

THE PROBLEM OF STATE AND CIVIL SOCIETY IN SOUTHERN AFRICA: A QUESTION OF A LITTLE TOO LATE?

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1. INTRODUCTION

In recent publications on African politics there has been a marked tendency to deprivilege the state. This has encouraged the belief that the state is not, or is no longer, the main organising principle of politics in Africa. Of course, this deprivileging of the state might well reflect disillusionment with the track record of Africa's failed state but, as Munro (1997:113) remarks, the state is still a pivotal role player in African countries and continues to have a strong political presence in the life of Africa's citizens.

However, there are schools of thought that claim that the state is no longer a major role player. There are, broadly, three reasons why academic debate perceives the state to have a limited role. The first reason is the deepening political crisis in the African states; secondly, there is a dissatisfaction with a narrow analytical focus of African state centrism; lastly, the re-emergence and popularity of publications on African civil society as an analytical concept (Munro 1997:113).

The focus of the paper is not aimed directly at the state in Africa as such, but rather to explore the resurgence of civil society in literature and its indirect position vis-à-vis the African state. Lemarch (1992:115) points out that political scientists unnecessarily locate state and society in separate conceptual niches. For analytical purposes, this article also treat civil society and the state as two separate entities, but with a full awareness of the interrelatedness between the two concepts.

Woods (1992:77) comments on the popularity of the concept 'civil society' in contemporary African studies. Perhaps this trend is part of a new expectation that new patterns will emerge in political participation outside formal African state structures. However, although the power base of the (African) state is narrow and the (African) state is weak, this does not mean that the state should receive little

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serious attention. In fact, the centralist state is very much a dominant actor in African politics, because of its claim and hold on certain dominant resources. Furthermore, the power which a civil society should provide as a counterbalance is weak and fragmented, the result being that civil society is unable to engage the dominant state in a meaningful way.

The inability of civil society to counterbalance the state in Africa is a pivotal theme that Alex Thompson utilises in his publication, **An introduction to African politics**, as a central analytical theme. Thompson makes the following claim: "The political problems in most African countries are the result of how the state and civil society have failed to engage one another productively; civil society for its part never really engaged the state productively" (Thompson 1997:5).

This begs the question: why is civil society in Africa different from its counterparts in liberal democracies elsewhere, who can keep the state inside its demarcated limits? Why is it difficult for African civil society to engage the state as a counterbalance and limit state power? The purpose of the article is to look at this phenomenon, particularly in terms of the differences in the historical origin and shaping of civil society in Europe and in Africa. The following subheadings will be used: the rule of law and the constitutional state; the rational-legal doctrine; and the role of civic culture in the creation of civil society.

2. DEFINING THE CONCEPT 'CIVIL SOCIETY'

The popularity of the concept 'civil society' amongst academics is one of the reasons for the extensive corpus of theories on civil society in academic literature. As Monga (1996:4) puts it, given the broad scope of recent writing on the topic of civil society, formulating a single definition is an ambitious task. Monga (1996:4) cites Zakaria, who exclaimed that, in the world of ideas, civil society is 'hot' and a concept which is debated very regularly.

During the last three decades, a great many publications, some concise and narrow in their focus and others detailed and broad, some classical and other contemporary, appeared on the academic production line. The purpose of this extensive collection of definitions is to formulate a more precise definition of what we mean by the term 'civil society'.

One important analytical distinction that could be made is the difference between the classical perception of civil society as a phenomenon of a capitalist society and contemporary views, where civil society is seen as a mechanism to protect citizens against the state and to insure a degree of government accountability. Habermas

points to a further important development (which will be discussed later): both interpretations of civil society become active when civil society is fully developed (Schwedler 1995:4).

However, before discussing the distinctive differences between classical and contemporary definitions of civil society, a brief outline of the concept of civil society. Haynes (1996:16), for example, uses a rather broad interpretation of the concept of civil society as encompassing the collectivities of non-state organisations, interest groups and associations - such as trade unions, professional associations, higher education students, religious bodies and the media - which collectively help to maintain a check on power and the totalitarian tendency of the state.

Thompson (1997:6) provides a very concise, but broad scope of civil society as being those organisations that arise out of voluntary association within a society and which are found somewhere between the extended family and the state. However, Monga (1996:4) cautions against a too wide definition of civil society, because the problem with general definitions such as 'intermediate institutions' and 'private groups that thrive between the state and the family' is that they include almost everything --- this definition could include the Mafia! Monga (1996:4) cites Zakaria who also warns against the tendency to generalise the intermediate groups between state and family as part of civil society (i.e. those groups which form a buffer against the state). Zakaria in turn cites the development, in America and elsewhere in the world, of small groups with illiberal and undemocratic agendas; such groups do not constitute the traditional focus of civil society.

