(Re)Conceptualising Civil Society in Arab Thought

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Abstract

This paper outlines Arab discourse on civil society by exploring the terminology and conceptualisations adopted by Islamic and secular schools of thought. This involves looking at key themes including secularism, pluralism, renewal, reasoning and the relationship between state and civil society. A conceptual history of the notion is provided, particularly in relation to the context of the Arab world. This allows for an exploration into the historical presence of civil society in both Arab thought and practice. It is from the conceptual analysis of civil society that it is then possible to consider the limitations of the current discourse, introduce new features to the concept and as such attempt to reconceptualise the concept of civil society in such a way as to meet the demands of a modern, indigenous Arab civil society. This reconceptualisation of civil society lies predominantly in placing resistance at the heart of civil society, particularly when civil society is faced with a repressive state. Furthermore it considers the need of the construction of a social contract at the foundation of civil society in order for it to begin to act in its ideal.

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1. Introduction
The debate on civil society in the Arab world has grown over the last few decades in an attempt to deal with what some have referred to as the crisis, azma, of the Arab world (Al-Jabiri, 1989; Hourani, 1983). This has often been regarded to be a consequence of the tendency of the Arab state to be overwhelmingly authoritarian in nature which consequently restricts the development and freedom of its society, culture and economy. For some scholars of the region this has been referred to as the “political predicament of the modern Arab state” (Ajami, 1992) which requires assistance in its ability to move towards democracy. As a result of such discourse, which dominated much of the discussion on the ‘democratisation’ of the Arab world, many within the region became alienated and disillusioned. The concept of civil society on the other hand, generally conceptualised as the social space in which a democratic polity is enacted, has “generated fewer rejectionist responses than the idea of democracy” (Browers, 2006, 20) and has as such created an engaged discourse amongst various ideological traditions in Arab thought. As a result this has also breathed new life into the debates surrounding democracy as a whole, with civil society becoming an analytical tool in the search for a more desirable alternative to the crisis of the current period in Arab history.

There are a number of positive features that have emerged out of this recent discourse on the concept, particularly as a result of the diversity amongst Arab thinkers and their varying perspectives on the role of civil society in “transforming political and social institutions, individuals and groups” (Browers, 2006, 20). On one level there has been a significant move towards the idea that political and social change is more viable, more likely and certainly more desirable, if it is civil society that directs such change, through its interaction with the state. Change directed by the state alone is unlikely to do so for the benefit of society. This becomes clear upon exploring the attempts of a number of Arab states to propagate their own conceptions of political and social change to see that these attempts have neither developed nor transformed political or social institutions and have certainly not provided more freedom or autonomy for their citizens. A poignant example of this contradiction between narrative and implementation can be seen in the Syrian government’s discourse on the rights of women to give their nationality to their children (of foreign fathers) which “despite certain cosmetic changes to the constitution that occurred” (Al-Om, 2015) practical changes never materialised.2

1 Of course this means of authoritarian rule is certainly not the only reason for this crisis, with issues such as colonialism (or more recently US domination) and the Israeli-Palestinian situation playing a major role. However it could be argued that these issues are an influencing factor in the foundational basis of the structures of rule within these nations.

2 For a more in depth discussion on this, see author’s forthcoming paper The Emergence of the Political Voice of Syria’s Civil Society chapter in Civil Society in the Middle East and North Africa. (2016). American University of Beirut Press, Lebanon.
On the other hand, while the notion of change directed from *within* civil society was particularly apt at the start of the ‘Arab Spring’\(^3\), the devastating turn many of the uprisings took has cast doubt on this perspective. At the same time, in spite of the tragedies that have taken place, these events should be seen as more than fleeting moments in time that have ended in what some refer to as ‘failed revolutions’. In many respects they need to be viewed as events that have awakened a consciousness that will survive regardless of what is still to come. The non-violent movements that are acting within the uprisings are the start of what is a long process towards alternative states of being to that which Arab societies have endured under authoritarian rule. Indeed, one need only reflect upon the richness of activity taking place within civil society to recognise this (Khalaf, 2014; Halasa, 2014; Al-Om, 2015; Al-Om, forthcoming). At this point these ideas are not central to the argument of the paper, however they will be returned to in more detail in the conclusion.

On another level, although it can be seen that those involved are working from within different ideological frameworks, a significant number of Arab thinkers have generated and work within, as will be seen, an agreed political language, even if particular terms and concepts themselves are contested. The importance of this advancement is that it is only once a shared language is established that it is then possible to “understand, to persuade, to negotiate, or to even fight” (Richter, 2001).

In this way, this paper moves sharply away from the stance of exceptionalism which holds the Arab world as incapable of political, social and cultural maturity. Instead this paper seeks to identify the historical presence of ‘civil society’ in the Arab world and explore new trends in thought towards different forms of liberalisation, beyond the economic liberalisation that has tended to dominate policy and discourse. Ultimately this work hopes to outline a re-conceptualisation of the concept of civil society that fits comfortably within Arab thought and practice and which reacts to the situation on the ground and places the people at the heart of the situation.

