

*Draft Responses to David Chandler, ‘Deriving Norms from
“Global Space”: The Limits of Communicative Approaches to
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**The Historical and Structural Origins of Global Civil Society:
Comments on David Chandler**

Like so many other concepts in contemporary political language, ‘global civil society’ (GCS) has become a trope, a term that means whatever the speaker wishes. As David Chandler makes clear in his article, the notion of GCS is often wielded by those who claim to be theorizing a social phenomenon, but who fail to acknowledge the normative content of either their arguments or hopes. This problem arises in much of the global civil society (GCS) literature as a failure to properly *historicize* GCS. Instead, a sort of idealism runs rampant—and I admit as much guilt as anyone else in this respect (Lipschutz, 1992)—in which an imagined ‘self-regulating society’ comes to displace an overweening state and its contentious politics, establishing a kind of global harmony instead (see, for example, Kaldor, 2002). This is reminiscent of Karl Polanyi’s (1944) description of the ‘stark utopia’ that would result from a self-regulating market which, had it ever come to complete fruition, would have destroyed both humanity and nature.

Still, GCS does exist. It hardly meets the normative ideals of Kaldon, John Keane (2003), or a host of others (e.g., Korten, 1999; Florini, 2000; Scholte, 2002), and the members of GCS certainly do not engage in the idealized communicative practices of Jurgen Habermas (1984). *But it is there!* Yet very few writing on the topic ask the important questions. Why does GCS exist? How it has come into being? What social role(s) does it fulfill? This commentary offers not a response to or critique of Chandler’s perceptive analysis but, rather, something of a long view of GCS in relation to states and markets (see Lipschutz, 2005: ch. 3). I argue here that civil society is both constitutive of and constituted by states and markets, all of which are embedded in a single social formation, and that civil society is central to the

‘double movement’ described by Polanyi (1944). In contemporary terms, GCS should be understood as something of a protective mechanism directed against the depredations of the self-regulating markets of global neo-liberalism as well as the states that organize the political economy in which these markets function (Lipschutz, 2005: ch. 7). This does not imply, however, that the movements, groups and organizations found in GCS are necessarily or automatically ‘progressive’. They may be conservative, reactionary or nihilistically violent. Even the transnational *salafist jihadis* and ‘non-state actors’ that so bedevil the West are part of GCS.

I begin this commentary with a short discussion of the historical origins of civil society, which I date roughly to the Wars of the Reformation in 16th and 17th century Europe. At that time, such civil society as existed was intimately linked to the split between Catholicism and Protestantism and the two religions’ relationship to property and individual autonomy. Thus, I argue that GCS is not a new phenomenon: the British abolitionist movement of the late 18th and early 19th century was, if not global, certainly transnational. In the third part of my commentary, I note that civil society is most active and robust in those societies in which the state’s ability to maintain a strong distinction between the public and private realms (and property) is subject to challenge and struggle. Under neo-liberalism, this includes virtually all contemporary states, to a greater or lesser degree. Finally, I address the more recent post-World War II rise of GCS in response to the global liberalization project of the United States, and link GCS to a nascent ‘world state’ or ‘empire’.

History

Civil society is commonly regarded as a realm of social belief and action separate from politics and economics, an arena composed of individuals, families, groups, movements and organizations independent of the grasp of the state’s authority and the selfishness of the market (Lipschutz, 2005:51-52.). This view serves only to perpetuate the mystification of a divide between politics and economics and, more critically, between public and private property (Rosenberg, 1994; Wood, 2001). In point of fact, in the capitalist polities in which most of the world lives today, there is little in the public realm that is not, somehow, affected by private interests and practices, and there is little in the private realm that is not, somehow, shaped by public power, authority and regulation. Civil society is both constitutive of and constituted

by public and private; indeed, it is that part of a single social formation that mandates a legal distinction between public and private and, thereby, makes possible the reproduction of capitalism and the social formation of which it is a part.¹

How this state of affairs came about is not entirely self-evident and no one, to my knowledge, has offered an altogether persuasive genealogy of the historical sociology of the emergence of capitalist society (but, see Wood, 2001). Nevertheless, the history of England offers illuminating, if not universal, insights into this process. By the time Henry VIII broke with Rome and established the Anglican Church in the mid-1500s, there was already a sizable English middle class whose hold on both their property and bodies was under constant threat of appropriation by both King and landlords. In the midst of continual power struggles between sovereign and aristocracy, conflicts over the throne, and repeated wars with France and other Catholic states on the continent, much of the growing bourgeoisie allied with those who seemed most inclined to offer the greatest protection to properties and bodies. Given the crypto-Catholic tendencies of the monarchy and many aristocrats, and the Church's historical support for periodic royal seizures of land and wealth, this bourgeoisie had a strong and growing interest in maintaining the Anglican separation from Rome.

