

THE PARTICULAR AS UNIVERSAL, THE REAL AS IDEAL;
THE DREAM OF CIVIL SOCIETY IN A CROSS-CULTURAL PERSPECTIVE

by

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ABSTRACT

For many centuries the dream of civil society has projected what many societies have imagined as their ideal form of social and political life. It has also reflected the real social, economic, and political organisation of life in those societies. In an attempt to explore both of these aspects of the dream of civil society, this work brings together an etymological study of the concept of civil society, a historical analysis of the conditions of its emergence in eighteenth-century Western Europe, and a comparative analysis of its revival in contemporary Iran: as a source of hope and inspiration as well as an indication of changes in the ways in which people relate to each other, to their institutions, and to their history and traditions. The etymological study of the concept of civil society explores how dreams and realities have constantly shaped the meaning of the concept of civil society in several languages, including Greek, later German, English, and Persian. The more detailed studies of the conceptual formation and institutional organisation of civil society in eighteenth-century Western Europe and in contemporary Iran are designed to give a comparative perspective on how a conjuncture of transformations in worldviews, in social and political institutions, and in the configuration of classes can provide for the emergence of a particular concept and practice of civil society that reflect all of these transformations.

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INTRODUCTION

In the beginning it was called *politike koinonia*, a Greek term that cannot be accurately translated into modern languages. Today English speaking intellectuals, politicians, academics, and social activists refer to it as *civil society*. We can hear its echoes everywhere, as I heard it on a warm August day in 1999 when sitting on the grass of Deep Cove park in North Vancouver where the annual Under the Volcano musical festival was going on. The festival is an occasion for social activists, opposition groups in exile from all around the world, leftist organisations, and anarchists, to come together to protest against capitalism, dictatorial regimes, the destruction of the environment, discrimination, poverty, inequality, and so on, through music or in other artistic ways. But this year the festival had a more accessible target: the annual World Trade Organisation (WTO) meeting which was scheduled to be held a few kilometers away in Seattle, WA in December. One of the organisers of the festival took the opportunity to invite the audience to participate in a demonstration against the trend of globalisation. He said that “civil society” had to stand up against the WTO and protest against the violation of labour and environmental standards that is done in the interest of free trade.

Several years before that day I had heard the term “civil society” for the first time, in a talk given in the Institute for Social and Cultural Research (ISCR) in Iran. Unlike the Under the Volcano festival, the ISCR is an established institute in a well-to-do neighbourhood of Tehran, yet it is controversial in its own ways. Members of this institute are distinguished scholars, writers, and researchers, but some of them are isolated from the more mainstream and popular universities because of their political opinions. Perhaps the first time anyone talked about civil society in Iran was in this

institute. I attended the talk, but did not really pay as close attention to its discourse as I did a few years later. At the time *civil society* seemed to me only another abstract, though interesting, topic that had little relevance to real life. But, a few years after that talk, and through the presidential campaign of Mohammad Khatami in the spring of 1997, the term *civil society* became so popular in Iran that, like many other Iranians, I could no longer remain indifferent to it.

And then, again in the winter of 1999, when I was writing this thesis, many protestors from around North America and some other parts of the world gathered in Seattle to protest against the policies of the WTO. They constituted a multinational aggregation of environmentalists, labour activists, anti-capitalist leftists, and even a few looters who held a variety of positions: from approving the globalisation of the capitalist economy in principle but rejecting some of its negative effects to rejecting the capitalist economy and globalisation altogether. They demonstrated their views and criticism in a variety of ways, from marching and chanting to smashing shop windows. Nevertheless, this multinational and more or less unorganised crowd, which was assembled in a temporary social movement and shared only the act of protesting, was referred to by the media and the American authorities, including the mayor of Seattle, a police chief, and President Clinton, as the “civil society.”

Since the 1990s the term *civil society* has echoed all around the world. There is a widely held, though not clearly expressed, assumption that *civil society* is, has become, or can become a cosmopolitan concept and reality. Those who hold this idea are convinced that, in order to have civil society, a nation or its politicians only have to will it. By isolating the concept of *civil society* from its origins in Western political, social, and

philosophical heritage, intellectuals and reformist politicians, especially in the developing world, managed to tailor it to their reform agendas. This started when in the former Eastern Bloc “civil society” was revived by intellectuals during anticommunist revolutions as a way to enlightenment, capitalism, and democracy. But then these “ideals” were subjected to market relations after the laws of free exchange assumed dominance (Alexander 1998: 1). In recent years this trend has been intensified after some international organisations, such as the World Bank, took up the term civil society and equated it with non-governmental organisations (NGOs) that operate outside of the state and private economic sphere and are involved in non-profitable and/or community projects. These organisations can play an indirect role in economic development and improvement of standards of living by engaging in activities such as the protection of natural resources or offering training and consulting services. In response to these pragmatic outlooks and trends that ignore the historical roots of “civil society” as a distinctively Western concept and reduce its critical dimensions, some scholars have recently appealed to “real civil society,” by which they refer to a trend of scholarship on the subject of civil society that originally emerged in post-Hobbesian, Western European political thought (Seligman 1993; Alexander 1998).

Along similar lines, I will explore the origins of the idea and practice of civil society and the way those origins are reflected in or deflected from our present-day understanding of the term. However, my purpose is not to search for the original *dream* of civil society as opposed to its restrained practical reality in Eastern Europe, Iran, or anywhere else in the world. Rather, I will try to show how the dream of civil society has been, from the beginning, constricted by the material realities surrounding the *dreamer*.

On a general level, I will try to examine how the discursive and practical development of civil society is a by-product of ideas, which are expressed in a worldview, and material realities of social, political, and/or economic spheres. These ideals and material conditions may be either old or newly transformed depending on the circumstances. Two particular examples that I will discuss are the birth of the modern concept and reality of civil society in the late seventeenth -and early eighteenth- century Western Europe and the introduction of this concept into contemporary Iran.

Writing Civil Society

Our present day understanding of the concept of civil society is to a great extent shaped by the Enlightenment philosophy and social thought. Yet civil society, both as a concept and a practice, originates in the pre-modern Western social and political heritage. The concept of civil society existed in its simplest sense as early as Ancient Greece, where “citizens” came together in a *polis* and participated in ruling and being ruled under a constitution. The concept of citizen as the bearer of *formal* and *legal* rights who occupies a place outside of the familial and economic sphere of the household was first born in this part of the world. This legacy was passed to feudal Europe, when, as Moore (1966: 415-416) argues, there existed a growing notion of the immunity of certain groups of people from the power of the ruler and a notion of the right to resist unjust authority.

Furthermore, the notions of “individualism” and “community obligation,” which constitute two intrinsic parts of the modern discourse and practice of civil society, are, as Taylor (1989) and Somers (1993) argue, deeply rooted in the pre-modern organisation of social and political life in the West. In modern civil societies the power of the ruler over

the ruled, which was previously limited by feudal traditions, became subjected to bureaucratic and democratic procedures and the rights and immunities of feudal estates were formally extended to the middle class and, later, to every citizen. In the first chapter of this thesis I will explore some of these pre-modern origins of the modern idea and practice of civil society. By so doing I will try to examine how the *reality* of social relations has been projected as *ideal* in different discourses of civil society.

The second chapter focuses on the Enlightenment period to explore how and why modern civil societies broke with, or were seen as having broken with, feudal realities and traditions. The modern dream of civil society sees individuals as autonomous, and thus capable of organising their own personal and social life without direction from outside. It also posits society, a concept newly born in the eighteenth century, as not only differentiated and independent from the state but also capable of exerting power on it, controlling it, and holding it accountable. This dream was originally supported by the worldview of the Enlightenment that, in Kant's view, encourages humanity's release or emergence from a state of immaturity and rejects the authority of those who establish themselves as the people's guardians. Enlightenment rationalisation encouraged humans to exercise their reason without the interference of man-made institutions, such as the state or the Church, and to regulate their public, political, and economic life not according to immutable traditions or unchangeable, predetermined laws of nature, but according to social contracts made rationally among themselves.

This change on the level of the worldview was accompanied by concrete changes in the structure and organisation of social life as well as in everyday living. These include, among other things, the appearance of the print media; the rise of the

bourgeoisie; the gradual subjection of the sphere of economic exchange to the principles of the free market, in which individuals enter into the market as formally free agents; and, finally, the rise of the modern state, whose basis of legitimacy lies in the legal-rational operation of bureaucratic administration and whose methods of preserving the stability of the system are not principally in conflict with the autonomous growth of civil society. The combination of changes on these two levels allowed for actual civil societies to flourish as an arena governed by thisworldly arrangements among free and independent individuals or groups of individuals. I will explore the dynamics of this shift in the second chapter.

The seventeenth and eighteenth century thinkers saw civil society as necessary for political and intellectual freedom and considered its independence as the basis for everything good and right. In the tradition of the Scottish Enlightenment, such as in the works of Adam Smith, Adam Ferguson, and above all David Hume, the working of individual reason was entrusted as the source of public and personal good because “reason, in its universal sense, takes us beyond particular interests to affirm the universal good” (Seligman 1992: 35). In this view, civil society was seen as both an arena for economic exchange and a sphere in which the individual is reaffirmed in his individuality through the very act of exchange with others. But in the nineteenth century civil society was regarded as a conservative and obsolete concept. Hegel saw it as a system of needs and a sphere of alienation, and Marx criticised it as the sphere of false individualism and selfish greed. In the early twentieth century Gramsci (1971) saw civil society as a sphere for the reproduction and imposition of dominant ideologies. He contended that, not armies, courts, and prisons, but the institutions of civil society carry the ideologies of the

existing order and bind individuals to the ruling power by consent rather than by coercion.

In recent years, Eastern European intellectuals reintroduced civil society to contemporary social theory in its pre-Marxian sense as a positive, liberating, and critical notion. Civil society has since been posited as a critical discourse in many places where the defence of our rights to liberty, equality, and resistance to thisworldly or otherworldly sources of unjust authority is at stake. This includes not just Eastern Europe, where public excitement about civil society is actually declining after it played a role in the transition of power in the late 1980s (Seligman, 1998: 79), but also North Africa, the Moslem world, China, and even again in the Western world by intellectuals who are worried either about too much individualism (Fukuyama 1999) or about the subjugation of individuals to the excessive but subtle powers of the administrative and therapeutic state (O'Neill 1985). In a world characterised by wars of nations, terrorism, doctrinal dictatorship, and domination of political or economic institutions over the individual's life, the discourse of civil society has been revived to stand as the counterconcept of religious or ideological indoctrination, violence, institutional hegemony, intolerance, and/or the political indifference of the people. Many contemporary thinkers thus hope that a civil society can bring liberties for all individuals and societies and thus make possible what Habermas calls "unconstrained rational and critical communication."

If civil society is a distinctively modern dream and reality connected to the worldview of the Enlightenment, the point I will discuss in the second chapter, one might ask whether its current revival and expansion in other parts of the world is a sign of the revival of that worldview. To discuss this point I will examine the case of the discursive

and practical development of civil society in Iran. *If*, following Weber, we accept that an increasing *trend* of rationalisation in law, economy, and politics has been characteristic of Western development since the advent of modernity (Roth 1987), and *if* we further agree that modern Western civil societies have emerged in the context of a clash of reason and tradition during the Enlightenment, then the modern Western dream of civil society seems to find little ground or justification in the pre-existing worldview and institutional organisation of social life in Iran. Therefore, we will need to examine whether the renewal of this discourse in Iran is an indication of such a clash and of an institutional shift.

Weber's work on the elective affinity of some ideas expressed in religious worldviews (in his case, Protestantism) with modern developments in the spheres of politics, law, science, and economy inspired a widespread trend of comparative writings on whether the Islamic worldview can have the same affinity with modern procedures, such as those by Schluchter (1996); Rajaei (1997); Sanadjian (1997); and Lapidus (1997). Now the subject is revived under the title of "Islam and Civil Society," a few examples of which include: Mardin (1995); Özdalga and Persson (1997); White (1996); and Gellner (1994). But in this thesis the question is not whether Iranian/Islamic traditions and "civil society," understood as two worldviews or as parts of two distinct worldviews, are compatible; rather, my concern is why so many scholars and writers in Iran think that there is such a clash. My aim is to see how the emerging discourse of civil society in Iran fits into this country's long-standing preoccupation with modernity as a worldview and how the re-problematisation of this issue at present may be related to more concrete changes in political and economic spheres.

When talking about the conflict or clash of worldviews in the non-Western world, it is easy to slip into the assumption that in these parts of the world and through the discourse of civil society an indigenous culture or worldview encounters Western worldviews. However, with the hegemony of the West over the rest of the world, many non-Western cultures have remained only relatively indigenous. And this is especially true in countries such as Iran that have already adopted many modern Western institutions and political procedures, such as an electoral democracy, the division of political powers, some aspects of the market economy, and Western life-styles exemplified in the increasing prevalence of the nuclear family or in the demand for individualism, which I will discuss in the third chapter. Therefore, any reference to indigenous “Iranian traditions,” “Iranian culture,” or “Iranian outlooks” is only relative.

Methods

The first chapter will carry out a genealogical investigation of the term *civil society*. Starting from Ancient Greece down to contemporary Iran, I will focus on the etymology of *civil society*, in an attempt to find out how the choices made in translating this term into different languages reflect social realities surrounding its adoption or usage. To do so, I will revisit some of the classical works, such as Aristotle’s *Politics*, Hegel’s *Philosophy of Right*, Marx’s *Theses on Feuerbach*, and Tusi’s *Naserian Ethics* (a Medieval Iranian text), and read specific sections of each in some detail.

In the second chapter my study has a mainly historical focus on the conjuncture of the Enlightenment thought with social and political changes in Western Europe in the seventeenth and eighteenth centuries. Following some aspects of Weber’s approach in his

inquiries into the history of ideas, I will narrow down my investigation to explore the elective affinities between transformations in ideas and in social, political, and economic realities in the advent of European modernity and the way they influenced the formation of modern civil society in theory and practice. Some works used here include studies on the history of ideas, such as the ones made by Weber himself (1979, 1958a, and 1958b) and Seligman (1992), and works written on the history of the emergence of the first modern civil societies in Western Europe by scholars such as Habermas (1989 [1962]) and Koselleck (1988).

In the third chapter I will employ the same approach and framework used in the second chapter to study the elective affinities between transformations in worldview and in the institutions and organisation of social life. But unlike the second chapter I will mainly use first hand observations which include my own experience as a student and journalist in Tehran when the discourse of civil society started to spread out in the print media. I will also analyse a range of non-academic texts (books, newspaper articles, campaign flyers and posters, online sources, etc.) speeches, and pictures.

While using these different methods, my comparative study will be constantly focused on the interaction, affinities, and conjuncture of ideas, ideals, and realities that give birth to civil society in discourse and practice.

CHAPTER I. The Genesis of “Civil Society”

Despite more than two centuries of debate, both the meaning and application of the concept of “civil society” have remained ambiguous. When used in popular literature or by the media, the term civil society does not denote either a single meaning or a homogeneous and compatible variety of meanings with a single locus. The media usually use it to refer to social movements (as it happened during the protests to the World Trade Organisation meeting in Seattle in 1999) and the popular literature use it to refer to refined or civilised society (as in Scott 1998). A similar confusion runs through the academic literature about civil society. In this literature, civil society has a wide variety of applications: it can refer to all non-governmental institutions of society, or to non-governmental and governmental institutions together, or to a combination of non-governmental, governmental, and private sector economic institutions, or, finally, to some specific spheres of society, such as those of communication or labour. One reason for this ambiguity and diversity of meaning is the way this term has been translated and put into practice in different cultural, geographical, and historical contexts. To address this issue, this chapter will provide a genealogy of the concept and practice of civil society. I will try not only to identify the linguistic origins of this term, but also to look closely at how it has been translated, defined, and approached in different times and places. I will start with the Greek origins of the term and will proceed with identifying its equivalents in Latin, English, and German. Since the third chapter is dedicated to a discussion of the current civil society movement in Iran, I will also try to locate the historical origins of the Persian equivalent of the term civil society.

While addressing the etymological journey of the term in time and space, this chapter will also explore how the choice of the words reflects a combination of unlimited ideals and constricting realities in each society's dream of a "perfect civil society." In other words, in this chapter and, in fact, in the entire thesis, I will try to explore how the dream of civil society, in the way of its construction and realisation, becomes ideology. The dream of civil society is constructed and communicated through discourse, that is, through speech and writing and ultimately through the use of "words." According to Bakhtin (1981: 294), every word "already exists in other people's mouths, in other people's context, in other people's interaction." Speech and writing "rework" terms that have already been given determinate meaning elsewhere and elsewhen by others and "produce" the same object in multiple sites (Smith 1999: 128 and 136). Words and signs direct our attentions to some specific parts of an already existing material and social world and by so doing they selectively highlight parts of the real world and hide other parts. Following Bakhtin and Smith, I will try to find "where" and "when" the term *civil society* has been constructed, in whose "context" or "interaction" it existed, what parts of the reality are "highlighted" in it, and what parts of the reality are "hidden" by it. It is as the result of this process of selection, construction, and reference by specific people and in specific historical conditions that *civil society*, or the dream of it, is at the same time the ideology of the dreamer.

The Prehistory

The origin of the discourse and practice of civil society is usually sought in ancient Greece. *Civil society* in English and *société civile* in French are translations of the Latin

term *societas civilis*, which is itself a translation of the Aristotelian term *politike koinonia* or political association/community. For Aristotle, *politike koinonia* (or *polis* or, even, state, as he uses them interchangeably) is an association where the dream of the highest form of life, that is, political life, is pursued through co-operation among ‘civilised humans’:

We may therefore hold (on the basis of what we observe) that all associations aim at some good; and we may also hold that the particular association which is the most sovereign of all, and includes all the rest, will pursue this aim most, and will thus be directed to the most sovereign of all goods [protection of life]. This most sovereign and inclusive association is the *polis*, as it is called, or the political association (Aristotle, *Politics*, book 1 section I).

Humans live in the *polis* or *politike koinonia*, because they are social animals; they have to live together and co-operate in order to satisfy their needs, but in this regard they are not different from other social animals. More important than being social is that humans are civic, or more precisely, political and ethical: they have a perception of good and bad, just and unjust, and thereby can live in family and the *polis*. This demarcates not only humans from animals but also more developed humans from “primitive” ones: human beings, while indeed social animals, were not necessarily considered civic; they would become civic when they participated in political life (Colas 1997: 45). The most sovereign of all goods and the goal of the *polis* is to provide a safe and self-sufficient form of life for a people through division of labour in professional associations and to guarantee them a “good life” based on a common *ethos* and sense of justice.

The *polis* is an association in which all of the associations that are necessary for a self-sufficient life, such as an army, business associations, and courts, come together (Aristotle, *Politics* book 1, section I). Members of these associations are also members of the *polis* and upon this membership they are granted the title of citizen. They come

together in a polity or a constitution and participate reciprocally in ruling and being ruled. This political sphere is understood as different from and even as opposed to the natural association centred in family life (Arendt 1958: 24). This opposition is perceived in several respects: in the household or *oikos* power relations between slave and master, woman and man, youth and elder are asymmetrical, and the head of the household can force or command other members to obey him. In contrast, in the *polis* speech, persuasion, and the art of rhetoric replace the use of violence and demarcate human political associations from natural associations found in family or in animal life. Therefore, the *polis* or *politike koinonia* is egalitarian and political rule in it is “over free and equal persons.” The reason for such equality is not that there is no discrimination on the basis of status, but that the title of citizen and the opportunity for participating in ruling is granted only to those who are equals with each other and share a similar status by possessing three interlocking qualifications: the ownership of property, the ability to permanently hold public offices, and the capacity to engage in public debates. In this way the “ideal” political sphere is portrayed in Ancient Greece as a discursive sphere for male heads of the household from which those who can not or do not engage in public debates are excluded. This includes not only the “barbarians” but many residents of the Greek *polis* too, such as slaves, the elderly, youth, and foreigners (Aristotle, *Politics*, book 3, section I), and potentially, women and manual workers (Cohen and Arato 1992: 626).