In order to do this the paper will firstly introduce the reader to the ideas of conceptual history and transcultural concepts which will subsequently highlight the importance of establishing an understanding of the history of a concept before one can begin to deconstruct the discourse surrounding it. This then leads to the heart of the discussion of the paper in Section 3 and 4, introducing the main schools of thought in Arab discourse on civil society. Section 3 will explore civil society as a term and will outline the debate over the adoption of appropriate and acceptable terminology. Section 4 will move towards the actual conceptualisation of the concept in Arab thought which is divided into categories, derived from key notions that emerged from the discourse itself, across the various schools of thought. These categories include the relationship between state and society; *ijtihad* (independent reasoning); *tajdid* (renewal); and secularism and pluralism in Arab civil societies. Section 5

\(^3\) From now on to be referred to as the Arab Uprisings because of the more accurate depiction of the ongoing events and not simply a passing moment or season.
will begin to reconceptualise civil society by highlighting some of the limitations of current discourse. This will lead the discussion into the final section of the paper which will continue this reconceptualisation by (re)4 introducing certain features into the concept, that have so far been absent in the discourse. At the same time Section 6 reviews the literature in relation to the praxis of civil society in the region and points towards potential paths of future research that should seek to use the reality of civil society on the ground in Arab world as its guide.

2. The Conceptual History of a Transcultural Concept

In her work on democracy and civil society in Arab political thought Browers (2006) brings to the fore the importance of conceptual history, Begriffsgeschichte, particularly when looking to transport concepts to different cultural settings. Begriffsgeschichte aims to “connect conceptual to social history” (Richter, 1987) by attempting to “relate conceptualized thought to structural changes in government, society, and economy” (Richter, 1987) and revealing the usage and/or rejection of any given concept by certain groups within society at different periods in history, both during peace and conflict. The importance of being able to understand this interaction between social reality and discourse is within its ability to reveal the “mechanisms at work in the important process of selection performed by the intellectuals, institutions, and media, which together create public opinion” (Richter, 1998) as well as being able to point us towards a clearer vision of “how they [concepts] push us to think along certain lines, thus enabling us to conceive of how to act on alternative and less constraining definitions of our situation” (Lehmann & Richter, 1996).

Through the exploration of the conceptual history, Begriffsgeschicht, of the concept of civil society, it can be seen to move between and across cultures, and as such Browers terms such concepts as transcultural – “that is, ideas that are shared across cultures so that they cannot be adequately accounted for by attention to any single cultural context” (Browers, 2006, 25). In this regard, due to the inevitable uniqueness of each culture’s interpretation and interaction with such a concept - in essence their own conceptual history - it is important to reflect on the discourse across varying cultures while at the same time considering the specific characteristics emerging within each given culture. This transcultural characteristic of the concept of civil society inevitably carries with it numerous complications, including problems with the various European translations of the term and as such with the understanding of the concept as it moves between cultures, ideologies and epochs. In fact, some of the primary problems faced by Arab thinkers when contemplating the concept of civil society lies precisely in this problematic – the ambiguity of the term in Western thought itself, both in its emergence and in its changing meaning as will be outlined in this section.

4 Some of the features discussed have been an element of certain Western discourse but not found in Arab discourse.
As Pelczynski (1988, 363) states “few social and political concepts have travelled so far in their life and changed their meaning so much”. What is in fact most interesting when it comes to exploring such a complex and transcultural concept as civil society is the “interaction, contention, negotiation, and innovation that occur between, among and across cultures and languages” (Browers, 2006) when attempting to come to some kind of coherent understanding and a generally accepted definition that a broad spectrum of intellectuals can work with – although even centuries after this debate began a consensus on its appropriation has not fully been reached. While this line of enquiry - the exploration of the interaction of ideas between thinkers and across cultures - is of significant interest and importance, it will not feature in detail within this paper. Such a vast array of enquiry would ideally be the subject of future research.

One of the most significant changes in meaning that has occurred to this concept is that of the positive connotations now typically attributed to civil society and its role in defending and protecting the people (Kaldor, 2012), as can be seen with the increasing numbers of civil society groups now associated with such things as human rights, climate change, health and wellbeing (as with the HIV/AIDS awareness groups) and groups against the dominance and exploitation of the global market. This current conception is far removed from its historical origins. In contrast to its current standing in both Western and Arab discourse today, civil society had little relation to democracy, emerging (over time and space) during periods that are unlikely to be linked to the notions of democracy, liberalism, freedom or equality.

In fact, civil society at different periods of time acted as a hindrance and an obstacle to freedom, representation and human rights. Indeed, as Keane (1988) highlights, the very foundations of civil society are built upon ideas of inequality, domination and eurocentrism. Civil society was constructed under the guise of the civilised European male5, not only as a means of distinguishing the ‘civilised’ European from the ‘uncivilised other’, but also, as a means of the exclusion of women. This has meant that it has been viewed by many as part of a vocabulary of domination. However, through its historical development and its vast transformations, civil society has been more commonly appropriated as a concept which would, at least attempt to in the ideal, safeguard universal human rights. Furthermore, while civil society has most commonly been conceived of as a realm of associational life that transcends the individual, it has been the role of the state and its relationship to and interaction with civil society that has varied so significantly throughout its history and development and across cultures.

