officers of the State are Limited in their Functions and have only *Enumerated Powers*
 - Example: U.S. Bill of Rights, Amendment Ten
- The Members of Civil Society have *Unenumerated Rights*
 - Example: U.S. Bill of Rights, Amendment Nine

Civil Society and Individual Identity

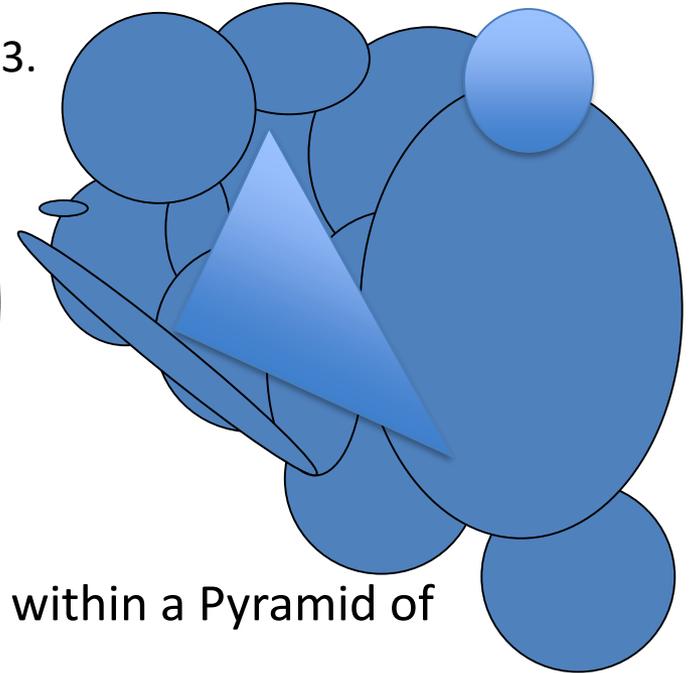
1.



2.



3.



- 1. In a Feudal Order, the Individual is Situated within a Pyramid of Powers and Rights;
- 2. In a Collectivist Order, the Group Seeks to Absorb the Individual and focus Loyalty on Party, State, Nation, Class, or Race;
- 3. In a Civil Society, the Individual is a Member of Many Groups, which intersect and overlap, and none of which Absorbs Anyone Completely