Aristotle’s conception of *polis* and *politike koinonia* is ambiguous in the sense that it is both a geographical and a political entity: it is a city which is demarcated from a village because it has a self-sufficient system of justice (courts) and economy (business associations), as well as a polity or constitution that unites its citizens. It can, therefore,

attain the goal of the preservation and protection of the “good life” in its highest form. But it is also an association where “citizens,” that is, property-holding male heads of the household, come together to participate in ruling. The *polis* or *politike koinonia* (or state, as Aristotle sometimes calls it) is one association among many others, but, at the same time, it embraces all other associations; it includes members of all associations, and rules over all of them.¹

Aristotle’s theory reflects both the dreams and social realities of his society. It reflects the Greek’s aspiration to civic (ethical, political, and just) life that they thought distinguished them from the non-civic world of the barbarians. It was also in Greece that, for the first time, the rights of citizen in civil and political spheres were formally recognised. But these dreams and potentials were fettered by the realities of the actual organisation of social relations in the Greek society, a system that excluded slaves, women, children, and the elderly from participating in civic life. Aristotle’s theory also illustrates how the relatively simple and mechanical organisation of the Ancient Greek society. He distinguishes private (family and economy) from public (state, *polis*, politics), but does not differentiate between society and the state, on the one hand, and society and associations on the other. His *Politics* and *Nicomachean Ethics* depicts the “ideal” *polis* or *politike koinonia* as an association constituted by a homogeneous body of citizens

¹ This problem can be solved if the *polis* is considered as a geographical or geo-political entity (a city or city-state) and *politike koinonia* as a political entity that exists inside the *polis* or city-state and overlaps with it. In this case, *societas civilis* and civil society are not proper translations for *politike koinonia*. The Latin and English translations cause complications because *civilis* in Latin and *civil* in English mean anything related either to public or political life. *A Latin Dictionary* by Lewis and Shert defines the term *civilis* as anything of or pertaining to citizens, civic; relating to public or political life; non-military. The word *civilis* or *civil*, thus, reflects the ambiguity and duality in *politike koinonia* and *polis* to a greater extent. It was perhaps to avoid this ambiguity and because of the overtly political nature of *politike koinonia* that William Ellis, in his 1778 translation of *Politics*, ignored the widely accepted English translations of the term to *civill societie*, and chose political association as the equivalent for *politike koinonia*.

whose intentions and actions are unified under a shared conception of morality and justice: “in theory at least, *politike koinonia* was a unique collectivity, a unified organisation with a single set of goals that were derived from the common *ethos*” (Cohen and Arato 1992: 85). Today this can be considered not a civil society, but rather the equivalent of what we now call a community, i.e., a social body in which plurality and differentiation are dramatically reduced to enhance the pursuit of a common goal. As I will discuss later, our present-day conception of civil society is influenced by modern theoretical movements that interpreted *koinonia* as society rather than community or, as German sociologists have put it, *Gesellschaft* rather than *Gemeinschaft*.

Aristotle’s theory was introduced to modern scholars of civil society via Latin translations of his books. What makes Aristotle’s theory a part of the history of conceptualisation about civil society is not merely the content of his thought. Ironically, the mistranslation of some of his terminology played a role too. For Aristotle, a human was a *zoon politikon* or a political being, not an *animal socialis* as his Latin readers and translators, such as Thomas Aquinas, thought (Arendt 1958: 23 and 27). Later again in the fifteenth century, the Florentine humanist Leonardo Bruni who translated Aristotle’s *Nicomachean Ethics* (1416) and *Politics* (1438) used the term *societas civilis* as an equivalent for *politike koinonia* (Colas 1997: xviii and 366). First this seems to have only been a matter of lexical choice since even in Latin *societas* had a political meaning and referred to an alliance between people for a specific purpose (Arendt: *ibid.*). But, later the meaning of *societas civilis* departed from that of *politike koinonia* and the difference between political and social became more apparent. According to Aristotle, human life is divided in the household where procreation and economic activity are centred and in the

polis where political life is pursued in form of an overarching level of sovereignty. The medieval Latin usage, however, was more plural. It applied to a variety of social and political bodies such as city-states that did not enjoy full sovereignty, fragmented feudal units (patrimonial rulers, towns, corporate bodies, etc.), and the medieval kingship and empire. It dualised the homogeneous nature of the term by viewing the medieval, feudal estates as counterpowers to the power of the Prince himself. While the privileged, organised, corporate estates assembled those who had power and status in the feudal society and produced a balance between the power of the prince and that of the estates, it did not create a real duality between the state and the whole society (Cohen and Arato 1992: 85). This distinction was later made during the Enlightenment as well as during the revolutions of the seventeenth and eighteenth centuries when the “privilege” to challenge the power of the state, once limited to feudal estates, was formally granted as a “right” to a larger number of “citizens.”

The Birth of Society

European modernity revolutionised both the Aristotelian and the medieval usages of the term civil society or its equivalents. Absolutism laid the grounds for the modern state by abolishing the decentralised political system of feudalism, in which the old feudal estates enjoyed political powers. In the centralised system of Absolutism, the whole of political power and all legitimate means of violence were monopolised by the sovereign ruler or body of rulers. This has remained, up to the present day, a basic principle of the modern state.² While Absolutism succeeded in restoring order and peace to the land, the despotic

² In the oft-quoted definition provided by Weber, monopolisation of legitimate means of violence is the foremost characteristic of the modern state (1958a: 78-79).

and often arbitrary nature of power that it granted to the Prince was challenged by what was to be later called society or civil society. This included the privileged classes but was comprised especially of the rising bourgeoisie who needed certainty, clarity, and continuity to develop its expanding monetary exchanges and capital investments (cf. Koselleck 1988: chap. 5; Mann 1993: 179-187). This ignited a philosophical and political polemic especially in France and England, and led to the emergence of modern, bourgeois civil societies in theory and practice.

The debate over the balance between the power of the prince and that of the “others” finally ended in the theoretical distinction of society from the state. This discourse emerged from a variety of sources that seemed to value different and even conflicting principles. For instance, Montesquieu (1949 [1748]) defended the rights of the privileged estates against the prince; Locke (1670 and 1690), the spiritual father of the bourgeois enlightenment, argued for a new status order based on private property; Voltaire (1999 [1759]) was opposed to any privilege; and Paine (1953 [1776]) advocated the idea of an egalitarian society. Another source for this discourse was bourgeois polemics in salons, Masonic lodges, clubs, and coffee houses about issues such as the equality of “men” and the need to supervise the Prince whose arbitrary power operated on the basis of secrecy rather than publicity and was not subject to the rule of law (see Habermas 1989: 52-53; Koselleck 1988 chapters 4 and 7). These polemics organised society into different interest groups whose common goal was to oppose the arbitrary, unsupervised, absolute, and monopolistic power of the state. They rejected the idea of the universal status of the subject of the state and instead introduced an individualistic and egalitarian notion of society composed of autonomous and equal individuals as bearers of

natural rights (Cohen and Arato 1992: 89). This aspiration for the rights of the individual has remained, to the present day, an intrinsic part of the dream and reality of civil society. But, it also reflected the new realities of early modern societies in which traditional bonds that tied individuals to specific lands or to a specific patron from the higher classes were loosened and a system of formal rights and freedoms in which people could freely enter into contracts was necessitated.

While the above polemics stressed individual rights as opposed to the authority of the state, they did not attempt or succeed to define civil society and its components. Even those classical enlightenment thinkers who used the word society or civil society, such as Hobbes, Rousseau, Spinoza, and Fichte, emphasised the distinction between civil society and the “state of nature.” The term civil society then was used as an equivalent of the state or “commonwealth” whose goal was to bring order, safety, and greater strength for humans.³ The work of the Scottish philosophers of the Enlightenment, such as Adam Ferguson, Adam Smith, and David Hume, represents a break with the aforementioned trend. While they continued using “civil society” to demarcate savage from civilised life, they developed a more sophisticated theory of civil society in which several other institutions of society besides the state were accounted for. For them, “civil society” was composed of a set of *sociopolitical* institutions such as the rule of law, limited and accountable public authority, economic markets, social pluralism, and a public sphere. According to Pérez-Díaz, one of the analysts of this tradition today, the institutional core of civil society consists of: a government which is limited and accountable and operates under the rule of law; a market economy (implying a regime of private property); an

³ Rousseau is the only exception as he preferred the peace and order of the natural state to the aggression and wars of civilisation.

array of free, voluntary associations; and a sphere of free public debate (Pérez-Díaz 1995: 81). In this conception, civil society has two major components: political (limited government) and social (market economy, associations, and the public sphere).

According to the Scottish philosophers of the eighteenth century, *homo politicus* and *homo economicus* (here the private property owner) are, and should be, virtually one and the same. Such identification automatically, though covertly, excludes the dispossessed class from political participation. But this was considered a practical rather than a theoretical problem; it had to be solved by economic reforms that allowed the generalisation of private ownership and guaranteed the openness of the market (Pérez-Díaz 1995: 92). In fact, instead of allowing everyone to enjoy equal rights regardless of the ownership of property, the individual had to conform to a system of private property in order to enjoy certain political rights. While this view has been modified to a great extent, the principal notion that the existence of a regime of private property is a crucial precondition to the existence of civil society and civil rights underlies all present liberal views of civil society. In this tradition, historically and ideologically bound property rights not only take the form of general and timeless individual rights and freedoms, but they also become a material precondition for the extension of all such rights and freedoms.⁴

Social Class and Civil Society

⁴ This view has been reproduced not only by liberal thinkers but also, especially after the fall of the Soviet communism, by many Western political figures. For example, in a speech broadcast after the Kosovo war, Bill Clinton announced that the Allied military intervention was only a temporary solution to the ethnic problems of Eastern Europe, and a "real" solution would be reached only if the West helped to restore economic security and prosperity in the region through capital investments under a regime of private property.

Two important developments in the modern conception of civil society resulted when the term was translated into German. First, the most comprehensive theory of civil society was introduced by Hegel who combined Kant's universalism, Aristotle's common *ethos*, the modern notion of individual freedoms, and Scottish philosophers' notion of civilised or economic society (Cohen and Arato 1992: 91). But later, building upon this same comprehensive theory, Marx denounced the whole modern discourse of civil society as mere ideology. The German term *bürgerliche Gesellschaft*, which stands for "civil society," has a variety of meanings that are not necessarily compatible with the connotations of the term in English.⁵ The *Oxford German-English Dictionary* defines *bürgerlich* as civil (pertaining to rights) or civic (pertaining to duties); middle class; and bourgeois. It comes from the same root as *Bürger* (citizen, townsman) and therefore, refers to the urban, non-political (civil) aspects of social life. On the other hand, it has a class dimension to it, too: it refers to bourgeois society or to the middle class, as Hegel and Marx later noted.

In his *Philosophy of Right* (1952 [1821]), Hegel defines *bürgerliche Gesellschaft* as a free association among individuals who come together to satisfy their needs. He bases *bürgerliche Gesellschaft* on two principles: the particular and the universal. The particular person, the *Bürger* or bourgeois, is "as a totality of wants and a mixture of caprice and physical necessity, one principle of civil society [*bürgerliche Gesellschaft*]." The particular person is "essentially so related to other particular persons that each establishes himself and finds satisfaction by means of the others, and at the same time purely and simply by means of the form of universality, the second principle here"

⁵ For this reason, when discussing Hegel, Marx, and later Habermas, I use *bürgerliche Gesellschaft* to avoid translating it to civil society. In quotations, *bürgerliche Gesellschaft* comes in square brackets to

(Hegel 1952 [1821]: 122-123). The universal element becomes a mediator or means for the realisation of the interests and needs of each particular person. This requires a people to join in the chain of social connections by knowing, willing, and acting freely in a universal way, i.e., by comprehending and willing the universal right (ibid: 124).

Bürgerliche Gesellschaft is a system of complete interdependence, wherein the livelihood, happiness, and legal status of each man (the particular element) is interwoven with the livelihood, happiness, and rights of all (the universal element).

The use of the terms *bürgerliche Gesellschaft* and *bourgeois* by Hegel and later by Marx is a source of misunderstanding and confusion especially when it is translated into other languages. In English, *bürgerliche Gesellschaft* can be translated as both civil society and bourgeois society. With the spreading discourse of civil society, it is customary to translate the term conveniently as civil society, but this conceals a dialectical aspect of the term that is crucial to the understanding of both Hegel and Marx. The key to understanding Hegel's notion of *bürgerliche Gesellschaft* may be found in the following note that he added to section 190 of the *Philosophy of Right*:

In [abstract] rights, what we had before us was the person; in the sphere of morality, the subject; in the family the family-member; in civil society [*bürgerliche Gesellschaft*] as a whole, the burgher or bourgeois. Here at the standpoint of needs ... what we have before us is the composite idea which we call man. Thus this is the first time, and properly the only time, to speak of man in this sense (Hegel 1952: 127 addition to sec. 190).

Here, "person," "subject," "family member," "bourgeois" or private property owner, and "man" or human in general appear as different forms of subjectivity in the distinct spheres of rights, morality, family, *bürgerliche Gesellschaft*, and needs. What corresponds to *bürgerliche Gesellschaft* is the bourgeois, indicating that *bürgerliche*

indicate that it has been translated to civil society in the original text.

Gesellschaft should be translated to bourgeois society or bourgeois civil society. From the standpoint of needs we deal with man or the human being in general because all humans have the same kinds of needs, but in *bürgerliche Gesellschaft* we deal with a specific kind of man, i.e., the bourgeois or middle-class man. For Hegel and Marx, *bürgerliche Gesellschaft* is the sphere of economic activities of private persons or owners of private property, who live primarily in towns or cities, and are oriented toward the satisfaction of secondary or non-substantial needs. This view can be supported by a close look at the “moments” of *bürgerliche Gesellschaft* as described in the *Philosophy of Right*.

According to Hegel, *bürgerliche Gesellschaft* contains three moments. The first moment is the system of needs, i.e., the satisfaction of needs through each man’s work that satisfies his own needs and that of others. This system includes three estates or classes: substantial or agricultural class, business class (engaged in craftsmanship, manufacture, and trade), and the universal class or the class of civil servants that satisfies the universal need of all burgers, such as the need for education (ibid: 131-132). Unlike the agricultural and civil servant classes that deal with universal needs, the labour organisation of *bürgerliche Gesellschaft* is split into different branches that each deal with a particular need. What brings them together is an association or corporation. A corporation has the right to look after its own interest, to co-opt members, to protect its members against contingencies, to provide education for future members, and “in short, its right is to come on the scene like a second family for its members” (Hegel 1952: 153). The individual who is alienated from his family (or his natural sphere) takes refuge in a corporation, which becomes a second, but not natural, family for him. Freed from

personal opinion and contingency, a corporation can focus its conscious effort on a common end. Among all the institutions that respond to human needs, (business) corporations are the ones that are “planted in *bürgerliche Gesellschaft*,” they are the real elements of it. For, unlike agriculture and civil service, business corporations respond to particular needs that cannot be satisfied by a self-subsistent family or by the state. They satisfy non-universal and secondary needs, such as the need for handicrafts and industrial commodities that can only be felt and satisfied in large gatherings of humans in urban areas.

The second moment of *bürgerliche Gesellschaft* is the administration of justice to protect property and personality from offence. Through the administration of justice the universal and abstract Right becomes concrete in the form of positive law, i.e., laws that are publicly known by everyone, and possess power by being recognised as universally valid. The positive law rules over both material ties (such as different species of property and contract) and ethical ties (such as love and trust) within *bürgerliche Gesellschaft*. The first and foremost principle of justice is that it universally applies to all men: “it is part of education [...] that the ego comes to be apprehended as a universal person in which all are identical. A man counts as a man in virtue of his manhood alone, not because he is a Jew, Catholic, Protestant, German, Italian, &c.” (ibid.: 134). The third moment includes provisions taken against contingencies lurking in these systems and in caring for particular interests as common interests, by means of the Police and the Corporation. Police or public authorities resolves conflicting interests in society, prevents injuries caused by wrongful acts of individuals, supplies individuals with skills and education that they do not receive in the family, and takes care of the poor (ibid: 146).

Hegel's theory represents a dream of *bürgerliche Gesellschaft* that encompasses the two main dimensions that inform every dream of civil society: it alludes both to individual rights and freedoms and to the need for order and discipline in society. *Bürgerliche Gesellschaft* rests on the twin pillars of freedom of the individual (the particular as conceived of in modern European thought) and *ethos* or morality (the universal drawn from ancient Greek thought). It has to accommodate a homogeneous political society based on universal *ethos* and preserved by the universal spheres of family and the state, and, at the same time, a plurality of autonomous social bodies that were first introduced in the late medieval period and can flourish in the atmosphere unique to corporations. For this reason, Hegel's *bürgerliche Gesellschaft* is a framework wherein the tension between *is* (plural, social reality) and *ought* (universal *ethos*) develops and where the dialectic of ethical and non-ethical takes place (Cohen and Arato 1992: 91). For Hegel, family and state represent the natural and universal forms of ethical life while *bürgerliche Gesellschaft* represents a world of alienation and egoistic competition and conflict. A bourgeois individual (a concrete person) represents the egoistic, un-ethical side of life in *bürgerliche Gesellschaft* as a system of needs. But he is also a legal person, a client of general authority (the state), and a corporation member, and, as such, is subject to universal and abstract laws that may be unintended and unanticipated by the individual participants of *bürgerliche Gesellschaft*.

While Marx radically opposed Hegel's system in several of his writings, such as his *Contribution to a Critique of Hegel's "Philosophy of Law"* (1843) and *Contribution to a Critique of Political Economy* (1963 [1859]), he maintained much of the Hegelian system, including Hegel's distinction between state and society and his model of

bürgerliche Gesellschaft as a sphere of egoistic economic activity of private persons. For Marx, as for Hegel, *bürgerliche Gesellschaft* was a sphere of alienation, but unlike Hegel who believed that humans' alienation from their family and natural being happens only in business corporations, Marx saw religious, social, political, and all market relations as alienating. Also, unlike Hegel who described the state as a force that ethically conditions *bürgerliche Gesellschaft*, Marx saw the state as an institution which is itself conditioned by the economic foundation of *bürgerliche Gesellschaft* (cf. Colas 1997: 294-297). The ambiguity of *bürgerliche Gesellschaft* as civil/bourgeois society surfaces in Marx's work as it did in Hegel's. However, his *Theses on Feuerbach* might provide a clue to clarifying this ambiguity. The tenth thesis reads: "the standpoint of the old materialism is civil society [*bürgerliche Gesellschaft*]. The standpoint of the new is human society or socialised humanity" (Marx, 1994 [1845]: 101). The eleventh thesis reads: "the philosophers have only interpreted the world in various ways; the point, however, is to change it" (ibid). A shift can be seen from *bürgerliche Gesellschaft* in the first sentence of the tenth thesis to *human society* or *socialised humanity* in the second sentence, and eventually to *world* in the eleventh thesis. *Bürgerliche Gesellschaft* (particular) as a non-humane or alienating society can be understood in its opposition to and as distinct from *human society* (universal). *Bürgerliche Gesellschaft* is only a particular society or a part of the whole *world*: a society based on private property that needs to be changed along with the whole *world* in order to achieve a *human society*.

This view of *bürgerliche Gesellschaft* has been reworked, to varying degrees, by many contemporary scholars of civil society such as Gramsci, Habermas, and, following them, Calhoun, Benhabib, Fraser, McCarthy, and Cohen and Arato. Most of these

thinkers apply the notion of civil society only to non-governmental and non-economic organisations, which include the public sphere and social movements. For Cohen and Arato (1992: ix), for example, civil society is composed of the intermediate sphere (especially the family) that stands between the state and economy, the sphere of associations (especially voluntary associations), social movements, and forms of public communication. They argue for the importance of differentiating civil society from both state and economy because only in this case will civil society be “the centre of a critical political and social theory based on its own autonomous logic” (ibid: viii). Habermas, in his studies of communicative action and the public sphere, utilises the Hegelian/Marxist tradition to explore one aspect of *bürgerliche Gesellschaft*, i.e., the public sphere or the sphere of communicative action, which was not explored in detail by Hegel and Marx. It is for this reason that he has been criticised for reducing civil society (*bürgerliche Gesellschaft*) to the public sphere (e.g., in Pérez-Díaz 1998). But, from early on in his career, Habermas has made a clear distinction between *bürgerliche Gesellschaft* and the public sphere by emphasising that the public sphere is a component of *bürgerliche Gesellschaft*, not its equivalent.

