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Civil society

Neil McArthur

The term “civil society” has a different meaning to a modern reader than it did to readers of the eighteenth century. Modern philosophers define civil society as that sector of society, distinct from government and business, that is composed of those institutions generated by voluntary connections between citizens made with common goals in mind. Its elements include charities, religious organizations, labor unions and similar groups. In the eighteenth century, the phrase “civil society” was used to describe the totality of modern “civilized” society – government and business included – as distinct from the “natural” society of earlier times and of (what were perceived to be) more primitive contemporary cultures. The term “civil society” is rooted in two Latin terms: *civitas*, or state, and *societas*, association. To an eighteenth-century reader it connoted that form of collective life that is defined or ruled by the state. Locke titles one of the chapters of his *Treatises on Government* “Of Political or Civil Society,” an equation that people at the time took for granted. The term thus carried no suggestion of its modern meaning. Indeed, Jean Bodin, writing at the beginning of the seventeenth century, explicitly denies that the third sector plays any role in defining civil society. “Public affairs [*res publica*],” he says, “is the same as civil society [*societas civilis*] which can stand by itself without guilds and corporations ... ” (Bodin 1601: 511–12).

It was during the early nineteenth century that the philosopher G. W. F. Hegel popularized the term in something close to its modern sense – and indeed he is often given credit for first elaborating, within the context of political philosophy, the nature and importance of this distinctive third sector. We should not, however, conclude that any discussion of civil society in the modern sense would be anachronistic or inappropriate within the context of eighteenth-century philosophy. In fact, several Enlightenment philosophers recognized and discussed the role of intermediate organizations in accomplishing social goals, in giving the people a voice, and in providing a basis for resisting tyrannical or oppressive governments. And Jürgen Habermas has identified the eighteenth century as crucial to the emergence of the “public sphere” in which civil society operates. I thus propose to examine eighteenth-century discussions of civil society in both the modern and Enlightenment meanings of this phrase. To distinguish between the two, I will capitalize the term “Civil Society” when it is being used in the modern sense, as designating the third sector. This will provide an artificial but minimally intrusive means of avoiding any confusion between my two uses of the phrase.

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Civil society as civilized society

During the summer of 1749, Jean-Jacques Rousseau took a walk to visit his friend Denis Diderot, who was then imprisoned in a chateau in Paris (the Bastille being full) for having written skeptically of the Christian religion. He picked up a newspaper on the way, and, stopping under a tree to read it, saw the notice for an essay competition proposed by the Academy of Dijon, on the topic: Has the progress of the sciences and arts tended to purify morals? Rousseau claims to have had a sudden realization that not only had they not done so, but that modern society itself had corrupted the purity of our nature. "At the moment of that reading," he says, "I saw another universe and I became another man" (Rousseau 1798: OC I, 351; 294).

At the outset of the eighteenth century, the most widely accepted view of civil society was one derived from Aristotle and Cicero. Aristotle's writings on politics remained considerably more influential during the Enlightenment than his works on natural science, and he argues in his *Politics* that human beings are naturally social creatures who form civil associations inevitably and spontaneously, as an expression of this sociable nature (Aristotle 1984: bk. 1, ch. 2, 1252b28–1253a7). This view implies that there can be no pre-social "state of nature" since humans are always to be found in some sort of civil society, with some form of government an inevitable part of this arrangement. Cicero and the Stoic writers adopted this basic position, placing it within a framework of natural law. Cicero says that nature, acting through our innate faculty of reason, "prompts men to meet in companies, to form public assemblies and to take part in them themselves" (Cicero 1913: 1.12, 15). This view of civil society, as rooted in and expressing our universal human nature, was in turn taken over in the middle ages by thinkers such as St. Thomas Aquinas and in the seventeenth century by figures such as Hugo Grotius and Samuel Pufendorf.

This view of civil society was challenged by Thomas Hobbes. Hobbes, who provides the fullest explication of his views in his 1651 book *Leviathan*, argues that humans are naturally asocial and self-serving, and that a state of nature, prior to the establishment of civil society, is only too imaginable. It is a state of constant war, and our innate antisocial instincts make a return to such a state a perpetual possibility. Civil society is an invention, and a somewhat tenuous one, necessary to govern our inextinguishably violent and selfish passions. Early in the eighteenth century Bernard Mandeville provided his own version of the Hobbesian account of human nature and civil society, one that came to surpass *Leviathan* in its notoriety.

Mandeville

Mandeville published his book *The Fable of the Bees* in 1714. It was written as a gloss on a short satirical poem he had published several years earlier, in 1705: "The Grumbling Hive: or, Knaves Turn'd Honest." The poem depicts "A Spacious Hive well stockt with Bees, / That liv'd in Luxury and Ease" (Mandeville 1714: I, 17). Mandeville's bees are amoral and, by any contemporary definition of virtue, corrupt. They unabashedly pursue self-gratification, and do not scruple to use deceit and other immoral means to achieve their ends. In all of this, they are transparent representations of human beings. Mandeville takes a cynical view of human nature,

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denying that people possess any innate moral instincts. “It is impossible,” he says, “that Man, mere fallen Man, should act with any other View but to please himself” (ibid.: I, 348). Even apparently altruistic acts such as saving a baby from a fire are done with a view to gratifying our desire for admiration.

For Mandeville, civil society is a blessing, and, indeed, a necessity. Its mechanisms of coercion and deception make prosperity, and, ultimately, survival, possible. People can cooperate only under the “dexterous Management” of skillful politicians, who control and harness their selfish and turbulent passions. In this he agrees with Hobbes. Despite his many affinities with his predecessor, however, there is a fundamental difference between the two men’s views. Mandeville denies that people are sufficiently rational—even in their pursuit of self-interest—to ever have formed civil society through a deliberate act of contracting. For creatures like us, there is nothing simple or inevitable about forming societies; we are too selfish and capricious even for this. Civil society evolves only with “great Difficulty, and the Concurrence of many favorable Accidents,” and only over the course of “many generations” (ibid.: II, 200).