However, there is a consensus on the role of civil society in establishing and maintaining democracy, because of its apparent position (i.e. to keep the state in its place). Fukuyama (1993:4) echoes this with his observation that all serious observers understand that liberal political and economic institutions depend on a healthy and dynamic civil society for their vitality. He then defines civil society as a complex welter of intermediate institutions, including businesses, voluntary organisations, educational institutions, clubs, unions, media, charities and churches. This broad spectrum of associations and organisations are based, in turn, on the family, the primary instrument by which people are socialised into their culture and given the skills that allow them to live in broader society. The family is also the means through which the values and knowledge of society are transmitted across the generations.

From both the broad and narrow definition of civil society, one characteristic of paramount importance emerges: civil society exists outside the state and exercises restraint on the state. It also seems that, for a democracy to thrive, a robust and healthy civil society is an important prerequisite. This brings us back to Africa and the role of civil society on the continent. As already mentioned earlier, Thompson (1997:5) sketches the political problems with development in post-colonial Africa as follows: "On a whole it is a story of how the state and the civil society have failed to engage one another productively."

In other words, the absence of a properly developed civil society in Africa, or the inability of civil society to engage the state in a productive manner, is one of the major factors for the failed or weak state in Africa. There is a variety of reasons why civil society is inherently unable to function properly. This article firstly focuses on the constitutional/historical reasons and then on concepts such as authority and civic culture.

3. CIVIL SOCIETY IN CLASSICAL POLITICAL THEORY

The term 'civil society' began to appear regularly in political theory during the Enlightenment era in Europe (Burns 1974:115). One central theme, evident from the discussion above, is the important role that civil society plays in securing a domain in the channel adjacent to the state. In other words, that place where private enterprise could exist, free from state interference.

In the work of the 17th century philosopher, John Locke, civil society played a critical role in the sphere of social activity; Locke regarded civil society as a means of protecting the individual's property rights (Schwedler 1995:3).

It was German philosophers who developed the concept of 'civil society' further, when they used the term in their discussions of capitalism. The organisations they first identified as civil society were trade unions and employer organisations. Hegel's discussion of civil society involves the concepts of a market-based society and strong elements of individuality within the context of a civil society. For Hegel (1971:256-7) civil society embodies the ideas which acquired the elements of liberal individualism. He identifies the political community as the domain in which individuals can pursue their own conceptions of the good life.

Hegel's view of civil society included an early conception of self-regulating, free market forces; for him civil society was a mechanism by which individuals could satisfy their needs (Hegel 1971:256). Civil society was also the sphere of mutual recognition and reciprocity; its purpose was to keep the state from interfering with

the interests of the members, these being the privileged bourgeoisie. Civil society was exclusively a sphere dominated by economic interests. It was distinguished from political society and was free from political interference by the state (Schwendler 1995:4).

In essence, the creation of a public domain (state) versus the private domain was essential if the individual was to pursue his or her endeavours; association was the means by which civil society protected its interests against the state. A broad definition of politics is that it moves beyond the narrow realm of government to what is thought of as public life or public affairs, which obviously excludes the private domain. This viewpoint corresponds with the traditional distinction between the public realm and the private realm (which reflects the division between state and civil society). The institutions of the state, the apparatus of government, police, etc. are regarded as public in the sense that they are responsible for the collective organisation of community life and are funded at the public's expense (out of taxation revenues). In contrast, civil society includes institutions such as private businesses, trade unions and community groups funded by individuals or groups of individuals (Heywood 2000:9).

During the late Middle Ages in Western Europe, the idea of a social space independent of the state, and the emergence of the rigidly organised guilds, became the liberal view of the economy. As Woods (1992:80) explains, with the rise of private interests based on the principle of exchange, the old order built on estates which had *a priori* duties and privileges, was undermined. The importance of the market as an organisation system in society was very important. The market organised society's private domain in the form of economically self-interested property owners operating within an autonomous social sphere. However, we need to understand that the liberal conception of civil society stretches beyond the development of specific rights.

In support of this development it was left to the constitutional state, the rule of law and other mechanisms, to constitutionally guarantee this private domain in which civil society could develop without interference by the state. A combination of historical factors enabled the West to develop the modern state in tandem with viable civil societies who were able to counterbalance the power enjoyed by the state. The constitutional state assists the development of a civil society, because of the protection given to the private domain (Diamond 1997:7).

The creation of a private domain which could accommodate a civil society has a long historical tradition in Western Europe which reaches back to the Middle Ages. This development of civil society was triggered in the late 1200s, when mercantile capitalism was beginning to develop and make its presence felt in northern Italy and Flanders. From the 16th century onwards, the mercantile groups began to regard themselves as a separate and powerful interest group who were prepared to take on the state when necessary (Vincent 1997:113).