On this point however, the majority of current discourse both in Western and Arab thought, supports the idea of the separation of state and civil society – in order for civil society to

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5 The origins of the term are usually traced back to the early Greek philosophers, especially with regards to Aristotle’s notion of a koinonia politike, more commonly termed a polis – a political community or association which is undifferentiated from the state
retain its autonomy in order to fulfil its role in the ideal. In reality however, it is on this point that the issue of civil society in the Arab world has failed to act in this ideal. Civil society often has been forced to act within the remit of the permitted activity of civil society as conceived of by government. As can be seen however, change to this concept has been a constant and there is nothing to say that further changes to the concept, in thought and practice, are implausible. As Kaldor states, civil society “is a constantly shifting medium – sometimes characterised by consensus and sometimes by sharp polarisation and struggle, sometimes changing slowly and sometimes, in revolutionary moments, dramatically” (Kaldor, 2012).

3. Civil Society in Arab Thought: As a Term
Within the Arab context it is hotly contested whether the concept of civil society is simply one that is foreign and thus borrowed from Western thought or whether in fact there has always been an understanding and a conception of civil society as an idea and in practice, even though it may not have been referred to as such. Browers (2006, 26) stipulates that the key question is not necessarily on when the idea came into being but on “when the word enters the discourse” and if it is taken from this position then it could be said that the concept of civil society became a hot topic in Arab academic circles in the 1980’s, which was largely being discussed in terms of its Western counterpart. However, while this indeed may be the case in terms of popular usage of the term/concept, there are many within the Arab discourse that begin from the standpoint of the presence of civil society as a concept “in the Arab intellect [for] as long as there has been state and society, even if civil society ‘as a term is new’” (Yasin, 1999). From a different perspective, yet one that still holds the importance of the need for a culturally specific and self-determined civil society, there are those who, while perceiving the concept of civil society as a foreign one, are interested in making use of the idea but at the same time being able to “make it their own” (Browers, 2006, 20). This is largely in line with the Arab discourse on the desire to reject liberalisation from without which stipulates an acknowledgement of the need for and a desire to liberalise and modernise Arab state and society from within. This liberalisation would have to be compatible with Arab society and as such would have to emerge from amongst Arab thought, culture and ideals. An imported version from the West would not only be unacceptable, but would simply not work, as can be seen with the failure of the ‘democratisation’ of Iraq.

Departing from this position almost entirely, there are some as Browers highlights in her work, who feel that there should be no distinguishing features between the notion of civil society adopted by the Arabs and that in the West, “since any deviation from that view would result... in a watering down of the analytical value of the concept” (Browers, 2006, 92). Taking this position even further, it is from the Orientalist discourse, which is based upon the notion of strong states and weak societies, that holds that the basic foundations of a civil society are either completely absent or at best are warped in the Arab world. This
is primarily attributed to the presence of Islam, which is seen to “inhibit the emergence of any autonomous public sphere” (Salam, 2002, 4). According to Kedourie the Arab tendency towards “autocracy and passive obedience” has meant that Arab society is “incapable of sustaining the democratic culture necessary for civil society” (1992, 103). For the purpose of this paper, these latter perspectives which hold the need for a Euro-centric understanding of civil society will be put aside and focus placed on the schools of thought that place importance on indigenous Arab thought on the concept of civil society and exploring its existence in Arab history.

4. Kalim vs Mafhum

Part of the problem on this topic lies in the fact that the term ‘civil society’ has no direct translation in the Arabic language. This in and of itself raises issues in attempting to transpose such Western notions or rather terms into a foreign setting. However, the Arab thinkers who have devoted much time and thought to this idea, “consistently characterize their debate over how best to appropriate, approximate, or contest civil society and democracy as not one over a word (kalim’), but one over a concept (mathum)” as Browers (2006, 10) stipulates. There have been attempts to reconcile the lack of a direct translation of civil society into Arabic by a number of scholars coming from various traditions, secularist and Islamic. It is worth noting again, that the choice for one term over another is not simply about the term itself, but about the connotations and meanings that the term itself holds for the thinker.

Arab secularists and some Arab liberals (Al-Azm, 1998a; Al Jabiri, 1989; Zurayk, 1946) have proposed the term al-mujtama’ al-madani (civil community) in an attempt to distance themselves from the term preferred by the Islamic scholars al-mujtama’ al-ahli, which denotes a more indigenous, primordial civil and civic community and encompasses a relatively large sphere that is independent of the state, including such things as schools and charitable organisations. While this at first would appear to be in line with a secular and/or Western idea of civil society it is specifically in the role of the religious community within these realms that separate these two proposed terms.

In contrast, coming from the Islamic tradition Kawtharani rejects al-mujtama’ al-madani stating it has both “definitional and conceptual problems” (Sadiki, 2009, 37) and instead proposes akh (brother), ikhwan (brethren), akhawiyah (brotherhood) or ahl (kin/partisan) which more accurately represents the Arab relationship with its Islamic history, culture, society and politics. Huwaydi (1993) approves of the use of the term al-mujtama’ al-ahli and discusses the “ahaliyya institutions in society [which] reflects the vitality of the community and provides a balance to the institutions of the state”. At the same time Kawtharani, along with some other Islamic scholars, see a significant number of similarities that exist between the two notions, of ahli and madani, particularly if one explores their presence in Islamic history. However, through the development of a critical historical narrative,
or a conceptual history, *Begriffsgeschicht*, Kawtharani finds that the term *al-mujtamaʿ al-ahli*, corresponds most closely to the “modern concept of civil society as the symbol of the independence of society from the state through autonomous – or at least quasi-autonomous – associations and organisations” (Sadiki, 2009, 37).

