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Why and in What Ways Have the Concept of Global Civil Society and Organizations Seeking to Represent it been Criticized?

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In the recent years, there has been a burgeoning interest in the notion of 'private authority' and 'private governance' at the global level. Ronnie Lipschutz, in the early 1990s, writes on the emergence of an arrangement of political interaction that focuses on self-conscious constructions of networks of knowledge and actions by decentred local actors that cross the boundaries of space. This, he says, is the global civil society (Lipschutz 1992: 390). Lipschutz proceeds to account for the emergence of global civil society at the macro and micro level: 1) at the structural (macro) level, anarchy as the central organising principle of the international system is withering away; and 2) at the agency (micro) level, national governments are unable to provide the kind of welfare services demanded by citizens, with the micro response being new ways of providing these services, and citizens are increasingly capable of doing this. The transfer of knowledge has resulted in networks of skilled groups and individuals operating in newly politicised issue areas, helping to modify the state system. (Lipschutz 1992: 418-419)

Despite its promising potential as an avenue of social progress away from the present system of nation-states and market, the concept of global civil society and organisations have drawn sharp criticism, including that from Lipschutz himself. Critics view it as being vague and incoherent; a vehicle for the expanding neoliberal order; deficient in democratic accountability; and a mere epiphenomena reflecting the state system. All of these criticisms are manifestations of a broader scepticism with regards to the illusory nature of global civil society's emancipatory potential. The following essay will discuss and explain the prevailing criticisms of global civil society, beginning with its conceptual ambiguity and incoherence, particularly with regards to its relations with the state system; its rhetorical function as a justificatory device which undermines democratic legitimacy; and finally its maintenance and reproduction of a globalised, neoliberal order perpetuating the commodification of public goods and human labour. The essay will conclude with the possibility of global civil society's achieving emancipation, drawing on Foucault's conception of governmentality and the exercise of politics through strategy and action.

"What is this 'Civil Society?'" Ronnie Lipschutz appropriately asks (2005: 753). Existing literature on the topic does not provide a clear definition of what the term 'global civil society' means, only an assertion, or assumption, that it exists. Some theorists define civil society as "the space of uncoerced human association and also the set of relational networks...that fills this space." Civil society exists "where there are free associations that are not under the tutelage of state power [and] where society as a whole can structure itself and coordinate its actions through such free associations." To some theorists, civil society could serve as an antidote to unbridled market forces. To yet others, it is "that set of diverse non-governmental institutions which is strong enough to counterbalance the state" (Bartelson 2006: 379).

Such conceptual vagueness and incoherence that frustrate modern authors echoes the continuing contestation and evolution of the concept of global civil society since its early days. Within international relations theory, the concept of global civil society was introduced as an alternative to statist theories of global political order, claiming to explain changes diverging from that order. It eventually grew to be self-evident that 'the term global civil society refers to non-

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governmental structures and activities.' There is an underlying agreement that global civil society can and ought to be demarcated from both domestic and international political authority (Bartelson 2006: 375). However, Bartelson problematises this assumption and traces back to the early internationalist vision of civil society, arguing that the concept of civil society was introduced within the conceptual framework of the territorial state by means of the very same distinction that a global civil society now claims to transcend. In the early conceptions of the world of states, the international sphere has no overarching authority by virtue of the mutual recognition of sovereignty among states. The international sphere is therefore uncivil in that its constituent practices are the moral negation of those associated with domestic civil society. Thus, the concept of civil society is viewed as being coextensive with the concept of domestic political community, and distinct from the international state of nature. This definition has changed dramatically since its introduction.