The process begins with people coming together to form families, then “Bands and Companies,” in order to gratify their wants and provide them with safety. Leaders emerge who see the advantage of cooperative behavior. To turn “savage” men and women in the direction of such pursuits, which requires “crossing [their] Appetites and subduing [their] dearest Inclinations,” these leaders develop mechanisms for discipline and coordination (ibid.: I, 51). It is these that “civilize Men, and establish them into a Body Politick” (ibid.: I, 208). The politicians’ primary tool is morality. Mandeville insists that the very notions of good and evil are creations of civil society, developed by the politicians to regulate citizens. On their own, however, moral precepts are insufficient to govern behavior, and must be supplemented by laws. Mandeville uses the institution of marriage as an example of how legislators guide men’s passions in useful directions. Marriage provides an outlet for sexual desire that avoids the “innumerable Mischiefs that would ensue” if we simply left sexual relations to the “caprice” and “unruly fancy” of individuals (Mandeville 1732: 29).

Mandeville, like Hobbes and Spinoza, became one of the era’s intellectual demons, with whom people tried to associate their opponents in order to discredit them. But his positive influence was considerable, even if almost never acknowledged. Most relevantly for our purposes, his evolutionary account of the state’s development appealed to those who found the contract account of its founding implausible, and as we shall see a number of philosophers later in the century worked to give this account greater depth.

Shaftesbury

In the shorter term, the egoism of Hobbes and Mandeville created a counter-reaction among philosophers, who refined and expanded upon the Aristotelian position that people were naturally sociable and that civil society results from and reflects this sociability. Anthony Cooper, the Third Earl of Shaftesbury, took up the defense of our innate sociability. He attacks all the “narrow-minded Philosophers” who seek to conquer “*Nature* in themselves” by reducing all motives to selfishness. For Shaftesbury, even that most basic selfish instinct, self-preservation (the desire for which, for

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Hobbes, provides the foundation for the social contract), should actually be seen as a desire to preserve humankind itself. Writing before Mandeville's work was published, Shaftesbury takes Hobbes as his main target, although he also criticizes Locke and the natural lawyers for adopting a doctrine that Shaftesbury finds to be unacceptably Hobbesean (Rand 1900: 404). For Shaftesbury as for Aristotle, our innate sociability produces civil society naturally and inevitably. "How the Wit of Man," he says, "shou'd so puzzle this Cause [i.e. of civil society – NM], as to make Civil Government and Society appear a kind of Invention, and Creature of Art, I know not" (Shaftesbury 1711: I, 111 [III §2]). He insists: "That it was [human beings – NM] natural state to live thus separately, can never without Absurdity be allowed" (ibid.: II, 230, "The Moralists" [IV §2]).

Though Shaftesbury thinks civil society is an inevitable product of our nature, he does not conclude that all societies are equally good. Some, he says, promote "unnatural affections" that turn people against one another. Such affections tend to be "peculiar to the more savage nations" (Shaftesbury 1711: 166 [II §3]). He promotes the ideal of a modern, polite, and free society as that which best fosters our innate sociability. He celebrates the "justness of Thought and Style, Refinement in Manners, good Breeding, and Politeness of every kind" which he thinks characterizes the best of modern societies, and offers guidance to individuals in achieving the status of a polite, refined citizen (ibid.: 10). He worries equally, however, about the excessive refinement of many modern societies, and in particular the debauched, frivolous sociability of the court. His ideal of politeness is aimed at achieving a balance that avoids both modern corruption and primitive barbarism.

Hutcheson

Shaftesbury was an engaging and often inspired writer, but he did not finalize his thoughts in a systematic treatise. Francis Hutcheson took on the task of expressing his basic insights with greater philosophical rigor. Hutcheson made his most influential contribution to philosophy by taking up Shaftesbury's suggestions about an innate sense of right and wrong present in all human beings, and developing from these comments a theory of the "moral sense." He also developed Shaftesbury's views on civil society. Like Shaftesbury, Hutcheson insists that a pre-moral, pre-social state of nature is inconceivable. Hutcheson believes that people are innately suited for society as a result of "their curiosity, communicativeness, desire of action, their sense of honour, their compassion, benevolence, gaiety and the moral faculty," all of which "could have little or no exercise in solitude" (Hutcheson 1755: I, 34).

Though Hutcheson acknowledges that "self-love" often motivates us to act viciously, and that coercive restraint is thus a necessary feature of modern civil society, he says that "'tis highly probable" that it was "not only the dread of injuries" but also our natural esteem for those wise and virtuous few who can best coordinate our activities, that "engaged men at first to form civil societies." Hutcheson understands civil society as constituted by a formal political structure, and its appearance is coincident with the emergence of such a structure. (Except when he is talking about individuals, he invariably pairs the adjective "civil" with nouns such as "law," "government" and "polity.") Whatever the historical facts, people in modern civil society

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certainly look to government not only to protect them but also to help direct their actions. He says that when government is in the hands of men of “superior sagacity” it becomes “capable of contriving and inventing many things of consequence to the common utility of multitudes, and of pointing out more effectual methods for each one to promote his own interest.” He insists that under the direction of these wise men “all may obtain every sort of prosperity” (Hutcheson 1742/1747: 236). Hutcheson’s vision of civil society goes beyond the civilizing and polishing of Shaftesbury’s polite culture. He sees it instead as a system of mutual cooperation within which all may obtain benefits and prosperity – a necessary tool for achieving the greatest happiness for the greatest number (a formulation he helped popularize). Civil society, under the right direction, becomes a means to assist each individual to achieve his or her own fulfillment. For Hutcheson, the right direction meant that provided by a mixed government. Because we can never be sure that our leaders are the ones best suited to the task, we must balance their power to ensure multiple voices are heard.