For Al-Azm the distinction between these two terms is that of the distinction between the traditional religious Arab society and that of the modern Arab society which has already started moving away from the traditional. The former is restricted by certain social divisions that are coercive and hierarchical, while *al-mujtamaʿ al-madani* is based upon “relationships of citizenship” which are flexible, “civil, voluntary, contractual, rights-based, horizontal and equal” and based in the “general will” (Azm, 1998a). This would coincide closely with Al-Jabiri’s understanding of the concept and preferred term *al-mujatamaʿ al-mudun*, the society of cities, on the basis of the need for a distinguishing between the modern society and a way of being - in the cities, from the traditional Bedouin society - in the villages.

There are however issues with this undertaking of the discussion of terminology, particularly if doing so in relation to a comparison or contrasting to the West. It is advisable, according to Al-Azm to resist the temptation to concern ourselves with the issue of ‘authenticity’ that dominates so much of the Arab discourse on ‘modernity’ and its interaction with traditionalism. For Al-Azm this type of discussion simply plays into the hands of the Orientalists, by partaking in what Al-Azm refers to as “Orientalism in Reverse” (1981). Instead, it would be more productive to start from the position and acknowledgement of our current period in history which is firmly based in modern and technologically advanced times. Ghannouchi on the other hand sees this debate over terminology as a distraction from the real issues at hand, namely the actual meaning of civil society, its presence in Arab history and its relation to the Eurocentric Western ideals (Sadiki, 2009). In this way, a distinction must be made between the adoption of a particular word and the meaning, origin and historical development of a particular concept, “if we wish to grasp how someone sees the world – what distinctions he draws, what classifications he accepts – what we need to know is not what words he uses but rather what concepts he possesses” (Skinner, 1989). As a result, the importance lies in their understanding of the concepts of civil society and the attributes they attach to it which will be explored in the next section.

### 5. Civil Society in Arab Thought: As a Concept

Over the centuries, post-Islamic Arab societies and states have shown that they are not monolithic; they have shown themselves to be at different times both flexible and rigid when it comes to nurturing, what may be referred to as, a civil society, one that is distinct from the state. A number of Islamic scholars (Ghannouchi, 2000; Kawtharani, 1995; Al-Turabi, 1983) view the introduction of Islam to its pre-Islamic setting, compared to the state

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6. Indeed there is a need to explore the presence of civil society in pre-Islamic Arab societies in any further research on this subject.
of nature of Hobbes and Locke, with the contractual arrangement in Madina, likened to the social contract of Rousseau, which enabled the organic emergence of the Muslim community, the *ummah*.

The *ummah* in certain respects has been thought to resemble some of the early Greek ideas on the notion of civil society, emerging from Aristotle’s *polis*, where as members of the state we are obligated as citizens to abide by laws that are put in place by the state, while at the same time acting in ways that would be in the interest of the people. In this way, the *Umma*ah, (which fits in with Ghannouchi’s most recent definition of civil society as will be seen later) at different points in its history promoted the development of social organisations and charitable trusts, *awqaf*, that provided the communities with educational and social services, which in hand acquired them certain rights and privileges, including a significant amount of autonomy from the state. This in hand ensured that the power of the state did not go unchecked.

In this way, many Arab thinkers follow Locke in his notion regarding the fallibility of the political leadership and as such work within the parameters of the idea of a separation of state and civil society. The priority of the community, or the *ummah*, is placed over the government and it is the *ummah*, who not only have the right but also the duty to remove those in power when it is in the interest of the community. As such, the community play a role in the removal of a leader and in their appointment of a new one, exercising their ‘free will’ through a procedure that is also to be determined by that community (Al-Awwa, 1989).

This notion of a civil society with power, both within society itself and over the state, can be found in a number of works, including that of Ghannouchi who highlights the importance of a powerful and strong civil society which is able to “counter state hegemony by limiting the sphere of its activities” (Browers, 2006) for “not only does the Islamic faith permit a Muslim to resist despotism and rebel against it, but it makes it incumbent upon him to do so” (Ghannouchi, 2000). Furthermore, Al-Turabi sees the necessity for the state to be limited by *Sha’aria* Law in its powers, which should remain on the level of “laying down general rules that enable society to organise its own affairs” (Browers, 2006, 140), occurring within the realm of civil society and which should remain “independent from political authority” (Hanafi, 2002, 174). In this way, in contradiction to Kedourie’s claim of passive obedience which was touched upon previously, it can be seen that Arab history has been “fraught with endless examples and forms of resistance, opposition and disobedience against the despotic state” (Sadiki, 2009, 38). Indeed the recent Arab uprisings can be viewed as poignant examples of this interaction between state and society and while the movements of the Arab uprisings have not been as successful as desired, civil society continues to play its role in resistance and rebellion in Arab society (Khalaf, 2014; Halasa, 2014; Al-Om, 2015).
6. Ijtihad
Another feature that emerges in the Arab discourse on the conceptual understanding of civil society is *ijtihad*, independent reasoning, which is intimately linked with the idea of a society that is able to keep its state in check and answerable for its actions. Furthermore this notion of *ijtihad* undermines one of the common critiques against Islamic societies for a lack of ‘reflexivity’ (Gellner, 1994). This undertaking of independent reason is an essential element of any Muslim community, of which all of its members are compelled to engage.