During the Enlightenment, civil society was cast in opposition to illegitimate political authority; later, in a reversal of this view, it was defined as being fundamentally subordinate to but distinct from the state. Hegel saw civil society as fulfilling a mediating function in the name of the state and the universality of its institutions. This was again reversed by Marx, who argued that civil society is prior to structures of authority such as the state. Among theorists, the civilising process was expected to reach into the entire system of states, and transform the violent system of states into a civilised and peaceful society of states, nations, or even peoples. Hegel then dashed this hope by reducing the existence of civil society to an agreement between states rather than a degree of civilisation (Bartelson 2006: 376-377). Bartelson draws on the early theories of civil society in order to situate the present problematic relationship between political authority and global civil society echoed by contemporaries along its historical continuity. Thus, the concept of civil society has undergone constant contestation and ideologisation of its meaning since its introduction (Bartelson 2006: 379).

In response, Bartelson suggests that global civil society should be better understood in terms of its rhetorical function: rather than asking what kind of institutions and practices it might refer to, we should ask what kind of world is constituted, and what kind of beliefs, institutions, and practices can be justified, through the usage of this concept. (372) The transition from the domestic to the global sphere represents a transformation of the art of government, and questions of governance can be formulated as if the world were one polity lacking a common government. However this lends to another problem, namely, why draw a distinction between global civil society and governmental authority in a world in which the separation between the domestic and international spheres does not matter? In this case, both global civil society and governmental authority are parts of a larger social whole. The literature is notably silent about the locus and scope of global government. Bartelson argues that theories of global civil society should be understood as responses to the problem of governance without government in academic and political discourse, rather than as accurate representations of what is going on within an emergent world polity (Bartelson 2006: 384). The concept of global civil society has two rhetorical functions: constitutive and justificatory: it constitutes the global as governable, and since it supposedly transcends national boundaries, it represents the possibility of a more inclusive political community beyond the state. The concept of global civil society therefore bestows legitimacy on the supranational and non-governmental institutions that govern in its name.

The justificatory function of global civil society segues to a second criticism of the concept: the undermining of democratic legitimacy in the perpetuation of power politics. Here, the ambiguity and incoherence of the concept of global civil society is indeed useful in practice, as James Ferguson puts it, "The current (often ahistorical and uncritical) use of the concept of 'civil society' in the study of politics obscures more than it reveals, and indeed, often serves to help legitimate a profoundly anti-democratic transnational politics" (Bond 2006: 360). The concept of global civil society justifies the presence of global authority regardless of the locus this authority. The paradigmatic actor, the non-governmental international organisation, is unique in world politics because of its moral attributes. However contested the normative foundations of global civil society appear to be, the tendency to absorb good causes seems to be an effective unifying element. This makes political opposition difficult as it risks stigmatisation; being against global civil society can be construed as being in favour of things that are uncivil and nasty by default. Insofar as the concept of global civil society legitimates organisations and social forces opposed to certain institutions (e.g. neoliberal) of global governance, this tolerance of divergent opinion is only possible against when there is an agreement to disagree. (Bartelson 2005: 387)

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Global civil society draws its identity from what is morally alien to it, by constituting its opposition as a negative reflection of itself. Global civil society is based on its own logic of exclusion, which is concealed behind its supposed democratic inclusiveness; it serves as a shorthand response to the problem of democratic legitimacy and justifies the exercise of governmental authority within an emergent world polity to the extent that it provides a substitute for a truly transnational demos. (Bartelson 2005: 374) Bartelson further contends that theories of global civil society, in aiming to transcend the state system, forget why power politics exist in the first place: as a response to the tragic condition of political life. They distract us from the reconfiguration of uncivility and violence in the name of civility that are presently occurring, and are blind to the fact that civilisation of the international realm has coincided with the return of violence inside domestic societies. (Bartelson 2005: 389) Being expressions of the will to govern, global civil society's emancipatory potentials may be illusory, as it is also participating in the continuation of power politics. The concept of global civil society is used to justify resistance to what seems to be illegitimate power and unbridled global capitalism, while it in fact contributes to the reproduction of a social reality different from that described by the concept.

