Civil Society and Resistance

by Sam Ashenden

The term 'civil society' has been used to signify a privileged space of criticism of and resistance to the state and bureaucratic organizations. A comparison of Habermas's and Foucault's analyses of modern social relations problematizes this usage and makes us re-think modes of analysis employed in contemporary political theory.

Habermas has characterized the relationship between state and society in terms of a distinction between the 'system' (state and economic relations) and the 'lifeworld' (family and public sphere). In modern societies the development of welfare structures has produced the meshing of state and society: this process repoliticizes the market and produces forms of clientelism. The welfare state is a central aspect of the monetarization and bureaucratization of the lifeworld, processes which have pathological effects as they reduce or usurp the essential functions of communicative rationality inherent in lifeworld interaction.

The possibility of social criticism is, therefore, tied to the development of the rationality potential of the lifeworld as a source of communicative interaction. A central question becomes how to resist the encroachment of the system on the lifeworld. Habermas sees the possibility of this in new social movements, which emerge from the lifeworld and organize along the 'seam' between the lifeworld and the system. In an account that tries to reconcile liberalism and republicanism, he suggests building a 'democratic dam' against the colonizing tendencies of the system in the form of the institutional guarantees of a constitutional state and the reinvigoration of civil associations in the lifeworld.

Foucault, by contrast, provides an account of the 'welfare state problem' in terms of the relationship between citizenship and subjecthood, law and normalizing power. He considers liberalism as a rationality of governing and as a critique of previous forms of government, and so opens up 'governmentality' for analysis.

Liberalism involved a political and epistemological revolution: its emergence was accompanied by the idea that society has natural laws, and - in consequence - by the question of what the appropriate boundary is between state action and inaction. This boundary is organized by the elaboration of methods of governing through which liberty and security are linked: namely, the rule of law and the ordering of social existence through positive knowledge and technologies of government. The state's role is to secure the natural self-producing existence of an already existing autonomous society by using mechanisms of security to enforce 'natural' processes, thus producing 'social government'.

Liberal political rationalities combine the 'city game' (citizens and laws) and the 'shepherd game' (pastorship and positive knowledge). That is, we are citizens with rights *and* subjects of normalization and government. The 'welfare state problem' is that of reconciling 'law' and 'order'; this reconciliation produces 'the social' as a governed domain. The public and the private are continually negotiated through the deployment of forms of normalizing knowledge and expertise.

For Foucault, 'civil society' is not an ideological construct; nor is it an 'aboriginal reality', a natural given opposing the state. Rather, it is a 'transactional reality' at the interface of political power and the government of populations. As a concept it collectively organizes personal experience and is a site of governmental organization concerning the conduct of 'autonomous' individuals. As such, the term 'civil society' encompasses the tensions of liberal political rationalities, rather than being the point of their resolution.

Foucault's work highlights a key difficulty in Western political reason: how to reconcile law and order without subordinating the former to the latter. This difficulty produces a scepticism about founding a politics of resistance on the notion of a civil society independent of and opposed to the state. In this light, Habermas's critical theory - which precludes analysis of the problem of power at the governmental level - is inadequate to the task of resisting the increased codification and surveillance of life.

Habermas's system-lifeworld distinction founds his attempt to provide a critical theory of society in terms of communicative action and the rationalization of the lifeworld. For Habermas, the lifeworld is an arena of authenticity which survives the colonizing tendencies of the system; this notion provides the basis of a spatial understanding of civil society as a privileged locus of 'resistance'.

The appeal to a communicative rationality embedded in the lifeworld underpins a legislative moment in Habermas's thought, thus providing a foundation for legitimacy in the possibility of rational consensus. However, this approach forecloses many possibilities for thinking about politics, and produces a version of public morals rather than an ethos of politics.

For Habermas, 'discourse' is separate from convention and, thus, theoretical reflection from the experience of political commitment. This approach should be resisted. Criticism need not involve positing an 'ideal' against which to measure existing social relations; it is a matter of 'making facile gestures difficult'. While in some tactical arenas the term 'civil society' may express our commitments, to use it as the basis of resistance is to fix the form of our identifications - to remove them from political discourse - and to make contestation imaginable only along the seam between 'state' and 'society'.

We need to displace the concept 'civil society' from its privileged position in political discussion and render it up for judgement. Foucault helps us in this task as he takes the givenness of our concepts as a question to be addressed rather than as a 'terrain' to be refined.

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Party Time in Congress?

by John E. Owens

Many of the changes made to the organization of the US House of Representatives in 1995 by the first Republican majority for forty years reflect a return to party government.