Anton Gramsci, an Italian political theorist of the 1920s, developed the idea of civil society further. For Gramsci the state (political society) is directly responsible for violent and coercive methods of control. Civil society, in contrast, enables capitalists to exert control over social and economic practices through nonviolent means in the private domain (Schwendler 1995:5)

4. CIVIL SOCIETY IN CONTEMPORARY DEBATE

The important contemporary debate on civil society marks a very important shift in the basic understanding of what constitutes civil society. Schwendler (1995:5) stipulates that much of the recent theoretical work on civil society now claims that civil society is not the result of capitalist expansion, but that civil society is the sphere of democratic social interaction. The important difference is that the purpose of civil society is no longer exclusively to allow the bourgeoisie to protect their interests against encroachment from the state, but to enable citizens to insist on at least some measure of state accountability.

For Habermas the boundaries of civil society have broadened in contemporary usage to include all non-violent associational activity between the individual citizen and the state. Edward Shils's exposition of contemporary civil society is typical, that is, that civil society equates to a sphere of pluralist activity, much of which seeks to directly challenge or limit the arbitrary use of state power (Schwendler 1995:6).

For Larry Diamond (1994:7) the civil society is a voluntary and self-generating sphere autonomous from the state, but bound by a legal order. This is an important point. In spite of this, civil society is still a vulnerable commodity and defenceless in the face of political opportunism. Legal order and the constitutional state are therefore of critical importance in creating and sustaining a civil society.

5. CIVIL SOCIETY, THE RULE OF LAW AND THE CONSTITUTIONAL STATE

Constitutional law and contract theories, which emerged during the 17th and 18th centuries, played an important role in institutionalising the normative space that developed between the state and civil society. It must be appreciated that this development in Western Europe, with historical roots that reach back to the early Middle Ages, created a private domain which was able to serve as a 'seedbed' for the development of a civil society. It was Germanic law and the feudalisation of European society, albeit at an elementary level, which laid the important groundwork that allowed civil society to take its first steps. The emergence of feudal society in continental Europe, circa 400, strengthened constitutionalist trends which in turn were based on the customary law tradition. The importance of the feudal system was that it imposes, from the beginning, restraints on the unlimited power of the ruler. It does this through a contract which is, in effect, a system of mutual obligations and reciprocities. The king, the lords and their vassals were bound in a hierarchical fashion, which contained strong elements of decentralisation in the context of a feudal political system.

The feudalisation of society and the simultaneous development of a 'private contract' between the individual and the ruler were also emphasised by Previtte Orton (1977:418). Orton describes feudalism as a system which both inherited past law and created it (feudalism) by a rapid growth of custom that was based on present arrangements. In one sense feudalism may be defined as an arrangement of *society based on contract* (my emphasis). The idea that individuals had rights outside the corridors of feudal state power in a private domain was a very important one. It was, as Previtte Orton (1977:419) describes it, " a genuine safeguard of the vassals' interests and the fruitful parent of constitutional progress in joint resistance to arbitrary kings in later days".

This arrangement triggered a process whereby the centrifugal forces of feudalism were counteracted by the emergence of representative institutions carved out of tradition and based on law. These representatives were focused around the king or emperor in the so-called Ständestaat.

Notions of the ancient law as well as feudal law concepts were intermingled, and provided the bedrock for constitutionalist ideas about the need for limits on royal power and central authority. This constitutional arrangement to a large extent limited central authority and centralisation and created a guaranteed constitutional space next to the state.

Two other, very important, fundamental developments underpinned the concept of constitutionalism and were instrumental in creating a private domain. Firstly, the constitutional limits that were placed on the state. This was done not only to protect political and economic rights, but also to protect civic rights. Secondly, the implementation of the separation of powers (legislative, executive and judicial) within the state, which also limited the powers of the state (Burns 1974:115). Both ideas were of paramount importance for the establishment and maintenance of a civil society. The first principal was an external one, which defined state power in relation to civil society. The second principle was an internal one, and ensured that no state body, organ or person could prevail within the state.

The combination of these two ideas formed the core of constitutionalism and strengthened the concept of confining the state; the basis was legal, rational grounds (Weber's assumptions of a legal, rational authority). The resulting constitutional protection and respect for human rights (civic, political and economic) then created the space in which civil society could develop. At the same time, the separation of powers increased functional specialisation and promoted the decentralisation of power which, in turn, kept a check on the power and the centralising tendency of the state.

Klug (2000:24) also emphasises the importance of constitutionalism in the historical development of the state, because of constitutionalism's inherent respect for human rights. It is not only the acceptance of the liberal paradigms of individual human rights and multiparty democracy that is important here. The simultaneous inclusion of a range of alternative constitutional elements, including socio-economic and cultural rights, was also important, otherwise the inclusion thereof would be meaningless. The constitutional state thereby created the constitutional space and time needed for the development of a civil society.