Ronnie Lipschutz articulates another critical dimension that calls into question global civil society's emancipatory potential—here from the market institution. He argues global civil society is a fundamental element of an expanding, globalised, neo-liberal system organised around individualism, private property, and exchange (Lipschutz 2005: 753-754). Civil society has become an arena of social struggle to avoid impoverishment by market forces and overcome the tendency of capital to commodify the body and human labour for profits (Lipschutz 2005: 754). There are two broad conceptualisations of civil society in tradition: civil society was understood 1) in terms of a separation between state (public) and market (private); and 2) as a realm of civil (moral/ethical) association beyond the reach of authority of the state. In a liberal system, civil society plays a dual—distributive and constitutive—role. On one hand, through institutional power, it contests distributive policies and outcomes through the market; on the other hand, through the productive power of discourse, it articulates the social ethics that underpin the specific form and limits on both market and state (Lipschutz 2005: 760). Civil society is concerned not only with social reproduction but also with ensuring that neither state nor market takes complete control of the bourgeoisie and its 'life, liberty, and property.' Because property, Lipschutz says, is a relation among people and a social construct whose privateness is subject to both social acknowledgement and intervention, the particular organisation of liberal societies in terms of property, with distinct realms of authority and activity, relies on civil society to maintain or reproduce the boundary and the distinction. In the globalised neoliberal order, however, the mechanisms through which struggles occur are still underdeveloped and the 'state' is primarily engaged in providing attractive and stable conditions for capital and is less interested in addressing externalities or market failures. It falls to civil society to become politicised, and, through its regulatory activities, reinforce or reinscribe the separation between the public (politics) and the private (markets) (Lipschutz 2005: 759-760).

So far, however, Lipschutz argues that civil society organisations have only struggled to reform the institutions and practices of concern. They do not problematise or articulate those ethical limits that movements demand, society expects, and states have agreed to. It is only through changes in the structural rules that articulate such limits that these struggles can be transformed into social ethics. Hence, Lipschutz criticises, much of what is purported to be political activity by global civil society is merely the exercise of institutional power within the context of the market. This is primarily the result of a lack of constitutional political mechanisms in the arrangements of global rule, which leaves distributive politics through markets as the most accessible mode of action for social activists. Lipschutz raises the examples of tsunami relief effort and corporate social responsibility: in both instances, the state's responsibility to treat people in an ethical fashion as a public good has been displaced by private provision of services and protection. The important questions are: what have the constitutive effects of such campaigns been? And how have they altered either corporation or capitalism in structural terms? Under neoliberal conditions, the only obvious and acceptable means of regulating markets are based on the methods of the market, or action through institutional power. Consequently, what appear to be acts by the autonomous agents of civil society to promote workers' rights instead serve to privatise those rights within a corporation's commodity chain without actually shifting the public-private boundary. Ultimately, the result has been little social change, as power constitutes not only that which activists seek to change but the activists themselves (Lipschutz 2005: 761-764).

Patrick Bond offers further empirical grounding to Lipschutz's argument. Bond identifies five distinct ideological

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categories associated with universal political orientations: global justice movements, Third World nationalism, Post-Washington Consensus (limited social democracy), Washington Consensus (neoliberalism), and Resurgent Rightwing (neoconservatism). Civil society forces are located in each camp, according to Bond, but most large transnational civil society agencies are found in the Post-Washington Consensus ideological camp (Bond 2006: 362). Bond examines the futility of top-down reform proposals while the neoliberal/neoconservative groups remain dominant. Nearly all civil society initiatives with the World Bank and IMF have been disastrous. What is evident in Bond's discussion which he does not mention is the extent to which, consistent with Lipschutz's argument, civil society reform efforts at these organisations are based on methods of the market. For example, the World Bank's environmental reforms of the 1990s had a cautious approach to "high-risk" infrastructure and forestry projects. The Bank recently decided to re-engage in contentious water projects in what it refers to as a "high risk/high reward" strategy. In 2002, the Bank also dismissed its "risk-averse" approach to the forest sector when it approved a new forest policy. (Bond 2006: 366-367) The evaluative criteria which the Bank utilises are drawn from the language and discourse of financial investment, reducing to economic values—and in effect commodifying and privatising—these commons, e.g. the natural environment, water, etc., as well as the human right to enjoy them.

