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Civil Society: The Complexity of a Concept

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Abstract

The civil society is not reduced to a state structure, but it does not constitute its antimony. It is the scenario in which private interests interact in a complex relationship with the public apparatus, in an always deliberative way, with fluid democratic expressions and solid bases of participation in collective affairs. Democracy is only possible in society and society is only viable when the interaction of the various agents that compose it. State and society, under the parameters of pluralism, are the condition of the development of civil expressions. Therefore, democracy and freedom determine the existence of a political system in which civil society is not reduced to the periodical and mechanical electoral event in which political preferences are manifested, nor to the individualistic apathy of the neoliberal world. The example of this reduction to simply procedural practices is given by countries like Colombia, Mexico, Peru, among others in Latin America. And in the developed world, the United States is a paradigm of show democracy in front of a civil society superficial and far from the real daily problems. Article result of the research project "Latin American Social Thought" executed within the framework of doctoral studies in Political Science of the Universidad del Rosario, Argentina, whose purpose is to determine the validity of the concept of civil society

Key words: State, Civil Society, Politic Party, Democracy, Participation.

Introduction

The relationship between the State and society has been a constant topic of reflection throughout history, which goes back to ancient Greece for whom the polis was a whole, while the individual, just a part of it, moving on to medieval times with a fragmented society but whole in faith (as far as the West goes, all the way to modernity in which the civil society has gained such usual and problematic vigor in its analysis and comprehension. Due to the rise of neoliberalism in the 90's and the beginning of the XXI century, in which the market-based

relationship has wiped out the characteristics of the political and social perspective; additionally, has placed some sort of economic despotism denoted by competence and gains and has been established as a way of renaissance of power of that which is named but not precisely defined: civil society. This essay is an effort to determine its nature and reach, founded on four current theories even if its sources date back to the XIX century. First of all, Cohen and Arato (1992) with a challenging interpretation of Hegel's *Elements of Philosophy of Right*, specifically the sections regarding the civil society.

For Cohen and Arato (1992) Hegel is the original theorist of modern civil society, not a defender of an absolute State which protects both the family and the society. Both authors propose that it is the creation of a civil society that responds to modern demands of the organization, without being controlled by the state institutions, nor being reduced to satisfying that which Marxist language has classified as the world of needs. In order to do so, both authors analyze different conceptions of civil society, all the way to the scholar of Jena whose works they consider as the theoretical support of their thesis. In second place, they work on Habermas' theory (1993), that establishes a model to build democracy called *deliberative democracy* (his main work is *Theory of Communicative Action*), and whose main statement tries to constitute a procedural system of democracy, based on society and without disregarding the civic virtue of republicanism, nor the importance of constitutional norms in a liberal paradigm, takes place in the public space of deliberation, as the opportunity of decision making, with a previous discussions of real conditions of pluralism.

In the third section, there is Michael Walzer (2010), who perceives civil society as a scenario of different scenarios, that is, a space in which diverse collective organizations hold a place, in order to avoid excesses in Marxist, liberal and nationalist points of view which end up generating extremist positions; even though, the author is aware that in such a multi-phased space of association there is place for all and each one of those manifestations. Finally, there is Charles Taylor (1995) who proposes a civil society that displays the ideals of Montesquieu and Locke, and also those of Tocqueville, regarding the strengthening of independent organizations that foster self government as a way to counteract against despotism and at the same time a way to ensure freedom in the western democracy, threatened by the empire of economic activity over the State.

1. **Hegel or the Civil society in vigor.** In Hegel's thinking system there is a conceptual development

of the civil society in relation to the State, which is considered the start of the modernity in this field. The unifying model of the German philosopher according to Cohen and Arato (1992) "is based on two pillars: ethics in life (ethos o Sittlichkeit) and freedom in politics" (pp. 120-121), relates the intimate sphere of individuals with their political dimension. In summary, in the most dialectic of meanings, it is not a perfect elaboration, free of contradictions, but one that constitutes moving forward since it has been, since Aristotle, going through the middle ages, the search for a theoretical configuration of the human community. The aspiration of a representative State of the absolute spirit, along with the defense of an environment free of absolute interferences, according to Cohen and Arato (1992), establishes one of the irreconcilable contrasts in Hegel's design of civil society. Can

ethos or Sittlichkeit be intervened from a normative point of view? Cohen and Arato (1992) ask or is it an exclusive sphere which excludes an exercise of individual autonomy? (p.121), it is Hegel, who when describing the civil society grants it a bare media nature because it lacks an end itself, which is a matter of the state. This statement is based on paragraph 18 of the elements of the philosophy of right, in which Hegel (1999) explicitly explains the meaning:

"The civic community is the realm of difference, intermediate between the family and the state, although its construction followed in point of time the construction of the state. It, as the difference, must presuppose the state. On the self-dependent state, it must rely for its subsistence. Further, the creation of the civic community belongs to the modern world which alone has permitted every element of the idea to receive its due. When the state is represented as a union of different persons, that is, a unity which is merely a community, it is only the civic community which is meant"(p. 303-304).

