

Week 2:

Civic and Community Engagement

THE STATE AND ITS ELEMENTS

Definitions:

The state is the most universal and most powerful of all social institutions. The state is a natural institution. Aristotle said man is a social animal and by nature he is a political being. To him, to live in the state and to be a man were identical.

The modern term 'state' is derived from the word 'status'. It was Niccolo Machiavelli (1469 - 1527) who first used the term 'state' in his writings. His important work is titled as 'Prince'.

The state is the highest form of human association. It is necessary because it comes into existence out of the basic needs of life. It continues to remain for the sake of good life.

The aims, desires and aspirations of human beings are translated into action through the state. Though the state is a necessary institution, no two writers agree on its definition.

To Woodrow Wilson, 'State is a people organized for law within a definite territory.'

Aristotle defined the state as a 'union of families and villages having for its end a perfect and self - sufficing life by which it meant a happy and honourable life'.

To Holland, the state is 'a numerous assemblage of human beings generally occupying a certain territory amongst whom the will of the majority or class is made to prevail against any of their number who oppose it.'

Burgess defines the state as 'a particular portion of mankind According to Sidgwick. 'State is a combination or association of persons in the form of government and governed and united together into a politically organized people of a definite territory.'

According to Garner, 'State is a community of people occupying a definite form of territory free of external control and possessing an organized government to which people show habitual obedience.'

Prof. Laski defines 'state as a territorial society divided into government and subjects whose relationships are determined by the exercise of supreme coercive power.'

Elements:

From the above definitions, it is clear that the following are the elements of the state :-

Physical bases of the State

1. Population

2. Territory

Political bases of the State

1. Government

2. Sovereignty

Population :

It is the people who make the state. Population is essential for the state. Greek thinkers were of the view that the population should neither be too big nor too small.

Territory :

There can be no state without a fixed territory. People need territory to live and organize themselves socially and politically. It may be remembered that the territory of the state includes land, water and air - space.

The modern states differ in their sizes. Territory is necessary for citizenship. As in the case of population, no definite size with regard to extent of area of the state can be fixed. There are small and big states.

In the words of Prof. Elliott 'territorial sovereignty or the Superiority of state overall within its boundaries and complete freedom from external control has been a fundamental principle of the modern state life'.

Government :

Government is the third element of the state. There can be no state without government. Government is the working agency of the state. It is the political organization of the state.

Prof. Appadurai defined government as the agency through which the will of the State is formulated, expressed and realized.

According to C.F. Strong, in order to make and enforce laws the state must have supreme authority. This is called the government.

Sovereignty:

The fourth essential element of the state is sovereignty.

The word 'sovereignty' means supreme and final legal authority above and beyond which no legal power exists.

The concept of 'sovereignty' was developed in conjunction with the rise of the modern state. The term Sovereignty is derived from the Latin word superanus which means supreme. The father of modern theory of sovereignty was Jean Bodin (1530 - 1597) a French political thinker.

Sovereignty has two aspects:

- 1) Internal sovereignty
- 2) External sovereignty

Internal sovereignty means that the State is supreme over all its citizens, and associations.

External sovereignty means that the state is independent and free from foreign or outside control.

According to Harold J. Laski, 'It is by possession of sovereignty that the state is distinguished from all other forms of human association.'

State and Society

The society consists of a large number of individuals, families, group and institutions. The early political thinkers considered both state and society as one. State is a part of society but is not a form of society.

Prof. Ernest Barker in his book entitled 'Principles of Social and Political Theory' clearly brings out the difference between state and society under three headings. They are,

1. Purpose or function
2. Organisation and structure
3. Method

From the point of view of purpose the state is a legal association, which acts for the single purpose of making and enforcing a permanent system of law and order.

But society comprising of a plurality of associations, acts for a variety of purposes other than legal.

These purposes are

1. Intellectual
2. Moral
3. Religious
4. Economic
5. Aesthetic and
6. Recreational

The membership of the state and society are the same. But they differ as regards purpose. The state exists for one great but single, purpose; society exists for a number of purposes some great and some small, but all in their aggregate deep as well as broad.

From the point of view of organization the state is a single organization - legal, whereas society comprises within itself many organizations.

As regards method as pointed out before the state employs the method of coercion or compulsion, society employs method of voluntary action.

The purposes for which society exists makes the persuasive methods necessary and the multiplicity of its organization give ample opportunity to the members to relinquish one association and join another in case coercion is ever attempted.

State and Nation:

The word 'nation' is derived from the Latin word 'natio' which means birth or race. The terms nation and state are used as synonym.