Ibn Rushd (1126-1198), one of the primary Muslim scholars to preserve the works of the Greek philosophers, saw *ijtihad* as the highest of divine gifts available to human beings. However, he also recognised the importance of community, tradition and religion to human life, since humans cannot live as isolated individuals. In this way, the two permanent poles of life were seen by Ibn Rushd to be reason and tradition, although the two do not always result in harmony. This does not mean however that either should be sacrificed, but that every individual must struggle in their attempt to think freely, *and* be a good citizen. This sentiment closely resembles Kant’s (1784) ideas on enlightenment, which entail an individual’s courage to liberate oneself from one’s own self incurred tutelage – ‘thinking for oneself’ while at the same time obeying the rules of the state (albeit not accepting the rule of a suppressive one).

For Al-Turabi the task of *ijtihad* lies firmly in the realm of civil society which must be practiced through both consultation, *shura*, and social consensus, *ijtima* (Browers, 2006). For others including Ibn Rushd, this use of reason should occur both in the private and public realm, although these are not quite as distinct from one another as they are for Kant in his essay *What is Enlightenment?*

For Kant (1784), an individual’s use of private reason is limited and restricted by certain roles and duties they must fulfil; however, in the public realm individuals should have the freedom to use reason in all matters. The distinction between the use of private and public reason is clear in the command of a strong leader who can say “argue as much as you want and about what you want, but obey!” (Kant, 1784). Publically, this use of reason in the Islamic setting would occur through a process of *shura* and *ijtima*, which could be compared to that of Habermas’ ideas of a communicative space which would encourage dialogue and debate since according to Habermas, the central experiences of social life – “the unconstrained, unifying, consensus-bridging fore of argumentative speech” – in the ideal, is searching for a form of morality that would be acceptable to everyone and to which everyone would be required to submit under the social contract. In terms of private reason, and “as an eternal guarantee of the human freedom to choose, the Qur’an declared that ‘there is no compulsion in religion’ and that no person’s conversion to Islam would be acceptable if not out of an absolute free will” (Tamimi, 2006).
Following in the footsteps of Ibn Rushd, but also taking it a step further, Zurayk also stressed the importance of reason, specifically the need for the freedom of reason and autonomy in the pursuit of liberation, whether that is the liberation from and over nature, liberation from the tyranny of others, or liberation from the constraints of inner weakness and prejudice. For Zurayk this liberation is undertaken and realised through effort and will which he terms *al-jihaad al-akbar*, the battle for one’s own rational self-discipline using both one’s effort and will simultaneously. This would involve the “quest for truth, critical thinking, disquietude (*qalaq*), the art of doubting, intellectual honestly, openness to exchange and dialogue, work, patience, perseverance and modesty” (Kassab, 1999) occurring, simultaneously within both the private and public realms.

**Tajdid**

*Tajdid*, renewal, which coincides closely with the notion of the *liberalisation from within*, is another feature that was found to emerge from the discourse on civil society. Similarly, as with *ijtihad*, *tajdid* must take place in both the public and private realms since renewal cannot take place in one realm without the other to maintain it. Moreover, Al-Turabi believes it is essential to consider and take into account our modern conditions if we are interested in renewal, *tajdid* of our Islamic societies. This must be done however, according to Al-Turabi, while remaining true to the divine text, being careful of course to not simply follow traditions blindly, *taqlid*.

Hanafi (2002, 180) holds a similar approach, one he categorises as a “reformist or modernist alternative” where the “ingredients of classical Islam’ should be creatively interpreted, through *ijtihad*, to reflect ‘modern social needs’” including that of the modern ideals of civil society. For Hanafi, just as it was for Ibn Rushd, it is all about the balance between the dictates of Islam and those of civil society which include “citizenship, equality of all in front of the law, the constitution, freedom of expression, democracy, pluralism and the like” (Hanafi, 2002, 171).

On the other hand, unlike many other Arab thinkers, Zurayk does not see there to be a tension between the principles of the Enlightenment and modernity and the preservation of Arab culture and identity. These principles, which he does not believe are Western in essence, are based in universal human reason and are essential for the movement towards progress, development and self-preservation – all largely to take place within the realm of civil society. What Zurayk does see as a weakness of the enlightenment and modernity movements in the West is their neglect of spirituality which constitutes “the source of Europe’s cultural malaise, of its current inclination toward pessimism and disquietude” (Zurayk, 1946). He does not however see this as a symptom of the problematic nature of the notions or ideals themselves, but instead with an oversight, or an incomplete understanding, of enlightenment and modernity.
On some level, such incomplete understandings of these concepts may be seen to be a direct consequence of the transcultural nature of these concepts as was discussed in section 2. With this in mind, it would not be the concepts themselves that are problematic but rather the way the concepts themselves have been treated by the social reality in which they were being conceptualised, within discourse and consequently in public opinion. In this way, such an incomplete understanding is twofold, both West and East are joined in their struggle in achieving the ideal, one of which lacks a relationship with the spiritual and one which lacks development in the areas of technology, science, socio-economy, politics, ethics and aesthetics (Kassab, 1999).