The individual, working in groups, establishes some sort of group that is halfway between family, the nuclei of society, and the *summum* of human organization: The State as the highest sphere of rationality. It is important to highpoint an apparently contradictory point-among others-in the Hegelian scheme according to Cohen and Arato (1992), thus described:

For Hegel civil society is perceived as the disintegration of the alleged natural way of ethical life represented by family in a world of selfishness and alienation. Nonetheless, when there are ethical roots in the State, it refers to family and corporation, the latter one rooted in civil society. (p.124)

Civil society is not the true unit itself, it is only for appearances, since according to Hegel: "the State is the effective reality of the idea of ethics, the ethical spirit as a substantial will revealed and precise by itself" (p. 370, paragraph 257). The state is in reality, not as determination but as totality itself; and civil society is the external state of that sphere of a particular interest. However, for Jena, the individual by itself without society is nothing, since society is a totality. One belongs to a group of people not only as a numeric aggregation but as an ethical entity. For Hegel (1999) ethics is possible through acknowledgment, which overcomes the singularity of the individual (p. 478, paragraph 430).

The important thing in Cohen and Arato's analysis of Hegel's conception of civil society fundamentally relies on the society-state antinomy which has its genuine expression in the private and public spheres. The latter one is not totally developed in the State, which according to Cohen and Arato (1992), "Incongruously" Hegel (p. 125), but covers a wider scenario. It is called *Statism*, which opposes public government institutions to civil society, contributing to this confusion. Nevertheless, it is important to be aware that in the civil society sphere, the first phase is the system of necessities, Hegel acknowledges the existence of the non-private category: the economic politics. The system of necessities gives way the external activity of the will of individuals and the will of the State through law. Cohen and Arato (1992) stated that:

The institutionalization of subjective law and the objective law protect the liberty and dignity of modern individuals in the way they can mutually acknowledge private

people instead of isolated individuals who have come together in a public process (p. 129).

This is the way the sphere of necessity arises -to use the economic term of our times- asymmetries that ought to be regulated by the State through universal rights. In the social dynamics, specifically in aspects related to culture, there are rights that stand by themselves, without State intervention, however, they lack strength. Cohen and Arato (1992) name Hegel as the forefather of the State of wellbeing due to his conception of the law as the first correction of the civil society's messes and it is extremely unequal. The idea of the universal institution (bureaucracy) is the scenario to resolve all the contradictions that specific institutions in civil society hold. It is necessary to point out that the necessity needs looks to satisfy individuals that in associations or corporations according to Hegel is achieved through the commitment of its members: "this way, the member of the civil society is depending of specific skill, a member of a corporation whose purpose is totally concrete and has no other extension that business or industrial interests" (Hegel, 1999, p. 356, paragraph 251). Even if the state is the substantial unit that holds all the particular determinations: "this substantial unit is the resolute and unmovable purpose in the freedom that is guaranteed in the superior right of the individual, whose supreme right is to be a member of the State" (Hegel, 1999, p. 370, paragraph 258). The consensus is reached by approaching Hegel as a supporter of the total State, and that converge in different determinations of the dialectic process, even as an enemy of the so-called *open society*, the Western liberal as Karl Popper would state.

Regardless, Cohen and Arato (1992) take a stand of the previously mentioned perspective and analyze Hegel's work as a dualism that points out that the State is the executor of the law, without disdaining the power of civil society in its solitary nature (p. 136). They question the common idea that Hegel assumes that the State is an inclusive space of the general will and social integration, on the contrary, the government as representative gather the diverse differences that make up civil society:

In the deliberation and election process of deputies, associations and assemblies in social life acquire a relation to politics in the same act that gives politics a fundament in organized social life. Cohen and Arato (1992)

The assembly, what we know as parliament or congress, takes in the different expressions of civil society. It is the universality that entails the coming together of a particular institution in one public body. The legislative (assembly) is not the government, nor is it the civil society. Therefore, it rises as a mediator institution between both of them Cohen and Arato (1992 p. 138). Hegel (1989) illustrates this issue of the legislative branch:

The objective of this representative institution is not such that due to its mediator role it considers or resolves every issue related to State business in the best possible way, this way the institutions themselves become an addition, but its defining function is to stand up for these members of the civil society that do not participate in the government during the time of *formal* liberty, by informing, deliberating with them and making joint decisions about general issues. (p. 464, paragraph 314).