Klug (2000:24-5) also emphasises the three very important sets of values which support traditional notions of constitutionalism: federalism or the spatial division of power; the separation of powers between the different branches of government; and the notion of constitutional rights. Each of these sets of values addresses different aspects of the problems of (political) power, and the way it is allocated, applied and restricted within a nation state. Each of these values, in turn, complemented the historic development of a civil society in Europe simply because it restricted political power.

The role of contract theorists such as John Locke and John Hobbes also gave the relationship between the individual and the state an intentional character to overcome the nature of the state. This was the formulation of a set of laws that

governed the relations of power and that guaranteed the rights of the individual (Burns 1974:115; Von Leyden 1982:101).

In other words, the relationship between parties was governed on rational-legal principles. In the case of traditional or charismatic authorities, the basis of relationships is tradition and loyalty. This is the focus of the next discussion.

6. WEBER'S RATIONAL LEGAL DOCTRINE AND THE PITFALLS OF CREATING THE CIVIL SOCIETY DOMAIN

According to Max Weber (1946:115) and the sociological tradition, the very essence of modern economic life is the rise and proliferation of rules and laws in a political system governed by rational legality. The advent of legal rules restricts state power and gives constitutional guarantees to the private domain. This phenomenon is under threat on the African continent, because many of the principles outlined above are either not evident, or not fully developed or simply not adhered to on the African continent (Woods 1992:85). It is obvious, in Weber's tradition, that in many of the traditional centralised societies, the proliferation of rules and laws is not possible, because the peripheral activities are abused by state power and drawn into the centre in a centralist state. Secondly, relationships between the individual and the state are based on loyalty and tradition, and not on neutral and rational legal rules.

Weber introduced the tripartite division of authority into traditional, charismatic and bureaucratic forms. The first form, **traditional authority**, is derived from custom and history. It is frequently gained through inheritance (as in the case of royal dynasties and modern monarchies). This type of authority evolved on the basis of long-standing cultural sources such as religion or patriarchal tradition. Such sources regard traditional authority as legitimate "because it has always existed". In other words, traditional authority was sanctified by history only because earlier generations had accepted it. Traditional authority typically operates according to a body of concrete unwritten rules. These rules are often fixed and unquestioned customs that do not need to be justified on a rational legal basis. They reflect the way things have always been and that is considered sufficient.

Heywood (2000:194) cites obvious examples of traditional authority: that is, small, patriarchal groups and tribes. He argues that traditional authority is only of marginal significance in advanced, industrial societies. In such societies, traditional authority takes the form of constitutional values such as deference, respect and duty in the country's political culture. The United Kingdom is a noteworthy example, but its effect is constitutionally bound and of minimal interest.

The second authority that Weber identified is **charismatic authority**, which is based on the popular admiration of the personal 'heroic' qualities of the individual in whom the authority is vested (Jackson and Jackson 1997:12). As a socio-political phenomenon, charisma refers to charm or personal power and the capacity to establish leadership through psychological control over others. As Heywood (2000:195) explains, charismatic authority and leadership have a near-mystical character and include the ability to inspire loyalty, emotional dependence and even devotion. Although charismatic authority is usually regarded as a natural quality, all political leaders cultivate their charismatic qualities through propaganda, practised oratory and presentational skills. Like traditional authority, charismatic authority is of limited significance in modern liberal democracies.

The problematic nature of charismatic authority is evident, as Lawson (1993:310) explains. It does not matter how beloved and successful the person is once charismatic leadership is in place, the problem often becomes knowing when to stop. Once people have become accustomed to hero-worship, they often find it difficult to withdraw the absolute trust they have placed in their leader. More alarming is the tendency of charismatic leaders to cling constitutionally to power, either by amending the constitution in order to lengthen their term as president/prime minister or, alternatively, by rigging the elections.

Political developments in Europe succeeded in bringing this kind of political arbitrariness to heel. When leaders did not adhere to rational and legal rules and instead relied on traditional or charismatic qualities to rule, it was recognised that this undermined democracy and the potential for building civil society. Such leaders were held accountable and were democratically removed (by force if necessary).

The last of Weber's topology is the **rational-legal** or **bureaucratic authority**, which is vested in the offices held by individuals and the mechanisms which placed them there. As soon as an incumbent loses an election and ceases to hold the official position, the authority vested in him or her will pass to the new incumbent. In the majority of modern liberal societies, authority is vested in political institutions that are based on rational- legal rules, rather than centred on individuals (Jackson and Jackson 1997:12).

As Thompson (1997:107) indicates, it was the colonial powers that introduced legal-rational states to Africa; these states involved political orders, offices and institutions that were based on legal authority. This type of state presupposes a clear distinction between public and private roles in a system of governance within the framework of a legal-rational government.

However, when élites use the state to accumulate resources rather to legitimise a process, they set in motion a process of tenuous legitimacy and instability. This results in dependency on, and manipulation of, primordial loyalties which then dominate the political landscape. In the process of using the state as a means of accumulating private wealth, all rational and legal rules are thrown to the wind (Ihonvbere 1996:13). This is what Woods (1997:89) also refers to as property rights being politicised, rather than privatised, and power is built on resources rather than on increased productivity.