Hume

When David Hume published his *Treatise of Human Nature*, he sent a copy to Hutcheson and sought the older man’s approval. Hutcheson kept his distance from Hume, however, and scholars have speculated as to why. One hypothesis is that he may have found the younger man’s work too Hobbesian for his taste. Hume rejects Hobbes’ (and Mandeville’s) view of human nature, which holds humans to be entirely self-interested. Contrary to this, Hume readily acknowledges genuine altruistic actions and motives, which he sees as rooted in what he calls “sympathy” – an instinctive, innate reaction to the pleasures and pains that we observe appear to be felt by others. However, we can see why someone might see an affinity between Hobbes and Hume. Hume thinks sympathy on its own is partial and unreliable, and thus our innate “natural virtues” could never, unaided by other mechanisms, be sufficient on their own to form the basis for a stable and durable scheme of social cooperation. Any such scheme requires what Hume calls the “artificial virtues,” such as justice, which are rooted in self-interest and, as instantiated in a system of laws, supported by negative sanctions. Because it is the product of these artificial virtues, we may fairly say that Hume considers civil society itself to be in some sense artificial.

As Hume tried to explain to Hutcheson, he does not mean to suggest that the “artificial” virtues are arbitrary or deceptive, as Mandeville thinks they are – and as Hutcheson may have understood Hume to be arguing. They are natural in the sense that they respond to perpetual and universal human needs – although their contents vary to some degree, according to the peculiar circumstances of individual societies. They are not, however, spontaneous products of any innate moral sense, and Hume does agree with Mandeville in adopting an evolutionary approach to the origins of civil society. Government, he says, “must be esteemed in a manner accidental, and the effect of many ages” (Hume 1739–40: 3.2.2; SBN 492). He says that the “chieftains” who act as the first magistrates likely often acquired their authority not by the choice of the people but “during the continuance of war.” When a ruler establishes himself in order to take command of the society’s military, he naturally assumes control of the civil power as well, and “the sensible utility” of his exertions of authority has the

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effect, over time, of producing “an habitual, and, if you please to call it so, a voluntary ... acquiescence in the people” to his continued rule (Hume 1748: 2.12.5). Once civil government is thus established and operates successfully through time, Hume thinks people’s habitual obedience is re-enforced by our moral sentiments, which cause us to see acts of disobedience as “highly prejudicial to public interest” and therefore genuinely immoral (Hume 1739/1740: 3.2.8.7; SBN 545). It is further supported by education and by the “regard to birth, rank and station” that enhances the prestige of the magistrate, as well as by partisanship or outright indifference of the people (Hume 1777: 1.5.5). Hume sides with Hobbes against Mandeville in one respect: he thinks that people are capable of understanding the utility of civil society and its rules, and thus they do not need to be deceived by conniving politicians. The establishment of civil society is a consensual process, even if normally no explicit act of consenting takes place.

While Hume adopts Mandeville’s basic approach to the foundation of civil society, as the result of a gradual evolution, he develops this idea with much greater depth and sophistication than does his predecessor. Hume distinguishes between “barbarous” and “civilized” societies (see Sebastiani, Chapter 24 in this volume), a distinction he bases in an analysis of different forms of law and government as well as different stages of economic development. Civilized societies are open and commercial ones, and they depend for their operation on a reliable and equitable system of laws. Hume thinks that civilized societies do not just bring greater material prosperity to their inhabitants than do barbarous ones. He believes civil society rightly ordered can actually develop people’s moral propensities and lead to a society that is more genuinely virtuous. There is, he says, an “indissoluble chain” linking social development to the virtue of “humanity.” Defending modern “refinement,” he says: “as much as an industrious tradesman is both a better man and a better citizen than one of those idle retainers, who formerly depended on the great families; so much is the life of a modern nobleman more laudable than that of an ancient baron” (Hume 1754–61: III, 76).

This sort of social development is a long and uncertain process. Hume is keenly interested in the factors that determine what he calls “the rise and progress of the arts and sciences.” He became known during his own time as an historian, thanks to his monumental and best-selling *History of England*. But the *History* is heavily influenced by his philosophical concerns. The book does not quite trace the nation back to the state of nature, starting instead with Caesar’s invasion, at which point the Britons “had already ... made the first and most requisite step toward a civil settlement” (ibid.: I, 4). Nevertheless, this was an age of primitive barbarism not all that distant from the natural state, and over the following six volumes, Hume traces the long and unsteady process by which Britain established a lasting civil society and progressed to become a “civilized” nation. He does not, either in the *History* or in his other writings, offer any grand theory to explain how this happens. Instead, he insists that the process depends on good fortune and the appearance of talented individuals. As Hume was writing his *History*, however, just such a grand theory was emerging simultaneously in both Scotland and France.

The four-stages theory

During the 1750s the French writer Turgot and Hume’s friend Adam Smith, both working independently, took up the question of how civil society develops from a

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state of primitive barbarism to one of modern civilization, and they both developed a unifying theory to help explain how it happened (see Turgot 1750: I). This theory, which may have originated in the work of Henry Home, Lord Kames, was ultimately adopted by a number of other “philosophical historians” – among them Helvétius and Goguet in France, and Adam Ferguson and John Millar in Scotland. Historians refer to it, for obvious reasons, as the “four-stages theory.” It holds that civil society develops through four successive stages: hunting, pastoral, agricultural and commercial. The four-stages theorists were indebted to Montesquieu, who pioneered the comparative study of society. However, he attributes differences in national character to differences in climate, and this provides for a static model of social diversity (see Sebastiani, Chapter 24 in this volume). The four-stages theorists sought a more dynamic principle of explanation, one that could account for historical as well as geographical differences.

The four-stages theory has sometimes been seen as a precursor to Marxist materialism. However, none of the “four stage” thinkers argue, just as Hume does not argue, that the determinants of historical change are exclusively material. Instead, the theory represents an attempt to account for the complex interactions between the processes of political, legal, social and material factors that determine the development of civil society – or its failure to develop. Like Hume, the four-stages theorists accept Mandeville’s premise that civil society emerges gradually and accidentally. They consider it the result of numerous individual decisions and actions, nearly all of them made with only short-term goals in mind. As Ferguson says:

Mankind in following the present state of their minds, in striving to remove inconveniences, or to gain apparent and contiguous advantages, arrive at ends which even their imagination cannot anticipate ... Every step and every movement of the multitude, even in what are called enlightened ages, are made with equal blindness to the future, nations stumble upon establishments, which are indeed the result of human action but not the execution of human design.