**Secularism & Pluralism**

One of the most dominant features that emerged from the Arab discourse was the debate surrounding the secular and pluralistic nature of Arab civil society linked to the aforementioned disconnect of the spiritual in Western society, which has also dominated the Western portrayal of modernity. This has resulted in a number of Arab thinkers rejecting the secular ideals of modernity and in hand sometimes civil society too (Browers, 2006). In spite of this however, as this section will show, a vast array of Arab thinkers do engage with the discourse on civil society and are overwhelmingly in agreement as to its compatibility with Islamic society as long as it does not exclude religion within its realm. “Islamic society rejects dictatorship, asserts the freedom of choice, respects human rights, and considers the community to be superior to the state and whose powers must be restricted by Sharia’ah, by the authority of the scholars and by consensus” (Gellner, 1995).

While Ghannouchi understands the underlying reasons for the desire of separation of Church and State in the pursuit of European modernity, he views secularism as being the source of the “deterioration of humanity”, which while was intended to liberate the people from the oppressive church, went too far in its liberation of man from the values of altruism and humanity and has now become the antithesis of civil society (Tamimi, 2001, 149). What he does support, however, is the idea of pluralism both within society and politics, “political legitimacy of the political system must be tied to its provision of freedom for political parties and different elements of civil society to compete peacefully over social, political and ideological agendas” (Browers, 2006, 143).

At the same time, while some thinkers, including Ghannouchi, deal with the issue of pluralism, tolerance and the representation of minorities within the discourse of an Islamic civil society, or an Islamic state, many thinkers neglect to even consider that a significant proportion of people within Arab nations are not Muslim. Similarly, while some discourse does discuss the issue of women’s rights and their representation in civil society, there are vast elements of society that get no mention at all, including ethnic minorities, the varied sexual orientations and other minorities that exist in Arab societies. As such some of the Arab
discourse on civil society all too easily falls into the same vocabulary of domination of which earlier western discourse was found guilty.\(^7\)

Huwaydi (1993) points out another problematic regarding the debate about secularism, Islam and civil society. He highlights a reoccurring mistake amongst those who appropriate the term civil with that of secularism, which automatically assumes that a state that may be Islamic cannot be civil. He stresses that Islamic society is not the polar opposite of civil society, but is in fact “the desired civil society” (Huwaydi, 1993, 131). Huwaydi attributes this error of Arab thinkers to “their ignorance of the meaning and the history of the concepts they use” (Huwaydi, 1993, 131). The condition of the modern Arab state which has thus far relied so heavily on secularism is just further evidence for Huwaydi on the need for an Islamic civil society in the Arab world. In addition, this association of secularism with the oppressive, repressive and authoritative ‘secular’ states in a number of Arab countries simply damages and delegitimizes the secularist cause even further in the eyes of the many. Indeed, this is all the more poignant today, particularly in the case of Syria with its secular Ba’athist regime which has proved to be most brutal in its repression of its people. At the same time, there is also the tendency of those within the anti-secular school of thought that make the error (sometimes on purpose and to their advantage - since the undermining of the notion is easier than actually engaging with the debate) of equating secularism with atheism or even further with being against religion (and God) as a whole, consequently alienating the religiously minded.

Leading on from this position then it is understandable why some, including Al-Azm, believe that secularism has been gravely misunderstood and instead of looking at is as a rejection of religion as such, it should be understood within the realm of a civil government, hukama madaniyya which would allow for pluralism and freedom of choice and be fully representative of those in the minorities of Arab society. For Al-Azm in the absence of a “minimal level of secular civil society that transcends sectarian, denominational, regional or tribal affiliations” (Al-Azm & Fakhr, 1998), there can be no functioning democracy. This does not however imply that there is no room for the preservation of the sacred in a free civil society. For Al-Jabiri however, the problematisation of secularism is all too often simply used as a means of distraction from the most important issues pertaining to the conception of civil society which should revolve around the development of democratic social and political institutions.

\(^7\) Indeed this paper itself may be seen to fall into this trap, with its attention on Islamic thought and practice with regards to civil society. This is by no means an undermining of other positions, just rather a focus on the dominant discourses which revolve around such issues. Further research must explore more deeply the alternative voices in order to gain a more complete picture of the situation on the ground and the functionality of an all-encompassing understanding of civil society. This paper does however keep this idea in mind when attempting a reconceptualization of the concept of civil society.
Civil Society: Considering the Limitations of Current Discourse

In attempting to develop a new conception of civil society within the Arab context it would be appropriate to begin by reflecting upon an attempt at an all-encompassing definition that was proposed in the early 1990s at a conference held by the Centre for Arab Unity Studies on civil society: Civil society as we understand it is the sum of political, economic, social, and cultural institutions that act each within its own field independently of the state to achieve a variety of purposes. These include political purposes such as participating in decision making at the national level, an example of which is the activity political parties engage in. They include vocational purposes such as those served by the trade unions to uplift the standard of professions and defend the interests of union members. They include cultural purposes such as those served by the unions of writers and cultural societies with the aim of spreading awareness in accordance with the inclinations and convictions of the members of each union or society. And they include social purposes the accomplishment of which contributes to the attainment of development (Ismaili, 1992).