In a legal-rational society, rules exist and these rules govern society; there are specific guarantees for private associations. This is the basic assumption of Max Weber, who reiterates a position where politicians and bureaucrats clearly separate their private and public interests and serve the national good through neutral, legal/rational institutions. The separation of state and civil society is very important here. Munro (1997:117) explains:

"In an essentially consensual social climate, which is one in which institutionalised structures are not disputed, although the control of them may be, the state can become universalised and come to express an authority which is socially understood as independent of the ongoing political (class) struggle ... it also constitutes the separation between state and civil society."

After a short period of independence, there was a strong tendency in the majority of African states to go back to being centralised states in which power was not dispersed and diffused and a ruling élite of incumbents was not under threat. This tendency arose because many colonial regimes set the stage for the creation of a centralist state. Wunch (1990:26) emphasises the role of the colonial administration; the exit of the colonial powers left a developmental void behind which, in itself, created the potential for a centralist state. This void equates to an absence of a constitutionally based rule of law or an absence of enduring structures that could institutionalise local development efforts.

This was exacerbated by the fact that, during the colonial period, sovereign authority was highly centralised. Local organisations were neither encouraged nor institutionalised through law, but were left out of the mainstream of government and out of the formal political structure. It is therefore hardly surprising (as Wunch [1990:29] indicates), that the centralising élitist and sometimes absolutist features of colonialism have survived the post-independence period. When challenged, many African leaders have responded in the same way colonial governments responded --- by stifling opposition external to the state.

In practice, the development of patrimonialism in the colonial and post-colonial state depended heavily on traditional and charismatic forms of authority. Munro (1997:128) refers to the tendency of the (African) state to shift uneasily between the broad strategies of rural repression and appeals to traditional authority, because of their partial subordination to the state, ruling classes or patrimonialism. Patrimonialism is similar to personal rule, because it is a form of political order where power is concentrated in the personal authority or the charisma of one individual ruler, bound only by customs and traditions. The leader gains his position from his status in society (sometimes because he was the leader of a guerrilla movement). President Robert Mugabe from Zimbabwe is an example, and his status as freedom fighter gave him an 'untouchable' status in Zimbabwe. Initially he adhered to legal-rational constraints that had been placed on him, but when his position was challenged by elements in civil society, he rigged elections in order to maintain control and treated all political and administrative concerns of the state as his own personal affairs. It may appear that his authority is still based on a legal-rational mechanism, but in fact his authority is firmly based on a combination of customs and tradition beneath a superficial mask of constitutionalism. It is therefore hardly surprising that any opposition from civil society is treated as treachery.

The rise of the modern political world, as Fukuyama (1993:222) explains, was bound up with the rise of rationality, the ordered structuring of ends to means. Rationality gave rise to constitutional theory which is a theory, first and foremost, concerned with limiting the arbitrary powers of leaders (Vincent 1997:78). This means that, through a rational process, rules are established which limit the power and tenure of incumbents in office. The power of a president/prime minister or government official is determined, in the final analysis, by formal constitutional rules, which constrain or limit what that office-holder may, or may not, do. The advantage of this form of authority over traditional and charismatic authority is that it is attached to an office rather than to a person. Legal-rational authority maintains limited government and, in addition, encourages efficiency through the rational division of labour. The growth of bureaucratisation is further encouraged by the pressures of democratisation, which weaken political ideas such as the importance of traditional authority (Heywood 2000:222).

For Weber the ultimate embodiment of rationality was the creation of modern bureaucracy. Modern bureaucracy was based on the principle of fixed and official jurisdictional areas, which are generally ordered by rules (i.e. by laws and administrative regulations). The advantage of modern bureaucracy is the fact that it is rule-bound. Superiors have their powers limited in a way that is transparent and clearly articulated and the rights of subordinates are spelt out in advance. For

Weber, modern bureaucracies were the social embodiment of regular rules and governed virtually every aspect of modern human life, from corporations, governments and armies to labour unions, religious organisations and educational establishments (Fukuyama 1993:222).

The development of the modern state and modernity is inadvertently linked to the development of a bureaucracy. Weber's conceptualisation of the bureaucracy as a complex and hierarchically organised institution still forms the basis of most discussion on the subject. His ideal type of bureaucracy was characterised by the specialisation of official duties, and depends on the hierarchical organisation of authorities. In terms of the legal-rational approach, these operations must be governed by a consistent application of abstract rules to a particular situation (Jackson and Jackson 1997:277).

In a rule-bound state, the importance of a written document is obvious, because it cannot be altered by will, or ignored by arbitrary policies. The virtue of the written constitution or document is that it supplies a definite point of reference which is beyond arbitrary interpretation (Vincent, 1997:96).