According to Habermas (1989 [1962]: 3), *bürgerliche Gesellschaft* in eighteenth century Germany was a “realm of commodity exchange and social labour governed by its own law” while the public sphere (*Öffentlichkeit*), as a part of *bürgerliche Gesellschaft*, is “a realm of our social life in which something approaching public opinion can be formed.” Access to this sphere is available to all citizens. The state is the executor of the political public sphere, but it is not a part of it. The public sphere is built on two pillars of freedom and reason: citizens form a ‘public’ body only when *freedom* of assembly and

association and *freedom* to express and publish their opinions about matters of general interest are guaranteed. And 'public opinion' is formed only when a *reasoning* 'public' is presupposed (Habermas 1974 [1964]: 50). Habermas's thesis is that a public sphere with such characteristics was first formed in bourgeois circles of the seventeenth and eighteenth century and, by constant criticism and debate with the state, forced reforms in the process of decision-making and the sphere of law so that they became more compatible with market economy. These notions took on ideological forms when they were projected as universal notions that could be applied anywhere and everywhere, regardless of the specific sites and conditions in which they were first "produced." Today the same principles are portrayed as "universal principles" of "human" rights to which all countries and societies of the world should adhere regardless of their specific economic, political, or cultural conditions.

In recent years, the public sphere has become more inclusive and its participants include individuals and groups from different class, ethnic, and gender origins. Simultaneously, the first principle of the public sphere, i.e., the need to make proceedings public and open to rational-critical discussion, has been formally extended to all organisations dealing with the state. However, as Habermas argues, the public sphere itself has been weakened and has lost its critical political functions. It has split into numerous groups and organisations with conflicting interests that compete with each other in putting the state under pressure with their demands. These sometimes include large corporations and organisations that intervene in policy-making through lobbying. Laws that are passed as a result of lobbying or the "pressure of the street" cannot be considered to arise from consensus based on rational critical discussion among

individuals. As proceedings become more complicated, only the best-organised groups can use the principle of the publicity of proceedings to their advantage. In the new arrangements, especially in the welfare state, political authorities assume certain roles in the sphere of commodity exchange and conversely social powers assume political functions. The result is what Habermas (Habermas 1974: 54-55) calls the “refeudalisation” of the public sphere. This means that the dividing line between private (economic) sphere and the public sphere is blurred, the role of rational-critical public debates is weakened, and manufactured public opinion replaces rational discussions in the public sphere. In this sphere it is the consumption of culture and opinion rather than the production or critical debate about them that prevails.⁶

Pérez-Díaz (1998) distinguishes a “minimalist” and a “generalist” tradition in the (Western) history of theorising about civil society. According to him, “generalists” include Scottish philosophers of the Enlightenment and their contemporary followers (e.g., Pérez-Díaz himself and Gellner 1994). This group sees civil society as a combination of state, economy, and the public sphere. The so-called “generalists” believe that the public sphere is only one part of civil society and that, ideally, there is a systemic fit between the liberal state, the liberal economy, and the public sphere. There are clashes in practice, but improving the functions of the system can eventually eliminate them (Pérez-Díaz 1998: 213). The Hegelian/Marxist tradition, in contrast, is considered to be a “minimalist” tradition, because it is said that it omits the state (as in Hegel and Marx), or both state and economy (as in Habermas), from civil society. According to Pérez-Díaz,

⁶ The word refeudalisation also refers to how bourgeois notion of publicity which is based on openness and publicity of discussion and decision makings is abandoned in favour of returning to feudal methods of publicity which based on the presentation of one’s higher status in front of the public. I will discuss this point in more detail in the following chapter.

later “minimalists”, such as Cohen and Arato (1992), Keane (1988), and Alexander (1993), are influenced by Weber’s view of a clash between conflicting ‘gods’ and Marx’s search for systemic contradiction in the modern world. They believe that there is inevitably a clash between values held in economy, politics, and the public sphere and that, for this reason, all of these conflicting spheres cannot be components of civil society.

These arguments are less than convincing because, firstly, Hegel, Marx, and Habermas do consider *bürgerliche Gesellschaft* to be a sphere constituted of several institutions, including state, economy, and the public sphere, that reciprocally condition each other. On the other hand, it is arbitrary to consider liberal views about civil society, such as those influenced by the Scottish philosophers of enlightenment, as “generalist” views, because this hides a real reductionism present in the liberal model. This reductionism is rooted in the fact that the proponents of this view consider the market economy as an intrinsic component of civil society *per se*, and thus reject the possibility that civil society can co-exist with or emerge in the context of a non-market economy. By doing this, instead of generalising the meaning and applications of civil society, they contain civil society in the borders of bourgeois society and liberal economy.⁷ In contrast, Hegel’s, Marx’s, and Habermas’ use of the term *bürgerliche Gesellschaft*, especially as expressed in Marx’s tenth and eleventh theses on Feuerbach, indicates that what has emerged in the West is just one historical form of civil society, i.e., the bourgeois form of

⁷ Many researchers constrict the meaning of civil society even beyond what has been recommended in the liberal theory. Especially after the fall of Soviet communism in the former Eastern Bloc and economic reforms in countries such as China that opened the way to international capital in the form of direct investments or loans, many studies conducted under the name of civil society focus on the way this capital is administered and used by non-governmental organisations or NGOs. These are volunteer organisations such as charities, groups engaged in social activism, and small scale or community-based co-operative

civil society which is alienating, ideological, and egoistically individualistic, and that a non-bourgeois society can emerge when the present order is exhausted of its potentials. I find this approach a useful theoretical tool in my cross-cultural investigation of civil society in Western Europe and in Iran in the following chapters since it allows us to evaluate any case of the discursive and/or practical emergence of civil society in terms of the intentions, desires, interests, and realities of the everyday life of those who carry it out as a social project in texts, on streets, or in political institutions. It provides an alternative viewpoint as against which we can test any of the historical forms of civil society and thereby avoid generalising or idealising them.

Greek Terminology, Iranian Reality

After its triumph in seventeenth and eighteenth century Western Europe, the late twentieth century revival of the civil society discourse originated in the non-Western world. At the roots of this renewed trend lies an increasing tension between what is private and what is public in some areas of the world that have recently experienced either a disenchantment with their past worldviews or a clash of these worldviews with new developments in the surrounding world. This includes Eastern and Central Europe after the break with Soviet communism, the Moslem world after the rise of Islamic movements, China, North Africa, and Latin America. In these areas of the world, a need to revise existing views of the individual and social, or private and public often arises from attempts or pressures to adopt current Western social and political standards. With its long history of cultural encounters with the Western world that was intensified in

businesses. In these studies, civil society refers only to these organisations and to the private sector of economy. Wank (1995) and Sampson (1996) use civil society in this sense.

“modernisation” attempts in the early twentieth century (including the Constitutional Revolution of 1906 and nation-state building of Reza Shah from 1921 till world war II), Iran has not been immune to the temptation to engage in the recently renewed discourse of civil society.

The word *jame'eh madani* is a recent Persian translation of *civil society*.⁸ Again, this is more than an etymological matter since it reflects not just linguistic differences but differences in historical experiences. To begin with the use of this term is not rooted in or supported by Iranian cultural and historical heritage in any direct way. Iran did not experience the “democratic” city-state system of Greece, the decentered estate system of feudalism, or a social organisation of political and economic spheres like that of the commercial and industrial cities of Europe at the dawn of modernity. It was only in the late nineteenth century that the society started to organise itself without relying on, and often despite the will of, the state. Such historical dissimilarities differentiate Iran's recent experience of the discourse and practice of civil society from that of the West.

The confusion that runs through the usage of the term civil society and *bürgerliche Gesellschaft* is replicated in the Persian term *jame'eh-e madani*. As an equivalent for society, *jame'eh* is a relatively new word in Persian, used popularly only in this century. It is not a Persian word and comes from the Arabic root *j-m-'e*. *Madani*, which stands for civil, comes from another Arabic root *m-d-n* and can be an adjective

⁸ I am using the word *Persian* instead of *Farsi* despite the post-colonial fad in the West for using “indigenous” terms to refer to the people of the third world and their ethnicity, country, or language. This is because I believe that this trend re-exoticises the people of the non-industrialised world (no one feels obliged to use indigenous names for Japanese, German, or French) and strips them of the familiar connotations that are embedded in the Westernised versions of their names. Beyond that, *Farsi* is not a real “indigenous” word for *Persian*. It is the Arabicised spelling for the original Iranian word *Parsi* that is not popularly used in Iran today. The word *Persian* has been used to refer to Iranians since the time of the Persian Empire. It does not have colonial connotations (since Iran was not colonised in the strict sense of

derived from both *madineh* (city, market place, a base for craftsmen and government administrators) and *madanni 'at* (civilisation). This duality in meaning has been acknowledged by Iranian thinkers since medieval times. For example, Tusi, the Medieval politician and philosopher, specifically addresses this problem in a chapter titled *Siasat-e Modon*, or Politics (of cities/civilisations), in his *Nasirian Ethics* (1964 [1235]):

Now, since it is impossible to conceive the species to exist without cooperation, while cooperation without combination [*ejtema*'] is an absurdity, therefore the human species is naturally in need of combination. This type of combination, of which we have already given an account, is called 'civilized life' [*tamaddon*]. The term is derived from 'city' [*madineh*], a city being a place of combination for individuals carrying on, by their various trades and crafts, the cooperation which is the means of procuring a livelihood. Just as we said, concerning Economics, that what was meant by 'household' was not a dwelling, but the combination of the inhabitants of a dwelling in a particular way: so here also, what is meant by 'city' is not the dwellings of the inhabitants of a city, but a particular association between the inhabitants of a city. This is what the Philosophers⁹ mean when they say that Man is naturally a city-dweller [*madani*], i.e. he is naturally in need of the combination called 'civilised life' [civilisation] (Tusi 1964: 190).

Here, Tusi emphasises that the term *madineh* or city does not apply simply to a place where people live but to a specific combination of humans that makes the livelihood and survival of them possible. This he calls civilised life or *tamaddon*, from which the adjective *madani* in *jame 'eh-e madani* is derived. Influenced by the *Politics* of Aristotle, Tusi returns to the assumption that civil life is a response to humanity's natural need for co-operation and division of labour in different crafts. This becomes possible in a particular combination of people (*ejtema*' which comes from the same root as *jame 'eh*) in *madineh*.

the term) and its orientalist connotations, while significant, are negligible compared to the re-exoticising effects of using *Farsi*.

⁹ Here he is referring to Aristotle. Tusi is relying on commentaries on Aristotle which were written by Farabi (or Al-Farabi, as he is known in the West) in the tenth century.

There are many interesting links between Tusi and Aristotle. In fact, Tusi reproduces much of Aristotle's theory of politics. However, what is more interesting and telling is not the parts that he reproduces, but the parts that he omits. Almost every reference to the concepts of citizen, political participation, and the reciprocity of ruling and being ruled is omitted from Tusi's reading of Aristotle. Most importantly, the concept of citizen as the bearer of political rights and privileges, even in the most restricted sense used by Aristotle, is absent altogether from Tusi's vision of the perfect society. As Aristotle's theory of citizenship and political participation partially reflects the realities and ideals of Greek city-states of his time, Tusi's omission of it might also reflect the realities and ideals of the Iranian society he knew. These include a religious patrimonialism as opposed to Greek democracy, in which the kingly father-figure originates in the asymmetrical relations inside the household and extends those relations to the society. Then instead of egalitarian reciprocity of ruling and being ruled, the relations of ruling in the political sphere are characterised by "dictatorial ruling, absolute obedience, interconnection of politics with myth and religion, [belief in] a relation between the ruler and god, sanctity of power and its immunity from criticism ..."

(Bashiriyeh 1999a: 256, my translation).

While Tusi omits the more or less democratic aspects of Aristotle's theory, he emphasises another aspect: Aristotle's theory of virtue and the virtuous citizen developed in the third book of the *Politics*. Tusi distinguishes two types of *madineh* (city) according to whether their cause is of "the order of goods" or "the order of evils." The former is the virtuous city and the latter the un-virtuous city. The virtuous city is a city ruled by pure and practical reason. In fact, for Tusi, these two forms of reason cannot be separated. The

aspiration of people in the virtuous city is fixed on the acquisition of goods and the removal of evils. They share opinions and deeds. Their agreement in opinions means that “their convictions as to Man’s beginning and end, as well as the states intermediate between these two, are in accordance with right and in agreement with each other” (Tusi 1964: 212). And they agree in action because they all act uniformly to attain perfection and because their acts are governed by wisdom, intellectual correction and guidance, justice, and conditions of governance. Therefore, while the un-virtuous city can be of several types, the virtuous city can be of one type only, “for right is removed from multiplicity, and there is only one road to goods.” People of the virtuous city are ranked according to the degree to which they are endowed with the faculties of discrimination and reason (ibid). Perfect philosophers or men of virtue are in the top rank and regulate the city. Only a few individuals, such as prophets, are so ranked. They are followed by those who promote the ideas of the first group and finally by other strata engaged in different crafts. Ideally, the first man of virtue, the one who is most endowed with virtue, is the head of the virtuous city. People have to obey each other according to their rank and all of them have to obey the head of the city. While this might resonate with Aristotle’s discussion of the “good citizen,” in which a citizen must learn both to rule and to be ruled (*Politics*: book 3 section 5), Tusi does not apply this reciprocity of ruling and obeying to the relations of ruling in the political sphere allowing power relations in this sphere to be one-sided.

A clear discrepancy appears here between Tusi’s philosophy and that of Aristotle, one that still underlies the Iranian conception of civil society and differentiates it from Western conceptions. As compared to the ideal of a democratic and egalitarian society

illustrated by Aristotle, Tusi depicts the virtuous city as the ethical ideal of a society where absolute truth and absolute good should be pursued through a highly hierarchical system of ruling and being ruled. In this society everyone aspires to know the absolute truth and adheres to those who have attained it. Today, the political aspirations and claims of intellectuals in Iran arise perhaps less from their actual political abilities to lead a country than from this age-old belief in the unity of pure and practical reason that can be achieved only if thinkers, philosophers, and, intellectuals take on political roles. For instance, speaking to a group of artists, President Khatami, who popularised the term civil society in Iran, maintained that “a society wherein true rulers are enshrined with culture, art and philosophy will be prosperous. A perfect society is a place where men of culture, art and philosophy stand at its apex and arts and culture are highly esteemed” (Khatami 2000).

The actual practice of civil society in Iran has much in common with Tusi’s ideal model. Since the sixteenth century, when the Iranian nation-state was re-integrated on the pillar of *Shia* doctrine, the most influential group in the Iranian civil society has been the *ulama* (high ranking religious scholars) who were supported by the urban-based merchants working in the *bazaar*. The former group has traditionally played the role of the leader in social movements and the latter has financially supported its efforts (Kamali 1988: 1). The urban-based *ulama* can be considered a pillar of civil society because they have been (at least until the 1979 revolution) economically independent from the state, have their own sophisticated organisation and network of social relations that closely links them to ordinary people and helps create a public sphere. The alliance of these two groups is reflected in the city structure of Iran where, until the twentieth century, the

central mosque was placed in the heart of the *bazaar* and they were both close to centres of political power such as the King's palace. This socially and economically powerful alliance has played a significant role in all major political movements of Iran from the late nineteenth century to the present: in the long-term struggle with the Qajar dynasty throughout the second half of the nineteenth century, in the constitutional revolution (1905-1909), in the movement for nationalisation of the oil industry in 1951, and in the 1979 revolution against the Shah.¹⁰

These two groups have created and organised a public sphere through a network of mosques, shrines, religious schools, and *bazaars*, and have communicated with people on numerous occasions during religious ceremonies and rituals, the mourning of Imams, the thirty days of prayers of Ramadan, Friday prayers, and so forth (see Kamali: 1988 chapter 2). This public sphere is differentiated from the Western public sphere as constituted by the bourgeoisie in that it is not, even formally, based on egalitarian principles. Rather, as suggested by Tusi, it is based on a strict distinction between a class of the educated and knowledgeable *ulama* and the mass of the population that follows them. The relation of the former to the latter has been based on tutelage rather than mutual understanding and communication because it follows the principle of *velayat*, which is a *Shia* model for power-relations based on the unilateral allegiance of the people to the prophet, his Caliphs, and the religious *ulama*. I will discuss this point in the third chapter.

Today's discourse of civil society in Iran tries to break, at least formally, with this tradition. The Civil Society Movement of contemporary Iran, or a major faction of it,

¹⁰ On many occasions, the *ulama* co-led movements with a class of Western educated intellectuals. An example of this is the movement for nationalisation of the oil industry in early 1950s.

which is led by Mohammad Khatami and succeeded in gaining executive power in 1997 and legislative power in 2000, is directly influenced by modern Western theories of civil society. It demands individual freedoms, the differentiation of the state and society, and the proliferation of civil institutions that can take on some of the roles the state is currently playing. It also stresses the importance of dialogue and understanding among rulers and the ruled, groups with different ideologies and attitudes, classes, societies, and nations. It suggests that dialogue and communication is the main way to reduce tension and the wide gap between the powerful and the powerless both in Iran and on a global scale:

While the twentieth century was centred on the force of the sword, leaving winners and losers, the main axis of the next century must be that of dialogue, otherwise the sword will become a cutting blade from which no one will be safe. (Khatami 1999b).

The recent discourse of civil society, and the common circulation of the word civil society or *jame'eh-e madani* itself, has resulted from the efforts of a group of intellectuals and middle-ranked, reformist clerics to introduce concepts such as the rule of law, tolerance, pluralism, and freedom of action and expression to Iran. The purpose is to provide support for the activities of alternative thinking intellectuals and clerics, and, ultimately, of the people. This new movement attempts to organise the society in a way that differs from the way the *ulama* have traditionally organised it by emphasising the importance of diversity, the people's participation in decision-making, and everyone's right to think independently from the *ulama*. For,

It is only through the growth of thinking and intellectual forces in society, and the free exchange of ideas, that the government can choose the best views and ways and arrive at the proper criteria for justice in the sophisticated world of today (Khatami 1998: 146).

The first beneficiary of such reforms would obviously be an elite group who have been isolated from the public sphere and public offices, owing either to their outright criticism of the government or because their interpretation of Islam diverges from the official interpretation. Just as the ideology of the Western bourgeoisie in eighteenth-century Europe promised equality, justice, and some basic rights for everybody without ceasing to be the ideology of a specific class, the civil society movement of Iran makes many promises to various groups without ceasing to be the ideology of the reform-minded elite. From the beginning it pledged to protect the rights of those who already enjoyed some basic privileges, such as the intellectuals, leftist politicians, urban middle class women, students, and the private sector investors.

The Dream as Ideology

Politike koinonia, *bürgerliche Gesellschaft*, *civil society*, and *jame'eh-e madani* have been described (sometimes as a matter of fact, as in Aristotle or among the Scottish enlightenment thinkers, and sometimes critically, as in Marx or Habermas) as exclusive realms of social life. The barriers have been directly or indirectly economic and appear as class, status, or educational boundaries. Even today possession of at least minimal education and the ability and/or willingness to engage in rational-critical discussions are requirements of all those who wish to participate in the public sphere. The technical language of bureaucracy and the rapid pace of change in society leave many people virtually incapable of participating in the discussions of the public sphere.

The dream of civil society is the dream of a "good life" that fosters equality, liberty, order, peace, co-operation, mutual dialogue and understanding, tolerance, rational

decision making, and so on. As a dream it has no borders; however, it appears that the realisation of the dream has always been constricted by the particular reality of the dreamers: a specific group of people, living in a specific time and place, who have concrete ideals, desires, wants, and demands. Any actual civil society then is grounded historically in the conditions of existence and, therefore, the ideologies of a given group of people.

Our understanding of civil society today is, to a great extent, shaped by what we know about a historical form of it that emerged in the North Atlantic countries in the late seventeenth century and developed throughout the eighteenth century. Like all other forms of civil society, modern civil society is a combination of dream and ideology. In the next chapter I will focus on this specific place and period in the development of the idea and practice of civil society in order to identify the fragments of dream and the elements of ideology within it. In the third and final chapter I will discuss the Iranian discourse and practice of civil society in the same light so as to locate its elements of dream and ideology.