The assembly is the debate forum, it is not a hierarchical imposition, a debate that will focus only on general issues and brings different particularities together. However, such mediation is the result of an ample discussion regarding the points in which members of particular institutions converge. Therefore, the law that comes as a result of the deliberation expresses in its content the diverse will result in each individuality. It does not come as a consequence of privilege in the public sphere of civil society or vice versa but the reciprocity in them that is evidenced in the public debate of issues that will be contained in the general and abstract norm. In every case, if Hegel's Statism is clear in its exposition on the universality of law that the government proclaims for Cohen and Arato (1992) it is not totally true that the people are fully identified with the government, specifically with the executive power; it deals with the work carried out with the legislative branch where there are collective manifestations of the civil society: corporations and public opinion (p. 140).

What Cohen and Arato (1992) name "the process of generation of a collective rational identity" (p. 141) oppose the generalized comprehension of Hegel's idea regarding the attribution to civil society a lower role to that of the state. Public freedom is not a concession of the State, but a right of individuals play a stellar role in the formation of the identity; a liberty that Hegel defended. For Ilting cited in Cohen and Arato (1992) in the philosophy of law underlies the purpose of joining the negative freedom considered so by modern liberalism with the positive freedom of old (p. 141), that is, the coming together of unbreakable individual determination for the State and the sphere in which political power has incidence upon. It is not only the political that comes as a result of public freedom; it is also in the corporations, in the legislative scenario, in the publicity of legal processes that imply debate (p. 141). Deliberation spaces that cannot be held, as Hegel (1999) is usually interpreted, as an all-hands authority, but are terrains to develop the freedom of ethical identities:

In our modern states citizens have a restricted participation in the general issues of the State; however, it is necessary to provide for the ethical man, besides other private interests, a universal activity, that the State does not always offer, it is found in association (...) only in through association can the level rational, and awareness of ethics can be reached. (p. 367-368, added to paragraph 255)

In conclusion, Cohen and Arato (1992) try to carry out an interpretation of civil society in Hegel, far from the general way of thinking that thinks of it as an Irreducible statist and instead they see the change in the preconception of a scenario for a democratic construction through the "integration of social and public freedom" (p. 144). In Hegel there is the civil conscience of duty, conscience that is set towards getting State goals, it is the individual who is mediated between that and civil society. Modern civil society according to Cohen and Arato (1992) is tributary of Hegel's work, and it is about to improve itself. Both authors propose a theory of civil society that answers to current needs of democratic development and they establish an extended timeline through different approaches on the matter in order to point out the determining figure of collective participation in the construction of a democratic model with Hegel's philosophy of law as the prime reference.

2. **Habermas discourse theory.** Habermas (1993) opposes the discourse theory or deliberative

Politics to both classical political paradigms: democrat and republican. That is, between the individualist model that circumscribes its social dynamics to acknowledging the particularities of a system of markets and its sociability is based on an ethical resources of Republicans; Habermas (1993) states that there is a third option to this issue of citizens without many major possibilities of action. It is important to analyze the democratic models that Habermas criticizes and what he proposes as the formula for the construction of civil society.

The State is in the liberal conception an organization that serves society, made up of individuals who have on the one side negative rights, that is those that are limited by the power of the State, and on the other hand, the political rights that enable them to participate in public decisions that will have a direct affect on private relations. Along with this, the center of society is the market in which transactions are carried out in a permanent plane of competition and are not held back like in the bureaucratic institutional scenario. In the traffic of their own mercantile relations, subjects actually agree with the instrumental reason in which their personal interests come before those of others. Law is likewise a rational instrument of the needs and aspirations of the individuals which are elaborated and executed by the State. It is not like that in the Republican perspective which perceives society in terms of the common interests. The rights are the positive key for republicanism, according to Habermas (1993) because: "they do not guarantee the freedom of external coactions but the participation of a common practice only by exercising what citizens wish to be" (p. 233-234). What differentiates civil society in liberalism from republicanism is the community sense in the latter, which is the confluence of the purposes of shared goals. While the defense of the individual is focused on the rights acquired because they are people, but not given because of the state, this position actually places it as an ontological opponent and of another individual as well if there is a dispute of the guarantees that each one claims; the republican conception defends the interests of the community.