Puritanism emerged as a middle class movement whose adherents sought to 'purify' the Anglican Church of its Catholic tendencies and to ensure that no Catholic sovereign would ever rule England again. Social struggles, with an important class element, wracked the country throughout the 17th century, with the regicide of Charles I and establishment of the Puritan Commonwealth in 1649, the Restoration of Charles II in 1660, and the Glorious Revolution in 1688. Not until William of Orange, a Dutch Calvinist, took the English throne and agreed to share power and sovereignty with Parliament, did the bourgeoisie finally achieve the degree of protection it sought (and, even then, this was a shaky proposition). This was the society about which John Locke (1690/1988) wrote and which he glorified in his treatises on civil government.

This somewhat whiggish narrative is all-too-familiar to British readers of *Globalizations* but, perhaps, not well-known as a general account of the origins of

¹ In other words, contra Polanyi, capitalism is embedded in 'society,' but in such a way that, in the interests of accumulation, it is somewhat insulated from social struggles over regulation.

civil society. Generally speaking, bourgeois social forces² in any capitalist society—whether it is democratic or not—are most vulnerable to having their possessions and rights expropriated by state and/or market, or sometimes the two in combination (about which more, below). Yet, for the most part, it is only this *social* class that can mobilize the political numbers and social power able to resist such expropriation. The poor possess little in the way of real property, their rights are denied or non-existent, and they are too busy trying to stay alive to initiate much in the way of social action. The wealthy have a stake in the status quo, so long as the market operates to their benefit and the state protects them and their possessions. But this is also why, once the bourgeoisie has gotten reliable guarantees from the state, it tends to give up its resistance and struggle, throw in its lot with elites, and oppress the poor whom they have newly-mobilized. This, at any rate, was common practice during the 19th century, and was often repeated in the 20th (Halperin, 2004).

The market, however, is no special realm of freedom or liberty. Inasmuch as markets are shaped and regulated by specific rules and laws that, most of the time, are formulated and instantiated by political and economic elites (see, e.g., Drahos, 2003), the political economy of every capitalist society gives special advantages to capital and its holders. Capitalists are continually in search of new commodity frontiers to conquer and new accumulation opportunities to seize. They are also eager to privatize and commodify that which has been historically public or commons. As we have seen in recent years, such frontiers include so-called intellectual property, genetic codes, body parts, and even intellectual work. In this search, capitalists are aided and abetted by states that, under the pressures of global competition and neo-liberal policies, are only too eager to legalize such theft (Hardt and Negri, 2004). Thus, although Polanyi has been criticized of late for his misunderstandings and misinterpretations of 19th century history (Halperin, 2004), his argument about the ‘double movement’ of society, seeking to protect itself from the self-regulating market remains germane.

Still, one can find examples of GCS even before the 19th century (see, e.g., Murphy, 1994). One of the best examples is the British abolitionist movement of the late 18th century, during which a bourgeois coalition of mostly-dissenting clerics

² Note that I use the term ‘social forces rather than class, to emphasize that political action is not purely a result of ‘objective’ class status; see Halperin, 2004 for an elucidation of this point.

(Quakers), Enlightenment intellectuals, and Liberal politicians were able, through print, public speaking, and social action, to mobilize significant domestic and transnational public opposition to both the slave trade and slavery (Hochschild, 2005). In this instance, a link was made between slavery and the Royal Navy's policy of impressments, which often involved the literal kidnapping of young men off the streets. Although the abolitionist movement wilted during the French Revolution and Napoleonic Wars in the face of intense British xenophobia, it revived during the 1830s, when the trade and slavery were abolished throughout the British Empire.

Polanyi, of course, was no theorist of social movements or civil society, as such, while contemporary scholarship on and interest in both is largely a result of the social rebellions of the 1960s and, I would add, the economic crisis of the 1970s. For some theorists, the explanation for these movements was to be found in a growing 'crisis of representation' and the onset of the 'information revolution'. For others, the 'new social movements' were just new wine in old bottles. But it is important to note that social movements tend to emerge most strongly when the state authorized weakened protection of property or bodies or both. 'Property' should be understood here as including more than just 'real estate' or capital; it extends also to that which we call 'human rights', most notably the individual's right to her or his labor, as well as what might be thought of a 'cultural rights', which are the customs and practices of self-identifying social groups (Lipschutz, 2004, 2005: ch. 7). While the expansion of the concept of 'property' might seem to confuse rather than clarify, it helps to find the common thread among what appear to be highly-disparate groups and organizations and also to trace threats by states and markets back through modern history.