CHAPTER II. Modern Civil Society:

Freedom, Order, and a Bourgeois Dream

In the last chapter I examined some of the continuities in the dream and practice of civil society from ancient Greece to the present time by means of an etymological analysis of the journey of the term through time and space, and also by means of a brief study of the link between the expression unlimited ideals and their restricted conceptualisations and realisations in theory and practice. In the following two chapters my goal is to focus on two limited segments of that larger picture: seventeenth and eighteenth century Europe (this chapter) and contemporary Iran (the third chapter). By studying some of the conditions for the emergence of a vivid discourse and practice of civil society in these two contexts, I will try to examine what Weber (1958b [1920]: 90) refers to as “the manner in which ideas become effective forces in history.” More specifically, I will try to show how the proliferation of the discourses and practices of civil society in these two contexts is related to a general transformation in the dominant worldview. On the other hand, I will also try to examine how the practical realisation of the ideas and ideals expressed in the altered worldview is both facilitated and restrained by given material conditions that prevail in each setting. In this chapter, I will focus on the Enlightenment and its attendant process of rationalisation as a general transformation of the worldview of the Western world and as a discursive context in which modern theories of civil society, as well as modern civil institutions, proliferated in the seventeenth and eighteenth centuries. I will revisit some of the beliefs of the Enlightenment pertaining to humanity’s intellectual autonomy and the rights of reason and examine the relevance of these beliefs to the discursive and practical formation of modern civil society. Finally, I will study

some of the material forces, such as the rise of the bourgeoisie and the increasing trend of bureaucratisation, that both facilitated and restricted the formation of modern civil society.

The Rights of Reason

Descartes' famous statement, "I think, therefore I am," is not merely a philosophical maxim. It glorifies the individual act of thinking as the philosopher's starting point to prove the existence of himself and eventually every real thing in the world. For Descartes, it is the private and individualistic act of thinking and not the acts of walking, talking, eating, socialising, or procreation that provides an indication that he, and eventually everything else, exists. He started by doubting knowledge based on authority, then the senses and reason and finally found certainty in the intuition that, when he is thinking, he exists. Descartes was not alone in his trust in the individual act of thinking. In fact, his statement can be considered the declaration of intellectual emancipation for the modern era. It anticipated the rise of a new generation in the eighteenth century that, relying on the forces of reason, loosened its bonds of dependence on traditional sources of knowledge and order such as the church and the feudal system. More than a century after Descartes, Kant conceptualised this transformation in his vision of "enlightenment." In 1784, he was asked by a journal to answer the question "What is enlightenment?," in response to which he defined enlightenment as the human being's release from his self-incurred tutelage which can be achieved if [humans] have the courage and freedom to use their own *critical reason* without relying on another person (Kant 1997 [1784]: 7).

There are some interesting implications pertaining to the modern idea of civil society in Kant's definition of enlightenment. He describes the non-enlightened human as being in a state of, in his original words, *Unmündigkeit*, which has been translated as immaturity or tutelage.¹ For Kant, this implies that one is not of age or that one chooses not to be of age (since immaturity is "self-incurred") and thereby one lets another to set himself up as *Vormund*, translated as guardian.² A guardian can be "a book which understands for me, a pastor who has conscience for me, a physician who decides my diet, and so forth" (Kant 1997: 7-8). Therefore, Kant extends the concept of *Vormund* far beyond the ordinary sense of the term (often a guardian for a minor or for a person incapable of managing her/his life) to a politically provocative and subversive one that challenges the unequal relations of those who know with those who do not know:

After the guardians have first made their domestic cattle dumb and have made sure that these placid creatures will not dare take a single step without the harness of the cart to which they are tethered, the guardians then show them the danger which threatens if they try to go alone. Actually, however, this danger is not so great, for by falling a few times they would finally learn to walk alone (ibid.: 8).

The project of enlightenment then threatens the pre-Enlightenment religious and traditionalistic social order that was derived from common tutelage, forced immaturity, the lack of freedoms and personal courage to use one's reason, and the dominance of external sources of authority, such as the church, that in such conditions claimed the intellectual guardianship of the people. Kant portrays enlightenment, metaphorically, as a way out of this communal state of immaturity by means of the public use of individual reason.

¹ This is based on two different translations of Kant's essay on enlightenment (cf. Kant 1970 and 1997).

² I will return to concepts of *Unmündigkeit* and *Vormund* later to discuss other aspects of their meaning.

The Enlightenment was not the only transformation in the Western worldview that glorified individual reason. The Reformation that preceded the Enlightenment had already weakened the otherworldly, mystical, and spiritual power of the Church and its administrators. With its individualistic emphasis, Protestantism cut the compulsory bonds of the Church or kingdom into which one was born, and required that the individual undergo an internal transformation --the experience of grace-- to attain membership in a sect. A new universal notion of the individual emerged that was rooted in a belief in the metaphysical equality of all humans and in the thisworldly operation of individual reason as the source of grace and morality. This stood opposed to the moral universalism of the church which was rooted in universal membership by birth, absolute obedience, and a communal relationship with God inter-mediated by a priest. Instead, the Reformed church posited a new conception of ministry based on consent, collective agreement, and the fundamental equality of believers and ministers before God (Weber 1958a: 302-322; Seligman 1992: chap. 2). In returning to the philosophy of Aristotle and Plato, some Protestant theologians introduced reason as the source of liberty and moral order. John Wise (1717: 32-47), for example, believed that man's original liberty is encoded in his rational nature and that those who intrude upon this liberty, violate that law of nature. Similarly, some preachers made reference to the new trinity of God, Nature, and Reason (Adams 1977: 291-3). Above all, Protestantism promoted a belief in freedom of conscience and opposed the indoctrination of individuals or the imposition of faith. Instead, it introduced a new conception of religious affiliation that was based on choice and qualifications, not birth or indoctrination (Weber 1958: 305 and 1978: 1208). In so

doing, Protestantism portrayed the individual as an autonomous agent in proving her/his own destiny and salvation.

According to Weber, freedom of conscience, which was achieved as the result of the glorification of individual reason during the Reformation and the Enlightenment, is the most basic human right which “comprises all ethically conditioned action and guarantees freedom from compulsion, especially from the power of the state.” For him, all civil rights, especially the right to pursue one’s economic interests, the inviolability of individual property, freedom of contract, vocational choice, and equality with respect to abstract rules, stem from this basic right (Weber 1978: 1209). At the end of this transformation that originally started with the recognition of the human right to freedom of conscience, the source of social order was relocated from the transcendental and otherworldly realm to the domain of civil society, liberal rules were implemented, and patrimonial, feudal, and divine laws were generally deposed in favour of abstract and rational secular laws.

While the Reformation had already set the stage for most of these changes, the original contribution of the Enlightenment, especially as described by Kant, to the modern discourse and practice of civil society consists of the central role it gave to the category of the “public.” Nature has long “discharged [humans] from external directions” by granting them reason, but enlightenment is about the social and public use of this natural gift. As Arendt (1982: 60) has stated, Kant’s category of the public synthesised reason, equality, and freedom. To overcome the traditional order and the system of forced immaturity, and to establish more equal social relations, it is essential to have freedom to use critical

reason *publicly*. The public sphere then becomes an arena for the emancipation of both the individual and the society by means of the critical use of reason.

Before I talked of only one aspect of Kant's concepts of *Unmündigkeit* and *Vormund*. I considered *Unmündigkeit* as immaturity or tutelage and *Vormund* as guardian. But enlightenment is not just about our "coming of age" but also about using our reason in order to "speak for ourselves" and to prevent others from setting themselves up as our "spokespersons." For Kant, there are two ways to use one's reason: private and public. The private use of one's reason would occur in a particular civil post or office in which one is entrusted whereas the public use of one's reason would include that of a scholar placing his/her ideas before the reading public (Kant 1997: 10). While the private use of reason "may often be narrowly restricted without particularly hindering the progress of enlightenment," public use of reason should be always free because "it alone can bring about freedom." Here enlightenment is highlighted again both as an intellectual and a political project. Tutelage is an individual problem: it is "self-incurred," meaning that it is not natural predestination but, above all, an individual's laziness, cowardice, or reluctance that allows others to set themselves as guardians. The motto of the Enlightenment, then, is "have courage to use your own reason:" humans should release themselves from the fetters of tutelage and start thinking independently and rationally about matters concerning their personal or social life, especially in the religious sphere. But while tutelage is a result of personal fault, the release from it is a public project: if only freedom is granted enlightenment can follow. The intellectual emancipation that results from one's ability to speak for oneself can be achieved if political freedom is given for the critical and public use of reason. For example, the private use of reason for a

clergyman would be to instruct his pupils and congregation according to the doctrine of his church. But, as a scholar, he has the freedom and even the calling to publicly use his critical reason to point out the errors he sees in that doctrine or to put forth suggestions he may have to improve the organisation of the church. In the same way, a citizen should pay his taxes, while, as a scholar, he is free to criticise the tax system. Therefore, reason is transformed from a natural faculty into a social force and becomes a principle for organising the social life of the people and for modelling and building new institutions.

Yet, Kant's unique way of distinguishing private from public use of reason has another important social and political implication: one is allowed to use one's critical reason as long as it does not interfere with one's public duty. Writing at the time of Frederick II, he warns that one can only point out problems but cannot start changing them on one's own. The best ruler is not the one who imposes silences but the one who demands obedience; the one who says: "argue as much as you will, and about what you will, but obey!" Such a ruler has to be, on the one hand, enlightened himself and, on the other hand, to have "a numerous and well-disciplined army to assure public peace" (ibid:18) so that all individuals can gradually extend themselves to their full capacity, while at the same time the nation can gradually become capable of managing freedom. This vision interweaves the project of the Enlightenment with the modern project of civil society. If the Enlightenment negated the existing paradigm of social order, it also built the foundations of a new order which was institutionalised in the modern project of civil society. At the roots of this new order there is an autonomous view of the individual as the agent of her/his own destiny and, on the other hand, a consistent and stable social order that rests on the rule of law.

In this new social order, individuals organise their economic, social, and political lives in voluntary and democratic associations (as Scottish philosophers of enlightenment argued), establish social ties based on mutual and voluntary contracts (as in Rousseau), and invent secular moral laws based on public opinion which stem from their own conditions of existence rather than from any otherworldly source (as in Locke). As a result, traditional order, which is legitimated by means of a belief in the sanctity and value of everyday routine as an immemorial and inviolable norm of conduct (Weber 1958a: 296), is formally brought to an end and the way is paved for modern legal-rational order and for the administration of everyday affairs based on contract instead of routine. This is manifested in the democratic form of political representation which is limited by the law and is valid through contract (for example, voting) for a defined period of time.

On the other hand, as the individualistic “charisma of reason” (expression from Weber 1978: 1209) is routinised in modern institutions of civil society, such as the modern secular state, voluntary organisations, the electoral system, depersonalised bureaucratic power relations, and positive law, a more efficient social order is established which is permanent and invulnerable. The pre-Enlightenment fusion of private and public spheres is brought to an end and instead civil institutions are established that mediate between these two spheres and protect them from manipulating each other by counter-labouring the *right* to use one’s reason and freedoms with the *duty* to obey the law. From this perspective, civil society rests on the pillars of autonomous individualism as an emancipating force, and discipline or the rule of law, as a regulatory force. As contradictory and mutually negating as they might seem, in the modern practice of civil society, which I will discuss next, they coincide and reinforce each other.

Autonomous Individualism

While the Enlightenment belief in humanity's right and capacity to govern itself was a universal ideal, its practical effects were not universal. On the contrary, some specific groups of seventeenth and eighteenth century society were in a more advantageous position to use this idea than others because of the "elective affinity" between the Enlightenment's glorification of reason and their own interests. The case of the struggle of the bourgeoisie with Absolutism is one such example, in which, whether inherently ideological or not, the philosophy of Enlightenment became an ideological weapon in the struggle of the former against the latter. The Enlightenment movement created, in Gouldner's (1979: 28-29) words, "a culture of critical discourse," which in principle regards nothing as immune to criticism, which forbids reliance upon the speaker's person, authority, or status in society to justify his claims, and which opposes censorship. As a form of power based on wealth, this culture was deployed by a new class of ideological elites against the Absolutism and the traditional order. The culture of criticism already negated, on the one hand, the traditional order of the feudal society, which was based on social status, hierarchy, and the sanctity of what deemed to be immutable under the stamp of tradition, and, on the other hand, the basic principles of the Absolutist state, in which, according to Hobbes (1968 [1651]: II, para. 22 and 30), the decisive moral commandment is the duty to obey and not to argue with the sovereign.

Beginning in the late seventeenth and continuing throughout the eighteenth century, Absolutism was torn between its incongruent political and economic projects. Economically, it coincided with the rise of the capitalist economy and helped advance the

interests of the bourgeoisie by modernising laws and government bureaucracy. Politically, however, it lingered in feudal traditions (Anderson 1979: 25 and 41). The Absolutist monarch was practically the ultimate judge and law maker, and, at the same time, above the law. While this formula was successful in ending religious civil wars, it created a new civil crisis. The lack of supervision over the absolute ruler sparked criticism and conflict of interest from many sources. Monarchs ignored the need for fixed laws, accountability of government, and publicity of decision-making and started to use their absolute power arbitrarily. As a result, the feudal character of Absolutism “constantly ended by frustrating and falsifying its promises for capital” (ibid.: 41) and it failed to restore the order and accountability that was much needed in the economic sphere especially with the rise of capitalism. This came into conflict with the rights and interests of the bourgeoisie as a new economic and ideological elite that had developed under Absolutism. For instance, according to Koselleck (1988: 63-4), by the seventeenth century and prior to the Revolution, the French bourgeoisie had acquired wealth, social prestige, and even titles of nobility. It had played a leading role in the economy and had become a creditor to the state. But it did not play any role in the politics of the state or, specifically, in fiscal matters. The *parlement* of Paris, where the bourgeois were represented, was guided by the wishes of higher estates and lacked the power to stop the state’s fiscal misconduct. The bourgeoisie’s capital was insecure; a royal fiat could arbitrarily rob them of their gains by claiming bankruptcy, stopping payments, or suspending contracts. The financially powerful segment of “civil society” (here, the bourgeoisie) confronted a politically powerful Absolutist state that was nevertheless demoralised due to its deficit and bad conduct (ibid.).

For different reasons, other groups joined the bourgeoisie in its struggle against Absolutism. In France, these included the nobility that fought the royal monopoly on authority after the dismantling of the representative organs of the estates, philosophers of the Enlightenment who were toiling in the cause of moral legality and who had considerable influence over the bourgeois elite, 80,000 of the 400,000 French Protestant *émigrés* who had become defenders of the parliamentary constitution of England and the philosophy of the Enlightenment after they had been stripped of their rights and driven out of France by a 1685 order of Louis XIV, Masons who challenged the principles of hierarchy and subjugation to Absolutist rule by regarding everyone as equal humans and not as subjects of the state,³ and, finally, bourgeois bureaucrats and judges who worked for the state but were detached from it because of their class background (Koselleck 1988: 64-5; Mann 1993: chap. 6). From these highly diverse groups a new stratum coalesced whose members shared a dissatisfaction with Absolutism. They were an educated elite who pursued very different, even conflicting, interests yet shared the fate of being unable to find an adequate place within the Absolutist state's existing institutions (Koselleck 1988: 65-66). Their increasing social power, which they acquired by possessing property and education, coupled with the impossibility of lending political expression to this power united them in a non-political or "civil" sphere. They met in public locations such as coffee houses, academies, clubs, and bourgeois salons which functioned as the first institutions of the modern civil society.

³ The Masonry that had the dream of uniting the bourgeoisie of the whole world constituted the social realisation of bourgeois moral doctrine, in which civil freedom, i.e., freedom of politics, of religion, and of morality, besides protecting the freedoms of society, were already being realised (Koselleck 1988: 75).

While members of the nobility, the bourgeoisie, writers and philosophers, and even members of the petite bourgeoisie participated in this sphere, it was characteristically a bourgeois sphere. In *The Structural Transformation of the Public Sphere* (1989 [1962]), Habermas explains how these specifically bourgeois characteristics passed through the family sphere, the literary public sphere, and the political public sphere and were finally universalised as characteristic of any public sphere. The bourgeois public sphere was not the only public sphere that existed in the seventeenth and eighteenth century, but it was the one that finally dominated all the others (Habermas 1989: Introduction).⁴ In the very foundation of the bourgeois public sphere there was a specific notion of publicity that the bourgeoisie wished to universalise. The exercise of rational capitalism demands long-term planning attuned to a regular market, rational transactions, rationalised speculation, continuity, and exact accounting (Weber 1976 [1920]: 17-24) which cannot be ensured without government accountability and the publicity of the state's process of decision-making. This was in contrast with 'feudal representative publicness' that was based on 'displaying' some embodied characteristics such as a higher power and a cultivated personality. This could be signified to the public through insignia, dress, forms of address, poise, and rhetoric (Carl Schmitt 1957, cited in Habermas 1989: 8). Nevertheless, the process of decision-making remained shrouded in secrecy and mystery. While 'feudal representative publicness' was based on the mere

⁴ There have been debates over why Habermas chose to emphasize this specific sphere while other spheres, such as those created by women and workers, existed at about the same time that the bourgeois public sphere emerged (for more details on this refer to Kramer 1992 and Fraser 1992). While Habermas, in the author's preface to his book, admits that other public spheres existed, he focuses on the bourgeois public sphere as the one that finally dominated the others. Whether his choice was theoretically just or not is not the focus of this chapter. Instead, I use the rise of the bourgeois public sphere to exemplify the inter-relation of the first institutions of civil society with Enlightenment philosophy on the one hand and specific material conditions on the other.

presentation of the ruler's authority and power *before* the people, bourgeois publicity required that state authority be monitored through critical discourse *by* the people. The bourgeoisie needed to transform the feudal form of publicness and replace it with open discussions based on "equality" and "rationality" symbolised by parliamentary deliberations.

This notion of publicness had already been integrated into the bourgeoisie's private and public life beginning with the family, where the notion of rational, public discussion among ideally equal members was constructed. Instead of displaying any embodied and inherited power or virtue, members of bourgeois families made themselves public by orienting their subjectivity as 'private persons' to an audience (self and others) in the form of oral conversations in family and salons, or in letters and diaries. After losing its economic functions, the family was seen as a sphere for psychological emancipation, tolerance, love, and cultivation of personality on an equal basis. It was assumed that all members of the family were equal and capable of entering into "purely human" relations with one another (Habermas 1989: 48). By the end of the eighteenth century, this newly constructed notion of publicity was manifested to a greater degree outside of the confines of the bourgeois family. At this time, and as a result of the emergence of national economies and nation-states, feudal institutions, such as the court and the nobility, lost their cultural functions and the town took over. Subsequently, the public sphere was transformed: reason was freed from the limits of rhetorical conversations between noblemen, and rational-critical discussions developed in the institutions of the bourgeois public sphere such as the salon. Besides social functions, the bourgeois salon was a place to gather, read, listen to, and discuss art works in a rational

and critical way. To say that discussions in the bourgeois public sphere were rational and critical is not simply to refer to the intellectual level of the discussions or to say that they strictly followed the rules of rational criticism. Rather, it indicates that discussions were not directed, manipulated, or predetermined by unequal relations of power (Postone 1992: 167). The social structure of the bourgeois salon did not reflect the class hierarchy of the feudal society; instead, it was a place for seeking understanding through open-ended reasoning and mutual persuasion without regard (in principle) for prestige and status. The discussions followed the principles, first established in the bourgeois family, of open-ended reasoning, self-reflection, and critique of all posited ideas. In the salon, as in the family, each person revealed his/her subjectivity in front of everyone else. As a result, private space was linked to social space and subjectivity to publicity. By way of family and then the salon, “the reasoning public modelled on the intimate family first begins to approach universal significance” (Cohen and Arato 1992: 215).

The rise of a commodified system of production and distribution of books, journals, and art works played a role in subsequent changes and helped universalise the bourgeois notion of publicity in the political sphere. The emergence of this system was connected to the growth of commercial centres and quasi-autonomous “free cities” like Venice, Basel, and Lyons in the sixteenth century and Amsterdam in the eighteenth century. Following the capitalist spirit and utilitarian calculations, a class of freewheeling entrepreneurs who were based in these cities aimed at larger foreign markets so as to reduce the risks of production. This gave birth to a new print media, especially journals that were produced in a foreign language (for instance, French journals published in Amsterdam) and that were afforded more liberal treatment by the state than were those

published for the domestic market (Eisenstein 1986: 13). Another commercial aspect of the production of art and literature that started in the eighteenth century was the replacement of an old system of patronage in which art and literature were sponsored by the nobility (patrons) by a system of retail (of books) and admission (to theatre and opera) based on payment. With this new arrangement, works of art became accessible to the public as commodities. Freed from dependence on the nobility, bourgeois writers started to criticise state interventions, taxes, and duties (Habermas 1989: 24-25).