Weber (1946:115) also argued that the establishment of the modern (economic) world and, indirectly, civil society was bound up with the rise of the contract. Weber noted that contracts regarding marriage and inheritance have existed for thousands of years. For Fukuyama (1993:223) the development of institutions such as property right, contract, and a stable system of commercial law was a critical development of the West. These legal institutions served as a substitute for the trust that existed naturally within families and kinship groups and constituted a framework under which strangers could interact in joint business ventures in the marketplace.

Woods (1992:89) cites Sara Berry, who made a critical observation of the events in Africa. Berry pointed out that the major difference between developments in Europe and Africa were that in Africa property rights were politicised rather than privatised and strategies of accumulation were directed towards gaining control over resources, rather than in increasing productivity.

This is a significant difference, because it means larger public control at the expense of private control. Secondly, the impact of gaining control over resources on economic development is obvious, because it strikes at the heart of modern economic development.

Here there are similarities between events in Africa and events in early modern Europe, because in both examples the political élites were unable to separate public and private spheres of interests. Most African élites have also been equally incapable of establishing boundaries between their private and public interests. In African traditional cultures, personalised relationships predominate over abstract impersonal rules, which in itself negates Weber's basic assumptions of a rational, legal authority.

As Woods (1992:90) explains, the mere existence of universalistic values such as constitutional law and rational bureaucracy is not enough. It is the manner in which the universalistic values are grounded and adhered to in the state and society that is a fundamental problem in Africa.

7. CIVIC CULTURE AND CIVIL SOCIETY

The creation of a civil society not only depends on guarantees of constitutional rights and a strong economy. It is also important to have in place a civil culture which is conducive to creating a democratic atmosphere for a civil society. As Ihonvbere (1996:14) puts it: "The second precondition for a democracy is the existence of established political culture or traditions. The system of values and beliefs that defines the context and meaning of political action."

This is what Munro (1997:117) refers to as the essential consensual social climate where institutions are not disputed, although the control of institutions may be. The state powers are accepted as universal, but socially understood to be independent of the political struggle.

This point of view was also put forward in the 1960s by Almond and Verba (1963:267), who explain that a strong national identity, trust in one's compatriots and a degree of political efficacy are basic ingredients of a stable society. They identified three concepts to explain the identity or the type of political culture that would be most able to sustain a liberal democracy. They concluded that the ideal culture would be a civic culture, which is a blend of three pure types of culture, which they identified as participant, parochial and subject cultures. Participant culture is highly efficacious; people believe that political decisions influence their lives and that they can contribute to the political system. Members of the parochial and the subject culture believe, in varying degrees, that people are distanced from government and they are simply subjects whose lives are directed by the political process; they themselves have very little say in the political process.

Almond and Verba (1963:267) concluded that the participant culture is vital to a stable democracy but, at the same time, that a degree of parochial and subject culture is also needed. In a civic culture citizens would participate in the political process, but at the same time carry on with their lives and leave much of the decision-making to the élites. They would willingly accept and give legitimacy to the decisions of the élite (even if they did not agree with them). They claimed that such a balance between government power and governmental responsiveness was necessary to maintain a stable democracy.

Although their remarks attracted a great deal of criticism, Almond and Verba's basic assumptions are still highly respected. In their initial study in 1963 they concluded that the United Kingdom came the closest to a civic culture, since it exhibited both participant and subject features. In other words, while the British thought that they could influence government, they were also willing to obey authority. Heywood (2000:189) refers to Putman's study in the United States in terms of the declining social capital in society (understood in terms of networks, norms and trust) and highlights, in agreement with Almond and Verba, on the emergence of a post-civic generation. This is illustrated by the 20 - 50% drop in the number of voluntary clubs and associations since 1965, and by sharp declines in attendance at public, town and school meetings.

In large parts of Africa a strong parochial and subject culture exists, because the citizens feel that the national government has nothing to do with them. The obvious reason for this is that the state, because of the high levels of fusion and centralisation, does not penetrate deeply into such societies. The peasants of the informal sector, in particular, tend to withdraw themselves from the state and are never able to take part in political life as members of a cohesive civil society.

Monga (1996:155) also reiterates the problems of civic culture and what he identifies as disturbing elements in African civil society. The first is the cult of nihilism and cynicism, which is a feature of many religious and civic groups. In most countries the propagandists of this cult are primarily animated by intense feelings of revenge and anger.

Traditional sociability, which is still a major factor in African societies, can be said to be a loyalty to older, longer established social groups and also ties in with an adherence to traditional authorities. In contrast, spontaneous sociability is the ability of people to come together and cohere in new groups, and to thrive in innovative, organisational settings. As far as economics are concerned, spontaneous sociability is likely to be helpful only if it is used to build wealth-creating economic organisations. The low level of urbanisation among rural people obviously

contributes to this, and rural people are that group of people who is mainly socio-economically located in traditional societies in the same setting (sometimes for centuries.) When such people urbanise, it is normally in informal settlements and not at a middle-class level. Their lack of access to sources and existing power relations means that rural people are unable to fulfil the important role that the middle class can play as part of a viable, civil society.