From the liberal perspective, the individual is responsible to themselves while in the Republican perspective there is also the group that one belongs to. It shows the difference that Hanna Arendt (1998) points out on the types of government since its nature shows some form of civil society with three types of the originating agreements. The first one is religious, specifically a biblical one signed by accepting the divine right; the other dealing with the vertical characteristic established in Hobe's model in which there is an obedience pact in exchange for the guarantee of individual rights and the last one identified by Locke, which Arendt names as horizontal, founded on the power of society without sacrificing individual guarantees (p. 94-96). Within this type of agreement, each person as a part of society is joined to other citizens, not the way it is done in the liberal individualism that they behave as atoms, but through societal ties. Thus, society is a category that exceeds the government apparatus, which comes before and after it, as it is explained by Lock in Arendt (1998) "the power that each individual gives to society when they become part of it, cannot be returned to the individual while society exists, but it will forever be part of the community" p. 94

The emphasis of republicanism regarding social relations does not ignore the individual guarantees that prevail in the liberal discourse; in fact, it admits the importance of subjectivity as the possible condition of individual development, but at the same time points out the necessary union of wills within a social body that looks to be recognized. According to Habermas (1993): “this political conception brings about the legitimacy of law to the democratic procedures, from its origin; and maintains an internal connection between the practices of self-determination of the people, as well as, the impersonal power of the law” p. 235. Civil society would only be a predicate, without meaning if it lacked the participation, the genuine self-management of public affairs, that is, if the individual action became the only horizon of human activity.

Tocqueville’s *consensus universalis* in Arendt 1998, regarding the construction of democracy in the United States, entails the inclusive element in which all people involved pact on, to live by and to act as a social body (p. 96). It is not possible to carry out a joint task in the sphere of civil society with segregated individuals or groups due to their economic condition, race, religion or politics. In fact, what is considered the good life in the liberal individualism is determined by the particular wellbeing conditions in an environment of natural selfishness, in the game of competing that the system of markets imposes on society. The work for republicanism, on the contrary, is the common good come to life through the set of rights that express the needs of the social group. (Habermas, 1993, p. 235). The human organizations choose their way of being and how they are part of the world; however, the purposes of their members in remaining together becomes a basic element in their development as a society. Likewise, those who live under the same roof try to do so in harmony and share common objectives while acknowledging the differences, or those who work the same path and become part of a social body require consensus, not only for personal interests but to be able to exist in human conditions. It is, therefore, the relation through dialogue more than the electoral competency for the privilege in power, which according to Habermas (1993) is the characteristic of community idealism regarding the political education of society.

Now, Habermas (1993) points out the value of social organization through a communicative model in republicanism, P. 238, the liberal conception of civil society is absent. This creates ties of unity that go beyond the simple rivalry of markets in the participants, more than individuals with common goals, they act as agents placed in a stage in which actors fight a selfish battle for the supremacy of their interests. The fault, however, lies in the fact that community places their hopes of consolidation in the ethical value only (Habermas, 1993, p. 238). In fact, a society that does not build bridges of understanding and depends on the capacity to reach a collective agreement in electoral terms is incomplete because it does not understand, that at the heart of the human conglomerate, there are counteracting interests that cannot be reconciled only on the ethical virtue of the discourse.

Habermas (1993) considers that consensus can only be reached through basis, obviously ethical, but mainly pragmatically, in functional terms, that is achieving a “common will, not only through ethical self-comprehension but also by reaching interest and agreements and commitments through rational election of the means to reach an end” (p. 239). The deliberative politics it’s not just about communication, it needs a verifiable application

component of the norms, that is what the German philosopher names "discourse theory" (p.240). It is a conception that takes from liberals the reference of universal rights and from Republicans the need of understanding in a confluence scenario of disparity of interests. While the republicanism is known for the collective action or "human action" (the political action par excellence) as Arendt names it, understood as the control that each society takes of their own destiny in order to build a group life, the liberal modal requires that the state guarantees that, what each individual has. Thus, the liberals take up norms, law as a realization of juridical decision –state work—on what is considered as one's property and each one that is not required in societal construction, but that belongs to the private environment. Each of these individual right or natural rights justify the existence of the state apparatus. Habermas' theory of discourse acknowledges the importance of citizenship education based on deliberation; however, it ought to go beyond the ethical element and match the liberal approach to the necessary normative structure of such will. It is what Habermas 1993 refers to as "procedural institutionalization. (p. 242).