This transformation was coupled with the establishment of civil institutions outside of the family, such as clubs and coffee and tea houses in England and France, and more clandestine German Societies in Germany, and gave rise to the first political public sphere. Only men were admitted to this sphere and, as a result, reading was primarily focused on political journals and newspapers instead of books and artistic performances, while discussion was focused on politics and economics. Although these literate, property-holding men possessing 'independence' believed that they should have political or active citizenship (Mann 1993: 178), during and after the fall of Absolutism bourgeois civil society did not strive for political power as an end in itself. Rather, following the principle of rational, unconstrained communication that had already been constructed in non-political bourgeois spheres, they sought supervision over the exercise of power through the medium of public, rational-critical debates (Habermas 1989: 35 and 68). This is what we recognise today as an essential function of civil society. It is congruent with the project of Enlightenment and follows Kant's principles for distinguishing the private and public use of reason in which critique among the reading public, and not direct engagement in change, is at stake.

A common attribute of all of these spheres, from that of the family to that of the political public sphere, is their unique intermingling of reason, critique, and publicity that originates in Enlightenment thought. This conception of enlightenment in terms of rational critique and publicity already contained the nucleus of a theoretical and practical confrontation of individual reason with the social order of a feudal society, based on secrecy, status privileges, tradition, and public allegiance to immutable truth as portrayed by the church. The “charisma of reason” proliferated in every corner of the bourgeois spheres, from family to salons, and from clubs to journals, until it finally found “a characteristic expression in its apotheosis by Robespierre” (Weber 1978: 1209). It informed the discursive battle of the bourgeois ideological elite against Absolutism and feudal traditions in the name of a universal ideal of equal citizenry: “to base rights on rational principles contradicted the actual society of orders and privilege: all should be equal before the law; all were eventually capable, through self-improvement, of political participation” (Mann 1993: 178). In bourgeois circles, publicity and equal access to truth as essential conditions for rational discussions were necessarily opposed to the secrecy of feudalism, Absolute sovereignty, and to the church’s monopoly on truth. Abstract, universal, and permanent reason negated the disordered commands of arbitrary will; universal rights and privileges of thinking humanity contradicted the particularistic privileges of aristocratic order; and freedom of intellectual and convictional choice railed against the feudal tradition in which one’s status was ascribed or inherited.

A further theoretical development helped elevate the debates and opinions of private persons in the public sphere of bourgeois civil society to the status of law. In his *Essay Concerning Human Understanding* (1670), Locke introduced moral law which is

constituted by “public opinion.” In contrast to divine law and civil or political law, the source of moral law is neither God nor the king. Rather, it stems from the citizens’ conscience and moral accord that is manifested through the approval or disapproval of public opinion (*ibid.*: paragraph 10). Citizens’ judgement is passed as a result of a constant process of rational critique which originates in the bourgeois world of letters and business. For Locke, to critique is to give a verdict about good and evil, truth and falsehood, and this raises the citizen to the rank of the supreme tribunal of vice and virtue. In theory and in practice, the bourgeoisie’s moral and intellectual critique becomes the executive of a new society without necessarily having political executive power (Koselleck 1988: 57). What characterises bourgeois moral law is that it is relative and can change in time or space or even from person to person. This temporal notion of law, coupled with the fact that a plurality of sources of law and power (Divine law, civil or political law, and bourgeois moral law) can coexist in society, contradicts the traditional feudal and religious image of law as eternal, sacred, and immutable.

Similar secular conceptions of moral law, such as that of Kant (1996 [1797]) in which moral law was based on the transcendental qualities of universal reason, not the universal church, were introduced during the Enlightenment. All of these conceptions of moral law that were also extended to civil law were compatible with the bourgeois vision of a religiously disenchanted civil society in which formally autonomous private individuals become the source of law by virtue of entering into free contract in their economic as well as political relations. This was the starting point of the rationalisation of law which is characterised by the differentiation between law and morality and by legal positivism (Habermas 1996: 71). Differentiation of law from morality requires that it

becomes secular, abstract, and rational and that it be distinguished from morality and from virtually all metasocietal or sacred criteria of vice and virtue. The positivisation of law requires that law be public, be made by decision, and be changeable by decision.

In light of the above, social class can be seen as a structure that coordinates the ideological construction of the concepts of publicity, and civil society. Most of the early modern principles of civil society that still dominate much of the discourse on this concept are taken from the bourgeois vision of the social order as composed of formally autonomous individuals who freely join associations and are protected from the intervention of the state in both the private and public spheres. The separation of state and society, the religious disenchantment of the worldview, the secularisation and positivisation of law, the publicity of decision-making, and freedom of belief, action, and expression are still the central organising principles of civil society. These were ultimately justified, on the one hand, by the Enlightenment belief in the rights of reason and, on the other hand, because market economy required that individuals encounter each other as free and equal. In the ideological battle between the bourgeoisie and the feudal order, these locally produced principles were successfully universalised and institutionalised in modern law and in bureaucratic administration.

But this universalisation was from the beginning more formal than substantive, more theoretical than practical, and more ideological than real. For instance, the principle of unconstrained communication on an equal basis, originally established in the intimate sphere of the bourgeois family, was to be preserved in all three layers of communication (the intimate family sphere and the literary and political public spheres). This meant that “every human being” was to have equal access to intimate, literary, and political spheres

on an equal basis. Nevertheless, each of these spheres functioned like a “layer of transparency,” in Dorothy Smith’s (1999) words, through which the original principle was projected only partially: in the first and second layers of communication, i.e., in the family and in the literary public sphere, “every human being” included mainly members of the bourgeois family. In the third layer, “every human being” only applied to the heads of property owning families. For instance, during the French Revolution the enlightened elite sought to extend the span of privilege from the aristocracy to “all with property and education” (Mann 1993: 193). However, the bourgeois person, the bourgeois public sphere, and bourgeois public opinion were identified (ideologically) with *the* human, *the* public sphere, and *the* public opinion (Habermas 1989: 88). The ideal of equal citizenship ignored the reality of inherently unequal social and economic relations. Even inside the bourgeois family, members did not communicate as equals because women and children were economically dependent on the male heads of the family. As a result, for years suffrage was only granted to “citizens,” i.e., property holders and tax payers who were inevitably the male heads of households, thus excluding women and the propertyless classes.

The public sphere in the political realm evolved from the literary public sphere and put the state in touch with the needs of the “society” through the vehicle of public opinion (Habermas 1989: 51). Despite the exclusion of many classes and groups, members of bourgeois civil society continued to identify their needs, demands, and rights with those of humans as such. In the dialogue and struggle of the bourgeoisie with the state, “fundamental rights” took on an ideological guise that mainly included the rights of property and property owners. Under the pressure of the “public opinion” of bourgeois

civil society, subsequent reforms in the sphere of private law during the second half of the eighteenth century and throughout the nineteenth century facilitated the operations of the liberalised market. In Weber's words, "the basic Rights of Man made it possible for the capitalist to use things and men freely" (Weber 1978: 1209). Examples of reforms made in this direction include: the "development from status to contract" that made the utilisation of industrial capital easier, and changes in the system of exchange and transaction that made property freely disposable in the market. As a part of these reforms, the entrepreneur was also allowed to train the workers according to his own choice and to directly determine the wage in contracts with workers. It is the ideological character of these reforms that Marx refers to in "On the Jewish Question" (1963) and the "Critique of Hegel's Doctrine of State" (1975). According to him, at the same time that civil society is released from the supervision of the state and from state power, new kinds of power emerge, especially between owners and wage earners, to regulate wages, prices, and relations of classes within the form of civil freedom of contract and the laissez-faire economy.

The Rule of Law

Many thinkers maintain that, after its triumph in the eighteenth century, the revolutionary potential of civil society has declined and it has become a more conservative sphere.

Perhaps de Tocqueville (1969 [1840]) was the first one to notice the general absence of public enthusiasm for great changes in the United States. His basic premise is that revolutions are invoked by economic inequality, and by intellectual inequality which is itself a result of the former. His judgement about economic inequality is well-known:

with the expansion of the middle class in American-type democracies and with the abolition of feudal privileges, the society becomes capable of offering a share of its wealth or at least the opportunity of gaining wealth to everyone. As a result, between the poor and the rich there arises an innumerable mass of people "who, though not exactly rich not yet quite poor, have enough property to want order and not enough to excite envy" (ibid.: 636). But de Tocqueville's analysis of the decline of great intellectual changes is more interesting because he almost reverses Kant's formula:

[I]n democracies ...the general idea that any man whosoever can attain an intellectual superiority beyond the reach of the rest is soon cast in doubt. As men grow more like each other, a dogma concerning intellectual equality gradually creeps into their beliefs, and it becomes harder for any innovator whosoever to gain and maintain great influence over the mind of a nation (ibid.: 641).

He maintains that in such a society it becomes more difficult to gather followers around a new idea, to challenge the established opinion, and to resist the power of the mass over each individual mind. While he distinguishes America for its democracy and for its extent of public involvement in civil institutions, that is, for its strength as a "civil society," he also fears that "new societies" will become too fixed with their institutions, prejudices, and mores.

In more recent years other thinkers have found different reasons to support de Tocqueville's basic argument that "great revolutions will become rare." As compared to de Tocqueville's outright economic analysis of the causes of the decline of large-scale social, political, or intellectual movements, later thinkers referred to structural transformations in other spheres of life. Weber (1958a), for instance, has referred to the replacement of charismatic leaders who are typically revolutionary with officials whose authority is practised through routine work within the legal-rational limits of bureaucracy.

Habermas (1989) maintains that as a result of structural transformations the bourgeois public sphere has lost its potential for the rational criticism of the state. He refers to changes such as the loss of cohesion and high standards of education in the public sphere and the dominance of television and popular culture that have resulted in the replacement of a culture-debating public with a culture-consuming one.

Besides these great insights, we must also consider a dualistic movement that has existed in the emergence and the development of modern civil societies. Civil society relies on two pillars: on the one hand, there is autonomous individualism based on the rights of reason or rather rights of the rational individual and, on the other, there is a large growth in the infrastructural powers of the state that operate based on the disciplinary principles of modern bureaucracies. Thus, civil society appears both as a sphere for emancipation and critique and as a sphere for disciplinary control and regulation. I will therefor focus on institutional changes that make possible both the expansion of the powers of the state and the freedom of a civil society that is no longer revolutionary.

The Enlightenment portrayed the individual as a rational, autonomous, and free entity who could not be directed from outside by either state force or ecclesiastical tutelage. The belief in the rights of reason and the charismatic glorification of reason mobilised modern civil societies and gave them freedom of expression, the right to supervise the operations of the state, and power to put pressure on it. The great social upheavals of the eighteenth century that were affected by this belief transformed the relation of the ruler and the ruled, and, for the first time, introduced the concept of civil society in opposition to (and not as a part of) the state. But, during the same period that the political and civil rights of citizens were formally recognised, the state was also

empowered to prevent the possibility of a major threat arising from these rights and freedoms. Such a dual tendency is transparent in modern theories of civil society where they combine individual freedoms with the rule of law. The rule of law subjects both the extent of the ruler's authority and the freedoms of the ruled to "political reason," the ultimate goal of which is the preservation of the bases of the status quo. Consequently, civil society lost much of the critical function that it had once gained in bourgeois public spheres. It was as though, following the destruction of the feudal order and the establishment of the modern state, public critical reason had finished its major historical task.

To begin with, bourgeois revolutions and social changes of the seventeenth and eighteenth centuries did not aim for the utopian destruction of the state. Rather, as Habermas (1989: 28 and 82) shows, they only sought to change the principle of the operation of state power, i.e., to *rationalise* and *formalise* it in terms of the rule of law, restrain it by way of *fundamental rights*, and control it through the political public sphere. At the same time, the bourgeoisie needed a unified sovereign power to guarantee political and legal preconditions of a private capitalist market economy inside and beyond national borders. While the structure of the pre-modern state enabled the sovereign to wield unlimited power over his subjects and even exercise violence against them if need be, it lacked the infrastructural and administrative apparatus needed for the efficient execution of such power. Power was defused and the sovereign ruled society through unreliable infrastructures, such as the church and feudal estates, which were not entirely in the control of the king. Instead, they themselves enjoyed their own sources of power, certain

privileges, rights, immunities, and exemptions that protected them from the sovereign and allowed them to exert a counter power over him (Moore 1966: 415; Mann 1993: 60).

The first step toward changing this condition was taken during the Absolutist movement itself. Following the Reformation, religious civil wars were waged by wealthy feudal sponsors, on the one hand, and religious believers who fought for the truth, on the other. As a rationalised form of the operation of power, Absolutism originally emerged to restore order by centralising all means of legitimate violence in one place and by shifting the basis of its legitimation from the sacred realm of religious morality to the secular realm of calculated goals and means. Absolutism sought, for the first time, to end the fusion of private and public that had resulted in the civil wars by drawing a line between them. As a theoretician of Absolutism, Hobbes (1968 [1651]) introduced a new category of morality called the morality of reason that transcended all forms of private or public morality and ultimately united them under the natural cause of peace, order, and safety. Under the pressure of the brutal reality of the civil wars, it was decided that religious morality was a private matter, and therefore had to be separated from political morality and the law. While the goal of religious morality is to eliminate sin and evil and to ensure salvation, political morality or political reason seeks only to restore the “natural” and rational cause of security and peace. For Hobbes, the individual is, on the one hand, a private person endowed with conscience and, on the other hand, a citizen subjected to the law. When public matters are concerned, both the ruler and the ruled have to obey political reason instead of their private, moral conscience because, Hobbes argued, private states of mind do not apply to the laws (*ibid.*: II, 18). In this way, the fusion of private and public matters came to an end, resulting in the dominance of public interests

(safety, order, and peace) over private reason and morality. According to Hobbes, the decisive moral commandment for every citizen must be the duty to obey, and protection comes in return for obedience. Again, the congruity with the project of Enlightenment as spelled out by Kant a century later is evident: believe in what you will and disagree with what you will, but obey! Concerning civil disobedience over racial issues in America in the early 1960s, John F. Kennedy evoked the same principle when he proclaimed that “Americans are allowed to disagree with the law, but not to disobey it.” When England was torn by civil wars, when the contingency of revolutions was haunting Europe during the rule of Frederick II in Kant’s Prussia, and when the youthful idealism of the 1960s civil rights movement and student movements shook the Western world, Hobbes’ rational principles of political morality saved the established order.

A second rational principle which was introduced by the Absolutist order and itself stemmed from political reason is the centralisation of power. It was the moral duty of the king to monopolise all power and all legitimate means of violence not for personal use but as a guarantee of order and as a way to put an end to civil wars. All power had to be entrusted to the hands of the ruler so that only his politically rational will could be lawfully imposed on all. This put an end to the decentralised political system of feudalism and made the central state the only legitimate holder of all means of violence and coercion. After the fall of Absolutism, both of the principles of secularisation and centralisation of the state power were preserved and reinforced in the modern nation-state, which is characterised by “legal order, bureaucracy, compulsory jurisdiction over a territory, and monopolisation of the legitimate use of force” (O’Neill 1986: 44). The effects of this on the relationship between civil society and the state are twofold.

Secularisation of the law broadened the extent of civil rights and freedoms and recognised the individual's freedom of conscience as a private matter; but at the same time, it deprived individual morality and reason of any immediate legislative power and endowed the state with unprecedented unilateral power to impose political reason over the individual. Modern theories of civil society further justified such a distinction by separating civil functions from "uncivil" functions, including the military, politics, and religion.

Hobbes' consistently Absolutist theory of the state contained the nucleus of the bourgeois notion of a government of laws that was capable of maintaining order and peace inside and outside national borders (Koselleck 1988: 22). But this order was still inefficient, because it had to rely on mere physical force for the preservation of order. The decapitation of France's Louis XVI, itself a coercive and violent act, symbolises not only the end of a type of Absolutism that had deviated from its rational principles, but also the end of a type of authority that, due to the weakness of its administrative apparatus, had to resort to physical violence and power exercised through the threat of death in order to reproduce its conditions of existence. As Foucault (1979) has noticed, by the eighteenth century, brutal methods of punishment and excessive use of repressive power had come to be seen not only as inhumane, but, above all, as inefficient and even dangerous, because they provided support for a confrontation between the violence of the king and the violence of the people. The old feudal and monarchical system was too irregular and had an inadequate extension of networks, its functions were conflicting, and the nature of its operation was too costly. The excessive nature of punishment used in this system of social control was bound up with irregularity, confusion, and inefficiency. Added to that

was the fact that under the old regime each of the different social strata had its “margin of tolerated illegality,” meaning that because of class privilege and exemption, tacit consent of authorities to overlook illegality, neglect, as well as the lack of efficient procedures to impose the law, some illegalities would be informally permitted or tolerated (Foucault 1979: 82). As a result, the non-application of the norms was common and there was always a possibility of massive non-observance.

By comparison, the massive administrative apparatus that gradually grew during and especially after the age of Absolutism enabled the modern state to intervene in social life and reproduce its conditions of existence without necessarily using its repressive apparatus and causing resistance. This transformation involves a growth in the number and the size of state apparatuses that efficiently administer and regulate much of the social life from education to income taxes, health, national security, revenues, trade balance, interior and foreign affairs, employment, justice, family planning, and some aspects of culture and entertainment. This has enabled the state not only to know exactly how much tax each person should pay or what an average high school graduate should know, but also to enable social, economic, and political life to move smoothly and predictably at local, national, and today, even international levels, and to prevent major threats to the status quo. The modern democratic and bureaucratic state has established, as Weber argued (1958a: 228), an unshatterable power relation that by virtue of its rationally and technically ordered action is superior to any unpredicted and sudden change or any unruly communal resistance.

Institutional rationalisation invented a variety of disciplinary strategies that made possible the efficient and routinised enforcement of the rule of law and the attainment of

the goal of controlling, administering, and regulating the population. Here the concept of discipline is not restricted, as in Foucault (1979 and 1980), to the “anatomopolitics of the body,” that is, to how body has become the site of the exercise of power and discipline with the help of sciences that optimise its usefulness or, as required, docility. Rather, the concept of discipline is broadly applied to the “logic of the institutions” which “brings together rationality, individualism and freedom in the large-scale disciplinary enterprises of capitalism, bureaucracy and the modern therapeutic state” (O'Neill 1986: 43). The invention and subsequent expansion of disciplines, first in armies and then in other state apparatuses (Mann 1992: 419-26), changed the basis of the operation of power so that it became possible to control free individuals in a less violent and more efficient way. In principle, modern disciplinary methods of government bureaucracies and economic enterprises do not contradict individualism and freedoms. They do not clash with or undermine the subjectivity of the individual; rather they find their way through freedoms, individuality, and subjectivity. The growth of infrastructural powers increases the possibility of the interpenetration of state and civil society in a way that the state becomes more capable of controlling civil society without overtly suppressing it and civil society (here, social classes) becomes capable of exerting pressure on the state without revolting against it (*ibid.*: 59-61).

It seems that after the great revolutions of the Enlightenment period, the formal rights and potentials of civil society to monitor state power have increased but only inasmuch as the possibility of the substantive use of them in a radical manner has decreased. Oddly, this might suggest that the stronger and more secure and stable the state and the foundations of the status quo, the readier the state is, psychologically and

technically, to tolerate the rights and freedoms of civil society. In 1784 Kant thought “only one who is enlightened himself, is not afraid of shadows, and has a numerous and well-disciplined army to assure public peace, can say: ‘Argue as much as you will, and about what you will, only obey!’” Today one can find the echoes of this seemingly anachronistic idea in the words of many scholars of civil society as they argue that “civil society develops when regime security leads to national security and the existence and expansion of autonomous associations offer no threat to state legitimacy and authority” (Sariolghalam 1997:57). If a state tolerates freedoms and rights and is not afraid of criticism, it is because it does not see its security or large-scale policies at stake. What has changed from Kant’s time to the present is that the stability of today’s governments in free civil societies rests not only on a “well-disciplined army” to eradicate threats to their stability or sovereignty from inside or outside but also, and more importantly, on a mass of non-coercive political, civil, and economic apparatuses that continue to reproduce much of the existing social relations through bureaucratic and technical disciplines, and through “ideological interpellation” of individuals (Althusser 1971: 170) rather than through coercion. These apparatuses enable the state to formally recognise individual rights and freedoms in the political public sphere while substantively reducing the actual use of the critical potential of such rights and freedoms to disrupt the existing order. State apparatuses, from courts, prisons, armies, and police forces to schools, families, businesses, and churches, formally respect individuals’ freedoms and legal rights and at the same time attempt to make them “good,” “trustworthy,” “responsible,” and, eventually, obedient and docile citizens (ibid.: 155). The result is the re-fusion of public and private in a system in which both of these spheres, and now even the body (as in

Foucault's several writings or in O'Neill 1985), become the site of the exercise of power and discipline, and for the reproduction and consumption of ideologies produced in non-civil economic or political spheres.