Relations Among Individuals and Groups In Civil Society Are Like IKEA Furniture



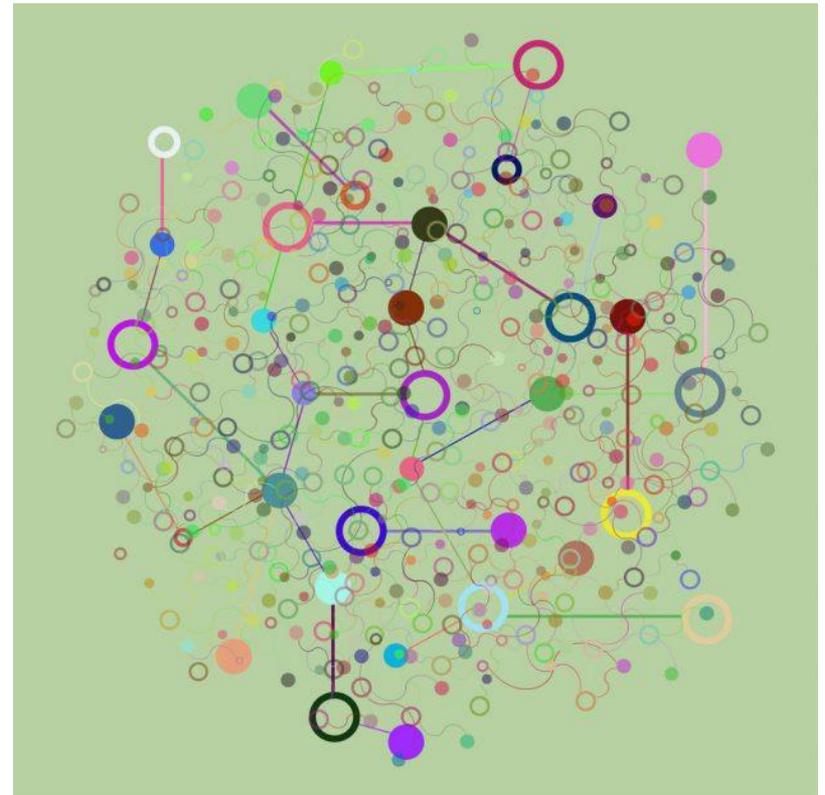
Ernest Gellner

- “There are firms which produce, advertise, and market modular furniture. The point about such furniture is that it comes in bits which are agglutinative: you can buy one bit which will function on its own, but when your needs, income or space available augment, you can buy another bit. It will fit in with the one acquired previously, and the whole thing will still have a coherence, aesthetically and technically. You can combine and recombine the bits at will. . . .*What genuine Civil Society really requires is not modular furniture, but modular man.*”

– Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals*

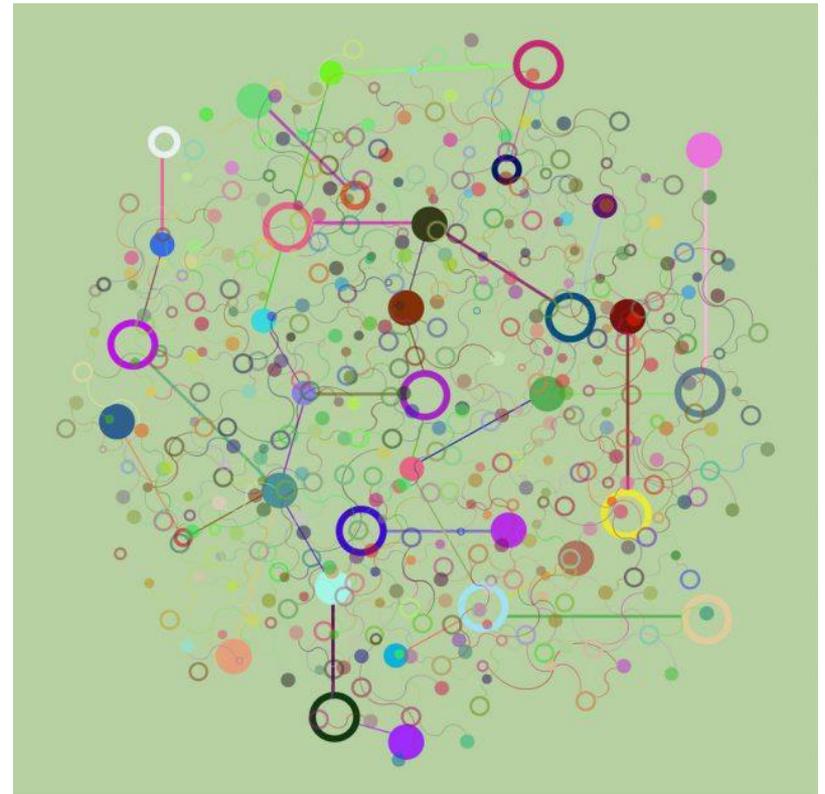
In Civil Societies, Identities Are Complex

- Individuals Can Form Their Own Identities
 - Identity is partly given, but also partly created
 - Through Association
 - Through Experience
 - Through Fashion
 - Through Education
 - Through Religion
 - Through Histories and Choices



Differences in Diverse Civil Societies Are Negotiated through Rule-Governed Civil Interaction, Not through Violence

- Civil Interaction Includes:
 - Discussion
 - Debate
 - Exchange
 - Persuasion



And that is what we are here to make possible: Civil Interaction

Civil Societies Both

&

Promote civil
discourse

Depend on the
maintenance of civil
discourse

That's why we're here today