According to Leacock, a nation is a body of people united by common descent and language.

But the modern writers do not emphasize the racial aspects so much as the psychological and spiritual. It has acquired a political meaning in the recent times.

People who share common ideas and naturally linked to gather by some affinities and united are now called a nation. In the case of state feeling of oneness is not necessary as in the case of the four elements constituting the State.

State and Government:

Government is often used with the 'state' as synonym.

But both the government and the state are two different entities. There are differences between the state and the government.

State

1. State consists of population, territory, government and sovereignty.
2. State possesses original powers.
3. State is permanent and continues forever.
4. State is abstract and invisible.

Government

1. Government is part of the state.
2. Powers of the government are derived from the state.
3. Government is temporary. It may come and go.
4. Government is concrete and is visible.

Branches of Government:

1. Executive:

It is one of the three branches of government as given above.

State functions through the executive, the namely the government. It is the duty of the executive or enforce the laws passed by the legislature.

The executive who exercise real power is the real executive. The executive who has nominal power is the normal executive.

Powers and functions of executive are :

1. Enforcing law
2. Maintaining peace and order.
3. Repelling aggression.
4. Building friendly relations with other states

5. When necessary to wage war to protect the country.
6. Making appointments to higher posts.
7. Raising money and spending them.
8. Convening the sessions of the legislature and conducting business.
9. Issues ordinances whenever the legislature is in session.
10. Implement schemes and projects to improve the social and economic conditions of the people.
11. Power to grant pardon, reprieve or remission of punishment.

2. Legislature:

The legislature is the law making branch. The legislature has an important role in the amendment of the constitution. The legislature is a deliberative body where matters of social, economic and political concerns are discussed, debated and decided.

The British parliament is said to be 'the mother of parliaments'. It is the oldest legislature in the world.

According to Prof. Laski, law-making is not the only function of the legislature but its real function is to watch the process of administration to safeguard the liberties of private citizens.

National Assembly as the Lower House.

Senate as the Upper House

The functions of legislature are

- a) Enact laws
- b) Oversee administration
- c) Pass the budget
- d) Hear public grievances
- e) Discuss subjects like
 - 1) Development plans
 - 2) National policies
 - 3) International relations.

3. Judiciary:

Judiciary is the third important organ of the government machinery. Its main function is to interpret laws and administer justice.

Lord Bryce has said that there is no better test of excellence of government than the efficiency of its judicial system. The welfare of citizens depends to a larger extent upon the judiciary.

Judiciary is one of the pillars of democracy. Its interpretation ensures justice, equality and liberty to all its citizens. An independent and impartial judiciary is an essential feature of a democratic setup.

According to **Justice Hughes**, 'we are under a constitution, but the constitution is what the judges say it is'.

Functions of Judiciary:

1. Administration of justice.
2. To determine what is law and what is the scope and meaning of it. Interpretation of constitution and law
3. To give advisory opinion on matters referred to it.
4. To issue order or writs for the purpose of preventing violation of rights and law
5. To act as a guardian of the constitution



What is Civil Society, its role and value in 2018?

Rachel Cooper
University of Birmingham
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Question

What is Civil Society? How is the term used and what is seen to be its role and value (internationally) in 2018?

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1. Summary

Civil society is widely understood as the space outside the family, market and state (WEF, 2013). What constitutes civil society has developed and grown since the term first became popular in the 1980s and it now signifies a wide range of organised and organic groups including non-governmental organisations (NGOs), trade unions, social movements, grassroots organisations, online networks and communities, and faith groups (VanDyck, 2017; WEF, 2013). Civil society organisations (CSOs), groups and networks vary by size, structure and platform ranging from international non-governmental organisations (e.g. Oxfam) and mass social movements (e.g. the Arab Spring) to small, local organisations (e.g. Coalition of Jakarta Residents Opposing Water Privatisation).

Civil society roles include:

- service provider (for example, running primary schools and providing basic community health care services)
- advocate/campaigner (for example, lobbying governments or business on issues including indigenous rights or the environment)
- watchdog (for example, monitoring government compliance with human rights treaties)
- building active citizenship (for example, motivating civic engagement at the local level and engagement with local, regional and national governance)
- participating in global governance processes (for example, civil society organisations serve on the advisory board of the World Bank's Climate Investment Funds).