In Kant's vision of enlightenment, public use of critical reason balanced the private or vocational use of reason in professions, but in reality public critical use of reason gradually gave way to private or professional use of reason in government bureaucracies and enterprises. With the expansion of technically rational disciplines of capitalism and modern administration, and with the growing bureaucratisation of both, the "charisma of reason" that once had such a great individual as well as social and critical impact is routinised and institutionalised. From the enlightening release of the individual from self-incurred tutelage to the rise of a religiously disenchanted society in the spheres of art, science, and politics, a trend of rationalisation runs through the project of modernity which embraces the modern project of civil society as well. This trend contributes to and is bound up with permanent disciplinary practices of legal, economic, and political bureaucratic institutions of the modern world. While modernity once revolutionised its preceding order by means of its rational forces, the disciplinary forces that took over ultimately led modern societies in the opposite direction of revolutions.

CHAPTER III. "Self" and "Other" in the Civil Society Discourse of Modern Iran

In the last two chapters I described civil society as an arrangement between public and private interests and a paradigm of social order that has its roots in unrestricted ideals and dreams and also in the constricting realities of social relations. In the second chapter, I specifically focused on the modern Western discourse of civil society, arguing that it was a response to the breakdown of the traditional sources of social order and that its realisation was preconditioned by the Enlightenment belief in human beings as rational and thus as autonomous, by the growing ability of states to control the population with less reliance on physical force, and, finally, by the emergence of a fresh class of property-holding bourgeois who appropriated the Enlightenment belief in the autonomy of the individual as the ideological basis for their struggle with Absolutism and the feudal order. In this chapter I will study the current civil society movement in Iran as a second case. In line with my interest in civil society as a discourse that reflects ideologically and historically constructed dreams, and following Habermas' depiction of the bourgeois public sphere in Western Europe as a discursive surface in which concepts of "human," "citizen," "rights," "publicity," and so on were constructed, I will attempt to explore how class relations are reflected in the current civil society discourse in Iran. This discourse is, in Dorothy Smith's (1999) words, a t-discourse delivered through texts and the print media; therefore, most of the data for my analysis comes from newspapers, journals, and electronic magazines. This allows me to provide a social map in which each class is located with respect to its relation with the discourse of civil society.

My main argument is that the theoretical and practical development of civil society in Iran is a product of a transformation in worldview that has nevertheless become possible after concrete transformations have also taken place in economic and political spheres, especially in the configuration of the politically most active and influential classes. I will support this argument by comparing the social classes that are involved in the current civil society movement with those that were involved in the 1979 Revolution. While this transformation is just taking place, I will try to situate it in the context of a complex multitude of recent events, class interests, and historical conditions, including: a) the encounter of tradition with modernity; b) an internal political struggle; and c) the affinity of interests among intellectuals, politicians, the educated urban middle class, and the business sector in contemporary Iran. It is in this light that the Iranian discourse of civil society, its peculiarities and distinctiveness as well as its similarity and congruity with the modern Western European discourse of civil society, can be understood. This may also help to situate the Iranian discourse in the emerging global discourse of civil society that is spreading from Eastern Europe to China, Africa, and the rest of the Moslem world.

From the Defeated Prince to the ISCR

In his analysis of various modern discursive disciplines in areas such as madness, crime, and sexuality, Michel Foucault has shown that in these discourses the confirmation of a sense of "self" and the establishment of appropriate codes of conduct have been achieved through the subjugation of an "other:" the "madman," the "deviant," the "delinquent," "the homosexual," and so on. In all of these cases a sense of "self" and what is normal is

created as opposed to that discursively formulated “other” (cf. White 1988). Edward Said (1979) has employed Foucault’s method for the genealogical study of the “constitution of otherness” to his analysis of the way the West has created the “Orient” as its geographical, military, epistemological, scientific, cultural, and political “other” in an attempt to re-determine its own “self.” While Said looked at the process of the formation of the “Oriental other” by Westerners, he left out the formation of an imagined “Occidental other” by non-Western nations and especially by their intellectuals and political leaders. I will try to develop this second approach in the study of Iran’s construction of an image of “self” and “other” in its history of acquaintance with European modernity including in the recent discourse of civil society.

In the early nineteenth century Abbas Mirza (d. 1833), the heir apparent of Iran, lost two consecutive battles and along with them the control of much of Iran’s Northern territories to Tsar Alexander’s troops. Dismayed by the defeat, he put forward a question that has since reverberated among Iranian elite and intellectuals (Rezai 1999: 31):

You foreigners, you see this army, this court, and all the machinery of power that I possess, but do not think that I am a happy man. All my effort and bravery have been defeated by the Russian army.... A handful of European soldiers have made us confront a sad fate, and they threaten us with their recent progress. What is the ability that has made you so superior to us? What are the reasons for your progress and our lasting weakness?

About two centuries later in the early 1990s, the Institute for Social and Cultural Research (ISCR) in Tehran hosted a talk on “civil society” presented by political thinker Hossein Bashiriyeh. This elite institute is a post-graduate university and research centre dedicated to a few branches of the humanities, including philosophy, literature, history, and what they call “Occidental studies.” Researchers of this institute are among the elite intellectuals most of whom have affiliations with universities both in Iran and in Europe

and North America. The ISCR and a few other similar elite institutes functions as connecting tissues for intellectuals and political figures who are not at ease with the current cultural climate of Iran. These include Abdolkarim Soroush, who has been nicknamed the Martin Luther of Islam (Wright 2000: 104). He is a philosopher and a non-cleric theologian whose controversial pluralist approach to religion inspired Khatami's pluralist depiction of a religious civil society. Soroush argues that there is neither a single, predetermined way to know God, nor a single interpretation of religious texts; instead, religious interpretation is dynamic and prone to change (Mafinezam 1999: 5).

Unlike Abbas Mirza, the ISCR researchers and many other likeminded intellectuals encounter the modern world primarily in the sphere of ideas. Instead of traditional and modern armies, the two worldviews of traditionalism and modernity clash before their eyes. Thus, the question for them is: Who are the moderns? How do they think? How does modern Europe differ from pre-modern Europe and from the non-modern world? When their questions were not directly about modernity, they ask, who are we? What is our past and what are our traditions? How can we endure the hegemony of the modern world when we seem to be moving in the opposite direction from it? Two books published by Khatami before he was elected to the presidency, one a survey of Western political philosophy from Aristotle to Locke and Marx (*From the World of the City to the City of the World: A Journey into the Political Thought of the West*, 1994) and the other addressing the challenges and promises of the modern worldview for Islam (*Fear of the Waves*, 1993), were examples of intellectual works mainly preoccupied with the aforementioned questions. His most recent thoughts on the matter were expressed in a

vision of civil society through which he finally put forward an answer to them. These thoughts were never published but through his speeches have entered into the media and played a significant role in Iranian intellectual and political life.

It appears that much of Iranian history can be defined in terms of a continued construction and reconstruction of an image of "self" and "other" with reference to the West on the one hand and to Iranian culture and civilisation on the other. Between Abbas Mirza's defeat and Khatami's coming to power every major turning point in the modern history of Iran has been positively or negatively a response to the appeal or the hegemony of Western modernity. This includes events such as the religious revivalism and reformism of the 1800s by clerics such as Seyyed Jamal Al-Afghani who had lived in the West, the constitutional revolution of 1905-1909 that was inspired by similar revolutions in England and Russia, the overthrow of the traditional Qajar dynasty by the reform minded Pahlavis (1920-1979) who literally imposed modernisation on Iran, and the nationalisation of the oil industry in early 1950s against British control. But perhaps this struggle for claiming a subjectivity for "self" against that of an "other"-- the West-- is most evident in the 1979 Revolution when, according to Foucault (1988: 218), people turned to Islam as a spiritual source which "for them was like the promise and guarantee of finding something that would radically change their subjectivity." And yet during this same revolution they adopted and appropriated Western democratic ideals and institutions (Al-Azm 1997: 19). The current emergence of a civil society movement that makes use of a distinctively modern Western discourse is the latest phase in this subjective encounter with Western modernity. In all of these encounters with Western modernity the West has been portrayed as a cultural and civilisational "other," in

reference to which Iranian intellectuals and leaders have developed a desire for self-reflection and change. Accepted or rejected, “the West constantly returned as ‘the culture of reference,’ positing itself as universally valid.... [It] had become a source of inspiration as well as a vantage point from which non-western societies could examine themselves in order to diagnose their cultural-historical illness” (Boroujerdi 1992: 35-36). This is as true of those who viewed the West as a perfect model to be wholeheartedly embraced such as intellectuals involved in the Constitutional Revolution of 1905, as of those who attempted to transcend it as the “antagonistic other,” such as Ale Ahmad (1962) or Ayatollah Khomeini.

For the purpose of this study I will consider Iran’s encounter with modernity as an encounter both with modern ways of *doing* things and with modern ways of *seeing* things, that is, with modernity as a set of institutions and as a worldview. As a new way of doing things, modernity offers a set of rationalised methods and means for solving pragmatic problems. As a worldview, it is a set of ideas, values, and goals that claim universal validity and are closely linked to Enlightenment thought. From this perspective, modernity is a transformation in worldview, as Weber sees it, consisting of an ongoing *process* of religious disenchantment and rationalisation in the spheres of art, science, and politics.¹ The belief in the supremacy of reason and respect for individual rights can be linked to modernity as a worldview. Economic liberalism, bureaucratisation, creation of nation states, and legal positivism may be, on the other hand, associated with modernity as a method or set of institutions.

¹ This aspect of Weber’s theory of modernity which is developed throughout a large body of his works such as in his studies of the developments of law (1979) and his lectures on politics and science (1958) is summarised in Habermas 1983 and Roth 1987.

While such distinction is theoretical rather than practical, there are extreme cases in which modernity has been formulated predominantly in only one of the above ways. For Abbas Mirza, for instance, the problem with modernity was a pragmatic one, that is, a question of methods and means: how can we avoid further defeats? And the answer was also pragmatic: we can do so by modernising the army. In contrast, it seems that through the current discourse of civil society Iran is meeting modernity both as a set of procedures and institutions, and as a distinct worldview. This encounter with modernity as an "other" is leading Iran to rethink itself in terms of and even break with its past or, more specifically, with its traditional worldviews and ways of doing things, especially with respect to the political and legal spheres. As mentioned before, civil society can be viewed as a dream about humans and society and as a theory of social order which is connected to the modern worldview, to Enlightenment philosophy, and to the trend of secularisation and rationalisation. On the other hand, it can be regarded as a method for organising societies by means of such institutions as the public sphere, non-governmental organisations, parliament, free media, the private sector, elections, social movements and so on. In the first sense, the "civil society" discourse is another phase in the long-term discursive encounter between traditional and modern worldviews in Iran. It has revived many of the old polemics by intellectuals and religious clerics from the middle of the nineteenth century over issues such as the definition of the realms of the sacred and profane; the role of humans in determining their destiny; faith and freedom; citizen's rights; the distinction of private and public spheres; and respect for pluralism. This is mainly a discursive encounter that takes place in texts, speeches, dialogues, and via electronic waves. But, in the second sense, there are also those in Iran who consider civil

society (as a type of society or social order) as an alternative institutional practice to existing ways of organising the relations of state and society and public and private that have now become problematic. It is customary today for Iranian officials to make statements such as the following: "civil institutions should supervise the election process" (Deputy Interior Minister Mostafa Tajzadeh, in *Hamshahri*, February 28, 2000, front page, my translation). In the following sections I will examine how the discourse of civil society flows on both of these levels, and how these two approaches to modernity or civil society affect and enhance each other reciprocally.

From Kant to Khatami

In this section I will discuss the interconnections between the reshaping of an image of "self" and "other" through the discourse of civil society, on the one hand, and the more concrete and immediate interests of a newly consolidated class that is engaged in this discourse, on the other. Members of this new class are mainly intellectuals and urban middle classes that have recently acted as a powerful political force in Iran and played a decisive role in all major political events in Iran since 1996.² Since this new class is primarily a reading public which is consolidated around discursive devices, I will closely read the print media and the Internet where this new class is engaged in an on-going discourse.

In my analysis of journal articles I will not consider each of them as a singular occurrence of texts and discourses but, following Marcuse (1964: 196-7), as a part of a supra-individual system of ideas, values, and objectives. According to Marcuse, for the

² These include the fifth and sixth parliamentary elections (1996 and 2000), the eighth presidential election (1997), and the student unrest of (1999).

linguistic analysis of the meaning of a term in each piece of discourse, verbal or textual, one has to take into account a multi-dimensional universe in which any expressed meaning partakes of several interrelated, overlapping, and antagonistic "systems." For instance, a personal project, such as a newspaper article or a speech, can partake supra-individual values and objectives of a group from which the writer comes and for which s/he talks. At the same time, both of these are parts of a social system of meaning within which different and sometimes antagonistic systems of communication are accommodated. What is important in each analysis is to take account of supra-individual and social systems of meaning and avoid individualising what is in fact social. My analysis traces the effects of the supra-individual system of meaning, in this case middle class and intellectual values, interests, and objectives, on the individual level of meaning, such as in a newspaper article, a formal political speech, or a public opinion poll. At the same time, I will consider both of these levels and systems of meaning as parts of a larger societal trend, that is, the encounter of Iran with Western modernity.

In 1999 city council elections were held in Iran for the first time since the 1979 Revolution. This was one of the practical changes that Mohammad Khatami had promised as part of his project to establish institutions of civil society in Iran. These councils were originally provided for in the constitution in order to facilitate people's involvement in the administration of their affairs but never became a reality before Khatami's election to the presidency. The first city council election was held only because this formal legal provision found theoretical support and rationale in light of Khatami's view about the role of civil institutions in creating an intermediate sphere between the state and the people. However, the speech he made at the inauguration of

Tehran's city council made it clear that the success of this practical change relies on a more general transformation at the level of the worldview. Speaking from the standpoint of a ruling cleric, he said: "the more people feel that they have rights and are respected, the more they will support the regime. By considering people as minors and claiming their guardianship and thereby producing an artificial order, the society will not stay stable" (Khatami 1999, my translation).

Khatami was perhaps referring to the tendency of some *ulama* in Iran to consider themselves as people's guardians in religious matters. This tradition was rationalised in Ayatollah Khomeini's theory of "guardianship of the jurist" (*velayat-e faghih*). The word *velayat*, which came to Iran through Arabic and especially through Shia religious texts, has a variety of meanings. It can mean custody of children which is always paternal and is given, as a right, to the father or paternal grandfather. It can also apply to religious rights of the prophet or his successors over Moslems, or political rights of the king or the ruler over the people. In all of these cases, *velayat*, or guardianship, is a privilege that gives its holder rights and responsibility to make decisions on behalf of those who are not considered qualified to decide for themselves, and, ultimately, to impose "his" decisions on them. In Khomeini's theory of *velayat-e faghih*, political and religious aspects of this tradition came together in such a way that the jurist (an ayatollah) assumes the roles of the guardian of the divine order of society, and the leader of the *ommat*.³ Hossein Bashiriyeh, a member of the ISCR, calls this paradigm of social order "ideological traditionalism;" according to him, it consists of a mixture of traditional Iranian patrimonialism and Islamic ideology which seeks "to produce a new kind of obedient

³ *Ommat* is used to designate the cosmopolitan community of believers that come together because of their faith. I will return to this concept later.

citizen who believes in the traditional and charismatic leaders.” The essence of the political behaviour in this paradigm is “loyalty and personal devotion to the leaders and their sanctioned values, and a relation between the leader and his followers based on love and emotions” (Bashiriye 1999b: 5, my translation). This discourse supports only organised and mass participation and leaves no room for individualism, active and autonomous participation, competition, diversity, pluralism, or the formation of political parties. The “democratic discourse of civil society” resists such a paradigm of social order and acts as a discursive context for the appearance of a party system which stands opposed to the mass society created by the present paradigm. In this way, the practical goal of strengthening the institutions of the public sphere and civil society coincides with or, rather, is preconditioned by a larger change in the worldview of the type Kant suggests for enlightenment: trusting people’s rational ability to decide on their own and giving them the freedom necessary to do so, especially in religious matters.

In a context like that of Iran, where a “maximalist reading of religion” is used to prevent the growth of autonomous individualism and to restrict people’s rights in private and public spheres, many scholars and social activists believe that the release from minority status and tutelage requires a redefinition of the realm of the sacred.⁴ Only in this way can individual rights to the free use of reason, freedom of thought, action, and expression, the rational criticism of institutions, and the right to determine one’s own destiny, be acknowledged. Some prominent writers on the history and origins of modernity, such as Durkheim and Weber, have referred to the redefinition of the realm of

⁴ The terms maximalist reading of religion and minimalist reading of religion have been recently used by the religious reformist Soroush. In the first reading, religion and religious codes are pre-given and rule over all aspects of life but in the second reading that Soroush favours, religion only teaches the basics and it is

the sacred as a cornerstone of the process of modernisation in the Western world. This can include the substitution of new profane elements for old sacred elements: for example, the substitution of a national flag that symbolises the modern nation-state for clan totems (Durkheim 1971 [1914]). On the other hand, as Weber puts it, a shift might take place in the religious ethic from the pursuit of otherworldly goals to the instrumentally rational pursuit of thisworldly goals, eventually leading to the religious disenchantment of the world and secularisation in the realms of the economy, morals, law, and science (Weber 1958b; Roth 1987: 81-83). In any case, the experience of the West shows that with the redefinition of the realm of the sacred, the world becomes religiously disenchanted, the grip of religious institutions on the society is loosened, reason is freed, and, as a result, the institutions of civil society thrive.

The same can be said about the emergence of the modern discourse and institutions of civil society. For, as we saw in the last chapter, the modern dream of civil society is in direct opposition to any worldview that claims to regulate the social world based exclusively on otherworldly or immutable traditional premises. It is a thisworldly, tangible, and secular paradigm of social order which is designated through social contract and cannot coexist with the sacred, otherworldly, and untouchable paradigm of the traditional and religious social order. Aware of these facts, zealous Iranian clerics and their followers who still cling to power do not welcome reforms with optimism. And perhaps for this reason discussions related to the redefinition of the realm of the sacred have to be presented in a very subtle language. Even very radical reformers do not suggest the complete removal of religion from all realms of public life or talk about a

the duty of believers to invent codes, laws, and a political system suitable for their own time (Soroush 1988: 2-9).

contradiction inherent between religious teachings and individual rights and freedoms.

Instead, they talk about the contradiction between the “existing interpretations of religion” (not religion itself) and individual and civil rights.

Nevertheless, in the print media, religion has become the centre of a debate on publicity that demands freedom of public discussion in order to redefine the realm of the sacred, holy, and immutable and to distinguish it from what is civil, social, and changeable. The redefinition of the realm of the sacred usually includes complex theological debates about the limits of religious jurisprudence, which nevertheless have concrete social and especially political implications, and can ultimately provide for the autonomous growth of civil society. For instance, Soroush believes that Islam is the product of the prophet’s everyday experience with his inward and outward world, and as such provided answers to questions of his own time. In the absence of the prophet, Moslem thinkers, artists, and poets can and should undergo the same experiences by concentrating on their inner world and on the outer social and political world. In this scenario, plurality would replace dogma and autonomous thinking would take the place of the guardianship of religious clerics (Soroush 1997: 4-11). Soroush has also made a distinction between the two layers of religious discourse: on the one hand, religion itself as immutable, essential, and sacred, and on the other hand, human understanding of religion, about which nothing is sacred or immune to change or criticism. The latter includes texts of religious scholarship produced throughout the centuries (Cooper 1998: 43). Such discussions have elevated the religious believer from a status in which s/he has only to follow the *ulama* to a status where s/he can have experiences comparable to those of the prophet and thereby become the source of morality and law. Another result is that

religion, or any official interpretation of religion, is deprived of its claim to ultimate truth since there are as many truths as there are believers and none of these truths is immune to criticism. The political impact of such a theory is enormous because it is only via its claim to ultimate truth that religion becomes the sacred and unchangeable basis of all law and morality in the private and public spheres, including politics and the economy.