I will not belabor the point, noted by Marx and Engels (1964), that capitalism and commodification, with the assistance of the state, are continually undermining the stability of property 'rights', broadly understood. In response, people organize into and act as social forces and movements, and seek ways to reclaim these rights by stabilizing and strengthening the fictionalized public-private divide. Inasmuch as institutionalized political systems often facilitate the expropriation of such rights through their shaping of political economies in the interests of capital, social movements and groups in civil society come to be seen as 'oppositional' and even as threats to the political system (NIE, 2006). Indeed, sometimes they are both. There is nothing inherently progressive about civil society, on the one hand and, today, on the

other, even financiers, banks, and corporations are deeply involved in such social struggles through ‘corporate social responsibility’ (Lipschutz, 2005).

In other words, GCS should not be regarded or analyzed as some kind of normatively attractive realm of non-state politics. Rather, it is the logical result of the global expansion and deepening of American-style political economy and capitalism *in the absence of the commensurate regulatory capacity of a global state*. There is, of course, a plethora of international institutions and regulatory frameworks that have come to be called, collectively, ‘global governance’. Yet, while these institutions purport to represent the members of those polities that belong to them, it is increasingly evident that most of global governance is directed toward shaping the ‘economic constitutionalism’ of capitalist globalization (Jaysuriya, 2001; Gill, 2003). The ‘rights of capital,’ as such, are available in spades, and powerful states are not reluctant to use whatever tools are available to ensure they are granted and respected (Drahos, 2003). The same cannot be said for the rights of people; those are left largely to the discretion of the individual states, whose willingness and capacity to provide them is often quite limited.

Space precludes further development of this point, but it is critical to note that the Bush Administration, through its Global War on Terror and other instrumentalities, is seeking to pacify what it regards as increasingly unruly societies, some of which are effectively in revolt against the Empire of Global Capitalism. Most of GCS remains committed to peaceful systemic reform. Whether that is possible remains to be seen.

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Evidence of Global Civil Society: Comments on David Chandler

That there is much talk about global norms and global civil society and yet little identification of such global agentic actors is a point well taken. That we should do more to identify such actors also makes sense. That such speculation is inherently conservative in content seems less obvious.

Two other things can be said. First, readers should be made aware of a research tradition, which has tried to identify, and measure global institutional actors that might be transmitters of global cultural agendas. Therefore, its not the case that all talk about global society, or an emerging global polity, is lax in identifying international structures which could reasonably be seen as transmission belts for trans-national moral sentiments. I refer here to the research tradition associated with the ideas of the Stanford sociologist John W. Meyer and his students (Meyer and Jepperson, 2000; Meyer, Boli, Thomas, Ramirez, 1997; Meyer, Frank, Hironaka, Schofer, Tuma 1997; Meyer, Hannan, Rubinson, and Thomas, 1979; Boli and Thomas, 1999; Boli, Ramirez, and Meyer, 1985; Cha, 1991; Frank and Meyer, 2002; Frank, Hironaka and Schofer, 2000; Jang, 2000; Ramirez, Boli, 1987; Schofer, Ramirez, and Meyer, 2000; Schofer, 2004; Thomas and Meyer, 1984).

Second, the content of global discourse might include more than the "pluralist values of the global civil society project" which could be seen as ideas emanating from the Euro-West. That is, it isn't so much that there isn't a "global civil society," but that these "communicative norms" the author is worried about are really those of a particular sub-global region, that is, Euro-centric notions of multiculturality. These are fine, of course, but not necessarily all there is, nor even the most interesting set of ideas claiming global status. In this regard the notion of the global *umma* advanced by radical Islam calls for study as well as plural multiculturalism. Particularly since these two ideologies are something of opposites.

Most see radical Islam as a reactionary response to modernity (Jihad vs. MacWorld) and/or Islamo-fascism. Maybe it is. But what if it's just the opposite. What if radical Islam is an extension, not a reversal of the rationalization project started in the West with Weber's world demystifying Protestant Ethic and is now being now completed with today's Islamic Reformation with something like the cool rationality that is the character structure of religiously motivated suicide bombers on martyrdom missions? Or, what if the notion of a global *umma* isn't so much a return to an Ottoman like Caliphate, but the moral precursor of a transcendent, nation-free, post-state form of global political community? And what if the personal ascetic duty for jihad is part and parcel of a new post-western idea of revolutionary action and personal responsibility to partake in the building of a new ummaic global polity?

Such "what ifs" are easy to put forward, agreed. But mighten it be better to engage in such speculation than worrying about how Euro-moral ideas of plural multiculturalism does or doesn't hold to "the procedures Habermas defines as 'essential to authentic dialog,' such that reviewing "critiques of the communicative thesis" is fine, but perhaps somewhat beside the point given what is actually happening out there in the world today.

No one seems to want to conceive of radical Islam in other than defensive, reactionary, turning the clock backward, Islamo-Fascist, terms. Fair enough. But what if fundamentalist Islam is part and parcel of the fight for the heart and soul of large chunks of the developing world? In the late 19th and early 20th centuries, "...in the slums of St. Petersburg, Buenos Aires and even Tokyo, militant workers avidly embraced the new faiths of Darwin, Kropotkin and Marx. Today, on the other hand populist Islam and Pentecostal Christianity (and in Bombay, the cult of Shivaji) occupy a social space analogous to that of early twentieth-century socialism and anarchism)" (Davis, 2004: 26).