That way society is not only focused on the state that materializes the will originated in the deliberation and or mutual acknowledgement, nor in normative-technical regulation of the mercantile activity (Habermas, 1993, p.242) for the private satisfaction of those that materialize the education of the political will but the normative structure of such set of wills, that is, its expression in judicial terms. The theory of discourse does not refer to idealized figures as the total social of community or the anonymous will of the state that is limited to regulating the particular will, it is the institutionalization of the collective will in which can bring about the purpose of democracy that the civil society wants to be. Deliberation becomes a norm in parliament; but at the same time, it is the expression of the will that was born and developed through diverse manifestations of the civil society. The *public opinion* acquires a vital importance for Habermas (1993), as it is an essential element political education that "brings about institutionalized electoral decisions and legislative resolutions for whom the power, that is procedure through communication, is transformed into an administratively usable power (p. 243). This is the pragmatic procedural factor in Habermas, the resources to carry out a social integration that is verified in legal command from the base, without ignoring the power of the state and without their own exclusion from the electoral market system. Civil society, thus understood, and structures would go from being an entelechy into something verifiable because according to Habermas 1993, "the power of the solidarity ought to be established before the other two powers, that are money and the administrative power" p. 243

The model of civil society proposed by Habermas establishes a balance between social power, parliamentary deliberation and executive normative disposition. Referring to the social environment, it is the place for public opinion, the basic deliberation space for affairs that ought to be studied in Parliament as well as in a posterior intervention by the executive power. Notice that there is a distance between Habermas model and the liberal conception regarding the state that transcends their simple role of executor of the electoral will and turns into a permanent receiver of the aspirations and projects of civil society. Habermas (1993) thus warns that "the political system specializes in making collective decisions" (p. 244), civil society is the source of such determination, not in the liberal way in which individuals as

apolitical subjects give their rules a mandate thought; he limited mechanism of elections so their interests can be seen in the norms that the State proposes, but, as a space of permanent deliberation. It is not so much a bourgeoisie space that has lost its political criteria and is ready t for the circumstantial t procedure of their particular affairs and their discussion regarding when we can get some feedback on the decisions of the state apparatus. Civil society does not simply decide, it deliberates, proposes and offers the raw material as the basis to create norms. Consequently, civil society is the politics but they are not the state, because its power is not an administrative one even if it is determinant in the configuration of juridical actions Issued in the state sphere. Habermas takes distance from the republican sovereignty model in which the states cannot perform as a delegate of the people, since citizens maintain the power of deciding their own destiny; this is the true constitutional power. Likewise, he distances himself from the liberal model that assumes the elected politician as a subject of the will of individuals expressed during the election process. Not the most extreme sociological communitarian or the minimal normative of liberals are the ways to build on democracy; For Habermas the people do not hold all the power, nor does the power of the norm guarantee individual rights that replace popular initiatives.

The popular sovereignty comes from the interactions between the creation of a common will, which is institutionalized through techniques of the Estado de Derecho, and public culturally dynamic scenarios, that find a solid basis on associations of the civil society that has distanced itself both from the government and from economics as well (Habermas 1993, p.245).

The equidistance from both the private sphere -as the economy- and the bureaucratic apparatus -as the state- that Habermas (1993) proposes for the civil society, explains the way the author assumes the space of institutional politics as a tight circle, which is overcome by the social dimension in which deliberation is the natural element of public life. This is the way the “political system” (p. 246) in Habermas (1993), is a part of the of the political activity that depends on the categories such as the fiscal viability or an economic moment, both in the deliberative activity without any restriction from institutional imperatives. It is the “world of real life” p. 246 as Habermas (1993) puts it in order to differentiate it from the limited cosmos of juridical decisions. In civil society specifically in reference to the public opinion, that reason through the natural way for the aspiration and goals of the community and do not require the deliberative exercise proposed by Habermas on budget authorizations, nor on the regulative technicality of the words to be communicated. There is a need to deliberate around public life, liberty and a certain political education that is possible only through socialization. Along with this, Habermas (1993) develops a true democratization of the political culture because it goes beyond the technocratic specificity of the line between state and society and in which professionals of any field of politics hold debates, make decisions and carry them out in the name of a mass that has no political knowledge; we can state that civil society is ignorant of its own nature.