These debates are delivered by non-cleric theologians, or by a new generation of clerics who have university degrees and knowledge of the Western history of philosophy, theology, and sociology, and are generally more accessible to the reading public outside the religious schools than are theological discussions by the *ulama*.⁵ In the freer atmosphere of the print media that was created after the election of Khatami, these issues have been predominantly discussed in intellectual journals and in newspapers using the plain, but sometimes technical and secular, language of journalism and social sciences. This new trend not only redefines the realm of the sacred, but also desanctifies religious language and ultimately shakes the traditional hierarchical order of Iranian religious society by merely talking about it in a non-religious vocabulary. For centuries now, professional discussions about religion have been monopolised by the religious *ulama* and carried on inside the walls of religious schools using Arabic or highly Arabicised Persian. But reformist intellectuals are fighting this monopoly by employing a journalistic and scientific language in order to address religion. As a major part of this trend, the pro-civil society dailies which would usually publish news and news reports have also

⁵ The most well known member of this generation is, of course, Mohammad Khatami, but his insights have fallen short of any theoretical innovation in theology. In today's Iran, Mohsen Kadivar, a middle ranked cleric who recently defended his doctorate degree in philosophy while in prison for allegedly insulting Islam and the supreme guardian, can be considered as the most prominent member of this generation. He has offered both theoretical innovation in theology and one of the most clear and practical solutions for the adoption of the western idea of civil society in Iran (Kadivar 1999).

become tribunals for debates over religion and the limits of the religious realm in a language accessible to readers with little religious training.

An interesting example of the effects of using such language can be found in the discussions about the public imposition of the *hijab* (the Islamic dress code). Until very recently, the *hijab* was regarded as an undebatable Islamic principle that even reformist clerics such as Khatami have not tried to challenge. However, a pro-*hijab* demonstration in Tehran made it a matter of technical and secular discussions in the pro-civil society dailies and generated a chain of discussions not only about the imposition of the *hijab*, but also about such general issues as the boundaries of private and public, the limits of religious legislation, and the contradiction of religious logic and democratic logic pertaining to individual legal rights among some commentators in the pro-civil society *Neshat* [mirth] daily. The supporters of “democratic logic” claimed that sin (in this case not observing the *hijab*) and crime are not the same since sin is a private matter and crime is a public issue, and because an act can be prohibited and punished by law only when it is considered and defined as crime by the consensus of the public (Behbahani 1999: 3; Eshkevari 1999: 2). It was claimed that by this definition (which resonates with Durkheim’s definition of crime), religious morals and codes such as the *hijab* cannot be the basis of law because not everyone has firm religious beliefs and even those who do, do not observe all religious morals or commandments, and therefore the consensus necessary for any code of behaviour to become law does not exist in religious codes.

In these discussions, a plain, journalistic language and method which can be understood by lay readers is combined with the technical language of the social sciences and with English, French, and, sometimes, German terms. This plain language and the

language of religious schools are not simply two different ways of talking; they also bring with them two kinds of social relations. In Marcuse's words, each of them is part of a supra-individual system of social relations. The traditional language of the *ulama* is associated with a specific kind of hierarchical social relationship between the *ulama* and the people (their followers), in which the people have traditionally been considered minors (a belief that Khatami contested in the speech quoted earlier) with the *ulama* as their spiritual and, after the 1979 revolution, political guardians. In this social relationship people were not required to understand the language of the *ulama*, and professional religious discussions and debates rarely spread beyond the confines of religious schools. The *ulama* were connected to the people through an intermediate circle of middle ranked clerics who would preach to the people and advise them about *ulama's fatwas*⁶ but never discuss theological issues with them. There would never be any two-way discussions or debates. Such a power gap between the *ulama* and the people would at times increase because of the ties between the *ulama* and oppressive rulers (Ashraf 1990: 119; Amir-Arjomand 1988: 177-88) and because the *ulama* could use the state power to punish their opponents. In some theories, the people were ranked hierarchically according to their faith, with the *ulama* occupying the highest positions. One such theory was renewed and publicly defended by Ayatollah Mesbah in a series of talks given during Friday prayers in 1999 as a counterdiscourse to the civil society discourse which defends the idea of a citizenry that is equal before the law regardless of faith and moral righteousness.

⁶ Religious codes designated by jurists to be applied by their followers in a variety of practices and situations. This normally includes codes of hygiene or prayers, but can very occasionally function as a political decree, such as a call to *jihad* or to civil disobedience, and sometimes as a juridical decree, such as in the Rushdie affair. The political aspect of *fatwa* has never become dominant and the juridical aspect of it has been weakened in twentieth century Iran since juridical functions have been differentiated from religious functions and are administered centrally as a government branch.

In contrast to this, the new journalistic and scientific language of reformist intellectuals pretends that it can remove these barriers.⁷ This language is understandable, at least for members of the educated, middle class living in large cities who have become the most politically active class in Iran and who provide significant support for the civil society movement. This includes a newly urbanised and educated class of formerly farmer origins, intellectuals, and a young generation acculturated and trained during the revolution (Shamsolvaezin 1999: 16-19). In 1997 the percentage of the literate population rose to 80 percent as compared to 47 percent in 1976 and the general number of students rose by 266 percent as compared to figures from 1978-79 academic year. The figures for university graduates in 1994-5 also show a 179 percent growth as compared to the decade preceding the revolution (Rezai 1999: 34). This urban, educated middle class was politically marginalised until Khatami's election (Shamsolvaezin 1999: 20) but it is now organised as a reading public whose members are linked to each other through the pro-reform print media, especially dailies. This reading public consists of citizens who have a vast variety of interests but rally together around a single common cause: their dissatisfaction with the present order. The bulk of the publicity for the pro-civil society print media is produced by several columnists who write provocatively on daily news events. Most of these writers are disillusioned intellectuals, former functionaries-turned-journalists, modern leftists,⁸ or nationalist intellectuals and moderate clerics who are outside of the circle of power or have gradually been removed from political posts since the traditional right-wing faction started to monopolise political power in 1987

⁷ It should be noted that much of the current trend toward the desanctification of religious language and the redefinition of the realm of sacred is carried by intellectuals and writers who are clerics or are non-cleric devout Moslems. In fact, it is not an intentional move against religion but often a move to prevent religion from creating resentment by unnecessarily engaging in public and private life.

(Mafinezam 1999: 6). They share with the reading public their dissatisfaction with the current situation. To create a strong sense of solidarity and unity, these journalists have made themselves accessible to the readers: for instance, they speak in public rallies organised by students, or more recently, as seen in *Asre-Azadegan* [the era of the freemen] daily, they publish their e-mail addresses at the top of their column. In this reading public sphere, the relation of the readers with the pro-reform intellectuals is, at least on the surface and in principle, an equal one since the discussion is open to everyone. They understand each other and speak each other's language.

The reading public and the pro-civil society media enter into a reciprocal relation with each other in which one side offers faithful readership and sometimes even mass support in legal battles between the pro-civil society media and the government (such as the July 1999 student protest against the banning of the *Salaam* newspaper) and the other side reproduces middle class ideologies and values in the form of news reports and articles. Reading papers has become a daily habit among the white-collar workers who work in government and private sector offices and also in universities. Those who can afford buy papers, and those who cannot afford it read them in offices or on the news stands. It might be this faithful readership that has made the newspaper enterprise one of the most rewarding ones in that the number of the liberal papers has grown from two or three in the spring of 1997 to twenty four by April of 2000 (Iranmania: April 24, 2000). In exchange, the readers get recognition and respect. As I will discuss in the next section, in the pro-civil society dailies, terms such as *public opinion*, *people*, *citizens*, and the *nation* are often used to refer to this class of readers and to their demands. Unlike the

⁸ A new generation of Moslem leftists in Iran who came together under the banner of Khatami's reform agenda. There are more details about this in the next few pages.

ulama, journalists and intellectuals propagate the idea that everyone is equal regardless of their faith. This is reflected sometimes merely in their choice of words. For instance, while the conservative *ulama* and their supporters in the conservative media continue to address the nation as “*ommat*” (the cosmopolitan community of believers), Moslems, or Moslem brothers and sisters, the new pro-civil society journalists and intellectuals use secular and inclusive titles such as Iranians, citizens, compatriots, men and women, and so on.

This replacement of the sacred with the profane is echoed everywhere in pro-civil society and reformist circles. Sometimes at reformers’ gatherings, even when the organisers are clearly religious, the patriotic “Oh Iran!,” a song that was popularised during the Shah administration but was abandoned after the Revolution, is sung instead of the un-patriotic national anthem of the Islamic Republic, which glorifies the Revolution and mentions Ayatollah Khomeini and the martyrs, but not the nation or even the country. The reformist *Mosharekat* [participation] Party, which won a forty percent majority in the sixth parliamentary election in February 2000, chose “Iran for all Iranians” as its official slogan. A spokesman for the party said that this slogan challenges Ayatollah Mesbah’s attitude about ranking citizens according to their faith (Abdi, in *Sobh-e Emrooz* [this morning], February 7, 2000: 7). Along the same lines, the pro-civil society media echoes the voice of those intellectuals who think that Iran should shift the basis of its nation-state building away from the religious ground (Shia faith) that was adopted in the sixteenth century during the Safavid’s project of nation-state building and allow for the equality of all citizens before the law regardless of their faith (see Zaidabadi

1999: 3). The pro-civil society media also scandalises any politician who wants to portray himself as a father figure for the nation. Before the 2000 parliamentary election, Akbar Abdi, a *Sobh-e Emrooz* columnist, started a crusade against Hashemi-Rafsanjani who entered the election as a conservative candidate, accusing him of addressing the nation like a father talking to his minor children. This pushed the once powerful former president to the margins of the race, struggling for the thirtieth and last seat in the Tehran constituency.

This macro-level shift in worldview, which rejects any guardianship and propagates the idea of the equality of all before the law, regardless of faith, is generated and facilitated by a micro-level shift in the “hardware” or the carriers of transformation: the print media. If the current discourse of civil society is organised around the larger problem of modernity as a worldview, the print media can be considered a window on such a worldview. Relying on an analysis of the electronic media in India, Appadurai (1996: 10) argues that electronic media transmits such modern cultural products as films and music and with them a whole new way of life. He concludes that, transmitted in this way, “modernity now seems more practical and less pedagogic, more experiential and less disciplinary than in the fifties and sixties” (ibid.). In contrast to this, in Iran modernity comes mainly through print, not the electronic media. The image carried by the electronic media is ready to be consumed; it moves rapidly through one’s daily routine, while the print media requires effort and background knowledge on the part of its consumers. For one thing, the print media does not come on the airwaves; rather, it needs

⁹ It should be noted that much of the current trend toward the desanctification of religious language and the redefinition of the realm of sacred is carried by intellectuals and writers who are clerics or are non-cleric devout Moslems. In fact, it is not an intentional move against religion but often a move to prevent religion from creating resentment by unnecessary engaging in public and private life.

to be purchased which requires effort and intention. All of these come together in the fact that one must possess a certain amount of economic capital before one can gain the educational background, knowledge, and the motivation needed to gain access to the print media. The coincidence of the increasing discourse on civil society and modernity as worldviews opposed to the existing worldview in Iran with the hegemony of the pro-civil society intellectuals over the new print media after the election of Mohammad Khatami is not a random phenomenon. As a man of books himself who was involved with the media before he became a politician,¹⁰ Khatami's first and foremost promise in presidential campaigns was to create a more open atmosphere for freedom of speech in general and for the media in particular. He strongly believed that the establishment of a vigorous and autonomous civil society is not possible without the existence of an independent media that can become a medium between the state and society by supervising the state process and by letting the state know about the society's demands and opinions. While he could not release the state run radio and television from the control of the conservatives, he chose a controversial liberal figure, Ataollah Mohajerani, as his Minister of Culture to supervise the print media, arts, and entertainment industry. Mohajerani has been supportive of the cause of freedom of speech despite an impeachment attempt by the conservative dominated parliament in 1998 and constant criticism by those worried about the hegemony of Western ideas and culture in the Iranian liberal media.

¹⁰ Khatami received a bachelor degree in philosophy and a M.A. in education, alongside his theological studies. He chaired the Islamic Cultural Centre of Hamburg before the 1979 revolution. After the revolution he was appointed to various positions: the chairman of the War Propaganda headquarters, the representative of Ayatollah Khomeini in the then-influential Keyhan Publication Institute which publishes several dailies and periodicals, and the minister of culture under Hashemi-Rafsanjani. He quit the last three jobs primarily because he did not see their requirements as congruent with his liberal views about culture, media, and publication. Then he headed the National Library of Iran where he dreamt about opening up access to books to everyone, including those in the remotest villages of Iran, through the Internet. He also taught a

One can already identify Marcuse's three level of interpretation of meaning. On the one hand, there are individual pieces of intellectual and journalistic work or political speeches, such as those about Hashemi-Rafsanjani. From here one enters into a supra-individual level of meaning on which Hashemi-Rafsanjani appears as a member of conservative clerics competing with liberals. His rivals are intellectuals who have been badly treated during his administration as a president. On the supra-individual level, intellectuals appear as a part of a new class that pursues its own ideological and economic interests (Gouldner 1997: 16) and enters into alliances with the politically most powerful section of the population in Iran, that is, the reading public. And all of these happen in the context of a long-term formation of an image of "self" and "other" in a historical encounter with the worldview and institutional practices of the modernity. In this context Hashemi-Rafsanjani is not just another political opponent, but also a representative and defender of a system of *velayat*. By contrast, in their interactions with their equals in the reading public, intellectuals symbolise egalitarian social relations based on the secular principle of formal equality of all citizens.

From Revolution to Freedom

The current civil society movement in Iran is as much in continuity with Iran's long term preoccupation with the worldview of modernity as it is the result of short term transformations in the distribution of political power and material conditions of living. The substitution of the quest for justice (universal access to bread and housing) with the quest for formal-legal freedoms and individual liberties is one of the tokens of such

graduate course in Western political thought at the university and published the two books mentioned earlier in this chapter.

transformations. This might be illustrated by comparing the ideologies and ideals of this movement and the social classes involved in it with those of the 1979 Revolution. Most of the studies about the class configuration of that revolution consider the revolutionary *ulama* (Ayatollah Khomeini and his disciples) and the so-called petit-bourgeois bazaar merchants as the two most influential classes and social strata involved in it (see Skocpol, 1994; Keddie, 1983; and Kamali, 1998). In describing these social forces, Ashraf (1988) has introduced the term “bazaar-mosque alliance:” a commercial-religious bloc that succeeded in organising large scale protests against the Shah. While the alliance of the *ulama* and the middle occupational groups led the opposition, it was the entrance of the “dispossessed” into the scene, as the eventual army of the clergy, that radicalised the movement (Kamali 1998: 196; Parsa 1989: 141-167). As individuals from lower classes became involved, justice became a more important goal for a larger number of people. During the revolution Ayatollah Khomeini promised the poor free electricity, gas, and water (Ashraf 1990:131) and, as I remember from my childhood, he was nicknamed the “leader of the dispossessed,” a title which is now abandoned. In comparison, “the Westernised middle classes, including the intellectuals, professionals, educated government employees, white collar workers, and the majority of the young intelligentsia were the main losers from among the groups that formed the core of the revolutionary coalition” (ibid.: 123). These are the classes who are ideologically inclined to freedoms, especially freedom of expression (Gouldner 1979: 27 and 29) rather than social justice. While both freedom and social justice were among the causes of the revolution, in the revolutionary turmoil the dream of freedom was gradually forgotten and even denounced. In the process of making, in Skocpol’s words (1994: 253), an “Islamic Republic of

Virtue,” and faced with civil wars and a war with Iraq, the ideological apparatuses of the new government started to equate individual and civil freedoms with moral decadence and claimed that freedom could cause threats to the stability of the system. The slogan of freedom, then, took on negative connotations until recently when, in the discourse of civil society, it was re-posed not just as a legitimate demand, but as a priority over all other demands. This is accompanied by a decline in the political and economic role of the traditional bazaar and the rise of the "new men of power" composed of the educated middle class, the technocrats, and the intelligentsia (Ashraf 1990: 140).

In May 1999, a rally was planned in Tehran by a leftist, pro-Khatami student organisation to mark the 23rd of May -the day of his election to office. It was called “From Revolution to Freedom” partly because the students had decided to start walking from the Islamic Revolution Square, where the University of Tehran is located, and then congregate in the Freedom Square. But the motto and the direction of the rally were perhaps chosen to convey certain messages: that freedom was a goal not yet achieved; that it was the ultimate destiny and the forgotten promise of the revolution; that the revolution was incomplete; and that it had to be continued or perhaps left behind for freedom to be achieved. During the rally, a student held a banner which read “Bread, Housing, Freedom.” This was the slogan of a Marxist group in the 1979 Revolution, which itself derives from the title of one of Lenin’s essays.¹¹ But, this pro-Khatami student had crossed off “Bread” and “Housing” and left “Freedom” in larger letters to show that freedom and not material needs are now most important. Choosing the anniversary of Khatami’s election to office for such a rally also suggested that his

¹¹ The essay “Bread, Housing, Freedom” was published in Iran in a collection of Lenin’s works called *The April Theses*.

promise in his presidential campaign to support institutions of civil society could lead to freedom.

It seems that through the civil society movement, civil freedoms are “becoming” primary goals over such immediate material needs as bread and housing or over social justice in general. Yet, one needs to investigate why and how Khatami’s plans for granting civil freedoms became so popular to bring him to power through an unexpected landslide electoral victory (nearly seventy percent of the votes), and why and how the project of civil society has been primarily tied to and translated into a project to grant civil freedoms. The question is important since today the discourse of civil society is not necessarily a discourse on civil freedoms. In fact, in its spread across the world, “civil society” has been linked to different and sometimes even contradictory social ideals: from Republican communitarianism, in which civil society is a moral community constituted of neighbourhoods, church, and family engaged in the pursuit of a common good whose ontological status is prior to that of any individual members, to the liberal attitude that recognises the moral autonomy of individuals and their personal sense of what the “good life” is (Seligman 1998: 86).¹² As well, it finds expression in the business-oriented outlook of the World Bank that equates civil society with non-governmental organisations (NGOs) that can play a role in the better allocation and investment of international funds in developing countries (cf. The World Bank). It is the second outlook (the liberal view) of civil society that seems to have become prevalent in

¹² One example of groups promoting the communitarian conception in the United States is the Council on Civil Society which perceives the institutions of civil society, such as the family, the neighbourhood, religious and artistic institutions, and so on, as the “seedbeds of virtue,” something that, according to them, is needed in a democracy (Institute for American Values 1998).

Iran, and one needs to search for elective affinities between the ideal propositions of such an outlook and the present realities of Iran.

From my observations as a student living in Tehran the political climate of Iran before Khatami's election seemed to be ripe for a radical change. The right wing's ten-year (1987-1997) monopoly over virtually all state institutions, from the supreme leader down to the parliament, the cabinet, the judiciary system, the constitutional assembly, and so on, had alienated the left wing and the liberals, silenced dissent, threatened intellectuals, and imposed a life-style on youth and women that differed from what they wanted. Even inside the right wing not everyone felt at ease. A new faction of right wingers composed of the technocrats and bureaucrats close to Hashemi-Rafsanjani had come under pressure and scrutiny as they kept their distance from traditional right wing cultural, political, and especially economic policies. They tried to reconstruct the economy based on the principles of the free market which, in turn, promoted Western-style consumerism in large cities and brought the modern right harsh criticism from the traditional right wing whose power is still largely based in the traditional sections of the bazaar. Some aspects of life in Tehran symbolised how much the society had moved away from the traditional right-wing ideals. In the eight years of the technocratic administration of Hashemi-Rafsanjani (1989 to 1997), which started after the end of the war with Iraq and the death of Ayatollah Khomeini, Tehran was transformed from a war stricken, over-populated city covered in dust with poor slums on its southern margins into a lively and cosmopolitan city. Its streets were swept every morning, flowers and trees were planted everywhere, abandoned lands were transformed into parks, highways and highrises were built, and images of European and Japanese consumer products replaced

revolutionary slogans on large billboards. These changes were accompanied by high taxation and a rapid increase in living costs, and the mayor of Tehran was quoted as saying that those earning less than 600,000 rials per month (which was an upper-middle class salary at the time) should not live in Tehran.