Fukuyama (1993:150) reiterates the importance of strong association in the middle of society. However, he warns that a rich and complex civil society does not arise inevitably out of the logic of advanced industrialisation. Countries such as the United States, Japan and Germany became the world's leading industrial powers because they had healthy endowments of social capital and spontaneous sociability to maintain structures between the state and the extended family; economic preconditions did not necessarily enter the picture. Fukuyama (1993:151) explains that the source of spontaneous sociability in each of these cases has very different historical roots. That of Japan stems from family structure and the nature of feudalism; that of Germany is related to the survival of traditional communal organisations (e.g. the guilds) into the 20th century; in the United States, economic prosperity was the product of a sectarian Protestant religious heritage.

The advantage of structures between the state and the extended family is evident from the historical development of medieval and early Europe. The emerging countries were, in many respects, highly communitarian societies, princely, ecclesiastical and local, and definitely constrained the behaviour of individuals.

Groups in the middle are very important but, as Fukuyama (1993:158) cautions about the development of interest groups: unless these groups were able to create effective businesses, sociability would have to be considered an overall liability.

Fukuyama mentions medieval Europe which, in many ways, resembled such a society. He also refers to certain contemporary Third World societies that have an excess of parasitic employer groups, labour unions and community organisers and a dearth of productive corporations. These groups do not fulfil the basic functions which a civil society needs to counter arbitrary state actions, because they depend on the state for their economic survival.

Huntington (1968:87) also warns against too much middle-class participation which, he says, can create instability. Huntington claims that a middle-class dominance of interests over the traditional sector, benefits the city at the expense of the country. It is during the middle-class phase that politics is most likely to assume a praetorian cast and become "all sail and no anchor".

To build and sustain a civil society, the broader base of society needs to be strengthened. According to the proponents of the civil society there is agreement that democracy grows from the grass roots of society upwards and through the intermediate structures of community life.

The evolution of civil society in most African countries was distinctively different from the Western experience. Historically, the initial emergence of a social (private) space in Africa, distinct from the space of family or kinship groupings, occurred with the spread of urbanisation during the colonial period. As Woods (1992:86) explains, the voluntary association that was formed during the colonial period reflected the ethnic and other diversities of the different groups.

However, African intellectuals also managed to constitute a sphere which provided a normative framework and space for associational politics in the period leading up to independence. They did this by organising and leading various voluntary associations and they brought together disparate social groups in order to combat colonialism. After independence, however, these transethnic associations came under attack by the one-party state, which used the excuse of national integration. This severed the links between the normative claims of the intellectuals, the material interests of an urban middle class and the potential of associations to shape a public sphere independent of a one-party system. As a result, in many instances this led to the creation of a bloated, patrimonial state (Woods 1992:87).

For a variety of reasons, intellectuals were unable to provide the same leadership in the post-colonial state. The strength of the one-party rule and the relative isolation of academics and church leaders made them lone voices. Furthermore, the lack of a sizeable middle class with interests that were separate from state interests, was also a contributing factor here.

Where a civil society does not exist, it is normally the task of the government to create and build a culture able to sustain political and economic liberalism for the development of a civil society. The rebuilding of the economy, together with a productive civic culture, is one of the challenges for aspiring governments who want to create a civil society. A healthy economy could also complement the development of a sizeable middle class from which civil society organisations, such as charities, book clubs, volunteer agencies, trade unions, etc. can develop.

However, as Jackson and Jackson (1997:125) indicate, it is not enough to rebuild the economy of the country in order to create a civil society. It also involves rebuilding or building from new, certain habits and attitudes in society. By this they

mean those attitudes which create a culture able to sustain democracy and a civil society - in other words, a contributing, civic culture.

It is evident that a strong and stable family structure and durable social institutions cannot be legislated into existence in the same way that a government can create a bank or the national army. A thriving civil society depends on a people's habits, customs and ethics. Political action can only indirectly shape civil society through political action; the only other way of encouraging the creation of civil society is through an increased awareness of, and respect for, culture.

Fukuyama (1995:10) refers to the absence of community tendencies, which inhibits people from exploiting the economic opportunities that are available to them. According to Fukuyama (who cites James Coleman) this is a problem of a deficit known as 'social capital' - in other words, the ability of people to work together for common purposes in groups and organisations. Coleman argued that, in addition to skills and knowledge, social capital has to do with the ability to associate. The ability to associate depends on the degree to which communities share norms and values and are able to subordinate individual interests to those of the larger group. The traditional communal tendencies and community self-help schemes inherent in the rural areas only form a network for sustaining ability, and for the rest they disengage themselves from the state.