3. Walzer and the power of social organization. Michael Walzer (2010) bases his civil society

theory based on two questions: what is the preferred setting, the most supportive environment, for the good life? What sorts of institutions should we work for? (P.178). He responds them

based on four antagonist ideological models, which he actually considers incomplete. First, he points out two answers from the left perspective, one that ponders on community life as the formula to reach social harmony. Harmony is based on consensus but at the same time on the debate; not as in imposition from the power of the state. It is only in a collaborative space that it is possible to build on citizenship from the different groups whose identities derive from organizations or unions, which work under a common solidary interest. It is the unbreakable iron that Marx stated but the coexistence of the diversity that is natural to communities. However, Walzer (2010) points out that this vision of democracy and good life is not a realist one, because the state is a giant that cannot be controlled by citizens, it is uncontrollable both as an institution or a reference. The modern state is a bureaucratic apparatus of such complexity, which considering the possibility of citizens being able to control it, is an illusion and does not go beyond a romantic idea of those who consider their existence in history. The local community powers are each less influential and more scarce when they do not co-opt with the bureaucracies. Besides, the civic virtue for republicanism is to work for political life and leave aside the economic emergencies, but it is not the path that people want to follow. Another leftist answer provided by Walzer (2010) is the concentration on the economic activity and leaving aside the political action, this socialist theory has been attributed to Marx (p.181). The State is an instrument of temporary class that can be overcome when the differences that determine the struggle between the owners of mass production, a minority, as well as workers who are the majority and own the labor force. Marx thinks of a society free of ties to the mandatory work and thinks of a system of exploiting man by man. Thus, the political activity is a transitory one, such as the state, that once it becomes obliterated, allows a man to spend time on leisure that leads to creation without the alienation of capitalist production.

The real socialism of the XX century fortified the State and labor discipline to the extreme of making its extinction impossible; it is frozen in time and has given way to options, that without abandoning the social their socialist ideals, opt for a midway negotiation between economy and politics (democratic socialism) and according to Walzer (2010) is progressive in relation to the option of communism and Marxism (p. 183). The third response in search of the good life is found in the markets, a space of personal choice, freedom and initiative, free competency and without the guidelines of planned economy or in any situations directed to control the effects of free exchange. Such strange paradox, the market model coincides with the Marxist utopia in the aspiration to become a society without politics. The individual ought to have full freedom to choose both in producing and consuming and the state apparatus is not the appropriate dimension of human happiness, on the contrary, it hinders it. Nevertheless, the market universe is not that of creation, as in the communist paradigm, but in the consumer one, that will be as dynamic as the duality of supply and demand is, the law of the mercantile world. Freedom is a value whose fullness is in direct proportion to the options of the market Walzer (2010 p. 184). It is not citizenship that characterizes individuals in everyday relationships, but the creativity of the supply and the acquisition capacity. This apparent *Arcadia* has a dark side: the market is as free as unequal and in consequence, leads to the loss of freedom. A free person is able to buy and produce to sell, not everyone has such ability, it is limited to some.

Therefore, the universal freedom in this theory becomes an exclusion of everyday facts. The market economy finds public institutions and their repressive control apparatus to be bothersome; but they are good for the State to protect their interests, that are at times at risk due to the poverty that results from the system.

The fourth response is nationalism, that is, the power of a figure that is as powerful as it is diffused. The identification with traditions, values, and common goals is the distinctive feature in this model. One can say that the past and traditions hold more importance for the present or the future. It requires an ethnic and cultural identity and political consequences in order to strengthen the ties that make up a nation. Identity has deep roots in history, and it is therefore unmodifiable. Nationalism ends up being a mere act of faith in a specific activity, because “Nationalists are not forced to carry an authoritative legal corpus or a set of holy texts” (Walzer 2010, p. 187), which leads to a weak societal and political relationship and tradition brings them together through a liberation commitment. Nevertheless, this fragility has been violently transformed in several occasions as a reaction to a situation and the only way out, turns out to be the expulsion or extermination of those who do not share the common legacy of the group. Nationalism has the capacity to absorb all other categories, for example, citizen, consumer, worker as evidence of the lack of strength of the cited responses.

For Walzer (2010) previous solutions to the problem of good life are partial because they ignore the “complexity of society in human life” (p. 187). The most appropriate response is, according to Walzer (2010), who states that “the good life can only be lived in civil society” (p. 187) answering to the Aristotelic *dictum* that man is a social animal, that is, one who is condemned to share vital space with others. Regarding this point, Walzer (2010) assumes sociability as the guarantee that a community is free. (p. 188). If life in society is not optative, according to the Stagira conception, but it is due to nature, there is no other way to strive for a good life; for Walzer (2010), through political, economic and cultural activities that are solidary (p.188) that can only be achieved by fortifying diverse associations.