The monopoly of the right wing over political power and the growing double standard in formal codes and actual lifestyles of the middle class created antagonisms and dissatisfactions. The liberal politicians, the intellectuals, the journalists, women and the youth in large cities seemed to demand greater civil freedoms that were not possible with the conservatives in power. In the political sphere and under the monopoly of the conservative right on power, the leftists, the populists from the 1979 Revolution, had been isolated from the political scene and the modern right wing had come under scrutiny and criticism. Shortly before the election in the spring of 1997, the only thing missing was a political figure with a platform that all of these groups could trust. Finally, the technocrats and the left wing announced that they had agreed on Khatami, a leftist and at that time head of the national library. He was a politically harmless, but cultured, figure whom many respected because of his moderate behaviour and attitudes. Khatami was a leftist, but his arrival announced the birth of a new faction of left wing in Iran, now called the modern left. This new faction seems to have departed from the policies of the traditional left in that, on the one hand, it demands radical changes in the balance of power between the state and the society and, on the other hand, it is more open to accepting the economic principles of the free market. Such characteristics would attract both the votes of middle-class youth and women and the financial support of the technocratic right wing. Khatami's platform, which was vaguely summarised in the call

for civil society, brought all of the frustrated political factions and the alienated voters together, and thereby functioned as a solution to an immediate political crisis. As a result of this coalition, during the presidential election and still today the leftists have put aside their positions about the primacy of social justice, the welfare state, redistribution of wealth, and their opposition to the open market policies of the Hashemi-Rafsanjani administration that had resulted in increasing rates of inflation and unemployment. They even agreed to leave the key economic position in the cabinet to the modern right. In return, technocrats accepted the nomination of the modern leftist Khatami and paid a large share of his campaign expenses.

In this ideological mess, the traditional right that had originally started its political career in opposition to the social justice policies of the leftist welfare state of the early 1980s, took up the call for social justice as its main campaign slogan. Instead of social justice, Khatami's platform for supporting and strengthening the institutions of civil society would ensure security of private property, political stability, the rule of law, electoral democracy, the containment of radical Hizbollah zealots, the publicity of political and economic decision making, recognition of the freedom of expression and assembly, and support for non-governmental (civil) organisations. He also sought a reconciliatory approach to the relations between Iran and the West which would replace hostility with dialogue and understanding. Such changes were demanded the most by technocrats, propertied classes, political factions, and domestic and foreign investors whose property rights were constantly threatened by the anti-capitalist sentiments of hard-line Islamic groups and the traditional, bazaar-based right wing. In this way the quest for freedom and liberties, a uniquely Western value, took the place of the quest for

social justice that is so cherished in Iran --not just since the 1979 Revolution and not just by the left wing, but rather throughout the entire history of the country. In this sense, the shift from justice to freedom marks both the end of the Revolution and a transformation in worldview. Unlike freedom or liberty, justice has always been a cherished value in Iran's history. It distinguishes the Shia denomination, which gained a majority rule in Iran alone among all Moslem countries, from the dominant Sunni denomination. There are three pillars of faith in which both sects believe: the singularity of God, the calling of the prophets, and the Judgement day. But the Shia followers are required also to believe in justice as a pillar of the Islamic faith, as a principle for the operation of the world, as the ultimate criterion for right and wrong, and as a goal for Moslem society. According to a distinctively Shia reading of Quran, God has promised justice to the "wretched of the Earth" (Qesas: 5) and, in the last phase of human history, He will send the two last saviours (Jesus and the twelfth Shia Imam, Mahdi) to realise this promise.¹³

This giving up of the ideal of social justice for the ideal of freedoms has close affinities with the class and status configuration of the political forces in Iran. The civil society movement has been introduced as a negation: it opposes the political oppression exerted on the "reading public" --that is, on the intellectuals, journalists, political opponents of the traditional right wing, and the urban middle class, especially women and youth-- by the dominant conservative clerics and the traditional right wing. But, through the discourse of civil society, these specific groups have managed to universalise their point of view, agenda, and demands for civil freedoms and political pluralism. This has

¹³ In a book on Islamic economic theory written during the Revolution and while explaining the status and importance of justice, Iranian clerical thinker Ayatollah Motahhari writes that it is not religion that is the criterion of just and unjust, but rather justice which is the criterion of what is religious from what is not religious (Motahhari 1983: Introduction).

come at the expense of sublimating and silencing the needs, agenda, and demands of those groups and classes that did not share, at least immediately, such agendas. In journals and newspapers it is only the reading public's need for freedom which is propagated in the name of the rights of the "nation," and not the need for a decent life.

From this perspective freedom and liberty and the whole discourse of civil society can be seen as ideological discourses. For ideologies do not merely exist in what is present in speech or texts but also in what is absent, and not just in what is said but also in what is not said. And in this case, talking about liberties and civil freedoms has become ideological in that it conceals and silences the need to talk about social justice. Since 1997 any publicised demand for social justice or economic reforms has been scandalised by the pro-civil society media as a plot by the right-wing conservatives against Khatami's platform for political reforms. In the reports of the liberal print media, economic facts, such as the unemployment rate of 30 percent, workers' strikes against months of delay in the payment of their wages, and the annual 40 percent inflation rate, have been non-existent. This is while a public poll by *Mosharekat* (participation) newspaper showed that the majority of respondents gave priority, not to political reforms, but to economic reforms to fight high prices and unemployment ("Economic Prosperity" in *Mosharekat*, February 13, 2000: 1).

Such power to sublimate people's needs largely depends on the power of the pro-reform media to create public hysteria and concern over whatever it chooses. This power has often been used in the interests of the classes sympathetic to the cause of freedom, that is, the student (as the in the impartial coverage of student riots of the July 1999), the intellectuals (as in the scandalising reports of the role of the intelligent service officer in

“chain-murders” of five intellectuals in the fall of 1998), and journalists (as when all pro-reform newspapers decided to go on a one-day strike in July of 1999 in support of a banned newspaper). At the same time, news of other kinds of violations sometimes goes unreported. For instance, news of workers strikes to demand the payment of their overdue wages is rarely published in the pro-civil society newspapers. These stories then make headlines in conservative newspapers such as *Keyhan* [the cosmos] that consider political reforms unnecessary and too costly.

By passing from revolution to freedom, which is facilitated by the civil society discourse, Iran is not only keeping its distance from some of the ideals of the 1979 Revolution, but also, at least theoretically, from the idea of revolution as such. In an internet poll by *The Iranian* magazine taken to select the Iranian man of the century, one of Khatami’s supporters cast an online vote for him and described him as “the first Iranian politician to realise that our next revolution needs to be an internal one: one in which we change the way we relate to each other and ourselves” (“Iranian of the Century,” in *The Iranian* website). For Khatami, this new “way of relating to each other” requires people to respect the rule of law and, instead of resorting to violence, to engage in rational and constructive dialogue with one another and with the government. Khatami’s vision of civil society has rationalised and justified the idea that a violent and sudden revolution is unnecessary. In fact, with the existence and formal recognition of freedoms and equalities, with the rule of law, and with the formal guarantee that legitimate demands of the people will be responded to within the framework of the law, revolution is deemed unnecessary. Furthermore, the depersonalisation and bureaucratisation of the nature of power, and the balanced distribution of power between

civil society and political institutions, reduce the chances of confrontation between the ruler(s) and the ruled that fuels revolutions in non-civil societies.

In this sense, the move toward civil society in Iran is a move toward a type of legal-rational authority that formally guarantees rights and freedom within the limits of the law. In this new approach, legal channels such as non-governmental institutions, the media, peaceful demonstrations, and elections are given to the people to put the state in touch with their demands. Although equal access to such channels is far from being ensured, at least the most powerful social force at present, i.e., the reading public that consists of the intellectuals, the journalists, the urban middle class, and the students, can find within this new arrangement a legal way to exert legitimate force on the government. The reading public is the least likely group to be inclined to such violent and risky acts as revolution. Instead, should equality for voting and standing for office be formally and legally guaranteed, they would prefer to make their voices heard via democratic processes such as voting, rather than through revolutions and violent street actions.

CONCLUSION

The origin and cross-cultural applicability of the idea of civil society have been subjects of continuous debates. Many support the idea that civil society emerged only in the Occident; that the cultural, economic, and political preconditions of it existed only in this part of the world (Perez-Diaz 1995: 81; Seligman 1992 and 1998); and that any attempt to create it in other parts of the world is mere imitation (Hall 1998: 71). As discussed in the first and second chapters of this thesis, it seems that there has been a continuity in the development of this idea in the West. Yet, it seems that today the discourse of civil society has become the universal language of hope, progress, tolerance, and pluralism in the non-Western world, such as in Latin America, Africa, Iran, China, and in Eastern Europe. This has led to polemics over whether this idea can be/come cross-culturally applicable.

Arguments in favour of the universal applicability of the idea of civil society come from different and even antagonistic sources. On the one end, Habermas (1983: 10) maintains that "the unconstrained, unifying, consensus-bringing force of argumentative speech" is a central experience inherent in human social life. Thus a model of civil society based on the rule of reason and communicative rationality should be universally applicable. On the other end, the World Bank, the IMF, and other international donors and creditors are trying to universally extend the role of civil society, a notion which they usually reduce to NGOs, in developmental projects (see Stiles 1998 and The World Bank). Based on such premises, arguments in favour of the universal applicability and universal characteristics of the idea of civil society can go on endlessly.

In this thesis I focused only on one universal aspect of civil society: that it has always been particular. In its discursive formation and in its practical emergence, the dream of civil society has projected as *universal* what can in fact be considered as particular dreams, ideals, projects, and interests of a specific group of people. Civil society has also projected as *ideal* what has in fact been rooted in a specific historical reality in a specific moment and in a specific place.

Aristotle sets the precedence for both universalisation of the particular and idealisation of the real. In his depiction of the *polis* as *the* locus of the ideal form of life (political life), in his distinction of the household from the *polis*, and in his theoretical exclusion of women, slaves, and hand-labourers from citizenship rights or interference in the affairs of the *polis*, Aristotle rationalised and idealised the realities of the social division of labour in the Greek society. In this reality the household as the centre of procreation and economic production under the despotic law of the father and the *polis* as the centre of free political life for male heads of the household were sharply distinguished (Arendt 1958: 26-27).

This aspect of Aristotle's idealisation of the real resurfaces in the Scottish Enlightenment philosophy and in Hegel's philosophy. For instance, a distinction is made by Hegel between those functions that respond to natural and immediate needs and those that satisfy secondary and thereby civil needs. Based on this distinction the society is seen to be comprised of two sets of associations: those that are dedicated to the satisfaction of universal and/or primary needs such as the family, agricultural communities, and the state and those that specialise in the satisfaction of secondary needs such as business associations in towns. It is these latter types of association that form the

basis of civil society (Hegel 1952: 154). Much of his chapter on “civil society” in the *Philosophy of Right* is a description of the realities of Hegel’s society at that time: the distinction of business corporations from both household and state (unlike in Aristotle’s Greece), the role of corporations as a second family in educating individuals, and the growth of towns as centres of industrial production and the locus of civil society composed of the middle class.

A second aspect of Aristotle’s idealisation of the real and universalisation of the particular is re-introduced to the modern discourses of civil society through Kant. Aristotle defines human as a *zoon logon ekhon* (a living being capable of speech). According to him, the capacity for speech is possessed by all humans but it is only in the *polis* that a form of life prevails in which speech and only speech makes sense: “to be political, or to live in *polis*, meant that everything was decided through words and persuasion and not through force and violence” (Arendt 1958: 26). While the subjection of the process of political decision making to free speech and persuasion limited the despotic power of rulers over the citizens, it nonetheless resulted in the exclusion of those whose primary task was considered to be the preservation of life and the satisfaction of natural necessities and needs, not speech and persuasion of others in the political sphere. This includes women whose primary function was procreation and slaves and manual workers who satisfied natural and immediate needs of citizens but were all excluded from citizenship in the *polis*.

As discussed in the first chapter, Aristotle’s proclamation that to be human is to be *zoon logon ekhon* (a living being capable of speech) was mistranslated into Latin as to be human is to be an *animal rationale*. But what might have originally been a

mistranslation seems to have become a genuine part of Kant's philosophy. He brings speech and reason together to proclaim that nature has endowed humans with reason and that for the perfection of their lives they have to engage in public, rational and critical discourse (Kant 1997). "With Kant, the modern age is inaugurated," says Habermas (1987: 260), that is, if we consider modernity as a trend of rationalisation and of separation of faith and reason. With Kant civil society is also inaugurated, if by civil society we mean a society that is capable of organising itself according to rational principles and by means of rational communication. In Habermas' work the inter-subjective exchange of reason, based on the principles of unconstrained rational communication in the public sphere, becomes the normative goal of the trend of enlightenment and rationalisation and the basis of the perfection of democratic procedures. For this to be achieved, participants of a democratic procedure have to communicate in an atmosphere where ideally relations between them are equal, every interested party is included, everyone's right to autonomously criticise validity claims is acknowledged, participants make efforts to empathise with each other's validity claims, and everyone may openly discuss their intentions and goals (1990: 65-6; 1993: 31).

No matter how idealistic Habermas' "ideal speech situation" may be, as described above it is still grounded in historical reality. He finds the origins of the principles of unconstrained rational communication in the bourgeois public sphere where presenting one's subjectivity in front of an audience, and critique not the persuasion of power, were valued (Habermas 1989: 35 and 68). He accepts these principles as the rules of the game through which we can preserve our existing democratic procedures and lead them to perfection.

It was Freud's (1899) insight that dreams reflect waking experience. Through a not-so-remote analogy one can apply this theory to much of the history of discourse on civil society. Each of the above thinkers projects a dream of civil society, a dream that nonetheless reflects the reality and is rooted in real history. Before today's disillusionment in the wake of the realities of Eastern Europe, where high hopes in civil society declined as it was reduced to a marketist ideology (Hall 1998: 53), in most of the literature on "civil society" what is real has been projected as ideal, what has a historical precedence in the reality of social relations has been presented as a-historical, and what is particular has been regarded as universally valid. Many thinkers projected the existing social order of their society as universal and ideal, such as in Aristotle. Others took what was real or historical as their starting point and tried to ideally lead it to perfection, as in Hegel, Kant, and Habermas. And this is with few exceptions such as Marx who resisted the ideological universalisation and idealisation of the bourgeois civil society of his time.

Perhaps it is from here that the idea of civil society and the idea of radical political revolutions become opposites, because if we idealise or universalise the existing social relations, as Aristotle did, or if we start from the existing social order and criticise it from within by using its own rules of the game, as Habermas invites us to do, or if we appeal to self-limitation, that is, to the construction from below of an autonomous civil society (Cohen and Arato 1992: 32), then we have already moved far from the idea of revolution. Or perhaps, the idea and practice of civil society has changed our perception of revolution so that we might consider the enlightening release of individuals from immaturity/tutelage or the movement toward the creation of an ideal speech situation as "revolutions."

Toward Universal Formal Freedoms

Civil society is particularistic not only as a discourse but in practice too. In the institutional development of civil society in eighteenth-century Western Europe and in contemporary Iran, the experiences of human subjects are inscribed into or find expression in the symbolic formation of civil society as a dream, a political agenda, an ideal, a discourse, or a counter-discourse. Here both macro-level changes, such as the emergence of government bureaucracies, and micro-level changes in the everyday experiences of individuals, such as political alliances, enmities, loyalties, breakaways, and even modes of rhetoric, are taken into account.

The eighteenth century bourgeois public sphere was composed of the Republic of Letters where communication was based on the principles of unconstrained rational-critical discussions in the intimate sphere of the family and in the literary and political public spheres. While the notions of rational discussion, publicity, equality, and legality were posited as “universal” ideals, the lived experience of those who constituted these spheres was imbedded in the way each of those notions was defined. For instance, the notion of “publicity” was already lived and experienced in the bourgeois family, in salons, in journals, diaries, and letters where the subjectivity of the individual, and not just habitual or learned manners, was revealed in front of an audience. The notion of the “rights of the citizen” was also associated with the division of gender roles within the literary and the political public spheres and with the division of economic roles in the society: women who only participated in the literary public sphere and wage labourers who fell entirely outside of the reading public were not given equal chance in the

practical use of formal freedoms and rights in the political public sphere. Gender and economic inequalities then were translated into political inequalities.

In Iran the development of a new civil society is accompanied with the growth of a reading public whose members have developed a sense of belonging and solidarity around the liberal press. The core of this reading public consists of a group of intellectuals, technocratic elite, and liberal politicians who were, until recently, excluded from political positions but had money and charisma to win the popular vote and to universalise their own agenda. Added to them were journalists, and middle class youth and women who were recruited under the banner of political and civil freedoms. The needs and demands of these sectors of society have been given expression in the discursive and institutional development of civil society.

As a specific case of concrete transformations that preconditioned the practical and discursive emergence of civil society, I discussed the creation of a commodified system of exchange of art and culture that can be bought and sold by paying for tickets, journals, books, and for university education. This allows for the private appropriation of culture by means of capital and for the entwinement of culture and capital in the formation of a "New Class" of intellectuals and intelligentsia who are economically and culturally differentiated from other classes (Gouldner 1979: 25). In Western Europe, this transformed the split between high culture and low culture in favour of the emergence of the bourgeois reading public sphere in the literary and political realms (Habermas 1992: 264).

The effects of such transformations are even more evident in Iran where this transformation was preceded by a literacy campaign that started before the 1979

Revolution and was intensified after the revolution. With the gradual freedom of the press since Hashemi-Rafsanjani's administration, a large section of the educated urban population, especially youth and students, were organised around the liberal print media. Both the liberal and the conservative press produce commodities that are produced and exchanged. However, they bring with them two different kinds of organisations of social relations. The conservative press is tied into a populist reading of political participation in which the masses are expected to follow charismatic leaders and their religiously sanctioned decrees. The liberal press, on the other hand, bring with them a new social organisation: one in which members of the urban, educated middle class ideally relate to each other and to their leaders as equals and all of them together advance the demands of the reading public. The print media then organise the social relations of those who produce them and those who read them (the intellectuals, liberal politicians, professional journalists, and the middle class), and the relations of both of these with the state and with the rest of the society outside of the reading public.

We can endlessly search for whether the "idea" of civil society, as an organised system of meaning expressed in a worldview, is universally applicable in the context of other symbolic systems of meaning such as Islam, Hinduism, or Hispanic culture. But the case of Iran shows that, even in the context of a system of meaning which is as distinct from modern Western worldviews as Islam seems to be, civil society might still overcome the barriers of worldview. This might be the case if civil society can find any affinities with the interests of the politically most powerful classes who are inclined to search for legal fixity, formal freedoms, and civil and political rights, or with the interests of those groups who have the motivation and resources to be politically active in a

democratic procedures, such as the overtly politicised but subtly repressed intellectuals of Iran, and if, *à la* de Tocqueville, economic inequality is not a great concern of any of the politically most influential groups and classes. Then the Western idea of civil society might have a chance of being appropriated, rationalised, and idealised by these classes who are less inclined to revolution and to social justice than they are to order, legal rights, gradual reforms, and formal freedoms.

The study of early modern Western Europe and contemporary Iran shows that “civil society” can sometimes function as a critical discourse that protests against unequal or unjust power relations. By imagining, desiring, and demanding a goal or ideal that is not attainable in a society, such as freedom, political equality, or autonomous individualism, the dream of civil society already problematises the existing reality and posits it as undesirable, imperfect, and in need of change. Yet, it is likely that this critical discourse itself becomes an ideology or a doctrine. This is not because its imagined goals are falsely posited as “desirable ideals,” but rather because the realisation of those ideals might come in the expense of overshadowing or ruling out other ideals. This is illustrated in my two case studies where the ideal of universal social justice is rendered unnecessary, unessential, and even obstructive by those who strive for freedom, equality, and justice in the political realm.

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