In *Congress and the Presidency: Institutional Politics in a Separated System* (see p. 6 for details), Michael Foley and I argue that the organizational history of the House over the last 200 or so years may be divided into fairly distinct institutional eras, each characterized by particular patterns of formal rules, central leadership structures, divisions of labour, and other features.

From the Civil War to the 1910s, as congressional careerism took off, the House's membership became more professionalized, more party-dominated, and more centrally-directed. By the decades around the turn of the century, successive Republican Speakers - notably Blaine, Reed, and 'Uncle Joe' Cannon - ran the House under conditions of party government, assigning members to committees, often ignoring seniority and committee property rights, and keeping a firm grip over the floor agenda.

Following the revolt against Cannon, the appeal of party as a principle of government declined. Power shifted from central party leaders to the increasingly autonomous committees. In what became 'the textbook Congress' of the 1950s, House members' careers came to revolve around their committee activities. If an ambitious member wanted to be someone in Washington, to help constituents or to influence public policy, he/she did so through the committees. As recently as 1994 the chief characteristic of the House was its strong committee system. The formal theoretical logic for this set of institutional arrangements was that legislators had insufficient time and other resources to learn about, adopt positions on, and act on a wide range of interests; and that political parties did not and could not perform any significant policymaking role or constrain legislators' behaviour.

Since November 1994, these interpretations of the distribution of power in the House have been challenged as House Speaker Newt Gingrich has sought to run the chamber according to the principles of party government with himself as a kind of parliamentary party leader.

Gingrich and other
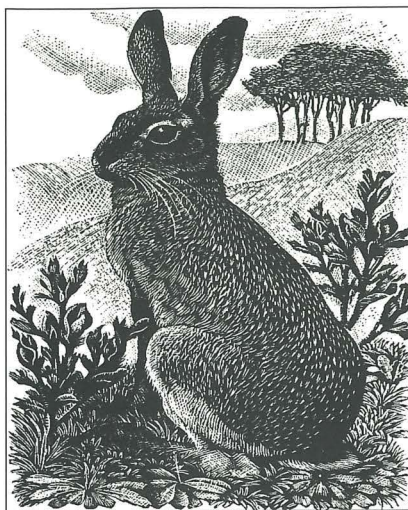
Republican leaders have long impressed on their House colleagues the need to pursue more partisan roles, to avoid becoming totally absorbed by district and committee service, and to develop a new philosophy for the time when the party would become the majority. They have also argued the need for a more muscular Speakership and for promoting the House as a co-equal of the presidency.

1994 was not a major realigning election; but there is no question that the Republicans waged a nationwide party campaign with Gingrich as the party's chief strategist and publicist. Even though most voters knew little of the specific proposals in the Contract With America, their leader's innovative idea of a party manifesto had the intended effects of crystallizing in the minds of voters the idea that Republicans were committed to limiting the role of the national government and of galvanizing the party's House candidates behind a clear and simple campaign agenda. When the party was victorious in November, there appeared to be little doubt in the minds of the newly elected Republican members - especially the 73 new members - that Gingrich was the main reason they were elected. Most of them had signed the Contract, had fought their campaigns on it, and once elected felt a very strong obligation to legislate it.

Even before the new Congress convened, Gingrich moved quickly to remodel the Republican Conference's committee structures, and to establish party and central leadership control over the committees. He and other central party leaders proceeded to act as guardians of the Contract in order to assure its translation into legislation. Central leaders played the decisive role in nominating committee chairs and memberships. They involved themselves much more intimately and constantly than their Democratic predecessors in committee proceedings - imposing strict deadlines, admonishing committees to keep faith with the Contract, and threatening leaders with removal if they did not deliver. Where committees failed to report legislation in line with the Contract, Gingrich and other central leaders sought to override committee decisions on the floor.

Underpinning central leaders' guardian strategy was a party mandate argument: that a Republican majority was elected in 1994 on the basis of a party manifesto (the Contract) which had been prepared by party leaders and placed before the electorate. By giving their party a majority in November voters had endorsed the Contract. Leaders - indeed all House Republicans - now had an obligation to keep faith with the Contract, and through it faith with the American people, by doing their utmost to win House passage of Contract legislation, if necessary by curtailing committee autonomy.

Experience since the first 100 days has underlined this interpretation. Much to the annoyance of committee chairs, central leaders continued to set committee agendas and to insist on their own or party preferences. Ultimately, the entire status of the House committee system became a matter of public debate.