If Mike Davis is on to something here, where, one has to ask, is the academic discussion of emerging ideas of a global society, global polity, global civil society, or global *umma*, those trans-national ideas of global community that are presently fighting it out for the hearts and souls of the inhabitants of our planet of slums?

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FRED DALLMAYR

Global Civil Society Debunked? Comments on David Chandler

This is a difficult paper to respond to—not because of its intrinsic complexity, but rather because of its remarkable simplicity. The paper displays a kind of unabashed empiricism *cum* realism which, in our time, is baffling and disarming. After all, we are no longer in the heyday of positivist orthodoxy. Political scientists even minimally familiar with recent social-science methodology will usually concur that there are no bare empirical "facts" but only interpreted facts and that "reality" (so-called) is always reflectively mediated. Readers of Chandler's paper get the impression that Kuhn's scientific "revolution"—together with the upsurge of "post-empiricism"—has never happened and that we are back to bare-knuckle "truth" available to hard-nosed empiricists uncontaminated by normative or interpretive considerations. What Chandler finds particularly objectionable is the notion of a "global civil society" imbued with some normative or ethical standards. As he tells us, the notion of such a society has a purely "fictional character" totally divorced from

any “empirical study.” As in the days of positivism, anything that goes beyond “empirical” reality is thrown into the waste basket of relativism and subjectivism. Above all, global values or shared global norms—we are told—“exist only in the subjective projections of the beholder.”

Apart from its unapologetic positivism, the paper presents another difficulty for a response: a certain looseness or carelessness in its treatment of proponents of a global civil society. Different proponents are discussed helter-skelter, without much effort at theoretical precision or differentiation. Thus, without missing a beat, the paper moves back and forth between more abstractly oriented normativists, Habermasian communicative theorists, global communitarians, and quasi-empirical global “network” analysts. Thus, one is never quite sure who or which position is the target of critique. Undoubtedly, one central target is the work of Habermas and his followers (defenders of a “critical” international relations theory); but somehow this target is mixed and fused with the complaint about an abstract normativism or the “highly abstract nature of normative theorizing.” The latter complaint is a steady refrain. Thus, we are told that, for its proponents, “the defining principles of global civil society are derived from universal norms rather than real life actors.” Somewhat later we read that global civil society is a “set of varying ‘ideal’ normatively-derived characteristics” rather than anything derived “from the ‘real’ or ‘actually existing’ object of study.” The same outlook is then strangely imputed to Habermas and his followers (as well as John Rawls): “Rather than constructing shared norms through reasoned argument and consensus-building in the political process, [global] norms are ideally imposed from the outside of this process.” Given this imposition, the linkage between the Habermasian critical project and international politics is “a forced and illegitimate one.”

For readers familiar with Habermas’s work, this charge flies in the face of his insistence on actual communication and discourse among affected participants in the political, including the global, arena. This point is forcefully made in Mary Kaldor’s *Global Civil Society* (cited in the paper) where she writes that Habermasian deliberative procedure is “realized through the reality of public discord and debate that is experienced in civil society.” As Kaldor adds, stressing the political significance of the approach: “Civil society is a way of countering what Habermas calls the ‘colonization’ of the ‘life-world’ both by capitalism and by communism” (the latter two seen as instrumental and basically monological ideologies). Curiously,

and contradicting the charge of an abstract normativism, Chandler concedes at one point that “for many global civil society analysts, the concept captures an ideal space in which values and norms emerge through negotiation and dialogue, rather than through the reproduction of power relationships through the formal political process.” Whatever “formal process” may mean, we are clearly far removed here from an “outside” imposition or a “forced” linkage.

As Chandler notes, I myself have been sometimes critical of Habermasian theory. But this has been due to (what I considered) a certain restrictive or “procedural” character of communication, and not to his normative concerns as such (which to me are entirely valid). I have been somewhat suspicious of a procedural orientation to normative principles—sensing that procedures and principles alone are insufficient in the absence of the cultivation of ethical dispositions and motivations from the ground-up (which requires practical education and good example). For this reason, I have been somewhat closer to William Connolly’s stress on the need to cultivate a “thick political culture” characterized by openness toward plurality and difference. However, these are matters of emphasis, different formulations within (and not exiting from) the normative domain. I am somewhat farther removed from global “network” theorists who believe that the factual expansion and multiplication of global networks is synonymous with the growth of a global civil society, especially a society exhibiting normative standards. (Philosophers talk here about a “naturalistic fallacy,” involving the simple equation of fact and value.)