(Ferguson 1767: 119)

From the perspective of Marxists and other later social theorists, this leaves an obvious weakness in the theory: it seems to lack any compelling account of the causal mechanisms that drive the transition between stages. However, this can just as easily appear to a modern reader as one of its great virtues. It calls on social scientists to study each society in all its particularity and pay careful attention to the unique circumstances surrounding its historical development.

The four-stages theory had a tremendous impact in America whose white residents thought they saw it confirmed all around them. Locke had commented that “in the beginning, all the world was America,” and Thomas Jefferson argues (in a letter from 1824) that one could actually see the progress of human society through the four stages as one moved across the American territory:

Let a philosophic observer commence a journey from the savages of the Rocky Mountains, eastward towards our sea-coast. These he would observe in the earliest stage of association living under no law but that of nature,

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subsisting and covering themselves with the flesh and skins of wild beasts. He would next find those on our frontiers in the pastoral state, raising domestic animals to supply the defects of hunting. Then succeed our own semi-barbarous citizens, the pioneers of the advance of civilization, and so in his progress he would reach the gradual shades of improving man until he would reach his, as yet, most improved state in our seaport towns. This is equivalent to a survey, in time, of the progress of man from the infancy of creation of the present day.

(Jefferson 1984: 1496–97)

It is not difficult to see how such thinking could provide the Americans with a ready justification for their displacement of the continent's aboriginal people. Indeed, armed with the theory, the American leaders could, and did, often see their motives as humanitarian: by forcing the natives into permanent settlements, they were doing no more than aiding their progress to the next stage of society. (For the use of the four-stages theory in early America, see McCoy 1996:13–47; see also Schabas, Chapter 30, and Sebastiani, Chapter 24, in this volume.)

Concerns

Theories of progressive social development, whether based on the four-stages principle or some other, do not preclude doubts about the current state of civil society. Jefferson loathed what he saw as the corrupt commercialism of Britain and, increasingly, of the states of New England, and he hoped to freeze America's economic progress at the agricultural stage. The restrictive tariffs on manufacturing that he instituted while president had this end in mind (see Wood 2009: 735ff.). Jefferson was influenced by the classical republican idealization of the small yeoman farmer as the bastion of public virtue, immune to the corruptions of commerce or the court, a sentiment that the British radical Richard Price expressed in a letter to an American friend shortly after the revolution. Price told his friend, "your greatest happiness consists in avoiding luxury, in simple manners, and that best kind of opulence and independence which arise from the plenty produced by agriculture, from finding your resources within yourselves, and a well-guarded internal liberty" (Price 1993–94: III, 119).

Adam Ferguson's *Essay on the History of Civil Society* develops these republican-inspired doubts about the progress from the agricultural to the commercial stage, a process that Hume had viewed with unqualified optimism. Hume encouraged Ferguson to write his *Essay* and helped find it a publisher. He was, however, bitterly disappointed by its final form – "I shoud," he said, "concur in any Method to prevent or retard the Publication" – and Ferguson's attacks on modern commercial society are arguably the most likely reason (Hume 1932: II, 12). Ferguson adopts an argument frequently made by writers in the civic republican tradition: that modern commercial societies were militarily weak because material comfort made people less willing to sacrifice themselves for the state. But more originally, he observes that an essential feature of commercial societies, the division of labor, has an inherent tendency to impede human fulfillment. While acknowledging that the division of labor is essential to social progress, he laments that Britain had become a "company of manufacturers,

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where each is confined to a particular branch, and sunk into the habits and peculiarities of his trade.” He says: “We furnish good work; but educate men, gross, sordid, void of sentiment and manners” (Ferguson 1756: 12). This stunting of people’s mental development was not merely a failing of the commercial system. It was in fact an essential component of it. “Many mechanical arts,” he says, “... require no capacity; they succeed best under a total suppression of sentiment and reason ... Manufactures prosper most where the mind is least consulted, and where the workshop may ... be considered as an engine, the parts of which are men” (Ferguson 1767: 174).

Marx later acknowledged Ferguson as the first to identify the concept of alienation. In point of fact, his originality here was (and is) disputed. Ferguson was first to print, in 1767, but Smith had already, in his university lectures during the previous decade, discussed the idea that the division of labor can have negative consequences for individual well-being. In *The Wealth of Nations*, which appeared in 1776, Smith expresses the concern that “the man whose whole life is spent in performing a few simple operations, of which the effects too are, perhaps, always the same, or very nearly the same, has no occasion to exert his understanding” (Smith 1776: II, 782). He says that as a result of the division of labor “all the nobler parts of the human character may be, in a great measure, obliterated and extinguished in the great body of the people” (ibid.: II, 783–84). He proposed a system of public education, modeled on Scotland’s parish school system, to address this problem by giving people the capacity to think beyond the demands of their own narrow occupation.

The two men likely developed their ideas independently, during the 1750s, and it is probably not accidental that this was the period when Rousseau’s work began to appear. They did not go so far as he did, however. While Ferguson is ambivalent about our progress from smaller, simpler societies, he nevertheless insists that “the state of society” itself is “a state to be valued from its effect in preserving the species, in ripening their talents, and exciting their virtues” (Ferguson 1767: 60). And Smith certainly concurs. Rousseau was the first major philosopher to go so far as to condemn civil society outright, and to argue that people were actually better off in the state of nature.