Civil society, as Walzer (2010) understands it, incorporates other proposals that not only conceive a part of what, as a whole, would be a better way of co-existing. Not the exclusive or the excluding market, nor the absolute state, nor civic virtue, but an efficient combination that covers the positive aspects in each one. If citizenship were accepted as the democratic formula and good life, it ought to be acknowledged that contemporaneity hinders what could be done in Pericles’ Athens, according to the sweet history of communitarians, that is: gather at the agora, debate and decide. Current societies are gigantic, and states are pachydermic, and the common man is immersed in issues that focus on bringing about their sustenance, all other activities take a second place. The organizations (associations) would provide a better service since without being a determinant factor in the State, they do influence in some of its enforceable actions in the sectors.

Civil society, seen as a set of purposes, offers the guarantee of community and displaces selfish individuality from the human scenarios, that is proposed in the neoliberal theory, at the same time it channels social activities outside of institutional bureaucracy. Likewise, for Walzer (2010) civil society operates as a solution to the nationalist excesses, as a diverse

association has groups with members of different nationalities, this leads to pluralism and awareness of differences. Such associations, religious, ethnic, professional, workers, at least should be free, and that would be one way to avoid fanatics and hate due to pressure.

Along with this, Walzer (2010) points out how dangerous it is for civil society to be based on associations that strive for freedom, that is, it is not tied down to a specific sketch as the only possible salvation, the market, nation, virtue, state that might fall into the pruritus of anti-politics. This is expressed through a disdain of public affairs, a sort of abomination of the state, as if it could be left out. Civil society cannot exist without the state and state also depends on it. Walzer (2010) states that in the multiple tasks carried out by the state and without them, several associative organizations, including the basic one that is the family, could not exist (p. 196). At the same time, civil society is the base of a political, state, democratic organization; on the contrary, they would be reduced, like in Eastern Europe, a set of dead but repressive institutions, without any kind of referent of legitimacy with the people, even though they can threaten and create terror: "only a democratic state can create a democratic civil society; only a democratic civil society can uphold a democratic state" (Walzer, 2010, p. 197).

4. Charles Taylor and the classic conception of civil society. The Canadian philosopher asked himself whether the western civil society that for decades desired what Eastern Europe had, is ideal. He traces a timeline through the different historical phases in its development, based on theories that have made an effort to describe the best possible version of a figure, that without depending on the state falls into the extreme of total privatization, and therefore of the loss of all political sense. The first version provided is the "medieval idea of society" (Taylor, 1995, p.276), without being tied down to the political power, and in which the political authority was a decision instance, among others. Another one, based on this, was the conception of the two swords or the two powers, one temporary and the other one eternal, such dispute between the political power and that of the church was even bloody. The roman Christianity took their idea of independence to the extreme of a power that they despised. Based on this notion of power, not issued of a terrain ruler, there is the idea of subjective rights, from the beginning based on the positive right and then described as the natural rights of the XVII and XVIII centuries (Taylor, 1995, p. 728).

However, according to Taylor (1995), the road of the natural rights of the so-called liberal democracy was sinuous because in becoming so, absolute monarchies were placed and defended by thinkers like Jean Bodino and Thomas Hobbes. Both philosophers held the notion that the need of iron-like power in which "if a society wishes to exist, it should be held together by the sovereign power, that is, by a power that is not limited by other powers" (Taylor, 1995, p. 278-279). The state, in symbiosis with society, rises as absolute power, a necessary formula against this internal war. For example, in Hobbes, there is the antithesis of the political organization known as State that is not civil society, but an environment of insecurity and death: the state of nature. The condition of life is the contract that gives sovereigns limitless power, or with few restrictions. This model of the political community fell apart due to social revolutions (England and Netherlands), and the primacy of the

economic factor will be imposed as determinant circumstances in the rising of civil society in later centuries.

Taylor (1995) points out the anti-absolutist theory that will not be the seed for the liberal system but the dichotomy between state and society that still stand, that of John Locke. In Locke, individuals come together to create a society that is, before the state "the society comes before the government, it comes from the first contract that brings individuals in the state of nature and into the body of recent formation sets up the government" (Taylor, 1995, p. 270-280). The state of nature in Locke does not have the unfortunate connotation that does carry in Hobbes; the construction in the political unit is due to the wish of greater security and guarantee of the natural rights. The state will be the appropriate frame for the social development in Locke, not for the survival like in the Leviathan author. On the other hand, according to Taylor (1995), and as the alternative in the anti-absolutist position is in *De lésprit del lois* by Montesquieu, in this book, the French author concedes power to the monarch, limits it with a set of social organizations that operate as counter powers in the balance that must have to avoid the excesses in an absolute government. The right of the monarch to govern along with the unalterable rights of the subjects, that hold the dichotomy state/society, which is Montesquieu's contribution to the reduction of the all manner will of the sovereign. This is the way Locke offers the model of a society on the edge of the political space, it could even be called pre-political, and Montesquieu states that the power of the monarch but restricted by the association that arise outside the state. From Locke, Adam Smith, according to Taylor (1995) comes the figure of the economy as a non-political scenario or at in any case independent from the state: it is the strength of the market in Schmitt, along with his law of iron in supply and demand that self-regulates the mercantile relationships between men. Taylor (1995) establishes that this sphere is "the development of an image of society as an economy, that is as an entity of interrelated acts of production, exchange and consume, with their autonomous law and an internal dynamic" p. 282.