Yet, perhaps talk about norms—in whatever form or theoretical garb—is unpalatable to an empiricist. Is Chandler willing to go that far? As a positivist, is he ready to deny the existence of “positive” international norms—as manifest, for example, in positive international law? Is he willing to dismiss all the normative obligations which have been established among nation-states since the Peace of Westphalia? Is he willing to reject the international rules governing *ius ad bellum* and *ius in bello*? And what about the Geneva Conventions relating to the treatment of prisoners of war? And what about the norms prohibiting slavery and the slave trade? Or, to take an example particularly relevant to a global civil society: what about the Universal Declaration of Human Rights, which has been signed and endorsed by virtually all the states in the world?

Probably Chandler would respond that these are legal and not moral norms and that, more importantly, all these norms are routinely set aside or violated by

nation-states obedient to the dictates of power politics and the national self-interest. Without quibbling here about the relation between legal and ethical norms, it would certainly be foolish to deny the second point. In our time of genocides and terror wars, the unmitigated brutality of international politics is almost daily demonstrated. To this extent Nerra Chandhoke is surely correct in saying that the picture of global civil society would be misleading and mystifying if it were construed as “supremely uncontaminated by either the power of states or that of markets.” But who among the proponents of a global civil society would cling to such a mystification which denies the “power of states and markets”? I myself have not come across “idealists” of this type. Chandler himself admits that “the normative concept should not be confused with ‘actually existing’ global civil society.” As he adds, normative commentators can (and normally do) accept the realist critique and simply suggest “that the reality should then be challenged to meet the normative communicative demands.” But, committed to changing the status quo, why should the critical challenge—as Chandler claims—exhibit an “innately conservative character”? Is it not the empiricist who is wedded to the status quo?

Instead of pursuing this point I want to conclude by addressing the author directly in order to test the extent of his empiricism. It is a fact of “reality” that there is murder and rape in this world. So my question to Chandler: where do you stand? Are you for or against murder and rape? Find if you are against murder and rape, does your outlook simply reflect “the subjective projections of the beholder”? Or is there more to the story? Turning to the international arena: Are you for or against aggressive war? For or against crimes against humanity? For or against torture? And if you are against all those things (as I hope you are), are you not implicitly moving beyond the status quo? Are you not implicitly willing critically to challenge existing reality to meet “normative demands” and thus move us a bit closer to a global civil or civilized society? These are simple, straightforward questions and do not require extensive philosophical background.

HEIKKI PATOMÄKI

“Comment on Chandler: The Role of ‘Critical’ in the Theory and Practice of Global Civil Society”

It is not my task to defend the positions of Mary Kaldor, John Keane, Andrew Linklater, or contest David Chandler's (2007) interpretation of their works. I am interested in Chandler's substantial argument and challenge. Chandler's attack on some well-known theorists of global civil society (i) reveals an important problem not only in global civil society theories but also in transnational civil society practices and self-understandings; and (ii) yet is misleading and thus, if accepted at the face value, would undermine the possibility of critical social sciences and critical social movements alike. The key lies in understanding the role of "critical" in the theory and practice of global civil society.

It is true, as Chandler argues, that an exclusive emphasis on communication and diversity tends to make the approach to global civil society, in effect, conservative. This may also be inherent to the concept of civil society, which has its roots in Hegel's philosophy. It has been claimed that "no contemporary discourse of civil society has managed to add even a single category to Hegel's categories of legality, privacy, plurality, association, publicity and mediation" (Cohen & Arato 1994, xiv). For Hegel, the civil society – in contrast to family, the supposedly harmonious basis of ethical life – was an "abstract" and "external" version of ethical life, one in which many oppositions and contradictions (re)appear. The German term that Hegel used – *bürgerliche Gesellschaft* – fails to make any distinction between the capitalist market economy, constituted by private property rights and competition, and civil society connected to the idea of collective self-determination of citizens.

Approaches to civil society

In the late 19th and the 20th century, there have been many Western debates about the nature, role and value of civil society. Often, these more recent Western debates have been set in terms of certain oppositions, including:

- capitalist market economy versus self-organising civic activities of the citizens
- procedural democracy versus participatory democracy

With these dichotomies, we have 2 x 2 possible combinations of the major categories. These possibilities can be illustrated with the simple schema of Figure 1. Democratisation has of course framed different conceptions of civil society. The constitutional polities of Europe and North-America became gradually more democratic once, after a series of struggles in the 19th century, franchise was made more equal and was gradually extended to an increasingly large section of the adult population.

In reaction to the equal and universal suffrage established in the 1920s, and demands to democratise society also otherwise, Joseph Schumpeter (1976) argued – at the time of the nationalist mobilization for the World War II – that democracy comes down to calculation of the utility-value of choices in elections and is merely a method of replacing the ruling group or party with another section of the elite.³ The positive value of democracy was seen, in part, in Lockean terms: government must be based on the consent of citizens; and representative government has to be brought into being in order to fully safeguard private property.