Rousseau

Rousseau’s contribution to the Dijon Academy’s competition, published as *Discours sur les sciences et les arts* (*A Discourse on the Sciences and the Arts*), won the Academy’s prize – and made the author famous. It was not a direct intervention in the debate about the nature of civil society. Rather, it addressed the so-called “quarrel between the ancients and the moderns,” which is to say the ongoing debate between those who believed that the moral virtues of the inhabitants of ancient Greece and Rome were superior to those possessed by modern Europeans, and those who believed the opposite. Rousseau argued that the more austere existence of the ancient republics, at least at the zenith of these republics, was indeed more virtuous and less corrupting than the luxurious lifestyle of his contemporaries. But his reflections on this question led him to consider the impact on human morality of civil society itself, and to adopt what he calls the “great principle” underlying all his works: that “nature made man happy and good but society depraves him and makes him miserable” (Rousseau 1780/1782: OC I, 934; 213).

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In the debate over the virtuousness of the ancient republics, Rousseau had numerous predecessors. (The archbishop Fénelon was the one whose writings Rousseau himself cherished most.) But, as I have said, his condemnation of civil society itself was new and, when Rousseau fully developed it in his *Discours sur l'origine et les fondements de l'inégalité* (*Discourse on the Origins of Inequality*, his second *Discourse*), startling to his contemporaries. Rousseau credits himself as the first to discover the true “natural man,” who lives in an asocial and amoral state of pure happiness. “The philosophers who have examined the foundations of society,” he says:

have all felt the necessity of going back to the state of nature, but none of them has reached it. ... Finally, all of them, continually speaking of need, greed, oppressions, desires, and pride, transferred to the state of Nature ideas they had taken from society: they spoke of Savage Man and depicted Civil man.
(Rousseau 1755: OC III, 132; 132)

Humans in the state of nature are largely solitary, and in their solitude lead peaceful, happy lives. Even as Rousseau denies that the state of nature is a Hobbesian war of all against all, he equally rejects the Aristotelian notion that humans are innately sociable. They do possess the passion of pity, which is “a natural repugnance to seeing any sentient Being, and especially any being like ourselves, perish or suffer” (ibid.: OC III, 125; 127). This is not on its own sufficient to lead to the origin of civil society, however. Society also results from the growth of what Rousseau calls “unnatural desires.” By uniting together and acquiring permanent settlements, humans allowed their needs to grow beyond those (food, sleep, sex) that could be immediately satisfied. Soon they came to want the sorts of comforts that can only come through cooperating with others. Rousseau says that the true fall of humanity comes at “the moment one man needed the help of another” (ibid.: OC III, 171; 167). Agriculture and metallurgy are developed, and a division of labor emerges. “As soon as men were needed to smelt and forge iron,” Rousseau says, “others were needed to feed them” (ibid.: OC III, 173; 169). As people began to depend on others, they also, fatally, began to care about their opinions. Self-love (“*amour-propre*”) appears, as we seek recognition of our superiority over our fellows. It is to this abiding vice, different from the benign “self-regard” (*amour de soi*) that ensures our survival in the natural state, that most of society’s corruption can be attributed. Laws and government are ultimately created to protect our artificial comforts and to institutionalize the inequalities that egoism has bred among us.

For Rousseau, our vices are the creation of civil society, which result from its generation of, and support for, an unnatural inequality between naturally free people. The foundation of civil society is for Rousseau “the moment in which right succeeding violence, nature was subjugated to law” and the people “purchase[d] an idea of repose at the price of real felicity” (Rousseau 1755: OC III, 132; 131). The progress of civil society from these origins is for Rousseau a descent into ever-greater corruption, as people’s wants increase and their egoism grows. He did, however, believe there was a possible remedy for this corruption – and that this remedy was rooted in the source of the corruption itself: our self-love. “This passage from the state of nature to the civil state,” he says:

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produces a most remarkable change in man by substituting justice for instinct in his conduct and endowing his actions with a morality they previously lacked. Only then ... does man ... see himself forced to act on other principles [than physical impulse], and to consult his reason before listening to his inclinations.

(Rousseau 1762: OC III, 364 [I §8 (1)]; 53)

Rousseau thinks the state of nature, whereby each person lives for herself, is irretrievably lost. We have become social creatures, and thus must have civil society, even if it shackles our innate freedom. However, the faculty of reason, the product of civil society, can ultimately prove to be its salvation. Rousseau argues that society can to some degree be redeemed if it can be organized according to what he calls “the general will.” In a truly democratic and virtuous republic, each individual takes up the standpoint of a rational, disinterested citizen who acts only according to the public good, and then voluntarily submits herself to the decisions reached by her fellow citizens. Through this process we acquire a new kind of freedom, “moral freedom,” which comes from obedience “to the law one has prescribed to oneself” by means of the general will (ibid.: OC III, 365 [I §8 (3)]; 54).

Scholars continue to debate the significance of Rousseau’s doctrine of the general will: whether it implies democratic liberty or a form of totalitarianism, and whether it helped inspire the French Revolutionaries in attempting a radical transformation of their society (see Hanley’s piece in this volume). Philosophers have often wondered whether it is an adequate response to the profound critique of civil society he himself articulates. Certainly, many of his readers, such as William Godwin, accepted his critique of civil society but rejected his program for its redemption, substituting very different ones of their own. (For Godwin’s ideas, see below.)

Civil Society as third sector

During the past several decades, philosophers have focused considerable attention on the notion of Civil Society as an intermediate or third sector in society, one composed of voluntary associations standing separate from, and potentially in resistance to, the state. While many philosophers have seen such associations as intrinsically valuable, they have more commonly focused on this sector’s contribution to the health of a liberal democracy, and on its value as a site of resistance where democracy is absent. (For the first, see Kateb 1998; for the second, see Barber 1998.)

In his influential book *The Structural Transformation of the Public Sphere*, Jürgen Habermas argues that this liberal-democratic Civil Society can be traced to eighteenth-century Europe, which witnessed a crucial shift from “courtly” to “public” culture. The novel network of taverns, salons and coffee houses that emerged during the Enlightenment period allowed people from a wide variety of backgrounds to meet and discuss public affairs in an open setting. This change was made possible, he claims, by the development of commercial capitalism, which helped expand the ranks of the educated, urbanized middle class, and which established broad networks of exchange and sociability among the members of this class. In the face of

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such trends, the society's dominant institutions, the state and the church, could no longer regulate the flow of information and ideas, which followed the path created by the exchange of commercial goods. Democratic reform of the body politic followed in the wake of such broader social changes, albeit not rapidly or in any uniform progression (Habermas 1962).