It would appear that this is a definition that is malleable enough to meet the necessary characteristics of civil society as conceived of within the various traditions of Arab thought, whether secular, socialist, liberal and/or religious. It is not as restrictive as many definitions proposed by Western thinkers, predominantly in the fact that it does not exclude the role of religion within civil society which could potentially act within its social, cultural and economic institutions. Furthermore, it hints at the presence of an array and multitude of members, which begins to deal with the vital element of incorporating minorities into the core of any definition of a strong civil society.

This definition also implies that while civil society is independent of the state, it maintains influence over the state in terms of both protecting and improving the interests of the people, which can be seen to have emerged as an aspect within most understandings of civil society. This would be maintained through the activities undertaken by the institutions across all four sectors, including political, economic, social and cultural. Furthermore each of these sectors, while acting independently of the state also have the potential to act independently of each other, and as such are able to pursue their purposes without infringing upon or attempting to restrict the activities of the other sectors. In this way, each sector is free to develop in any number of ways perceived to benefit, improve or empower society within that realm of civil life, which can be viewed as one of the fundamental roles of civil society.

Ghalyun puts forward a similar idea, of an almost “unofficial society” that encompasses all economic, cultural and religious institutions falling outside the purview of ruling authorities and thus able to act under conditions that permit them to expand their activities and compete with each other” (Browers, 2006, 111). This competition between imperfect and con-

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8 Although it must be noted that this is certainly not the case with all Western thought on civil society and religion, including such thinkers as Gramsci, Tocqueville.
contradictory groupings closely resembles Hegel’s interpretation of civil society as a ‘moment’ in modern society which is “based on private enterprise, free markets and modern forms of production and exchange” (Browers, 2006, 224). Of course, each sector in and of itself should by no means be seen to be homogenous, rather their similarities should lie in the ultimate objective of the attainment of development and advancement in any of the given sectors and in the overall defending and protection of society.

Beyond the Dominant Narrative of Civil Society as NGOs

In contrast to the ideal however, rather than in the protection and defending of society the activities of such political, economic, social and cultural institutions, as discussed in the previous section, are often solely associated with the work of Non-Government Organisations (NGOs). Increasingly NGOs are becoming dominant in the contemporary understanding of civil society, which while have their place in protecting and defending the people, are limiting both our understanding of civil society and the potential activities, effectiveness and power of civil society. In fact, during Ghannouchi’s attempt at devising a definition of contemporary civil society (at least as it is perceived in the ideal), he appears to discuss it solely within the remit of non-government organisations:

“today the concept of civil society is associated with non-governmental organisations, which seeks – as mediators between the state and the individual member of society – to improve and bolster the intellectual, spiritual and moral standards of these members and of the community as a whole. The purpose of these organisations is to achieve as much self-power of intervention and, when necessary, to mature into a force to influence the state and supervise its performance” (Ghannouchi, 2000, p.107).

In contrast, the role and actual power that these NGOs hold over the state, particularly within the Arab context, could not be further from Ghannouchi’s ideal. There is a degree of consensus among a number of Arab and Western scholars who have grown “increasingly critical of the dominant associational notion of (global) civil society that is often equated with international NGOs” (Kaldor, 2012). Zubaida (2001, 248-49) reiterates this problem within Arab discourse in that all too often “Middle Eastern intellectuals seem to focus on associations, because they regard them as expressions of democratic practice”. However, such intellectuals lack a critical engagement with the discourse which would potentially enable them to move beyond the simplistic notion that civil society lies predominantly within the confines of NGOs and instead begin to consider wider areas of possibility that reflect the real power relations in action and the reality of the situation on the ground.

At the same time this perspective may be understandable upon reflection of the limitations placed upon many interested in civil society within the Arab world – which is more often than not limited to acting within the permitted boundaries of such NGOs. This in hand has led to the control (or at least monitoring) of these organisations by the government of the
state in which they are acting. Many of these have now come to be referred to as Government Organised NGOs or GONGOs. An example of this can be seen with the Syrian government’s attempt at influencing an emerging civil society (a number of years prior to the uprising) which was largely organised and controlled by the Syria Trust for Development headed by the president’s wife, Asma’a Al Assad.