Figure 1: Approaches to civil society

	Focus on property rights and market economy	Focus on moral or political civil society
Procedural democracy (liberalism)	1. Lockean-Schumpeterian approach	2. Millian-Rawlsian approach
Participatory democracy (republicanism)	4. The idea of participatory democratised, economic organisations and systems	3. Habermasian critical theory approach; “postmaterial values”

³ On the grounds that there is no uniquely determined common good discernible to all, Schumpeter (1976, 269) holds that “democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for people’s vote”.

Approaches 2-4 contest the idea that democracy is only about periodical elections. These approaches emphasise the importance of widespread political participation either as an end in itself or as means to another end such as economic and political success; or justice; or democratic socialism. Often the focus is on civil society, as variously conceived by different theories and approaches.

The Millian-Rawlsian approach extends the liberalist political theory to cover also knowledge production (Mill) and the development of real power relations (political sociology in Rawls). Republicanism, in turn, can be articulated as the basis of more moral, responsible and post-material society; or rendered in the service of democratic-Marxist ideas, as in theories of democratised and pluralised market economy. In either case, the ancient tradition is given a distinctively new meaning in a modern context.

Why theories of global civil society are conservative

The reason why theories of global civil society may be inherently conservative lies in their focus on moral or political civil society in a global context where the rules and principles of representative democracy do not apply. Take for instance the Millian approach (2). John Stuart Mill (1993a) was not only among the first to suggest equal and universal suffrage for all men and women – despite his own reservations and qualifications – but he also advocated strongly the principles of freedom of opinion and public expression as well as the freedom to unite “for any purpose not involving harm to others” (ibid., 80-81). In *Considerations on Representative Government* he went so far as to argue that a good government should “bring into sufficient exercise the individual faculties, moral, intellectual, and active, of the people” (Mill 1993b, 262), and advocated the widest participation of all citizens in the details of judicial and administrative business. However, in a global context where the elected (or autocratic) governments of states claim to represent legitimately the people that live in their territories, the Millian argument in favour of political participation translates, at best, into a consultative role of NGOs in multilateral negotiations, with no real power to change anything.

The Habermasian critical theory approach (3) tends to focus on establishing a free sphere for spontaneous political and other activities outside both the state and economic organisations. Civil society is seen as an expansion of the space for moral, power-disinterested action; civic action associations should not be interested in acquiring state power. The moral basis of this approach is often articulated in terms of Habermas' (1984, 1987) theory of communicative action. Habermas sets an opposition between the lifeworld of social reproduction and communicative action and the complex system world of modern societies. The system world is based on the "steering mechanisms" of money (economy) and power (state). It is a nature-like world of necessity and instrumental relations, where persons are treated as manipulative means, not as ends in themselves. In contrast, in the lifeworld, through communicative action, people recognise each other as free and equal persons. Communicative action always presupposes a set of tacit background meanings and, simultaneously, since it is based on mutuality and reciprocity, has the capacity to build solidarity. Communicative action aims at mutual understanding and consensus. There is a close connection between lifeworld and civil society. Defence of the lifeworld is also defence of moral civil society. Civic associations and the "new" social movements have a privileged place in Habermas' (1981) theory because for him they are, as also Chandler points out, pure expressions of communicative action, unspoiled by the attractions of money and power.

Although many thinkers advocating moral civil society may be highly suspicious of modern Western party politics – which tends to follow the Lockean-Schumpeterian model – they rarely if ever question its continuation and significance. If they do, they come close to the models of anarchists and early socialists. Habermas has an apparently more constructive response to this dilemma. He argues "if the voters' opinion is irrational, then the election of representatives is no less so" (Habermas 1997, 57). It may indeed be a short way from Schumpeter to General Pinochet. In contrast to the cynical tenets of Schumpeter, any genuine advocate of democracy must believe that the autonomous will-formation by citizens has rational potential. From this perspective, the task is to nurture and cultivate this rational potential; to democratise opinion- and will-formation; and also to make this process bear on law-making and administration. Civil society is thus not necessarily outside the state or

against the state, but can be turned to make a contribution to a transformation of what a democratic state is.