While historians have not accepted all aspects of Habermas's analysis, they readily acknowledge the prominence of associational culture during the Enlightenment. There can be little doubt that the eighteenth century was an era of clubs and societies, to a degree that went beyond anything seen in previous eras. Samuel Johnson coined the adjective "clubbable" to describe his friend James Boswell, but the term neatly captures the spirit of the age. "We have," commented the *Times* in the 1780s, "numberless assemblies, clubs and societies in this kingdom" (quoted in Clark 2000: 90). Societies were formed to, among other purposes, reform the people's manners, promote the spread of learning, and even (as in the case of the notorious Hellfire Club) to allow the members to debauch themselves in innovative ways. By 1800, there were more than two hundred formal societies active in Edinburgh alone, on top of the less formal (and the secret) ones the number of which cannot now be calculated.

This was by no means an exclusively British phenomenon. There emerged during the eighteenth century a European-wide intellectual and social culture that came to be known as the "republic of letters." Its heart was the salons of Paris, most of which were presided over by wealthy and glamorous women, and which placed artists and philosophers in the company of aristocrats and men of influence. The term used at the time to describe these gatherings ("salon" was not yet used in this sense) was *bureaux d'esprit*. It was derived from "bel esprit," meaning someone who was cultivated and open to conversation. Paris's salons and societies drew together the leading philosophers in Europe, including Diderot, Voltaire, Montesquieu, Benjamin Franklin and David Hume. It was in these salons that the contributors to Diderot and d'Alembert's *Encyclopédie* (twenty-eight volumes, 1751–75), one of the towering achievements of the European Enlightenment, met and debated their ideas. Berlin also developed a lively salon culture. Germany's rigid gender and class hierarchies initially made the region unfertile ground for the republic of letters. However, the intellectual dynamism brought to Germany by glittering figures such as Moses Mendelssohn, Friedrich Nicolai and Gotthold Ephraim Lessing encouraged the discussion of art and ideas, and by the late eighteenth century a number of salons and societies had emerged, a number of them presided over by wealthy Jewish women.

For all the centrality of clubs, salons and societies to the philosophical life of the period, there was almost no philosophical discussion of their role in or importance to the society of the day. Locke observes, tangentially to his discussion of morality, that it is "in the several Societies, Tribes, and Clubs of Men in the World" that reputations are made or broken, and so virtue and vice is established in people's minds (Locke 1689a: 2.28.10; 353). Most philosophers, however, remained committed to a traditional suspicion of all forms of association, which had long been condemned as equivalent to "factions."

In the classical republican tradition, all factions present a threat to the unity of the body politic. They create dissension and division in the state by producing loyalties that are inherently opposed to the general interest. Machiavelli recognizes that

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divisions within the body politic can often be productive, as was the perpetual conflict between the people and the aristocrats in ancient Rome. However, he illustrates in his *History of Florence* how factional conflict and the actions of subordinate powers such as guilds can ultimately destroy the state. Shaftesbury was much influenced by this republican tradition, and he worries in his writings about the problem of factions. He notices that “the spirit to faction” is a product of our sociable nature – he calls it “the Abuse or Irregularity of that social Love, and common Affection, which is natural to Mankind” (Shaftesbury 1711: 53). The desire to form associations is in itself benign and indeed beneficial. Shaftesbury comments that it was in clubs that “we polish one another and rub off our corners and rough sides by a sort of amicable collision” (ibid.: 31). Problems arise when our loyalty to subsidiary groups comes to clash with our devotion to the public good – which happens primarily when the state fails sufficiently to foster a love for this general good. In such a state, various forms of voluntary associations emerge to fill the gap, with harmful results:

The associating Spirits, for want of Exercise, form new Movements, and seek a narrower Sphere of Activity, when they want Action in a greater. Thus we have Wheels within Wheels. ... Nothing is so delightful as to incorporate. Distinctions of many kinds are invented. Religious Societys are form'd. Orders are erected; and their Interests espous'd, and serv'd, with the utmost Zeal and Passion. Founders and Patrons of this sort are never wanting. Wonders are perform'd, in this wrong social Spirit, by those Members of separate Societys. And the associating Genius of Man is newer better prov'd, than in those very Societys, which are form'd in apposition to the general one of Mankind, and to the real Interest of the State.

(Ibid.: 53)

Despite Shaftesbury's intention to condemn all such associations, formed as they are in the “wrong social spirit,” his ambivalence here is hard to miss. Thinking as he does that human sociability is an important and entirely laudable phenomenon, he transparently has trouble bringing himself to condemn its natural manifestations – despite being driven to do so by his adherence to traditional republican prejudices.

Rousseau arguably takes the republican devotion in a unitary public good to its logical conclusion with his theory of the general will. This theory seems to imply the eradication of all intermediate associations, or at least their elimination from the sphere of democratic action. While he acknowledges Machiavelli's observations about the utility played by the conflict of Rome's social orders, he insists in *On the Government of Poland*: “Corporate interests, because of their excessive weight, would upset the balance [of the body politic], and should not be included in it collectively. Each individual should have his voice [voix], no [corporate] body whatsoever should have one” (Rousseau 1771–72: OC III, 984; 206; translation slightly modified).

Montesquieu

Despite the traditional fear of faction, political philosophers had also long been concerned about unfettered central power. In his book *De l'esprit des lois* (*The Spirit*

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of the *Laws*), Montesquieu provided a powerful and influential defense of what he called “intermediate powers” within the state as a potential check on royal authority. For Montesquieu, a monarchy is distinguished from a despotism by the presence of such powers, which are essential to the preservation of liberty. They also enhance the stability of the social order. Montesquieu says: “In order to form a moderate government, one must combine powers, regulate them, temper them, make them act; one must give one power a ballast, so to speak, to put it in a position to resist another” (Montesquieu 1748: 1.14, 63).