The traditional communities used this tactic effectively in their interaction with the oppressive colonial state - they simply disengaged because they were powerless to counter on the basis of a lack of substantial resources.

It must be accepted that in Africa the consolidation of civil society remains weak at the best, because they have very little resources at their disposal and because of this are unable to engage the state effectively. Even in South Africa that underwent an extensive process of democratisation, government does not penetrate deep enough into society and a major part of society is still outside the magnitude of civil society. This is evident just by looking at the report of the Human Rights Commission.

The Human Rights Commission in South Africa, a statutory body, in 2002 made an enquiry into human rights violations in the farming communities in South Africa. The farming sector in South Africa is the single largest employer in the rural areas with thousands of farm workers. The Commission issued their findings and recommendations in a report on the 2nd of September 2003 which painted a bleak picture of the characteristics of the farming communities in South Africa. They found among the farm workers an acute lack of awareness of human rights, a lack

of training and education to understand their rights, and a lack of mechanisms to enforce them. In other words, very little access to any civic organisation or forum (including government) to address the violation of rights and to hold government accountable for not penetrating deeply enough into society to fulfil a meaningful role. The general perception of this report is that the greater majority of people feel helpless to alleviate their problems. The reason for the feeling of helplessness is that the rural communities have very little resources at their disposal to confront the state and to hold the government accountable. No mechanisms exist to confront or to deal with the state in a state-society relationship.

In Zimbabwe the situation pertaining a viable civil society went from bad to worst. In the face of an oppressive and abusive centralised state, the broad society is basically helpless. Although NGOs and a number of civil society organisations are in existence in the urban areas, their capacity to confront the Mugabe regime is limited.

During the opening speech in the parliament recently Pres. Mugabe made it clear that a Bill on NGOs must ensure that they are consistent and supportive of Government policies and that the bill is intended to prevent foreign interests from using the NGO structures to subvert Zimbabwe's sovereignty. Clearly the relational and locational role that civil society should play in the democratisation of Zimbabwe is misunderstood.

One coordinated civil society initiative in Zimbabwe is Kubana net. Kubana net. is an alliance project for NGOs and civil society organisations, such as the Kadoma writers association that works for media freedom, and a broad spectrum of others. The organisers claim that this is electronic activism, but it was impossible to make contact with them electronically and all faxes and e-mails to initiate contact stayed unanswered. Unfortunately it is voices that will remain unheard.

The closure of the only independent Zimbabwean newspaper, the **Daily News**, albeit temporarily, left civil society effectively without a voice. The unavoidable truth is that civil society in the absence of civility is defenceless in the face of an abusive state such as that of Zimbabwe.

The average person in Zimbabwe is defenceless against oppression. Mainly because of their lack of countervailing mechanisms, most people are simply trying to survive to the next day. The per capita income in 2003 in Zimbabwe is now less than US\$500, which is well below the bare minimum US\$700 yardstick. The average Zimbabwean scores well below the life quality index of the United Nations. With an inflation rate of more than 600%, and an interest rate of more than 100%,

chronic shortages of fuel, food and other commodities the future remains bleak and the quality of life in Zimbabwe is seriously hampered. Against this background it is hardly surprising that people have found ways around the state and outside the state - society channels to carry their daily existence. No meaningful interaction between state and society is possible with democracy the major loser.

8. CONCLUSION

It is clear that the relationship between state and civil society is a complicated, but an essential one, in the establishment and maintenance of democracy. As Woods (1992:94) remarks, the emergence of a civil society does not guarantee the development of democracy, but it is unlikely that a viable democracy can survive without a civil society.

It is evident from events in Zimbabwe and elsewhere in Africa, that a more vocal civil society is needed to put limits on state action. It is a problematic process, because of the vulnerability of civil society in the face of a centralist one-party state. In Zimbabwe the bulk of the informal sector is still aligning with the traditional and charismatic leadership that Mugabe provides, while civil society is restricted to the large centres, such as Harare and Bulawayo. The worsening economic situation, with run-away inflation and shortages of all kinds, also hampers the development of a sizeable middle class. Indeed, it reinforces the notion that economic well-being is with the state and not with the private sector. Nkomo (1984:68) also identified the problems during the Federation era: "The African leadership sank into apathy. As I travelled around meeting the leaders of African social organisations, I continually encountered the same people running several of them at the same time. The organisations were beginning to develop very dangerously along local or tribal lines."

However, positive elements are also in place and are constantly emerging in Zimbabwe. The main opposition party, the MDC, has a civil society base and formed a strong opposition voice in the period leading up to the presidential election. The MDC was clearly able to constitute a diversity of social groups with a firm identity. An independent newspaper, the **Daily News**, a strong university-based civil society association and a vocal church voice, are all contributing to a climate of change and to the strengthening of a civil society. However, their ability to stand up in the face of an oppressive state that is trying to destroy them, is tragically doubtful.

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