“With some institutional imagination, one can think of how existing parliamentary bodies might be supplemented by institutions that would allow affected clients and the legal public sphere to exert a stronger pressure for legitimation on the executive and judicial branches. The more difficult problem, however, is how to ensure the autonomy of the opinion- and will-formation that have already been institutionalized.” (Habermas 1997, 56-7)

In Habermas’ view, an important part of the answer to this “more difficult problem” is a vivid and continually evolving sphere of voluntary associations. These associations can broadly transform societal attitudes and values by means of communicative action and, also, campaigning. They can contribute to the process of identifying and framing social problems and advocating novel or different political solutions to them. “They are republican islands in the sea of profane institutions and practices.” (Hudson 1995, 191)

The republican advocates of moral or communicative civil society – which for instance in the theory of Habermas can also make an important contribution to law-making and administrative processes – tend to take the existence and functioning of the separate sphere of capitalist market economy as given. State may “steer” this nature-like systemic sphere. Tax-and-transfer policies are possible and desirable (Habermas has been defending a “reflexive welfare state”). Yet no democratisation of economy itself seems to be possible. In Habermas’ version of critical theory, capitalism has virtually disappeared as an object of critique. Moreover, the questions of economic power and position as a basis for political change are ignored. (Ibid., 189-93)

In a global context, there is no democratic welfare state that could be steered in any particular direction, or legislative assembly that would debate global laws. Hence, if the Habermasian concept of civil society is applied in the global context it in effect merges with the project of anarchists and early socialists, i.e. leaves the existing structures and mechanisms of both states (and related multilateral institutions) and

capitalist market economy intact and aside and escapes to a supposedly spontaneous and interest-less social sphere outside conventional politics. Some of the problems of the World Social Forum, for instance, clearly stem from this tendency to escape from the really existing world (cf. Patomäki & Teivainen 2004). This unintended escapism is generated by the post-Hegelian concept of civil society, applied within the existing global institutional framework. Although a lot conceptual work is also needed, ultimately this dilemma can best be overcome practically, by building participatory and representative institutions of global democracy that involve the possibility of applying republicanism also in political economy (see Held 1995; Patomäki & Teivainen 2004; Held & Patomäki 2006).

In defence of critical theories and movements

So I think Chandler has an important point, although he does not explicate the reasons for and causes of the problem clearly enough. However, his more general attack on the philosophical underpinnings of Habermasian critical theory is less well taken. Chandler seems to hold a strict dichotomy between empirical and normative, which resembles the Humean Law, according to which facts and values are independent of each other.

Two implications of Hume's view can be distinguished (Bhaskar 1991, 151-3). First, social scientific propositions are logically independent of value positions. Second, values are logically independent of social scientific propositions and have no descriptive or ontological grounds. The first proposition has been very much out of vogue since the 1980s: even within the empiricist and analytical traditions it is now widely accepted that values affect social scientific research. The second proposition, although still often accepted in the ethics discourses, is in fact equally problematic, since all questions of values, in the real world, are intimately connected to descriptions and interpretations of reality, and to theories of causality.

Habermas' critical theory has been one of the most important attempts to overcome the Humean Law by systematic and analytical means. Habermas (1979, 2) argues that the truth of an assertion is one of the circumstances that "we must always already

presuppose in regard to ourselves and others as normative conditions of the possibility of understanding; and in this sense, what we necessarily always already have accepted". Other necessary normative conditions for discourse include sincerity and rightfulness of regulative rules of the social context in which the dialogue takes place. In order to understand something, Habermas (1984, 18-19) writes, one has to make the assumption that there are intersubjective standards in the light of which human actors can decide whether they are following appropriate discursive or practical rules in their interaction with others. In short, every (speech) act presupposes a number of rules. Furthermore, Habermas (ibid., 112-3) notes, the social scientist cannot treat human resources, and practices in a language which, in principle, can be used by social actors to reconstruct their linguistic self-understandings. Furthermore, and following from the above, the process of understanding is bound up with a process of bringing something about.

This gives rise to the question of the theory-dependence of 'data'. The data against which explanatory models are tested cannot be described independently of the theoretical language in use. This is the first level of involvement. Secondly, the researcher cannot gain access to a symbolically pre-structured reality through (outside) observation alone. Furthermore, understanding meaning cannot be controlled in the same way as can observation in the course of scientific experimentation. Rather, there are clearly two stages in the process: "prior to choosing any theory-dependency, the social scientific 'observer', as a participant in the process of reaching understanding, through which alone he can get access to the 'data', has to make use of the language encountered in the object domain". (Ibid., 102-10) In other words, language mediates the constitution of social 'data' or 'facts' in a double way – as the linguistic and theoretical framework of the social scientist, and as the language of acting subject-objects in their constitutive understanding of their institutions and situations. There is also interaction between these two spheres. Thus, the meanings of actors for instance in global civil society cannot be treated as mere facts in the positivist sense of the term.

Hence, it seems to me that Chandler's case against the Habermasian approach to critical theory is weak to the extent that it presupposes the conventional Humean Law. Empirical studies of transnational or global civil society are needed (and they do exist

already in increasing numbers). However, it is a mistake to oppose normative political theory and critical reconstructive arguments in terms of the 'empirical'. Moreover, Chandler's argument seems also self-contradictory. Chandler stresses that it is the "voices of the excluded" that should be heard rather than those of the political theorists. This is a normative claim by its very nature. Where does the normative power or validity of this claim come from? Chandler indicates no basis for his – or others' – critical normative arguments. Thus, independently of his intentions, Chandler's attack against theories of global civil society seems to imply the denial of the possibility of both critical theories and critical social movements alike.