Montesquieu was concerned primarily to defend the role of the aristocracy and its institutions (specifically the *parlements*). “The most natural intermediate, subordinate power is that of the nobility,” he says. “In a way, the nobility is of the essence of monarchy, whose fundamental maxim is: *no monarch, no nobility: no nobility, no monarch*; rather one has a despot” (ibid.: 2.4, 18). Though he also considers the clergy to have a crucial role, he does not, when he talks of “intermediate bodies,” have in mind the network of voluntary organizations that modern philosophers consider essential to Civil Society. Nevertheless, by identifying the crucial role intermediate bodies play in the body politic, he influenced later discussions on the issue, and indeed we can see the direct impact of his ideas on Edmund Burke, whose analysis of the third sector encompasses a broader range of groups and institutions.

Burke

As an active participant in the turbulent politics of his time, Burke was personally invested in the legitimacy of “party divisions,” which he calls “things inseparable from free government.” Burke complains of the prejudice against faction, which he thinks translates into a suspicion of all forms of voluntary association. He analyses the thinking behind it:

That connexion and faction are equivalent terms is an opinion which has been carefully inculcated at all times by unconstitutional statesmen. The reason is evident. Whilst men are linked together, they easily and speedily communicate the alarm of any evil design. They are enabled to fathom it with common counsel, and to oppose it with united strength. Whereas, when they lie dispersed, without concert, order, or discipline, communication is uncertain, counsel difficult, and resistance impracticable.

(Burke 1770: II, 314)

In claiming that it is those in power who most fear faction, Burke ignores the fact that anti-pluralist rhetoric was more a feature of opposition writings than of works by the defenders of central authority. Nevertheless, he provides an important insight here: that subordinate, voluntary organizations play a crucial role in establishing what Habermas calls a “public sphere,” in which matters of public importance can be debated freely, outside the reach of state control.

Burke agrees with Montesquieu’s view that intermediate bodies are essential for limiting royal power. And he also agrees that the strongest and most effective of such bodies are linked to the aristocracy. However, he is also moved to consider the role

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of voluntary and community organizations. His *Reflections on the Revolution in France* is dedicated to arguing that government is only one part of the much larger whole that is society, the customs and traditions of which have grown slowly and without planning over centuries. There he says that our attachment to the state is based first of all on the network of groups that make up this large whole. “To love the little platoon we belong to in society,” he says, “is the first principle (the germ as it were) of publick affections.” As he explains:

We begin our public affections in our families. No cold relation is a zealous citizen. We pass on to our neighbourhoods, and our habitual provincial connections. These are inns and resting-places. Such divisions of our country as have been formed by habit, and not by a sudden jerk of authority, were so many little images of the great country in which the heart found something which it could fill. The love to the whole is not extinguished by this subordinate partiality. Perhaps it is a sort of elemental training to those higher and more large regards.

(Burke 1790: VIII, 244)

In addition to preparing us to be citizens of the larger society, Burke also thinks that these “little platoons” can serve to protect the people’s liberty just as the aristocracy does. He says that the “diversity of members and interests” begets “that action and counteraction which, in the natural and in the political world, from the reciprocal struggle of discordant powers, draws out the harmony of the universe” (ibid.: VIII, 86). Less metaphysically, he calls them “the indirect restraints which mitigate despotism” (ibid.: VIII, 233). Burke’s hostile reaction to the French Revolution was driven in large part by his abhorrence of the democratic egalitarianism that he sees as the “fundamental dogma” of the Revolution (ibid.: VIII, 344). He thinks that a “perfect democracy” entails a leveling of all society’s intermediate powers, and that such a leveling is bound to be fatal to the society’s liberty. It provides either a narrow oligarchy or a dictator with the means to establish absolute power. No government, he says, can function with “all the middle parts being gone between the Sovereign and the Mob” (quoted in Lock 1998–2006: I, 248).

Paine and Godwin

Burke’s *Reflections* provoked a response from his one-time friend Thomas Paine, who wrote *The Rights of Man* to vindicate the French revolutionaries. Paine provides a very different account of Civil Society and its role, one rooted in the contract doctrine of Locke. Locke accepted Hobbes’s basic account of the founding of government through contract, but departed from it in one important way. Locke argued that modern society is the result not of a single contract, but of two. The first forms civil society, and the second establishes government within it. According to the terms of this second contract, magistrates are given their authority by the people on “trust,” and if this trust is violated, the contract can be dissolved without returning the people to a state of nature. Society continues to exist even if government does not, and the citizens are free to choose new rulers (Locke 1689b: 354, 406–8). Paine

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takes up this idea, arguing that a situation without government is nothing to be feared, and that therefore we should not be afraid to dissolve our government – not just, as Locke thinks, when it behaves tyrannically, but whenever we feel we are capable of producing one that is better.

For Burke, despite the essential role played by intermediary groups, it is inconceivable that anything deserving the name of society could actually exist apart from government, or survive its dissolution. He argues that a collapse of state authority leaves people “disconnected into the dust and powder of individuality, and at length dispersed to all the winds of heaven” (Burke 1790: VIII, 146). Paine rejects this. “A great part of that order which reigns among mankind is not the effect of government,” he says. “That order has its origin in the principles of society and the natural constitution of man. That order existed prior to government, and would continue to exist if the formality of government was abolished.” Paine draws a portrait of the free and spontaneous Civil Society that already exists, rooted in our natural sociability and independent of the state:

The mutual dependence and reciprocal interest which man has upon man, and all parts of a civilized community upon each other, create that great chain of connection which holds it together. The landholder, the farmer, the manufacturer, the merchant, the tradesman, and every occupation prospers by the aid which each receives from the other, and from the whole. Common interest regulates their concerns, and forms their laws; and the laws which common usage ordains, have a greater influence than the laws of government. In fine, society performs for itself almost every thing which is ascribed to government.