Civil society has created positive social change in numerous places throughout the world. For example, WaterAid UK provided over 1.3 million people with safe drinking water in 2017/18¹, whilst in El Salvador, the government passed a law in 2017 banning environmentally and socially harmful metal mining practices following civil society action since 2004². However, questions about civil society's value, legitimacy and accountability are increasingly. Reasons for this include:

- recent NGO scandals, such as Oxfam workers in Haiti
- a growing disconnect between traditional CSOs and their beneficiaries
- a tough funding climate which has encouraged some CSOs to 'follow the money' and move away from their core mandates
- the growing role of new social movements which are able to connect with and mobilise large numbers of people

Increasingly researchers and practitioners are focusing on the role and value of diaspora communities and their potential contribution to international development. In 2017, diaspora communities remitted over USD 466 billion to low and medium income countries (World Bank, 2018). Remittances fund both family members' needs and investments in co-development projects and entrepreneurship. The potential role and value of diaspora communities in

¹ https://www.wateraid.org/uk/sites/g/files/jkxoof211/files/Annual_Report_2017_18_HI_RES.pdf

² https://www.civicus.org/images/Saul_Banos_El_Salvador.pdf

development is widely recognise, for example, in the UN's Sustainable Development Goals (SDGs). Key issues in maximising the potential of the diaspora are reducing transaction costs associated with remittances and capacity building for diaspora civil society groups.

Academics, researchers and practitioners are concerned about "**closing space**" around **civil society**. Closing space refers to governments enacting regulatory, legislative or practical restrictions on civil society, including foreign funding for CSOs and limits on the rights of freedom of association, assembly and expression (see for example, Rutzen, 2015). Constraints on civil society began following the 9/11 terrorist attacks in America, with a second wave of restrictions following the Arab Spring (Rutzen, 2015). Both developing and developed countries are enacting restrictions (Rutzen, 2015). Practitioners and researchers are actively seeking ways to enhance civil society's resilience and sustainability (see for example, the US Center for Strategic and International Studies, who have launched a global consortium to identify specific remedies³). Other important trends in civil society include the changing funding climate, the role of technology and the role of faith groups.

2. What is civil society?

Civil society has been broadly defined as the "area outside the family, market and state" (WEF, 2013 p. 8)⁷. For example, the EU defines civil society as "*all forms of social action carried out by individuals or groups who are neither connected to, nor managed by, the State*"⁸. The African Development Bank argues that civil society is the voluntary expression of the interests and aspirations of citizens organised and united by common interests, goals, values or traditions and mobilised into collective action (AfDB, 2012, p. 10). Civil society encompasses a spectrum of actors with a wide range of purposes, constituencies, structures, degrees of organisation, functions, size, resource levels, cultural contexts, ideologies, membership, geographical coverage, strategies and approaches (WEF, 2013, p. 8; AfDB, 2012, p. 10).

Typologies of civil society actors include (WEF, 2013, p. 7; AfDB, 2012, p. 10):

- NGOs, CSOs and non-profit organisations that have an organised structure or activity, and are typically registered entities and groups
- Online groups and activities including social media communities that can be "organised" but do not necessarily have physical, legal or financial structures
- Social movements of collective action and/or identity, which can be online or physical
- Religious leaders, faith communities, and faith-based organisations

⁵ Civil society sustainability may be defined as the capacity and capability of organized and loosely formed citizens associations and groupings to continuously respond to national and international public policy variations, governance deficits, and legal and regulatory policies through coherent and deliberate strategies of mobilizing and effectively utilizing diversified resources, strengthening operations and leadership, promoting transparency and accountability, and fostering the scalability and replicability of initiatives and interventions (VanDyck, 2017)

⁶ For more information see <https://www.weforum.org/agenda/2015/08/faith-communities-essential-disruptors/>

⁷ Evers (1995) argues that civil society is a tension field between state, market and family/community, which explains why it differs across contexts: CSOs are simultaneously shaped by the respective influences coming from the state, the market and family/community, and generate tensions, which cut across the borders of the state, market and family/community (pp. 162-3). Evers' work also highlights how definitions of civil society have a tendency to be normative as civil society, premised on non-coercive association is related to democracy (this type of association is not normally permitted in authoritarian or hybrid regimes).

⁸ https://eur-lex.europa.eu/summary/glossary/civil_society_organisation.html

- Labour unions and labour organisations representing workers
- Social entrepreneurs employing innovative and/or market-oriented approaches for social and environmental outcomes
- Grassroots associations and activities at local level
- Cooperatives owned and democratically controlled by their members
- Youth clubs
- Independent radio, television, print and electronic media
- Neighbourhood or community-based coalitions
- Academic and research institutions
- Organisations of indigenous peoples

Civil society occupies an important position in the development dialogue as it provides opportunities to bring communities together for collective action, mobilising society to articulate demands and voice concerns at local, national, regional and international levels (AfDB, 2012, p. 10). Civil society groups also provide services such as education and healthcare.