Al-Aous (2010) highlights the potential consequences of such accepted notions which fit all too comfortably with the state’s (accepted and acceptable) understanding of civil society, “today, state-sponsored civil society can claim to function on behalf of charities or groups working for social progress. With these concepts established, the state can refuse to recognise any organisation that lies outside its narrow definition.” Indeed, this limited conception of civil society is only further perpetuated by increasing numbers of actors becoming involved within such ‘non-government’ organisations bringing with them a number of problems, including the linkages of such organisation with international organisations and funding bodies, which opens the door to such organisations being used as tools for retaining the hegemony of the capitalist centres. Furthermore, the relationship between such organisations, the state and its funders severely blurs the lines between activities undertaken for the benefit of the state, individuals, and businesses or for society itself. This in many ways shows the sharp departure from the motivations of these organisations and the main purpose of civil society in the first place. As a result, such organisations often complement (and lack a critique of) the role of the state. They also lack the potential to make any real change at the core of the problem, which in many respects should be at the core of their duties to civil society.

In fact, Al-Azm (1998a) follows suit with these criticisms, which stem, at least in part, from Marx’s critique of civil society in having the potential to become ‘bourgeois’. This then acts as a means of catering to the needs of the governing elites and not as a means of overthrowing, or at the very least keeping in check, a potentially repressive state. At the same time this should not mean that these organisations and institutions are excluded from any future conception of civil society. Indeed, as Ghanouchi stipulates, such organisations will eventually, upon maturation, have a vital role to play in influencing and supervising the state. In light of this then, since they are a necessary component of any understanding of civil society, they must be incorporated albeit with a more critical approach and with more flexibility in the incorporation of other institutions, groups and individuals able to become active (and free) in civil society’s realm.

7. Resistance and the Social Contract within a New Conception of Civil Society
In response to such a need for a broader and more flexible conception of civil society, Kawtharani (1995, 100) seems to be moving in the right direction with his calls for “the re-invigoration of informal civil associations (Islamic and non Islamic) as a means of forging a social contract within Arab societies” which must remain autonomous from the state and
must be founded upon faith and embraced freely (Ghannouchi, 2000, 107), in line with Rousseau and Locke and not founded upon fear, force or instinct as with Hobbes and Smith.

If attempting to search for any semblance of a social contract within any given Arab country in the modern context of the region, finding one is unlikely, particularly one that is established in free will or good faith. Given the fact that the relationship between civil society and the state is primary in most Arab and Western conceptualisations of the concept, it seems necessary to include such a stipulation of a social contract in any future definition of civil society. Furthermore it must be considered whether such a contract can only really be established within the realm of a civil society that is indeed free and independent of the state, while at the same time, there being a co-operation between the two. More to the point, Al Azm’s stipulation of the need for a civil government, *hukama madaniyya*, must be contemplated, for how can a civil society attempt to forge a social contract with a government that is not civil itself? Moreover, how can a civil society ever really act in its full capacity if the state that it is attempting to interact with, is attempting to supress or control it? Additionally, in the context of the aftermath of the Arab uprisings, what relationship between the two is realistic given the unstable nature of a number of the Arab states?

In light of this, it is at this point, upon reflection of the crisis, *azma*, of the modern Arab state, that the conception of civil society is further hindered. Indeed, not only has civil society as theory been limited, but even more so in reality, with civil society being one of the first targets of oppression within the current context. Reflecting upon this fact then, it is clear that there has been a significant absence of discussion on the role of civil society in terms of its role as resistance. According to Gramsci (2005), civil society as resistance became vital “when the state began to repress civil society and restrict its autonomy that resistance was necessary from within this realm” (Al-Om, forthcoming). However, while there had been discussion on the presence of a civil society (or *Ummah*) that is obliged to keep the state in check, little is ever spoken of in this regard in the modern context, in spite of its dire need. In this way, it is precisely out of the need to consider the current modern situation of the Arab world that it is necessary to once again reconsider the modern conception of civil society in order that it is able to deal with the demands of the time. It is here then that the notion of *Begriffsgeschichte* comes back into play, with its need to correlate social reality with discourse not only out of a desire towards understanding a concept and its meaning but also in being able to develop “alternative and less constraining definitions” (Lehmann & Richter, 1996) that would be able to function within its reality to the benefit of the current context. Moreover, could a new conceptualisation derived from an Arab context assist in working towards a more contemporary understanding of civil society in other contexts as well?

With the emergence of the Arab uprisings and their varying consequences it seems that in the first instance, both in discourse and practice (which are deeply intertwined), civil socie-
ty should primarily be concerned with resisting and counteracting state hegemony and any other obstacles to its freedom. This process would need to be undertaken, in a multitude of ways, before the establishment of a social contract would even begin to be plausible, which would eventually lead to a point where it could begin to act in its ideal. Just as Kaldor (2012) speaks of changes to civil society in times of revolution, this revolutionary period in Arab history is no different. The activities of those involved in the non-violent movements point towards potentially productive, indigenous and revolutionary Arab civil societies which call for a renewal, tajdid, of both state and society. They have been continuously participating in resisting state power and any other forms of oppression, as for example many Syrian civil society activists have been doing against Daesh. The elements of ijtihad that Al-Turabi discusses, consensus and consultation, can also be seen to be essential processes in the work of such groups and the unrelenting commitment to their work signifies the existential pursuit of liberation that Zurayk speaks of when he refers to al-jihad al-akbar. In this way, it is from this revolutionary moment in Arab reality that the opportunity should be taken for a dramatic reinterpretation of the concept which places the role of resistance at the heart of civil society using the praxis of civil society as its guide.

8. Bibliography