In the XVIII century rises a current that stands parallel to that of the economy: the public opinion. It is manifested as the space in which topics of social interest are presented and debated, including of course political issues. Newspapers, journals, and books are the expression channels of the educated classes, and more than a personal perspective of each individual, they approach topics of general interest (Taylor, 1995, p. 284). The public opinion will not be limited by the authority of the State, nor by the political parties, but it will stand against the establishment. It is a spontaneous and free manifestation that, just like the market, operates in an external scenario to that of the institution. Both the self-regulated economy and the public opinion become an alternative to the central power of politics, at other times the only body of social definition. Newspapers challenged the Omni power of the State, based on that some of the currents of opinion that had major collective support even in non-educated classes. The press, more than the cannon or sword, became an effective and collective counter power voice. Therefore, civil society made up of these two perspectives—the economy and public opinion—is according to Taylor (1995) "public dominion but not a politically structured dominion" (p.286). These are not just autonomous state spheres as they have been understood, but expressions of a dynamic social being who is independent but aware of their destiny as a receiver of state decisions.

Nevertheless, what Taylor (1995) names factor L, to refer to Locke's theory of civil society as a pre-political community and which has been understood as a fall back into the private sphere, along with self-regulated economic activity has another face in Montesquieu's model whose disciple Tocqueville Revindicates, in order to point out the need for a civil society, even if is not co-opted by political institutions, neither does it hide from the state. The independent organization that Montesquieu proposed as alternatives to a monarch's absolute power represent for Tocqueville elements of pressure and political determination. It is not homogeneity with the state, nor is it private indifference but a combination of particular interests and public objectives that Tocqueville highlights in Montesquieu's vision of civil society. Regarding the influence of the author of the Spirit of Law on Hegel, Taylor (1995) points out: "in the case of Tocqueville, Montesquieu's legacy is even more precise: the only stronghold against moderate despotism is the independent associations" (p. 290).

Taylor's perspective holds that what civil society ought to be, is a combination between Locke's and Montesquieu's theories. In his opinion, any model whether it is Locke's or Montesquieu's were valid to demolish the Leninist dictatorship, in which the state totally absorbed the social body, but ended up not being functional in the liberty system of the western democracies. Taylor favors a civil society that follows Tocqueville's directions, which will not be just be reduced to an apolitical organization that does hold their own independence and development, through a constant deliberation that influences the preservation of freedom and institutional decisions without blending into institutional bureaucracy.

Conclusion

The common factor in all the theories that were analyzed is that civil society ought to be a space of democracy and freedom equidistant from the state. They all agree on this even with subtle differences in the procedures and the importance that associations might have in the deliberation of different issues of interest and the impact that they might have on state decisions. However, it is important to understand that civil society, so hard to locate politically wise, cannot be absorbed by the parties nor can it fall into apathy for state affairs. It is healthy to maintain a distance that should be present with bureaucratic institutions their independence and the strengthening, but they cannot move into fully opposing state affairs. It is about building a network of strong, deliberative and democratic associations and especially dynamic in the materialization of their goals and to reach them the state without a doubt is determinant.

The opposite situation would be to fall into Anarchist daydreams or into economic positions, just like the neoliberal model proposes. That is the reason why Habermas considers that the future of the State goes through the nature of the society that supports it and likewise the institutional structure on which it relies for juridical decisions. Democracy is not born, nor can it be improved on in bureaucracy, this can only take place in society; however, it cannot rise nor mature if an authoritarian system smothers society's multiple expressions. For them, society ties must be strengthened indifference more than in sameness and discussed in

different spaces, but this right cannot be fully yielded to professional politicians. Nevertheless, at the same time, the State ought to be the terrain for the last determinations of the legitimate strength of the normative configuration. If the State does not follow this mandate civil society must take action to ensure it is carried out, this implies the action duty so that the word becomes the reality of rights.

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