Changing definitions of civil society

Defining civil society is not a simple task (VanDyck, 2017, p. 1). The term civil society became popular in the 1980s⁹ when it was identified with the non-state protest movements in authoritarian regimes in Eastern Europe and Latin America (Jezard, 2018). VanDyck (2017) argues that there have been significant changes over time in the civil society landscape and the concept has evolved from associational platforms to comprise a wide range of organised and organic groups of different forms, functions and sizes. At different periods, community-based organisations, workers' or labour unions, professional associations, and NGOs have been the most prominent in the civil society space (VanDyck, 2017, p. 1). However, today, civil society is "recognised as a diverse and ever-wider ecosystem of individuals, communities and organisations" (WEF, 2013, p. 6).

The World Economic Forum launched the 'Future Role of Civil Society' project in 2012 to explore the rapidly evolving space in which civil society actors operate (WEF, 2013, p. 3). The report argues that definitions of civil society are changing (WEF, 2013, p. 5). Civil society is now "recognized as encompassing far more than a mere "sector" dominated by the NGO community: civil society today includes an ever wider and more vibrant range of organized and unorganized groups, as new civil society actors blur the boundaries between sectors and experiment with new organisational forms, both online and off" (WEF, 2013, p. 5).

The WEF (2013) highlight how information and communication technologies have opened up spaces for action. For example, there has been significant growth in online civil society activity, which has enabled the growth of networks across geographical, social and physical divides (WEF, 2013, p. 6). The WEF (2013) highlight the example of the documentary Kony 2012 as an example of the ability of a small group of people to rapidly mobilise significant online activity and

⁹The concept of civil society has its roots in the work of 19th century political scientist de Tocqueville and 20th century philosopher Gramsci. For more information on the concept's history, see Edwards, M. (2014). *Civil Society*. Polity Press.

media attention around a topic that had previously been relatively unknown (p. 6)¹⁰. Jezard (2018) argues that the nature of civil society, what it is and what it does is evolving in response to both technological developments and nuanced changes within societies.

As well as changing definitions of civil society, the roles and operating environments of civil society are also changing (Jezard, 2018; WEF, 2013). According to the WEF changing roles includes civil society actors acting as facilitators, conveners and innovators as well as service providers and advocates (2013, p. 5). The changing context includes: economic and geopolitical shifting from Europe and North America; technology is changing traditional funding models and dramatically shifting social engagement; and political pressures are restricting the space for civil society activities in many countries (WEF, 2013, p. 5). The WEF report argues that looking forward to 2030 civil society leaders need to understand how shifting external contexts will shape their opportunities to achieve impact and what this evolution will mean for their relationships with businesses, governments and international actors (p. 5). They argue that in a turbulent and uncertain environment, actors can no longer work in isolation (WEF, 2018, p. 5).

VanDyck (2017) proposes a definition of civil society as an ecosystem of “*organized and organic social and cultural relations existing in the space between the state, business, and family, which builds on indigenous and external knowledge, values, traditions, and principles to foster collaboration and the achievement of specific goals by and among citizens and other stakeholders*” (VanDyck, 2017, p. 1). This definition encompasses the wide range of actors operating in the civic space. In light of the changes civil society is undergoing, the WEF (2013) argues it should no longer be viewed as the third sector, but as the glue that binds public and private activity together in such a way as to strengthen the common good (p. 5).

Organised and Organic Civil Society

Changes within the civil society landscape since the 1980s mean that researchers and practitioners distinguish between new/traditional, informal/formal, and organised/organic forms of civil society actors (see for example, WEF, 2013). VanDyck (2017) refers to organised or traditional civil society and new actors or organic civil society.

Organised civil society

CSOs encompass a wide range of groups, from local community-based organisations to highly professionalised international non-governmental organisations (INGOs) (Kreienkamp, 2017, p. 1). Large development actors and political institutions largely rely on, and sometimes define, civil society in terms of CSOs. For example, the World Bank defines civil society as:

“the wide array of non-governmental and not for profit organisations that have a presence in public life, express the interests and values of their members and others, based on

¹⁰ Kony 2012 was released by the campaign group Invisible Children, received 100 million views in 6 days and resulted in 3.7 million citizen pledges calling for the arrest of Joseph Kony, the leader of the Lord's Resistance Army in Uganda. Invisible Children argue that this contributed to the USA's President Obama reauthorizing the US mission to support the African Union in combatting Kony and the Lord's Resistance Army (for more information see <https://invisiblechildren.com/kony-2012/>). There were a number of problems with Invisible Children's Kony 2012 campaign, which in part led to the dissolution of the organisation in 2015 (for more information see https://www.washingtonpost.com/news/monkey-cage/wp/2014/12/30/why-did-invisible-children-dissolve/?utm_term=.10b6985e195f).