Bond raises the concern among cosmopolitan democracy theorists of how institutions of such power and scope can be managed. With respect to the UN, he criticises that none of the global governance reforms aiming to improve the UN Security Council reform, handling of governance/democracy implementation, and Millennium Development Goal (MDG) advocacy have reached satisfactory results. Reform decisions were often generated nontransparently by elite nations that embrace the Washington Consensus and its pro-corporate Global Compact, as well as other neoliberal institutions and practices. Rightly so, global justice activists worry that the institutions that set the goals are too far removed from the people who need to actually own the struggles and their victories. (Bond 2006: 368)

But transcendence beyond the neoliberal system is not impossible. Drawing on Foucault's conception, governmentality has as its purpose "the welfare of the entire population, the improvement of its condition, the increase of its wealth, longevity, etc." Today, autonomy exists only residually in the concept of 'consumer sovereignty,' the freedom to choose in the market. Global social activism depends on producer behaviour and consumer choice for political effect; environmental reform is reproduced as a form of financial investment. Thus power must be conceptualised as productive—it "traverse and produces things, it induces pleasure, forms knowledge, and produces discourse. It needs to be considered as a productive network that runs through the whole social body, much more than as a negative instance whose function is repression" (Lipschutz 2005: 764-765). Agency becomes highly constrained. Theoretically, according to Lipschutz, what is required is strategy, a combination of both the normative and the pragmatic. Strategy involves the exercise of power that emerges through doing things that are naturalised discursively; therefore a discursive political space can be created to restructure the existing authority of concern and force an alternative path, harnessing the productive power inherent in social activism. Power must be exercised within the microspaces and capillaries of contemporary life within the web of governmentality, and it must involve action so that politics can be practiced. (Lipschutz 2005: 767)

More importantly, there is empirical evidence of this transcendence, or at least a conscious struggle towards it. The South African independent left has adopted a strategy to build durable democratic mass movements informed by internationalism, combined with demands on the state to 'lock capital down,' in a spirit that involves the deglobalisation of capital. Mass internationalist protest activity was accompanied by the successful divestment of World Bank Bonds, an institution at the core of the "neoliberal repression across the Third World" (Bond 2006: 368), and the deglobalisation of the Trade Related Intellectual Property Rights regime for access to generic anti-retroviral drugs. Struggles are underway to deglobalise food and abolishing water and energy privatisers. The reason for all this, according to Bond, is to gain space to fight neoliberal commodification. South Africa's decommodification agenda entails abolishing the privatisation of common goods for humanity by turning basic needs into genuine human rights, including free anti-retroviral drugs to fight AIDS, 50L of free water per person per day, 1 kilowatt hour of free electricity, extensive land reform, free education, and so on. In turn, the World Social Forum provides hints of a unifying approach within the global justice movements based on the themes of 'decommodification' and 'deglobalisation' (of capital) by constructing a dialogical space which might support ideological, analytical, strategic, and even tactical convergence between far-flung movements around the globe (Bond 2006: 359, 370).

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By drawing on the concept of governmentality, one can better understand the purpose of global civil society without illusions (both over- and underestimation) as to its emancipatory potential. The above essay presented some of the major criticisms of global civil society, namely its conceptual vagueness and incoherence; its rhetorical function as a legitimization device that arguably undermines the transnational demos; and finally its maintenance and reproduction of the neoliberal order. All of these are connected to a wider scepticism as to global civil society's true capacity to transcend the present nation-state system and market institution. The essay concluded by providing both theory and empirical evidence of global civil society's emancipatory potential.

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