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MARY KALDOR

Comments on David Chandler

David Chandler's critique of global civil society is a critique of the notion of civil society rather than anything specifically 'global'. He objects to the concept of a communicative space where individuals debate public affairs on the grounds that it is too idealistic.

Yet this has always been the meaning of civil society. It is only recently that the term civil society has come to be used synonymously with non-governmental organisations. It was Hegel (not me as David Chandler suggests) who defined civil society as an ethical realm. And what he meant, and this is also meant by the normative definition of civil society, was not so much a realm representing a particular ethical or moral outlook, as Chandler claims, but a realm where different values are debated. For Hegel, it was the realm where the particular (selfish interests) confront the universal (public concerns). When I say that civil society is a political project, what I mean is that, on the whole, better decisions are likely to be taken if they are based on public debate than if they are not.

My own definition of civil society, which Chandler conveniently leaves out in a long quotation from my work, is the medium through which individuals negotiate and struggle for a social contract with the centres of political and economic authority. The use of the term social contract draws on enlightenment thinkers who pioneered the modern concept of civil society and the idea of legitimate authority or authority based on consent. Hence individuals have to be relatively free to negotiate such a contract. In theory, groups engaged in violence or negotiating exclusive contracts are excluded though in practise, the boundaries are never clear. This definition is close to the notion of a public sphere but puts more emphasis on politics and agency. Like the public sphere, the medium through which individuals negotiate a social contract has changed over time and this explains the changing empirical definitions of civil society. Over time, free public spaces get institutionalised and debate and negotiation move to new arenas. Thus in the seventeenth and eighteenth centuries, debates about public affairs took place in coffee house and were reflected in parliamentary debates, which is why civil society at that time referred to a rue-governed society based on a social contract. In the nineteenth century, the spread of capitalism created autonomous spaces in the economy and debates involved the emerging bourgeoisie –hence for Hegel, and his definition was taken up by Marx, civil society was equated with bourgeois society. And in the twentieth century, the rise of workers movements and the emergence of mass political parties further narrowed the definition of civil society, at least according to the main twentieth century ideologist of civil society Antonio Gramsci, to the realm of culture and ideology.

The notion of civil society within nation-states is not usually considered excessively idealistic. It is somehow taken for granted that we debate values and ideas at a domestic level even though reality does not always conform to this normative ideal. But mysteriously, it is considered idealistic or utopian to suppose that such a phenomenon transcends the borders of nation-states.

Yet this is what has happened. Civil society became identified at the end of the twentieth century with non-party politics. As parties transformed themselves into electoral machines and blocked access to national governments; political debate and negotiation moved into non-party politics, which transcended national borders. Even on national issues, for example, respect for civil and political rights, social movements and groups, nowadays, feel the need to go beyond the nation-state, to link up with groups in other countries, say Human Rights Watch or Amnesty International,

and to address demands not just to their own governments but to foreign governments and international institutions like the European Union, the Council of Europe, or the United Nations. If you want to influence the decisions that affect your life – climate change, the spread of AIDs/HIV, the level of interest rates- it is rarely possible to confine yourself to national authorities. Hence civil society to-day is the realm where the individual negotiates a social contract not just with the state but with layers of institutions –local, national, regional and global. And it is not just a realm composed of nice progressive cosmopolitans; it also involves national and religious militants, corporate lobby groups and a range of diverse opinions. This is what I mean by ‘global civil society’. And, on the whole, it is preferable if these various groups and individuals are engaged in debates, which influence decision-making about important political issues and not just states.

In my work on war, I have used the term ‘new’ to describe the changed nature of war in these global times. One of my students suggested that either I should have used the term ‘global’ in relation to war or the term ‘new’ in relation to civil society. In the case of global civil society, as in the case of new wars, I am trying to explain the changed nature of civil society in these global times. The problem is that ‘global war’ sounds suspiciously like world war –perhaps globalised war would be preferable. Perhaps for some people, this is the problem with the term ‘global civil society. It might be interpreted as a unified single holistic world-wide civil society although that would be a very simplistic understanding of the growing literature on the subject. Rather what I mean by the term, and this is shared by other scholars, is that civil society can no longer be confined to the nation state.

The most astonishing claim of David Chandler is that there is no ‘literal’ global civil space. What does he mean? Is he stuck in an ivory tower? He lives and teaches in London, which is surely a centre of global civil space where Islamic groups, East European immigrants, international NGOs, local and global campaigns as well as corporate lobby groups all participate in a public debate shaped by the global media, the Internet, the ease of air travel, that is not just confined to the UK but influences other governments and international institutions as well. What is idealistic and unrealistic to-day is to assume that civil society can remain a purely national bounded phenomenon.