*ethical, cultural, political, scientific, religious or philanthropic considerations. Civil society organisations therefore refer to a wide array of organisations: community groups, NGOs, labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations*¹¹

The governance structures of CSOs are varied but are by their very nature independent of direct government control and management (Tomlinson, 2013). One study suggests that NGOs, a prominent type of CSOs, across 40 countries represent USD 2.2 trillion in operating expenditures and employ the equivalent of 54 million full-time workers with a global volunteer workforce of over 350 million people (Jezard, 2018). At the national level, the number of CSOs has also increased in developing and emerging economies (WEF, 2013, p. 6). India and China are estimated to have large numbers of NGOs: 460,000 and 3.3 million respectively (WEF, 2013, p. 6).

CSOs have become part of the development process, both on the ground, where they may be responsible for delivering services or implementing donor-funded projects (see for example Village Water Zambia, a Zambian NGO supporting safe water, sanitation and hygiene¹²) or as part of governance processes. For example, the EU defines CSOs as an organisational structure whose members serve the general interest through a democratic process, and which plays the role of mediator between public authorities and citizens¹³. CSOs have a recognised role in the EU's good governance, which includes dialogue with CSOs when preparing proposals for EU laws. EU examples of CSOs include social partners (trade unions and employers' groups), NGOs; and grassroots organisations (e.g. youth and family groupings)¹⁴. In contrast, the African Development Bank's definition of civil society includes reference to CSOs comprising "the full range of formal and informal organisations within society" (AfDB, 2012).

Organic civil society

New actors in the civil society ecosystem include social movements, online activists, bloggers and others (VanDyck, 2017, p. 3). CIVICUS, a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society throughout the world, defines civil society broadly in order to capture the wide range of actors:

"non-governmental organisations, activists, civil society coalitions and networks, protest and social movements, voluntary bodies, campaigning organisations, charities, faith-based groups, trade unions and philanthropic foundations" (CIVICUS, 2017, p. 1).

Civil society networks, protest and social/resistance movements include the Arab Spring and reflect the fact that citizens are becoming more networked (WEF, 2013, p. 6). The WEF (2013) argue that since 2010 there has been renewed citizen participation and expression around the world (p. 6). The Arab Spring was enabled by mobile and social communication technologies and

¹¹ <http://www.worldbank.org/en/about/partners/civil-society#2>

¹² <http://villagewaterzambia.org.zm/>

¹³ https://eur-lex.europa.eu/summary/glossary/civil_society_organisation.html

¹⁴ https://eur-lex.europa.eu/summary/glossary/civil_society_organisation.html

was supported by the traditional institutions of organised civil society, e.g. trade unions in Tunisia, Egypt and Bahrain (WEF, 2013, p. 6).

Research suggests that the success of non-violent mass resistance campaigns has declined over the past decade, but that they have demonstrated the power that civil society movements can sometimes exercise (Kreienkamp, 2017, p. 5). The success of popular mass movements, such as the Arab Spring, has led to governments around the world initiating measures to restrict civil society in order to prevent similar uprisings on their own soil (Rutzen, 2015, p. 30) (see section 4 of this report).

Some practitioners, including the CEO of CIVICUS argue that “(n)ew social movements may undermine the need for and importance of organized civil society. As people connect and mobilize spontaneously, key actors (citizens, policy-makers, business) may question why we need institutionalized NGOs” (quoted in WEF, 2013, p. 17).

VanDyck (2017) argues that there is a growing gap between organised civil society and the constituencies they represent (p. 2). This is for a number of reasons including growing public distrust and uncertainty about their relevance and legitimacy; organisations failing to uphold their mandate in the face of adversity; and organisations ‘following the money’ by accepting money for programmes and initiatives that are not aligned with their core mandate (VanDyck, 2017, p. 2). Taylor (2011) outlines how groups can also become co-opted by accepting money from governments, which limits their ability to criticise or work towards their goals for fear of ‘biting the hand that feeds’.

New actors are bridging the divide between the people and organised CSOs through their mode of engagement, tools and approaches, which have democratised the advocacy space (VanDyck, 2017, p. 3). VanDyck (2017) argues that the challenge is for traditional, organised civil society and the loosely formed organic actors to identify means of collaboration and focus on comparative advantages in light of the rapid changes taking place within civil society and the development landscape (p. 3)..