

Civil Society

Are Citizens the Servants or the Masters of Government?

Hardy Bouillon

When politicians extol the virtues of civil society, they are often asking citizens to contribute to collective goals. This has nothing to do with the original concept of civil society, in which individuals freely pursue their own private interests.

Products that are spread around become more standardised. The Big Mac tastes as good in New York as it does in Berlin or Sydney. The same does not apply to concepts—rather the opposite. When concepts are spread around their meaning changes. This holds true in particular for political concepts. An excellent example is the concept of ‘civil society’, which politicians of all hues have adopted lately to project their well-meaning notions of an ideal society.

The concept has been reinterpreted with amazing naivety. Party politicians do not seem to give a hoot about the original meaning of ‘civil society’. Admittedly, no-one can claim ownership of concepts and definitions. They are free goods that anyone can use. And whereas the unauthorised imitation of a product normally incurs sanctions, concepts can be imitated freely—often without the adulteration of the meaning even being noticed.

Concepts have no owners, but they have a provenance, and the original meaning is tied to their origins. The concept of civil society is not, as some present day politicians would have us believe, their own invention. Far from it!

The original meaning of civil society can be found in the writings of John Locke (1632-1704) and the fathers of the US Constitution, such as James Madison or Thomas Jefferson. They, the Scottish moral philosophers, such as Adam Ferguson and David Hume, and Alexis de Tocqueville elaborated the original meaning of civil society: a community of free citizens who spontaneously create an order of institutions that allows the peaceful and free pursuit of their own diverse private interests.

Competition is a central element of such societies. It is a means of peacefully coordinating the conflicting interests of individuals rivalling for scarce resources. The idea of competition has been cultivated and validated within the community over centuries.

In the original meaning of civil society, government is the means to attain the ideal, no more, no less. What has primacy, both in terms of timing and priority, is therefore clear: Civil society takes precedence over the state, not the other way round. It is not for civil society to ask its purpose, but for government.

Seen in this light, it is a little amazing when Wilhelm von Humboldt, the German liberal-humanist philosopher and politician (1767-1835), expresses astonishment in his 1792 work entitled ‘Limits of State Action’ at the fact that all prominent theories of government fail to address the most important issue, namely: ‘what is the purpose of the institution of government and which [sic] limits should it set itself?’

Little is left today of the original meaning of civil society. Indeed, the original meaning has been turned on its head. The primacy of government is being stipulated as the be all and end all of civil society and the *status quo*, which no one must question. The agents of government occasionally condescend, as if they were the guardians of

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the Holy Grail, to admonish the citizens to become active in their own interest, to organise themselves and not to leave everything to government.

The role of government

Government has the function of protecting law and order. But in reality government does more. It also gives citizens access to many other goods and services, so-called public goods. Many observers maintain that these additional public goods are not only *necessary*, but also have necessarily to be *public*. And the provision of public goods requires financial resources. According to this conception of government, the resources have to be raised by compulsory taxation, which implies the power to tax and the notion that uneven tax burdens are part and parcel of just taxation.

Things were different under the original conception of civil society. Then, the role of the state was exclusively to maintain an orderly framework for the peaceful life of the community. The public servants of civil society were guardians of the institutional order whose task it was to ensure that everyone's life, liberty and property—what Locke called 'privacy'—were respected, within countries and without, by other citizens and civil servants alike.

Government was the means, civil society the end. Civil servants were not the government's servants, but the citizens'. Those entrusted with the protection of order had no function other than pursuing this citizen-serving task. The power to tax was a borrowed power, which could be cancelled without further ado when it was clearly abused. 'No taxation without representation' was the order of the day when the North American colonies parted ways with the British Crown.

It was an essential element of traditional civil society that all power to govern was seen and practiced as ultimately delegated by the individual to the state. To avoid all misunderstandings, the Americans adopted the famous Tenth Amendment to their Constitution. It laid down expressly that all powers that had not been delegated to the US government remained with the States and the people. It was clear that government had only those powers which it was quite explicitly given.

It is plain obvious that governments of our time frequently and systematically exceed the original limits and

aims of civil society. The growing politicisation of the private sphere and huge public sector shares in the national income are proof enough of that contention. Taxation policy hardly obeys the principle of equality before the law when total income tax scales are designed so that 4% of taxpayers pay 40% of revenues, and 40% only 4% of revenues (as is the case in Germany).

The 'new' civil society

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This Fabian reinterpretation of civil society goes back, first and foremost, to communitarianism whose protagonists stipulate a counterweight against what is in their opinion excessive individualism. The communitarians have created the notion of a collective entity separate from the individual and individual rights. They have made collectively binding duties the starting point of governance. Communal and collective objectives then justify all sorts of limitations of individual freedom.

Communitarianism finds much support at a time when many believe that social values can only be safeguarded or saved by community organisations that pursue shared social values. Civil society—or rather community organisation—is presented as the natural focus for raising and cultivating cultural values and, at times, civic virtues. Policymakers have to extract much cited commitments to solidarity from the claws of egotistic individualism, as if solidarity were feasible without the voluntary consent of the individuals that practice it!

To the displeasure of practicing politicians, the 'new civil society' finds its expression not only in spontaneous civic cooperation, such as voluntary fire brigades that are organised around local centres of daily life. People now also form civic organisations with others with whom they share neither geography nor biological links, only common interests and aspirations.

Such civic organisations may be charged with community tasks, or their activity may merely be tolerated. One only has to think of organisations such as Greenpeace or the World Wildlife Fund, which are accorded moral

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authority in high places. Those who do this overlook that voluntary fire brigades carry out their activities with the agreement of those concerned, whereas that is less and less the case with Greenpeace and company. The same can be said of many of the so-called 'non-government' organisations (NGOs) which are demanding a role in shaping political action without having earned a public mandate.

From the viewpoint of the original meaning of civil society, the thrust of NGO activity can, at first sight, not be criticised. What is incompatible with civil society as understood by John Locke is the arrogation of political powers to make collective decisions by the NGOs. That makes them part of a 'civil society' of the novel kind. An example of this is the World Health Organisation which is campaigning against the tobacco industry through NGOs without trying to gain influence through democratically legitimated channels.

Not all NGOs behave that arrogantly. Many are more modest, and many even act explicitly with the self-chosen aim of fostering the foundations of the original liberal civil society and of promoting the return of arrogated decision-making powers to individuals.

To establish which organisations have a credible commitment to promoting civil society, one can rely on the clear-cut criterion of whether they accept government money. Such independent educational institutions and research outfits have a long tradition in the Anglo-Saxon countries, where they are called 'think tanks'.

These 'ideas incubators' are contributing in a major way to fostering those values without which a civil society cannot function: freedom, property, responsibility, competition, honesty in fulfilling contracts and—no less important—a sense of civic obligation that is compatible with the other fundamental values.

Conclusion

On the European continent, civil society think tanks have not yet gained the influence they are enjoying in the Anglo-Saxon countries. But civil society urgently requires an energetic push in Europe, a push that must not come from collective action. That would only turn civil society into civic organisation, with government and the state becoming the ends, and civil society merely the means.