(Paine 1791–92: ch. 1; 165)

Government is not just unnecessary to the existence of Civil Society, it is actually harmful to it. As Paine puts it, “instead of consolidating society, [government] divided it; it deprived it of its natural cohesion, and engendered discontents and disorders, which otherwise would not have existed” (ibid.: 167). Given all this, we would in many cases be better off simply doing away with the regime under which we live. Nor need we fear that chaos would ensue. “The instant formal government is abolished,” he says, “society begins to act: a general association takes place, and common interest produces common security” (ibid.: 166). In the sense of these terms used in this article, Civil Society always has the power to become civil society, should the people desire it.

For Paine, the dissolution of government is an opportunity for the people to come together in a constitutional convention and re-form government according to their own will. But while the absence of political authority is not to be feared, it is a temporary stage that lasts only till the state can be reformed along more democratic lines. William Godwin, however, takes this a step further. He credits Rousseau with being “the first to teach that the imperfections of government were the only perennial source of the vices of mankind that government, *however formed*, was little capable of affording solid benefit to mankind” (Godwin 1798: II, 129; my emphasis). This statement misrepresents Rousseau. As we have seen, he thinks government can indeed be re-formed in such a way as to be beneficial, so long as private interests are

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subordinated to the general will. However, Godwin was unconvinced by Rousseau's vision of a society redeemed by its submission to the general will. He argues instead that government should be dispensed with altogether and permanently – that a kind of state of nature, without an organized government, can become a lasting, and indeed a utopian, condition. “With what delight,” he says,

must every individual friend of mankind look forward to the auspicious period, the dissolution of political government, of that brute engine which has been the perennial cause of the vices or mankind, and which ... has mischiefs of various sorts incorporated with its substance, and not otherwise removable than by its utter annihilation.

(Ibid.: II, 212)

Godwin believes that, once government is removed, “the instigations of reason alone” would be sufficient to induce people to cooperate and perform their duties to one another (ibid.: II, 439). He offers a vision of a society governed entirely by reason and debate:

A system of equality requires no restrictions or superintendence. ... If you cannot bring over the hearts of the community to your party, expect no success from brute regulations. If you can, regulation is unnecessary. Such a system was well enough adapted to the military constitution of Sparta; but it is wholly unworthy of men enlited in no cause but that of reason and justice. Beware of reducing men to the state of machines. Govern them through no medium but that of inclination and conviction.

(Ibid.: II, 497)

For Godwin as for Paine, Civil Society has the power to become civil society, though for Godwin such a society can be permanent and self-sustaining, relying on nothing but the dictates of natural reason. Along with the state, private property and monogamous marriage would, in Godwin's ideal society, also disappear. Though Godwin provoked many strong rebuttals – notably, Malthus's reaction to his utopianism helped shape his own, much darker vision, of a society perpetually plagued by overpopulation and famine – anarchism was to have considerable appeal to thinkers in the nineteenth century, and Godwin's book became a text central to their movement.

Kant

I began this section with a discussion of Jürgen Habermas, who argues that the Enlightenment period saw the emergence of a “public sphere” in which political questions could be openly debated by citizens at large, outside the official venues of the royal courts and legislatures. For Habermas, and for many other modern thinkers, the existence of such an open public sphere, characterized by a free press and by other venues for debate about matters of politics, is just as essential to a healthy

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Civil Society as are voluntary organizations and other sub-state groups. Habermas readily acknowledges his debt to Kant, and indeed we find in Kant the first notable articulation and defense of such a public sphere. Kant distinguishes between people's public and private roles, and he argues that corresponding to this are what he calls public and private uses of reason. A person who deploys her public reason appeals to maxims and principles that can be accepted by any rational member of her audience; it is the analogue, in politics, to the sort of reasoning Kant thinks we do (or should do) in matters of private morality, according to the categorical imperative. He thinks of the public use of reason as exercised primarily through writing. "By the public use of one's own reason," he says, "I mean that use which anyone may make of it *as a man of learning* addressing the entire *reading public*" (Kant 1784: Ak VIII, 36–37; Reiss trans., 55). This reading public is the "public in the truest sense of the word" (*ibid.*: Ak VIII, 37; Reiss trans., 56). For Kant, this ideal public is made up not just of the citizens of our nation but in fact of the entire community of human beings – he equates the "real public" with "the world at large."

Kant advocates obedience to the established power when it comes to political action, with subjects possessing no right to resistance. But he thinks that the corollary of this is that the ruler must allow subjects the full use of their public reason. As Kant puts it: "the citizen must, with the approval of the ruler, be entitled to make public his opinion on whatever of the ruler's measures seem to him to constitute an injustice against the commonwealth" (Kant 1793: Ak VIII, 304; Reiss trans., 84; the "ruler" here could equally be an elected assembly as a monarch). Kant's public sphere is not the democratic, fully participatory realm of demonstrations, town halls and direct action that Habermas and others endorse. Instead, it is a limited, protected realm of debate, in which we can criticize the established powers for the benefit of an enlightened, educated audience. Though all are in principle members of the "real public," Kant did not necessarily imagine that in practice the world of the educated reading public—who took an active role in politics and political debate—would grow to encompass the people as a whole, as it did over the course of the nineteenth century, first in America and then across all of Europe.

Conclusion

The nineteenth century produced two especially notable contributions to thinking about Civil Society: Hegel, who as I have said is the first to clearly distinguish it conceptually from the structures of the state, and Tocqueville, who chronicles Civil Society in action in his account of his travels through America. These remain the starting points for most historical discussions of the concept of Civil Society. The traditional philosophical hostility to Civil Society was also reformulated by Karl Marx, who advocates for a society in which subsidiary organizations are disbanded, leaving only the unitary socialist state – at least until the state itself dissolves as the society progresses to full communism. Notwithstanding the originality of these later thinkers, their debts to the philosophers of the eighteenth century are considerable. And as I have tried to show, the contribution of these philosophers remains of lasting interest and value.

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